

ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING SECTION 19.08.090 OF CHAPTER 19.08 OF TITLE 19 REGARDING COMMERCIAL USE TYPE CLASSIFICATIONS, AMENDING SECTION 19.12.020 OF CHAPTER 19.12 OF TITLE 19 REGARDING PERMITTED USE TYPES IN COMMERCIAL ZONES, AMENDING SECTION 19.14.020 OF CHAPTER 19.14 OF TITLE 19 REGARDING PERMITTED USE TYPES IN INDUSTRIAL AND MANUFACTURING ZONES, AND ADDING CHAPTER 19.65 OF TITLE 19 OF THE ROSEVILLE MUNICIPAL CODE REGARDING RESTRICTIONS ON TOBACCO RETAILERS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Section 19.08.090 of Chapter 19.08 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.08.090 Commercial use types.

Commercial use types include the distribution, sale and rental of goods, and the provision of services other than those classified as civic or industrial use types. Specific commercial use types referred to in this title are:

- A. Adult-oriented businesses, include those uses specifically referred to in Chapters

9.11 and 19.32 of this Code and include any adult arcade, adult bookstore, adult cabaret, adult hotel/motel, adult motion picture theater, adult theater or modeling studio defined therein. Any reference in this Code to “adult business establishment” shall mean adult- oriented business, as provided herein.

B. Animal sales and services, includes establishments primarily engaged in animal-related sales and services. The following are animal sales and services use types:

1. Grooming and pet stores, includes grooming or selling of dogs, cats, and similar

small animals with limited indoor boarding. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores.

2. Kennels, includes indoor and outdoor kennel services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet hotels, and dog training centers.

3. Veterinary clinic, includes a fully enclosed veterinary facility containing only enough cage arrangements as necessary to provide services for small animals requiring acute medical or surgical care, as well as boarding and grooming.

4. Veterinary hospital, includes a veterinary facility conducted in an enclosed building and in the open which provides long-term medical care, boarding and grooming.

C. Automotive and equipment, includes establishments primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:

1. Automotive body and equipment repair, includes automobile body repair and painting; repair of equipment such as aircraft, boats, recreational vehicles, and trucks; and the installation and servicing of tractor-trailer, semi-trucks and heavy construction equipment.

2. Automotive rentals, includes rental from the premises of automobiles, light trucks, and recreational vehicles. Typical uses include car rental agencies.

3. Automotive repairs, includes repair of automobiles and the sale, installation, and servicing of automobile equipment and parts completely within an enclosed building, but excluding body repair and painting. Typical uses include muffler shops, automobile repair garages, automobile glass shops, and minor services including oil change, tuneup/lube shops, tire installation, and stereo and car accessory installation.

4. Automotive sales, includes the sale, retail or wholesale, of automobiles, light trucks, boats, recreational vehicles, motorcycles, motor homes, and trailers together with associated enclosed repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.

5. Car wash and detailing, includes washing and polishing of automobiles. Typical uses include automobile detailing services and car washes.

6. Commercial parking, includes parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots and garages.

7. Heavy equipment rental and sales, includes rental and sales of heavy equipment such as aircraft, trucks, tractor-trailer, semi-trucks and heavy construction equipment.

8. Gasoline sales, includes establishments primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries, and replacement items, lubricating services, minor repair services and may include drive through car washes, convenience eating places and neighborhood commercial. Typical uses include automobile service stations, filling stations and neighborhood commercial uses with gas sales.

D. Banks and financial services, includes financial institutions including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding, (but not predominantly operating) companies; and other investment companies; vehicle finance leasing agencies. Automated teller machines (ATMs) located away from banks are included under the definition of “personal services.”

E. Bars and drinking places, includes establishments within a building where alcoholic beverages are sold for on-site consumption, that are not part of a restaurant. Includes bars, taverns, pubs, brew pubs, wine bars and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Dance floors are not permitted.

