

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

Chapter 8.24 FIREWORKS

8.24.010 Public celebration or display-Permit and conditions.

The City Council may, upon request in writing, permit any person or organization to conduct a public celebration or display of fireworks, and for that purpose to use and discharge or explode fireworks and explosives, or either of them, from any location designated in the permit under such conditions as the City Council may fix and establish upon granting such permission.

8.24.020 discharging illegal fireworks prohibited.

It is unlawful for any person to light, fire, shoot, discharge, set off or explode any blank cartridges for small arms, or fireworks, other than safe and sane fireworks as defined by Section 12529 of the California Health and Safety Code between the hours of 11:00 a.m. and 11:59 p.m. on the 4th of July within the corporate limits of the City.

8.24.030 Violation-Penalty.

Any person guilty of violating any of the provisions of this chapter, or performing any act declared by this chapter to be unlawful, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and/or imprisonment, in accordance with the general penalty provisions then in effect in the City, pursuant to Chapter 1.08 of this code, as amended.

Chapter 8.60 PARTY DISTURBANCES.

8.60.010 Purpose.

The City determines that it is in the best interest of all its residents that parties which deprive neighbor residents of their right to peace, safety and tranquility be subject to certain regulations designed to control disturbances.

8.60.020 Definitions.

- (a) "Residence" means the private domain, dwelling, house, household, apartment, townhouse or other structure designed, or being used, for human habitation.
- (b) "Resident" means the person or persons residing at or in the residence.
- (c) "Commercial" means an establishment, building or location normally associated with wholesale and/or retail business.
- (d) "Party" is a gathering or assemblage of a group of three or more persons for the purpose of mutual enjoyment or entertainment.
- (e) "Party Disturbance" is a circumstance or event at a party that deprives other neighbor residents of the safe or quiet enjoyment of their residences. "Party disturbance" includes, but is not limited to, a sound which is plainly audible to a person of average hearing at a distance of fifty (50) feet from the noisemaker, or across any property line from the noisemaker, whichever distance is less, and:
 - (1) endangers or injures the safety or health of human beings or animals; or
 - (2) annoys or disturbs reasonable persons of average sensibilities; or
 - (3) endangers or injures personal or real property.
- (f) "Neighbor" means the person(s) residing within the immediate geographical area of the disturbance.

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- (g) "Notice of Party Disturbance" means the lawful advisement by a Peace Officer to the host or sponsor of a party being a disturbance to the neighborhood.
- (h) "Host" or "hosting" means the resident(s) of the disturbing location, or the person(s) or the act of residing at or sponsoring or facilitating the party at the residence or commercial location.
- (i) "Peace Officer" means any person defined by the California Penal Code as a Peace Officer.

8.60.030 Party disturbances prohibited.

No person(s) may persist or continue in hosting a party at a residence or upon commercial property, under the following conditions:

- (a) Upon complaint to the Police Department by a neighbor that the circumstances or event at a party constitutes a party disturbance.
- (b) A Peace Officer counsels the host or resident and issues a "Notice of Party Disturbance."

8.60.040 Violations.

Any person(s) persisting or continuing in hosting a party disturbance after notice as set out in Section 8.60.030(b) above that the event or circumstance constitutes a party disturbance is guilty of a misdemeanor.

8.60.050 Administrative Costs.

- (a) The person(s) persisting or continuing in hosting a party disturbance in violation of this chapter shall pay administrative costs to the City of Guadalupe. If any of these persons is a minor, then the parents or guardian of the minor shall be jointly and severally liable to pay administrative costs.
- (b) Administrative costs relating to a violation of this chapter shall begin to accrue when police respond to a neighbor complaint under Section 8.60.030(a) and shall include the following: Police personnel at special security assignment rate, equipment cost, damage to City property and/or injuries to City personnel.

Chapter 15.08.020 (2016 Fire Code Amendments)

903.2.2.1 Group B.

All Group B occupancies other than those described in Section 903.2.2 shall be equipped with an automatic fire sprinkler system throughout the building when the gross floor area is more than 5,000 square feet.

903.2.7 Group M.

All Group M occupancies shall be equipped with an automatic fire sprinkler system throughout the building when the gross floor area is more than 5,000 square feet.

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903.2.21 Additions or Alterations. Automatic fire sprinkler system throughout the building shall be provided when:

- a. Additions to existing buildings adds more than 50% of the existing square footage to the structure and results in a total square footage in excess of 1,500 (one thousand five hundred) square feet;
- b. Alterations to Group A, B as described in section 903.2.2. E, F, and S encompass more than 50% of the existing square footage of the structure or is in excess of 1,500 (one thousand five hundred) square feet where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
- c. Alterations to Group B other than those described in Section 903.2.2 and M encompass more than 50 % of the existing square footage of the structure or is in excess of 3,000 (three thousand) square feet or where there is change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
- d. Alterations to Group R encompass more than 50% of the existing square footage of the structure or is in excess of 2,000 (two thousand) square feet or where there is a change of occupancy to a more hazardous use as determined by the Building Official or the Fire Chief;
- e. These requirements will be applicable to the combined square footage of all building permit issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

5614.2 Date and Hours of Sale and Use.

Safe and sane fireworks may be sold during the period beginning at twelve noon (12:00 p.m.) on the 28th day of June and ending at eleven fifty-nine (11:59 p.m.) on the 4th day of July each year pursuant to the provisions of Section 12599, California Health and Safety Code. Daily opening and closing hours of each fireworks stand are optional as long as they fall within the times specified above. Safe and sane fireworks, as defined by Section 12529 of the California Health and Safety Code, may only be used between the hours of 11:00 a.m. and 11:59 p.m. on the 4th of July.

Chapter 18.08 DEFINITIONS

18.08.010 Interpretation of terms.

For the purposes of this Title 18, certain terms are defined in this chapter. Words used in the present tense shall include the future; words in the singular shall include the plural; the word "shall" is mandatory, and the word "may" is permissive.

18.08.015 Access.

The place, means or way by which vehicles shall have safe, adequate and usable ingress and egress to a property and/or use as required by this title.

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18.08.020 Accessory residential structure.

Any structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following attached and detached accessory structures, and other similar structures normally associated with a residential use of property: artist studios, spas and hot tubs, cabanas, storage sheds, garages, swimming pools, gazebos, tennis and other onsite sport courts, greenhouses (non-commercial), workshops, and guest homes. It also includes a building used for the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use.

18.08.025 Accessory dwelling unit (ADU).

An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a primary dwelling unit is situated. Additional descriptions are found in Section 18.53.030.

18.08.030 Accessory use.

A use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or adversely affect other properties in the zone.

18.08.035 Adult oriented businesses.

B. Any business establishment or concern that:

1. As a regular and substantial course of conduct operates as an adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, adult modeling studio, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” but not including those uses or activities, the regulation of which is preempted by State law, or therapeutic massage services provided by licensed professionals, which are included under the definition of “Personal Services”; or
2. As a regular and substantial course of conduct offers, sells or distributes adult-oriented material or sexually-oriented merchandise, or that offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas but not including those uses or activities which are preempted by State law.

C. “Adult arcade” means a business establishment to which the public is permitted or invited and where coin, card or slug operated, or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas. Such devices shall be referred to as adult arcade devices.

