



Planning and Building Agency
Planning Division
20 Civic Center Plaza
P.O. Box 1988 (M-20)
Santa Ana, CA 92702
(714) 647-5804
www.santa-ana.org

DEFINITIONS

- Sec. 41-11.** **General.** The words and phrases, whenever used in this chapter, shall be construed as defined in this division, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases. The words used in the present tense include the future tense, and words in the singular number include the plural number.
- Sec. 41-11.1.** **Accessory dwelling unit.** An accessory dwelling unit is an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. It shall have the same meaning as that term is defined in California Government Code section 65852.2 as it may be amended from time to time.
- Sec. 41-12.** **Accessory structure or building.** An accessory building is a subordinate building, the use of which is clearly incidental and secondary to that of the main building, on the same lot or parcel of land, which is used exclusively by the occupant of the main building.
- Sec. 41-12.1.** **Adult day care facility.** An adult day care facility is a facility that provides nonmedical care to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis, as currently defined by California Health and Safety code section 1502(a)(2), as it may be amended from time to time.
- Sec. 41-13.** **Alley.** An alley is any public or private thoroughfare for the use of pedestrians or vehicles, not less than ten (10) feet nor more than thirty (30) feet in width, and which affords only a secondary means of access to abutting properties.
- Sec. 41-13.5.** **Ancillary Use.** An ancillary use is a use which is supportive of and subordinate to any primary use.
- Sec. 41-14.** **Apartment.** An apartment is one (1) or more rooms in an apartment house or dwelling occupied or intended or designed for occupancy by one (1) family for sleeping or living purposes and containing one (1) kitchen.
- Sec. 41-15.** **Apartment, bachelor.** A bachelor apartment is one (1) or more rooms in an apartment house or dwelling occupied or intended or designed for occupancy by one (1) family for sleeping or living purposes and containing not more than one (1) kitchen and utility room, one (1) sleeping room, one (1) bathroom and incidental closet space.
- Sec. 41-16.** **Apartment house.** An apartment house is a building other than a hotel or motel, designed for or used to house three (3) or more families, living independently of each other, including all necessary employees of such families.

- Sec. 41-16.5. Assemble.** Assemble means to fit or put together the parts of materials or products.
- Sec. 41-17. Auto park or market.** An auto park or market is an open land area used for the storage and sale of complete and operative automobiles, new or used.
- Sec. 41-18. Automobile house trailer; camp car.** An automobile house trailer or camp car is any building or structure with or without motive power designed for living purposes or the conduct of any business, profession, occupation, or trade, and containing plumbing, heating, or electrical equipment and designed so that it is, or may be, mounted on wheels for traveling on public thoroughfares.
- Sec. 41-19. Automobile repair.** Automobile repair is the repair of motor vehicles, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of nonfactory-installed products except those specified in section 41-20.
- Sec. 41-20. Automobile servicing.** Automobile servicing is the servicing and minor repair of motor vehicles, including the replacement of belts, hoses, batteries, tires, shock absorbers, oil and air filters, chassis lubrication, air conditioning servicing, wheel alignments, replacement of brake pads, and engine tuneups.
- Sec. 41-24. Bail bond use.** "Bail bond use" shall mean any use or business, whether primary or ancillary, that is subject to regulation pursuant to California Insurance Code Section 1800, et. seq., as such sections may be amended from time to time, including but limited to a use or business of a bail agent, a bail permittee, or a bail solicitor.
- Sec. 41-25. Banquet facility.** A banquet facility is a facility available for rental and used for the purpose of meetings, parties, ceremonious gatherings, dining or entertainment. For the purposes of this definition, the term rental shall mean to obtain the possession and use of a facility, or a portion of a facility, on a short-term, hourly or daily basis, where occupancy is closed to the general public, in exchange for monetary or other form of compensation.
- Sec. 41-26. Basement or cellar.** A basement or cellar is that portion of a building between floor and ceiling which is either totally or partly below grade.
- Sec. 41-27. Bedroom.** A bedroom is any room or segment of a dwelling unit separated from other portions of such dwelling unit by walls or other partitions, which is designed or used as sleeping quarters, provided that in determining the number of bedrooms in a dwelling unit all such rooms or segments having an area in excess of eighty (80) square feet (exclusive of one (1) living room, one (1) dining room and all rooms clearly designed as kitchens, bathrooms, closets and hallways) shall be deemed bedrooms regardless of any description or use for purposes other than sleeping quarters, such as dens, family rooms or guest rooms.
- Sec. 41-27.5. Superstore.** A superstore is any retail use that sells from the premises goods and merchandise, primarily for personal and household use, and whose total interior space exceeds one hundred twenty thousand (120,000) square feet, and which devotes more than ten (10) percent of its total interior space to the sale of merchandise which are not subject to state sales tax. For purposes of determining the total interior space, restrooms, office space, storage space, and service areas (e.g., automobile service, doctor or dental service, or restaurant/fast food service) shall be excluded, but the aggregate space of adjacent stores that share common check stands, management, operation, controlling ownership, or warehouse or distribution facilities shall be included.

