

CHAPTER 21C. "CMU" DISTRICT **(COMMERCIAL MIXED USE DISTRICT, NORTH FAIR OAKS)**

SECTION 63XX. REGULATIONS FOR "CMU" DISTRICT. The following regulations shall apply within those areas in North Fair Oaks which are zoned CMU.

SECTION 63XX. PURPOSES.

1. Provide commercial areas intended primarily for the location of regionally-oriented trades and services to meet the needs of both surrounding residential areas and the broader region, 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 meets minimum design standards.
3. Promote and enhance the creation of an attractive commercial 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 63XX. 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. Automobile Parts Stores

Commercial establishments specializing in the sale of automobile parts and accessories, with no automobile repair work done on site.

3. 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.

4. Bowling Alley.

Facilities used for recreational bowling.

5. 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).

6. Community Gardens

An area of land used to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal use, consumption, donation or occasional sale, by individuals or collectively by members of a group.

7. 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.

8. Dwelling, Multiple

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

9. Educational Facilities

Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students, including conservatories for the instruction of music and the arts.

10. Farmers Markets

An outdoor market at a fixed location, open to the public, operated by a government agency, a nonprofit 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. Hotels

Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.

16. 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.

17. 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.

18. Liquor Stores

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

19. 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.

20. 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.

21. Mobile Vending/Food Carts

Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Code of Ordinances, Chapter 5.52.

22. 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”.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. Religious Facilities

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

29. 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.

30. 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.

31. Small Collection Facilities for Recyclable Materials

A small collection facility occupies an area of not more than 500 square feet, 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.

32. Small Indoor Exercise and Leisure Facilities

Facilities of 2,000 square feet 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.

33. Theaters

Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.

34. 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.

35. 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 63XX. 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 b. Ground floor | None Use Permit |
| 2. <u>MIXED USE CLASSIFICATION</u> | |

| PERMITTED USES | REQUIRED PLANNING PERMIT FOR THIS DISTRICT¹ |
|--|---|
| <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 5. Hotels | <p>Use Permit</p> <p>None</p> <p>Use Permit</p> <p>Use Permit</p> <p>Use Permit</p> |
| <p>B. <u>REGIONAL AND VISITOR SERVING TRADES AND SERVICES</u></p> <ol style="list-style-type: none"> 1. Hotels 2. Theaters | <p>Use Permit</p> <p>Use Permit</p> |
| <p>C. <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 5. Mobile Vending and Food Trucks | <p>None</p> <p>Use Permit</p> <p>None</p> <p>Use Permit</p> <p>Use Permit</p> |

| PERMITTED USES | REQUIRED PLANNING PERMIT FOR THIS DISTRICT¹ |
|--|---|
| <p>D. <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 None Use Permit Farmers Market Permit³</p> |
| <p>E. <u>OFFICES, PROFESSIONAL SERVICES</u></p> <ol style="list-style-type: none"> 1. Administrative, Professional and Business Offices 2. Medical and Dental Offices 3. Financial Institutions 4. Non-Chartered Financial Institutions | <p>None None None Use Permit³</p> |
| <p>F. <u>INDOOR RECREATION FACILITIES</u></p> <ol style="list-style-type: none"> 1. Small Indoor Exercise and Leisure Facilities 2. Large Indoor Exercise and Leisure Facilities | <p>None Use Permit</p> |
| <p>4. <u>INSTITUTIONAL USE CLASSIFICATION</u></p> | |
| <p>A. <u>NEIGHBORHOOD INSTITUTIONAL FACILITIES</u></p> <ol style="list-style-type: none"> 1. Community Centers 2. Child Care Centers 3. Religious Facilities 4. Educational Facilities | <p>Use Permit Use Permit Use Permit Use Permit</p> |

| PERMITTED USES | REQUIRED PLANNING PERMIT FOR THIS DISTRICT ¹ |
|---|---|
| 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 |
| 7. <u>OTHER USE CLASSIFICATION</u> | |
| A. Community Gardens | Use Permit |
| B. <u>PARKING</u> Parking Lots and Parking Garages | Use Permit |
| C. <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. | |
| ² Horizontal mixed use development is subject to additional standards, as described in Section 6394.8 | |
| ³ Subject to additional performance requirements, including but not limited to those contained in Section 6251(f)(8) of these Zoning Regulations. | |