

# TITLE 12

# ZONING

## INDEX

<b>Chapter 1</b>	<b>Title; Purpose; Compliance</b>	<b>1</b>
12-1-1	Title	
12-1-2	Purpose	
12-1-3	Uses of Land and Structures; Compliance Required	
12-1-4	Severability	
<b>Chapter 2</b>	<b>Definitions</b>	<b>3</b>
12-2-1	Terms Defined	
<b>Chapter 3</b>	<b>Administration and Enforcement</b>	<b>35</b>
12-3-1	Administration and Enforcement Officials	
12-3-2	Permits	
12-3-3	Amendments	
12-3-4	Appeals	
12-3-5	Violations; investigation	
12-3-6	Violations; penalties	
<b>Chapter 4</b>	<b>Zoning Districts and Map</b>	<b>39</b>
12-4-1	Classification of Zones	
12-4-2	Zone Boundaries; Map	
12-4-3	Divided Lot; Less Restrictive Zone Governs	
12-4-4	Zoning of Annexed Areas	
12-4-5	Uses and Development Standards Applicable to All Districts	
<b>Chapter 5</b>	<b>Residential Districts</b>	<b>42</b>
<b>Article A</b>	<b>R1 Single-Family Residential District</b>	<b>42</b>
12-5A-1	Intent	
12-5A-2	Permitted Uses	
12-5A-3	Conditional Uses	
12-5A-4	Standards	
<b>Article B</b>	<b>R1R Single-Family Residential Restricted District</b>	<b>45</b>
12-5B-1	Intent	
12-5B-2	Permitted Uses	
12-5B-3	Conditional Uses	
12-5B-4	Standards	

<b>Article C</b>	<b>R2 Two-Family Residential District</b>	<b>48</b>
12-5C-1	Intent	
12-5C-2	Permitted Uses	
12-5C-3	Conditional Uses	
12-5C-4	Standards	
<b>Article D</b>	<b>R2R Two-Family Residential Restricted District</b>	<b>51</b>
12-5D-1	Intent	
12-5D-2	Permitted Uses	
12-5D-3	Conditional Uses	
12-5D-4	Standards	
<b>Article E</b>	<b>R3 Multi-Family Residential District</b>	<b>54</b>
12-5E-1	Intent	
12-5E-2	Permitted Uses	
12-5E-3	Conditional Uses	
12-5E-4	Standards	
<b>Article F</b>	<b>R3R Multi-Family Residential Restricted District</b>	<b>58</b>
12-5F-1	Intent	
12-5F-2	Permitted Uses	
12-5F-3	Conditional Uses	
12-5F-4	Standards	
<b>Chapter 6</b>	<b>Visitor Commercial and Mixed Use Districts</b>	<b>62</b>
<b>Article A</b>	<b>OT Old Town District</b>	<b>62</b>
12-6A-1	Intent	
12-6A-2	Permitted Uses	
12-6A-3	Conditional Uses	
12-6A-4	Standards	
<b>Article B</b>	<b>OTW Old Town West District</b>	<b>65</b>
12-6B-1	Intent	
12-6B-2	Permitted Uses	
12-6B-3	Conditional Uses	
12-6B-4	Standards	
<b>Article C</b>	<b>RC Residential Commercial District</b>	<b>68</b>
12-6C-1	Intent	
12-6C-2	Permitted Uses	
12-6C-3	Conditional Uses	
12-6C-4	Standards	
<b>Article D</b>	<b>AC Accommodations District</b>	<b>73</b>
12-6D-1	Intent	
12-6D-2	Permitted Uses	
12-6D-3	Conditional Uses	
12-6D-4	Standards	

<b>Chapter 7</b>	<b>Commercial and Industrial Districts</b>	<b>76</b>
<b>Article A</b>	<b>C1 Commercial District</b>	<b>76</b>
12-7A-1	Intent	
12-7A-2	Permitted Uses	
12-7A-3	Conditional Uses	
12-7A-4	Standards	
<b>Article B</b>	<b>C2 Commercial Retail Warehouse District</b>	<b>80</b>
12-7B-1	Intent	
12-7B-2	Permitted Uses	
12-7B-3	Conditional Uses	
12-7B-4	Standards	
<b>Article C</b>	<b>L1 Light Industrial</b>	<b>83</b>
12-7C-1	Intent	
12-7C-2	Permitted Uses	
12-7C-3	Conditional Uses	
12-7C-4	Standards	
<b>Chapter 8</b>	<b>Shoreline Districts</b>	<b>86</b>
<b>Article A</b>	<b>S1 Shoreline Single-Family Residential District</b>	<b>86</b>
12-8A-1	Intent	
12-8A-2	Permitted Uses	
12-8A-3	Conditional Uses	
12-8A-4	Standards	
<b>Article B</b>	<b>S2 Shoreline Multi-Family Residential District</b>	<b>89</b>
12-8B-1	Intent	
12-8B-2	Permitted Uses	
12-8B-3	Conditional Uses	
12-8B-4	Standards	
<b>Article C</b>	<b>S3 Shoreline Resort District</b>	<b>92</b>
12-8C-1	Intent	
12-8C-2	Permitted Uses	
12-8C-3	Conditional Uses	
12-8C-4	Standards	
<b>Article D</b>	<b>S3R Shoreline Resort Restricted District</b>	<b>95</b>
12-8D-1	Intent	
12-8D-2	Permitted Uses	
12-8D-3	Conditional Uses	
12-8D-4	Standards	
<b>Article E</b>	<b>S3M Shoreline Resort Mixed-Use District</b>	<b>98</b>
12-8E-1	Intent	
12-8E-2	Permitted Uses	
12-8E-3	Conditional Uses	
12-8E-4	Standards	

<b>Chapter 9</b>	<b>Public and Open Space Districts</b>	<b>101</b>
<b>Article A</b>	<b>P Public District</b>	<b>101</b>
12-9A-1	Intent	
12-9A-2	Permitted Uses	
12-9A-3	Conditional Uses	
12-9A-4	Standards	
<b>Article B</b>	<b>PR Parks and Recreation District</b>	<b>104</b>
12-9B-1	Intent	
12-9B-2	Permitted Uses	
12-9B-3	Conditional Uses	
12-9B-4	Standards	
<b>Article C</b>	<b>S4 Shoreline Conservancy District</b>	<b>106</b>
12-9C-1	Intent	
12-9C-2	Permitted Uses	
12-9C-3	Standards	
<b>Chapter 10</b>	<b>Design Review Criteria</b>	<b>108</b>
12-10-1	Design Review Concept	
12-10-2	Scope	
12-10-3	Design Approval Required	
12-10-4	Permit Application Procedure	
12-10-5	Review Procedure	
12-10-6	Design Review Approval; Expiration	
12-10-7	Criteria for Approval; Required Findings	
12-10-8	Appeal	
12-10-9	Exemptions	
<b>Article A</b>	<b>Specific Design Criteria by District</b>	<b>117</b>
12-10A-1	OT, OTW, RC, AC,S3, S3R, S3M, C1 and C2 Districts	
12-10A-2	R1R District	
12-10A-3	S1, and S2, R2R and R3R Districts	
12-10A-4	P, PR and S4 Districts	
12-10A-5	Design Review in Other Zones	
12-10A-6	Use of Alternative Building Materials	
12-10A-7	Historic Buildings	
<b>Chapter 11</b>	<b>Supplementary Provisions</b>	<b>126</b>
12-11-1	Home Occupations	
12-11-2	Bed and Breakfast Operations	
12-11-3	Projections From Buildings	
12-11-4	Location of Accessory Structures	
12-11-5	Recreational Vehicles and Equipment	
12-11-6	Manufactured Homes	
12-11-7	Parking and Storage of Certain Vehicles	
12-11-8	Fences	
12-11-9	Vacation Rental	
12-11-10	Lot Filling and Modification	

12-11-11	Underground Utilities	
12-11-12	Outdoor Merchandising, Vending and Dining	
12-11-13	Use of Sidewalk or Public Way	
12-11-14	Special Use Permit	
12-11-15	Illumination	
12-11-16	Uses Not Compatible With Sexually Oriented Businesses	
12-11-17	Wireless Communication Facilities	
12-11-18	Affordable Housing	
12-11-19	Recreational Vehicle Parks; Requirements	
12-11-20	Manufactured Home Parks	
<b>Chapter 12</b>	<b>Off Street Parking and Loading</b>	<b>148</b>
12-12-1	Intent	
12-12-2	Off Street Parking	
12-12-3	Off Street Loading	
12-12-4	Payment in Lieu of Parking	
<b>Chapter 13</b>	<b>Landscaping</b>	<b>154</b>
12-13-1	Required Landscaping	
12-13-2:	OT Old Town District	
12-13-3	OTW Old Town West District	
12-13-4	C1 Commercial District and RC Residential Commercial	
12-13-5	S3 Shoreline Resort, S3R Shoreline Resort Restricted and S3M Shoreline Resort Mixed Use Districts	
12-13-6	AC Accommodations District	
12-13-7	L1 Light Industrial and C2 Commercial Retail Warehouse Districts	
12-13-8	P Public, PR Parks & Recreation and S4 Shoreline Conservancy Districts	
12-13-9	Residential Districts	
12-13-10	Vision Clearance Triangle	
12-13-11	Required Maintenance	
<b>Chapter 14</b>	<b>Signs</b>	<b>159</b>
12-14-1	Purpose and Applicability	
12-14-2	Conformance To Codes and City Regulations	
12-14-3	Permits	
12-14-4	Traffic Visibility	
12-14-5	Signage Allocation	
12-14-6	Maintenance, Repair or Removal	
12-14-7	Computation of Frontage	
12-14-8	Prohibited Signs	
12-14-9	Exempt Signs	
12-14-10	Temporary Signs	
12-14-11	Abandoned Signs	
12-14-12	Nonconforming Signs	
12-14-13	Illegal Signs	
12-14-14	Appeals	

<b>Article A</b>	<b>Specific Sign Requirements</b>	<b>171</b>
12-14A-1	Animation and Changeable Messages	
12-14A-2	Canopy and Awning Signs	
12-14A-3	Development and Construction Signs	
12-14A-4	Development Complex Signs	
12-14A-5	Directional Signs	
12-14A-6	Illuminated Signs	
12-14A-7	Marquee Signs	
12-14A-8	Off Premises Signs	
12-14A-9	Political Signs	
12-14A-10	Projecting Signs	
12-14A-11	Sandwich Board Signs	
12-14A-12	Special Promotion, Event and Grand Opening Signs	
12-14A-13	Individual Letter Signs	
12-14A-14	Under Canopy Signs	
12-14A-15	Signs In Rights-of-way	
12-14A-16	Projections Over Public Ways	
12-14A-17	Way Finding Signs	
12-14A-18	Monument and Freestanding Signs	
<b>Chapter 15</b>	<b>Sexually Oriented Business Uses</b>	<b>180</b>
12-15-1	Purpose and Intent	
12-15-2	Findings of Fact	
12-15-3	Definitions	
12-15-4	Business Uses Permitted	
12-15-5	Prohibited Activities	
12-15-6	Exemptions	
12-15-7	Non-discrimination; Non-liability of City	
12-15-8	License Required	
<b>Chapter 16</b>	<b>Nonconforming Uses and Structures</b>	<b>189</b>
12-16-1	Existing Buildings or Uses	
12-16-2	Discontinuance or Abandonment of Use	
12-16-3	Change of Nonconforming Use	
12-16-4	Nonconforming Structure	
12-16-5	Expansion or Alteration	
12-16-6	Reconstruction	
12-16-7	Replacement of Nonconforming Mobile Homes or Manufactured Homes	
12-16-8	Replacement of Nonconforming Residential Uses	

CHAPTER 1

**TITLE; PURPOSE; COMPLIANCE**

Section:

12-1-1: Title

12-1-2: Purpose

12-1-3: Uses Of Land And Structures; Compliance Required

12-1-4: Severability

**12-1-1: TITLE:** This title shall be known as the *ZONING ORDINANCE OF THE CITY OF LONG BEACH*.

**12-1-2: PURPOSE:** The purpose of this title is to promote public health, safety and general welfare, encourage the orderly growth, protect and enhance property values, minimize discordant, unsightly surroundings, avoid inappropriate design, provide for environmental, aesthetic, health, safety and general welfare objectives, while ensuring the comfort, prosperity, beauty and balance of the community as a whole, to promote and enhance construction and maintenance practices that will ensure visual quality throughout the city.

**12-1-3: USE OF LAND AND STRUCTURES; COMPLIANCE REQUIRED:**

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used or altered, for any purpose or in any manner other than the use listed in this title as permitted in the use zone in which such land, building, structure or premises is located. All land uses and structures not specifically mentioned as a permitted use or structure, accessory use or structure, or conditional use or structure; shall be prohibited.
- B. The permitted uses of land or buildings are only those specifically provided for in the sections describing each use zone and under the conditions provided for, except for uses lawfully established prior to the effective date hereof and within the limitations of chapter 15 of this title, "Nonconforming Uses And Structures".
- C. No building or lot or tract of land shall be devoted to any use other than a use permitted hereinafter in the use zones in which such building, lot, or tract of land (or portion thereof) shall be located.

**12-1-4: SEVERABILITY:** The provisions of this title are hereby declared to be severable. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this title is

adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this title.

## CHAPTER 2

### DEFINITIONS

Section:

12-2-1: Terms Defined

#### **12-2-1: TERMS DEFINED:**

Any term not herein defined shall have its customary or commonly accepted meaning.

**ACCESSORY:** A use, a building or structure, or part of a building or other structure, which is subordinate to and incidental to the use of the main building, structure or use on the same lot, including a private garage. If an accessory building is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

**ACCESSORY DWELLING UNIT:** A dwelling unit added to a principal building or use for occupancy by a resident manager or on-site security personnel, where so permitted by the underlying zoning.

**ACCESSORY LIVING QUARTERS:** Living quarters added to a principal building or within an accessory building of an owner occupied dwelling for the sole use of the family or of persons employed on the premises, or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. The term "accessory living quarters" includes "guest house".

**ADDITION:** An extension or increase in floor area or height of an existing building or structure.

**ADULT BUSINESS:** See Chapter 15 of this title for definitions.

**ADULT FAMILY HOME:** A residential home in which a person or persons provide personal care, special care, room and board to more than one (1) but not more than six (6) adults who are not related by blood or marriage to the person or persons providing the services, as regulated by RCW 70.128

**AFFORDABLE DWELLING UNIT:** Any dwelling unit required to be occupied by Qualified Households as Affordable Housing, and subject to deed restrictions or covenants requiring such dwelling units to be rented or sold at prices preserving them as affordable housing for a specified time period.

**AFFORDABLE HOUSING:** Housing with a sales price or rental amount within the means of a household that may occupy low-, very low- and extremely low-income housing. In the case of dwelling units for sale, "affordable" means housing in which mortgage, amortization, taxes,

insurance, and condominium or association fees, if any, constitute no more than thirty percent (30%) of such gross annual household income for a household of the size that may occupy the unit in question. In the case of dwelling units for rent, affordable means housing for which the rent and utilities constitute no more than thirty percent (30%) of such gross annual household income for a household of the size that may occupy the unit in question.

**ALLEY:** A public thoroughfare or way that affords a secondary means of access to abutting property, and is not intended for general traffic circulation.

**ALTERATION:** Any change, rearrangement, reduction, diminution or modification of an existing building, structure or site that does not result in an increase in the building envelope or floor area. See also “Structural Alteration.”

**AMENDMENT:** A change in the wording, context or substance of this title, the adoption of a zoning map hereunder, or a change in the zone boundaries upon zoning maps adopted hereunder.

**AMUSEMENTS:** Establishments engaged in providing entertainment or games for a fee, such as bowling alleys, billiard and pool establishments, rinks, racetracks, bumper cars or boats, go-carts, coin-operated games, arcades, rides, carnival-type operations, horse rides and similar activities. Such activities may occur indoors or outdoors, subject to the requirements of the zone district in which it is located.

**ANNEXATION:** The incorporation of a land area into the existing corporate boundaries, resulting in a change in the boundaries of the city.

**ANTENNA:** A device used in communications that transmits and/or receives radio, television, or other electromagnetic signals, including, but not limited to, dish, panel, parabolic and whip antennas.

**APARTMENT:** One or more rooms with a private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three (3) or more dwelling units.

**APARTMENT HOUSE:** A building or a portion of a building designed for occupancy by three (3) or more families living separately from each other and containing three (3) or more dwelling units. See also “Dwelling - Multi-Family.”

**APRON:** That portion of a driveway, whether paved or unpaved, that connects a garage or carport to a street or way; also referred to as a garage approach.

**AREA MEDIAN INCOME (AMI):** A statistical number based on household size and annual income for residents of Pacific County, in the annual schedule published by the US Department of Housing and Urban Development.

**ATTACHED:** A structure that shares at least one common wall or roof with another structure.

**AUTOMOBILE, BOAT AND TRAILER SALES AREA:** An open area, other than a street, used for the display, sale or rental of new or used automobiles, boats or trailers, and where no repair work is done except minor incidental repair of automobiles, boats or trailers to be displayed, sold, or rented on the premises.

**AUTOMOBILE WRECKER:** Any person, corporation or enterprise engaged in automobile wrecking.

**AUTOMOBILE WRECKING:** Any dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

**AUTOMOBILE WRECKING YARD:** Any premises devoted to "automobile wrecking" as the term is defined herein.

**A-WEIGHTED SOUND LEVEL (dBA):** The sound level in decibels as measured on a sound level meter using the A-weighting network, which takes into effect the manner in which the human ear perceives sound.

**AWNING:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

**BED AND BREAKFAST:** A residence that contains a maximum of six (6) itinerant rental units, with the owner or manager living on the premises, and that provides a morning meal for guests only. See also "Itinerant Lodging."

**BICYCLE PARKING:** A facility that includes the necessary space and a secured rack designed to hold a bicycle.

**BOARD AND BATTEN:** Exterior siding comprised of boards approximately eight (8) to twelve inches (12") in width, installed vertically and with strips of wood (battens) applied to cover the joints between the boards. Battens are typically about two inches (2") wide but may be up to four inches (4"). Sheet siding such as exterior grade plywood may be used in lieu of individual boards, with the spacing of the battens simulating individual boards.

**BLOCK:** All property abutting upon one side of a street between intersecting and intercepting streets, or between a street and railroad right-of-way, waterway, terminus or dead end street, or city boundary line. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

**BUFFER STRIP:** Open space, landscaped area, fences, wall, berm or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

**BUILDING:** Any structure having a roof supported by columns or walls and intended for the

shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**BUILDING HEIGHT:** The vertical distance from the average finished grade to the highest point of the coping or parapet of a flat roof, or to the peak of the highest gable of a pitch, gambrel or hip roof, or to the highest point on a false wall on a building with a false front, or to the deck level on a mansard roof. Average finished grade is determined by a simple average of the lowest elevation point and the highest elevation point of the site's grade within the building's footprint.

**BUILDING, PRINCIPAL:** The primary building or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one building or structure designed or used for the primary purpose, as in the case of group houses, each such permissible or other structure on a lot or building site as defined by this title shall be construed as comprising a principal building or structure.

**BUSINESS OR COMMERCE:** The purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of the office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures or premises by professions and trades or persons rendering services.

**CAMPGROUND:** A plot of ground on which two (2) or more campsites are located, established or maintained for occupancy by tents, trailers, recreational vehicles or similar structures as temporary living quarters for recreation, education or vacation purposes. See also "Recreational Vehicle Park."

**CANOPY:** See "Awning."

**CARPOR:** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.

**CATEGORY:** A broad generic group of types of uses such as agriculture, residential, business, commercial, manufacturing and others, and which are further refined into classifications distinguished principally by the degree of intensity of use.

**CHILD DAY CARE FACILITY:** A building or structure in which an agency, person, or persons regularly provide care for a group of children for periods of less than twenty four (24) hours a day. Child daycare facilities include family day care homes, out of home child mini-daycare centers, and child daycare centers regulated by the Washington state department of social and health services, as presently defined and hereafter amended<sup>1</sup>. See also "Day Care Center" or "Family Day Care Home."

---

<sup>1</sup> RCW ch. 74.15, WAC 388-73-422.

**CHURCH:** An establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, a one-family dwelling unit and residences on site for nuns and clergy, but excluding facilities for training of religious orders.

**CITY ADMINISTRATOR:** The city administrator of the city of Long Beach, or his or her designee.

**CITY COUNCIL:** The elected legislative body of the city of Long Beach.

**CIVIC CENTER:** A building or complex of buildings that houses government offices and services and that may include cultural, recreational, athletic, convention and entertainment facilities.

**CLASSIFICATION:** A refined identification of uses which, either individually or as to type, are identified as possessing similar characteristics or performance standards and are permitted as compatible uses in a zone. A classification, as the term is employed in this title, includes provisions, conditions and requirements related to the permissible location of permitted uses.

**CLOSED RECORD APPEAL:** An appeal of a final decision made under the authority of the Long Beach City Code where a pre-decision open record hearing was held. A closed record appeal is on the record of the permit decision and no new evidence or testimony is allowed to be submitted.

**CLUB:** An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

**CLUBHOUSE:** A building, or portion thereof, providing a gathering place or space for other activities provided as an amenity for the use of the residents of a resort development, or associated with a recreational facility. A clubhouse may include kitchen facilities, assembly halls, meeting rooms and locker facilities, and where permitted by the underlying zone, retail, personal services and eating and drinking establishments.

**COMMISSION:** City of Long Beach planning commission.

**COMMUNITY CENTER:** A facility used for recreation, social, education and cultural activities.

**COMMUNITY EVENT:** An occurrence or activity open to the general public, and organized by (or in cooperation with) a public agency, civic organization or non-profit organization.

**COMPREHENSIVE PLAN:** The comprehensive plan adopted by the city pursuant to the state of Washington growth management act<sup>2</sup>. The comprehensive plan provides a vision of the future

---

<sup>2</sup> RCW ch. 36.70A.

for the city, and includes the goals and their implementing strategies that guide development and city policies regarding development.

**CONCESSION:** The limited sale of food and goods, the rental of sporting equipment, or the provision of services such as instruction or guiding, incidental to a recreation use or special event.

**CONDITIONAL USE:** A use permitted in one or more classifications as defined by this title but which use because of characteristics peculiar to it, or because of size, technological processes or types of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones, and to assure that such use shall not be inimical to the public interest.

**CONDITIONAL USE PERMIT:** The documented evidence of authority granted by the hearing examiner to locate a conditional use at a particular location.

**CONDOMINIUM(S):** A building, or group of buildings, in which dwellings, units, offices, or floor area is owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. A condominium, whether permanent or itinerant, is a form of property ownership rather than a form of land use.

**CONDOMINIUM HOTEL:** A building constructed, maintained, and operated and managed as a hotel in which some or all of the rooms are available to transients for rent, and where the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. See also "Itinerant Lodging."

**CONFERENCE CENTER:** A facility with meeting rooms used for conferences and seminars, that may include accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms. A fitness and health center, retail stores, and services may be provided as accessory uses, for the primary use of conference center guests. A conference center may also be part of a resort complex.

**CONFORMING BUILDING:** Any building or structure that is built to the standards set forth in this title.

**CONFORMING USE:** An activity the nature and type of which is permitted in the zone in which the property on which it is established is located.

**CONVALESCENT CENTER:** A facility that provides short-term, primarily in-patient care, treatment, and/or rehabilitation services for person recovering from illness or injury who do not require continued hospitalization. Such facility may be combined with a nursing home or similar long-term care facility. See also "Nursing Home."

**CONVENTION CENTER:** A building or portion thereof design to accommodate a large group of people in assembly. A convention center may be combined with a civic center or a community

center. See also “Conference Center.”

**COURT:** Any portion of the interior of a lot or building site which is fully or partially surrounded by buildings or other structures and which is not a required yard or open space.

**CROSS GABLE:** A secondary roof form, set perpendicular to the primary roof and having its highest ridge at the same height or lower than the ridge of the primary roof.

**CUPOLA:** A small roof tower, usually rising from the roof ridge.

**DAY CARE CENTER:** A child care center providing care for seven (7) or more children, and not located in the home of the provider. See also “Child Day Care Facility.”

**DAY NURSERY:** Any type of group child daycare program, including nurseries for children of working mothers, nursery schools for children under minimum age for education in public schools, privately conducted kindergartens when not a part of a public or parochial school, and programs covering after school care for school children; provided any such "day nursery" is licensed by the state or county and conducted in accordance with state and local requirements.

**DENSITY:** The number of dwelling units permitted per unit of land, usually described as minimum lot area per unit or maximum number of units per acre.

**DENSITY BONUS:** An increase in the number of dwelling units permitted on a property in order to provide an incentive for the construction of affordable housing.

**DESIGN REVIEW GUIDEBOOK:** The City of Long Beach Design Review Guidebook, adopted by the city and as may be amended, containing guidelines defining parameters to be followed in site and building design and development, for use in conducting design review pursuant to the requirements of this title.

**DETACHED:** A structure that does not share any walls or roof with any other structure.

**DORMER:** A projection from a sloping roof that typically contains a window.

**DRIVE-THROUGH:** An establishment that by design, physical facilities, service or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. A business with a drive-through may also provide goods or services within a building or may operate solely as a drive-through establishment, as permitted by the underlying zoning.

**DRIVEWAY:** A private roadway providing access to a street or highway.

**DUMP:** An open area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or noncombustible refuse, but not including transfer stations.

**DWELLING:** A building or a portion of a building designed exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels or motel units having no kitchens. A dwelling may be site built or factory built.

**DWELLING, TYPES OF:**

**Attached Dwelling:** A one-family dwelling unit with ground-floor outside access, that shares common walls with, and is connected to, two (2) or more one-family dwellings, but without openings or interior connections between the separate units. An attached dwelling could also be described as a townhouse.

**Detached Dwelling:** A dwelling unit that is not attached to any other dwelling and does not have any roof, wall or floor in common with any other dwelling unit.

**Group Dwelling:** Two (2) or more single family dwellings on a single property, each containing not more than one thousand two hundred (1,200) square feet of living area. A group dwelling development may also be referred to as a cottage development, and is distinguished by shared open space within the project. It may include a shared community building and accessory uses as amenities. Individual units may be condominiums, but the owner of each unit does not individually own the land on which the unit is situated and the open space and community building are owned in common by all owners.

**Multi-Family Dwelling:** A building designed exclusively for occupancy by three (3) or more families living independently of each other, and containing three (3) or more housing units separated by common walls. A "group home" is not a "multi-family dwelling".

**Semi-Detached Dwelling:** A dwelling unit with ground floor outside access that shares a common wall, without openings, to another single-family dwelling, but without openings or interior connections between the units.

**Single-Family Dwelling:** A detached building designed exclusively for occupancy by one family and containing one housing unit.

**Two-Family Dwelling Or Duplex:** A building designed exclusively for occupancy by two (2) families living independently of each other, having a common wall, floor or roof, and containing two (2) housing units.

**EASEMENT:** The grant of one or more specific air, surface or subsurface property rights by the property owner to and/or for use by the public, a corporation, or another person or entity, and recorded by deed or on the plat of the property.

**EATING AND DRINKING ESTABLISHMENT:** A retail establishment selling food and drink for consumption on the premises. An eating and drinking establishment serves alcoholic beverages, and may provide live entertainment and/or gaming.

**EDUCATIONAL INSTITUTION:** Elementary, junior high, high schools, junior colleges, colleges or universities or other schools giving general academic instruction in the several branches of learning and study required by the education code of the state.

**ELEVATION:** Means: a) a vertical distance above or below a fixed reference level; or b) a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, roofs, and relationship of grade to floor level.

**ENTIRELY ENCLOSED BUILDING OR STRUCTURE:** A building or structure so designed and constructed that all exterior walls of the building or structure shall be solid from the ground to the roofline and containing no openings except for windows and doors which are so designed that they may be closed.

**EQUIPMENT, HEAVY DUTY:** High capacity mechanical devices for moving earth or other materials, mobile power units, including, but not limited to, carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, caterpillars, concrete mixers and conveyors, harvesters, combines or other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

**ERECTED:** The construction of any building or structure, or the structural alteration of a building or structure the result of which would be to change the exterior walls or roof or to increase the square foot floor area of the interior of the building or structure.

**EXTREMELY LOW-INCOME HOUSING:** Housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross annual household income that is thirty percent (30%) or less of the area median income for households of the same size within Pacific County.

**FACADE:** The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

**FALSE FRONT:** The vertical extension of the facade of a building to give the appearance of an additional story or to conceal the roof from street view. A "mansard roof" is not a "false front".

**FAMILY:** An individual, or two (2) or more persons related by blood or marriage, or domestic partners, or a group of not more than five (5) persons who are not related by blood or marriage, living together in a housing unit.

**FAMILY DAY CARE HOME:** A person regularly providing care during part of the twenty-four-hour day to six (6) or fewer children in the residence of the person or persons under whose direct care the children are placed. See also "Child Care Center."

**F.A.R.:** See Floor Area Ratio.

**FENCE:** A barrier composed of posts connected by boards, rails, panels, or wire or a masonry wall, erected for the purpose of enclosing space or separating parcels of land. The term "fence" does not include "retaining wall".

**FENESTRATION:** Windows or other openings on a building facade.

**FINAL APPROVAL DATE:** The date after which no appeal may be filed, or the date upon which all appeals have been adjudicated.

**FLOOR AREA/GROSS FLOOR AREA:** The sum of the gross horizontal areas of all enclosed floors of a building, excluding basements, vents, shafts, light courts, elevators and equipment penthouses, and any area having a ceiling height of less than six feet six inches (6'6"), measured from the exterior face of exterior walls or from the centerline of a common wall separating two buildings.

**FLOOR AREA RATIO (F.A.R.):** Ratio representing the gross floor area of all buildings or structures on a lot divided by the total lot area.

**FRONTAGE:** The length of a structure, business, or lot abutting a property line along a street or private drive; the length of the front lot line.

**FULL CUT-OFF:** Light fixture designed to fully shield the bulb, allowing no emission of light above the horizontal plane drawn through the fixture; also referred to as a "dark-sky" light fixture.

**GARAGE, PRIVATE:** An accessory building or an accessory portion of the main building, enclosed on not less than four (4) sides and designed and intended to be used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.

**GRADE:** The vertical elevation of the ground surface.

**GRADE, ARTIFICIAL:** A manmade grade created by means of earthen terraces, berms, fills or the like, specifically for the purpose of gaining a height advantage or disguising the true height of a structure. Artificial grade shall not be used to determine the permissible height of any building or structure.

**GRADE, AVERAGE BUILDING FOOTPRINT:** The average elevation of the building footprint before clearing and grubbing for the building foundation determined by averaging the highest and lowest elevation points within the building's footprint.

**GRADE, FINISHED:** The vertical elevation of the ground surface after development.

**GROUP HOME:** A nonprofit or for profit home for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. See also "Residential Care Facility."

**HEIGHT:** See Building Height

**HOME OCCUPATION:** A limited commercial activity carried out for gain by a resident that results in a product or service, is conducted in the resident's dwelling unit, and is clearly subordinate to use of the premises as a residence.

**HOSPITAL:** An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from the treatment of mental and nervous disorders and alcoholics, but not excluding surgical and post surgical treatment of mental cases.

**HOTEL:** A facility offering transient lodging accommodations to the general public, and which may include additional facilities and services such as restaurants, meeting rooms, personal services, entertainment, and recreational facilities. See also "Itinerant Lodging."

**HOURS OF OPERATION:** The actual hours when a business is open to serve customers.

**HOUSING UNIT:** A house (whether site built or manufactured), an apartment, a mobile home, a group of rooms, or a single room, with cooking facilities and sanitary facilities, that is occupied as separate living quarters.

**IMPERMEABLE:** Not permitting the passage of water.

**IMPERMEABLE SURFACE:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**INSPECTOR:** Includes any city employee working under the authority and direction of the city administrator.

**INTERPRETIVE FACILITY:** An installation, structure(s), exhibit, series of features or other elements intended to provide information and education regarding cultural or historical persons, places or events, natural resources, or other matters of significance or interest.

**ITINERANT LODGING:** A hotel, motel or other facility engaged in the sale, rental or provision of lodging facilities for periods of thirty (30) days or less. All itinerant lodging is subject to the city's lodging tax, as required by Chapter 6 of Title 3, Finances and Taxation, of this Code. See also "Bed and Breakfast," "Condominium Hotel," "Hotel," "Motel," "Time-Share" and "Vacation Rental."

**JUNKYARD OR SALVAGE YARD:** Any facility or area used for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.

**KENNEL<sup>3</sup>:** A place in which dogs, cats, or domesticated animals or any combination thereof are

---

<sup>3</sup>. See also title 6, chapter 4, article A of this code.

housed, groomed, bred, boarded, trained or sold, all for a fee or compensation, but not including a small animal hospital or clinic.

**KENNEL, PRIVATE:** The keeping, breeding, raising, showing, or training of more than four (4) dogs over six (6) months of age for personal enjoyment of the owner or occupant of the property.

**LANDSCAPING:** An area of ground that consists of living plant material including, but not limited to, trees, shrubs, ground covers, grass, flowers, gardens and vines. These natural materials may also be described as softscape. Landscaping may also include limited amounts of hardscape such as patios and walkways and may include furnishings, sculpture, fountains, pools, lighting, fences and retaining walls, as may be permitted by the provisions of this title. Landscaping does not include off street parking spaces, driveways or similar areas.

**LIVE-WORK:** A dwelling unit, part of which is used as a business establishment and wherein the business operator is the principal resident. Where permitted as an accessory use in the underlying zone, live-work spaces are not subject to the limitations of a home occupation, including but not limited to area, number of employees and signage.

**LIVING AREA:** The amount of gross square footage in a residence, not including garage, deck, unfinished basement, unfinished attic, or porch surface area.

**LOADING SPACE:** An on site space or berth on the same lot or site with the buildings or use served, such space to serve for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers.

**LOT:** A building site that is described by reference to a recorded plat, by metes and bounds, or by section, township and range which has direct legal access to a street or has access to a street over an easement approved by the county.

#### **LOT AREA/LOT SIZE AND DIMENSIONS:**

**Lot Area/Lot Size:** The total horizontal area within the boundary lines of a lot; provided, that the area of a public street or right-of-way is not included within the area and is not used to compute lot area/lot size or available for the satisfaction of any required yard. Non-buildable critical areas within the lot shall be included in the computation of lot area/lot size.

**Lot Depth:** The horizontal distance between the midpoint of the front and rear lot lines. In the case of a lot having a curved front line, the lot front line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the lot side lines of the lot with the lot front line.

**Lot Width:** The horizontal distance between the lot side lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front line and the lot rear line.

**LOT COVERAGE:** That net portion of the lot that is covered by buildings, structures and impermeable surfaces, including driveways, walkways, decks and patios.

**LOT, FLAG:** A lot with a narrow street frontage and extension, providing access by a private driveway from the street to the main part of the lot, which is located behind and separated from the street by another lot or lots.

**LOT LINES:**

**Lot Front Line:** In the case of an interior lot, a line separating the lot from the street; in the case of a corner lot and reverse corner lot, the "lot front line" shall be the line separating the narrowest street frontage of the lot from the street. In case of corner lots or reverse corner lots having equal street frontages, that property line, the prolongation of which creates the front property line for the greatest number of interior lots in the same block, shall be considered as the lot front line of such corner or reverse corner lot.

**Lot Rear Line:** A lot line that is opposite and more distant from the lot front line. For the purpose of establishing the "lot rear line" of a triangular or trapezoidal lot, or of a lot where the rear line is formed by two (2) or more lines, the following shall apply:

- A. For a triangular or irregular shaped lot, a line ten feet (10') in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such lot shall be used as the "lot rear line".
- B. In the case of a trapezoidal lot, the rear line of which is not parallel to the lot front line, the "lot rear line" shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded "lot rear line".
- C. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two (2) lines, the angles shall be employed for determining the "lot rear line" in the same manner as prescribed for a triangular lot.
- D. In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet (5') to any property line.