D. “Adult booth/individual viewing area” means a partitioned or partially enclosed portion of an adult business used for any of the following purposes:

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1. Where a live or taped performance is presented or viewed, where the performances and/or images are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas;
 2. Where adult arcade devices are located.
- E. "Adult businesses (land use)" means any business establishment or concern that:
1. As a regular and substantial course of conduct operates as an adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, adult modeling studio, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law, or therapeutic massage services provided by licensed professionals, which are included under the definition of "Personal Services"; or
 2. As a regular and substantial course of conduct offers, sells or distributes adult-oriented material or sexually-oriented merchandise, or that offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas but not including those uses or activities which are preempted by State law.
- F. "Adult cabaret" means a business establishment (whether or not serving alcoholic beverages) that features adult live entertainment.
- G. "Adult hotel/motel" means a hotel or motel, as defined in this Code, that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.
- H. "Adult live entertainment" means any physical human body activity, whether performed or engaged in alone or with other persons, including, but not limited to, singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which:
1. The performer (including, but not limited to, a topless and/or bottomless dancer, go-go dancers, exotic dancers, strippers or similar performers) exposes to public view, without opaque covering, specified anatomical areas; and/or
 2. The performance or physical human body activity depicts, describes or relates to specified sexual activities, whether or not the specified anatomical areas are covered.
- I. "Adult modeling studio" means a business establishment which provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation of patrons, displays specified anatomical areas to be observed, sketched, photographed, filmed, painted, sculpted or otherwise depicted by persons paying for such consideration. Adult modeling studio does not include schools maintained pursuant to standards set by the Board of Education of the State of California.
- J. "Adult motion picture theater" means a business establishment, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser disks, holograms, virtual reality devices or similar electronically generated reproductions that is/are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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- K. "Adult oriented material" means accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices, including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. Adult oriented material shall include sexually oriented merchandise.
- L. "Adult retail store" means a business establishment having adult oriented material as a regular and substantial portion of its stock in trade.
- M. "Specified anatomical areas" means and includes any of the following:
1. Less than completely and opaquely covered human genitals or pubic region, buttocks or anus, and female breast below a point immediately above the top of the areola;
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
 3. Any device, costume or covering that simulates any of the body parts included in subsections 1 or 2, even if completely and opaquely covered.
- N. "Specified sexual activities" means and includes any of the following, whether performed directly or indirectly through clothing or other covering:
1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
 3. Masturbation, actual or simulated; and
 4. Excretory functions as part of or in connection with any of the other activities described in subsections 1 through 3.

18.08.040 Agricultural use.

Limited to farming or ranching activities. An agricultural use denotes the active use of land for the purpose of agricultural production, including, but not limited to, cultivation and growing of crops, and raising and keeping of livestock for commercial purposes. "Agricultural use" does not include the keeping of chickens or a vegetable garden on a residential parcel for the personal use of the residents.

18.08.045 Alley.

"Alley" means any public or private vehicular way which affords a primary or secondary means of access to abutting property.

18.08.050 Amusement arcade.

Any business or establishment which has located on its premises, as its primary use, amusement machines which are kept thereon for the purpose of being played, operated or used by the patrons of the arcade.

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18.08.055 Amusement machine.

Any device, game or contrivance, including, but not limited to, pinball machines, video games, computer games, electronics games and slot machines, for which charge or payment is received for the privilege of playing, using or operating the same, and which, as operating or playing such device, game or contrivance to receive the same return in market value in form of tangible merchandise each time such device, game or contrivance is used, operated or played.

18.08.060 Antenna.

Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.

18.08.065 Antenna, satellite dish.

A dish-like device used to receive television and radio signals which are transmitted from satellites and other sources.

18.08.070 Apartment.

A multifamily dwelling contained in one or more buildings.

18.08.075 Arbor.

An open horizontal structure made of lattice work used as a screen or a support for growing vines or plants.

18.08.080 Area, gross.

That area of a lot or parcel of land which includes all portions of such lot or parcel proposed to be in private ownership, as well as that proposed to be burdened by public alleys, highways, streets or other necessary public sites when required as part of a proposed development project.

18.08.085 Attached unit.

A unit having a common roof and a common wall(s) with one or more other units.

18.08.090 Auto repair.

All servicing of motor vehicles except the following: sale of motor fuels, tires, tubes, and lubricants; lubricating vehicles, minor tube and tire repairs, battery recharging, hand auto washing and hand polishing.

18.08.095 Auto service station.

A structure or premises where gasoline, oil, grease, batteries, tires and automobile accessories are supplied and dispensed at retail and where, in addition, the following services as accessory to the principal use may be rendered and sales made, and no other:

- (a) Sale and servicing of spark plugs, batteries and distributors and distributor parts;
- (b) Tire servicing and repair, but not recapping or regrooving;
- (c) Replacement or adjustment of automobile accessories;
- (d) Radiator cleaning and flushing; provision of water, antifreeze and other additives;
- (e) Washing and polishing, and sale of automotive washing and polishing materials;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps and lines;

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- (h) Servicing and repair of carburetors;
- (i) Adjusting and repairing brakes;
- (j) Emergency wiring repairs;
- (k) Motor adjustment not involving removal of the head or crankcase;
- (l) Provision of cold drinks, packaged foods, tobacco and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to the principal operation;
- (m) Provision of road maps and other information material to customers;
- (n) Provision of restroom facilities;
- (o) Parking lot, as an accessory use only.

18.08.100 Banner, flag or pennant.

Any cloth, bunting, plastic, paper or similar material used for advertising purposes attached to, appended on or from any structure, staff, pole, line, framing or vehicle.

18.08.105 Barbecue or open air barbecue.

Any outdoor facility at an approved location for cooking food directly over hot coals or another method approved by the County Health Department.

18.08.110 Baths.

- A. "Full bath" means an interior space which contains a water closet, a lavatory and a bathtub with or without a shower.
- B. "One-half bath" means an interior space which contains a water closet and a lavatory.
- C. "Three-quarter bath" means an interior space which contains a water closet, a lavatory and a shower.

18.08.115 Berm.

Clean, compacted fill, free of organic material, formed in a manner to provide aesthetic variety within landscape areas.

18.08.120 Boardinghouse.

A building, other than a hotel, where lodging is provided to individuals with or without meals, for monetary or nonmonetary consideration under 3 or more separate agreements, leases or sub-leases, either written or oral, or a building with 5 or fewer guest rooms or suites of rooms, where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under 3 or more separate agreements, leases or sub-leases, either written or oral, regardless of whether an owner, agent or rental manager resides in the dwelling. "Consideration" shall include monetary or non-monetary payment made by an employer either as part of the wages paid to an employee, or as a term or condition of employment to the person being lodged in the dwelling. This definition does not include any of the following facilities licensed by the State of California: alcoholism or drug abuse recovery or treatment facility under Health and Safety Code Section 11834.02; community care facility under Health and Safety Code Section 1502; or residential care facility under Health and Safety Code Section 1569.2.

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18.08.125 Buffer.

An open space or landscaped area, the purpose of which is to prevent the direct abutting of incompatible uses or structures.

18.08.130 Building.

Any structure having a roof supported by columns or by walls, and designed for the shelter or housing of any person, animal or chattel. (Ord. 189 Art. 7, 1980)

18.08.135 Building, main.

A building in which is conducted the principal use of the lot or building site on which it is situated.

18.08.140 Building permit.

Written authorization from the City building official for the legal erection of any structure.

18.08.145 Building setback line.

The line appearing on the site plan or building plan delineating the space between such line and the property line as the required yard in lieu of the front, side or rear yard otherwise described for the zone.

18.08.150 Building site.

A lot or parcel of land in single, common, or joint ownership and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title and having frontage on a dedicated street, road or highway.

18.08.155 Business office, commercial.

A commercial activity characterized by administrative and/or clerical operations with a low volume of customer contact on the premises with no transfer of merchandise on the premises.

18.08.160 Business, retail.

- A. "Retail Business" is the retail sale of any article, substance or commodity for profit or livelihood, but not including the sale of lumber, bulk goods, or other building materials or the sale of used or second-hand goods or materials of any kind.
- B. "Heavy Retail Business" is the retail sale of goods for profit or livelihood, such as lumber, bulk goods, building equipment and supplies, landscape material and equipment, flooring, carpeting materials, paint, tile and tires.

18.08.165 Business, wholesale.

The wholesale handling of any article, substance or commodity for the profit or livelihood, but not including the processing or manufacture of any product or substance.

18.08.170 Care of nonrelated persons (seven or more persons).

A state-licensed care home giving nonmedical services on a twenty-four hour a day basis to seven or more mentally handicapped, physically handicapped, disabled or aged persons, or dependent and neglected children.

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18.08.175 Care of nonrelated persons (six or less persons).

