

FOR DISCUSSION PURPOSES ONLY

Chapter 17.36 C COMMERCIAL ZONE

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17.36.010 Criteria for commercial zoning.

The following criteria are established to assist citizens, staff, planning commission and city council in the administration and application of the downtown commercial zone.

- A. General or Other Adopted Plans. Compliance with the General Plan or other plans or programs adopted by the city shall be demonstrated.
- B. Location. Downtown business areas shall be concentrated in the existing downtown portion of Sierra Madre.
- C. Need. A demonstrated public need shall be established within the general area.
- D. Design. The design or redesign of any structure shall comply with the standards established herein or in any adopted plan or program of the city.
- E. Utilities, Streets, Sidewalks, Etc. The existing utilities systems (water, sewer, drainage, electrical, gas, lighting and communication facilities) and street and sidewalks are adequate, or new facilities will be constructed to serve the downtown adequately.
- F. Economic Development. Commercial businesses and uses located in the commercial (C) zone must demonstrate that revenue will be generated to the city and/or redevelopment agency.

Deleted: Ord. 1135 § 4, 1996; Ord. 1116 § 3, 1994; Ord. 1113 § 3, 1994; Ord. 1084 § 1 (part), 1992; prior code § 9450)¶

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17.36.020 Permitted uses and uses permitted by conditional use permit.

The following uses shall be permitted in the Commercial zone where the symbol “P” appears, and shall be permitted upon approval of a conditional use permit where the “CUP” symbol appears, pursuant to Section 17.60. All such uses shall be within an enclosed building unless specifically stated otherwise. All other uses are prohibited, provided, however, that the director of development services may determine that any use not listed is similar to a listed use and to be treated in a similar manner. In the event that there is ambiguity as to the appropriate classification of a particular use, the planning commission shall consider the matter and shall recommend to the city council the appropriate clarification of such ambiguity, pursuant to Section 17.12.030. A list of all approved similar use determinations shall be kept on file in the development services department.

A	Retail Sales	
	Alcoholic beverage sales, whether for consumption on or offsite and whether alone or in conjunction with other uses	CUP
	Antique Stores	P
	Apparel shops and accessories	P
	Appliance stores (household)	P
	Art Galleries	P
	Art Supply stores	P
	Bakery shops	P
	Bicycle shops	P
	Bookstores	P
	Building material sales	
	Confectionary or candy stores; candy making only when incidental to retail sales from premises	P
	Convenience stores (no liquor sales)	P
	Delicatessens	P
	Department stores (a store having separate sections for a wide variety of goods)	CUP
	Dry goods and notions stores	
	Electrical supply stores	
	Electronic stores (home and office, including repairs)	P
	Floor covering stores	
	Florist shops	P
	Flower sales, outdoor	CUP
	Food market	
	Furniture stores (no on-site manufacturing)	P
	Gift, novelty, card and souvenir shops	P
	Glass shops (including edging, beveling, silvering and staining)	CUP
	Grocery stores	CUP
	Gun shops	CUP
	Hardware stores	
	Health food stores	
	Hobby stores	P

Deleted: No buildings or improvements or portion thereof shall be erected, constructed, converted, established, altered or enlarged; nor shall a lot or premises be used except for one or more of the following purposes. All such uses shall be within an enclosed building unless specifically stated otherwise.