**Lot Side Line:** Any lot boundary line not a lot front line or a lot rear line.

**LOW IMPACT DEVELOPMENT:** Site development and construction practices that reduce environmental impacts by managing rainfall at the source in a manner that mimics the site's predevelopment hydrology, primarily by using landscape features. Low impact development (LID) uses design techniques that infiltrate, filter, store, evaporate and detain runoff close to its source rather than disposal through stormwater conveyance and treatment facilities.

**LOW-INCOME HOUSING:** Housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied,

reserved, or marketed for occupancy by households with a gross annual household income that is greater than fifty percent (50%) but does not exceed eighty percent (80%) of the area median income for households of the same size within Pacific County.

**MANSARD ROOF:** A hip roof where the lower slope on all four sides is nearly vertical and the upper slope of the roof has a minimum pitch. This roof will be treated as a building wall during design review and the floor area of the floors within the mansard roof walls will be included in the calculation of the total floor area for the structure.

**MANUFACTURING:** Establishment engaged in the transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, primarily carried on for the wholesale market, although retail sales may occur in conjunction with the manufacturing use.

**MANUFACTURED HOME:** A structure intended for residential habitation that is manufactured in one area, then transported to another area for occupation, and that is consistent with the requirements of Revised Code of Washington 35A.63.145(2).

**MARQUEE:** A permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements. This does not include freestanding permanent roof-like structures providing protection from the elements, such as a service station gas pump island.

**MEDICAL-DENTAL BUILDING OR BUILDINGS:** A building or group of buildings designed for the use of, and occupied and used by, physicians and dentists and others engaged professionally in such healing arts for humans as are recognized by the laws of the state, including medical clinics; and including the installation and use of therapeutic equipment, X-ray equipment or laboratories, chemical, biochemical, and biological laboratories used as direct accessories to the medical-dental profession; dental laboratories including facilities for the making of dentures on prescription; pharmacies limited to the retail dispensing of pharmaceutical and sick room supplies (but not room or orthopedic equipment or furniture), provided there shall be no exterior display windows or signs pertaining to such accessory uses other than a directory sign.

**MIXED USE:** A building or lot where more than one type of use occurs, i.e., commercial and residential, commercial and itinerant lodging.

**MOBILE HOME:** A factory built dwelling built prior to June 15, 1976, to standards other than the code set forth by the United States Department of Housing and Urban Development (HUD).

**MODULAR HOME:** A dwelling constructed in a factory in accordance with the international building code and bearing the appropriate sign indicating such compliance.

**MOTEL:** A group of attached or detached buildings containing individual itinerant sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit, all for use as itinerant lodging, rented for periods of thirty (30) days or less. See also "Itinerant Lodging."

**MOTOR VEHICLE REPAIR OPERATION:** A business involving the repair, overhaul, and/or reconditioning of motor vehicles.

**MULTI-FAMILY:** A building or lot with three (3) or more housing units.

**MULTIPLE-BUILDING COMPLEX:** A group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business, or a single structure containing more than one business with separating walls and at least one outside access for each business, which shares a common lot, access and/or parking facility.

**MULTIPLE-TENANT COMPLEX:** A single facility housing more than one retail business, office or commercial venture, which does not incorporate a separate outside access for each enterprise; but not including residential apartment buildings.

**MUSEUM:** A building or institution operated by a public, non-profit or private entity, dedicated to the acquisition, conservation, study, exhibition and educational interpretation of objects or subjects having scientific, historical, cultural or artistic value.

**NEW CONSTRUCTION:** The erection of a building, structure or other improvements on a property that is not attached to, nor an expansion of, an existing building or structure.

**NOISE DISTURBANCE:** Any noise exceeding standards described in RCW Chapter 70.197 and WAC Chapter 173-60 , as measured at the receiving property line.

**NONCONFORMING LOT:** A lot whose area, dimensions or location was lawful at the time it was platted but no longer conforms to the standards of the zone in which it is located as defined by this title.

**NONCONFORMING STRUCTURE:** A structure that was lawful at the time it was constructed, but no longer conforms to the use regulations of the zone in which it is located as defined by this title.

**NONCONFORMING USE:** A use which was lawfully established and maintained but which, because of the application of this title, no longer conforms to the use regulations of the zone in which it is located as defined by this title.

**NURSING HOME:** Any home, place or institution that operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. It may also include community-based care. Nothing in this definition shall be construed

to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. See also “Convalescent Center.”

**OFFICE:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OFF-SITE IMPROVEMENT:** An improvement required to be made off-site as a result of an application for development and including but not limited to water, sewer and stormwater infrastructure, road improvements and construction, pedestrian, bicycle and transit facilities, and streetlights.

**OFF-SITE PARKING:** Parking provided for a specific use but located on a site other than the property on which the specific use is located.

**ON-SITE:** Located on the lot that is the subject of an application for development.

**OPEN SPACE, REQUIRED:** A portion of the area of a lot or building site, other than required yards, which area is required by this title, as set forth in the different classifications contained herein, to be maintained between buildings, between wings of a building, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Open spaces, as in the case of required yards, are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky.

**OPEN RECORD HEARING:** A public hearing conducted by a hearing body that creates the City’s official record through testimony and submission of evidence and information under the procedures described herein. An open record hearing may be held prior to the City’s decision on a project permit, to be known as an “open record pre-decision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record pre-decision hearing has been held on the project permit.

**OUTDOOR ADVERTISING DISPLAY:** Any card, paper, cloth, metal, glass, wooden or other display or device of any kind or character whatsoever placed or painted for outdoor advertising purposes on the ground or on any tree, wall, fence, rock, structure, building or thing whatsoever. See also the Sign definitions.

**PARAPET:** The extension of a building facade above the line of the structural roof. A building’s height is calculated up to the highest point of a parapet.

**PARKING AREA, PRIVATE:** Area within property limits dedicated to the parking of automobiles and other vehicles of occupants, employees or visitors to a dwellings, businesses and other establishments within the property, to which these facilities are appurtenant.

**PARKING AREA, PUBLIC:** Area dedicated to the parking of automobiles and other vehicles by the general public and not restricted to the use by occupants, owners, employees or visitors of an establishment within or abutting the property.

**PARKING SPACE:** An area accessible to vehicles, which area is provided, improved, maintained and used for the sole purpose of accommodating a motor vehicle.

**PERFORMING ARTS CENTER:** A facility designed for the performance of music, theater, dance and other forms of live entertainment. Such facility may be incorporated with other cultural, community and civic institutions and facilities.

**PERIMETER:** The boundary lines used to define the extent of an area.

**PERMEABLE PAVEMENT SYSTEM:** An alternate supplemental stormwater management system that creates voids through which water can percolate and that is used for surfacing of driveways and parking lots, thereby reducing the amount of impermeable surface within a development. See also “Low Impact Development” and “Pervious Surface.”

**PERMIT:** Any form of certificate, approval, registration, license or other written governmental permission issued by an authorized official, which is required by law, ordinance or regulation to be obtained before engaging in any activity.

**PERSON:** Means and includes an individual or any group of organized individuals, firm, business entity, co-partnership, association or corporation, and their agents and assigns. Person also includes any governmental agency or political subdivision, special district, agency, instrumentality or corporation of the state.

**PERVIOUS SURFACE:** Any material that permits full or partial absorption of stormwater into previously unimproved land. See also “Low Impact Development” and “Permeable Pavement System.”

**PET SHOP:** An establishment dealing in buying and selling small animals and birds such as are customarily or occasionally harbored in domestic establishments as pets, such as fish, dogs, cats, parrots, canaries and other song and decorative birds, monkeys, hamsters and similar animals, but specifically excluding dangerous animals or dangerous or poisonous or constricting reptiles, provided no boarding or veterinarian services are rendered excepting bathing and clipping of dogs and cats.

**PLANNING COMMISSION:** The body appointed by the city council of the City of Long Beach charged with the planning duties and responsibilities set forth in this title and this code.

**PREMISES:** The real estate (as a unit) that is involved in the use regulated by this title or this code.

**PRINCIPAL BUILDING:** See “Building, Principal.”

**PRINCIPAL USE:** The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

**PROFESSIONAL OFFICES:** Offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as doctors and dentists (but wherein no overnight care for patients is given), and by engineers, attorneys, realtors, architects, accountants, and other persons providing services utilizing training in and knowledge of the mental discipline as distinguished from training in the occupations requiring mere skill or manual dexterity or the handling of commodities.

**PUBLIC UTILITY:** A private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation.

**QUALIFIED HOUSEHOLD:** A household that meets the income standards for occupancy of Affordable Housing. When establishing affordability standards for low- to extremely low-income families and individuals, the latest (2008) area median income (AMI) levels established for Pacific County by the US Department of Housing and Urban Development apply as follows:

- Extremely Low: 0-30% of AMI
- Very Low: 31-50% of AMI
- Low: 51-80% of AMI.

**QUASI-PUBLIC:** A use owned or operated by a nonprofit, religious or charitable institution for the purpose of providing programs and services similar in nature to those that may be provided by government; a corporation or a special district vested with municipal powers for the accomplishment of a limited municipal purpose, such as fire protection, recreation or transit.

**RECLASSIFICATION OF PROPERTY:** A change in zone boundaries upon the zoning map, which map is part of this title when adopted in the manner prescribed by law.

**RECLASSIFICATION OF USE:** The assignment, by amendment of this title, of a particular use to a different use classification than that in which the use was originally permitted.

**RECORDED:** Means--unless otherwise stated--filed of record with the auditor of Pacific County.

**RECREATIONAL EQUIPMENT, MAJOR:** For purposes of these regulations, "major recreational equipment" includes boats and boat trailers, recreational vehicles (RVs) and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**RECREATIONAL FACILITY:** A place designed and equipped for the conduct of sports, leisure-time activities and programs. Such facility may be operated by a public entity, a non-

profit or as a for-profit business and may include clubhouses, kitchen facilities, assembly halls, meeting rooms, locker facilities, etc.

**RECREATIONAL VEHICLE (RV):** Any vehicular type of portable structure without permanent foundation that can be towed, hauled, or driven, and is primarily designed as a temporary living accommodation for recreational and camping purposes. Recreational vehicles (RVs) include, but are not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**RECREATIONAL VEHICLE PARK:** Any lot or parcel on which two (2) or more sites are located, established or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes. Each site shall include individual connections for electricity and sanitary services. A recreational vehicle park may also include amenities for the use of the occupants, including but not limited to laundry, showers, game room, recreation, or restaurant.

**REMODELING:** Construction of an addition to, or alteration of, the design or layout of a building. Remodeling may include expansion of the structure or building, and structural changes. See also “Addition” and “Alteration.”

**RESIDENCE:** A building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, but not including hotels or motel units having no kitchens. The term "residence" includes the term "residential" as referring to the type of or intended use of a building or structure. See also “Dwelling.”

**RESIDENTIAL CARE FACILITY:** A residential facility that cares for at least five (5), but not more than fifteen (15) functionally disabled persons. See also “Group Home.”

**RESIDENTIAL OCCUPANCY:** Occupancy or use of a residence for a period of time exceeding thirty (30) days in length.

**RESORT COMPLEX:** A development anchored by itinerant lodging that also contains amenities for the use of visitors, including recreational activities and facilities and commercial uses such as restaurants, shops and day spas. A resort complex may also include a conference center. See also “Conference Center.”

**REST HOME, HOME FOR THE AGED:** A home operated similarly to a boarding house but not restricted to any number of guests or guest rooms, and the operator of which is licensed by the state or county to give special care and supervision to his or her charges. Such facility shall not include a group home, "halfway house" or any residence intended for use by persons with special needs. See also “Adult Family Home,” “Convalescent Home” and “Nursing Home.”

**RESTAURANT:** An establishment where food and drink are prepared, served, and consumed, mostly on the premises. A restaurant does not provide live entertainment, and does not serve alcoholic beverages.

**Restaurant, Drive-through:** A restaurant that serves food and/or drink to patrons in their vehicles, either through a drive-through window and with service to the vehicle. Such restaurant may also have indoor service and/or seating, or may serve food exclusively to customers in their vehicles, with no indoor seating.

**Restaurant, Take-out:** A restaurant where food and/or drink are sold in a form ready for consumption, where all or a significant part of the of the consumption takes place outside the confines of the restaurant. Service may occur through a walk-up window, or at a drive-through. A take-out restaurant generally will not have indoor seating but may have a limited number of outdoor tables.

**RETAIL:** A commercial establishment engaged in the selling or rental of goods directly to the consumer for personal use or consumption. A retail establishment may also render services incidental to the sale of such goods.

**RETAINING WALL:** Any wall used to resist the lateral displacement of any material.

**REVIEWING AUTHORITY:** The agency, board, group, official or other legally designated entity that has been charged with the review and approval of plans and applications.

**RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, utility, pedestrian way or similar uses.

**ROOF:** A structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure. An open work covering shall not be considered a roof if the upper horizontal surface area of the component solid portions thereof measured on the horizontal plane do not exceed twenty percent (20%) of the area of the covering.

**ROOFLINE:** The top edge of a roof or parapet; the top line of a building silhouette.

**ROOF PITCH:** The slope of a roof plane, described as the ratio of the number of inches of vertical rise to each twelve inches (12”) of horizontal run, i.e. 5:12.

**SATELLITE DISH:** A parabolic antenna that receives or transmits electromagnetic signals to and from another location.

**SCALE:** The relationship of a particular project or development in terms of its size, height, bulk, intensity and aesthetics, to its surroundings and to humans.

**SCHOOLS, ELEMENTARY, MIDDLE, JUNIOR HIGH AND HIGH:** Institutions of learning offering instruction in the several areas of learning and study required by the education code of the state to be taught in the public and private schools, but does not include any residence used for home schooling.

**SCREENING:** Means a) the use of fences, walls, plants, berms, structures or other materials to

shield or buffer a use from adjacent properties or uses; or b) the use of mesh screens within window and door openings to allow air to circulate but prevent insects from entering a space such as a porch.

**SECRETARY OF THE INTERIOR’S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES:** The Secretary of the Interior’s Standards for the Treatment of Historic Properties, developed by the National Park Service, provide guidance and articulate common-sense principles against which project work on historic buildings can be weighed. The Secretary’s Standards address the four treatments – preservation, restoration, rehabilitation and reconstruction – and are used to evaluate projects subject to SEPA and Section 106, as well as Federal Tax Incentive projects. They may also be used by the city, where applicable, as alternate guidelines for design review. (Full title: *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*)

**SERVICE STATION, AUTOMOBILE:** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels, the servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

**SETBACK:** A line parallel to its nearest property line, between which no structure may be extended or be placed; the minimum or maximum distance required between a structure and a lot line, or between structures on the same lot. See also “Yards, Types and Measurement.”

**SEXUALLY ORIENTED BUSINESS:** See chapter 15 of this title for definitions.

**SIGN:** Any object, device, display, or structure or part thereof, visible from off premises, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Painted wall designs or patterns which do not represent a product, service or trademark or which do not identify the user are not considered signs but may be subject to other sections of this title.

## **SIGN TYPES AND SIGN DEFINITIONS**

**Abandoned Sign:** Any sign or sign structure which has not been used for the display of sign copy for more than thirty (30) days, or that no longer identifies or advertises a location, product, or activity conducted on the premises upon which the sign is located or, in the case of an off premises sign, the business or activity the sign advertises.

**Advertising Vehicle:** Any registered or unregistered vehicle or trailer having attached thereto or located thereon any sign or advertising device which advertises a product, business, or service, or directs people to a business or activity located on any premises. This definition does not include the identification of a firm or its products on a vehicle operated during the normal course of business. Franchised buses and taxis are specifically excluded from this definition.

**Animated Sign:** A sign employing actual motion or the illusion of motion. "Animated signs", which are differentiated from "changeable signs" as defined and regulated by this title, include the following types:

- A. **Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennants and pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- B. **Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- C. **Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
  - 1. **Flashing:** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
  - 2. **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**Architectural Embossing:** A decorated or marked surface with a slightly raised or carved design or lettering.

**Architectural Projection:** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also definitions of: Awning; Back-Lit Awning; Canopy (Attached); Canopy (Freestanding); Cupola; and Dormer.

**Awning Sign:** A sign displayed on or attached flat against the surface or surfaces of an awning.

**Back-Lit Awning:** An awning with a translucent covering material and a source of illumination contained behind or within its framework.

**Banner:** A flexible substrate on which copy or graphics may be displayed.

**Banner Sign:** A sign utilizing a banner as its display surface.

**Billboard:** An off premises permanent or temporary sign and its supporting structure

erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages.

**Canopy (Attached):** A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides.

**Canopy (Freestanding):** A multi-sided overhead structure supported by columns, but not enclosed by walls.

**Canopy Sign:** A sign affixed to the visible surface(s) of an attached or freestanding canopy.

**Changeable Sign:** A sign with the capability of content change by means of manual or remote input, including signs which are:

- A. **Manually Activated:** Changeable sign whose message copy or content can be changed manually.
- B. **Electrically Activated:** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface.

**Copy:** See definition of Sign Copy.

**Cut-Out Letter Sign:** Sign copy consisting of the attachment of individual letters to the building wall.

**Development Complex Sign:** A freestanding sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park which is controlled by a single owner or landlord.

**Directional Sign:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**Double Faced Sign:** A sign with two (2) identical faces, back to back such that only one side is visible from a single vantage point. Only one side of a double-faced sign is counted toward sign area.

**Electrical Sign:** A sign or sign structure in which electrical wiring, connections and/or fixtures are used for activation or illumination.

**Electronic Message Sign:** An electrically activated changeable sign whose variable message capability can be electronically programmed.

**Embossed Sign:** A sign with a slightly raised or carved surface.

**Exterior Sign:** Any sign placed outside a building.

**Externally Lighted Sign:** Any sign with an illumination source outside of the sign face or frame and pointing back to the sign.

**Fascia Sign:** See definition of Wall Sign.

**Flag:** Any piece of cloth or other flexible material, attached to a staff, pole, or other structure, with distinctive colors, patterns, or symbolic devices, used as a symbol for a government, corporation, or other organization, public or private.

**Flashing Sign:** See definition of Animated Sign, Electrically Activated

**Freestanding Sign:** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles, or braces placed in or upon the ground.

**Ground Sign:** See definition of Monument Sign.

**Historical Marker:** A small sign attached to a building identifying a person or event of historic significance related to the property.

**Illegal Sign:** A sign erected without a permit, a sign not permitted by the sign matrix and all other regulations in chapter 14 of this title with the exception of legal nonconforming signs, exempt signs, and temporary signs that fulfill the regulations provided in section 12-14-9, "Temporary Signs", of this title.

**Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

**Individual Letter Signs:** Signs that consist of individual letters that are mounted to a wall, within the signable area, shall be considered individual letter signs. The signable area of such signs shall be calculated as one-half (1/2) of the entire area contained within a continuous rectilinear perimeter of not more than eight (8) lines drawn with straight lines at perpendicular angles to encompass the entire perimeter of the extreme limits of each line of text, decorative artwork, logos, or other displayed information in each respective line. See also "Signable Area."

**Inflatable Sign:** A balloon or other gas filled figure.

**Information Sign:** A sign which gives directional information or identifies specific use areas and which is necessary to maintain the orderly internal use of the premises, such as those signs which identify employee parking, shipping, clearance or which restrict ingress and egress. Excluded from this definition are signs which are not directly related to an identified need for orderly internal use of the property and off premises or portable

signs.

**Interior Sign:** Any sign placed within a building, but not including "window signs" as defined in this section. "Interior signs", with the exception of "window signs" as defined in this section, are not regulated by this title.

**Internally Illuminated Sign:** Any sign with illumination inside the sign including neon signs.

**Marquee Sign:** See definition of Canopy Sign.

**Menu Board:** An exterior sign for a restaurant that advertises the take out menu items available, and which has no more than twenty percent (20%) of the total area for such sign utilized for business identification.

**Monument Sign:** A freestanding sign not more than six feet (6') in height, which is attached to the ground by means of a wide base of solid appearance.

**Multiple-Faced Sign:** A sign containing three (3) or more faces.

**Off Premises Sign:** A permanent or temporary sign (including the structure to which it is attached) erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property upon which it is displayed.

**On Premises Sign:** A sign (and the structure to which it is attached) erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**Pole Sign:** See definition of Freestanding Sign.

**Political Sign:** A temporary sign intended to advance a political statement, cause, or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

**Projecting Sign:** A sign other than a wall sign that is attached to or projects more than eighteen inches (18") from a building face or wall or from a structure whose primary purpose is other than the support of a sign. A projecting sign may be attached to the building at a single point, or two sign faces may be attached to the building no more than twenty four inches (24") apart and joined at the farthest extent from the building, forming a triangle, such that only one side of the sign copy is visible from a single vantage point.

**Real Estate Sign:** A portable or freestanding sign erected by the owner or his agent advertising the real estate upon which the sign is located for rent, lease or sale or directing to the property.

**Revolving Sign:** A sign that revolves three hundred sixty degrees (360°) about an axis. See also definition of Animated Sign, Mechanically Activated.

**Roof Sign:** A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be "roof signs".

**Sandwich Board Sign:** A temporary sign made of metal, wood, chalkboard, or white board that is not permanently attached to the ground and is designed for and oriented to pedestrians.

**Sign Area:** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double sided sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty percent (50%) of the sum of the area of all faces of the sign. In the case of back-lit or internally illuminated signs or awnings, the sign area shall consist of the entire illuminated area.

**Sign Copy:** Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign that identify or promote the sign user or any product or service; or that provides information about the sign user, the building or the products or services available.

**Sign Face:** The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of building or sign structures, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

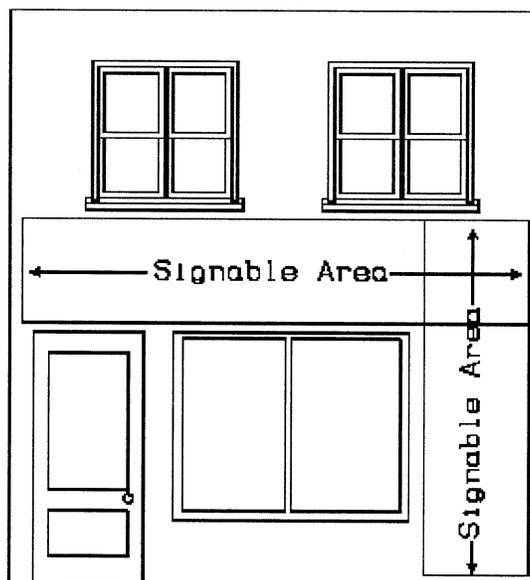
- A. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- B. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface which is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
- C. In the case of signs painted on a building, or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

D. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

**Sign Height:** The height of a sign as measured from the ground to the highest point of the sign structure. For the purpose of chapter 14, "Signs", of this title, the definition of "ground" shall be the highest adjacent roadway or sidewalk.

**Sign Structure:** Any structure or framework supporting a sign.

**Signable Area (For Individual Letter Signs Only):** An area of the facade of a building, the boundaries of which shall form a square or a rectangle that is free of windows, doors and all major architectural details, where an individual letter sign may be installed. Only one signable area may be established for each frontage. Parapets, pylons and equipment enclosures may be designated as signable areas. *Note: the following is for illustration purposes only and is not intended to limit individual letter signs to the first floor of a building.*



**Structural Alteration:** Modification of a sign or sign structure that affects size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. The replacement of wood parts with metal parts, the addition of electric elements to a non-electrified sign would all be structural alterations. "Structural alteration" does not include ordinary maintenance, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels

of a sign through release and closing of clips or other brackets.

**Temporary Sign:** A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature, such as a banner. Portable signs, not including sandwich board signs, or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. Banners, balloons, and pennants are temporary signs, regardless of the manner by which they are affixed to a building or to the ground.

**Under Canopy Sign Or Under Marquee Sign:** A sign attached to the underside of a canopy or marquee, as distinguished from a “projecting sign.”

**V Sign:** Signs containing two (2) faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape.

**Wall Bulletin:** A sign painted directly upon the surface of a wall.

**Wall Or Fascia Sign:** A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen inches (18") from the building or structure wall, including signs affixed to architectural projections from a building, provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

**Way Finding Sign:** A sign or series of signs located in a manner that provides orientation and direction to a destination or destinations within a specific geographic area.

**Window Sign:** A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

**SMALL WIND TURBINE:** On-site wind-energy based generator that generates between two and ten kilowatts (2-10KW).

**SOLAR PANEL:** Solar photovoltaic modules or thermal collectors that convert incoming solar radiation to either electricity or thermal energy.

**SPECIAL EVENT:** An occasion or period so designated by the city council, including but not limited to festivals, holidays, activities or events of interest to the public, and where by so designating a special event, certain temporary uses associated with the event may be permitted that would not otherwise be allowed.

**STACKED PARKING :** See Tandem Parking.

**STORAGE:** Means a) the use of a building, structure or site to store goods, materials or equipment for use in a business. Such use would typically be accessory to the business located on the property but may be the principal use, where permitted, when the business is located elsewhere; or b) a building, structure or site containing separate, individual and private storage space of varying sizes, available for lease or rent to store personal property or household goods, also referred to as a self-storage facility.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet (6') above grade, such basement or cellar shall be considered a story.

**STREET:** Any vehicular way that is (1) an existing state, county or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the county assessor; (5) shown on the official map or adopted plan. It includes the land between and beyond the street lines, whether improved or unimproved. A street affords the primary means of access to abutting property. See also "Right-Of-Way."

**STREET, PRIVATE:** A street that has not been accepted by or dedicated to the municipality or other governmental entity but is used for the primary means of access to abutting properties within a development. Such streets are typically constructed and maintained by those parties who own, use or benefit from the street.

**STREET FRONTAGE:** See "Frontage."

**STREET LINE:** The boundary line between a street and the abutting property.

**STREET, SIDE:** A street that is adjacent to a corner lot or reverse corner lot and that extends in the general direction of the line determining the depth of the corner or reverse corner lot.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building or structure, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in the interior dimensions of the building or structure, or increase in floor space. See also "Addition," "Alteration," and "Remodeling."

**STRUCTURE:** Anything constructed in the ground, or anything erected that requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences less than six feet (6') in height, paths, trails or paved areas.

**STUDIO APARTMENT:** A dwelling unit consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.

**SUPPORTIVE SERVICES:** Services provided in combination with affordable housing to help tenants with challenges that might otherwise cause them to become homeless. Services may

include but are not limited to counseling, case management, education, training or treatment, according to the needs of the tenants.

**TANDEM PARKING:** A parking configuration wherein one car is parked directly behind another or others, either within a garage or along a driveway, and where at least one vehicle must be moved in order to access the other vehicle.

**TEMPORARY USE:** A land-use activity that occurs for a specific and limited period of time, typically authorized by a special use permit.

**THEATER:** An establishment to provide entertainment through projection of motion pictures on a screen or live performances on a stage for audiences.

**THEATER, DRIVE-IN:** An establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles parked in car spaces provided on the same site with the outdoor screen.

**TIME SHARE:** A form of ownership of an itinerant lodging property in which multiple parties hold rights to use the property and each sharer is allotted a period of time or duration in which they may use the property. Such use may also be referred to as fractional ownership or vacation ownership. See also "Itinerant Lodging."

**TO PLACE:** The verb "to place" and any of its variants as applied to advertising displays and outdoor advertising structures, includes maintaining, erecting, constructing, posting, painting, printing, nailing, gluing or otherwise fastening, affixing or making visible in any manner whatsoever.

**TRAILER PARK, TRAILER COURT, MOBILE HOME PARK OR PUBLIC TRAILER CAMP:** Any area or tract of land designed and used to accommodate two (2) or more mobile homes or recreational vehicles. See also "Recreational Vehicle Park."

**TRANSIENT ACCOMMODATIONS:** Accommodations designed or used for occupancy of less than thirty (30) days. See also "Itinerant Lodging."

**TRASH CONTAINERS:** Any garbage can, dumpster or other receptacle used for disposal and/or storage of trash, rubbish, garbage, junk, scrap, debris, refuse, recycling and other discarded materials.

**UNLISTED USES:** Uses that are not specifically named as permitted in any use classification contained within this title.

**URBAN GROWTH AREA (UGA):** Those areas abutting city limits designated for urban growth, and which may be annexed into the city.

**USE:** The nature of the occupancy, the type of activity, or the character and form of

improvements to which land is devoted or may be devoted.

**VACATION RENTAL:** The use of a dwelling unit as itinerant lodging. See also “Itinerant Lodging.”

**VARIANCE:** An adjustment in the application of the specific regulations of this title to a particular piece of property which, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.

**VEHICLE:** All instrumentalities capable of movement by means of circular wheels, skids or runners of any kind, along roadways or paths or other ways of any kind, specifically including, but not limited to, all forms of automotive vehicles, buses, trucks, cars and vans, all forms of trailers or mobile homes of any size whether capable of supplying their own motive power or not, without regard to whether the primary purpose of which instrumentality is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars, vans, trailers, and mobile homes even though they may be at any time immobilized in any way and for any period of time of whatever duration.

**VERY LOW-INCOME HOUSING:** Housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross annual household income that is greater than thirty percent (30%) but does not exceed fifty percent (50%) of the area median income for households of the same size within Pacific County.

**VISION CLEARANCE TRIANGLE (VCT):** Area at the corner of an intersection of a right-of-way with another right-of-way, alley or driveway, formed by measuring a specific distance along each right-of-way, alley or driveway and connecting the two end points to form a triangle. The vision clearance triangle is maintained clear of landscaping, fences and other obstructions of a certain height, generally the area between forty two inches (42”) to ten feet (10’) above the adjacent street level, that would block the visibility of vehicle, bicycle or pedestrian traffic.

**WAREHOUSE:** A building used primarily for the storage of large amounts of goods and materials for distribution to another location and not intended solely for the use of a business located on the site. Limited assembly or repackaging may occur as part of the warehouse activity.

**WIRELESS COMMUNICATION FACILITY (WCF):** A facility that transmits, receives or relays voice and data signals from various wireless communication devices and equipment. It includes antennas, microwave dishes and other types of equipment for the transmission or receipt of such signals, wireless communication towers or similar structures supporting said equipment, equipment buildings and cabinets, parking areas, and other facilities accessory to the use.

**WIRELESS COMMUNICATION FACILITY, COLLOCATED:** A wireless communication facility comprised of a single wireless communication tower or building supporting two (2) or more antennas owned or used by more than one public or private entity.

**WIRELESS COMMUNICATION TOWER:** A support structure such as a mast, pole, monopole, guyed tower, lattice tower or freestanding tower designed and primarily used to support antennas.

**WHOLESALE:** A business primarily engaged in selling goods and materials to other businesses, or from which a bulk material such as propane is distributed to individual customers.

**YARD:** An open space that lies between the property line and a building or structure that is unoccupied and unobstructed from the ground upward unless specifically otherwise permitted in this title. See also "Setback."

**YARD, REAR LINE OF REQUIRED FRONT:** A line parallel to the lot front line and at a distance there from equal to the depth of the required front yard, and extending across the full width of the lot.

**YARDS, TYPES AND MEASUREMENTS:**

**Front Yard:** An area extending across the full width of the lot and lying between the lot front line and a line drawn parallel thereto, and at a distance there from equal to the required front yard depth as prescribed in each classification. "Front yards" shall be measured by a line at right angles to the lot front line, or by the radial line or radial line extended in the case of a curved lot front line. For a "Flag Lot," the front yard shall be measured across the lot line of the entire width of the property that is parallel to the street from which access occurs, excluding the flag extension to the street.

**Rear Yard:** An area extending across the full width of the lot and lying between the lot rear line and a line drawn parallel thereto, and at a distance there from equal to the required rear yard depth as prescribed in each zoning district. "Rear yards" shall be measured by a line at right angles to the lot rear line, or by the radial line or radial line extended in the case of a curved lot rear line.

**Side Yard:** An open area measured from the lot side line toward the center of the lot and extending from the rear line of the required front yard, or for the lot front line if there is no required front yard, toward the lot rear line to a point measuring two-thirds ( $\frac{2}{3}$ ) of the depth of the lot, except that on the side street side of corner lots and reverse corner lots the required side yard shall extend to the rear line of the lot. The width of the side yard shall be measured horizontally from, and be parallel to, the lot side line from which it is measured.

**ZONE:** An area accurately defined as to the boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this title.

CHAPTER 3

**ADMINISTRATION AND ENFORCEMENT**

Section:

- 12-3-1: Administration and Enforcement Officials
- 12-3-2: Permits
- 12-3-3: Amendments
- 12-3-4: Appeals
- 12-3-5: Investigation of Violations
- 12-3-6: Penalty

**12-3-1: ADMINISTRATION AND ENFORCEMENT OFFICIALS:**

- A. Administrative Official: The city administrator or his authorized agent shall have the power and duty to administer the provisions of this title. The city administrator shall adopt, and revise as required, such instructions and forms as are necessary to serve the public and carry out the provisions of this title.
- B. Enforcement: The city council, city administrator, or other duly authorized agents shall have the power and duty to enforce this title through proper legal channels. They shall approve no plans and shall issue no permits unless such plans and intended use of such activities conform in all respects with the provisions of this title.

**12-3-2: PERMITS:**

- A. Authorization To Issue: The city administrator or his agent shall be authorized to issue permits and to receive fees and/or funds required under this title.
- B. Compliance Required:
  - 1. No city official or employee shall issue a permit or give other authorization for any use that would not be in full compliance with this title.
  - 2. Any permit or other authorization in violation of this title shall be void without the necessity of any proceedings for revocation or nullification, and any work undertaken pursuant to such permit or other authorization shall be unlawful, and no action taken by any elected or appointed official of the city shall validate any such work, permit, or other authorization.
  - 3. Variances from the requirements of this title shall be subject to the provisions of section 11-2D-1 of title 11 (Unified Development) of this code.

4. The issuance of permits for conditional uses that may be allowed by this title shall be subject to the provisions of section 11-2D-2 of title 11 (Unified Development) of this code.

**12-3-3: AMENDMENTS:**

- A. Authorization To Initiate Amendments: An amendment to the text or map of this title may be initiated by the city council, the planning commission, or by application of a property owner or his authorized agent. No amendment shall be approved unless the planning commission and city council make affirmative findings that the amendment is consistent with the city's comprehensive plan and the requirements of this title.
- B. Application And Fee: An application for amendment to this title by a property owner or his authorized agent shall be filed with the city on forms prescribed by the city. Each application shall be accompanied by a receipt indicating payment of a fee, charged according to a schedule of fees as established by the city council.
- C. Public Hearing Required: Before action is taken on a proposed amendment to the zoning map or the text of this title, notice shall be given and the planning commission and the city council shall hold public hearings thereon consistent with the provisions of section 11-2C-10 of title 11 (Unified Development), except notice by mail, as described in section 11-2C-10(D), shall be given not less than thirty (30) days prior to the date of the public hearing(s). Notice for the planning commission and city council hearing may be combined, except if the planning commission recommendation is not received by the commencement of the city council public hearing, such hearing shall not be held, a new city council hearing date shall be set and new notice shall be mailed notifying all parties of the new city council hearing date. The planning commission and city council may conduct a joint public hearing, when it is determined the public interest will be served and all rights of due process will be protected.
- D. Decision Criteria: The criteria that will be used to make recommendations and decisions on whether or not to approve an amendment to the text of this title or a reclassification of a property on the official zoning map include the following:
  - 1. The text amendment or reclassification is substantially related to the public health, safety, or welfare; and
  - 2. The text amendment or reclassification is warranted due to changed circumstances, or due to the need for additional land supply in the proposed land use zone classification, or the proposed zoning classification is appropriate for reasonable development of the subject property; and
  - 3. The affected property is suitable for development in general conformance with zoning standards under the proposed zoning text amendment or land use zone classification; and

4. The text amendment or reclassification will not be materially detrimental to uses or properties in the immediate vicinity of the subject property or incompatible with such uses; and
  5. The text amendment or reclassification has merit and value for the community as a whole; and
  6. The text amendment or reclassification is in accord with the comprehensive plan; and
  7. The text amendment or reclassification complies with all other applicable criteria and standards of the Long Beach City Code.
- E. Time Period for Action:
1. Recess Of Hearing: The planning commission may recess a hearing on an amendment to this title in order to obtain additional information. Upon recessing for this purpose, the planning commission shall announce the time and date when the hearing will be resumed.
  2. Planning Commission Recommendation: The planning commission shall make its decision on an amendment to this title and forward their recommendation to the city council within ninety (90) days of the time the amendment was requested for the final decision.
  3. City Council Decision: Following a separate public hearing, the city council shall act on the proposed amendment within sixty (60) days of receipt of the recommendation of the planning commission, except that the time for final decision may be extended if the zoning amendment is being considered concurrently with a comprehensive plan amendment or if required state review of the proposed amendment is not complete.
- F. Withdrawal and Renewal: The planning commission or city council, as appropriate, may permit the withdrawal of any application filed under the provisions of this title; provided that any hearing must be held for which notice has been given. An application that has been previously withdrawn shall not be scheduled for reconsideration unless a new application has been submitted and a fee paid as required by subsection B of this section.
- G. Map Change: Following approval of a reclassification of property, the city shall amend the zoning map of the city to reflect the change in land use zone.
- H. Development Agreement: The city may require that the applicant enter into a development agreement as authorized by RCW 36.70B.170 with the city as a condition of the reclassification, and may, through that agreement, impose development conditions designed to mitigate potential impacts of the reclassification and development pursuant thereto.
- I. Time Limitation For Approval of Rezone: The city may, in the ordinance approving the reclassification, establish a timeline within which development of the subject property

must begin. If the city has established such a time limitation, the reclassification may be revoked, upon application of the city for reclassification, if the applicant has not applied for a building permit or other necessary development permit and completed substantial construction by the specified date.

