



# CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, California 94560-3796 □ 510/578-4330 □ FAX 510/578-4265

City Administration Building  
7:30 p.m.  
City Council Chambers

## **AGENDA**      Tuesday, May 8, 2018

**A. ROLL CALL**

**B. MINUTES**

**B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, April 24, 2018. (MOTION)**

**C. WRITTEN COMMUNICATIONS**

**D. ORAL COMMUNICATIONS (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)**

**E. PUBLIC HEARINGS**

**E.1 Hearing to consider Z-18-4, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to revise various sections including Ch. 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 & 17.46, generally affecting land uses, heights, landscaping, signs, parking and various other development standards – from Deputy Community Development Director Interiano. (RESOLUTION)**

**F. STAFF REPORTS**

**G. COMMISSION MATTERS**

**G.1 Report on City Council actions.**

**H. ADJOURNMENT**

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and at the Planning Division Counter located at 37101 Newark Boulevard, 1st Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

# CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4330 • FAX 510-578-4265

City Administration Building  
7:30 p.m.  
City Council Chambers

## MINUTES

Tuesday, April 24, 2018

### A. ROLL CALL

At 7:30 p.m., Chairperson Fitts called the meeting to order. All Planning Commissioners were present.

### B. MINUTES

#### B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, March 27, 2018.

Vice-Chairperson Aguilar moved, Commissioner Bridges seconded, to approve the Minutes of March 27, 2018. The motion passed 5 AYES.

### C. WRITTEN COMMUNICATIONS

None.

### D. ORAL COMMUNICATIONS

Mr. Jonathan Partida, 8136 Idlewild Court, Newark, CA 94560, requested a lower speed limit by Bunker Elementary School at the intersection of Smith Avenue and Cherry Street. Assistant City Manager Grindall stated he will inform the City Council of Mr. Partida's concerns.

### E. PUBLIC HEARINGS

None.

### F. STAFF REPORTS

#### F.1 DR-18-4, a Design Review, for 4 new advanced manufacturing buildings at 7380 Morton Avenue, location of the former Morton Salt Plant (APNs 537075100603, 537075100604, 092021300201, 092021300300, 092021200201, 092021100201 and 092021000201).

ACM Grindall stated this project is a nondiscretionary design review that complies with City regulations.

Associate Planner Mangalam gave the staff report via a PowerPoint presentation.

Answering Chairperson Fitts, ACM Grindall described an actuated-uncoordinated signal.

Answering Chairperson Fitts, ACM Grindall discussed construction timing for a previously approved overcrossing and stated the construction would not impact this project.

Answering Commissioner Bridges, ACM Grindall confirmed the City's Landscape Engineer is the approving authority of the Landscape Plans.

Responding to Vice-Chairperson Aguilar's previous question, AP Mangalam stated the Impact Fees for this project, not including the Community Development Impact Fees, is approximately \$2.1 million.

Applicant Timur Tecimer, 19300 S. Hamilton, Gardena, CA 90248, stated he has read and agrees to the conditions stated in the Resolution prepared for the City Council.

Mr. Tecimer presented a marketing video.

Answering Vice-Chairperson Aguilar, Mr. Tecimer estimates grading would commence on August 1, 2018 and all of the manufacturing buildings would be built by May 2019.

Answering Commissioner Nillo, Mr. Tecimer stated the target tenants would be high-end manufacturing companies from the Peninsula or local companies needing to expand their operations.

Answering Commissioner Nillo, Mr. Tecimer stated the skylights would make rooftop landscaping too difficult.

Answering Commissioner Otterstetter, Mr. Tecimer described "super parking" and stated he does not envision 24/7 manufacturing taking place.

Answering Commissioner Otterstetter, ACM Grindall stated the Traffic Study looks at worse case peak traffic scenarios.

Motion by Commissioner Otterstetter, seconded by Commissioner Nillo, recommending City Council approve Exhibit A, pages 1 through 20, for DR-18-4, Design Review for four new advanced manufacturing buildings at 7380 Morton Avenue (APNs: 537-0751-006-03, 537-0751-006-04, 092-0213-002-01, 092-0213-003-00, 092-0212-002-01, 092-0211-002-01 and 092-0210-002-01). Motion passed 5 AYES.

**G. COMMISSION MATTERS**

**G.1 Report on City Council actions.**

ACM Grindall announced the Civic Center project was approved and the presentation is available for viewing on the City's website.

Commissioners' Comments

Commissioner Nillo wished the Golden State Warriors well during the playoffs.

**H. ADJOURNMENT**

At 8:11 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, April 24, 2018.

Respectfully submitted,



TERRENCE GRINDALL  
Secretary



E. 1 Hearing to consider Z-18-4, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to revise various sections including Ch. 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 & 17.46, generally affecting land uses, heights, landscaping, signs, parking and various other development standards— from Deputy Community Development Director Interiano. *Adk.*

(RESOLUTION)

**Background/Discussion** – A zoning text amendment is proposed to require additional parking spaces for proposed multi-unit developments which have the potential to have an adverse impact on single family areas. The City of Newark is a suburban area where its residents are heavily dependent on their automobiles and thus our current parking ratios are not typically sufficient in multi-unit developments because of a higher amount of vehicles associated to each unit. Also, single family homes typically have the added benefit of street parking in front of their home and large driveways which can also accommodate additional parking. The increased parking ratios would assist in mitigating the impacts of additional parking demands.

Staff is requesting an increase in guest parking ratios for multi-unit projects which are within 300 feet of single family districts. Projects within the 300 ft. radius that provide extra parking through driveway aprons or are approved by a Specific Plan would have reduced parking standards. Projects outside the 300 ft. radius would be required to meet the current standard.

**Summary of Changes:**

**Section 17.23.040 Parking Table**

Residential Uses	Existing Guest Parking	Proposed Guest Parking
Two-Unit Dwellings	None	1 Space/Unit
Multi-Unit Dwellings	1 Per Project, Plus 1 for Each 4 Units	1 Per Unit, unless the project is located 300 feet from RS and RL districts, or units have driveway aprons or the project is located in a Specific Plan which will then require 1 space plus .25 per unit

**Example:**

- A 30-unit apartment complex with 2 bedroom units: The existing code would require 69 parking space; the proposed code would require 90 spaces if located within 300 feet of a Residential Single Family (RS) and Residential Low Density (RL) district.

In addition to the proposed parking standards discussed above, staff is recommending additional changes that address deficiencies or unclear language that has been identified through the process of implementing the new Zoning Ordinance adopted earlier this year. A narrative of the changes and their respective sections are listed below:

- 17.07.020-Allow Community Assembly with a CUP in RS District.
- 17.07.030-Require a MUP for height over 35 ft. in RM and RH Districts.
- 17.08.020-Require a MUP for a Drive-Thru in CC and RC Districts.
- 17.10.020-Require a MUP for unmanned aircraft activity in PK and OS Districts.
- 17.13.040.B-Reduce Paseo distance from 19' to 16' ft. in FBC District.
- 17.17.020.D.2-Limit accessory structures to 25% of principal structure.
- 17.17.040.B-Clarify fence restrictions and require a MUP for additional height.
- 17.17.070-Limit storage of inoperable vehicles in Residential Districts.
- 17.21.050.A.3.c-All required trees shall be 24" box instead of only 25% of site.
- 17.22.030.B-Clarify that screening and parking are not exempt from nonconforming status.
- 17.23.090.D-Change Drive isle width to 25 ft. instead of 20 ft.
- 17.25.060.F-Clarify Cabinet signs are prohibited.
- 17.25.090.B.3-Monument signs shall be limited to a height of 6 ft.
- 17.25.100.B- Clarify all signs require design review.
- 17.26.140.B&E&F-Provides language to revoke a Home Occupation and require license
- 17.26.260.B.2-Increase review time for a special event permit from 20 to 45 days.
- 17.46.120-Add definition of a Lodging House.

**CEQA**-The proposed text amendment is categorically exempt from the California Environmental Quality Act (CEQA) under section 5060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 1506(b)(3) (General Rule that CEQA only applies to project which have the potential to cause a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

**Action** – It is recommended that the Planning Commission, by resolution, recommend that the City Council approve Z-18-4, an Ordinance which includes text amendments to Title 17 (Zoning) of the Newark Municipal Code to revise Ch. 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 & 17.46, generally affecting land uses, heights, landscaping, signs, parking and various other development standards.

#### **Attachment**

1. Resolution
2. Draft Ordinance
3. Exhibit A

RESOLUTION NO.

RESOLUTION RECOMMENDING APPROVAL OF Z-18-4, A TEXT AMENDMENT TO TITLE 17 (ZONING) OF THE NEWARK MUNICIPAL CODE TO REVISE VARIOUS SECTIONS INCLUDING CH. 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 & 17.46, GENERALLY AFFECTING LAND USES, HEIGHTS, LANDSCAPING, SIGNS, PARKING AND VARIOUS OTHER DEVELOPMENT STANDARDS.

WHEREAS, an amendment to various sections including Ch. 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 & 17.46, generally affecting land uses, heights, landscaping, signs, parking and various other development standards;

PURSUANT to Municipal Code Section 17.31.060, a public hearing notice was published in the Tri-City Voice on April 24, 2018, and the Planning Commission held a public hearing on said application at 7:30 p.m. on May 8, 2018 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, the Planning Commission resolves as follows:

- a. That Chapter 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 & 17.46, generally affecting land uses, heights, landscaping, signs, parking and various other development standards be amended;
- b. That the City Council amend Title 17 (Zoning) of the Newark Municipal Code as set forth in Exhibit A, attached hereto and made part hereof by reference.
- c. That a copy of the minutes be forwarded to the City Council as a summary of the hearing.
- d. That the text amendments herein shall be added to the appropriate sections of the Newark Municipal Code, after review and approval by the City Council, when it is next published, with the notation of the date when the amendments became effective.

This Resolution was introduced at the Planning Commission's May 8, 2018 meeting by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed as follows:

AYES:

NOES:

ABSENT:

---

TERRENCE GRINDALL, Secretary

---

BERNIE NILLO, Chairperson



ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING TITLE 17 (ZONING) OF THE NEWARK MUNICIPAL CODE TO REVISE VARIOUS SECTIONS INCLUDING CHAPTERS 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 & 17.46, GENERALLY AFFECTING LAND USES, HEIGHTS, LANDSCAPING, SIGNS, PARKING AND VARIOUS OTHER DEVELOPMENT STANDARDS.

The City Council of the City of Newark does ordain as follows:

Section 1: Pursuant to Section 17.39.070 of Title 17 (Zoning) of the City of Newark Municipal Code, the City Council of the City of Newark does hereby find that the zoning text amendments embodied in this ordinance as set forth in Exhibit A, attached hereto and made a part hereof by reference, is necessary and desirable to achieve the purposes of Title 17 (Zoning) of the Newark Municipal Code, which seeks to amend various zoning districts and development standards.

Section 2: The City Council of the City of Newark does hereby find and declare that the zoning text amendment embodied in this ordinance as set forth in Exhibit A, attached hereto and made a part hereof by reference, is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment, the activity is not subject to CEQA.

Section 3: Title 17 (Zoning) of the Newark Municipal Code is hereby amended as shown in Exhibit A, with ~~strikeout~~ denoting deletions and underline denoting additions.

Section 4: Effective Date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by \_\_\_\_\_ at the regular meeting of the City Council of the City of Newark held on June \_\_\_\_, 2018.

This ordinance was read at the regular meeting of the City Council held June \_\_\_\_, 2018. Council Member \_\_\_\_\_ moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES:

NOES:

ABSENT:

SECONDED:

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## Exhibit A

### 17.07.020 Land Use Regulations

Table 17.07.020, Land Use Regulations-Residential Districts, prescribes the land use regulations for Residential Districts. Use classifications are defined in Chapter 17.45, 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.

<b>TABLE 17.07.020: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS</b>					
<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>
<b>Residential Uses</b>					
Residential Housing Types					
<i>Single-Unit Dwelling, Detached</i>	P	P	P	P	
<i>Single-Unit Dwelling, Attached</i>	-	P	P	P	See Section 17.07.040.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 17.07.040.D, Single Unit Attached and Multi-Unit Development
<i>Accessory Dwelling Unit</i>	P	P	P	P	See Section 17.26.040, Accessory Dwelling Units
Family Day Care					
<i>Small</i>	P	P	P	P	
<i>Large</i>	M	M	M	M	See Section 17.26.090, Day Care
Group Residential	-	-	M	M	
Residential Care Facilities					
<i>Small</i>	P	P	P	P	
<i>Large</i>	-	M	M	M	See Section 17.26.220, Residential Care Facilities
Residential Facility, Assisted Living	-	M	M	M	

<b>TABLE 17.07.020: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS</b>					
<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>
Single Room Occupancy	-	-	-	C	See Section 17.26.230, 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					
<b>Public/Semi-Public Uses</b>					
Community Assembly	C-	C	C	C	
Community Garden	P	P	P	P	See Section 17.26.080, Community Gardens
Cultural Institutions	-	C	C	C	
Day Care Centers	-	C	C	C	See Section 17.26.090, Day Care
Emergency Shelter	-	-	M	P	See Section 17.26.110, 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	
<b>Transportation, Communication, and Utility Uses</b>					
Communication Facilities					
<i>Telecommunication</i>	See Section 17.26.250, Telecommunication Facilities				
Public Works and Utilities	C	C	C	C	
<b>Other Applicable Types</b>					
Accessory Uses and Structures	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses				
Home Occupations	See Section 17.26.140, Home Occupations				
Nonconforming Use	See Chapter 17.22, Nonconforming Provisions				
Solar Energy Systems	See Section 17.26.240, Solar Energy Systems				
Temporary Use	See Section 17.26.260, Temporary Uses				

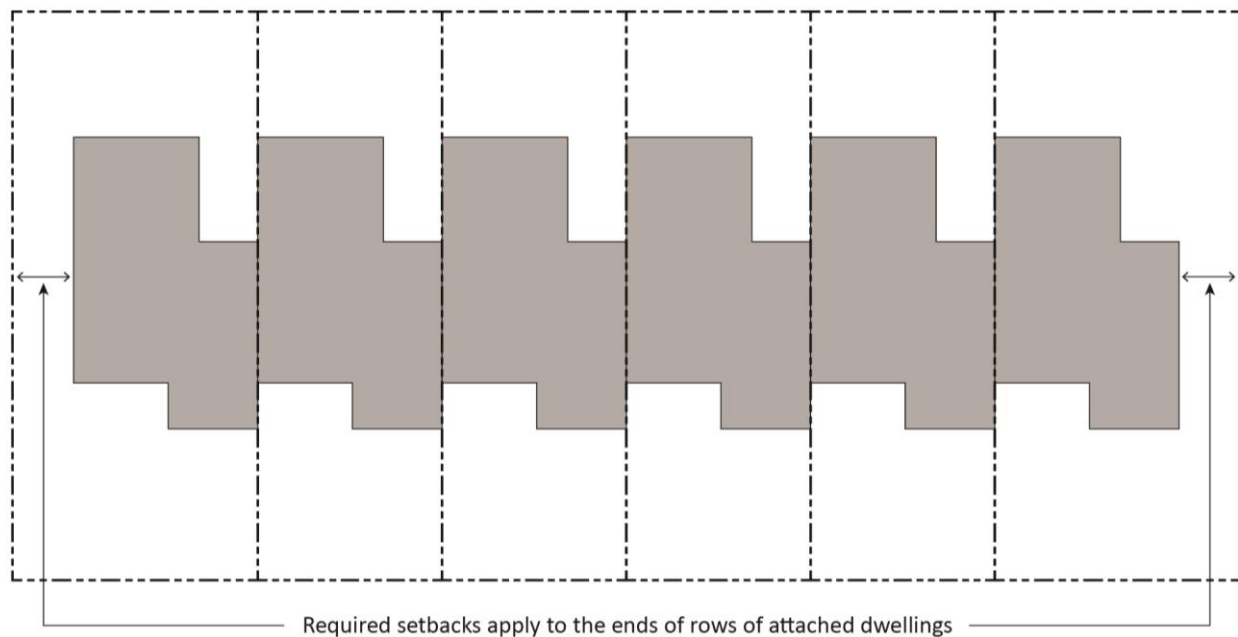
### 17.07.030 Development Standards

Table 17.07.030, 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.