- Sec. 41-28. Building.** A building is any structure built for the support, shelter or enclosure of persons, or animals, chattels, or property of any kind.
- Sec. 41-29. Building height.** Building height is the vertical distance measured from the curb level to the highest point of the roof surface.
- Sec. 41-30. Building, main.** The main building is the principal building on a lot or building site designed or used to accommodate the primary use to which such area is devoted; where a permissible use involves more than one (1) structure designed or used for the same primary purpose, as in the case of group houses, each such permissible building on one (1) lot as defined by this chapter shall be considered a main building.
- Sec. 41-31. Building site.** A building site is the ground area of a building or group of buildings together with all yard and open spaces as required by this chapter.
- Sec. 41-32. Bulk merchandise store.** A bulk merchandise store is a store which exceeds sixty thousand (60,000) square feet in floor area where grocery and/or sundry goods are displayed for sale in bulk quantities.
- Sec. 41-33. Business; business activity.** Business is any enterprise or livelihood whereby goods, services, use of property or facilities, or other valuable consideration is offered, or advertised as available, to the public, or any segment thereof, in exchange for payment of money or other valuable consideration, whether or not such enterprise or livelihood is carried out for profit, and includes, but is not limited to, the ownership or management of stores, shops, offices and recreational or amusement centers, and the use of offices by members of professions and trades rendering services. A business activity is any conduct or practice which forms part of, or is incidental to, the operation of a business, including but not limited to, the store or display of goods for purposes of future sales, or the dispatching of vehicles for business purposes.
- Sec. 41-41. Cabana.** A cabana is any portable, demountable or permanent cabin, small house, room, enclosure, or other building erected, constructed or placed to be used in conjunction with any automobile house trailer or camp car.
- Sec. 41-41.5. Care home.** A care home is any facility, place, or building, social rehabilitation facility or similar facility which is maintained and operated to provide living accommodations for and twenty-four-hour nonmedical care to persons in need of personal services, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual, such as the elderly, convalescents, invalids, dependent or neglected children, or physically handicapped, mentally impaired or incompetent persons.
- Sec. 41-42. Carport.** A carport is a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter.
- Sec. 41-42.5. Child care facilities.** A child care facility is a place where persons under eighteen (18) years of age are supervised, educated, or left for care on less than a 24-hour basis.
- Sec. 41-42.7. Check cashing facility.** As used in this Code, a check cashing facility is any business, company, corporation, establishment, organization, private enterprise, shop, or store whose primary or ancillary service is that of a check cashier, as currently defined, and as may be amended from time to time by Title 1.6F, section 1789.31(a) of the California Civil Code.

