

**Chapter 9.09****SPECIFIC USE DEVELOPMENT STANDARDS****Sections:**

- 9.09.010 Purpose and Intent
  - 9.09.020 Applicability
  - 9.09.030 Adult Entertainment Businesses
  - 9.09.040 Communication Facilities, Antennas and Satellite Dishes
  - 9.09.050 Arcades and Video Machines
  - 9.09.060 Automobile Dealerships, Automobile Rental and the Display of Vehicles, Vessels and Other Personal Property
  - 9.09.070 Vehicle Repair Facilities
  - 9.09.080 Drive-In, Drive-Through, Fast Food, and Take-Out Restaurants
  - 9.09.090 Agriculture and Animal Uses
  - 9.09.100 Outdoor Recreational Facilities
  - 9.09.110 Recycling Facilities
  - 9.09.120 Granny Housing
  - 9.09.130 Second Dwelling Units
  - 9.09.140 Self Storage Warehouses
  - 9.09.150 Senior and Handicapped Housing
  - 9.09.160 Residential Care Facilities
  - 9.09.170 Service Stations
  - 9.09.180 Sidewalk Cafes
  - 9.09.190 Swimming Pools, Spas, and Recreational Courts
  - 9.09.200 Mobile Home Parks
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**Section 9.09.010 Purpose and Intent**

Certain activities and uses, due to their nature, may have the opportunity to create more significant impacts upon the community than others. As a result, specific regulation of these activities and uses is warranted. The purpose of this Chapter is to identify and regulate such uses in districts permitting those uses, in order to ensure the maintenance of the public health, safety and welfare in accordance with the goals, objectives, policies and implementation programs of the General Plan.

**Section 9.09.020 Applicability**

In addition to the standards contained in the various districts established by this Title, as well as the provisions of Chapters 9.08 and 9.10, the activities and uses covered or described in this Chapter where otherwise permitted within the district in which they are to be located whether by right or by permit or approval, shall also comply with the provisions contained herein, unless a determination is made by the decision-making body that the purposes intended thereby can be served by an alternative that adequately protects the public health safety and welfare.

*[Amended by Ordinance 455, effective 4/28/95]*

**Section 9.09.030 Adult Entertainment Businesses****A. Intent and Purpose**

The purpose and intent of this Section is to establish standards for the development of Adult Entertainment Business which will promote a positive city image while permitting adult uses in a manner which will be compatible with surrounding land uses and will not adversely affect the family environment of the city, and to ensure that such businesses will not be detrimental to or incompatible with commercial areas, schools, child care, churches, residential neighborhoods, parks and other public facilities.

**B. Applicability**

Adult entertainment businesses shall be subject to a Conditional Use Permit and the requirements of the underlying district in which it is located and the development standards identified in this Section.

*[Amended by Ordinance 433, effective 10/13/94]*

**C. Businesses and Activities Included as Adult Entertainment Businesses**

Adult entertainment businesses shall refer to the following businesses and activities as defined in this Title and in Chapter 9.15, (DEFINITIONS).

- 1) Adult Arcade
- 2) Adult Bookstore
- 3) Adult Cabaret

- 4) Adult Model Studio
- 5) Adult Motel or Hotel
- 6) Adult Motion Picture Theater
- 7) Adult Theater
- 8) Adult Newsstand
- 9) Other Adult Entertainment Businesses

**D. Permitted Districts**

Adult entertainment businesses shall be permitted within the zones identified in Section .020 of Chapter 9.02 and shall be subject to all the requirements of said zones and all additional requirements set forth in this Section.

**E. Development Standards****1. Distance Requirements**

The distances provided in this Section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the parcel of property upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated. With respect to the uses within the military installation at March Air Force Base, the distance shall be measured from the nearest point of the parcel of property upon which the proposed use is to be located, to the land use from which the proposed land use is to be separated.

