

# ARTICLE 5

## Standards for Specific Land Uses

---

<b>Chapter 17.50 - Standards for Specific Land Uses</b> .....	5-3
17.50.010 - Purpose of Chapter .....	5-3
17.50.020 - Applicability .....	5-4
17.50.030 - Adult Businesses .....	5-4
17.50.040 - Alcohol Sales .....	5-8
17.50.050 - Animal Hospitals .....	5-8
17.50.060 - Automated Teller Machines (ATMs) and Walk-Up Bank Services .....	5-9
17.50.070 - Conversion of a Residential Structure to a Commercial Use .....	5-10
17.50.080 - Day Care Facilities .....	5-10
17.50.090 - Drive-Through Businesses .....	5-11
17.50.100 - Electronic Game Arcades and Internet Access Studios .....	5-12
17.50.110 - Home Occupations .....	5-13
17.50.120 - Life/Care Facilities .....	5-15
17.50.130 - Live Entertainment .....	5-16
17.50.140 - Lodging - Bed and Breakfast Inns .....	5-17
17.50.150 - Lodging - Hotels and Motels .....	5-18
17.50.160 - Mixed-Use Projects .....	5-18
17.50.170 - Office Uses in Designated Historic Resources .....	5-21
17.50.180 - Outdoor Display, Storage, and Seasonal Sales .....	5-23
17.50.190 - Personal Property Sales in Residential Zones .....	5-25
17.50.200 - Personal Services - Restricted and Pawnshops .....	5-26
17.50.210 - Private Residential Recreational Facilities .....	5-26
17.50.220 - Recycling Facilities .....	5-27
17.50.230 - Religious Facilities .....	5-28
17.50.240 - Research and Development Facilities .....	5-30
17.50.250 - Residential Uses - Accessory Uses and Structures .....	5-31
17.50.260 - Restaurants .....	5-33
17.50.270 - Schools, Private .....	5-33
17.50.275 - Second Dwelling Units .....	5-34
17.50.280 - Senior Affordable Housing Regulations .....	5-35
17.50.290 - Service Stations, Vehicle Washing, and Detailing .....	5-36
17.50.300 - Single Room Occupancy (SRO) Facilities .....	5-37
17.50.310 - Telecommunications Facilities .....	5-38
17.50.320 - Tents .....	5-40
17.50.330 - Tobacco Retail Sales .....	5-41
17.50.340 - Transit-Oriented Development (TOD) .....	5-42
17.50.350 - Urban Housing .....	5-45
17.50.360 - Vehicle Sales and Repair Services .....	5-48
17.50.370 - Work/Live Units .....	5-49

Contents

## **CHAPTER 17.50 - STANDARDS FOR SPECIFIC LAND USES**

---

### **Sections:**

- 17.50.010 - Purpose of Chapter
- 17.50.020 - Applicability
- 17.50.030 - Adult Businesses
- 17.50.040 - Alcohol Sales
- 17.50.050 - Animal Hospitals
- 17.50.060 - Automated Teller Machines (ATMs) and Walk-Up Bank Services
- 17.50.070 - Conversion of a Residential Structure to a Commercial Use
- 17.50.080 - Day-Care Facilities
- 17.50.090 - Drive-Through Businesses
- 17.50.100 - Electronic Game Arcades and Internet Access Studios
- 17.50.110 - Home Occupations
- 17.50.120 - Life/Care Facilities
- 17.50.130 - Live Entertainment
- 17.50.140 - Lodging - Bed and Breakfast Inns
- 17.50.150 - Lodging - Hotels and Motels
- 17.50.160 - Mixed-Use Projects
- 17.50.170 - Office Uses in Designated Historic Resources
- 17.50.180 - Outdoor Display, Storage, and Seasonal Sales
- 17.50.190 - Personal Property Sales in Residential Zones
- 17.50.200 - Personal Services - Restricted and Pawnshops
- 17.50.210 - Private Residential Recreational Facilities
- 17.50.220 - Recycling Facilities
- 17.50.230 - Religious Facilities
- 17.50.240 - Research and Development Facilities
- 17.50.250 - Residential Uses - Accessory Uses and Structures
- 17.50.260 - Restaurants
- 17.50.270 - Schools, Private
- 17.50.275 - Second Dwelling Units
- 17.50.280 - Senior Affordable Housing Regulations
- 17.50.290 - Service Stations, Vehicle Washing, and Detailing
- 17.50.300 - Single Room Occupancy (SRO) Facilities
- 17.50.310 - Telecommunications Facilities
- 17.50.320 - Tents
- 17.50.330 - Tobacco Retail Sales
- 17.50.340 - Transit-Oriented Development (TOD)
- 17.50.350 - Urban Housing
- 17.50.360 - Vehicle Sales and Repair Services
- 17.50.370 - Work/Live Units

### **17.50.010 - Purpose of Chapter**

This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Zoning Districts and Allowable Land Uses) within individual or

multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.

### **17.50.020 - Applicability**

The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Zoning Code.

- A. Where allowed.** The uses that are subject to the standards in this Chapter shall be located in compliance with the requirements of Article 2 (Zoning Districts and Allowable Land Uses).
- B. Land use permit requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the land use permit required by Article 2, except where a land use permit requirement is established by this Chapter for a specific use.
- C. Development standards.** The standards for specific uses in this Chapter supplement, and are required in addition to, those in Articles 2 (Zoning Districts and Allowable Land Uses), 3 (Specific Plans), and 4 (Site Planning and General Development Standards). In the event of any conflict between the requirements of this Chapter and those of Articles 2, 3, or 4, the requirements of this Chapter shall control.