A state-licensed family care home giving nonmedical services on a twenty-four hour a day basis to six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children. For the purposes of this title the care of nonrelated persons as defined in this section shall be considered a single-family residential use subject only to the provisions of this title dealing with single-family residential uses.

18.08.180 Caretaker's residence.

An accessory building containing a dwelling for caretakers or servants for the land or main building(s). "Caretaker's residence" includes servants' quarters.

18.08.185 Carport.

A permanent roofed structure with not more than two enclosed sides, used for vehicle shelter.

18.08.190 Charitable event barbecue or sponsored event barbecue or benefit barbecue.

A qualified fundraising barbecue that occurs not more than three consecutive days in any calendar quarter for the purpose of assisting people after a catastrophic event.

18.08.195 Charitable or religious institution.

A church, synagogue, mosque, or other building devoted to religious, philanthropic or nonprofit social welfare activities.

18.08.200 Child day care center.

Any child day care facility other than a family day care home, and includes infant centers, preschools and extended day care facilities.

18.08.205 Church.

A permanently located building commonly used for religious praise and worship. Such building shall be fully enclosed with walls (including windows and doors), and shall conform to applicable legal requirements affecting design and construction.

18.08.210 City.

"City" means the City of Guadalupe, a municipal corporation of the State of California.

18.08.215 Commercial uses.

Those uses other than residential, religious or public educational uses which are permitted in any of the commercial zones contained in this title.

18.08.220 Community event.

An event that is of a civic, political, public, or educational nature, including county fairs, city festivals, certified farmers' market, and other public gathering events as specifically declared by the City Council.

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18.08.225 Community event barbecue.

A qualified fundraising barbecue operating out of temporary facilities approved by the County Health Department at an approved location for a period of time not to exceed 25 consecutive or nonconsecutive days in any calendar quarter in conjunction with a single, weekly, or monthly community event as declared by the City Council.

18.08.230 Conditional use.

A use which requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities. Such control is to ensure that the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site.

18.08.235 Conforming structure.

A structure designed and built for a use permitted in the zone and complying with the property development standards of the zone in which such structure is located.

18.08.240 Conforming use.

A use permitted under the terms of this title in the zone in which such use is carried on.

18.08.245 Corner lot.

A lot the front of which and one or more sides of which face a street. (Ord. 189 Art. 7, 1980)

18.08.250 Corner cutback.

The provisions for maintenance of adequate space for safe visibility to protect vehicular and pedestrian traffic at all intersections of streets, alleys and/or private driveways, as provided in the zones. Such space will be kept free of building, structures and landscaping which would constitute a visual obstruction. (See Figure 3 in Appendix)

18.08.255 Cottage food employee.

An individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

18.08.260 Cottage food operation

A commercial enterprise conducted within the registered or permitted area of a dwelling unit where the cottage food operator, as defined by California Health and Safety Code Section 113758, resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers in compliance with California Health and Safety Code Section 113758.

18.08.265 Cottage food operator.

An individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

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18.08.270 Cottage food products.

Non-potentially hazardous foods, including foods that are described in California Health and Safety Code Section 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.

18.08.275 Curb.

A City-approved concrete or asphalt concrete structure along the edge of the street pavement and raised above the pavement.

18.08.280 Day care home, large family.

A home which regularly provides care, protection and supervision in the provider's own home to nine to fourteen children, including children who reside at the home, for periods of less than twenty-four hours per day, and has all appropriate licenses.

18.08.285 Day care home, small family.

A home which regularly provides care, protection and supervision in the provider's own home to eight or fewer children, including children who reside at the home, for periods of less than twenty-four) hours per day, and has all appropriate licenses.

18.08.290 Density.

The number of dwelling units that may be constructed per acre or per square foot of lot area.

18.08.295 Drive-in restaurants or drive-in eating and drinking establishment.

Any commercial establishment serving food and drinks, making provisions encouraging consumption of food or beverages in automobiles, whether such consumption in automobiles is on the premises or at the curb adjacent to the premises.

18.08.300 Driveway.

A private access with paving to a street, highway, alley, parking lot or easement.

18.08.305 Dwelling group.

A group of two or more detached or semi-detached one-family, two-family or multiple-family dwellings occupying a parcel of land in one ownership, and having any yard or court in common, but not including motels, hotels, boardinghouses or rest homes.

18.08.310 Dwelling, multiple.

A building or portion thereof, used and designed as a residence for two or more families living independently of each other and doing their own cooking in the building, including apartment houses, duplexes and condominiums, but not including motels or boardinghouses.

18.08.315 Dwelling, single-family.

A building designed for or used to house not more than one family.

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18.08.320 Dwelling, two-family or duplex.

A building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other.

18.08.325 Dwelling unit.

One or more rooms with interior access suitable for occupancy by one family and containing sanitation facilities and no more than one kitchen.

18.08.328. Employee housing.

"Employee housing" or "employee housing facility" means employee housing as defined in Health and Safety Code Section 17008, when the accommodations consist of a housing type permitted in the underlying zone district, and of buildings and structures permitted by the City of Guadalupe for occupancy.

18.08.330 Family.

One or more persons occupying a dwelling unit and living as a single housekeeping unit.

18.08.335 Fence.

Any device forming a physical barrier by means of wood, wire mesh, plastic, brick, stone or other similar materials; provided, however, that where a fence is required as a condition of the improvement of the land pursuant to this title, the same shall consist of solid wood, chain link with slats or a solid masonry wall, as approved by the City Council, except that upon finding of special conditions unique to the property, the City Council may allow such a fence to consist of other material or design.

18.08.340 Floor area, gross.

Used for the purposes of determining total gross building area and calculating parking requirements, means the sum of the gross horizontal areas of all floors, mezzanines and lofts of the building. Horizontal dimensions shall be taken from the exterior faces of the exterior walls of the building and shall include all enclosed and conditioned areas except stairways and elevators.

18.08.345 Garage.

An accessory building or part of a main building of not less than eleven by twenty feet interior dimension, designed for the shelter and storage of a motor vehicle or vehicles and enclosed on three or more sides. Garages must be open and usable for the parking of vehicles to satisfy the parking requirements of this Code.

18.08.350 Guest home.

Temporary living quarters within an accessory building, provided that no cooking facility is installed or maintained therein.

18.08.355. Guestroom.

A portion of a main building consisting of living quarters, not a dwelling unit, however, so arranged that there is no more than one egress to the outdoors or to a public way, so that there is interior

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access to the common living areas of any dwelling unit occupying the main building, and providing that no cooking facility is installed or maintained therein.

18.08.360 Height of building.

- A. "Height" of building means the vertical distance from the average finish grade of the building site as determined from the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof.
- B. Maximum Height Exceptions:
 - 1. Subject to a Design Review (DR) permit pursuant to Chapter 18.73, structures may exceed the maximum allowable building height of the zoning district.
 - 2. The following items may be permitted to a height in excess of that permitted within the zone when approved in the discretion of the Planning Director or designee when he or she determines they are safe and have no significant adverse effect upon surrounding property: penthouse or roof structures for the housing of elevators, stairways, mechanical equipment required to operate and maintain the building, skylights, spires, tanks, flag poles, chimneys and antennas.

18.08.365 Height of fences, walls or hedges.

- A. Height shall be determined by the vertical distance from the highest ground-level elevation on either side of the fence, wall, or hedge.
- B. Exception: Where the rear, side or front property line is lower than the finished pad elevation, the height of the wall shall be determined by the Planning Director or designee.

18.08.370 Home occupation.

- A. An occupation conducted on the premises by the occupant of the dwelling, as a secondary use in connection therewith, and where there are no advertising signs, no displays, no stocks of merchandise, commodities or parts bought, sold or stored on the premises, and no employees in connection therewith.
- B. The following shall not be permitted as a home occupation:
 - 1. Maintenance or repair of automobiles or other vehicles;
 - 2. The provisions of room, board or care for persons or animals;
 - 3. A medical marijuana dispensary.

18.08.375 Hotel.

Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for lodging or sleeping purposes, where said transients access individual rooms through interior corridors.

