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Consultant, Presentation*



City of Newark Zoning Ordinance Update

DRAFT ZONING ORDINANCE AND MAP

CITY COUNCIL WORK SESSION
NOVEMBER 7, 2017

Presentation Agenda

- **Overview of the Zoning Ordinance Update Project**
 - Purpose, Objectives, Process
- **Summary of Draft Zoning Ordinance and Map**
- **Discussion**

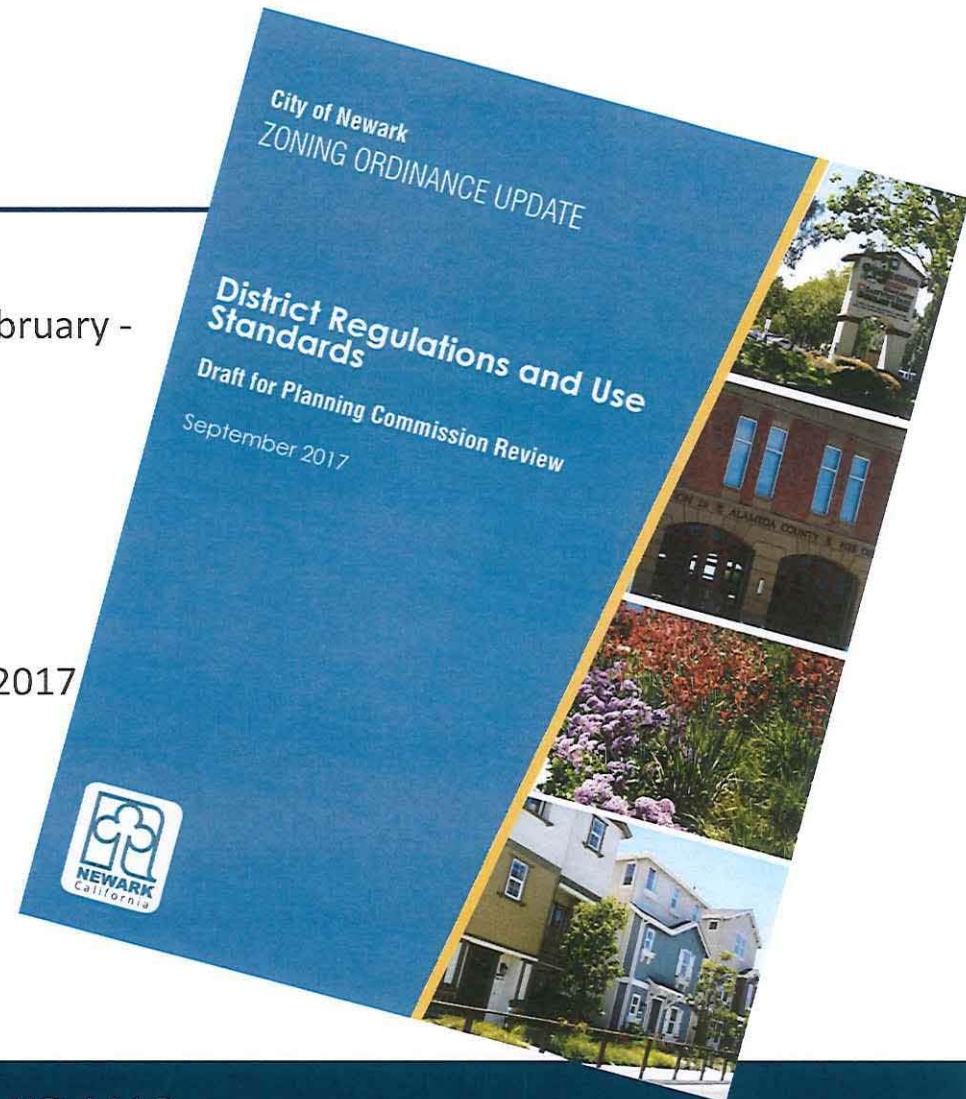
Project Objectives

TO CRAFT A NEW ZONING ORDINANCE THAT:

- Is consistent with and implements the General Plan
- Is consistent with State and federal law
- Is modern and reflects the City's current uses, practices, and development patterns
- Provides clear decision-making protocols and streamlined review processes, where appropriate
- Is clear, concise, understandable, and easy to use

Project Overview

- ✓ Project initiation, February 2016
- ✓ Research and assessment by the Consultant, February - March 2016
- ✓ Policy Issue Paper, April 2016
- ✓ Evaluation of issues and options by Planning Commission, April 2016
- ✓ PC Review of Draft regulations
 - ✓ Citywide and Administrative Provisions, July 2017
 - ✓ District Regulations and Use Standards, September 2017
 - Draft Zoning Ordinance and Map
 - Hearings and adoption



Zoning Ordinance Update

The new Zoning Ordinance is comprised of five divisions:

- Division I – Introductory Provisions
- Division II – Base and Overlay Districts
- Division III – Citywide Regulations
- Division IV – Administration and Permits
- Division V – General Terms

Base and Overlay Districts

Base and overlay districts implement General Plan Land Use Designations

Division II establishes land use and development standards for each district

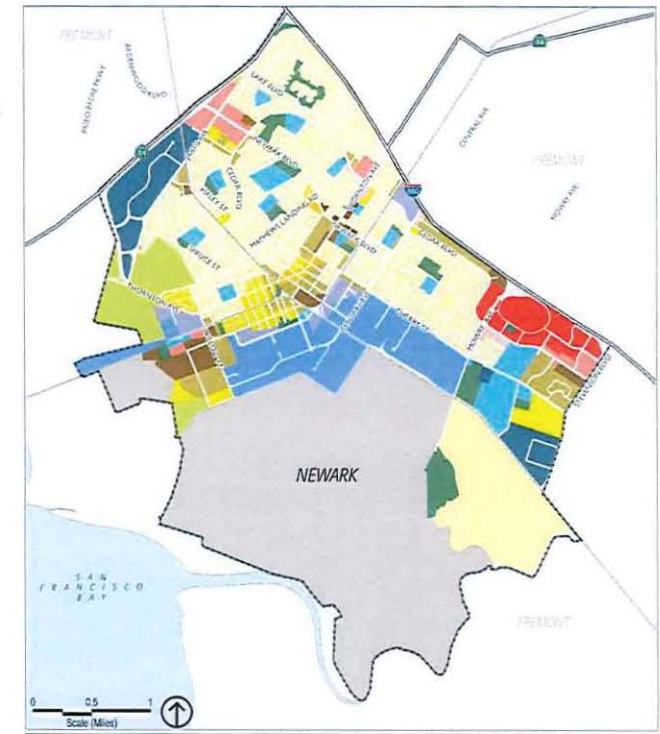
○ Base Districts

- Residential Districts
- Commercial and Mixed Use Districts
- Employment Districts
- Public and Semi-Public Districts
- Resource Production District

○ Overlay Districts

- Planned Development (PD) Overlay District
- Form Based Code (FBC) Overlay District

NEWARK GENERAL PLAN
LAND USE



Source: City of Newark, 2012. The Planning Center (CCAL). 2013. High-Speed Rail (HSR) Study. 2013. FYC 2010-14. Nov. 2013.