<b>TABLE 17.07.030: DEVELOPMENT STANDARDS-RESIDENTIAL DISTRICTS</b>					
<i>Standard</i>	<i>RS</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>	<i>Additional Regulations</i>
<b>Lot and Density Standards</b>					
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, 3,000 for Single-Unit Dwelling, Detached	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	
<b>Building Form and Location</b>					
Maximum Height (ft)	30	35	75, 35 within 20 ft of an RS or RL District(C)	100, 35 within 20 ft of an RS or RL District(C)	See Section 17.17.050, Height and Height Exceptions. <a href="#">Heights over 35 feet in the RM and RH Districts shall require a Minor Use Permit.</a>
Minimum Setbacks (ft)					
<i>Front</i>	20	20	15	15	See Section 17.17.090, Projections into Yards and Required Building Separations
<i>Interior Side</i>	5	5(B)	5(B)	5(B)	See Section 17.17.090, Projections into Yards and Required Building Separations
<i>Street Side</i>	10	10	8	8	See Section 17.17.090, Projections into Yards and Required Building Separations
<i>Rear</i>	20	15	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations

TABLE 17.07.030: DEVELOPMENT STANDARDS-RESIDENTIAL DISTRICTS					
Standard	RS	RL	RM	RH	Additional Regulations
Distance Between Main Structures (ft)	n/a	n/a	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations
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 Chapter 17.21, 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.
- ~~B.C.~~ **Heights over 35 feet in the RM and RH Districts shall require a Minor Use Permit.**



**FIGURE 17.07.030.B: ATTACHED SINGLE-UNIT DWELLINGS**

**6.D. 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.



**17.08.020 Land Use Regulations**

Table 17.08.020, 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 17.45, 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.

<b>TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS</b>						
<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>
<b>Residential Uses</b>						
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 17.26.230, Single Room Occupancy Units
<b>Public/Semi-Public Uses</b>						
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 17.26.090, Day Care

<b>TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS</b>						
<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	
<b>Hospital and Clinics</b>						
<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	M	
Tutoring Facilities	M	M	M	M	M	
<b>Commercial Uses</b>						
Adult Business	-	-	-	P	-	See Section 17.26.050, Adult Oriented Businesses
<b>Animal Care, Sales, and Services</b>						
<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	
<b>Automobile/Vehicle Sales and Services</b>						
<i>Automobile Rentals</i>	M	M	M	M	P	See Section 17.26.060, 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	
<b>Banks and Financial Institutions</b>						
<i>Banks and Credit Unions</i>	P	P	P	P	P	
<i>Check-Cashing Businesses</i>	-	-	-	-	C	See Section 17.26.070, Check Cashing Business

<b>TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS</b>						
<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>
Banquet Hall	-	-	-	-	C	
Business Services	P	P	P	P	P	
<b>Commercial Entertainment and Recreation</b>						
<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	MP	MP	See Section 17.26.100, Drive-In and Drive-Through Facilities
<b>Eating and Drinking Establishments</b>						
<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 17.26.120, Farmer’s Markets
Food Preparation	M	M	M	M	M	
Hookah Lounge	-	-	-	P	-	See Section 17.26.150, Hookah Lounges
Live/Work Units	-	M	-	-	M	See Section 17.26.130, Live/Work Units
<b>Lodging</b>						
<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	
<b>Offices</b>						
<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	
<b>Personal Services</b>						
<i>General Personal Services</i>	M	M	M	M	M	See Section 17.26.200, Personal Services
<i>Fortune, Palm, and Card Reader</i>	-	-	-	P	-	
<i>Massage Establishments</i>	-	-	C	C	C	

<b>TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS</b>						
<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>
<i>Tattoo or Body Modification Parlor</i>	-	-	-	P	-	
<b>Retail Sales</b>						
<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 17.26.270, Tobacco Retailers
<b>Transportation, Communication, and Utility Uses</b>						
<b>Communication Facilities</b>						
<i>Telecommunication</i>	See Section 17.26.250, Telecommunication Facilities					
<i>Light Fleet-Based Services</i>	C	C	C	C	C	
<b>Recycling Facility</b>						
<i>Reverse Vending Machine</i>	M	M	M	M	M	See Section 17.26.210, Recycling Facilities
<i>Transportation Passenger Terminals</i>	M	M	M	M	M	
<b>Other Applicable Types</b>						
<i>Accessory Uses and Structures</i>	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses					
<i>Home Occupations</i>	See Section 17.26.140, Home Occupations					
<i>Live Entertainment</i>	C	C	C	C	C	
<i>Nonconforming Use</i>	See Chapter 17.22, Nonconforming Provisions					
<i>Outdoor Dining and Seating</i>	See Section 17.26.170, Outdoor Dining and Seating					
<i>Outdoor Display and Sales</i>	See Section 17.26.180, Outdoor Display and Sales					
<i>Solar Energy Systems</i>	See Section 17.26.240, Solar Energy Systems					
<i>Temporary Use</i>	See Section 17.26.260, Temporary Uses					

<b>TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS</b>						
<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>
<p><b>Specific Limitations:</b></p> <ol style="list-style-type: none"> <li>1. Not allowed on the ground floor along Newark Boulevard and Thornton Avenue frontages.</li> <li>2. Not allowed on the ground floor. Residential units shall be intended to support retail commercial uses of the project.</li> <li>3. Conditional Use Permit pursuant to Chapter 17.35, 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.</li> </ol>						

**17.10.020 Land Use Regulations**

Table 17.10.020, 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 17.45, 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.

<b>TABLE 17.10.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS</b>					
<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>
<b>Public/Semi-Public Uses</b>					
Cemetery	P	-	-	-	
Colleges and Trade Schools	P	-	-	-	
Community Assembly	P	-	P(1)	-	
Community Garden	P	-	P	-	See Section 17.26.080, Community Garden
Cultural Institutions	P	-	P	-	
Day Care Centers	P	-	-	-	See Section 17.26.090, Day Care
Emergency Shelter	P	P	P	-	See Section 17.26.110, Emergency Shelter
Government Offices	P	-	-	-	
<b>Hospital and Clinics</b>					
<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	-	-	-	
<b>Commercial Uses</b>					
<b>Animal Care, Sales, and Services</b>					
<i>Animal Sales and Grooming</i>	C(3)	-	-	-	
<b>Banks and Financial Institutions</b>					
<i>Banks and Credit Unions</i>	-	P(4)	-	-	
Business Services	-	P(4)	-	-	
<b>Commercial Entertainment and Recreation</b>					
<i>Indoor Sports and Recreation</i>	M	-	M	-	
<i>Outdoor Entertainment</i>	C	-	C	-	
<i>Outdoor Recreation</i>	P	-	P	-	
<i>Unmanned Aircraft Activities</i>	-	-	M	M	Shall be consistent with Federal Aviation Administration Regulations and Polices
<b>Eating and Drinking Establishments</b>					
<i>Restaurant, Limited Service</i>	P(5)	P(4)	-	-	

<b>TABLE 17.10.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS</b>					
<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>
<i>Restaurant, Take-Out Only</i>	P(5)	P(4)	-	-	
Farmer’s Markets	P	P	C	-	See Section 17.26.120, Farmer’s Markets
<b>Offices</b>					
<i>Walk-In Clientele</i>	-	P(4)	-	-	
<b>Personal Services</b>					
<i>General Personal Services</i>	-	P(4)	-	-	See Section 17.26.200, Personal Services
<b>Retail Sales</b>					
<i>Convenience Markets</i>	-	P(4)	-	-	
<i>Food and Beverage Sales</i>	P(5)	P(4)	-	-	
<i>General Retail</i>	P(5)	P(4)	-	-	
<b>Transportation, Communication, and Utility Uses</b>					
<b>Communication Facilities</b>					
<i>Facilities within Buildings</i>	P	-	-	-	
<i>Telecommunication</i>	See Section 17.26.250, Telecommunication Facilities				
Public Works and Utilities	P	-	-	-	
<b>Recycling Facility</b>					
<i>Reverse Vending Machine</i>	C	-	-	-	See Section 17.26.210, Recycling Facilities
<i>Recycling Collection Facility</i>	C	-	-	-	
<i>Recycling Processing Facility</i>	C	-	-	-	
Transportation Passenger Terminals	P	P	-	-	
<b>Other Applicable Types</b>					
Accessory Uses and Structures	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses				
Nonconforming Use	See Chapter 17.22, Nonconforming Uses				
Outdoor Dining and Seating	See Section 17.26.170, Outdoor Dining and Seating				
Outdoor Display and Sales	See Section 17.26.180, Outdoor Display and Sales				
Solar Energy Systems	See Section 17.26.240, Solar Energy Systems				
Temporary Use	See Section 17.26.260, Temporary Uses				



<b>TABLE 17.10.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS</b>					
<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>
<p><b>Specific Limitations:</b></p> <ol style="list-style-type: none"> <li>1. Limited to facilities associated with park and recreation facilities.</li> <li>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.</li> <li>3. Limited to government or non-profit animal shelters located a minimum of 100 feet from a residential use or district.</li> <li>4. Limited to parking areas, and ancillary uses (i.e., coffee stand, dry cleaner, florist) that would benefit transit patrons of transit stations.</li> <li>5. Limited to gift shops, cafes and restaurants accessory to cultural institutions, community assembly, and conference/convention centers.</li> </ol>					

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.

**17.13.040 General Development Standards**

The following development standards apply except where a more stringent requirement is established in Section 17.13.030, Maximum Height and Setback Standards by Street.

- A. **Single-Unit Development.** Table 17.13.040.A, 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.

<b>TABLE 17.13.040.A: DEVELOPMENT STANDARDS-SINGLE-UNIT DEVELOPMENT</b>				
<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>
<b>Lot Dimensions</b>				
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
<b>Setbacks</b>				
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

<b>TABLE 17.13.040.A: DEVELOPMENT STANDARDS-SINGLE-UNIT DEVELOPMENT</b>				
<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>
<b>Lot Dimensions</b>				
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
<b>Site Coverage</b>				
Maximum Site Coverage (not including porches)	60%	60%	75%	75%

- B. **Commercial, Office, and Multi-Unit Development.** Table 17.13.040.B, Development Standards- Commercial, Office, and Multi-Unit Development, prescribe the development standards for Commercial, Office, and Multi-Unit Development.

<b>TABLE 17.13.040.B: DEVELOPMENT STANDARDS- COMMERCIAL, OFFICE, AND MULTI-UNIT DEVELOPMENT</b>		
<i>Standard</i>	<i>Commercial and Office</i>	<i>Multi-Unit</i>
<b>Building Form</b>		
Maximum Length of Building Façade with no Courtyard Break (ft)	300	300
Maximum Building Depth (ft)	300	n/a
<b>Setbacks</b>		
From Public Right-of-Way		
<i>Porches/Stoops/Balconies</i>	n/a	10 ft min
<i>Building</i>	<b>Ground floor:</b> 0 min, 10 ft max <b>Upper floors:</b> 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: 169 ft min Side/side: 10 ft min Front/side: 15 ft min
<i>Community or Service Buildings</i>	n/a	25 ft min

<b>TABLE 17.13.040.B: DEVELOPMENT STANDARDS- COMMERCIAL, OFFICE, AND MULTI-UNIT DEVELOPMENT</b>		
<i>Standard</i>	<i>Commercial and Office</i>	<i>Multi-Unit</i>
<b>Building Form</b>		
<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

## Chapter 17.17 General Site Regulations

---

### 17.17.010 Purpose and Applicability

The purpose of this Chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each zoning district established in Article II, Base and Overlay District Regulations. In any case of conflict, the standards specific to the zoning district shall override these regulations.

### 17.17.020 Accessory Buildings and Structures

#### A. Applicability.

1. The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios, that are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as play equipment, decks and trellises, that are over 18 inches in height and that are detached from and accessory to the main building on the site.
2. When an accessory building or structure is attached to the main building, it shall be made structurally a part of and have a common wall or roof with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Allowed building projections into yards and required building separations are stated in Section 17.17.090, Projections into Yards and Required Building Separations.
3. Where an Accessory Dwelling Unit is located over a detached garage, the entire structure shall be considered a main building, subject to the base district standards for main buildings. No portion of this building shall be closer to any lot line than is permitted for any other main building.

B. **Relation to Existing Structures.** A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related or on an adjacent lot under the same ownership.

C. **Height.** The maximum allowable height of accessory structures is 12 feet except that accessory structures in Nonresidential Districts with a minimum roof pitch of 4:12 may be up to 16 feet in height.

#### D. Location.

##### 1. All Districts.

- a. *Front and Street-Side Setbacks.* Accessory structures shall not be located within any required front or street-side setback area.
- b. *Interior-Side and Rear Setbacks.* Accessory structures greater than six feet six inches in height or more than 120 square feet in size shall be setback a minimum of three feet from interior side and rear property lines.