F. Broadcasting and recording studios, includes commercial and public communications uses including telegraph, telephone, radio and television broadcasting and receiving stations and studios, and television production and sound recording studios, with facilities entirely within buildings. Private transmission and receiving apparatus, such as towers, reflectors and antennas are included under the definition of “antennas, communications facilities.”

G. Building material stores, includes retail establishments selling lumber (which may include the cutting of pre-cut lumber) and other large building materials, and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of “retail sales and services”). Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales.

H. Business support services, includes establishments within buildings, providing

other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

1. Blueprinting;
2. Business equipment repair services (except vehicle repair, see “Automotive repair”);
3. Commercial art and design (production);
4. Computer-related services (rental, repair, maintenance);
5. Equipment rental businesses within buildings;
6. Film processing laboratories;
7. Mail advertising services (reproduction and shipping);
8. Outdoor advertising services;
9. Photocopying; and
10. Photo-finishing.

I. Commercial recreation, includes establishments primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

1. Amusement center, includes public places of amusement or public places of business in which four or more coin-operated amusement devices are installed and includes any place open to the public, whether or not the primary use of the premises is devoted to the operation of such devices.

2. Indoor entertainment, includes predominantly spectator uses conducted within an enclosed building, excluding uses classified under adult oriented businesses. (See Chapter 19.32.) Typical uses include motion picture theaters, and live theater.

3. Indoor sports and recreation, includes predominantly participant sports and health activities conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts, soccer arenas, athletic clubs, and health clubs.

4. Outdoor entertainment, includes predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include outdoor amphitheaters, concert halls and sports arenas, BMX tracks, racing facilities, drive in theaters, and zoos.

5. Outdoor sports and recreation, includes predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include amusement parks, driving ranges, miniature golf courses, golf courses, swimming pools, and tennis courts.

6. Residential recreation facilities, includes predominantly participant sports which are normally associated with a country club, or private residential community. Typical uses include country clubs, racquet clubs, golf courses, swimming pools, tennis courts, and other secondary uses including restaurants, and retail sales.

7. Large amusement complexes, includes a theme park or similar complex open to the public which exceeds 100,000 square feet and which:

a. Includes outdoor amusement attractions such as mechanized or carnival- type rides or water slides; and

b. Meets any two of the following three criteria:

i. The complex has a maximum daily capacity of more than 500 users per day,

ii. The complex is required to provide off-street parking for more than 200 vehicles, or

iii. The complex operates during any part of the year during the hours after 6 :00 p.m. This does not apply to publicly owned or operated parks or facilities.

J. Community care facility, includes any facility serving as a residence where non-medical care is provided on a 24-hour basis with central or private kitchen facilities, dining, recreational and other facilities. Typical uses include assisted living facilities and facilities licensed by the State Department of Social Services. Does not include long term care facilities.

K. Day care centers, includes commercial or non-profit facilities that provide care, protection and supervision of 13 or more minor children or adults in need of assistance for periods of less than 24 hours per day, typically while parents or family are working, and/or before or after daily attendance at an elementary school, as defined by Chapter 3.6 of the Health and Safety Code, commencing with Section 1597.30 includes preschools.

L. Eating and drinking establishments, includes establishments primarily engaged in the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under “bars and drinking places” and “nightclubs.” An eating and drinking establishment that provides amplified live or recorded music and that provides space(s) for dancing or hold public dances under Municipal Code Chapter 9.45 shall be considered a nightclub per subsection T of this section. Eating and drinking establishment use types include:

1. Fast food with drive-through, includes establishments primarily engaged in the preparation and retail sale of food and beverages at a walk up counter and at a drive through window, and may include seating.

2. Convenience, includes establishments primarily engaged in the preparation and

retail sale of food and beverages, at a walk up counter and which does not include a drive through or provide for ordering at the tables, if any. Typical uses include pizza parlors, ice cream parlors, and sandwich shops.

3. Full service, includes establishments primarily engaged in the preparation and retail sale of food and beverages, where food is ordered and served at a table, and which may include sales of alcoholic beverages as an accessory or secondary service. Fixed seating or tables and chairs are provided for the seating of each patron or customer at all times. Typical uses include full service restaurants.