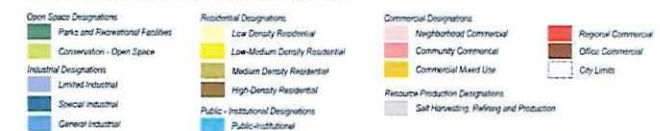


FIGURE LU-1
GENERAL PLAN LAND USES

Organization of District Regulations

Purpose Statements

- Explain intent of district and how it fits into the City's land use policy
- Serve as a guide for administration of regulations

17.08.010 Purpose and Applicability

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

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

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

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

Organization of District Regulations

Land Use Regulations

- Uses are classified according to use groups
- Use allowances are presented in tables, categorized as:
 - Permitted
 - Minor Use Permit required
 - Conditional Use Permit required

- Animal Care, Sales, and Services**
- Animal Sales and Grooming
 - Boarding/Kennels
 - Veterinary Services

TABLE 17.05.020: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS
 "P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use Classification	RS	RL	RM	RH	Additional Regulations
Residential Uses					
Residential Housing Types					
Single-Unit Dwelling, Detached	P	P	P	P	
Single-Unit Dwelling, Attached	-	P	P	P	See Section 17.05.040.D, Single Unit Attached and Multi-Unit Development
Two-Unit Dwelling	-	P	P	P	
Multi-Unit Development	-	P	P	P	See Section 17.05.040.D, Single Unit Attached and Multi-Unit Development
Accessory Dwelling Unit	P	P	P	P	See Section TBD, Accessory Dwelling Units
Family Day Care					
Small	P	P	P	P	
Large	M	M	M	M	See Section TBD, Day Care

Organization of District Regulations

Development Standards

- Dimensional requirements
- Supplemental standards

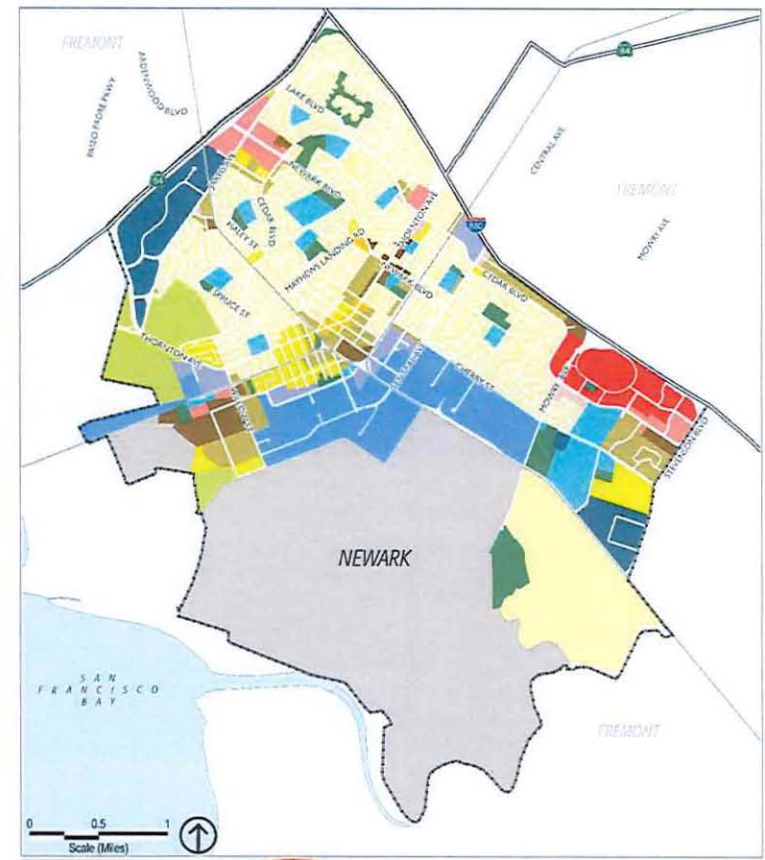
TABLE 17.06.030: DEVELOPMENT STANDARDS-COMMERCIAL AND MIXED USE DISTRICTS

Standard	NC	CMU	CR	CC	RC	Additional Regulations
Lot and Density Standards						
Density (units/acre)						
Maximum	-	40	-	-	n/a	
Minimum	-	n/a	-	-	30	
Minimum Lot Size (sq ft)	5,000	20,000	20,000	20,000	20,000	
Minimum Lot Width (ft)	50	100	100	100	100	
Height Standards						
Maximum Height (ft)	40, 30 within 20 ft of an RS or RL District boundary	60, 35 within 20 ft of an RS or RL District boundary (A)	75	100	250	See Section TBD, Height and Height Exceptions
Minimum Ground Floor Height (ft)	18	18	18	18	18	

