

Article 51. Specific Standards For Various Commercial, Industrial And Public Utility Buildings Or Uses

Sec. 8-5.5101. Temporary Use of a Commercial Coach.

A commercial coach to be temporarily used as an office in a commercial or industrial district, must meet the following standards in addition to any other conditions imposed by the use permit:

- A. The commercial coach shall bear the tag or seal of the State as required by the Health and Safety Code of the State.
- B. The commercial coach shall carry a current State license.
- C. The commercial coach shall be kept mobile.
- D. Skirting shall be provided along all sides of the commercial coach.
- E. The exterior surface and roofing materials shall be consistent with those materials normally used in the construction of permanent office facilities.
- F. Parking spaces shall be provided for the occupants of the commercial coach as required by Article 61.
- G. The maximum term of the use permit is 2 years.

Sec. 8-5.5102. Commercial Coach as a Mobile Home Sales Office.

A commercial coach may be used as a sales offices for a mobile home sales facility, provided that the standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the primary use are met.

Sec. 8-5.5103. Temporary Outdoor Sales.

- A. The following are permitted in all commercial and industrial districts:
 - 1. **Sidewalk and parking lot display and sales** - Promotional sales events held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted may be conducted by one or more businesses subject to the following:
 - a. Merchandise display areas within 10 feet of the building (provided they are not in the parking area) are permitted, subject to subsection c. below.
 - b. Parking lot sales are permitted quarterly for up to one week with the issuance of a zoning clearance (Sec. 8-5.7002) and on weekends between noon Friday and noon Monday. Both are subject to subsection c. below.

- c. Sidewalk and parking lot display and sales are subject to the following criteria:
 - i. The outdoor display/sales shall be located on a paved or concrete area on the same lot as the structure(s) containing the business.
 - ii. Sales are limited to merchandise which is normally displayed and sold within the structure(s) containing the business.
 - iii. Sales events shall be conducted solely on private property and not encroach within the rights-of-way.
 - iv. Location of the displayed merchandise shall be such that fire, safety and pedestrian access is maintained.

2. Annual sales of **Christmas trees, fireworks, pumpkins** and related items.

3. **Fund raising** sales for up to 3 days per event conducted on a site by a non-profit organization, not to be conducted more frequently than 4 times per year per site.

B. The following is prohibited in all commercial and industrial districts:

The parking of **private used automobiles** in commercial and industrial parking lots for the express purpose of offering the vehicle for sale. This does not apply to bona fide vehicle sales lots.

Sec. 8-5.5104. Recycling Collection Facilities.

In the zone districts that permit this use, recycling collection facilities must meet the following criteria:

- A. The facility shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the City of Yuba City;
- B. The facility shall be set back at least 10 feet from any street line and shall not obstruct pedestrian or vehicular circulation;
- C. The facility shall accept only glass, metal, plastic containers, paper and reusable items;
- D. The facility shall use no power-driven processing equipment except for reverse vending machines;
- E. The facility shall store all recyclable material in containers or in a mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
- F. Shall be maintained free of litter and any other undesirable materials, and mobile facilities for which truck or containers are removed at the end of the collection day, shall be swept at the end of the collection day;

- G. Shall not exceed noise levels of 60 decibels as measured at the property line of residentially zoned or occupied property;
- H. Facilities shall not be located within 100 feet of a property zoned or occupied for residential use;
- I. Containers shall be clearly marked to identify the type of materials that may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside of the recycling enclosure or containers;
- J. Signs may be provided as follows:
 - 1. Recycling facilities may have identification signs comprising a maximum of 16 square feet;
- K. The facility shall not impair the landscaping required by local ordinance for any concurrent use or any permit issued pursuant thereto;
- L. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless either of the following conditions exist:
 - 1. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;

Sec. 8-5.5105. Sex Oriented Businesses.

A. Purpose.

The City Council finds that sex oriented entertainment businesses have objectionable and deleterious operational characteristics and effect on adjacent areas, particularly when located in close proximity to each other, located in the vicinity of facilities frequented by minors, and when located in close proximity to residentially zoned or used property. Special regulation of these businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent the concentration or clustering of these businesses in any one area and preserve the public health, safety and welfare of the citizenry.

B. Definitions (for purposes of this Section).

1. "Sex oriented entertainment business" means any sex oriented book store, sex oriented motion picture theater, sex oriented hotel or motel, sex oriented motion picture arcades, sex oriented cabaret, model studio, sexual encounter center, or any other business or establishment which offers its patrons services or entertainment of which a preponderance of the business is characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical

areas.