### **17.50.030 - Adult Businesses**

- A. Definitions.** The technical terms and phrases used in this Section are defined in Article 8 (Glossary of Specialized Terms and Land Use Types) under "Adult Business Definitions (land use)."
- B. Location requirements.** The exterior walls of a new adult business shall be at least 500 feet from the boundaries of a site occupied by a day-care facility, park and recreation facility, public or private school, or religious facility, that existed before establishment of the adult business, and at least 1,000 feet from the exterior walls of another adult business. No adult business is allowed in the Lincoln Corridor, CG-1 zoning district.
- C. Standards for live entertainment.** An adult business with live entertainment shall comply with the requirements of Section 17.50.120 (Live Entertainment) in addition to the requirements of this Section.
- D. Development and operating standards for adult business.** The following development and operating standards shall be applied to the operation of any expressive-use business that meets the definition of an adult business in compliance with Article 8 (Glossary of Specialized Terms and Land Use Types):
  - 1. Hours of operation.**
    - a. It shall be unlawful for any operator or employee of an adult business to allow the adult business to remain open for business, or to allow any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a

service, or solicit a service between the hours of 1:00 a.m. and 10:00 a.m. of any day.

- b. The hours of operation of any adult business which has a permit from the State Alcohol Beverage Control Board shall be governed by the provisions of its Alcohol Beverage Control Permit and not by this Section.
2. **Lighting requirements.** All exterior and interior areas of the adult business shall be illuminated at a minimum of one foot-candle, minimally maintained and evenly distributed at ground level, throughout the premises.
  3. **Access provision.** The operator shall not allow any doors on the premises to be locked during business hours and, in addition, the operator shall be responsible to see that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement officer.
  4. **Minors' access prohibited.** It shall be unlawful for any employee, owner, operator, responsible managing employee, manager, or permittee of an adult entertainment business to allow any person below the age of 18 years upon the premises or within the confines of any adult entertainment business, either as a patron or employee, if no liquor is served, or under the age of 21 years if liquor is served.
    - a. **X-rated movies.** X-rated movies or videos shall be restricted to persons over 18 years of age. If an establishment that is not otherwise prohibited from providing access to persons under 18 years of age sells, rents, or displays videos that have been rated "X" or rated "NC-17" by the motion picture rating industry ("MPAA"), or that have not been submitted to the MPAA for a rating, and which consists of images that are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas," the videos shall be located in a specific section of the establishment where persons under the age of 18 shall be prohibited, and shall not be visible from outside the premises.
    - b. **Other adult materials.** Access to adult materials shall be restricted to persons over 18 years of age.
5. **On-site manager.**
    - a. All adult businesses shall have a responsible person who shall be at least 18 years of age, or at least 21 years of age if the business has a permit from the State Alcoholic Beverage Control Department (ABC), and shall be on the premises to act as a manager at all times during which the business is open.
    - b. The individuals designated as the on-site manager shall be registered with the Zoning Administrator by the owner to receive all complaints and be responsible for all violations taking place on the premises.
    - c. The adult business shall provide a security system that visually records and monitors all parking lot areas, or in the alternative, uniformed security guards to patrol and monitor the parking lot areas during all business hours.

- d. A sign indicating compliance with this provision shall be posted on the premises.
  - e. The sign shall not exceed two feet by three feet and shall at a minimum be one foot by one and a half feet.
6. **Operating requirements for nude entertainment business.** No person, association, partnership, or corporation shall engage in, conduct or carry on, or allow to be engaged in, conducted, or carried on, the operation of an adult business that involves nude entertainment unless each and all of the following requirements are met:
- a. No employee, owner, operator, responsible managing employee, manager, or permittee of a nude entertainment business shall allow any person below the age of 18 years upon the premises or within the confines of any adult business if no liquor is served, or under the age of 21 years if liquor is served and the facility is not a restaurant as that land use classification is defined in Article 8 (Glossary of Specialized Terms and Land Use Types).
  - b. No nude entertainer or entertainer displaying specific anatomical areas shall dance with or otherwise be within four feet of a patron while performing for compensation or while on the licensed premises. This four-foot separation shall be marked by a railing or other physical barrier designed to properly obstruct any contact between the entertainer and the patrons.
  - c. No owner, operator, responsible managing employee, manager, or permittee shall allow at a licensed premises any patron to approach within four feet of a nude entertainer or entertainer displaying specified anatomical areas, or allow an entertainer to approach within four feet of a patron.
  - d. All employees of an adult business, other than nude entertainers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their specific anatomical areas.
7. **Adult dancing establishment.** An adult dancing establishment shall, regardless of whether it holds an Expressive Use Permit, observe the following special requirements:
- a. It shall have a stage provided for the display or exposure of any specified anatomical area by an employee to a person other than another employee consisting of a permanent platform (or other similar permanent structure) raised a minimum of 18 inches above the surrounding floor and encompassing an area of at least 100 square feet, separated by a distance of at least six feet from the nearest area occupied by patrons and surrounded with a three-foot high properly constructed barrier. No patron shall be allowed within six feet of the stage while the stage is occupied by a performer; and
  - b. Any area in which a private performance occurs shall:
    - (1) Have a permanently open entranceway not less than two feet wide and not less than six feet high, which entranceway is not capable of being closed or partially closed by an curtain, door, or other partition which would be

capable of wholly or partially obscuring any person situated in the area;  
and

- (2) Have a wall-to-wall, floor-to-ceiling partition of solid construction without any holes or openings, which partitions may be completely or partially transparent, and which partition separates the employee from the person viewing the display.