2. Additional Limitation, RS and RL Districts. In the RS and RL Districts, accessory structures shall be located in the rear half of the lot, ~~and~~ shall not exceed 25% of the principal structure and not occupy more than 30 percent of the required rear yard area. ~~of the rear~~ No more than 2 accessory structure shall be allowed, excluding a detached garage. ~~half of the lot.~~

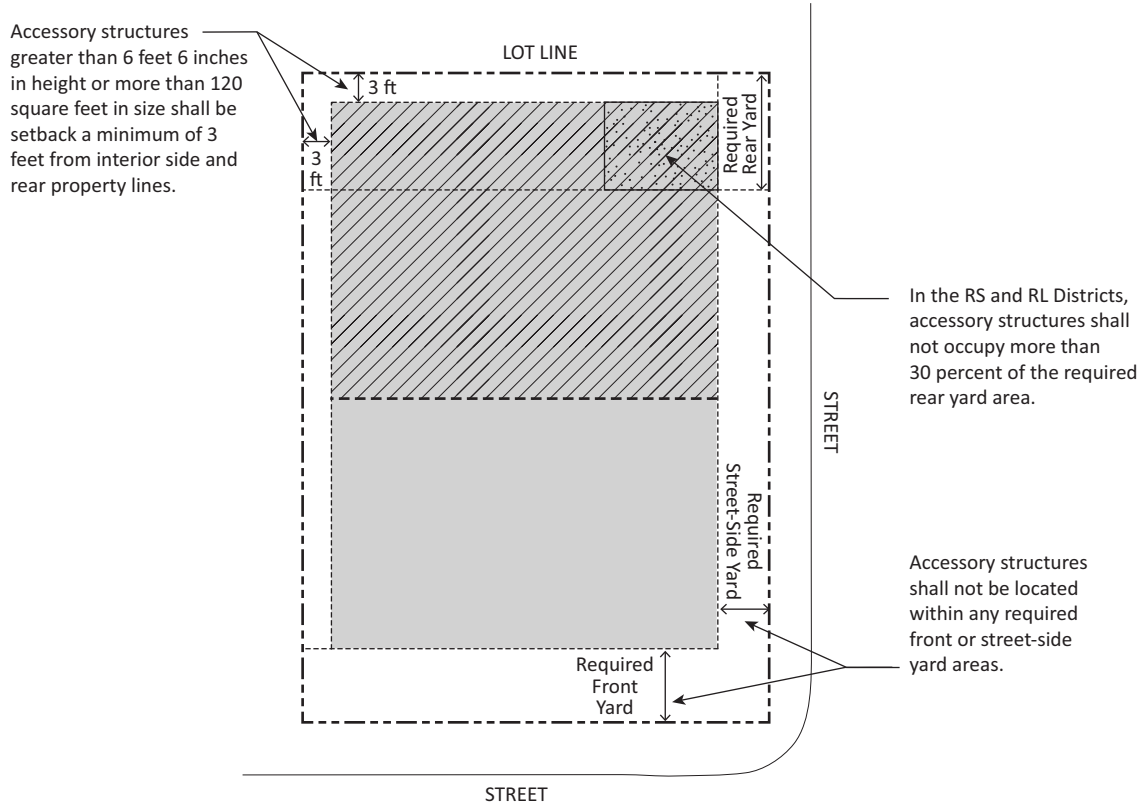
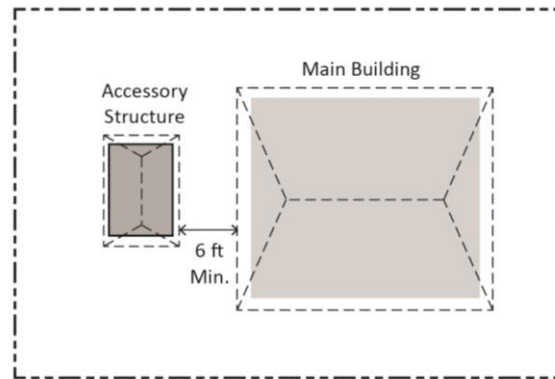


FIGURE 17.17.020. D: ACCESSORY STRUCTURE LIMITATIONS

- E. **Separation from Main Buildings.** Detached accessory structures shall be located a minimum of six feet from the main building, inclusive of roof covering.



**FIGURE 17.17.020.F: ACCESSORY STRUCTURE SEPARATION FROM MAIN BUILDING**

#### 17.17.040 Fences and Freestanding Walls

Fences, walls, hedges, and similar structures shall comply with the standards of this Section.

- A. **Maximum Height.** Fences, walls, hedges, and related structures are limited to a maximum of six feet except as follows: three feet high when located within required front yards or within four feet of a street side lot line, eight feet adjacent to four or more lane arterials for residential uses.
1. **Additional Height in Residential Districts.**
    - a. *Director Approval.* The Director may approve additional fence height [with a Minor Use Permit](#), in compliance with the following.

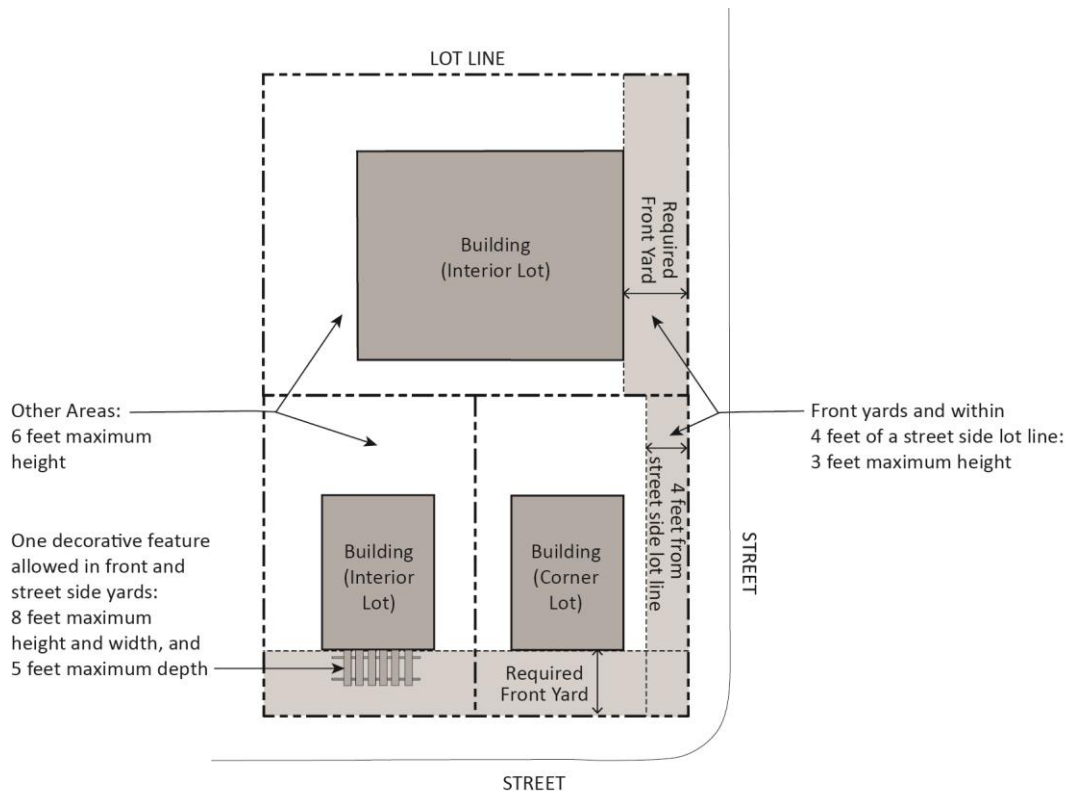
- i. Maximum Height.
  - (1) Front Yards and within Four Feet of a Street Lot Line. Fences within the front yard and fences within four feet of a street lot line on a lot adjacent to a nonresidential use may be up to six feet in height.
  - (2) Outside Front Yards and More than Four Feet from a Street Lot Line. Fences located outside of a required front yard and more than four feet from a street lot line may be up to eight feet in height.
  - (3) Materials. The Director may only approve additional fence height for fences made of masonry block, precast concrete, wood, or metal wrought iron. Vertical or horizontal extensions to an existing fence or wall shall be of the same material and design as the existing fence or wall.
- ii. Review and Required Findings. In approving additional fence height, the Director shall make the following findings.
  - (1) The additional fence height will not impair the provision of adequate light, air, circulation, and visual openness around adjacent residential structures.
  - (2) The additional fence height will not detract from the overall appearance of the neighborhood.
  - (3) The additional fence height is not detrimental to the health, safety, and welfare of people living in the neighborhood.

~~b. Planning Commission Approval. The Planning Commission may approve additional height allowances where the Planning Commission finds such fencing is necessary for security purposes.~~

- 2. **Additional Height in Nonresidential Districts.** The Community Development Director may approve additional fence height with a Minor Use Permit. The fence shall be in compliance with Materials Section A(1)(a)(i)(3) and the Required Findings Section A(1)(a)(ii) listed above.
- ~~2.3.~~ **Hedges.** Where the base of the main trunk is further than four feet from the street side lot line and within five feet of a permitted structure, a hedge may be of any height.
- ~~3.4.~~ **Recreational Fencing.** Fencing located around tennis courts, badminton courts, basketball or volleyball courts and similar areas up to 12 feet in height may be allowed with Director approval, providing that all parts of the fence over six feet are made of open-wire construction or other corrosion-resistant materials.
- ~~4.5.~~ **Decorative Features.** One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the maximum height or width of the structure does not exceed eight feet and the maximum depth does not exceed five feet.



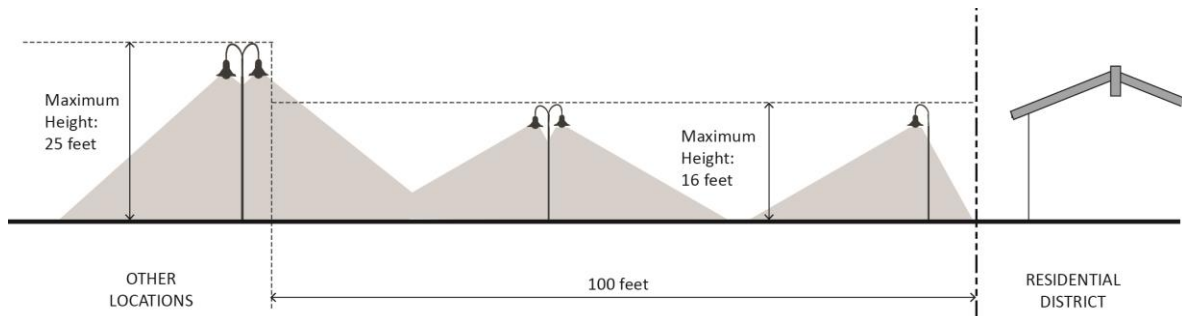
- 5.6. **Intersection and Driveway Visibility.** Notwithstanding other provisions of this Section, fences, walls, and related structures shall comply with Chapter 10.36, Visibility Requirements, of the Newark Municipal Code.



**FIGURE 17.17.040.A: FENCE AND FREESTANDING WALL HEIGHT**

**B. Materials.**

1. **Prohibition on Hazardous Fencing Materials.** The use of barbed wire, razor wire, ultra-barrier, electrified, and other hazardous fencing is not permitted unless such fencing is required by any law or regulation of the City, the State of California, Federal Government, or other public agency.
  - a. **Exception.** The Planning Commission may approve an exception to this standard for sites in Employment Districts, provided the hazardous fencing materials are located at the top portion of a fence which is at least six feet in height where the Planning Commission finds such fencing is necessary for security purposes.
2. **Limitation on Chain-Link Fencing.**
  - a. **Residential Districts.** Chain-link fencing is prohibited in Residential Districts.
  - b. **Nonresidential Districts.** In Nonresidential Districts, chain-link fencing shall not be visible from the street, a State highway, or adjacent Residential Districts.



**FIGURE 17.17.060.C.1: MAXIMUM HEIGHT, OUTDOOR LIGHTING**

2. **Design of Fixtures.** Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.
3. **Timing Controls.** All outdoor lighting in nonresidential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use and the lighting is not required for security.
4. **Trespass.** All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles.

**D. Supplemental Requirements**

1. **Multi-Unit Residential Buildings.**
  - a. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.
  - b. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.
2. **Nonresidential Buildings.** All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 0.5 foot-candle of light.

**17.17.070 Outdoor Storage**

Storage of goods, materials, machines, equipment, and inoperable vehicles or parts outside of a building for more than 72 hours shall conform to the standards in Table 17.17.070, Outdoor Storage Regulations. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit or to the parking and storage of recreational vehicles or trailers pursuant to Section 17.17.080, Parking and Vehicle Storage in Required Yards.

<b>TABLE 17.17.070: OUTDOOR STORAGE REGULATIONS</b>	
<i>Base Districts</i>	<i>Permissibility of Outdoor Storage</i>
Residential Districts	Permitted as an accessory use provided the outdoor storage does not exceed 25 percent of the rear yard area, is not visible from a public right-of-way, and does not include any hazardous materials. A maximum of two inoperable vehicles shall be allowed.
Commercial and Mixed-Use, Public and Semi-Public, OP, BTP, and LI Districts	Not permitted. (All storage must be within an enclosed building).
GI District	Permitted as an accessory use outside of required yards, parking and circulation areas, and required landscaped areas subject to the standards of Section 17.17.100, Screening.
Resource Production District	Permitted as a principal use outside of required front and street side yards, parking and circulation areas, and required landscaped areas subject to the standards of Section 17.17.100, Screening.

**17.17.080 Parking and Vehicle Storage in Yards**

Noncommercial passenger vehicles, with a manufacturer's gross vehicle weight 10,000 pounds or less, recreation-type vehicles such as travel trailers, tent trailers, completely enclosed campers and boats on trailers may be parked or stored in yards, provided, that they are not subject to Chapter 10.52, Abatement of Abandoned, Wrecked, Dismantled or Inoperative Vehicles, of the Newark Municipal Code, subject to the following provisions.

- A. Unmounted campers shall not be located within the area extending across the full width of the lot between a street facing lot line and the nearest wall of the closest main building on the lot.

## 17.21.050 General Requirements

### A. Materials.

#### 1. **General.**

- a. Required landscaped areas shall be planted with a combination of ground covers, shrubs, vines, and trees. 50 percent of all trees shall be evergreen species.
- b. Landscaping may also include incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting.
- c. Landscaped areas may include paved or graveled surfaces, provided they do not cover more than 30 percent of the area required to be landscaped.
- d. Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.

#### 2. **Required Water Efficient Plants.** Plants shall be one of the following options shall be chosen to ensure that the landscape project meets water efficiency requirements.

- a. **Option A: All Low Water Plants.** Exclusive of garden areas. all plants and trees shall be low or very low water use (average California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS) plant factor of 0.3). Option A is available for all residential and nonresidential areas.
- b. **Option B: Primarily Low Water Plants.** Exclusive of garden areas, at least 85 percent of the landscape area shall contain low or very low water use plants (average WUCOLS plant factor of 0.3). Option B is only available for residential areas.
- c. **Option C: Water Use Calculation.** The estimated total water use (ETWU) of the landscaping shall not exceed the maximum applied water allowance (MAWA),

calculated pursuant to the State Model Water Efficient Landscape Ordinance (MWELO). Option C is available for all residential and nonresidential areas.