18.08.380 Household pets.

Animals which can reasonably be domesticated and kept in a residential environment without interfering with the health, safety and welfare of adjacent residents. Household pets do not include sheep, goats, cows, pigs, horses, donkeys, burros, or other animals including but not limited to roosters, peacocks, or raccoons.

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18.08.385 Junkyard.

More than 100 square feet of the area of any lot or parcel of land used for the storage of junk, including but not limited to scrap metals, salvage, spare parts or other scrap materials or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage.

18.08.390 Kennel.

Any lot or premises on which four (4) or more dogs more than six (6) months of age are kept, boarded or trained; provided, however, that if other animals or birds or fowl are bought, sold or bartered, the classification to apply shall be that of a pet shop.

18.08.395 Kitchen.

Any room or portion of room used or intended or designed to be used for cooking and the preparation of food.

18.08.400 Landscaping.

The configuration of trees, shrubbery and other plant material, earth patterning and bedding materials in conjunction with open space. It shall not be construed to mean artificial plants.

18.08.405 Lattice.

A framework or structure of crossed strips arranged to form a regular pattern of open spaces.

18.08.410 Lot.

A parcel of land of at least sufficient size to meet zoning requirements for use, coverage, area and open space as required by this Code.

18.08.415 Lot area.

The total area of land measured in a horizontal plane within the lot lines of the lot.

18.08.420 Lot coverage.

That area covered by buildings or structures.

18.08.425 Lot depth.

The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

18.08.430 Lot dimensions.

The width and depth of a lot.

18.08.435 Lot, front.

The narrowest dimension of a lot fronting on a street.

18.08.440 Lot, interior.

A lot which is not a corner lot.

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18.08.445 Lot line, front.

The property line or lines separating a lot from street or streets in the case of an interior lot and the line separating the narrowest street frontage of a lot from the street in the case of a corner lot. A lot may have more than one front lot line.

18.08.450 Lot line, rear.

A lot line which line is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, the rear lot line shall be a line within the lot, ten feet long parallel to and at a maximum distance from the front lot line. A lot which is bounded on all sides by streets may have no rear lot line.

18.08.455 Lot width.

The horizontal distance between the side lot lines measured at right angles to the line representing the lot depth at a point on the line midway between the front and rear lot lines. In the case of a lot with a long narrow appendage abutting the street, the horizontal distance shall be measured at a point midway between the rear lot line and the beginning of the main body of the lot.

18.08.460 Medical marijuana dispensary.

- A. A facility where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5.
- B. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law:
 - 1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;
 - 2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
 - 3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
 - 4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;
 - 5. A residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable California and federal law.

18.08.465 Miniwarehouse.

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' personal property.

18.08.470 Mobile home.

A structure or vehicle, without its own motor power, used or designed for living or sleeping purposes. It is equipped with wheels for the purpose of transporting such from place to place but is generally located on a fixed or semi-permanent foundation. A travel trailer is not to be considered as a mobile home. (Compare "recreational vehicles.")

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18.08.475 Mobile home park.

Any area or tract of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies (Ord. 189 Art. 7, 1980)

18.08.480 Motel.

A group of two or more detached or semidetached buildings containing guest rooms with and without limited cooking facilities, with access gained through an outside walkway. Automobile parking spaces serve such rooms provided in connection therewith, which group is designed and used primarily for the accommodation of transient automobile travelers.

18.08.485 Nonconforming lot.

A lot created lawfully and existing on the effective date of the applicable zoning regulations and existing since that time in nonconformance to the zoning regulations.

18.08.490 Nonconforming structure.

A lawful structure existing on the effective date of the applicable zoning regulations and existing since that time in nonconformance to the zoning regulations.

18.08.495 Nonconforming use.

A lawful use existing on the effective date of the zoning regulations and continuing since that time in nonconformance to the zoning regulations.

18.08.500 Occasional event barbecue.

A qualified fundraising barbecue that occurs not more than three consecutive days in any calendar quarter for the purpose of funding community programs and projects or charities.

18.08.505 Outdoor sales.

- A. The display of goods and materials, incidental to an allowed use, on the premises of the existing business. Items must be placed on a hard-surface, outside of public right-of-way and required parking areas, and may only be displayed during regular business hours. For the purposes of this definition, occasional sidewalk sales shall not be considered as outdoor sales and display.
- B. The definition of "outdoor sales" shall not include:
 1. Vending machines which are not designed to serve the occupant of an automobile or motor vehicle and which are located under the roof overhang of a commercial building, and are not located within the boundaries of public properties or rights-of-way;
 2. Bake sales, rummage sales or other similar fundraising projects by nonprofit organizations, not more than 2 consecutive days at a time, and not more than 3 times a year.

18.08.510 Outdoor storage.

The keeping, in an unroofed area, of any goods, material, merchandise, in the same place for more than 24 hours.

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18.08.515 Patio cover.

A roof like-structure not exceeding twelve feet in height which is placed over a patio to provide shade or protection from the elements. A patio cover is typically supported by vertical posts.

18.08.520 Parcel map.

A map showing the division of land as defined and described in the Subdivision Map Act of the state Government Code.

18.08.525 Paving.

- A. A created surface, such as brick, stone, concrete, or asphalt, permanently affixed/placed on the land to facilitate passage;
- B. That part of a street having an improved surface.

18.08.530. Pet shop.

The building in which animals are bought, sold or bartered and boarded therein.

18.08.535 Pipeline.

A conduit used for the transmission of oil, gas, water or wastewater, over, across, through or in private property or public right-of-way, excluding incidental on-site pipelines serving a permitted use including utility lines serving an approved subdivision or development.

18.08.540 Plan, general.

General Plan is described by California Government Code Section 65300 and following.

18.08.545 Plan, specific.

Specific plan is described by 65450-65457.

18.08.550 Property line.

A line separating a parcel of land from another parcel or from the street or alley.

18.08.555 Public utility.

Any legal entity authorized by the state laws or pursuant to local franchise to provide the community water, wastewater, gas, electricity, telephone or other services.

18.08.560 Recreational vehicles.

Recreational vehicles include the following:

- A. Boats, boat trailers, floats of every kind and rafts, plus the equipment to transport the same on a highway.
- B. Folding tent trailer consisting of a canvas or vinyl folding structure mounted on wheels with many similar features as a travel trailer, and designed for camping, travel, recreational and vacation purposes.
- C. Camper consisting of a structure designed primarily to be mounted upon a truck and with sufficient facilities to render suitable for camping, travel, recreational and vacation purposes. Camper shells used in conjunction with a vehicle are not considered a recreational vehicle.

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- D. Motorized home, also called Class A, Class B, and Class C recreational vehicle (RV), consisting of a portable dwelling designed and constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for camping, travel, recreational and vacation purposes.
- E. Travel trailer and 5th-wheel consisting of a vehicular portable structure built on a chassis designed to be towed by a vehicle and used as a temporary dwelling for camping, travel, recreational and vacation purposes.

18.08.565 Residential use.

A use for permanent or quasi-permanent dwelling purposes in a single-family dwelling, two family dwelling, three family dwelling or multifamily dwelling, manufactured housing and mobile homes, and all of the incidental uses thereto.

18.08.570 Rest home.

The premises and buildings used for the housing and care of aged, infirm or handicapped persons for compensation, but in which are kept for such compensation no persons suffering from mental illness or communicable disease, and in which are performed no surgery or maternity care or any other treatment customarily provided for in a sanitarium or hospital, so that such homes may not include any persons requiring regular nursing care. For the purposes of this definition, "aged persons" are persons whose chronological ages meet the qualifications established by the state Welfare and Institutions Code for recipients of old age security benefits.

18.08.575 Restaurant.

A place that is designed and used for the sale and consumption of prepared food primarily on the premises.

18.08.580 Restaurant, fast-food.

A place that is designed and used for the sale of prepared foods to be consumed primarily off the premises, and may include a drive-through.

18.08.585 Retail business.

A place that is designed and used for the sale or resale of commodities or goods to consumers.