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	<u>Home Improvement and construction products store</u>	<u>CUP</u>
	<u>Ice cream stores</u>	<u>P</u>
	<u>Jewelry stores</u>	<u>P</u>
	<u>Liquor stores (off sale)</u>	
	<u>Meat markets</u>	<u>P</u>
	<u>Music stores</u>	<u>P</u>
	<u>Newsstand</u>	<u>P</u>
	<u>Notions or sundries store</u>	<u>P</u>
	<u>Paint stores</u>	
	<u>Pawn shops</u>	
	<u>Pet sales (excludes dangerous animals and fish, venomous reptiles and the like)</u>	<u>CUP</u>
	<u>Pet supply store, excluding sale of pets other than tropical fish or goldfish</u>	<u>P</u>
	<u>Pottery sales</u>	<u>P</u>
	<u>Radio and television stores</u>	
	<u>Secondhand sales</u>	<u>P</u>
	<u>Shoe stores</u>	<u>P</u>
	<u>Sporting good stores</u>	<u>P</u>
	<u>Supermarkets</u>	<u>CUP</u>
	<u>Stamp and coin stores</u>	<u>P</u>
	<u>Stationary stores, including mail services</u>	<u>P</u>
	<u>Supermarkets</u>	<u>CUP</u>
	<u>Tobacco shops</u>	<u>CUP</u>
	<u>Toy stores</u>	<u>P</u>
	<u>Variety stores</u>	
B	Office uses	
	<u>Office uses of the business, administrative, service, consulting or professional type</u>	<u>P</u>
C	Service establishments	
	<u>Alcoholism hospital</u>	
	<u>Barber and beauty shops</u>	<u>P</u>
	<u>Bars and cocktail lounges</u>	<u>CUP</u>
	<u>Catering services</u>	<u>CUP</u>
	<u>Clothing and costume rental establishments</u>	<u>P</u>
	<u>Day/Health spas (may include massage treatment provided it is solely accessory to this use)</u>	<u>P</u>
	<u>Draperies and decorating shops</u>	
	<u>Dressmaking shops</u>	
	<u>Dry cleaning, press or laundry</u>	<u>CUP</u>
	<u>Health clubs or centers, exercise gymnasiums, fitness studios</u>	<u>CUP</u>
	<u>Lodging – hotels, motels</u>	<u>CUP</u>
	<u>Locksmith shops</u>	<u>P</u>
	<u>Machinery equipment and rental services</u>	<u>CUP</u>
	<u>Mail order houses, internet sales, ecommerce</u>	<u>P</u>
	<u>Medical and dental laboratories</u>	

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	<u>Medical office, clinics, outpatient</u>	<u>CUP</u>
	<u>Medical laboratories, research</u>	<u>CUP</u>
	<u>Nail Shop</u>	<u>P</u>
	<u>Newspaper and print shops</u>	<u>CUP</u>
	<u>Parking lots (outdoor or in structures)</u>	
	<u>Pet grooming</u>	<u>P</u>
	<u>Pharmacy, drug stores</u>	<u>P</u>
	<u>Photography studios</u>	<u>P</u>
	<u>Photocopying/duplicating services</u>	<u>P</u>
	<u>Picture framing stores</u>	<u>P</u>
	<u>Restaurants</u>	<u>CUP</u>
	<u>Restaurants and cafes having on-sale license for beer, wine, or other alcoholic liquors in conjunction therewith</u>	<u>CUP</u>
	<u>Shoeshine stands (in association with shoe stores and must be located within enclosed building)</u>	<u>P</u>
	<u>Shoe repair shops</u>	<u>P</u>
	<u>Tailor shops</u>	<u>P</u>
	<u>Trading stamp redemption</u>	
	<u>Transfer, moving and storage of furniture, household and business records goods</u>	<u>CUP</u>
	<u>Travel agencies</u>	<u>P</u>
	<u>Veterinary clinics, small animal including incidental boarding</u>	<u>CUP</u>
D	<u>Financial Institutions</u>	
	<u>Banks</u>	<u>P</u>
	<u>Savings and loan associations</u>	<u>P</u>
	<u>Finance companies</u>	<u>P</u>
E	<u>Educational facilities</u>	
	<u>Barber and beauty colleges</u>	<u>CUP</u>
	<u>Business schools</u>	<u>CUP</u>
	<u>Dancing art music and similar training schools</u>	<u>CUP</u>
	<u>Professional/vocational schools</u>	<u>CUP</u>
F	<u>Outdoor displays and sales uses</u>	
	<u>Plant nurseries and related package sales or storage, located within private property</u>	<u>CUP</u>
G	<u>Recreational and entertainment facilities</u>	
	<u>Athletic clubs, including appropriate outdoor activities necessary thereto</u>	
	<u>Circuses, carnivals, fairs with duration of more than seven days</u>	<u>CUP</u>
	<u>Billiard parlors</u>	<u>CUP</u>
	<u>Bowling alleys</u>	<u>CUP</u>
	<u>Parks, playgrounds, and other commercial recreation facilities open to the public which are privately owned and operated</u>	<u>CUP</u>
	<u>Private clubs, fraternities, sororities and lodges</u>	<u>CUP</u>
	<u>Theaters (excluding open air)</u>	<u>CUP</u>
H	<u>Automobile and transportation-related establishments</u>	

