

Section 9.16.020

Permitted Uses in Commercial, Office Professional, Industrial, and Open Space

Note: Section ordinance history: 2806 § 2, 2011; 2788 §§ 6, 7, 2011; 2768 §§ 5—8, 2010; 2758 § 2, 2009.

§ 9.16.020.010. Purpose.

The purpose of this chapter is to implement the provisions of the General Plan regarding land use through the establishment of permissible uses and the designation of such uses into compatible zoning districts. Additionally, those uses that are conditionally permissible or permitted for limited time periods are defined.

§ 9.16.020.020. Summary of Zones.

The following zones and their general purposes are established:

- A. **Commercial Zones.** The commercial zones are intended to accommodate a wide variety of commercial activities essential to the economic life and well-being of the community. The commercial zones are as follows:
 - 1. **O-P (Office-Professional).** The O-P zone is intended to provide for business and professional offices, services and associated business and retail activities, in an attractive environment compatible with residential areas.
 - 2. **C-1 (Neighborhood Commercial).** The C-1 zone is intended to provide for business at the neighborhood level in small scale convenience shopping facilities. The shopping facilities are encouraged to be integrated into the surrounding area to maintain the image of the neighborhood and to ensure operational compatibility.
 - 3. **C-2 (Community Commercial).** The C-2 zone is intended to provide a broad range of commercial retail and service needs for the residents of the City and surrounding communities. The commercial facilities associated with this zone need to be compatible with adjoining uses and public improvements. Heavy commercial activities are to be restricted or prohibited.
 - 4. **C-3 (Heavy Commercial).** The C-3 zone is intended to provide for a wide range of commercial uses, primarily more intensive services and uses of wholesale/retail combinations, normally incompatible with other commercial activities or residential uses. A Floor Area Ratio up to 1.0 for hotels and 0.55 for all other uses is allowed in the C-3 zone.
- B. **Industrial Zones.** The industrial zones are designed and intended to promote manufacturing, service, research, and wholesale trade activities in a harmonious working environment. These districts are also intended to protect residential and commercial uses from the adverse influences associated with industrial activities. The industrial zones are as follows:
 - 1. **M-1 (Limited Industrial).** The M-1 zone is intended to provide for small- and medium-size industrial uses that are generally compatible with one another and are not generally

adverse to adjacent residential and commercial uses, provided proper screening measures are utilized.

2. M-P (Industrial Park). The M-P zone is intended to provide for modern industrial, research and administrative facilities by requiring comprehensive planning of large parcels of land and the co-ordination of building design and locations.

- C. Open Space Zone. The open space zone is intended to provide for the preservation of existing open space areas in the City, as well as the creation of additional open space lands. Open space permitted uses and development standards are contained in Section 9.16.030.060.

(2899 § 4, 2019)

§ 9.16.020.030. Uses Permitted.

Land, buildings and other facilities shall be designed, developed and used only for those activities listed for the various zones on the following table entitled City of Garden Grove Land Use Matrix. The symbols shown in this table have the following meanings:

A. Symbol Meaning

P = Automatically permitted use.

I = Incidental Use. Use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by a conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.

C = Conditional Use. Use eligible for consideration under the conditional use procedures and permitted only if the conditional use permit is approved, subject to the specific conditions of such permit.

* = Use shall be subject to special conditions or specific restrictions as listed in this section.

— = Not a permitted use.

Table 1 City of Garden Grove Land Use Matrix							
	O-P	C-1	C-2	C-3	M-1	M-P	O-S
COMMERCIAL							
<i>Residential Care Uses</i>							
Child Day Care Center	—	C	C	—	—	—	—
Community Care Facility, Residential (7 Persons or More)	C	C	—	—	—	—	—
Emergency Shelter (Homeless)	—	—	—	—	P*	—	—
Intermediate Care Facility	C	C	—	—	—	—	—
Low-Barrier Navigation Center					P ¹		
Residential Care Facility for the Elderly (RCFE) (7 persons or more)	C	C	—	—	—	—	—
Skilled Nursing Facility	C	C	—	—	—	—	-
<i>Offices and Related Uses</i>							

Table 1 City of Garden Grove Land Use Matrix							
	O-P	C-1	C-2	C-3	M-1	M-P	O-S
Administration/Business	P	P	P	—	—	—	—
Banks/Financial Institution	P	P	P	P	P	—	—
Medical, Dental and Related Health Service Support Facilities	P	P	P	—	C	—	—
Prescription Pharmacy	P	P	P	P	—	—	—
Professional and Clerical	P	P	P	—	—	—	—
Public Utility (Commercial)	P	P	P	P	P	—	—
<i>Professional Studios</i>							
Art, Music and Dance	P	P	P	—	—	—	—
Arts and Crafts	P*	P*	P*	—	—	—	—
Photography	P	P	P	—	—	—	—
Portrait	P	P	P	—	—	—	—
Radio/TV	C	C	C	C	C	—	—
Recording	C	C	C	C	C	—	—
<i>Personal Service</i>							
Athletic and Health Clubs, Gyms	—	C	C	C	—	—	C*
Athletic and Health Clubs, Spas, or Gyms with Massage	—	—	C*	—	—	—	—
Barber/Beauty Shop	P	P	P	P	—	—	—
Dry Cleaning - Retail Only	—	P	P	P*	—	—	—
Fortunetelling	—	—	C	C	—	—	—
Laundromat (Coin-op)	—	P	P	P	—	—	—
Massage Establishment	—	—	C*	—	—	—	—
Physical Therapy (Medical Use)	P	P	P	—	C	—	—
Shoe Repair	—	P	P	—	—	—	—
Tailor/Dressmaking	—	P	P	—	—	—	—
Tanning Parlor	—	P	P	—	—	—	—
Tattoo, Facial	I	I	P	—	—	—	—
Tattoo, General	—	—	P	—	—	—	—
<i>Tourist Services</i>							
Extended-Stay Business Hotel	—	C*	C*	—	—	—	—
Hotel, Motel	—	C*	C*	C*	C*	—	—
Recreation Vehicle Park	—	C	C	—	—	—	—
Ticket Agency	—	P	P	P	P	—	—
Travel Agency	—	P	P	P	P	—	—

Table 1 City of Garden Grove Land Use Matrix							
	O-P	C-1	C-2	C-3	M-1	M-P	O-S
<i>Recreation, Amusement, Entertainment</i>							
Adult Entertainment	—	—	C*	—	—	—	—
Arcades	—	—	C*	—	—	—	—
Billiards/Pool Hall	—	—	C*	—	—	—	—
Bowling Alley	—	—	C	C	—	—	—
Cybercafés	—	C*	C*	C*	—	—	—
Golf Courses (Regulation)	—	C*	C*	C*	—	—	C*
Golf Driving Ranges	—	C*	C*	C*	—	—	C*
Incidental Amusement Devices	—	I*	I*	I*	I*	—	—
Indoor Sports Facility	—	—	—	—	—	C*	—
Movie Theaters	—	C	C	—	—	—	—
Private Clubs and Lodges	—	C	C	—	—	—	C*
Skating Rinks	—	—	C	C	—	—	—
Tennis, Swimming Clubs	—	C	C	C	—	—	C*
Water Oriented Parks	—	—	—	C*	—	—	C*
<i>Retail Trade</i>							
Antique Shops	—	P	P	—	—	—	—
Apparel: Clothing, Shoes and Accessories	—	P	P	—	—	—	—
Auctions	—	—	—	P	P	—	P
Books, Magazines, Newsstand (in building)	I	P	P	P	—	—	—
Building Supply, Plumbing Shop	—	—	P	P	P	—	—
Department Stores	—	P	P	P	—	—	—
Drug Stores	P	P	P	P	—	—	—
Florists	I	P	P	P	—	—	—
Furniture, Carpets, Household Appliances	—	P	P	P	—	—	—
Gifts and Souvenirs	I	P	P	I	I	—	—
Hardware, Paint	—	P	P	P	—	—	—
Hobby Shop	—	P	P	—	—	—	—
Indoor Multi-Tenant Retail Shopping Center	—	C*	C*	C*	—	—	—
Jewelry, Cameras and Supplies, Luggage	—	P	P	—	—	—	—
Nonvehicular Vending, Long term	—	C	C	—	—	—	—

Table 1 City of Garden Grove Land Use Matrix							
	O-P	C-1	C-2	C-3	M-1	M-P	O-S
Nurseries	—	P	P	P	—	—	—
Pawnshop, Secondhand Store	—	—	P	P	—	—	—
Pets and Pet Supplies	—	P*	P*	—	—	—	—
Sporting Goods	—	P	P	P	—	—	—
Stationery and Office Supplies - No Furniture	P	P	P	—	—	—	—
Toys	—	P	P	P	—	—	—
Variety, Dry Goods Stores	—	P	P	—	—	—	—
<i>Food/Drink Sales and Service</i>							
Bar/Nightclub	—	—	C*	C*	—	—	—
Candy, Confectionery	—	P	P	P	—	—	—
Convenience, Grocery	—	P	P	P*	—	—	—
Delicatessen	—	P	P	P*	C*	C*	—
Eating Establishment/Restaurant							
With Alcoholic Beverage Sales	—	C*	C*	C*	C*	C*	—
No Alcoholic Beverage Sales	—	P	P	P	P	P	—
Eating Establishment/Restaurant With Entertainment	—	C*	C*	C*	—	—	—
Eating Establishment/Restaurants with Outdoor Seating	—	P	P	P	P	P*	—
Food Catering	—	I	I	P*	P*	—	—
Ice Cream, Bakery (retail only)	—	P	P	P	—	—	—
Liquor Store	—	C*	C*	—	—	—	—
Meat Market	—	P	P	P*	—	—	—
Mini-Market with Gas	—	C*	C*	C*	—	—	—
Supermarket	—	C*	P*	P*	—	—	—
<i>Vehicle Sales and Service</i>							
Auto Parts, Accessories							
No Installations	—	P	P	P	—	—	—
Installations	—	—	P	P	—	—	—
Auto Lease/Rental	—	—	P	P	—	—	—
Auto Repair (including paint or body work)	—	—	C*	P	P	P*	—
Automatic Car Wash	—	—	C*	C*	—	—	—
Bicycle Repair	—	P	P	P	—	—	—