No adult entertainment businesses shall be established or conducted within 300 feet of any other adult entertainment business nor within 1,000 feet of: a public or private school for minors; a licensed day care facility for minors; a church, synagogue or other place of worship; a park, library, or nonmilitary public facility; residential properties and zones; and any hotel, motel, or any other transient lodging, of a non-adult entertainment nature.

*[Amended by Ordinance 433, effective 10/13/94]*

**2. Exterior Display**

No adult entertainment business shall be operated in such a way so as to permit the observation of material depicting or describing "Specified Anatomical Areas" or "Specified Sexual Activities" from any location outside of the building in which an adult entertainment business is operating.

All building openings, doors, windows, and the like, shall be screened in such a way so as to prevent a view into that portion of the interior of an adult entertainment business, wherein any activities or displays relating to "Specified Anatomical Areas" or "Specified Sexual Activities" are occurring or portrayed, from outside of the building.

### 3. Signs

No exterior signs or architectural graphics shall be permitted which display or represent "Specified Anatomical Areas" or "Specified Sexual Activities".

An interior sign, with a minimum surface area of four (4) square feet, shall be posted in a prominent location inside the adult entertainment business, stating, in English and Spanish:

**Penal Code Section 314 (Indecent exposures: Exhibitions: Penalty.)** Every person who willfully and lewdly, either:

1. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,
2. Procures, counsels, or assists any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor.

### 4. Operational Requirements

All activities pertaining to the operation of an adult entertainment business shall be conducted inside the walls of the proposed building, out of sight and sound from any location outside the building. This shall not apply to approved outdoor signage, for the purpose of notifying potential customers of the business.

### 5. Exterior Display

No adult entertainment business shall be operated in such a way so as to permit the observation of material depicting or describing "Specified Anatomical Areas" or "Specified Sexual Activities" from any location outside of the building in which an adult entertainment business is operating.

Within the adult entertainment business, all image-producing devices shall be located so that the machines are open to view from any side and are without obstructions or separations that would block from open sight, any patrons using said machines.

A responsible adult shall be present on the premises at all times and shall observe and supervise the use of all image-producing devices and all areas of the business available to public access. Adult entertainment businesses containing over 40 image-producing machines shall require the presence of two (2) responsible adults to observe and supervise all areas of the business available to public access.

### 6. Facility Design Requirements

All adult entertainment businesses, other than such businesses that are established as a tenant within a commercial center containing multiple tenants, shall be designed and constructed to blend into, and appear as an integral part of, the built environment that characterizes the surrounding area. Vehicle

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parking and principle points of entry into the business shall be located along the street which provides the main points of vehicular ingress and egress to the business.

7. Exclusion of Minors

Access to any adult entertainment business by a minor shall be prohibited. A sign, to be approved by the Community Development Director shall be posted on all entrances restricting inclusion or entrance of minors. No minors shall be employed by any adult entertainment business nor permitted entrance into the premises.

8. Minimum Lighting

No person shall operate an adult entertainment business, excluding Adult Theaters or Adult Motion Picture Theaters, unless a light level of not less than two (2) foot candles at floor level is maintained in every portion of said establishment to which the public is admitted.

9. Maximum Occupancy Load

No person shall operate an adult entertainment business in which the number of persons in any room or partitioned portion of a room where an image-producing device is located exceeds one (1) person per thirty (30) square feet. The maximum occupancy permitted in any room or partitioned portion of a room in which an image-producing device is located shall be conspicuously posted by the operator, and shall remain posted, at the entrance of said room.

10. Maximum Number of Devices

No person shall operate an adult entertainment business in which the number of image-producing devices exceeds the maximum occupancy load permitted in any room or partitioned portion of a room in which an image-producing device is located.

11. Free Access to Law Enforcement, Fire, Health and Safety Personnel

No person shall deny access to an adult entertainment business for the purpose of a reasonable inspection to enforce compliance with building, fire, electrical, health or plumbing regulations or California State Law.

12. Other Remedies

The provisions of paragraph 10 are to be construed as added remedies and not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by law.

