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Article XII. Special Requirements for Certain Uses.
Ord. No. 427-AC, 535-AC and 622-AC

Sec. 112.01. Home occupations. (a) Purpose. The purpose of this section is to eliminate the detrimental effects of occupational activities in residential areas by setting forth reasonable and necessary limitations on such activities.

(b) Uses Permitted. No home occupation shall be conducted which, in order to be successfully operated, would necessitate exceeding the limitations set forth in this section or any other provision of this part.

(c) Limitations.

(1) Any sales activity shall be conducted only by mail or telephone.

(2) The space occupied by home occupations shall be limited to one (1) room in a dwelling unit.

(3) There shall be no interior or exterior remodeling or change in appearance of a dwelling in order to accommodate a home occupation.

(4) There shall be no signs or other structures except those permitted for a dwelling use in the zone.

(5) Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies.

(6) Employment in a home occupation shall be limited to members of the resident family.

(7) There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation.

(8) No significant vehicular or pedestrian traffic shall be generated by the home occupation.

(9) A home occupation shall not place any added burden or demand on utility services or community facilities.

(10) A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, traffic, vibrations, odors, or lighting. (Ord. 427-AC, (part).)

Sec. 112.02. Retail dry cleaning. The purposes of this section are to ensure that dry cleaning operations which are located in commercial zones are limited to retail service, do not become industrial operations, and do not become hazardous.

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(a) Limitations. The following requirements shall apply to retail cleaning establishments located in any commercial zone:

(1) All cleaning equipment shall utilize a synthetic solvent approved by the National Board of Fire Underwriters, the State Fire Marshall and the San Bernardino County fire wardens office or their designee.

(2) The type and structural qualities of the building where such establishment is located shall be inspected and approved by the city's building official.

(3) There shall be not more than two (2) clothes cleaning units in each such establishment and each such unit shall have a rated capacity of not more than forty (40) pounds. (Ord. No. 427-AC, (part).)

Sec. 112.03. Restaurants serving alcoholic beverages. (a) Purpose. The purpose of this section is to distinguish bona fide restaurants which incidentally serve alcoholic beverages from establishments which are primarily cocktail lounges or bars.

(b) Requirements.

(1) Any restaurant which serves alcoholic beverages and is located in a zone which does not permit cocktail lounges or bars, shall provide such alcoholic beverage service only as an incidental activity to the primary activity of food service.

(2) Each such restaurant shall keep records of food sales separate from records of alcoholic beverage sales and make such records available to city inspection personnel for the purpose of enforcing this section.

(3) At least fifty (50) percent of the indoor and outdoor area provided for the service of customers shall be arranged and equipped with tables and chairs and/or table-height counters for dining use. Any bar or lounge areas for the separate service of alcoholic beverages shall be separated from dining areas by partitions or fixed screens. (Ord. No. 427-AC, (part).)

Sec. 112.04. Game machine arcades. (a) Definitions.

Amusement Device. Any machine, game or device which may be played or operated by the public for amusement or recreation, the use of which is subject to the payment of a fee or is controlled by placing therein coins, slugs, discs, keys or similar devices. This definition includes video games, pinball machines, ski-ball games, shuffleboard games and games and devices of a similar nature. This definition does not include jukeboxes, vending machines and similar devices which do not involve an element of skill or chance.

Game Machine Arcade. An establishment where the predominant activity is the use of amusement devices, or that portion of any other establishment where four (4) or more amusement devices are available to the public.

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(b) Purposes.

(1) It is found that game machine arcades create special problems of noise, congestion, interference with nearby activities, and policing.

(2) The purposes of this section are to control the location, size and operation of game machine arcades in order to minimize adverse effects and promote compatibility with surrounding activities to the maximum extent possible.

(c) Location and Use Approval.

(1) A game machine arcade shall not be permitted in a location which would tend to produce a hazard or nuisance to other permitted uses and activities in the vicinity.

(2) A game machine arcade shall be located at least six hundred (600) feet from any school, adult business, or another game machine arcade and at least three hundred (300) feet from any residential zone, cocktail lounge or bar.

(d) Design and Operation. A game machine arcade shall be arranged in such a manner that all amusement devices and public spaces can be viewed from a single supervisory or cashier station. A responsible adult employee of the establishment shall be on duty throughout the hours that such establishment is open (Ord. No. 427-AC)

Sec. 112.05. Conversion of Hotel, Motel or Motor Hotel rooms to Multi-Family Apartment Conversions.

(a) It shall be unlawful for any owner or operator of a Hotel, Motel or Motor Hotel to rent or let or otherwise provide for compensation, any room or rooms therein to any person or persons for 30 or more days unless such Hotel, Motel or Motor Hotel complies with all development and use standards set forth in subsection (c) of this section and a Conditional Use Permit has been previously obtained pursuant to Section 94.00 through 94.18 of the Needles Municipal Code, converting all such rooms to individual Dwelling Units.