- J. Time Limitation For Re-Request: No request for an amendment to the text or the zoning map or this title shall be considered by the city within the twelve (12) month period immediately following a previous denial of such request, except that the planning commission may consent to a new hearing, if, in the opinion of the planning commission, new evidence or a change of circumstances warrant it.

**12-3-4: APPEALS:** Appeals of all decisions pertaining to this title are governed by the provisions of section 11-2C-13 of title 11, Unified Development, of the Long Beach City Code.

**12-3-5: VIOLATIONS, INVESTIGATION:** The city administrator or his authorized agent shall investigate any charge of violation of this title brought to the city administrator's attention. Upon verifying a violation of this title, the city administrator shall serve notice to the property owner to comply with city building regulations. The city administrator or his authorized agent shall inspect the premises after serving notice of violation and, if the violation is still in effect, may take any action authorized in Title 14 (Penalties).

**12-3-6: VIOLATIONS, PENALTIES:** Penalties for violations of this title shall be assessed and enforced pursuant to Title 14 (Penalties).

CHAPTER 4

**ZONING DISTRICTS AND MAP**

Section:

- 12-4-1: Classification of Zones
- 12-4-2: Zone Boundaries; Map
- 12-4-3: Divided Lot; Less Restrictive Zone Governs
- 12-4-4: Zoning of Annexed Areas
- 12-4-5: Uses and Development Standards Applicable to All Districts

**12-4-1: CLASSIFICATION OF ZONES:** For the purpose of this title, the following zoning districts are hereby established in the city:

RESIDENTIAL

- R1 Single-family residential district
- R1R Single-family residential restricted district
- R2 Two-family residential district
- R2R Two-family residential restricted district
- R3 Multi-family residential district
- R3R Multi-family residential restricted district

VISITOR COMMERCIAL AND MIXED USE

- OT Old town district
- OTW Old town west district
- RC Residential commercial district
- AC Accommodations district

COMMERCIAL AND INDUSTRIAL

- C1 Commercial district
- C2 Commercial retail warehouse district
- L1 Light industrial district

SHORELINE

- S1 Shoreline single-family residential district
- S2 Shoreline multi-family residential district
- S3 Shoreline resort district
- S3R Shoreline resort restricted district
- S3M Shoreline resort mixed-use district

PUBLIC AND OPEN SPACE

- P Public district
- PR Parks and recreation district

## S4 Shoreline conservancy district

**12-4-2: ZONE BOUNDARIES; MAP:** The boundaries for zones listed in this title are indicated on a map entitled "Zoning Map Of The City Of Long Beach, Washington", which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference. Where any conflict may exist between the zoning map and the comprehensive plan, the comprehensive plan shall control.

**12-4-3: DIVIDED LOT; LESS RESTRICTIVE ZONE GOVERNS:** Where a lot is divided by a zoning boundary, the requirements of the less restrictive zone shall govern; provided, that access to the property is provided exclusively through the less restrictive zone.

**12-4-4: ZONING OF ANNEXED AREAS:** Zoning regulations applicable to an area shall continue to be applied until a zone change has been adopted by the city council. It is the intent of the city to adopt zoning in annexed areas, consistent with the comprehensive plan, concurrently with annexation whenever possible. The city council shall have the right to declare a moratorium on construction or development in annexed areas until zoning is adopted.

**12-4-5: USE AND DEVELOPMENT STANDARDS APPLICABLE TO ALL DISTRICTS:**

- A. Principal Building or Use Required: Construction of the principal building or use shall commence prior to the construction of any accessory structure or use. There shall be no accessory structures erected on an otherwise vacant lot, except a storage shed used for storing tools and equipment to maintain the property that is not served by utilities, and with a gross floor area of no more than one hundred twenty (120) square feet, will be allowed.
- B. Single-Family Dwelling: Not more than one single-family dwelling shall be placed upon any lot where such use is permitted, except as permitted in mobile home parks or where group dwellings are allowed.
- C. Multiple Principal Buildings: Multiple principal buildings shall not be permitted in any single-family residential zone (R1, R1R, S1 districts) or two-family residential zone (R2, R2R districts). More than one principal building on a single parcel may be permitted in all other zones, including multi-family residential zones (R3, R3R, S2 districts), visitor commercial and mixed use zones (OT, OTW, RC, AC districts), commercial and industrial zones (C1, C2, L1 districts), shoreline resort zones (S3, S3R, S3M districts) and public and open space zones (P, PR, S4 districts), provided the development is consistent with all applicable development standards of the underlying district.
- D. Setbacks between buildings: The setback between buildings situated on the same parcel shall be a minimum of ten feet (10'), or as required by the building code, whichever is

more restrictive. However, accessory buildings with a gross floor area of less than one hundred twenty (120) square feet may be placed within five feet (5') of the principal structure.

- E. **Public Utilities:** Public utility structures or use of land, such as telephone exchanges, utility stations and pumping stations, are permitted in all zones where such location is necessary to its function, subject to review and approval by the city council. This provision shall not be construed to permit other types of governmental or municipal structures, uses or facilities where such a use is a conditional use or is not permitted.
- F. **Minimum Building Width:** Excepting storage sheds, the minimum building width shall be eleven feet (11').
- G. **Maximum Age of Manufactured and Modular Homes:** Except as specifically allowed by the City, the maximum age of a manufactured or modular home being established for the first time within the city is three (3) years.

CHAPTER 5

**RESIDENTIAL DISTRICTS**

**Article A. R1 Single-Family Residential District**

Section:

12-5A-1: Intent

12-5A-2: Permitted Uses

12-5A-3: Conditional Uses

12-5A-4: Standards

**12-5A-1: INTENT:** The intent of the R1 single-family residential district is to provide for low density, single-family residential neighborhoods that may include community services and facilities that will serve the area's population while protecting and maintaining the single-family residential character. The R1 single-family residential district implements in part the SFR Single-Family Residential land use designation of the City of Long Beach Comprehensive Plan.

**12-5A-2: PERMITTED USES:**

A. Principal Uses:

Adult family home, six (6) or fewer beds

Single-family dwellings.

B. Accessory Uses and Structures:

Family day care home, six (6) or fewer children

Home occupations.

Private accessory living quarters attached to a principal structure or in a detached accessory building for sole use of occupant or temporary guests.

Private garages and private recreational equipment storage buildings.

Private (noncommercial) greenhouses, woodsheds and tool sheds.

Private swimming pools, hot tubs, saunas and tennis courts.

**12-5A-3: CONDITIONAL USES:**

Churches.

Day care center, seven (7) or more children.

Governmental or municipal structures, uses or facilities.

Parks, recreation areas or facilities.

Schools.

**12-5A-4: STANDARDS:**

A. Lots:

1. Lot Size: Lot area shall be at least six thousand (6,000) square feet. Construction on lots platted prior to the effective date hereof, with less than six thousand (6,000) square feet, will be permitted where total lot coverage does not exceed sixty percent (60%) and where all setback requirements can be met.

2. Lot Coverage: No more than sixty percent (60%) of any lot shall be covered by structures and/or impermeable surfaces.

3. Setback Requirements:

a. Front Yard: Ten feet (10') minimum.

b. Side Yard: Five feet (5') minimum.

c. Rear Yard: Ten feet (10') minimum.

d. Corner Lots: Shall have a ten-foot (10') minimum setback on each street side, and a five-foot (5') minimum setback on all other sides.

B. Building Height: The maximum height of a building shall be thirty five feet (35'), except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15') .

C. Signs: As provided for in chapter 14, including article A, of this title.

D. Parking: As provided for in chapter 12 of this title.

E. Design Review: Permitted uses are exempt from design review. All new construction, additions and exterior alterations for conditional uses are subject to the provisions of chapter 10 of this title.

- F. Landscaping: As provided for in chapter 13 of this title.
- G. Accessory Building Size: The total floor area of all accessory buildings on a lot shall not exceed eight hundred (800) square feet or ten percent (10%) of the total lot area, whichever is greater, but in no case more than one thousand two hundred (1,200) square feet.

CHAPTER 5

**RESIDENTIAL DISTRICTS**

**Article B. R1R Single-Family Residential Restricted District**

Section:

12-5B-1: Intent

12-5B-2: Permitted Uses

12-5B-3: Conditional Uses

12-5B-4: Standards

**12-5B-1: INTENT:** The intent of the R1R single-family residential restricted district is to provide for low-density, single family residential neighborhoods that enhance and contribute to an atmosphere of early twentieth century beach architectural design. Community services and facilities that will serve the area's population while protecting and maintaining the single-family residential character may also be included. The R1R single family residential restricted district implements in part the SFR Single Family Residential land use designation of the City of Long Beach Comprehensive Plan.

**12-5B-2: PERMITTED USES:**

A. Principal Uses:

Adult family home, six (6) or fewer beds

Single-family dwellings.

B. Accessory Uses and Structures:

Family day care home, six (6) or fewer children

Home occupations.

Private accessory living quarters attached to a principal structure or in a detached accessory building for sole use of occupant or temporary guests.

Private garages and private recreational equipment storage buildings.

Private (noncommercial) greenhouses, woodsheds and tool sheds.

Private swimming pools, hot tubs, saunas and tennis courts.

**12-5B-3: CONDITIONAL USES:**

Churches.

Day care center, seven (7) or more children.

Governmental or municipal structures, uses, or facilities.

Parks, recreation areas or facilities.

**12-5-B-4: STANDARDS:**

A. Lots:

1. Lot Size: Lot area shall be at least six thousand (6,000) square feet. Construction on lots platted prior to the effective date hereof, with less than six thousand (6,000) square feet, will be permitted where total lot coverage does not exceed sixty percent (60%).

2. Lot Coverage: No more than sixty percent (60%) of any lot shall be covered by structures and/or impermeable surfaces.

3. Setback Requirements:

a. Front Yard: Ten feet (10') minimum.

b. Side Yard: Five feet (5') minimum.

c. Rear Yard: Ten feet (10') minimum.

d. Corner Lots: Shall have a ten-foot (10') minimum setback on each street side, and a five-foot (5') minimum setback on all other sides.

B. Building Height: The maximum height of a building shall be thirty five feet (35'), except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15').

C. Signs: As provided for in chapter 14, including article A, of this title.

D. Parking: As provided for in chapter 12 of this title.

E. Design Review: All new construction, additions and exterior alterations shall be subject to design review, as provided in chapter 10 of this title.

- F. Landscaping: As provided for in chapter 13 of this title.
- G. Accessory Building Size: The total floor area of all accessory buildings shall not exceed eight hundred (800) square feet or ten percent (10%) of the total lot area, whichever is greater but in no case more than one thousand two hundred (1,200) square feet.

CHAPTER 5

**RESIDENTIAL DISTRICTS**

**Article C. R2 Two-Family Residential District**

Section:

12-5C-1: Intent

12-5C-2: Permitted Uses

12-5C-3: Conditional Uses

12-5C-4: Standards

**12-5C-1: INTENT:** The intent of the R2 two-family residential district is to provide for two-family and single-family residential development as well as community services and facilities that will serve the area's population while protecting and maintaining the residential character. The R2 two-family residential zone district implements in part the MDR Medium Density Residential land use designation of the City of Long Beach Comprehensive Plan.

**12-5C-2: PERMITTED USES:**

A. Principal Uses:

Adult family home, six (6) or fewer beds

Single-family dwellings.

Two-family dwellings.

B. Accessory Uses and Structures:

Family day care home, six (6) or fewer children

Home occupations.

Private accessory living quarters attached to principal structure or in a detached accessory building for sole use of occupant or temporary guests.

Private garages and private recreational equipment storage buildings.

Private (noncommercial) greenhouses, woodsheds and tool sheds.

Private swimming pools, hot tubs, saunas and tennis courts.

**12-5C-3: CONDITIONAL USES:**

Bed and breakfast, six (6) or fewer guest rooms.

Churches.

Day care center, seven (7) or more children.

Governmental or municipal structures, uses or facilities.

Parks, recreation areas and facilities.

Schools.

**12-5C-4: STANDARDS:**

A. Lots:

1. Lot Size: The minimum lot size shall be four thousand (4,000) square feet per dwelling unit. Construction on lots platted prior to the effective date hereof, with less than four thousand (4,000) square feet, will be permitted for one single-family home, where total lot coverage does not exceed sixty percent (60%), and where all setback requirements can be met. Not more than one principal building shall be placed on any lot.

2. Lot Coverage: No more than sixty percent (60%) of any lot shall be covered by structures and/or impermeable surfaces.

3. Setback Requirements:

a. Front Yard: Ten feet (10') minimum.

b. Side Yard: Five feet (5') minimum.

c. Rear Yard: Ten feet (10') minimum.

d. Corner Lots: Shall have a ten-foot (10') minimum setback on each street side, and a five foot (5') minimum setback on all other sides.

B. Building Height: The maximum height of a building shall be thirty five feet (35'), except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15').

C. Signs: As provided for in chapter 14, including article A, of this title.

- D. Parking: As provided for in chapter 12 of this title.
- E. Design Review: Permitted uses are exempt from design review. All new construction, additions and exterior alterations for conditional uses are subject to the provisions of chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title.
- G. Accessory Building Size: The total floor area of all accessory buildings shall not exceed eight hundred (800) square feet or ten percent (10%) of the total lot area, whichever is greater but in no case more than one thousand two hundred (1,200) square feet.

CHAPTER 5

**RESIDENTIAL DISTRICTS**

**Article D. R2R Two-Family Residential Restricted District**

Section:

12-5D-1: Intent

12-5D-2: Permitted Uses

12-5D-3: Conditional Uses

12-5D-4: Standards

**12-5D-1: INTENT:** The intent of the R2R two-family residential restricted district is to provide for two-family and single-family residential development that enhances and contributes to an atmosphere of early twentieth-century beach architectural design. Community services and facilities that will serve the area's population while protecting and maintaining the residential character may also be included. Small-scale lodging establishments and vacation rentals may also be allowed. The R2R two-family residential restricted district implements in part the MDR Medium Density Residential land use designation of the City of Long Beach Comprehensive Plan.

**12-5D-2: PERMITTED USES:**

A. Principal Uses:

Adult family home, six (6) or fewer beds.

Single-family dwellings.

Two-family dwellings.

B. Accessory Uses and Structures:

Family day care home, six (6) or fewer children.

Home occupations.

Private accessory living quarters attached to principal structure or in detached accessory building for sole use of occupant or temporary guests.

Private garages and private recreational equipment storage buildings.

Private (noncommercial) greenhouses, woodsheds and tool sheds.

Private swimming pools, hot tubs, saunas and tennis courts.

**12-5D-3: CONDITIONAL USES:**

Bed and breakfast, six (6) or fewer guestrooms.

Churches.

Daycare center, seven (7) or more children.

Governmental or municipal structures, uses or facilities.

Nursing homes and convalescent centers, seven (7) or more beds.

Parks, recreation areas and facilities.

Schools.

Vacation rentals.

**12-5D-4: STANDARDS:**

A. Lots:

1. Lot Size: A minimum of four thousand (4,000) square feet shall be provided for each dwelling unit. Construction on lots platted prior to the effective date hereof, with less than four thousand (4,000) square feet, will be permitted for one single-family home, where total lot coverage does not exceed sixty percent (60%) and where all setback requirements can be met. Not more than one principal building shall be placed on any lot.
2. Lot Coverage: No more than sixty percent (60%) of any lot shall be covered by structures and/or impermeable surfaces.
3. Setback Requirements:
  - a. Front Yard: Ten feet (10') minimum.
  - b. Side Yard: Five feet (5') minimum.
  - c. Rear Yard: Ten feet (10') minimum.
  - d. Corner Lots: Shall have a ten foot (10') minimum setback on each street side and a five foot (5') minimum setback on all other sides.

- B. **Building Height:** The maximum height of a building shall be thirty five feet (35') , except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15').
- C. **Signs:** As provided for in chapter 14, including article A, of this title.
- D. **Parking:** As provided for in chapter 12 of this title.
- E. **Design Review:** All new construction, additions and exterior alterations shall be subject to design review, as provided in chapter 10 of this title.
- F. **Landscaping:** As provided for in chapter 13 of this title.
- G. **Accessory Building Size:** The total floor area of all accessory buildings shall not exceed eight hundred (800) square feet or ten percent (10%) of the total lot area, whichever is greater but in no case more than 1,200 square feet.

CHAPTER 5

**RESIDENTIAL DISTRICTS**

**Article E. R3 Multi-Family Residential District**

Section:

12-5E-1: Intent

12-5E-2: Permitted Uses

12-5E-3: Conditional Uses

12-5E-4: Standards

**12-5E-1: INTENT:** The intent of the R3 multi-family residential district is to provide for multi-family dwellings as well as single- and two-family residential development, at a higher density than found in other residential zones. Residences may be cottages and town homes developed on small lots as well as condominiums and apartment buildings on larger properties. Community services and facilities that will serve the area's population while protecting and maintaining the residential character may also be provided. The R3 multi-family residential district implements in part the HDR High Density Residential land use designation of the City of Long Beach Comprehensive Plan.

**12-5E-2: PERMITTED USES:**

A. Principal Uses:

Adult family home, six (6) or fewer beds.

Day Care center, eleven (11) or fewer children.

Multi-family dwellings, four (4) or fewer units

Single-family dwellings.

Two-family dwellings.

B. Accessory Uses and Structures:

Family day care home, six (6) or fewer children.

Home occupations.

Private accessory living quarters attached to principal structure or in detached accessory

building for sole use of occupant or temporary guests.

Private garages and private recreational equipment storage buildings.

Private (noncommercial) greenhouses, woodsheds and tool sheds.

Private swimming pools, hot tubs, saunas and tennis courts.

Management offices, laundry rooms, common areas and similar support facilities for multi-family dwellings.

Supportive services for occupants of multi-family affordable dwellings.

**12-5E-3: CONDITIONAL USES:**

Affordable Housing, pursuant to the requirements of section 12-11-18 of this title.

Bed and breakfast, four (4) or fewer guest rooms.

Day care center, twelve (12) or more children.

Churches.

Governmental or municipal structures, uses or facilities.

Group dwellings.

Group home or residential care facility, fifteen (15) or fewer beds.

Nursing homes and convalescent centers, seven (7) or more beds.

Manufactured home parks.

Multi-Family dwellings or a combination of two-family and/or multi-family buildings, resulting in five (5) or more dwelling units.

Parks, recreation areas and facilities.

Schools.

**12-5E-4: STANDARDS:****A. Lots:**

1. **Lot Size:** A minimum of three thousand (3,000) square feet shall be provided for each dwelling unit. For Affordable Housing that meets the requirements of chapter 11, section 18 of this title, the total number of allowed housing units on a lot may be increased up to fifty percent (50%). On lots platted prior to the effective date hereof, with less than three thousand (3,000) square feet, construction will be permitted for one single-family home where total lot coverage does not exceed sixty percent (60%) and where all setback requirements can be met.

2. **Lot Coverage:** No more than sixty percent (60%) of any lot shall be covered by structures and/or impermeable surfaces.

**3. Setback Requirements:**

a. **Front Yard:** Ten feet (10') minimum.

**b. Side Yard:**

i. **Detached:** Five feet (5') minimum.

ii. **Semi-detached and attached:** Where development is coordinated with adjacent lots, attached and semi-detached structures shall have a five-foot (5') minimum setback on exterior sides that are not abutting the adjacent building and a zero (0) setback on interior abutting sides.

c. **Rear Yard:** Ten feet (10') minimum.

**d. Corner Lots:**

i. **Detached:** Shall have a ten-foot (10') minimum setback on each street side, and a five-foot (5') minimum setback on all other sides.

ii. **Semi-detached and attached:** ten feet (10') minimum setback on each street side; five feet (5') minimum setback on the interior side opposite the shortest street frontage or the street frontage that is considered the front; zero (0) setback on the side opposite the longest street frontage, or opposite the street frontage that is considered the side.

4. **Multiple Principal Buildings:** More than one two-family and/or multi-family may be placed on a lot. Multiple single-family residences are only permitted as group dwellings.

**B. Building Height:** The maximum height of a building shall be thirty-five feet (35'), except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15').

- C. Signs: As provided for in chapter 14, including article A, of this title.
- D. Parking: As provided for in chapter 12 of this title.
- E. Design Review: Permitted uses are exempt from design review. All new construction, additions and exterior alterations for conditional uses are subject to the provisions of chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title.
- G. Accessory Building Size: The total floor area of all accessory buildings shall not exceed eight hundred (800) square feet or ten percent (10%) of the total lot area, whichever is greater.

CHAPTER 5

**RESIDENTIAL DISTRICTS**

**Article F. R3R Multi-Family Residential Restricted District**

Section:

12-5F-1: Intent

12-5F-2: Permitted Uses

12-5F-3: Conditional Uses

12-5F-4: Standards

12-5F-1: INTENT: The intent of the R3R multi-family residential restricted district is to provide for multi-family dwellings as well as single- and two-family residential development, at a higher density than found in other residential zones. The design character should enhance and contribute to an atmosphere of early twentieth-century beach architectural design. Community services and facilities that will serve the area's population while protecting and maintaining the residential character may also be included. The R3R multi-family residential restricted district implements in part the HDR High Density Residential land use designation of the City of Long Beach Comprehensive Plan.

**12-5F-2: PERMITTED USES:**

A. Principal Uses:

Adult Family Home, six (6) or fewer beds.

Day Care center, eleven (11) or fewer children.

Multi-family dwellings, four (4) or fewer units

Single-family dwellings.

Two-family dwellings.

B. Accessory Uses and Structures:

Family day care home, six (6) or fewer children.

Home occupations.

Private accessory living quarters attached to principal structure or in detached accessory

building for sole use of occupant or temporary guests.

Private garages and private recreational equipment storage buildings.

Private (noncommercial) greenhouses, woodsheds and tool sheds.

Private swimming pools, hot tubs, saunas and tennis courts.

Management offices, laundry rooms, common areas and similar support facilities for multi-family dwellings.

Supportive services for occupants of multi-family affordable dwellings.

**12-5F-3: CONDITIONAL USES:**

Affordable housing, pursuant to the requirements of section 12-11-18 of this title.

Bed and breakfast, four (4) or fewer guest rooms.

Day care center, twelve (12) or more children.

Governmental or municipal structures, uses or facilities.

Churches.

Group dwellings.

Group home or residential care facility, fifteen (15) or fewer beds.

Multi-family dwellings, or a combination of two-family and/or multi-family buildings, resulting in five (5) or more dwelling units.

Nursing homes and convalescent centers, seven (7) or more beds.

Parks, recreation areas and facilities.

Schools.

**12-5F-4: STANDARDS:**

A. Lots:

1. Lot Size: A minimum of three thousand (3,000) square feet shall be provided for each dwelling unit. For Affordable Housing that meets the requirements of chapter 11, section

18 of this title, the total number of allowed housing units on a lot may be increased up to fifty percent (50%). On lots platted prior to the effective date hereof, with less than three thousand (3,000) square feet, construction will be permitted for one single-family home where total lot coverage does not exceed sixty percent (60%) and where all setback requirements can be met.

2. Lot Coverage: No more than sixty percent (60%) of any lot shall be covered by structures and/or impermeable surfaces.
  3. Setback Requirements:
    - a. Front Yard: Ten feet (10') minimum.
    - b. Side Yard:
      - i. Detached: Five feet (5') minimum.
      - ii. Semi-detached and attached: Where development is coordinated with adjacent lots, attached and semi-detached structures shall have a five-foot (5') minimum setback on exterior sides that are not abutting the adjacent building and a zero (0) setback on interior abutting sides.
    - c. Rear Yard: Ten feet (10') minimum.
    - d. Corner Lots:
      - i. Detached: Shall have a ten-foot (10') minimum setback on each street side, and a five-foot (5') minimum setback on all other sides.
      - ii. Semi-detached and attached: ten feet (10') minimum setback on each street side; five feet (5') minimum setback on the interior side opposite the shortest street frontage or the street frontage that is considered the front; zero (0) setback on the side opposite the longest street frontage, or opposite the street frontage that is considered the side.
  4. Multiple Principal Buildings: More than one two-family and/or multi-family structure may be placed on a lot. Multiple single-family residences are only permitted as group dwellings.
- B. Building Height: The maximum height of a building shall be thirty five feet (35'), except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15').
- C. Signs: As provided for in chapter 14, including article A, of this title.
- D. Parking: As provided for in chapter 12 of this title.

- E. Design Review: All new construction, additions and exterior alterations shall be subject to design review, as provided in chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title.
- G. Accessory Building Size: The total floor area of all accessory buildings shall not exceed eight hundred (800) square feet or ten percent (10%) of the total lot area, whichever is greater.

CHAPTER 6

**VISITOR COMMERCIAL AND MIXED USE DISTRICTS**

**Article A. OT Old Town District**

Section:

12-6A-1: Intent

12-6A-2: Permitted Uses

12-6A-3: Conditional Uses

12-6A-4: Standards

**12-6A-1: INTENT:** The intent of the OT Old Town district is to provide a compact retail core that will stimulate foot traffic, promote tourism and serve the needs of visitors, while creating an early twentieth century seashore theme. The OT old town district partially implements the Visitor Commercial (VC) land use designation of the Long Beach Comprehensive Plan.

**12-6A-2: PERMITTED USES:**

A. Principal Uses :

Amusements conducted indoors.

Arts and crafts galleries.

Business, professional offices or financial institutions.

Eating and/or drinking establishments, excluding drive-through facilities.

Itinerant lodging, i.e. hotels, motels, twenty-five (25) or fewer lodging units.

Mixed use: Any combination of the permitted uses listed herein.

Personal services, including, but not limited to, barbershops, tailoring, laundry and dry cleaning, or other service establishments.

Residences shall be allowed on upper floors when parking is provided.

Restaurants, excluding drive-through facilities.

Retail trade establishments such as food stores, drugstores, gift shops, garden stores, variety stores, and appliance stores.

Special events and festivals may be allowed upon approval by the city council.

Theaters, but not including drive-ins.

Vacation rentals.

B. Accessory Uses and Structures:

Enclosed storage of materials, supplies and equipment associated with the principal use of the property.

Live-work spaces within residential uses.

Outdoor merchandising, vending, dining and amusements, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.

Parking and loading areas associated with the principal use of the property.

**12-6A-3: CONDITIONAL USES:**

A. Uses:

Community centers.

Custom manufacturing of goods for retail sale on premises, or cottage industries.

Governmental or municipal structures, uses, or facilities.

Itinerant lodging, i.e. hotels and motels, twenty-six (26) or more lodging units.

Mixed use: any combination of uses including at least one conditional use listed herein.

Outdoor merchandising, vending, dining and amusements greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Public parking lots.

Parks, recreation areas and facilities.

Quasi-public uses.

Wireless communication facilities, pursuant to the requirements of section 12-11-17 of this title.

- B. Other Uses: Other uses may be allowed as a conditional use if the hearing examiner determines that such use is similar in intent and impact to a permitted or conditional use.

12-6A-4: **STANDARDS:**

- A. Lots:

- 1. Lot Size: Two thousand five hundred (2,500) square foot minimum. Construction on lots platted prior to the effective date hereof, with less than two thousand five hundred (2,500) square feet, may be permitted where approved by the city council, upon the recommendation of the planning commission.

- 2. Lot Coverage: No maximum.

- 3. Setback Requirements:

- a. Pacific Avenue: Five-foot (5') maximum setback from Pacific Avenue; except that a setback of up to twenty feet (20') may be permitted by the reviewing authority during design review; provided, that none of the setback area is used for parking, and the area is finished and used for outside display, dining and/or landscaping.

- b. All other sides: Subject to design review

- B. Building Height:

- 1. The maximum height of a building shall be thirty five feet (35').

- 2. The minimum building height shall be twenty-five feet (25'), except that a lower building height may be permitted by the reviewing authority during design review upon an affirmative finding that the lower building height results in a building of similar proportions to abutting buildings.

- C. Signs: As provided for in chapter 14, including article A, of this title.

- D. Parking: As provided for in chapter 12 of this title.

- E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in chapter 10 of this title.

- F. Landscaping: As provided for in chapter 13 of this title.

- G. Maximum Building Size: Ten thousand (10,000) square feet per floor.

- H. Density: No maximum.

CHAPTER 6

**VISITOR COMMERCIAL AND MIXED USE DISTRICTS**

**Article B. OTW Old Town West District**

Section:

12-6B-1: Intent

12-6B-2: Permitted Uses

12-6B-3: Conditional Uses

12-6B-4: Standards

**12-6B-1: INTENT:** The intent of the OTW old town west district is to provide a compact retail core that will stimulate foot traffic, provide lodging, promote tourism and serve the needs of visitors, while creating an early twentieth century seashore theme. Located west of Ocean Beach Boulevard, taller buildings are allowed to take advantage of ocean views. The OTW old town west District partially implements the Visitor Commercial (VC) land use designation of the Long Beach Comprehensive Plan.

**12-6B-2: PERMITTED USES:**

A. Principal Uses:

Arts and crafts galleries.

Business, professional offices or financial institutions.

Eating and/or drinking establishments, excluding drive-through facilities.

Itinerant lodging, i.e. hotels, motels, twenty-five (25) or fewer lodging units.

Mixed use: any combination of the permitted uses listed herein.

Personal services, including, but not limited to, barbershops, tailoring, laundry and dry cleaning, or other service establishments.

Residences shall be allowed on upper floors when parking is provided.

Restaurants, excluding drive-through facilities.

Retail trade establishments such as food stores, drugstores, gift shops, garden stores, variety stores, and appliance stores.

Theater, but not including drive-ins.

Special events and festivals may be allowed upon approval by the city council.

Vacation rentals.

B. Sexually Oriented and Adult Businesses: Sexually oriented or adult businesses shall be permitted, subject to design review as set forth in chapter 10, including article A, of this title, and subject to the restrictions set forth in chapter 15 of this title<sup>4</sup>.

C. Accessory Uses and Structures:

Enclosed storage of materials, supplies and equipment associated with the principal use of the property.

Live-work spaces within residential uses.

Outdoor merchandising, vending and dining, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.

Parking and loading areas associated with the principal use of the property.

### **12-6B-3: CONDITIONAL USES:**

Community centers.

Custom manufacturing of goods for retail sale on premises, or cottage industries.

Governmental or municipal structures, uses, or facilities.

Itinerant lodging, i.e. hotels and motels, twenty-six (26) or more lodging units.

Outdoor merchandising, vending, and dining greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Public parking lots

Quasi-public uses.

Parks, recreation areas and facilities.

Resort/conference complexes.

---

<sup>4</sup>. See also section 12-11-16 of this title.

**12-6B-4: STANDARDS:**

A. Lots:

1. Lot Size: Two thousand five hundred (2,500) square foot minimum. Construction on lots platted prior to the effective date hereof, with less than two thousand five hundred (2,500) square feet, may be permitted as approved by the city council upon the recommendation of the planning commission.

2. Lot Coverage: None specified

3. Setback Requirements: Maximum of twenty feet (20') from Ocean Beach Boulevard if only one building is located on the property. For development with multiple buildings, at least one building shall be set back a maximum of twenty feet (20') from Ocean Beach Boulevard. All other setbacks shall be subject to design review.

B. Building Height:

1. The maximum height of any building or portion of a building within thirty feet (30') of Ocean Beach Boulevard shall be forty five feet (45'). The maximum height for any building or portion of a building set back more than thirty feet (30') from Ocean Beach Boulevard shall be fifty five (55').

2. The minimum building height shall be - feet (25'), except that a lower building height may be permitted by the reviewing authority during design review upon an affirmative finding that the lower building height results in a building of similar proportions to abutting buildings.

C. Signs: As provided for in chapter 14, including article A, of this title.

D. Parking: All parking west of buildings; otherwise as provided for in chapter 12 of this title.

E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in chapter 10 of this title.

F. Landscaping: As provided for in chapter 13 of this title.

G. Maximum Building Size: Ten thousand (10,000) square feet per floor.

H. Density: No maximum.

CHAPTER 6

**VISITOR COMMERCIAL AND MIXED USE DISTRICTS**

**Article C. RC Residential Commercial District**

Section:

12-6C-1: Intent

12-6C-2: Permitted Uses

12-6C-3: Conditional Uses

12-6C-4: Standards

**12-6C-1: INTENT:** The intent of the RC Residential Commercial zone district is to provide for a mix of residential and commercial uses in a pedestrian-oriented neighborhood that is residential in character, while creating a twentieth century seashore look. Commercial uses serve the needs of local residents as well as visitors but exclude certain more intensive activities that might have a negative impact on residences, such as those that emit noise, light, smells or vibrations. Development is encouraged that will provide compatibility between different uses, and facilitate future conversion from one use to another. The RC residential commercial district implements the RC Residential Commercial land use designation of the Long Beach Comprehensive Plan.

**12-6C-2: PERMITTED USES:**

A. Principal Uses:

Adult family home, six (6) or fewer beds.

Arts and crafts galleries.

Bed and breakfast, six (6) or fewer guest rooms.

Building supply, contractors, shops, excluding exterior storage yards.

Business, professional offices or financial institutions.

Day care center, eleven (11) or fewer children.

Itinerant lodging, i.e. hotels and motels, twenty-five (25) or fewer lodging units

Laundromats

Mixed use: Any combination of the permitted uses listed herein.

Personal services, including, but not limited to, barbershops, laundry and dry cleaning, or other service establishments.

Multi-family dwellings, four (4) or fewer units.

Restaurants, with or without drive-through facilities.

Retail trade establishments such as food stores, drugstores, gift shops, garden stores, variety stores and appliance stores.

Single-family dwellings.

Two-family dwellings.

Vacation rentals.

B. Sexually Oriented and Adult Businesses: Sexually oriented or adult businesses shall be permitted, subject to design review as set forth in chapter 10, including article A, of this title, and subject to the restrictions set forth in chapter 14 of this title.<sup>5</sup>

C. Accessory Uses and Structures:

Enclosed storage of materials, supplies and equipment associated with the principal use of the property.

Family day care home, six (6) or fewer children.

Live-work spaces within residential uses.

Outdoor merchandising, vending and dining, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.

Parking and loading areas associated with the principal use of the property.

Private garages and private recreational vehicle storage buildings.

Private (noncommercial) greenhouses, woodsheds, and tool sheds.

**12-6C-3: CONDITIONAL USES:**

Auto repair shops and car washes.