18.08.590 Retail nursery.

The retail handling of any article, substance or commodity related to gardening, including the sale of plants, shrubs, trees, packaged fertilizers, soils, chemicals, amendments, garden tools, statuary, and other nursery goods and related products.

18.08.595 Room.

A part or division of a building enclosed by walls, floor, and ceiling within a dwelling unit, room rental or hotel. Bathrooms, hallways, closets and service porches are not defined as rooms.

18.08.600 Screening.

Solid walls, solid fences or dense, living hedges for the purpose of concealing from view the area behind such structure or hedges. (See also "fence" and "landscaping.")

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18.08.605 Setback.

A minimum horizontal distance between a property line, and the face of the building or accessory structure. (See also “yard”)

18.08.610 Side and front of corner lots.

The narrowest frontage of a corner lot facing the street is the “front” and the longest frontage facing the intersecting street is the “side,” irrespective of the direction in which the dwelling faces, except when the Planning Director or designee has designated the wide frontage to be the “front” of the building site for setback purposes.

18.08.615 Signs.

A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to otherwise provide information, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

18.08.620 Single housekeeping unit.

The functional equivalent of a traditional family where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method, and the makeup of the household occupying the unit is stable and semi-permanent and determined by the residents of the unit rather than the landlord, property manager, or third party.

18.08.625 Street.

A public or private thoroughfare which affords a primary means of access to abutting property. “Street” includes, in addition to the paved travel way, all land within the street right-of-way.

18.08.630 Structure.

Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, except outdoor areas such as patios, paved areas, walks, swimming pools, tennis courts and other similar recreation areas; provided, however, that swimming pools are and shall be governed by the provisions of Uniform Building Codes.

18.08.635 Supportive housing.

Housing that is occupied by persons within the target population, and linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing shall be allowed in any residential zone district subject only to those restrictions that apply to other residential dwellings of the same type in the same zone in accordance with California Government Code Section 65583. Supportive housing has no limit on length of stay.

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18.08.640 Target population.

Adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults again out of the foster care system, individuals existing from institutional settings, veterans, or homeless people.

18.08.645 Temporary Retail Sales.

The sales of goods, usually in small quantities, not exceeding seventy-two consecutive hours and not more than once per calendar quarter.

18.08.650 Transient.

Any person who exercised occupancy for a reason of concession, permit, right of access, license, or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days.

18.08.655 Transitional housing.

Housing that assists persons within the target population in the transition to permanent housing by offering either on- or off-site access to social services, counseling, and other programs to its residents. Transitional housing is operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing shall be allowed in all residential zone districts and shall be subject only to those restrictions that apply to other dwellings of the same type in the same zone.

18.08.660 Trellis.

An open vertical frame supporting open latticework, used as a screen or a support for growing vines or plants.

18.08.665 Wall.

Any structure or device forming a physical barrier which is constructed of wood, masonry, precast, cast-in-place, brick, cement block or similar materials, as approved by the City where fifty (50) percent or more of the vertical surface is closed and prevents the passage of light, air and vision through the surface in a horizontal plane; provided, however, that where a wall is required as a condition of the improvement of land pursuant to this title, the same shall consist of solid masonry, as approved by the City Council, except that upon a finding of special conditions unique to the property, the City Council may allow such a fence to consist of other material or design.

18.08.670 Yard.

Any open space other than a court on the same lot with a building or a dwelling group, which space is clear of structures and thus open from ground to sky, except for the projections and/or accessory buildings permitted as set forth and specified in this title.

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18.08.675 Yard, front.

A space extending the full width of the lot, between the front lot line or the street and a line parallel thereto at a distance equal to the depth of the required front yard for the zone in which the lot is located.

18.08.680 Yard, rear.

A space extending the full width of the lot, between the rear lot line and a line parallel thereto at a distance equal to the depth of the required yard for the zone in which the lot is located.

18.08.685 Yard, side.

A space extending from the front yard to the rear yard, between the side lot line and a line parallel thereto at a distance equal to the depth of the required side yard for the zone in which the lot is located.

18.08.690 Zoning district.

A portion of the City within which certain uses of land and buildings are permitted or prohibited, and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this title.

Chapter 18.20 R-1 SINGLE-FAMILY (LOW-DENSITY) RESIDENTIAL DISTRICT

18.020.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-1 district include:

- A. A church, public or private elementary school, park, playground, public utility building or public building, along with required parking;
- B. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;
- C. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit, or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

Chapter 18.28 R-2 MULTIPLE DWELLING (MEDIUM-DENSITY) RESIDENTIAL DISTRICT

18.028.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-2 district include:

- A. Group dwellings with more than 6 residents, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that such a group dwelling shall not be located within 300 feet of the boundaries of a parcel containing another group dwelling, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity;
- B. A church, public or private elementary school, public utility building or public building, along with required parking;

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- C. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;
- D. A home occupation;
- E. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit, or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

Chapter 18.32 R-3 MULTIPLE DWELLING (HIGH-DENSITY) RESIDENTIAL DISTRICT

18.032.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-3 district include:

- A. Mobile home parks or recreational vehicle parks;
- B. Mortuaries;
- C. A home occupation;
- D. Group dwellings with more than 6 occupants, such as hotels, motels, boardinghouses, family care homes, rest homes, convalescent homes or other similar residential uses, provided that such a group dwelling shall not be located within 300 feet of the boundaries of a parcel containing another group dwelling, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity;
- E. Accessory buildings or uses normally incidental to one of the uses permitted above, if constructed or installed prior to the main building on the same lot;
- F. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit, or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

Chapter 18.35 MIX, MIXED-USE DISTRICT

18.35.030 Conditional uses.

- A. Uses permitted subject to obtaining a conditional use permit, including:
 - 1. Dwellings at a density of 6 dwellings per gross acre, and on the upper floors only;
 - 2. Theaters;
 - 3. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit.
- B. The following uses are allowed by a conditional use permit provided that: (1) the gross floor area of each establishment shall not exceed 2,000 square feet; and (2) the combined floor area of such establishments within a shopping center shall not exceed 25% of the total floor area:
 - 1. Bars and taverns;
 - 2. Professional offices;
 - 3. Restaurants;
 - 4. Retail sale and rentals of specialty items, such as video rental, clothing stores, books, records, toys and stationery;
 - 5. Retail sale of groceries and liquor (<2,000 square feet).

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Chapter 18.36 G-C, GENERAL COMMERCIAL DISTRICT

18.036.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the G-C district include:

- A. Dwellings which are not on a floor above a permitted use;
- B. Hospitals, convalescent homes, boardinghouses, and family care homes or other group dwellings;
- C. Outdoor sales, including drive-in food and drive-through banking facilities;
- D. Recreation vehicle park;
- E. Auto repair and parking garages;
- F. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit.

Chapter 18.38 C-N, NEIGHBORHOOD COMMERCIAL DISTRICT

18.38.030 Conditional uses.

- A. Uses permitted subject to obtaining a conditional use permit, including:
 1. Amusement arcades;
 2. Athletic and health clubs;
 3. Dwellings at a density of 4 dwellings per gross acre;
 4. Homeless shelters;
 5. Repair services;
 6. Residential care facilities providing care for 6 or more persons;
 7. Service stations;
 8. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit.
- B. The following uses are allowed by a conditional use permit provided that (1) the gross floor area of each establishment shall not exceed 2,000 square feet and (2) the combined floor area of such establishments within a shopping center shall not exceed 25% of the total floor area:
 1. Bars and taverns;
 2. Professional offices;
 3. Restaurants;
 4. Retail sale and rentals of specialty items, such as video rental, clothing stores, books, records, toys and stationery;
 5. Retail sale of groceries and liquor (<2,000 square feet);
 6. Theaters.

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Chapter 18.60 OFF-STREET PARKING AND LOADING

Article I. Off-Street Parking

18.60.010 Applicability.

The provisions of this chapter apply within all zoning districts and to all uses and structures within the City. At the time of the erection of any building and/or structure listed in this chapter or at the time any such building and/or structure that requires additional parking spaces is constructed or intensified in use, enlarged or increased in capacity, the minimum off-street parking spaces set forth in Section 18.60.050, with provisions for adequate and usable ingress and egress, shall thereafter be maintained in connection with such building and/or structure and use of land.

