



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: April 2, 2009

TO: Planning Commission

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.: 09-ZOA-004

LOCATION: Citywide

REQUEST: Request for the Planning Commission to provide a recommendation to the City Council to amend Zoning Ordinance Section 9312.2 (Commercial Use Table) to allow a certified farmers' market in the Commercial Shopping Center (CS) zone, subject to the issuance of a Conditional Use Permit.

ENVIRONMENTAL DETERMINATION: Exempt from CEQA under Section 15061.B.3

RECOMMENDATION: Staff recommends that the Planning Commission adopt a motion to approve a Resolution recommending that the City Council adopt the Draft Ordinance (Case No. 09-ZOA-004) amending the Zoning Ordinance relative to certified farmers' market.

I. BACKGROUND

At the March 25, 2009 meeting, the City Council conducted a Pre-Screen Review, and directed staff to prepare a Zoning Ordinance Amendment relative to certified farmers' markets in the Commercial-Shopping Center (CS) zone subject to the issuance of a Conditional Use Permit (CUP). The City Council generally supported moving forward with the Zoning Ordinance Amendment but expressed concern about specific issues associated with a potential farmers' market such as parking, safety, and noise. The Planning Commission is being asked to provide a recommendation to the City Council on the proposed Ordinance. There is currently interest from a property owner to operate a certified farmers' market at the Agoura Hills City Mall, in the CS zone.

The Zoning Ordinance currently allows certified farmers' markets only in the Commercial-Retail Service (CRS) and the Agoura Village Overlay District (AV) zone with a CUP. The proposed amendment to the zoning ordinance would expand that entitlement to all properties within the CS zone with a CUP. The attached exhibit shows the locations of the CRS, CS and AV zones in the City.

The Planning Commission approved a Conditional Use Permit application in August of 1995 to operate an outdoor certified farmers' market at the Whizin Shopping Center on Tuesdays between the hours of 3:00 and 8:00 p.m. The market ceased operating seven years ago.

By definition, certified farmers' markets must be sponsored by a non-profit and the products sold at farmers' markets must be grown in California and sold directly by the grower to the consumers. Certified farmers' markets typically provide fresh produce also referred to as certifiable products, such as fruits, nuts, vegetables, eggs, and honey and derivative products for sale directly from the grower to the consumer in an open air environment. Growers from all over the State of California can sell at farmers' markets. They are typically held in parking lots on certain days of the week and produce is sold at temporary stands and tents. A successful farmer's market attracts large turnout, both vendors and customers. For these reasons, as well as due to its itinerant nature, a CUP was found to be the appropriate entitlement process for a farmer's market in the CRS zone and staff would also recommend the CUP requirement if the zoning ordinance is to be amended to allow farmer's markets in the CS zone. Through the CUP process, the Planning Commission can judge the merits of each application and assess business and neighborhood compatibility and craft appropriate conditions to address issues such as parking, circulation, hours of operation, frequency, site clean-up, and signage.

II. STAFF ANALYSIS

Currently the Zoning Ordinance allows farmers' markets only in the CRS zone with the issuance of a Conditional Use Permit. The CRS zone is located further away from residentially-zoned areas of the City. The proposal to allow farmers' markets in the CS zone means that they could be allowed to be closer to residential areas which has its advantages in that it is closer and more accessible to pedestrians but could also add to the noise and traffic in the area. The review of a Conditional Use Permit would allow the Planning Commission to address these concerns by way of conditions of approval when reviewing the application.

Staff proposes that the Commercial Land Use table (Section 9312.2. of the Zoning Ordinance) be amended as follows:

	Use, Service or Facility	Commercial			Business Park	
		CS	CRS	CR	BP-OR	BP-M
A.						
5.	Certified Farmers Market	<u>K*</u>	K*			

*K. Permitted subject to the issuance of a Conditional Use Permit by the Planning Commission.

The Conditional Use Permit would insure compliance with the City's General Plan Goal I which encourages the expansion of services that would directly serve this community. Furthermore, the City Council is also looking to develop policies to encourage a healthy lifestyle. The manner in which the business would be operated would be conditioned to address all the standards currently in the Zoning Code such as hours of operation, signage, parking, noise and property maintenance.

Staff reviewed the draft Ordinance and determined that it has no likelihood of causing a significant effect on the environment, nor would its effects from adoption. Staff concludes that the proposed Ordinance is exempt from the application of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which state as follows: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." This finding is premised on the fact that the adoption of the Ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without change or alteration.

The Planning Commission is asked to make a recommendation to the City Council on the draft Ordinance. Final action on the Ordinance will be taken by the City Council at a public hearing. If the Ordinance is approved by the City Council, the applicant may then apply for a Conditional Use Permit for his proposed use which would be considered by the Planning Commission at a separate public hearing.

III. RECOMMENDATION

Based on the foregoing review and analysis, it is recommended that the Planning Commission adopt the attached Resolution, recommending the City Council approve Zoning Ordinance Amendment Case No. 09-ZOA-004.

IV. ATTACHMENTS

Draft Resolution
Draft Ordinance
Notice of CEQA Exemption
Exhibit A: Current Code Section
Exhibit B: Map of Parcels zoned CS, CRS & AVSP

Case Planner: Valerie Darbouze, Associate Planner

DRAFT RESOLUTION NO. ____

**A RESOLUTION OF THE PUBLIC COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING APPROVAL OF A ZONING ORDINANCE AMENDMENT
ALLOWING CERTIFIED FARMERS' MARKETS IN THE CS ZONE
(CASE NO. 09-ZOA-004)**

**THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY
RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:**

WHEREAS, the Planning Commission has considered an amendment to the Zoning Ordinance to ad Article IX, Chapter 3, Part 2, Section 9312.2, of the Agoura Hills Municipal code to allow a certified farmers market in the CS zone. A public hearing was duly held on April 2, 2009, in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of public hearing was duly given;

WHEREAS, the request complies with the General Plan Land Use Element Goal by providing addressing the community's interest and expanding the availability of goods and services within the City and promote a healthy lifestyle;

WHEREAS, the proposed Ordinance has no likelihood of causing a significant negative effect on the environment and the effects derivative from the adoption of the Ordinance are found to be exempt from the application of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Title 14 CCR. 15061(b)(3).) This finding is premised on the fact that the adoption of this Ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without change or alteration.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Agoura Hills recommends the City Council adopt the attached amendment (addition) to Article IX, Chapter 3, Part 2, Section 9312.2 of the Agoura Hills Municipal Code to allow a certified farmers' market in the CS zone.

PASSED, APPROVED, and ADOPTED this 2nd day of April, 2009 by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING ZONING ORDINANCE SECTION 9312.2 (COMMERCIAL LAND USE TABLE) (CASE NO. 09-ZOA-004)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 9312.2, Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9312.2. Commercial use table I.

Commercial use table I. should be amended as follows (new text underlined):

	USE,SERVICE OR FACILITY	COMMERCIAL			BUSINESS PARK	
	Unless otherwise indicated, listings denote retail sales operations	<i>CS</i>	<i>CRS</i>	<i>CR</i>	<i>BP-OR</i>	<i>BP-M</i>
C.						
5.	Certified Farmers Market	<u>K</u>	K			

*K. Permitted subject to the issuance of a Conditional Use Permit by the Planning Commission.

Section 2. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this Ordinance are declared to be severable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

Section 3. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2009,
by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

BY:

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney

Notice of Exemption

To: [] Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, Ca 95814

From: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

[] County Clerk
County of Los Angeles
Los Angeles County Clerk
12400 E. Imperial Hwy.
Norwalk, CA 905690

Project Title: Zoning Ordinance Amendment to allow a certified farmers' market in the Commercial Shopping Center zone, subject to the issuance of a Conditional Use Permit.

Project Location-Specific: Citywide

Project Location-City: City of Agoura Hills

Project Location-County: Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project: The Zoning Ordinance Amendment merely expands the use to another zone, the Commercial Shopping Center zone in addition to the Commercial Retail Services zone which would be identified in the Zoning Ordinance Commercial Land Use Table. There is a request to provide a certified farmers market in the City of Agoura Hills, a use that is limited to one zone. The request is to locate the use in a Commercial Shopping Center zone, a zone used for retail sales. The operation does not require any new construction or special services. The applicant is looking to occupy an existing parking lot. The business is opened not only to the community residents but to a community at large. This notice of exemption is submitted for the purpose of the legislative action not the entitlement required to review the use.

Name of Public Agency Approving Project: City of Agoura Hills

Name of Person or Agency Carrying Out Project: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

Exempt Status: (Check One)

- Statutory Exemption (14 Cal. Code of Regs. Sections 15260 et seq.);
- No Possibility of physical impact. (14 Cal Code of Regs. Section 15061 (b)(3));
- Ministerial (14 Cal Code of Regs. Sec. 15268);
- Declared Emergency (14 Cal Code of Regs. Sec. 15269(a);
- Emergency Project (14 Cal Code of Regs Sec. 15269(b),(c), (d) and (e));
- Categorical Exemption (14 Cal Code of Regs. Sections 15300 et seq.) State of California CEQA Guidelines Section 15301 (e) (2)

Reasons why project is exempt: It is determined that the Zoning Ordinance Amendment has no likelihood of causing a significant effect on the environment, nor would its effects from adoption. The use is considered to cause no significant impact as well as this request to amend the Code. The project is exempt from the application of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b) (3) of the State CEQA Guidelines, which state as follows: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." This finding is premised on the fact that the adoption of the Ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without change or alteration.

Lead Agency Contact Person: Valerie Darbouze, Associate Planner

Area Code/Telephone/Extension: (818) 597-7328

Signature: _____ *Date:* _____ *Title:* _____

Chapter 3

COMMERCIAL DISTRICTS

Part

1. Purpose and Design Standards, §§ 9301—9310
2. Commercial Use Tables, §§ 9311—9320
3. CS Commercial Shopping Center District, §§ 9321—9330
4. CRS Commercial Retail/Service District, §§ 9331—9340
5. CM Mixed Use Commercial/Residential District, §§ 9341—9350
6. CR Commercial Recreation Land Use District, §§ 9351—9360
7. Business Park District, §§ 9361—9370
8. BP-OR Business Park-Office Retail District, §§ 9371—9380
9. BP-M Business Park-Manufacturing District, §§ 9381—9390
10. Special Commercial Use Standards, §§ 9391—9395.1
11. Standards for Specific Uses, § 9396
12. Standards for Periodic Outdoor Display, §§ 9397, 9397.1

PART 1. PURPOSE AND DESIGN STANDARDS

9301. Purpose.

The commercial districts are included in the zoning regulations to achieve the following:

- A. To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and businesses offering commodities and services required by residents of the city and its surrounding market area;
- B. To provide opportunities for the concentration of retail stores, offices, service establishments and amusement establishments in mutually beneficial relationships to each other for the convenience of the public;
- C. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
- D. To minimize traffic congestion and to avoid the overloading of utilities by preventing

the construction of buildings of excessive size in relation to the amount of land around them;

- E. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- F. To protect commercial properties from fire, explosion, noxious fumes, and other hazards;
- G. Use and promote open spaces and landscaping to create a visually pleasing environment, as well as to distinguish city and neighborhood boundaries;
- H. Intensified or regional-relation commercial uses shall be organized and designed to promote maximum opportunity for transit usage;
- I. Commercial and office developments shall exhibit the highest standards of site planning, architecture and landscape design.