---

<sup>5</sup> See also section 12-11-16 of this title.

Churches.

Commercial fishing equipment, supplies and repairs (equipment and small engine only).

Custom manufacturing of goods for retail sale on premises, or cottage industries.

Day care center, twelve (12) or more children.

Eating and drinking establishments, excluding drive-through facilities.

Funeral homes and mortuaries, crematorium.

Governmental or municipal structures, uses or facilities.

Group dwellings.

Group home or residential care facility, fifteen (15) or fewer beds.

Itinerant lodging, i.e. hotels and motels, twenty-six (26) or more lodging units

Mixed-use: Any combination of uses including at least one conditional use.

Multi-Family dwellings or a combination of two-family and/or multi-family buildings, resulting in five (5) or more dwelling units.

Nursing homes and convalescent centers, seven (7) or more beds.

Outdoor merchandising, vending, and dining greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Public parking lots.

Parks, recreation areas and facilities.

Quasi-public uses.

Recreational vehicle parks on the east side of SR 103 (Pacific Avenue).

Schools.

Wireless communication facilities, pursuant to the requirements of section 12-11-17 of this title.

**12-7D-4: STANDARDS:**

A. Lots:

1. Lot Size: Lot area shall be a minimum of five thousand (5,000) square feet. Construction on lots platted prior to the effective date hereof, with less than five thousand (5,000) square feet, may be permitted as approved by the city council upon the recommendation of the planning commission.

2. Maximum Lot Coverage: No more than seventy-five percent (75%) of any lot shall be covered by structures and/or impermeable surfaces.

3. Setback Requirements:

a. Front Yard: Zero minimum to a maximum of twenty feet (20') along Pacific Avenue; zero minimum and no maximum to other streets.

b. Side Yard: Five-foot (5') minimum.

c. Rear Yard: Five-foot (5') minimum.

d. Corner Lots and Multiple Street Frontages: Zero minimum to a maximum of twenty feet (20') along Pacific Avenue; five-foot (5') minimum to Ocean Beach Boulevard; zero minimum to all other street sides.

i. The ground level of the building, to a height of at least ten feet (10') but excluding porch columns and railings, shall not be located in a vision clearance triangle, formed by measuring twenty feet (20') along each property line from the intersection of the two streets and connecting the end points of such lines formed by such measurements.

ii. Porch roofs, balconies, canopies, bays, upper floors and similar features shall be permitted to project into the vision clearance triangle, provided the lowest point of the overhang or projection has a clearance of at least ten feet (10') above the sidewalk grade on Pacific Avenue, if abutting, or the level of the adjacent street for all other frontages.

B. Building Height: The maximum height of a structure shall be thirty-five feet (35'), except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15').

C. Signs: As provided for in chapter 14, including article A, of this title.

D. Parking: All parking towards the side or rear of buildings; otherwise as provided for in chapter 12 of this title.

- E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title.
- G. Maximum Building Size: Ten thousand (10,000) square feet per floor. The total floor area of all buildings on a lot shall not exceed seventy-five percent (75%) of the lot area (a Floor Area Ratio (FAR) of .75:1).
- H. Density: No maximum.

CHAPTER 6

**VISITOR COMMERCIAL AND MIXED USE DISTRICTS**

**Article D. AC Accommodations District**

Section:

- 12-6D-1: Intent
- 12-6D-2: Permitted Uses
- 12-6D-3: Conditional Uses
- 12-6D-4: Standards

**12-6D-1: INTENT:** The intent of the AC accommodations district is to provide for tourist lodging and associated visitor-oriented commercial uses, with development that enhances and contributes to an atmosphere of early-twentieth century beach architectural design. The AC accommodations District implements in part the RES Resort land use designation of the Long Beach Comprehensive Plan.

**12-6D-2: PERMITTED USES:**

A. Principal Uses:

Bed and breakfast, six (6) or fewer guest rooms.

Itinerant lodging, i.e. hotels and motels, twenty-five (25) or fewer lodging units.

Vacation rentals.

B. Accessory Uses and Structures:

Clubhouses.

Eating and/or drinking establishments, excluding drive-through facilities, complimentary to the principal use.

Laundry, maintenance shop, storage and other support functions associated with the principal use.

Outdoor merchandising, vending and dining, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.

Parking and loading areas associated with the principal use of the property.

Personal services, such as beauty salons and day spas, complimentary to the principal use.

Property management offices.

Small retail shops complimentary to the principal use.

Swimming pools, hot tubs, tennis courts and similar facilities for the use of guests.

**12-6D-3: CONDITIONAL USES:**

Governmental or municipal structures, uses or facilities.

Itinerant lodging, i.e. hotels and motels, twenty-six (26) or more lodging units.

Museums and interpretive facilities.

Outdoor merchandising, vending, and dining greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Parks, recreation areas and facilities.

Resort/conference complexes.

**12-6D-4: STANDARDS:**

A. Lots:

1. Lot Size: Lot area shall be at least ten thousand (10,000) square feet. Construction on lots platted prior to the effective date hereof, with less than ten thousand (10,000) square feet, may be permitted as approved by the city council upon the recommendation of the planning commission.

2. Maximum Lot Coverage: Seventy-five percent (75%).

3. Setbacks: None, except as may be required through design review.

B. Building Height: The maximum height of a building shall be thirty-five feet (35') within one hundred feet (100') of Ocean Beach Boulevard, and fifty-five feet (55') for buildings located more than one hundred feet (100') west of Ocean Beach Boulevard.

C. Signs: As provided for in chapter 14, including article A, of this title.

- D. Parking: As provided for in chapter 12 of this title.
- E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title.

CHAPTER 7

COMMERCIAL AND INDUSTRIAL DISTRICTS

Article A. C1 Commercial District

Section:

12-7A-1: Intent

12-7A-2: Permitted Uses

12-7A-3: Conditional Uses

12-7A-4: Standards

**12-7A-1: INTENT:** The intent of the C1 commercial district is to provide for more intensive commercial uses and businesses that primarily serve the needs of local residents by providing basic goods and services. It may also provide for multi-family housing and mixed uses. While some visitor-serving uses may occur, it is not the primary focus of the commercial district. It is specifically intended that no activities that emit annoying levels of noise, smoke, and/or vibration be permitted. Designs in the Commercial district should continue the twentieth century seashore theme. The C1 commercial district implements in part the NC Neighborhood Commercial land use designation of the Long Beach Comprehensive Plan.

**12-7A-2: PERMITTED USES:**

A. Principal Uses:

Arts and crafts galleries.

Building supply sales, contractor offices and shops, excluding exterior storage yards.

Business, professional offices or financial institutions.

Day care center, seven (7) or more children.

Commercial fishing equipment, supplies and repairs (equipment and small engine only).

Commercial greenhouses.

Frozen food lockers.

Funeral homes and mortuaries with or without crematory.

Itinerant lodging, i.e. hotels and motels, twenty-five (25) or fewer lodging units.

Laundering facilities, including sales of linens, towels, and related items.

Medical and veterinary clinics or hospitals.

Mixed use: Any combination of permitted uses listed herein.

Personal services, including, but not limited to, barbershops, tailoring, laundry and dry cleaning, or other service establishments.

Restaurants, with or without drive-through facilities.

Retail trade establishments such as food stores, drugstores, gift shops, garden stores, variety stores, and appliance stores.

Special events and festivals may be allowed upon approval by the city council.

Storage, warehouse, and wholesale establishments.

Theaters, but not including drive-ins.

Vacation rentals.

B. Sexually oriented or adult businesses, subject to design review as set forth in chapter 10, including article A, of this title, and subject to the restrictions set forth in chapter 15 of this title.<sup>6</sup>

C. Accessory Uses and Structures:

Enclosed storage of materials, supplies and equipment associated with the principal use of the property.

Family day care home, six (6) or fewer children.

Live-work spaces within residential uses.

Outdoor merchandising, vending and dining, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.

Parking and loading areas associated with the principal use of the property.

---

<sup>6</sup> See also Section 12-11-16 of this title.

**12-7A-3: CONDITIONAL USES:**

Adult family home, six (6) or fewer beds.

Affordable Housing, pursuant to the requirements of section 12-11-18 of this title.

Any business related activity conducted out of doors, except for parking or loading, and including outdoor merchandising, vending and dining greater than two hundred (200) square feet if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Church.

Eating and/or drinking establishments.

Gasoline stations, auto repair shops and car washes.

Governmental or municipal structures, uses or facilities .

Group dwellings.

Group home or residential care facility, fifteen (15) or fewer beds.

Itinerant lodging, i.e. hotels and motels, twenty-six (26) or more lodging units.

Light manufacturing including processing, cleaning, servicing, and/or repair of goods and equipment.

Mixed-use: Any combination of uses including at least one conditional use.

Nursing homes and convalescent centers, seven (7) or more beds.

Public parking lots.

Parks, recreation areas and facilities.

Quasi-public uses.

Residential uses: single-family, two-family or multi-family.

RV parks and mobile home parks limited to the east side of SR 103 (Pacific Avenue).

Sale and/or rental of vehicles, boats, travel trailers, mobile homes and their accessory equipment.

Schools.

Wireless communication facilities, pursuant to the requirements of section 12-11-17 of this title.

**12-7A-4: STANDARDS:**

A. Lots

1. Lot Size: Lot area shall be a minimum of five thousand (5,000) square feet. Construction on lots platted prior to the effective date hereof, with less than five thousand (5,000) square feet, may be permitted as approved by the city council upon the recommendation of the planning commission.

2. Lot Coverage: None

3. Setback Requirements: None, except as may be required through design review.

B. Building Height: The maximum height of a structure shall be thirty five feet (35').

C. Signs: As provided for in chapter 14, including article A, of this title.

D. Parking: As provided for in chapter 12 of this title.

E. Design Review: All new construction, additions and exterior alterations shall be subject to the design review procedures and criteria prescribed in chapter 10 of this title.

F. Landscaping: As provided for in chapter 13 of this title.

G. Residential Densities:

a. The minimum lot area for each dwelling unit shall be three thousand (3,000) square feet

b. For Affordable Housing that meets the requirements of chapter 11, section 18 of this title, the total number of allowed housing units on a lot may be increased up to fifty percent (50%).

c. For mixed use development with residences, the residential density shall be determined by the hearing examiner through the conditional use permit process.

d. Not more than one single-family dwelling shall be placed on any lot, unless approved as a group dwelling. Multiple two-family and/or multi-family dwellings may be placed on a lot.

CHAPTER 7

**COMMERCIAL AND INDUSTRIAL DISTRICTS**

**Article B. C2 Commercial Retail Warehouse District**

Section:

- 12-7B-1: Intent
- 12-7B-2: Permitted Uses
- 12-7B-3: Conditional Uses
- 12-7B-4: Standards

**12-7B-1: INTENT:**

The intent of the C2 commercial retail warehouse district is to provide for uses that require larger warehouse facilities . It is specifically intended that no activities that create noise disturbance or emit annoying levels of smoke or vibration be permitted. The C2 commercial retail warehouse district partially implements the C/LI Commercial/Light Industrial land use designation of the Long Beach Comprehensive Plan.

**12-7B-2: PERMITTED USES:**

A. Principal Uses:

Building supply sales, contractor offices and shops excluding exterior storage yards.  
Commercial fishing equipment, supplies and repairs (equipment and small engine only).

Commercial greenhouses.

Frozen food lockers.

Funeral homes and mortuaries with or without crematory.

Gasoline stations, auto repair shops and car washes.  
Storage facilities, warehouse, and wholesale establishments.

Laundering facilities, including dry cleaning and sales of linens, towels, and related items.

Medical and veterinary clinics or hospitals.

Retail trade establishment such as food stores, drugstores, gift shops, garden stores, variety stores, and appliance stores.

Sale and/or rental of vehicles, boats, travel trailers, mobile homes and their accessory equipment.

B. Accessory Uses and Structures

Enclosed storage of materials, supplies and equipment associated with the principal use of the property.

Manager and security apartments.

Parking and loading areas associated with the principal use of the property.

**12-7B-3: CONDITIONAL USES:**

Any business related activity conducted out of doors in whole or part.

Governmental and municipal structures, uses or facilities.

Light manufacturing including processing, cleaning, servicing, and/or repair of goods and equipment.

Parks, recreation areas and facilities.

Public parking lots

Quasi-public uses.

RV parks and mobile home parks limited to the east side of SR 103 (Pacific Avenue).

Wireless communication facilities, pursuant to the requirements of section 12-11-17 of this title.

**12-7B-4: STANDARDS:**

A. Lot :

1. Lot Size: Lot area shall be a minimum of five thousand (5,000) square feet. Construction on lots platted prior to the effective date hereof, with less than five thousand (5,000) square feet, may be permitted as approved by the city council upon the recommendation of the planning commission.

2. Lot Coverage: No maximum
  3. Setback Requirements: Ten feet (10') minimum to property lines abutting residential zones. All other property lines, no minimum.
- B. Building Height: The maximum height of a structure shall be thirty five feet (35') .
  - C. Signs: As provided for in chapter 14, including article A, of this title.
  - D. Parking: As provided for in chapter 12 of this title.
  - E. Design Review: All new construction, additions and exterior alterations shall be subject to the design review procedures and criteria as provided in chapter 10 of this title.
  - F. Landscaping: As provided for in chapter 13 of this title.

CHAPTER 7

COMMERCIAL AND INDUSTRIAL DISTRICTS

Article C. L1 Light Industrial District

Section:

12-7C-1: Intent

12-7C-2: Permitted Uses

12-7C-3: Conditional Uses

12-7C-4: Standards

**12-7C-1: INTENT:** The intent of the L1 light industrial district is to provide for uses that require larger warehouse facilities, are more intensive in use, or are industrial in nature and have the potential to emit noise, light and odors and impact other uses. The L1 light industrial district partially implements the C/LI Heavy Commercial/Light Industrial land use designation of the Long Beach Comprehensive Plan.

**12-7C-2: PERMITTED USES:**

A. Principal Uses:

Building supply sales, contractor offices and shops.

Commercial fishing equipment, supplies and repairs (equipment and small engine only).

Commercial greenhouses.

Frozen food lockers.

Gasoline stations, auto repair shops and car washes.

Light manufacturing including processing, cleaning, servicing, and/or repair of goods and equipment.

Sale and/or rental of vehicles, boat, travel trailers, mobile homes and their accessory equipment

Storage, warehouse, and wholesale establishments.

B. Accessory Uses and Structures:

Enclosed storage of materials, supplies and equipment associated with the principal use of the property.

Manager and security apartments

Parking and loading areas associated with the principal use of the property.

**12-7C-3: CONDITIONAL USES:**

Auto wrecking.

Commercial kennels.

Governmental or municipal structures, uses or facilities.

Outdoor storage of materials, subject to screening requirements.

Parks, recreation areas and facilities.

Quasi-public uses.

Wireless communication facilities, pursuant to the requirements of section 12-11-17 of this title.

**12-7C-4: STANDARDS:**

A. Lots

1. Lot Size: Minimum lot area shall be five thousand (5,000) square feet. Construction on lots platted prior to the effective date hereof, with less than five thousand (5,000) square feet, may be permitted as approved by the city council upon the recommendation of the planning commission.

2. Lot coverage: No maximum.

3. Setback Requirements: Ten feet (10') minimum to property lines abutting residential zones. All other property lines, no minimum.

B. Building Height: The maximum height of a structure shall be thirty five feet (35').

C. Signs: As provided for in chapter 14, including article A, of this title.

D. Parking: As provided for in chapter 12 of this title.

E. Design Review: Permitted uses are exempt from design review. All new construction,

additions and exterior alterations for conditional uses, with the exception of wireless communication facilities, shall be subject to the provisions of chapter 10 of this title.

- F. Landscaping: As provided for in chapter 13 of this title.

CHAPTER 8

SHORELINE DISTRICTS

Article A. S1 Shoreline Single-Family Residential District

Section:

12-8A-1: Intent

12-8A-2: Permitted Uses

12-8A-3: Conditional Uses

12-8A-4: Standards

**12-8A-1: INTENT:** The intent of the S1 shoreline single-family residential district is to provide for a low density, residential neighborhood in keeping with the historical beach village character and to provide for such community services and facilities to serve the area's population while subject to restrictions to protect, preserve and enhance the values of shoreline property. The S1 shoreline single-family residential district partially implements the Single Family Residential land use designation in the Long Beach Comprehensive Plan, and the Rural Residential environment of the Shoreline Master Program.

**12-8A-2: PERMITTED USES:**

A. Principal Uses:

Adult family home, six (6) or fewer beds.

Single-family dwellings.

B. Accessory Uses and Structures:

Family day care home, six (6) or fewer children

Home occupations.

Private accessory living quarters attached to a principal structure or in a detached accessory building for the sole use of the occupant or temporary guests.

Private garages and private recreational vehicle storage buildings.

Private (noncommercial) greenhouses, woodsheds, and tool sheds.

Private swimming pools, hot tubs, saunas, and tennis courts.

**12-8A-3: CONDITIONAL USES:**

Bed and breakfast, not more than six (6) guest rooms.

Churches .

Day care center, seven (7) or more children.

Governmental or municipal structures, uses or facilities .

Parks, recreation areas and facilities.

Schools .

**12-8A-4: STANDARDS:**

A. Lots

1. Lot Size: The minimum lot size is ten thousand (10,000) square feet. Construction on lots platted prior to the effective date hereof, with less than ten thousand (10,000) square feet, will be permitted where total lot coverage does not exceed sixty percent (60%) and where all setback requirements can be met.

2. Lot Coverage: No more than sixty percent (60%) of any lot shall be covered by structures and/or impermeable surfaces.

3. Setback Requirements:

a. Front Yard: Ten feet (10') minimum.

b. Side Yard: Five feet (5') minimum.

c. Rear Yard: Ten feet (10') minimum.

d. Corner Lots: Shall have a ten-foot (10') minimum setback on each street side and a five-foot (5') minimum setback at other property lines.

B. Building Height: The maximum height of a structure shall be thirty-five feet (35'), except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15').

C. Signs: As provided for in chapter 14, including article A, of this title.

- D. Parking: As provided for in chapter 12 of this title.
- E. Design Review: All new construction, additions and exterior alterations in this district are subject to design review, as provided in chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title.
- G. Accessory Building Size: The total square footage of all accessory buildings shall not exceed eight hundred (800) square feet or ten percent (10%) of the total lot area, whichever is greater but in no case more than 1,200 square feet.

CHAPTER 8

SHORELINE DISTRICTS

Article B. S2 Shoreline Multi-Family Residential District

Section:

12-8B-1: Intent

12-8B-2: Permitted Uses

12-8B-3: Conditional Uses

12-8B-4: Standards

**12-8B-1: INTENT:** The intent of S2 shoreline multi-family residential district is to provide for a medium density, residential neighborhood character and to provide for community services and facilities that will serve the area's population. Development is subject to restrictions to protect, preserve, enhance, and contribute to both the values of significant environmental features and the historical beach village character. The S2 shoreline multi-family residential district partially implements the MDR Medium Density Residential land use designation of the Long Beach Comprehensive Plan and the Rural Residential environment of the Shoreline Master Program.

**12-8B-2: PERMITTED USES:**

A. Principal Uses:

Adult family home, six (6) or fewer beds.

Multi-family dwellings, four (4) or fewer units.

Single-family dwellings.

Two-family dwellings.

B. Accessory Uses and Structures:

Family day care home, six (6) or fewer children

Home occupations.

Private accessory living quarters attached to a principal or in a detached accessory building for the sole use of the occupant or temporary guests.

Private garages and private recreational vehicle storage buildings.

Private (noncommercial) greenhouses, woodsheds, and tool sheds.

Private swimming pools, hot tubs, saunas, and tennis courts.

**12-8B-3: CONDITIONAL USES:**

Bed and breakfast, not more than six (6) guest rooms.

Churches.

Day care center, seven (7) or more children.

Group dwellings.

Governmental or municipal structures, uses or facilities .

Multi-family dwellings, five (5) or more units total on a single lot.

Nursing homes and convalescent centers, seven (7) or more beds.

Parks, recreation areas or facilities.

Schools .

Vacation rentals.

**12-8B-4: STANDARDS:**

A. Lots :

1. Lot Size:

a. The minimum lot size for a single-family housing unit shall be ten thousand (10,000) square feet.

b. The minimum lot size for multi-family housing units shall be ten thousand (10,000) square feet for the first housing unit , plus two thousand (2,000) square feet for each additional housing unit . Where multiple principal buildings are constructed on a property, there shall be ten thousand (10,000) square feet of lot area for the first of each subsequent four (4) units, or fraction thereof.

- c. Construction of detached, single-family homes on lots platted prior to the effective date hereof, with less than ten thousand (10,000) square feet, will be permitted where total lot coverage does not exceed sixty percent (60%) and where all setback requirements can be met.
  2. Lot Coverage: No more than seventy-five percent (75%) of any lot shall be covered by structures and/or impermeable surfaces.
  3. Setback Requirements:
    - a. Front Yard: Ten feet (10') minimum.
    - b. Side Yard: Five feet (5') minimum.
    - c. Rear Yard: Ten feet (10') minimum.
    - d. Corner Lots: Shall have a ten-foot (10') minimum setback on each street side, and a five-foot (5') minimum setback at other property lines.
- B. Building Height: The maximum height of a structure shall be thirty-five feet (35'), except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15').
- C. Signs: As provided for in chapter 14, including article A, of this title.
- D. Parking: As provided for in chapter 12 of this title.
- E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
- F. Design Review: All new construction, additions, and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
- G. Landscaping: As provided for in chapter 13 of this title.
- H. Living Space: The minimum living space per multi-family residence is seven hundred twenty (720) square feet.
- I. Density: The maximum number of housing units allowed per building is four (4). More than one two-family and/or multi-family structure may be placed on a lot. Multiple single-family residences are only permitted as group dwellings.

CHAPTER 8

**SHORELINE DISTRICTS**

**Article C. S3 Shoreline Resort District**

Section:

12-8C-1: Intent

12-8C-2: Permitted Uses

12-8C-3: Conditional Uses

12-8C-4: Standards

**12-8C-1: INTENT:** The intent of the S3 shoreline resort district is to provide for tourist oriented commercial development, providing lodging and tourist-serving businesses. The design character of the area is that of coastal resort, drawing on the natural setting of the dunes while protecting, preserving and enhancing significant environmental features. The S3 shoreline resort district partially implements the RES Resort land use designation of the Long Beach Comprehensive Plan and the Urban Resort environment of the Shoreline Master Program.

**12-8C-2: PERMITTED USES:**

A. Principal Uses

Arts and crafts galleries.

Eating and/or drinking establishments, excluding drive-through facilities.

Itinerant lodging, i.e. hotels and motels, twenty-five (25) or fewer lodging units.

Mixed use: Any combination of the permitted uses listed herein.

Personal services, including, but not limited to, barbershops, tailoring, laundry and dry cleaning, or other service establishments.

Restaurants, excluding drive-through facilities.

Retail trade establishments such as food stores, drugstores, gift shops, garden stores, variety stores, and appliance stores.

Special occasions and festivals may be allowed upon approval by the city council.

Theater, but not including drive-ins.

Vacation rentals.

**B. Accessory Uses and Structures:**

Laundry, maintenance shop, storage and other support functions associated with the principal use.

Outdoor merchandising, vending and dining, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.

Parking and loading areas associated with the principal use of the property.

Swimming pools, hot tubs, tennis courts and similar facilities for the use of guests.

**12-8C-3: CONDITIONAL USES:**

Amusements.

Governmental or municipal buildings, uses, or facilities.

Itinerant lodging, i.e. hotels and motels, twenty-six (26) or more lodging units.

Museums and interpretive facilities.

Outdoor merchandising, vending, and dining greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Public parking lots

Parks, recreation areas and facilities.

Resort/conference complexes.

**12-8C-4: STANDARDS:**

**A. Lots:**

1. Lot Size: The minimum lot size is ten thousand (10,000) square feet . Construction on lots platted prior to the effective date hereof, with less than ten thousand (10,000) square feet, may be permitted where approved by the city council, upon the recommendation of the planning commission.

2. Lot Coverage: No more than seventy-five percent (75%) of any lot shall be covered by structures and/or impermeable surfaces.
  3. Setback Requirements: None, except as may be required through design review.
- B. Building Height: The maximum height of a building shall be sixty feet (60').
  - C. Signs: As provided for in chapter 14, including article A, of this title.
  - D. Parking: As provided for in chapter 12 of this title.
  - E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
  - F. Landscaping: As provided for in chapter 13 of this title.

CHAPTER 8

SHORELINE DISTRICTS

Article D. S3R Shoreline Resort Restricted District

Section:

12-8D-1: Intent

12-8D-2: Permitted Uses

12-8D-3: Conditional Uses

12-8D-4: Standards

**12-8D-1: INTENT:** The intent of the S3R shoreline resort restricted district is to provide for tourist lodging-oriented commercial development. Development may also include limited tourist-oriented commercial establishments and resort amenities. The design character of the area is that of a coastal resort, drawing on the natural setting of the dunes while protecting, preserving and enhancing significant environmental features. The S3R shoreline resort restricted district partially implements the RES resort land use designation of the Long Beach Comprehensive Plan and the Rural Resort environment of the Shoreline Master Program.

**12-8D-2: PERMITTED USES:**

A. Principal Uses

Itinerant lodging, i.e. hotels and motels, twenty-five (25) or fewer lodging units.

Vacation rentals.

B. Accessory Uses and Structures:

Clubhouses

Eating and/or drinking establishments, excluding drive-through facilities, complimentary to the principal use.

Laundry, maintenance shop, storage and other support functions associated with the principal use.

Outdoor merchandising, vending and dining, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.

Parking and loading areas associated with the principal use of the property.

Personal services, such as beauty salons and day spas, complimentary to the principal use

Restaurants, excluding drive-through facilities, complimentary to the principal use.

Small retail shops complimentary to the principal use.

Swimming pools, hot tubs, tennis courts and similar facilities for the use of guests.

**12-8D-3: CONDITIONAL USES:**

Governmental or municipal structures, uses or facilities .

Itinerant lodging, i.e. hotels and motels, twenty six (26) or more lodging units.

Museums and interpretive facilities.

Outdoor merchandising, vending, and dining greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Parks, recreation areas and facilities.

Resort/conference complexes.

**12-8D-4: STANDARDS:**

A. Lots:

1. Lot Size: The minimum lot size is ten thousand (10,000) square feet . Construction on lots platted prior to the effective date hereof, with less than ten thousand (10,000) square feet, may be permitted where approved by the city council, upon the recommendation of the planning commission.

2. Lot Coverage: No more than seventy-five percent (75%) of any lot shall be covered by structures and/or impermeable surfaces.

3. Setbacks: None, except as may be required through design review.

B. Building Height: The maximum height of a building shall be fifty five feet (55').

C. Signs: As provided for in chapter 14, including article A, of this title.

D. Parking: As provided for in chapter 12 of this title.

- E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title.

CHAPTER 8

SHORELINE DISTRICTS

Article E. S3M Shoreline Resort Mixed-Use District

Section:

- 12-8E-1: Intent
- 12-8E-2: Permitted Uses
- 12-8E-3: Conditional Uses
- 12-8E-4: Standards

**12-8E-1: INTENT:** The intent of the S3M shoreline resort mixed-use zone district is to provide a mixed use area for resort development that includes both short-term lodging as well as residences at a more intensive density. Development may also include limited tourist-oriented commercial establishments and resort amenities. The design character of the area is that of a coastal resort, drawing on the natural setting of the dunes while protecting, preserving and enhancing significant environmental features. The S3M district is primarily intended for properties in the north urban growth area that may be annexed into the city in the future. The S3M shoreline resort mixed-use district partially implements the RES Resort and Rural Resort land use designations of the Long Beach Comprehensive Plan and the Rural Resort environment of the Shoreline Master Program.

**12-8E-2: PERMITTED USES:**

A. Principal Uses:

Itinerant lodging, twenty-five (25) or fewer lodging units.

Multi-family dwellings, including condominiums, twenty-five (25) or fewer dwelling units.

Vacation rentals.

B. Accessory Uses and Structures:

Clubhouses

Eating and/or drinking establishments, excluding drive-through facilities, complimentary to the principal use.

Laundry, maintenance shop, storage and other support functions associated with the

principal use.

Outdoor merchandising, vending and dining, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.

Parking and loading areas associated with the principal use of the property.

Personal services, such as beauty salons and day spas, complimentary to the principal use.

Property management offices.

Restaurants, excluding drive-through facilities, complimentary to the principal use.

Small retail shops complimentary to the principal use.

Swimming pools, hot tubs, tennis courts and similar facilities for the use of guests and residents.

**12-8E-3: CONDITIONAL USES:**

Governmental or municipal structures, uses or facilities.

Itinerant lodging, twenty six (26) or more lodging units.

Multi-family dwellings, including condominiums, twenty six (26) or more dwelling units.

Museums and interpretive facilities.

Outdoor merchandising, vending, and dining greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Parks, recreation areas and facilities.

Resort/conference complexes.

**12-8E-4: STANDARDS:**

A. Lots:

1. Lot Size: The minimum lot size is ten thousand (10,000) square feet. Construction on lots platted prior to the effective date hereof, with less than ten thousand (10,000) square feet, may be permitted where approved by the city council, upon the recommendation of

the planning commission.

2. Lot Coverage: No more than seventy-five percent (75%) of any lot shall be covered by structures and/or impermeable surfaces.
  3. Setbacks: None, except as may be required through design review.
- B. Building Height: The maximum height of a building shall be forty five feet (45'), with fifty five feet (55') allowable if parking is placed on the ground floor.
  - C. Signs: As provided for in chapter 14, including article A, of this title.
  - D. Parking: As provided for in chapter 12 of this title.
  - E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
  - F. Landscaping: As provided for in chapter 13 of this title.

CHAPTER 9

**PUBLIC AND OPEN SPACE DISTRICTS**

**Article A. P Public District**

Section:

- 12-9A-1: Intent
- 12-9A -2: Permitted Uses
- 12-9A -3: Conditional Uses
- 12-9A -4: Standards

**12-8A-1: INTENT:** The intent of the P public district is to provide for public and quasi-public government facilities, and to ensure that there is a compatible relationship between such uses and the surrounding area. The P public district implements the P Public land use designation of the City of Long Beach Comprehensive Plan.

**12-8A-2: PERMITTED USES:**

A. Principal Uses:

Civic Center.

Community Center.

Conference Center.

Governmental or municipal structures, uses or facilities.

Library.

Museums and interpretive facilities.

Parks, recreational areas and facilities.

Performing arts center.

Public parking lots.

Public and quasi-public utilities.

Quasi-public uses.

Schools.

Special events and festivals.

Theater, public-owned.

**B. Accessory Uses and Structures:**

Concessions.

Parking and loading areas associated with the principal use of the property.

Offices, maintenance and storage facilities associated with the principal use of the property.

**12-8A-3: CONDITIONAL USES:**

Hospitals.

Transit facilities.

Wireless communication facilities, pursuant to the requirements of section 12-11-17 of this title.

**12-8A-4: STANDARDS:**

**A. Lots:**

1. Lot Size: No minimum.
2. Lot Coverage: No maximum.
3. Setbacks: None, except as may be required through design review.

**B. Building Height:** The maximum building height shall be the building height for the zone district most closely associated with the property, except the City Council, upon recommendation from the Planning Commission, may grant additional height, provided an affirmative finding is made that:

1. The additional height is necessary for the use of the building; and
2. The building design, scale and massing is compatible with the surrounding area.

- C. Signs: As provided for in chapter 14, including article A, of this title.
- D. Parking: As provided for in chapter 12 of this title.
- E. Design Review: All new construction, additions, and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title.

CHAPTER 9

**PUBLIC AND OPEN SPACE DISTRICTS**

**Article B. PR Parks And Recreation District**

Section:

- 12-9B-1: Intent
- 12-9B-2: Permitted Uses
- 12-9B-3: Conditional Uses
- 12-9B-4: Standards

**12-9B-1: INTENT:** The intent of the PR parks and recreation district is to provide for public and privately-owned parks, recreational and cultural facilities that serve both residents and visitors. The PR parks and recreation district partially implements the PR Parks, Recreation and Open Space land use designation of the City of Long Beach Comprehensive Plan.

**12-9B-2: PERMITTED USES:**

A. Principal Uses:

Day use parks.

Museums and interpretive facilities.

Playgrounds.

Recreational areas and facilities.

Public parking.

Public restrooms.

Special events and festivals.

Temporary, mobile open air food or retail establishments operating as supplements to existing businesses in the OT, OTW, RC, C1, or C2 zones or associated with a special event, subject to special approval by the city council.

Trails.

B. Accessory Uses and Structures:

Concessions.

Offices, maintenance and storage facilities associated with the principal use of the property.

**12-9B-4: CONDITIONAL USES:**

Camp grounds, RV parks.

Community Center.

Governmental or municipal structures, uses or facilities not associated with the principal recreational use of the site (i.e. general offices, maintenance yards).

Golf courses,

**12-9B-5: STANDARDS:**

- A. Lots:
  - 1. Lot Size: No minimum.
  - 2. Lot Coverage: No maximum.
  - 3. Setbacks: None, except as may be required through design review.
- B. Building Height: The maximum building height shall thirty five feet (35').
- C. Signs: As provided for in chapter 14, including article A, of this title.
- D. Parking: As provided for in chapter 12 of this title.
- E. Design Review: All new construction, additions, and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title

CHAPTER 9

**PUBLIC AND OPEN SPACE DISTRICTS**

**Article C. S4 Shoreline Conservancy District**

Section:

12-9C-1: Intent

12-9C-2: Permitted Uses

12-9C-3: Standards

**12-9C-1: INTENT:** The intent of the S4 shoreline conservancy zone district is to protect the natural conditions of the city's shoreline area and provide for largely passive and some active parks, recreation and cultural facilities that serve both residents and visitors. The shoreline conservancy district is an asset to the city, providing open space, public access to the beach and view corridors to the ocean. The S4 shoreline conservancy district implements in part the Parks, Recreation and Open Space land use designation of the Long Beach Comprehensive Plan and the Conservancy environment of the Shoreline Master Program.

**12-9C-2: PERMITTED USES:**

Day use parks.

Interpretive facilities and museums.

Public parking.

Public restrooms.

Special events and festivals.

Temporary, mobile open air food or retail establishments operating as supplements to existing businesses in the OT, OTW, RC, C1, C2, AC, S3, S3R or S3M zones or associated with a special event, subject to special approval by the city council.

Trails.

**12-9C-3: STANDARDS:**

- A. Lots:
  - 1. Lot Size: No minimum.
  - 2. Lot Coverage: No maximum.
  - 3. Setbacks:
    - a. Bolstad Avenue: A building setback of two hundred feet (200') north and two hundred feet (200') south from the Bolstad Avenue right-of-way shall be established to maintain the ocean beach view and open space.
    - b. All other areas: None, except as may be required through design review.
- B. Building Height: The maximum building height shall thirty five feet (35').
- C. Signs: As provided for in chapter 14, including article A, of this title.
- D. Parking: As provided for in chapter 12 of this title.
- E. Design Review: All new construction, additions, and exterior alterations shall be subject to design review as provided in chapter 10 of this title.
- F. Landscaping: As provided for in chapter 13 of this title

## CHAPTER 10

### DESIGN REVIEW CRITERIA

Section:

- 12-10-1: Design Review Concept
- 12-10-2: Scope
- 12-10-3: Design Approval Required
- 12-10-4: Permit Application Procedure
- 12-10-5: Review Procedure
- 12-10-6: Design Review Approval; Expiration
- 12-10-7: Criteria for Approval; Required Findings
- 12-10-8: Appeal
- 12-10-9: Exemptions

**12-10-1: DESIGN REVIEW CONCEPT:** Pursuant to the goals set forth in the comprehensive plan, a system of design review shall be established and implemented in accordance with the design review guidelines hereafter set forth. The following quotation from Justice Douglas in rendering the opinion of the court concerning the case of *Berman v. Parker*, 348.U.S. 26 (1954) captures the spirit and intent of this chapter.

