

CHAPTER 17.14

ADULT BUSINESS OVERLAY ZONE (A-B OVERLAY)

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17.14.010 Intent and Purpose. It is the intent and purpose of the adult business overlay zone (hereinafter zone "A-B overlay") to allow adult businesses in portions of the commercial zone where such commercial uses would be consistent with the general plan, compatible with surrounding commercial uses and not materially detrimental to adjacent properties; it is the further intent of this chapter to regulate adult businesses which, unless closely regulated, have the potential of causing serious adverse secondary effects upon the community. These secondary effects include, but are not limited to, the following: depreciation of property values, increases in vacancy rates in residential and commercial areas, increase in incidences of criminal activity, increase in litter, noise, and vandalism and the interference with enjoyment of residential property in the vicinity of such businesses. (Ord. 626 -2(part), 1996).

17.14.020 Changes of zone. Any change of an existing commercial zone to include, in addition to the existing commercial zone uses, an A-B overlay zone, shall be made in accordance with the provisions of Chapter 17.28. (Ord. 626 -2(part), 1996).

17.14.030 Location requirements.

A. Adult businesses shall not be located:

1. Within two hundred fifty feet of any lot upon which a residential use is legally occurring or within two hundred fifty feet of any property located in a zone permitting residential uses at the time of an application for an adult business permit, whether or not such other use is located within the city; or
2. Within five hundred feet of any church, chapel or other publicly recognized place of worship whether or not such other use is located within the city; or
3. Within five hundred feet of any public or private school (kindergarten through twelfth grade) or child care center whether or not such other use is located within the city; or
4. Within five hundred feet of any park owned by a public entity whether or not such other use is located within the city; or
5. Within five hundred feet of any existing adult business whether or not such other use is located within the city.

B. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the property line of the premises in which the proposed adult business is to be established to the nearest point of the property line of a use or zoning classification listed above. (Ord. 626 -2(part), 1996).

17.14.040 Development standards. The following development standards shall apply to adult businesses:

- A. No adult business shall be located in any temporary or portable structure.
- B. Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.
- C. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and all exterior windows shall be covered with opaque covering at all times.
- D. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.
- E. No landscaping shall exceed thirty inches in height, within fifty feet of any portion of the business except trees with foliage not less than six feet above the ground.
- F. The entire exterior grounds, including the parking lot, shall be lighted in such a manner that all areas are clearly visible at all times.
- G. Signage shall conform to the standards established for the zone and shall not contain sexually oriented photographs, silhouettes or other sexually oriented pictorial representations.
- H. All entrances to adult businesses shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.
- I. No residential structure or any other nonconforming structure shall be converted for use as an adult business.
- J. The adult business shall not conduct or sponsor any activities which create a demand for parking spaces beyond the number of spaces required by this code for the business.
- K. No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any merchandise, display, decoration, sign, show window or other opening.
- L. All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner at all times.
- M. Any business license or permit required by this code shall be kept current at all times.
- N. Each adult business shall conform to all applicable laws and regulations.
- O. The adult business shall not operate or be open between the hours of two a.m. and six a.m.
- P. The adult business will not conduct any massage, acupuncture, tattooing, acupressure or escort services, and will not allow such activities on the premises.
- Q. At least one security guard shall be on duty outside the premises, patrolling the premises, grounds and parking areas, at all times while the business is open. The security guard shall be charged with preventing violations of law, with enforcing compliance by patrons with the requirements of this chapter and with notifying the sheriff of any violations of law observed. Security guard(s) required by this subsection shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this subsection shall act as a doorman, ticket seller, ticket taker or admittance person while acting as a security guard hereunder. (Ord. 626 -2(part), 1996).

17.14.050 Permitted zone classification. Premises may be used for adult businesses only in zone A-B overlay. (Ord. 626 -2(part), 1996).

17.14.060 Adult business permit-Required. No adult business shall be established until an application for an adult business permit is approved by the planning commission pursuant to the procedures set forth in this chapter. (Ord. 626 -2(part), 1996).

17.14.070 Adult business Permit-Application. An application for an adult business permit shall contain the information required by Section 17.48.030 of this code. (Ord. 626 -2(part), 1996).

17.14.080 Application fee. When an adult business permit application is filed, it shall be accompanied by a filing fee in the amount of two hundred fifty dollars. (Ord. 626 -2(part), 1996).

17.14.090 Permit application-Review and approval.

- A. When an application has been accepted as complete, the planning director shall set the application for a nondiscretionary public hearing before the planning commission within sixty days from the date on which the application was accepted as complete, generally following the notice procedures set out in Section 17.48.050 of this code. The planning commission shall approve or disapprove the application within ninety days from the date on which the application was accepted as complete by the planning director.
- B. Any application for a permit pursuant to this chapter is considered to be a ministerial permit and, as such, is not subject to the time limits specified in Section 65960 et seq. of the Government Code, or the California Environmental Quality Act.
- C. In considering an application for a permit pursuant to this chapter, the planning commission shall approve the permit if it makes the following findings:
 - 1. The adult business is consistent with the location and development standards contained in this chapter; and
 - 2. The adult business is located in a zone classification which lists the adult business as a permitted use; and
 - 3. Except as specifically provided in this chapter, the adult business complies with the development requirements prescribed in this chapter.
- D. Issuance or denial of the ministerial permit is not subject to administrative appeal. (Ord. 626 -2(part) 1996).

17.14.100 Existing adult businesses.

- A. Any adult business lawfully operating or permitted on the effective date of the ordinance codified in this chapter shall be deemed to be a complying use provided they are in compliance with all conditions imposed upon them as a condition of the issuance of their operating permit.
- B. Except with respect to the violation of any condition imposed upon the issuance of an existing operating permit, any adult business lawfully operating or permitted on the effective date of the ordinance codified in this chapter shall not be subject to the abatement provisions of Section 17.40.070(D) by virtue of noncompliance with any of the provisions of this chapter.
- C. An adult business lawfully operating as a conforming use is not rendered nonconforming by the subsequent location of a residence, or a residential or agricultural zone, within two hundred and fifty feet of the adult business, or the subsequent location of a church, chapel or other publicly recognized place of worship, public park, public or private school or child care center, within five hundred feet of the adult business. (Ord. 626 -2(part), 1996).

17.14.110 Conflicts. If the provisions of this chapter conflict or contravene the provisions of another chapter of this title, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter. (Ord. 626 -2(part), 1996).

17.14.120 Modifications or revocations. The planning commission may modify or revoke an adult business permit if it finds that one or more of the following conditions exist:

- A. The building, structure, equipment or location of such business does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of all of the laws of the state of California or ordinances of the city applicable to such business operation;

- B. The business owner, its employee, agent or manager has been convicted in a court of competent jurisdiction of:
1. Any violation of any statute, or any other ordinance arising from any act performed in the exercise of any rights granted by the permit, the revocation of which is under consideration, or
 2. Any offense involving the maintenance of a nuisance caused by any act performed in the exercise of any rights granted by the permit the revocation of which is now under consideration;
- C. The business owner, its employee, agent or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit, or in any report or record required to be filed with the planning commission. (Ord. 626 -2(part), 1996).

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