(b) Development and Use Standards. Any Hotel, Motel or Motor Hotel applying for a Conditional Use Permit to convert all its rooms to Dwelling Units to allow renting of such Dwelling Units for longer than 30 days shall comply with all the following development and use standards:

i. All rooms in the Hotel, Motel or Motor Hotel must be converted to long term stay (at least thirty (30) days), and all Dwelling Units must meet the standards for Dwelling Units, as stated more fully below.

ii. All Dwelling Units shall be available for inspection by City or County officials upon 24 hours written notice of intent to inspect during reasonable business hours.

iii. Hotel, Motel or Motor Hotel structures may be expanded by increasing the footprint or the addition of a second story, where none exists, for the purposes of creating

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Dwelling Units. A Hotel, Motel or Motor Hotel seeking to convert to Dwelling Units pursuant to this Section 112.05, may be expanded by increasing the footprint for the Premises or the addition of a second story, by the granting of a Conditional Use Permit, which shall be based upon a finding by the City that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood meet the intended goals of providing affordable housing, and the development standards established for the zone in which the Premises are located.

iv. It shall be unlawful for any tenant or other individual occupying any Dwelling Unit to fail to keep the Dwelling Unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition. Any Dwelling Unit found to be dirty, unhealthy or unsanitary must be cleaned within twenty-four (24) hours, as determined by the City representative, or the tenants and the owner/operator will be subject to citation and/or other legal remedies under the Needles Municipal Code.

v. All Dwelling Units must meet all the requirements of the International Building Code, Fire Code and Health and Safety Code for residential housing Dwelling Units, and all other standard requirements for residential Dwelling Units, except as provided for herein.

vi. Each such Dwelling Unit shall have a living area of no less than 220 square feet for not more than two (2) occupants. An additional 100 square feet is required to be provided for each additional occupant.

vii. Each Dwelling Unit shall have a separate closet for clothing. Such closet shall have a door. Another closet or cabinet space shall be provided for dry food storage and storage of cooking utensils and similar items. These facilities shall meet the requirements of the International Building Code.

viii. Each Dwelling Unit shall be provided with a separate kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than 30 inches in front of said appliance and/or facility. The installation of the sink, cooking appliance and refrigeration facilities shall comply with the International Building Code for such installation within a residential building, including, but not limited to, light, ventilation and fire suppression. Any cooking appliance other than a microwave oven requires special ventilation and construction of walls near the cooking facility as provided for in the Uniform Building Code and the Fire Code.

ix. The Dwelling Unit shall be provided with a bathroom containing a sink, toilet, and bathtub or shower or bathtub/shower combination in a separate room from the kitchen facilities. Such separate bathroom shall be provided with a door.

x. The presence of any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on the Premises containing the Dwelling Units is unlawful for any period in excess of ten (10) days. The owner of the vehicle and/or the owner or operator of the Premises shall be subject to the penalties set forth within this Code.

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xi. Occupancy must be limited to adults unless otherwise approved by the terms of the Conditional Use Permit, after a finding that sufficient play areas for children in safe areas are incorporated into the design of the Premises, and that the Premises are and will continue to be operated in a manner that does not expose children to improper surroundings or unhealthy conditions.

xii. As a condition of approval, requirements may be set forth for improving the aesthetics and/or cleanliness standards of the Dwelling Units and Premises, including, but not limited to requiring landscaping, outside social areas, play areas, painting of exterior in colors that are harmonious with and enhance the surrounding area, painting interiors of rooms, cleaning or replacing carpeting, tile or other fixtures, or any other reasonable improvement determined by the Planning Commission to be consistent with the intent of this Section.

xiii. Prior to approval of any conversion of an existing Hotel, Motel or Motor Hotel to long term residences, all transient occupancy taxes must be current.

xiv. Parking requirements to be consistent with Needles Municipal Code requirements. Parking must be under common ownership with the residential Premises.

xv. The Dwelling Unit shall be used for residential purposes only. No commercial uses may take place within the Dwelling Unit or on the Premises, except the operation of the Dwelling Units and any licensed store, restaurant or lounge approved therewith. No owner or operator may sell any liquor or tobacco or operate any other business on the Premises without being licensed to do so.

xvi. No Dwelling Unit may hold a garage or yard sale on the Premises, or hang laundry or clothing, have a barbecue grill, furniture or other personal items on the outside of the Dwelling Unit. Exceptions to this requirement may be made, and included in the Conditional Use Permit, after a finding that sufficient space exists to provide for outdoor furniture or barbecue grills, consistent with the International Building Code and the Fire Code.