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	Car wash, automated and manual	CUP
	Painting, detailing service	CUP
	Parking (at grade, surface)	P
	Parking structure	CUP
	Rental or storage facilities	CUP
	Repair and/or body shops (shall be within enclosed building only)	CUP
	Service stations (fueling stations)	CUP
	Utility trailer and truck rental	CUP
I	Residential uses	
	Residential uses other than on the ground level which are consistent with the standards of Chapter 17.28 of this code and any alterations to those standards as may be approved pursuant to a permit issued under this chapter, and except as otherwise provided for in Chapter 17.35.	CUP
J.	Adult Businesses	P
	Consistent with the standards contained in Section 17.36.025.	
K.	Uses set forth in Section 17.60.030(A)	CUP

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17.36.025 Adult Businesses.

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The following standards apply to adult businesses in the C zone:

A. An "adult business" is defined as any business which is, at any time or times, conducted exclusively for the patronage of adults from the premises of which minors are specifically excluded by law or the owner or person in possession of the premises. This definition shall exclude any use pre-empted by state law or licensed by the state.

B. "Sexually oriented" shall mean any use, display, sale, product, book, treatment, manipulation, projection, machine or other device, the principal, advertised, and emphasized purpose, use or manifestation of which is gratification, education, entertainment, observation, reading, or other stimulus, excitation, or study of explicit human heterosexual, homosexual, or other sexual activity or simulation or depiction thereof.

C. "Sexually oriented adult business" shall not be permitted on any recorded lot within six hundred feet of a church nor within six hundred feet of a public or private school for the academic education of children nor within three hundred feet of residentially zoned property.

D. In the event any prohibition set forth in subsection (C) of this section is held by any court of jurisdiction to be invalid or inapplicable, then such use or uses shall ipso facto, immediately, and automatically be classified as a conditional use requiring a conditional use permit pursuant to the provisions of the zoning code of this city and an Environmental Impact Report pursuant to the California Environmental Quality Act.

17.36.030 New construction.

Any new construction, additional floor area to an existing building, or enlargement of an existing building in the Commercial zone shall require approval of a conditional use permit, pursuant to the provisions under Section 17.60. Exterior façade alterations and interior alterations to an existing building which does not involve the expansion of floor area or an increase or intensification of activity, as determined by the development services director, do not require a

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conditional use permit under 17.60. However, the appropriate building permits, if required, must be obtained.

17.36.035 Drive-through business prohibited.

Henceforth, the city shall not allow new drive-through business establishments, that is, business establishments which provide service to customers in a motor vehicle.

17.36.040 Downtown design criteria.

The following design criteria shall be applied to all development within the C zone. Downtown Design Standards:

A. Architectural Style and Character. All future construction, exterior remodeling, development and redevelopment shall be of such architectural design as to enhance the site and surrounding environment and be consistent with the desired overall community values of low density and residential scale stated in the General Plan. Approval of each design as to its compliance or compatibility with these standards must be obtained from the development services s, director prior to the granting of any building permit.

B. Materials. The following building materials or those determined by the development services director to be similar to them shall be utilized in all construction in the commercial zone:

1. Roof materials intended to be viewed, such as clay tile, slate or wood shake;
2. Brick, tile, textured concrete, tinted concrete or exposed aggregate patios and walkways;
3. Decorative masonry materials such as bricks, stone or slumpstone;
4. Heavy rough textured wood beams, headers, trim and siding;
5. Textured stucco.

C. Colors. Earth tone or natural colors shall be utilized throughout with the use of bright, nonpastel colors for the purpose of accent; however, such accent colors shall not be used to such a degree as to become the dominant color of any structure.