**8. Theater and cinemas.** A theater or cinema shall, regardless of whether it holds an Expressive Use Permit, observe the following special requirements:

- a. If the theater or cinema contains a hall or auditorium area, the area shall comply with each of the following provisions:
  - (1) Have individual, separate seats, not couches, benches, or the like, to accommodate the maximum number of persons who may occupy the area;
  - (2) Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times;  
and
  - (3) Have a sign posted in a conspicuous place at or near each entranceway to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.
- b. If an adult theater or cinema contains adult booths, each adult booth shall comply with each of the following provisions:
  - (1) Have a sign posted in a conspicuous place at or near the entranceway which states the maximum number of persons who may occupy the booth, which shall correlate with the number of seats in the booth;
  - (2) Have a permanently open entranceway not less than two feet wide and not less than six feet high, not capable of being closed or partially closed by any curtain, door, or other partition that would be capable of wholly or partially obscuring any person situated in the booth;
  - (3) Have individual, separate seats, not couches, benches or the like, which correlate with the maximum number of persons who may occupy the booth;
  - (4) Have a continuous main aisle alongside the booth in order that each person situated in the booth shall be visible from the aisle at all times; and
  - (5) Have, except for the entranceway, walls or partitions of solid construction without any holes or openings in the walls or partitions.

- c. If an adult theater or cinema is designed to allow outdoor viewing by persons seated in automobiles or other motor vehicles, the motion picture screen shall be situated, or the perimeter of the establishment shall be fenced, so that the material being shown will not be visible from any public right-of-way, property zoned for residential use, religious facility, school, public or private, or park or recreation area.
9. **Applicability to other regulations.** The provisions of this Section are not intended to provide exclusive regulations of the regulated expressive business uses. The uses shall comply with any and all applicable regulations identified in this Zoning Code, other City ordinances, and State and Federal law. Should a conflict exist between the provisions of this Section and the provisions of other chapters of this Zoning Code, the provisions of this Section shall prevail.

### 17.50.040 - Alcohol Sales

- A. **Standards for all sales operations.** Proposed on- and off-site alcoholic beverage sales operations shall be designed, constructed, and operated to:
  1. Avoid contributing to an undue proliferation of alcoholic beverage sales businesses in an area where additional ones would be undesirable, with enhanced consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
  2. Avoid any adverse impact on adjacent or nearby parks (e.g., public parks or recreation centers), playgrounds (e.g., public or parochial), religious facilities, or schools (e.g., public, parochial, or private elementary, junior high, or high schools); and
- B. **Additional standards for off-site sales.** Off-site alcoholic beverage sales businesses shall comply with the following requirements in addition to those in Subsection A. above. Locations with off-site alcoholic beverage sales shall be designed, constructed, and operated to:
  1. Not interfere with the movement of people along any street; and
  2. Supply adequate, appropriately located litter and recycling receptacles as determined by the Director.

### 17.50.050 - Animal Hospitals

- A. **Improvements required.** All animal hospitals shall be entirely enclosed, soundproofed, and air conditioned.
- B. **Incidental uses allowed.** Grooming and temporary boarding of animals for a maximum of 30 days is allowed if incidental to the animal hospital use.



**17.50.060 - Automated Teller Machines (ATMs) and Walk-Up Bank Services****A. Where allowed.** ATM facilities may be located:

1. On public streets; and
2. At alley entries, but within 50 feet of the nearest public street.

**B. Development standards for ATM facilities.** ATM facilities shall be installed and maintained in compliance with the following standards:**1. Privacy area required.**

- a. In order to provide an appropriate level of privacy and to reduce the potential for blocking the sidewalk for those users waiting in line, a five-foot deep privacy area shall be provided in front of the ATM. This would require an ATM to be set back in an alcove when located adjacent to the public sidewalk;
- b. The Director, while conducting Design Review, or the Zoning Administrator, if no Design Review is required, may reduce the privacy area down to three feet, while still meeting the intent identified in Subparagraph a., above.

**2. Review for impact on pedestrian and traffic circulation required.** The Department of Public Works shall review and approve each proposed location to determine if on-street parking can be accommodated at the proposed site and if the ATM, or walk-up bank service window would likely have a major impact on pedestrian and traffic circulation in the immediate area;**3. Lighting plan required.** A lighting plan will be required with the intent to ensure that adequate lighting is provided;**4. ATM to be handicap accessible.** The ATM shall be handicap accessible;**5. Trash receptacle required.** A trash receptacle shall be immediately accessible to the ATM; and**6. Appearance following removal.** At the time that the ATM is removed, the structure's facade shall have a finished appearance consistent with the existing structure, and be subject to the approval of the Zoning Administrator.

**17.50.070 - Conversion of a Residential Structure to a Commercial Use**

- A. **Applicability.** The conversion of a residential structure to an allowed commercial use shall be in compliance with this Section and the applicable provisions of this Zoning Code.
- B. **Location of off-street parking.** Off-street parking shall only be located behind the structure.
- C. **Maintenance of existing driveway.** The existing driveway width shall not be widened to accommodate the new commercial use.

**17.50.080 - Day-Care Facilities**

- A. **Large family day-care home.** The establishment of a large family day-care home shall require that an application be filed with and approved by the Zoning Administrator. The application shall be approved if the Zoning Administrator determines that the application complies with the following regulations.
  - 1. **Minimum separation between day-care homes.** Within a residential district, there shall be no more than one large family day-care home allowed within 300 feet of another large family day-care home or child day-care center. If a large family day-care home is within 300 feet of another large family day-care home or child day-care center, then a Minor Conditional Use Permit shall be required.
  - 2. **Plan for loading.** The applicant shall submit a plan showing the location of a loading and unloading area for children.
  - 3. **Noise standards.** A large family day-care home shall comply with the noise regulations of Municipal Code Chapter 9.36.
  - 4. **Parking.** Off-street parking shall be provided at a ratio of one parking space for each employee other than the resident. Parking may be tandem and located on a driveway that leads to covered parking.
  - 5. **Play equipment.** Play equipment shall not be located within the front yard.
  - 6. **Signs.** Signs shall comply with the requirements of Chapter 17.58 (Signs).
- B. **Child day-care centers.** Each child day-care center shall comply with the following requirements.
  - 1. **Outdoor play space.** A child day-care center shall provide an outdoor play space as follows.
    - a. **Minimum size.** The total area of the outdoor play space shall be a minimum of 75 square feet per child.
    - b. **Location on site.** No outdoor play space shall be within 25 feet of a residential structure on an abutting lot in an RS or RM zoning district.

