

CHAPTER 21C. “NMU” DISTRICT
(NEIGHBORHOOD MIXED-USE DISTRICT,
NORTH FAIR OAKS)

SECTION 6390. REGULATIONS FOR “NMU” DISTRICT. The following regulations shall apply within those areas in North Fair Oaks which are zoned NMU.

SECTION 6391. PURPOSES.

1. Provide commercial areas intended primarily for the location of neighborhood-serving trades and services to meet the needs of surrounding residential areas, as well as higher-density living options for residents.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts, and by requiring that commercial development meet minimum design standards.
3. Promote and enhance the creation of an attractive neighborhood mixed-use district accessible by a variety of transportation modes, including private vehicles, transit, bicycling and walking.
4. Protect the functional and economic viability of commercial mixed-use areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.
6. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.

SECTION 6392. DEFINITIONS.

1. Administrative, Professional and Business Offices

Establishments where management, administrative, professional or consulting services are conducted including, but not limited to, government, law, real estate, accounting and other business offices.

2. Bars

Commercial establishments engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises as a primary use,

which may also offer food and entertainment on a limited basis, but not adult entertainment as defined in Section 6102.1.5.

3. Community Centers

Facilities used by local residents for civic activities, classes, meetings, performances, presentations or other purposes. Includes “clubs” (Section 6102.25) and “meeting halls” (Section 6201.62.5).

4. Child Care Centers (Institutional Day Care Facilities for Children)

Licensed facilities including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.

5. Dwelling, Multiple

A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.

6. Educational Facilities

Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students.

7. Farmers Markets

An outdoor market at a fixed location, open to the public, operated by a government agency, a non-profit corporation, or one or more Producers, in accordance with the San Mateo County Farmer’s Market Guidelines, at which (a) at least 75 percent of the vendors sell Farm Products or Value-Added Farm Products and (b) at least 75 percent of the vendors who regularly participate during the market’s hours of operation are Producers, or family members or employees of Producers.

Farm Products – Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

Producer – A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.

Value-Added Farm Product – Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

8. Financial Institutions

Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.

9. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens.

10. Food Establishments Specializing in Take-Out Service

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or drive-through take-out service, but not including businesses engaged exclusively in catering.

11. Home Occupations

Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations.

12. Indoor Retail Sales, Rental or Repair Establishments

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.

13. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include "pet sitting" or "doggie day care" establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.

14. Liquor Stores

A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.

15. Medical and Dental Offices

Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.

16. Mixed-Use Development

A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed-use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.

17. Non-Chartered Financial Institution

A use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term "non-chartered financial institution" shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term "non-chartered financial institution."

18. Other Compatible Uses

Additional land uses that may be allowed if the Community Development Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

19. Outdoor Retail Sales, Rental or Repair Establishments

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all or some storage of such items outside a fully enclosed, covered building.

20. Parking Lots and Parking Garages

Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles either in an open area or within a structure.

21. Personal Convenience Service Establishments

Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, barber shops, massage establishments.

22. Pet Sales and/or Grooming Establishments

Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.

23. Religious Facilities

Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques and temples.

24. Restaurants

Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.

25. Retail Cleaning Establishments

Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry cleaning pick up stores with limited equipment and laundromats where coin-operated washers and dryers are provided for self-service to the public.

26. Small Collection Facilities for Recyclable Materials

A small collection facility occupies an area of not more than 500 sq. ft., is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers or bulk reverse vending machines. These facilities are generally temporary, and must be accessory to a primary use on the same parcel.

27. Small Indoor Exercise and Leisure Facilities

Facilities of 2,000 sq. ft. or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents including, but not limited to, exercise facilities, dance academies and martial arts studios.

28. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

29. Walking Distance

For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

SECTION 6393. USES PERMITTED.

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT¹
1. <u>RESIDENTIAL USE CLASSIFICATION</u>	
A. <u>DWELLINGS</u>	
1. Dwelling, Multiple	
a. Above the ground floor	None
b. Ground floor	Use Permit

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT ¹
2. <u>MIXED-USE CLASSIFICATION</u>	
<ol style="list-style-type: none"> 1. Mixed-use development with ground floor commercial and residential above the ground floor 2. All other mixed-use development, including all types of horizontal mixed-use development² 	<p>None</p> <p>Use Permit</p>
3. <u>COMMERCIAL AND OFFICE USE CLASSIFICATION</u>	
<p>A. <u>SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES</u></p> <ol style="list-style-type: none"> 1. Personal Convenience Service Establishments 2. Retail Cleaning Establishments 3. Pet Sales and/or Grooming Establishments 4. Veterinary Hospitals for Small Animals 	<p>Use Permit</p> <p>None</p> <p>Use Permit</p> <p>Use Permit</p>
<p>B. <u>RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS</u></p> <ol style="list-style-type: none"> 1. Food and Beverage Stores 2. Liquor Stores 3. Indoor Retail Sales, Rental or Repair Establishments 4. Outdoor Retail Sales, Rental or Repair Establishments 	<p>None</p> <p>Use Permit</p> <p>None</p> <p>Use Permit</p>
<p>C. <u>FOOD SERVICES</u></p> <ol style="list-style-type: none"> 1. Bars 2. Restaurants 3. Food Establishments Specializing in Take-Out Service 4. Farmers Markets 	<p>Use Permit</p> <p>None</p> <p>Use Permit</p> <p>Farmers Market Permit³</p>