**F. Nonconforming Establishments**

Any adult entertainment business established and conducting a lawful business and a lawful use of a building at the time Ordinance 132 became effective, (July 9, 1987) and not in conformance with the requirements of Ordinance 132 is deemed a legal non-conforming use.

Such legal non-conforming uses are required to comply with the requirements of Ordinance 132, within 48 months of the effective date of said ordinance. Ordinance 132 became effective July 9, 1987. If compliance with the zoning and minimum distance requirements and other provisions of Ordinance 132 was not possible, the legal non-conforming use was required thereunder to cease to operate within 48 months of the date Ordinance 132 became effective.

Any non-conforming adult entertainment use shall not be enlarged or changed by any of the following means, unless such a change will bring the business into full compliance with the requirements of this Section:

1. Increase in the size of the floor area or use area of a building or portion of a building in which the business is located;
2. Use of an adjacent building in whole or part, whether on the same lot or an adjacent lot;
3. The conversion of an existing adult entertainment business to any other adult entertainment business; and
4. The addition of another adult entertainment business to an existing adult entertainment business.

After an adult entertainment business has been legally established and is in conformance with the provisions of this Section, in the event a school for minors, a licensed day care facility for minors, a church, synagogue or other place of worship, a park, library or public facility, residential properties and zones, other adult entertainment businesses, or any hotel or motel or other transient lodging is thereafter constructed within the indicated distances set forth in this Section, the newly established location of any said improvements shall not, in and of itself, require the removal of said legally existing adult entertainment business, provided said adult entertainment business is complying with all other provisions of this Section and other applicable ordinances.

#### **G. Adult Newsstands**

Materials offered for sale from newsstands as defined in this Section, shall not be displayed in such a manner which exposes to public view photographs, illustrations, or representations of "Specified Anatomical Areas" or "Specified Sexual Activities". Outdoor newsstands shall be required to comply with the zoning and distance requirements of this ordinance.

#### **H. Impounding of Adult Newsstands**

The provisions of this Section dealing with non-conforming uses shall not be applicable to adult newsstands. As of the effective date of Ordinance 132, July 9, 1987, all adult newsstands shall be required to comply with the provisions of this Section.

An adult newsstand found in violation of this Section may be impounded by any police officer of the City after the following actions have occurred:

1. A notice of violation has been affixed to the adult newsstands stating the Section of this article which
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has been violated and stating that the adult newsstands will be impounded if the violation is not abated within ten (10) working days;

2. The violation has not been abated within ten (10) working days of the posting of the notice of violation;
3. The Police Department has presented to any magistrate affidavits or other evidence sufficient to show a prima facie violation of this article;
4. A magistrate has issued a written order permitting the impounding of the adult newsstands pursuant to this article.

Whenever an adult newsstand is impounded, a complaint for violation for the Section of this article for which the adult newsstand was impounded must be filed within fourteen (14) days of the impounding. If such action is not commenced within fourteen (14) days, or if a final appealable decision in such action is rendered more than sixty (60) days from the filing of the action, the adult newsstand, together with its contents and all monies, if any, shall be released to any person who provides sufficient proof of ownership of such adult newsstands, without requiring the payment of any impound fees; provided, however, that no adult newsstands shall be released because a final appealable decision was not rendered within sixty (60) days of the filing of the action if the claimant of the adult newsstands is responsible for extending the judicial determination beyond the allowable time limit.

The person who provides sufficient proof of ownership of such adult newsstands may have such adult newsstands, together with its contents and all monies, if any, returned upon paying an impound fee of twenty-five dollars (\$25.00), or upon order of the magistrate, if any, who authorized the seizure of the newsstands, or pursuant to the terms of the preceding paragraph above. Should there be a dismissal of the action charging a violation of this article, or an acquittal of such charges, the court ordering such dismissal or entering such acquittal may provide for the release of any newsstand and its contents, if any impounded, or the return of any impound fee paid for the release of an adult newsstand impounded pursuant to such charges.