M. Food and beverage retail sales, includes establishments primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores, and delicatessens.

N. Funeral and interment services, includes establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human remains other than in cemeteries.

O. Lodging services, includes establishments primarily engaged in the provision of commercial lodging on a less than monthly basis to the general public. Lodging services includes incidental food, drink, and other sales and services intended for the convenience of guests.

Typical uses include hotels, motels, and bed-and-breakfasts.

P. Long term care facility, includes an institution or a portion of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours. Typical uses include extended care facilities, intermediate care facilities, skilled nursing facilities, hospices and other facilities licensed by the State Department of Health Services.

Q. Maintenance and repair, includes all uses that provide maintenance and repair services for furniture, appliances and equipment normally used within a building. Typical uses include sewing machine and appliance repair.

R. Medical services, includes establishments primarily engaged in the provision of personal health services on an outpatient basis ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis-services, but excludes uses classified under any civic use type. Medical services use types include:

1. General, includes the range of medical services described above. Typical uses include individual medical and dental offices, dental and medical laboratories, health maintenance organizations, substance abuse treatment clinics, immediate care facilities and offices for physical therapists, chiropractors, and acupuncturists.

2. Low traffic generating, includes medical services with a low patient frequency or longer than average patient appointment time which creates a lower parking demand. Typical uses include dialysis clinics and imaging services.

3. Medical campus/medical office building (MOB), includes a cluster of buildings or a singular building that provides a range of outpatient services such as medical offices, dental or medical laboratories, imaging, physical therapists, and pharmacy services, with a range of parking demands.

S. Neighborhood commercial, includes establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These uses are compatible with residential development due to low traffic and noise generation and include various retail sales and personal services of

an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, drug stores, beauty salons, and offices, but do not include drive-through restaurants, bars and drinking places, or liquor stores.

T. Nightclubs, includes establishments or places of entertainment within a building, open primarily at night, usually but not necessarily serving alcohol, and providing floor space for amplified live or recorded music, or having spaces for “public dances” as per Chapter 9.45 of the Roseville Municipal Code. Fixed seating or chairs are not provided for the seating of each patron or customer. Meals or refreshments may be served and an admission may be charged. Excludes uses classified under this section as commercial use types as “eating or drinking establishments,” “commercial recreation,” and Chapter 19.32, “Adult Oriented Businesses.” Additional requirements are contained in Chapter 19.49.

U. Nursery, retail, includes establishments primarily engaged in the sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise. This use type is typically conducted primarily outdoors. The sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise indoors is permitted under retail sales and services.

- V. Offices, professional, includes professional or government offices including:
1. Accounting, auditing and bookkeeping services;
 2. Advertising agencies;
 3. Architectural, engineering, interior design, and surveying services;
 4. Attorneys;
 5. Call and telemarketing centers;
 6. Computer software designers;
 7. Court reporting services;

8. Data processing and computer services;
9. Detective agencies and similar services;
10. Secretarial and word processing services;
11. Government offices including agency and administrative office facilities;
12. Insurance agencies;
13. Management, public relations and consulting services;
14. Real estate agencies; and
15. Writers, photographers and artists offices outside the home.

W. Personal services, includes establishments primarily engaged in the provision of personal improvement or appearance, and similar non-business related or non-professional services, but excludes services classified under other use types. Typical uses include barber shops, beauty salons, tailors, shoe repair shops, massage therapist, tattoo studios, tutoring services, and dry cleaning pick up stations.

X. Retail sales and services, includes establishments primarily engaged in the sale of goods and merchandise, but excludes those classified under animal sales and services, automotive and equipment, business support services, building materials stores, neighborhood commercial, food and beverage retail sales, ~~and~~ gasoline sales, and tobacco retailers (as defined in Section 19.65.020 (M)). Typical uses include:

1. Auto parts;
2. Bakeries, retail;
3. Bicycle sales;
4. Department stores;
5. Drug and discount stores;

6. Furniture stores;
7. Hardware;
8. Orthopedic supplies;
9. Photography studios;
10. Self-service laundries/dry cleaning stores; and
11. Sporting goods and equipment.