9302. Commercial districts.

The following commercial districts are hereby established:

- A. CS Commercial shopping center district;
- B. CRS Commercial retail/service;
- C. CM Mixed use commercial/residential district;
- D. CR Commercial recreation district;
- E. BP-OR Business park-office-retail district;
- F. BP-M Business park-manufacturing district.

9303. Commercial district design standards.

The following design standards shall be applicable to any development in all commercial districts.

9303.1. Site plan design.

All uses and structures not requiring any other discretionary approvals shall not be permitted unless a site plan review is obtained pursuant to

the provisions of chapter 6. The following site design criteria shall be utilized in conjunction with the general development standards, as set forth in chapter 6:

- A. *Existing site conditions.* Existing site conditions such as mature vegetation, slopes, drainage courses, rock outcropping and views should be all considered as possibilities for inclusion in the project. Use of valuable existing site elements will assist in formulating a focused design theme.
- B. *Building orientation.* Placement of the buildings shall be done in a manner compatible with surrounding existing and planned uses and buildings. The setback from streets and adjacent properties is directly proportionate to the scale of the proposed building and those around it. Larger buildings will require more setback area for a balance of scale and for the protection of solar access to the proposed building and adjacent sites. Lastly, placement of the building should provide the most aesthetic public views.
- C. *Access/circulation.* The access and circulation of a development should be designed to provide a safe and efficient system, both on and off the site. Points of access shall be designed in conformance with the city access regulations. The circulation system shall be designed to reduce conflicts between vehicular and pedestrian traffic, minimize impacts on adjacent properties, combine circulation and access areas where possible, and provide adequate maneuvering areas. Points of access shall not conflict with other planned or existing access points.
- D. *Parking areas.* Parking areas should be the dominant element in the overall design of a project and should be designed to minimize visual disruption. Parking areas should be screened from streets through combinations of mounding, landscaping, low profile walls and grade separations. The design of parking areas should also minimize auto noise, lights and glare, and ambient air temperature. This can be accomplished through the use of sound walls, general location, use of well-designed lights, and landscaping throughout the parking lot.

- E. *Landscape/open space.* Landscaping and open spaces should be designed as an integral part of the overall site plan design. Landscaping and open spaces should enhance the building design, enhance public views and spaces, provide buffers and transitions, provide for a balance of solar uses, and provide screening. Additionally, the landscape design should accent the overall design theme through the use of structures such as arbors or trellises, hardscape, and special paving.
- F. *Walls/screening.* The use of any walls should be consistent with the overall design theme. Walls are discouraged unless needed for a specific screening or safety purpose. Where they are needed, color, material and variation of the vertical/horizontal plane are needed to blend with the site and building and design.
- G. *Lighting.* On-site lights should provide a safe, functional and aesthetic design. Enough lighting should be provided to ensure a safe environment while at the same time not cause areas of intense light or glare. Fixtures and poles shall be designed and placed in a manner consistent and compatible with the overall site and building design.
- H. *Utilities and ancillary equipment.* On-site utilities and equipment shall be located in inconspicuous areas, away from public view, wherever feasible. Where they are located in public view, they shall be screened with a combination of material that best suits the overall design theme.

9304. Building design.

In addition to the provision of chapter 6, all buildings constructed in the commercial districts shall conform to the following criteria:

- A. *Design theme.* A recognizable design theme shall be established for each building. That theme shall be one which creates a harmonious building style, form, size, color, material and roof line, as it relates to surrounding planned or existing developments. Subtle variations are encouraged which provide

visual interest but do not create abrupt changes causing discord in the overall design of the immediate area. It is not intended that one style of architecture should be dominant but that individual structures shall create and enhance a high quality and harmonious community appearance.

- B. *Scale.* The mass and scale of the building needs to be proportionate to the site, open spaces, street locations and surrounding developments. No matter what the scale of a building, setbacks and overall heights should provide an element of openness and human scale. Multistory building should be set back toward the center of the site or be designed in a stepped style.
- C. *Materials and colors.* Colors, textures and materials shall be coordinated to achieve total compatibility of design. They should blend well with the environment and not cause abrupt changes.
- D. *Signing.* Every building shall be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with building and readability shall be considered in developing the signing concept. While providing the most effective signing, it shall also be highly compatible with the building and site design relative to color, material and placement.
- E. *Equipment screening.* Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of material, color, shape, and size. The screening design shall blend with the building design. All such equipment on a building shall be screened behind and/or below a permanent part of the main roof. If this is not possible due to elevation, then said equipment shall be placed on the ground.
- F. *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as required by chapter 6.
- G. *Utilities.* All utilities shall be as provided as required by chapter 6.

H. *Signs.* All signs shall be in compliance with chapter 6.

9305. Performance standards.

The conduct and operation of all uses in the commercial districts shall comply with the following minimum standards:

- A. *Noise.* All operations and businesses shall be conducted to comply with the following standards:
 1. All commercial activities shall not create any noise that would exceed an exterior noise level of sixty (60) dBA during the hours of 10:00 p.m. to 7:00 a.m. and sixty-five (65) dBA during the hours of 7:00 a.m. to 10:00 p.m.
 2. Loading and unloading. No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m., in a manner which would cause a noise disturbance to a residential area.
 3. Vehicle repairs and testing. No person shall cause or permit the repairing, modifying, or testing of any motor vehicle, motorcycle, or motorboat in such manner as to increase a noise disturbance between the hours of 10:00 p.m. and 8:00 a.m. across from a residential area.
- B. *Lights.* All lights and glare associated with operations, and illuminated signs shall be shielded or directed so as to not illuminate adjacent businesses or cause glare to motorists.
- C. *Smoke.* No operation or activity is permitted to have operations which emit excessive smoke, fumes, or dust or which exceed the requirements or levels as specified by the air quality management district (AQMD).

- D. *Maintenance of open areas.* All open areas shall be landscaped, surfaced, or treated and maintained permanently in a dustfree condition.
- E. *Vibration.* No operation or activity is permitted which will cause vibration noticeable without instruments at the perimeter of the subject property.
- F. *Mechanical and electrical equipment.* All such equipment, including air conditioners, antennas, pumps, transformers, heating and ventilating equipment shall be located and operated in a manner that does not disturb adjacent uses and activities.
- G. *Electrical interference.* No operation or activity shall transmit, generate, or otherwise cause any electrical, magnetic, or electromagnetic radiation disturbance that affects the operation of any use, equipment, or process employed by any use beyond the boundary of the site.
- H. *Fire or explosive hazard.* All operations or activities shall conform with the minimum requirements of the Uniform Fire Code, and with the provisions of Title 19 of the California Administrative Code.
- I. *Liquid and solid wastes.* There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in conformance with the regulations of the water district and building and safety division.
- J. *Outdoor storage, trash areas and service areas.* All areas for storage of maintenance equipment or vehicles, refuse storage and collection areas and service areas, shall be enclosed or effectively screened from public view by use of a wall, landscaping, berming or a combination thereof.
- K. *Air quality.* No operation or activity shall cause the emission of any smoke, fly ash, dust, fumes, vapors, gases or other forms of air pollution which can cause damage to health, animals, vegetation, or other forms of property, or which can cause excessive soiling on any other lot. No emission shall be permitted which exceeds the requirements of the South Coast air quality management district or the requirements of any air quality plan adopted by the city.
- L. *Heat or cold.* No operation or activity shall emit heat which would cause a temperature increase or decrease on any adjacent property in excess of ten (10) degrees Fahrenheit, whether the change is in the air, on the ground, or in any structure.
- M. *Odors.* No operation or activity shall be permitted to emit odorous gases or other odorous matters in such quantities as to be dangerous, injurious, noxious or otherwise objectionable and readily detectable without the aid of instruments at or beyond the lot line.
- N. *Fissionable or radioactive materials.* No operation or activities shall be permitted which result at any time in the release or emission of any fissionable or radioactive materials into the atmosphere, the ground, or sewerage systems.

Cross reference—Noise regulations, §§ 4100—4104, 9656.2.

9306. Retail stores.

In all commercial districts, the gross floor area of a retail store shall not exceed sixty thousand (60,000) square feet. This limitation shall be applied as follows:

- A. The sixty thousand (60,000) square foot limitation shall apply to individual retail stores for which permits are sought and also to the cumulative sum of related or successive permits for retail stores that are part of a larger project, such as piecemeal additions to a building or multiple buildings on a lot or adjacent lots.
- B. For purposes of this section, the gross floor area of a retail store shall include gross floor area as defined in section 9120.6 and the area of all portions of the site outside of the exterior walls of buildings used for the display, storage, or sale of any goods, wares or merchandise, except that

the gross floor area of a retail store shall not include exterior areas of not more than three thousand (3,000) square feet used for seasonal or temporary sales events under appropriate city permits or approvals.

- C. The gross floor area of adjacent stores shall be aggregated in cases where the stores (1) are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management; (2) share checkstands, a warehouse, or a distribution facility; or (3) otherwise operate as associated, integrated or co-operative business enterprises.

(Ord. No. 02-310, § 3B, 3-5-2002)

9307—9310. Reserved.

PART 2. COMMERCIAL USE TABLES

9311. Purpose.

The purpose of the commercial use tables is to designate the uses permitted within a building, except as otherwise noted in each of the commercial land use districts.

9312. Commercial use, table I established.

The following table I indicates the described uses as a permitted use by an "X" in the district appearing at the top of the column. A letter designation in the column indicates that the described use is permitted in that district upon compliance and maintenance of the special condition referenced by the corresponding letter in section 9312.3. The special condition shall be in addition to all other requirements of this article and any other ordinance applicable to the described use.

