

CHAPTER 17.28  
C-3 GENERAL COMMERCIAL CLASSIFICATION

**§ 17.28.010. Purpose.**

The principal purpose and objective of this classification and its application is to provide for the location of and grouping of enterprises which may involve some on-premises retail service but which involve a greater amount of out-side activities and display or fabrication, assembling and service features, including manufacturing and processing in limited degree, than do uses permitted to locate in a more restrictive zone and which uses, if permitted to locate in a purely on-premises retail and services area, would introduce factors of heavy trucking and handling of materials that destroy the maximum service and attraction of strictly retail areas. The uses first permitted in this classification are considered as having common or similar performance standards in that:

- A. They involve a degree of noise, outside activities and accessory storage greater than are involved in uses first permitted in the strictly commercial zones, but such factors are measurably lighter than are involved in uses first permitted in the industrial zones.
- B. They do not attract, nor do they depend upon individual and personal patron contact on the premises to the same degree as do uses first permitted in the commercial zones, but, rather, represent in part enterprises whose services are either performed away from the premises and throughout the city, or enterprises in which the manufacturing, assembling, processing or treating of products is not accessory or limited to products sold on the premises only, as is required in retail and service areas.
- C. They can more advantageously use the standard lot and street pattern than can strictly industrial uses.
- D. They involve a greater handling of materials and commodities and more trucking than do uses permitted in a strictly retail area, but do not require as large sites nor involve as much handling of materials and commodities or heavy trucking as do uses first permitted in strictly industrial areas.
- E. They are not as detrimentally affected by dispersal or separation from adjoining uses as are enterprises which are retail in nature and which need to be located in compact areas for convenient patron access.
- F. They do not normally involve as intensive use of land as do uses comprising retail shopping areas.
- G. They frequently involve activities carried on outside of buildings.  
(Prior code § 12-1000)

**§ 17.28.020. Permitted uses.**

In the C-3 classification, the following uses only are permitted and as hereinafter specifically provided and allowed by this chapter, subject to the vehicular parking and

loading requirements and the general provisions, conditions and exceptions set forth in Chapters 17.06 through 17.12 and 17.38 through 17.62:

- Any use permitted in the C-2 zone; provided, however, that when any use permitted in the C-2 zone is established in the C-3 zone, all the provisions, regulations, requirements and restrictions of the C-2 zone shall apply thereto;
- Accessory structures and uses that complement or are reasonably related to the existing or proposed permitted uses when located on the same site as the main primary building and use;
- Automobile parts sales (including incidental storage when contained wholly within a building);
- Automobile repair—minor, subject to the issuance of a conditional use permit;
- Aviaries;
- Awning shops, custom made from prepared materials;
- Bakeries, operating with not more than ten persons in the processing;
- Boat sales, new and used, including only incidental repairing;
- Bookbinding;
- Cannabis businesses, subject to all of the provisions of Chapter 17.90;
- Car washes, subject to a conditional use permit;
- Ceramic products manufacturing and sales when sold only from the property at retail (but not including bricks, drainage, building or conduit tile), using only previously pulverized clay and batch kilns as distinguished from shuttle, tunnel or beehive kilns, and such kilns shall not exceed a total capacity of one hundred thirty cubic feet;
- Electrical transmission substations;

- Electroplating, when accessory to silversmiths and goldsmiths;
- Gas stations, including accessory repairs, retail, and take out restaurants, subject to the issuance of a conditional use permit;
- Glass shop;
- Glass studios—stained glass;
- Hospitals, excluding animal hospitals;
- Lighting and lamps;
- Live-work units, subject to limitations in Section 17.32.030;
- Photocopying;
- Printing and blueprinting;
- Short-term rentals in legal non-conforming structures, subject to Chapter 17.74, except that vacation rentals shall not be permitted;
- Smog check only, subject to the issuance of a conditional use permit;
- Solar panels for electric power generation, water heating, space heating or space cooling as an accessory use to structures or uses on the same property and subject to the special limitations described in Section 17.28.030(L);
- Studios, recording, dance;
- Swimming pools, commercial;
- Trade schools, and similar uses, such uses subject to a conditional use permit;
- Other similar retail and service establishments catering directly to the customer when interpreted to meet performance standards as set forth in Chapter 17.10 and not specified as prohibited in Section 17.28.025.