- Sec. 41-43.** **Club; fraternity; lodge.** A club, fraternity or lodge shall have the same meaning as that given to the word "club" pursuant to California Business and Professions Code section 23425, as it may be amended from time to time.
- Sec. 41-43.5.** **Commercial Storage.** Commercial storage is a structure or building whose primary function is for collecting, maintaining or storing goods, materials, records or documents which do not belong to the owner or operator of the structure or building but are kept in trust.
- Sec. 41-44.** **Compound.** Compound means to prepare by combining or mixing the parts of materials and products.
- Sec. 41-45.** **Cyber cafe.** *Cyber cafe* shall mean an establishment that provides more than six (6) computers and/or other electronic devices for access to the Internet, e-mail, video games or computer software programs which are networked (via LAN or WAN) or which function as a client/server program, and which seeks compensation in any form from users. Cyber cafe is synonymous with PC cafe, internet cafe or cyber centers, but does not include a cyber learning center as defined in section 41-46.
- Sec. 41-46.** **Cyber learning center.** *Cyber learning center* shall mean an establishment that provides computer access, which is operated by the city, a school district, or a college district, or is operated by a non-profit organization without monetary charge.
- Section 41-47.** **Data Center.** A data center is a use whose primary purpose is to house computer servers or telecommunications switching facilities or internet nodes for entities, including but not limited to web hosting organizations, large enterprises or any other internet service organizations and whose gross floor area exceeds fifteen hundred (1,500) square feet. A server farm, telecom hotel, carrier hotel, darkened datacenter, co-location center or any other term applicable to facilities which are used for these specified purposes shall be deemed to be a data center.
- Sec. 41-48.** **Dish antenna.** A dish antenna is an antenna characterized by a round parabolic surface having a diameter of more than two (2) feet.
- Sec. 41-50.** **District.** A district is 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 limits are established, and certain off-street parking areas are required, all as set forth and specified in this chapter concerning districts and the modification thereof by suffix or prefix.
- Sec. 41-51.** **Dwelling, one-family.** A residential building containing one (1) or more habitable rooms with only one (1) kitchen, designed for occupancy by one (1) independent household unit with common access to, and common use of all living, kitchen and bathroom areas.
- Sec. 41-52.** **Dwelling, two-family.** A two-family dwelling is a single building containing not more than two (2) families living independently of each other in separate living areas, which has a common roof and common interior or party walls, and which contains no more than two (2) kitchens.
- Sec. 41-53.** **Dwelling, multiple-family.** For definitions of multiple-family dwelling see definition of apartment house.
- Sec. 41-60.** **Freight, bus and truck terminals.** A freight, bus and truck terminal is a facility used for the storage and dispatch of larger scale vehicles including but not limited to semi-

trailers, waste haulers, cement trucks, tow trucks and buses with a capacity greater than fifteen (15) persons. This may include facilities used to receive, sort, transfer and ship freight, such as packages by an overnight delivery service. This may also include vehicle maintenance, repair, and fueling to service the fleet.

- Sec. 41-64. Garage, private.** A private garage is an accessory building or portion of a main building, enclosed on three (3) or more sides and designed or used for the shelter or storage of vehicles owned or operated by the occupant of the main building.
- Sec. 41-65. Garage, public.** A public garage is a building, other than a private garage, used for the storage, care, repair or equipping of motor vehicles.
- Sec. 41-65.5. Garage sale.** A garage sale is a sale of goods, wares or merchandise from residential property where the public is invited onto such property to purchase such items; provided, however, that "garage sale" shall not include any sale of the personal belongings of a recently deceased resident of such property.
- Sec. 41-66. Gross floor area.** The gross floor area is the total floor area included within the outer walls of a building.
- Sec. 41-67. Guesthouse.** A guesthouse is living quarters within an accessory building for the use of persons employed on the premises, or for the temporary use by guests of the occupants of the main building, and having no kitchen facilities and not rented or otherwise used as a dwelling unit.
- Sec. 41-67.5. Hazardous material.** Hazardous material is any material, other than hazardous waste, which because of its quantity, concentration, or physical or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or the environment, including, but not limited to, any "hazardous substance," as defined in Section 25500 of the California Health and Safety Code, as it may from time to time be amended.
- Sec. 41-67.7. Hazardous waste.** Hazardous waste is any material which is "hazardous waste" as defined in Section 25500 of the California Health and Safety Code, as it may from time to time be amended.
- Sec. 41-68. Helicopter.** A helicopter is any rotocraft which depends principally for its support and motion in the air upon lift generated by one (1) or more rotors that rotate on substantially vertical axes.
- Sec. 41-69. Heliport.** A heliport is an area of land or water or a structural surface which is used, or is intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.
- Sec. 41-70. Helistop.** A helistop is the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
- Sec. 41-72. Home improvement warehouse store.** A home improvement warehouse store is a store which exceeds sixty thousand (60,000) square feet in floor area where home improvement and construction goods are displayed for sale in bulk quantities.
- Sec. 41-73. Home Occupation.** A home occupation is a business conducted within a dwelling, or within buildings or areas accessory to a dwelling, by the occupant of the dwelling as a secondary use.