*The concept of the public welfare is broad and inclusive. The value it represents is spiritual as well as physical, aesthetic as well as monetary. It is well within the power of the legislature to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully controlled.*

**12-10-2: SCOPE:** The city shall review all development subject to design review. For purposes of this chapter, "Development" means any improvement to real property open to exterior view, including, but not limited to, buildings, structures, fixtures, landscaping, site screening, fencing, murals, signs, parking lots, lighting, pedestrian facilities, street furniture, use of open areas (including parks and recreational facilities), and mobile home and recreational vehicle parks, whether all or any are publicly or privately sponsored. "Development" also includes new construction, additions, and any or all exterior remodeling to existing structures. "Development" does not include underground utilities, improvements within rights-of-way, or alterations to buildings that are exclusively interior.

**12-10-3: DESIGN APPROVAL REQUIRED:**

- A. Design Review Required: Design review is required for all development in the R1R, R2R, R3R, OT, OTW, RC, AC, C1, C2, S1, S2, S3, S3R, S3M, P, PR and S4 zones.

Design review is also required for all development other than permitted and accessory uses in the R1, R2 and R3 zones. Design review is required for conditional uses in the L1 zone. No building permit shall be issued for any development, redevelopment or construction requiring design review until design approval has been granted.

- B. **Compliance With Approved Design:** Development shall be completed in exact accordance with the design approved by the city. If, after such approval, a developer wishes to make revisions to the approved plans, those amendments shall be brought before the city for approval prior to construction. Minor revisions may be approved by the city administrator provided such changes are consistent with the original approval, comply with all design guidelines, and do not exceed ten percent (10%) of the square footage of the project, according to the procedures set forth in section 12-10-5 of this chapter. All other revisions shall be considered pursuant to the same procedure under which the original approval was granted.
- C. **Business Licenses And Certificates Of Occupancy:** No business license or certificate of occupancy shall be issued until construction is complete and in conformance with the design approved by the city. Where occupancy is desired before the completion of all required improvements, a temporary certificate of occupancy may be issued, provided the requirements of section 11-5B-12 of title 11 (Unified Development) have been met.
- D. **Guidebook:** The "City Of Long Beach Design Review Guidebook" provides greater detail for design review applicants, and is incorporated herein by reference. Where any conflict may exist between this title and the design review guidebook, this title shall control.

#### **12-10-4: PERMIT APPLICATION PROCEDURE:**

- A. **Submission Of Application:** Application for design review shall be made on forms provided by the city. The city shall also make available to applicants guidelines to assist in design. All applications shall be submitted to the city administrator, who shall conduct an initial assessment for completeness and code compliance before routing the application to the appropriate reviewing authority.
- B. **Optional Pre-application:** The applicant is encouraged to submit plans in a preliminary draft or sketch form for staff review prior to final review. The project can then be discussed with the developer and/or architect before irrevocable decisions have been made and before expensive drawings have been prepared. The pre-application review does not bind the city in any way, but rather is offered as a convenience to the applicant. No fee shall be assessed for any requested pre-application review.
- C. **Submittal Requirements:**
  - 1. All plans submitted shall be drawn to scale, on standard sized sheets not larger than eleven inches by seventeen inches (11" x 17"). Site plans shall be drawn at a scale no

smaller than one inch to twenty feet (1" = 20'), and building elevations and floor plans shall be drawn at a scale no smaller than one-eighth inch to one foot ( $\frac{1}{8}$ " = 1'), unless otherwise approved by the city. If an applicant desires to submit plans on sheets larger than the permitted size, then eight (8) copies shall be provided with the application.

2. If other than natural wood color is to be used, color samples shall be provided.
  3. Submitted plans shall include site plans and landscaping plans, and shall show, in a general manner, the locations of existing and proposed buildings, parking and driveways, landscaping, fences, trash areas, mechanical equipment, and site features of abutting properties. Landscape plans shall generally indicate the location and type of existing and proposed ground cover, and the location, type and quantity of existing and proposed shrubs and trees. Exterior lighting plans may also be required.
  4. Building elevations shall show the size and placement of all windows, doors, porches, decks and other architectural features, including trim, and shall indicate the proposed materials and finishes to be used.
  5. Floor plans showing the general layout and use of the building shall be provided for all new construction and additions, except for single-family and two-family construction.
  6. If alternative building materials are proposed, material samples and specifications shall be provided with the application.
  7. Applications for design review shall be accompanied by a fee as established by resolution of the city council.
  8. All plans submitted for review of new construction, additions or alteration of a building over six thousand (6,000) square feet shall be prepared and stamped by an architect licensed in the state of Washington.
- D. Other Permit And Review Requirements: If any shoreline substantial development (SSD) permits or state environmental policy act (SEPA) environmental review is required for the proposed development, city officials should caution the developer to secure these approvals prior to submitting a design review application, to ensure that the project will be allowed as designed.

#### **12-10-5: REVIEW PROCEDURE:**

- A. Administrative Review: The city administrator shall review and act upon the following applications:
1. Signs.
  2. Additions equal to no more than twenty percent (20%) of the existing floor area or

four hundred (400) square feet, whichever is less.

3. Residential and commercial alterations with no increase in floor area.
  4. Decks.
  5. Fences.
  6. Accessory structures.
  7. Minor revisions that are consistent with the original approval, comply with all design guidelines, and do not exceed ten percent (10%) of the square footage of the project, as allowed by subsection 12-10-3B of this chapter.
- B. Planning Commission Review: The planning commission shall review and act upon the following applications, following receipt of a recommendation from the city administrator:
1. Single-family dwellings:
    - a. New construction.
    - b. Additions greater than twenty percent (20%) of the existing floor area or four hundred (400) square feet, whichever is less.
  2. Multi-family developments containing up to four (4) dwelling units:
    - a. New construction.
    - b. Additions greater than twenty percent (20%) of the existing floor area or four hundred (400) square feet, whichever is less.
  3. Commercial development:
    - a. New construction of up to six thousand (6,000) square feet of floor area.
    - b. Additions greater than twenty percent (20%) of the existing floor area or four hundred (400) square feet, whichever is less, resulting in a building with a gross floor area of not more than six thousand (6,000) square feet.
- C. City Council Review: The city council shall review and act upon any design review application not included in subsections A and B of this section. Prior to its review, the city council shall receive a recommendation from the city administrator and the planning commission.
- D. Action: Action on any design review application may include approval, approval with

modifications, or denial, and shall be made in writing to the applicant. The reviewing authority may require additional information or material from the applicant before taking final action.

- E. Professional Assistance: The approving authority may, at its sole discretion, determine that the nature of the proposed development requires outside review by a design professional. The approving authority may retain the services of a design professional if it determines that such assistance is necessary to evaluate a design review application. The cost of such assistance shall be borne by the applicant. No building permit shall be issued for any development subject to design review until the city has been reimbursed for any costs associated with outside review.
- F. Reporting Requirements: The city administrator shall, on a monthly basis, report to the planning commission on all designs approved under subsection A of this section, and to the city council on all designs approved under subsections A and B of this section.
- G. Exempt Activities: The following activities shall be exempt from the requirements of design review:
  - 1. Normal maintenance and repair shall be exempt from the requirements of design review, where there is no change to the exterior appearance of the structure.
  - 2. The replacement of fifty percent (50%) or less of a non-conforming siding material on any single facade shall be considered maintenance. The replacement of more than fifty percent (50%) of the exterior siding material on a single facade shall be considered an alteration and shall comply with the requirements of this chapter including article A.
  - 3. Minor adjustments to dimensions such as railing height or stairs, where necessary to comply with the building code, shall be considered maintenance, provided the design of the replacement feature is otherwise identical to the feature being repaired, and the change is no more than necessary to correct the deficiency.
  - 4. One accessory building with a gross floor area of one hundred twenty (120) square feet or less may be placed on a lot without meeting the requirements of this chapter, including Article A, provided the structure is placed in the rear of the lot behind the principal building. Additional accessory buildings, regardless of size and location, shall be subject to all requirements of this chapter.

**12-10-6: DESIGN REVIEW APPROVAL; EXPIRATION:** Approval for design review is valid for one year from date of final approval. The approving authority may grant one extension of time not to exceed one year, upon the filing of a timely request for extension by the applicant. No extension shall be granted if any local zoning or design review regulations have been amended in a manner that would have an impact upon the proposed development. A request for extension shall be deemed to be timely filed if it is received by the city before the expiration date of the final approval.

**12-10-7: CRITERIA FOR APPROVAL; REQUIRED FINDINGS:**

- A. Minimum Criteria: City administrator shall review the design for compliance with respect to lot coverage, setbacks, height, and permitted use. These are minimum requirements that shall be met before any further review takes place.
- B. General Review Criteria:
  - 1. The approving authority shall review the detailed architectural design with respect to materials and surface textures, colors, fenestration pattern, roof form and pitch, and expression of detailing.
  - 2. The reviewing authority shall also review the site design to determine how the proposed development fits into the existing environment, judging applications with respect to scale and proportion, orientation of buildings and other site features to streets and surrounding properties, and the placement and types of landscaping.
- C. Specific Review Criteria:
  - 1. Siding: Natural wood siding such as board and batten, clapboard, shiplap and wood shingles is encouraged, depending on the zone district in which the property is located. Metal, stone, and brick siding may be allowed as accent materials in zones where it is not prohibited. However, it is the intent of this title to use metal and masonry as an accent in combination with other siding materials and not to use either as the exclusive siding material, as structures constructed exclusively with metal or masonry do not meet the intent of the early seashore or contemporary seashore architectural theme required in certain zones.
  - 2. Roofing Materials: Composite roofing is permitted and encouraged. Metal roofing is also allowed. Membrane roofs may be permitted in commercial applications, provides it is screened from view from the front. Also permitted in some zones are wood shingle and tile roofs.
  - 3. Windows: Wood sash windows are preferred. Vinyl or clad windows are acceptable with an exterior wooden trim. Operable wooden storm shutters are also acceptable.
  - 4. Doors: Wood or simulated wood doors are preferred.

5. Fences: Decorative wooden fences are preferred. Chain link and split rail wood fences are not permitted in the R1R, R2R, R3R, S1, S2, S3, S3R or S3M zones.
  6. Colors: Colors shall conform to the architectural style and intended use of the building. Bright, gaudy colors are discouraged.
  7. Fenestration Pattern: The arrangement of windows on a building facade should be used to avoid the creation of large, blank wall spaces, especially on street facades.
  8. Roof Form and Pitch: This criteria involves the shape, form and pitch of the roof, and the placement of dormers, eaves, and gables. A variety of forms, within the prescribed limitations of the roof pitch requirements of the zone in which the building is located, are encouraged.
  9. Expression of Detailing: The use of architectural detailing such as gingerbread, trim work and ornate fixtures is encouraged when incorporated with appropriate architectural styles.
  10. Scale and Proportion: The size and shape of a structure or group of structures should be consistent with the scale of surrounding properties.
  11. Orientation: Residential buildings shall be oriented toward the street. Nonresidential buildings shall be oriented toward the street, unless an arcade or courtyard is used to address the public realm and present variety in architectural styling.
  12. Landscaping: The type, placement, and arrangement of landscape and landscape features is an essential element in the integration of a project with its surrounding area. Landscaping with plant materials suited to the coastal setting is required where indicated, and shall be provided in all projects. The use of rock, gravel, bark and other non-plant materials as ground cover should be limited.
  13. Site Design: The integration of the proposed development with abutting properties will be considered. The extent to which the massing of structures is mitigated by landscaping or other techniques will also be considered. Site designs that create vehicular turning movement conflicts are prohibited. Site designs for nonresidential projects that share parking or other amenities with neighboring properties are strongly encouraged.
  14. Signs: Signs attached to a building shall be incorporated into the building design. Freestanding signs shall be of a size, shape, and color that complements the building design.
- D. Required Findings: The approving authority shall make the following findings before approval of any proposed development.
1. Comprehensive Plan Compliance: That the proposal complies with the

comprehensive plan and other adopted city policies.

2. Zoning Regulations Compliance: That the proposal meets the requirements of the zoning regulations.
3. Design Review Compliance: That the proposal as approved or conditionally approved satisfies the criteria and purposes of this chapter, including article A.
4. Design Review Guidebook Consistency: That the proposal is consistent with the "City of Long Beach Design Review Guidebook".

**12-10-8: APPEAL:** The decision of the approving authority shall be final unless, within fourteen (14) days from the rendering of the decision, the applicant or any other party with standing files an appeal. Appeals of any administrative or planning commission decision shall be made to the city council and shall be an open record hearing. Appeals of any city council decision shall be made to Pacific County superior court. Appeals shall be conducted pursuant to the procedures set forth in section 12-3-4 of this title and section 11-2C-14 of title 11 (Unified Development). The filing of such an appeal within said time limit shall stay the decision of the city until such time as the appeal has been adjudicated or withdrawn. When any appeal of an administrative decision is made, the city council shall request a recommendation from the planning commission before taking action.

**12-10-9: EXEMPTIONS:** The city council may, at its sole discretion, grant an exemption to the city's design requirements for additions or modifications to existing nonresidential buildings that do not conform to the design requirements. Such an exemption will be approved upon an affirmative finding that a strict enforcement of said requirements would result in a building appearance or site condition substantially incompatible with the existing building. In considering any request for exemption, the city council shall apply the following standards:

- A. No exemption shall be granted to any nonconforming use.
- B. No exemption shall be granted to any structure that is in violation of any bulk, density, or setback standard.
- C. No exemption shall be granted if:
  1. For buildings with an existing floor of one thousand (1,000) square feet or less, the addition exceeds five hundred (500) square feet; or
  2. For buildings with an existing floor area greater than one thousand (1,000) square feet, the proposed addition is greater than fifty percent (50%) of the existing building.
- D. No property shall receive more than one exemption.

- E. No exemption shall be granted for accessory structures on a single property.
- F. The addition shall contain at least one common wall to the existing structure.

CHAPTER 10

**DESIGN REVIEW CRITERIA**

**Article A. Specific Design Criteria By District**

Section:

12-10A-1: OT, OTW, RC, AC,S3, S3R, S3M, C1 and C2 Districts

12-10A-2: R1R District

12-10A-3: S1, S2, R2R and R3R Districts

12-10A-4: P, PR and S4 Districts

12-10A-5: Design Review in Other Zones

12-10A-6: Use of Alternative Building Materials

12-10A-7: Historic Buildings

**12-10A-1: OT, OTW, RC, AC, S3, S3R, S3M, C1 AND C2 DISTRICTS:**

A. Intent:

1. Generally: These zones have a mandatory architectural style that is referred to as the "early seashore theme". The intent of these zones is to create an early twentieth century seashore atmosphere, provide an attractive compact retail core to stimulate foot traffic, and to promote tourism. Common architectural details include false fronts, marquees, cedar shingles and ornate seashore detailing. A diversity of building fronts is to be encouraged, and simple replication is to be discouraged.

B. Design Requirements: The following design features are required:

1. Roofs: A roof pitch of 5:12 or greater is required. The approving authority may allow a more shallow pitch or a flat roof on commercial or mixed use buildings where the pitch of the roof is concealed from the primary street frontage by a false front that extends across at least fifty percent (50%) of the width of the building's street frontage. Shallower roof pitches on projecting features such as bays and porches may be permitted where the form of the elements is complementary to the overall form and character of the building.

2. Wood Siding: A minimum of eighty percent (80%) of the building's total exterior siding exposure shall be cedar shingle, lap or clapboard siding with an exposure not to exceed eight inches ( 8"). Board and batten siding may also be used. The use of glass for window displays is encouraged, and shall be counted toward the wood siding requirement. Cement board siding that is similar in appearance to permitted siding materials shall be allowed.

3. **Other Materials:** If used, not more than twenty percent (20%) of the building's total exterior siding exposure may be materials other than those listed in subsection B2 of this section. Materials that may be used include masonry (stone, brick or split-faced block), sheet or corrugated metal, or other styles of wood siding. Sheet siding shall not be used, except when battens are applied. Materials should be used as accents to highlight the form and architectural details of the building. Cement board siding that is similar in appearance to permitted accent materials shall be allowed.
4. **Finishes:** Natural, painted or stained finishes are permitted. Muted natural or neutral colors are required in shoreline areas.
5. **Trim:** Trim should be provided around all windows, doors and to accent the architecture of the building. Trim should be painted in a contrasting color, but may be left unfinished if the exterior siding material is also unfinished.
6. **Roof Ridge:** One vertical change in elevation of a minimum of three feet (3') shall occur in every fifty foot (50') run of roof. As an alternative, one or more of the following may be applied:
  - a. The use of dormers may be proposed as an alternative to a three foot (3') change in elevation. If dormers are used, there shall be not less than two (2) dormers per fifty feet (50') of roof run , and each dormer must span at least eighty percent (80%) of the roof face from ridge to eaves.
  - b. A cross gables may used as an alternative to a three-foot (3') change in elevation. There shall be at least one cross gable for each fifty feet (50') of roof run. The face of the cross gable must be in the same plane as the building facade and the ridge of the cross gable shall be no more than two feet (2 feet) below the primary ridge.
  - c. The use of cupolas may be proposed as an alternative to a three foot (3') change in elevation. If cupolas are used, there must be at least one cupola per fifty feet (50') of roof run or fraction in excess of fifty feet (50'). Cupolas shall be sized proportional to the building by being not less than one foot (1') in height per ten feet (10') of roof run. The height of cupolas shall also comply with the requirements of section 12-10-3 of this title.
7. **False Fronts:** For buildings in the OT, OTW and C1 zones, false fronts are permitted on buildings fronting SR 103 (Pacific Avenue) and Ocean Beach Boulevard. False fronts used to conceal a roof pitch less than 5:12 shall extend at least fifty percent (50%) of the width of the building's frontage.
8. **Facades:**
  - a. For buildings in the OT and OTW zones with frontage on Pacific Avenue or Ocean Beach Boulevard, at least fifty percent (50%) of each twenty-five (25') linear feet segment of the first floor building facade shall be glass doors or windows designed to accommodate window displays. Bay or bow windows are permitted, but

- may not extend into the right-of-way at the first floor.
- b. For buildings in the C1 zone with frontage on Pacific Avenue, windows, porches or other features that provide visual interest and scale are encouraged.
  - c. For buildings in the RC zone with frontage on Pacific Avenue, porches, bays and other residential-style features are encouraged.
9. Screening: Trash receptacles and HVAC units shall be screened from public view by landscaping, fencing, or other appropriate method. Roof placement of HVAC units, screened by a false front, is permitted.
10. Parking: For buildings in the OT zone with frontage on Pacific Avenue or Ocean Beach Boulevard, parking shall not be placed between the building and the street. In all zones, it is preferred that parking be placed on the side or to the rear of the building.
11. Landscaping:
- a. Landscaping shall be used where necessary to mitigate the height, bulk, or scale of buildings.
  - b. Landscaping or landscaped berms shall be used to partially screen parking areas from view from adjacent streets or building occupants. Landscaping shall also be used to screen commercial uses from the view of adjacent residences.
  - c. Any building not built to the street line shall provide landscaping between the building and the street. Hardscape areas such as patios may be a part of the landscaping, provided planters are included in the design and the space is designed as an outdoor amenity.
  - d. Plant materials shall include grasses, shrubs, trees and other plant materials appropriate to the coastal setting. Along Pacific Avenue and Ocean Beach Boulevard, landscaping should be used to provide visual interest for pedestrians. In the shoreline areas, plants shall complement the natural dune setting.
12. Building Width: The minimum width for any residential building shall be not less than fourteen feet (14').
13. Orientation: The front door of any residential building shall face the street. The primary entrance of a commercial building shall be clearly visible from the street.
14. In S3 and S3R Zone Only: In the S3 and S3R zone only, balconies shall be required as an architectural feature on the face of any building directly facing the Pacific Ocean.
15. In C2 Zone Only: For commercial property completely surrounded by noncommercial districts and uses , design review requirements shall be compatible with those of the

surrounding districts.

16. In C1 Zone Only: Single-family housing units shall be designed and sited to accommodate their future conversion to nonresidential use.

17. In the RC zone only: Buildings shall be primarily residential in character but designed to facilitate conversion between residential and commercial uses.

18. Marquees and canopies: For buildings in the OT and OTW zones fronting on Pacific Avenue or Ocean Beach Boulevard, especially within the downtown core, marquees, canopies, awnings and similar features are encouraged that will project out over the pedestrian way and provide shelter from the elements, to encourage pedestrian traffic. Such features shall be incorporated into the overall design of the building.

19. In The OT, RC, C1 And C2 Zones Only: Wireless communication facilities (WCF) shall be designed pursuant to the requirements of subsection 12-11-17E of this title.

#### **12-10A-2: R1R DISTRICT:**

##### **A. Intent:**

1. Generally: The intent of the R1R district is to preserve, enhance, and contribute to an existing architectural design currently present in the older homes.

2. Architecture: The predominant architectural styles permitted are:

a. Beach Cottage: Typically small, single story houses with a front porch, a gable end facing the street, dormers, and shingle siding.

b. Victorian Beach House: The general characteristics are simple one- or two-story, vertically oriented homes with a steep gable roof, overhanging eaves, weathered shingle siding and a covered front porch.

c. Craftsman: These homes are typically one story with pitched, broad gables. A lower gable usually covers a porch, and a large gable covers the main portion of the house. Wood shingles or wood board and batten are the favored exterior finish. Exposed structural members and trim work are usually painted, with shingles left in a natural state or painted an earth tone stain.

##### **B. Design Requirements In The R1R District:**

1. Roofs: Pitched roofs are required, with a minimum roof pitch of five to twelve (5:12). Materials shall be wood shingle, composition or metal. Shallower roof pitches on projecting features such as bays and porches may be permitted where the form of the elements is complementary to the overall form and character of the building.

2. Porches: Covered front porches or wrap around porches are required. Porches on the front of the house, facing the street, shall not be enclosed with screens .
3. Building Materials: Wood siding is required on not less than eighty percent (80%) of the exterior exposure. Cedar shingles, lap, clapboard, tongue and groove, or board and batten are permitted. Cement board siding that is similar in appearance to permitted siding materials shall be allowed. Masonry: If used, not more than twenty percent (20%) of the exterior siding exposure may be of stone, brick, or split faced block. Other construction methods, including sheet siding, are prohibited.
4. Foundations: Permanent foundations are required. Not more than thirty six inches (36") of the foundation may be shown above ground level.
5. Accessory Buildings: Garages, whether attached or detached, shall be designed and positioned to be complementary to the overall aesthetic design and proportional to the house. Where available, direct access from a garage to a side street or an alley is required. Sheds and other accessory buildings shall be located in the rear or side yard. Accessory buildings shall be designed to complement the principal building(s) in form, detail, color, and material.
6. Orientation: The front door shall face the street.
7. Building Width: The minimum width of any principal building shall be not less than fourteen feet (14').
8. Landscaping: Sites shall be planted with grasses, shrubs, trees and other plantings that are suited to a coastal cottage setting. The use of gravel and hard surfaces should be limited to driveways, walkways and patios. Use of rock, gravel or bark as a landscape finish should be limited.

**12-10A-3: S1, S2, R2R AND R3R DISTRICTS:**

A. Intent:

1. Generally: The intent of these districts is to preserve, enhance, and contribute to an existing architectural design currently present in the older homes. A-frame, ranch, Tudor, log homes, Romanesque, Mediterranean Villa, exotic, Spanish, and contemporary are prohibited architectural styles.
2. Architecture: The predominant architectural styles permitted are as indicated in subsection 12-10A-2A2 of this article.

B. Design Requirements In The S1, S2, R2R and R3R Districts:

1. Roofs: Pitched roofs of not less than five to twelve (5:12) are required. Materials shall be wood shingle, composition or metal. Shallower roof pitches on projecting features such as bays and porches may be permitted where the form of the elements is complementary to the overall form and character of the building.
2. Porches: Covered front porches or wrap around porches are required. Porches on the front of the house, facing the street, shall not be enclosed with screens .
3. Building Materials: Wood siding is required. Cedar shingles or cedar board and batten siding, or a combination thereof, is required for not less than eighty percent (80%) of the exposed exterior. Not more than eight inch ( 8”) shingle exposure is permitted. Lap, clapboard, tongue and groove, or masonry, including stone, brick or split faced block, are permitted on not more than twenty percent (20%) of the exposed exterior. Cement board siding that is similar in appearance to permitted siding materials shall be allowed. Other construction methods, including sheet siding, are prohibited.
4. Color: Natural or stained natural treatment is required. Trim may be painted.
5. Foundations: Permanent foundations are required. Not more than thirty six inches (36") of the foundation may be shown above ground level.
6. Accessory Buildings: Garages, whether attached or detached, shall be designed and positioned to be complementary to the overall aesthetic design and proportional to the house. Where available, direct access from a garage to a side street or an alley is required. Sheds and other accessory buildings shall be located in the rear or side yard. Accessory buildings shall be designed to complement the principal building(s) in form, detail, color, and material.
7. Orientation: The front door shall face the street.
8. Building Width: The minimum width of any principal building shall be not less than fourteen feet (14').
9. Landscaping: Sites shall be planted with grasses, shrubs, trees and other plantings that are suited to the natural dune setting. The use of gravel and hard surfaces should be limited to driveways, walkways and patios. Use of rock, gravel or bark as a landscape finish should be limited. Drainage swales and catchments should be incorporated into the overall landscape design.

#### **12-10A-4: P, PR and S4 Districts**

- A. Intent: Generally, the intent of these districts is to provide for public uses and activities. Architectural styles should be those most associated with the area surrounding the property. To accommodate the specific needs of public uses, some flexibility in design standards may be necessary. There should be greater design latitude for properties not

adjacent to any zone in which design review is required. For facilities in natural areas, structures should blend with the natural setting of the dunes.

B. Design Requirements In The P, PR and S4 Districts:

1. Roofs: Pitched roofs of not less than five to twelve (5:12) are required, unless it is determined by the reviewing authority that such a roof pitch would not be compatible with the function or location of the building or structure. For properties most closely associated with the OT or OTW zones and fronting on Pacific Avenue or Ocean Beach Boulevard, flat roofs concealed by false fronts may be used.

2. Siding: The siding material shall be one that is allowed in the zone district most closely associated with the property. Cedar shingle, board and batten, lap or clapboard siding is preferred. Cement board siding that is similar in appearance to permitted siding materials shall be allowed. Other materials, including masonry (stone, brick or split-faced block), sheet or corrugated metal, or other styles of wood siding may be considered.

a. In the S4 zone, only cedar shingle siding shall be permitted. No other siding materials are permitted. Alternate materials may be allowed for trim, decking and other features, where appropriate.

3. Finishes: Natural, painted or stained finishes are permitted.

a. In the S4 zone, siding shall be unfinished and trim shall be unfinished or painted or stained with muted natural or neutral colors.

4. Trim: Trim should be provided around all windows and doors and to accent the architecture of the building. Trim should be painted in a contrasting color, but may be left unfinished if the exterior siding material is also unfinished.

5. Building Form and Scale: Building forms and features are encouraged that will be compatible with surrounding neighborhoods, help to break up the mass of buildings, and provide scale to pedestrians. Where appropriate, features such as canopies or porches should be used at entrances. Long walls should have offsets or use elements such as bays and porches, especially on street facades. Roofs should have changes in height or projecting features such as cross gables, dormers, cupolas.

6. Screening: Trash receptacles and HVAC units shall be screened from public view by landscaping, fencing, or other appropriate method.

7. Parking: For buildings with frontage on Pacific Avenue or Ocean Beach Boulevard, it is preferred that parking not be placed between the building and the street and that it be placed on the side or to the rear of the building. Nothing in this section shall preclude the construction of public parking lots.

8. Landscaping: Landscaping shall be used where necessary to mitigate the height, bulk,

or scale of buildings, and to provide screening of parking and other activities.

a. In the S4 zone, all landscaping shall be compatible with the natural dune setting.

9. Street Furniture: The use of street furniture that will enhance the use of the facility is encouraged, where appropriate.

10. Wireless Communication Facilities: Wireless communication facilities (WCF) shall be designed pursuant to the requirements of subsection 12-11-17E of this title.

#### **12-10A-5: DESIGN REVIEW IN OTHER ZONES:**

Where design review is required in zones not otherwise enumerated in this article A, the design review criteria for the zone district most similar to the zone district in which the project is located, or that criteria most suited for the architectural form and character of the use, shall be used.

A. Public Uses: For governmental or municipal structures, uses or facilities, public parking lots, and parks, recreation area and facilities located in zones other than P, PR and S4, the design criteria for the P, PR and S4 zones, listed in section 12-10A-5 of this article may be used.

B. LI Light Industrial Zone: For properties in the LI zone, the emphasis shall be on screening of the use, including outdoor storage, and reducing impacts from noise, lighting, vehicles and other aspects of the use.

#### **12-10A-6: USE OF ALTERNATIVE BUILDING MATERIALS:**

A. Fiber Cement Materials: Notwithstanding the requirements set forth herein for the use of wood products, the use of fiber cement based materials in lieu of wood is permitted in all zones for all applications, unless specifically excluded. The fiber cement material shall match the appearance, including design, shape and dimensions, of the permitted wood product.

B. Alternate Materials: The approving authority may authorize the use of alternate materials such as plastic-composite, PVC or similar materials for trim if all of these requirements are met:

1. The product has a wood-like treatment or finish, such as an embossed wood grain or a shape that mimics a natural wood product.

2. The applicant provides appropriate documentation attesting to the long term durability of the product.

3. The product is consistent in size and shape to the wood product it proposes to replace.

- C. Prohibited Materials: Where design review is required, vinyl siding, aluminum siding, and similar materials shall not be used. Sheet siding shall not be used except where battens are applied. Nothing in this chapter shall be construed to limit the use of such materials in zones where design review is not required.

**12-10A-7: HISTORIC BUILDINGS:**

Where substantiated by photographs, physical evidence or other historical documentation, the reviewing authority may approve alterations and additions to historic buildings that are not otherwise permitted by this chapter. A building is typically considered historic if it is more than fifty (50) years of age, is architecturally or aesthetically important, or has cultural significance. The intent shall be to preserve the historic appearance of the building, or restore it to its original historic appearance. The intent shall not be to permit buildings that do not comply with design requirements and that have no historic, cultural or aesthetic value to the city. There shall be a demonstrated effort to preserve, restore or rehabilitate the entire building, such that the project generally meets the “Secretary of the Interior’s Standards for the Treatment of Historic Properties,” which may be used by the reviewing authority as alternate design guidelines where appropriate.

CHAPTER 11

**SUPPLEMENTARY PROVISIONS**

Section:

- 12-11-1: Home Occupations
- 12-11-2: Bed and Breakfast Operations
- 12-11-3: Projections From Buildings
- 12-11-4: Location of Accessory Structures
- 12-11-5: Recreational Vehicles and Equipment
- 12-11-6: Manufactured Homes
- 12-11-7: Parking and Storage Of Certain Vehicles
- 12-11-8: Fences
- 12-11-9: Vacation Rental
- 12-11-10: Lot Filling and Modification
- 12-11-11: Underground Utilities
- 12-11-12: Outdoor Merchandising, Vending and Dining
- 12-11-13: Use of Sidewalk or Public Way
- 12-11-14: Special Use Permit
- 12-11-15: Illumination
- 12-11-16: Uses Not Compatible With Sexually Oriented Businesses
- 12-11-17: Wireless Communication Facilities
- 12-11-18: Affordable Housing
- 12-11-19: Recreational Vehicle Parks; Requirements
- 12-11-20: Manufactured Home Parks

**12-11-1: HOME OCCUPATIONS:**

A home occupation may be conducted in a portion of a dwelling or accessory structure, where allowed as an accessory use; provided that:

- A. The area used for the home occupation does not exceed twenty-five percent (25%) of the living area of the dwelling, or if located in an accessory structure, does not exceed two hundred (200) square feet. The home occupation shall not be located in both the dwelling and an accessory structure. No home occupation shall be conducted outside of a building.
- B. No person other than members of the family residing on the premises shall be engaged in such occupation.
- C. The use of the dwelling unit or accessory structure for the home occupation shall be clearly subordinate to the use of the principal dwelling unit for residential purposes by its occupants.

- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding three (3) square feet in area, non-illuminated, and mounted flat against the wall of the principal building, as allowed by chapter 14 of this title.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- F. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.
- G. No retail sales shall be conducted on the premises, unless such sales are clearly secondary to the home occupation (such as a hairdresser selling shampoo) or involve craft products produced on site.
- H. For the purposes of this title, vacation rentals and bed and breakfasts are not home occupations.
- I. Businesses conducted in dwellings located in the OT, OTW, RC or C1 zones shall not be subject to the limitations on home occupations set forth herein and shall be considered “live-work,” as permitted by the underlying zone district.

**12-11-2: BED AND BREAKFAST OPERATIONS:**

The following minimum conditions shall apply to bed and breakfast operations:

- A. Generally: Bed and breakfast facilities shall meet all applicable health, fire, safety, and building codes and shall be operated so as to not give the appearance of being a business, and those facilities shall not infringe upon the right of neighboring residents to peaceful occupancy of their homes.
- B. Specific Conditions:
  - 1. The bed and breakfast facility premises shall be the principal residence of the owner or the manager.
  - 2. One non-illuminated sign not to exceed three (3) square feet shall be permitted in the R2, R2R, R3, R3R, S1 and S2 zones, subject to the provisions of chapter 14 of this title. Signage in all other zones shall be subject to the provisions of chapter 14 of this title.
  - 3. Driveways accessing a bed and breakfast that are greater than one hundred feet (100')

in length shall have an improved width of at least twelve feet (12') with appropriately spaced cutouts to facilitate the passage of two (2) vehicles traveling in opposite directions.

4. One off-street patron parking space shall be provided for each guest room rented in addition to two (2) spaces required for the residence.
5. Other conditions may be imposed such as additional parking, improved access, landscaping, or screening, if found necessary to protect the best interests of the surrounding properties or the neighborhood due to the nature or character of the facility's site.
6. Meals shall be provided to guests only.
7. There shall be no more than six (6) guest rooms in a bed and breakfast facility.

**12-11-3: PROJECTIONS FROM BUILDINGS:**

- A. Cornices, eaves, gutters, sunshades, and other similar architectural features may not project more than two feet (2') into a required setback.
- B. Cupolas, domes and observation towers may exceed the maximum allowable building height by twenty percent (20%).
- C. The following types of structures or structural parts are not subject to the building height limitations of this title: belfries, chimneys, church steeples, elevator shafts, flagpoles, monuments, and other similar projections. The height of such features may be limited through design review, where applicable.

**12-11-4: LOCATION OF ACCESSORY STRUCTURES:**

No accessory buildings shall be located between the principal building and the abutting street. All personal pet containment areas such as private kennels, dog runs, etc., shall only be located in a rear yard.

**12-11-5: RECREATIONAL VEHICLES AND EQUIPMENT :**

- A. **Parking and Storage:** For purposes of these regulations, "major recreational equipment" is defined as including boats and boat trailers, recreational vehicles (RVs) and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. All such equipment shall be stored in rear yards away from street side view or along the side yards. No major recreational equipment shall be parked or stored on any lot except in a carport or enclosed building or behind the nearest portion of a

building to a street; provided, however, that such equipment may be parked anywhere on residential premises for periods not to exceed twenty four (24) hours during loading or unloading. Recreational vehicles that are parked or stored within view of the street or on a vacant lot shall be considered occupied, for purposes of subsection B of this section 5. No major recreational equipment shall be parked or stored on any street or way, whether public or private.