Residential Districts

Residential Districts		General Plan	Existing Zoning
RS	Residential Single Family	Low Density Residential	R-10,000; R-8,000; R-7,000; R-6,000
RL	Residential Low Density	Low-Medium Density Residential	R-2,500; LDR-FBC
RM	Residential Medium Density	Medium Density Residential	R-2,500; R-1,500; MDR-FBC
RH	Residential High Density	High Density Residential	R-1,500; RH; MHDR-FBC, HDR-FBC

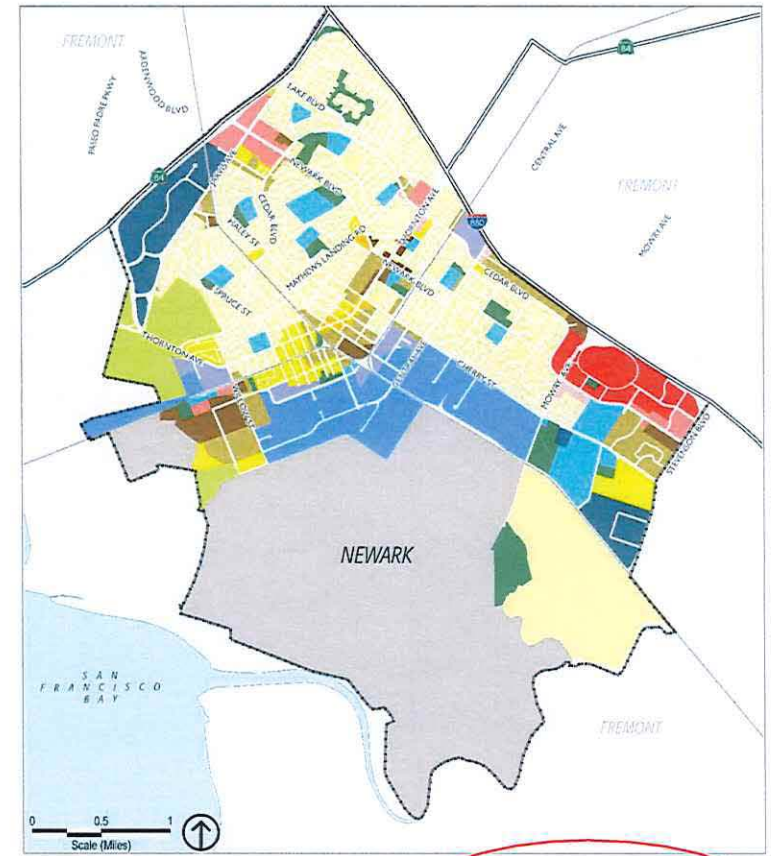
- Existing standards largely maintained, refined for clarity and to ease administration
- Increased lot coverage allowance for flexibility
- Additional design standards for attached single-unit and multi-unit development



Commercial and Mixed Use

Commercial and Mixed Use Districts		General Plan	Existing Zoning
NC	Neighborhood Commercial	Neighborhood Commercial	NC, CG
CMU	Commercial Mixed Use	Commercial Mixed Use	CMU, CMUL
CR	Commercial Retail	Community Commercial	R-FBC
CC	Community Commercial	Community Commercial	CC
RC	Regional Commercial	Regional Commercial	CR, CVR