- c. **Screening fence.** A wall or fence shall surround the outdoor play area. The minimum height of the wall or fence shall be equivalent to the maximum height of a wall or fence in the zoning district in which the site is located or six feet, whichever is less. If a fence with perforations through more than 50 percent of the surface area is provided, vertical landscaping shall be provided to screen the outdoor play area from adjacent properties.
2. **Side and rear landscape buffers.** Landscaping shall be used to buffer noise in side and rear setback areas adjacent to RS zoning districts. The following minimum density of plant materials shall be maintained in these areas: For each 100 square feet of yard area or fraction thereof, 0.10 canopy trees (24 inch box or larger), 0.20 under-story trees (15 gallon or larger), and 2.0 shrubs (five gallons or larger). Where an existing mature landscape element is retained on the site, it may be counted as double in meeting these minimum requirements (e.g., where two canopy trees are required, one existing canopy tree may be used to meet the guideline).
  3. **Parking.** See Chapter 17.56. Parking shall not be located in an existing front or corner side setback unless located on a driveway leading to a covered parking space.
  4. **Loading area.** The location and design of passenger loading and unloading areas shall be reviewed and approved by the Department of Public Works.
  5. **Refuse storage.** A refuse storage area shall be provided in compliance with Section 17.40.120 (Refuse Storage Facilities).
  6. **Outdoor lighting.** Outdoor lighting shall comply with Section 17.40.080 (Outdoor Lighting).
  7. **Hours of operation.**
    - a. The allowable hours of operation in residential zoning districts shall be established by the Conditional Use Permit required for the use.
    - b. Outdoor activities may only be conducted between the hours of 7:00 a.m. and 7:00 p.m. in residential zoning districts and 6:00 a.m. and 7:00 p.m. in non-residential zoning districts.

### 17.50.090 - Drive-Through Businesses

- A. **Location requirements for restaurants with drive-through service.** A fast food or formula fast food restaurant with drive-through service shall not be closer than 500 feet from the following uses: a park and recreation facility; a public or private school; or another fast food or formula fast food restaurant with drive-through service. The distance requirement shall be measured from site-to-site.
- B. **Additional application materials.** In addition to the standard application requirements for a Conditional Use Permit, an applicant for a restaurant with a drive-through business shall submit a litter clean-up plan, a parking and circulation plan, and a site plan that includes: driveway locations, placement of audible equipment (if this type of equipment will be used), landscaping,

light standards, sign locations, and trash enclosures. A litter clean-up plan shall address litter clean-up on-site and off-site and shall include, but not be limited to, a litter pick-up schedule and a map of the clean-up area.

- C. Findings required for approval.** The approval of a drive-through business shall require that the review authority first make all of the following findings, in addition to those required for a Conditional Use Permit by Section 17.61.050:
1. The proposed parking and circulation plan will provide adequate area for safe queuing and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses; and
  2. The proposed location of the drive-through business will not result in adverse impacts upon the vicinity after giving consideration to a litter clean-up plan, the hours of operation, and the site plan.
- D. Disposable containers.** A fast food or formula fast food restaurant with drive-through service shall have the name of the business establishment printed on all disposable containers and napkins.
- E. Driveway cuts.** The design and construction of the drive-through facilities shall minimize the number of driveway cuts.

### 17.50.100 - Electronic Game Arcades and Internet Access Studios

- A. Separation required.**
1. **Measurable requirements.** Each exterior wall of an electronic game arcade and/or Internet access studio shall be at least:
    - a. 500 feet from all boundaries of a site occupied by a day-care facility, park, public or private school, recreation facility, or religious facility that existed before the establishment of the electronic game arcade and/or Internet access studio; and
    - b. 1,000 feet from the exterior walls of another electronic game arcade and/or Internet access studio.
  2. **How to measure separation.** The distance between any structure used as an electronic game arcade and/or Internet access studio and another structure used as a day-care facility, park, public or private school, recreation facility, religious facility, or an electronic game arcade and/or Internet access studio shall be measured in a straight line, without regard to intervening structures, from the closest property line of the structure used as an electronic game arcade and/or Internet access studio to the closest property line of another structure used as a day-care facility, park, public or private school, recreation facility, religious facility, or an electronic game arcade and/or Internet access studio.

- B. Waiting areas.**
1. An interior waiting area for a minimum of eight persons shall be provided.
  2. Outdoor waiting areas are not allowed.
  3. Private rooms with doors or alcove areas are not allowed.
- C. No alcohol allowed.** No alcohol shall be served.
- D. Transparent windows.** The front windows shall be transparent.
- E. Bathroom for patrons use.** The facility shall be equipped with a bathroom that shall be available to patrons during normal hours the facility is open to the public.
- F. Public telephone.** Any public telephone shall be located within the structure.
- G. No violation of gambling/gaming laws.** There shall be no activity that would violate City or State gambling/gaming laws.
- H. Monitoring of Internet sites.**
1. The computer screens shall be located so that anyone walking around the room(s) can clearly see the computer screens.
  2. The full time on-site manager shall monitor the use of Internet sites.
- I. No loitering signs.** No loitering signs shall be posted on the premises.
- J. No live or amplified music.** No live or amplified music is allowed; excluding music coming from the computers.
- K. Hours of operation.** The hours of operation shall be established through the Conditional Use Permit, in compliance with Section 17.61.050.