2. "Sex oriented book store" means an establishment where a preponderate portion of its stock in trade books, magazines and other periodicals is distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a preponderate segment or section devoted to the sale or display of such material.

3. "Sex oriented motion picture theater" means an enclosed or unenclosed building or structure where a preponderate portion of the material presented therein is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

4. "Sex oriented hotel or motel" means a hotel or motel wherein a preponderate portion of any material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

5. "Sex oriented motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug- operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to persons, and where a preponderate portion of the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

6. "Sex oriented cabaret" means a nightclub, theater or other establishment which features live performances where a preponderate portion of the performances are by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, whose performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

7. "Model studio" means any business where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

8. "Sexual encounter center" means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

9. "Specified sexual activities" may include:

a. Human genitals in a state of sexual stimulation or arousal;

b. Sex acts normal or perverted, actual or stimulated, including but not limited to

masturbation, ejaculation, sexual intercourse, coitus, oral copulation, anal intercourse, oral anal copulation, bestiality, flagellation or torture in the context of a sexual relationship, the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, or zooerasty;

c. Fondling or other touching or sexual stimulation of human genitals, pubic region, buttock, anus or female breast;

d. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

e. Touching, fondling, masturbating, copulating or other erotic or lewd contact with an animal by a human being;

f. Human excretion, urination, menstruation, vaginal or anal irrigation.

10. "Specified anatomical areas" shall include:

a. Less than completely and opaquely covered human genitals or public region; buttock; anus; 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. Special Regulations.

1. The establishment of any sex oriented entertainment business in any zone wherein such use is permitted under the provisions of this chapter shall comply with the special regulations contained in this section in addition to the regulations applicable so the zone wherein the use is established. No sex oriented entertainment business shall be established:

a. Except in a General Commercial District (C-3) ;

b. Within 500 feet of any area zoned or used for residential purposes;

c. Within 1500 feet of any other sex oriented entertainment business;

- d. Within 500 feet of any public or private school, public park, playground, recreational area, public building, church, or any noncommercial establishment operated by a bona fide religious organization.
2. The establishment of any sex oriented entertainment business shall include the operating of such a business as a new business, the relocating of such business, or the conversion of an existing business location to any sex oriented entertainment business use.
3. Distances required by this section shall be measured from the nearest property lines of the parcels on the zone in question or containing the use in question.
4. All windows, doors or other apertures shall be architecturally screened or otherwise obscured so as to prevent the viewing of the interior of the sex oriented entertainment business from without.
5. No advertisement displays or merchandise available for sale or rent that includes or depicts specified sexual activities or specified anatomical areas shall be visible from any public right-of-way.
6. All sex oriented entertainment businesses shall provide security personnel to control behavior of both indoor and outdoor patrons so they do not violate any laws. The security personnel shall be provided at a ratio of one per 10 parking spaces.
7. No loitering or consumption of alcoholic beverages shall be allowed in sex oriented entertainment business parking lots. Parking lots shall contain signage stating that loitering and consumption of alcoholic beverages are prohibited in parking lots.
8. Total wall sign area shall not exceed 20 square feet. A business located on a corner lot may have a maximum of 25 square feet of sign area. No sign associated with the business, including monument signs, shall be visible from a State highway.
9. Hours of operation of the business shall be limited to between 10 a.m. and midnight daily.
10. Parking shall be provided at a ratio of one space per 2 seats and/or one space per 100 square feet of gross leasable floor area, as determined by the Planning Department. The Department's determination shall be based on the extent to which the sex oriented entertainment business provides seating for patrons.

D. Waiver of Locational Provisions.

1. Any property owner or his authorized agent may apply to the Planning Commission for a waiver of any locational provisions as set forth in this section. The Planning Commission, after a hearing, may waive any locational provisions, if all the following findings are made:
 - a. The proposed use will not be contrary to the public interest or injurious to nearby

properties, and that the spirit and intent of this chapter will be observed;

b. The possible harm created by the proposed use is outweighed by its benefit;

c. The proposed use will not enlarge or encourage the development of a blighted or skid row area;

d. The establishment of the proposed use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal;

e. All applicable regulations of this chapter will be observed.

2. Notwithstanding any other provision of this article, original jurisdiction to hear applications for waivers under this section is vested in the Planning Commission. The procedure for this hearing shall be the same as that provided for in this chapter for the issuance of conditional use permits (Sec. 8-5.7003) by the Planning Commission, including the same notice requirements, the same right of appeal to the City Council and the same fees payable by the applicant.

Sec. 8-5.5106. Resource Extraction.

A. On-site use.

As part of a development project, existing on-site natural resource materials may be processed for utilization as construction materials necessary to construct an approved project on the same site. This shall not be construed to permit the installation of permanent processing facilities, the importation of materials to be processed, or the commercial excavation of natural resources to be sold off-site.