9312.1. Similar and like use.

If a use is (1) not listed in table I, (2) not shown as a permitted use in any other zone, or (3) the planning commission has not made a interpreta-

tion that said use is similar to another use pursuant to the provisions of chapter 9800, said use shall be prohibited.

9312.2. Commercial use table I.

The following shall be commercial use table I. Note: Since the mixed use district is the same as the business park office retail district, it is not provided for in this table.

the gross floor area of a retail store shall not include exterior areas of not more than three thousand (3,000) square feet used for seasonal or temporary sales events under appropriate city permits or approvals.

- C. The gross floor area of adjacent stores shall be aggregated in cases where the stores (1) are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management; (2) share checkstands, a warehouse, or a distribution facility; or (3) otherwise operate as associated, integrated or co-operative business enterprises.

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9312. Commercial use, table I established.

The following table I indicates the described uses as a permitted use by an "X" in the district appearing at the top of the column. A letter designation in the column indicates that the described use is permitted in that district upon compliance and maintenance of the special condition referenced by the corresponding letter in section 9312.3. The special condition shall be in addition to all other requirements of this article and any other ordinance applicable to the described use.

9312.1. Similar and like use.

If a use is (1) not listed in table I, (2) not shown as a permitted use in any other zone, or (3) the planning commission has not made a interpreta-

tion that said use is similar to another use pursuant to the provisions of chapter 9800, said use shall be prohibited.

9312.2. Commercial use table I.

The following shall be commercial use table I. Note: Since the mixed use district is the same as the business park office retail district, it is not provided for in this table.

TABLE I. PERMITTED USES WITHIN THE BUILDABLE AREA OF COMMERCIAL LOTS

	USE, SERVICE OR FACILITY Unless otherwise indicated, listings denote retail sales operations	COMMERCIAL			BUSINESS PARK	
		CS	CRS	CR	BP-OR	BP-M
A.						
1.	Addressing and mailing service	B	B		X	X
2.	Advertising business office				X	X
3.	Alarm and warning systems sales and services	X	X			
3.5.	Alcohol, off-sale establishments	W	W	W	W	W
3.6.	Alcohol, on-sale establishments	K	K	K	K	K
3.65.	Alcohol, on-sale consumption as an incidental service to a bona fide eating establishment	X	X	X	X	X
4.	Ambulance service		K			K
5.	Animal hospital/veterinarian		X			X
6.	Antique store	X	X			
7.	Appliance store	X	X			
8.	Appliance repair shop	X	X			X
9.	Arcade, electronic, mechanical, video games, or internet arcade	K	K	K		
10.	Armored car service	X	X			X
11.	Art gallery	X	X			
12.	Art studio	X	X			X
13.	Assembly, light manufacturing					X
14.	Athletic equipment and sporting goods store	X	X			
15.	Auto sales; new and used		J			K
16.	Auto rental or lease agency	J	J		J, U	
17.	Auto wholesaler, office only (no on-site storage of vehicles)		X		X	
18.	Auto service station, primary	X	X		K, U	X
19.	Auto, minor service, repair, replacement					
a.	Automatic transmission	C	X			X
b.	Auto tire sales, service	C	X			X
c.	Auto seat covers, reupholstery shop	C	X			X
d.	Auto battery and ignition	C	X			X
e.	Auto radio, stereo, CB	X	X			X
f.	Auto radiator replacement, service		X			X
g.	Auto muffler, replacement, service		X			X
h.	Auto electric (starter-generator) replacement, service	C	X			C
i.	Auto brake replacement, service	C	X			C
j.	Auto minor repair, services, adjustments	C	X			C
k.	Auto trailer hitch installation	C	X			C
l.	Auto diagnosis and tune-up	C	X			C
m.	Auto detailing (servicing and cleaning for resale)	C	X			X
n.	Auto glass installation and sales	C	X			X
20.	Auto, major					
a.	Auto, major repair					C
b.	Auto, transmission rebuild					C

USE, SERVICE OR FACILITY		COMMERCIAL			BUSINESS PARK	
		CS	CRS	CR	BP-OR	BP-M
Unless otherwise indicated, listings denote retail sales operations						
c.	Auto, radiators rebuild					C
d.	Auto, starter-generator rebuild					C
e.	Auto, body repair					C
f.	Auto, paint shop					C
g.	Auto, machine shop					C
21.	Auto storage, antique		J			X
22.	Auto parts and accessory store	X	X			X
23.	Auto wash, self service or automatic		X			X
(Ord. No. 207, § 1, 4-8-92; Ord. No. 229, § 1, 5-26-93; Ord. No. 04-325, § 1, 8-25-2004)						
B.						
1.	Bakery/pastry shop	X	X			
2.	Bakery, wholesale					X
3.	Bar/tavern	X	X		U	
4.	Bath house/sauna, turkish, steam			G	G, U	G
5.	Barbershop	X	X		E, U	X
6.	Beverage bottling works					X
7.	Bicycle sale, rent, service	X	X			
8.	Blueprinting/photostating service	X	X		X	X
9.	Boat sale, rent, service		I			
10.	Boat parts and accessories store	D	D			D
11.	Bookstore	X	X		U	X
12.	Bookstore, adult	Q	Q		Q, U	Q
13.	Building trades contractors office		X		X	X
14.	Building trades service yard		I			I
15.	Building material and lumber sales	C	I, J			I, J
16.	Business school	X	X		U	X
17.	Butcher and meat market	X	X			
18.	Butcher, wholesale, excluding slaughterhouse					X
C.						
1.	Cabinet shop		J			J
2.	Cafe/restaurant	X	X		U	X
3.	Candy store	X	X		U	X
4.	Cemeteries, crematories and columbarium and related facilities			K		
5.	Certified farmer's market		K			
6.	Child care center	Y	Y		U	X
7.	Church	K	K	K	K, U	K
8.	Clinic, child, family guidance	X	X		X	X
9.	Clinic, physical therapy	X	X		X	X
10.	Clothing and apparel store	X	X		G, U	G
11.	Coffee shop	X	X		U	X
12.	Coin operated amusement machine, incidental to a permitted use	X	X	X	X	X
13.	Coin operated dispense, collection of vending machines	X	X	X	X	X

	USE, SERVICE OR FACILITY Unless otherwise indicated, listings denote retail sales operations	COMMERCIAL			BUSINESS PARK	
		CS	CRS	CR	BP-OR	BP-M
14.	Community center/citizens improvement center	X	X	X	X	X
15.	Cold storage food locker		X			X
16.	Computer programming/software and system design	X	X		X	X
17.	Computer sales, rental, lease, and service, and training	X	X		X	X
18.	Condominium, commercial	X	X		X	X
19.	Convenience store/neighborhood market	X	X			K
20.	Costume shop, sale and rent	X	X			
21.	Curio/novelty shop	X	X		G, U	G
(Ord. No. 173, § 1, 8-22-90; Ord. No. 07-343, § 2, 2-28-2007)						
D.						
1.	Dance hall, ballroom, discotheque	K	K	K	G, U	G
2.	Dancing as an incidental use in a bar or restaurant	K	K	K	U	X
3.	Data processing service					X
4.	Delicatessen	X	X		U	X
5.	Delivery service				X	X
6.	Disinfecting/fumigating service					X
7.	Drafting service, including incidental white-printing	X	X		X	X
8.	Dressmaker	X	X		G, U	G
9.	Drive-in cafe	X	X			
10.	Drive-in dairy, excluding creamery	X	X			
11.	Drive-in food market	X	X			
12.	Driving school	J	J		J, U	J
13.	Drugstore	X	X		E, U	
E.						
1.	Electronic equipment store	X	X			X
2.	Electronic, mechanical or video games	X	X	G		X
3.	Equipment rental agency		J			J
3.5.	Emergency shelters	K	K			
4.	Eye glasses and frames, and contact lens sales and service	X	X		E, U	
(Ord. No. 240, § 12, 9-8-93)						
F.						
1.	Floor covering, drapery or upholstery store	X	X			X
2.	Florist	X	X		E, G, U	E, G
3.	Food market ancillary to service station	K	K		K	K
4.	Fortunetelling	H	H			
5.	Funeral establishment					X
6.	Furniture store	X	X			X
7.	Furniture cleaning, refinishing or reupholstery shop		X			X

	USE, SERVICE OR FACILITY Unless otherwise indicated, listings denote retail sales operations	COMMERCIAL			BUSINESS PARK	
		CS	CRS	CR	BP-OR	BP-M
8.	Furniture rental agency	X	X			X
(Ord. No. 07-343, § 12, 2-28-2007)						
G.						
1.	Garden equipment and tool sales	X	X			X
2.	Gardening/landscaping service yard and work-shop		J			J
3.	Gardening/landscaping supply store	J	J			J
4.	Gift/card shop	X	X		E, G, U	X
5.	Golf, full range			X	G, U	G
6.	Grinding/sharpening service		X			X
7.	Grooming service, such as poodle grooming	X	X			X
8.	Gun shop/gunsmith		X			
(Ord. No. 229, § 1, 5-26-93)						
H.						
1.	Hardware store	X	X			
2.	Hay, seed, and grain store		X			J
3.	Hearing aids sales and service	X	X		U	X
4.	Hospital				U	K
5.	Hotel		K	X	U	K
6.	Hotel, restaurant equipment sales		X			X
7.	Household moving and storage service					X
I.						
1.	Interior decorator's office	X	X		X	X
2.	Interior decorator's service yard and workshop		J			J
3.	Internet cafe	X	X		U	
(Ord. No. 04-325, § 1, 8-25-2004)						
J.						
1.	Janitor service		X		X	X
2.	Jewelry store, sales, repair	X	X		G, U	G
L.						
1.	Labor union temple		X			X
2.	Laboratory, medical, dental or optical		X		E, U	X
3.	Laboratory, research, analysis					X
4.	Laboratory, materials testing					X
5.	Lapidary shop	X	X			X
6.	Laundromat, self-service	X	X			
7.	Laundry or cleaning agency, retail (on-site cleaning permitted)	X	X		G, U	G
8.	Live entertainment	T	T	K	T, U	T
9.	Live entertainment, adult	Q	Q		Q, U	Q
10.	Laundry or cleaning pickup station	X	X			X
11.	Laundry or cleaning plant, wholesale facility					X
12.	Lawn mower engine and garden power tool repair	D	X			D