### 17.50.110 - Home Occupations

- A. Purpose.**
1. The purpose of this Section is to allow for a home occupation business from a residential use while ensuring that the home occupation does not detract from nor is incompatible with the surrounding residential uses.
  2. The uses are intended to be clearly incidental to a residential use.
- B. Permit requirement.** A Home Occupation Permit shall be required before the establishment of a home occupation use. After receiving an application, a permit shall be issued by the Director upon the determination that the proposed home occupation use complies with this Section.

- C. Permit is nontransferable.** A Home Occupation Permit shall not be transferable.
- D. Property owner's authorization required.** For rental property, the property owner's written authorization for the proposed use shall be obtained and submitted with the application for a Home Occupation Permit.
- E. Business License required.**
1. Upon approval of the Home Occupation Permit, a Business License shall be obtained.
  2. If a Business License is not renewed, the Home Occupation Permit shall become void.
- F. Location and size.** A home occupation use shall be conducted entirely within a structure and shall occupy no more than 500 square feet of floor area.
- G. Limitation on activities.**
1. There shall be no items other than products crafted on the premises.
  2. Guns and ammunition shall not be sold as part of a Home Occupation Permit except that a home occupation for a gunsmith or firearms collector licensed by the Bureau of Alcohol, Tobacco, and Firearms as a gunsmith or firearm collector is allowed.
- H. Employees.** No one other than a resident of the dwelling unit shall be employed in the operation of a home occupation use.
- I. Commercial vehicles.**
1. Not more than one truck, equivalent in size to a truck marketed by the major vehicle manufacturer's as a 350 or 3500 series, incidental to a home occupation use shall be kept on the site.
  2. The truck shall not exceed a height of seven feet nor larger than that able to easily fit within the universal stall dimension of eight and one-half feet wide by 18 feet long.
  3. The number of off-street parking spaces accessory to a dwelling unit housing a home occupation shall not be reduced to less than that required in compliance with Chapter 17.46 (Parking and Loading).
- J. Client/customer visits.** A home occupation use shall not allow any visitors without prior appointments.
- K. Changes to dwelling or premises prohibited.**
1. There shall be no alteration to the residential character of the premises as a result of the home occupation use.

2. The existence of a home occupation use shall not be apparent beyond the boundaries of the subject site.
- L. **Outdoor uses.** No outdoor storage or display of equipment, appliances, materials, or supplies shall be allowed.
- M. **Signs.** Signs advertising a home occupation use shall not be allowed.
- N. **Revocation.** The Zoning Administrator may revoke a Home Occupation Permit that is not in compliance with these regulations as provided by Section 17.78.090 (Permit Revocation or Modification) after 15 days' written notice, unless the home occupation is altered to comply with these standards.

### 17.50.120 - Life/Care Facilities

- A. **Purpose.** This Section establishes standards for the location, development, and operation of life/care facilities. These requirements are in addition to any applicable State and/or Federal requirements (for example, the Americans with Disabilities Act [ADA]).
- B. **Definitions.** Definitions of the technical terms used in this Section are in Article 8 (Glossary of Specialized Terms and Land Use Types) under "Life/Care Facilities (land use)."
- C. **Maximum density.** The number of residential dwelling units in a life/care facility shall not exceed the maximum density allowed by the applicable zoning district unless a density bonus is granted in compliance with Chapter 17.32 (Affordable Housing Incentives and Requirements). The allowable density of a life/care facility shall be determined by the review authority through the Conditional Use Permit process.
- D. **Minimum number of residential dwelling units required.** The minimum number of residential dwelling units required to be provided within a life/care facility shall be equal to at least 10 percent of the total number of living units provided in the facility, or the total square footage of all residential dwelling units shall equal a minimum of 10 percent of the gross square footage of the structure, whichever option would result in the greatest number of residential dwelling units.
- E. **Not allowed in Northwest Plan area.** Life/care facilities are not allowed in the Northwest Plan area in compliance with the impactation policies of the General Plan (See Policies 14.5 and 14.6).
- F. **Site layout and building standards.**
  1. **Setbacks.**
    - a. Except in the PS zoning district, each proposed structure shall comply with the multi-family development standards for the applicable zoning district (e.g., City of Gardens or Urban Housing.)

- b. If the proposed location is within the PS zoning district, the development standards shall be established through the Conditional Use Permit, in compliance with Section 17.61.050.
- 2. **Site coverage.**
  - a. **Structures.** The total ground floor area of all structures other than open carports shall comply with the site coverage limitations of the applicable zoning district.
  - b. **Landscaping and open space.** A minimum of 30 percent of the total site shall be maintained as landscaping and open space.
- 3. **General design principles.**
  - a. Each structure shall be compatible in style, color, materials, height, and scale with the general character of the neighborhood.
  - b. The building design and site layout shall define semi-public, semi-private, and private spaces; ensure a sense of protection and community identity; and minimize barriers to handicapped or elderly persons.
- G. **Accessory retail and service uses.** A life/care facility may include accessory and retail service uses (e.g., barber and/or beauty shop, pharmacy, etc.) as determined to be appropriate by the review authority, as long as the use is limited to the residents of that facility.
- H. **Common facilities.** The life/care facility shall be designed to provide common facilities (e.g., meeting rooms, recreation rooms and facilities, etc.) as required by applicable State and Federal regulations and licensing requirements, and as determined to be appropriate by the review authority.
- I. **Security lighting plan required.** A security lighting plan shall be submitted by the applicant and approved by the City.
- J. **Safety equipment required.** Indoor common areas and individual living units shall provide necessary safety equipment (e.g., safety bars) as well as emergency signal and intercom systems, subject to approval by the City.
- K. **Transit.** The following transit facilities and services shall be provided for the residents as determined to be appropriate by the review authority.
  - a. A bus turnout and shelter along the street frontage; and/or
  - b. A private dial-a-ride transportation shuttle.