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT¹
D. <u>OFFICES, PROFESSIONAL SERVICES</u> 1. Administrative, Professional and Business Offices 2. Medical and Dental Offices 3. Financial Institutions 4. Non-Chartered Financial Institution	None None None Use Permit ³
E. <u>INDOOR RECREATION FACILITIES</u> 1. Small Indoor Exercise and Leisure Facilities	None
4. <u>INSTITUTIONAL USE CLASSIFICATION</u>	
A. <u>NEIGHBORHOOD INSTITUTIONAL FACILITIES</u> 1. Community Centers 2. Child Care Centers 3. Religious Facilities 4. Educational Facilities	Use Permit Use Permit Use Permit Use Permit
5. <u>ACCESSORY USE CLASSIFICATION</u>	
A. <u>RESIDENTIAL ACCESSORY USES</u> Home Occupations	Home Occupation Certificate ³
B. <u>LIMITED KEEPING OF PETS</u> Limited Keeping of Pets	None
6. <u>SMALL COLLECTION FACILITIES FOR RECYCLABLE MATERIALS</u>	None

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT ¹
7. <u>OTHER USE CLASSIFICATION</u>	
A. <u>PARKING</u> Parking Lots and Parking Garages	Use Permit
B. <u>OTHER COMPATIBLE USES</u> Other Compatible Uses	To Be Determined by Community Development Director
¹ Other permits may be required by a combining district, e.g., Design Review approval.	
² Horizontal mixed-use development is subject to additional standards, as described in Section 6394.9.	
³ Subject to additional performance requirements including, but not limited to, those contained in Section 6251(f)(8) of these Zoning Regulations.	

SECTION 6394. DEVELOPMENT STANDARDS. All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum parcel width shall be 50 feet, except in the case of multi-family residential ownership development, including but not limited to townhouses, in which case the minimum parcel area shall be 500 sq. ft. and the minimum parcel width shall be 25 feet.
2. Building Setbacks.
 - a. The minimum building setbacks shall be:
 - (1) Adjacent to a parcel zoned R-1

When an NMU zoned parcel abuts a single-family residentially zoned (R-1) parcel:

Front Setback	Side Setback (abutting residentially zoned parcel)	Side Setback (not abutting residentially zoned parcel)	Rear Setback
0 feet	5 feet	0 feet	20 feet

(2) All Other Cases

When an NMU zoned parcel does not abut a single-family residentially zoned parcel (R-1) parcel:

Front Setback	Side Setback	Rear Setback
0 feet	0 feet	10 feet

Signage and awnings may extend up to five (5) feet into setbacks.

b. The maximum building setbacks shall be:

Front Setback	Side Setback	Rear Setback
10 feet	No maximum	No maximum

- Maximum Building Coverage. Maximum building coverage shall be 80 percent and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, and other similar uses which are eighteen (18) inches or more above the ground.
- Maximum Building Floor Area. The maximum building floor area shall be 75 percent of the total parcel area, except in the case of mixed-use development, in which case the maximum building floor area shall be 150 percent of the total parcel area. Maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel. Maximum building floor area specifically includes: (1) the floor area of all stories, excluding non-habitable space, as measured from the outside face of all exterior walls, and (2) all other areas covered by a waterproof roof which extends four or more feet from exterior walls, over the area of all decks, porches, and balconies. Fully enclosed parking areas shall be excluded from maximum building floor area.
- Maximum Residential Development Density. The maximum density of residential development shall be 60 dwelling units/net acre.
- Building Height. The maximum building height shall be 40 feet.

The minimum number of stories for new development shall be two, except in the case that a use permit is secured.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend beyond 40 feet to a maximum of 45 feet as required for safety or efficient operation.

Architectural features on buildings located on corner parcels, such as cupolas and turrets, may extend beyond 40 feet to a maximum of 45 feet, if approved by the Community Development Director.