D. Landscaping. All site landscaping shall be so designed with both form and function in mind and not just as a decorative element. Desirable aspects of landscape design that are: 1. Plant material selection for seasonal color;

2. Low maintenance plant materials;
3. Use of ground cover plant materials rather than nonplant substitutes;
4. Use of native trees when appropriate.

E. Signs. All signs shall be designed as an integral part of the overall architectural design theme through the use of similar materials and colors, as well as proportionate size and location.

F. General. The following apply to all development:

1. Architectural treatment shall be applied to all building elevations;
2. Review of a proposed design shall be related to the surrounding existing development with greater emphasis placed upon compatibility with adjacent development related to:
 - a. Bulk or mass height,
 - b. Colors,
 - c. Building materials,
 - d. Roof lines,
 - e. Access,
 - f. Views,
 - g. Landscaping.

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¶
A. Auxiliary uses of the following types:¶
Vending machines, weight scales, and similar small or accessory uses incidental or auxiliary to the uses allowed in the C-1 zone;¶
B. Educational facilities of the following types:¶
Barber and beauty colleges,¶
Business schools,¶
Dancing, art, music and similar training schools,¶
Professional schools,¶
C. Financial institutions of the following types:¶
Banks,¶
Savings and loan associations,¶
Stock brokerage firms,¶
D. Office uses of the business, administrative, service, consulting or professional type;¶
E. Outdoor display and sales uses of the following, providing all functions other than display are at all times conducted within an enclosed building:¶
Plant nurseries and related packaged sales or storage; (See Section 17.60.030)¶
F. Recreational and entertainment facilities of the following types: (See Section 17.60.030)¶
Athletic clubs, including appropriate outdoor activities accessory thereto,¶
Bowling alleys,¶
Family billiard parlors,¶
Private clubs, fraternities, sororities and lodges,¶
Theaters (excludes open air),¶
G. Retail sales facilities of the following types:¶
Antique and import stores,¶
Apparel shops and accessories,¶ [1]

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L. Residential uses other than on the ground level which are consistent with the standards of Chapter 17.28 of [2]

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The additional uses listed at Section 17.60.030 are permitted upon app[3]

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17.36.050 Standards of development--Generally.
The development standards set forth in the following sections of this chapter shall apply to all construction within the C zone.

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17.36.060 Size area.
The minimum lot size in the C zone shall be one acre provided that this requirement shall not interfere with the use of existing parcels of less than that size or prevent the creation of a new parcel of less than an acre, provided that it is accomplished via a lot line adjustment approved pursuant to Government Code Section 66412(d) and the applicable provisions of Title 16 of this code.

Deleted: (Ord. 1084 § 1 (part), 1992; prior code § 9454 (part))¶

Deleted: Every lot created after the effective date of this chapter shall have a minimum lot area of three thousand seven hundred fifty square feet.¶

Deleted: Ord. 1084 § 1 (part), 1992; prior code § 9454(a))

17.36.070 Yards and building setbacks.
A. Front Yard. There shall be a front yard having a minimum depth of five feet extending across the full width of the lot for buildings less than twenty feet in height and a minimum depth of ten feet for buildings twenty feet in height or greater. A minimum of seventy-five percent of this area shall be landscaped with specimen plants and trees and decorative paving materials.
B. Side Yard. Side yards adjacent to a street or alley shall be not less than ten feet in width.
C. Rear Yard. There shall be a rear yard of not less than fifteen feet in width; however, a maximum of ten feet of said rear yard may be used for off-street parking.
D. Yards Adjacent to Residential Zones. If either the side or rear yards are adjacent to any residential zone or use, a minimum of ten feet of the required yards shall be landscaped with specimen plants and trees (minimum fifteen gallon stock) to create a solid plant screen as represented on a landscaping plan approved by the development services director.

Deleted: 17.36.070 Minimum site width.¶
Every lot created after the effective date of this chapter shall have a minimum width of thirty feet at the front property line.¶
(Ord. 1084 § 1 (part), 1992; prior code § 9454(b))¶

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(Ord. 1084 § 1 (part), 1992; prior code § 9454(c))

17.36.080 Building and site coverage.
Coverage of any parcel by roofed structures shall not exceed eighty percent, exclusive of all existing or required streets, sidewalks and alleys.