### 17.50.130 - Live Entertainment

- A. **Applicability.** The following regulations apply to live entertainment when associated with a commercial entertainment or recreational use, a bar, or tavern.



**B. Limitation on type of entertainment.**

1. The type of live entertainment provided shall only be that type approved under the Conditional Use Permit.
2. If another type of entertainment is proposed, a new Conditional Use Permit shall first be obtained.

**C. Location of entrances and exits.** No entrance or exit shall face a residential use.**D. Litter control.** Each disposable item provided by the establishment shall be printed with the name of the establishment. The applicable review authority may impose a condition requiring a litter cleanup program if it is determined that the proposed use may create a litter problem.**17.50.140 - Lodging - Bed and Breakfast Inns****A. Purpose.** The purpose of this Section is to ensure compatibility between the bed and breakfast inn and nearby residential uses and provide an incentive for designation as a landmark.**B. Permit requirements.** Minor Conditional Use Permit approval, in compliance with Section 17.61.050, shall be required to authorize the use of a structure in compliance with this Section.**C. Eligibility criteria.** In order for a structure to be eligible for a Minor Conditional Use Permit for use as a bed and breakfast inn, the following conditions shall be met:

1. The structure shall be located in a RM-16, RM-16-1, RM-32, or RM-48 multi-family residential or a CO, CL or CD zoning district; and
2. The structure shall be designated as a landmark.

**D. Exterior appearance.** The exterior appearance of the structure housing the bed and breakfast inn in a residential zoning district shall not be altered from its original residential character except for allowed signs, and any structural modifications necessary to comply with Title 24 of the California Code of Regulations.**E. Limitation on guest rooms.** The bed and breakfast inn shall be limited to a maximum of five guest rooms.**F. Limitation on services provided.**

1. Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only.
2. Separate/additional kitchens for guests are not allowed.
3. A bed and breakfast inn within a residential zoning district shall not be used for private parties, receptions, or similar activities, unless the activities are specifically authorized by the Conditional Use Permit approval for the bed and breakfast inn, in compliance with Section 17.61.050.

**G. Off-street parking.**

1. Off-street parking shall be provided at a ratio of one space for each guest room, plus two covered spaces for the on-site owner/manager of the bed and breakfast inn.
2. Parking shall not be located in a front and/or corner side yard setback, including yard areas that may exceed the minimum setback requirements.
3. Any night lighting for the parking area shall be limited to the minimum number of fixtures and illumination levels determined to be necessary for safety, and shall comply with Section 17.40.080 (Outdoor Lighting).

**H. On-site management.** A manager shall be present on the site at all times.

**I. Signs.** See Chapter 17.48.

**17.50.150 - Lodging - Hotels and Motels**

**A. Minimum lot size outside the CD zoning district.** The minimum lot size for hotels or motels located in the CG zoning district, the East Pasadena Specific Plan and the East Colorado Specific Plan, shall be 25,000 square feet.

**B. Parking in the CD zoning district.** Parking for hotels or motels located in the CD zoning district shall only be within an underground facility or parking structure.

**C. Maximum number of kitchens allowed.**

1. A maximum of 60 percent of the guest rooms in a hotel or motel may contain a kitchen, as that term is defined in Article 8 (Glossary of Specialized Terms and Land Use Types).
2. A Minor Conditional Use Permit may be approved to modify this provision in compliance with Section 17.61.050.

**D. Minimum stay required.** Hotel and motel guest rooms shall not be provided on less than a daily basis. (See definition of "Lodging (land use)" in Article 8 [Glossary of Specialized Terms and Land Use Types]).

**17.50.160 - Mixed-Use Projects**

**A. Purpose.** The purpose of this Section is to ensure compatibility between the different land uses (e.g., residential and commercial) operating within a mixed-use project.

**B. Zoning district standards.** The density, floor area ratio (FAR), height, and street setbacks for a mixed-use development project shall be determined by the underlying zoning district.

**C. Commercial structure required.** When the residential units are located above the commercial uses, the structure shall be treated as a commercial type of structure for front and corner

setbacks and no interior side setbacks shall be required. No rear yard setback is required unless specified for commercial uses.

**D. Hours of operation.** Outside the Central District the commercial portion of projects shall comply with the Limited Hours of Operation requirements (Section 17.40.070), if applicable.

**E. Commercial uses along street frontages.**

1. Commercial uses shall be located along street frontages and have a minimum depth of 50 feet. The Zoning Administrator may reduce the commercial uses for a secondary street.
2. On corner lots, the commercial space shall turn (wrap around) the corner for a minimum depth of 50 feet.
3. The Zoning Administrator shall determine the primary frontage for purposes of compliance with this Subsection.
4. On double-frontage lots, commercial uses shall be located along both street frontages.
5. Projects within the Central District shall comply with Figure 3-4 (Ground Floor Concept).

**F. Ground floor residential units allowed.** Ground floor residential dwelling units located along secondary streets are allowed only if the structure is located on a corner lot.

**G. Ground floor height.** Projects located in the Central District shall comply with the minimum ground floor height requirements of Table 3-2.

**H. Community space requirements.**

**1. Community space defined.**

- a. Community space shall include both indoor/interior space and outdoor open space.
- b. Community space can be in the form of private open space (e.g., balconies) or common open space (e.g., pool or side or rear setback areas.)
- c. An indoor recreational room of up to 600 square feet may be credited toward fulfilling this community space requirement.
- d. A utility easement may be credited toward fulfilling this community space requirement if it is properly landscaped in compliance with Chapter 17.44 (Landscaping).

**2. Minimum space per unit.** Each development project shall provide a minimum of 150 square feet of community space for each dwelling unit.

