

ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 21.15.110.G AND 21.15.607; AND BY ADDING SECTIONS 21.51.226 AND 21.51.237, RELATING TO LIVE NUDE MODELING FOR THE PURPOSE OF ART DRAWING; AND COMPUTER CAFES AS AN ACCESSORY USE

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.15.110.G of the Long Beach Municipal Code is amended to read as follows:

G. "Model studio" means any premises on which there is conducted any business where, for any fee, compensation, consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by persons paying such consideration or gratuity. For the purposes of this Section, "Model Studio" shall not be deemed to include:

1. Any art studio or art gallery maintaining a business license in the City where the activity described in this Subsection is carried on as an activity that is accessory to the principal use, provided that the operator complies with the additional conditions and specifications as set forth in Chapter 21.51 entitled "Accessory Uses;" or

2. Live nude art drawing or painting, or classes related thereto, that are conducted at an Educational Institution such as a private

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1 or public school, vocational school, college, or university qualified by the
2 State Board of Education to give general academic instruction.

3
4 Sec. 2. Section 21.15.607 of the Long Beach Municipal Code is amended
5 as follows:

6 21.15.607

7 "Computer arcade" means a principal commercial entertainment
8 land use consisting of five (5) or more computer terminals rented to the
9 public for the primary purpose of playing computer games. "Computer
10 arcade" is synonymous with "internet cafe," "internet arcade," "cyber
11 arcade," and other internet or computer-based entertainment businesses.

12 Four (4) or less computers used in this way at one (1) site shall be
13 considered an accessory use, subject to the provisions of Section
14 21.51.205. Computers used for business purposes in conjunction with
15 printing services shall be considered a business office support use.

16 "Computer cafe," "cyber cafe," or "Internet cafe" means an
17 accessory use consisting of ten (10) or less computers rented to the
18 public for the primary purpose of internet access, subject to the provisions
19 of Section 21.51.226. Facilities that have eleven (11) or more computers
20 shall be considered computer arcades. The principal use of a computer
21 cafe, cyber cafe, or Internet cafe shall be a restaurant of any type as
22 defined by Title 21.

23
24 Sec. 3. Long Beach Municipal Code Section 21.51.226 is added to the
25 Long Beach Municipal Code to read as follows:

26 21.51.226 Computer cafe.

27 The following conditions shall apply to computer, cyber, or Internet
28 cafes:

1 A. Computer games of an adult nature depicting "specified
2 anatomical areas" or "specified sexual activities," as these terms are
3 defined in Chapter 21.15 (Definitions), shall not be installed on computer
4 terminals or played by customers unless the locational restrictions of
5 Section 21.45.110 (Special Development Standards - Adult
6 Entertainment) are complied with; and

7 B. If access to adult-oriented websites is allowed, a separate area,
8 up to a maximum of twenty percent (20%) of computer terminals available
9 for public rental, shall be set aside for adult viewing with the computers
10 clearly marked as such and screened from view by minors. All other
11 machines shall be marked prohibiting adult viewing.

12
13 Sec. 4. Long Beach Municipal Code Section 21.51.237 is added to the
14 Long Beach Municipal Code to read as follows:

15 21.51.237 Live Nude Art Drawing.

16 A. Live nude art drawing, or painting and or classes offering such
17 activity is allowed as an accessory use to a duly licensed Art Studio or Art
18 Gallery provided:

19 1. Such Activity shall not take place at a location that has
20 been licenced by the City as an Adult Entertainment Business.

21 2. No alcohol shall be consumed, sold, served or otherwise
22 dispensed during live nude art drawing or painting classes.

23 B. The subject matter of this ordinance shall be reviewed by the
24 Planning Commission five (5) years after the date of enactment.

25
26 Sec. 5. The City Clerk shall certify to the passage of this ordinance by the
27 City Council and cause it to be posted in three conspicuous places in the City of Long
28 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2004, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor

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