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Deleted: Building coverage of any commercial area, parcel or lot shall not exceed eighty percent of the area, parcel or lot exclusive of all existing or required streets, sidewalks and alleys. Building and site coverage shall be that area occupied by roofed structures.¶
(Ord. 1084 § 1 (part), 1992; prior code § 9454(d))¶

17.36.090 Height and story limit.
No building structure shall exceed a height of thirty feet and no building structure shall exceed two stories in the C zone, except as otherwise provided in Chapter 17.35. The planning commission or city council may authorize, pursuant to the permit required by this chapter, minor architectural projections, such as chimneys, rooftop HVAC equipment, antennae, lightning rods, and the like, up to a maximum of forty-two feet and the maximum overall height of the building thereof shall not exceed forty-two feet, except as otherwise provided in Chapter 17.35.

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17.36.100 Off-street parking.
All off-street parking shall be provided in accordance with Chapter 17.68 of this code.
17.36.110 Landscaping.

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The provisions of Chapter 17.68 shall apply in addition to the following:
A. All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways and paved or covered recreational facilities shall be landscaped and irrigated. Such

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landscaping and irrigation system shall be permanently maintained. ~~Existing trees to be removed shall be replaced with a substitute specimen trees (minimum thirty-inch box container size) elsewhere on the site.~~

~~B. All planted areas shall be surrounded by a curb of concrete or comparable material at least six inches above the higher of the final grade or the pavement of the parking lot, except when such planted areas lie adjacent to a paved sidewalk, masonry wall or a building.~~

~~C. Landscaping shall consist of trees, shrubs and ground covers with careful consideration given to eventual size, form, susceptibility to disease and pests, durability, water consumption and adaptability to soil and climate conditions.~~

~~D. A landscape plan drawn at a scale of not less than one inch to thirty feet shall be submitted and shall include:~~

- ~~1. Square footage of each landscaped area;~~
- ~~2. Total square footage of all landscaped areas;~~
- ~~3. Percentage of the site devoted to landscaping;~~
- ~~4. Type of plant materials, i.e., the botanical and common names;~~
- ~~5. Location of all plant materials;~~
- ~~6. Container size and number of all plant materials;~~
- ~~7. Type, size and location of a permanent irrigation system.~~

17.36.120 Walls.

~~A. A decorative masonry wall of at least thirty inches high shall be constructed and maintained along the perimeter of all off-street parking areas except at points of ingress and egress. Such wall shall be constructed of masonry units not greater than six inches in height. A plant screen may be substituted for such a wall, provided it is:~~

- ~~1. Sufficient to visually screen the parking area;~~
- ~~2. Comprised of specimen stock;~~
- ~~3. Within a planter area of at least four feet in depth;~~
- ~~4. Provided with a permanent irrigation system;~~
- ~~5. Compliant with all other provisions of this section for landscaping, including being an integral part of an approved landscaping plan.~~

~~B. A landscaped berm of at least thirty inches in height may be substituted for a wall or plant screen if the planning commission approves its design, location, scale and landscape treatment pursuant to a permit issued under this chapter.~~

~~C. A decorative concrete, masonry or block wall of at least six feet in height shall be constructed and maintained on the boundary of any use which abuts or which lies across a public alley from a residential zone, except in front setbacks, in which such walls shall be forty-two inches or less in height.~~

17.36.130 Refuse storage.

All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view by a permanent wall at least five and one-half feet high, in conformance with the architectural design of the related buildings, including a solid gate of durable opaque material approved by the development services director. All bins and containers shall be stored within the enclosure with lids closed at all times when not being loaded.

17.36.140 Outdoor storage prohibited.

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Deleted: A. A minimum thirty-inch-high decorative masonry wall shall be provided and maintained on the outside perimeter of all off-street parking areas except at those points of ingress and egress for either vehicular or pedestrian traffic. Such wall shall be constructed of masonry units not greater than six inches in height. A plant screen may be substituted for the above, provided:¶

1. Such is of a species satisfactory for sight screening purposes;¶
2. Such is specimen stock at time of planting;¶
3. Such is planted within a minimum four foot planter area;¶
4. Such is provided with a permanent sprinkling system;¶
5. Such meets all other provision(... [4]

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All storage of wares, merchandise, crates, bottles or similar items shall be within a completely enclosed building.