(Ord. 2004 § 14, 2011; Ord. 2005 § 7, 2011; Ord. 2062 § 15, 2014; Ord. 2070 § 11, 2014; Ord. 2127 § 16, 2016; Ord. 2185 § 8, 2019; Ord. 2198 § 8, 2020; Ord. 2237 § 8, 2023)

**§ 17.28.025. Prohibited uses.**

In the C-3 classification, uses that are not expressly listed in Section 17.28.020 or expressly permitted in the C-3 classification by other sections of the Hawthorne Municipal Code are prohibited from the C-3 classification. For purposes of the clarification, and not for purposes of allowing any other uses, the following uses are also expressly prohibited from the C-3 classification:

- Amusement arcades;
- Automobile repair—major;
- Bail bonding services;
- Barber and beauty shops;
- Check cashing services;
- Cyber-cafés;
- Laundromats;
- Massage establishments;
- Nail salons;
- Payday loan services;
- Self-storage facilities;
- Thrift shops not operated by charitable organizations, as defined in Chapter 17.04.

(Ord. 2004 § 16, 2011; Ord. 2005 § 8, 2011; Ord. 2032 § 12, 2013; Ord. 2106 § 9, 2016; Ord. 2125 § 5, 2016; Ord. 2147 § 6, 2017; Ord. 2148 § 6, 2017; Ord. 2237 § 9, 2023)

**§ 17.28.030. Limitations on permitted uses.**

Every permissible use, unless otherwise stated, shall be subject to the following conditions, requirements and limitations:

- A. All uses shall conform to the general provisions, conditions and exceptions, and the off-street parking requirements and loading area requirements set forth in this title, and parking areas and loading areas shall be surfaced, screened, developed and maintained in the manner specified by this code or by uniform standards established by the city council by resolution.
- B. Repairing activities of any kind shall be conducted wholly within an enclosed building.
- C. Any necessary additional features shall be provided to meet any unusual or special requirements for police protection, health protection and fire protection as may be required by the governmental agency having jurisdiction in each case.
- D. Any areas on the premises used for the movement of vehicles or outdoor activities,

display of merchandise, storage or products, materials or automotive equipment, except horticultural nurseries, electric distribution substations and outdoor advertising structures, shall be improved and maintained in the manner specified by this code or by uniform standards established by the city council by resolution for off-street parking lots.

- E. Storage shall be limited to accessory storage of materials or commodities sold on the premises or materials or commodities used in connection with the manufacturing, processing, treatment or assembling of products produced only on the premises.
- F. For any use not contained wholly within a building, except such uses as outdoor dining with an encroachment permit, automobile service stations, drive-in restaurants, horticultural nurseries, car, boat, truck and trailer sales areas and parking lots, the following additional conditions and limitations shall apply:
  - 1. If the use involves outside activities of any kind other than storage only, then on all property lines of the premises there shall be erected a solid wall or equivalent view-obscuring fence of solid brick or decorative block not less than eight feet in height, and a six-foot landscaped setback from public rights-of-way shall be maintained, to prevent trespass; if the use involves storage of any kind in the open and storage only, then only the area used for storage shall be entirely enclosed by a solid wall or equivalent view-obscuring fence of solid brick or decorative block not less than eight feet in height, and a six-foot landscaped setback from public rights-of-way shall be maintained, and no other wall or fence shall be required on other property lines unless the property line is a common property line with R classified property; in either case, if the wall of a building is on a property line or constitutes a side of a storage area, no separate wall or fence need be installed along the portion of the property line or storage area occupied by the wall of the building. Access openings in such wall or fence shall be equipped with view-obscuring gates equal in height to the height of the required wall or fence.
  - 2. Goods and equipment in any walled area shall not be stacked or project higher than the wall.
- G. No use where any alcoholic beverage is sold or served for consumption on or off the premises, shall be established except by conditional use permit pursuant to Chapter 17.76 issued upon verified application in the form prescribed by the planning commission and following notice, hearing and decision. The planning commission shall notify the applicant of its decision within fourteen days after the end of the hearing. The decision of the planning commission shall become final ten days after notification to the applicant unless a written appeal to the city council is filed within this time period with the secretary to the planning commission.
- H. No multitenant commercial development shall utilize more than twenty-five percent of the total net leasable floor area of the development with commercial eating establishments. Commercial eating establishments shall include all restaurants, cafeterias, drive-in, drive-thru, take-out and walk-up eating

establishments but shall exclude markets.

- I. All automobile service stations shall provide restroom facilities that are available at all times during service stations hours of operation to gas station patrons.
- J. Canopies are not permitted except over walkways and outdoor seating areas, provided that encroachments into setbacks, the public right-of-way or parking facilities are not permitted.
- K. Containers for storage or shipping are not permitted, except as modular components of approved recycling facilities.
- L. Limitations on solar panels:
  1. When mounted on sloped roofs, the uppermost portion of each solar panel shall not exceed the highest point of the roof to which it is mounted, except as required to optimize the system performance (for example, to accommodate tilt angle).
  2. When mounted on flat roofs and all non-roof structures, the lowest portion of the panels shall not be more than three feet above the surface to which it is mounted. The uppermost portion of each solar panel shall not exceed the height required to optimize the system performance (for example, to accommodate tilt angle).
  3. Roof-mounted and other panels mounted at least ten feet above the ground, measured to the lowest point of each panel, are subject to the setbacks of the applicable zone.
  4. Solar panels mounted lower than ten feet above the ground, measured to the lowest point of each panel, shall be subject to the setbacks of the applicable zone and shall have an additional three feet of setback for each foot below ten feet.
  5. Placement of solar panels are subject to approval of the fire department to ensure access and proper markings to protect the health and safety of fire personnel and the general public.