Y. Specialized education and training, includes private establishments providing training or educational programs. Typical uses include:

1. Vocational schools, includes businesses, secretarial schools and vocational schools offering specialized trade and commercial courses and establishments furnishing educational courses by mail or on-line. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications, and management, as examples).

2. Specialty schools, includes specialized non-degree granting schools such as: music schools; dramatic schools; language schools; driver education schools; martial arts studios; ballet and other dance studios.

Z. Storage, personal storage facility, includes a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces. This use type does not include the outdoor storage of boats, cars, recreational vehicles, or equipment, and does not include the rental of trucks or other equipment. (Also see Chapter 19.54.

SECTION 2. Section 19.12.020 of Chapter 19.12 of Title 19 of the Roseville Municipal

Code is hereby amended to read as follows:

19.12.020 Permitted use types.

Primary uses are permitted in commercial zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as “P”;
- B. Conditionally permitted use, designated as “CUP”; and
- C. Administratively permitted use, designated as “A.”

Refer to the Downtown Code for permitted uses within the CBD and HD zones.

COMMERCIAL ZONE DISTRICTS PERMITTED USES

	BP	NC	CC	GC	HC	RC	CMU
AGRICULTURAL AND OPEN SPACE USE TYPES							
Resource Protection and Restoration	CUP	CUP	CUP	CUP	CUP	CUP	P
Resource Related Recreation	P	P	P	P	P	CUP	P
CIVIC USE TYPES							
Community Assembly	CUP	P	P	P	-	-	P
Community Services	P	CUP	P	P	P	P	P
Essential Services	P	P	P	P	P	P	P
Hospital Services							

	BP	NC	CC	GC	HC	RC	CMU
General Hospital Services	-	-	CUP	CUP	-	-	P
Psychiatric Hospital Services	-	-	CUP	CUP	-	-	P
Libraries and Museums, Private	-	CUP	P	P	P	P	-
Public Parking Services	P	P	P	P	P	P	P
Schools							
College and University	A	-	P	P	-	P	P
Public/Private Elementary and Secondary	-	CUP	CUP	CUP	-	-	P
Social Services							
Emergency Shelter ⁽⁵⁾	-	-	-	CUP	CUP	-	CUP
Food Distribution ⁽³⁾	-	-	-	A/CUP	A/CUP	-	A/CUP
Food Service ⁽⁴⁾	-	-	-	A/CUP	A/CUP	-	A/CUP
Power Generating Facilities ⁽⁹⁾							
Emergency	A	A	A	A	A	A	A
Supplemental/Individual Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Passive Power	P	P	P	P	P	P	P
RESIDENTIAL USE TYPES							
Accessory Dwelling Units ⁽¹¹⁾	-	P	P	P	P	-	P
Caretaker/Employee Housing	-	CUP	CUP	CUP	CUP	CUP	P

	BP	NC	CC	GC	HC	RC	CMU
Dwelling ⁽¹⁰⁾							
Multi-Family	-	CUP	CUP	-	-	-	P
Single-Family	-	CUP	CUP	CUP	CUP	-	P
Two-Family	-	CUP	CUP	CUP	CUP	-	P
Family Day Care Home, Small	P	P	P	P	-	P	P
Family Day Care Home, Large	CUP	CUP	CUP	CUP	-	CUP	P
Single Room Occupant	-	-	-	-	-	-	CUP
COMMERCIAL USE TYPES							
Adult Oriented Businesses (2)	-	-	-	P	-	P	P
Animal Sales and Service							
Grooming and Pet Stores	-	P	P	P	-	P	P
Kennels	-	-	-	CUP	CUP	CUP	P
Veterinary Clinic	-	CUP	P	P	-	-	P
Veterinary Hospital	-	-	CUP	CUP	-	-	P
Automotive and Equipment							
Automotive Body and Equipment Repair	-	-	-	CUP	-	CUP	CUP
Automotive Rentals	-	-	-	P	P	P	P
Automotive Repairs	-	-	CUP	P	P	P	P
Automotive Sales	-	-	CUP	P	-	P	P
Car Wash and Detailing	-	-	CUP	P	-	P	P