Table 1 City of Garden Grove Land Use Matrix							
	O-P	C-1	C-2	C-3	M-1	M-P	O-S
Bicycle Sales/Rental	—	P	P	—	—	—	—
Boat Repair	—	—	—	C	C	—	—
Boat Sales	—	—	—	C*	C*	—	—
Bus/Truck Repair	—	—	—	C	P	—	—
General Auto Repair	—	—	P	P	P	—	—
Minor Auto Maintenance	—	C	P	P	P	—	—
Motorcycle Sales	—	—	—	—	C*	—	—
Motor Vehicle Sales (New)	—	—	C*	C*	—	—	—
Motor Vehicle Sales (Used)	—	—	C*	C*	—	—	—
Self-Service or Coin-Operated Car Wash	—	C*	C*	C*	—	—	—
Service Stations (new and conversion of existing)	—	C*	C*	C*	C*	—	—
Tire Sales and Service	—	C	P	P	P	—	—
Truck, Trailer Rental	—	I*	I*	P*	P*	—	—
Vehicle Storage Yard	—	—	—	C	C	—	C
<i>Other Services</i>							
Ambulance Service	C*	—	C*	C*	—	—	—
Blueprint/Photo Engraving, Newspaper Printing	—	—	P	P	P	—	—
Cleaning/Dyeing Plant	—	—	—	—	P	—	—
Commercial Laundry	—	—	—	P	C	—	—
Crematoriums	—	—	—	C*	C*	C*	—
Crematoriums with Incidental Funeral Home/Mortuary	—	—	—	C*	C*	C*	—
Day Care Facility, Adult	—	C	—	—	—	—	—
Equipment Rental	—	—	P	P	P*	—	—
Funeral Home/Mortuary with No Crematorium	—	—	P*	P*	—	—	—
Glass Studio	—	—	P	P	P	—	—
Graphic Arts/Photocopying	P	P	P	P	P*	P*	—
Home Improvement Center	—	—	P	P	P*	C*	—
Kennel	—	—	—	P*	P*	—	—
Neighborhood Recycling Center	—	I	I	I	—	—	—
Parking Facilities (For Fee)	C	C	C	C	C	C	—
Pet Grooming	—	P*	P*	—	—	—	—

Table 1 City of Garden Grove Land Use Matrix							
	O-P	C-1	C-2	C-3	M-1	M-P	O-S
Public Scales	—	—	—	—	P	—	—
Small Animal Hospital/Veterinary	—	C*	P	P	P*	—	—
Smoking Lounge	—	—	C*	C*	—	—	—
Upholstery	—	—	P	P	P*	—	—
INDUSTRIAL							
<i>Manufacturing</i>							
Bottling Plant	—	—	—	—	P	—	—
Food Products, Dairy Products, and Bakery Products	—	—	—	—	P*	P*	—
Manufacture, Assembly, and Repair of Precision Optics, Electronics, and Electrical Instruments and Equipment	—	—	—	—	P	P	—
Manufacture, Assembly, Compounding, or Treatment of Materials and Products, Except as Otherwise Listed	—	—	—	—	P	P	—
Laboratories, Chemical, Dental, Electrical, Optical, Mechanical, and Medical	—	—	—	—	—	P	—
Light Manufacture	—	—	—	—	P	P	-
<i>Storage</i>							
Contractors Storage Yards	—	—	—	C	C	C	—
Frozen Food Lockers	—	—	—	P	P	—	—
Lumber Yards and Material Storage Yards	—	—	—	C	C	C	—
Parcel Delivery Service	—	—	P	P	P	P	—
Regional Recycling Center	—	—	—	—	C	C	—
Warehouses and Storage Buildings, Regular	—	—	—	—	P*	P	—
Warehouses and Storage Buildings, Mini	—	—	—	P	P	P	—
<i>Transit/Transportation</i>							
Airport/Helistop	—	—	—	C	C	C	C
Automobile Fleet Storage	—	—	—	C	P	—	—
Draying, Freight or Trucking Yards	—	—	—	—	C	C	—
Tire Retreading or Recapping	—	—	—	—	P	—	—
Trailer, Truck or Bus Terminal	—	—	—	—	C	—	—
PUBLIC AND SEMI-PUBLIC							
Cemetery	—	—	—	—	—	—	C

Table 1 City of Garden Grove Land Use Matrix							
	O-P	C-1	C-2	C-3	M-1	M-P	O-S
Church and Other Religious Centers	—	C	C	—	—	—	C*
Commercial Radio/TV Towers	C*	C*	C*	C*	—	—	C*
Educational Institutions	—	—	—	—	—	—	C*
Group Shelter	—	—	—	—	—	—	C
Half-way House	—	—	—	—	—	—	—
Hospital, Medical or Psychiatric	C	C	C	C	—	—	—
Public Buildings (Civic Center, Library, County, State or Federal)	C	C	C	C	C	C	C
Public Recreational Facilities	—	—	—	—	—	—	P
Public Safety Facilities (Fire, Police)	C	C	C	C	C	C	C
Public Utility Stations and Equipment Buildings	C	C	C	C	P	C	C
Religious School	—	—	—	—	—	—	C
Trade, Business School	—	C	C	C	—	—	—

1. Only permitted in the Emergency Shelter Overlay Zone and subject to the requirements of subsection C. of Section 9.60.070.

(2844 § 4, 2014; 2861 § 9, 2015; 2883 § 5, 2017; 2939 § 3, 2022)

§ 9.16.020.040. General Limitations on Uses.

In addition to any special regulations imposed by this chapter, the following limitations on uses shall be observed:

A. Commercial/Office Zoned Property.

1. All operations conducted on the premises shall not create a nuisance by reason of noise, odor, dust, mud, smoke, steam, vibration or other similar causes.
2. All products that are manufactured or processed on the premises in conjunction with a permitted use shall be sold on the premises as retail only.
3. Storage shall be limited to accessory storage of commodities sold at retail on the premises, or used as an element of an activity permitted on the premises. Such storage shall be placed within a wholly enclosed building or structure, unless otherwise permitted by this title.
4. All uses, display of merchandise, and placement of merchandise or items shall be kept within a wholly enclosed building at all times.

B. Industrial Zoned Property.

1. All operations conducted on the property shall not create a nuisance by reason of noise, odor, dust, mud, smoke, steam, vibration or other similar causes.
2. All uses or activities shall be conducted within a wholly enclosed building unless otherwise specified by this title.

§ 9.16.020.050. Special Operating Conditions and Development Standards.

Because certain uses require specific conditions and development standards due to specific site and operating characteristics, special review and consideration is necessary. The conditional uses and other uses requiring special consideration are as follows:

- A. Adult Entertainment. (See adult entertainment uses section).
- B. Ambulance Service. Subject to the following condition:
Includes accessory sales and living accommodations for on-duty ambulance service personnel.
- C. Arcades and Incidental Amusement Devices. Subject to the following requirements:
 1. Arcades. Arcades may be permitted in the C-2 and C-3 zones with a conditional use permit.
 2. Incidental Amusement Devices. Up to and including nine incidental amusement devices may be permitted in the C-1, C-2, C-3 or M-1 zones. Incidental amusement devices shall be subject to operating conditions regulating number, location, noise, hours, security, and size in order to eliminate or reduce adverse impacts on the primary use as well as nearby uses.
- D. Arts and Craft-Studios. Subject to the following conditions:
 1. That the intent of such studios is the provision of a service, as opposed to manufacture of goods or wares;
 2. That any equipment or apparatus used on the premises be of a scale and construction that facilitate easy handling and operation by nonprofessionals;
 3. That the operation shall not be noxious or objectionable to surrounding property or endanger people who come in close contact with the operation.
- E. Athletic and Health Clubs, Spas, or Gyms with Massage. Such uses shall require a conditional use permit and shall be subject to the following conditions:
 1. The facility, each owner, operator and manager thereof, and each person providing massage services on the premises shall comply with all provisions of Chapter 5.12 (Massage Regulations) of this code at all times.
 2. Each person engaged in the business of massage on the premises shall obtain and maintain an operator's permit from the Police Chief pursuant to Chapter 5.12. No massage services may be provided on the premises without a current and valid operator's permit for the premises.

3. Permitted hours of operation of that portion of the facility, in which massage services are provided, may not exceed those set forth in Chapter 5.12.
 4. No alcoholic beverages or controlled substances shall be sold, served, furnished, kept, consumed, or possessed on the premises at any time.
 5. No live entertainment shall be permitted on the premises.
 6. The establishment shall be open to the public, and shall provide facilities for men and women.
- F. Auto Repair (including paint or body work). Subject to the following conditions:
1. All work shall be conducted within a wholly enclosed building.
 2. Customers and employees shall be required to park on site.
 3. Storage shall be screened from view of all streets and adjacent properties and shall not interfere with required employee and customer parking areas.
 4. No vehicles shall be stored on public streets.
 5. In the M-P zone, the following additional condition shall apply:
Auto repair shall be conducted only in conjunction with an existing new car dealership located within the City.
- G. Automatic Car Wash. Subject to the following conditions:
1. Any car wash in which power driven or steam cleaning equipment is used shall be contained wholly within a completely enclosed building, with openings for the entrance and/or exit of vehicles. Any activity involving hand drying of vehicles does not require enclosure within a building. Hand drying shall only be conducted in areas not used for required parking or vehicular circulation.
 2. Any sound emanating from the operation shall be in conformance with those standards adopted by the City for the control of noise and noise sources.
 3. Operation shall not be allowed before 7:00 a.m., or after 10:00 p.m.
- H. Bar/Nightclub. Subject to conditions of approval as outlined in Section 9.16.020.080, plus additional parking required at the ratio of one and seven-tenths parking spaces per 100 square feet of gross floor area.
- I. Billiard/Pool Hall. Subject to a conditional use permit and the requirements set forth in Chapter 5.40 of the municipal code. In addition, a conditional use permit for a billiard parlor or pool hall shall be considered to be null and void if the establishment ceases operation for 30 or more consecutive days.
- J. Boat Sales. See motor vehicle sales for applicable restrictions.
- K. Churches, Other Religious Centers, and Other Authorized Assembly Uses in Residential Zones and Open Space Zones. Subject to a conditional use permit and the following

conditions:

1. The minimum site area shall be one acre.
2. The depth of the required front yard for churches, sanctuaries, or main assembly buildings shall be 40 feet when entrances are located in the front of the building; however, when building entrances do not face the front yard, the main structure shall be required to provide only a front yard setback specified in the zone in which the building is located.
 - a. The depth of the required front yard for accessory buildings, e.g., Sunday schools, showers or restroom facilities, etc., shall be only the front yard required in the zone in which they are located, provided said structures have no entrance facing the front yard.
 - b. The required front yard for any off-street parking area shall be no less than that required for the zone in which the parking area is located, provided that a solid or decorative masonry wall of 42 inches in height is provided between the parking area and the front yard.
3. Limitations on lot coverage by buildings need not apply.
4. Main buildings and structures on the site shall not be closer than 25 feet to any property line that is a common property line with "R" zoned property, except that accessory buildings and structures shall maintain a side yard of 10 feet, with five feet added at ground level for each additional story over the first. Any detached one-family dwelling on such site shall conform to the yard requirements and required distance between buildings as described in the zone in which the dwelling is located.
5. A solid wall not less than six feet in height shall be constructed and maintained on any property lines adjoining residential property, provided such wall shall not extend into any required front yard, and such walls may be built progressively as the site is improved.
6. On interior lots, the required side yards may be used to provide off-street parking areas, and, on corner lots, the interior side yard may be similarly used. Under no circumstances may the required side yard on the street side be used for off-street parking. A solid or decorative masonry wall of 42 inches in height shall be provided between the parking area and the required side yard on the side street side.
7. All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct the light away from any adjoining premises.
8. The width of the frontage of the building site shall be not less than 120 feet.
9. Church, religious center, and other authorized assembly use sites shall abut and be accessible from at least one public street with a roadway having not less than two parking lanes and two traffic lanes, and having a combined width of not less than 36 feet. All bounding streets and/or alleys shall be improved to the dimensions indicated on any adopted specified plans therefore, and to the City's specifications pertaining to

materials, design and construction. Where no specific plan for street alignment or widths have been adopted and boundary streets or alleys do not conform to prescribed minimum requirements, the plan shall be submitted to the Planning Commission to initiate proceedings and adoption of a specific plan to define boundary streets and alleys that will conform to prescribed minimums.