#### **I. Severance Clause**

If any Section, subsection, subpart, or provision of this Section or the application thereof to any person, property or circumstance is held invalid, the remainder of this Section and the application of such to other persons, properties or circumstances shall not be affected thereby.

#### **J. Regulations Non-Exclusive**

Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or Statute of the State of California regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

The regulations set forth in this Section are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of adult entertainment establishments set forth elsewhere in applicable ordinances.

### **Section 9.09.040 Communication Facilities, Antennas and Satellite Dishes**

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**A. Purpose and Intent**

The purpose of this Section is to mitigate the potential safety, aesthetic, and viewshed impacts of antennas, commercial antennas, satellite dishes, and communication facilities.

**B. Applicability**

This Section applies to all communication facilities, commercial antennas, satellite antennas and antennas installed or modified on or after the effective date of this title.

*[Amended by Ordinance 386, effective 3/11/93]*

**C. Amortization Schedule**

Each antenna, satellite dish and all related equipment installed prior to the effective date of this Title, which were permitted by the provisions of the City zoning ordinances existing prior to said date, shall be brought into conformance within 36 months of the effective date of this Title.

*[Amended by Ordinance 386, effective 3/11/93]*

**D. Satellite Dishes and Antennas in Residential Districts**

Satellite dishes and antennas shall be installed, modified, and maintained in accordance with the following standards:

1. Only one per parcel is permitted except that a second satellite dish or antenna may be permitted subject to approval of a Conditional Use Permit approved by the Community and Economic Development Director.
2. The diameter of the dish shall not exceed 15 feet.
3. The dish or antenna shall not be located in any front yard or between the street and the front of a residence.
4. The dish or antenna shall comply with all height and setback requirements specified within the applicable district for accessory structures.
5. The dish or antenna shall be ground-mounted.
6. The dish or antenna shall be finished in a neutral color to blend with the immediate surroundings.
7. The dish shall be screened along all sides except that of the reception window.

8. Where locating a dish, consideration should be given to the possibility of the obstruction of the dish=s reception window by potential development on adjacent parcels.
9. The display of signs or any other graphics on a satellite dish or antenna is prohibited.

**E. Commercial Antennas and Communication Facilities**

Commercial antennas and communication facilities shall be subject to the following requirements:

1. The Community and Economic Development Director may approve any communication facility or commercial antenna for commercial purposes which complies with the following criteria subject to the Minor Development Review process:
    - a. Building or roof mounted commercial antennas and satellite dishes not exceeding 15 feet in height and screened from view with height measured from base of antenna in non-residential zones only.
    - b. Ground mounted commercial antennas shall be subject to all height and setback requirements specified for accessory structures in non-residential zones.
    - c. Antennas which are architecturally integrated with a building or structure so as to not be recognized as an antenna are allowed within a commercial or industrial designation. Examples include antennas which are an integral part of a permitted church steeple, or cupola, or incorporated within the architectural design of a commercial structure. Antennas which are architecturally integrated with a building or structure may also be approved in a residential designation subject to an Administrative Plot Plan with a Notice, provided that the building or structure will not be for residential use. Such antennas shall comply with the height requirements of the underlying zone.
    - d. Up to two additional whip antenna (15 feet maximum height), the reconfiguration or alteration of an existing antenna on a single support structure, or additional dishes under 4' in diameter to an existing monopole can be permitted.
    - e. Support equipment must be located within a completely enclosed building (equipment structure) or otherwise screened from view.
  2. Communication facilities, and commercial antennas will require a Conditional Use Permit to be approved by the Community and Economic Development Director pursuant to Section 9.02.060-B which meet one of the following provisions:
    - a. Communication facilities which are 75 feet or less in a commercial/industrial zone.
    - b. Commercial antennas mounted on other existing structures or similar replacement structures, including, but not limited to, water tanks, pump stations, utility poles, or ball field light standards. Such antennas may exceed the maximum structure height of the underlying zone as determined by the CUP.
    - c. Commercial antennas not attached to a communication facility shall be no more than 35 feet, or no
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more than 75 feet in height above the base of a building or structure in a commercial/industrial zone, and shall not exceed maximum structure height in any other non-residential zone.