	BP	NC	CC	GC	HC	RC	CMU
Commercial Parking	P	-	-	P	P	-	P
Gasoline Sales ⁽¹²⁾	CUP	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP
Heavy Equipment Rental and Sales	-	-	-	P	-	P	P
Banks and Financial Services	P	P	P	P	-	P	P
Bars and Drinking Places	-	-	P	P	-	P	P
Broadcasting and Recording Studios	P	-	-	P	-	-	P
Building Material Stores	-	-	CUP	P	-	P	P
Business Support Services	P	-	P	P	-	-	P
Commercial Recreation							
Amusement Center	-	CUP	P	P	-	P	P
Indoor Entertainment	-	-	P	P	-	P	P
Indoor Sports and Recreation	-	-	P	P	-	P	P
Large Amusement Complexes	-	-	-	CUP	CUP	P	P
Outdoor Entertainment	-	-	-	CUP	-	CUP	P
Outdoor Sports and Recreation	-	-	-	P	CUP	P	P
Community Care Facility	P	P	P	P	-	-	P
Day Care Center	P	P	P	P	-	P	P
Eating and Drinking Establishments							
Fast Food with Drive- Through ⁽¹²⁾	-	-	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP

	BP	NC	CC	GC	HC	RC	CMU
Convenience	P	P	P	P	P	P	P
Full Service	P	P	P	P	P	P	P
Food and Beverage Retail Sales	-	-	P	P	-	-	P
Funeral and Interment Services	-	-	P	P	-	-	P
Lodging Services	-	-	P	P	P	P	P
Long Term Care Facility	CUP	CUP	P	P	-	-	P
Maintenance and Repair	-	P	P	P	-	-	P
Medical Services, General	P	P	P	P	P	P	P
Neighborhood Commercial	P	P	-	-	-	-	P
Nightclubs ⁽⁶⁾	-	-	CUP	CUP	-	CUP	CUP
Nursery, Retail	-	-	-	P	-	P	P
Offices, Professional	P	P	P	P	-	P	P
Personal Services	P	P	P	P	P	P	P
Retail Sales and Services	-	-	P	P	P	P	P
Specialized Education and Training							
Vocational Schools	-	-	P	P	-	-	P
Specialty Schools	-	CUP	P	P	-	P	P
Storage, Personal Storage Facility	-	-	CUP	P	-	-	P
<u>Tobacco retailer ⁽¹³⁾</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
INDUSTRIAL USE TYPES							
Laundries, Commercial	-	-	CUP	CUP	-	-	P
Printing and Publishing	-	-	-	CUP	-	-	P
Research Services	-	-	-	P	-	-	P

	BP	NC	CC	GC	HC	RC	CMU
Wholesaling and Distribution, Light	-	-	-	P	-	-	P
TRANSPORTATION AND COMMUNICATION USE TYPES							
Heliport	CUP	CUP	CUP	CUP	CUP	CUP	P
Intermodal Facilities ⁽⁸⁾	CUP	CUP	CUP	CUP	CUP	CUP	P
Telecommunication Facilities ⁽⁷⁾	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP

Notes:

- (1) Reserved.
- (2) Additional requirements are contained in Chapter 19.32.
- (3) Additional requirements are contained in Chapter 19.40.
- (4) Additional requirements are contained in Chapter 19.39.
- (5) Additional requirements are contained in Chapter 19.38.
- (6) Additional requirements are contained in Chapter 19.49.
- (7) Additional requirements are contained in Chapter 19.34.
- (8) Additional requirements are contained in Chapter 19.36.
- (9) Additional requirements are contained in Chapter 19.55.
- (10) Transitional housing and supportive housing are considered residential use types.
- (11) Accessory dwelling /junior accessory dwelling units are only permitted within areas zoned to allow single-family, two-family or multi-family residential use and must be located on a lot that contains an existing or proposed single-family, two-family or multi-family dwelling unit which has an approved CUP as defined in Sections 19.08.080(F)(1) and (F)(2) (Residential Use Types). See Chapter 19.60 for additional accessory dwelling/junior accessory dwelling unit regulations.
- (12) A conditional use permit is required for fast food with drive through establishments or gasoline sales establishments contiguous to: (a) properties with a residential zoning designation; (b) parcels designated as a public utilities easement or landscape easement which are contiguous to a property having a residential zoning