10. Parcels zoned and utilized for single-family residential purposes may be improved with churches, religious centers, and other authorized assembly uses, provided the site is a minimum of one acre, has frontage on a secondary or primary highway, and shall be devoted exclusively to such purposes.
11. Requirement(s) of this subsection may be waived by the Planning Commission upon a finding that the impacts of the project, as proposed, do not justify imposition of the requirement(s).

L. Commercial Radio/T.V. Towers. Subject to following condition:

Applicant shall furnish proof of a valid federal communications license prior to approval.

M. Convenience Grocery. Subject to conditions of approval as outlined in Section 9.16.020.080.

N. Crematoriums. Subject to the following conditions:

1. Properties with crematoriums shall not be permitted to be located within 500 feet of a property boundary of any "O-S" (Open Space) zoned property developed with a school or park, a property boundary of any "R" (Residential) zoned property or any PUD established exclusively for residential use. This provision applies to human and animal crematoriums.
2. Crematoriums are conditionally permitted uses (conditional use permit required) in industrially designated areas within a PUD (Planned Unit Development) zone, where industrial and manufacturing uses are permitted to ensure compatibility between the proposed crematorium and other existing uses in the surrounding areas.
3. Any necessary permits, licenses, or other approvals to operate a crematorium, as required by other regulatory agencies, shall be obtained, abided by, and adhered to for the life of the project. Such required permits, licenses, and approvals shall be kept on the premises at all times. This also includes verification of periodic inspection notices and approvals by the regulatory agencies.
4. Any CUP (conditional use permit) approved crematorium that is found to be in violation of or is noncompliant with its conditions of approval, or is found to be in violation with any regulations established by other regulatory agencies, or has its permit(s), license(s), or other approval(s) issued by other regulatory agencies, suspended or revoked, or for any other reason deemed reasonably necessary by the City, may have its CUP reviewed by the Planning Commission.

O. Crematoriums with Incidental Funeral Home/Mortuary. Subject to the following conditions:

1. Properties with crematoriums shall not be permitted to be located within 500 feet of a property boundary of any "O-S" (Open Space) zoned property developed with a school

- or park, a property boundary of any "R" (Residential) zoned property or any PUD established exclusively for residential use. This provision applies to human and animal crematoriums.
2. Crematoriums with incidental funeral home/mortuary are conditionally permitted uses (conditional use permit required) in industrially designated areas within a PUD (Planned Unit Development) zone, where industrial and manufacturing uses are permitted to ensure compatibility between the proposed crematorium and other existing uses in the surrounding areas.
 3. Any necessary permits, licenses, or other approvals to operate a crematorium, as required by other regulatory agencies, shall be properly obtained, abided by, and adhered to for the life of the project. Such required permits, licenses, and approvals shall be kept on the premises at all times. This also includes verification of periodic inspection notices and approvals by the regulatory agencies.
 4. Any CUP (conditional use permit) approved crematorium that is found to be in violation of or is noncompliant with its conditions of approval, or is found to be in violation with any regulations established by other regulatory agencies, or has its permit(s), license(s), or other approval(s) issued by other regulatory agencies, suspended or revoked, or for any other reason deemed reasonably necessary by the City, may have its CUP reviewed by the Planning Commission.
- P. Cybercafé, Existing. The owner/operator of any existing cybercafé shall apply for a conditional use permit for such cybercafé by not later than July 31, 2003. Conditional use permit processing fees shall be waived.
- Q. Delicatessen. Subject to conditions of approval as outlined in Section 9.16.020.080.
- R. Dry Cleaning/Commercial Laundry—Retail Only. Subject to the following conditions:
1. The clothes cleaning facility shall not act as a clothes cleaning plant for any other agency.
 2. That dry cleaning equipment, if provided, shall include and be limited to one complete dry cleaning unit consisting of the following:
 - a. One dry cleaning machine having a capacity not exceeding 50 pounds;
 - b. One solvent still and one solvent recovery machine;
 - c. One vapor recovery machine.
 3. That there shall be no more than three pressing units utilizing a low pressure gas fired boiler not exceeding 20 horsepower.
 4. That the number of employees engaged directly in the process of cleaning and pressing shall not exceed five.
 5. That a minimum of 400 square feet of floor area be provided for each clothes press.
- S. Educational Institutions. To be located on a minimum site area of one acre, whether in

combination with another use or as the sole use of the property.

- T. Eating and Drinking Establishment with Alcoholic Beverage Sales. Subject to conditions of approval as outlined in Section 9.16.020.080.
- U. Eating and Drinking Establishment with Entertainment and with Alcoholic Beverage Sales. Subject to conditions of approval as outlined in Section 9.16.020.080, plus additional parking required at the ratio of 1.7 parking spaces per 100 square feet of gross floor area, and also subject to the following condition:

Any change or intensification of entertainment uses causing an increase in the intensity of, or type of, or number of, performers, acts or similar events shall require a new conditional use permit.

V. Eating Establishment/Restaurant with Outdoor Seating.

1. Incidental Use Only. With the exception of permitted joint-use outdoor dining areas as provided for in paragraph 5 below, the outdoor dining area must be accessory to the eating establishment/restaurant.
2. Design. Outdoor dining areas shall be open on at least three sides, and open to the sky. Non-fixed umbrellas and awnings and canopies that accent the building are permitted. Side panels or any other accessories that enclose the outdoor dining area are prohibited.
3. Location.
 - a. The seating area shall not encroach into any required front setback, parking and/or vehicular circulation area, required landscape areas, required paths-of-travel, or public rights-of-way.
 - b. Within any commercial or industrial zone, outdoor dining areas may be permitted within the required side or rear setback area, consistent with the requirements of this chapter.
 - c. The outdoor dining area must be located immediately adjacent to, abutting, and adjoining the establishment with which it is associated, and shall not extend beyond the building and/or storefront frontage and/or length of the tenant space of the associated primary establishment.
4. Delineation of Area. Any outdoor dining area serving a single business shall maintain a clearly marked perimeter and shall be separated from vehicular pathways and public sidewalks with low walls and/or landscape hedges a minimum of 30 inches in depth or 42 inches in height. Establishments that include the service or sale of alcoholic beverages are subject to additional separation requirements provided in subsection 6 (Alcoholic Beverage Sales in Outdoor Dining Areas) of this section.
5. Outdoor dining areas for joint-use between businesses shall be separated from pedestrian and vehicular pathways with low walls and/or landscaping. Joint-use outdoor dining areas are not required to be located immediately adjacent to an establishment, but shall be located within 25 feet of at least one establishment participating in the joint-use area. Where adjacent to a public right-of-way, the area shall be delineated as required

by subsection 4 (Delineation of Area) of this subdivision V. No alcohol shall be served in any outdoor dining area that serves more than one business.

6. Alcoholic Beverage Sales in Outdoor Dining Areas. The service of alcoholic beverages and its consumption by customers in an outdoor dining area shall comply with Section 9.16.020.080 (Alcohol Beverage Sales) and furthermore, shall be restricted as follows:
 - a. Any establishment permitted to sell alcohol that maintains an outdoor dining area shall separate the outdoor dining area with a wall, fence, or hedge that is intended to clearly delineate the dining area from pedestrian traffic, and prevent ease of access in any manner to this area by pedestrians and other non-patrons. The wall, fence, or hedge shall fully enclose the outdoor dining area to separate it from public access ways. The wall, fence, or hedge shall consist of a minimum five-foot-high barrier and/or other special separation/improvement from surroundings that would hinder access from pedestrians to the outdoor dining area, as determined by the Police Chief. The barrier/fencing shall be subject to the following standards:
 - i. Any barrier/fencing around the outdoor area perimeter shall allow visibility into the area from adjacent properties and streets.
 - ii. Any barrier/fencing around the outdoor area perimeter shall be architecturally compatible with the structure housing the eating or drinking establishment.
 - iii. The location, design, and placement of any barrier/fencing are subject to review and approval by the Planning Services Division during the site plan review or conditional use permit review process.
 - b. Ingress and egress to/from the outdoor dining area shall be from the interior of the eating or drinking establishment only. There shall be no ingress or egress permitted to/from the outdoor dining area to any parking area, landscape area, or public right-of-way except for emergency purposes only. Any proposed accesses located within the outdoor dining area that lead to any locations other than into the eating or drinking establishment shall be marked as emergency exits only and shall be provided with panic hardware.
 - c. The operator shall post a written notice to customers, as approved by the City, which states that the drinking or carrying of an alcoholic beverage outside of the outdoor dining area is prohibited and unlawful.
 - d. Hours of operation shall not begin prior to 7:00 a.m. nor extend later than 10:00 p.m.

W. Emergency Shelters (Homeless). Subject to the following conditions:

1. Emergency shelters shall be permitted in those areas shown on the map attached to the ordinance codified in this subsection, which shall constitute the Emergency Shelter Overlay Zone.
2. Maximum number of beds or persons to be served per night by a single shelter shall not exceed 60.

3. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 8:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 8:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night.
4. The maximum stay at the facility shall not exceed 120 days in a 365-day period.
5. A minimum distance of 300 feet shall be maintained from any other emergency shelter, as measured from the property line.
6. A minimum of one staff member per 15 beds shall be awake and on duty when the facility is open.
7. Exterior lighting shall be provided for the entire outdoor and parking area of the property per Section 9.16.040.200.D of the Garden Grove Municipal Code.
8. A waiting area shall be provided which contains a minimum of 10 square feet per bed provided at the facility. Said waiting area shall be in a location not adjacent to the public right-of-way, shall be visually separated from public view by a minimum six-foot-tall visually screening mature landscaping or a minimum six-foot-tall decorative masonry wall, and shall provide consideration for shade/rain provisions.
9. All facility improvements shall comply with the Garden Grove Municipal Code, and the most current adopted Building and Safety Code, specific to the establishment of dormitories.
10. A security and safety plan shall be provided for the review and approval of the City Manager or designee. The plan may be required to address additional security and safety needs as identified by the City Manager or designee. The approved security and safety plan shall remain active throughout the life of the facility. The plan shall contain provisions addressing the topical areas outlined below:
 - a. Sleeping areas, addressing the separation of male/female sleeping areas as well as any family areas within the facility.
 - b. Loitering control, with specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on site.
 - c. Management of outdoor areas, including a system for daily admittance and discharge procedures and monitoring of waiting areas with goals to minimize disruption to nearby land uses.
 - d. Alcohol and illegal drugs, addressing how the operator will control and regulate alcohol and illegal drug use by clients on the premises.
 - e. The operator(s) shall provide the City with the most current contact information for the operator of the facility during the normal daytime office business hours, and the nighttime contact information for the "person on duty" when the emergency shelter is operating.

- f. The operator(s) shall ensure proper compliance with all state laws pertaining to client residency and occupancy.
 - 11. The facility may provide the following services in designated areas separate from sleeping areas:
 - a. A recreation area either inside or outside the shelter.
 - b. A counseling center for job placement, education, health care, legal, or mental health services.
 - c. Laundry facilities to serve the number of clients at the shelter.
 - d. Kitchen for the preparation of meals.
 - e. Dining hall.
 - f. Client storage area (i.e., for the overnight storage of bicycles and personal items).
 - g. Counseling programs to be provided with referrals to outside assistance agencies, and provide an annual report to the City.
 - h. Or similar services geared to homeless clients.
 - 12. An emergency shelter facility shall provide off-street parking at the ratio of one space per four beds, and/or 0.5 per bedroom designed as a family unit with children, plus one per staff member or shall submit a parking study, subject to approval by the Development Services Director, demonstrating the required parking demand justifies a reduced amount of off-street parking. Each facility is also encouraged to provide bike racks for clients in a secured area.
- X. Entertainment in the C-1 Zone. Subject to the following conditions:
- 1. Entertainment shall be permitted only in conjunction with an eating establishment/restaurant.
 - 2. A conditional use permit shall be required.
 - 3. Entertainment shall be in the form of a solo performer only.
 - 4. Amplified sound shall not be permitted.
 - 5. Entertainment shall be incidental to the restaurant use (such as background music). Entertainment shall not be utilized as a primary use or as an attraction to draw customers to the establishment.
 - 6. No dancing or audience participation shall be permitted.
 - 7. Food service shall be provided during all hours the entertainment operates.
 - 8. There shall be no raised platform or stage permitted within the establishment at any time.

9. The hours of operation may be limited through the CUP.
10. Security may be required through the CUP.
11. Doors that face residential property shall be kept closed at all times during the operation of the establishment, except in the case of an emergency or to permit deliveries.
12. In reviewing requests for entertainment in conjunction with restaurants in the C-1 zone, of particular concern will be the physical relationship of the proposed use and impacts of that use on surrounding properties. The conditional use permit shall be denied if it is anticipated that the use will create adverse noise, security, parking and traffic impacts and/or if an adverse effect on the public health, safety or welfare will be created.
13. For purposes of this section, "eating establishment/restaurant" is defined as an establishment that contains a customer dining area as well as sufficient space and equipment for a full restaurant kitchen. The kitchen shall be open and preparing food during all hours the establishment is open, and shall provide a full menu of food items typically offered in restaurants. Take-out establishments or establishments that only serve items such as sandwiches, salads, snacks or microwave items shall not be deemed in compliance with this definition.

Y. Equipment Rentals Having a Homeowner Orientation. Subject to the following conditions:

1. The outdoor storage of rental equipment shall be permitted when completely enclosed with a masonry wall not less than six feet in height and when no equipment is visible above the required wall. A steel gate or equivalent shall be utilized, where access through the required wall is provided.
2. The outdoor display or storage of utility trailers and trucks not exceeding 8,000 pounds net weight may be conducted without adherence to the wall enclosure requirement imposed in paragraph 1 of this subsection.

Z. Extended-Stay Business Hotels. Subject to the following conditions:

1. Approval of a conditional use permit shall be required.
2. The minimum site area shall be 80,000 square feet.
3. The minimum street frontage of the site shall be 150 feet.
4. The minimum individual guest room size shall be 300 square feet in area.
5. Maximum height shall be four stories.
6. Setbacks:
 - a. Front setback—20 feet from the ultimate front property line.
 - b. Side street setback—10 feet.
 - c. Interior side setback:
 - i. Adjacent residentially zoned property—25 feet.

ii. Adjacent any other zone—10 feet.

d. Setbacks shall be fully landscaped except for points of ingress and egress.

7. Extended-stay business hotels shall be subject to Chapter 8.70 of the Municipal Code.

AA. Food Catering. Subject to conditions of approval as outlined in Section 9.16.020.080.

AB. Food Products, Dairy Products and Bakery Products. Excepting that the manufacturing and processing of: lard, pickles, sauerkraut, sausage, or vinegar or similar products, is strictly prohibited. No sale or slaughter of live animals shall take place, be allowed or otherwise provided for. Frozen fish repackaging is permitted.

AC. Fortunetelling. Subject to the following conditions:

1. All applicants shall observe all the provisions contained within Chapter 5.65 of the municipal code.
2. Said establishments shall be located a minimum of 1,000 feet away from any other establishment engaged in the practice of fortunetelling.

AD. Funeral Home/Mortuary with No Crematorium. Subject to the following conditions:

1. Properties with funeral homes/mortuaries with no crematorium shall not be permitted to be located within 250 feet of a property boundary of any "R" (Residential) zoned property or any PUD established exclusively for residential use.

AE. Golf Courses (Regulation). Subject to the following condition:

1. All accessory commercial uses, except a pro shop, shall be established in a commercial zone in accordance with this code.

AF. Golf Driving Ranges, Outdoor. Subject to the following conditions:

1. Hours of operation shall be from no earlier than 7:00 a.m. to no later than 10:00 p.m.
2. All lighting shall be directed away from abutting properties.

AG. Graphic Arts/Photocopying. Subject to the following conditions:

1. The facility shall provide retail services, which may include graphic design, instant printing operations and print shops during normal business hours.
2. The facility shall serve the needs of local customers by either providing self-service photocopying, and printing and/or photocopying of invitations, business cards, forms, letterhead, envelopes, wedding announcements and other similar items. The facility shall not provide services to large commercial and wholesale clients, nor shall it print books, magazines, newspapers, annual reports, catalogs, posters, retail packaging, calendars, and other similar items.
3. Equipment used does not make noise or vibration that will disturb adjacent businesses or residences.

4. Most customers shall place orders in person and wait for it to be completed or pick it up at a later date. The majority of the finished project shall not be delivered to the customer.
5. A portion of the floor plan shall be devoted to a customer service retail area.

AH. Home Improvement Center. Subject to the following conditions:

1. All lighting shall be directed away from abutting properties.
2. Stacking of on-site storage and materials shall not exceed a height of 20 feet.
3. All outdoor storage areas shall be screened from view of public rights-of-way by a view obscuring fence or wall not greater than eight feet in height.

AI. Home Occupations for the Disabled. Subject to the following conditions:

1. Any person requesting a home occupation shall have his or her disability certified by one of the following agencies:
 - a. California State Department of Rehabilitation, Division of Vocational Rehabilitation;
 - b. Veterans Administration;
 - c. County of Orange Office of Veterans Affairs.
2. Each request to the hearing body shall be accompanied by the description of the proposed use. Such description shall be submitted to a board of review consisting of representatives from the Fire Department and planning staff. Said board of review shall evaluate each proposed use and submit their recommendations to the hearing body, whose decisions shall be final.
3. The home occupation shall not alter the appearance of the dwelling unit.
4. All operations conducted on the premises shall not be objectionable by reason of noise, odor, dust, mud, smoke, steam, vibration, or other similar causes.
5. Storage shall be limited to accessory storage of commodities manufactured, processed or sold at retail on the premises. Storage shall be permitted only in a wholly enclosed building. All home occupation activities shall be conducted wholly within a fully enclosed building. No garage, carport or other required parking area shall be used for the conduct of the home occupation or for storage of equipment, materials or merchandise of the home occupation.
6. No signs advertising the type of business or products manufactured shall be displayed on the premises.
7. No additional persons except immediate members of the disabled person's family living on the premises shall participate in the home occupation.
8. The home occupation permit is not transferable.
9. Permission to conduct a home occupation may be revoked by the hearing body if there

is substantial evidence indicating that the provisions of this section are being violated.

AJ. Hotel/Motel. Subject to the following conditions:

1. The minimum site area shall be 30,000 square feet.
2. The minimum street frontage of the site shall be 100 feet.
3. In hotels, no provisions for cooking facilities shall be provided within individual rooms or suites.
4. No consecutive occupancy shall exceed 30 days, nor shall any nonconsecutive occupancy exceed 30 days in 45 consecutive days.
5. The following development standards apply:
 - a. Minimum front setback—20-foot depth from the lot front property line;
 - b. Minimum interior side setback—seven and one-half foot width from the lot side line, unless adjacent to residentially zoned property; then setback increases to 25 feet;
 - c. Minimum exterior side setback—10-foot width from the lot side line;
 - d. Minimum rear setback—seven and one-half foot depth from the lot rear line, unless adjacent to residentially zoned property; then setback increases to 25 feet;
 - e. The setbacks shall be fully landscaped except for points of ingress and egress;
 - f. Maximum building height (other than in the C-3 zone)—four stories and/or 55 feet (hotel only);
 - g. Special standards for hotels in the C-3 zone—the following standards apply to hotels located in the C-3 zone only:
 - i. A Floor Area Ratio of up to 1.0 is allowed for hotels in the C-3 zone.
 - ii. A maximum building height of five stories and/or 60 feet is allowed for hotels in the C-3 zone.
 - iii. For new hotels in the C-3 zone, the hearing body may permit up to a 20% reduction in the number of off-street parking spaces required pursuant to Section 9.16.040.150 in conjunction with site plan and/or conditional use permit approval, provided the applicant demonstrates that sufficient parking will be provided to serve the intended uses and the intent of the City's parking regulations is met. Any approved reduction in required parking shall be subject to such conditions as the hearing body deems appropriate to ensure that sufficient parking remains available to serve the intended and actual uses on the subject site, including, but not limited to, preparation and compliance with a parking management plan.
6. Hotels and motels are also subject to Chapter 8.70 of the Municipal Code.