	USE, SERVICE OR FACILITY Unless otherwise indicated, listings denote retail sales operations	COMMERCIAL			BUSINESS PARK	
		CS	CRS	CR	BP-OR	BP-M
13.	Library	S	S		S	S
14.	Liquor store	X	X		G, U	G
15.	Live theater	K	K		Y, U	
16.	Live theater, adult	Q	Q		Q, U	Q
17.	Locksmith/key and lock	X	X		U	X
18.	Lodge/fraternal hall	M	M			M
19.	Lumber and building material sales	A	J			J
M.						
1.	Machine shop		J			X
2.	Mail order business, retail outlet	X	X			X
3.	Massage parlor	Q	Q		Q, U	Q
4.	Messenger service	X	X		X	X
5.	Military surplus store	X	X			X
6.	Motion picture theater	K	K		K, U	K
7.	Motion picture theater, adult	Q	Q		Q, U	Q
8.	Motel		K		K, U	K
9.	Motion picture filming, temporary	H	H	H	H	H
10.	Motorcycle, sports cycles, trail bikes, jet skis, snowmobile and moped sales and rent, service, repair and dismantling	D	D			D
11.	Museum	X	X	X	X	X
12.	Music store, including instrument repair	X	X			
N.						
1.	Newspaper, magazine, book printing plant					X
2.	Newspaper/magazine stand	X	X		E, G	E, G
3.	Nursery, plants	J	J			J
O.						
1.	Office, business or professional	X	X		X	X
2.	Office, collection, counseling, personnel	X	X		X	X
3.	Office, bank, savings and loan, finance, loan, credit union	X	X		X	X
4.	Office, insurance	X	X		X	X
5.	Office, medical or dental	X	X		X	X
6.	Office, public relations or advertising	X	X		X	X
7.	Office, real estate	X	X		X	
8.	Office accountants, bookkeepers	X	X		X	X
9.	Office machines and equipment sales	X	X		X	X
10.	Ornamental rock sales and related storage		J			
(Ord. No. 130, § 5, 7-29-87; Ord. No. 207, § 2, 4-8-92)						
P.						
1.	Paint and wallpaper store	X	X			X
2.	Pest control service					I
3.	Pet store, no kennel	X	X			
4.	Photocopy service	X	X		E	X
5.	Photographic supply/camera store	X	X			

	USE, SERVICE OR FACILITY Unless otherwise indicated, listings denote retail sales operations	COMMERCIAL			BUSINESS PARK	
		CS	CRS	CR	BP-OR	BP-M
6.	Photographic processing plant, wholesale facility					X
7.	Photographic studio, including incidental processing	X	X		X	X
8.	Physical fitness studio	X	X	X	K	X
9.	Picture framing shop	X	X			X
10.	Pool table sale and repair service	X	X			X
11.	Portable swimming pool supply sales	J	J			J
12.	Power tool sales, repair	C	X			X
13.	Prescription pharmacy	X	X		E, U	
14.	Printing plant					X
15.	Print shop	X	X			X
16.	Psychiatric facility, outpatient		K		K, U	K
17.						
18.	Public and government uses within privately owned buildings, facilities and grounds	S	S		S	S
19.	Public utility and public service					
	a. Wireless telecommunication facilities				K, BB	K
	b. Other	K	K	K	K, U	K
(Ord. No. 252, § 1, 6-28-95; Ord. No. 07-343, § 2, 2-28-2007)						
R.						
1.	Record store	X	X			X
2.	Recreation facility, indoor	X	X	K	K, U	K
3.	(Effective until 5/22/99)					
	Recreation facility, outdoor		AA	AA	G, U	G
	a. Miniature golf.					
	Incidental and compatible outdoor recreational uses, such as batting cages, boats and miniature cars, may be permitted, along with the miniature golf use if such uses are part of an integrated entertainment center.*					
3.	(Effective as of 5/22/99)					
	Recreation facility, outdoor			AA	G, U	G
	a. Miniature golf.					
	Incidental and compatible outdoor recreational uses, such as batting cages, boats and miniature cars, may be permitted, along with the miniature golf use if such uses are part of an integrated entertainment center.					
	b. Batting cage facility, primary use.		AA,CC			
(Ord. No. 97-269, § 1, 3-5-97; Ord. No. 97-274U, § 4, 4-16-97; Ord. No. 98-271, § 1, 4-22-98; Ord. No. 00-305, § 1, 1-10-2001)						
	Unless otherwise indicated, listings denote retail sales operations	CS	CRS	CR	BP-OR	BP-M

	USE, SERVICE OR FACILITY Unless otherwise indicated, listings denote retail sales operations	COMMERCIAL			BUSINESS PARK	
		CS	CRS	CR	BP-OR	BP-M
4.	Recreation vehicle storage		V			
5.	Recycling center	J, K	J, K			J, K
6.	Remote teller, for pedestrian use	B	B		B	B
7.	Research and development				E	X
8.	Residence of a caretaker, proprietor or owner of a permitted use		M			M
9.	Resorts			X	K, U	K
10.	Restaurant/cafe	X	X	X	X, U	X
11.	Retail store	X	X			
12.	Residential care facility for the elderly		K		K	
(Ord. No. 203, § 2, 9-25-91; Ord. No. 229, § 1, 5-26-93; Ord. No. 99-299, § 2, 11-17-99)						
S.						
1.	Saddlery shop	X	X			
2.	Sanitarium				K, U	K
*Editor's note— Ord. No. 97-269, § 1, adopted Mar. 5, 1997, an interim ordinance for a period of forty-five days, provided as follows:						
Section 1. All outdoor recreation facilities in the CRS (Commercial Retail/Service), CR (Commercial Recreation Land Use), BP-OR (Business Park-Office Retail) and BP-M (Business Park-Manufacturing) Zoning Districts shall include only miniature golf uses. Incidental outdoor recreation uses as described in Table I (R)3(a) of section 9312.2 of the Agoura Hills Municipal Code shall be prohibited during the term of this ordinance or any extensions thereof.						
Ord. No. 97-274U, § 4, adopted Apr. 16, 1997, provided that Ord. No. 97-269 be extended through and including January 1, 1998.						
Ord. No. 97-281U, § 5, adopted Dec. 17, 1997, provided that Ord. No. 97-274U be extended through and including January 1, 1999. Subsequently, Ord. No. 98-271, § 1, adopted Apr. 22, 1998, amended subsection R.3 to read as herein set out, and § 3 of such ordinance provided that: Ord. No. 97-281U is repealed as of the effective date of this ordinance.						
3.	School, business	X	X		U	X
4.	School, charm, culture	X	X		U	X
5.	School, college and university	K	K		K, U	K
6.	School, private K-6				K	
7.	School, trade	X	X		U	X
8.	School, self-defense, judo, boxing, gymnastics	X	X	X	U	X
9.	School, vocational	X	X		U	X
10.	Shoe repair shop	X	X		E, U	X
11.	Shoe shine parlor	X	X		E, G, U	E, G
12.	Shoe store	X	X			
13.	Soda fountain/ice cream parlor	X	X	X	E, U	
14.	Sporting goods and athletic equipment store	X	X	X		
15.	Stamp/coin store	X	X			
16.	Stationery store	X	X		E, U	X
17.	Stenographic service	X	X		X	X
18.	Storage building, mini		V			V
19.	Storage and warehouse uses:					
a.	Wholesaling and warehousing					V
b.	Automobile and recreational vehicle storage					V
c.	Storage building, mini		V			V
d.	Moving and storage service					J

ZONING

§ 9312.2

	USE, SERVICE OR FACILITY Unless otherwise indicated, listings denote retail sales operations	COMMERCIAL			BUSINESS PARK	
		CS	CRS	CR	BP-OR	BP-M
20.	Studio; voice, music, gymnastics	X	X	X		
21.	Studio; dance	X	X	X	K	K
22.	Studio; radio, television—office only	X	X		X	X
23.	Supermarket/food store	X				
24.	Swimming pool, spa—sales and service	D	J			
(Ord. No. 174, 8-22-90)						
T.						
1.	Tailor	X	X		G, U	G
2.	Taxicab service and storage facility		J			
3.	Taxidermist		X			K
4.	Telegraph office	X	X		X	X
5.	Telephone answering service	X	X		X	X
6.	Television and radio sales	X	X			
7.	Television and radio repair shop	A	X			X
8.	Temporary uses	R	R	R	R, U	R
9.	Ticket agency	X	X		E, G, U	G
10.	Tobacco shop	X	X		E, G, U	G
11.	Tool reconditioning		J			J
12.	Towing service, office only		X		K	K
13.	Toy store	X	X			
14.	Travel trailer/mobilehome, motor home, camper sales, rent, storage		V			
15.	Travel trailer, mobilehome, camper, motor home, repair or service		V			
16.	Travel agency	X	X		U	X
17.	Tree service		J			
18.	Trophy/emblem store	X	X			
19.	Truck sale or rent		J			
U.						
1.	Utility trailer rental, service, sales	J				
2.	Utility trailer or truck, rent or storage as ancillary to service stations				J, U	J
V.						
1.	Veterinarian/animal hospital		K			X
W.						
1.	Welding shop					J
2.	Watches, sale, repair	X	X		E, G, U	G
3.	Wholesale distributor's service					J
4.	Wholesale store		X			X
5.	Wig sales and service	X	X			
6.	Winery sales facility/tasting room	X	X			X
(Ord. No. 170, § 1, 5-9-90; Ord. No. 227, § 1, 3-24-93)						

9312.3. Special conditions.

The following special conditions apply to the uses indicated by the corresponding letter in table I described in section 9312.2:

- A. Permitted as an incidental sales operation in conjunction with a permitted retail sales use provided the entire sales operation takes place within a completely enclosed building.
- B. Permitted as an incidental service function intended to satisfy the normal operating needs of a permitted retail use on the property. An independent servicing facility oriented toward generating its trade from the general public is not permitted in this zone.
- C. Permitted as an incidental service in conjunction with a permitted retail sales or automobile service station operation provided all adjustments and installations are conducted completely within an enclosed building. Permitted as the principal use of the premises subject to issuance of a conditional use permit.
- D. Sale, installation and serving are permitted provided the use is conducted completely within an enclosed building. The reconditioning of used merchandise for resale is permitted as an incidental use. Reconditioning of used merchandise for resale as the principal use of the premises is permitted subject to issuance of a conditional use permit.
- E. Permitted as an incidental service in an office complex. The primary entrance to such facility shall be from within a main building or from an interior court.
- F. Permitted only if specific approval is granted by the planning commission. Such approval may specify location, time period, hours, lighting, parking and related conditions of operation.