- i. Department of Water Resources Model Water Efficient Landscape Ordinance Compliance Required. Where Option C is selected, all requirements of the Department of Water Resources Model Water Efficient Landscape Ordinance shall apply.
3. **Size and Spacing.** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs. Plants shall be of the following size and spacing at the time of installation:
  - a. **Ground Covers.** Ground cover plants other than grasses must be at least the four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one per twelve inches on center.
  - b. **Shrubs.** Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.
  - c. **Trees.** ~~25 percent of All~~ required trees shall be 24-inch box or greater in size. All other trees shall be a minimum 15-gallon size.
    - i. Tree trunks shall be placed at least 5-feet from utilities.
    - ii. Tree trunks shall be placed at least 15-feet from light poles.
4. **Turf.** Turf, defined as a ground cover surface of mowed grass, is subject to the following limitations.
  - a. No more than 25 percent of the landscaped area may be turf.
  - b. The installation of turf on slopes greater than 25 percent is prohibited.
  - c. Turf is prohibited in locations that are less than 10 feet wide.
5. **Invasive Plants Prohibited.** Plant species that are listed by CAL-IPC as invasive are prohibited. Existing invasive plants and noxious weeds shall be removed.
6. **Mulch.** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
7. **Compost.** Compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test) shall be incorporated.
- B. **Water Features.** Recirculating water shall be used for all decorative water features.
- C. **Dimension of Landscaped Areas.** No landscaped area smaller than three feet in any horizontal dimension shall count toward required landscaping.
- D. **Visibility.** Landscaping shall meet visibility requirements at street intersections and driveways pursuant to Chapter 10.36, Visibility Requirements, of the Newark Municipal Code.

- E. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within three years after planting.
- F. **Maintenance.** All planting and other landscape elements shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.

## Chapter 17.22 Nonconforming Provisions

---

### 17.22.010 Purpose

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with the standards and requirements of this Ordinance and are operated in a manner that does not conflict with the General Plan. To that end, the chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

### 17.22.020 Applicability

The provisions of this Chapter apply to structures and uses that have become nonconforming by adoption of this Ordinance as well as structures and uses that become nonconforming due to subsequent amendments to its text or to the Zoning Map.

### 17.22.030 Nonconformities, Generally

Any lawfully established use or structure that is in existence on the effective date of this Ordinance or any subsequent amendment thereto but does not comply with the standards and requirements of this Ordinance shall be considered nonconforming.

- A. A non-conformity may result from any inconsistency with the requirements of this Ordinance including, but not limited to, use, location, density, floor area, height, yard, usable open space, buffering, performance standards, or the lack of an approved Use Permit or other required authorization.
- B. A use or structure shall not be deemed nonconforming solely because it does not conform with ~~parking and~~ loading space requirements, ~~and~~ landscape planting area, ~~or screening~~ regulations of the district in which it is located.

### 17.22.040 Classification of Nonconforming Uses

Nonconforming uses are classified as follows for the purpose of determining whether to permit substitution or expansion subject to the requirements of the following sections, or to require the elimination of the nonconforming use.

- A. **Class I Nonconforming Use.** Class I Nonconforming Uses are those that do not meet the current standards and requirements of this Ordinance but are compatible with the uses of the surrounding properties, including those described in subsections A.1 and A.2, below, or as determined by the Planning Commission pursuant to Subsection A.3, below. Class I Nonconforming Uses are generally treated like conforming uses and may expand and remain indefinitely, subject to the limitations of this Chapter.
  1. **Residential Uses.** Any nonconforming residential use shall be classified as a Class I Nonconforming Use.
  2. **Warehousing and Storage and Wholesaling and Distribution.** Warehousing and Storage and Wholesaling and Distribution that were lawful when established and in existence on

- C. **Existing Residential Buildings.** On-site parking in accordance with this Chapter shall be provided where there is an expansion of existing floor area of 30 percent or more or where additional dwelling units are created through the alteration of an existing building or construction of an additional structure or structures.
- D. **When Constructed.** On-site parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

**17.23.030 General Provisions**

- A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.
- B. **Nonconforming Parking or Loading.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of on-site parking and/or loading facilities required by this Chapter, provided that facilities used for on-site parking and/or loading as of the date of adoption of this Ordinance are not reduced in number to less than what this Chapter requires.
- C. **Accessibility.** Parking and loading areas must be accessible for its intended purpose during all hours of operation.
- D. **Stacked Parking.** Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present while the lot is in operation.

**17.23.040 Required Parking Spaces**

- A. **Minimum Number of Spaces Required.** Each land use shall be provided at least the number of on-site parking spaces stated in Table 17.23.040, Required On-Site Parking Spaces. The parking requirement for any use not listed in Table 17.23.040 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

<b>TABLE 17.23.040: REQUIRED NUMBER OF ON-SITE PARKING SPACES</b>		
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>	
<b>Residential Uses</b>	<b>As specified below</b>	
Residential Housing Types		
<i>Single-Unit Dwelling, Attached or Detached</i>	2 per unit	Must be within a garage
<i>Two-Unit Dwelling</i>	1.5 per studio or one-bedroom unit 2 per unit with two or more bedrooms 1 Guest space per unit	One space per unit must be within a garage



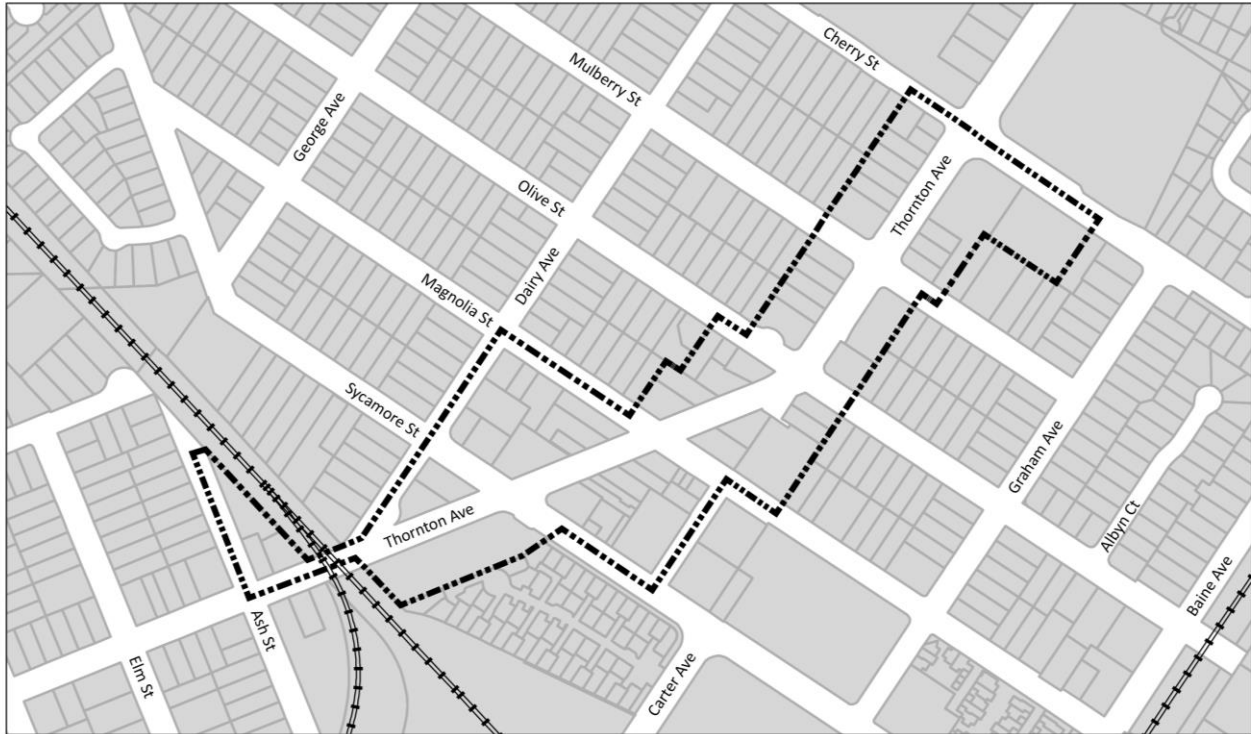
<b>TABLE 17.23.040: REQUIRED NUMBER OF ON-SITE PARKING SPACES</b>		
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>	
<i>Multi-Unit Building</i>	1.5 per studio or one-bedroom unit 2 per unit with two or more bedrooms Guest parking: 1 space per unit <del>plus 1 for every four units</del> Guest parking for RM and RH districts located outside a radius of 300 feet of RS and RL districts, or with drive-way aprons, or located within a Specific Plan shall require 1 space plus .25 per unit	Ten or fewer dwelling units: One space per unit must be within a garage More than ten dwelling units: One space per unit must be covered Guest parking shall be clearly marked as reserved for guests and available with unrestricted access
<i>Accessory Dwelling Unit</i>	1 per unit	
Caretaker Unit	1 per unit	
Family Day Care		
<i>Small</i>	None beyond what is required for the Residential Housing Type	
<i>Large</i>	1 for each nonresident employee plus an area for loading and unloading children plus parking required for the residential use	
Group Residential	1 for each employee plus 1 for each guest room or every two beds, whichever is greater	
Residential Care Facilities		
<i>Small</i>	None beyond what is required for the Residential Housing Type	
<i>Large</i>	1 for every 3 beds	
Residential Facility, Assisted Living	1 for every 3 beds	
Single Room Occupancy	0.5 per unit	
Supportive Housing	None beyond what is required for the Residential Housing Type	
Transitional Housing	None beyond what is required for the Residential Housing Type	
<i>Senior Housing</i>	1 per unit, plus .25 per unit for guest parking	
<b>Public/Semi Public Uses</b>	<b>1 for each employee plus as determined by the Director, except as specified below</b>	
Colleges and Trade Schools	1 for each employee plus 1 for every 2 students	
Community Assembly	1 for each 4 permanent seats or 1 for every 40 square feet of assembly area where no seats or where temporary or moveable seats are provided	
Day Care Centers	1 per each employee plus an area for loading and unloading children	
Emergency Shelter	1 per family room, 0.35 per individual bed, plus 1 for each employee	
Hospital and Clinics		
<i>Hospitals</i>	1 for every 2 beds	
<i>Clinic</i>	1 per 250 square feet of floor area	
<i>Skilled Nursing Facility</i>	1 for every 3 beds	

<b>TABLE 17.23.040: REQUIRED NUMBER OF ON-SITE PARKING SPACES</b>	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Instructional Services	1 for each employee plus 1 for every 2 students
Parking Lots and Structures	None
Social Service Facilities	1 per 250 square feet of floor area
Tutoring Facilities	1 per 250 square feet of floor area
<b>Commercial Uses</b>	<b>1 per 250 square feet of floor area, except as specified below</b>
Adult-Oriented Business	1 per 150 square feet of floor area
Animal Care, Sales, and Services	
<i>Boarding/Kennels</i>	1 for each employee plus an area for loading and unloading animals
Automobile/Vehicle Sales and Services	1 per 300 square feet of office or retail area and 1 per service bay
Commercial Entertainment and Recreation	1 for each 4 permanent seats or 1 for every 40 square feet of assembly area where no seats or where temporary or moveable seats are provided Bowling alleys: 5 for each lane Other Commercial Entertainment and Recreation uses: As determined by the Director
Eating and Drinking Establishments	1 per 150 square feet of floor area plus 1 per 150 square feet of outdoor dining and seating area over 350 square feet.
Farmer's Markets	None
Food Preparation	1 per 500 square feet of floor area
Funeral Parlors and Interment Services	1 for each 4 permanent seats or 1 for every 40 square feet of assembly area where no seats or where temporary or moveable seats are provided
Hookah Lounge	1 per 150 square feet of floor area
Live/Work Units	1 per 1,000 square feet of nonresidential area plus 1 space for each residential unit
Lodging - Hotels and Motels	1 for each guest room or every two beds, whichever is greater. The director may require additional parking for ancillary uses, such as restaurants.
Maintenance and Repair Services	1 per 500 square feet of floor area
Market Garden	As determined by the Director
Mobile Food Vendor	None
Nurseries and Garden Center	1 per 500 square feet of floor area; 1 per 1,000 square feet of outdoor display area
Offices	
<i>Business, Professional, and Technology</i>	1 per 300 square feet of floor area
<i>Walk-In Clientele</i>	1 per 300 square feet of floor area
Retail Sales	

<b>TABLE 17.23.040: REQUIRED NUMBER OF ON-SITE PARKING SPACES</b>	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
<i>Building Materials Sales and Services</i>	1 per 500 square feet of floor area; 1 per 1,000 square feet of outdoor display area
<b>Industrial Uses</b>	<b>1 per 1,000 square feet of floor area plus 1 for each 5,000 square feet of outdoor use area, except as specified below</b>
Custom Manufacturing	1 per 500 square feet of floor area
Personal Storage	1 space per 75 storage units, plus 1 space per 300 square feet of office area. A minimum of 5 spaces shall be provided.
<b>Transportation, Communication, and Utility Uses</b>	<b>1 per 300 square feet of office area plus one for each fleet vehicle</b>

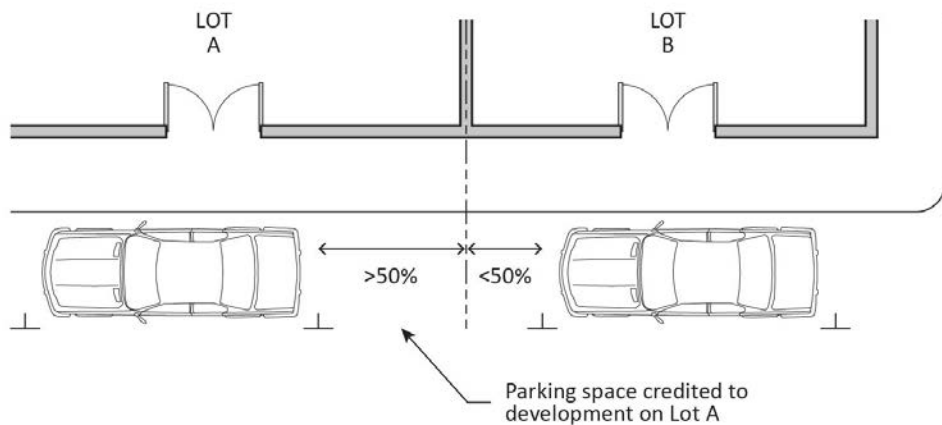
- B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:
1. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
  2. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
  3. **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
  4. **Students.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students at the state-certified capacity or at Building Code Occupancy where no state-certification is required.
  5. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 80 inches of bench-type seating at maximum seating capacity is counted as one seat.
- C. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required on-site parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.23.050, Parking Reductions.
- D. **CMU District.** In the CMU District, no on-site parking is required for the first 5,000 square feet of ground floor nonresidential use. Ground floor nonresidential uses greater than 5,000 square feet in size shall provide parking in accordance with Table 17.23.040, Required Number of On-Site Parking Spaces, for the floor area in excess of 5,000 square feet. In addition, the following applies in the Old Town Area.

1. **Old Town Area.** The following apply in the Old Town Area as shown on Figure 17.23.040.D.1, Old Town Area Parking Calculations.