designation; and (c) any other parcel of land upon which a building cannot be developed and which separates the subject parcel by less than 100 feet which is contiguous to a property having a residential zoning designation. A conditional use permit is not required for these uses if the subject parcel is separated from properties with a residential zoning designation by a public roadway.

(13) Additional requirements are contained in Chapter 19.65.

SECTION 3. Section 19.14.020 of Chapter 19.14 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.14.020 Permitted use types.

Primary uses are permitted in industrial zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as “P”;
- B. Conditionally permitted use, designated as “CUP”; and
- C. Administratively permitted use, designated as “A.”

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

INDUSTRIAL ZONE DISTRICTS PERMITTED USES

	MP	M1	M2	MMU
AGRICULTURAL AND OPEN SPACE USE TYPES				
Agricultural	-	P	P	P
Resource Protection and Restoration	P	P	P	P

	MP	M1	M2	MMU
CIVIC USE TYPES				
Community Assembly	CUP	CUP	CUP	P
Community Services	P	P	P	P
Essential Services	P	P	P	P
Intensive Public Facilities	-	-	CUP	P
Power Generating Facilities ⁽⁷⁾				
Emergency	A	A	A	A
Supplemental/Individual Use	CUP	CUP	CUP	CUP
General Power Production	CUP	CUP	CUP	CUP
Passive Power	P	P	P	P
Public Parking Services	P	P	P	P
Schools				
College and University	P	P	CUP	P
Public/Private Elementary and Secondary	CUP	-	-	P
Social Services				
Emergency Shelter ⁽⁴⁾	P	CUP	CUP	CUP
Food Distribution ⁽²⁾	-	A/CUP	A/CUP	A/CUP
Food Service ⁽³⁾	-	A/CUP	A/CUP	A/CUP
RESIDENTIAL USE TYPES				
Caretaker/Employee Housing	CUP	A	A	P
COMMERCIAL USE TYPES				
Adult Oriented Businesses	-	P	P	P

	MP	M1	M2	MMU
Animal Sales and Service				
Kennels	-	P	P	P
Veterinary Clinic	P	P	P	P
Veterinary Hospital	-	P	P	P
Automotive and Equipment				
Automotive Body and Equipment Repair	CUP	P	P	P
Automotive Rental	CUP	CUP	-	P
Automotive Repairs	P	P	CUP	P
Automotive Sales	CUP	-	-	P
Car Wash and Detailing	P	P	CUP	P
Commercial Parking	P	P	P	P
Gasoline Sales ⁽⁸⁾	P/CUP	P/CUP	P/CUP	P/CUP
Heavy Equipment Rental and Sales	CUP	P	P	P
Impound Yards	CUP	CUP	P	P
Broadcasting and Recording Studios	P	P	P	P
Building Material Stores	P	P	P	P
Business Support Services	P	P	CUP	P
Commercial Recreation				
Indoor Entertainment	CUP	CUP	CUP	P
Indoor Sports and Recreation	P	P	P	P
Large Amusement Complexes	-	CUP	CUP	P
Outdoor Entertainment	-	CUP	CUP	P