- G. Permitted as an incidental service in a hotel or motel physician fitness complex.
- H. Permitted subject to special permit procedures under other provisions of the Municipal Code.
- I. Permitted provided storage is within an enclosed building.
- J. Permitted if the entire operation, including parking and storage of vehicles used in connection with the operation, is conducted within a completely enclosed building or within a walled area on the buildable area of the lot, pursuant to the outdoor display and storage provisions of chapter 6.
- K. Permitted subject to issuance of a conditional use permit by the planning commission.
- L. Permitted subject to issuance of a conditional use permit by the planning commission and provided a valid dancing license is obtained.
- M. Permitted subject to issuance of a conditional use permit by the zoning administrator.
- N. Signs and other structures may be placed in the required yards and other open spaces, provided they meet all development standards provided by chapter 6.
- O. Permitted as an ancillary use to an automobile service station subject to issuance of a conditional use permit by the planning commission.
- P. Permitted subject to issuance of a conditional use permit by the planning commission; and further provided that only one (1) concrete mixer with a capacity of one (1) cubic yard or less may be located on the premises.
- Q. Such use is permitted by a conditional use permit subject to the required finding as stated in section 9673.7 being made.
- R. Permitted subject to the issuance of a temporary use permit by the zoning administrator.
- S. All government-and publicly owned and/or operated uses within privately owned buildings, facilities, and property will be regulated as provided for in this Code for the proposed use as if it were a permitted private use.
- T. Permitted in bars and restaurants which are licensed to serve alcoholic beverages subject to the issuance of a conditional use permit by the planning commission.
- U. A permitted use in the BP-OR only west of Palo Comado Canyon Road.
- V. Permitted subject to conditional use permit from the planning commission if the following conditions are met:
1. No similar use is within five thousand (5,000) feet of the subject parcel, or within six hundred sixty (660) feet of the free-way right-of-way;
 2. Only within an enclosed building;
 3. Must be for more than five (5) vehicles.
- W. Off-sale liquor establishments prohibited in the FC overlay district.
- X. Planter boxes, retainer walls, foundations and ponds may be placed in yard area provided they are permanent parts of the overall landscaping development.
- Y. No sign or other advertising device shall be attached to lighting standards or fixtures. Lighting shall be arranged so as not to produce a glare on other properties in the vicinity and the source of light shall not be visible from adjacent property or a public street.
- Z. Service station pump islands, including display or incidental petroleum products may not be placed in required yards.
- AA. Permitted subject to issuance of a conditional use permit by the planning commission, pursuant to the provisions of chapter 3, standards for specific uses.
- BB. A permitted use in the BP-OR zone west of Palo Comado Canyon Road, and in the

BP-OR zone east of Palo Comado Canyon Road on properties which front on Dorothy Drive.

CC. A permitted use in the CRS-FC-OA zone west of Lewis Place, east of Cornell Road, north of Agoura Road and south of Roadside Drive.

(Ord. No. 130, § 4, 7-29-87; Ord. No. 229, § 2, 5-26-93; Ord. No. 252, § 2, 6-28-95; Ord. No. 00-305, § 2, 1-10-2001)

9313—9320. Reserved.

PART 3. CS COMMERCIAL SHOPPING CENTER DISTRICT

9321. Purpose.

The CS district is intended for planned shopping centers where the land and compatible retail stores and associated facilities are designed and developed together as an integrated unit using modern site planning techniques. The primary tenant will usually be a supermarket or drug-store, and the center will serve only the convenience needs, such as food, drugs, hardware, and personal services, of a residential area. Such centers are required to fit into the residential pattern of development and not create either architectural or traffic conflicts.

9322. Uses established.

The limitations as to uses and structures in the CS district shall be as follows.

9322.1. Permitted uses.

Subject to the provisions of section 9301 et seq. and chapter 6, buildings and structures may be erected, structurally altered or enlarged and land may be used within this district for commercial, service, office and other uses as provided in the commercial use tables (section 9311 et seq. of this chapter). The entire business operation shall be conducted within a completely enclosed building or within the buildable area of the lot.

9322.2. Prohibited uses.

Any use or structure not specified in section 9322.1 shall be prohibited in the CS district.

9323. Development standards.

Subject to the provisions of section 9303, 9391 et seq. and chapter 6, the following development standards shall apply in the CS district.

9323.1. Project size.

The minimum project size shall be five (5) acres.

9323.2. Minimum lot specifications.

All lots hereafter created shall contain the following:

- A. Minimum lot area: Twenty thousand (20,000) square feet.
- B. Minimum lot width: Two hundred (200) feet.
- C. Minimum depth: One hundred (100) feet.

9323.3. Building coverage.

The maximum building coverage shall be fifty (50) percent of the total project.

9323.4. Building height.

The maximum building height shall be thirty-five (35) feet.

9323.5. Project setbacks.

The minimum yard requirements shall be as follows:

- A. Minimum front yard: Twenty (20) feet from any existing or proposed right-of-way;
- B. Minimum side yard: none except:
 - 1. When adjacent to a residential district or when abutting any street which separates the CS district from a residential district: Twenty (20) feet;
 - 2. The minimum street side yard shall be treated as a front yard;

- C. Minimum rear yard: Equal to the height of the tallest buildings in the project.

9323.6. Required landscaping.

A minimum of fifteen (15) percent of the total lot shall be landscaped unless otherwise specified during a discretionary review. In addition landscaping shall be provided within all required yards adjacent to public right-of-way. Said landscaping shall be provided and maintained in perpetuity subject to the following:

- A. Berming (undulating or embanked) shall be required with a minimum variation of elevation being thirty (30) inches;
- B. One (1) native oak tree, twenty-four-inch box in size per fifteen thousand (15,000) square feet of building area shall be provided within said areas or at alternative locations as approved by the city.
- C. No other usage or storage shall be permitted within any required landscaping.

9323.7. Required walls.

Unless waived by the city, all developments shall be screened according to the following:

- A. A decorative wall at a minimum height of six (6) feet shall be provided on all property lines except for those adjacent to a public right-of-way.

9324—9330. Reserved.

PART 4. CRS COMMERCIAL RETAIL/SERVICE DISTRICT

9331. Purpose.

The purpose of the CRS district is to provide areas for general commercial, retail and service uses for which a shopper in general makes a single-purpose trip to visit one (1) establishment. It is intended that this district provide for the needs of the residents of the city and the surrounding areas.

9332. Uses established.

The limitations as to uses and structures in the CRS district shall be as follows:

9332.1. Permitted uses.

Subject to the provisions of section 9301 et seq. and chapter 6, buildings and structures may be erected, structurally altered or enlarged and land may be used within this district for commercial, service, office and other uses as provided in the commercial use tables (section 9311 et seq. of this chapter). The entire business operation shall be conducted within a completely enclosed building or within the buildable area of the lot.

9332.2. Prohibited uses.

Any use or structure not specified in section 9332.1 shall be prohibited in the CRS district.

9333. Development standards.

Subject to the provisions of sections 9903, 9391 et seq. and chapter 6, the following development standards shall apply in the CRS district.

9333.1. Minimum lot specifications.

All lots hereafter created shall contain the following:

- A. Minimum lot area: Ten thousand (10,000) square feet.

- B. Minimum lot width: One hundred (100) feet.
- C. Minimum depth: One hundred (100) feet.

9333.2. Building coverage.

The maximum building coverage shall be sixty (60) percent.

9333.3. Building height.

The maximum building height shall be thirty-five (35) feet.

9333.4. Yards.

The minimum yard requirements shall be as follows:

- A. Minimum front yard: Equal to height of building or minimum of twenty (20) feet;
- B. Minimum side yard: None except when adjacent to a residential district or public street: Ten (10) feet;
- C. Minimum rear yard: Equal to the height of the building or minimum of ten (10) feet.

9333.5. Required landscaping.

A minimum of ten (10) percent of the total lot shall be landscaped unless otherwise specified during a discretionary review. In addition landscaping shall be provided within all required yards adjacent to public right-of-way. Said landscaping shall be provided and maintained in perpetuity subject to the following:

- A. Berming (undulating or embanked) shall be required with a minimum variation of elevation being thirty (30) inches;
- B. One (1) native oak tree twenty-four inches in size per fifteen thousand (15,000) square feet of building shall be provided within said areas or at alternate locations as approved by the city.
- C. No other usage or storage shall be permitted within any required landscaping.

9333.6. Required walls.

Unless waived by the city, all developments shall be screened according to the following:

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- A. A decorative wall at a minimum height of six (6) feet shall be provided on all property lines except for those adjacent to a public right-of-way.

9333.7. Access.

Access shall be as approved by the planning commission.

9333.8. Warehousing and storing limitation.

Except for miniwarehouses, the amount of storage or warehousing related to the principal use shall not exceed fifty (50) percent of the gross floor area of any building. This provision shall not apply to permitted uses that involve outdoor storage that comply with the outdoor storage provisions of section 9301 et seq.

9334—9340. Reserved.

PART 5. CM MIXED USE COMMERCIAL/RESIDENTIAL DISTRICT

9341. Purpose.

The purpose of the CM district shall be to provide for small scale office/retail uses, and some limited residential development that is sensitive to the nature of the terrain, natural features, and other elements of the existing setting.

9342. Uses established.

Uses and structures in the CM district shall be subject to the limitations set forth in the following provisions of this section.

9342.1. Permitted commercial uses.

Subject to the provisions of chapter 6, buildings and structures may be erected, structurally altered or enlarged and land may be used within this district for commercial, service, office and other uses as provided in the commercial use tables for the business park-office retail district (section 9311 et seq. of this chapter).

9342.2. Permitted residential uses.

Subject to the provisions of chapter 6, residential uses as specified for the RM-6 district (me-

dium density residential—maximum of six (6) units per acre) shall also be a permitted use in the CM district. Commercial and residential development shall not occur on the same lot.

9342.3. Project size.

The minimum project size shall be five (5) acres.

9342.4. Prohibited uses.

Any use or structure not specified in section 9342 et seq. shall be prohibited in the CM district.

9342.5. Development and special standards.

Subject to the provisions of sections 9303 and 9391 et seq. and chapter 6, the development and special standards for the CM district shall be as established by the combining overlay district, as shown on the zoning map.

9343–9350. Reserved.

PART 6. CR COMMERCIAL RECREATION LAND USE DISTRICT

9351. Purpose.

The purpose of the CR district is to provide an area for commercial uses normally considered to be recreation oriented, such as golf courses and amusement parks, and commercial uses normally associated with such areas.