7. Signs.

a. Prohibited Signs. The following signs shall be prohibited:

- (1) Any sign that, because of its location, construction, colors, or operating characteristics, can be confused with or obscure a traffic control device or emergency vehicle.
- (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
- (3) Signs emitting intense and focused beams of light, including beacons.
- (4) Off-premises signs.
- (5) Abandoned signs.
- (6) Billboards.

b. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one sign per parcel, or one sign per each 200 feet of parcel street frontage, or one sign per use, whichever is greatest.

c. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters square foot per foot of parcel street frontage.

d. Maximum Window Sign Area. Signs located within windows and visible to the public shall not exceed 25 percent of the area of the window within which the sign is located.

e. Maximum Sign Height. The maximum height of signs on a parcel is as follows:

- (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
- (2) Freestanding signs shall not exceed fifteen (15) feet.

- f. Sign Projection. Attached signs shall not project more than five (5) feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works.
 - g. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.
8. Screening
- a. Refuse, waste removal, and outdoor service/storage areas, where allowed, shall be screened with a six (6) foot solid wall or opaque fence/gate when visible from a public way or residentially zoned parcel.
 - b. A minimum six (6), not to exceed eight (8), foot masonry wall shall be erected along the entire common property line where a commercial or mixed use abuts a residentially zoned parcel. Other fencing along property lines shall be of opaque materials when visible from a public way or residentially zoned parcel and shall not include barbed wire.
 - c. Mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on roof, ground, or buildings shall be screened with opaque and sound attenuating materials compatible with the building, when visible from or adjacent to a public way or residentially zoned parcel.
9. Horizontal Mixed-Use Development – Additional Standards. Use permits for horizontal mixed-use development may only be granted contingent on the following affirmative finding by the deciding body issuing the relevant use permit:
- a. The horizontal mixed-use development is compatible with the surrounding uses, and will not detract from the pedestrian-oriented character of the street.
 - b. The horizontal mixed-use development has been designed so as to most closely match the intent of mixed-use development in this district, as described in Chapter 2 of the North Fair Oaks Community Plan.
 - c. The horizontal alignment of the uses is demonstrably necessary due to specific characteristics of the type or mix of uses in the proposed development, or due to the specific character of the parcel or location of the development.

- d. Provision of the same uses in a vertical mixed-use design would be unduly costly, burdensome, or would not meet the goal of mixed-use development, as described in Chapter 2 of the North Fair Oaks Community Plan.

SECTION 6395. PERFORMANCE STANDARDS. No use may be conducted in a manner which, in the determination of the Community Development Director, does not meet the performance standards below. Measurement, observation, or other means of determination shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which generates noise levels that exceed County Noise Ordinance standards.
2. Lighting. All exterior and interior lighting shall be designed and located so that direct rays and glare are confined to the premises, with the exception of lighting on the front building facade facing the public sidewalk.
3. Trash and Debris. All trash, boxes, or similar debris shall be picked up on a regular basis and stored in refuse containers that are screened from public view.
4. Hazardous Materials. Storage of hazardous materials is prohibited.

SECTION 6396. FARMERS MARKET STANDARDS. Farmers Markets are allowed in the NMU Zoning District subject to a Farmers Market Permit and must meet the following standards:

1. All markets must be California Certified Farmers Markets. All markets must comply with the definitions and standards included in this Chapter.
2. No market may operate continuously for more than six (6) hours.
3. Markets may locate on side streets, public spaces, plazas, or private open spaces such as parking lots or similar areas.
4. Markets must be open to the general public during all hours of operation.
5. All Farmers Markets and their vendors must obtain all required operating and health permits, licenses, and certificates of insurance, and these documents (or copies) shall be in the possession of the Farmers Market Manager or the vendor, as applicable, on the site of the Farmers Market during all hours of operation.
6. All Farmers Markets must provide for composting, recycling, and waste removal in accordance with all applicable Federal, State and local laws, including but not limited to the San Mateo County Ordinance Code. The Farmers Market management is responsible for ensuring that the site is restored to a neat condition by no later than the end of the Farmers Market day.

SECTION 6397. PARKING. Parking shall comply with all of the provisions of Chapter 3 of the Zoning Regulations, except for:

1. Section 6119, Parking Spaces Required, which shall be replaced by the following Table 1, which sets forth the minimum number of off-street parking spaces required. Parking spaces required by Table 1 may also be modified by the amounts set forth in the Shared Parking and Off-Site Parking regulations in this Chapter. For uses not listed in Table 1, the provisions of Section 6119 shall apply.
2. Section 6118(a), Size and Access. Notwithstanding Section 6118(a), in the NMU District, a maximum of 25 percent of the parking spaces required by Table 1 may be compact parking spaces with an area of 128 sq. ft. and minimum dimensions of 8 feet in width by 16 feet in length.