- d. The addition of any commercial antenna dishes up to 4' in diameter, or increasing the height of an existing approved communication facility.
  - e. Co-location of equipment to an existing approved communication facility. The additional antenna may exceed the height of the existing communication facility by up to 20 feet in height.
  - f. Above-ground support equipment, irrespective of its location, may require landscaping or other measures to effectively mitigate visual and safety impacts. Underground vaults may be required in order to mitigate physical, aesthetic, or safety siting issues which cannot be mitigated otherwise. Above ground support equipment in residential areas shall be discouraged. Support radio equipment may be allowed in the right-of-way where appropriate as determined by the Community and Economic Development Director and subject to the granting of an encroachment permit by the Public Works Department.
3. Communication facilities will require a Conditional Use Permit subject to review by the Planning Commission if the structure is over 75 feet in a commercial, industrial, or other non-residential district, or if the communication facility is located in a residential district. A communication facility may not exceed 75 feet in a residential district.
  4. All communication facilities shall comply with the following locational criteria and development and design standards:
    - a. Locational Criteria
      1. Facilities shall be sited to minimize views from the public right of way.
      2. A communication facility may be required to be adequately designed for co-location of other equipment. If required, the applicant shall provide documentation subject to review and approval of the Community and Economic Development Director and the City Attorney which provides that the pole shall be made available for co-location of facilities for the same or other companies in accordance with City regulations.
    - b. Development and Design Standards - The following Development and Design Standards shall be considered in the design and location of all communication facilities.
      1. Communication facilities should be located as to be screened from view by siting them near taller buildings, within other structures, or placed near existing tall trees, where possible.
      2. The height of the communication facilities must be the minimum necessary to provide the required coverage.
      3. Safety lighting may be required for communication facilities. A blinking light is acceptable.

Strobe lights are prohibited.

4. Communication facilities (e.g. monopoles) shall either be galvanized steel or painted an unobtrusive color.
5. The display of any sign or any other graphics on a communication facility or on related buildings or equipment is prohibited, except for public safety warnings.
6. Where an equipment structure accompanies the communication facility, it shall be designed to match adjacent architecture or screened from view.
7. Landscaping may be required to screen the building or support structures from the public right of way.
8. Decorative materials may be required for surrounding fences.
9. If the communication facility is abandoned or if the conditional use permit becomes void as set forth herein then the monopole or support structure shall be removed.
10. Communication facilities shall be designed to prevent unauthorized persons from climbing them.

#### **F. Variance**

An administrative variance from any standard applicable to non-commercial antennas or satellite dishes as required in this Section may be granted pursuant to Section 9.02.090, if the necessary findings can be made, in the following instances:

1. Locating a non-commercial antenna, or satellite dish in accordance with herein stated requirements would obstruct the antenna=s reception, the dish=s reception window, or otherwise excessively interfere with reception, and such interference or obstruction is beyond the applicant=s control;
2. The cost incurred by the applicant in complying with the standards of this Section would be excessive in relationship to the cost of the antenna or dish;
3. The variance application includes a certification that the proposed installation of the dish, or non-commercial antenna is in conformance with applicable Building Code regulations, if a building permit is required. The application must contain written documentation of such conformance, including load distributions within the building=s support structure and be certified by a registered engineer.

*[Added by Ordinance 368, effective 3/11/93]*

*[Section 9.09.040 Amended by Ordinance 513, effective 3/11/97]*

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#### **Section 9.09.050   Arcades and Video Machines**

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**A. Purpose and Intent**

The purpose of this Section is to mitigate the adverse impacts on surrounding properties and on the community which are commonly associated with arcades and video machines, and to increase compatibility with adjacent land uses by utilizing specific location limitations and development standards.

**B. Applicability**

Arcades shall be permitted as specified in Section 9.02.020 of this Title.

**1. Number of Machines**

Four or fewer electronic, coin operated or video games shall be permitted in any commercial business except that convenience store shall be restricted to two such games.