9352. Uses established.

Uses and structures in the CR district shall be subject to the limitations set forth in the following provisions of this section.

9352.1. Permitted uses.

Subject to the provisions of section 9301 et seq. and chapter 6, buildings and structures may be erected, structurally altered or enlarged and land may be used within this district for commercial, service, office and other uses as provided in the commercial use tables (section 9311 et seq. of this chapter).

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9352.2. Prohibited uses.

Any use or structure not specified in section 9352 et seq. shall be prohibited.

9353. Development and special standards.

Except as follows and subject to the provisions of section 9303 and chapter 6, the development and special standards for the CR district shall be as established by discretionary review.

9354–9360. Reserved.

PART 7. BUSINESS PARK DISTRICT

9361. Purpose.

The purpose of the business park district is to provide areas for businesses involved in light manufacturing, assembly, research, development, distribution, services and limited retail uses requiring large facilities located in master planned developments that offer jobs and services world-wide and which are compatible with the character of the area in which they are located and the community as a whole.

9362–9370. Reserved.

PART 8. BP-OR BUSINESS PARK-OFFICE RETAIL DISTRICT

9371. Purpose.

The purpose of the BP-OR district is to provide for smaller planned developments, including offices and incidental related retail commercial uses that are harmonious with the adjacent commercial or residential development.

9372. Uses established.

Uses and structures in the BP-OR district shall be subject to the limitations set forth in the following provisions of this section.

9372.1. Permitted uses.

Subject to the provisions of chapter 6, buildings and structures may be erected, structurally al-

tered or enlarged and land may be used within this district for commercial, service, office and other uses as provided in the commercial use tables (section 9311 et seq. of this chapter). The entire business operation shall be conducted within a completely enclosed building.

9372.2. Prohibited uses.

Any use or structure not specified in section 9372 et seq. shall be prohibited in the BP-OR district.

9373. Development standards.

Subject to the provisions of sections 9303 and 9391 et seq. and chapter 6, the following development standards shall apply in the BP-OR land use district.

9373.1. Project size.

The minimum project size shall be two (2) acres.

9373.2. Minimum lot specifications.

All lots hereafter created shall contain the following:

- A. Minimum lot area: Twenty thousand (20,000) square feet.
- B. Minimum lot width: Two hundred (200) feet.
- C. Minimum depth: One hundred (100) feet.

9373.3. Building coverage.

The maximum building coverage shall be forty (40) percent.

9373.4. Building height.

The maximum building height shall be thirty-five (35) feet.

9373.5. Yards.

The minimum yard requirements shall be as follows:

- A. Minimum front yard: Twenty (20) feet or the height of the building, whichever is greater;

- B. Minimum side yard: Seventy (70) feet combined, with no less than fifteen (15) feet on any side;
- C. Minimum street side yard: Twenty (20) feet or the height of the building, whichever is greater;
- D. Minimum rear yard: Twenty (20) feet except when abutting residential, then height of building or twenty (20) feet, whichever is greater.

9373.6. Use relationship.

The amount of retail uses permitted in any complex shall be carefully considered so as to not be the dominant uses of the project. Rather, retail uses should be limited to those uses which supplement, compliment and are supportive to the rest of the uses in the complex.

9373.7. Required landscaping.

A minimum of twenty (20) percent of the total lot shall be landscaped unless otherwise specified during a discretionary review. In addition, landscaping shall be provided within all required yards adjacent to public right-of-way. Said landscaping shall be provided and maintained in perpetuity subject to the following:

- A. Berming (undulating or embanked) shall be required with a minimum variation of elevation being thirty (30) inches;
- B. One (1) native oak tree twenty-four (24) inches in size per fifteen thousand (15,000) square feet of building shall be provided within said areas or an alternate location as approved by the appropriate authority;
- C. No other usage or storage shall be permitted within any required landscaping.

9373.8. Required walls.

Unless waived by the city, all developments shall be screened according to the following:

- A. A decorative wall at a minimum height of six (6) feet shall be provided on all property lines except for those adjacent to a public right-of-way.

9373.9. Access.

A maximum of two (2) entrances per street shall be allowed subject to their conformance with acceptable circulation patterns and traffic control measures.

9374—9380. Reserved.

**PART 9. BP-M BUSINESS
PARK-MANUFACTURING DISTRICT**

9381. Purpose.

The purpose of the BP-M district shall be to provide areas for larger scale businesses involved in light manufacturing, research and development, assembly, distribution or services requiring larger facilities in integrated developments compatible with adjacent commercial and residential development.

9382. Uses established.

Uses and structures in the BP-M district shall be subject to the following limitations set forth in this section.

9382.1. Permitted uses.

Subject to the provisions of chapter 6, buildings and structures may be erected, structurally altered or enlarged and land may be used within this district for commercial, service, incidental related office and other uses as provided in the commercial use tables (section 9311 et seq. of this chapter). The entire business operation shall be conducted within a completely enclosed building or within the buildable area of the lot.

9382.2. Prohibited uses.

Any use or structure not specified in section 9382 et seq. shall be prohibited in the BP-M district.

9383. Development standards.

Subject to the provisions of sections 9303 and 9391 et seq. and chapter 6, the following development standards shall apply in the BP-M district.

9383.1. Minimum lot specifications.

All lots hereafter created shall contain a minimum of three (3) acres.

9383.2. Building coverage.

The maximum building coverage shall be thirty (30) feet.

9383.3. Building height.

The maximum building height shall be thirty-five (35) feet.

9383.4. Yards.

The minimum yard requirements shall be as follows:

- A. Minimum front yard: Twenty (20) feet or height of the building, whichever is greater;
- B. Minimum side yard: Seventy (70) feet combined, with no less than fifteen (15) feet on any side;
- C. Street side yard: Twenty (20) feet or height of the building, whichever is greater;
- D. Minimum rear yard: Twenty (20) feet unless abutting a residential district then height of the building, or twenty (20) feet, whichever is greater.

9383.5. Required landscaping.

A minimum of twenty (20) percent of the total lot shall be landscaped unless otherwise specified during a discretionary review. In addition landscaping shall be provided within all required yards adjacent to public right-of-way. Said landscaping shall be provided and maintained in perpetuity subject to the following:

- A. Berming (undulating or embanked) shall be required with a minimum variation of elevation being thirty (30) inches;
- B. One (1) native oak tree, twenty-four (24) inches in size per fifteen thousand (15,000) square feet shall be provided within said areas or an alternate location as approved by the appropriate authority;

- C. No other usage or storage shall be permitted within any required landscaping.

9383.6. Required walls.

Unless waived by the city, all developments shall be screened according to the following:

- A. A decorative wall at a minimum height of six (6) feet shall be provided on all property lines except for those adjacent to a public right-of-way.

9383.7. Access.

A maximum of two (2) entrances per street shall be allowed subject to their conformance with acceptable circulation patterns and traffic control measures.

9384—9390. Reserved.

**PART 10. SPECIAL COMMERCIAL
USE STANDARDS**

9391. Purpose.

The following standards are established to provide for more detailed direction for specific uses that may be allowed in a number of districts.

**9392. Outdoor storage and display standards;
purpose.**

The purpose of the following standards for outdoor storage and display standards shall be to provide the appropriate criteria for such uses which will guarantee that such activities will be compatible with the other uses provided for in the commercial land use districts.

**9392.1. Outdoor storage and display standards
enumerated.**

No property in the commercial land use districts shall be used for outside storage or display of raw materials, equipment or finished products unless said storage complies with the following:

- A. *Compliance.* The activity shall comply with all the provisions of the land use district in which it is located;

- B. *Yards.* The activity shall not be provided in any required front, side, or street side yard and any required rear yard abutting property located in a residential land use district;

C. *Enclosure requirements:*

1. All outside display areas which are visible from the exterior boundary of the lot or parcel of land upon which the display is located shall be enclosed by a wall, landscaped berm or combination thereof.
2. All such walls, or other enclosures shall be a minimum of six (6) feet in height and shall not exceed ten (10) feet in height.
3. All walls shall be constructed of masonry, decorative concrete, or wrought iron, except that for temporary storage, the director may approve the use of other comparable materials such as wood or chainlink with redwood slats and/or vines provided that the director determines that such materials will not be detrimental to the surrounding area.
4. All walls, or other enclosures shall provide a solid visual screen around the display, except that an area no greater than twenty-five (25) percent of the total surface area per property line may remain open, except that no more than fifty (50) percent of the total street frontage may be exposed.
5. All gates shall be constructed of materials compatible with the material of the fence and/or wall to which such gates are attached.
6. Whenever planting materials are used to form the required enclosure, all such materials shall provide the required height and amount of screening within one (1) year of planting.
7. The director may modify the requirements for the design of any fence, wall, or other enclosure required hereunder in either of the following situations:
 - a. Where the proposed outdoor display area is not visible from a street or

highway, or from an area in a residential or agriculture district, and where it is located adjacent to a commercially zoned parcel which has been developed with another outside storage use; or

- b. Where the proposed outdoor display area is not visible from a street or highway, or from an area in a residential or agricultural district, and where existing fences, walls or buildings located adjacent to the outdoor display area provided adequate screening as determined hereunder.

In the event that any of these special conditions ceases to exist, then a wall or enclosure in full compliance with the terms of this sections shall be constructed within two (2) months after the cessation of the special condition.

D. *Landscaping requirements:*

1. A minimum of fifteen (15) percent of the outside display area shall be landscaped with trees, shrubs and ground cover as approved by the director. Whenever possible, the director shall require that native plants and existing trees be incorporated into the landscaping plan.
2. All trees and shrubs shall be evergreen and shall be of a minimum size of fifteen (15) and five (5) gallons respectively.
3. All landscaped areas shall be maintained in a neat, clean and healthful condition subject to the continuing review of the director. Such maintenance shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and regular watering of all plants.
4. All landscaped areas shall have a fixed and permanent water system. All sprinklers used to satisfy the requirements of this provision shall be properly spaced throughout the landscaped area to assure complete coverage of the area.

- E. *Parking requirements.* In addition to the parking requirements contained in section

9654 et seq. of this Code, any use subject to the provisions of this section shall provide one (1) parking space for each one thousand (1,000) square feet of outside display area. For the purposes of calculating this parking requirement, such outdoor display area shall include the interior landscaping areas.

F. *Display provisions.*

1. All products or merchandise displayed outside shall be located within the required enclosures.
2. No products or merchandise displayed outside shall exceed the height of the required enclosures, except such products or merchandise, as approved by the director, which cannot feasibly be displayed at a height lower than the required enclosures.
3. All products or merchandise shall be displayed in the manner that such products or merchandise are used normally.