**FIGURE 17.23.040.D.1: OLD TOWN AREA PARKING CALCULATIONS**

- a. On-street parking along a lot's corresponding frontage lines shall be counted toward the parking requirement. Where an on-street parking space is adjacent to multiple lots, the credit shall be given to the development on the lot whose frontage contains more than 50 percent of the parking space length.



**FIGURE 17.23.040.D.1.A: ON-STREET PARKING CREDIT**

- b. Where a use with a legal nonconforming parking deficiency is replaced, the new use shall receive a parking credit equal to the number of required automobile parking spaces unmet by the previous use.

**17.23.050 Parking Reductions**

The number of on-site parking spaces required by Section 17.23.040, Required Parking Spaces, may be reduced as follows, subject to Minor Use Permit approval.

- A. **Transit Accessibility.** For any land use except residential Single-Unit and Two-Unit development, if any portion of the lot is located within one-quarter mile of a transit stop with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. and 7:00 p.m., the number of required parking spaces may be reduced by 20 percent of the normally required number of spaces.
- B. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 40 percent if the review authority finds that:
  - 1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
  - 2. The proposed shared parking provided will be adequate to serve each use;
  - 3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and
  - 4. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section 17.23.060.C, Off-Site Parking Facilities.
- C. **Other Parking Reductions.** Required parking for any use may be reduced as follows.
  - 1. **Criteria for Approval.** The review authority may only approve reduced parking if it finds that:
    - a. Special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—exist that will reduce parking demand at the site;
    - b. The use will adequately be served by the proposed on-site parking; and
    - c. Parking demand generated by the project will not exceed the capacity of or have a significant impact on the supply of on-street parking in the surrounding area.
  - 2. **Parking Demand Study.** In order to evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces may be required.

- a. *Asphalt.* Two inches of asphaltic concrete on four inches of aggregate base material.
- b. *Concrete.* Four inches of portland cement concrete on three inches of aggregate base material.

### **17.23.090 Parking Area Design and Development Standards**

All parking areas except those used exclusively for stacked or valet parking, shall be designed and developed consistent with the following standards. Parking areas used exclusively for stacked or valet parking are subject only to Subsections I through M. Stacked or valet parking areas which will allow parking at some times without attendants must be striped in conformance with the layout requirements of this Section.

- A. **Tandem Parking.** Tandem parking is not permitted to satisfy the off-street parking requirement.
- B. **Shopping Cart Storage.** When there are businesses that utilize shopping carts, adequate temporary shopping cart storage areas shall be provided throughout the parking lots. No temporary storage of shopping carts is allowed on walkways outside of buildings. Shopping cart storage shall not occur in required parking spaces.
- C. **Parking Access.** Parking access areas shall be designed to ensure vehicular access to parking spaces as determined by the Public Works Director.
  1. **Distance from Intersection.** Access for parking facilities with 10 or more spaces shall be located a minimum of 50 feet from the intersection of any two streets.
  2. **Access Width.** The width of curb cuts for parking access is limited as follows.
    - a. The width of a curb cut serving one travel lane is limited to a maximum of 12 feet, excluding splays.
    - b. The width of a curb cut serving two travel lanes is limited to a maximum of 24 feet, excluding splays, except parking lots with more than 100 spaces where the curb cut may be up to 35 feet wide, excluding splays.
  3. **Shared Access.** Nonresidential projects are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the County's Recorders Office, in a form satisfactory to the City Attorney.
  4. **Forward Entry.** Parking areas of four or more spaces shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.
  5. **Driveway Length.** Driveways providing direct access from a public street to a garage or carport shall be at least 20 feet in depth.
  6. **Driveway Width.** The minimum width of a driveway is as follows:
    - a. 10 feet for any driveway serving one residence.
    - b. 10 feet for a one-way driveway.

- c. 20 feet for a two-way driveway serving any use other than one residence.

D. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions required by this Subsection. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.

1. **Standard Parking Spaces and Drive Aisles.** The minimum basic dimension for standard parking spaces is nine feet by 19 feet, with a minimum vertical clearance of seven feet. Table 17.23.090.D provides the dimensions of spaces (stalls) and aisles according to angle of parking spaces. The required aisle width may be modified if the Public Works Director finds that sufficient space is provided, so that maneuvering areas will not interfere with traffic and pedestrian circulation.

TABLE 17.23.090.D: STANDARD PARKING SPACE AND AISLE DIMENSIONS		
Angle of Parking	Aisle Width (ft)	Stall Depth (ft)
90°	25	19
60°	16	21
45°	12	19
30°	10	17
Parallel	12	19
Other	As determined by the Public Works Director	

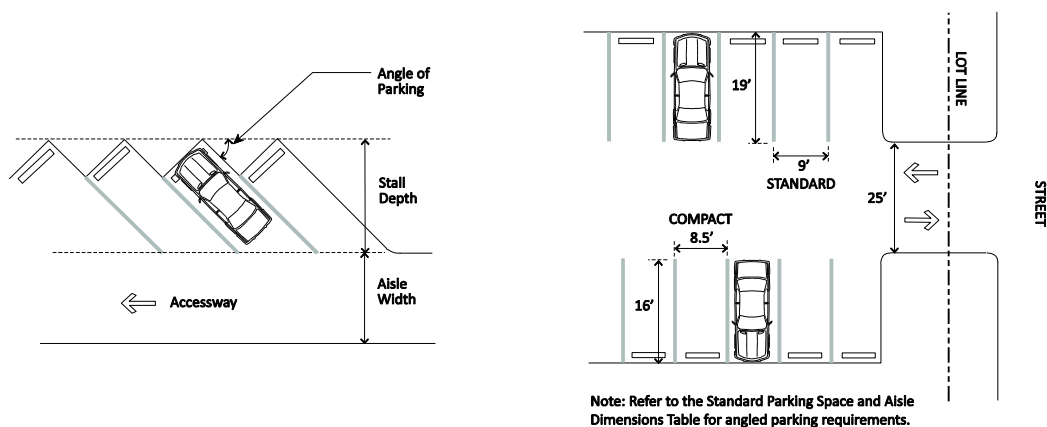
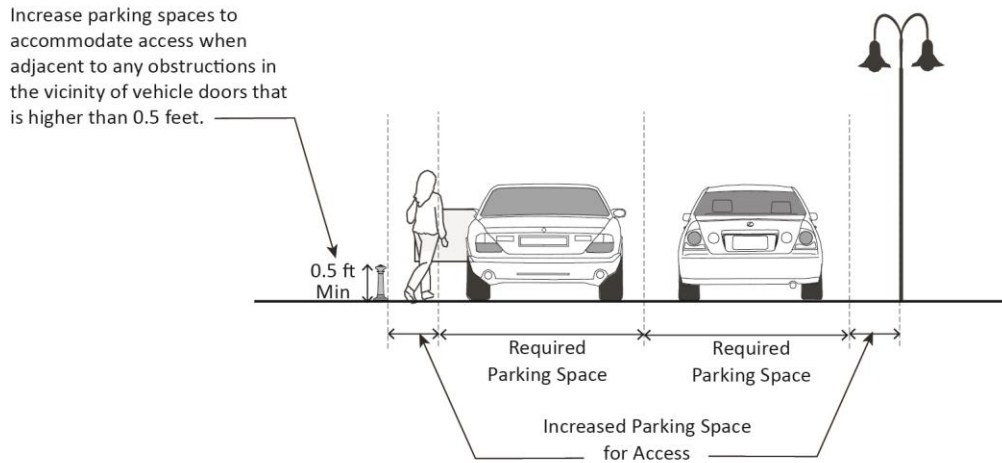


FIGURE 17.23.090.D.1: STANDARD PARKING SPACES AND DRIVE AISLES

2. **Compact Parking Spaces.** Up to 25 percent of assigned spaces may be reduced to 8.5 feet by 16 feet and labeled “compact.”

3. **Parking Spaces Abutting Wall or Fence.** Each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet in the vicinity of where a vehicle door may be located shall be increased to accommodate access to the vehicle through the door.



**FIGURE 17.23.090.D.3: PARKING SPACES ABUTTING WALL OR FENCE**

4. **Minimum Dimensions for Residential Garages and Carports.** Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions and related requirements.
  - a. A single car garage or carport: 10 feet in width by 20 feet in length.
  - b. A two-car garage or carport: 20 feet in width by 20 feet in length.
  - c. A garage or carport containing three or more spaces: 10 feet in width by 20 feet in length per space.
  - d. The vertical clearance for garage or carport parking spaces shall not be less than seven feet.
  - e. Stairs may encroach into the parking area of a garage provided that the front end of a standard size automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) shall be a minimum of five feet above the garage floor.
- E. **Parking Lot Striping.** All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.
- F. **Wheel Stops.** Parking areas designed to accommodate 10 or more vehicles shall provide concrete bumper guards or wheel stops for all unenclosed parking spaces. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that



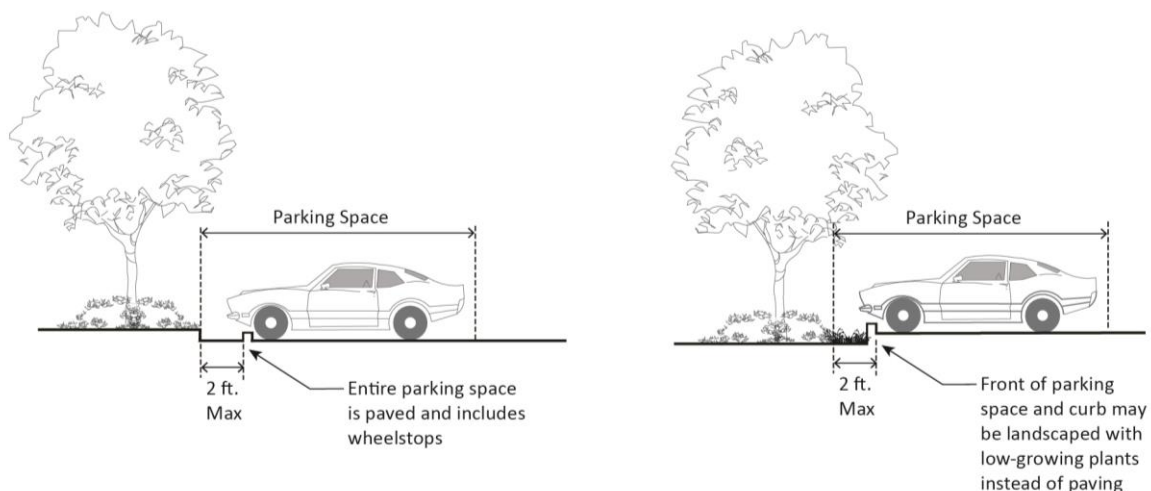
the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

G. **Surfacing.** All parking areas shall be paved and improved, and all sites shall be properly drained, consistent with applicable stormwater runoff regulations and subject to the approval of the Public Works Director. No unpaved area shall be used for parking.

1. **Pavement Standards.** Parking areas shall be paved consistent with the following materials or comparable material approved by the Public Works Director.

- a. **Asphalt.** Two inches of asphaltic concrete on four inches of aggregate base material.
- b. **Concrete.** Four inches of portland cement concrete on three inches of aggregate base material.
- c. **Pavers or Permeable Pavement Systems.** Pavers or permeable pavement systems with strength equivalent to a. or b. above.

2. **Landscaping Alternative.** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.

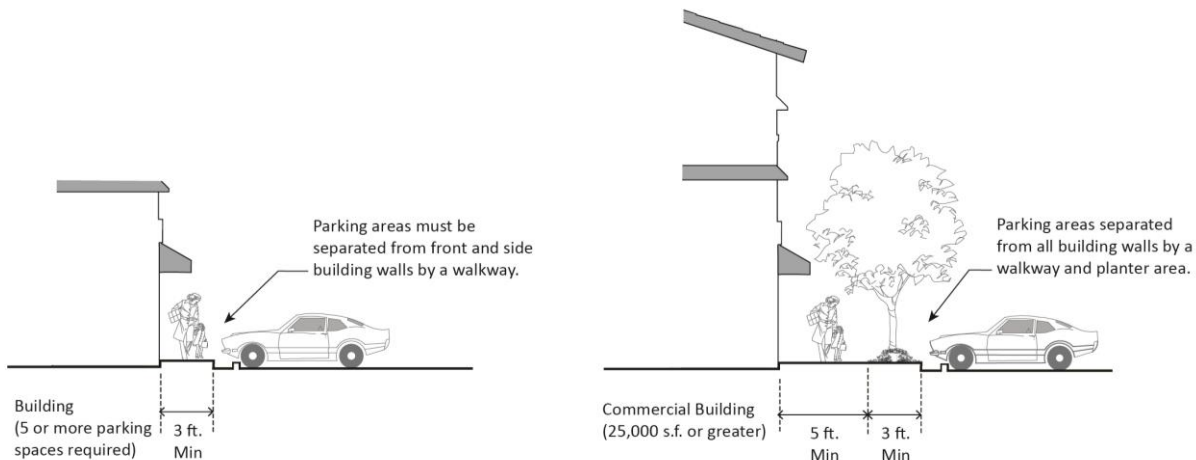


**FIGURE 17.23.090.G: PARKING SURFACING**

H. **Perimeter Curbing.** Parking areas designed to accommodate 10 or more vehicles shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

I. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light colored materials.

1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
  2. Trees shall be selected from a list maintained by the Planning Division.
- J. **Lighting.** Parking areas designed to accommodate 10 or more vehicles shall be provided with a minimum of one-half foot-candle and a maximum of 3.0 foot-candles of light over of the parking surface during the hours of use from one-half hour before dusk until one-half hour after dawn.
1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
  2. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Chapter 17.24, Performance Standards.
- K. **Separation From On-Site Buildings.** Parking areas designed to accommodate five or more vehicles must be separated from the front and side exterior walls of on-site buildings by walkways a minimum of three feet in width. Commercial buildings with 25,000 square feet or more of gross floor area must be separated from on-site parking on all sides by a walkway a minimum of five feet in width, as well as a planter area at least three feet in width.