7. In motels, no more than 10% of the individual living units shall contain kitchen facilities.

AK. Indoor, Multi-Tenant Retail Shopping Center. Subject to the following conditions:

1. In the C-1 zone, the following conditions shall apply:
 - a. The minimum site area shall be two acres.
 - b. The minimum gross floor area shall be 20,000 square feet.
 - c. If the property abuts an R-1, R-2 or R-3 zone, the building in which the use is conducted shall be set back a minimum of 50 feet from a residential property line.
 - d. No live entertainment shall be permitted.
 - e. Hours of operation shall be permitted only between the hours of 8:00 a.m. and 10:00 p.m.
2. In the C-2 and C-3 zones, the following conditions shall apply: The minimum gross floor area shall be 10,000 square feet.
3. In all zones, the following conditions shall apply:
 - a. Exterior signage shall be limited to the name of the indoor, multi-tenant, retail shopping center. No additional special advertising days or signage shall be allowed for the individual vendors. All proposed signage shall be approved by the City.
 - b. The minimum floor area for each vendor shall be 250 square feet.
 - c. Each individual vendor shall have a separate business operations tax certificate (BOTC), as well as a sellers permit and a resale number from the State Board of Equalization.

AL. Indoor Sports Facility. Subject to the following requirements:

1. At no time shall an indoor sports facility impede the normal functions of the permitted uses in the zone in which it is located.
2. The number of indoor sports facilities permitted in the M-P zone is limited to a total of four.
3. An "indoor sports facility" use shall only be located on properties facing and having access on a primary or secondary arterial.
4. Required parking is determined by the Community Development Department through the review of a parking study prepared by a licensed traffic engineer.
5. The parking study shall take into account all aspects of the proposed operation. The operation of "indoor sports facility" uses can have significant differences in the number of parking spaces based on the type of play, whether league or tournament. Among the variables to be considered are the different requirements for different leagues including the number of players on teams, number of officials, and the scheduling requirements.

6. Proposed indoor sports facilities shall be reviewed based on their proposed operation and individual site. A complete description of the operation shall be submitted and shall include, but not be limited to, the type of sports, the name of the leagues and their requirements, all proposed tournaments or special sporting events proposed, an accounting of coaches and officials, and any accessory uses.

AM. Kennel. Subject to the following conditions:

1. Buildings or structures are to be completely soundproofed.
2. The perimeter of all run areas shall be completely surrounded by an eight-foot solid wall. Animal runs are to be constructed in such a manner that no animal can see another animal.

AN. Liquor Store. Subject to conditions of approval as outlined in Section 9.16.020.080.

AO. Mail Address/Business Operations Tax Certificate. A property zoned residential, or used for residential purposes, may be used as the mailing address for a commercial, industrial, public, or semi-public use, provided that none of the following activities shall take place on the residential property:

1. Display of merchandise, equipment, or supplies or items manufactured, sold, or used by any commercial, industrial, public or semi-public use;
2. Storage of materials, supplies, stock, equipment, machinery, or vehicles used in the operations or conduct of the commercial, industrial, public or semi-public use. The sole exception is equipment that is customarily used for housekeeping purposes;
3. Sale of any commodities, stock, supplies, equipment, machinery, or services of the commercial, industrial, public or semi-public use;
4. Providing or rendering of any service;
5. Providing, dispatching, or delivering any business, office or professional equipment, machinery or apparatus at, or from, the residential premises;
6. Dispatching of employees or independent contractors at, or from, the residential premises.

AP. Massage Establishment. All massage establishment uses shall require a conditional use permit and shall be subject to the following conditions:

1. No massage establishment shall be located closer than 1,000 feet from any other massage establishment.
2. Unless infeasible due to existing structural or physical constraints and otherwise authorized in conjunction with approval of a conditional use permit, the entrance to a massage establishment shall be oriented, accessed, and visible from a principal, major, or primary arterial street, as defined in the General Plan Circulation Element. In no case shall the entrance to a massage establishment be oriented toward a residential street or toward residential uses.

3. The massage establishment, each owner, operator and manager thereof, and each person providing massage services on the premises shall comply with all provisions of Chapter 5.12 (Massage Regulations) of this code at all times.
4. Each person engaged in the business of massage on the premises shall obtain and maintain an operator's permit from the Police Chief pursuant to Chapter 5.12. No massage services may be provided on the premises without a current and valid operator's permit for the premises.
5. Permitted hours of operation may not exceed those set forth in Chapter 5.12.

AQ. Meat Market. Subject to conditions of approval as outlined in Section 9.16.020.080, and further subject to the following:

No sale or slaughter of live animals shall take place, be allowed or provided for.

AR. Mini-Market. Subject to conditions of approval as outlined in Section 9.16.020.080.

AS. Mobile Home Park. Subject to the following condition:

Minimum site area is three acres.

AT. Moratoriums/Crematoriums. Subject to the following condition:

May include an employee residence that shall conform to the general requirements of the R-3 zone.

AU. Motorcycle Sales. In addition to being permitted as motor vehicle sales permitted in the C-2 and C-3 zones, motorcycle sales may be permitted in the M-1 zone with the approval of a CUP and subject to the following operating conditions:

1. The entire site shall be paved, except for structures and landscaping;
2. The premises shall be kept in a neat and orderly condition at all times;
3. Outdoor storage of motorcycles shall not be visible from any public right-of-way;
4. Outdoor display/storage of motorcycles shall not occupy any required parking space;
5. Outdoor display/storage of motorcycles shall not occupy any required driveway, accessway or emergency lane on the property;
6. Display and/or storage of motorcycles shall not be permitted in any required setback;
7. All motorcycle repair and maintenance shall be performed within a fully enclosed building;
8. No motorcycles that are in a wrecked or dismantled condition shall be stored outside of a fully enclosed building;
9. No amplified speaker systems shall be used outside of a wholly enclosed building; and
10. All loading and unloading of vehicles shall occur on-site or from loading zones as

designated by the traffic engineer and not in adjoining public streets or alleys.

AV. Motor Vehicle Sales. Subject to the following conditions:

1. Minimum site area shall be 15,000 square feet;
2. All parts, accessories, etc., shall be stored within a fully enclosed structure;
3. No amplified speaker systems shall be used outside of a wholly enclosed building;
4. All on-site lighting shall be stationary and directed away from adjoining properties and public rights-of-way;
5. No vehicle service or repair work shall occur, except within a fully enclosed structure. Service bays shall not be visible or take access directly from a public-right-of-way;
6. All loading and unloading of vehicles shall occur on-site or from loading zones as designated by the traffic engineer and not in adjoining streets or alleys;
7. Off-street parking shall adequately accommodate all on-site uses, including showroom, offices, parts, service and repair areas, as well as employee and customer parking;
8. In conjunction with a conditional use permit all motor vehicle sales businesses shall provide planter areas with a minimum inside width of 10 feet that shall be located adjacent to all street property lines, except for points of access to the streets;
9. Decorative bollards or wrought iron fences may be provided along public rights-of-way. Said bollards or fences shall not be located in the required landscape area;
10. Signage shall be in conformance with this title;
11. In conjunction with a conditional use permit all motor vehicle sales businesses shall remove all nonconforming signs prior to the commencement of business.

AW. Parking Facilities. Subject to the following conditions:

1. The lot shall abut a lot zoned for office, commercial or industrial use, and it shall be shown that such parking facility is to be used to provide the parking needs of the abutting office-professional, commercially or industrially zoned lot.
2. No such parking area shall be used for used car sales or for the permanent storage of automobiles.
3. The parking area shall be for the temporary parking of automobiles.

AX. Pet Grooming. Subject to the following conditions:

1. No overnight boarding of pets;
2. The use must be conducted entirely within an enclosed building.

AY. Pet and Pet Supplies. Subject to the following conditions:

1. No overnight boarding of pets except those pets for sale in the pet store;

2. All sales of merchandise, pets and equipment and storage of supplies shall be within an enclosed building.

AZ. Racing Pigeons.

1. A conditional use permit (including a site plan) is required if more than 10 racing pigeons are proposed to be kept on the premises.
2. The maximum number of racing pigeons permitted on any premises shall be 100. The conditional use permit shall specify the maximum number of racing pigeons allowed.
3. No such pen, coop, pigeon house, loft or other structure that housed more than 10 racing pigeons shall be kept or maintained within 15 feet of any of the subject property lines and within 30 feet of any adjoining dwelling units.
4. Racing pigeons shall be flown for exercise or training in a manner that results in their flying a substantial distance from the immediate area of the loft, rather than continuously or repeatedly flying over the properties adjacent to the loft location.
5. At no time shall racing pigeons be allowed to perch or linger on the buildings or property of others.
6. All spilled or excess feed in or around the loft shall be promptly removed and disposed of.
7. All racing pigeons shall be banded for the purpose of identification.
8. The applicant shall obtain any health permits required by the county prior to approval of the conditional use permit.
9. The owner of said racing pigeons shall be a member of the California State Racing Organization or the American Racing Pigeon Union, Inc. with annual registration by licensee of the individual birds. Written proof of such registration shall be submitted with each application, and shall be provided annually thereafter to the City.
10. All racing pigeons shall be fed and kept in an enclosed pen, coop, pigeon house, loft or other structure.
11. Said pen, coop, pigeon house, loft or other structure shall be kept or maintained at all times in a sanitary condition and in compliance with all health regulations of the Orange County Health Care Agency (HCA).
12. All feed for racing pigeons shall be stored in containers that secure protection against rodents, insects, birds and other animals.
13. All pigeon droppings and food scraps shall be removed from the premises daily and be disposed of in a sanitary manner.
14. Not more than 25 racing pigeons shall be released at any one time for liberation, exercise or training of any bird and no bird shall be released more than once in any 24-hour period.

15. A fee shall be charged annually for each pigeon loft permit. A fee schedule shall be established by the City Council under a separate resolution.
16. No racing pigeon business or breeding activities for sales shall be conducted on or from the premises.

BA. Self-Service or Coin-Operated Car Wash. Subject to the following condition:

Hours of operation shall be limited to the period from no earlier than 7:00 a.m. to no later than 10:00 p.m.