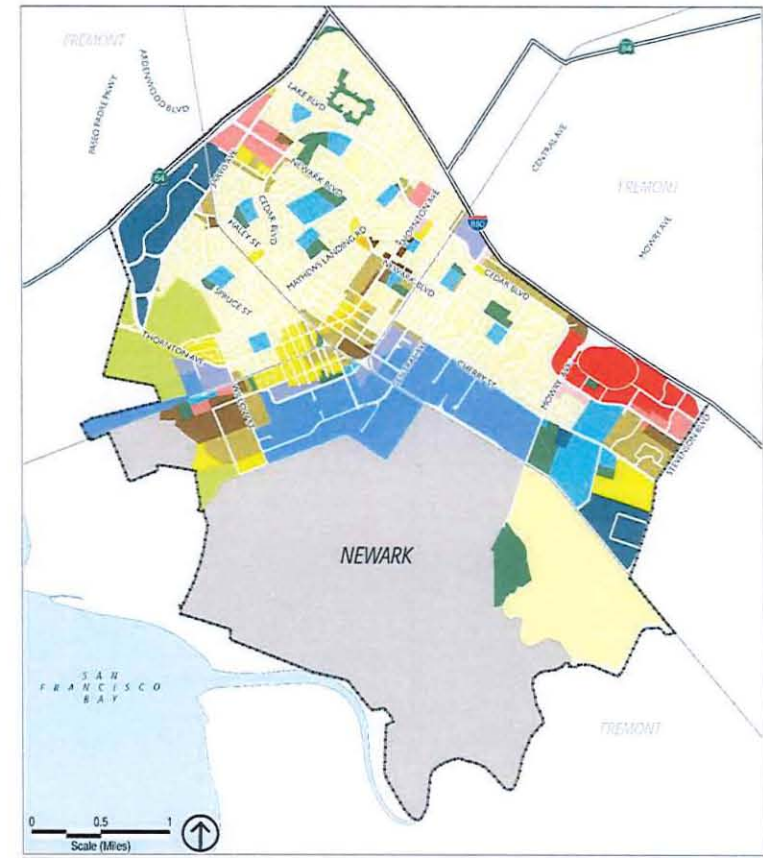
- *Minimum ground floor height to ensure Class A retail space*
 - *Associated refinements to overall height allowances with transition requirements adjacent to residential*
- *Additional design standards pedestrian-oriented and mixed-use development, particularly in CMU District*



Employment Districts

Employment Districts		General Plan	Existing Zoning
PO	Professional Office	Office Commercial	CPA, C-FBC
BTP	Business and Technology Park	Special Industrial	MP, MT, MT-1
LI	Limited Industrial	Limited Industrial	ML, CI
GI	General Industrial	General Industrial	MG

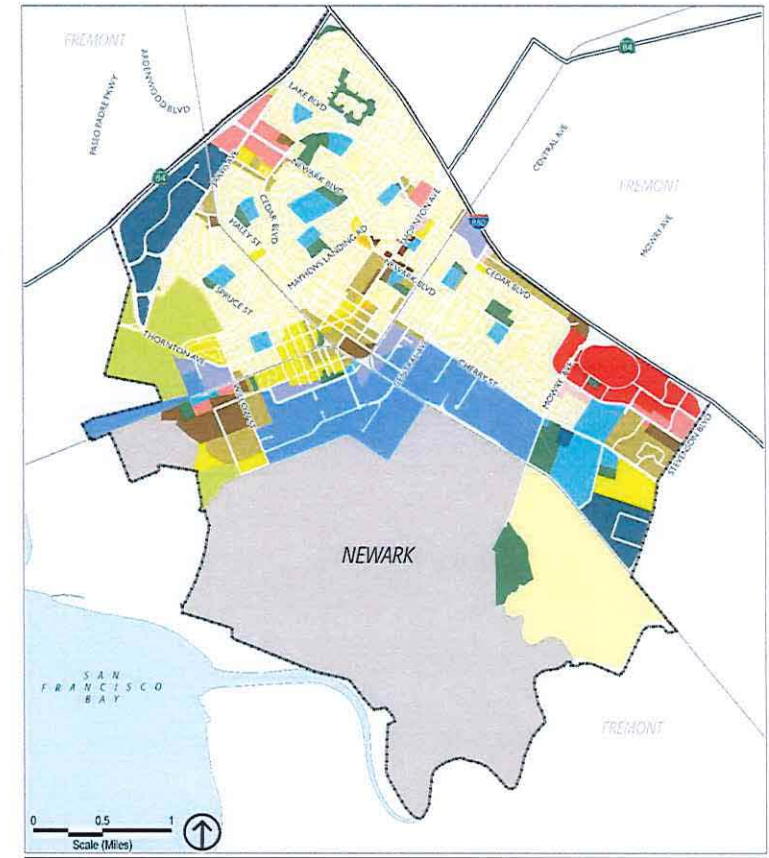
- Existing standards largely maintained, refined for clarity and to ease administration
- Reduced setback in BTP District for flexibility
- Transparency requirements in PO District to reflect proximity to retail and residential uses