- Sec. 41-73.5** **Hookah parlors.**
- (a) A hookah parlor shall mean any facility or location whose business operation, whether as its primary use or as an ancillary use, is denoted by the smoking of tobacco or other substances through one or more pipes (commonly known as a hookah waterpipe, shisha or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, including but not limited to establishments known variously as hookah bars, hookah lounges, or hookah cafes.
- (b) A primary use shall mean a use that is not an ancillary use.
- Sec. 41-74.** **Hospital.** A hospital is any institution, place, building or agency which maintains and operates organized facilities for the diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy or which maintains and operates organized facilities for any such purpose and to which persons may be admitted for overnight stay or longer. "Hospital" includes nursing home and maternity home.
- Sec. 41-75.** **Hospital, mental.** For definition of mental hospital see definition of hospital.
- Sec. 41-76.** **Hospital, animal.** An animal hospital is an establishment in which veterinarian services are rendered to dogs, cats and other small animals and domestic pets.
- Sec. 41-77.** **Hotel/motel.** A hotel/motel is any building, or portion of a building, other than a care home, which is designed, occupied, used or intended to be used, rented or hired out as temporary or overnight accommodations for tourists or transients. Such hotel/motel shall contain more than five (5) guest rooms. A hotel/motel that contains a kitchen (as defined in section 310.7(3) of the California Building Code) in guest rooms shall be deemed to be a long-term stay business hotel. A hotel/motel that meets the criteria of section 41-139 of this Code shall be deemed to be a transient/residential hotel.
- Sec. 41-79.** **Impound yard.** An impound yard is an area used for the temporary storage of vehicles which have been towed to such area due to having been abandoned or illegally parked or for a similar reason, and where there is no dismantlement of such vehicles nor any sale of the parts thereof.
- Sec. 41-79.5.** **Indoor swap meet.** An indoor swap meet is a store which has been internally subdivided to allow for individual sales booths which are available for lease to individual tenants for display of goods for sale. For purposes of this section, areas bounded by permanent floor-to-ceiling walls or windows, in which all entryways are capable of being closed and locked, shall be considered separate stores and not subdivisions of one (1) store. No store in which one (1) vendor occupies at least eighty (80) per cent of the floor area used for sale of goods shall be considered an indoor swap meet. For purposes of this section, each person offering goods for sale in a store who has a permit from the state board of equalization to engage in or conduct business as a seller at that store shall be deemed a distinct independent vendor, and each such vendor, other than any person in control of the use and occupancy of the store, shall be deemed a tenant in that store.
- Sec. 41-80.** **Inoperable vehicles.** Any vehicle, either mechanically or legally incapable of being driven on a public street or highway.