**FIGURE 17.23.090.K: PARKING SEPARATION FROM ON-SITE BUILDINGS**

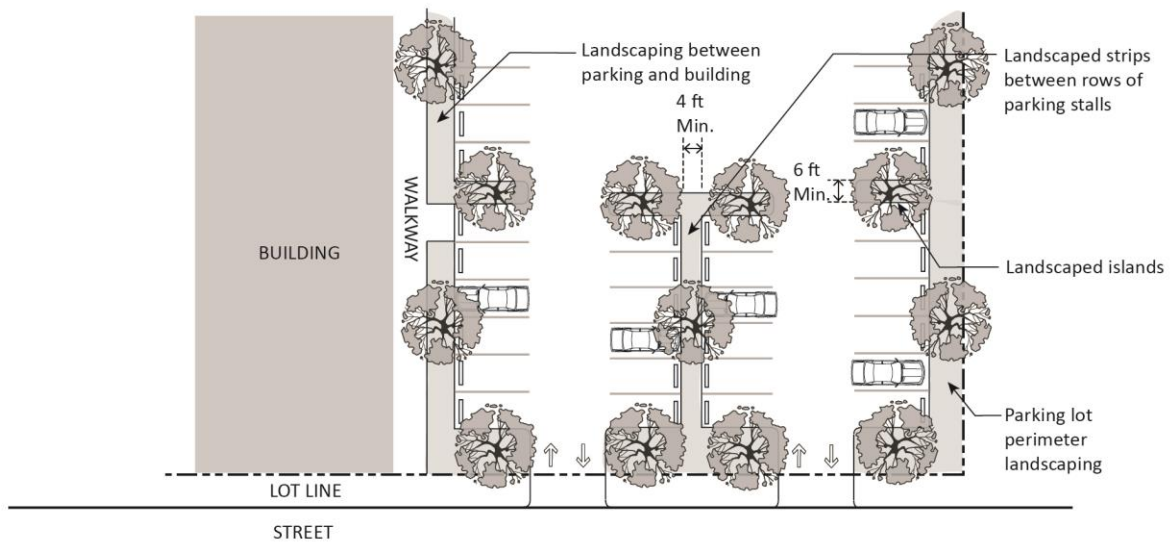
- L. **Landscaping.** Parking areas designed to accommodate five or more vehicles must be landscaped according to the general standards of Chapter 17.21, Landscaping, as well as the standards of this Subsection.
1. **Landscape Area Required.** A minimum of 10 percent of the parking lot area shall be landscaped.
  2. **Minimum Planter Dimension.** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or four feet in any horizontal dimension, excluding curbing.

3. **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
  - a. Landscaped planting strips at least four feet wide between rows of parking stalls;
  - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
  - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
  - d. On-site landscaping at the parking lot perimeter.
4. **Required Landscaped Islands.** A landscaped island at least six feet in all interior dimensions and containing at least one 24 inch box tree shall be provided at each end of each interior row of parking stalls and between every six consecutive parking stalls.
5. **Landscaped Buffer Adjacent to Right-of-Way.** A landscaped area at least five feet wide shall be provided between any surface parking area and any property line adjacent to a public street, unless a different dimension is specified in the zoning district standards applicable to a site.
6. **Landscaped Buffer Abutting Interior Lot Line.**
  - a. *Adjacent to a Residential, Park, or Open Space District.* A landscaped area at least five feet wide shall be provided between any surface parking area and any adjacent lot in a Residential, Park, or Open Space District for the length of the parking area.
  - b. *Adjacent to Any Other District.* A landscaped area at least three feet wide shall be provided between any surface parking area and any adjacent lot in any district other than Residential, Park, or Open Space for the length of the parking area.
7. **Trees.**
  - a. *Number Required.* One for each eight parking spaces.
  - b. *Distribution.* Trees shall be distributed relatively evenly throughout the parking area.
  - c. *Species.* Tree species shall be selected from a list maintained by the Planning Division.
  - d. *Size.* All trees shall be a minimum 24 inch box with a one-inch diameter at 48 inches above natural grade.
  - e. *Minimum Planter Size.* Any planting area for a tree must have a minimum interior horizontal dimension of five feet. Additional space may be required for some tree species.
8. **Protection of Vegetation.**
  - a. *Clearance from Vehicles.* All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is

permitted, or by wheel stops set a minimum of two feet from the back of the curb.

b. **Planters.** All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

9. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.



**FIGURE 17.23.090.L: PARKING AREA LANDSCAPING**

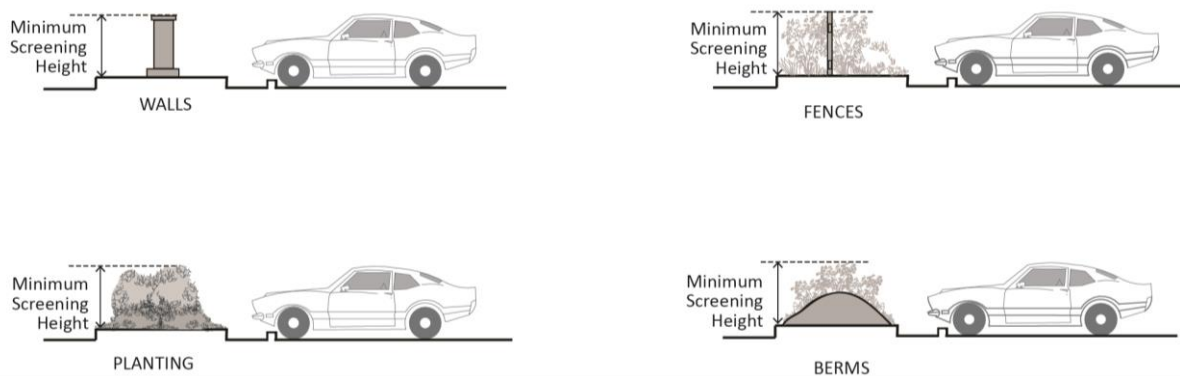
M. **Screening.** Parking areas designed to accommodate five or more vehicles shall be screened from view from public streets and adjacent lots in a more restrictive zoning district, according to the following standards.

1. **Height.** Screening of parking lots from adjacent public streets shall be 42 inches in height. Screening of parking lots along interior lot lines that abut Residential Districts shall be six feet in height, except within the required front setback of the applicable zoning district, where screening shall be three feet in height.

2. **Materials.** Screening may consist of one or any combination of the methods listed below.

a. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.

- b. *Fences.* An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
- c. *Planting.* Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation and must be permanently maintained.
- d. *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials.



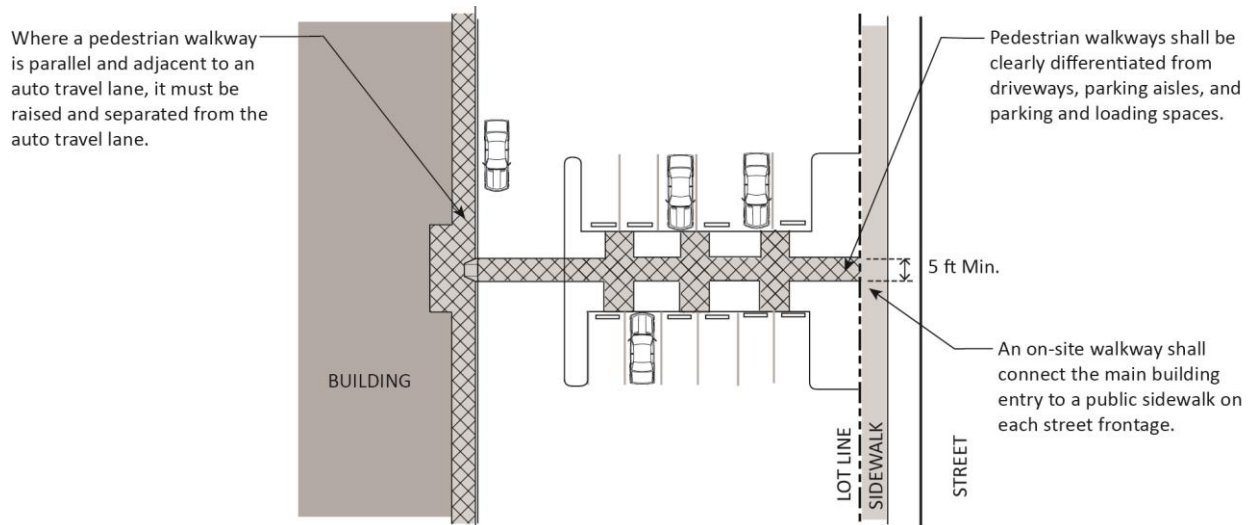
**FIGURE 17.23.090.M: SCREENING OF PARKING AREAS**

**N. Circulation and Safety.**

1. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.
2. Off-street parking areas of four or more spaces shall be provided with sufficient maneuvering room so that all vehicles can enter and exit from a public street by forward motion only.
3. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing up unreasonable distances or making other dangerous or hazardous turning movements.
4. Separate vehicular and pedestrian circulation systems shall be provided where possible. Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:
  - a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the

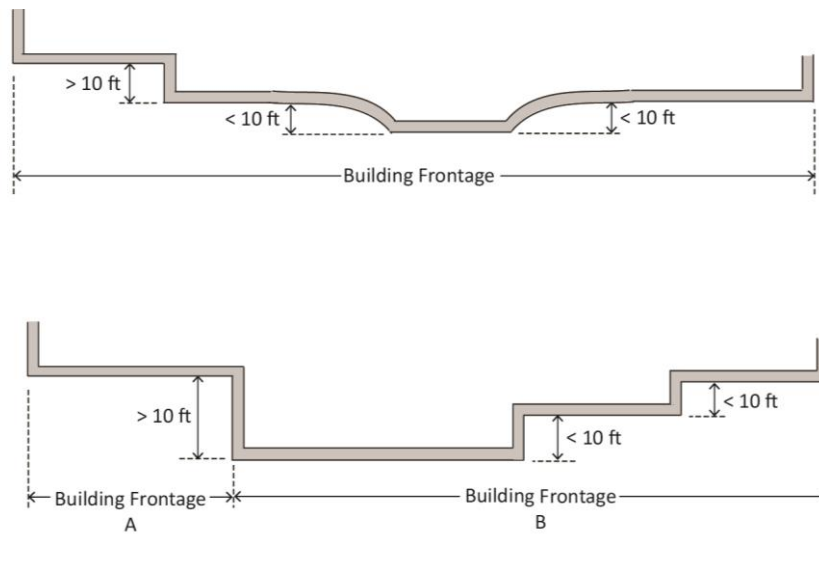
shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

- b. *Materials and Width.* Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.
- c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.
- d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.



**FIGURE 17.23.090.N: PEDESTRIAN CIRCULATION**

- O. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the requirements of this Section are warranted in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.
- P. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.



**FIGURE 17.25.050.D: BUILDING FRONTAGE**

- E. **Street Frontage.** The length of street frontage is measured along the property line adjacent to the public right-of-way.

### 17.25.060 General Provisions

This Section establishes general standards that apply to all sign types and in all districts.

- A. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs must be constructed in accordance with the Uniform Building Code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.
- B. **Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified so as to become illegal are exempt from permitting pursuant to this Ordinance. Changes to copy do not include changes to the type or level of illumination of an approved sign.
- C. **Noncommercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. For purposes of this Chapter, all non-commercial speech messages will be deemed to be “on-site,” regardless of location.
- D. **Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, any non-commercial message may be substituted for any other non-commercial message, and any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.
1. **No Additional Approval.** Such substitution of message may be made without any additional approval, permitting, registration, or notice to the City. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-

commercial speech, or favoring of any particular non-commercial message over any other noncommercial message.

2. **Limitations.** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

E. **Changeable Copy.**

1. **Manual Changeable Copy.** Manually changeable copy shall represent no more than 30 percent of the sign area.
2. **Automatic Changeable Copy and Electronic Message Center Signs.** Electronic Message Center (EMC) signs and automatic changeable copy in which copy can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, are allowed subject to the following standards.
  - a. **Permit Required.** All automatic changeable copy and electronic message center signs require Conditional Use Permit approval, except service and gas station price signs and time and temperature signs.
  - b. **Display Duration.** The display shall change no more frequently than once every eight seconds and must have an unlighted interval between copy displays of 0.3 second or more.
  - c. **Static Message.** Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity
  - d. **Light Intensity.** 0.3 foot-candles over ambient lighting conditions when measured at a distance equal to the square root of 100 times the area of the sign in square feet. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
  - e. **Automatic Controls.** All electronic message displays shall be equipped with automatic controls to allow for adjustment of brightness based on ambient lighting conditions.

- F. **Illumination.** Illuminated channel letters and neon signs are allowed. However, ~~cabinet internally illuminated~~ signs ~~and bare bulbs~~ are prohibited. Lighting fixtures used to illuminate an outdoor sign shall be mounted on the top of the sign structure, unless approved with a Minor Use Permit.

- G. **Encroachment Permits.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval by the Public Works Director of an encroachment permit.



- H. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard and other materials subject to rapid deterioration shall be limited to temporary signs. Fabric signs are limited to awnings, canopies, flags, and temporary signs.

**17.25.070 Allowed Signs by District**

This Section establishes the types and size of signs allowed per zoning district. These signs are also subject to the regulations in “General Provisions for All Sign Types” and “Standards for Specific Sign Types”.

- A. **Types of Signs Allowed.** Table 17.25.070.A establishes the types of signs allowed per zoning district.

<b>TABLE 17.25.070.A: ALLOWED SIGNS BY DISTRICT</b>							
<i>✓ Allowed (subject to compliance with this Chapter)</i>				<i>- Not Allowed</i>			
<i>District</i>	<i>Sign Type</i>						
	<i>A-frame</i>	<i>Awning and Canopy</i>	<i>Freestanding</i>	<i>Projecting and Shingle</i>	<i>Window</i>	<i>Wall</i>	<i>High Rise Building Identification</i>
<b>All Districts</b>							
See Section 17.25.080, Signage Allowances for Specific Uses and Development and Section 17.25.090.G, Temporary Signs.							
<b>Commercial and Mixed Use Districts</b>							
NC	✓	✓	✓	✓	✓	✓	-
CMU	✓	✓	✓	✓	✓	✓	-
CR	✓	✓	✓	✓	✓	✓	-
CC	✓	✓	✓	✓	✓	✓	✓
RC	✓	✓	✓	✓	✓	✓	✓
<b>Employment Districts</b>							
OP	-	✓	✓	✓	✓	✓	✓
BTP	-	✓	✓	✓	✓	✓	✓
LI	-	✓	✓	✓	✓	✓	✓
GI	-	✓	✓	✓	✓	✓	✓
<b>Public and Semi-Public Districts</b>							
PF	-	-	✓	-	✓	✓	-
TS	-	✓	✓	✓	✓	✓	-
PK	-	-	✓	-	-	✓	-
OS	-	-	✓	-	-	✓	-
<b>Resource Production District</b>							
RP	-	-	✓	-	-	✓	-

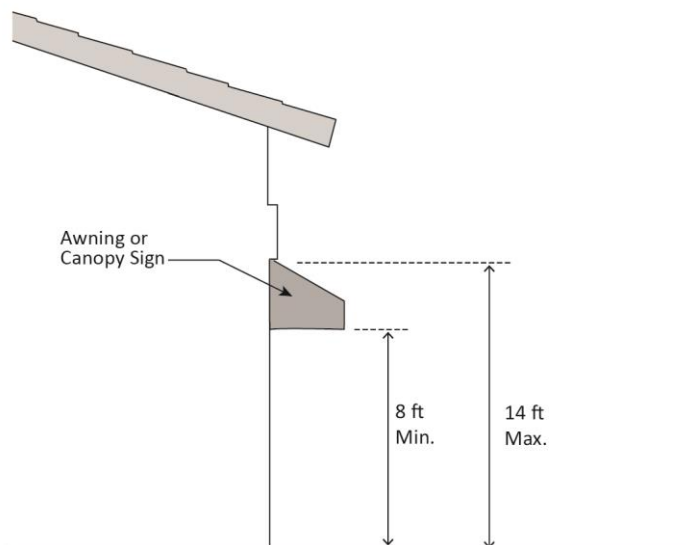
- A. **Residential Developments.** Residential developments of two or more units or lots are allowed freestanding signs and wall signs with a total aggregate sign area of one square foot per two dwelling units, subject to the following standards.
1. **Maximum Number of Signs.** One per street frontage.
  2. **Maximum Size per Sign.** 20 square feet.
  3. **Maximum Height of Freestanding Signs.** Four feet.
- B. **Non-Residential Uses in Residential Districts.** Nonresidential uses that are the primary use on a site in a Residential District are allowed total aggregate sign area of one square foot per eight feet of street frontage. Allowed sign types and the maximum sign area for individual signs is as follows.
1. **Awning and Canopy Signs.** Six square feet or 25 percent of the surface area of the awning, whichever is less.
  2. **Freestanding Signs.** Six square feet.
  3. **Projecting and Shingle Signs.** Six square feet.
  4. **Window Signs.** 15 percent of window area.
  5. **Wall Signs.** 10 square feet.
- C. **Menu/Order Board Signs.** Outdoor menu/order board signs are subject to the following standards:
1. **Uses Allowed With.** Outdoor menu/order board signs are allowed on the site of a permitted drive-in, walk-up, or drive-thru facility.
  2. **Maximum Number.** A maximum of two per business with a drive-thru facility and one per business with a walk-up window.
  3. **Maximum Size.** The area of each menu/order board sign shall not exceed 32 square feet.
  4. **Maximum Height.** Six feet.
  5. **Location.**
    - a. Menu/order board signs shall be located adjacent to the drive-thru aisle or walk-up window; and
    - b. The signs shall not be located so as to impair the vision of the driver of a vehicle traveling either into, out of, or through the drive-thru aisle.
- D. **Display Structures.** Display structures for pedestrian viewing are allowed in Commercial and Mixed-Use Districts pursuant to Master Sign Program approval. Such structures may include enclosed displays or displays incorporated into the structure such as bus stop benches, kiosks, or weather protection structures.