Public and Semi-Public

Public and Semi-Public Districts		General Plan	Existing Zoning
PF	Public Facilities	Public-Institutional	None
TS	Transit Station	Public-Institutional	TS-FBC
PK	Park	Parks and Recreation Facilities	PO, POS-FBC
OS	Open Space	Conservation-Open Space	OC

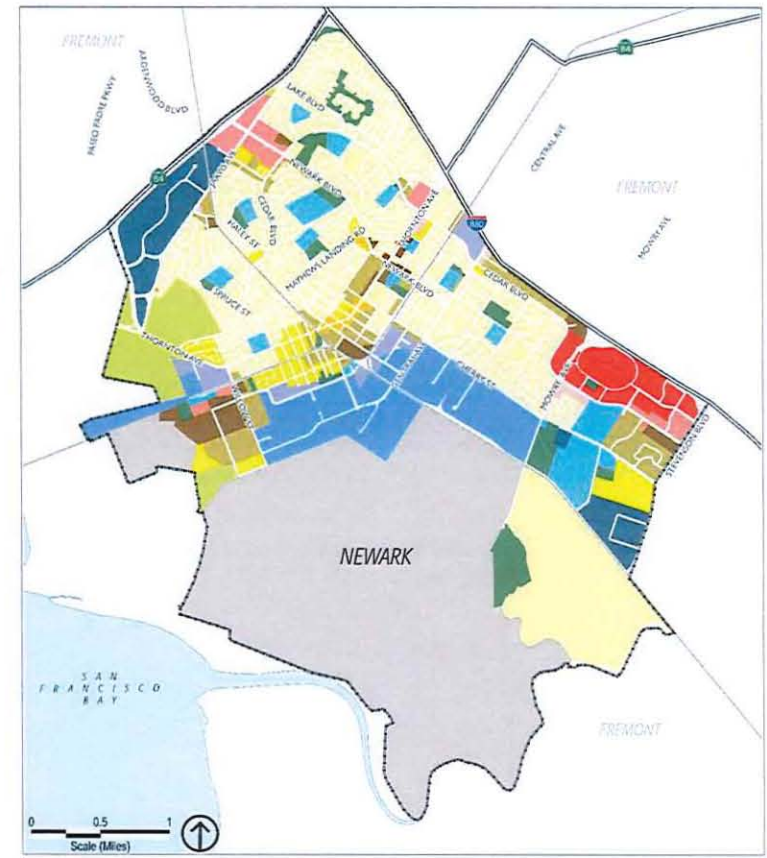
- Existing standards carried forward
- Public Facilities District established consistent with Public-Institutional General Plan Land Use Designation



Resource Production

Resource Production District		General Plan	Existing Zoning
RP	Resource Production	Salt Harvesting, Refining, and Production	AG

- Existing standards carried forward



Overlay Districts

Planned Development

- Planned Development (PD) is a planning tool that offers flexibility to allow for creative development that would not be possible through strict application of conventional zone or land use regulations.
- Also currently used as process to modify development standards on a lot-by-lot basis
 - *Now addressed through Modification process*
- *Revised to apply to integrated development where deviations from development standards achieve superior design than possible under the base zoning regulations.*