- Sec. 41-83.** **Institution.** An establishment maintained and operated for the purpose of providing charitable, social, educational, medical, or similar services.
- Sec. 41-83.5.** **Integrated development site.** Integrated development site shall mean any site, regardless of the number of lots or individual tenants, that is developed with common parking, on-site circulation, architecture or design features.
- Sec. 41-84.** **Interpretive center.** An interpretive center is an outdoor learning center in which existing natural or cultural resources are displayed or identified.
- Sec. 41-88.** **Junk yards, automobile wrecking yards, and salvage yards.** A junk yard, automobile wrecking yard, or salvage yard is any space of two hundred (200) square feet or more of area of any lot used for the storage, sale, keeping or abandonment of inoperable vehicles, junk or waste material, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof, other than an impound yard.
- Sec. 41-94.** **Kenel.** A kennel is any lot, building, structure, enclosure, premise or place, whereon or wherein, three (3) or more dogs are kept or maintained for the purpose of breeding, training, raising, boarding or as pets.
- Sec. 41-95.** **Kitchen.** A kitchen is any room or space used or intended or designed to be used for cooking or the preparation of food.
- Sec. 41-100.** **Landscape.** Landscape is any yard or other open space which is purposely designed to create an aesthetic environment composed of plant materials and/or other decorative elements such as fountains, ponds, sculptures, walls, fences, and planters.
- Sec. 41-101.** **Landscaping.** Landscaping is the act of providing landscape as defined in this division.
- Sec. 41-101.5.** **Live-work community.** A live-work community is a building, or portion thereof, used for units which are each a combination of a studio/workshop and a living quarters, and may be either a building, or portion thereof, originally designed for non-residential purposes and converted to such use or a new building initially designed for such use.
- Sec. 41-102.** **Loading space.** A loading space is an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle in order to load or unload merchandise or material, and which abuts upon a street, alley or other appropriate means of access.
- Sec. 41-103.** **Lodging house.** A lodging house is any building, or portion of a building, other than a care home or motel, containing not more than five guest rooms which are used by not more than five (5) guests in total, where lodging which does not include an individual kitchen, but which may or may not include the provision of meals, is provided for compensation; except that the rental of a room in a residential dwelling unit to not more than one person in addition to the family in occupancy of such dwelling shall be permitted as an incidental subordinate residential use of such dwelling, and shall not be deemed to constitute use of such dwelling as a boardinghouse.
- Sec. 41-103.5** **Long-term stay business hotel.** A long-term stay business hotel is a hotel/motel which is designed and operated to primarily accommodate business travelers whose guest stays vary in general from one (1) week to a month or more. Any hotel/motel

that contains a kitchen in guest rooms shall be considered a long-term stay business hotel. No long-term stay business hotel may be established in the city after July 1, 2001 except as permitted by a SP (specific plan) or SD (specific development) district and then only as a conditional use. Long-term stay business hotels shall not include transient/residential hotels.

Sec. 41-104. **Lot.** A lot is a parcel of real property shown on an approved final subdivision map or record of survey map or a recorded parcel described by metes and bounds.

Sec. 41-105. **Lot coverage.** Lot coverage is the amount of lot area stated in terms of percentage that is covered by all buildings or structures located thereon. This shall be considered to include the building footprint and all building projections, but shall exclude patio covers, awnings and eaves.

Sec. 41-106. **Lot line, front.** The front lot line is the boundary line between a street and abutting property and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street.

Sec. 41-107. **Lot line, rear.** The rear lot line is a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangle for trapezoidal lot, or of a lot the rear of which is formed by two (2) or more lines, the following shall apply:

- (a) For a triangular shaped lot a line ten (10) feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be considered the rear lot line; or
- (b) In the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be considered to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; or
- (c) In the case of a pentagonal lot the rear boundary of which includes an angle formed by two (2) lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

Sec. 41-108. **Lot line, side.** A side lot line is any lot boundary line not a front lot line or a rear lot line.

Sec. 41-109. **Lot width.** The lot width is the distance between the side lot lines measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

Sec. 41-110. **Lot depth.** The lot depth is the horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

Sec. 41-111. **Lot area.** The lot area is the total land area within the property lines of a lot.

Sec. 41-112. **Lot, corner.** A corner lot is a lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees.

Sec. 41-113. **Lot, reversed corner.** A reversed corner lot is a corner lot, the rear of which abuts the side lot line of another lot.