### 17.25.090 Standards for Specific Sign Types

This Section establishes general standards for specific sign types that apply to all districts where such signs are allowed.

A. **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are subject to the following standards.

1. **Maximum Number.** One for each establishment having entrance under or offering service under the awning or canopy.
2. **Maximum Size.** 10 square feet or 25 percent of the surface area of the awning, whichever is less. The sign area of awning and canopy signs is included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
3. **Maximum Height.** 14 feet.
4. **Minimum Sign Clearance.** Eight feet.
5. **Illumination.** Awning and canopy signs shall not be illuminated.

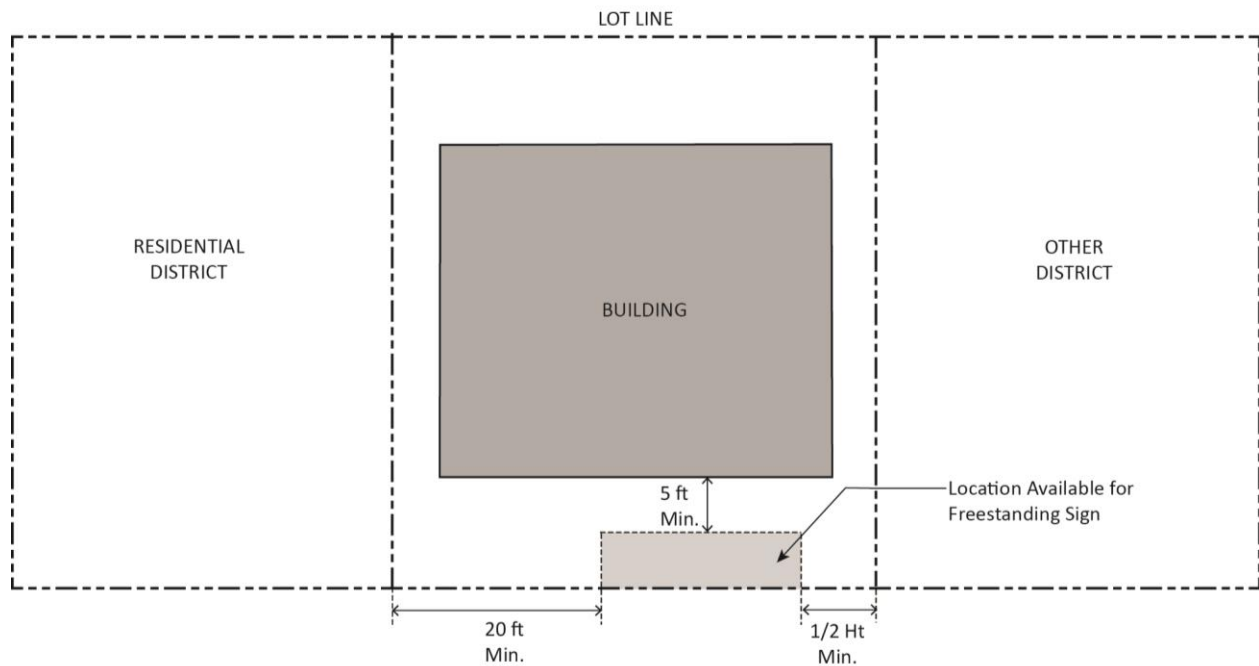


**FIGURE 17.25.090.A: AWNING AND CANOPY SIGNS**

B. **Freestanding Signs.** Freestanding signs are subject to the following standards.

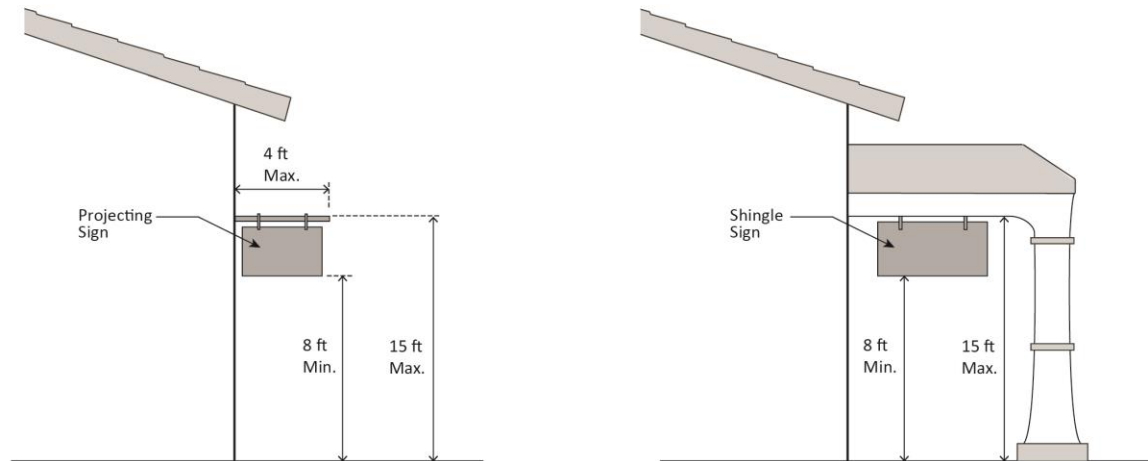
1. **Maximum Number.** One per 50 feet of street frontage.
2. **Maximum Size.** The maximum sign area per freestanding sign is listed below. The sign area of freestanding signs is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
  - a. *NC, CMU, and CR Districts:* 100 square feet.
  - b. *CC District:* 150 square feet.
  - c. *RC District:* 250 square feet.
  - d. *OP District:* 100 square feet.

- e. *BTP District: 60 square feet.*
  - f. *LI and GI Districts: 100 square feet.*
  - g. *Public and Semi-Public and Resource Production Districts: 60 square feet.*
3. **Maximum Height.**
- a. *NC, CMU, and CR Districts: 20 feet.*
  - b. *CC District: One sign may be up to 40 feet. 20 feet for all other freestanding signs.*
  - c. *RC District: One sign may be up to 100 feet. 20 feet for all other freestanding signs.*
  - d. *OP District: 20 feet.*
  - e. *BTP District: Up to two signs per street entrance may be up to eight feet. Three feet for all other freestanding signs*
  - f. *LI and GI Districts: One sign may be up to 30 feet. 20 feet for all other freestanding signs.*
  - g. *Public and Semi-Public and Resource Production Districts: Eight feet.*
  - g.h. *All monument signs shall be up to 6 feet.*
4. **Additional Freestanding Signs in the RC District.** In the RC District, one additional sign up to 250 square feet in size and up to 40 feet high is allowed at each entrance from a public street. This additional sign is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
5. **Placement.**
- a. Freestanding signs shall be located a minimum of five feet from any building.
  - b. Freestanding signs shall be located a minimum of 20 feet from the lot line of any lot in a Residential District.
  - c. Freestanding signs shall be setback from all other property lines a minimum distance equal to one-half the height of the sign. Freestanding signs shall also meet visibility requirements at street intersections and driveways pursuant to Chapter 10.36, Visibility Requirements, of the Newark Municipal Code.



**FIGURE 17.25.090.B: FREESTANDING SIGNS**

- C. **Projecting and Shingle Signs.** Signs that project horizontally from the exterior wall of a building or are suspended beneath a marquee, covered walkway, canopy, or awning, are subject to the following standards.
1. **Maximum Number.** One for each building frontage or tenant space.
  2. **Maximum Size.** Nine square feet. The sign area of projecting and shingle signs is included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
  3. **Maximum Height.** 15 feet.
  4. **Minimum Sign Clearance.** Eight feet.
  5. **Projection Allowed.**
    - a. *Projecting Sign.* A projecting sign cannot extend more than four feet from the building to which it is attached and must be designed and located so as to cause no harm to street trees. Signs projecting into the public right-of-way are subject to an encroachment permit.
    - b. *Shingle Sign.* A shingle sign cannot extend further than the outer edge of the marquee, covered walkway, canopy, or awning from which it is suspended.
  6. **Illumination.** Projecting and shingle signs shall not be illuminated.



**FIGURE 17.25.090.C: PROJECTING AND SHINGLE SIGNS**

- D. **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure. Wall signs are subject to the following standards.
1. **Maximum Number.** One per building frontage or tenant space.
  2. **Maximum Size.** Wall sign copy shall not occupy more than 75 percent of the length of the wall to which the sign is attached. The sign area of wall signs is included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
    - a. *BTP District.* In the BTP District, wall signs are limited to 10 square feet per tenant.
  3. **Material.** In Commercial and Mixed-Use Districts, wall signs shall consist of channel sign elements with the exemption of business logos.
  4. **Attachment.**
    - a. Attached flat against or pinned away from a building wall, but shall not extend or protrude more than 15 inches from the wall; or
    - b. Attached to the facade of a building or on a sloping roof (mansard roof), but shall not extend above the upper edge of the facade or the sloping roof.
  5. **Placement.**
    - a. Wall signs shall not be placed higher than the second story of a building.
    - b. Wall signs shall not cover or interrupt major architectural features, including such features as doors, windows, or tile embellishments.
    - c. Wall signs shall not extend higher than the building wall upon which they are attached except on a peaked, mansard, or shed roof where the sign may be placed in such a manner that the highest point on the sign shall be no higher than

the lowest two-thirds of the roof height and providing that the vertical dimension of the sign shall be no greater than one-third the vertical dimension of the roof.

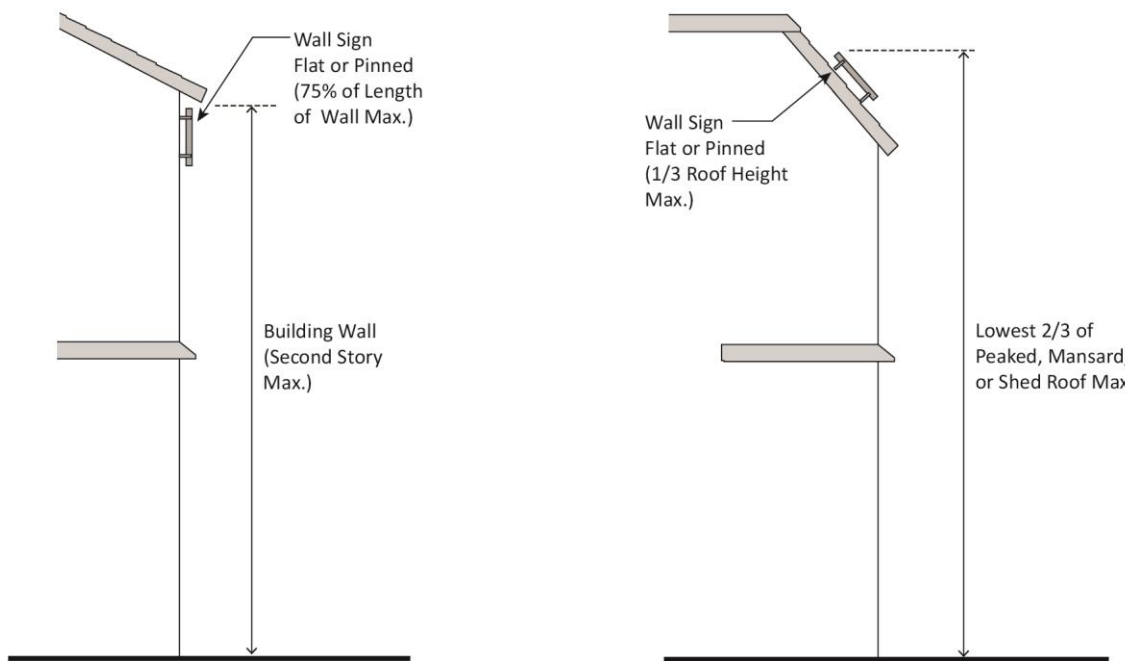


FIGURE 17.25.090.D: WALL SIGNS

E. **A-Frame Signs.** A-Frame signs are subject to the following standards.

1. **Maximum Number.** One per business.
2. **Maximum Size.** Six square feet. The sign area of a-frame signs is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
3. **Maximum Height.** Four feet.
4. **Placement.** A-Frame signs must be placed on private property directly in front of the business it is identifying.
5. **Hours of Display.** A-Frame signs shall be removed during hours when the establishment is not open to the public and cannot be displayed after the activity with which they are associated with is over.

F. **High-rise Building Identification Signs.** High-rise building identification signs are allowed on buildings of at least four stories, subject to the following standards.

1. **Maximum Number.** One per street frontage.