○ Form-based Code

- Incorporate current standards in Chapter 17.37, Form Based Codes
- Revised for consistency with new Zoning Ordinance

Citywide Regulations

- Regulations that apply to development in some or all zoning districts
- Updated to:
 - *Correct deficiencies*
 - *Achieve consistency with State, federal, and recent case law*
 - *Make easier to use and understand*
 - *Implement the General Plan*



General Site Regulations

- **Accessory Buildings and Structures**
 - *Clarify existing provisions, include additional provisions for timing of construction*
- **Development on Lots Divided by District Boundaries**
 - *New section articulating applicability of standards*
- **Development on Substandard Lots**
 - *New section for legal lots that don't meet current standards. Adjoining substandard vacant sites in same ownership are treated as one parcel.*
- **Fences and Freestanding Walls**
 - *Add limits on materials, require maintenance, and clarify height measurement*
- **Height and Height Exceptions**
 - *Detailed standards for exceptions to the height limit (chimneys, skylights, etc)*

General Site Regulations

○ Lighting and Illumination

- *Minimum lighting standards, maximum light fixture height, control of artificial outdoor light*

○ Outdoor Storage

- *Only allowed in Resource Production District and as an accessory use in General Industrial District*

○ Parking and Vehicle Storage in Required Yards

- *Clarify current provisions*

○ Projections into Required Yards and Required Building Separations

- *Clarify current provisions, add specificity for certain types of projections (ex. bay windows)*

○ Screening

- *Screening standards for mechanical equipment, outdoor storage, separation of residential and industrial uses*

General Site Regulations

- **Swimming Pools and Spas**

- *Location and fencing requirements*

- **Trash and Refuse Collection Areas**

- *Standards for location, materials, construction, and design of trash and refuse collection areas*

- **Underground Utilities**

- *Utilities must be installed underground within a site unless found to be infeasible*

Affordable Housing and Historical Resources

○ Affordable Housing Program and Density Bonus for Affordable Housing

- City of Newark Housing Impact Fee
- State Density Bonus
- *Existing provisions carried forward*
- *Reorganized so format is consistent with other chapters*
- *Consolidated to improve usability*
- *Reviewed for consistency with State law*

○ Historical Resources

- Procedures for the designation, alteration, and demolition of historical resources
- *Existing provisions carried forward*
- *Revised and reorganized so format is consistent with other chapters*

Landscaping

○ **Applicability:**

- *New development*
- *Additions that expand existing floor area by 10% or more*

○ **Consistent with State law**

- *Streamlined compliance*

○ **Optional Alternative Landscape Plan**

- *Allowance for alternative approaches that achieve intent of requirements*



Nonconforming Provisions

○ Flexibility to distinguish between nonconforming uses:

- **Class I:** *Considered benign and could remain, expand, or be substituted, as determined by Planning Commission*
- **Class II:** *To be replaced in the future, but are not detrimental because of health, safety, or substantial aesthetic impact.*
 - Restrictions on expansion or alteration
 - May be replaced with Class I Nonconforming Use pursuant to Conditional Use Permit approval
- **Class III:** *Uses determined to be detrimental to health and safety*
 - Designated by City Council upon finding use is threat to public health and safety
 - Amortization provisions allow City to require termination of use within certain time frame

Parking and Loading

- **Parking requirements by use, including bicycle parking and loading requirements**
 - *Where possible, consistent parking requirements are used for multiple uses to ease administration and allow flexibility for re-use*
- **Provisions for flexibility**
 - *Parking exceptions in Old Town*
 - *Provisions to enable City to establish in-lieu fee*
 - *Parking reductions for locations near transit, motorcycle parking, shared parking, unique circumstances*
- **Parking Area Design and Development Standards:**
 - *Space dimensions*
 - *Surfacing*
 - *Landscaping*
 - *Screening*