BB. Service Station (new and conversion of existing). Subject to the following conditions:

1. Required Building Design. The architecture of the building shall be of a type compatible with the neighboring area. The architectural theme shall be integrated into the design of all improvements on the site, including main building, canopies, fencing, landscaping and signage.
 - a. In the case of the establishment or construction of a new service station, the following items shall be included in the design of the building:
 - i. All service bay doors shall take vehicular access from either an interior side or rear of building.
 - ii. Restrooms, for use by patrons, shall be required. The entrance to all restrooms shall be screened from adjoining properties and public streets by a screen that matches the exterior building material.
 - iii. All lighting shall be directed away from R-zoned property and so located that lighting does not directly shine into any adjoining residential property.
 - iv. Air and water dispensers shall be provided in an area convenient for customers.
 - b. In the case of the reopening of or the conversion to another use of an existing service station, all existing improvements shall be remodeled, replaced or refurbished. If, in the opinion of the hearing body, the project or any of its components, as listed below, is new or in like-new condition, then that certain improvement may be waived. These improvements shall include, but are not limited to the following:
 - i. Refurbishment and remodeling of all exterior and interior wall surfaces;
 - ii. Remodeling of building exterior to eliminate service bay doors. All remaining service bay doors shall take vehicular access from an interior side or rear of building. The condition does not pertain to the reopening of an existing service station, unless service bays are not to be used;
 - iii. Refurbishment and remodeling of all canopies and service islands;
 - iv. Removal of all unused service islands, pumps and their canopies;

- v. Resurfacing of all driveways and parking areas;
 - vi. Restriping of parking areas using hairpinned stalls;
 - vii. Refurbishment and/or replacement of all walls and fences on the property, including planters and landscape retaining walls;
 - viii. Refurbishment and/or replacement of all business and directional signs to be consistent with building theme;
 - ix. The entrance to all restrooms and comfort rooms shall be screened;
 - x. In the case of the reopening of a service station or conversion of a service station to another use that includes the dispensing of motor fuel, restroom facilities for use by patrons, shall be required.
2. Driveway Requirements. Driveway entrances to the site shall not be within 10 feet of the curb return.
- a. The following table identifies the maximum total allowable width of all driveways.

Frontage	Total Maximum Allowable	Total Maximum Driveways
Up to 300 ft.	80 ft.	3
301—400 ft.	105 ft.	4
Over 400 ft.	120 ft.	4

- b. Total driveway widths shall not exceed 60% of the parcel frontage, measured at the curb-line, not including the curb return.
3. Parking Requirement.
- a. Parking requirements for service stations only shall comply with requirements for off-street parking in Section 9.18.140.
 - b. Parking requirements for service stations established in conjunction with other commercial businesses (i.e., mini-markets, separate auto-related businesses, etc.) or for conversion of service stations to other commercial uses, shall comply with the following:
 - i. Required parking shall consist of one space for every 200 square feet of gross floor area of each building.
 - ii. When service bays remain a part of the use on the site, the service bays shall not be considered as providing any of the required parking.
4. Intersection Clearance. All corner lots shall maintain an open and unobstructed triangular area for safety vision purposes.

- a. One angle and two sides of the triangular area shall be formed by the intersection of the front and side property lot lines or their projection to a point of intersection.
 - i. The sides of the triangle that form the corner angle shall each be 25 feet in length, as measured from the angle.
 - ii. The third side of the triangle shall be a straight line connecting those points on the front and side lines that are measured 25 feet from the angle.
 - b. Within this triangular area, no trees, fences, shrubs or other physical obstruction higher than 36 inches above the established grade will be permitted.
5. Landscaping. All site areas not used or required for building location, parking, access, circulation or service island areas shall be landscaped according to the provisions of Section 9.16.040, Development Standards, and further subject to the following:
 - a. Planter areas with a minimum inside width of 10 feet shall be provided adjacent to all street property lines except for points of access to the streets. In the case of existing facilities, this inside dimension may be reduced to a minimum of five feet where it is shown to be in conflict with a remaining service island or required circulation path.
 - b. When a service station is located at a street intersection, a planter area of at least 250 square feet in area shall be provided at the intersection corner.
 - c. Planter areas shall be provided along the interior property lines at their intersection with the street property lines. Such planter area shall have a minimum length along the interior property lines of 15 feet and shall have a minimum inside width of five feet.
 - d. Planter areas with an interior dimension of not less than three feet shall be provided along all interior property lines, except as otherwise provided in the requirements above.
 - e. A minimum of eight percent of the total site, less building pad and required setbacks, shall be landscaped. Required setbacks and required corner landscaping shall not be counted toward this requirement.
 - f. Each planter area shall be enclosed by a concrete border not less than six inches wide and six inches high.
 - g. All landscaped areas shall be maintained and provided with irrigation facilities according to the provisions of Section 9.16.040.
 - h. Planter areas shall be constructed and planted prior to the granting of an occupancy permit. The type of plant material planted shall be subject to the approval of the City Manager or designee.
6. Walls.
 - a. When any property used for a service station has a common property line with

property zoned R, there shall be a six-foot high solid masonry wall provided.

- b. When a service station side abuts property zoned for commercial or industrial purposes, a solid masonry wall at least three feet in height or planter areas (refer to service station landscaping conditions) shall be installed, except for necessary vehicular and pedestrian accessways.

7. Storage.

- a. **Storage of Vehicles.** Storage of vehicles and equipment that are not in the immediate process of being serviced or that are not directly associated with the service station is limited to vehicles having a capacity of one ton or less. The number of vehicles being stored shall not exceed one-half the number of required parking spaces.
- b. **Refuse Storage.** Refuse storage areas shall be used for the temporary storage of all trash, discarded tires and other discarded material.
 - i. A minimum of one refuse storage facility shall be provided on the site pursuant to current city standard plans.
 - ii. The storage areas shall be shielded from public view by a wall that matches the exterior building material and has metal gates with view-obscuring slats or other opaque material.
 - iii. All refuse storage areas shall be maintained in a neat and sanitary manner.
 - iv. The refuse storage area shall be located so that the area does not interfere with motor vehicle circulation on the premises.
- c. **Merchandise Storage or Display.** No merchandise storage or display is permitted outside of the building.

8. Closures and Conversions to Other Commercial Uses.

- a. In the event that a service station is closed and not operated for a period of 90 consecutive days, no further sales or services from the station shall be allowed unless a new conditional use permit is obtained and the development standards set out in paragraphs 1—7 of this subsection are completed.
- b. If a service station is closed and not operated for a period of six months or longer, the premises may be found and determined to be a public nuisance, as provided for in Section 3479 et seq. of the California Civil Code.
- c. Any use other than a service station use established in a structure that at any time has been or is being utilized as a service station shall be subject to a conditional use permit and to the aforementioned development standards. Coin-operated vending machines, including, but not limited to, cigarettes, soft drinks or candy, may be permitted without having to file a conditional use permit, provided such vending machine(s) shall be located within a fully enclosed building.

9. Nonconforming Service Stations.

- a. If a nonconforming use in a service station is discontinued for a period of 60 consecutive days or terminated by abatement of a nuisance, such nonconforming use may not be reestablished, and any subsequent use of the building, structure or place wherein such nonconforming use was previously conducted must conform to all laws and regulations then currently applicable to the site.
- b. Such conforming use shall immediately cease upon revocation of any conditional use permit therefore.

BC. Small Animal Hospital—Veterinary. Subject to the following conditions:

1. All buildings and structures are to be completely soundproofed.
2. An incinerator of a type as recommended by the County Public Health Department and the S.C.A.Q.M.D. shall be provided. A freezer sufficient to contain the remains of deceased animals shall be installed if an incinerator is not provided.

BD. Smoking Lounges. The provisions of this subsection shall apply to smoking lounges, as said term is defined in Section 9.04.060 (Definitions):

1. Locations Allowed.
 - a. Smoking lounges shall be permitted, subject to conditional use permits, within the C-2 and C-3 zones.
 - b. The premises shall not be located within 200 feet of any residential zone boundary or any property containing a residential use, whether said residential boundary or property containing a residential use is within or outside of the corporate boundaries of the City.
 - c. The premises shall be a minimum distance of 1,000 feet from any public or private primary or secondary school, whether said school is within or outside of the corporate boundaries of the City.
2. Operational Requirements. Smoking lounges shall be subject to the operational requirements set forth in Chapter 5.75 of this code.
3. Parking. Parking shall be provided using the standard for bars and nightclubs.
4. Conditions of Approval. In addition to the standards for issuance of conditional use permits under this title, the hearing body may impose any condition reasonably related to mitigate any possible adverse effect upon the public health, safety, or welfare created by the establishment and/or operation of the smoking lounge.
5. Nonconforming Uses. Notwithstanding the provisions of Chapter 9.28, any smoking lounge lawfully existing on the effective date of the ordinance adopting this section may continue its operation; provided that its operation does not cease for more than 90 days; and provided that the non-conforming use, structures, or buildings of the business shall not be increased, enlarged, or altered without first conforming with the regulations

herein.

BE. Supermarket. Subject to conditions of approval as outlined in Section 9.08.080.

BF. Truck and Trailer Rentals. Subject to the following:

1. The entire site shall be paved, except for structures and landscaping;
2. The premises shall be kept in a neat and orderly condition at all times;
3. Outdoor storage of trucks and/or trailers shall not be visible from any public right-of-way;
4. Outdoor storage of trucks and/or trailers shall not occupy any required parking space necessary for the operation of the primary use;
5. Outdoor storage of trucks and/or trailers shall not occupy any required driveways, accessways or emergency lanes on the property;
6. Display and/or storage of trucks or trailers shall not be permitted in any required street setback;
7. Signage shall comply with all municipal code requirements. When the truck and trailer rental is an incidental use in the C-1 and C-2 zones, signage for the incidental use may not exceed 20% of the total signage for the primary use;
8. All vehicle repair and maintenance shall be performed within a fully enclosed building;
9. No vehicles that are in a wrecked or dismantled condition, shall be stored on the property; and
10. The storage area shall be screened from view from any adjoining residential property by a minimum of a six-foot high, decorative, block wall. Such wall shall not exceed seven feet in height.

BG. Upholstering Shops. Subject to the following conditions:

1. Retail only;
2. Use may include assembly of furniture from pre-manufactured frames.

BH. Vehicle Storage Yard. Subject to the following condition:

No vehicle stored shall be in a wrecked or dismantled condition.

BI. Warehouses and Storage Buildings, Regular. Subject to the following condition:

Minimum individual occupancy of 1,000 square feet or greater and subject to all building and fire code requirements.