- Sec. 41-114. Lot, interior.** An interior lot is a lot other than a corner lot.
- Sec. 41-115. Lot, key.** A key lot is the first interior lot to the rear of a reversed corner lot.
- Sec. 41-116. Lot, through.** A through lot is a lot having frontage on two (2) streets (a corner lot, having frontage on two (2) parallel or approximately parallel streets, or two (2) streets, the center lines of which, if projected, would not make an angle of more than thirty (30) degrees).
- Sec. 41-119. Manufacture.** Manufacture means the making of materials or products by hand or by machinery, often with division of labor.
- Sec. 41-120. Mechanical equipment or appurtenances.** Mechanical equipment or appurtenances shall include air conditioners, fans, compressors, refrigeration units, exhaust fans, vents, tanks, stacks, duct work, furnaces, adsorption units, air filters or purifiers, chimneys, gravity or rotary vents, or any similar type equipment. This definition does not include attractively designed and constructed residential type chimneys on residential units or buildings.

Sec. 41-121. Medical marijuana dispensary.

- (a) A medical marijuana dispensary is a facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or supplied to one (1) or more of the following:
- 1) More than a single qualified patient;
 - 2) More than a single person with an identification card; or
 - 3) More than a single primary caregiver.

The term “medical marijuana dispensary” includes a medical marijuana cooperative.

- (b) Unless otherwise regulated by this chapter or applicable law, a medical marijuana dispensary shall not include the following uses:
- 1) A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code;
 - 2) A health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code;
 - 3) A residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code;
 - 4) A residential care facility for the elderly licensed pursuant to Chapter 3.2 of the California Health and Safety Code;
 - 5) A residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, to the extent that such use strictly complies with applicable law, including but not limited to California Health and Safety Code section 11362. et.seq.
- (c) A medical marijuana cooperative is two (2) or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or making available medical marijuana, with or without compensation.

(d) A medical marijuana dispensary is not the same use as a pharmacy.

(e) All terms used in this section, including but not limited to “medical marijuana,” “qualified patient,” “identification card,” and “primary caregiver,” shall be as defined in California Health and Safety Code section 11362.5 et seq.

Sec. 41-122. Museums and science centers. Museums and science centers are facilities which specialize in scientific, cultural or artistic exhibits. Ancillary uses, located within the same premises and architecturally integrated with the main building, may include eating establishments, gift shops, theaters, assembly rooms, and similar activities to support the primary operation and activities of the facility.

Sec. 41-126. Nonconforming use. A nonconforming use is a use of land or of a building or structure which was initiated prior to July 20, 1960, or which was conducted in conformity with all applicable provisions of this chapter as they existed at the time such use was initiated, but which thereafter became nonconforming to any provision of this chapter due to the enactment or amendment of such provision or due to the acquisition by a public agency of real property through eminent domain or through a voluntary conveyance in lieu thereof.

Sec. 41-127. Nonconforming building. A nonconforming building is a building to which either of the following circumstances apply:

(1) The building was constructed prior to July 20, 1960, and thereafter the building, or any of its appurtenances, or the site on which it is located became nonconforming to any provision of this chapter due to the enactment or amendment of such provision or due to the acquisition by a public agency of real property through eminent domain or through a voluntary conveyance in lieu thereof.

(2) The building and its appurtenances and the site on which it is located existed at one time in conformance with all applicable provisions of this chapter, and thereafter the building, or any of its appurtenances, or the site on which it is located became nonconforming to any provision of this chapter due to the enactment or amendment of such provision or due to the acquisition by a public agency of real property through eminent domain or through a voluntary conveyance in lieu thereof.

Sec. 41-131. Outdoor vending machine. Outdoor vending machine shall mean a mechanical device located on the outside of a building that provides a product or service to the public for compensation, including but not limited to water dispensers, drink dispensers, food dispensers or water vending machines. For purposes of this chapter, news boxes, pay phones, automated teller machines and youth amusement rides shall not be deemed to be outdoor vending machines.