G. *Other requirements.* The city may impose any other conditions he deems necessary to protect the public health, safety and welfare.

H. Violation of this section is an infraction and shall be punishable as provided in section 1200(b) of the Agoura Hills Municipal Code.

(Ord. No. 142, § 1, 12-9-87)

9393. Automobile service stations—Location.

All service station sites shall front on streets designated as through streets, unless the sites are part of commercial developments such as shopping centers.

9393.1. Same—Site size.

The site of the service station shall be of sufficient size and configuration to satisfy all requirements for off-street parking, setbacks, curb cuts, walls, landscaping and storage as provided in this article.

9393.11. Same—Setbacks.

All buildings shall be set back from interior property lines a minimum of eighteen (18) feet

H. Violation of this section is an infraction and shall be punishable as provided in section 1200(b) of the Agoura Hills Municipal Code. (Ord. No. 142, § 1, 12-9-87; Ord. No. 219, §§ 1, 2, 10-28-92)

9393. Automobile service stations—Location.

All service station sites shall front on streets designated as through streets, unless the sites are part of commercial developments such as shopping centers.

9393.1. Same—Site size.

The site of the service station shall be of sufficient size and configuration to satisfy all requirements for off-street parking, setbacks, curb cuts, walls, landscaping and storage as provided in this article.

9393.11. Same—Setbacks.

All buildings shall be set back from interior property lines a minimum of eighteen (18) feet and exterior property lines a minimum of twenty (20) feet except that pump islands may be located a minimum of twenty (20) feet from all exterior property lines, and pump island canopies may project to within fifteen (15) feet of exterior property lines.

9393.12. Same—Access.

Driveways shall be so designed and located as to ensure a safe and efficient movement of traffic on and off the site to and from the lane of traffic nearest the curb.

9393.13. Same—Noise.

Buzzers and amplified signaling bells are to be located within the service station proper and shall not generate noise beyond that of a normal residential telephone ring when the service station site abuts residential property or property used for residential purposes.

9393.14. Same—Landscaping.

A minimum of twenty (20) percent of the site shall be landscaped with plant materials designed to provide beautification and screening.

9393.15. Same—Lighting.

All lighting fixtures shall be located so as to shield direct rays from adjoining properties. Luminaries shall be of a low level, indirect diffused type and shall not exceed the height of the building.

9393.16. Same—Wall or hedge.

A six-foot masonry wall or hedge shall be required along all interior property lines and a three-foot-high wall or hedge along the street.

9394. Special accessory use development standards; purpose.

The purpose of the following standards are to establish specific criteria for ancillary uses related to commercial use structures.

9394.1. Satellite dish standards.

Since satellite dish antennas of any configuration have the important purpose of screening and/or transmitting communication or other signals from and/or to orbiting satellites, but also have an effect on property values, the level of attractiveness of the community and the public peace, safety and general welfare, the following standards shall be met for all installations of satellite dishes:

- A. All ground mounted dish antennas shall be located in the rear yard and conform to the following setbacks for accessory buildings:

Rear yard: Five (5) feet;

Side yard: Five (5) feet;

Maximum height: Fifteen (15) feet or the height of an adjacent building on the same lot, whichever is less

All dish antennas shall not exceed a maximum of twenty-five (25) percent of the required fifteen-foot rear yard setback.

- B. All roof mounted dish antennas shall be located in a roofwell or at a location screened by a parapet wall so as not to be seen from any adjacent streets; however, [such antennas] shall not exceed the height of the existing roof.

- C. All dish antennas shall be color coordinated to harmonize with the dominant background materials and colors.
- D. All accessory equipment related to dish antennas shall conform to the same provisions as the antennas.
- E. Prior to the installation of all satellite antennas, the location and design shall be subject to the approval of the director of planning and community development after an on-site inspection.
- F. The provisions of this section 9394.1 shall not be applied in such a manner as to preclude reception of signals by dish antennas.
Cross reference—Satellite dish standards, § 9288.3.

9394.2. Drive-up windows.

The provisions of sections 9394.12 to 9394.22 shall apply to drive-up windows and remote tellers located on the same parcel as the principal use permitted in the commercial land use districts.

9394.21. Findings.

Such facilities shall not be approved unless the city finds that:

- A. The design and location of the facility and lane will not contribute to increased congestion on public or private streets adjacent to the subject property;
- B. The design and location of the facility and lane will not impede access to or exit from the parking lot serving the facility, nor impair normal circulation within the parking lot.

9394.22. Design requirements.

The following shall be the minimum requirements for all drive-up windows and remote tellers.

- A. Drive-up windows and remote tellers shall provide at least one hundred eighty (180) feet of reservoir space for each facility, as measured from the service windows or unit to the entry point into the drive-up lane;

- B. Entrances to drive-up lanes shall be at least twenty-five (25) feet from driveways entering a public street;
- C. Drive-up windows or remote tellers shall not be considered as justification for reducing the number of parking spaces which are otherwise required;
- D. Any permit authorizing such facility is revocable if congestion attributable to the facility regularly occurs on public streets or within the parking lot, and the management cannot alleviate such situation.

9395. Outdoor dining design and operational standards; purpose and definition.

The purpose of the following standards for outdoor dining design and operational standards shall be to provide the dining commodities and services required by residents of the city and its surrounding market area. For the purpose of these standards, outdoor dining shall be defined as an ancillary dining area with seats and/or tables located outdoors and immediately adjacent to a dining establishment. A table shall be defined as providing seating for one (1) to four (4) persons.
(Ord. No. 94-245, § 1, 3-9-94)

9395.1. Outdoor dining design and operational standards enumerated.

No property in the commercial land use districts which allows for dining establishments defined in this section shall be used for outdoor dining unless said outdoor dining complies with the following standards. This section does not apply to patio areas which were designated for dining as part of the original permit processing.

- A. Outdoor dining operational standards.
 - 1. All outdoor dining shall be located on private property, immediately adjacent to the dining establishment.
 - 2. Dining establishments that serve alcoholic beverages in their outdoor dining area shall be required to meet the additional specific standards from the state alcoholic beverage control board as well as all other applicable state and local requirements.

3. Temporary, mobile, or freestanding food service providers are not eligible under these standards.
 4. An obstruction free, clear sidewalk area for pedestrian traffic passing through the outdoor dining and seating area shall be required. Dining areas shall not be permitted in areas where less than a four-foot obstruction-free pedestrian area exists between outside the cafe area and any obstructions such as streets, trees, newsstands, bus benches, or curblines.
 5. No sign, including signs on table umbrellas, shall be permitted in the outdoor dining area of the establishment with the exception of an identification or menu sign.
 6. All fire department regulations and standards concerning exterior lighting and power shall be met. These regulations and standards shall be supplied at the time of application.
 7. All outdoor dining sites shall be handicapped accessible per federal, state, and local requirements.
 8. The property owner, the property management, and the management of the dining establishment shall be responsible for compliance with all outdoor dining requirements.
 9. Unruly behavior shall not be permitted in the outdoor dining area.
 10. Outdoor dining areas, including flooring, shall remain clear of litter, food scraps, and soiled dishes at all times. Where eating establishments provide self-service take-out service, an adequate number of employees shall be maintained to clear refuse or litter on a regular basis even though table service is not provided. Concrete flooring shall be washed daily.
 11. At the end of the business day, establishments shall be required to clean (sweep and mop) the area in and around the outdoor dining area.
 12. If disposable utensils are used, the establishment shall comply with all applicable recycling programs.
 13. Outdoor dining areas shall be continuously supervised by management or employees of the dining establishment. Dining establishments serving alcoholic beverages shall have a supervisor on-site at all times.
 14. Outdoor dining areas shall be operated in a manner that meets all requirements of the health department of Los Angeles County and any other applicable regulations.
 15. Outdoor speakers are prohibited.
- B. Outdoor dining permit requirements and standards.
1. Public eating establishments with four (4) or more tables shall require an outdoor dining permit from the planning and community development department. Such eating establishments shall provide the following:
 - a. Outdoor dining areas requiring an outdoor dining permit shall provide barriers or enclosures to designate outdoor dining areas. The need for barriers or enclosures shall be at the discretion of the director of planning and community development and shall depend on the number of tables and the distance from pedestrian accessways. Barriers or enclosures must conform to the building and safety department's installation standards and be removable (capable of being removed, if needed, by use of recessed sleeves and posts, or by wheels which can be locked into place). All barriers must be able to withstand inclement outdoor weather and one hundred (100) pounds of horizontal force at the top of the barricade when in their fixed positions. The height of any barrier shall not be less than three

(3) feet, or more than three and one-half (3½) feet, including the top of any landscaping.

Required landscaping used for barriers shall be properly maintained. Water drainage onto the sidewalk shall not be allowed. Stressed or dying landscaping must be promptly replaced. Potted plants shall have a saucer or other suitable system to retain seepage and be elevated to allow for air flow of at least two (2) inches between the saucer and the sidewalk.

b. Any dining establishment that provides outdoor dining requiring an outdoor dining permit shall provide the required parking for the dining area, as defined in section 9654.6.

c. Each outdoor dining permit application shall include the following:

- (1) Written approval from the property management;
- (2) A seating plan;
- (3) A detail of the required enclosure;
- (4) Furniture specifications; and
- (5) A parking analysis.

The design materials and colors used for chairs, tables, lighting and other fixtures including umbrellas and awnings for both public eating and food establishments shall be generally consistent with both the architectural style and colors used on the building facade and the quality of the shopping center fixtures, as determined by the director of planning and community development.

d. The layout of outdoor dining and seating areas required as part of the outdoor dining per-

mit shall be in conformance with designs established by the department of planning and community development.

2. All plans and permits for the outdoor dining area approved by the city shall be kept on the premises for inspection at all times the establishment is open for business.
3. Upon termination of the outdoor dining use, the outdoor dining barriers shall be removed and the sidewalk returned to its original condition.
4. Any modification to the approved plans shall be submitted for review and approval by the department of planning and community development prior to the initial implementation of any modification and shall comply with applicable guidelines then in effect.

(Ord. No. 94-245, § 1, 3-9-94)

PART 11. STANDARDS FOR SPECIFIC USES*

9396. Outdoor recreational uses.

The purpose of the following standards is to establish minimum criteria for all outdoor recreational uses located in the city to ensure that the completed project will be in harmony with existing or potential uses in the surrounding area and consistent with the goals, objectives, and policies of the general plan.