B. Camping and Use of RVs: No person shall park and occupy a recreational vehicle (RV), except:

1. At a duly licensed RV park or campground.
2. As a guest of a resident, and then only upon private property, and for a period not to exceed fifteen (15) continuous days, or thirty (30) days total in a calendar year.
3. On private property by the owner for his own use, but not to exceed sixty (60) days in a calendar year. An RV stored on an otherwise vacant lot shall be considered occupied for purposes of this section. An RV connected to water and/or sewer shall also be considered occupied.
4. No more than two (2) RVs may be used on a lot. Such RVs may be placed upon a lot for not more than sixty (60) days' total use per year. Each day of use of each RV shall be counted as a day of use. Parking and use of more than two (2) RVs on a lot may be permitted by the city council upon an application to the city council for a special use permit.
5. Occupancy of a trailer or other recreational equipment not designed to be temporary living accommodations is not permitted. Occupancy of a boat regardless of whether such vessel contains living accommodations is not permitted.
6. Occupancy of an RV as a manager's unit shall only be permitted in a licensed RV park or campground, or in the C2 or LI zones, subject to approval by the reviewing authority.
7. Parking of all vehicles at a site, including one or more RVs must comport to the requirements of Chapter 12 of this title.

### **12-11-6: MANUFACTURED HOMES**

Manufactured homes: Manufactured homes may be constructed in any district in which a residential use is allowed, provided the development is consistent with all use and development standards of the zone in which the property is located, including design review where applicable. Manufactured homes shall also be consistent with the requirements of chapter 1 of title 10 (building regulations) of this code.

**12-11-7: PARKING AND STORAGE OF CERTAIN VEHICLES:**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property other than in a completely enclosed building.

**12-11-8: FENCES:**

A fence shall be permitted as an accessory use in all zones. Fences shall be placed inside the property of the owner erecting the fence. Fence height shall not exceed forty two inches (42") in height in any yard that abuts on a street and including the area within ten feet (10') of a street, exclusive of gates, and seventy two inches (72") in height in any other yard. Fences higher than forty two inches (42") in a yard abutting a street, and higher than seventy two inches (72") in any other yard, may be permitted by the planning commission through design review, if the applicant demonstrates that the vision clearance triangle is not encumbered by the fence.

**12-11-9: VACATION RENTAL:**

The renting of a home for less than thirty (30) day intervals in the R1, R2, R3, R3R, S1, and R1R zones is prohibited. The renting of a home where a vacation rental is a permitted use or a conditional use shall be subject to the following restrictions:

- A. Property Manager: There shall be a property manager available at all times when the property is rented. If the property manager is not available, the property shall not be rented.
- B. Guest Rooms: There shall be a maximum of four (4) guest rooms and/or a maximum of ten (10) guests, including children, permitted.
- C. Rental of Accessory Living Quarters: Private accessory living quarters shall not be used as vacation rentals, except when the principal dwelling is being used as a vacation rental and the principal and accessory unit are rented together as a single unit, and the total number of guest rooms and guests will not exceed the maximum set forth in subsection B of this section 9.
- D. Quiet Hours: Property managers shall inform guests of quiet hours (10 p.m. to 8 a.m.). Property managers shall provide management contact information to all neighbors within one hundred feet (100'), excluding streets and rights-of-way, and by posting a sign with contact information, not to exceed two (2) square feet, on the property in a location that is visible from the street.
- E. Parking: Parking shall be provided as required by the zone district in which the vacation rental is located. There shall be no RV parking permitted on the site.

- F. **Business License Required:** The property manager for a vacation rental shall obtain a City of Long Beach business license as required by title 4 (Business and License Regulations) and pay all applicable taxes as required by title 3 (Finances and Taxation) of this code. A property manager may manage more than one property under a single business license; a separate license for each property is not required. A property owner who retains a licensed property manager is not required to obtain an additional, separate business license. Property managers shall provide to the city annually a list of all properties managed within the city limits.
  
- G. **Use By Owner:** Nothing in this section shall preclude an owner from occupying a vacation rental for his own use for a period not to exceed sixty (60) days total in a calendar year, or from allowing personal guests to occupy the property for period not to exceed fifteen (15) continuous days, or thirty (30) days total in a calendar year. In zone districts where permanent residential uses are restricted or prohibited, occupancy for a period of more than sixty (60) days total in a calendar year by either the owner or his guests shall be a violation of this title, punishable pursuant to the penalties set forth in section 12-3-7 of this title.
  
- H. **Signs:** One non-illuminated sign not to exceed three (3) square feet, not including the area of the management information sign required by subsection D of this section 9, shall be permitted in the R2R and S2 zones, subject to the provisions of chapter 14 of this title. Signage in all other zones shall be subject to the provisions of chapter 14 of this title.

**12-11-10: LOT FILLING AND MODIFICATION:**

Excessive land filling for the purpose of improving a view(s) is not permitted. The intent of this regulation is to allow filling of land for the purpose of being above the surrounding floodplain, yet achieve a fairly homogeneous finish grade with the surrounding properties. No land in or near a floodplain shall be altered or filled unless such activity has received all necessary permits from all agencies.

**12-11-11: UNDERGROUND UTILITIES:**

All new and/or renovated utilities on Pacific Avenue, Ocean Beach Boulevard and for development located west of Ocean Beach Boulevard shall be required to be placed underground.

**12-11-12: OUTDOOR MERCHANDISING, VENDING AND DINING:**

- A. Outdoor Merchandising, Vending and Dining: Outdoor merchandising, vending and dining greater than two hundred (200) square feet may be allowed only by a conditional use permit. Outdoor merchandising, vending or dining up to two hundred (200) square feet may be allowed as an accessory use to a business, where permitted. Such activity shall be associated with a business operating out of an adjacent building. Limitations on length of time, hours of operation, lighting, noise, placement of goods, and screening may be applied. Temporary displays for periods not to exceed thirty (30) consecutive days, or sixty (60) days in a calendar year, may be approved by special use permit of the city council. No business shall operate solely in an open air environment unless approved by special use permit of the city council.

**12-11-13: USE OF SIDEWALK OR PUBLIC WAY:**

- A. Display of Goods: The city administrator may authorize the display of goods for sale on a sidewalk or public way, subject to the following limitations:
1. The display shall not project more than eighteen inches (18") from the property line into the sidewalk, as measured perpendicular to the property line;
  2. The display shall not occupy more than six (6) linear feet along the sidewalk, as measured parallel to the building face;
  3. The display shall not reduce the clear width of the sidewalk to less than seventy two inches (72"), as measured between the property line and the curb or any intervening street furnishings, including but not limited to planters, benches, bike racks and trash cans, and shall not otherwise obstruct pedestrian traffic;
  4. There shall be no other outside display space on the subject property;
  5. The display shall be limited to goods sold within the business abutting the sidewalk or public way. All transactions shall occur within the business;
  6. The display, including all racks and furnishings, shall be removed from the public way daily.
  7. The display shall be designed and placed or secured so as to minimize the potential of tipping or being blown over by the wind; and
  8. The city administrator, at his discretion, may revoke authorization for any display. Failure to comply with any of the limitations listed herein, resulting in a condition that is deemed to constitute a nuisance, shall be enforceable and punishable pursuant to chapter 2 of title 5 (Public Nuisances) of this code.

9. This section shall not apply to the placement of newspaper boxes.
- B. Street Performers: Street performers may perform only within the OT zone, on private property with the permission of the owner or in the public parks located at 3<sup>rd</sup> Street and 5<sup>th</sup> Street. Performances shall not occur where sidewalks, the public way, doorways or drives would be obstructed by the performer or by observers, or where it would interfere with scheduled activities or events. Performers shall not use any props. Amplification shall be prohibited. Performances shall be limited to the hours between 10 a.m. and 9 p.m. Performers who fail to comply with the requirements of this section or are disruptive to public peace and morals shall be considered a nuisance, which shall be enforceable and punishable pursuant to chapter 2 of title 5 (Public Nuisances) of this code.
- C. Vending and peddling: Vending, peddling or any other use of the public way not enumerated herein shall be prohibited.

**12-11-14: SPECIAL USE PERMIT:**

For events, uses, and other activities not specifically addressed by this title, an applicant may apply to the city council for a special use permit. The issuance of a special use permit is at the discretion of the city council. The city council may impose such conditions as are deemed necessary to mitigate impacts including, but not limited to, noise, lighting, traffic and hours of operation. A special use permit shall not be used to permanently permit a use that would otherwise be prohibited by the zone district in which the property is situated. A special use permit shall have an expiration date that is no more than one (1) year after the approval date. Upon application, the city council may grant a single extension of a special use permit.

**12-11-15: ILLUMINATION:** The intent of this provision is to restrict lighting to only an immediate area, to avoid distracting and annoying illumination in residential areas, and to avoid lighting that distracts vehicle operators or causes glare. Lighting intended for security, parking areas, unloading areas, walkways, porches, entrances to buildings, signs, yards, courts and similar areas, shall cast its light only upon said areas and not upon areas outside of the intended area. Full cut-off (dark-sky) fixtures should be used. Activity switches and timers should be used where appropriate. Illumination and lighting that are erected as traffic control lighting or navigation lighting are exempt from this provision. Illumination of signage is subject to the provisions of chapter 14, including article A, of this title.

**12-11-16: USES NOT COMPATIBLE WITH SEXUALLY ORIENTED BUSINESSES:**

Schools, playgrounds, libraries, child daycare facilities, or churches located within one thousand feet (1,000') of that area of the C1, OT, OTW or RC zones designated for the location of sexually oriented or adult businesses, and public parks located within five hundred feet (500') of that area of the C1, OT, OTW or RC zones designated for the location of sexually oriented or adult businesses, whether allowed by right or requiring a conditional use permit, shall also be required to obtain a special use permit from the city administrator. Such special use permit shall require the applicant to waive, in writing, any protest to the current or future location of a sexually

oriented or adult business that may be approved in accordance with the provisions set forth in chapter 15 of this title.

**12-11-17: WIRELESS COMMUNICATION FACILITIES:**

- A. Purpose: The purpose and intent of the Long Beach city council in enacting the ordinance codified in this section is to protect the public health, safety and welfare, to protect property values and minimize visual impacts while furthering the development of enhanced telecommunication services in Long Beach. These standards were designed to comply with the telecommunications act of 1996. The provisions of this section are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting wireless communication facilities (WCF). This section shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent wireless communication facilities.
- B. Exemptions: The following uses and wireless communication facilities (WCF) are exempt from the provisions of this section and shall be permitted in all zones:
1. WCF operated or maintained by local, county, state or federal agencies for purposes of official government communications;
  2. WCF located on federal, state or tribal lands;
  3. Temporary WCF during an emergency declared by the city;
  4. Licensed amateur (ham) radio antennas;
  5. Satellite dish antennas less than two meters (2 m) in diameter when located in nonresidential zones, and satellite dish antennas less than one meter (1 m) in diameter when located in residential zones, including direct to home satellite services, when used as an accessory use of the property;
  6. WCF that legally existed on or prior to the effective date of this section; except that this exemption does not apply to modifications of such facilities;
  7. Routine maintenance or repair of a WCF and related equipment (excluding structural work or changes in height or dimensions of antennas, support structures or buildings), provided that compliance with the standards of this section are maintained;
  8. Individual wireless broadband receivers for the purpose of providing wireless access to the internet through a wireless internet service provider.
- C. Wireless Communication Facility Permitted Locations: Wireless communication facilities (WCF) shall be allowed in the L1 light industrial, C1 commercial, C2 commercial retail warehouse, OT old town, RC residential commercial and P Public zone

districts, subject to issuance of a conditional use permit pursuant to section 11-2D-2 of title 11 (Unified Development) of this code and the criteria and standards contained herein.

1. In considering applications for WCF, preference shall be given in the following order:
  - a. Collocation of antennas on an existing structure in the L1 light industrial zone district.
  - b. Attachment of antennas to a new or existing structure in the L1 light industrial zone district.
  - c. Attachment to existing or replacement light standards, electrical transmission towers, water tanks or existing utility poles in the L1 light industrial zone district.
  - d. Attachment of antennas to an existing building in the C1 commercial, C2 commercial retail warehouse, RC residential commercial or P public zone district that do not exceed the building height requirement of the district or are located within architectural features that meet the requirements of section 12-11-3, "Projections From Buildings", of this chapter.
  - e. Installation of antennas in the OT old town zone district that are concealed from view from abutting streets and adjacent properties by an existing structure (such as a roof parapet) or within an architectural feature (such as a cupola) and that do not exceed the building height requirement of the zone district or are located within architectural features that meet the requirements of section 12-11-3, "Projections From Buildings", of this chapter.
  - f. All other locations.
2. An applicant shall demonstrate that due to valid considerations including physical constraints or technological feasibility, the proposed facility cannot be located in a preferred location. In the C1, C2, OT, RC and P zone districts, the applicant must additionally demonstrate that the WCF is necessary to fill an existing significant gap in the ability of remote users to access the communication service (not merely a particular provider's service), that there is no alternative site in the L1 zone district, and that the manner in which it proposes to fill the gap complies in all other respects with this section. The information submitted by the applicant shall include a map of the area to be served by the facility, field strength test data (a drive test) of existing coverage quality within the area to be served by the facility, its relationship to other sites in the applicant's network (within and outside of city limits), and an evaluation of existing available land, buildings and structures within one-fourth (1/4) mile of the proposed site.
3. In no case shall a WCF be located on a property on which there is an existing residential use.

D. Collocation: To minimize potential adverse visual impacts associated with the proliferation of wireless communication facilities (WCF) and wireless communication towers and support structures such as lattice towers and monopoles, collocation of WCF antennas on existing or new support structures is encouraged, as follows:

1. Collocation shall be accomplished in a manner consistent with the provisions of this subsection.

2. This subsection applies to both new and existing WCF. The terms and conditions for collocating latecomer providers on collocatable WCF facilities shall be reasonable and based on current market rates for comparable facilities. Imposition of unreasonable or higher than market rate terms and conditions by the host provider shall be considered failure to cooperate in good faith to accommodate collocation with competitors and shall be subject to the provisions of subsection D6 of this section.

3. The city may deny an application to construct a new support structure if the applicant has not shown by substantial evidence that it has made an effort to mount the proposed antennas on an existing building or support structure that would provide adequate service to the proposed coverage area. The applicant shall use the following collocation protocol:

a. Prior to or with an application for approval of a WCF, the applicant shall demonstrate that the following notice was mailed via certified mail to all other WCF providers licensed to provide service within the city:

*Pursuant to the requirements of City of Long Beach City Code Section 12-11-17(D), (name of wireless provider) is hereby providing you with notice of our intent to submit an application with the City of Long Beach for construction of a new freestanding personal wireless service facility that would be located at (location). In general, we plan to construct a (lattice tower, monopole, etc.) of feet in height for the purpose of providing (cellular, PCS, ESMR, etc.) service in the frequency range. Please inform us whether you have any existing or planned personal wireless service facilities within one mile of the proposed facility that may be available for possible co-location. If you do not have a facility available for co-location, please indicate whether you would be interested in collocating on our proposed facility. Please provide us with this information within ten (10) business days after the date of this letter. Your cooperation is appreciated.*

b. Copies of any responses to the collocation request letter shall be provided to the city with the WCF application. If a response to a collocation request letter is received by an applicant indicating an opportunity for collocation, the applicant shall make a good faith effort to analyze the feasibility of collocation. This analysis shall be submitted with an application for any WCF support structure and shall include, at a minimum:

i. A statement from a qualified engineer indicating whether the necessary

service can or cannot be provided by collocation at the possible collocation site, and the basis for that determination; and

ii. Evidence that the lessor of the possible collocation site either agrees or disagrees to collocation on his/her property; and

iii. Evidence that adequate space exists or does not exist at the possible collocation site to accommodate needed equipment and meet the applicable requirements of this code; and

iv. Evidence that adequate access does or does not exist at the possible collocation site.

4. To reduce the number of future support structures needed in the city, new support structures shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.

5. Unless collocation is not feasible, an applicant's site plan shall reserve an area for at least one other provider's equipment near the base of the applicant's wireless communication tower or support structure. An option agreement to lease the area at the base of the facility for a second provider shall not expire prior to the underlying lease.

6. Personal wireless service providers, their lessees and agents shall cooperate in good faith to accommodate collocation with competitors, including responding in a timely manner to a collocation letter required by subsection D3 of this section. If a dispute arises about the feasibility of collocating, the director may require a third party technical study, pursuant to subsection H of this section 17, to resolve the dispute. Costs associated with this study shall be borne by the applicant. Failure to accommodate collocation may be grounds for revocation of permit and removal of the WCF under public nuisance abatement procedures.

E. Design Criteria:

1. Impact On Neighborhood: The location and design of wireless communication facility (WCF) sites shall consider the visual and physical impacts of the facility on the surrounding neighborhood.

2. Architectural Compatibility: WCF shall be architecturally compatible with the surrounding buildings and land uses and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site and its surroundings.

3. Collocation: As provided in subsection D4 of this section, new support structures shall be designed to accommodate collocation, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.

4. Support Structures And Antennas: Support structures such as monopoles and lattice towers, and antennas mounted on utility poles, shall only be allowed in the L1 light industrial zone district. Panel and whip antennas mounted on buildings shall be allowed in the OT, RC, P, C1, C2 and L1 zone districts.
5. Setbacks: The setback requirements in this subsection are not subject to a variance.
  - a. All support structures, such as lattice towers and monopoles, and all aboveground equipment enclosures shall be set back at least ten feet (10') from property lines. This setback shall be measured from the closest point of the antenna, support structure or equipment enclosure to the property lines on the lot on which it is located. Additionally, setbacks to adjacent properties on which an existing residence is located shall be equal to at least the height of the tower unless otherwise authorized by the hearings examiner.
  - b. Antennas installed on building rooftops shall be set back from the edge of the roof at least one foot (1') for each foot of antenna height as measured from the top of the roof (or parapet, if one exists) to the highest point of the antenna.
  - c. Antennas installed on building facades shall be set back at least ten feet (10') from all street facades.
6. Height: The height limits in this subsection are not subject to a variance.
  - a. The height of the WCF shall be no more than that required to function satisfactorily.
  - b. Antennas and support structures shall not exceed one hundred twenty feet (120') in height in the L1 zone district.
  - c. Antennas located in the C1, C2, OT, RC and P zone districts shall not exceed the maximum height permitted by the underlying zone district, except when entirely enclosed within architectural features that meet the requirements of section 12-11-3, "Projections From Buildings", of this chapter.
7. Screening:
  - a. All WCF shall be designed and located on a site to take maximum advantage of existing trees, mature vegetation, structures and/or topography to screen as much of the facility as possible from view, and so that the facility blends into the background.
  - b. The visual impacts of support structures and ground mounted equipment enclosures shall be mitigated through installation of a five foot (5') wide landscape strip around the perimeter of the structure, equipment enclosure and the outside of the security fence (if any). A decorative solid wood fence, six feet (6') in height and not

- topped by barbed wire, may be permitted in lieu of the landscape strip. The hearings examiner may waive or modify this requirement for those sides of the facility that are not visible from streets or adjacent property, or when equipment is located within a fully enclosed building that meets the design requirements of the underlying zone.
- c. Landscaping shall be properly maintained and kept in good condition at all times, pursuant to section 12-13-8 of this title.
  - d. Equipment enclosures shall have a finish and appearance similar to the exterior building walls.
  - e. In the OT zone district, WCF shall be concealed from public view by architectural features or parapets.
8. Antennas: The requirements in this subsection are not subject to a variance.
- a. Antennas mounted on buildings shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact. Antennas shall be allowed where concealed entirely within those structures listed in section 12-11-3, "Projections From Buildings", of this chapter. Panel antennas shall not be mounted on a facade facing a street. A wall mounted antenna shall be as flush to the wall as technically possible and shall not project above the wall on which it is mounted. Antennas and any visible mounting brackets and cables shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted, or otherwise blend into its background.
  - b. Antennas mounted on other structures shall be integrated into the design of the structure to which they are attached. Antenna platforms are prohibited. External projections from the structure shall be limited to the smallest projection technically feasible.
9. Locating On Utility Poles: The requirements in this subsection are not subject to a variance. WCF located on utility poles shall only be permitted in the L1 light industrial zone district and shall conform to the following design criteria:
- a. The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a WCF, except as prohibited in subsections E9c and E9d of this section, and provided, that the new pole shall not exceed a height that is a maximum of fifteen feet (15') taller than the existing pole;
  - b. Panel antennas shall not project out from the surface of the utility pole by more than twelve inches (12"), shall not exceed six feet (6') in height, and shall be placed such that the top of the panel antenna does not extend above the height of the utility pole;

- c. A cylindrical antenna may be mounted as an extension on top of an existing utility pole, but the existing pole shall not be replaced with a taller pole for the purpose of accommodating the cylindrical antenna. A cylindrical antenna mounted on top of a utility pole shall not exceed eighteen inches (18") in diameter and eight feet (8') in height;
  - d. A whip antenna may be mounted as an extension on top of an existing utility pole, but the existing pole shall not be replaced with a taller pole for the purpose of accommodating the whip antenna. A whip antenna mounted on top of a utility pole shall not exceed fifteen feet (15') in height;
  - e. All WCF, including, but not limited to, antennas, equipment, cables and conduit that are mounted on utility poles, shall be painted to match the pole;
  - f. The visual effect of the WCF on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible;
  - g. The use of the utility pole for the siting of a WCF shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as the host site for a WCF becomes unnecessary and any regulation requires its removal, the utility pole shall not be retained for the sole purpose of accommodating the WCF and the WCF and all associated equipment shall be removed immediately;
  - h. In all cases where a utility pole is replaced for the purpose of accommodating a WCF installation, the cables and other wiring necessary for the WCF shall be routed inside the new pole. If routing inside the pole is not allowed by the utility and that determination is confirmed in writing by the utility, then all cable, wiring and conduit routed outside the pole shall be painted to match the pole; and
  - i. There is no collocation requirement for WCF located on utility poles and there shall be no more than one WCF located on any one utility pole. WCF located on utility poles shall be located no closer than one thousand feet (1,000') from any other WCF located on a utility pole.
10. Color: WCF shall have colors generally matching the surroundings or background that minimizes their visibility. In the event that the FCC or FAA requires special marking, the city may require the applicant to request dual mode lighting as an alternative to the marking requirement.
11. Lights, Signals And Signs: No lights, signals, signs, banners or similar devices shall be permitted on support structures or antennas, except for those required by law.
12. Noise: WCF shall comply with applicable state and local noise regulations.
- a. All generators shall be enclosed.

- b. Testing of equipment and maintenance activities shall occur on weekdays between the hours of eight thirty o'clock (8:30) A.M. and four thirty o'clock (4:30) P.M. This restriction shall not apply to emergency situations or to an impending failure of the communication system.
13. Safety: The design of wireless communication towers shall include "anti-climbing" features to reduce the potential for trespass and injury.

14. Federal Requirements: WCF providers and lessees shall assure that its facility complies at all times with current federal standards. Failure to maintain WCF in compliance with current federal standards and regulations shall constitute a nuisance.

F. Facility Removal:

1. Prior to issuance of any building or construction permits for a wireless communication facility (WCF), the property owner shall sign an affidavit agreeing to remove the WCF at his or her expense pursuant to this subsection. The form of the affidavit shall be approved by the city attorney.

2. In the event the use of any support structure or antenna will be discontinued for a period of sixty (60) consecutive days, the owner or operator shall so notify the city in writing, and the support structure or antenna shall thereafter be deemed to be abandoned. Determination of the date of abandonment shall be made by the city which shall have the right to request documentation and affidavits from the support structure or antenna owner or operator regarding the issue of support structure or antenna usage. Upon such abandonment, the owner or operator of the support structure or antenna or the owner of the property upon which such facility is located shall have an additional sixty (60) days within which to:

- a. Reactivate the use of the support structure or antenna or transfer the support structure or antenna to another owner or operator who makes actual use of the support structure or antenna; or

- b. Dismantle and remove the support structure or antenna. If such support structure or antenna is not removed within said sixty (60) days from the date of abandonment, the city may remove such support structure or antenna at the facility owner's and property owner's expense. If there are two (2) or more users of a single support structure, then this provision shall not become effective until all users cease using the support structure. At the earlier of sixty (60) days from the date of abandonment without reactivation or upon completion of dismantling and removal, city approval for the support structure and/or antenna shall automatically expire.

G. Application Requirements:

1. All wireless communication facilities (WCF) shall obtain a conditional use permit,

pursuant to the requirements of section 11-2D-2 of title 11 (Unified Development) of this code. WCF located in the OT, RC, P, C1 and C2 zone districts shall also be subject to design review, pursuant to chapter 10 of this title. All applications to locate a WCF shall include the following information:

- a. A scaled site plan clearly indicating the location, type and height of the proposed support structure, antennas, on site land uses and zoning, adjacent land uses and zoning, adjacent streets, proposed means of access, and setbacks from property lines and residential zones.
  - b. Scaled elevation drawings of the proposed support structure and equipment enclosure.
  - c. Photo simulations of the proposed facility from public rights-of-way, public properties and affected residentially zoned properties.
  - d. Approximate distance between the proposed antennas and the nearest residentially zoned property.
  - e. A landscape plan showing size, type, and location of specific landscape, screening and fencing materials.
  - f. Manufacturer's information indicating compliance with adopted noise standards.
  - g. The city may require submittal of propagation maps showing that the proposed WCF is required for network coverage in order to satisfy the requirements of the provider's grid system. The maps shall also demonstrate that the requested height is the minimum height necessary for the support structure and antennas, as applicable. The maps shall show the neighboring or regional facilities with which the facilities in the city can communicate. The city may require additional propagation maps showing coverage areas at lower heights.
- H. Third Party Review: In certain instances there may be a need for expert review by a third party of the technical data submitted by the wireless communication facility (WCF) applicant. The city may require such a technical review, to be paid for by the WCF applicant. The selection of the third party expert may be by mutual agreement between the applicant and the city, or at the sole discretion of the city, such mutual agreement not to be unreasonably withheld by either party. The third party expert shall have recognized training and qualifications in the field of radio frequency engineering or structural engineering, as appropriate. The expert review is intended to be a site specific review of technical aspects of the wireless communication facilities, facilities and other matters as described herein, and not a subjective review of the site selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the applicant's coverage objectives and system design parameters, or the structural requirements for accommodating collocation. Such a review should address the accuracy and completeness of the technical data, whether the analysis

techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the city or other interested parties. Based on the results of the third party review, the city may require changes to the application for the WCF that comply with the recommendations of the expert.

- I. **Other Wireless Communication Facilities:** All of the provisions of this section, which address wireless communication facilities and personal wireless service facilities, shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television and AM/FM radio towers) to the maximum extent allowed by law.
- J. **Conflict:** To the extent that any provisions of this section are inconsistent or in conflict with any other provision of the zoning code, comprehensive plan or any ordinance or regulation of the city, the provisions of this section shall be deemed to control.

### **12-11-18: AFFORDABLE HOUSING**

- A. **Purpose:** The intent of this section is to encourage the provision of affordable housing for low-, very low- and extremely low-income households in the City of Long Beach by allowing a density bonus for projects that are located in the R3 Multi-Family district and in the C1 Commercial district.
- B. **Density:** The maximum number of dwelling units permitted on a property may be increased by fifty percent (50%), subject to issuance of a conditional use permit pursuant to the requirements of section 11-2D-2 of title 11 (Unified Development) of this code and provided all units on the property are affordable for low-, very low- and/or extremely low-income households.
- C. **Qualification:**
  - 1. The City shall maintain and update annually standards for Qualified Households, based on the level of income and family size, describing the “qualified household” eligible for the affordable housing. The City shall also maintain and update annually a schedule of the maximum allowable housing costs for affordable dwelling units, based on income and household size. The City may choose to use qualification standards and/or cost schedules prepared by the Joint Pacific County Housing Authority.
  - 2. The City shall verify that tenants of affordable dwelling units are qualified households upon initial rental and annually thereafter. The City shall verify purchasers of for-sale affordable dwelling units are qualified households prior to closing. It shall be the responsibility of the landlord (for-rent units) or purchaser (for-sale units) to provide all necessary documentation to the City regarding income and household size.
  - 3. For properties operated by an agency, non-profit or developer whose primary purpose is providing affordable housing, which housing organization is acceptable to the City and

has similar qualification standards, processes and affordability requirements, the City may defer qualification to that entity. Upon mutual agreement by the City and Joint Pacific County Housing Authority (JPCHA), the City may pass responsibility for determination of qualification and affordability to the JPCHA.

- D. Deed Restriction: A deed restriction shall be placed on the property prior to issuance of a Certificate of Occupancy. The City shall review and approve all covenants, conditions and restrictions that may be placed on the property prior to execution, in order to ensure affordability standards are maintained. The deed restriction shall run with the land. The period for which it must remain affordable must be included in the deed restriction. For-rent affordable dwelling units shall remain affordable for a period not less than twenty (20) years. For-sale affordable dwelling units shall remain affordable for a period not less than twenty (20) years.
- E. Rental Affordable Dwelling Units:
1. Prior to initial renting of an affordable dwelling unit, the landlord shall provide to the City of Long Beach Community Development Department documentation of the family size and gross income for verification of qualification to occupy the affordable dwelling unit. The landlord shall thereafter provide verification to the City annually that the tenants for all units continue to meet the household size and income limits for occupancy of an affordable dwelling unit. Tenants who no longer meet the requirements of a Qualified Household may continue to occupy the affordable dwelling unit, provided their income for their household size does not exceed one hundred twenty percent (120%) of the Area Median Income. If the tenant's income exceeds that amount, the tenant shall be required to vacate the unit within sixty (60) days. A lease or rental agreement shall be required for rental of affordable dwelling units, and the lease or agreement shall include a clause stating the terms under which a household that is no longer qualified may continue to occupy the unit. Nothing in this ordinance shall be construed to otherwise change or limit the usual rights of tenant or landlord.
  2. A schedule showing the rents charged for affordable dwelling units shall be provided to the city on initial rental and annually thereafter. The city shall verify that rents meet the standards for affordable housing and that rent and utilities constitute no more than thirty percent (30%) of such gross annual household income for a Qualified Household of the size that may occupy the unit in question.
- F. For-Sale Affordable Dwelling Units: The developer must place a deed restriction in the deed conveying the property to the Qualified Household a restriction running with the land stipulating that, from the time of the first conveyance, any subsequent conveyance shall have the following limitation:
1. Any moneys received by the Qualified Household seller in excess of the actual reduction of the principal of the mortgage and the down payment and payments for home improvements for the first five (5) years after the purchase by the Qualified Household shall revert to and belong to the City of Long Beach, to be deposited in the Affordable

Housing Fund.

2. After the first five (5) years, twenty-five percent (25%) of any excess funds received shall belong to the Qualified Household seller. During the subsequent fifteen (15) years, five percent (5%) of the excess funds received for each full year of ownership shall belong to the Qualified Household seller. The excess balance shall revert and belong to the City of Long Beach, to be deposited in the Affordable Housing Fund.
3. After twenty (20) years, all the sale proceeds shall belong to the Qualified Household Seller.
4. If the property is sold by the Qualified Household to another Qualified Household at any time at the price then established for the Qualified Household, all excess funds shall belong to the selling Qualified Household. The buyer shall submit to the City documentation of household size and income for verification of qualification.
5. If the household size or income of a previously qualified owner-occupied household changes in such a way that they are no longer qualified to occupy an affordable dwelling unit, they shall not be required to vacate and/or sell the affordable dwelling unit they own. All other requirements of this section shall continue to apply.
6. If the owner of a for-sale affordable dwelling unit should choose to rent the dwelling unit rather than occupy it within twenty (20) years after the first conveyance, it shall be rented to a Qualified Household, subject to verification of qualification as set forth in section 12-11-18.E.

If the for-sale units are built under the auspices of an agency, non-profit or developer whose primary purpose is providing affordable housing, which housing organization is acceptable to the City and has similar qualification standards and processes, the City may defer to those standards and accept the deed restriction put in place by that entity.

- G. Affordable Housing Fund: The City of Long Beach shall establish an “Affordable Housing Fund” to receive the funds described in section 12-11-18.F, which funds will be used only to produce or rehabilitate affordable housing. The City may choose to pass the funds to the Joint Pacific County Housing Authority, provided the projects for which the funds are used serve the Long Beach area.

**12-11-19: RECREATIONAL VEHICLE PARKS; REQUIREMENTS:**

- A. License Required: No person shall operate a recreational vehicle (RV) park within the corporate limits of the city without first obtaining a business license as required by title 4 (Business and License Regulations), and any necessary approvals required by the zone district in which the property is located, including a conditional use permit and design review.
- B. Recreational Or Open Space Development:

1. RV parks with an area of ten (10) acres or less shall be required to develop a minimum of ten percent (10%) of the total area for recreational or open space purposes.
  2. RV parks with an area greater than ten (10) acres shall be required to develop a minimum of twenty percent (20%) of the total area for recreational or open space purposes.
  3. The required open space may include amenities for the use of guests, such as recreational facilities and picnic areas. It shall not include the area within the individual RV spaces.
- C. Off Street Parking: Parking shall be provided as required by chapter 12 of this title.
- D. Ingress And Egress:
1. Driveways for ingress and egress shall comply with the requirements of section 11-5A-1(D) of title 11 (Unified Development) and with the requirements of subsection D3 of section 12-12-2 of this title.
  2. Street access shall be limited to driveways serving the entire RV park. All access to individual RV spaces shall be from within the property. The access of an RV space directly from the street shall be prohibited.
- E. Interior Circulation and Driveways:
1. Interior driveways shall have a width of not less than fifteen feet (15') for a one-way drive and not less than twenty feet (20') for a two-way drive, exclusive of on-site parking.
  2. Driveways and parking surfaces within the park and RV parking sites shall be properly surfaced with gravel or asphalt.
- F. Landscaping: Landscaping shall be provided as required by chapter 13 of this title. Landscaping shall be provided around the perimeter of the site, to provide screening from the street and adjacent properties and to beautify the park.
1. Wherever possible, existing tree cover and natural vegetation shall be maintained.
  2. There shall be one (1) tree for every ten (10) RV spaces.
- G. Fences: Fences may be incorporated into the landscaping design. Chain link fences shall not be used on the perimeter of the site, unless approved by the reviewing authority.
- H. Sanitary Facilities: Sanitary facilities and sewer connections shall be provided as required by section 10-2-3 of title 10 (Building Regulations).

## 12-11-20 MANUFACTURED HOME PARKS

- A. Size Of Site: There shall be a minimum of three thousand (3,000) square feet of stall space for each manufactured home site.
- B. Common Area: At least ten percent (10%) of the total area of the property on which the park is situated shall be maintained as common area or open space. Such area may include amenities for the use of the residents but shall not include the interior driveways or parking or the open areas of the individual stall spaces.
- C. Setbacks Between Manufactured Homes: There shall be a minimum setback of ten feet (10') between manufactured homes. Landings and stairs projecting no more than three feet (3') from each unit shall be allowed to project into the setback area. The setback area shall be kept otherwise free and clear of structures, for purposes of fire department access.
- D. Off Street Parking: Parking shall be provided as required by chapter 12 of this title. Parking spaces shall not be part of the minimum pavement width for internal circulation. Parking may be provided adjacent to each unit and/or in common shared parking areas.
- E. Width Of Drives: Internal driveways shall have a width of not less than twenty feet (20'), exclusive of on-site parking. Driveways and parking shall be properly surfaced with gravel or asphalt.
- E. Landscaping: Landscaping shall be provided as required by chapter 13 of this title. Landscaping shall be provided around the perimeter of the site, to provide screening from the street and adjacent properties and to beautify the park.
  - 1. Wherever possible, existing tree cover and natural vegetation shall be maintained.
  - 2. There shall be a minimum of one (1) tree on the site for each unit.
  - 3. Fences may be incorporated into the landscaping design.
- F. Design Review: Design review is required for the site design of the manufactured home park, including but not limited to site layout, circulation and landscaping. Design review is not required for individual structures except where design review would be required for a single-family residence.
- G. Manufactured home parks shall also be subject to the requirements of section 10-2-4 and 10-2-5 of title 10 (Building Regulations).

CHAPTER 12

**OFF STREET PARKING AND LOADING**

Section:

- 12-12-1: Intent
- 12-12-2: Off Street Parking
- 12-12-3: Off Street Loading
- 12-12-4: Payment in Lieu of Parking

**12-12-1: INTENT:** This chapter is intended to reduce the need for parking on streets and the traffic congestion and hazards caused thereby, and to provide for off street parking adequate for each type of development in terms of both amount and location.