Sec. 41-131.5 Outdoor water vending machine. Outdoor water vending machine shall mean a mechanical device located within a building exterior storefront that solely dispenses water for compensation. For purposes of this chapter, machines that vend prepackaged bottled water shall not be considered outdoor water dispensing machines.

Sec. 41-132. Overconcentration of alcohol licenses. Overconcentration of off-premise alcohol beverage control licenses for markets less than twenty thousand (20,000) square feet shall be defined as:

- (1) Any off-premise license within one thousand (1,000) feet of another off-premise license, excluding markets over twenty thousand (20,000) square feet;
- (2) Any off-premise license within one thousand (1,000) feet of any property used as a school primarily attended by minors, for a church or for park purposes;
- (3) Any application for a location that is determined to be overconcentrated by the state department of alcohol beverage control.

Sec. 41-136. Parking area, public. A public parking area is an open area other than a street or alley used for the parking of automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

Sec. 41-137. Parking space. A parking space is a space within a public or private parking area or a building, exclusive of driveways, ramps, columns, office and work area, for the temporary parking or storage of one (1) automobile.

Sec. 41-137.5. Passenger transportation services. A passenger transportation service is a use that stores or dispatches vehicles that provide passenger transportation, which include but are not limited to taxicab, limousine, shuttle or transit vehicles with a maximum capacity of fifteen (15) persons, and ambulance services. This may include vehicle maintenance, repair, and fueling to service the fleet.

Sec. 41-137.10. Porte-cochere. Porte-cochere is a structure over the driveway, and attached to the main residence for the temporary sheltering and unloading of passengers by an entrance of the building.

Sec. 41-138. Processing. Processing means the preparation of materials or products by a particular method.

Sec. 41-142. Recreational or entertainment uses. Recreational or entertainment uses include any use of property for the purpose of providing recreation or entertainment to the public for compensation, including, but not limited to, carnivals, circuses, amusement parks, golf course, bowling alleys, billiard parlors, pool halls, sports stadiums, dance halls, and game arcades; provided, however, that the use of less than five (5) percent of the floor space of that part of a building which is open to the public for mechanical or electronic games shall not be considered a recreational or service use. The square footage for each pool table shall be calculated at one hundred ninety-two (192) square feet to accommodate the area necessary for the players.

Sec. 41-142.2. Recreational Vehicle, Vehicle and/or Boat Storage Yard. A recreational vehicle, vehicle and/or boat storage yard is an outdoor facility in which spaces are individually rented or leased for the storage of recreational vehicles, vehicles or boats (with or without trailers).

Sec. 41-142.5. Rehabilitation. Rehabilitation is the restoration or modification of an existing building which alters the aesthetic quality of the building, excluding normal maintenance.

Sec. 41-143. Residence. For definition of residence see definition of dwelling.

Sec. 41-144. Retail and service uses. Retail and service uses include any use of property for the purpose of offering merchandise or services to the public for compensation, and

include banks, savings and loan associations, and similar financial institutions, but do not include the following:

- (a) Sheet metal shops, body-fender works, automobile paint shops, repair garages, and any activity which includes the processing, treatment, manufacturing, assembling or compounding of any product, other than that which is clearly and traditionally incidental and essential to a particular retail activity.
- (b) A medical marijuana dispensary as defined in section 41-121 of this Code.
- (c) Any use which is more specifically identified as a permitted use or as a use which may be permitted subject to the issuance of a conditional use permit in one or more use districts pursuant to Article III of this chapter.

