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
  o Draft Zoning Ordinance and Map
  o 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
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:

A. Provide land for development of public, quasi-public, recreation, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses;

B. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, transit facilities, and other similar and related supporting uses; and

C. Provide opportunities for outdoor recreation, and meet the recreational needs of Newark residents.

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

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

Development Standards
- Dimensional requirements
- Supplemental standards

| TABLE 17.06.030: DEVELOPMENT STANDARDS-COMMERCIAL AND MIXED USE DISTRICTS |
|-----------------------------------------------|---|---|---|---|---|
| Density (units/acre) | NC | CMU | CR | CC | RC |
| Maximum | - | 40 | - | - | n/a |
| Minimum | - | n/a | - | - | n/a |
| Minimum Lot Size (sq ft) | 5,000 | 20,000 | 20,000 | 20,000 | 30 |
| Minimum Lot Width (ft) | 50 | 100 | 100 | 100 | 50 |
| 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 |
| Minimum Ground Floor Height (ft) | 18 | 18 | 18 | 18 | 18 |

See Section TBD, Height and Height Exceptions
## Residential Districts

<table>
<thead>
<tr>
<th>Residential Districts</th>
<th>General Plan</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS Residential Single Family</td>
<td>Low Density Residential</td>
<td>R-10,000; R-8,000; R-7,000; R-6,000</td>
</tr>
<tr>
<td>RL Residential Low Density</td>
<td>Low-Medium Density Residential</td>
<td>R-2,500; LDR-FBC</td>
</tr>
<tr>
<td>RM Residential Medium Density</td>
<td>Medium Density Residential</td>
<td>R-2,500; R-1,500; MDR-FBC</td>
</tr>
<tr>
<td>RH Residential High Density</td>
<td>High Density Residential</td>
<td>R-1,500; RH; MHDR-FBC, HDR-FBC</td>
</tr>
</tbody>
</table>

- 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

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CITY OF NEWARK – DRAFT ZONING ORDINANCE AND MAP
## Commercial and Mixed Use

<table>
<thead>
<tr>
<th>Commercial and Mixed Use Districts</th>
<th>General Plan</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC</td>
<td>Neighborhood Commercial</td>
<td>NC, CG</td>
</tr>
<tr>
<td>CMU</td>
<td>Commercial Mixed Use</td>
<td>CMU, CMUL</td>
</tr>
<tr>
<td>CR</td>
<td>Commercial Retail</td>
<td>R-FBC</td>
</tr>
<tr>
<td>CC</td>
<td>Community Commercial</td>
<td>CC</td>
</tr>
<tr>
<td>RC</td>
<td>Regional Commercial</td>
<td>CR, CVR</td>
</tr>
</tbody>
</table>

- 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

CITY OF NEWARK – DRAFT ZONING ORDINANCE AND MAP
Employment Districts

<table>
<thead>
<tr>
<th>Employment Districts</th>
<th>General Plan</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO</td>
<td>Professional Office</td>
<td>CPA, C-FBC</td>
</tr>
<tr>
<td>BTP</td>
<td>Business and Technology Park</td>
<td>Special Industrial</td>
</tr>
<tr>
<td>LI</td>
<td>Limited Industrial</td>
<td>Limited Industrial</td>
</tr>
<tr>
<td>GI</td>
<td>General Industrial</td>
<td>General Industrial</td>
</tr>
</tbody>
</table>

- 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

<table>
<thead>
<tr>
<th>Public and Semi-Public Districts</th>
<th>General Plan</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>PF Public Facilities</td>
<td>Public-Institutional</td>
<td>None</td>
</tr>
<tr>
<td>TS Transit Station</td>
<td>Public-Institutional</td>
<td>TS-FBC</td>
</tr>
<tr>
<td>PK Park</td>
<td>Parks and Recreation Facilities</td>
<td>PO, POS-FBC</td>
</tr>
<tr>
<td>OS Open Space</td>
<td>Conservation-Open Space</td>
<td>OC</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Resource Production District</th>
<th>General Plan</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP</td>
<td>Resource Production</td>
<td>Salt Harvesting, Refining, and Production AG</td>
</tr>
</tbody>
</table>

- 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