17.36.150 Loading facilities.

All loading or unloading areas containing a loading dock or similar facility shall be located at such a depth within a completely enclosed building as to reasonably contain and restrict noise. Further, no loading or unloading area shall be visible from a public street, or located within a front yard or side yard adjacent to a public street.

17.36.160 Lighting.

All lighting of the building, landscaping, parking lot or similar facilities shall be shielded and directed away from adjoining properties.

17.36.170 Mechanical equipment.

All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be completely screened from view from street level.

17.36.180 Underground utilities.

All utilities connections for new construction shall be underground, but utility connections to structures which lawfully preexisted the adoption of this chapter may be maintained.

17.36.190 Development or construction site standards.

The following standards apply to development or construction in the Commercial zone:

- A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fenced or screened as determined by the building inspector;
- B. Sites shall be maintained during construction as not to become an attractive or public nuisance due to storage of material, parking or activities of construction workers;
- C. Any portable toilets shall be set back ten feet from all property lines;
- D. Rubbish and refuse service with the city's franchised hauler shall be required at the time a building permit is issued. Service may be weekly pickup service if accessible by a public street or as otherwise authorized by the director of development services;
- E. Contractors shall submit to the city a complete list of subcontractors for all services and trades and each contractor or subcontractor shall obtain a city business license prior to any work or request for inspection. Work commenced prior to issuance of necessary permits and business licenses shall be subject to double permit fees pursuant to Chapter 15.04 of this code;
- F. Use of the public right-of-way for storage, work, staging, or off-loading requires a permit pursuant to Chapter 12.12 of this code;
- G. Any paved public right-of-way affected by construction shall be cleaned each evening by the contractor. Cleanup shall include, but not be limited to, streets, roadways, gutters, sidewalks and parkways;
- H. Violations of this section may result in the issuance of a stop work order by the building inspector in the manner specified in Chapter 15.05 of this code.”

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Deleted: placed behind a permanent wall or screening device and be completely restricted from all view from the ground surface.¶ (Ord. 1084 § 1 (part), 1992; prior code § 9454(m))

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Deleted: The following standards apply to development or construction in the C zone.¶
A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fenced as determined by the building inspector.¶
B. The residential character of neighborhood to be maintained during construction as to not to become an attractive or public nuisance, due to storage of material, parking or activities of the contractor employees.¶
C. Temporary services on site, shall be ten feet behind the property line, i.e. portable toilet facilities.¶
D. Rubbish and refuse service with city contractor shall be required at the time the building permit is issued. Serv[... [8]

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A. Auxiliary uses of the following types:

Vending machines, weight scales, and similar small or accessory uses incidental or auxiliary to the uses allowed in the C-1 zone;

B. Educational facilities of the following types:

Barber and beauty colleges,

Business schools,

Dancing, art, music and similar training schools,

Professional schools;

C. Financial institutions of the following types:

Banks,

Savings and loan associations,

Stock brokerage firms;

D. Office uses of the business, administrative, service, consulting or professional type;

E. Outdoor display and sales uses of the following, providing all functions other than display are at all times conducted within an enclosed building:

Plant nurseries and related packaged sales or storage; (See Section 17.60.030)

F. Recreational and entertainment facilities of the following types: (See Section 17.60.030)

Athletic clubs, including appropriate outdoor activities accessory thereto,

Bowling alleys,

Family billiard parlors,

Private clubs, fraternities, sororities and lodges,

Theaters (excludes open air);

G. Retail sales facilities of the following types:

Antique and import stores,

Apparel shops and accessories,

Appliance stores,

Art supply shops,

Auto supply stores,

Auto, tire, battery and accessory stores. (All merchandise shall be displayed within the building),