3. **Front and/or corner side setbacks do not count.** Required front and/or corner side setbacks shall not be credited toward fulfilling this community space requirement.
4. **Private open space.**
  - a. The private open space shall not exceed 30 percent of the total requirement for community space.
  - b. Each private open space shall have a minimum six-foot dimension.
  - c. This maximum 30 percent requirement may be modified by not more than five percent if determined to be necessary during Design Review.
5. **Community open space.** Each community open space shall have at least one minimum dimension of 15 feet and the other dimensions shall be at least six feet, except for private open space (e.g., balconies or patios).

**I. Balconies.**

1. Balconies may project no closer than six feet to an interior or rear property line and four feet into a front or corner side setback.
2. Balconies shall have a minimum dimension of six feet in order to count as required open space.
3. Balconies that are designed to project over the public right-of-way shall have prior approval from the Department of Public Works.

**J. Inclusionary housing requirements.** Mixed-use projects shall be subject to the inclusionary housing requirements of Section 17.42.040 (Inclusionary Unit Requirements).

**K. Parking.**

1. **Location.** The mixed-use project may have parking located at grade level behind the ground floor commercial/residential uses on the street frontage.
2. **Number of parking spaces required.** For new development projects, parking shall be provided in compliance with Table 4-5 for both the residential component and the commercial component. A minimum of one off-street parking space shall be located on-site for each residential unit in a new project.
3. **Guest parking required.** Guest parking shall be provided for the residential units in compliance with Table 4-5 (Off-Street Parking Space Requirements – multi-family dwelling units).
4. **Off-site spaces.** All other parking spaces designed to serve the residential units may be located off-site with a long-term parking lease agreement in compliance with Subparagraph 17.46.020 I. (Location and ownership).

5. **Distance requirements.** Off-site parking for residential units shall meet the distance requirements for commercial customer/visitor spaces.
6. **Conversion of existing structures.** Conversions of existing structures (including additions) may provide parking for the residential units off-site as long as they meet the distance requirements and there is a long term parking lease agreement all in compliance with Subparagraph 17.46.020 I. (Location and ownership).
7. **Overnight parking permits not allowed.**
  - a. City Permits for overnight parking on City streets shall not be issued for residential development projects built in compliance with these regulations.
  - b. Residential tenants shall be advised of the unavailability of on-street overnight parking permits.
- L. **Lighting.** Lighting for commercial uses shall be appropriately shielded to not negatively impact the residential units.
- M. **Noise notification.**
  1. Residents of a mixed-use development project shall be notified that they are living in an urban area and that the noise levels may be higher than in a typical residential area.
  2. The signature of the residents shall confirm receipt and understanding of this information.
- N. **Loading.**
  1. **Off-street loading.** Off-street loading areas shall be located as far as possible from the residential units and shall be completely screened from view from the residential portion of the project.
  2. **Loading and unloading of household goods.** If the loading of furniture and household goods for the residential units is to occur on the street, it shall be limited to the hours of 9:00 a.m. to 2:00 p.m. and 7:00 p.m. to 10:00 p.m. on weekdays and 9:00 a.m. to 10:00 p.m. on weekends.
- O. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.

### 17.50.170 - Office Uses in Designated Historic Resources

- A. **Purpose.** The provisions of this Section allow structures of historical significance that are located in specified residential zoning districts to be used for business and professional offices.
- B. **Limitation on use.** The reuse of structures in compliance with this Section shall be limited to those uses included under the definition of "Office, Administrative Business Professional (land use)" in Article 8 (Glossary of Specialized Terms and Land Use Types).

- C. Permit requirements.** Minor Conditional Use Permit approval, in compliance with Section 17.61.050, shall be required to authorize the reuse of a structure in compliance with this Section.
- D. Eligibility criteria.** In order for a structure to be eligible for a Minor Conditional Use Permit for the reuse of a designated historic resource, the following conditions shall be met:
1. The structure shall be located in an FGSP-RM-12, RM-16, RM-16-1, RM-32, or RM-48 multi-family residential zoning district; and
  2. The structure shall be designated as a landmark or listed individually on the National Register of Historic Places.
- E. Conditions of approval.** In granting a Minor Conditional Use Permit, the review authority shall, at a minimum, adopt the following conditions of approval.
1. Any modifications to the exterior of the structure shall be subject to review and approval by the Historic Preservation Commission for consistency with the Secretary of the Interior's standards.
  2. The hours of operation of any business shall be limited to 7:00 a.m. through 8:00 p.m.
  3. Each structure may have one sign, not to exceed eight square feet in size. The sign may be freestanding or located on a building wall, and shall not exceed a height of four feet measured from existing grade. Any freestanding sign shall be located within five feet of the structure. The design and materials of any sign shall be compatible with the structure.
  4. Exterior lighting shall be designed to confine emitted light to the property, and the light source shall be visually screened from surrounding properties and streets in compliance with Section 17.40.080 (Outdoor Lighting).
  5. If a proposed use displaces residential households or tenants, the applicant or successor shall comply with Municipal Code Sections 16.46.050 and 16.46.060 relating to relocation financial assistance and counseling.
  6. Any structure with over 3,000 square feet of gross floor area shall provide at least one residential unit on the premises. Any bungalow court shall retain at least one bungalow as a residential unit.
- F. Parking.** Parking shall be provided as required by Chapter 17.36 (Parking and Loading) except as follows.
1. A minimum of 2.5 parking spaces shall be provided for each 1,000 square feet of gross floor area.
  2. Parking shall not be allowed in the front or corner side setback areas of a corner lot.
  3. No loading space shall be required.

- G. Expansion.** The expansion of a use approved in compliance with this Section shall comply with the development standards of the CO (Commercial Office) zoning district.

### **17.50.180 - Outdoor Display, Storage, and Seasonal Sales**

**A. Outdoor display and storage.**

1. **Where allowed.** Outdoor display and storage of equipment, materials, merchandise, and storage bins may be authorized through Conditional Use Permit approval in the OS and PS zoning districts and are allowed by right in the CD, CG, and CL zoning districts.
2. **Standards.** Where allowed, outdoor display and storage of equipment, materials, merchandise, or storage bins shall be in compliance with the following standards:
  - a. **Screening.** Except for the land uses listed in Subparagraph d. (Exceptions to screening requirements), below, outdoor display and storage (including bins) areas shall be screened from view of public rights-of-way (not including freeways) and from adjacent residentially zoned property by a solid masonry wall or concrete fence. The height of the wall or fence shall be the maximum allowed by the applicable zoning district.
  - b. **Limitation on display and storage areas.**
    - (1) An outdoor storage area shall not exceed 50 percent of the total area of the site except where landscaping is provided in addition to the required setbacks in compliance with Subparagraph (2) below.
    - (2) The additional landscaping shall be equal to at least 10 percent of the area of storage that is over the 50 percent of total site area, and shall be located on the outside of the required solid masonry screening wall(s).
    - (3) The Zoning Administrator shall determine the location and distribution of the additional landscaping in order to ensure that the landscaping reduces the impact of the solid masonry wall(s).
    - (4) No outdoor display or storage of equipment, materials, merchandise, or storage bins shall be located within a parking space or parking lot.
  - c. **Height of stored materials.** If visible from the public right-of-way, the height of equipment, materials, merchandise, or storage bins stored or displayed shall not exceed the height of the screening wall or fence.
  - d. **Exceptions to screening requirements.** Notwithstanding the provisions of this Subsection, outdoor display and storage shall be allowed only in conjunction with the following land uses in zoning districts where these land uses are allowed.
    - (1) Nurseries and commercial growing grounds; provided the outdoor display and storage is limited to plants only;

- (2) Vehicle services - sales and leasing; provided the outdoor display and storage is limited to passenger vehicles offered for sale or rent; and
    - (3) Farmers' markets.
  - 3. **Special standards for the outdoor display of merchandise.** The outdoor display of merchandise shall be allowed in the CD, CG, CL, and IG zoning districts in compliance with the following additional standards:
    - a. The merchandise shall:
      - (1) Not be located on the public right-of-way (including sidewalks); and
      - (2) Be brought in only during hours that the business is not open.
    - b. The sale of the merchandise shall be associated with a specific business located on the subject site.
    - c. The outdoor display shall not:
      - (1) Be located in the parking lot or in a landscaped area; and
      - (2) Cover more than 50 percent of the structure's frontage.
    - d. No temporary signs (except price signs) shall be displayed.
  - 4. **Special standards for the outdoor storage of materials.** The outdoor storage of materials shall be allowed in the CD, CG, and IG zoning districts in compliance with the following additional standards:
    - a. The storage area shall be located to the rear of the lot and shall be screened by a solid masonry wall with a stucco finish if it faces a street;
    - b. The wall shall not exceed six feet in height and shall be located outside of any required setback areas; and
    - c. The outdoor storage area shall not exceed 50 percent of the total area of the site unless additional landscaping is provided in compliance with Subparagraph 2. b., above.
- B. Storage of junk materials, goods, wares, or merchandise.**
- 1. **Junk materials prohibited.** No junk materials, goods, merchandise, or wares shall be stored or collected in any residential zoning district.
  - 2. **Building materials allowed.** Building materials to be used in the construction of any structure in any zoning district may be temporarily stored on the premises where the structure is to be built or renovated for not to exceed 60 days in advance of the commencement date of construction. In the event of any failure to proceed promptly



with construction, the City shall serve written notice upon the owner requiring the removal of the building materials. A site may temporarily store construction equipment intended for off-site construction for a 60-day period only. A site may be used more than once or the 60-day limit may be extended upon approval of a Conditional Use Permit granted in compliance with Section 17.61.050. Before issuance of a Certificate of Occupancy, or a temporary Certificate of Occupancy, all building materials shall be removed from the subject lot.

- C. **Seasonal merchandise sales.** Seasonal merchandise sales shall be conducted in compliance with the following standards.
1. **Duration.** The maximum duration of seasonal merchandise sales shall be 45 days at one location.
  2. **Hours of operation.** Seasonal merchandise sales shall be allowed on a daily basis and may operate only between the hours of 7:00 a.m. and 10:00 p.m.
  3. **Parking.** Parking at a ratio of one space for each 2,000 square feet of lot area used for seasonal merchandise sales shall be provided.
  4. **Temporary structures and signs.** Temporary structures and signs shall be subject to the review and approval of the Zoning Administrator.
  5. **Site cleanup.** After the seasonal merchandise sales event is completed or after 45 days from the initial occupancy of the site, whichever first occurs, all associated structures and trash shall be removed from the site within 24 hours.
  6. **Temporary Use Permit required.** A Temporary Use Permit, issued in compliance with Section 17.61.040, shall be required if any of the above standards are not met.

### 17.50.190 - Personal Property Sales in Residential Zones

- A. **Personal Property Sales Permit required.**
1. No person may sell or dispose of personal property at a charity bazaar, garage sale, religious assembly use, yard sale, or similar event in an RS or RM zoning districts without first obtaining a Personal Property Sales Permit.
    - a. The permit shall be obtained at least 24 hours before the proposed sale.
    - b. Mailed applications shall be postmarked at least 72 hours before the proposed sale.
  2. The permit process is administered by the City's Code Enforcement Staff.
- B. **Application requirements.** An application for a Personal Property Sales Permit shall be filed in compliance with Chapter 17.60 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Personal Property Sales Permit or as may be required by the Director.