- Sec. 41-145. Rooming house.** For definition of rooming house see definition of boardinghouse.
- Sec. 41-150. Sanitarium.** For definition of sanitarium see definition of hospital.
- Sec. 41-150.5. Second dwelling units.** A second dwelling unit is an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. It shall have the same meaning as "second unit," as that term is defined in California Government Code section 54842.2(i)(4), as it may be amended from time to time.
- Sec. 41-151. Service station.** A service station is a filling station which supplies motor fuel and oil to motor vehicles and which may also include automobile servicing, the sale of motor vehicle accessories, and other retail sales.
- Sec. 41-152. Setback line; future right-of-way line.** A setback line or future right-of-way line is the line between which line and a street line no structure shall project, be erected, or placed.
- Sec. 41-153. Story.** A story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade such basement or cellar shall be considered a story.
- Sec. 41-154. Street.** A street is a public thoroughfare including public roads or highways which affords principal means of access to abutting property.
- Sec. 41-155. Street line.** The street line is the boundary line between a street and abutting property.
- Sec. 41-156. Structure.** A structure is anything constructed or erected which requires permanent location on the ground, or attached to something having permanent location on the ground, including signs and billboards, but not including fences or walls used as fences, six (6) feet in height or less.
- Sec. 41-157. Structural alteration.** Structure alteration is any change in the supporting members of a building such as bearing walls, columns, beams, girders, floor joists, roof joists, rafters, or changes in roof or exterior lines.

- Sec. 41-158. Studio.** A studio is the workplace of one or more individuals who are engaged in the production of works of art or handicrafts for a living, including, but not limited to, painting, sculpture, music, photography, ceramics, glass works and the performing arts.
- Sec. 41-159. Thrift shop, purchase and loan, pawn shop.** A thrift shop, purchase and loan, or pawn shop is a retail establishment that sells or purchases secondhand articles, or provides loans secured by secondhand articles.
- Sec. 41-160. Townhouse.** A townhouse is a dwelling unit located in a group of three (3) or more attached dwelling units with no dwelling unit located above or below another and with each dwelling unit having its own exterior entrance.
- Sec. 41-161. Trailer park or camp.** A trailer park or camp is any place, area, or tract of land upon which is located any trailer or camp car, but not including a location where a camp car or trailer is not inhabited.
- Sec. 41-161.5. Transient/residential hotel.** A transient/residential hotel differs from a hotel/motel in that, while guests at a hotel/motel have another, primary residence, the guests at a transient/residential hotel utilize it as their primary residence (for purposes of this section the term "primary residence" shall have the same definition as under California Health and Safety Code subsection 50519(b)(1)). Any hotel/motel that rents, lets or otherwise provides for compensation, twenty-five (25) percent or more of the total number of rooms therein to any person, firm, partnership, corporation, association, or other business entity for occupancy which exceeds twenty-eight (28) consecutive days or twenty-eight (28) days in any 60-day consecutive period shall be deemed to be a transient/residential hotel. No transient/residential hotel may be established in the city after June 7, 1999 unless:
- (1) It was existing on June 7, 1999; and
 - (2) It is permitted by a SP (specific plan) or SD (specific development) district and then only as a conditional use.
- Sec. 41-162. Treatment.** Treatment means the subjection of material or products to some process or substance.
- Sec. 41-166. Use.** Use is the purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.
- Sec. 41-166.5. Warehouse.** Warehouse is a storehouse for goods prior to distribution, sale or use.
- Sec. 41-167. Warehouse, mini.** A mini-warehouse is a structure or building, the interior of which has been partitioned or sectioned off into individual storage units or compartments which do not exceed one thousand (1,000) square feet in gross floor area per unit (may also include two (2) or more individually constructed units) and are individually rented or leased. A mini-storage or self-storage facility shall be deemed a mini-warehouse.
- Sec. 41-171. Yard.** A yard is an open space other than a court on a lot unoccupied and unobstructed from the ground upward.
- Sec. 41-172. Yard, front.** A front yard is a yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the main wall of the building.

- Sec. 41-173.** **Yard, rear.** A rear yard is a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured from the nearest point of the rear lot line toward the nearest main wall of the building.
- Sec. 41-174.** **Yard, side.** A side yard is a yard, between a main building and the side lot line, extending from the front to the rear property line. The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest main wall of the building.
- Sec. 41-175.** **Youth amusement ride.** A freestanding electric, mechanical, or hydraulic amusement ride designed for use by one (1) to four (4) children, and typically activated by deposit of coin or token.