(Prior code § 12-1002; Ord. 1252 § 17, 1981; Ord. 1426 § 9, 1987; Ord. 1431 § 2, 1988; Ord. 1434 § 4, 1988; Ord. 1553 § 6, 1993; Ord. 1743 § 14, 2002; Ord. 1821 § 6, 2005; Ord. 1933 § 9, 2008; Ord. 1985 § 17, 2011; Ord. 2062 §§ 16, 17, 2014; Ord. 2068 § 17, 2014)

#### **§ 17.28.040. Height.**

No maximum height is imposed except that for structures having a height of five or more stories, approval of a conditional use permit is required.

(Ord. 1267 § 4, 1982)

**§ 17.28.050. Floor area.**

The maximum permitted floor area to be contained in all buildings on a lot or site shall not exceed two and a half times the area of the lot or site.

(Prior code § 12-1004; Ord. 1743 § 15, 2002)

**§ 17.28.060. Open spaces.**

Additional open spaces both as to amount and location on the premises, may be required in connection with a conditional use permit or variance to apply the established requirements of this title and other related ordinances pertaining to such subjects as off-street parking, loading areas, convenient and safe circulation of vehicles and pedestrians, ingress and egress as related to the marginal traffic pattern, vision clearance (traffic), drainage and lighting.

(Prior code § 12-1005; Ord. 2070 § 12, 2014)

**§ 17.28.070. Special noise sources.**

**A. Radios, Television Sets and Similar Devices.**

1. Use Restricted. It is unlawful for any person within any C-3 zone of the city to use or operate any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound, between the hours of ten p.m. of one day and seven a.m. of the following day, in such a manner as to disturb the peace, quiet and comfort of neighboring residents or any reasonable person of normal sensitivity residing in the area.
2. Prima Facie Violation. Any noise exceeding the ambient noise level at the property line of any property or, in the case of a condominium or apartment house unit, within any adjoining apartment, by more than five decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.

**B. Machinery, Equipment, Fans and Air Conditioning.**

1. Use Restricted. It is unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five decibels. This section shall not apply to the performance of emergency work.

**C. Ambient Noise Base Level.**

1. For purposes of this section, the ambient noise level shall not in any event be less than the following levels at the respective times and zones, irrespective of the ambient noise level actually measured:

Zone	Time	Decibels
Property zoned C-3 and all residentially zoned property abutting such C-3 zoned property	10:00 p.m. to 7:00 a.m.	50 dBA
Property zoned C-3 and all residentially zoned property abutting such C-3 zoned property	7:00 a.m. to 10:00 p.m.	60 dBA
Property zoned C-3 other than that abutting such residentially zoned property	Anytime	65 dBA

2. If the ambient noise level actually measured exceeds the above levels at the times and within the zones specified above, then the noise level actually measured shall be used as the "ambient noise level" for purposes of application of this subsection.

D. Decibel Measurement Criteria.

1. Any decibel measurement made pursuant to the provisions of this section shall be based on a reference sound pressure of 0.0002 microbars as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, or as measured with a sound level meter using the "A" weighting network, using the slow meter response.
2. Measurements shall be taken with the microphone located at any point on the property line, but no closer than three feet from any wall and not less than three feet above the ground.
3. A minimum of three readings shall be taken at two-minute intervals. The sound level shall be the average of these readings.

(Ord. 1174 § 9, 1979)

**§ 17.28.100. Landscaping.**

- A. All landscaped areas, required by this title or otherwise, shall be planted with plants from the list of approved landscaping plants in Appendix A of this title.
- B. The use of plants not on the list may be approved by the director of planning on a case-by-case basis. The applicant is responsible to provide documentation that the proposed plants are appropriate for the climate and the proposed location on the property. The director of planning will approve the use of the plant upon determining that it is not considered a noxious or invasive propagator, that it does not create problems with invasive roots when proposed near structures or property lines, that the plant does not require excessive watering to thrive, and that the plant does not pose a hazard to persons or structures.

- C. All landscaped areas must be irrigated with an irrigation system that includes an automatic programmable timer, a precipitation override mechanism, and appropriate valves and sprinkler heads for the proposed landscaping.

(Ord. 1939 § 13, 2009)