BJ. Warehouses and Storage Buildings, Mini. Subject to the following conditions:

1. The minimum lot size shall be one acre.

2. A minimum lot depth of 200 feet from the front of the lot. The front is defined as the narrowest portion of the lot abutting and having access from an arterial street.
3. Lots shall have primary access on a secondary arterial street as defined by the Orange County Master Plan of Arterial Highways.
4. All buildings shall observe a front and side street setback of 20 feet. Said setback shall be fully landscaped except for points of ingress and egress.
5. Mini-warehouse facilities shall have a resident manager's dwelling unit that shall be site-built and shall be of the same architecture as the main buildings. The dwelling unit shall comply with minimum dwelling unit areas as delineated in the multifamily development standards.
6. All storage shall be within a totally enclosed building. No outdoor storage, including storage of vehicles, is permitted.
7. All mini-warehouse facilities shall be provided with 24-hour, on-site security personnel.
8. Mini-warehouse facilities shall be for storage only.
9. Mini-warehouses shall not be used to conduct any business or business activity.

BK. Water Oriented Parks. Subject to the following conditions:

1. Publicly owned and operated;
2. Excluding spectator sports, contests or facilities or public amusement devices for hire.
(2861 §§ 10, 11, 2015; 2883 § 7, 2017; 2899 § 5, 2019; 2926 § 3, 2022)

§ 9.16.020.060. Temporary Uses.

- A. Purpose. The purpose of this section is to control and regulate land use activities of a temporary nature. The intent is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residences, businesses and land owners and to minimize any adverse effects on surrounding properties and to the environment.
- B. Authority. The City Manager, or his or her designee, shall be the review authority for approving or denying a temporary use. The City Manager may establish conditions and limitations for temporary uses including, but not limited to, hours of operation, provision of parking areas, signing and lighting, traffic circulation and access, temporary site improvements and other measures necessary to minimize potential detrimental effects on surrounding properties. Appeals to the decision of the City Manager, or his or her designee, shall be heard by the Planning Commission.
- C. Temporary Structures. The following temporary structures shall be permitted subject to the conditions stated in this section and any other additional conditions as may be prescribed by the appropriate permit.
 1. Trailer Coaches, Mobile Homes and Modular Structures. The temporary use of trailers,

- mobile homes and/or modular structures may be permitted only when permanent facilities are being constructed or remodeled in accordance with applicable codes. Such structures may remain on the property only with the possession of a valid building permit for the permanent facilities. All temporary office or residential structures shall be removed prior to the occupancy of the permanent facilities or as required by the site plan.
2. Temporary Construction Buildings. Temporary structures for the storage of tools and equipment or containing supervisory offices in connection with major construction projects may be established and maintained for the duration of construction. Such structures may remain on the property only with the possession of a valid building permit for the permanent facilities. All temporary office or construction buildings shall be removed prior to the occupancy of the permanent facilities or as required by the site plan.
 3. Temporary Real Estate Office. One temporary real estate office may be located within the boundaries of any recorded residential tract within the City, provided that the office shall be removed prior to the occupancy of the final structure or as conditioned by the site plan.
- D. Holiday Lot Sales. Christmas tree sales, fireworks sales, pumpkin sales and other similar holiday lot sales may be permitted to operate, subject to the following conditions:
1. Holiday lot sales will be permitted only upon application at least 10 calendar days in advance of the proposed establishment or initiation date of the event under consideration. The application shall include a site plan for the entire property to be used for the sales and shall indicate the following:
 - a. Provision of adequate parking facilities, including vehicular ingress and egress;
 - b. Provision of adequate pedestrian, including disabled, access;
 - c. Provision for lighting;
 - d. Provision for sanitary and medical facilities as may be necessary;
 - e. Days and hours of operation;
 - f. Location, type and size of all temporary signage for the event; and
 - g. Provision for security and safety measures.
 2. Holiday lot sales are restricted to a duration of 30 consecutive days prior to, and including the holiday. No sales are permitted after the holiday.
- E. Neighborhood Events. Bazaars, bake sales, block parties, rummage sales and other similar temporary events held outside of a wholly enclosed building may be permitted to operate subject to the approval of a neighborhood event permit. Neighborhood event permits shall be subject to the following conditions:
1. Uses will be permitted only upon application at least 10 calendar days in advance of the

- proposed establishment or initiation date of the use or event under consideration.
2. The event shall occur on the applicant's property, with the exception of block parties that may occur in the public right-of-way adjacent to the applicant's property.
 3. The applicant shall be a nonprofit organization, with the exception of block parties for which a permit may be granted to an individual.
 4. These events shall be restricted to residential and open space zones only.
 5. Block parties may be permitted for a period not to exceed four days per year.
 6. All other neighborhood events may be permitted for a period not to exceed 10 days per year.
 7. Conditions may be applied to the permit, including days or hours of operation, restrictions on signage, off-street parking, lighting, fire and safety restrictions, or any other conditions that may be necessary to prevent conflict with surrounding land uses or other provisions of the Garden Grove Municipal Code.
- F. Community Events. Carnivals, rodeos, public assembly tents, street closures for parades, revivals and similar types of events may be permitted to operate, subject to the following conditions:
1. Community events will be permitted only upon application at least 30 calendar days in advance of the proposed establishment or initiation date of the use or event under consideration. The application shall include a site plan for the entire property to be used for the event. The plan shall indicate the following:
 - a. Provision of adequate parking facilities, including vehicular ingress and egress;
 - b. Provision of adequate pedestrian, including disabled, access;
 - c. Provision for lighting;
 - d. Provision for sanitary and medical facilities;
 - e. Days and hours of operation;
 - f. Location, type and size of all temporary signage for the event; and
 - g. Provision for security and safety measures.
 2. Uses may be permitted for a period not to exceed 45 days per year.
 3. Conditions may be imposed regulating days or hours of operation, restrictions on signage, off-street parking, lighting, fire and safety restrictions, or any other conditions that may be necessary to prevent conflict with surrounding land uses or other provisions of the Garden Grove Municipal Code.
 4. Waste Reduction and Recycling. Any event expected to attract more than 2,000 persons, on average, per day of operation, which generates solid waste, such as, but not limited to, paper, beverage containers or food, shall develop a waste reduction and recycling

strategy as part of the permit application. The waste reduction and recycling strategy shall include an estimate of the amount and types of waste anticipated from the event, the proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfills of reusable and recyclable materials.

G. Special Events Sales Permit. Sidewalk sales, parking lot sales, and other similar temporary events held outside of a wholly enclosed building may be permitted to operate subject to the approval of a special event sales permit.

1. Special event sales will be permitted only upon application at least five calendar days in advance of the proposed establishment or initiation date of the use or event under consideration. The application shall include a site plan for the entire property to be used for the event. The site plan shall indicate the following:
 - a. Provision of adequate parking facilities, including vehicular ingress and egress;
 - b. Provision of adequate pedestrian, including disabled, access;
 - c. Provision for lighting;
 - d. Days and hours of operation;
 - e. Location, type and size of all temporary signage for the event; and
 - f. Provision for security and safety measures.
2. The event shall take place on the applicant's business premises and shall be restricted to nonresidential zones.
3. Conditions may be imposed regulating days or hours of operation, restrictions on signage, off-street parking, lighting, fire and safety restrictions, or any other conditions that may be necessary to prevent conflict with surrounding land uses or other provisions of the Garden Grove Municipal Code.
4. A maximum of eight days per calendar year shall be allowed per business address.

Shopping center associations shall be allowed an additional six days per calendar year. For shopping center events, applications shall be signed by the property owner or their authorized agent.
5. Individual businesses may display merchandise on the sidewalk directly adjacent to the business's exterior storefront. The display shall not impede pedestrian circulation on sidewalks.
6. All merchandise, materials, signs and debris shall be removed from the outdoor areas by 10:00 a.m. of the day following the closure of the event, unless extended by the City Manager or his or her designee.

§ 9.16.020.070. Adult Entertainment Uses.

A. Purpose. The City Council finds that adult entertainment businesses, as defined in Section

9.04.060, because of their very nature, have certain harmful secondary effects on the community. These secondary effects include:

1. Depreciated property values, vacancy problems in commercial space (particularly in the newer commercial buildings);
2. Interference with residential neighbors' enjoyment of their property due to debris, noise, and vandalism;
3. Higher crime rates in the vicinity of adult businesses;
4. Blighted conditions such as a low level of maintenance of commercial premises and parking lots.

The City Council further finds that the restrictions and development standards contained in this section will tend to mitigate, and possibly avoid, the harmful secondary effects on the community associated with adult entertainment businesses. The primary purpose of these regulations is the amelioration of harmful secondary effects on the community. The regulations contained in this section are unrelated to the suppression of free speech and do not limit access by adults to materials with First Amendment potential.

B. Specified Sexual Activities and Anatomical Areas. Pursuant to Section 9.04.060, an adult entertainment business is any business or establishment that offers its patrons services, products or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

1. For purposes of this section, "specified sexual activities" shall include the following:
 - a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
 - b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 - c. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
 - d. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
 - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 - f. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation; or
 - h. Dancing by one or more live entertainers in a manner displaying specific

anatomical areas.

2. For the purpose of this section, "specified anatomical areas" shall include the following:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. Conditional Use Permit Requirement.

1. Conditional Use Permit Requirement. The establishment of an adult use in a C-2 zone, in addition to the distance limitations set forth in this subsection, shall also be subject to the requirement of a use permit. A use permit application for an adult use shall be completed by the applicant and set for Planning Commission review.
2. Required Performance Standards. A fully completed use permit application for an adult use must comply with the following mandatory performance standards:
 - a. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in accordance with the Fire Department and building regulations and standards adopted by the City.
 - b. No adult business shall be operated in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show, window or other opening.
 - c. Lighting of at least two footcandles shall be required, which is designed to illuminate all off-street parking areas serving such use, for the purpose of increasing the personal safety of store patrons and reducing the incidents of vandalism and theft. Such lighting shall be shown on the required plot plans and shall be reviewed and approved by the City Manager or designee.
 - d. No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level discernible by the public beyond the walls of the building or space occupied by the tenant in which such use is conducted, or that violates any noise standards adopted by this title. Doors to the structure shall be closed at all times.
 - e. All on-site signage shall conform to the sign regulations of the municipal code. All adult materials and activities shall be concealed from view from any public right-of-way, parking lot or neighboring property.
 - f. It is unlawful to sell, serve or permit the consumption of alcoholic beverages in a structure occupied by an adult business.
 - g. It is unlawful to permit patrons or employees under the age of 18 in a structure occupied by an adult business, including adult arcades, adult bookstores, adult

cabarets, adult motels, adult motion picture theaters, adult theaters, escort-dating services, or sexual encounter establishments.