18.60.020 Units of Measurement.

- A. **Fractional Remainders.** When the unit of measurement determining the number of required parking spaces results in the requirement of a fractional space, any fraction of 0.5 spaces or more is considered as a whole space and any fraction of 0.4 or less is dropped as a whole space.
- B. **Seating Capacity.** When the unit of measurement determining the number of required parking spaces is based upon the seating capacity of a structure or use, each twenty-four inches of pew, bench or other seating shall count as one seat.
- C. **Gross Floor Area.** When the unit of measurement determining the number of required parking spaces is based upon gross floor area, such area shall be calculated as prescribed in Section 18.60.050.
- D. **Employees.** When the unit of measurement determining the number of required parking spaces is based on the number of employees, the maximum shift or employment period during which the greatest number of employees are present at the structure or use shall be used in the computation.

18.60.30 Construction specifications and access standards.

Off-street parking facilities shall meet the following standards:

- A. Every off-street parking space shall be accessible by a driveway from a public street or alley.
- B. Each parking space shall be not less than 19 feet in length and 9.0 feet in width or as otherwise noted in Section 18.070.
- C. Where three or more parking spaces are provided in one area, driveways shall be designed to allow forward movement of a vehicle between the street and the parking spaces.
- D. Driveways shall have a clear width of not less than 10 feet, and a paved width of not less than 8 feet.
- E. Driveways providing for two lanes of vehicular traffic in opposite directions shall have a width of not less than 20 feet.
- F. Off-street parking areas shall be designed to permit the operator of a vehicle to maneuver from one aisle of the off-street parking area to another aisle without driving upon any portion of a public street.

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- G. Entrances and exits shall be provided at locations approved by the City Engineer.
- H. If the parking area is illuminated, lighting shall be deflected away from abutting streets and residential sites so as to prevent dangerous or annoying glare.
- I. A required off-street parking space shall not be located in the required front yard setback, or in a required side yard adjoining a street.
- J. All driveways and parking areas shall be surfaced so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water accumulated within the area, and shall be arranged and marked to provide for orderly and safe parking and movement of vehicles. Drainage of driveways and parking areas shall comply with current National Pollution Discharge Elimination System (NPDES) and Regional Water Quality Control Board standards for stormwater runoff including Low Impact Development (LID) standards.

18.60.040 Residential zones—parking in front and side yard setbacks.

- A. “Vehicles,” as used in this chapter, include recreational vehicles; boats, whether on or off trailers; trailers; and any other similar vehicles whether operable or inoperable.
- B. Parking a vehicle or vehicles on any unpaved portion of a front yard or side yard setback is prohibited. Such parking is also prohibited on any unpaved portion of a street side yard setback of corner lots. Notwithstanding the foregoing prohibition, a vehicle may be parked on an unpaved portion of a front or street side yard setback for a period not exceeding one hour while actively being washed.
- C. Vehicle parking may be allowed on a paved portion of a side yard setback (or street side yard setback of corner lots) with a Zoning Clearance. Suitable paved surfaces include solid asphalt or concrete, concrete or brick pavers, or a concrete lattice supported surface such as grasscrete.
- D. After the effective date of the ordinance adopting this section, any additional paving of the front yard setback or side yard setback (or street side yard setback of corner lots) shall require the approval of a Zoning Clearance.
- E. In considering an application for a Zoning Clearance, the City shall consider the aesthetic impact as well as the potential for interference with access to structures for emergency vehicles and personnel from vehicles or other obstructions to be placed on such paving. Only one side yard area shall be occupied by vehicle parking. That side yard area shall be located adjacent to an existing driveway. A minimum 5-foot wide side yard access to the rear yard shall be maintained in perpetuity. In no case shall additional paving reduce the total area of landscaping within the front yard (or street side yard setback of corner lots) to less than 33% of the pertinent yard setback area.

18.60.050 Off-street parking spaces required.

- A. Residential.
 - 1. Dwelling, single-family:
 - a. New construction of single-family residential dwellings shall provide two off-street parking spaces within a garage or carport, and where pre-engineered, uniform carport and garage designs are approved through a Design Review permit. Off-street parking spaces within a garage or carport shall be a minimum of nine and one-half feet by nineteen feet; except that single-car garages and carports with side walls

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shall be eleven feet by nineteen feet. These spaces shall be free and clear of any appliances, cabinets, structures or material which could make the space unusable for the parking of automobiles.

- b. Single-family residential units which existed or were under construction prior to approval of this ordinance amendment and where additional living area is added after adoption of this ordinance amendment shall provide two off-street parking spaces, one of which must be within a garage or carport and one of which must be on a flat, paved pad accessible directly from the driveway or the public way and located outside the front yard setback. The requirement of this paragraph for existing structures shall not apply when additions are made to the unit that do not constitute an increase in living area. This section in no case will prohibit the addition of living area to a single-family residence when there is no accessible space available for the required additional parking space, subject to all other provisions of the zoning regulations being complied with.
 2. Dwelling, two family/duplex, or multi-family dwellings: shall provide two spaces per unit, one of which shall be covered.
 3. Condominium developments: require two covered parking spaces per dwelling unit, plus one guest parking space for each two dwelling units. The guest parking spaces shall be distributed throughout the development at locations approved by the Planning Department.
 4. Mobile home parks: shall provide two spaces per unit, plus one guest space for each four mobile home sites in the park.
 5. Senior housing units:
 - a. Where the square footage per unit does not exceed six hundred square feet, shall provide one space for each three units, plus one space per each staff member.
 - b. Units exceeding six hundred square feet shall provide one space per dwelling unit, plus one space per each staff member.
 6. Boardinghouses: One covered parking space is required per habitable room as determined by the Building Official. For the purpose of this section, bathrooms and kitchens are not habitable rooms.
- B. Quasi-public.
1. Auditoriums, assembly halls, community centers, churches, clubs or lodges: shall provide one space for each five permanently located seats or one space for each thirty-six square feet of floor area in the assembly room or rooms.
 2. Theater(s) with less than two hundred total seats: shall provide one space for each three seats.
 3. Theater(s) with two hundred or more total seats: shall provide one space for each five seats.

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C. Office.

1. Banks, savings and loans and stock brokerage offices: shall provide one space for each two hundred sixty square feet of gross floor area.
2. Medical and dental offices: shall provide one space for each one hundred eighty-five square feet of gross floor area.
3. Office buildings: shall provide one space for each two hundred sixty square feet of gross floor area.

D. Commercial.

1. Ambulance services: shall provide one space for each emergency vehicle plus one space for each two attendants/drivers.
2. Animal hospitals and kennels: shall provide one space for each five hundred-twenty square feet of gross floor area.
3. Automobile and boat sales establishments and automobile car washes: shall provide one space for each three hundred-ten square feet of floor area, exclusive of mechanical service areas, plus one space per three thousand one hundred twenty square feet of outdoor sales or display area, plus three spaces per service bay.
4. Automobile service stations and auto repair shops: shall provide three spaces for each lubrication stall, service rack or pit, and service bay. A service bay is defined as a work area for the purpose of lubricating, servicing and repairing vehicles and accessible to vehicles with a maximum dimension typically of twenty-four feet by fifteen feet in width.
5. Beauty shops: regardless of the number of workstations, shall provide one parking space per one hundred eighty five square feet of gross floor area.
6. Commercial uses (not otherwise provided for in this section): shall provide one space for each two hundred sixty square feet of gross floor area.
7. Machinery rental, sales stores (excluding motor vehicle rental or sales), appliance, carpet, and furniture stores:
 - a. Machinery rental or sales stores (excluding motor vehicle rental or sales): and similar establishments which handle only bulky merchandise (including but not limited to bulk goods, building equipment and supplies, landscape material and equipment) shall provide one space for each five hundred twenty square feet of gross floor area. Floor area within a storage room or loading dock that is used exclusively for storage or loading shall provide one space per one thousand forty square feet. One space for each three thousand one hundred twenty square feet of outdoor sales, display or service area shall be provided.
 - b. Appliance, carpet, and furniture stores: shall provide one space for each seven hundred eighty square feet of gross floor area. Floor area within a storage room or loading dock that is used exclusively for storage or loading shall provide parking based on one space per one thousand forty square feet of gross floor area.
8. Hospitals: shall provide one space for each bed plus one space for each employee or staff member.