Performance Standards

- **Establish limits on nuisances, hazards, and objectionable conditions**
 - *Dust and Fumes*
 - *Electromagnetic Interference*
 - *Fire and Explosive Hazards*
 - *Glare*
 - *Heat and Humidity*
 - *Noise*
 - *Waste Disposal*
 - *Vibration*

Signage Standards

- Updated to avoid content-based regulation
 - *Revise list of exempt and prohibited signs*
- Address additional sign types
 - *Projecting, awning, canopy, freestanding, temporary, 'commercial mascots'*
- Sign standards by district
 - *Sign type and aggregate sign area*
- Standards for specific sign types
- Permit requirements
 - *Master Sign Programs*



Standards for Specific Uses

○ **Include uses with little or no variation between districts.**

○ **Address specific characteristics or compatibility issues of particular uses.**

- *Accessory Uses*
- Adult Businesses
- *Automobile/Vehicle Sales and Services*
- Check Cashing Business
- Community Gardens
- *Day Care*
- Drive-In and Drive Through Facilities
- *Emergency Shelters*

- Farmer's Markets
- Live-Work Units
- *Home Occupations*
- Hookah Lounges
- *Medical Marijuana Dispensaries*
- Outdoor Dining and Seating
- Outdoor Display and Sales
- Personal Services

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

Administration and Permits

- **Provisions for the administration of the Zoning Ordinance**
 - *Conveys who is responsible for making decisions on zoning applications*
 - *Presents permit approval process*
- **Draft provisions intended to:**
 - *Maintain the bulk of existing provisions*
 - *Consolidate administrative procedures*
 - *Reflect 'best practices' and respond to staff and Planning Commission input*

Administration and Permits

○ **Planning Authorities**

- *Identify the bodies, officials, and administrators authorized with designated responsibilities in implementing the Zoning Ordinance (City Council, Planning Commission, Director, Zoning Administrator)*

○ **Common Procedures**

- *Uniform procedures common to a variety of permits (ex. application, public notice and hearing, appeals)*

○ **Zoning Clearance**

- *Check for consistency with Zoning Ordinance and any discretionary approvals before issuance of permit or license*

○ **Certificate of Occupancy**

- *Check for consistency with approval prior to occupancy*

Administration and Permits

○ Design Review

- *Consolidate and augment current provisions for joint staff committee, single family design, Special Civic District, and architecture and site plan review*
- *Planning Commission is review authority for:*
 - Multi-unit development of 50 or more units
 - Nonresidential development or additional with more than 20,000 square feet
 - All other projects subject to Planning Commission approval
- *Director is review authority for other projects*
 - May refer project to Planning Commission

Administration and Permits

○ Use Permits

- *Conditional Use Permit*

- Review by Planning Commission
- Public notice and hearing

- *Minor Use Permit*

- New type of permit
- Review by Zoning Administrator
- Notice of Action to Planning Commission and City Council

Administration and Permits

○ **Waivers**

- *Relief from dimensional requirements of Ordinance (up to 10%) or to provide reasonable accommodation for individuals with disabilities*
 - Review by Director or review authority of related permit

○ **Variances**

- *Relief from standards of Ordinance where strict application will deprive property owner of equal privileges*
 - Review by Planning Commission

Administration and Permits

- **Amendments to General Plan, Zoning Ordinance, and Zoning Map**
 - *Incorporate Government Code specific procedures for governing these legislative decisions*
- **Development Agreements**
 - *Refine current provisions*
 - *Streamline procedures to implement Government Code provisions authorizing government entities to enter into legally binding agreements with private parties*
- **Enforcement**
 - *Updated to provide a more specific definition of nuisance and include nuisance abatement procedures*
 - *Provisions enable City Manager to record a notice of violation with County Recorder to aid in compliance*

Draft Zoning Ordinance and Map

Discussion