xvii. The tenant shall ensure that the Dwelling Unit is kept in a clean and sanitary condition so as not to encourage rodents or other pests or create any fire hazards or unsightly appearance inside or outside of the Dwelling Unit which tends to be a threat to the health, safety or welfare of the residents of the Premises or decrease the surrounding property values.

xviii. The owner and/or operator of the Premises shall comply with reasonable conditions imposed by the Planning Commission as a requirement of the Conditional Use Permit and/or under the Housing Code, Building code and Health and Safety Codes including, but not limited to, the following:

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(1) maintain the Dwelling Unit and the Premises in decent, safe and sanitary condition;

(2) comply with requirements of applicable building codes, and housing codes materially affecting health and safety;

(3) make necessary repairs to the Dwelling Unit;

(4) keep the Premises, facilities and common areas, not otherwise assigned to the tenant for maintenance and upkeep, in a clean and safe condition;

(5) maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances, including elevators, supplied or required to be supplied by the owner and/or operator;

(6) provide and maintain appropriate refuse receptacles for the deposit of ashes, garbage, rubbish and other waste removed from the Dwelling Unit by the tenant, in a centrally located area on the Premises. The receptacles shall not be visible from the nearby street or adjoining properties and shall be fully enclosed. Refuse shall not be permitted at a height greater than the enclosure in accordance; and

(7) supply running water and reasonable amounts of hot water and reasonable amounts of heat at appropriate times of the year (according to local custom and usage).

xix. The owner, operator, tenant or other occupants of any room or rooms on the Premises or any part thereof, may be held responsible for any violation of the conditions and suffer the penalties and be subject to the remedies as outlined in Article XVIII of the Needles City Zoning Code.

Sec. 112.06. Emergency Shelters and Supportive and Transitional Housing.

(a) Definitions.

Emergency shelter: means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (as defined by California Health and Safety Code Section 50801(e)).

Supportive housing: means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite service that assists 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 (as defined by Government Code Section 65582) Supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Target population: means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman

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Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people (as defined by Government Code Section 65582).

Transitional housing: means a building or buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance (as defined by Section 50675.2 of the Health and Safety Code). Transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Transitional housing does not include state licensed residential care facilities.

(b) Emergency shelters.

(1) Purpose and Intent. It is the purpose of this section to facilitate and encourage the provision of emergency shelters for homeless persons and households by allowing permanent year-round emergency shelters without a conditional use permit or other discretionary action in the zones identified in the "Table of Permissible Uses" zoning districts, subject only to the same development standards that apply to other permitted uses in the same zones, except for the following requirements unique to emergency shelters, as authorized by Government Code Section 65583(a)(4).

(2) Permit requirements.

(a) Emergency shelter facilities shall comply with all federal and California State licensing requirements.

(b) Emergency shelter facilities shall comply with all applicable Uniform Building Codes, Plumbing Codes and Fire Codes, including maximum occupancy restrictions.

(3) Minimum site design and development standards. An emergency shelter is subject to all property development standards of the zoning district in which it is located except as modified by the following standards:

(a) The maximum number of beds or persons to be served nightly by an emergency shelter shall be thirty-four (34).

(b) Off-street parking shall include one (1) vehicle parking space per three (3) beds and one (1) space per employee on the largest shift. A covered and secure area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

(c) Exterior lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public right-of-way, and of an intensity compatible with the neighborhood.

(d) Security shall be provided for residents, visitors and employees during the hours that the emergency shelter is in operation.

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(e) On-site management shall be provided. The agency or organization operating the shelter shall comply with the following requirements:

(1) Temporary shelters shall be available to residents for more than six (6) months within a twelve (12) month period. The days of stay need not be consecutive.

(2) Staff and services shall be provided to assist residents to obtain permanent shelter and income.

(3) The provider shall have a written management plan including, as applicable provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling and treatment programs for residents.

(f) Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided.

(g) Laundry facilities or services shall be provided that are adequate for the number of residents.

(h) Emergency shelter facilities shall provide a refuse storage area that is completely enclosed with masonry walls not less than five (5) feet high with a solid-gated opening that is large enough to accommodate standard-sized trash and recycling bins, or other enclosures as approved by the Director of Community Development. The refuse enclosure shall be accessible to refuse collection vehicles.

(i) The facility may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

(1) Central cooking and dining room(s).

(2) Recreation room.

(3) Counseling center.

(4) Child care facilities.

(5) Other supportive services.

(j) Organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m. for noise abatement purposes.

(k) An emergency shelter shall not be located within three hundred (300) feet of another emergency shelter, kindergarten through 12th grade curriculum school, child care center, or park as measured from the closest property line.

(l) No individual or household shall be denied emergency shelter because of an inability to pay.