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9. Convalescent hospitals, rest homes, nursing homes, and facilities for the care of seven (7) or more non-related persons: shall provide one space for each three beds, plus one space for each employee or staff member.
10. Hotels and motels: shall provide space for each guestroom which opens to a public way or corridor, yard or court, plus one additional space for each ten rooms, plus two spaces for each dwelling unit.
11. Market, food and beverage sales establishments: shall provide one space for each two hundred sixty square feet of gross sales floor area.
12. Miniwarehouses: shall provide one space for each ten storage cubicles equally distributed throughout the storage area. Five spaces to be located in close proximity to the project office for the use of prospective clients; two covered spaces are required for an on-site manager's dwelling unit.
13. Mortuaries: shall provide one space for each permanently located seat or one space for each forty-six square feet of floor area in the assembly room or rooms.
14. Nursery schools: shall provide one space for each staff member plus one space for each five children.
15. Open-air sales (nurseries, motorcycle sales, etc.): shall provide one space for each one thousand forty square feet of site area devoted to public sales or display.
16. Shopping centers:
 - a. Shopping centers with more than forty thousand square feet shall provide one space for each two hundred sixty square feet of gross floor area, provided that restaurants occupy no more than twenty percent of the total gross floor area of the center and offices for physical health care services occupy no more than twenty percent of the total gross floor area of the center.
 - b. In the event that restaurants or offices for health care services occupy more than twenty percent of the total gross floor area, the gross floor area in excess of twenty percent shall provide parking at the rate of one space for each one hundred fifty five square feet.
 - c. Where shopping centers contain more than one parcel, reciprocal parking and access agreements must be recorded for all properties.
17. Vocational Training Schools: which teach office, medical, dental, clerical, computer, reporting, or other similar skills to students sixteen years and older, shall provide one space for each faculty member or employee and one space for each two students based on the busiest time of the day. The number of parking spaces required may be reduced if the school provides a bus service acceptable to the Planning Department.
18. Businesses with video viewing booths: shall provide one space for each one hundred five square feet of gross floor area used to access or place video viewing booths. For the purpose of this section, video viewing booths means a room or area which includes one or more movie viewers, television sets, or other video devices, the operation or use of which is permitted, controlled, or made possible by the deposit or placement of any coin, plate, disk, slug, or key into any slot, or other opening, or by the payment of any fees.

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19. Convenience stores which sell alcoholic beverages and prepared food intended to be consumed on site or in the vicinity of the store: shall provide one space for each two hundred ten square feet of gross floor area. For the purpose of this section, prepared food means hot dogs, hamburgers, slices of pizza, deli sandwiches, tacos, burritos and similar convenience foods.

E. Restaurants.

1. Restaurants, cafes, nightclubs, bars and cocktail lounges with seats or tables: shall provide a minimum of one space for each sixty five square feet of floor area used for tables and chairs and one space for each thirty two square feet used for dancing or entertainment plus one space for each two hundred sixty square feet of remaining gross floor areas.
2. Food businesses with or without seats or tables and which provide a single accessory food item such as donuts, ice cream, or yogurt, and do not provide a delivery service or a drive-thru window shall provide a minimum of one space for each two hundred sixty square feet of gross floor area.
3. Restaurants or food businesses with drive-up (car hop service), drive-thru windows or delivery service shall provide a minimum of ten spaces plus one space for every one hundred five square feet over one thousand square feet of gross floor area. Restaurants with drive-up windows may be given parking credit at the rate of one-half space for every twenty-four linear feet of drive-up lane, not to exceed a credit of three spaces.

F. Manufacturing.

1. Laboratories and research establishments shall provide one space for each three hundred ten square feet of gross floor area, but not less than one space for each employee.
2. Manufacturing and processing establishments shall provide one space for each five hundred twenty square feet of gross floor area.

G. Wholesale.

1. Warehousing establishments shall provide one space for each one thousand forty square feet of gross floor area, but not less than one space for each employee.
2. Wholesale business establishments shall provide one space for each five hundred twenty square feet of gross floor area.

18.60.060 Residential zones – covered off-site parking required.

- A. All off-street parking required by this chapter in any residential zone shall be constructed as follows:
 1. In single-family residential zones, all such parking spaces shall be covered by a garage or carport.
 2. In multifamily residential zones, at least one such parking space shall be covered by a carport or garage.

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- B. Parking required by this chapter shall be subject to Design Review and approval of the Planning Director or designee.
- C. Parking design not approved by the Planning Director or designee may be redesigned by the applicant, or the decision appealed to the City Council.

18.60.070 More than one use on a site.

If more than one use is located on a site or within a building, the number of parking spaces provided shall be equal to the sum of the parking spaces required for each use.

18.60.080 Allocation of spaces in common parking facility – Joint use conditions.

The off-street parking requirements of this title may be satisfied by the permanent allocation of the required number of spaces for each use in a common parking facility, provided that the total number of spaces shall be not less than the sum of the individual requirements, at any one time, and provided further that a contract between the parties concerned setting forth the agreement to joint use of a common parking facility is approved by the City Council.

18.60.090 Preservation of existing spaces.

No existing parking shall be changed unless equivalent substitute facilities are provided, or unless the existing parking exceeds requirements, in which case the number of spaces may be reduced to that required under this chapter.

18.60.100 Unspecified uses.

Where the parking requirement for a use is not specifically defined, the parking requirements shall be determined by the Planning Director or designee and such determination shall be based upon the requirement for the most comparable use specified in this chapter.

18.60.110 Garage opening setback.

The minimum distance permitted between a garage opening and a building or structure in direct line with the driveway edge closest to that building or structure is twenty-five feet. This distance shall be measured perpendicular from the face of the garage along the driveway edge closest to the building or structure, see Section 18.60.190.

18.60.120 Location on same lot.

All off-street parking spaces for all office and commercial uses shall be located upon the same lot as the use for which such parking is provided or if approved by the Planning Director or designee, within three hundred feet from the boundary thereof with a recorded off-site parking easement.

18.60.130 Curbing and striping.

- A. All landscaped areas which are located within or adjacent to parking or vehicular traffic areas shall be protected from vehicular traffic by the installation of standard concrete curbing.
- B. Parking spaces shall be marked by double striping. Raised four inch disks placed not more than eighteen inches on-center may be used in lieu of painted stripes, provided the rows of disks are spaced in accordance with the requirements for painted stripes.

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18.60.140 Access and maneuvering space.

The following standards shall apply unless additional space or width is required for fire safety purposes.

- A. Space for turning around must be provided for parking areas of three or more spaces, so that no cars need back into the street. Exception: This requirement shall not apply to properties developed and used as a single family residence.
- B. Driveways providing two-way circulation to office, commercial and industrial uses shall have a minimum width as follows:
 - 1. Twelve feet when serving one to and including seven parking spaces;
 - 2. Twenty-four feet when serving eight or more parking spaces.
- C. Driveways providing two-way circulation to residential uses shall have a minimum width as follows:
 - 1. Ten feet when serving one to and including seven parking spaces;
 - 2. Twenty feet when serving eight or more parking spaces;
 - 3. The City Council may require wider driveways where the driveway length or number of spaces is determined by the City Council to cause poor circulation.
- D. Driveways serving any number of parking spaces with one-way traffic shall have a minimum width of twelve feet. Parking lots with one-way driveways shall provide an entrance and an exit, and each entrance and exit shall be clearly identified.
- E. Wider driveways may be required by provisions of the Uniform Fire Code, amended by Guadalupe Municipal Code.