TABLE 1 REQUIRED PARKING		
USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
1. Residential		
Townhouses Dwellings, Multiple	Dwelling Unit Parking: 0-1 bedrooms	1 covered
	≥2 bedrooms	1.5 covered
	Dwelling Unit Parking in a Mixed-Use Development: Each dwelling unit	1 covered
	Affordable Housing Parking: (Developments eligible for density bonus pursuant to Section 7900)	
	Each affordable dwelling unit	1 covered or uncovered
	Visitor Parking: Each dwelling unit	0.25 covered or uncovered

TABLE 1 REQUIRED PARKING		
USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
2. Commercial/Office		
All uses listed under the “Offices, Professional Services” in Section 6393.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Specialized Neighborhood Trades and Services” in Section 6393.3, Uses Permitted	Up to 250 sq. ft. and each 250 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Retail Sales, Rental or Repair Establishments” in Section 6393.3, Uses Permitted	Up to 250 sq. ft. and each 250 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Indoor Recreation Facilities” in Section 6393.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Food Services” in Section 6393.3, Uses Permitted (Restaurants, Bars, Food Establishments Specializing in Take-Out Service)	Up to 100 sq. ft. and each 100 sq. ft. thereafter	1 covered or uncovered
Any Commercial, Office and/or Food Service Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
3. Institutional and Other Compatible Uses		
All uses listed under the “Institutional Use Classification” in Section 6393.4, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
Any Institutional or Other Compatible Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered

SECTION 6398. ALTERNATIVE PARKING APPROACHES. The total number of parking spaces required per Section 6397 may be reduced in accordance with the following provisions.

1. Shared Parking.
 - a. Applicability. Subject to this section’s requirements and the securing of a use permit in accordance with the provisions of Section 6503 of the Zoning Regulations, an applicant may request shared parking to meet the minimum

parking requirements for shared parking facilities serving more than one use on a site, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.

- b. Analysis Required. In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for shared parking shall comply with this section's standards and criteria. A parking analysis shall be submitted as part of the application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a qualified professional. A shared parking study shall, at a minimum address:
- (1) The intensity and type of activities and the composition of uses;
 - (2) Hours of operation of the uses;
 - (3) The rate of turnover for proposed shared spaces;
 - (4) Distances of shared parking spaces from the uses they serve;
 - (5) The anticipated peak parking and traffic loads for the site;
 - (6) Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation; and
 - (7) If the shared parking spaces are located on a different parcel than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.
- c. Findings Required. Issuance of a use permit for shared parking may reduce the total number of spaces required by this Chapter if the following findings are made, in addition to the findings required in Section 6503 of the Zoning Regulations:
- (1) The spaces to be provided will be kept available as long as the uses requiring the spaces are in operation;
 - (2) The peak hours of parking demand from all uses do not coincide so that peak demand is greater than the parking provided;

- (3) The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided; and
- (4) A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, that includes:
 - (a) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use whatsoever will require immediate written notification to the County Planning and Building Department;
 - (b) A guarantee among the property owner(s) for access to and use of the shared parking facilities, including a guarantee that the spaces to be provided will be kept available as long as the uses requiring the spaces are in operation;
 - (c) A provision that the County may require parking facilities in addition to those originally approved, upon a finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
 - (d) A provision stating that the County, acting through the Planning Commission, may, for due cause and upon notice and hearing, modify, amend, or terminate the use permit and and/or agreement at any time.

2. Off-Site Parking.

- a. Applicability. Subject to this section's standards and requirements and securing a use permit in accordance with the provisions of Section 6503 of the Zoning Regulations, required parking may be located on a parcel different than the primary use for which the parking is provided ("off-site parking").
- b. Standards Required. In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for off-site parking shall comply with this section's standards and criteria.
 - (1) Parking requirements may be met off the parcel by ownership or a current lease of parking spaces on another parcel, if those spaces are dedicated to the primary use being served. Ownership or lease of the parking spaces must be maintained for the life of the primary use. Divesting ownership or terminating lease of the required parking spaces shall result in termination of the use permit until the parking deficiency is remedied.

- (2) Off-site parking shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.
 - (3) In the event that a shared parking entity has been formed and is fully operational, the documented parking spaces allocated to the parcel will count toward the vehicle parking requirement. Although allocated to a specified parcel, said spaces need not be specifically reserved for said specified parcel.
- c. Findings Required. A use permit for off-site parking may be approved if the following findings are made, in addition to the findings required in Section 6503 of the Zoning Regulations:
- (1) The spaces to be provided will be available as long as the uses requiring the spaces are in operation;
 - (2) A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, that includes:
 - (a) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking; and a guarantee that any change of use whatsoever will require immediate written notification to the County Planning and Building Department;
 - (b) A guarantee among the property owner(s) for access to and use of the off-site parking facilities;
 - (c) A provision that the County may require parking facilities in addition to those originally approved, upon a finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
 - (d) A provision stating that the County, acting through the Planning Commission, may, for due cause and upon notice and hearing, modify, amend, or terminate the use permit and/or agreement at any time.

(Chapter 21C, Sections 6390 through 6398 - Added by Ordinance No. 04745 - November 3, 2015)

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