Bakery shops,

Book stores,

Business equipment sales (includes repairs),

Camera shops,

Candy shops,

Delicatessens,

Department stores,

Drug stores,

Dry goods and notions stores,

Electrical supply stores,

Floor covering stores,

Florist shops (including outdoor display),

Furniture stores,

Gift, novelty, card and souvenir shops,
Glass shops (including edging, beveling, silvering and staining),
Grocery stores,
Gun shops,
Hardware stores,
Health food stores,
Hobby stores,
Ice cream stores,
Jewelry stores,
Liquor stores (off sale),
Meat markets,
Music stores,
Newsstand,
Paint stores,
Pawn shops,
Pet shops (excludes dangerous animals and fish, venomous reptiles and the like),
Pottery sales,
Radio and television stores,
Shoe stores,
Sporting goods stores,
Stamp and coin stores,
Supermarkets,
Stationery stores,
Tobacco shops,
Toy stores,
Variety stores;

H. Service establishments of the following types:

Barber and beauty shops,
Bicycle shops,
Catering services,
Clothing and costume rental establishments,
Cocktail lounges (See Section 17.60.030)
Drapery and decorating shops,
Dressmaking shops,
Dry cleaning, press, or laundry shops (excludes bulk plant on-site cleaning),
Hotels,
Locksmith shops,
Mail order houses,
Medical and dental laboratories,
Newspapers and printing shops,
Parking lots (outdoor or in structures),
Photo engraving and blue print shops,
Photo studios,
Picture framing stores,
Reducing salons,
Restaurants, (See Section 17.60.030)

Shoeshine stands (as integral part of other building),

Shoe repair shops,

Tailor shops,

Trading stamp redemption;

I. Service transportation facilities of the following types:

Auto rental and exterior storage,

Bus, rail and taxi stations,

Travel agencies;

J. Similar Uses. Other commercial or related uses which are determined by the planning commission and city council; pursuant to Section 17.12.030, to be similar in character to those enumerated in this section.

K. Adult Businesses.

1. An "adult business" is defined as any business which is, at any time or times, conducted exclusively for the patronage of adults from the premises of which minors are specifically excluded by law or the owner or person in possession of the premises. This definition shall exclude any use pre-empted by state law or licensed by the state.

2. "Sexually oriented" shall mean any use, display, sale, product, book, treatment, manipulation, projection, machine or other device, the principal, advertised, and emphasized purpose, use or manifestation of which is gratification, education, entertainment, observation, reading, or other stimulus, excitation, or study of explicit human heterosexual, homosexual, or other sexual activity or simulation or depiction thereof.

3. "Sexually oriented adult business" shall not be permitted on any recorded lot within six hundred feet of a church nor within six hundred feet of a public or private school for the academic education of children nor within three hundred feet of residentially zoned property.

4. In the event any prohibition set forth in subsection (K)(3) of this section is held by any court of jurisdiction to be invalid or inapplicable, then such use or uses shall ipso facto, immediately, and automatically be classified as a conditional use requiring a conditional use permit pursuant to the provisions of the zoning code of this city and an Environmental Impact Report pursuant to the California Environmental Quality Act.

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L. Residential uses other than on the ground level which are consistent with the standards of Chapter 17.28 of this code and any alterations to those standards as may be approved pursuant to a permit issued under this chapter;

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17.36.030 Uses permitted by conditional use permit.

The additional uses listed at Section 17.60.030 are permitted upon approval of a conditional use permit.

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A. A minimum thirty-inch-high decorative masonry wall shall be provided and maintained on the outside perimeter of all off-street parking areas except at those points of ingress and egress for either vehicular or pedestrian traffic. Such wall shall be constructed of masonry units not greater than six inches in height. A plant screen may be substituted for the above, provided:

1. Such is of a species satisfactory for sight screening purposes;
2. Such is specimen stock at time of planting;
3. Such is planted within a minimum four foot planter area;
4. Such is provided with a permanent sprinkling system;
5. Such meets all other provisions of this section for landscaping, including being an integral part of the required landscaping plan.

Failure to maintain such a plant screen will result in its replacement with the aforementioned decorative masonry wall.

B. Landscaped earth mound (thirty-inch high minimum) may be substituted provided such is approved in design, location, scale and landscape treatment by the planning commission.