2. **Maximum Size.** One square foot per linear foot of building frontage. The sign area of high-rise building identification signs is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
  3. **Location.** Signs shall be located on the upper-most story of the building.
- G. **Temporary Signs.** Any temporary sign, banner, balloon, pennant, valance or advertising display for any event of limited duration including, but not limited to, entertainment, sporting events, elections, construction, sales of goods, and real estate sales and rental may be erected and located in accordance with the following standards. Tenants and units include planned future tenants and units to be constructed for which a planning approval has been granted or for which a Building Permit has been issued.
1. **RS and RL Districts.**
    - a. **Maximum Sign Area.** Six square feet per street frontage.
    - b. **Maximum Height.** Six feet above existing grade.
    - c. **Location.** Signs greater than three square feet in size shall be setback from all property lines a minimum of five feet.
  2. **RM and RH Districts.**
    - a. **Maximum Sign Area.** 20 square feet per street frontage.
    - b. **Maximum Height.** 10 feet above existing grade.
    - c. **Additional Individual Unit Signs.** Each groundfloor unit is also allowed one sign up to six square feet in size and six feet in height. Each upperfloor unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
    - d. **Location.** Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
  3. **NC, CMU, CR, CC, and OP Districts.**
    - a. **Maximum Sign Area.** 32 square feet per street frontage.
    - b. **Maximum Height.** Six feet above existing grade
    - c. **Additional Individual Tenant/Unit Signs.** Each groundfloor tenant/unit is allowed one sign up to three square feet in size and six feet in height. Each upperfloor tenant/unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
    - d. **Location.** Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
  4. **RC, BTP, LI, and GI Districts.**
    - a. **Maximum Sign Area.** 64 square feet per street frontage.
    - b. **Maximum Height.** 10 feet above existing grade



- c. *Additional Individual Tenant/Unit Signs.* Each groundfloor tenant/unit is allowed one sign up to six square feet in size and six feet in height. Each upperfloor tenant/unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
    - d. *Location.* Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
- 5. ***PK and TS Districts.***
  - a. *Maximum Sign Area.* Six square feet per street frontage.
  - b. *Maximum Height.* Six feet above existing grade.
- 6. ***PF, OS, and RP Districts.***
  - a. *Maximum Sign Area.* 12 square feet per street frontage.
  - b. *Maximum Height.* 10 feet above existing grade.
  - c. *Location.* Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
- 7. ***Time Limits.*** Temporary signs shall be removed within 14 days after the conclusion of the event the drive, the election, or the purpose served by the sign.
  - a. Any such sign that remains more than 14 days after the event shall be considered abandoned and the City Clerk and/or Public Works Director, or any of their agents, are authorized to remove the sign without notice.
- 8. ***Removal.*** The City Clerk and/or Public Works Director, or any of their agents, are authorized to remove any sign found to be in violation of this section and shall store the sign in a safe location. The City Clerk and/or Public Works Director shall reasonably attempt to contact the person or entity responsible for posting the sign, such as the organization, campaign, committee, and/or candidate. If the sign is not retrieved within 14 calendar days after such notification, or reasonable attempt thereof, the sign shall be considered as abandoned and the City Clerk and/or Public Works Director, or any of their agents, are authorized to dispose of the sign without further notice.
- H. ***Window Signs.*** Permanent window signs painted on or otherwise adhered directly onto a window and signs that block a window in any way are subject to the following standards.
  - 1. ***Maximum Size.*** 25 percent of the window area. The sign area of window signs is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
  - 2. ***Height.*** Window signs shall not be mounted or placed on windows higher than the second story.



FIGURE 17.25.090.H: WINDOW SIGNS

### 17.25.100 Sign Permit Required

- A. **Sign Permit Required.** Except as otherwise expressly provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a face change of sign copy), move, or display any temporary or permanent sign within the City without first obtaining a sign permit from the Director. No sign permit is required for exempt signs and for cleaning or other normal maintenance of a properly approved sign, unless a structural or electrical change is made.
- B. **Design Review Required.** All signs ~~25 square feet or more in size~~ are subject to ~~the~~ design review ~~by the Planning Division.~~ ~~provisions of Chapter 17.34, Design Review.~~
- C. **Conditional Use Permit Required for Outdoor Advertising Structures (Billboards).** Outdoor advertising structures displaying general advertising for hire are allowed when oriented towards a freeway in the RC and BTP districts subject to Conditional Use Permit approval.
- D. **Applications for Filing, Processing and Review.**
  1. **Filing and Filing Fee.** Application for a Sign Permit shall be made upon forms furnished by the Director and accompanied by the required fee and working drawings adequate to show:
    - a. The location, dimensions, construction and design, including colors, materials, lighting, electrical elements, and advertising copy, of the sign.
    - b. The location and dimensions of existing structures and the relationship of the proposed sign to existing structures.
    - c. The location, dimensions, and design of all existing signs.

2. **Compliance with Standards.**
  - a. Upon acceptance of a sign application, the Director shall review the request for compliance with the standards and requirements of this Chapter, and with any standards established in a Master Sign Program pursuant to Section 17.25.110, Master Sign Program.
  - b. The Director's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.
  - c. No permit for construction will be issued until design review, if required, has been granted and the application has been found in conformance with the approved design.
- E. **Permit Number Identification.** A tag issued by the City indicating the Sign Permit number shall be affixed to the sign so as to be readily visible by City inspectors.

### 17.25.110 Master Sign Programs

- A. **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.
- B. **Applicability.**
  1. A Master Sign Program is required for:
    - a. Projects with four or more nonresidential tenants,
    - b. Multi-unit developments of 50 or more units, and
    - c. Whenever five or more signs are proposed for a building or site.
- C. **Application.** Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.
- D. **Allowable Modifications.** A Master Sign Program may provide for deviations from the standards of this Chapter.
- E. **Review Authority.** All Master Sign Programs are subject to review and approval of the Review Authority for the project with which the signs are associated. A Master Sign Program may be submitted separately or as part of the permit application for the project.
  1. The Planning Commission shall be the Review Authority for any Master Sign Program application requesting additional sign area, additional height, or an increase in the number of signs otherwise allowed by this Chapter.
  2. The Director may, at his or her discretion, refer any application for a Master Sign Program to the Planning Commission for a decision rather than acting on it himself or herself.
- F. **Required Findings.** In order to approve a Master Sign Program, the Review Authority must find that all of the following are met, in addition to other applicable regulations in this Section:

### 17.26.130 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.

### 17.26.140 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 Chapter 17.25, Signage Standards.
  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.

- ~~13~~-14. **Business Licenses.** No home occupation shall be conducted without a current business license obtained and maintained pursuant to the provisions of Chapter 5.04, Business Licenses.
- 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.
- E. **Home Occupation Permit; Issuance; Modification; and Revocation.** No home occupation shall be permitted unless the Director certifies that it conforms to the home occupation regulations of this chapter and application for such permit shall be made pursuant to Section 17.31.020 (Application Forms and Fees).
1. The Director may fix, in his or her reasonable discretion, a termination date upon a home occupation in order to affect a periodic review thereof. The Director may revoke or modify any permit pursuant upon reasonable proof of a violation of any of the terms or conditions

of the permit. If a permit is revoked or modified, no home occupation shall be conducted on the premises until the Director issues a new permit or the terms of any modification are fully met.

2. Nothing in this chapter shall require the Director to issue a home occupation permit to any applicant. If any applicant has had a home occupation permit revoked or suspended pursuant to this code, the Director may deny a home occupation permit to any home occupation operated under the same name, same entity or by the same officers, managers or individuals responsible for or owning the home occupation for which a permit has been revoked or suspended regardless of any name change, change in management or conveyance of the home occupation to another person or entity.

#### F. Appeals.

1. Any applicant aggrieved by any decision of the Director with respect to the issuance, denial, suspension, modification or failure to renew a permit under the provisions of this section, may appeal the decision pursuant to the procedures in section 17.31.110.
2. The failure to timely and properly file a request for a hearing under section 17.31.110, or the failure to appear at a scheduled hearing, shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies. If appeal is waived for any reason, including as provided under this subsection, the decision of the Director shall be final.

#### 17.26.150 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.

#### 17.26.160 Marijuana and Cannabis

All activity related to marijuana and cannabis, both medical and recreational is prohibited. The prohibition includes commercial cultivation, testing, manufacturing, distribution, delivery and dispensaries (fixed or mobile) of marijuana/cannabis. Cultivation of marijuana or cannabis for non-commercial personal purpose is allowed as long as it is consistent with State law and Chapter 5.36 of the Newark Municipal Code.

#### 17.26.170 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. 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.

### 17.26.260 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 17.23, 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 ~~45~~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.

#### 17.26.270 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.

**17.46.120 “L”**

**Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

### Landscaping-Related Definitions.

**Hedge.** Any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line. Hedges are not considered trees for the purposes of this Ordinance.

**Hydrozone.** A portion of the landscaped area having plants with similar water needs.

**Landscaping.** The planting, configuration and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

**Mulch.** Any organic material, such as leaves, bark, straw, compost, or inorganic mineral materials, such as rocks, gravel, and decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**Pruning.** The removal of more than one-third of the crown or existing foliage of the tree or more than one-third of the root system.

**Runoff.** Water that is not absorbed by the soil or landscape to which it is applied, and flows from the landscape area.

**Shrub.** A bush, hedge, or any plant that is not a tree more than 12 inches tall.

**Tree.** Any live woody or fibrous plant, the branches of which spring from and are supported upon a trunk.

**Trim.** The cutting or removal of a portion of a tree, which removes less than one-third of the crown or existing foliage of a tree, removes less than one-third of the root system, and does not kill the tree.

**Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

**Lodging House.** A single family home which allows leasing of bedrooms. A single family home may have a maximum of two rooms leased when the home is owner-occupied. The owner shall retain access to all areas of the dwelling unit occupied by the lodger and overall control of the dwelling unit. The leasing of rooms shall not be less than 30 days.

**Lot.** A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the County of Alameda, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

**Abutting Lot.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

**Corner Lot.** A lot or parcel bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

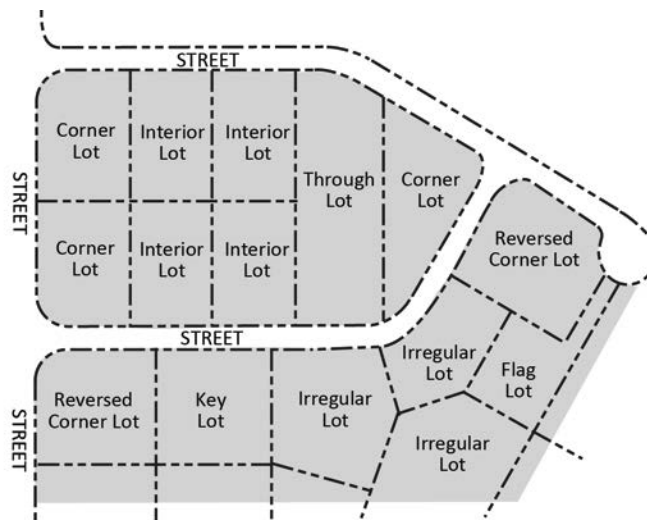
**Flag Lot.** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

**Interior Lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

**Key Lot.** An interior lot adjoining the rear lot line of a reversed corner lot.

**Reversed Corner Lot.** A corner lot, the rear of which abuts the side of another lot, whether across a lane or not.

**Through Lot.** A lot having frontage on two parallel or approximately parallel streets.



**FIGURE 17.46.120(1): LOT TYPES**

**Lot Area.** The area of a lot measured horizontally between bounding lot lines.

**Lot Coverage.** The portion of a lot that is covered by structures, including main and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See also Section 17.02.030.H, Determining Lot Coverage.

**Lot Depth.** The horizontal distance between the front and rear property lines of a site measured midway between the side property lines. See also Section 17.02.030.D, Measuring Lot Width and Depth.

**Lot Frontage.** See “Frontage, Street.”

**Lot Line.** The boundary between a lot and other property or the public right-of-way.

**Lot Line Types.**

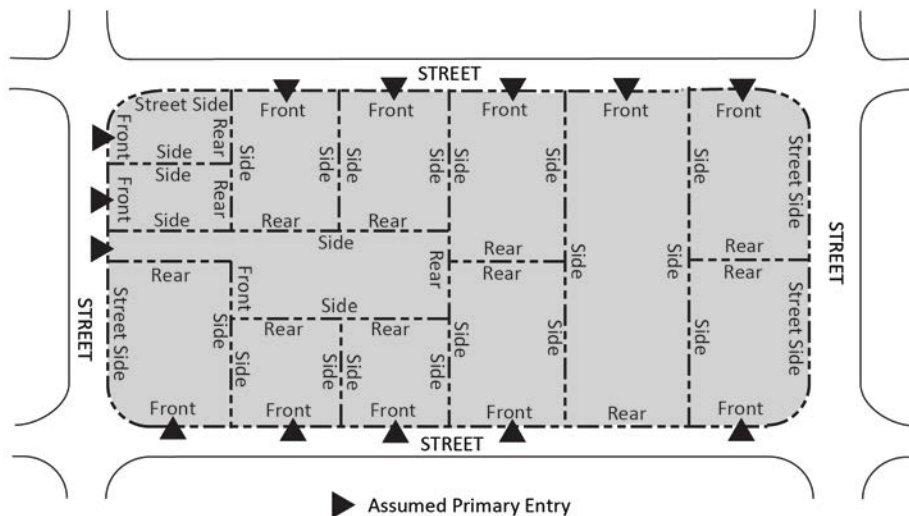
**Front Lot Line.** On an interior lot, the line separating the lot from the street or lane. On a corner lot, the shorter lot line abutting a street or lane. On a through lot, the lot line abutting the street or lane providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

**Interior Lot Line.** Any lot line that is not adjacent to a street.

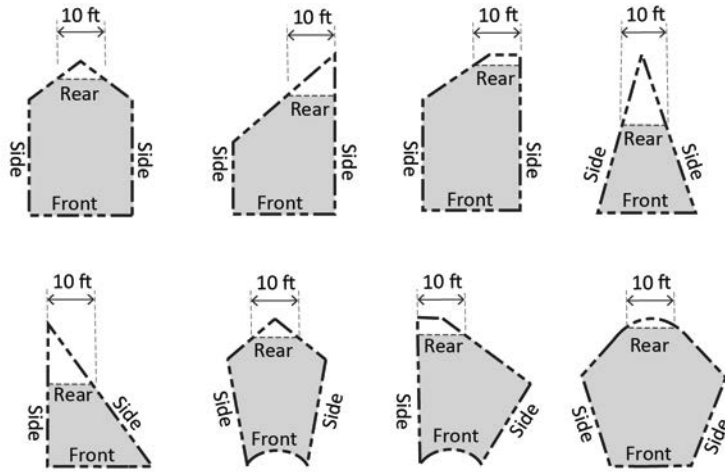
**Rear Lot Line.** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

**Side Lot Line.** Any lot line that is not a front or rear lot line.

**Street Side Lot Line.** A side lot line of a corner lot that is adjacent to a street.



**FIGURE 17.46.120(2): LOT LINE TYPES**



**FIGURE 17.46.120(3): REAR LOT LINES, IRREGULAR LOTS**

**Lot Width.** The average distance between the side lot lines measured at right angles to the lot depth. See also Section 17.02.030.D, Measuring Lot Width and Depth.