- h. The building entrance to an adult business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises. Such notice shall be constructed and posted to the satisfaction of the Chief of Police.
 - i. One or more California state-licensed security guards may be required subsequent to the issuance of a use permit if the Police Department determines that there is an increase in crime activity at or upon the property during the life of the conditional use permit. In such event, the Police Department may request that the City Manager or designee set a noticed public hearing under Government Code Section 6061 before the Planning Commission to determine whether the applicant's conditional use permit shall be amended to require such security guards at a property location.
 - j. The application shall be subject to public safety conditions as recommended by the Police Department, to ensure that harmful secondary effects from the business operation, such as noise, litter, violent crime and graffiti are mitigated to the greatest extent possible.
 - k. The application shall comply with the property maintenance standards set forth in Section 9.32.200.B. Conditions may be imposed on the use permit to ensure that the application conforms to this section.
 - l. Hours of operation shall be established by the Planning Commission, unless otherwise provided for in the municipal code.
3. Site Plan Approval. In the case of new construction, building additions exceeding 10% of the floor area, or 1,000 square feet, whichever is less, a site plan application and approval shall be required, in addition to the use permit. A site plan approval shall be granted, if the Planning Commission finds:
- a. The proposed development is consistent and harmonious with the architectural elements, including, but not limited to, front elevation design, colors, size of structure, within 300 feet of structures that front on the same street;
 - b. The proposed development plan meets the parking, landscaping, setbacks, signage, fencing, building height and other related building standards of this title.
4. Planning Commission Action. If the Planning Commission makes findings that the standards set forth in paragraph 2 of this subsection have been met, and that the required site plan findings of paragraph 3 of this subsection can be made, the Planning Commission shall approve the use permit application. The Planning Commission shall make written findings to this effect.
5. Time for Planning Commission Findings. The conditional use permit shall be acted upon by the Planning Commission within 90 days after the use permit application is deemed complete by the City Manager or designee. If an environmental impact report is required under CEQA, the time for action shall not exceed six months.

6. Appeals. The decision of the Planning Commission shall be appealable to the City Council, pursuant to Section 9.32.110.
7. Distance Limitations for Adult Entertainment Businesses.
 - a. No adult entertainment business shall be established if such business is:
 - i. Within 200 feet of any area zoned residential use or within 200 feet of any building owned and occupied by a public agency;
 - ii. Within 1,000 feet of any other adult entertainment business;
 - iii. Within 1,000 feet of any public or private school facility, grades K through 12; park playground; public library; or licensed day care facility;
 - iv. Within 700 feet of any church.
 - b. The establishment of any adult entertainment business shall include the opening of such a business as a new business, the relocation of such business or the conversion of an existing business location to any adult entertainment business uses.
 - c. For the purposes of this section, all distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as a part of the premises where such adult entertainment business is conducted to the nearest property line of any lot or premises zoned for residential use, or to the nearest property line of any lot or premises of a church or educational institution utilized by minors or to the nearest point of any building or structure used as a part of the premises of any other adult entertainment business.
- D. Variance of Locational Provisions. Any property owner or his or her authorized agent may apply to the hearing body for a variance of any locational provisions contained in this section. The hearing body, after a hearing, may grant a variance to any locational provision, if the following findings are made:
 1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;
 2. That the proposed use will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight;
 3. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or revitalization, nor will it interfere with any program being carried out pursuant to the community redevelopment law; and
 4. That all applicable regulations of this code will be observed. The procedure for this hearing shall be the same as that provided in Section 9.32.030, with, among other matters, the same notice requirements, the same right of appeal to the City Council, and the same fees payable by the applicant. The City Manager or designee shall prepare the necessary application form for this variance.
- E. Adult Merchandise in Non-Adult-Use Business.

1. **Definitions.** For the purposes of this section, "adult merchandise" is defined as any product dealing in or with explicitly sexual material as characterized by matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. In addition, "non-adult-use business" means any business or establishment not included in Section 9.04.060.
2. **Floor Space Limitations.** No more than 15% of total floor space area open to the public of a non-adult-use business shall be devoted to adult merchandise.
3. **Segregation of Adult Merchandise.** Retailers classified as non-adult-use establishments shall display adult merchandise in an area of the business segregated and screened from the area used for the sale and display of non-adult merchandise. Screening may be accomplished with partitions or said adult materials may be displayed in separate rooms.
4. **Access by Minors.** Non-adult-use establishments shall provide controls sufficient to prohibit access by persons under 18 years of age to areas screened or segregated for the purpose of selling or displaying adult merchandise.
5. **Certain Merchandise Prohibited.** Non-adult-use businesses shall not display or merchandise adult, sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices.

(2861 § 5, 2015)

§ 9.16.020.080. Alcoholic Beverage Sales.

- A. **Purpose.** To establish criteria and conditions for uses that sell, serve or allow consumption of alcoholic beverages.
- B. **Alcoholic Beverage Sales.** Any use that engages in on- or off-site retail sales of alcoholic beverages, and that is required to operate under a state alcoholic beverage control (ABC) license, shall be subject to the approval of a conditional use permit. A conditional use permit shall be required for the following actions:
 1. An application for an original ABC license;
 2. An application for a new ABC license;
 3. Any change in the type of existing ABC license;
 4. Premises-to-premises transfer of an existing ABC license;
 5. Any change in floor area in an ABC licensed establishment;
 6. Any change in operating characteristics and/or conditions of approval from what was originally approved by the City or by ABC, including, but not limited to, any change of hours of operation or entertainment;
 7. A request to establish entertainment or dancing in an ABC licensed establishment;

8. Any ABC licensed establishment that has its license revoked or suspended, or any ABC licensed establishment that surrenders its license to ABC, discontinues use of the license for 30 days, has its conditional use permit revoked, or vacates the property, shall be required to file and have approved a new conditional use permit before reestablishing the use;
9. Any ABC licensed establishment not possessing a conditional use permit approved after January 1, 1986, when there is a change of ownership that requires an investigation by the Department of Alcoholic Beverage Control pursuant to the provisions of Business and Professions Code Section 23958, as may be amended from time to time;
10. Any ABC licensed establishment with a conditional use permit that, for any reason, is closed for a period of 30 days or more must apply for a new conditional use permit and receive approval prior to the reopening of the establishment.

C. Additional Requirements.

1. In judging requests for alcoholic beverage sales, of particular concern will be the physical relationship and proximity of the proposed use to that of similar uses on surrounding sites; the compatibility of the proposed use with neighboring uses (i.e., schools, parks, religious institutions, hospitals and other similar uses), and that no adverse effect on public health, safety or welfare will be created.
2. The specified distance from any use listed in subsection C.1 of this section shall be a minimum of 200 feet or equal to the distance used by Alcoholic Beverage Control for ABC licensed establishments, as specified in the most recent ABC Rules and Regulations and Procedural Manual. A conditional use permit may be denied where the building housing a proposed on- or off-sale ABC licensed establishment does not maintain the specified distance from the indicated uses.
3. The proposed use shall not be incompatible with the adjoining uses as it relates to noise, debris, traffic, storage, design and hours of operation, nor shall it create any adverse effect on public health, safety or welfare.
4. The City shall provide for periodic on-site inspections of all uses for which a conditional use permit has been approved in accordance with this chapter. Inspection shall be held at no more than six month intervals to ensure compliance with all provisions of this and all other applicable ordinances.
5. In the event the City has determined that a party holding a conditional use permit at a given location is in violation of the conditions of the permit, the Zoning Administrator or the Planning Commission, through the public hearing process, shall have the authority to suspend the conditional use until such time as the property has been brought into compliance and the City establishes that those conditions have been met.

- D. Operational Conditions. All conditional use permits for ABC licensed establishments may include conditions of approval to insure that the proposed use is compatible with adjoining uses as it relates to noise, debris, parking, traffic, security, design and hours of operation, to insure that the use does not create an adverse impact on public health, safety or welfare. In order to insure that an ABC licensed establishment does not create an adverse impact on

public health, safety or welfare, the following operational conditions shall be required through the conditional use permit process:

1. Hours of operation shall be permitted only between the hours identified in the conditional use permit;
2. Site lighting, as specified in Section 9.16.040.200.B.4, shall be required to illuminate the premises;
3. A state licensed, uniformed security guard(s) shall be provided if requested by the Police Department;
4. The sound emitted from the premises shall not be audible outside the boundaries of the establishment;
5. Doors that open towards adjacent residential properties shall be kept closed during the operation of the establishment, except in case of emergency;
6. The operator of the ABC licensed establishment shall submit a signed letter agreeing to comply with all conditions of approval;
7. Signs shall comply with all applicable provisions of this code;
8. The property shall have properly maintained trash enclosures, parking area surfaces, parking stall striping, and other facilities as required by Sections 9.32.190, 9.32.200 and other sections of this code;
9. The City reserves the right to review the CUP three years from the date the CUP is first approved and at three-year intervals thereafter, and add, amend or delete any conditions of approval based upon changed circumstances that necessitate a modification to the conditions of approval. The hearing body shall adopt findings in support of its action. The operator of the establishment shall be responsible for filing the application for the review;
10. The hearing body may approve additional conditions on any CUP based upon the characteristics of the ABC licensed establishment and the area in which it is located;
11. Administrative Review of Conditional Use Permits. The City Manager or designee may perform administrative reviews of existing conditional use permits (CUPs) for state alcoholic beverage control (ABC) licensed establishments. The purpose of the administrative review is to ensure that any conditions of approval originally approved by the hearing body are being complied with. If, upon review, the establishment has been found to be operating in compliance with the conditions of approval of the CUP, and no changes to the conditions of approval are necessary, the City Manager or designee shall send a letter of compliance to the operator. In the event that, upon review of the CUP, any violations of the conditions of approval have been found, or any changes to the conditions of approval or business operation are proposed, the review shall be considered by the Planning Commission at a duly noticed public hearing.

§ 9.16.020.090. Outdoor Sales of Goods and Merchandise.

A. Vehicular Vending.

1. Goods, food or merchandise may be sold or offered for sale from any vehicle that is parked, stopped or standing upon commercially or industrially zoned properties, or on any site where construction is occurring.
2. It is unlawful for any person to sell or offer for sale any goods, food or merchandise from any vehicle that is either parked, stopped or standing upon:
 - a. Any public street, alley, parkway, sidewalk or other public property; or
 - b. Any property zoned or used for residential purposes, except where construction is occurring; or
 - c. Any property zoned or used for public or private schools; or
 - d. Any property zoned or used for parks.

B. Nonvehicular Vending—Short Term—All Zones. No person shall vend, or offer for sale, any food, goods, wares or merchandise outside of a building upon private property, public property, or public or private sidewalks or streets, except in conjunction with an approved community event permit, special event permit or temporary event permit.

C. Nonvehicular Vending—Long Term. Outdoor, stationary, nonvehicular vending may be permitted, subject to approval of a conditional use permit, in the C-1 and C-2 zones.