**12-12-2: OFF STREET PARKING:**

- A. Parking Space Requirements: In all districts except OT old town and RC residential commercial, the following shall apply:

<b>Type of Use</b>	<b>Parking Space Required<sup>(1)</sup></b>
Art gallery, library, museum	1 per 800 square feet of gross floor area, plus 1 per 2 employees
Bakery, confectionery	1 per 400 square feet of gross floor area
Church, theater, community hall	1 per 6 seats or 12 feet of bench
Commercial amusements	1 space per 300 square feet of ground area
Gas station	1 per 2 employees
Motels, hotels, itinerant condominiums, time shares	1 per unit, plus 1 per each employee and 2 for a manager's unit
Multi-family residences, three or more dwellings	1 for each studio or one-bedroom unit; 1.5 for each two-bedroom unit; 2 for each 3-bedroom or larger unit; plus 1 visitor space for every 4 dwelling units
Offices, including banks, medical clinics, and professional offices	1 per 400 square feet of gross floor area
One and two-family residences	2 per dwelling unit; tandem parking allowed
Private clubs, lodges	1 per 4 seats

<b>Type of Use</b>	<b>Parking Space Required<sup>(1)</sup></b>
RV parks and campgrounds	1 per RV space or campsite, plus 1 per employee and 2 for a manager's unit
Restaurants, eating and drinking establishments	1 per 200 square feet of gross floor area; drive-through stacking to be evaluated by the reviewing authority
Retail stores, such as grocery stores, tourist shops, furniture stores	1 per 400 square feet of gross floor area, plus 1 per 2 employees
Schools, elementary, nursery	1 per employee or teacher
Senior citizen homes, convalescent centers	1 per 6 beds, plus 1 for every 3 employees
Similar uses or aggregate	To be evaluated by the planning commission on a case by case basis, based on the above standards

<sup>(1)</sup> Where parking is required for employees, the number shall be calculated based on the maximum number of full-time-equivalent (FTE) employees per maximum shift.

- B. OT Old Town Zone Parking Requirements: There are no off street parking requirements in the old town zone, except for the following:
1. One off-street parking space shall be provided for each hotel or motel room.
  2. No variances for required parking spaces will be given in the old town zone.
  3. There shall be no ingress to or egress from off-street parking from Pacific Avenue, unless the reviewing authority determines there are no other feasible access points from other streets.
- C. RC Residential Commercial Zone Parking Requirements: Parking requirements in the residential commercial zone shall be as set forth in subsection A of this section, except as follows:
1. Offices, excluding banks and medical clinics, shall provide one (1) parking space per eight hundred (800) square feet of gross floor area.
  2. Retail stores with a gross floor area of three thousand five hundred (3,500) square feet or less shall provide one (1) parking space per eight hundred (800) square feet of gross floor area.
  3. There shall be a minimum of two (2) parking spaces provided, regardless of the use.

D. General Criteria: Parking requirements shall comply with the following criteria:

1. Plan: A plan drawn to scale, indicating how the off street parking and loading requirements are to be met, shall accompany a development application .
2. Dimensions: An off street parking space shall be at least nine feet (9') in width and eighteen feet (18') in length. Such space shall have a vertical clearance of at least seven feet (7'). For parking areas where at least ten (10) spaces are required, a maximum of fifty percent (50%) of required spaces may be utilized as compact stalls measuring eight feet (8') wide by sixteen feet (16') in length.
3. Ingress And Egress: The maximum allowable width of ingress and egress access points for an off street parking lot shall be fifteen feet (15') for a one-way access point and twenty-five feet (25') for a two-way access point, except the approving authority may approve a one-way access point that is twenty feet (20') wide or a two-way access point that is thirty feet (30') wide, provided the following criteria are met:
  - a. The wider access point is necessary to allow safe ingress and egress for the type and size of vehicles customarily associated with the use of the property or for uses that have higher traffic volumes;
  - b. Pedestrians will not be unduly impacted by the greater width; and
  - c. The property is served by only one access point on each street frontage.
4. Location: Off street parking requirements shall be met on the same lot and zoning district as the building served, or off-site on a lot within two hundred feet (200') specifically reserved for said business's clientele. Multiple uses may share off-site parking facilities located on a separate lot(s), provided the number of spaces available meets the total requirement of all of the separate uses. Off-site parking shall be considered accessory to the use, as if it were located on the same site as the use. Off-site parking that is required for the use shall be secured in perpetuity through a deed, recorded easement or other document acceptable to the city. Off-site parking that is provided voluntarily in excess of the parking requirement will not be required to be secured in perpetuity and will be considered accessory to the use.
5. Surface Conditions: Parking lots shall have graveled or paved surfaces, maintained adequately for all weather use, and drained to avoid flow of water over public sidewalks, rights-of-way, and abutting private property. The use of low impact development techniques to reduce stormwater impacts is encouraged.
6. Maneuvering Space: Maneuvering space (to prevent backing onto streets) shall be provided for all lots that provide access onto arterial streets. Internal driveway widths and circulation patterns shall be adequate to provide necessary maneuvering for vehicles, according to the design and layout of the parking lot.

7. **Multiple Uses:** In the event that several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of the several uses computed separately, unless evidence is presented to the satisfaction of the reviewing authority that the various uses shall not be used simultaneously.
8. **Storage Use Prohibited:** Required parking spaces shall not be used for the storage of vehicles or materials used in conducting the business.
9. **Change Of Use:** Should the owner or occupant of a lot or building change the use of the lot or building resulting in an increase in the number of required off street parking spaces, the off street parking shall be increased according to the new use.
10. **Tandem Parking:** Tandem or stacked parking is allowed for residential uses and itinerant lodging. Tandem or stacked parking is not allowed for any commercial use.
  - a. For residential uses, no more than two spaces shall be stacked, and both spaces shall be specifically reserved for the use of a single unit. One space may be in a garage with the other space in the driveway.
  - b. For itinerant lodging, tandem or stacked parking shall only be permitted if a parking attendant is designated and on duty at all times. Such parking shall not be more than three (3) spaces deep.
11. **Use of Driveways:** For residential uses, driveways or garage approach aprons may be considered parking spaces, provided length of the driveway is at least twenty feet (20’).

**12-12-3: OFF STREET LOADING:**

A. **Required Berths:** For each use for which a building is to be erected or structurally altered to the extent of increasing the floor area to equal the minimum floor area required to provide loading space, and that will require the receipt or distribution of materials or merchandise by truck or similar vehicle, there shall be provided off street loading space on the basis of minimum requirements as follows:

1. Commercial, industrial, and public utility uses that have a gross floor area of three thousand five hundred (3,500) square feet or more shall provide truck loading or unloading berths in accordance with the following table:

<b>Square Feet of Floor Area</b>	<b>Required Berths</b>
3,500 to 6,500	1
6,501 to 10,000	2
10,001 and over	3

2. Office buildings, hotels, motels, hospitals, institutions, schools, public buildings,

recreational or entertainment facilities, and any similar use that has a gross floor area of ten thousand (10,000) square feet or more shall provide off street loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Required Berths
10,000 to 50,000	1
50,001 and over	2

**B. General Provisions:**

1. **Dimensions:** A loading berth shall contain space at least twelve feet (12') wide, thirty feet (30') long, and have a height clearance of at least fourteen feet (14').
2. **Change Of Use:** Should the owner or occupant of a lot or building change the use of the lot or building resulting in an increase in the number of required off street loading berths, the loading shall be increased according to the new use.

**12-12-4: PAYMENT IN LIEU OF PARKING:**

**A. Criteria:** The city council may permit an applicant to make a payment in lieu of providing parking spaces on a lot or parcel and shall use the following criteria to guide its decision:

1. Whether the applicant demonstrates that all required parking cannot be located on-site due to site-specific physical constraints or site design requirements; or
2. Whether the property is located in close proximity to permanent public parking or public transportation routes; or
3. Whether the characteristics of the proposed land use reduce the need for onsite parking.

**B. Payment-in-Lieu Fee:** If a property does not provide the required parking space(s), the owner shall pay a one-time capital expense fee as established by resolution of the city council for each deficit parking space. Said fee shall be placed in a public parking fund to be used for the acquisition and/or development of public parking. It is noted that such public parking may not be located in the immediate vicinity of the property for which the parking fee is made. The parking fee shall be paid in full prior to the issuance of any permit or license for the use.

**C. Annual Maintenance Fee:** In addition to the one-time capital expense fee specified in subsection B of this section, each subject property owner shall also pay an annual maintenance fee as established by resolution of the city council for each deficit parking space for a period of fifteen (15) years. Such fee shall be adjusted annually according to the Consumer Price Index. A property owner may avoid such adjustment by paying a

lump sum maintenance fee equal to the then then-current annual fee, multiplied by fifteen (15), or by the number of years remaining if paid after the first year. The annual maintenance fee shall be first payable prior to issuance of any permit or license for the use and thereafter by January 31 of each year.

- D. Agreement: If payment-in-lieu of parking is approved, the owner shall sign an agreement to pay a fee at the established rate which the Town shall record prior to the issuance of a building permit or the commencement of the use, whichever comes first.
- E. Parking Facilities Funds:
  - 1. Capital expense fees collected by the city pursuant to the payment-in-lieu provisions shall be deposited into an account within the Capital Improvements Fund entitled "Parking Facilities Development Fund." All expenditures from this fund shall be directly spent or encumbered only for the purpose of conducting parking-related studies or evaluations, the acquisition and construction of parking facilities, or for bonding with respect to the acquisition or construction of parking facilities or transit improvements and necessary related expenses.
  - 2. Annual operations and maintenance fees shall be deposited into a revenue account within the General Fund entitled "Parking Facilities Maintenance Fund". All expenditures from this fund shall be directly spent or encumbered only for the operation, maintenance and administration of parking or transit facilities.
  - 3. Payment-in-lieu capital expense fees collected pursuant to this section shall be returned to the then present owner of the property for which a fee was paid, including any interest earned, if the fees have not been spent within six (6) years from the date the fees were paid, unless the city council shall have earmarked the funds for expenditure on a specific project, in which case the city council may extend the time period by up to three (3) more years. To obtain a refund, the present owner must submit a request to the city administrator within one (1) year following the end of the sixth (6th) year from the date payment was received. For purposes of this sub-section, payments collected shall be deemed spent on the basis that the first payment in shall be the first payment out.
- F. Cancellation: Any payment made for a project for which a building permit or license is cancelled due to non-commencement of construction or use may be refunded if a request for refund is submitted to the city administrator within three (3) months of the date of the cancellation of the building permit or license. All requests shall be accompanied by proof that the applicant is the current owner of the property and by a copy of the dated receipt issued upon the original payment of the fee.
- G. Credits: If any capital expense fees have been paid in accordance with this section and if subsequent thereto and within six (6) years a special or local improvement district is formed and assessments levied for the purpose of paying for public parking improvements, the property for which payment-in-lieu fees were received shall be credited with the amount of the capital expense fee(s) paid.

## CHAPTER 13

### LANDSCAPING

Section:

- 12-13-1: Required Landscaping
- 12-13-2: OT Old Town District
- 12-13-3: OTW Old Town West District
- 12-13-4: C1 Commercial District and RC Residential Commercial
- 12-13-5: S3 Shoreline Resort, S3R Shoreline Resort Restricted and S3M Shoreline Resort Mixed Use Districts
- 12-13-6: AC Accommodations District
- 12-13-7: L1 Light Industrial and C2 Commercial Retail Warehouse Districts
- 12-13-8: P Public, PR Parks & Recreation and S4 Shoreline Conservancy Districts
- 12-13-9: Residential Districts
- 12-13-10: Vision Clearance Triangle
- 12-13-11: Required Maintenance

**12-13-1: REQUIRED LANDSCAPING:** The landscaping provisions shall be applied in the zoning districts as set out in sections 12-13-2 through 12-13-10 of this chapter. Additionally, the following shall apply in all zone districts.

- A. **Screening From Residential Uses:** Non-residential and multi-family development or additions and alterations that have a value of fifty percent (50%) or more of the existing structure and that abuts a residential zoned property shall provide a landscape strip along the common property line. The required landscaping strip shall be a minimum of five feet (5') in width and consist primarily of a mixture of evergreen and deciduous trees and shrubs. Ground cover and smaller plantings may also be used but shall not be used exclusively. A decorative solid wood fence six feet (6') in height may be allowed by the reviewing authority in lieu of the landscaping buffer. The intent shall be to screen the view of the commercial activity from the residential use.
- B. **Parking Lots:** Parking lots shall be landscaped as follows:
  - 1. Parking lots shall be screened from view of the adjoining street by a landscape strip that is an average of at least five feet (5') in depth but not less than three feet (3'), excluding driveways and pedestrian walkways. The required landscape strip shall consist of evergreen and deciduous trees planted not more than thirty feet (30') on center, interspersed with large and small shrubs and ground cover. Plantings of shrubs and ground covers shall be chosen and spaced to result in a covering of the landscape strip within two (2) years. Shrubs shall be of a type that do not exceed a height at maturity of approximately three (3) to four feet (4'). Deciduous trees shall have a minimum trunk diameter of two inches (2") at time of planting. Evergreen trees shall be a minimum of six

feet (6') tall at time of planting.

2. Parking areas containing more than six (6) spaces shall be landscaped with not less than four hundred (400) square feet of landscaping.

3. The location and placement of plant materials at driveways and street intersections shall also comply with the requirements of the vision clearance triangle, as set forth in section 12-13-10 of this chapter.

- C. **Landscape Materials:** Required landscaping shall be predominantly native or plant materials suited to the coastal setting. Consideration should be given to the appearance of the landscaping in all seasons. Landscaping plans shall be designed to conserve and make efficient use of water. Plant sizes shall be used that will best ensure their survival, and to provide coverage within two (2) years. Deciduous trees should have a minimum trunk diameter of two inches (2") at time of planting. Evergreen trees should be a minimum of six feet (6') tall at time of planting. Ground cover materials such as gravel or bark may be used only if approved as part of the overall landscaping plan and shall be limited. Land disturbed by development activities shall be revegetated at least to its pre-development condition.
- D. **Integration with Stormwater Plans:** Wherever possible, the landscaping plan shall be coordinated with the stormwater plan, where required for the development, and shall be designed to help control and reduce stormwater runoff. Low impact development techniques are encouraged.

**12-13-2: OT OLD TOWN DISTRICT:** There are no minimum requirements for landscaping in the OT zone except as required in section 12-13-1 of this chapter. However, where buildings are not built to the property line, the area between the building and the property line shall be landscaped or otherwise treated as an outdoor amenity. The area may be finished as hardscape with planters, or may be planted with landscape materials, provided the reviewing authority finds the proposed design enhances the proposed development and the surrounding area. Street furniture may also be included in the design.

**12-13-3: OTW OLD TOWN WEST DISTRICT:** New development or additions and alterations that have a remodeling value of fifty percent (50%) of the existing structure in the OTW zone shall landscape a minimum of five percent (5%) of the subject property. Landscaping required by section 12-13-1 of this chapter may be counted toward this requirement. Additionally, a portion of the required landscaping, equal to at least three (3) square feet of landscaping for each one foot (1') of the property's Ocean Beach Boulevard street frontage must be located abutting and within twenty feet (20') of Ocean Beach Boulevard. At least two-thirds ( $\frac{2}{3}$ ) of the landscaping area shall be natural materials, or softscape. The remaining one-third ( $\frac{1}{3}$ ) of the required landscaping area may be hardscape, provided the reviewing authority finds the proposed design enhances the proposed development and the surrounding area. The hardscape area may be used for outdoor vending, merchandising or dining, subject to the requirements of

the OTW district. Landscape areas may be enhanced with street furniture such as benches.

**12-13-4: C1 COMMERCIAL AND RC RESIDENTIAL COMMERCIAL DISTRICT:** New development or additions and alterations that have a remodeling value of fifty percent (50%) of the existing structure in the C1 and RC zones shall provide five (5) square feet of landscaping for each one foot (1') of street frontage along all property lines abutting public rights-of-way. All required landscaping shall be located within twenty feet (20') of the property line abutting the street. Landscaping required by section 12-13-1 of this chapter may be counted toward this requirement. At least two-thirds (2/3) of the landscaping area shall be natural materials, or softscape. The remaining one-third (1/3) of the required landscaping area may be hardscape, provided the reviewing authority finds the proposed design enhances the proposed development and the surrounding area. The hardscape area may be used for outdoor merchandising, vending or dining, subject to the requirements of the underlying zone. Landscape areas may be enhanced with street furniture such as benches.

**12-13-5: S3 SHORELINE RESORT, S3R SHORELINE RESORT RESTRICTED AND S3M SHORELINE RESORT MIXED USE DISTRICTS:**

- A. New development or additions and alterations that have a remodeling value of fifty percent (50%) of the existing structure in the S3 zone shall provide five (5) square feet of landscaping for each one foot (1') of street frontage along all property lines abutting public rights-of-way. All required landscaping shall be located within twenty feet (20') of the property line abutting the street. Landscaping required by section 12-13-1 of this chapter may be counted toward this requirement. The required landscaping shall consist of natural plant materials, or softscape. Plant materials shall complement the natural dune setting.
- B. Along all property lines that abut the S4 conservancy district, the development shall provide a landscape buffer that is a minimum of five feet (5') deep. The landscape buffer shall be planted with native plant materials that are suited to the natural dune setting.

**12-13-6: AC ACCOMMODATIONS DISTRICT:** New development or additions and alterations that have a remodeling value of fifty percent (50%) of the existing structure in the AC zone shall provide five (5) square feet of landscaping for each one foot (1') of street frontage along all property lines abutting public rights-of-way, excluding alleys, ingress and egress points. All required landscaping shall be located within twenty feet (20') of the property line abutting the street. Landscaping required by section 12-13-1 of this chapter may be counted toward this requirement. The required landscaping shall consist of natural plant materials, or softscape.

**12-13-7: L1 LIGHT INDUSTRIAL AND C2 COMMERCIAL RETAIL WAREHOUSE DISTRICTS:** New development or additions and alterations that have a value of fifty percent (50%) of the existing structure in the L1 or C2 zones shall provide five (5) square feet of landscaping for each one foot (1') of street frontage along all property lines abutting public rights-of-way, excluding alleys, ingress and egress points. All required landscaping shall be located within twenty feet (20') of the property line abutting the street. The intent of the landscaping requirement is to screen the view of the use from the street. Landscaping required by section 12-13-1 of this chapter may be counted toward this requirement.

**12-13-8: P PUBLIC, PR PARKS & RECREATION AND S4 SHORELINE CONSERVANCY DISTRICTS:** Landscaping for the P, PR or S4 zones shall be compatible with the area surrounding the project site. Landscaping standards for adjacent properties should be used to provide guidance on the location and amount of landscaping. Consideration should be given to the need for screening of the use, parking areas, trash and equipment when designing the landscape plan. Projects in the S4 zone shall utilize plant materials that are suited to the natural setting.

**12-13-9: RESIDENTIAL DISTRICTS:** Landscaping in residential zones shall provide ground cover on all open areas of the site, excluding driveways, walkways and patios. Trees, shrubs and planting beds, with both perennials and annuals, are encouraged. The extensive use of gravel, rock or bark as a ground cover is not allowed. Uses other than single-family or two-family residences shall include landscaping that will screen parking, trash and HVAC equipment from view of the street and from other properties.

**12-13-10: VISION CLEARANCE TRIANGLE:** To ensure that landscape materials and fences do not constitute a safety hazard, a vision clearance triangle (VCT) shall be provided at all intersections of public rights-of-way and driveways.

- A. Height: Within this area, unobstructed cross visibility at a level between forty two inches (42") and ten feet (10') above the adjacent street level shall be maintained. However, trees having limbs or foliage trimmed, except during early growth stages, so as to not extend into the sight area, shall be allowed. Landscaping material shall not be located closer than four feet (4') from the edge or top of the curb line or driveway apron, except for required ground cover.
- B. Structures: Freestanding signs are permitted in the VCT only as provided in section 12-14A-18 of this title. This section shall not apply to buildings except where specifically provided for in the development standards of the zone district in which the building is located.
- C. Dimensions: The vision clearance triangle for said intersections shall be as follows:
  - 1. At intersections of public rights-of-way, the VCT shall be formed by measuring

twenty feet (20') along each property line from the intersection and connecting the end points of such lines formed by such measurement to create a triangle.

2. At intersections of driveways and alleys with public rights-of-way, the VCT shall be formed by measuring ten feet (10') along the property line from the intersection and ten feet (10') along the driveway or alley connecting the end point of such lines formed by such measurement to create a triangle.

D. Exceptions: The following are exempt from the requirements of this section:

1. Public utility poles and boxes.
2. Official signs or signals.

**12-13-11: REQUIRED MAINTENANCE:** All required landscape areas shall be properly maintained and kept in good condition at all times in order to present a neat, lively and orderly appearance. Where necessary, irrigation shall be installed to insure the landscaping will be healthy and viable. No certificate of occupancy shall be issued unless and until landscaping is installed as required by the landscaping plan, or a surety bond has been provided to guarantee its completion, as permitted by sections 11-1-12 and 11-5B-12 of title 11 (Unified Development) of this code. Failure to maintain required landscape areas shall be pursued as a zoning violation subject to section 12-3-6 of this title.

## CHAPTER 14

### SIGNS

#### Section:

- 12-14-1: Purpose and Applicability
- 12-14-2: Conformance to Codes and City Regulations
- 12-14-3: Permits
- 12-14-4: Traffic Visibility
- 12-14-5: Signage Allocation
- 12-14-6: Maintenance, Repair or Removal
- 12-14-7: Computation of Frontage
- 12-14-8: Prohibited Signs
- 12-14-9: Exempt Signs
- 12-14-10: Temporary Signs
- 12-14-11: Abandoned Signs
- 12-14-12: Nonconforming Signs
- 12-14-13: Illegal Signs
- 12-14-14: Appeals

**12-14-1: PURPOSE AND APPLICABILITY:** The purpose of this chapter, including article A, is to protect the safety and orderly development of the community through the regulation of signs and sign structures and further the implementation of the comprehensive plan. The orderly development of the community requires striking a balance between the needs of businesses to advertise and the desire to maintain an aesthetically pleasing environment. The regulation of signs is an important element in promoting local business while ensuring a safe and attractive community.

**12-14-2: CONFORMANCE TO CODES AND CITY REGULATIONS:** Any sign hereafter erected shall conform to the provisions of this chapter, and article A of this chapter, and the provisions of the building code and any other applicable ordinance or regulation within the city.

#### **12-14-3: PERMITS:**

- A. Permit Required; Owner Responsibility: Unless specifically exempted, a sign permit must be obtained as required in section 12-10-15 of this title. A building permit may also be required from the building inspector for the erection and maintenance of all signs erected or maintained within the city, and in accordance with all other applicable regulations and ordinances of the city. Exemptions from the necessity of securing a permit, however, shall not relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner, and in a manner in accordance with all the

other provisions of this chapter, and article A of this chapter, The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

- B. Permit Fees: Permit fees to erect, alter, or relocate a sign shall be in accordance with the fee schedule adopted by resolution of the city council.
- C. Permit Exemptions. The following shall not require a permit; these exemptions shall not be construed as relieving the owner of a sign from the responsibility of its erection, maintenance and its compliance with the provisions of this chapter or any other law or ordinance regulating the same:
  - 1. The changing of the advertising copy or message on a lawfully erected sign designed for the use of replaceable copy.
  - 2. Painting, repainting or cleaning of a lawfully erected sign structure.
  - 3. Temporary decorations customary for special holidays, such as Christmas and Independence Day, erected entirely on private property.
  - 4. Exempt signs as specifically stated in section 12-14-9 of this chapter.

**12-14-4: TRAFFIC VISIBILITY:** No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. All signs must comply with vision clearance triangle requirements as found in section 12-13-10 of this title except as may be permitted by section 12-14A-18 of article A of this chapter.

**12-14-5: SIGNAGE ALLOCATION:**

- A. Permitted Sign Area and Type: The total sign area, type and height shall be as specified by the sign matrix in this section. Additional restrictions on specific sign types as provided in article A of this chapter shall also apply.

## SIGN MATRIX

<b>Zone</b>	<b>Total Signage Allocation</b>	<b>Permitted Signs</b>	<b>Prohibited Signs</b>
R1, R1R, S1	1 per street frontage per residence, 3 square feet (SF) each sign; signage for home occupations shall not exceed 3 SF and shall be included in this allocation	Wall signs; monument signs; temporary signs	Temporary signs for home occupations; off premises signs; projecting signs; portable signs; illuminated, moving, or flashing signs
R2, R2R, R3, R3R, S2	Same as R1, plus group sign of 3 SF per dwelling unit up to 24 SF per street frontage for multi-family developments; signage for home occupations, vacation rentals and bed and breakfasts shall not exceed 3 SF and shall be included in this allocation	Wall signs; monument signs; temporary signs	Temporary signs for home occupations; off premises signs; projecting signs; portable signs; illuminated, moving, or flashing signs
S3, S3R, S3M, AC	Group sign of 3 SF per dwelling unit up to 24 SF per street frontage for multi-family developments; 100 SF for commercial developments, plus 1 4-SF sign per commercial occupant	Wall signs; monument signs; temporary signs	Temporary signs for home occupations; off premises signs; projecting signs; portable signs; illuminated, moving, or flashing signs
S4	4 SF	Only temporary signs as permitted by the city council	All other signs
OT and OTW - each single business property	50 SF for the first street frontage and 25 SF for each additional street frontage, including 1 freestanding sign not to exceed 15 SF	Wall signs; projecting signs; freestanding signs; off premises signs; way finding signs; temporary signs; individual letter signs	Internally illuminated signs; moving or flashing signs
OT and OTW - each multiple-tenant building	2 SF per linear foot of street frontage up to 150 SF, including 1 freestanding sign up to 35 SF	Wall signs; projecting signs; freestanding signs; off premises signs; way finding signs <sup>(2)</sup> ; temporary signs; individual letter signs	Internally illuminated signs; moving or flashing signs
OT and OTW - each multiple-building complex	1 SF per linear foot of street frontage up to 75 SF, including 1 freestanding sign up to 25 SF; 1 wall sign not to exceed 1 SF per foot of wall frontage per business	Wall signs; projecting signs; freestanding signs; off premises signs; way finding signs <sup>(2)</sup> ; temporary signs; individual letter signs	Internally illuminated signs; moving or flashing signs

Zone	Total Signage Allocation	Permitted Signs	Prohibited Signs
C1, C2, LI, RC - each single business property	100 SF, including 1 freestanding sign not to exceed 25 SF	Wall signs; projecting signs; freestanding signs; internally illuminated signs <sup>(1)</sup> ; off premises signs; way finding signs <sup>(2)</sup> ; temporary signs; individual letter signs	Moving or flashing signs
C1, C2, LI, RC - each multiple-tenant building	2 SF per linear foot of street frontage up to 175 SF, including 1 freestanding sign up to 50 SF	Wall signs; projecting signs; freestanding signs; internally illuminated signs <sup>(1)</sup> ; off premises signs; way finding signs <sup>(2)</sup> ; temporary signs; individual letter signs	Moving or flashing signs
C1, C2, LI, RC - each multiple-building complex	1 SF per linear foot of street frontage up to 100 SF, including 1 freestanding sign up to 50 SF; in addition, each business may have 1 wall sign not to exceed 1 SF per linear foot of wall frontage	Wall signs; projecting signs; freestanding signs; internally illuminated signs <sup>(1)</sup> ; off premises signs; way finding signs <sup>(2)</sup> ; temporary signs; individual letter signs	Moving or flashing signs
P, PR	100 SF per street frontage, including 1 freestanding sign not to exceed 25 SF	Wall signs; projecting signs; freestanding signs; off premises signs; way finding signs <sup>(2)</sup> ; temporary signs; individual letter signs	Moving or flashing signs; internally illuminated signs

Note:

1. Internally illuminated signs permitted in C1 and RC only, provided the signs are located on frontage facing Pacific Avenue. Internally illuminated signs shall count against the sign allocation at a 2:1 ratio. Each square foot of internally illuminated sign shall be calculated as two (2) square feet.
2. Way finding signs are permitted in OT, RC, C1, P and PR zones only, subject to city council approval.

- B. **Materials:** Signs may be made of any material, other than chipboard; provided, that the sign shall complement the property upon which the sign is erected and shall be durable; wood and paint is preferred. For signs in zones requiring design review, the standards for buildings in those zones shall be used as a guide for sign design.
- C. **Double-Faced Signs:** Only one side of a double-faced sign shall be counted toward the sign area, provided only one side is visible from a single vantage point, such as a freestanding and projecting sign.

- D. **Sign Height:** The maximum height of a freestanding sign, including all components of the support structure, cabinet and lighting, if any, shall be as set forth in the following table:

**SIGN HEIGHT**

<b>Zone</b>	<b>Maximum Height<sup>1</sup></b>
OT	8 feet
OTW	12 feet
C1	16 feet
RC	16 feet
C2	16 feet
L1	16 feet
P	16 feet
PR	16 feet
All other zones	6 feet

Note:

1. All signs must comply with the traffic visibility requirements of section 12-14-4 of this chapter and section 12-13-10 of this title.

**12-14-6: MAINTENANCE, REPAIR OR REMOVAL:**

A. **Maintenance:**

1. Every sign shall be kept in good condition and repair.
2. The building inspector shall determine whether or not a sign is in good condition or repair. The administrative decision of the building inspector may be appealed as provided in this title. In evaluating whether or not a sign meets the objective in this subsection, the building inspector will evaluate each sign on a case by case basis using some or all of the following criteria to assist in making a determination; however, additional consideration may be given to other factors at the sole discretion of the building inspector:
  - a. Is the sign intact to include the face, structure, and all other attached components; or
  - b. Is the sign face damaged; or
  - c. Is the sign faded, illegible, peeling, or chipped; or

- d. Is the illumination functional; or
  - e. Does the sign present a neat, clean and attractive appearance; or
  - f. Does the lack of maintenance or repair create a condition such that the sign detracts from the aesthetics of neighboring properties.
- B. **Dangerous Condition; Sign Removal:** In cases where there exists an immediate danger to public safety, the building inspector shall have the authority to immediately remove or cause to be removed any sign, at the expense of the owner as provided for in section 12-14-13 of this chapter.
- C. **Nonconforming Signs:**
- 1. Structural repairs to nonconforming signs shall not be permitted.
  - 2. Repainting and minor repairs to nonconforming signs shall be permitted, provided the total cost of the repairs does not exceed fifty percent (50%) of the estimated replacement cost of the sign with a conforming sign at the time of the repair or two thousand five hundred dollars (\$2,500.00), whichever is less.
- D. **Sign Alterations; Conformance, Permit:** No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured.
- E. The changing copy, business names, lettering, sign faces, colors, display and/or graphic material, or the content of any conforming sign shall not be deemed a structural alteration but shall be subject to the design review standards of chapter 9 of this title.

**12-14-7: COMPUTATION OF FRONTAGE:** If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage, and each wall shall only be counted once. Walls resulting from building recesses that are not visible from the property line shall not be counted as additional frontage. The sign area(s) thus calculated may then be applied to permitted signs placed on each separate wall or property line frontage, as set forth in the sign matrix. The total sign allocation is based only on frontage that faces a public way. Placement of signs on sides without any allocated signage shall be counted towards the total sign allocation.

**12-14-8: PROHIBITED SIGNS:** The following are specifically prohibited and illegal:

- A. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or which obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

- B. Except as provided in sections 12-14A-10, 12-14A-14, 12-14A-15 and 12-14A-16 of this title, signs encroaching upon or overhanging any street or public right-of-way.
- C. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- D. Signs that blink, flash or are animated by lighting in any fashion.
- E. Portable signs, except for temporary signs as set forth in section 12-14-10 of this chapter and section 12-14A-11 of this title.
- F. Advertising vehicles or any sign attached to, or placed on, a vehicle or trailer parked on any public or private property, except for signs meeting the following conditions:
  - 1. The primary purpose of such vehicle or trailer is not the display of signs.
  - 2. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
  - 3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- G. Balloons, streamers, pennants, or pinwheels, except those temporarily displayed as part of a special sale, promotion or community event, as set forth in section 12-14A-12 of this title. For the purposes of this subsection, "temporarily" means no more than a total of sixty (60) days in any calendar year.
- H. Any sign constructed upon or attached to the roof of a building or structure. For the purposes of this subsection, the face of a mansard roof or fascia shall not be considered to be a part of the roof.
- I. Billboards.
- J. Inflatable signs.

**12-14-9: EXEMPT SIGNS:** The following signs shall be exempt from the provisions of this chapter. However, no sign shall be exempt from the requirements set forth in sections 12-14-4 and 12-14-6 of this chapter.

- A. Official notices authorized by a court, public body, or public safety official.
- B. Directional, warning or information signs authorized or required by federal, state, or

municipal governments.

- C. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
- D. The flag of a government or noncommercial institution, such as a school.
- E. Religious symbols and seasonal decorations within the appropriate public holiday season.
- F. Nonelectrical street address signs, or combination nameplate and street address signs attached to a building, which contain no advertising copy and which do not exceed six (6) square feet in area.
- G. Historical markers.
- H. Signs visible through a window in the C1, C2, RC, OT, and OTW zones; provided, that the sign(s) do not occupy more than forty percent (40%) of the total window space facing any street.
- I. Kites and similar objects that do not include any advertising and are displayed in a fashion that complies with all other provisions of this chapter are not considered signs and are therefore exempt.
- J. Sponsorship signs placed on ball field fences during the season, subject to approval by the administrator as to size and design.
- K. Advertising of area activities or events sponsored by not for profit groups or organizations on changeable signs.
- L. One real estate sign per lot or per frontage, whichever is greater, while the property is currently for sale, provided the sign may remain in place for up to thirty (30) days following the sale of the property.
- M. Existing decorative features. Decorative features on buildings that were in place on January 1, 1975, that could be considered a sign shall be exempt, provided they remain in the same location, are consistent with the theme of the community as described in the comprehensive plan and expressed in design guidelines as amended and are maintained as provided in section 12-14-6 of this chapter.
- N. Existing unique decorative features. Upon approval by the city council, property owners may request existing decorative features be declared unique decorative features and therefore exempt from the sign regulations, provided the feature was in place prior to January 1, 2000, and the feature is determined to be unique to the history of the city. Determinations by the city council shall be final and not subject to appeal.

- O. Property Management Sign. One sign, not to exceed two (2) square feet per property, containing only the name and phone number(s) of the property management company for a vacation rental located in the R2R or S2 zone shall be exempt from the signage area requirement. It may be mounted on the building wall or ground mounted, as necessary, to provide the best visibility from the street.

**12-14-10: TEMPORARY SIGNS:** Temporary signs shall be permitted in all zoning districts and only in conjunction with a special event or promotion as provided in section 12-14A-12 of this title and subject to the following limitations:

- A. No more than one such sign may be displayed on any property.
- B. Temporary signs located on a single residential lot shall be limited to not greater than four (4) square feet per side and are not permitted for home occupations.
- C. Temporary signs for all other zones shall not exceed an aggregate of thirty two (32) square feet.
- D. No temporary sign shall be displayed for more than sixty (60) days in a calendar year.
- E. No temporary sign shall contain any component that moves or flashes.
- F. No temporary sign shall interfere with the vision clearance triangle.
- G. Temporary signs shall be located on the same property as the special event or promotion.

**12-14-11: ABANDONED SIGNS:**

- A. Abandoned signs must be removed within thirty (30) days of the close of the business or activity. With the approval of the administrator, conforming sign structures may remain in place, provided the owner submits a plan for removing the obsolete copy and replacing or covering the message area in such a fashion as to preserve the investment in the sign without advertising the former use of the property, using materials that do not detract from the aesthetics of the building. Failure to comply with this requirement will result in the sign becoming illegal.
- B. For the purposes of this section, a sign for a seasonal business that only operates during recurring times of the year with the intent to reopen shall not be considered an abandoned sign; provided, that a temporary sign is attached indicating "Closed For The Season" or "Will Reopen Month/Year".