C. A minimum six-foot-high decorative concrete, or masonry or block wall shall be provided and maintained on the boundary of any C-1 premises which abuts or which lies across a public alley from a residential zone except in the front setback area where such wall shall not be higher than forty-two inches.

(Ord. 1084 § 1 (part), 1992; prior code § 9454(h))

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within the enclosure shall be maintained

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except for placement of material within such containers.

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(Ord. 1084 § 1 (part), 1992; Ord. 973 § 2 (part), 1980: prior code § 9454(i))

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The following standards apply to development or construction in the C zone.

A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fenced as determined by the building inspector.

B. The residential character of neighborhood to be maintained during construction as to not to become an attractive or public nuisance, due to storage of material, parking or activities of the contractor employees.

C. Temporary services on site, shall be ten feet behind the property line, i.e. portable toilet facilities.

D. Rubbish and refuse service with city contractor shall be required at the time the building permit is issued. Service may be weekly pickup service if accessible by a public street, or by scout or commercial service as otherwise authorized.

E. Contractors, subcontractors shall be required to have a completed subcontractors list for all services and trades and business licenses obtained prior to any construction or request for inspection. Where work for which a permit is required wherein the work has started or has proceeded prior to obtaining said permits or business licenses, the permit fees shall be doubled pursuant to Chapter 15.04 of this code.

F. Use of the public right-of-way for storage, work, staging, or off-loading requires a permit and approval in advance of any activity pursuant to Chapter 12.12 of this code.

G. The public right-of-way, if improved and in place, or at the entry to the project from an existing street, shall be cleaned each evening by the contractor. Clean up shall include, but not be limited to, streets, roadways, gutters, sidewalks, and parkways.

H. Violations of subsections A through G of this section may result in the issuance of a stop work order by the building inspector. Work so halted shall have the right of due notice and an administrative hearing upon request.

(Ord. 1051 § 4 (part), 1989: prior code § 9455)

0 Standards and incentives for mixed-use.

This section provides standards and incentives for the integration of residential uses at the rear and above ground floor commercial properties, hereinafter referred to as "mixed-use" projects for the purposes of this chapter. Mixed-use projects shall be permitted within the Commercial Zone, subject to the approval of a conditional use permit pursuant to Section 17.60.030. A mixed-use project may combine dwelling units with any other use or combination of uses allowed in the Commercial Zone.

Unless otherwise noted below, mixed-use projects shall be regulated by the Commercial Zone development standards contained in this chapter.

A. Density. The maximum density for the residential component of a mixed-use project shall be thirty dwelling units per acre. In addition, a density bonus of at least twenty-five percent shall be granted for qualified affordable housing projects pursuant to Chapter 17.34 of the Sierra Madre Municipal Code.

B. Parking. The minimum off-street parking requirement for the residential component of a mixed-use project shall be consistent with the following R-3 standards: two covered spaces per unit and one guest parking space for every three units. Parking for the nonresidential component shall be one space for every three hundred square feet of gross floor area. Pursuant to Section 17.68.045, a reduction of up to fifty percent of the spaces required for both the residential and nonresidential uses may be allowed based upon the findings of a Parking Demand Study which demonstrates the uses share a common parking area and the demand for parking occurs over different time periods.

C. Height. A height of thirty-five feet and three stories and may be allowed in a mixed-use project, provided the project is compatible with the scale and character of the surrounding area. Structures with heights greater than two stories shall setback the third story a minimum of five feet from the interior side property lines.

D. Location of residential uses. A mixed-use project that provides commercial and/or office space on the ground floor with residential units above (vertical mix) is preferred over a project that provides commercial structures on the front portion of the lot with residential uses to the rear (horizontal mix). Where a horizontal mixed-use project is allowed, one hundred percent of the ground floor building facades facing the street must be occupied by commercial uses to a minimum twelve-foot depth. In addition, a minimum of fifty percent of the total ground floor building area shall be occupied by commercial uses, excluding common accessways and stairwells.

E. Compatible Design. A mixed-use project shall be designed to provide compatibility between commercial and residential uses, and to minimize the effects of noise, odors, glare, vehicular traffic, privacy intrusion, and other potentially significant impacts on project residents."