	MP	M1	M2	MMU
Outdoor Sports and Recreation	CUP	P	P	P
Eating and Drinking Establishments, Convenience ⁽⁸⁾	P/CUP	P/CUP	P/CUP	P/CUP
Maintenance and Repair	P	CUP	CUP	P
Medical, General	-	-	-	-
Neighborhood Commercial	P	CUP	CUP	P
Nightclubs ⁽¹⁾	CUP	CUP	CUP	P
Nursery, Retail	CUP	P	P	P
Offices, Professional	P	P	P	P
Personal Services	P	CUP	CUP	P
Retail Sales and Services	P	-	-	P
Specialized Education and Training				
Vocational Schools	P	P	CUP	P
Specialty Schools	P	P	CUP	P
Storage, Personal Storage Facility	P	P	P	P
<u>Tobacco Retailer ⁽⁹⁾</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>P</u>
INDUSTRIAL USE TYPES				
Day Care Center, Secondary (Employees Only)	CUP	CUP	-	CUP
Equipment and Materials Storage Yards	-	CUP	P	P
General Industrial	-	CUP	P	P
Hazardous Materials Handling	-	CUP	P	P
Laundries, Commercial	P	P	P	P
Light Manufacturing	P	P	P	P

	MP	M1	M2	MMU
Printing and Publishing	P	P	P	P
Recycling, Scrap and Dismantling				
Enclosed	P	P	P	P
Unenclosed	-	CUP	P	P
Research Services	P	P	P	P
Specialized Industrial	CUP	CUP	CUP	P
Wholesale and Distribution				
Light	P	P	P	P
Heavy	-	CUP	P	P
TRANSPORTATION AND COMMUNICATION USE TYPES				
Antennas and Communications Facilities ⁽⁵⁾				
Developed Lot	P	P	P	P
Undeveloped Lot	CUP	CUP	CUP	CUP
Heliport	-	CUP	CUP	P
Intermodal Facilities ⁽⁶⁾	P	P	P	P
Telecommunication Facilities ⁽⁵⁾	P/AP/CUP	P/AP/CUP	P/AP/CUP	P/AP/CUP

Notes:

- (1) Additional requirements are contained in Chapter 19.49.
- (2) Additional requirements are contained in Chapter 19.40.
- (3) Additional requirements are contained in Chapter 19.39.
- (4) Additional requirements are contained in Chapter 19.38.
- (5) Additional requirements are contained in Chapter 19.34.
- (6) Additional requirements are contained in Chapter 19.36.

(7) Additional requirements are contained in Chapter 19.55.

(8) A conditional use permit is required for fast food with drive through establishments or gasoline sales establishments contiguous to: (a) properties with a residential zoning designation; (b) parcels designated as a public utilities easement or landscape easement which are contiguous to a property having a residential zoning designation; and (c) any other parcel of land upon which a building cannot be developed and which separates the subject parcel by less than 100 feet which is contiguous to a property having a residential zoning designation. A conditional use permit is not required for these uses if the subject parcel is separated from properties with a residential zoning designation by a public roadway.

(9) Additional requirements are contained in Chapter 19.65.

SECTION 4. Chapter 19.65 of Title 19 of the Roseville Municipal Code is hereby added to read as follows:

Chapter 19.65

RESTRICTIONS ON TOBACCO RETAILERS

19.65.010 Purpose and findings.

A. The purpose of this chapter is to discourage the use of flavored tobacco products by youth and young adults by limiting the potential adverse direct and secondary effects of a flavored tobacco retailer operating in close proximity to schools. Data from the United States Food and Drug Administration's Population Assessment of Tobacco and Health found that nearly 80% of youth ages 12-17 and nearly 75% of young adults ages 18-25 (who were current tobacco users in 2014) reported that the first tobacco product they ever used was flavored.

B. Additionally, the “Healthy Kids Survey” conducted by the California Department of Education-Coordinated School Health and Safety Office for the Roseville Joint Union High School District and Roseville City School District consistently reveals that youth and young adults are significantly more likely to try, and regularly use, flavored tobacco products than traditional tobacco products; and less likely to perceive the harms in using such flavored tobacco products.

C. Moreover, the City of Roseville Police Department’s School Resource Officers, imbedded in City of Roseville public schools, routinely confiscate large numbers of flavored tobacco products from middle school and high school students, in numbers that significantly exceed traditional tobacco products.

