

## **§ 153.092 USES PERMITTED, COMMERCIAL.**

For those properties designated commercial on the land use element of the city general plan, the following are permitted uses, provided that the use is conducted wholly within an enclosed building or within a six-foot high solid, uniformly painted fence and that no operation shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the site.

(A) Hotels and motels.

(B) Churches (excluding open-air or tent), day care centers, vocational schools, and public swimming pool.

(C) Clubhouse, community center, lodge, social hall.

(D) Offices, professional and other.

(E) Parking lots.

(F) Public or quasi-public utilities and buildings except those listed in § 153.093(M).

(G) Retail stores, wares, or other merchandise unless otherwise regulated by this chapter.

(H) Secondhand stores or used merchandise (the operation or sale of secondhand automobiles, wrecked automobiles, and junk are prohibited) offered for sale, provided that all materials displayed or offered for sale be within an enclosed building.

(Ord. 87-11, passed 7-27-87; Am. Ord. 98-03, passed 7-13-98)

(I) Service establishments including automobile steam cleaning, bank, bar, barber shop, bath, beauty shop, cafe, car wash, clinic, dance studio, delicatessen, delivery service, drapery cleaning, dressmaking, drive-in restaurant, equipment rental, ice cream parlor, laboratory experimental, motion picture, testing, launderette, laundry, meat locker, mini warehouses when enclosed by a solid masonry wall at least six feet in height, museum, parking garage, photography, printing establishment, radio station, repair shops (appliance, radio, television), recreation center (when not otherwise regulated by this chapter), restaurant, sign painting, tailor, taxi stand, television studio, theater, upholstery and veterinary.

(Ord. 88-14, passed 11-28-88)

(J) Stamps, rubber or metal (manufacture or assembly).

(K) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(L) Temporary uses such as a circus, carnival, fair or festival, provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least 30 days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(5) The use need not be in an enclosed building or fence.

(M) Signs as allowed in §§ 153.280 through 153.285.

(N) Garage sales as defined in § 153.003.

(O) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267 when conducted within an existing home.

(P) Accessory buildings normally incidental to permitted uses provided that such buildings are constructed concurrent with, or subsequent to the construction of the permitted use.

(Ord. 87-11, passed 7-27-87)

(Q) Body and fender shops subject to the following restrictions:

(1) There shall be no painting of any kind (including spot painting) on the premises.

(2) All work shall be conducted within the building.

(3) The area required to meet the off-street parking requirements of § 153.184(C) shall not be used to store cars for more than 24 hours.

(4) All cars to be stored for more than 24 hours shall be stored within the building or in a storage area that is surrounded by a six-foot high solid fence.

(Ord. 88-14, passed 11-28-88)

(R) Tattoo establishments or body art establishments, subject to the requirements of Chapter 125.

(`67 Code, § 10-8-3) (Am. Ord. 2015-001, passed 2-24-15)

(`67 Code, § 10-8-3)

### **§ 153.093 USES PERMITTED WITH A USE PERMIT, COMMERCIAL.**

For properties designated commercial on the land use element of the city general plan, the following uses are permitted subject to securing a use permit:

(A) Alcohol treatment center, hospital (including mental and sanitarium).

(B) Bakery or candy store where baked goods or candy are made on the premises.

(Ord. 87-11, passed 7-27-87)

(C) Body and fender shops if any painting is to be done subject to the following restrictions:

(1) All work shall be conducted within the building.

(2) The area required to meet the off-street parking requirements of § 153.184(C) shall not be used to store cars for more than 24 hours.

(3) All cars to be stored for more than 24 hours shall be stored within the building or in a storage area that is surrounded by a six-foot high solid fence.

(Ord. 88-14, passed 11-28-88)

(D) Borrow pit to a depth of more than three feet.

(E) Church (including open-air), fairgrounds, race track and open-air theater other than as allowed in

§ 153.092(L).

(F) Contractor's yard, when enclosed within a six-foot high fence or screen planting.

(G) Hobby kennels that meet the following requirements:

- (1) No more than ten dogs over four months old.
- (2) All dogs must be owned by the property owner.
- (3) Kennel must be accessory to existing single-family dwelling.

(H) Labor camp, mobile home park.

(I) Natural mineral resources, the development of, or exploration for, together with the necessary buildings, apparatus, or appurtenances incidental thereto.

(J) Retail sales limited to boats, building materials, or lumber yards (must be enclosed by a six-foot fence), mobile homes, trucks and similar uses.

(K) Secondhand stores and used merchandise (the sale, storage, or operation of automobile wrecking yards are prohibited), provided that the following criteria is met and the findings established by § 153.216, Use Permits:

(1) Such business is carried on, maintained, and conducted entirely inside an enclosed building or buildings unless the premises on which such business is carried on, maintained, or conducted be entirely enclosed by a solid masonry or wood fence or wall at least six feet in height and constructed according to the requirements of the Building Code as adopted in § 150.01;

(2) Such fence or wall shall be maintained in a neat, substantial, safe condition and shall be painted;

(3) No merchandise of said business shall be piled or permitted to be piled in excess of the height of the enclosing fence or wall or nearer than two feet thereto.

(Am. Ord. 98-03, passed 7-13-98)

(L) Service establishments limited to bus terminals, carpet cleaning service, cemetery, draying/freighting/storage (when provided with a lock box system so emergency personnel have access to information regarding materials currently stored on the property), massage parlor, mausoleum, and service station.

(M) Utility facilities including communication equipment buildings and electrical substations, together with the necessary buildings, apparatus or appurtenances thereto.

(N) One mobile home if the following requirements are met:

- (1) The mobile home shall be clearly secondary to the commercial use of the property.
- (2) There are no other residences on the property.
- (3) The mobile home shall not be rented or leased independent of the principal use to which it is necessary.
- (4) The exterior of the mobile home shall be compatible with the commercial building(s) on the property.
- (5) The permit shall be reviewed annually to ensure continued compliance with the provisions of

this title.

(6) A finding shall be made that other feasible security measures have been tried and that there is a demonstrated need for additional security.

(O) Apartments, boarding houses, multiple dwelling, dwelling groups, and rooming houses, provided that it is determined that the use will not adversely affect commercial uses in the area and that commercial uses will not adversely affect the proposed use.

(P) Residential care homes for more than seven persons, provided it is determined that the care home will not adversely affect commercial uses in the area and that commercial uses will not adversely affect the proposed care home.

(Ord. 89-03, passed 6-26-89)

(Q) New and used car lots in which all of the cars are in operable condition without major body damage which exceeds 20% of the fair market value of the vehicle. Such lots shall be paved and landscaped with an automatic irrigation system and shall include an office and rest room facilities. Used car lots need not be within an enclosed building or fence.

(Ord. 98-03, passed 7-13-98)

(R) Emergency shelters as defined in § 153.003.

(S) Transitional housing as defined in § 153.003.

(T) Supportive housing as defined in § 153.003.

(U) Hookah lounges and vapor bars, as defined in § 153.003 and shall meet the following minimum proximity requirements:

(1) No hookah lounge or vapor bar shall be located within 1,000 feet of any other such shop.

(2) No hookah lounge or vapor bar shall be located within 500 feet of any parcel of land zoned for residential use.

(3) No hookah lounge or vapor bar shall be located within 600 feet of any parcel of land that contains any one or more of the following specific land uses:

(a) Religious facility;

(b) Courthouse;

(c) Day nursery;

(d) Public playground/park/recreation area;

(e) School;

(f) Vocational or professional institution; or

(g) Institution of higher education, including community or junior college, college, or university.

(`67 Code, § 10-8-4) (Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2015-009, passed 4-14-15)