18.60.150 Landscaping.

In all districts, excluding the R-1 district, all open parking areas shall be landscaped except those areas specifically used for vehicle parking. Landscaping shall include trees, shrubbery and ground cover. The landscape areas shall be provided with permanent sprinkler systems. Landscaping plans for commercial parking areas shall be approved by the Planning Director or designee.

- A. The design of the parking area should make the best use of the growth and shade provided by existing trees on the project site.
- B. When the total uncovered parking area on the project site (including adjoining lots over which the project has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this Section, as part of a landscape plan:
 - 1. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands or these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.
 - 2. Landscape islands shall be provided at the ends of all parking lanes.
- C. Parking shall be provided at the side or rear of the proposed structures when practicable. Parking lots fronting streets shall be landscaped to soften the visual impact of the parking lot from the street.
- D. Carports shall be located behind or to the side of multi-dwelling complexes where practical. Carport areas shall be screened from view of streets and highways by landscaping or fencing.

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- E. Drainage of landscape and parking areas shall comply with current National Pollution Discharge Elimination System (NPDES) and Regional Water Quality Control Board standards for stormwater runoff including Low Impact Development (LID) standards.

Article II. Off-Street Loading

18.60.160 Required when.

At the time of any change in land use, or enlargement of a site or structure in a G-C, M-C or M-1 zone, the Director or designee may require one or more off-street loading facilities, to assure that trucks will not be loaded, unloaded or stored on public streets.

A. Non-residential structures:

1. Each loading berth shall be not less than 45 feet in length and 12 feet in width, and shall have an overhead clearance of not less than 14 feet, except that for mortuaries, cemeteries, columbariums and crematories, loading berths used exclusively for hearses shall be not less than 24 feet in length and 10 feet in width, and shall have an overhead clearance of not less than 8 feet.
2. Sufficient room for turning and maneuvering vehicles shall be provided on the site in order that it will not be necessary for any vehicle to back onto the site from the public street.
3. Each loading berth shall be accessible from a public street or alley.
4. Entrances and exits shall be provided at locations approved by the City Engineer.
5. The loading area, aisles and access drives shall be paved so as to provide a durable, dustless surface, and shall be so graded and drained as to dispose of surface water.
6. Bumper rails or curbs shall be provided where needed for safety or to protect property.
7. If the loading area is illuminated, lighting shall be deflected away from abutting streets and residential sites so as to prevent dangerous or annoying glare.
8. A loading area shall not be located in the required front yard in any district.
9. Repair work or servicing of vehicles shall not be conducted in a loading area.

B. Multi-family Structures:

Multi-family dwelling complexes which do not have adequate street or alley frontage shall provide off-street loading spaces having a minimum width of twelve feet and a minimum length of thirty feet exclusive of necessary ingress and egress and shall comply with the same standards as in the non-residential provisions above. The number and location of such loading spaces shall be designated on the Design Review plans and approved by the Planning Director or designee.

18.60.170 Layout and stall size.

All parking areas shall conform to the following designs and specifications as shown in the table below (See also Figures 1 and 2 in Appendix).

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Standard Size Car					
Angle of Parking (A)	Stall Width (B) *	Curb Length per Stall (C)	Stall Depth (D)	Aisle Width (E) †	Bay Width (F)
Parallel	8'-6"	22'-0"	8'-6"	15'-0"	23'-6"
30	9'-0"	18'-0"	17'-0"	13'-0"	47'-0"
45	9'-0"	12'-9"	20'-0"	15'-0"	55'-0"
60	9'-0"	10'-3"	21'-0"	18'-0"	60'-0"
75	9'-0"	9'-4"	20'-6"	21'-0"	62'-0"
90	9'-0"	9'-0"	19'-0"	24'-0"	62'-0"

The basic minimum dimension for standard parking spaces is 9'-0" by 19'-0". Parking space striping is measured from the inside edge of the parking space striping to the outside edge of parking space striping. The required aisle width may be modified upon a finding by the city engineer that sufficient space is provided so that maneuvering areas will not interfere with traffic and pedestrian circulation.

*Increase width one (1) foot if adjacent to a solid barrier. (Carports ten (10) feet minimum.)

† Minimum twenty-four (24) feet for two (2) way traffic.

18.60.180 Wheel stop locations.

Front overhang clearance (If the front overhang clearance is over a planter area enclosed by concrete curbs, the stall length requirement may be reduced by the length of the clearance.): Rear overhang clearance (See figure 2 in Appendix).

Chapter 18.75 Employee Housing

18.75.010 Intent.

This Chapter is intended to identify employee housing facilities consisting of seven (7) or more persons as primarily a business use that may be compatible with residential uses subject to a conditional use permit, and to establish additional zoning regulations on this use consistent with the public health and safety and good planning practices.

18.75.020 Definition.

For purposes of this Chapter, "employee housing" means employee housing as defined in Section 18.08.328 of this Title when seven (7) or more employees are housed in a dwelling unit or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

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18.75.030 Applicability of requirements.

- A. The requirements set out in this Chapter apply to and are conditions of all employee housing facilities within the City. Failure of an operator of an employee housing facility to comply with the provisions of this Chapter is a public nuisance and is subject to the administrative penalties, citations, fines and hearing procedures of the City of Guadalupe.
- B. Frequent or an unusual number of calls for service or public complaints for an employee housing facility, as determined by the Director of Public Safety, may lead to review and imposition of additional conditions or revocation of the conditional use permit issued for the facility.
- C. Pursuant to California Health and Safety Code Section 17021.5, employee housing providing accommodations for six or fewer employees in a dwelling unit (or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel) is a residential use of property, and therefore, is not subject to the provisions of this Chapter.
- D. All employee housing facilities shall comply with the processing procedures for a conditional use permit as provided in Chapter 18.72.

18.75.040 Development of New Residential Units.

Development of new residential units shall conform to the density, development standards, permit requirements and other regulations of the underlying zone district and shall be processed in the manner specified by this Title.

18.75.050 Performance Standards.

- A. In order to prevent the operation of employee housing from creating situations or impacts beyond that which is normal, expected, and consistent with the general welfare, owners and operators of an employee housing facility shall ensure continued compliance with the following criteria:
 1. As required by state law, no employee housing facility shall be allowed to be operated without first obtaining certification by the state workforce agency that the employee housing facility complies with federal and state program standards. Prior to use of a property for employee housing, the owner or operator of the employee housing facility shall provide the City with proof of certification by the California Employment Development Department and/or California Department of Housing and Community Development acting as the state workforce agency.
 2. The owner and operator of a dwelling used for employee housing shall consistently maintain the dwelling and property, including maintaining landscape, so as not to create a public nuisance. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner and adhere to the requirements of the Guadalupe Municipal Code. Any graffiti on the property shall be promptly removed or painted out. All landscaping areas on the property shall be permanently maintained with healthy, growing plant material, free from weeds. Dead or dying plant material shall be replaced within one month of plant deterioration.
 3. Employee housing shall comply with all applicable residential development standards of the underlying zone district and the per-unit parking requirements of Title 18.
 4. Garages (detached or attached) or other accessory buildings not permitted as dwelling units shall not be used to house employees.

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5. Common living areas (kitchens, dining rooms, living rooms, family rooms, etc.) within existing units shall not be converted to, or used for, additional sleeping areas.
 6. The appearance of the dwelling or property shall not be modified (either by color, materials, construction, signs, lighting, sounds, etc.) so as to be recognized as serving as an employee housing use.
 7. No commercial signs shall be permitted on the property or on vehicles parked at the property.
 8. Any vehicles associated with the operation of an employee housing facility, including but not limited to employee transportation, deliveries and company vehicles, shall not impede vehicular or pedestrian traffic or block any driveway or sidewalk.
 9. Vehicles, sixteen (16) passenger capacity and larger, shall not be parked on the property or on adjacent streets, other than in the active process of picking up or dropping off employees.
 10. The operator shall establish a 24-hour emergency contact phone number.
- B. An operator of a proposed employee housing facility may request modifications to the above criteria through the conditional use permit application and process.