19.65.020 Definitions.

For the purposes of this chapter, the words and phrases shall have the same meanings respectively ascribed to them by this section:

A. “Characterizing flavor” means a distinguishable taste or aroma, or both, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include, but are not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of

ingredient information. Rather, it is the presence of a distinguishable taste or aroma, or both, as described in the first sentence of this definition, that constitutes a characterizing flavor.

B. “Constituent” means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product.

C. “Flavored tobacco product” means any tobacco product that contains a constituent that imparts a characterizing flavor.

D. “Labeling” means written, printed, pictorial, or graphic matter upon a tobacco product or any of its packaging.

E. “Loose leaf tobacco” consists of cut or shredded pipe tobacco, usually sold in pouches, excluding any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes, including roll-your-own cigarettes.

F. “Packaging” means a pack, box, carton, or container of any kind, or, if no other container, any wrapping, including cellophane, in which a tobacco product is sold or offered for sale to a consumer.

G. “Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.

H. “Premium cigar” means any cigar that is handmade, is not mass produced by use of mechanization, has a wrapper that is made entirely from whole tobacco leaf, and has a wholesale price of no less than twelve dollars (\$12). A premium cigar does not have a filter, tip, or nontobacco mouthpiece and is capped by hand.

I. “Retail location” means both of the following:

1. A building from which tobacco products are sold at retail.

2. A vending machine.

J. “Sale” or “sold” means a sale as that term is defined in Section 30006 of the California Revenue and Taxation Code, as may be amended from time to time.

K. “Tobacco product” means a tobacco product as defined in California Health and Safety Code section 104495, as may be amended from time to time.

L. “Tobacco product flavor enhancer” means a product designed, manufactured, produced, marketed, or sold to produce a characterizing flavor when added to a tobacco product.

M. “Tobacco retailer” means a person who engages in this state in the sale of tobacco products directly to the public from a retail location. “Tobacco retailer” includes a person who operates vending machines from which tobacco products are sold in this state.

19.65.030 Location of tobacco retailer.

A. A tobacco retailer is allowed as otherwise permitted in this title and under State and Federal law, provided that the tobacco retailer complies with all other locational regulations of this section. No tobacco retailer or any of the tobacco retailer’s agents or employees, shall sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer within one thousand (1000) feet of any developed or designated public, private, or charter school providing primary or secondary education. For purposes of this subsection, "designated" means a parcel that is general plan designated, zoned, or that has been conditionally permitted to conduct such use. The separation distances required by this chapter

shall be measured radially from the parcel line of the school parcel to the main entrance door of the tobacco retailer.

B. There is a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, images, or all, on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.

C. Subdivision A of this section does not apply to loose leaf tobacco or premium cigars.

19.65.040 Preexisting nonconforming use.

Existing tobacco retailers that were lawfully operating at the time of the effective date of this chapter which do not meet the locational requirements of Section 19.65.030 may continue as a legal nonconforming use (as provided in chapter 19.24 of this title) until such time as the use is abandoned for a period of ninety (90) continuous days, whether or not there was the intent to abandon such use. Such nonconforming uses shall not be enlarged, expanded, or extended.

19.65.050 Enforcement.

A. It is unlawful and a public nuisance to violate any of the provisions of this chapter and City shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in Chapter 2.52 of this code.

B. Violation of this chapter (by a tobacco retailer, and/or an agent or employee of a tobacco retailer) may be charged as either an infraction or a misdemeanor in the discretion of the City Attorney.

C. The violation of any provision of this chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

D. In addition to the civil remedies and criminal penalties set forth herein, any person that violates the provisions of this chapter may be subject to administrative remedies, as set forth by City ordinance.

E. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this chapter are cumulative to each other and to any others available under State law or other City ordinances.

19.65.060 Severability.

The provisions of this chapter are hereby declared to be severable. If any section, sentence, clause, phrase, word, portion or provision of the ordinance codified in this chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of said ordinance which can be given effect without the invalid portion. In

adopting said ordinance, the City Council affirmatively declares that it would have approved and adopted said ordinance even without any portion which may be held invalid or unenforceable.

SECTION 5. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 6. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ___ day of _____, 20___, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk