

City of Newark
ZONING ORDINANCE UPDATE

District Regulations and Use
Standards

Draft for Planning Commission Review

September 2017



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Introduction

Zoning updates are significant undertakings for any community. Proceeding with discrete, digestible groups of specific sections make the project more approachable. To this end, this paper presents preliminary draft regulations for one of the major sections of the Zoning Ordinance— Division II – Base and Overlay Districts. It also includes preliminary draft regulations for a portion of Division III – Citywide Regulations (Standards for Specific Uses), and a portion of Division V – General Terms (Use Classifications).

The new Zoning Ordinance will be organized so that it will be easy to use and amend overtime. Generally, the most frequently consulted sections appear towards the beginning of the ordinance, while more specific and less frequently used parts, such as definitions, appear at the end. In all, the updated Title 17-Zoning will comprise five divisions, in the following order:

Division I – Introductory Provisions

Division II – Base and Overlay Districts

Division III – Citywide Regulations

Division IV – Administration and Permits

Division V – General Terms

Within each of these divisions, chapters and sections have been ordered to flow logically from one idea to the next. Typically, chapters begin with statements regarding their purpose and applicability, next list general provisions, and then move progressively to more specific provisions and related regulations.

DIVISION II: BASE AND OVERLAY DISTRICTS

The district regulations in Division II specify the land use and development standards for each of the base and overlay districts. Each district has a purpose statement, a list of allowed uses specifying the level of review required, development standards applicable to those uses, and supplemental regulations addressing any additional concerns. The focus of district regulations where form is important, including areas such as mixed-use districts, include development and design standards to address physical form.

Base districts include Residential Districts, Commercial and Mixed-Use Districts, Employment Districts, Public and Semi-Public Districts, and the Resource Production District. Appendix A is a correspondence table listing the new district names as well as the General Plan land use classifications they are intended to implement and the current districts they replace. Overlay districts include the Planned Development (PD) Overlay District and Form Based Code (FBC) Overlay District.

Residential Districts

Regulations for all residential districts are combined into one chapter to enhance usability. The Residential Districts include RS (Residential Single Family), RL (Residential Low Density), RM (Residential Medium Density), and RH (Residential High Density) corresponding to the Low Density Residential, Low-Medium

Density Residential, Medium Density Residential, and High Density Residential General Plan land use designations, respectively.

Commercial and Mixed Use Districts

Regulations for commercial and mixed-use districts are also combined into one chapter to enhance usability. Commercial and mixed-use districts will include NC (Neighborhood Commercial), CC (Community Commercial), CMU (Commercial Mixed Use), RC (Regional Commercial), and CR (Retail Commercial) districts corresponding to the Neighborhood Commercial, Community Commercial, Regional Commercial, and Commercial Mixed-Use General Plan land use designations, and the Commercial Retail-Form Based Code designation.

Employment Districts

Employment Districts include areas in the Office Commercial, Limited Industrial, General Industrial, and Special Industrial General Plan land use designations. Employment Districts include the PO (Professional Office, corresponding to the existing CPA District and C-FBC designation), GI district (General Industrial, corresponding to the existing MG District), the LI district (Limited Industrial, corresponding to the existing ML District), and the BTP district (Business and Technology Park, corresponding to the existing MP, MT-1, and MT districts). The BTP district will include campus-style offices, research and development, and light industrial uses that occur within a building and generate the type and intensity of traffic generally associated with an office park.

Public and Semi-Public Districts

The Public and Semi-Public Districts include PF (Public Facilities), PK (Park), and OS (Open Space) districts corresponding to the Public and Institutional, Parks and Recreation Facilities, and Conservation Open Space General Plan land use designations, respectively. The Public and Semi-Public Districts also include TS, corresponding to the TS-FBC (Transit Station – Form Based Codes) designation. While smaller-scale public and semi-public uses may be allowed in other base districts, the purpose of the PF district is to distinguish larger sites that are owned and/or used by public and semipublic agencies (e.g. fire stations, City offices, libraries, corporation yards, schools, etc.). The PR district provides areas for active recreation, including areas owned and operated by the City of Newark and other land that supports active recreational activities. The PR district also includes areas currently zoned POS-FBC (Parks and Open Space – Form Based Codes). The OS district includes areas for wildlife habitat and wetland protection typically owned by public agencies, such as the U.S. Fish and Wildlife Service.

Resource Production District

The Resource Production District includes areas within the Salt Harvesting, Refining, and Production land use designation of the General Plan. Land use regulations and development regulations include limited standards appropriate for salt production. Williamson Act agricultural preserves are permitted in this District.

Planned Development (PD) Overlay District

This chapter includes a set of procedures and requirements for development and redevelopment of larger parcels. This overlay district may be applied to smaller parcels on a case-by-case basis. The district operates as an overlay zone to facilitate the development of properties where greater flexibility in design is desired than would be possible through strict application of conventional zone or land use regulations.

Specific development standards will be as specified in approved plans, but this section includes some basic standards applicable to all planned developments, such as minimum area requirements and maximum residential densities set in relation to the General Plan.

Form Based Code (FBC) Overlay District

The Form Based Code Overlay District incorporates development standards currently located in Chapter 17.37, Form Based Codes. They are included as an overlay district because the applicability of the development standards is dependent on street frontage and development type rather than zoning district. Development in areas designated with an -FBC extension on the Zoning Map are subject to the standards and regulations contained in this chapter. Where the Form Based Code Overlay District does not specify a specific standard, the requirements of the underlying base zoning district apply.

STANDARDS FOR SPECIFIC USES

Division III includes standards for specific uses and activities that apply to certain uses in some or all Zoning Districts in addition to any other requirements and conditions applicable to those uses. The proposed regulations are derived from a variety of sources. Some regulations in the existing ordinance are retained with minor revisions, additions, and format changes, such as provisions for emergency shelters and home occupations. Other new standards were developed to implement General Plan policies or in response to issues that emerged through technical review and input from staff. Descriptions of each of the uses is included in the Use Classifications section of this paper.

Supplemental regulations are proposed for the following uses:

- Accessory Uses.
- Adult Businesses.
- Automobile/Vehicle Sales and Services.
- Check Cashing Business.
- Community Gardens.
- Day Care.
- Drive-In and Drive Through Facilities.
- Emergency Shelters.
- Farmer's Markets.
- Live-Work Units.
- Home Occupations.
- Hookah Lounges.
- Medical Marijuana Dispensaries.
- Outdoor Dining and Seating.
- Outdoor Display and Sales.
- Personal Services.

- Personal Storage.
- Recycling Facilities.
- Residential Care Facilities.
- Single Room Occupancy Units.
- Solar Energy Systems.
- Telecommunication Facilities.
- Temporary Uses.
- Tobacco Retailers.

USE CLASSIFICATIONS

Division V: General Terms, will serve as a reference section for previous divisions. This division will contain two main parts: use classifications and definitions. Draft Use Classifications are included in this paper. The use classifications include all use groups established by the ordinance and regulated in every zoning district by type (i.e., residential, commercial, industrial, institutional, etc.).

In Newark's existing ordinance, permitted uses and uses requiring conditional use permits are listed for each zoning district. Many uses within each list include definitions or limitations, with slight variations from chapter to chapter. As a result, the information is often confusing.

Instead of employing comprehensive lists of every allowed use in a zoning district, the proposed use classifications consolidate the items into a modern classification system which places land uses and activities into groups based on common function, product, or physical characteristics. The groups are designed to be broad enough to allow classification of new, unanticipated uses, to reduce confusion and the need to amend this section of the ordinance.

Many uses in the existing ordinance have been renamed to reflect standard terminology in modern land use law. In circumstances where the City desires more fine-tuned regulation additional subcategories of standard uses have been proposed. These include types or retail sales such as tobacco retailers. Some entirely new categories of uses have been introduced to the classification system, including single room occupancy units, live/work facilities and light fleet-based services.

Division III: Base and Overlay Districts

Chapter 17.05 Residential Districts

17.05.010 Purpose and Applicability

The specific purposes of Residential Districts are to:

- A. Provide for a full range of housing types consistent with the General Plan;
- B. Preserve, protect and enhance the character of the City's different residential neighborhoods and the quality of life of City residents;
- C. Ensure adequate light, air, privacy, and open space for each dwelling;
- D. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed; and
- E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other community uses that will serve City residents and will complement surrounding residential development.

Additional purposes of each Residential District are as follows:

RS Residential Single Family. This District is intended for residential densities up to 8.7 units per net acre. It provides for single-family residential developments on lots typically larger than 5,000 square feet. In addition to single-family homes, this District provides for other compatible uses, such as schools, childcare centers, parks, and community facilities that may be appropriate in a single-family residential neighborhood. This District implements the Low Density Residential General Plan Land Use Designation.

RL Residential Low Density. This District is intended for residential densities up to 15 units per net acre. Densities at the higher end of this range are only allowed on properties which have their primary access on an arterial or collector street and which are found to be compatible with the character and intensity of residential development in the area. This District provides for small lot single family homes, zero lot line and patio homes, mobile home parks, and other areas characterized by a mix of older single-family homes and small multi-unit buildings. These areas have the basic characteristics of single-family neighborhoods. In addition, this District provides for other compatible uses, such as schools, childcare centers, parks, and community facilities that may be appropriate in a low density residential neighborhood. This District implements the Low-Medium Density Residential General Plan Land Use Designation.

RM Residential Medium Density. This District is intended for residential densities from 14 to 30 units per net acre. Densities at the higher end of this range are only allowed on properties which have their primary access on an arterial or collector street and which are found to be compatible with the character and intensity of residential development in the area. This District provides for garden apartments and condominiums, townhomes, row houses, four- to eight-plexes, and older areas that contain a mix of multi-

family and single-family homes within this range. These areas tend to be multi-family in character but retain some of the characteristics of suburban neighborhoods. In addition, this District provides for other compatible uses, such as schools, childcare centers, parks, and community facilities that may be appropriate in a medium density residential neighborhood. This District implements the Medium Density Residential General Plan Land Use Designation.

RH Residential High Density. This District is intended for residential densities from 25 to 60 units per net acre. It provides for apartment and condominium complexes that are generally three stories or more. On larger parcels with this designation, common open space and other shared amenities are typically provided. In addition, this District provides for other compatible uses, such as schools, childcare centers, parks, and community facilities that may be appropriate in a high density residential neighborhood. This District implements the High Density Residential General Plan Land Use Designation.

17.05.020 Land Use Regulations

Table 17.05.020, Land Use Regulations-Residential Districts, prescribes the land use regulations for Residential Districts. Use classifications are defined in Chapter TBD, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.

TABLE 17.05.020: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS					
<i>“P” Permitted Use; “M” Minor Use Permit Required; “C” Conditional Use Permit Required; “-” Use Not Allowed</i>					
<i>Use Classification</i>	<i>RS</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>	<i>Additional Regulations</i>
Residential Uses					
Residential Housing Types					
<i>Single-Unit Dwelling, Detached</i>	P	P	P	P	
<i>Single-Unit Dwelling, Attached</i>	-	P	P	P	See Section 17.05.040.D, Single Unit Attached and Multi-Unit Development
<i>Two-Unit Dwelling</i>	-	P	P	P	
<i>Multi-Unit Development</i>	-	P	P	P	See Section 17.05.040.D, Single Unit Attached and Multi-Unit Development
<i>Accessory Dwelling Unit</i>	P	P	P	P	See Section TBD, Accessory Dwelling Units
Family Day Care					
<i>Small</i>	P	P	P	P	
<i>Large</i>	M	M	M	M	See Section TBD, Day Care
Group Residential	-	-	M	M	
Residential Care Facilities					
<i>Small</i>	P	P	P	P	
<i>Large</i>	-	M	M	M	See Section TBD, Residential Care Facilities

TABLE 17.05.020: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS					
<i>“P” Permitted Use; “M” Minor Use Permit Required; “C” Conditional Use Permit Required; “-” Use Not Allowed</i>					
<i>Use Classification</i>	<i>RS</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>	<i>Additional Regulations</i>
Residential Facility, Assisted Living	-	M	M	M	
Single Room Occupancy	-	-	-	C	See Section TBD, Single Room Occupancy Units
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same district.				
Transitional Housing					
Public/Semi-Public Uses					
Community Assembly	-	C	C	C	
Community Garden	P	P	P	P	See Section TBD, Community Gardens
Cultural Institutions	-	C	C	C	
Day Care Centers	-	C	C	C	See Section TBD, Day Care
Emergency Shelter	-	-	M	P	See Section TBD, Emergency Shelters
Hospital and Clinics					
<i>Skilled Nursing Facility</i>	-	-	C	C	
Park and Recreation Facilities	P	P	P	P	
Public Safety Facilities	C	C	C	C	
Schools	C	C	C	C	
Social Service Facilities	-	-	M	M	
Transportation, Communication, and Utility Uses					
Communication Facilities					
<i>Telecommunication</i>	See Section TBD, Telecommunication Facilities				
Public Works and Utilities	C	C	C	C	
Other Applicable Types					
Accessory Uses and Structures	See Section TBD, Accessory Buildings and Structures, and Section TBD, Accessory Uses				
Home Occupations	See Section TBD, Home Occupations				
Nonconforming Use	See Section TBD, Nonconforming Provisions				
Solar Energy Systems	See Section TBD, Solar Energy Systems				
Temporary Use	See Section TBD, Temporary Uses				

17.05.030 Development Standards

Table 17.05.030, Development Standards-Residential Districts, prescribes the development standards for Residential Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance.

TABLE 17.05.030: DEVELOPMENT STANDARDS-RESIDENTIAL DISTRICTS					
<i>Standard</i>	<i>RS</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>	<i>Additional Regulations</i>
Lot and Density Standards					
Density (units/net acre)					
<i>Maximum</i>	8.7	11; up to 15 subject to (A) below	22; up to 30 subject to (A) below	60	
<i>Minimum</i>	n/a	n/a	14	25	
Minimum Lot Size (sq ft)	RS-10,000: 10,000 RS-8,000: 8,000 RS-7,000: 7,000 RS-6,000: 6,000	6,000	6,000	6,000	
Minimum Lot Width (ft)	RS-10,000: 80 RS-8,000: 70 RS-7,000: 65 RS-6,000: 60	60	60	60	
Minimum Lot Depth (ft)	100	80	100	100	
Minimum Frontage on a Public Street (ft)	60	40	40	40	
Building Form and Location					
Maximum Height (ft)	30	35	75	100	See Section TBD, Height and Height Exceptions
Minimum Setbacks (ft)					
<i>Front</i>	20	20	15	15	See Section TBD, Projections into Yards and Required Building Separations
	Garages and carports which are entered perpendicular to the front property line shall be setback a minimum of 23 feet				
<i>Interior Side</i>	5	5(B)	5(B)	5(B)	See Section TBD, Projections into Yards and Required Building Separations
<i>Street Side</i>	10	10	8	8	See Section TBD, Projections into Yards and Required Building Separations
<i>Rear</i>	20	15	10	10	See Section TBD, Projections into Yards and Required Building Separations
Distance Between Main Structures (ft)	n/a	n/a	10	10	See Section TBD, Projections into Yards and Required Building Separations

TABLE 17.05.030: DEVELOPMENT STANDARDS-RESIDENTIAL DISTRICTS					
<i>Standard</i>	<i>RS</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>	<i>Additional Regulations</i>
Lot Coverage, Landscape, and Open Space Standards					
Maximum Lot Coverage (% of lot)	50	50	55	55	
Minimum Landscaping (% of lot)	25	25	25	25	At least half of the landscape area shall be provided along public rights-of-way or near sidewalks. See Section TBD, Landscaping
Minimum Open Space (sq ft per residential unit)	n/a	400(C)	300(C)	200(C)	

- A. **Additional Density, RL and RM Districts.** Up to 15 units/net acre in the RL District and up to 30 units/net acre in the RM District are allowed on properties which have their primary access on an arterial or collector street and which are found to be compatible with the character and intensity of residential development in the immediate area subject to Conditional Use Permit approval.
- B. **Attached Single-Unit Dwellings.** Required setbacks apply to the ends of rows of attached single-unit dwellings
- C. **Open Space.** Open space, unoccupied by main or accessory structures and open and unobstructed to the sky, shall be provided in accordance with the following standards.
 - 1. **Single-Unit and Two-Unit Development.** Required usable open space may consist of a single area or several adjacent or separate areas.
 - a. *Minimum Dimensions.* Minimum dimension of 15 feet.
 - b. *Location.*
 - i. Must be provided on the site at ground level.
 - ii. Required open space shall not be located in a required front or street side setback.
 - iii. No portion of required open space shall be used for driveways of off-street parking facilities.
 - 2. **Multi-Unit Development.** Required usable open space may consist of a single area or several adjacent or separate areas. All occupants shall have access to and use of one or more of such areas.
 - a. *Type of Open Space.* A minimum 50 percent of the required open space shall be provided as Common Open Space. The rest of the required open space shall be provided as Private Open Space.
 - i. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence.
 - ii. Common areas typically consist of landscaped areas, patios, swimming pools, barbeque areas, tennis courts, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.

- b. *Minimum Dimensions.*
 - i. Private Open Space. Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.
 - ii. Common Open Space. Minimum dimension of 20 feet.
- c. *Usability.* A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.
- d. *Location.*
 - i. Required open space shall not be located in a required front or street side setback.
 - ii. No portion of required open space shall be used for driveways of off-street parking and loading facilities or as access to more than one dwelling unit.
 - iii. Open space may be located on the roof of buildings or required off-street parking facilities
- e. *Accessibility.*
 - i. Private Open Space. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
 - ii. Common Open Space. The space shall be accessible to the living units on the lot. It shall be served by any stairway or other access way qualifying as an egress facility from a habitable room.
- f. *Screening.* Required private open space shall be screened by a solid fence or visually solid fence not less than six feet in height when located at ground level and by a solid railing or visually solid railing not less than 42 inches in height when located on a balcony or balconies.

17.05.040 Supplemental Regulations

- A. **Paving.** The maximum amount of paving in street-facing yards is 50 percent of the required yard.
- B. **Parking of Commercial Vehicles Prohibited.** No commercial vehicle in excess of 10,000 pounds manufacturer's gross vehicle weight rating shall be parked or stored on any lot in a Residential District. This section shall not prohibit temporary parking of any such vehicle while making pickups or deliveries or providing services for the residents of the lot on which the vehicle is parked.
- C. **Vehicle and Equipment Repairs or Fabrication.** Repair, fabrication or other work on automobile or vehicle or equipment on residential premises shall be subject to the following conditions and restrictions:
 - 1. Such work shall be limited to those vehicles or equipment which may be stored within a private garage upon residential premises.

2. Such work shall be done only upon such vehicles or equipment which are owned by an occupant of the residential premises.
 3. Such work shall be done only between the hours of 8:00 a.m. and 8:00 p.m.
 4. Such work shall not be done in a public right-of-way.
 5. Storage of parts for such vehicles or equipment on the premises shall be limited to those parts reasonably necessary for the repair of the occupant's vehicle or equipment.
 6. Such work shall be limited to minor repair and service on noncommercial vehicles to include such things as battery replacement, tire repair, brake servicing, changing of small parts, oil changes and lubrication, engine tune-up and similar routine maintenance and preventative maintenance work.
- D. **Single Unit Attached and Multi-Unit Development.** All attached single unit and multi-unit development shall meet the following development standards. Exceptions may be granted through Design Review to accommodate alternative design solutions.
1. **Building Entrances.**
 - a. *Orientation.* All units located along public rights-of-way must have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved for projects where multi-unit housing is located on four-lane streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project may be oriented around courtyards.
 - b. *Projection or Recess.* Building entrances must have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a minimum horizontal area of 30 square feet. Exceptions to this requirement may be approved for alternative designs that create a welcoming entry feature facing the street, such as trellis or landscaped courtyard entry.
 - c. *Dwelling Unit Access.* Exterior entrances to units shall be in a form of individual or shared entrances at the ground floor of the building. Unit entrances above the ground floor are also permitted; however, no exterior access corridor located above the ground floor may provide access to five or more units.
 2. **Building Design.** Buildings shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance.
 - a. *Roof Line.* The roof line at each elevation shall demonstrate an offset of at least 18 inches for each one to three units exposed on that elevation. Large, continuous roof planes are prohibited.
 - b. *Window Trim or Recess.* Trim at least one-half inch in depth shall be provided around all windows, or window must be recessed at least two inches from the plane of the surrounding exterior wall.
 - c. *Façade Articulation.* All street-facing façades shall have at least one horizontal or vertical projection or recess at least two feet in depth, or two projections or recesses at least two and one-half feet in depth, for every 25 horizontal feet of wall. If located on a building with two or more stories, the articulated elements must be greater than one story in height, and may be grouped rather than evenly

spaced in 25-foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.

- d. *Façade Detailing and Materials.* All visible building façades shall incorporate details, such as window and door trim, window recesses, cornices, changes in materials or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way shall be designed with a complementary level of detailing and quality of materials.
 - e. *Building Colors.* Every building shall have at least two complementary colors.
 - f. *Building Materials.* All materials shall be high quality to allow for long-term durability and appearance.
 - g. *Transition Areas.* Where new multi-unit development is built adjacent to existing lower-scaled residential development, the façade facing the existing lower-scaled residential development shall be designed to provide architectural relief and interest, while also respecting the scale of adjacent neighbors.
 - i. Height. Full-height recesses, a minimum of five feet deep, shall be provided along the facade to break the building into smaller discrete masses.
 - ii. Window and Balcony Placement. Offset windows to avoid direct sight lines into and from neighboring properties. Position balconies and other private open space so they minimize views into neighboring properties.
3. **Garage Frontage.** Limit the appearance of attached garages. Garage width shall not exceed 50 percent of the linear street-facing elevation of any multi-unit development.
- a. Attached garages located on the unit frontage should be recessed behind the front elevation wall plane.
 - b. Garage placement should minimize paved area and maximize usable open space areas on the site.
4. **Parking Area Limitation.** Uncovered parking areas shall not exceed 20 percent of the total site area unless a greater area is approved through Design Review.
5. **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.
- a. *Internal Connections.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - b. *To Circulation Network.* Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

- c. *To Neighbors.* Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
- d. *To Transit.* Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
- e. *Pedestrian Walkway Design.*
 - i. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
 - ii. Where a required walkway crosses parking areas or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
 - iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

Chapter 17.06 Commercial and Mixed Use Districts

17.06.010 Purpose and Applicability

The specific purposes of the Commercial and Mixed Use Districts are to:

- A. Provide for the orderly, well-planned, and balanced development of commercial and mixed-use districts;
- B. Designate adequate land for a full range of local- and regional-serving retail and commercial services consistent with the General Plan to maintain and strengthen the city's economic resources;
- C. Provide appropriately located areas for a range of commercial uses that provide for a variety of good and services for residents, employees, and visitors;
- D. Provide opportunities for a mix of complementary uses that may combine residential and nonresidential uses or combine a variety of nonresidential uses on the same site; and
- E. Promote pedestrian-oriented, mixed-use commercial centers at appropriate locations.

Additional purposes of each Commercial and Mixed Use District are as follows:

NC Neighborhood Commercial. This District is intended to provide areas for smaller-scale neighborhood shopping centers which provide goods, services, and businesses to meet the day-to-day needs of surrounding residential neighborhoods. These areas should be developed and maintained to provide convenient, walkable shopping destinations for nearby residents. This District implements the Neighborhood Commercial General Plan Land Use Designation.

CMU Commercial Mixed Use. This District is intended to support a combination of office, residential, and retail uses, with an emphasis on specialty commercial uses such as antique stores, boutiques, galleries, cafes, and restaurants. Development standards are intended to foster a walkable, pedestrian-oriented character that emphasizes a fine-grained building scale and streetscape. Structures that are entirely residential or entirely commercial are both permitted, but the optimal development form on larger sites includes housing located above ground level retail shops or services. This District implements the Commercial Mixed Use General Plan Land Use Designation.

CR Commercial Retail. This District is intended to support a pedestrian-oriented retail environment that encourages pedestrian activity. This District provides a variety of uses including, but not limited to, grocery, personal service, neighborhood serving retail, and entertainment. Development standards are intended to foster a walkable, pedestrian-oriented character that emphasizes a fine-grained building scale and streetscape. Parcels may include multiple land uses as individual buildings or within each building. This District implements the Community Commercial General Plan Land Use Designation.

CC Community Commercial. This District provides locations for services and businesses which meet the comparison shopping needs of the City's residents and workers. Such centers may include supermarkets, home improvement stores, variety stores, pharmacies, restaurants, and similar uses which serve the community. Larger-scale commercial uses such as hotels and office buildings are acceptable. Community Commercial areas are generally not appropriate for residential use, although housing may be considered

as a component of Planned Developments within these areas in the event a shopping center is reused. This District implements the Community Commercial General Plan Land Use Designation.

RC Regional Commercial. This District is intended to support the large scale shopping facilities. It includes a broad array of goods and services, including department stores, retail shops, restaurants, entertainment facilities, and similar uses which draw patrons from throughout Newark and the surrounding region. Uses such as hotels and corporate office buildings are acceptable. Housing at densities greater than 30 units per acre may be included if such housing is a component of a Planned Development which is primarily oriented around regional retail uses. This District implements the Regional Commercial General Plan Land Use Designation.

17.06.020 Land Use Regulations

Table 17.06.020, Land Use Regulations-Commercial and Mixed Use Districts, prescribes the land use regulations for Commercial and Mixed Use Districts. Use classifications are defined in Chapter TBD, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.06.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>						
<i>Use Classification</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
Residential Uses						
Residential Housing Types						
<i>Single-Unit Dwelling, Attached</i>	-	P(1)	-	-	-	
<i>Multi-Unit Development</i>	-	P(1)	-	-	C(2)	
Family Day Care						
<i>Small</i>	-	P	-	-	-	
Group Residential	-	M(1)	-	-	-	
Residential Care Facilities						
<i>Small</i>	-	P	-	-	-	
Single Room Occupancy	-	C(1)	-	-	-	See Section TBD, Single Room Occupancy Units
Public/Semi-Public Uses						
Colleges and Trade Schools	C	C	C	M	M	
Community Assembly	C	C	C	C	C	
Cultural Institutions	M	M	M	M	M	
Day Care Centers	M	M	M	M	M	See Section TBD, Day Care

TABLE 17.06.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>“P” Permitted Use; “M” Minor Use Permit Required; “C” Conditional Use Permit Required; “-” Use Not Allowed</i>						
<i>Use Classification</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
Funeral Parlors and Interment Services	-	-	-	M	-	
Government Offices	P	P	P	P	P	
Hospital and Clinics						
<i>Clinic</i>	M	M	M	M	M	
Instructional Services	M	M	M	M	M	
Park and Recreation Facilities	M	M	M	M	M	
Parking Lots and Structures	M	M	M	M	M	
Public Safety Facilities	P	P	P	P	P	
Schools	M	M	M	M	M	
Social Service Facilities	-	-	M	M	M	
Tutoring Facilities	M	M	M	M	M	
Commercial Uses						
Adult Business	-	-	-	P	-	See Section TBD, Adult Oriented Businesses
Animal Care, Sales, and Services						
<i>Animal Sales and Grooming</i>	P	P	P	P	P	
<i>Boarding/Kennels</i>	-	-	-	C	C	
<i>Veterinary Services</i>	M	M	M	M	M	
Artist’s Studio	P	P	P	P	P	
Automobile/Vehicle Sales and Services						
<i>Automobile Rentals</i>	M	M	M	M	P	See Section TBD, Automobile/Vehicle Sales and Services
<i>Automobile/Vehicle Sales and Leasing</i>	-	-	-	P	P	
<i>Automobile/Vehicle Service and Repair, Minor</i>	-	-	-	M	M	
<i>Large Vehicle and Equipment Sales, Service and Rental</i>	-	-	-	-	M	
<i>Service and Gas Stations</i>	C	-	-	M	M	
<i>Washing</i>	-	-	-	M	M	
Banks and Financial Institutions						
<i>Banks and Credit Unions</i>	P	P	P	P	P	
<i>Check-Cashing Businesses</i>	-	-	-	-	C	See Section TBD, Check Cashing Business
Banquet Hall	-	-	-	-	C	

TABLE 17.06.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>						
<i>Use Classification</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
Business Services	P	P	P	P	P	
Commercial Entertainment and Recreation						
<i>Cinema/Theaters</i>	-	P	P	P	P	
<i>Indoor Sports and Recreation</i>	-	-	C	C	C	
<i>Outdoor Entertainment</i>	-	-	-	-	M	
<i>Outdoor Recreation</i>	-	-	-	-	M	
Drive-Through Facility	C	-	M	P	P	See Section TBD, Drive-In and Drive-Through Facilities
Eating and Drinking Establishments						
<i>Bars/Night Clubs/Lounges</i>	-	M	M	M	M	
<i>Restaurant, Full Service</i>	M	M	M	M	M	
<i>Restaurant, Limited Service</i>	M	M	M	M	M	
<i>Restaurant, Take-Out Only</i>	M	M	M	M	M	
Farmer's Markets	P	P	P	P	P	See Section TBD, Farmer's Markets
Food Preparation	M	M	M	M	M	
Hookah Lounge	-	-	-	P	-	See Section TBD, Hookah Lounges
Live/Work Units	-	M	-	-	M	See Section TBD, Live/Work Units
Lodging						
<i>Hotels</i>	C	C	P	P	P	
<i>Motels</i>	-	-	-	-	C	
Maintenance and Repair Services	M	M	M	M	M	
Nurseries and Garden Center	P	P	P	P	P	
Offices						
<i>Business, Professional, and Technology</i>	M	M	M	M	M	
<i>Medical and Dental</i>	M	M	M	M	M	
<i>Walk-In Clientele</i>	M	M	M	M	M	
Personal Services						
<i>General Personal Services</i>	M	M	M	M	M	See Section TBD, Personal Services
<i>Fortune, Palm, and Card Reader</i>	-	-	-	P	-	
<i>Massage Establishments</i>	-	-	C	C	C	
<i>Tattoo or Body Modification Parlor</i>	-	-	-	P	-	

TABLE 17.06.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>“P” Permitted Use; “M” Minor Use Permit Required; “C” Conditional Use Permit Required; “-” Use Not Allowed</i>						
<i>Use Classification</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
Retail Sales						
<i>Building Materials Sales and Services</i>	-	-	-	P	P	
<i>Convenience Markets</i>	P(3)	P(3)	P(3)	M(3)	M(3)	
<i>Food and Beverage Sales</i>	P(3)	P(3)	P(3)	P(3)	P(3)	
<i>Gold, Semi-Precious, Precious Metal Buying Stores</i>	-	-	-	-	C	
<i>General Retail</i>	P	P	P	P	P	
<i>Pawn Store</i>	-	-	-	-	C	
<i>Secondhand Store</i>	C	C	C	C	C	
<i>Tobacco Retailer</i>	-	-	-	-	C	See Section TBD, Tobacco Retailers
Transportation, Communication, and Utility Uses						
Communication Facilities						
<i>Telecommunication</i>	See Section TBD, Telecommunication Facilities					
Light Fleet-Based Services	C	C	C	C	C	
Recycling Facility						
<i>Reverse Vending Machine</i>	M	M	M	M	M	See Section TBD, Recycling Facilities
Transportation Passenger Terminals	M	M	M	M	M	
Other Applicable Types						
Accessory Uses and Structures	See Section TBD, Accessory Buildings and Structures, and Section TBD, Accessory Uses					
Home Occupations	See Section TBD, Home Occupations					
Live Entertainment	C	C	C	C	C	
Nonconforming Use	See Section TBD, Nonconforming Provisions					
Outdoor Dining and Seating	See Section TBD, Outdoor Dining and Seating					
Outdoor Display and Sales	See Section TBD, Outdoor Display and Sales					
Solar Energy Systems	See Section TBD, Solar Energy Systems					
Temporary Use	See Section TBD, Temporary Uses					
Specific Limitations:						
<ol style="list-style-type: none"> 1. Not allowed on the ground floor along Newark Boulevard and Thornton Avenue frontages. 2. Not allowed on the ground floor. Residential units shall be intended to support retail commercial uses of the project. 3. Conditional Use Permit pursuant to Chapter TBD, Use Permits, is required for any establishment that either devotes 40 percent or more of floor area or display area to, or derives 75 percent or more of gross sales receipts from, the sale or exchange of alcohol. 						

17.06.030 Development Standards

Table 17.06.030, Development Standards-Commercial and Mixed Use Districts, prescribes the development standards for Commercial and Mixed Use Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance.

TABLE 17.06.030: DEVELOPMENT STANDARDS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>Standard</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
Lot and Density Standards						
Density (units/acre)						
<i>Maximum</i>	-	40	-	-	n/a	
<i>Minimum</i>	-	n/a	-	-	30	
Minimum Lot Size (sq ft)	5,000	20,000	20,000	20,000	20,000	
Minimum Lot Width (ft)	50	100	100	100	100	
Height Standards						
Maximum Height (ft)	40, 30 within 20 ft of an RS or RL District boundary	60, 35 within 20 ft of an RS or RL District boundary (A)	75	100	250	See Section TBD, Height and Height Exceptions
Minimum Ground Floor Height (ft)	18	18	18	18	18	
Building Location Standards						
Minimum Setbacks (ft)						
<i>Front</i>	0	0	0	0	0	
<i>Interior Side</i>	0, 20 abutting a Residential District	0, 20 abutting a RS District boundary or any lot developed with a single family residence	0	0, 20 abutting a Residential District	0	See Section TBD, Projections into Yards and Required Building Separations
<i>Street Side</i>	0	0	0	0	0	

TABLE 17.06.030: DEVELOPMENT STANDARDS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>Standard</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
<i>Rear</i>	0, 20 abutting a Residential District	0, 20 abutting a RS District boundary or any lot developed with a single family residence	0	0, 20 abutting a Residential District	0	See Section TBD, Projections into Yards and Required Building Separations
Maximum Setbacks (ft)						
<i>Front</i>	n/a	10 (B)	n/a	n/a	n/a	
<i>Street Side</i>	n/a	10 (B)	n/a	n/a	n/a	
Landscaping and Open Space Standards						
Minimum Landscape Area (% of lot)	10	5	10	10	10	See Section TBD, Landscaping
Minimum Open Space (sq ft per residential unit)	n/a	50 (C)	n/a	n/a	50 (C)	

Additional Development Standards

- A. **Increased Height for Lot Consolidation, CMU District.** Where two or more existing legal lots are consolidated and result in a minimum lot size of 20,000 square feet, the maximum allowable height may be increased by up to 10 feet through Design Review.
- B. **Required Building Location, CMU District.** The following building location requirements apply in the CMU District.
 - 1. **Build-to Line.** Buildings shall be located within 10 feet of street-facing property lines for at least 60 percent of the linear street frontage.
 - 2. **Corner Build Area.** Buildings shall be located within 10 feet of the property line within 30 feet of the street corner.
 - 3. **Frontage Improvements.** The area between buildings and the property line shall be improved as part of a wider sidewalk, outdoor dining/seating area, or with landscaping.
 - 4. **Exceptions.** These requirements may be modified or waived through Design Review upon finding that:
 - a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area; or
 - b. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.

- C. **Open Space.** Open space, unoccupied by main or accessory structures and open and unobstructed to the sky, shall be provided in accordance with the following standards.
1. **Configuration.** Required usable open space may consist of a single area or several adjacent or separate areas. All occupants shall have access to and use of one or more of such areas.
 2. **Type of Open Space.** Required open space shall be provided as private or common open space.
 - a. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence.
 - b. Common areas typically consist of landscaped areas, patios, swimming pools, barbeque areas, tennis courts, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.
 3. **Minimum Dimensions.**
 - a. *Private Open Space.* Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.
 - b. *Common Open Space.* Minimum dimension of 20 feet.
 4. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.
 5. **Location.**
 - a. Required open space shall not be located in a required front or street side setback.
 - b. No portion of required open space shall be used for driveways of off-street parking and loading facilities or as access to more than one dwelling unit.
 - c. Open space may be located on the roof of buildings or required off-street parking facilities
 6. **Accessibility.**
 - a. *Private Open Space.* The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
 - b. *Common Open Space.* The space shall be accessible to the living units on the lot. It shall be served by any stairway or other access way qualifying as an egress facility from a habitable room.
 7. **Screening.** Required private open space shall be screened by a solid fence or visually solid fence not less than six feet in height when located at ground level and by a solid railing or visually solid railing not less than 42 inches in height when located on a balcony or balconies.

17.06.040 Supplemental Regulations

- A. **Building Transparency/Required Openings.** Exterior walls facing and within 20 feet of a front or street side lot line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. Such walls may run in a continuous plane for no more than 30 feet without an opening.
1. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
 2. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the ground-floor transparency requirement.
 3. **Reductions through Design Review.** The building transparency requirement may be reduced or waived through Design Review upon finding that:
 - a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- B. **Exterior Building Materials and Colors.**
1. A unified palette of quality materials shall be used on all sides of buildings.
 2. Exterior building materials shall be stone, brick, stucco, concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials approved through Design Review.
- C. **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.
1. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 2. **To Circulation Network.** Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk, generally no more than 125 percent of the straight line distance.
 3. **To Neighbors.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
 4. **To Transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances. Sidewalk “bulb-outs” or bus “pull-outs” may be required at potential bus stops serving commercial centers (building floor area over 25,000 square feet) to provide adequate waiting areas for transit users and safety for passing motorists.

5. **Interior Pedestrian Walkway Design.**
 - a. Walkways shall have a minimum clear unobstructed width of six feet, shall be hard-surfaced, and paved with permeable materials.
 - b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
 - c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
- D. **Limitations on Curb Cuts.** Curb cuts shall be minimized and located in the location least likely to impede pedestrian circulation. Curb cuts shall be located at least 20 feet from an intersection curb return or pedestrian cross walk.
- E. **Additional Supplemental Regulations, CMU District.** The following additional supplemental regulations apply in the CMU District.
 1. **Required Commercial Floor Area.** Ground floor commercial floor space shall contain a minimum floor area of 800 square feet or 20 percent of the lot area, whichever is greater.
 2. **Building Articulation.** Any building over 125 feet wide shall be broken down to read as a series of buildings no wider than 125 feet each.
 3. **Building Orientation.**
 - a. Buildings shall be oriented to face public streets.
 - b. Building frontages shall be generally parallel to streets
 - c. Buildings shall be designed and oriented to minimize the visual intrusion into adjoining residential properties. Window, balcony and deck locations shall be directed away from window areas of adjoining residences (on-site or off-site).
 4. **Building Entrances.**
 - a. The primary building entrance shall face a public sidewalk.
 - b. Building entrances shall be emphasized with special architectural and landscape treatments.
 - c. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
 - d. All building and dwelling units located in the interior of a site shall have entrances from a sidewalk that is designed as an extension of the public sidewalk and connect to a public sidewalk.
 5. **Limitations on Location of Parking.** Off-street parking spaces shall be located to the rear of principal buildings whenever possible. Above ground parking may not be located within

40 feet of a street facing property line. Exceptions may be granted through Design Review upon finding that:

- a. The design incorporates habitable space built close to the public sidewalk to the maximum extent feasible;
- b. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible.

Chapter 17.07 Employment Districts

17.07.010 Purpose and Applicability

The specific purposes of the Employment Districts are to:

- A. Designate adequate land for businesses, professional offices, and industrial growth consistent with the General Plan to maintain and strengthen the City's economic resources;
- B. Provide a range of employment opportunities to meet the needs of current and future residents; and
- C. Provide areas for a wide range of manufacturing, industrial processing, and service commercial uses and protect areas where such uses now exist.

Additional purposes of each Employment District are as follows:

PO Professional Office. This District reserves area for local-serving professional and administrative office uses such as finance, insurance, and real estate businesses, legal and other professional services, banks, personal services, business support activities, and dental and medical services. These uses may form a transition between retail and residential uses, or a buffer between arterial streets and residential areas. Residential uses are only permitted as a component of a Planned Development. This District implements the Office Commercial General Plan Land Use Designation.

BTP Business and Technology Park. This District provides locations for advanced technology research and development, manufacturing, and related support facilities in large or campus-like environments with high quality building design, landscaping, and aesthetic amenities, including business parks, industrial parks, technology parks, and other master planned industrial subdivisions. Complementary uses which support the employee population, such as hotels, restaurants, office buildings, childcare facilities, and business services are allowed. This District implements the Special Industrial General Plan Land Use Designation.

LI Limited Industrial. This District is intended to meet the needs of a variety of light industrial and commercial service uses. It serves as a transition between heavier industrial activities and residential neighborhoods. Typical uses include light manufacturing, warehousing, auto repair, and general services. Limited office, recreation, assembly, and retail uses are allowed where appropriate in a light industrial setting. This District implements the Limited Industrial General Plan Land Use Designation.

GI General Industrial. This District is intended to accommodate the broadest range of industrial uses. It includes industrial buildings and complexes, distribution, warehouses, manufacturing and assembly, and other uses that are often characterized by outdoor storage, noise, odors, hazardous materials handling, and heavy truck activity. Non-industrial uses such as retail stores, free-standing office buildings, and assembly uses are not allowed. This District implements the General Industrial General Plan Land Use Designation.

17.07.020 Land Use Regulations

Table 17.07.020, Land Use Regulations-Employment Districts, prescribes the land use regulations for Employment Districts. Use classifications are defined in Chapter TBD, Use Classifications. In cases where

a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.07.020: LAND USE REGULATIONS-EMPLOYMENT DISTRICTS					
<i>“P” Permitted Use; “M” Minor Use Permit Required; “C” Conditional Use Permit Required; “-” Use Not Allowed</i>					
<i>Use Classification</i>	<i>PO</i>	<i>BTP</i>	<i>LI</i>	<i>GI</i>	<i>Additional Regulations</i>
Residential Uses					
Caretaker Unit	-	-	C	C	
Public/Semi-Public Uses					
Colleges and Trade Schools	C	P	M	M	
Community Assembly	C	-	-	-	
Cultural Institutions	C	-	-	-	
Day Care Centers	C	C(1)	-	-	See Section TBD, Day Care
Government Offices	P	P	-	-	
Hospital and Clinics					
<i>Hospitals</i>	-	M	-	-	
<i>Clinic</i>	P	-	-	-	
Instructional Services	P	-	-	-	
Park and Recreation Facilities	P	M	M	-	
Parking Lots and Structures	M	C(1)	-	-	
Public Safety Facilities	M	C	M	M	
Schools	C	-	-	-	
Social Service Facilities	M	-	-	-	
Tutoring Facilities	C	-	-	-	
Commercial Uses					
Animal Care, Sales, and Services					
<i>Animal Sales and Grooming</i>	-	-	M	-	
<i>Boarding/Kennels</i>	-	-	-	M(2)	
<i>Veterinary Services</i>	C	-	M	-	
Artist’s Studio	-	-	P	M	

TABLE 17.07.020: LAND USE REGULATIONS-EMPLOYMENT DISTRICTS					
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>					
<i>Use Classification</i>	<i>PO</i>	<i>BTP</i>	<i>LI</i>	<i>GI</i>	<i>Additional Regulations</i>
Automobile/Vehicle Sales and Services					
<i>Automobile/Vehicle Sales and Leasing</i>	C	-	P	-	See Section TBD, Automobile/Vehicle Sales and Services
<i>Automobile/Vehicle Repair, Major</i>	-	-	M	P	
<i>Automobile/Vehicle Service and Repair, Minor</i>	-	-	P	-	
<i>Large Vehicle and Equipment Sales, Service and Rental</i>	-	-	M	P	
<i>Service and Gas Stations</i>	-	-	M	C	
<i>Towing and Impound</i>	-	-	-	C	
<i>Washing</i>	-	-	M	M	
Banks and Financial Institutions					
<i>Banks and Credit Unions</i>	P	-	-	-	
Business Services	P	P	M	M	
Eating and Drinking Establishments					
<i>Restaurant, Full Service</i>	-	C(1)	-	-	See Section TBD, Outdoor Dining and Seating
<i>Restaurant, Limited Service</i>	C	C(1)	-	-	
<i>Restaurant, Take-Out Only</i>	-	C(1)	-	-	
Food Preparation	-	M	M	M	
Lodging					
<i>Hotels</i>	C	C(1)	C	C	
Maintenance and Repair Services	-	-	P	P	
Nurseries and Garden Center	-	-	C	C	
Offices					
<i>Business, Professional, and Technology</i>	P	P	C	C	
<i>Medical and Dental</i>	P	M	M	-	
<i>Walk-In Clientele</i>	P	-	M	-	
Personal Services					
<i>General Personal Services</i>	M	C(1)	-	-	See Section TBD, Personal Services
Retail Sales					
<i>Building Materials Sales and Services</i>	-	-	P	P	
<i>Convenience Markets</i>	M(3)	M(1)	-	-	
<i>Food and Beverage Sales</i>	M(3)	M(1)	C	-	

TABLE 17.07.020: LAND USE REGULATIONS-EMPLOYMENT DISTRICTS					
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>					
<i>Use Classification</i>	<i>PO</i>	<i>BTP</i>	<i>LI</i>	<i>GI</i>	<i>Additional Regulations</i>
<i>General Retail</i>	M	M(1)	C	-	
Industrial Uses					
Construction and Material Yards	-	-	C	P	
Custom Manufacturing	-	P	P	P	
Donation Center/Station	-	-	C	C	
Food and Beverage Manufacturing					
<i>Small Scale</i>	-	-	P	P	
<i>Large Scale</i>	-	-	P	P	
General Industrial	-	-	P	P	
Light Industrial	-	M	P	P	
Research and Development	M	P	P	P	
Salvage and Wrecking	-	-	-	C	
Warehousing and Storage					
<i>Chemical, Mineral, and Explosives Storage</i>	-	-	-	C	
<i>Indoor Warehousing and Storage</i>	-	M(1)	M	M	
<i>Outdoor Storage</i>	-	-	C	C	
<i>Personal Storage</i>	-	-	M	M	See Section TBD, Personal Storage
Wholesaling and Distribution	-	-	C	C	
Transportation, Communication, and Utility Uses					
Communication Facilities					
<i>Facilities within Buildings</i>	M	M	M	M	
<i>Telecommunication</i>	See Section TBD, Telecommunication Facilities				
Freight/Trucking Terminals	-	-	C	C	
Light Fleet-Based Services	-	-	P	P	
Public Works and Utilities	-	C	M	P	
Recycling Facility					
<i>Reverse Vending Machine</i>	-	-	M	M	See Section TBD, Recycling Facilities
<i>Recycling Collection Facility</i>	-	-	C	C	
<i>Recycling Processing Facility</i>	-	-	-	C	
Transportation Passenger Terminals	M	M	M	M	

TABLE 17.07.020: LAND USE REGULATIONS-EMPLOYMENT DISTRICTS					
<i>“P” Permitted Use; “M” Minor Use Permit Required; “C” Conditional Use Permit Required; “-” Use Not Allowed</i>					
<i>Use Classification</i>	<i>PO</i>	<i>BTP</i>	<i>LI</i>	<i>GI</i>	<i>Additional Regulations</i>
Other Applicable Types					
Accessory Uses and Structures	See Section TBD, Accessory Buildings and Structures, and Section TBD, Accessory Uses				
Live Entertainment	C	-	-	-	
Nonconforming Use	See Section TBD, Nonconforming Uses				
Outdoor Dining and Seating	See Section TBD, Outdoor Dining and Seating				
Outdoor Display and Sales	See Section TBD, Outdoor Display and Sales				
Solar Energy Systems	See Section TBD, Solar Energy Systems				
Temporary Use	See Section TBD, Temporary Uses				
Specific Limitations:					
<ol style="list-style-type: none"> 1. Permitted only as complementary uses serving industrial and technical campus-like development such as business parks, industrial parks, technology parks, and other master planned industrial subdivisions. 2. Prohibited within 300 feet of any Residential District. 3. Establishments that either devotes 40 percent or more of floor area or display area to, or derives 75 percent or more of gross sales receipts from, the sale or exchange of alcohol are prohibited. 					

17.07.030 Development Standards

Table 17.07.030, Development Standards-Employment Districts, prescribes the development standards for Employment Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance.

TABLE 17.07.030: DEVELOPMENT STANDARDS-EMPLOYMENT DISTRICTS					
<i>Standard</i>	<i>PO</i>	<i>BTP</i>	<i>LI</i>	<i>GI</i>	<i>Additional Regulations</i>
Lot Standards					
Minimum Lot Size (sq ft unless noted)	10,000	2 acres	15,000	20,000	
Minimum Lot Width (ft)	60	100	60	60	
Building Form and Location					
Maximum Building Height (ft)	35, up to 50 with CUP	100, 45 within 300 ft of a Residential District boundary	100, 35 within 100 ft of a Residential District boundary	See (B) below	See Section TBD, Height and Height Exceptions
Minimum Setbacks (ft)					

TABLE 17.07.030: DEVELOPMENT STANDARDS-EMPLOYMENT DISTRICTS					
<i>Standard</i>	<i>PO</i>	<i>BTP</i>	<i>LI</i>	<i>GI</i>	<i>Additional Regulations</i>
<i>Front</i>	10	20(A)	10	10	See Section TBD, Projections into Yards and Required Building Separations
<i>Interior Side</i>	5	15	15, 25 from a Residential District boundary	15, 50 from a Residential District boundary	See Section TBD, Projections into Yards and Required Building Separations
<i>Street Side</i>	10	15(A)	15	15	See Section TBD, Projections into Yards and Required Building Separations
<i>Rear</i>	10	20	20, 25 from a Residential District boundary	20, 50 from a Residential District boundary	See Section TBD, Projections into Yards and Required Building Separations
Minimum Landscape Area (% of lot)	5	10	n/a	n/a	See Section TBD, Landscaping

Additional Development Standards

- A. **BTP District: Setbacks for Loading Dock Areas.** In the BTP District, loading docks shall be set back a minimum of 150 feet from an arterial street unless an alternative noise barrier wall is approved through Design Review.
- B. **GI District: Maximum Height.** In the GI District, maximum height is as follows:
 - 1. Within 400 feet of a Residential District boundary: 100 feet.
 - 2. More than 400 feet but less than 600 feet from a Residential District boundary: 150 feet.
 - 3. More than 600 feet but less than 1,000 feet from a Residential District boundary: 200 feet.
 - 4. 1,000 feet or more from a Residential District boundary: 500 feet or as approved through a Conditional Use Permit.

17.07.040 Supplemental Regulations

- A. **Hazards and Hazardous Materials.**
 - 1. **Occupancy Classification.** Group H-1 and H-2 Occupancy, as defined in the Building Code, shall not exceed 50 percent of the total building floor area on any site.
 - 2. **Hazardous Materials.** The direct use of hazardous materials in fabrication shall not exceed 35 percent of the total building floor area on any site.
- B. **Business, Technology, and Office Parks.** Business, technology, and office parks containing 80,000 square feet or more of floor area shall provide the following:

1. Open space areas equal to 10 percent of the site area that provide gathering space or opportunities for active or passive recreation. Open space areas shall include benches or other seating. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, drinking fountains, water features, or public art.
 2. Pedestrian walkways that connect all parts of the park, and connect to any existing or planned pedestrian facilities in adjacent neighborhoods.
 3. Stormwater detention facilities incorporated into the site landscaping as a visual amenity.
 4. A lighting, landscaping, and signage design concept for common areas.
- C. **Additional Supplemental Regulations, PO District.** The following additional supplemental regulations apply in the PO District.
1. ***Building Transparency/Required Openings.*** Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings for at least 30 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall may run in a continuous plane for more than 30 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
 - a. ***Reduction through Conditional Use Permit.*** The building transparency requirement may be reduced or waived through Design Review upon finding that
 - i. The proposed use has unique operational characteristics with which the provision of the required windows and openings is incompatible, such as in the case of a cinema, theater, or historic building; and
 - ii. Street-facing building walls will exhibit architectural relief and detail, or will be screened with attractive landscaping, in such a way as to create visual interest at the pedestrian level.
 2. ***Parking Location.*** In the PO District, parking shall be located at the side or rear of buildings wherever possible.
- D. **Additional Supplemental Regulations, BTP District.** The following additional supplemental regulations apply in the BTP District.
1. ***Building Construction.*** Buildings shall be of new construction, and modular offices, relocated or prefabricated metal wall buildings shall not be permitted, except for temporary construction office trailers pursuant to Section TBD, Temporary Uses.
 2. ***Landscape Buffer.*** The following landscape buffers shall be provided unless the Director finds a different landscape buffer requirement is adequate to provide an appropriate transition between the parking area or other use of the site and the right-of-way.
 - a. ***Landscaped Setback between Parking Area and Right-of-Way.*** A landscaped setback at least 10 feet wide shall be provided between the parking area and adjacent right-of-way. A minimum of one fifteen-gallon tree and two five-gallon shrubs shall be provided for every 40 feet of the street frontage.

- b. **Landscape Buffer Adjacent to Wide Right-of-Way.** The first 50 feet of any site depth contiguous to any existing or proposed right-of-way exceeding 100 feet shall be landscaped and shall not be used for off-street parking and loading.
 - 3. **Truck Docks, Loading, and Service Areas, BTP District.** In the BTP District, truck docks, loading, and service areas shall be set back a minimum of 150 feet from an arterial.
 - 4. **Public Art Plan.** In the BTP District, a Public Art Plan may be provided for City Council review and approval to assure that the intent of Resolution No. 6582 "Resolution of the City Council of the City of Newark adopting a policy for providing art in public places and private development" is met. The plan shall provide for high quality architecture and for the provision of public art at locations that are of critical aesthetic concern to the City (i.e., gateways and major arterials).
- E. **Additional Supplemental Regulations, LI and GI Districts.** In the LI and GI Districts, a landscaped setback at least 10 feet wide shall be provided between the parking area and adjacent right-of-way. A minimum of one 15-gallon tree and two five-gallon shrubs shall be provided for every 40 feet of the street frontage.

Chapter 17.08 Public and Semi-Public Districts

17.08.010 Purpose and Applicability

The specific purposes of the Public and Semi-Public Districts are to:

- A. Provide land for development of public, quasi-public, recreation, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses;
- B. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, transit facilities, and other similar and related supporting uses; and
- C. Provide opportunities for outdoor recreation, and meet the recreational needs of Newark residents.

Additional purposes of each Public and Semi-Public District are as follows:

PF Public Facilities. This District is intended for public facilities, such as fire stations, City offices, libraries, corporation yards, pumping stations, transportation facilities, utilities, schools, institutional uses, and other public and quasi-public uses. The Public Facilities District implements the Public-Institutional General Plan Land Use Designation.

TS Transit Station. This District is intended for transit stations and associated parking areas.

PK Park. The PK Park District is intended to identify areas for active recreation, including City parks and other areas that support recreational activities. Typical uses include playgrounds, picnic areas, sports fields, golf courses, recreational clubs, and other appropriate recreational uses. This District implements the Parks and Recreation Facilities General Plan Land Use Designation.

OS Open Space. The OS Open Space District is intended for undeveloped park lands, wildlife habitat, and wetlands. Land within this District is typically owned by public agencies. A limited number of recreational improvements such as trails and interpretive nature centers are allowed, however the intent of this District is to facilitate the restoration and enhancement of native habitat. The Open Space District implements the Conservation-Open Space General Plan Land Use Designation.

17.08.020 Land Use Regulations

Table 17.08.020, Land Use Regulations-Public and Semi-Public Districts, prescribes the land use regulations for Public and Semi-Public Districts. Use classifications are defined in Chapter TBD, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.08.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS					
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>					
<i>Use Classification</i>	<i>PF</i>	<i>TS</i>	<i>PK</i>	<i>OS</i>	<i>Additional Regulations</i>
Public/Semi-Public Uses					
Cemetery	P	-	-	-	
Colleges and Trade Schools	P	-	-	-	
Community Assembly	P	-	P(1)	-	
Community Garden	P	-	P	-	See Section TBD, Community Garden
Cultural Institutions	P	-	P	-	
Day Care Centers	P	-	-	-	See Section TBD, Day Care
Emergency Shelter	P	P	P	-	See Section TBD, Emergency Shelter
Government Offices	P	-	-	-	
Hospital and Clinics					
<i>Hospitals</i>	P	-	-	-	
<i>Clinic</i>	P	-	-	-	
Instructional Services	P	-	-	-	
Park and Recreation Facilities	P	-	P	P(2)	
Parking Lots and Structures	P	P(4)	-	-	
Public Safety Facilities	P	-	-	-	
Schools	P	-	-	-	
Social Service Facilities	P	-	-	-	
Commercial Uses					
Animal Care, Sales, and Services					
<i>Animal Sales and Grooming</i>	C(3)	-	-	-	
Banks and Financial Institutions					
<i>Banks and Credit Unions</i>	-	P(4)	-	-	
Business Services	-	P(4)	-	-	
Commercial Entertainment and Recreation					
<i>Indoor Sports and Recreation</i>	M	-	M	-	
<i>Outdoor Entertainment</i>	C	-	C	-	
<i>Outdoor Recreation</i>	P	-	P	-	
Eating and Drinking Establishments					
<i>Restaurant, Limited Service</i>	P(5)	P(4)	-	-	
<i>Restaurant, Take-Out Only</i>	P(5)	P(4)	-	-	

TABLE 17.08.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS					
<i>“P” Permitted Use; “M” Minor Use Permit Required; “C” Conditional Use Permit Required; “-” Use Not Allowed</i>					
<i>Use Classification</i>	<i>PF</i>	<i>TS</i>	<i>PK</i>	<i>OS</i>	<i>Additional Regulations</i>
Farmer’s Markets	P	P	C	-	See Section TBD, Farmer’s Markets
Offices					
<i>Walk-In Clientele</i>	-	P(4)	-	-	
Personal Services					
<i>General Personal Services</i>	-	P(4)	-	-	See Section TBD, Personal Services
Retail Sales					
<i>Convenience Markets</i>	-	P(4)	-	-	
<i>Food and Beverage Sales</i>	P(5)	P(4)	-	-	
<i>General Retail</i>	P(5)	P(4)	-	-	
Transportation, Communication, and Utility Uses					
Communication Facilities					
<i>Facilities within Buildings</i>	P	-	-	-	
<i>Telecommunication</i>	See Section TBD, Telecommunication Facilities				
Public Works and Utilities	P	-	-	-	
Recycling Facility					
<i>Reverse Vending Machine</i>	C	-	-	-	See Section TBD, Recycling Facilities
<i>Recycling Collection Facility</i>	C	-	-	-	
<i>Recycling Processing Facility</i>	C	-	-	-	
Transportation Passenger Terminals	P	P	-	-	
Other Applicable Types					
Accessory Uses and Structures	See Section TBD, Accessory Buildings and Structures, and Section TBD, Accessory Uses				
Nonconforming Use	See Section TBD, Nonconforming Uses				
Outdoor Dining and Seating	See Section TBD, Outdoor Dining and Seating				
Outdoor Display and Sales	See Section TBD, Outdoor Display and Sales				
Solar Energy Systems	See Section TBD, Solar Energy Systems				
Temporary Use	See Section TBD, Temporary Uses				

TABLE 17.08.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS					
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>					
<i>Use Classification</i>	<i>PF</i>	<i>TS</i>	<i>PK</i>	<i>OS</i>	<i>Additional Regulations</i>
Specific Limitations:					
<ol style="list-style-type: none"> 1. Limited to facilities associated with park and recreation facilities. 2. Limited to trails, wildlife preserves and open space uses that maintain the site in its natural state and protects wildlife habitats and wetlands. No building, structure or improvements shall be constructed in these areas, except for those required for public access, public restrooms, informational centers and signage, trash containers, parking facilities, and facilities needed for protecting environmental resources and general upkeep and maintenance of the property. 3. Limited to government or non-profit animal shelters located a minimum of 100 feet from a residential use or district. 4. Limited to parking areas, and ancillary uses (i.e., coffee stand, dry cleaner, florist) that would benefit transit patrons of transit stations. 5. Limited to gift shops, cafes and restaurants accessory to cultural institutions, community assembly, and conference/convention centers. 					

17.08.030 Development Standards

Table 17.08.030, Development Standards-Public and Semi-Public Districts, prescribes the development standards for Public and Semi-Public Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance.

TABLE 17.08.030: DEVELOPMENT STANDARDS-PUBLIC AND SEMI-PUBLIC DISTRICTS					
<i>Standard</i>	<i>PF</i>	<i>TS</i>	<i>PK</i>	<i>OS</i>	<i>Additional Regulations</i>
Maximum Height (ft)	40, up to 65 with CUP approval	65	30	14	See Section TBD, Height and Height Exceptions
Minimum Setbacks (ft)					
<i>Front</i>	0	0	20	20	See Section TBD, Projections into Yards and Required Building Separations
<i>Interior Side</i>	5	0	10	10	See Section TBD, Projections into Yards and Required Building Separations
<i>Street Side</i>	5	0	10	10	See Section TBD, Projections into Yards and Required Building Separations
<i>Rear</i>	5	0	10	10	See Section TBD, Projections into Yards and Required Building Separations
Maximum Lot Coverage (% of lot)	90	n/a	n/a	5	

17.08.040 Supplemental Regulations

- A. **Tree Removal in PK and OS Districts.** Removal of trees of five inches or more in diameter at the base is prohibited except as approved by the Park Superintendent, with Conditional Use Permit approval, or, in the case of public park or public wildlife sanctuary facilities other than those owned by the City, with the approval of authorized agents or officials of the public agency owning the facilities.

Chapter 17.09 Resource Production District

17.09.010 Purpose and Applicability

The specific purpose of the Resource Production District is to reserve areas suitable for natural resource production. Specifically, this District designates areas used for salt harvesting, refining and production, including man-made crystallizer beds used for salt crystallization, and related buildings, facilities, and operations for salt harvesting, stacking, sizing, packaging and/or distribution. This District implements the Salt Harvesting, Refining, and Production General Plan Land Use Designation.

17.09.020 Land Use Regulations

Table 17.09.020, Land Use Regulations-Resource Production District, prescribes the land use regulations for the Resource Production District. Use classifications are defined in Chapter TBD, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.

TABLE 17.09.020: LAND USE REGULATIONS-RESOURCE PRODUCTION DISTRICT		
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>		
<i>Use Classification</i>	<i>RP</i>	<i>Additional Regulations</i>
Residential Uses		
Caretaker Unit	M	
Public/Semi-Public Uses		
Public Safety Facilities	C	
Industrial Uses		
General Industrial	P	
Transportation, Communication, and Utility Uses		
Communication Facilities		
<i>Telecommunication</i>	See Section TBD, Telecommunication Facilities	
Public Works and Utilities	C	
Other Applicable Types		
Accessory Uses and Structures	Uses ancillary to salt harvesting, refining, and production are allowed. See Section TBD, Accessory Uses	
Nonconforming Use	See Section TBD, Nonconforming Uses	
Solar Energy Systems	See Section TBD, Solar Energy Systems	
Temporary Use	See Section TBD, Temporary Uses	

17.09.030 Development Standards

Table 17.09.030, Development Standards-Resource Production Districts, prescribes the development standards for the Resource Production District. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of this Ordinance.

TABLE 17.09.030: DEVELOPMENT STANDARDS-RESOURCE PRODUCTION DISTRICT		
<i>Standard</i>	<i>RP</i>	<i>Additional Regulations</i>
Lot and Density Standards		
Minimum Lot Area (acres)	40	
Maximum Density	Caretaker housing only	
Building Form and Location Standards		
Maximum Height (ft)	35	See Section TBD, Height and Height Exceptions
Minimum Setbacks (ft)		
<i>Front</i>	30	See Section TBD, Projections into Yards and Required Building Separations
<i>Side</i>	25	See Section TBD, Projections into Yards and Required Building Separations
<i>Rear</i>	25	See Section TBD, Projections into Yards and Required Building Separations
Maximum Lot Coverage (% of lot)	20	

Chapter 17.10 Planned Development (-PD) Overlay District

17.10.010 Purpose

The purpose of this Chapter is to establish a Planned Development (-PD) Overlay District that provides for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions in order to:

- A. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zoning district regulations;
- B. Ensure compliance with the General Plan and provide various types of land use which can be combined in compatible relationship with each other as a part of a totally planned development; and
- C. Promote creativity in building design and innovation in development concepts.

17.10.020 Zoning Map Designation

A -PD Overlay District shall be noted on the Zoning Map by the designation “-PD,” followed by the number of the Planned Development or Specific Plan based on order of adoption.

17.10.030 Land Use Regulations

No use other than an existing use is permitted in a -PD Overlay District except in accord with a valid PD Plan or Specific Plan.

- A. Any permitted or conditional use authorized by this Ordinance may be included in an approved PD Plan or an adopted Specific Plan consistent with the General Plan land use designation(s) for the property.
- B. In addition to permitted or conditional uses otherwise allowed in the CC, RC, and PO districts, residential uses may be allowed as part of a Planned Development. In the RC District, the minimum density of such housing is 30 units/net acre.

17.10.040 Development Regulations

- A. **Minimum Area.** The minimum area of a -PD Overlay District shall be 10,000 square feet; however, the City Council may approve a smaller area if it finds that a PD would provide greater benefits to the general welfare of Newark’s residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use.
- B. **Residential Unit Density.** Except where a density bonus is granted in compliance with Chapter TBD, Density Bonus for Affordable Housing, the total number of dwelling units in a PD Plan shall not exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.
- C. **Performance Standards.** The Performance Standards prescribed by Chapter TBD, Performance Standards, apply.

- D. **Other Development Regulations.** Other development regulations shall be as prescribed by the PD Plan.

17.10.050 Procedures

- A. **Decision-Making Body.** A -PD Overlay District must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review; and the Planning Commission shall make a recommendation to the City Council.
- B. **Review Procedures.**
 - 1. **Zoning Amendment.** An application for a -PD Overlay District shall be processed as amendment to the Zoning Map, according to the procedures of Chapter TBD, Amendments to Zoning Map and Text, and shall include a Specific Plan or PD Plan.
 - 2. **PD Plan.** The PD Plan shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Chapter TBD, Use Permits, except the City Council shall be the review authority.
 - 3. **Tentative Subdivision Map.** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. **Initiation.** An application for a -PD Overlay District shall be initiated by a property owner or authorized agent, Planning Commission, or the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.
- D. **Application Content.** A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

17.10.060 Required Findings

A PD Plan and zoning amendment shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
- B. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- C. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- D. The development generally complies with applicable adopted design guidelines; and
- E. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.

17.10.070 Conditions

In approving a PD Plan and zoning amendment, the City Council may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
- B. Achieve the general purposes of this Ordinance or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

17.10.080 Expiration and Renewal

- A. **Expiration.**
 - 1. **PD Plan.** A PD Plan shall be effective on the same date as the ordinance creating the -PD Overlay District for which it was approved and shall expire three years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging program exceeding three years.
 - 2. **Tentative Map.** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.
 - 3. **Phased Development.** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the PD Plan shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase.
- B. **Renewal.** An approved PD Plan that has not been exercised may be renewed for a three-year period approved by the City Council after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this chapter.

17.10.090 Amendments of Approved Plans

- A. **Changed Plans.** Amendments to a -PD Overlay District or PD Plan or Specific Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
- B. **Major Amendments.** Major Amendments to an approved -PD Overlay District or PD Plan or Specific Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
 - 1. A change in the boundary of the -PD Overlay District;

2. An increase or decrease in the number of dwelling units for the -PD Overlay District that is greater than the maximum or less than the minimum stated in the PD Plan or Specific Plan;
 3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Plan or Specific Plan;
 4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director;
 5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the -PD Overlay District or to the overall major street system, as determined by the Public Works Director; or
 6. Any other proposed change to the PD Plan or Specific Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.
- C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director.

17.10.100 Status of Specific Plan

A Specific Plan adopted by resolution of the City Council shall be administered as prescribed by the Council, consistent with Government Code Section 65450.

17.10.110 Development Plan Review

Plans for a project in a -PD Overlay District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan or Specific Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan or Specific Plan.

Chapter 17.11 Form Based Code (FBC) Overlay District

17.11.010 Purpose

Form based codes address the relationships between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

17.11.020 Applicability

The standards and regulations of this Chapter apply to areas designated with an -FBC extension on the Zoning Map. Except as provided in this Chapter, all new structures and development, as well as alterations to existing structures, shall comply with the requirements of the base zoning district.

17.11.030 Maximum Height and Required Setbacks by Street

The following height, setback, and block standards apply on lots with frontage on the following streets:

A. Transit Station Entrance Road:

1. **Maximum Height.** Six stories or 75 feet measured from finished grade at entry to the top of the ridge/parapet.
2. **Front Yard.** The minimum front yard setback shall be zero feet; the maximum front yard setback shall be 10 feet.
3. **Street Side Yard.** The minimum side street yard setback shall be zero feet; the maximum side street yard setback shall be 10 feet.

B. North Side of Enterprise Drive West, from Willow to Hickory:

1. **Maximum Height.** Six stories or 75 feet measured from finished grade at entry to the top of the ridge/parapet.
2. **Front Yard.** The minimum front yard setback shall be zero feet; the maximum front yard setback shall be 20 feet.
3. **Street Side Yard.** The minimum side street yard setback shall be five feet; the maximum side street yard setback shall be 10 feet.

C. South Side of Enterprise Drive West, from Willow to Hickory:

1. **Maximum Height.** Six stories or 75 feet measured from finished grade at entry to the top of the ridge/parapet.
2. **Front Yard.** The minimum front yard setback shall be 10 feet; the maximum front yard setback shall be 18 feet.
3. **Street Side Yard.** The minimum side street yard setback shall be five feet.
4. **Maximum Block Length.** The maximum block length shall be 600 feet.
5. **Minimum Block Width.** The minimum block width shall be 450 feet.
6. **Maximum Percent of Buildings at Minimum Setback Line.** Buildings may be located at the minimum setback line for a maximum of 80 percent of the length of the setback line.

D. **Hickory Street:**

1. **Maximum Height.** Four stories or 50 feet; two stories or 25 feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.
2. **Front Yard.** The minimum front yard setback shall be 10 feet; the maximum front yard setback shall be 18 feet.
3. **Street Side Yard.** The minimum side street yard/side of building setback shall be five feet.

E. **Willow Street:**

1. **Maximum Height.** Four stories or 50 feet; two stories or 25 feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.
2. **Front Yard.** The minimum front yard setback shall be 10 feet; the maximum front yard setback shall be 25 feet.
3. **Street Side Yard.** The minimum side street yard setback shall be eight feet, three inches; the maximum side street yard setback shall be 15 feet.
4. **Maximum Percent of Buildings at Minimum Setback Line.** Buildings may be located at the minimum setback line for a maximum of 80 percent of the length of the setback line.

F. **Central Avenue:**

1. **Maximum Height.** Four stories or 50 feet; two stories or 25 feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.
2. **Front Yard.** The minimum front yard setback shall be 10 feet; the maximum front yard setback shall be 18 feet.
3. **Street Side Yard.** The minimum side street yard/side of building setback shall be five feet.

G. **Enterprise Drive East:**

1. **Maximum Height.** Two and one-half stories or 30 feet maximum; two stories or 25 feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.
2. **Front Yard.** The minimum front yard setback shall be 10 feet; the maximum front yard setback shall be 18 feet.
3. **Street Side Yard.** The minimum side street yard setback shall be five feet.
4. **Maximum Percent of Buildings at Minimum Setback Line.** Buildings may be located at the minimum setback line for a maximum of 80 percent of the length of the setback line.

H. **All Neighborhood Streets:**

1. **Maximum Height.** Four stories or 50 feet; two stories or 25 feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.
2. **Front Yard.** The minimum front yard setback shall be 10 feet; the maximum front yard setback shall be 18 feet.
3. **Street Side Yard.** The minimum side street yard setback shall be five feet.

4. **Maximum Percent of Buildings at Minimum Setback Line.** Buildings may be located at the minimum setback line for a maximum of 80 percent of the length of the setback line.

17.11.040 General Development Standards

The following development standards apply except where a more stringent requirement is established in Section TBD, Maximum Height and Setback Standards by Street.

- A. **Single-Unit Development.** Table TBD, Development Standards-Single-Unit Development, prescribe the development standards for Single-Unit Development with the following adjustments.
 1. Lot depth for alley loaded homes shall be measured from back of walk/centerline of paseo to the centerline of the alley.
 2. For attached homes with garages at the rear or front of the lot, the setback may be reduced to five feet to the garage door.
 3. For front loaded single-family homes, the rear yard setback may be reduced to five feet for up to 50 percent of the lot width.
 4. Building height shall be measured from the finished grade at the front entry to the top of the ridge/parapet.
 5. Front setback shall be measured from back of sidewalk or centerline of paseo.
 6. For all alley-loaded homes, the setback may be reduced to four feet to the garage door. The setback to living space on second- and third-floors may be reduced to two feet from the edge of alley.

TABLE TBD: DEVELOPMENT STANDARDS-SINGLE-UNIT DEVELOPMENT				
<i>Standard</i>	<i>Single-Unit, Detached</i>		<i>Single Unit, Attached</i>	
	<i>Front Loaded</i>	<i>Alley Loaded</i>	<i>Front Loaded</i>	<i>Alley Loaded</i>
Lot Dimensions				
Lot Width				
<i>Minimum</i>	32 ft	30 ft	15 ft	15 ft
<i>Maximum</i>	65 ft	60 ft	35 ft	35 ft
Lot Depth				
<i>Minimum</i>	45 ft	50 ft	50 ft	50 ft
<i>Maximum</i>	150 ft	150 ft	90 ft	90 ft
Setbacks				
Front				
<i>Porch/stoops (minimum)</i>	6 ft	6 ft	6 ft	6 ft
<i>Building Face (minimum)</i>	8 ft	8 ft	8 ft	8 ft
<i>Building Face (maximum)</i>	18 ft	16 ft	16 ft	16 ft

TABLE TBD: DEVELOPMENT STANDARDS-SINGLE-UNIT DEVELOPMENT				
<i>Standard</i>	<i>Single-Unit, Detached</i>		<i>Single Unit, Attached</i>	
	<i>Front Loaded</i>	<i>Alley Loaded</i>	<i>Front Loaded</i>	<i>Alley Loaded</i>
Lot Dimensions				
Rear				
<i>Main Building (minimum)</i>	10 ft	10 ft	10 ft	10 ft
<i>Accessory Building (minimum)</i>	5 ft	14 or 28 ft	5 or 28 ft	5 or 28 ft
Side				
<i>Main Building (minimum)</i>	3 ft 3 in	3 ft 3 in	3 ft 3 in	3 ft 3 in
<i>Main Building at Corners (minimum)</i>	8 ft 3 in	8 ft 3 in	8 ft 3 in	8 ft 3 in
<i>Porch/stoops at Corners (minimum)</i>	6 ft	6 ft	6 ft	6 ft
<i>Accessory Building/Garage (minimum)</i>	3 ft 3 in	3 ft 3 in	3 ft 3 in	3 ft 3 in
<i>Accessory Building/Garage at Corners (minimum)</i>	8 ft 3 in	8 ft 3 in	8 ft 3 in	8 ft 3 in
Site Coverage				
Maximum Site Coverage (not including porches)	60%	60%	75%	75%

- B. **Commercial, Office, and Multi-Unit Development.** Table TBD, Development Standards-Commercial, Office, and Multi-Unit Development, prescribe the development standards for Commercial, Office, and Multi-Unit Development.

TABLE TBD: DEVELOPMENT STANDARDS- COMMERCIAL, OFFICE, AND MULTI-UNIT DEVELOPMENT		
<i>Standard</i>	<i>Commercial and Office</i>	<i>Multi-Unit</i>
Building Form		
Maximum Length of Building Façade with no Courtyard Break (ft)	300	300
Maximum Building Depth (ft)	300	n/a
Setbacks		
From Public Right-of-Way		
<i>Porches/Stoops/Balconies</i>	n/a	10 ft min
<i>Building</i>	Ground floor: 0 min, 10 ft max Upper floors: 10 ft where ground floor at 0 to 5 ft; 5 ft where ground floor at 5 to 10 ft	15 ft min
From Other Buildings On-Site		
<i>Residential Buildings</i>	20 ft min	Front/front: 19 ft min Side/side: 10 ft min Front/side: 15 ft min
<i>Community or Service Buildings</i>	n/a	25 ft min

TABLE TBD: DEVELOPMENT STANDARDS- COMMERCIAL, OFFICE, AND MULTI-UNIT DEVELOPMENT		
<i>Standard</i>	<i>Commercial and Office</i>	<i>Multi-Unit</i>
Building Form		
<i>Nonresidential Buildings</i>	20 ft min	n/a
<i>Carports</i>	15 ft min	15 ft min
From Non-Street Property Line		
<i>Of Single-Unit Dwelling, Attached or Multi-Unit Lot</i>	20 ft min	15 ft min
<i>Of Single-Unit Dwelling, Detached Lot</i>	25 ft min	30 ft min
<i>Nonresidential Buildings</i>	25 ft min	n/a
From On-Site Parking, Drive Aisle, or Lane	15 ft min	5 ft min

17.11.050 Parking

Parking shall be provided pursuant to Chapter TBD, Parking and Loading, except as provided below.

A. Required Parking Spaces.

1. **Senior Housing.** For senior housing, parking shall be at 0.5 spaces per unit, inclusive of guest parking.
2. **Commercial Uses.** For all uses in the Commercial Use classification, parking shall be at three spaces per 1,000 square feet.

B. Minimum Parking Space and Garage Dimensions. Minimum parking space/interior garage dimensions shall be as follows. Appliances such as washers, dryers, water heaters and utility sinks that take up the floor area of garages shall be outside of the required minimum dimensions.

1. **Parallel Striped Spaces:** Eight feet wide by 20 feet deep
2. **Single Car Garage:** 10 feet wide by 20 feet deep.
3. **Two Car, Side by Side, Garage:** 20 feet wide by 20 feet deep.

C. Maximum Garage Width.

1. For street facing garages, the maximum garage width shall be that which accommodates two conventional cars and an area for guest parking.
2. A street loaded garage may not occupy 50 percent or more of a lot's width.

D. Maximum Driveway Width. Dwelling unit driveways that serve as parking areas shall be a maximum of 20 feet wide. If such parking areas are included, a pedestrian walkway connecting parking to the units is recommended.

E. Design Guidelines. The following guidelines and recommendations apply to garages and parking:

1. Non street-loaded garages are encouraged.

2. Site and building design shall be utilized to minimize the impact of parking aprons and garages on the streetscape.
3. Garage layout and design should minimize the visual impact of the garage door and parking apron on the streetscape.
4. A garage should not occur directly at the end of a parking court as viewed from the street.
5. To discourage obstruction of the driveway, garage aprons shall be either less than five feet deep or more than eighteen feet deep as measured from property line. The deeper parking aprons should be limited to the rear units; however, they can be visible from the street. Parking shall not be allowed on aprons that are five feet.

Standards for Specific Uses

Chapter 17.20 Standards for Specific Uses

17.20.010 Purpose

The purpose of this chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

17.20.020 Applicability

Each land use and activity covered by this chapter shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this Ordinance requires in the zoning district where the use or activity is proposed and all other applicable provisions of this Ordinance.

- A. The uses that are subject to the standards in this chapter shall be located only where allowed by base zoning district or overlay district use regulations.
- B. The uses that are subject to the standards in this chapter are allowed only when authorized by the planning permit required by base district regulations, such as a Conditional Use Permit, except where this chapter establishes a different planning permit requirement for a specific use.

17.20.030 Accessory Uses

An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zoning district. These regulations are found in the use regulation tables in Article II, Base and Overlay Districts, and may be subject to specific standards found in this chapter or within each district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Chapter TBD, General Site Regulations.

17.20.040 Accessory Dwelling Units

Placeholder. The recently adopted Accessory Dwelling Unit provisions will be incorporated into the Public Hearing Draft Zoning Ordinance.

17.20.050 Adult Businesses

Adult businesses shall be located and operated in compliance with following standards.

- A. **Purpose.** It is the purpose and intent of this Section to regulate the operations of adult businesses, which tend to have judicially recognized adverse secondary effects on the community, including, but not limited to, increases in crime in the vicinity of adult businesses; degradation of the city's commercial and industrial base; increases in vacancies in residential areas in the vicinity

of adult businesses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of adult businesses as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. Special regulation of these businesses is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses while at the same time protecting the First Amendment rights of those individuals who desire to own, operate or patronize adult businesses.

- B. **Location.** Adult businesses shall be located a minimum of 500 feet from any other such establishment, public park, child day care facility, or school and a minimum of 100 feet from any Residential district.
- C. **Violations.** In addition to Chapter TBD, Enforcement and Abatement Procedures, the following provisions apply to adult businesses.
 - 1. Any owner, operator, manager, employee or independent contractor of an adult business violating or permitting, counseling, or assisting the violation of any of these provisions regulating adult businesses shall be subject to any and all civil remedies, including license revocation.
 - 2. In addition to the remedies set forth in paragraph 1, above, any adult business that is operating in violation of these provisions regulating adult businesses is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

17.20.060 Automobile/Vehicle Sales and Services

Automobile/vehicle sales and service establishments shall be located, developed and operated in compliance with following standards.

- A. **Landscaping and Screening.** All automobile/vehicle sales and service establishments shall provide landscaping and screening in compliance with the following.
 - 1. A masonry wall at least six feet in height shall be provided along all lot lines adjacent to a Residential District.
 - 2. At least 10 percent of the site shall be landscaped. All landscaped areas shall be permanently maintained in compliance with Chapter TBD, Landscaping.
 - 3. A landscaped planter with a minimum inside width of six feet and enclosed within a six-inch-high curb shall be provided along the front and street side property lines, except for vehicular circulation openings. A landscaping buffer with a minimum inside width of at least three feet shall be provided along all other property lines.
 - 4. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.
- B. **Application Review and Findings for Approval.** The decision-making authority shall only approve a Use Permit for an automobile/vehicle sales and service facility only if it finds that:
 - 1. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.

2. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
 3. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
 4. Lighting is designed to be low-profile, indirect or diffused and to avoid adverse impacts on surrounding uses.
 5. The washing facility will not have an adverse impact on water supply and quality.
- C. **Conditions of Approval.** Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on adjacent lots or the surrounding area.
- D. **Automobile/Vehicle Sales and Leasing.** Automotive servicing or repair is permitted as an accessory use for automobile/vehicle sales and leasing establishments that offer maintenance and servicing of the type of vehicles sold on site.
- E. **Automobile/Vehicle Service and Repair, Major and Minor.** In addition to other applicable standards of this section, major and minor automobile/vehicle service and repair uses, as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards.
1. **Noise.** All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building.
 2. **Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
 3. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened in compliance with Section TBD.M, Screening. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City.
 4. **Litter.** The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.
- F. **Automobile/Vehicle Washing.** In addition to other applicable standards of this section, automobile/vehicle washing facilities are subject to the following standards.
1. **Washing Facilities.** No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior property line of a Residential District. Vehicle lanes for car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.

2. **Hours of Operation.** Automobile/vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven days a week. When abutting a Residential District, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.
- G. **Service Stations.** In addition to other applicable standards of this section, service stations and any other commercial use that includes fuel pumps for retail sales of gasoline are subject to the following standards.
1. **Pump Islands.** Pump islands shall be located a minimum of 20 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.
 2. **Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
 3. **Abandonment.** Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within 12 months subsequent to the close of the last business day.

17.20.070 Check Cashing Business

Check cashing businesses shall be located, developed, and operated in compliance with the following standards.

- A. **Maximum Size.** Limited to 2,500 square feet in size.
- B. **Location.** Check cashing businesses shall be located on an arterial or higher classification street, and at least 1,000 feet from any other check cashing business.
- C. **Queuing Area.** Adequate queuing area shall be provided within the building. Queuing on the sidewalk is prohibited.
- D. **Security.** A security plan shall be provided for review and approval by the Director. The plan shall provide for adequate security, including a central station alarm system to the Police Department. Bars on the windows are prohibited.

17.20.080 Community Gardens

Community gardens shall be located, developed, and operated in compliance with the following standards:

- A. **Management.** A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s), and the City.
- B. **Hours of Operation.** Gardens shall only be tended between dawn and dusk.
- C. **Buildings and Structures.** Accessory buildings, such as sheds, greenhouses, hoopouses, or farmstands are allowed and shall comply with the property development standards of the zoning district.

- D. **Equipment.** Only household garden tools and equipment, applicators and products, may be used. This includes, but not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc. Pull behind equipment is prohibited.
- E. **Operational Plan.** The applicant shall submit an operational plan that identifies roles and responsibilities, contact information, and operations.
- F. **Maintenance.**
 - 1. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.
 - 2. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.
- G. **Sale of Produce.** Incidental sales of items grown on-site are permitted.
- H. **Composting.** Composting is limited to the materials generated on-site and shall be used on-site.
- I. **Utilities.** The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
- J. **Restrooms.** If proposed, restrooms shall be connected to public utilities. Portable restrooms are not permitted.

17.20.090 Day Care

Day care centers and large family daycare homes shall be located, developed and operated in compliance with the following standards:

- A. **License.** The operator shall secure and maintain a license from the State of California Department of Social Services.
- B. **Location.** Unless specifically allowed pursuant to a Use Permit approval, day care centers and large family daycare homes serving seven or more persons shall be located at least 300 feet from any other residential care facility, day care center, or large family day care home serving seven or more persons.
 - 1. **Adult Day Care Center Location Limitation.** Adult day care centers serving seven or more persons shall be located on a lot with frontage on an arterial.
- C. **Screening.** A periphery wall, constructed of wood or masonry, or landscaping screen shall be provided to screen outdoor activity areas and shall achieve 75 percent opacity. Chain metal fencing or barbed wire is prohibited.
- D. **Outdoor Space.** Outdoor use area and play equipment and structures shall not be located in any required front or street side setback.
- E. **Hours of Operation.** Hours of operation shall only be within the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday. Additional hours may be allowed subject to approval of a Minor Use Permit.
- F. **Noise.** Outdoor activities shall not occur before 9:00 a.m. or after 6:00 p.m.

- G. **Pick-up and Drop-off Plan.** A plan and schedule for the pick-up and drop-off of children or clients shall be provided for approval by the Director. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion and conflict points on travel aisles and public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:
1. A scheduled time for pick-up and drop-off with allowances for emergencies; and
 2. Prohibitions of double-parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.
- H. **Complaints.** Upon receiving two substantiated complaints from two different residences within one calendar year, the Zoning Administrator shall review the day care center or large family daycare home operation at a noticed public hearing conducted in accordance with the procedures outlined in Chapter TBD, Common Procedures. The Zoning Administrator may take no action, revoke or modify the permit, or take other actions to address the nuisance.
1. **Complaint Procedures.** Before submitting a complaint to the City pursuant to this subsection, a complainant shall first submit to the operator of the day care center or large family daycare home a written complaint, signed by the complainant and setting forth the complainant's address and telephone number. If after 14 days from the submittal of a complaint to the operator, the complainant remains dissatisfied with the performance of the day care center or large family daycare home, the complaint may then be submitted to the Community Development Department, including the original complaint letter, and documentation of any and all contact with the operator to resolve the issues identified in the original complaint. The Community Development Department shall investigate complaints within 14 days of receipt of the complaint to determine their validity.
 2. **Substantiated Complaint.** A complaint shall be considered substantiated if the Zoning Administrator determines that the operator has failed to respond appropriately to a complaint concerning hours, traffic and circulation, or noise.

17.20.100 Drive-In and Drive-Through Facilities

Drive-in or drive-through facilities shall be located, developed and operated in compliance with the following standards:

- A. **Drive-In and Drive-Through Aisles.** Drive-in and drive-through aisles shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas.
1. A minimum 15-foot interior radius at curves and a minimum 12-foot width is required.
 2. Each drive-in and drive-through entrance and exit shall be at least 100 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the nearest curb cut on an adjacent property.
 3. Each entrance to an aisle and the direction of flow shall be clearly designated by signs and/or pavement markings or raised curbs outside of the public right-of-way.

- B. **Landscaping.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a height of 20 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
- C. **Pedestrian Walkways.** Pedestrian walkways shall not intersect drive-in or drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

17.20.110 Emergency Shelters

Emergency shelters shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Emergency shelters shall be located at least 300 feet of another emergency shelter.
- B. **Number of Residents.** No more than 50 clients may be present on the premises at any one time.
- C. **Length of Occupancy.** Occupancy by an individual or family may not exceed 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available, upon determination by the Director.
- D. **Common Area.** The shelter shall provide at least 10 square feet per bed of public or communal gathering space, exclusive of hallways.
- E. **Parking Reduction.** The Director may reduce the number of on-site parking spaces required by Section TBD, Required Parking Spaces, where a shelter is located on a bus route, or other evidence is provided to indicate that less parking will be needed. The shelter shall, however, provide at least one space for each staff member who will be on duty when residents are present, and at least one space for residents.
- F. **Lighting and Illumination.** The shelter shall provide outdoor lighting sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.
- G. **Outdoor Activities.** All functions associated with the shelter, except for children's play areas, outdoor recreation areas, and parking shall take place within the building proposed to house the shelter. There shall be no space for clients to congregate in front of the building, and there shall be no outdoor public telephones.
- H. **Designated Smoking Area.** The shelter shall provide a designated smoking area, preferably outside, that is not visible from public rights-of-way.
- I. **Noise.** The use shall be conducted in conformance with the noise standards set forth for multifamily housing in the noise element of the General Plan.
- J. **Supervision.** On-site management shall be provided any time that clients are present at the shelter.
- K. **Management and Security Plan.** The operator of the shelter shall submit a management and security plan for approval by the Director. The Plan shall address issues identified by the Director, including emergencies, transportation, client supervision, security, client services, staffing, and good neighbor issues.

17.20.120 Farmer's Markets

Farmer's markets shall be located, developed, and operated in compliance with the following standards:

- A. **Required Permits.** Farmer's markets are allowed in all districts subject to Minor Use Permit approval. The market operator and vendors shall obtain a Minor Use Permit and secure all necessary licenses, certificates and health permits, including permits for street closure, if applicable. All permits (or copies of them) shall be in the possession of the farmer's market manager or the vendor, as applicable, on the site of the farmer's market during all hours of operation.
- B. **Management Plan.** A management plan shall be prepared and provided to the Zoning Administrator. The management plan shall include the following:
 - 1. Identification of a market manager or managers, who shall be present during all hours of operation.
 - 2. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.
- C. **Hours of Operation.** Market activities may be conducted between the hours of 7:00 a.m. and 10:00 p.m. with specific hours and duration to be approved by the City. Set-up of market operations cannot begin more than two hours prior to the operational hours of the market and take-down shall be completed within two hours of the close of the market.
- D. **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

17.20.130 Live-Work Units

Joint living and working quarters (Live-Work Units) shall be located, developed, and operated in compliance with the following standards:

- A. **Establishment.** Live-work units may be established through the conversion of existing buildings or by new construction, permitted or conditionally permitted as specified in Division II: Base and Overlay Districts.
- B. **Permitted Work Activity.** The work activity in a building where live-work units are allowed shall be any use permitted by right or use permit in the zoning district, except that, in order to protect the health and safety of persons who reside in a live-work unit or in a building which contains one or more live-work units, no work activity shall be permitted nor shall any live-work unit be established on any site that contains those uses which the Zoning Administrator finds would, by virtue of size, intensity, hours of operation, number of employees or the nature of the operation, have the potential to adversely affect others living or working in or nearby the live-work development by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes.

- C. **No Separate Sale or Rental of Portions of Unit.** No portion of a live-work unit may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same unit.

17.20.140 Home Occupations

Home occupations shall be located, developed, and operated in compliance with the standards of this Section. An inspection may be required to verify compliance with applicable standards.

- A. **Applicability.** This Section applies to home occupations in any residential unit in the City regardless of the zoning designation. It does not apply to family day care, which is regulated separately.
- B. **General Standards.** All home occupations shall be located and operated consistent with the following standards:
 1. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted except signs in conformance with Section TBD, Signs.
 2. **Location.** All home occupation activities shall be conducted entirely within the residential unit, or within a garage that is attached to, and reserved for, the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces for parking.
 3. **Floor Area Limitation.** No more than 20 percent of the floor area of the dwelling unit may be used in the conduct of the home occupation.
 4. **Structural Modification Limitation.** No dwelling shall be altered to create an entrance to a space devoted to a home occupation that is not from within the building, or to create features not customary in dwellings.
 5. **Employees.** No employees or independent contractors other than residents of the dwelling shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.
 6. **On-Site Client Contact.** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring) which may have up to two students at one time.
 7. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or except as otherwise allowed for cottage food operations.
 8. **Storage.** There can be no storage of materials, supplies, and/or equipment for the home occupation in an accessory building or outdoors. Storage may only occur within a garage if it does not occupy or obstruct any required parking space. Contractors whose work is conducted entirely off site (and who use their home solely for administrative purposes related to the contracting business) may store construction, electrical, landscaping, plumbing, or similar supplies or materials within a single vehicle of one-half ton or less.

9. **Equipment.** Home occupations shall not be permitted which involve mechanical or electrical equipment which is not customarily incidental to domestic use.
 10. **Hazardous Materials.** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.
 11. **Nuisances.** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a single-unit detached residence.
 12. **Traffic and Parking Generation.** Home occupations shall not generate a volume of pedestrian, automobile, or truck traffic that is inconsistent with the normal level of traffic in the vicinity or on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit.
 13. **Commercial Vehicles and Attachments.** Home occupations involving more than one commercial vehicle parked on-site shall not be permitted. No attachments of equipment or machinery used for business purposes shall be permitted either on the vehicle or on the site when the vehicles are not in use and such equipment or machinery is within view from the public right-of-way or neighboring properties. Storage of attachments of equipment and machinery are not permitted in areas visible from public rights-of-way or neighboring properties, unless part of an active approved construction project on the site.
- C. **Cottage Food Operations.** A cottage food operation is allowed as a home occupation and an accessory use to any legally established residential unit subject to the following standards:
1. **Minor Use Permit Required.** Cottage food operations are allowed subject to Minor Use Permit approval.
 2. **Registration.** Cottage food operations shall be registered as “Class A” or “Class B” cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.
 3. **Sales.** Sales directly from a cottage food operation are limited to the sale of cottage food products. A cottage food operation shall not have more than \$50,000 in gross annual sales in each calendar year.
 4. **Operator and Employee Allowed.** Only the cottage food operator and members of his or her household living in the unit, as well as one full-time equivalent cottage food employee, may participate in a cottage food operation.
 5. **Equipment.** Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards,

or create smoke or steam noticeable at the lot line of an adjoining residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses.

D. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations.

1. Automobile/vehicle sales and services;
2. Animal care, sales, and services;
3. Eating and drinking establishments;
4. Hotels and motels;
5. Hospitals and clinics;
6. Firearm sales;
7. Personal services; and
8. Retail sales.

17.20.150 Hookah Lounges

Hookah lounges shall be located a minimum of 500 feet from any other such establishment, public park, child day care facility, or school and a minimum of 100 feet from any Residential District.

17.20.160 Medical Marijuana Dispensaries

Medical Marijuana Dispensaries are defined and regulated pursuant to Chapter 5.36, Medical Marijuana Dispensaries, of the Newark Municipal Code. Medical marijuana dispensaries are prohibited.

17.20.170 Outdoor Dining and Seating

Outdoor dining and seating shall be located, developed, and operated in compliance with the following standards:

- A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to an encroachment permit issued by the Public Works Department.
- B. **Accessory Use.** Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.
- C. **Hours of Operation.** The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.
- D. **Parking.** Where an outdoor dining and seating area occupies less than 500 square feet, additional parking spaces for the associated eating and drinking establishment are not required. Parking shall be provided according to the required ratio in Chapter TBD, Parking and Loading, for any outdoor dining and seating area exceeding 500 square feet.
- E. **Pedestrian Pathway.** A four-foot pedestrian pathway shall be maintained and unobstructed. If there is more than a four-foot-wide pathway provided, outdoor dining may be located outside of the required four feet.

- F. **Litter Removal.** Outdoor dining and seating areas shall remain clear of litter at all times.

17.20.180 Outdoor Display and Sales

Outdoor display and sales shall be located, developed, and operated in compliance with the following standards:

- A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section TBD, Temporary Uses, and Chapter TBD, Use Permits.
- B. **Produce Displays.** The outdoor display of fresh produce associated with an existing Food and Beverage Retail Sales establishment on the same site is allowed, subject to the following standards.
1. The display shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, or required landscaped areas or block pedestrian walkways.
 2. All produce shall be removed or enclosed at the close of each business day.
- C. **Permanent or Ongoing Outdoor Display and Sales.** The permanent or ongoing outdoor display of merchandise, except for automobile/vehicle sales and leasing requires Minor Use Permit approval and shall comply with the following standards:
1. **Relationship to Main Use.** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.
 2. **Allowable Merchandise.** Only merchandise sold at the business is permitted to be displayed outdoors.
 3. **Display Locations.** The displayed merchandise shall occupy a fixed, specifically approved and defined location and shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, or required landscaped areas or block pedestrian walkways.
- D. **Outdoor Vending Machines Prohibited.** Outdoor vending machines other than those for the sale of newspapers is prohibited.

17.20.190 Personal Services

Personal service establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. unless otherwise specified in a Use Permit.
- B. **Fortune, Palm, and Card Reader.** Fortune, palm, and card reader establishments shall be located at a minimum of 500 feet from any other such establishment, public park, child day care facility, or school and a minimum of 100 feet from any Residential District.
- C. **Massage Establishments.** Massage establishments shall comply with Chapter 5.24, Massage Establishments, of the Newark Municipal Code. Establishments, including sole proprietorships,

which offer massage in exchange for compensation that do not comply with Chapter 5.24, Massage Establishments, of the Newark Municipal Code are prohibited.

- D. **Tattoo or Body Modification Parlor.** The following standards regulate the operation of facilities that perform tattooing and body modification to provide for the health, safety and welfare of the public and ensure compliance with California Health and Safety Code Section 119300 et seq.
1. **Location.** Tattoo and body modification parlors shall be located a minimum of 500 feet from any other such establishment, public park, child day care facility, or school and a minimum of 100 feet from any Residential District.
 2. **Registration Required.** Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the Alameda County Department of Health.

17.20.200 Personal Storage

Personal storage facilities shall be located, developed, and operated in compliance with the following standards:

- A. **Business Activity.** All personal storage facilities shall be limited to inactive items such as furniture and files. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.
- B. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.
- C. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
- D. **Open Storage.** Open storage, outside an enclosed building, shall be limited to vehicles and trailers and screened from public view by building façades or solid fences.
- E. **Exterior Wall Treatments and Design.** Exterior walls visible from a public street or Residential District shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps,” attractive posts, or similar measures. A gate(s) shall be decorative iron or similar material.
- F. **Screening.** Where screening walls are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar material. The walls shall include architectural relief through variations in height, the use of architectural “caps,” attractive posts, or similar measures. All gates shall be decorative iron or similar material.
- G. **Perimeter Wall.** A six-foot-high screening shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier. The wall shall be located outside the required front setback and a minimum of four feet from a street lot line.

17.20.210 Recycling Facilities

Recycling facilities shall be located, developed, and operated in compliance with the following standards:

A. Reverse Vending Machines.

1. **Accessory Use.** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary commercial or public/semi-public use on the same site.
2. **Location.** Machines shall be located within the same building as the permitted commercial or public/semi-public use. Machines shall not be located within 50 feet of a Residential District or 1,000 feet of any business that sells alcohol. Machines shall not be located outdoors.
3. **Identification.** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, the identity and phone number of the operator or responsible person to call if the machine is inoperative, and a notice stating that no material shall be left outside of the reverse vending machine.
4. **Signs.** The maximum sign area on a machine is four square feet, exclusive of operating instructions.
5. **Trash Receptacle.** Machines shall provide a 40-gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.

B. Recycling Collection Facilities.

1. **Size.** Recycling collection facilities shall not exceed a building site footprint of 350 square feet or include more than three parking spaces (not including space periodically needed for the removal or exchange of materials or containers).
2. **Equipment.** No power-driven processing equipment, except for reverse vending machines, may be used.
3. **Location.** Facilities shall not be located within 50 feet of a Residential District or within 1,000 feet of any business that sells alcohol.
4. **Setback.** Facilities shall be set back at least 10 feet from any street lot line and not obstruct pedestrian or vehicular circulation.
5. **Containers.** Containers shall be constructed of durable waterproof and rustproof material and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule.
6. **Identification.** Containers shall be clearly marked to identify the type of accepted material, hours of operation, the identity and phone number of the operator or responsible person to call if the machine is inoperative, and a notice stating that no material shall be left outside.
7. **Signs.** The maximum sign area shall be 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Director may authorize

increases in the number, size and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.

8. **Parking.** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless an approved parking study shows available capacity during recycling facility operation.
9. **Site Maintenance.** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.

C. **Recycling Processing Facility.**

1. **Location.** Facilities shall not abut a Residential District.
2. **Screening.** The facility, including all storage and storage containers, shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
3. **Outdoor Storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage, including storage containers, shall not be visible above the height of the required solid masonry walls.
4. **Identification.** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

17.20.220 Residential Care Facilities

Residential care facilities serving seven or more persons shall be located, developed and operated in compliance with the following standards:

- A. **Licensing.** Residential care facilities serving seven or more persons shall be licensed and certified by the State of California and shall be operated according to all applicable State and local regulations.
- B. **Location.** Unless specifically allowed pursuant to a Use Permit approval, residential care facilities serving seven or more persons shall be located on a lot with frontage on an arterial and at least 300 feet from any other residential care facility, day care center, or large family day care home serving seven or more persons.
- C. **Screening.** A periphery wall, constructed of wood or masonry, or landscaping screen shall be provided to screen outdoor use areas and shall achieve 75 percent opacity. Chain metal fencing or barbed wire is prohibited.
- D. **Complaints.** Upon receiving two substantiated complaints from two different residences within one calendar year, the Zoning Administrator shall review the residential care facility operation at a noticed public hearing conducted in accordance with the procedures outlined in Chapter TBD, Common Procedures. The Zoning Administrator may take no action, revoke or modify the permit, or take other actions to address the nuisance.
 1. **Complaint Procedures.** Before submitting a complaint to the City pursuant to this subsection, a complainant shall first submit to the operator of the residential care facility a written complaint, signed by the complainant and setting forth the complainant's address and telephone number. If after 14 days from the submittal of a complaint to the operator, the complainant remains dissatisfied with the performance of the residential

care facility, the complaint may then be submitted to the Community Development Department, including the original complaint letter, and documentation of any and all contact with the operator to resolve the issues identified in the original complaint. The Community Development Department shall investigate complaints within 14 days of receipt of the complaint to determine their validity.

2. **Substantiated Complaint.** A complaint shall be considered substantiated if the Zoning Administrator determines that the operator has failed to respond appropriately to a complaint concerning hours, traffic and circulation, or noise.

17.20.230 Single Room Occupancy Units

Single room occupancy (SRO) units shall be located, developed, and operated in compliance with the following standards:

- A. **Maximum Occupancy.** Each SRO living unit shall be designed to accommodate a maximum of two persons.
- B. **Minimum Size.** An SRO living unit shall have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 400 square feet.
- C. **Minimum Width.** An SRO of one room shall not be less than 12 feet in width.
- D. **Entrances.** All SRO units shall be independently accessible from a single main entry, excluding emergency and other service support exits.
- E. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a small refrigerator; and cabinets for storage.
- F. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the Building Code for congregate residences with at least one full bathroom per floor.
- G. **Closet.** Each SRO unit shall have a separate closet.
- H. **Common Area.** Common area in an amount equal to 10 square feet per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet in area of interior common space shall be provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.
- I. **Tenancy.** Tenancy of SRO units shall be limited to 30 or more days.
- J. **Facility management.** An SRO Facility with 10 or more units shall provide full-time on-site management. An SRO Facility with less than 10 units shall provide a management office on-site.
- K. **Management Plan.** A management plan shall be submitted with the permit application for all SRO projects. At minimum, the management plan shall include the following:

1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
2. **Management Policies.** Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
3. **Rental Procedures.** All rental procedures, including weekly and monthly tenancy requirements;
4. **Staffing and Services.** Information regarding all support services, such as job referral and social programs; and
5. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

17.20.240 Solar Energy Systems

Solar energy systems shall be located, developed, and operated in compliance with the following standards:

- A. **Height.**
 1. **Ground-Mounted Solar Energy Systems.** The maximum height of a ground-mounted solar energy collector system is 25 feet or the maximum height allowed in the base zoning district, whichever is less.
 2. **Roof-Mounted Solar Energy Systems.** Solar energy systems may extend up to five feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the district in which it is located.
- B. **Required Setback.** Installations less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other installations shall meet the required setback of the base zoning district.
- C. **Required Permit.** Solar energy systems are allowed in all districts. A Use Permit is required for certain ground-mounted solar energy systems as follows:
 1. **RP District.** In the RP District, roof-mounted solar energy systems are allowed, ground-mounted solar energy systems require Conditional Use Permit approval.
 2. **Other Districts.** In districts other than the RP District, roof-mounted solar energy systems and ground-mounted solar energy systems located over a parking area are allowed. Ground-mounted solar energy systems that are not located over a parking area require Minor Use Permit approval.

17.20.250 Telecommunication Facilities

- A. **Applicability and Exemptions.** The requirements of this section apply to all telecommunication facilities that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:

1. Licensed amateur (ham) radio and citizen band operations.
2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
3. Emergency services radio.
4. Radio and television mobile broadcast facilities.
5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
6. A single ground- or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this Ordinance, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:
 - a. *Residential Districts.*
 - i. Satellite Dish One Meter or Less. A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the Residential District so long as it does not exceed the height of the ridgeline of the primary structure on the same parcel.
 - ii. Satellite Dish Greater than One Meter. A satellite dish that is greater than one meter in diameter, is not located within a required front yard or side yard abutting a street, and is screened from view from any public right-of-way and adjoining property.
 - iii. Antennas. An antenna that is mounted on any existing building or other structure that does not exceed 25 feet in height. The antenna shall be for the sole use of a resident occupying the same residential parcel on which the antenna is located.
 - b. *Nonresidential Districts.*
 - i. Satellite Dish Two Meters or Less. A satellite dish that does not exceed two meters in diameter is permitted anywhere on a lot in a nonresidential district so long as the location does not reduce required parking, diminish pedestrian or vehicular access, or require removal of required landscaping.
 - ii. Satellite Dish Greater than Two Meters. A satellite dish that is greater than two meters in diameter that is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.
 - iii. Mounted Antennas. An antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed a height of 30 feet, or 25 feet if located within 20 feet of a Residential district.
 - iv. Freestanding Antennas. A free standing antenna and its supporting tower, pole, or mast that complies with all applicable setback

requirements when the overall height of the antenna and its supporting structure does not exceed a height of 30 feet or 25 feet if located within 20 feet of a Residential district.

- v. Undergrounding Required. All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.
7. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
8. Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this section and will have little or no change in the visual appearance of the facility.

B. Permit Requirements

1. ***Stealth Facilities.*** Stealth facilities in which the antenna, and sometimes the support equipment, are hidden from view in a structure or concealed as an architectural feature, are permitted in all districts subject to Conditional Use Permit approval.
2. ***Co-located Facilities.*** Permitted by right when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.
3. ***Non-stealth Facilities.*** Permitted in the LI District and GI District subject to Conditional Use Permit approval.

C. Standards. Telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.

1. ***Location and Siting.***
 - a. No new freestanding facility, including a tower, lattice tower, or monopole, shall be located within 1,000 feet of another freestanding facility, unless appropriate camouflage techniques have been used to minimize the visual impact of the facility to the extent feasible, and mounting on a building or co-location on an existing pole or tower is not feasible.
 - b. All wireless telecommunication facilities shall meet the building setback standards of the district which they are to be located.
 - c. When feasible, providers of personal wireless services shall co-locate facilities in order to reduce adverse visual impacts. The Director may require co-location or multiple-user wireless telecommunication facilities based on a determination

that it is feasible and consistent with the purposes and requirements of this section.

- d. When determined to be feasible and consistent with the purposes and requirements of this section, the Director shall require the applicant to make unused space available for future co-location of other telecommunication facilities, including space for different operators providing similar, competing services.

2. **Support Structures.** Support structures for telecommunication facilities may be any of the following:

- a. An existing nonresidential building.
- b. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.
- c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.
- d. Existing publicly-owned and operated monopole or a lattice tower exceeding the maximum height limit.
- e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for co-location of at least one other similar communications provider.
- f. A monopole mounted on a trailer or a portable foundation if the use is for a temporary communications facility.

3. **Height Requirements.**

- a. *Freestanding Antenna or Monopole.* A freestanding antenna or monopole shall not exceed the height limit of the district in which it is located.
- b. *Building-Mounted Facilities.* Building-mounted telecommunication facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building or structure, whichever is lower, measured from the top of the facility to the point of attachment to the building.
- c. *Facilities Mounted on Structures.* Telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of an electric utility pole.

- d. *Facilities Mounted on Light Poles.* A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.
4. **Design and Screening.** Telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible.
- a. *Stealth Facilities.* State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application.
 - b. *Other Facility Types.* If a stealth facility is not feasible, the order of preference for facility type is, based on their potential aesthetic impact: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.
 - c. *Minimum Functional Height.* All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location.
 - d. *Camouflage Design.* Telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building or structure.
 - e. *Equipment Cabinets.* Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.
 - f. *Landscaping.* Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way.
 - g. *Lighting.* Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.
 - h. *Advertising.* No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.

5. **Security Features.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
 - a. *Fencing.* Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.
 - b. *Maintenance.* The permittee shall be responsible for maintaining the site and facilities free from graffiti.
6. **Radio Frequency Standards, Interference, and Noise.**
 - a. *Radio Frequency.* Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.
 - b. *Interference.* Telecommunications facilities shall not interfere with public safety radio communications.
 - c. *Noise.* Telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 a.m. to 10:00 p.m. and 40 dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any nonresidential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 5:00 p.m.
7. **Co-location.** The applicant and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in co-locating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.
 - a. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at applicant's expense. The City may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.
 - b. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary

appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.

- c. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.
 - d. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this section is grounds for denial of a permit request or revocation of an existing permit.
8. **Fire Prevention.** All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.
- a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.
 - b. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.
 - c. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
 - d. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.
9. **Surety Bond.** As a condition of approval, an applicant for a building permit to erect or install a telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Attorney to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.

D. Required Findings

1. **General Findings.** In approving a telecommunication facility, the decision-making authority shall make the following findings:
- a. The proposed use conforms with the specific purposes of this section and any special standards applicable to the proposed facility;
 - b. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location;
 - c. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and
 - d. The proposed facility will not be readily visible or it is not feasible to incorporate additional measures that would make the facility not readily visible.
2. **Additional Findings for Facilities Not Co-Located.** To approve a telecommunication facility that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower the decision-making authority shall find

that co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal consideration including that such siting:

- a. Would have more significant adverse effects on views or other environmental considerations;
 - b. Is not permitted by the property-owner;
 - c. Would impair the quality of service to the existing facility; or
 - d. Would require existing facilities at the same location to go off-line for a significant period of time.
3. **Additional Findings for Setback Reductions.** To approve a reduction in setback, the decision-making authority shall make one or more of the following findings:
- a. The facility will be co-located onto or clustered with an existing, legally established telecommunication facility; and/or
 - b. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
4. **Additional Findings for Any Other Exception to Standards.** The Planning Commission may waive or modify requirements of this section upon finding that strict compliance would result in noncompliance with applicable federal or State law.
- E. **Vacation and Removal of Facilities.** The service provider shall notify the Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

17.20.260 Temporary Uses

This section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

- A. **Temporary Uses Not Requiring a Use Permit.** The following types of temporary uses may be conducted without a Use Permit. Other permits, such as Building Permits, may be required.
1. **Garage and Yard Sales.** Sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.
 - a. No more than two garage/yard sales shall be conducted on a site in any calendar year.
 - b. No single sale event shall be conducted for longer than three consecutive days.
 - c. Garage sales shall not be held for more than two consecutive weekends. Each weekend that sales are conducted constitutes a single sale event.
 - d. Garage sales shall be conducted between the hours of 8:00 a.m. and 7:00 p.m.
 - e. A maximum of four off-site directional signs, not to exceed 18 inches by 24 inches, shall be permitted. Signs may be displayed only during the hours the garage sale

is actively being conducted and shall be removed at the completion of the sale. No signs shall be placed on utility poles or in the public right-of-way.

- f. The display of property for sale shall be located at least five feet from the property line.
 2. **Non-Profit Fund Raising.** Fund raising sales for up to three days per event is permitted on a site by a non-profit organization, not to be conducted more frequently than three times per year per site.
 3. **Temporary Construction Office Trailers.** On-site temporary construction offices during the period of construction. Screening may be required by the Director.
 4. **Sales Offices and Model Homes.** Model homes with sales offices and temporary information/sales offices in new residential developments are subject to the following requirements.
 - a. *Time Limits.*
 - i. Temporary Sales Office. A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of six months or completion of the first phase of the development, whichever occurs first.
 - ii. Model Homes. Model homes may be established and operated for a term period of four years or until completion of the sale of the lots or units, whichever comes first. One year extensions may be approved by the Zoning Administrator until the sale of all lots/residences is completed.
 - b. *Location of Sales.* Real estate sales conducted from a temporary sales office are limited to sales of lots or units within the development.
 - c. *Return to Residential Use.* Prior to the sale of any of the model homes as a residence, any portion used for commercial purposes shall be converted to its intended residential purpose.
- B. **Temporary Uses Requiring a Minor Use Permit.** Other temporary uses may be permitted with Minor Use Permit approval, subject to the following.
1. **Standards.** Temporary uses authorized through a Minor Use Permit are subject to the following standards. Additional or more stringent requirements may be established through the Minor Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.
 - a. *Mobile Vendor Services.* Mobile vendor services may be permitted in accordance with the following standards.
 - i. Display of Permits. The mobile vendor shall display current business tax certificate, health department permit (and decal), and mobile vending permit in plain view and at all times on the exterior of the vending vehicle.
 - ii. Type of Vehicle. The mobile vending vehicle shall be a self-propelled vehicle maintained in operating condition at all times. The vehicle shall

- not become a fixture of the site and shall not be considered an improvement to real property.
- iii. Products. Operations are limited to the sales of food and beverage items for immediate consumption.
 - iv. Site Condition. The site shall be maintained in a safe and clean manner at all times. Exterior storage of refuse, equipment or materials associated with the mobile vending service is prohibited.
- b. *Seasonal Sales.* The annual sales of holiday related items such as Christmas trees, pumpkins and similar items may be permitted in accordance with the following standards:
- i. Time Period. Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday. Christmas tree sales are allowed from Thanksgiving Day through December 31st.
 - ii. Goods, Signs and Temporary Structures. All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.
- c. *Special Events and Sales.* Other short term special events that do not exceed three consecutive days, may be permitted in accordance with the following standards:
- i. Location. Events are limited to nonresidential districts.
 - ii. Number of Events. No more than four events at one site shall be allowed within any 12-month period.
 - iii. Signs. Outdoor uses may include the addition of one nonpermanent sign up to a maximum size of four square feet in area.
 - iv. Existing Parking. The available parking shall not be reduced to less than 66 percent of the minimum number of spaces required by Chapter TBD, Parking and Loading.
 - v. Time Limit. When located adjacent to a Residential District, the hours of operation shall be limited to 9:00 a.m. to 7:00 p.m.
 - vi. Temporary Outdoor Sales. Temporary outdoor sales—including, but not limited to, grand opening events, and other special sales events—are also subject to the following standards:
 - (1) Temporary outdoor sales shall be part of an existing business on the same site.
 - (2) Outdoor display and sales areas shall be located on a paved or other approved hard surfaced area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
 - (3) Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways,

pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

2. **Application.** An application for a Minor Use Permit for a temporary use shall be submitted at least 20 days before the use is intended to begin. The application shall be on the required form and shall include the written consent of the owner of the property or the agent of the owner.
 3. **Required Findings.** The Community Development Director may approve an application for a temporary use only upon making both of the following findings:
 - a. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and
 - b. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.
 4. **Conditions of Approval.** In approving a Minor Use Permit for a temporary use, the Director may impose reasonable conditions deemed necessary to ensure compliance with the findings listed above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs, sign supports, and temporary structures and electrical service. The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- C. **Temporary Uses Requiring a Conditional Use Permit.** Other temporary events and special events, outdoor sales, and displays that exceed three consecutive days, may be allowed with the approval of a Conditional Use Permit so long as they are not intended to extend longer than one month and they are determined to not impact neighboring uses or otherwise create significant impacts.

17.20.270 Tobacco Retailers

Tobacco retailers shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Tobacco retailers shall be located a minimum of 1,000 feet from any other such establishment, public park, child day care facility, or school.
- B. **Access to Merchandise.** Products shall be secured so that only store employees have immediate access to the tobacco products and/or tobacco paraphernalia. Self-service displays are prohibited.
- C. **Advertising and Display of Tobacco Products.** Tobacco retailers shall comply with local, state and/or federal laws regarding sales, advertising or display of tobacco products, including, posting a sign prominently near the cash register or other point of sale, the legal age to buy tobacco products and checking the identification of all purchasers to ensure they are of legal age.

- D. **Selling or Exchange of Tobacco Products.** No minor person may sell or exchange tobacco products.
- E. **Sales to Minors.** Tobacco products shall not be given or sold to minors.

Use Classifications

Chapter 17.34 Use Classifications

17.34.010 Residential Uses

Residential Housing Types.

Single-Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household with private yards on all sides. This classification includes individual manufactured housing units.

Single-Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except an accessory dwelling unit, where permitted), and is attached through common walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a “townhouse” or a “condominium”.

Two-Unit Dwelling. A residential building containing two dwelling units, both of which are located on a single parcel (also referred to as a “duplex” or “two-flat”.) The dwelling units are attached and may be located on separate floors or side-by-side.

Multi-Unit Development. Three or more attached or detached dwelling units on a single lot. Types of multi-unit development include townhouses, multiple detached residential units, and apartment buildings.

Accessory Dwelling Unit. An attached or detached residential dwelling unit that is subordinate to a principal dwelling unit on the same lot, and that provides complete independent living facilities for one or more persons.

Caretaker Unit. A dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by employees and their immediate families employed for the purpose of on-site management, maintenance, or upkeep. Also business guests/employees on temporary assignment are allowed to reside in the unit.

Family Day Care. A day care facility licensed by the State of California, located in a residential unit where resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

Large. A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories and other types of organizational

housing, private residential clubs, and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels, Motels, and Residential Care Facilities.

Residential Care Facilities. A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes those both for and not-for-profit institutions, but excludes Supportive Housing and Transitional Housing.

Small. A facility that is licensed by the state of California to provide care for six or fewer persons.

Large. A facility that is licensed by the state of California to provide care for more than six persons.

Residential Facility, Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

Single Room Occupancy. A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, are rented to one or two-person households for a weekly or monthly period of time. This use classification is distinct from a Hotel or Motel, which is a commercial use.

Supportive Housing. Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

Transitional Housing. Transitional housing is housing that has a predetermined end point in time, and operated under a program that requires the termination of assistance, in order to provide another eligible program recipient to the service. The program length is usually no less than six months.

17.34.020 Public/Semi Public Uses

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious, or professional nature, granting degrees and including junior colleges, business and computer schools, management training, technical and trade schools, however excluding personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings, including community centers, union halls, meeting halls, and other membership organizations. Included in this classification is the use of functionally

related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.

Community Garden. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households but not including on-site sales.

Cultural Institutions. An institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts centers for performances and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens, all of which are public or private. This does not include schools or institutions of higher education providing curricula of a general nature.

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment (see Public Utilities).

Hospital and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

Hospitals. A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. The institutions are to be licensed by the state of California to provide surgical and medical services.

Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need requires the availability of skilled nursing care on an extended basis. The facility provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction.

Park and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

Parking Lots and Structures. Surface lots and structures offering parking for a fee when such use is not incidental to another on-site activity.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

Schools. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Social Service Facilities. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Facility), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

Tutoring Facilities. Facilities offering academic instruction to individuals or to groups in a classroom setting where an adult accompanies a minor. Facilities where minors are not accompanied by adults are classified as Day Care Centers.

17.34.030 Commercial Uses

Adult Business. An establishment of concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

Animal Care, Sales, and Services. Retail sales and services related to the boarding, grooming, and care of household pets including:

Animal Sales and Grooming. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

Boarding/Kennels. A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining dogs, cats, or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care, and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming service.

Veterinary Services. Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

Artist's Studio. Work space for an artist or artisan including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This use is distinguished by incidental retail sales of items produced on the premises and does not include Live-Work units.

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles including the following:

Automobile Rentals. Establishment providing for the rental of automobiles. Typical uses include car rental agencies.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies

Automobile/Vehicle Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

Large Vehicle and Equipment Sales, Service and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities. Sales of new or used automobiles or trucks are excluded from this classification.

Service and Gas Stations. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. This classification includes “mini-marts” and/or conveniences stores that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles where such sale is by means other than vending machines.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Banks and Financial Institutions.

Banks and Credit Unions. Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions, but excluding check cashing businesses.

Check-Cashing Businesses. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money order incidental to their main purpose or business.

Banquet Hall. A facility accommodating gatherings, assembly, entertainment, and related support facilities (e.g., kitchens, offices, etc.) for special events or occasions.

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photofinishing, model building, taxi or delivery services with two or fewer fleet vehicles on-site.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public. These classifications may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Cinema/Theaters. Any facility for the indoor display of films and motion pictures on single or multiple screens. This classification may include incidental food and beverage service to patrons as well as auditoriums within buildings.

Indoor Sports and Recreation. Establishments providing predominantly participant sports, indoor amusement and entertainment services conducted within an enclosed building, including coin-operated electronic amusement centers. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice and roller skating rinks, indoor racquetball courts, athletic clubs, and physical fitness centers.

Outdoor Entertainment. Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

Outdoor Recreation. Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges, and riding stables.

Drive-Through Facility. A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and film deposit/pick-up establishments, but shall not include drive-in movies, service stations, or car-wash operations.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This use includes micro-breweries where alcoholic beverages are sold and consumed on site and any food service is subordinate to the sale of alcoholic beverages.

Restaurant, Full Service. Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Take-out service may also be provided.

Restaurant, Limited Service. Establishments where food and beverages are consumed on the premises, taken out, or delivered, but where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products as well as bakery product plants. It excludes catering services that do not sell food or beverages for on-site consumption.

Restaurant, Take-Out Only. Restaurants where food and beverages are prepared on a customer-demand basis and can be taken out or delivered, but are not consumed on the premises. No seating or other facilities for on-premises dining are provided.

Farmer's Markets. Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

Food Preparation. Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, retail bakeries, and small-scale specialty food production.

Funeral Parlors and Interment Services. An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Hookah Lounge. Any business which primarily serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, share the tobacco or non-tobacco products from a hookah, water pipe, or similar device.

Live-Work Units. A unit that combines a work space and an integrated dwelling unit. It is occupied by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building regulations. The working space is reserved for and regularly used by one or more occupants of the unit.

Lodging.

Hotels. An establishment providing overnight lodging to transient patrons where rooms open only to the interior of the building. Hotels may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public.

Motels. An establishment providing overnight lodging to transient patrons designed primarily for motorists, typically with parking directly outside of room doors. Rooms may open to the exterior of the building. Motels may provide recreation facilities available to guests but generally do not provide conference and meeting rooms, restaurants, or bars.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of motor vehicles (see Automotive/Vehicle Sales and Services) and personal apparel (see General Personal Services).

Mobile Vendor. A self-contained truck or trailer or non-motorized push cart that is readily movable without disassembling, and is used to sell merchandise, prepare and serve food and beverages, or provide other services.

Nurseries and Garden Center. Any establishment(s) primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. This classification includes commercial and wholesale greenhouses and nurseries offering plants for sale.

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics or independent research laboratory facilities (see Research and Development) and hospitals.

Business, Professional, and Technology. Offices of firms, organizations, or agencies providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office (see Offices, Walk-In Clientele).

Medical and Dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Walk-In Clientele. Offices providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (see Banks and Financial Institutions).

Personal Services.

General Personal Services. An establishment providing non-medical services to individuals as a primary use, of personal convenience, as opposed to products that are sold to individual consumers, or from/by companies. Personal services include barber and beauty shops, shoe and luggage repair, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, and similar services.

Fortune, Palm, and Card Reader. An establishment providing any type of fortune telling, palm or card reading, psychic services, future telling, spirit communication, and/or any other related type of trade, donation, or compensation, retail or otherwise.

Massage Establishments. Any establishment having a fixed place or business where any person engages in or carries on or permits to be engaged in or carried on any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Such establishment shall have health enhancement as part of its purpose. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-

licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California.

Tattoo or Body Modification Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Retail Sales.

Building Materials Sales and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area or plant nurseries.

Convenience Markets. Establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These include various general retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, convenience markets, and drugstores.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, liquor stores, and retail bakeries.

Gold, Semi-Precious, Precious Metal Buying Stores. Any establishment that buys, sells, ships, melts or changes/modifies gold, semi-precious or precious metals from consumers or other merchants.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

Pawn Store. A business that receives goods in pledge as security for a loan.

Secondhand Store. Any establishment whose business includes buying, selling, trading, selling on consignment, or auctioning secondhand tangible personal property. Tangible personal property

shall be defined as stated in the California Business and Professions Code. Acceptance of donated material and goods are not allowed.

Tobacco Retailer. Any establishment that either devotes 20 percent or more of floor area or display area to, or derives 75 percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia, including, but not limited to, cigarettes, cigars, tobacco, electronic cigarettes, hookah supplies, or other smoke related accessories and supplies.

17.34.040 Industrial Uses

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Custom Manufacturing. Any establishment primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops, woodworking, and custom jewelry manufacturers.

Donation Center/Station. A facility where materials and goods donated, accepted for sale on consignment or auction, or otherwise dropped off. Includes sorting and distribution of goods and materials.

Food and Beverage Manufacturing. Establishments engaged in the production, processing, packaging or manufacturing of food or beverage products for off-site consumption.

Small Scale. A small scale food and beverage products manufacturing may include wholesale or retail sales. It is characterized by local or regional products, specialty or artisanal foods, in facilities less than 5,000 square feet. Examples include small coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, meat or fish processing, and wholesale bakeries.

Large Scale. A large scale food and beverage manufacturing is characterized by a national or international distribution network, and the production of mass-produced products in a facility over 5,000 square feet.

General Industrial. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations, such as biomass energy conversion, commercial advertising manufacturing, electrical appliance and explosive manufacturing, film/food and beverage processing, production apparel manufacturing, photographic processing plants, leather and allied product manufacturing, wood product manufacturing, paper manufacturing, chemical manufacturing, medical/pharmaceutical manufacturing, plastics and rubber products manufacturing, nonmetallic mineral product manufacturing, primary metal manufacturing, fabricated metal product manufacturing, and automotive and heavy equipment manufacturing, and textile mill products.

Light Industrial. Establishments engaged in providing or offering light industrial activities that take place primarily within enclosed buildings and produce minimal impacts on nearby properties. This classification includes manufacturing finished parts or products primarily from previously prepared materials; micro-breweries where retail sales are clearly incidental and no alcoholic beverages are consumed on site;

wineries; commercial laundries and dry cleaning plants; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

Research and Development. A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of experimental products.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Warehousing and Storage. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

Chemical, Mineral, and Explosives Storage. Storage of hazardous materials including but not limited to: pressurized gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor Warehousing and Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. Also includes cold storage, freight moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage. Storage of commercial goods in open lots.

Personal Storage. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials Sales and Services).

17.34.050 Transportation, Communication, and Utility Uses

Airports and Heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance,

storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Communication Facilities. Facilities for the provision of broadcasting and other information-relay services through the use of electronic and telephonic mechanisms.

Facilities within Buildings. Includes radio, television or recording studios, and telephone switching centers.

Telecommunication. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

Freight/Trucking Terminals. Facilities for freight, courier, and postal services. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

Public Works and Utilities. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Collection Facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable or reusable materials but where the processing and sorting of such items is not conducted on-site.

Recycling Processing Facility. A facility that receives, sorts, stores and/or processes recyclable materials.

Transportation Passenger Terminals. Facilities for passenger transportation operations, including rail stations, bus terminals, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

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Appendix A: Zoning District Correspondence Table

PROPOSED ZONING DISTRICTS			
Proposed Zoning District		General Plan Land Use Designation	Existing Zoning
<i>Residential Districts</i>			
RS	Residential Single Family	Low Density Residential	R-10,000; R-8,000; R-7,000; R-6,000
RL	Residential Low Density	Low-Medium Density Residential	R-2,500; LDR-FBC
RM	Residential Medium Density	Medium Density Residential	R-2,500; R-1,500; MDR-FBC
RH	Residential High Density	High Density Residential	R-1,500; RH; MHDR-FBC, HDR-FBC
<i>Commercial and Mixed Use Districts</i>			
NC	Neighborhood Commercial	Neighborhood Commercial	NC, CG
CMU	Commercial Mixed Use	Commercial Mixed Use	CMU, CMUL
CR	Commercial Retail	Community Commercial	R-FBC
CC	Community Commercial	Community Commercial	CC
RC	Regional Commercial	Regional Commercial	CR, CVR
<i>Employment Districts</i>			
PO	Professional Office	Office Commercial	CPA, C-FBC
BTP	Business and Technology Park	Special Industrial	MP, MT, MT-1
LI	Limited Industrial	Limited Industrial	ML, CI
GI	General Industrial	General Industrial	MG
<i>Public and Semi-Public Districts</i>			
PF	Public Facilities	Public-Institutional	None
TS	Transit Station	Public-Institutional	TS-FBC
PK	Park	Parks and Recreation Facilities	PO, POS-FBC
OS	Open Space	Conservation-Open Space	OC
<i>Resource Production District</i>			
RP	Resource Production	Salt Harvesting, Refining, and Production	AG