B. Exportation of resources.

Because the operation of extracting resources must occur where the resource lies, the commercial excavating of natural materials for off-site sale for building or construction purposes may be permitted, provided that a use permit (Sec. 8-5.7003) is first secured. This is not intended to apply to gravel crushing or cement or asphalt batch plants, which must be located in an M-2 District.

Sec. 8-5.5107. Public Utilities and Telecommunication Facilities.

A. Public Utilities.

All underground and aboveground utility installations, and single poles 60 feet in height or less, provided they are for local service, are permitted in all districts, except that a use permits (Section 8-5.7003) shall be required for substations, transmission lines, towers, single poles over 60 feet in height, generating plants and similar facilities.

B. Telecommunication Facilities.

1. **Purpose** - To encourage the appropriate location and development of wireless communication facilities. The City wants to minimize the impact of such sites by encouraging their location on existing structures, collocating on existing communication structures, make provisions on their facility for future collocation opportunities and by applying appropriate siting standards for stand alone facilities.

2. **Applicability** - Wireless communication facilities are permitted, subject to the provisions of this section, in C-2, C-3 and C-M Commercial Districts and M-1 and M-2 Industrial Districts and PF Public Facilities District. The following types of antennas shall be exempt from the provisions of this section if, and to the extent that, a permit issued by the California Public Utilities Commission (CPUC), or other applicable federal or state law specifically provides that the antenna is exempt from local government regulation: non-commercial antennas, including dish antennas, television and radio antennas, and antennas used in amateur radio.
3. **Zoning Clearance** - A zoning clearance may be issued for the installation of any wireless communication facility provided the following standards are complied with:
 - a. The wireless communication facility consists of a mono-pole as defined by Sec. 8-5.8039. A. Maximum height of the facility shall not exceed 60 in the C Districts or 80 feet in the M and PF Districts.
 - b. The equipment shelter or cabinet must be concealed to the extent possible from public view and be made compatible with the architecture of surrounding structures. The equipment shelter or cabinet shall be regularly maintained.
 - c. The shelter or cabinet shall meet the building setback standards established in the district in which the facility is to be located.
 - d. Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way.
 - e. All equipment, antennas, poles or towers shall be painted or otherwise treated to minimize visual impact. Antennas mounted on the side of a building shall be painted or otherwise treated to match the exterior of the building or the antenna's background color.
 - f. Roof-mounted antennas may extend 1 foot up for each 1 foot setback from the edge of the building to a maximum of 60 feet in the C Districts and 80 feet in the M and PF Districts. Antennas mounted on the side of a building shall not extend above the building parapet. Ancillary roof-mounted equipment shall be screened from public view.
 - g. The applicant shall agree to accept proposals from future applicants to collocate at the approved site. An exception to this requirement may be made by the Community Development Director if the applicant provides evidence that such collocation would adversely affect the facility's capability of providing necessary

communication services.

4. **Use Permit** - Wireless communication facilities that cannot meet or that exceed the provisions for the issuance of a zoning clearance shall obtain approval of a use permit (Sec. 8-5.7003) from the Planning Commission.
 - a. In reviewing applications pursuant to this ordinance, the City shall not unreasonably discriminate among providers of functionally equivalent services.
 - b. Any decision to deny a permit shall be in writing and supported by substantial evidence contained in a written record.
5. **Removal of Facilities** - The operator of a wireless communication facility shall be required to remove all unused or abandoned equipment, antennas, poles or towers within thirty (30) days of abandonment. The facility shall be deemed abandoned if it has not been operational for a consecutive six (6) month period.

Sec. 8-5.5108. Carnivals, Fairs and Festival Events.

All carnivals, fairs and festival events to be located on private property must obtain a zoning clearance (Sec. 8-5.7002). Carnivals or similar type events shall be permitted in C-2 and C-3 Districts, limited to twice a year between the hours of 8:00 a.m. and 11:00 p.m. not to exceed 5 consecutive days. Prior to the issuance of the Zoning Clearance the event representative shall submit, at least 7 days prior to the event, to the Planning Director the following:

- A. A letter from the property owner(s) granting permission for the event to be held on their property.
- B. Written notice(s) describing the event, including the event proponent, location, days and hours of operation, along with addressed and stamped envelopes for all developed properties adjoining the event site. Staff will be responsible for mailing the notices to the adjoining property owners.
- C. The Police Department must approve and verify to the Planning Department that the event will have security which meets the Police Department standards.

After the above information has been submitted and approved by the Planning Director a zoning clearance may be issued.