More than four games per commercial business constitutes an arcade which shall be subject to the standards and provisions of this Section except that Minor Development Review shall be required for more than four games for incidental use in a restaurant use.

*[Amended per Ordinance No. 488 effective 4/26/96]*

**C. Minimum Development and Performance Standards**

Arcades shall be permitted as specified in Section 9.02.020 of this Title.

*[Amended by Ordinance 386, effective 3/11/93]*

**1. Number of Machines**

Four or fewer electronic, coin operated or video games shall be permitted in any commercial business except that convenience stores shall be restricted to two such games.

More than four games per commercial business constitutes an arcade which shall be subject to the standards and provisions of this Section except that Minor Development Review shall be required for more than four games for incidental use in a restaurant use.

*[Amended by Ordinance 488, effective 4/26/96]*

**2. Noise**

No sound created by any arcade, or its patrons, shall be detectable from the exterior of the arcade or from adjacent uses.

**3. Maximum Number of Games**

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The number of games shall not exceed one game per each 30 square feet of floor area.

4. Lighting

Each arcade shall be fully and adequately lighted for easy observation of all areas of the premises.

5. Bicycle Racks

Bicycle storage racks shall be maintained off of the public sidewalk as specified in Section 9.11.060.

*[Amended by Ordinance 386, effective 3/11/93]*

6. Telephones

At least one public telephone shall be provided at each arcade.

7. Hours of Operation

The hours of operation of arcades and of games shall be limited to between 8:00 A.M. and 10:00 P.M., every day of the week.

8. Adult Supervision

An adult supervisor shall be located on a raised dais so positioned as to be able to readily observe all games and all areas of business in the arcade. The adult supervisor shall be present at all times during hours of operation, and, if the number of games exceeds 40, there shall be two adult supervisors present at all times during hours of operation.

9. Smoking, and Drinking

No alcoholic beverages or cigarettes shall be sold or consumed on the premises of any arcade except for restaurants. Appropriate notification shall be displayed within the premises.

10. Litter

The premises shall be continuously maintained in a safe, clean, and orderly condition with trash receptacles provided.

11. On-Site Security

At the discretion of the City's Police Chief on-site security may be required based upon but not limited to the Chief's consideration of the following criteria:

- a. Square footage of the business;

- b. Expected customer attendance;
- c. Design of the interior and exterior of the business;
- d. Nature and character of the neighborhood and surrounding area;
- e. Location of the business within a commercial center and effect thereof;
- f. Building occupancy limit; and
- g. Nature and character of uses adjacent to or in the area of the arcade business.

**Section 9.09.060 Automobile Dealerships, Automobile Rental and the Display of Vehicles, Vessels and Other Personal Property**

**A. Purpose and Intent**

This Section ensures that automobile dealerships, rental agencies and the display of vehicles, vessels and other personal property do not create an adverse impact on adjacent properties and surrounding neighborhoods by reason of insufficient on-site customer and employee parking, traffic generation, visual blight, bright lights, noise, fumes, or drainage run-off. The following special standards shall apply to automobile dealerships.

**B. Applicability**

The parking or placement of more than one vehicle, vessel or other personal property, upon a public or private street, parking lot or any public or private property for the purpose of displaying such vehicle, vessel or other personal property for sale, hire or rental constitutes a dealership or agency and shall not be permitted except as provided for below.

All dealerships and rental agencies (which include for purposes of this Section, agencies or businesses primarily engaged in the sale or rental of automobiles and other or similar vehicles) shall comply with the development requirements of the underlying District and with the provisions of this Section.

*[Amended by Ordinance 488, effective 4/26/96]*

**C. Standards for Dealerships and Rental Agencies**

The following standards shall apply to all Automobile Dealerships and Rental Agencies.

1. Minimum Lot Size

The minimum lot size shall be 2.5 acres for new lots created by subdivision or combination after the adoption of this Title for dealerships, and 20,000 square feet for rental agencies.