**12-14-12: NONCONFORMING SIGNS:**

- A. Signs Allowed Subject to Limitations: Any sign legally existing on the effective date hereof that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered a legal nonconforming use or structure and may continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:
1. No sign shall be structurally altered unless it is made to conform to this chapter.
  2. No billboard or temporary sign shall be considered to be a legal nonconforming sign.
  3. Property owners with multiple nonconforming signs may replace some or all of the nonconforming signs, provided all other requirements of this regulation are met.
  4. WSDOT and way finding signs shall not count against the limit on off premises signage.
- B. Nonconforming Sign Inventory: The administrator shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming or illegal, the administrator shall use reasonable effort to so notify in writing the sign owner and, where practicable, the owner of the property on which the sign is located. Notification shall include:
1. Whether the sign is nonconforming or illegal.
  2. Whether the sign may be eligible for a nonconforming sign permit.
  3. Notice that the sign must be removed or made conforming not later than December 31, 2015.
  4. If the identity of the sign owner cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated.
- C. Nonconforming Sign Permits.
1. Eligibility: An on premises or off premises nonconforming sign may be issued a nonconforming sign permit. Nonconforming sign permits shall not be issued for illegal, prohibited, or temporary signs.
  2. Permit Required: A nonconforming sign permit is required for all eligible nonconforming signs . The sign owner shall obtain the permit within one hundred eighty (180) days of notification by the city. Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located, and such other pertinent information as the

administrator may require to ensure compliance with this chapter. The administrator may waive specific submittal requirements determined to be unnecessary for review of an application.

3. Permit Issuance: Any person submitting an application for a nonconforming sign permit shall use the forms provided by the city. The administrator shall issue nonconforming sign permits upon a determination of eligibility. The administrator may require the filing of plans or other pertinent information where such information is necessary to determine compliance with this chapter. Appeals shall be filed in accordance with this chapter. Should an appeal be filed, the city shall not take any action until the appeal has been acted upon and the applicant notified of the final disposition.

4. Permit Expiration: The nonconforming sign permit shall expire on December 31, 2015.

D. Loss Of Legal Nonconforming Status: Nonconforming signs shall either be removed or immediately brought into compliance with this chapter upon the occurrence of one or more of the following events:

1. When a nonconforming sign permit is required but not obtained within one hundred eighty (180) days of notice of nonconformance; or

2. Damage of fifty percent (50%) or more in the replacement cost of either the nonconforming sign or the structure to which it is affixed; or

3. Failure to maintain the sign in good repair, to include regular painting and rust removal.

E. Maintenance: Ordinary maintenance and repair of a sign, including a sign face or message change that does not increase the sign face area, shall be permitted without loss of nonconforming status if the cost of the maintenance or repair is less than fifty percent (50%) of the cost of replacing the sign.

#### **12-14-13: ILLEGAL SIGNS:**

A. Illegal Signs Described; Exceptions: An "illegal sign" is:

1. A sign erected without a permit;

2. A sign not permitted by the sign matrix in section 12-14-5 of this chapter; or

3. A sign not conforming to all other regulations in this chapter, including article A. Exceptions are: a) legal nonconforming signs; b) exempt signs; and c) temporary signs that fulfill the regulations provided in this chapter, including article A.

- B. Conformance Required, or Removal: The owner thereof or the person or firm using an illegal sign shall, upon written notice by the building inspector, forthwith in the case of immediate danger, and in any case within not more than ten (10) days, make such sign conform to the provisions of this chapter, or shall remove it. If within ten (10) days, the order is not complied with, the building inspector may remove or cause such signs to be removed at the expense of the owner and/or the user of the sign. In the case of immediate danger to public safety, the building inspector shall have the authority to immediately remove or cause to be removed any sign, at the expense of the owner. Such removal shall occur only after the building inspector attempted to contact the owner of the sign.

**12-14-14: APPEALS:** Any decision of the administrator regarding interpretation or application of this chapter, and article A of this chapter, may be appealed in accordance with the same provisions set forth in section 11-2C-13 of title 11 (Unified Development) and subsection 12-3-4 of this title.

CHAPTER 14

**SIGNS**

**Article A. Specific Sign Requirements**

Section:

- 12-14A-1: Animation and Changeable Messages
- 12-14A-2: Canopy and Awning Signs
- 12-14A-3: Development and Construction Signs
- 12-14A-4: Development Complex Signs
- 12-14A-5: Directional Signs
- 12-14A-6: Illuminated Signs
- 12-14A-7: Marquee Signs
- 12-14A-8: Off Premises Signs
- 12-14A-9: Political Signs
- 12-14A-10: Projecting Signs
- 12-14A-11: Sandwich Board Signs
- 12-14A-12: Special Promotion, Event and Grand Opening Signs
- 12-14A-13: Individual Letter Signs
- 12-14A-14: Under Canopy Signs
- 12-14A-15: Signs In Rights-of-Way
- 12-14A-16: Projections Over Public Ways
- 12-14A-17: Way Finding Signs
- 12-14A-18: Monument and Freestanding Signs

**12-14A-1: ANIMATION AND CHANGEABLE MESSAGES:**

- A. **Animated Signs Prohibited:** Animated signs are prohibited.
- B. **Changeable Signs Permitted:** Changeable signs up to thirty percent (30%) of the allowable signage, manually activated, are permitted in the OT, OTW, RC, C1, and C2 zones and shall be monitored on a daily basis and shall not be used as an off premises sign for a commercial use or activity. Changeable signs may be used to promote community events and for public interest announcements. Theaters may request approval from the city council to exceed the percentage of changeable signage within the total maximum sign allowance.
- C. **Electrically Activated Signs Prohibited:** Changeable signs, electrically activated, are prohibited.

**12-14A-2: CANOPY AND AWNING SIGNS:**

- A. Copy Area: The copy area of canopy and awning signs shall not exceed an area equal to twenty-five percent (25%) of the background area of the awning or awning surface to which such sign is affixed or applied, or for a canopy, twenty-five percent (25%) of the total visible canopy surface. In all cases, the copy area shall not exceed the permitted area for wall or fascia signs.
- B. Background Color; Graphics: Neither the background color of a canopy or awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.
- C. Calculating Size And Height: For the purpose of calculating the permitted size and height of a sign, awning signs shall be considered as wall signs, and they shall count toward the permitted area for all wall signs.
- D. Backlit Awnings: A backlit awning on which sign copy has been affixed shall be counted as an internally illuminated sign, and shall not be permitted where internally illuminated signs are not permitted.

**12-14A-3: DEVELOPMENT AND CONSTRUCTION SIGNS:** Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project, or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- A. Residential Lot: Such signs on a single residential lot shall be limited to one sign, not greater than six feet (6') in height and six (6) square feet in area.
- B. Residential Subdivision Or Multiple Lots: Such signs for a residential subdivision or multiple residential lots shall be limited to one sign at each entrance to the subdivision, or on one of the lots to be built upon, and shall be no greater than eight feet (8') in height and thirty two (32) square feet in area.
- C. Commercial Or Industrial Projects: Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed eight feet (8') in height and thirty two (32) square feet for projects on parcels five (5) acres or less in size, and not to exceed twelve feet (12') in height and one hundred (100) square feet for projects on parcels larger than five (5) acres.
- D. Permits For Issuance And Removal: Development and construction signs shall not be displayed until after the issuance of construction permits by the building inspector, and must be removed prior to issuance of an occupancy permit for all or any portion of the project.

**12-14A-4: DEVELOPMENT COMPLEX SIGNS:**

- A. Master Sign Plan Required: All single-owner controlled multiple-occupancy nonresidential or mixed use development complexes on parcels exceeding two (2) acres in size shall submit to the planning commission for review and recommendation to the city council, a master sign plan prior to issuance of new sign permits concurrently with the submission of the design review application for the development. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:
  - 1. Proposed sign locations.
  - 2. Materials.
  - 3. Type of illumination.
  - 4. Design of freestanding sign structures.
  - 5. Size.
  - 6. Height.
  - 7. Quantity.
  - 8. Uniform standards for non-business signage, including directional and informational signs.
  
- B. Development Complex Sign: In addition to the freestanding business identification signs otherwise allowed by this article, every multiple-occupancy development complex shall be entitled to one freestanding sign per street front, at the maximum size permitted for business identification freestanding signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any freestanding sign otherwise permitted under this article may identify the name of the development complex.
  
- C. Calculation Of Sign Size: For freestanding signs, internally illuminated signs, and any other sign with an identifiable border, the entire face of one side of the sign shall be measured. For all other signs, the area of the sign shall be calculated by drawing the smallest possible rectangle or rectangles around the sign copy. Illustrations of specific sign types and the methods used to calculate sign sizes are shown in the appendix on file in the office of the city clerk.
  
- D. Compliance With Master Sign Plan: All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.
  
- E. Special Permit Required: The city council shall act upon all applications for master sign

plans through the special permit process. Special permits for master sign plans shall be reviewed concurrently with the site plan approval process. In their review of master sign plans, the city council shall consider the following:

1. The relationship of the proposed signage to the overall development, as well as to surrounding properties.
  2. The extent to which the proposed signage is compatible with the proposed architecture.
  3. The use of appropriate landscaping to complement the proposed sign designs.
- F. Waiver From Underlying Requirements: The city council, upon recommendation from the planning commission, shall have the authority to modify or waive specific sign regulations related to a master sign plan if it finds that such modification or waiver results in a superior master sign plan design.

**12-14A-5: DIRECTIONAL SIGNS:** One directional sign shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. The maximum area for directional signs shall be four (4) square feet per sign face, for a maximum of eight feet (8') per sign visible from adjacent property or rights-of-way. Not more than twenty-five percent (25%) of the area of any directional sign may be devoted to business identification or logo, which area shall not be assessed as identification sign area. Directional signs shall not be placed in the vision clearance triangle as required in section 12-4-4 of this title, unless the sign is no more than forty two inches (42") in height above the level of the adjacent street or the grade level at the sign, whichever is lower, and is not located within four feet (4') of the property line or driveway.

**12-14A-6: ILLUMINATED SIGNS:**

- A. Hours Of Use Limited; Exception:
1. With the exception of businesses along the SR 103 corridor, no sign shall be illuminated except during the hours of operation of the business to which the sign refers, or until ten o'clock (10:00) P.M., whichever is later.
  2. Illumination that is designed primarily to illuminate the building or parking area and also illuminates a sign is not subject to the hours of operation in subsection A1 of this section.
- B. Electric Signs: Electric signs shall display the Underwriter's Laboratory approval seal, or shall display the manufacturer's name, and the voltage and amperage used.

- C. External Illumination: External illumination shall be directed only onto the sign and shall not shine off the property or into streets and ways in such a way that it would impair the vision of motorists or pedestrians or cause glare. The intensity of the lighting shall be no greater than necessary to illuminate the sign.
- D. Internal Illumination: Internally illuminated signs are permitted only in the C1 and RC zones, provided the signs are located on frontages facing Pacific Avenue. Internally illuminated signs shall be prohibited in all other zones. Internally illuminated signs shall count against the sign allocation at a 2:1 ratio. Each square foot of internally illuminated sign shall be calculated as two (2) square feet. A backlit awning on which sign copy has been affixed shall be counted as an internally illuminated sign.
- E. Alternatives To Illumination: As an alternative to externally illuminated signs where externally illuminated signs would otherwise be prohibited, lighting may be placed behind individual letters and symbols to create a back-lit or halo effect, provided the letters or symbols are made of a material that does not create an internally illuminated effect as determined by the administrator.

**12-14A-7: MARQUEE SIGNS:**

- A. Copy Area: The copy area of marquee signs shall be counted toward the permitted area for wall signs.
- B. Graphics: Graphic striping, patterns or color bands on the face of a building, marquee, or architectural projection shall not be included in the computation of sign copy area.

**12-14A-8: OFF PREMISES SIGNS:**

- A. Findings: Off premises signs are necessary to promote those commercial or other activities that, due to location, may require greater visibility than that which is available on premises. However, the needs of such businesses or activities must be balanced against the need for an uncluttered landscape, especially in residential and rural areas of the city.
- B. Governing Regulations: The following regulations govern the use of off premises signs:
  - 1. No business shall be permitted more than a total of one off premises sign within the city limits.
  - 2. No freestanding off premises sign shall exceed the height limit or square footage for the zone where the sign is placed.
  - 3. Off premises wall signs shall conform to the placement requirements for the zone where the sign is placed and shall be included in the total signage requirement for the

building on which the off premises sign is placed.

4. Off premises signs for home occupations are prohibited.

5. Off premises signs shall be placed on private property only. In applying for a permit for an off premises sign, the applicant shall furnish evidence of the approval of the owner of the property upon which the sign is to be placed. No property shall contain more than one off premises sign; however multiple businesses may utilize the same sign for advertisement and such sign shall conform to the requirements of subsection B2 of this section.

6. An off premises signs shall not be permitted for businesses located outside of the city limits, except for visitor-serving attractions, regional services, amenities or public facilities that require greater visibility, as determined by the planning commission.

**12-14A-9: POLITICAL SIGNS:** Political signs shall be permitted in all zoning districts, subject to the following limitations:

- A. Height And Area: Such signs shall not exceed a height of four feet (4'), nor an area of eight (8) square feet.
- B. Time Limit For Sign Display: Such signs for election candidates or ballot propositions shall be removed within fourteen (14) days after the election; provided, that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than fourteen (14) days after the general election.
- C. Placement Restrictions: Such signs shall not be placed in any public right-of-way, on city property, or obstruct traffic visibility.

**12-14A-10: PROJECTING SIGNS:**

- A. Permitted: Projecting signs shall be permitted in lieu of freestanding signage, limited to one sign per occupancy along any street frontage with public entrance to such occupancy. A business may have both a projecting sign and an under-canopy sign.
- B. Height Limitation: No such sign shall extend vertically above the highest point of the building facade upon which it is mounted.
- C. Extending Over Sidewalk: Such signs shall not extend over a public sidewalk in excess of two-thirds ( $\frac{2}{3}$ ) of the width of the sidewalk, and shall comply with the requirements set forth in section 12-14A-16 of this title.
- D. Clearance: Projecting signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of eight feet (8').

**12-14A-11: SANDWICH BOARD SIGNS:** Sandwich board signs are permitted in the OT, OTW, RC, C1, and C2 zones only, and are subject to the following limitations:

- A. Placement: Such signs may only be placed on private property and are prohibited on public property, including sidewalks, streets and parks. Sandwich board signs shall be removed when the business is not open. Sandwich board signs placed on public property may be immediately removed by the city as a hazard.
- B. Size: Sandwich board signs shall be forty eight inches (48") or less in height and such sign shall not exceed six (6) square feet per side.
- C. Limitation On Number; Area: Sandwich board signs are limited to one per business. Sandwich board sign area shall not count toward allowable sign area.

**12-14A-12: SPECIAL PROMOTION, EVENT AND GRAND OPENING SIGNS:** Temporary signs and other signs displayed to advertise special promotions, events and grand openings shall be permitted for all business and industrial zones, subject to the following requirements and limitations:

- A. Limitation On Number: Such signs shall be limited to one sign per street front.
- B. Time Limitation On Display: Such signs may be displayed for not more than a total of sixty (60) days in any calendar year. Group promotions that are conducted as part of a community event shall not be counted toward the sixty (60) day limit on promotions.
- C. Area: The aggregate area of all such signs shall not exceed thirty two (32) square feet.
- D. Illumination Prohibited: Such signs shall not be internally illuminated.

**12-14A-13: INDIVIDUAL LETTER SIGNS:** Letters must be affixed to a building and not painted on the building. Individual letters must not exceed forty eight inches (48") in height and must be proportional in size. The area of the individual letter sign shall be calculated as one-half the wall area covered by the letters, measured by drawing a rectilinear perimeter around all of the letters, calculating the area enclosed by the perimeter and dividing the area by two (2). This shall apply to non-illuminated, externally illuminated or halo-lit cut out letter signs. Internally illuminated cut-out letter signs shall count against the sign allocation at a 2:1 ratio. The entire area of sign copy other than letters, such as logos or graphics, shall be counted. In no event shall the signable area of a building for an individual letter sign exceed, in square footage, one-third ( $\frac{1}{3}$ ) of the square footage of the entire facade of the building. There shall be only one signable area per building frontage.

**12-14A-14: UNDER CANOPY SIGN:**

- A. Limitation On Number; Area: Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed eight (8) square feet. The size of such sign shall be included in the allowable computation of wall signs.
- B. Clear Vertical Distance: Such signs shall maintain a clear vertical distance above any sidewalk or pedestrianway a minimum of eight feet (8'). The administrator may grant exceptions to this provision based on existing architecture in place when this regulation is adopted, but in no case shall the minimum clearance be less than seven feet (7').

**12-14A-15: SIGNS IN RIGHTS-OF-WAY:** No sign other than an official traffic sign or similar sign shall be erected within two feet (2') of the lines of any street, or within any public way, except as authorized in sections 12-14A-10 and 12-14A-14 of this article.

**12-14A-16: PROJECTIONS OVER PUBLIC WAYS:**

- A. Special Sign Permit Required: Except for projecting signs allowed by section 12-14A-10 or under canopy signs allowed by section 12-14A-14 of this chapter, signs projecting over public walkways may do so only pursuant to a special permit from the planning commission and subject to a minimum height of ten feet (10') from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the city for such structures.
- B. Banners: Banners extending over streets or walkways are permitted in the old town (OT) zone only with the approval of the administrator; such approval shall be granted only for banners related to an event of community interest.

**12-14A-17: WAY FINDING SIGNS:** Way finding signs are deemed essential to the orderly growth of the community, and especially the downtown area. Way finding signs shall be permitted for groups of three (3) or more users, with designs and locations approved by the city council. When located on public property, users shall pay an annual fee to the city, which fee shall be established and amended from time to time by resolution of the city council. Users shall be selected on a first come, first serve basis; however, businesses with off premises signs shall be the last considered.

**12-14A-18: MONUMENT AND FREESTANDING SIGNS:**

- A. Monument Signs: Monument signs shall be no more than six feet (6') in height and shall not be placed in the vision clearance triangle as required in section 12-4-4 of this title, unless the sign is no more than forty two inches (42") in height above the level of the

adjacent street or the grade level at the sign, whichever is lower, and is not located within four feet (4') of the property line or driveway.

- B. Freestanding Signs: The maximum allowable height of a freestanding sign is as set forth in Section 12-14-5 of this title. Freestanding signs may be located in the vision clearance triangle, provided:
1. The lowest edge of the sign shall be at least ten feet (10') above the ground;
  2. The sign shall be supported by no more than two (2) support columns, each measuring no more than eight inches (8") in diameter and located at least three feet (3') apart; and
  3. The support columns shall be located at least four feet (4') from the property line and any driveway and the outermost edges of the sign shall be located at least two feet (2') away from the property line and any driveway.
  4. Freestanding signs located outside of the VCT are not subject to these requirements.

CHAPTER 15

**SEXUALLY ORIENTED BUSINESS USES<sup>7</sup>**

Section:

- 12-15-1: Purpose and Intent
- 12-15-2: Findings of Fact
- 12-15-3: Definitions
- 12-15-4: Business Uses Permitted
- 12-15-5: Prohibited Activities
- 12-15-6: Exemptions
- 12-15-7: Nondiscrimination; Non-liability of City
- 12-15-8: License Required

**12-15-1: PURPOSE AND INTENT:** The purpose and intent of the city council in enacting this chapter is to maintain and protect the health, safety and welfare of its citizens, and to mitigate the adverse secondary impacts associated with sexually oriented or adult entertainment businesses, through land use regulation of the location and operations of such businesses. The land use regulations set forth herein are intended to prevent health and safety problems and dangerous and unlawful conduct in and around such uses and premises.

**12-15-2: FINDINGS OF FACT:** Based on information presented before it, the city council makes the following findings of fact:

- A. Many cities, in Washington and in other sections of the United States, have experienced negative secondary impacts from sexually oriented business land uses.
- B. Certain conduct occurring on premises offering adult entertainment creates secondary impacts that are detrimental to the public health, safety and general welfare of the citizens of the city, and therefore such conduct must be regulated as provided herein.
- C. Regulation of the sexually oriented businesses including the adult entertainment industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred. This history of criminal activity has included prostitution, illegal employment of minors, narcotics trafficking and use, alcoholic beverage law violations, assault, theft, breaches of the peace, tax evasion, and the presence within the industry of individuals with outstanding arrest warrants and past criminal behavior that may be indicative of intended future conduct.

---

<sup>7</sup>: See also title 4, chapter 5 of this code.

- D. Sexually oriented businesses that are increasingly associated with ongoing prostitution, illegal drug transactions, disruptive conduct and other criminal activity. Such activities constitute a threat to the public peace, health and safety. The hours of operation of such businesses have a significant impact on the occurrence of criminal activity.
- E. Due to the information presented regarding the connection of prostitution with adult entertainment and other sexually oriented business, there is concern over sexually transmitted diseases which is a legitimate health concern of the city and thus requires regulation of adult entertainment and other sexually oriented businesses in order to protect the health, safety and well being of the public.
- F. No evidence has been presented to show that the location of sexually oriented business land uses within the city will improve the commercial viability of the community, or will otherwise have a beneficial effect, and not have a detrimental effect.
- G. The city may rely on the experiences and studies of other cities and organizations in assessing the need for regulation of sexually oriented business land use operations and licensing or of regulation.
- H. Regulation of sexually oriented business land uses is necessary to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than in response to an existing problem.
- I. The city comprehensive plan strongly supports that adjacent land uses be compatible.
- J. Sexually oriented business land uses are incompatible with certain land uses such as religious facilities, parks, daycare facilities, libraries, youth centers and schools (including nursery schools and preschool). Such incompatibility has been documented in studies performed throughout the United States.
- K. Increased levels of criminal activities occur in the vicinity of adult entertainment and other sexually oriented business land uses, and the patrons of such businesses are frequently found to be the victims of such criminal activities.
- L. Adjacency of residential and many commercial uses to sexually oriented business land uses reduces the value of residential and commercial property.
- M. Sexually oriented business land uses are perceived to, and usually do, negatively impact the character of established neighborhoods.
- N. Utilizing one thousand feet (1,000') as the requisite spacing between sexually oriented business land uses and places of worship, libraries, daycare facilities and youth centers, and schools (preschool or nursery schools through twelfth grade) and five hundred feet (500') as the requisite spacing between sexually oriented business land uses and public parks, in existence or proposed and vested by the effective date hereof, will provide

adequate separation and buffering while providing a reasonable amount of land within the city to be available for sexually oriented business land uses.

**12-15-3: DEFINITIONS:** For the purposes of this chapter and unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

**ADULT ARCADE STATION OR BOOTH:** Any enclosure where a patron, member or customer would ordinarily be positioned while using an adult arcade device or viewing a live show. An "adult arcade station or booth" shall also refer to the area in which an adult arcade device is located and from which the adult arcade picture, view, live show or graphic display is to be viewed. The words "adult arcade station or booth" do not mean such enclosures that are private offices used by owners, managers or persons employed on the premises for attending the tasks of their employment, which enclosures are not held open to the patron, members or the public for use, for hire or for a fee for the purpose of viewing the entertainment provided by the arcade device or live show, and are not open to any persons other than employees. For the purposes of this definition, the words, "open to an adjacent public room so that the area inside is visible to persons in the adjacent public room" mean that there may be no door, curtain, partition or other device extending from the floor to the top of the door frame, or any portion thereof, with the exception of a door which is completely transparent and constructed of safety glass as specified in the international building code so that the activity and occupant inside the enclosure may be clearly and easily viewed or seen by persons outside the enclosure from any point in the adjacent public room.

**ADULT ENTERTAINMENT:** Any exhibition, performance, dance of any type, or other performance, not exempt from this chapter, where such entertainment involves a person appearing or performing (either live or recreated) who:

- A. Is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or (without regard to gender) any portion of the pubic region, anus, buttocks or genitals; or
- B. Touches, caresses or fondles the breasts, buttocks, anus, genitals or pubic region of themselves or a patron, or permits the touching, caressing or fondling of their own breasts, buttocks, anus, genitals or pubic region by a patron, another employee or anyone else with the intent to sexually arouse or excite.

**ADULT ORIENTED BUSINESS:** Any of the following:

**Adult Arcade:** An establishment and individual viewing areas or booths where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, digital video disc players, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, digital images, slides, or other photographic reproduction of sexual conduct, specified anatomical areas, or specific sexual activities.

**Adult Cabaret:** A nightclub, bar, restaurant, theater, auditorium, or similar commercial establishment, whether or not alcoholic beverages are served, which presents adult entertainment.

**Adult Motel:** A hotel, motel, or similar establishment which:

- A. Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction of or description of sexual conduct, specified anatomical areas, or specific sexual activities and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America; or
- B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

**Adult Motion Picture Theater:** A commercial establishment or drive-in theater where at least twenty-five percent (25%) of the films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction of or description of sexual conduct, specified anatomical areas, or specific sexual activities and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America, and are shown for any form of consideration.

**Adult Retail Establishment:** A business having at least twenty-five percent (25%) of its volume of trade devoted to the display, barter, rental, and/or sale of books, printed matter, video tapes, video discs, computer software, audio or video cassettes, films, pictures, or other merchandise, material or paraphernalia distinguished or characterized by an emphasis on matters depicting, describing, or relating to sexual conduct, specified anatomical areas, or specific sexual activities or adult entertainment. For the purpose of this chapter, "percent of its volume or trade" means that portion of the store's display space devoted to such material, or that portion of its gross receipts received from the sale of such material, whichever is greater.

**Other Adult Entertainment Facility:** Other adult entertainment facilities include, but are not limited to:

- A. Any commercial establishment to which a patron is invited or admitted and where adult entertainment is presented as a part of the premises activity, including, but not limited to, escort agencies, seminude or nude modeling or photography studios, lingerie modeling studios, and body painting studios; or

- B. Any premises where specified sexual activities are performed or recorded on film, tape, or other media for commercial purposes.

**BODY PAINTING STUDIO:** A commercial establishment where patrons are invited to apply paint or to view the application of paint to a nude human body.

**CITY ADMINISTRATOR:** The city administrator of the city of Long Beach or his/her designee.

**EMPLOYEE:** Any and all persons, including managers, entertainers and independent contractors providing adult entertainment, who work in or at or render any services directly related to the operation of an adult entertainment premises.

**ENTERTAINER:** Any person who provides adult entertainment for an "adult entertainment" premises as defined in this section, whether or not a fee is charged or accepted for entertainment.

**ENTERTAINMENT:** Any exhibition or dance of any type, pantomime, modeling or any other performance.

**MANAGER:** Any person who manages, directs, administers or is in charge of the affairs and/or conduct of any sexually oriented business. The term "manager" also includes any assistant working with or under the direction of a manager to carry out such purposes.

**MASSAGE AND MASSAGE THERAPY:** A health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. "Massage therapy" includes techniques such as tapping, compressions, friction, Swedish gymnastics or movements, gliding, kneading, shaking, and facial or connective tissue stretching, with or without the aid of superficial heat, cold, water, lubricants, or salts. "Massage therapy" does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.

**MASSAGE BUSINESS:** The operation of a business where massages are given.

**NUDITY:** Unclothed, or the showing of the human genitals, pubic region, buttocks, vulva or anus with less than a fully opaque covering, the showing of any part of the female breast below the top of the areola with less than a fully opaque covering, or the showing of covered male genitals in a discernible turgid state.

**OBSCENE:** Any matter that:

- A. The average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; or
- B. Explicitly depicts or describes patently offensive representations or descriptions of:
  - 1. Sexual acts, normal or perverted, actual or simulated; or

2. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital areas; or
3. Violent or destructive sexual acts, including, but not limited to, human and/or animal mutilation, dismemberment, rape and/or torture; or
4. A dominant theme that appeals to the prurient interests of minors in sex; which is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters or sadomasochistic abuse; and

C. When considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political or scientific value.

**OPERATOR:** Any person operating, conducting or maintaining any sexually oriented business.

**OWNER:** Any person who owns or has an ownership interest in any sexually oriented business.

**PANORAM OR PEEP SHOW:** Any device which, for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view, film, videotape, videodisc or similar reproduction means, a live show or other graphic display of "specified anatomical areas" or "specific sexual activities".

**PERSON:** Any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

**PUBLIC PLACE:** Any area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and automobiles whether moving or not.

**SEXUALLY ORIENTED BUSINESS:** Any adult oriented business or adult entertainment business, adult or adult retail establishment, adult theater or adult arcade.

**SPECIFIED ANATOMICAL AREAS:**

A. Less than completely and opaquely covered:

1. Human genitals, pubic region;
2. Human anus; or
3. Female breast exposing any part below the top of the areola; or

- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, sodomy or bestiality; or
- C. Fondling or other erotic touching of human genitals, pubic region, human anus or female breast.

**STOCK IN TRADE:**

- A. The wholesale dollar value of all merchandise, goods or services, readily available for purchase, rental, viewing or use by patrons of the establishment, excluding merchandise located in any storeroom, under the counter, or in any other portion of the premises not open to patrons; or
- B. The total volume of shelf space and display area in those portions of the establishment open to patrons.

**THEATER:** A place of public assembly intended and expressly designed for the presentation of motion pictures on a screen or live entertainment on a stage other than an adult theater.

**12-15-4: BUSINESS USES PERMITTED<sup>8</sup>:**

- A. Location: Sexually oriented businesses shall be permitted in the C1 commercial district, RC Residential Commercial district, and OTW Old Town West commercial district; provided, however, that no sexually oriented business may be permitted within one thousand feet (1,000') of any place of worship, child daycare facility, community youth center or library, or of any school, public or private, preschool through twelfth grade, or within five hundred feet (500') of a public park, existing as of the effective date hereof. Existing places of worship, child daycare facilities, community youth centers and libraries, public and private schools, public parks, and the buffers associated with those areas as of the effective date hereof are illustrated in "Figure 1, Sexually Oriented Business Buffer Areas", on file in the office of the city clerk. Parcels outside of a buffer area on which sexually oriented businesses may be permitted are shaded blue and contain the Pacific County assessor's office parcel identification number as of the effective date hereof; see table 1, as follows:

---

<sup>8</sup>: See also section 12-11-16 of this title.

**TABLE 1**

**PARCEL IDENTIFICATION NUMBERS WHERE  
SEXUALLY ORIENTED BUSINESSES MAY LOCATE**

	73011015003	73011019001	73011024007	73011032101
	73011015101	73011019001	73011024007	73051000002
73011008001	73011015104	73011019007	73011027001	74057021001
73011008007	73011015106	73011019007	73011027001	74057021001
73011011001	73011015304	73011020001	73011027003	74057021001
73011011001	73011015306	73011020002	73011027003	74058044001
73011011007	73011016001	73011020003	73011027005	74058044002
73011011007	73011016001	73011020004	73011027005	74058044003
73011015002	73011016107	73011024001	73011027107	74058044007
73011015002	73011016307	73011024001	73011027307	74058044007

Upon the adoption of this chapter, a place of worship, public or private school, daycare facility, community youth center, residence, or library shall not be permitted to locate within one thousand feet (1,000') of the area designated for sexually oriented businesses without first obtaining a special use permit pursuant to the requirements and standards set forth in section 12-11-16 of this title. A public park shall not be permitted to locate within five hundred feet (500') of the area designated for sexually oriented businesses without first obtaining a special use permit pursuant to the requirements and standards set forth in section 12-11-16 of this title.

- B. Basis For Determining Distance: The distances described in subsection A of this section shall be a straight, horizontal line, measured from the nearest point of the parcel proposed to be used for a sexually oriented business to the nearest point of the parcel from which the proposed land use is to be separated.
- C. Design Review Procedures: All sexually oriented businesses shall comply with the design review procedures set forth in section 12-10A-1 of this title.

**12-15-5: PROHIBITED ACTIVITIES:**

- A. Alcoholic Beverages: No sexually oriented business shall be permitted to operate in a building where alcoholic beverages are served for consumption on the premises.
- B. Display Of Merchandise Visible Outside Premises: No sexually oriented business shall permit any display of merchandise or services to be visible from outside the premises in which the business is located.

**12-15-6: EXEMPTIONS:** This chapter shall not be construed to prohibit:

- A. Plays, operas, musicals or other dramatic works that are not obscene.
- B. Classes, seminars and lectures held for serious scientific or educational purposes that are not obscene.
- C. Exhibitions, performances, expressions or dances that are not obscene.
- D. Massage facilities employing licensed massage therapists adjunct to athletic clubs, health clubs, medical facilities, hotels, motels or beauty salons; or massage facilities licensed by the state.

**12-15-7: NONDISCRIMINATION; NONLIABILITY OF CITY:**

- A. Purpose: It is the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, to protect property values and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- B. Duties Of City Discretionary: No provision, nor any term used in this chapter, is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation or enforcement of this chapter is discretionary and not mandatory.
- C. Non-liability of City: Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of any owner, operator, manager or other person in charge of said premises to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents.

**12-15-8: LICENSE REQUIRED:** No sexually oriented business shall be permitted to operate unless the business, its owner(s), managers, and employees are in full compliance with the licensing requirements established by the city<sup>9</sup>.

---

<sup>9</sup>. See title 4, chapter 5 of this code.

CHAPTER 16

**NONCONFORMING USES AND STRUCTURES**

Section:

- 12-16-1: Existing Buildings or Uses
- 12-16-2: Discontinuance or Abandonment of Use
- 12-16-3: Change of Nonconforming Use
- 12-16-4: Nonconforming Structure
- 12-16-5: Expansion or Alteration
- 12-16-6: Reconstruction
- 12-16-7: Replacement of Nonconforming Mobile Homes or Manufactured Homes
- 12-16-8: Replacement of Nonconforming Residential Uses

**12-16-1: EXISTING BUILDINGS OR USES:** The lawful use of land or buildings existing at the effective date hereof may be continued although such use does not conform to the regulations in this title; provided, that if such use is abandoned, any future use of land or building shall be made to conform to the regulations of the zone in which it is located.

**12-16-2: DISCONTINUANCE OR ABANDONMENT OF USE:** The discontinuance of the use of land or abandonment of a use of a building for one year shall be prima facie evidence of discontinuance, or abandonment.

**12-16-3: CHANGE OF NONCONFORMING USE:** If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located, and after change, it cannot be changed back again to any nonconforming use.

**12-16-4: NONCONFORMING STRUCTURE:** A structure conforming with respect to use but nonconforming with respect to height, yard requirement, coverage or density may be altered or extended; provided, the alteration or extension does not result in further violation of this title.

**12-16-5: EXPANSION OR ALTERATION:** No existing nonconforming structure may be enlarged, expanded in use or reconstructed, except to a conforming use in the district. Ordinary maintenance and repair work may be done in nonconforming uses.

**12-16-6: RECONSTRUCTION:** If a nonconforming building or a nonconforming use is destroyed by fire, explosion, or act of God, to the extent of sixty percent (60%) of its value before destruction, it may be rebuilt only as a conforming building or use, unless otherwise

recommended by the planning commission and approved by the city council. A non-conforming building or use, damaged to the extent of less than sixty percent (60%) of its value, may be rebuilt, provided there is no expansion of the non-conformity.

**12-16-7: REPLACEMENT OF NONCONFORMING MOBILE HOMES OR MANUFACTURED HOMES:** The replacement of a nonconforming mobile home with another mobile home is prohibited. A nonconforming mobile home or manufactured home that is damaged or destroyed may only be replaced subject to all requirements of the zone in which the property is located. Replacement by a manufactured home shall be as provided in chapter 1 of title 10 (Building Regulations) and in section 12-11-6 of this title.

**12-16-8: REPLACEMENT OF NONCONFORMING RESIDENTIAL USES:**

- A. Residential uses in zones where residences are not a permitted use may be replaced if the home is damaged or destroyed.
- B. The replacement of a home as permitted in subsection A of this section is subject to and shall meet all the requirements of the zone district in which the home is located.