- A. All exterior lighting associated with outdoor recreational uses shall be down lit, shielded and directed away from surrounding properties and public rights-of-way. No light source shall exceed the height of sixteen (16) feet from finished grade. Such lighting shall not blink, flash, oscillate or

*Editor's note—Ord. No. 229, § 3, adopted May 26, 1993, enacted provisions pertaining to standards for specific uses, outdoor recreational areas, designated as Pt. 11, § 9395. Such § 9395 has been redesignated as § 9396 in order to avoid duplicative section numbers; see Pt. 10, §§ 9395, 9395.1 enacted by Ord. No. 94-245, adopted Mar. 9, 1994.

be of high intensity in brightness. The use of multiple colored lights and overhead rooftop lights is prohibited. Every use shall be operated such that there is no direct light and glare visible beyond the boundaries of the properties. A lighting plan which includes a photometric study shall be required as part of the conditional use permit and must be considered by the planning commission at the same time as the conditional use permit.

- B. All outdoor recreational uses shall be operated such that no loud speakers, bells, gongs, buzzers, or other noise attention or attracting devices can be heard beyond the boundaries of the property.
- C. All noise generating equipment exposed to the exterior shall be muffled with sound absorbing materials to minimize noise impacts on adjacent properties. When the outdoor use abuts commercial or industrial properties, all outdoor equipment and activities shall not create any noise that would exceed an exterior noise level of sixty (60) DBA during the hours of 10:00 p.m. to 7:00 a.m. and sixty-five (65) DBA during the hours of 7:00 a.m. to 10:00 p.m. When the outdoor use abuts residential properties, all outdoor equipment and activities shall not create any noise that would exceed an exterior noise level of fifty (50) DBA during the hours of 10:00 p.m. to 7:00 a.m. and fifty-five (55) DBA during the hours of 7:00 a.m. to 10:00 p.m.
- D. A minimum twenty-five (25) foot landscaped buffer shall be provided adjacent to all public rights-of-way and residential properties. Berming shall be provided within this landscape buffer adjacent to public rights-of-way. No outdoor recreational activities or parking shall be allowed in this setback. The planning commission may increase the setback based upon the final design of the project.
- E. The design of the facility, including site layout, rides and their structures, building orientation and incidental structures, shall be directed inward with minimal

visibility to public rights-of-way and surrounding properties. The building's colors and materials shall harmonize with the surrounding properties and shall not include the use of bright colors. All elevations shall be treated equally with architectural detail.

- F. Mechanical equipment shall be enclosed and shall be located no less than five (5) feet from any property line and shall be insulated to prevent noise disturbance on adjacent properties.
- G. A signage plan in accordance with the city sign ordinance shall be required as part of the conditional use permit and must be considered by the planning commission at the same time as the conditional use permit.
- H. A parking study prepared by a registered traffic engineer approved by the city shall be provided by the applicant for any use not listed in the Zoning Ordinance.
- I. Incidental outdoor recreational uses shall be compatible with miniature golf, individually and collectively. Incidental outdoor recreational uses shall be confined to an area or areas not exceeding a combined area of twenty (20) percent of the total outdoor area of the site. Examples of incidental outdoor recreational uses include but are not limited to batting cages, miniature cars, bumper cars and boats (so long as they are not internal combustion engine powered); and amusement rides. Incidental outdoor recreational uses shall also include related infrastructure, such as walkways, bridges, landscaping, hardscaping and waterscaping. For purposes of this subsection, the total outdoor area: (i) shall not include areas occupied by buildings with permanent walls and roofs; (ii) shall not include setback areas, parking areas, or driveway areas; and (iii) shall include all other outdoor areas whether or not used for recreational activities.
- J. Incidental outdoor recreational uses shall be located away from the perimeter of the

site. The miniature golf use shall be located along the entire street perimeter of the site in order to screen and buffer any incidental outdoor recreational uses, and related buildings and structures.

- K. In order for an activity to be considered indoor it must be conducted entirely within a building with permanent walls and roof.
- L. Primary batting cage facilities may include certain incidental uses such as pitching or practice cages, a practice and instructional recreational field, an office, an eating and nonalcoholic drinking establishment. Primary batting cage facilities shall be screened from view from the freeway by landscaping, decorative fences or walls, and/or placement of structures on the site.
- M. Primary batting cage facilities that existed prior to the adoption of this provision shall provide a minimum five (5) foot landscape buffer adjacent to all public right-of-way.

(Ord. No. 229, § 3, 5-26-93; Ord. No. 98-271, § 2, 4-22-98; Ord. No. 00-305, § 3, 1-10-2001)

PART 12. STANDARDS FOR PERIODIC OUTDOOR DISPLAY

9397. Commercial outdoor display—Purpose.

The purpose of the following standards for commercial outdoor display and operational standards shall be to provide the display of merchandise required by residents of the city and its surrounding market area. For the purpose of these standards, commercial outdoor display shall be permitted where retail goods are sold. A weekend shall be defined as the first consecutive Friday, Saturday and Sunday.

(Ord. No. 96-260, § 1, 3-20-96)

9397.1. Same—Operational standards.

No property in the commercial or business park land use districts which allows for retail

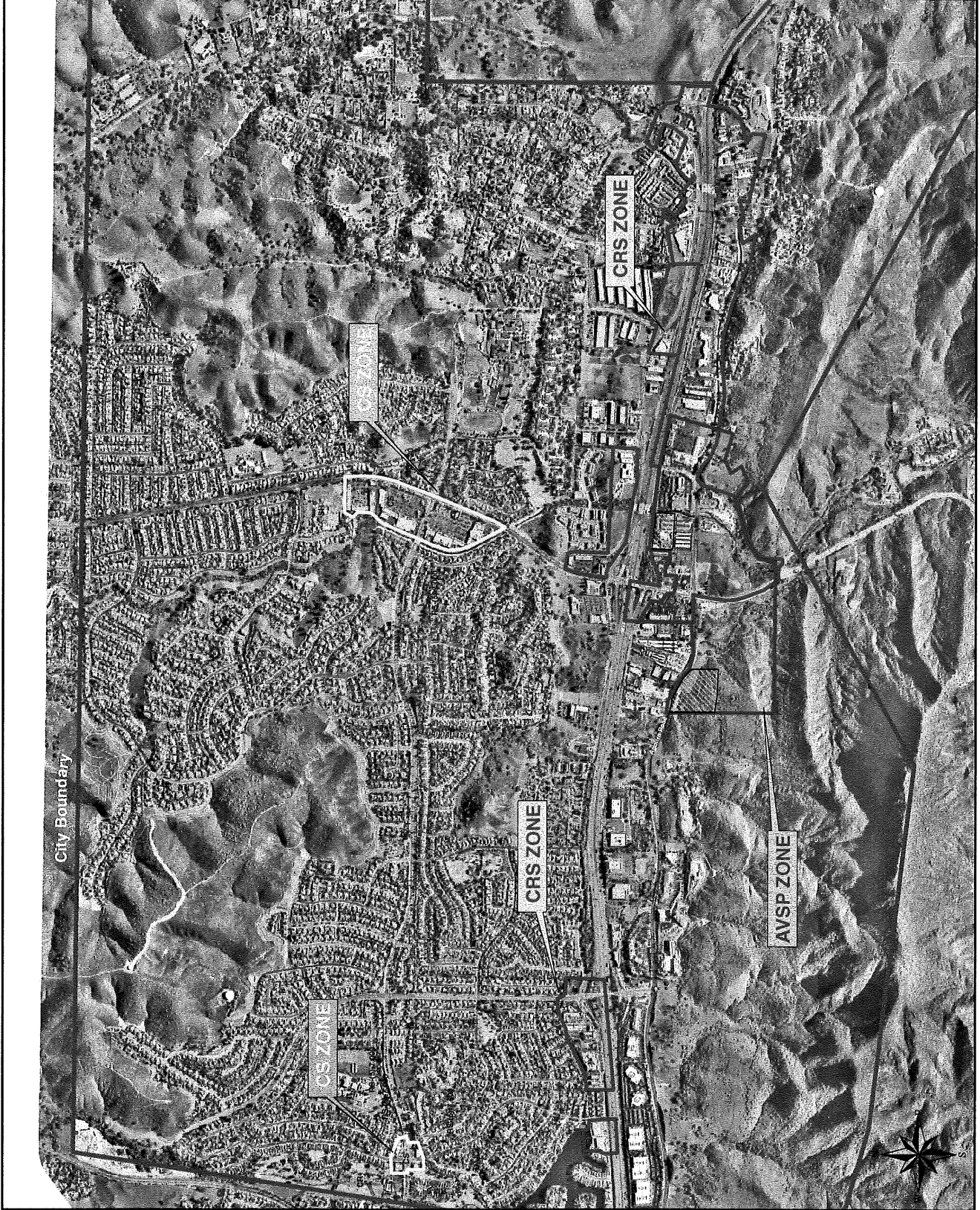
sales, as defined in section 9397, shall be used for commercial outdoor display unless such display complies with the following standards:

- A. Outdoor display of merchandise shall be allowed on the first weekend of every month. Outdoor display shall be allowed on the first two (2) weekends in December. A temporary use permit for other holidays and special events may be considered by the city.
- B. All outdoor display must maintain clearance requirements that meet handicapped accessibility standards. An obstruction-free, clear sidewalk area for pedestrian passing through the outdoor display shall be required. Outdoor display shall not be permitted in areas where less than a four-foot obstruction-free pedestrian area exists between the outdoor display and the edge of a curb or sidewalk. Outdoor display shall not be permitted in areas where less than a five-foot obstruction-free pedestrian area exists between the display entry door.
- C. Outdoor display shall be limited to the area directly in front of the tenant space and the items for sale must be the same as those sold inside the store or must be items that would typically be sold at the business.
- D. Outdoor display cannot exceed a height of five (5) feet. Any display over five (5) feet requires approval from the director of planning and community development.
- E. For those businesses which do not offer products for sale, additional window signage is allowed, subject to approval by the director of planning and community development. The only signage permitted outside is appropriate signage that is in keeping with the intent of this article, as determined by the director of planning and community development, which is placed on the display.
- F. The use of mechanically reproduced sound, amplified sound, or live music shall not be permitted as part of the outdoor display.

(Ord. No. 96-260, § 1, 3-20-96)

ZONING ORDINANCE AMENDMENT- CASE NO. 09-ZOA-004

Proposed Zoning
Amendment



Excluded from
that subarea



AVSP Zone



CS Zone



CRS Zone

