

EXCERPTS FROM TITLE 20: ZONING ORDINANCE REFERENCING THE GENERAL PLAN

The following document is an initial compilation of references to the General Plan currently found in the Zoning Ordinance to help identify potential changes to the Ordinance that might be required or helpful to better implement the Envision San Jose 2040 General Plan. Other changes to the Ordinance may be needed to fully support and promote the goals and policies of the Envision 2040 General Plan as listed in the Work Plan.

An example of a proposed Ordinance change is shown below for Chapter 20.20.

CHAPTER 20.20: Open Space & Agricultural Zoning District.

20.20.010.C.1

1. OS open space district. The purpose of the OS open space district is to provide for the public peace, health, safety, and welfare by conserving open space to ensure the continued availability of land for the preservation of natural resources, for the managed production of resources, for outdoor recreation, and for the enjoyment of scenic resources, and by protecting the people and property in the City of San José against physical environmental hazards. The regulations contained in the OS district are designed to enhance the scenic a visual qualities of the land as well as to implement the open space and hillside policies of the ~~San Jose 2020~~ General Plan (Option: insert Envision San José 2040 General Plan).

20.20.010.C.2

2. A agricultural district. The purpose of the A agricultural district is to provide for areas where agricultural uses are desirable. The regulations contained in this district are intended to provide for a wide range of agricultural uses as well as implementing the goals and policies of ~~the San Jose 2020~~ General Plan.

CHAPTER 20.30 Residential Zoning Districts

20.30.150 Secondary Units

Density. A secondary dwelling shall not be included in calculation of residential density for the purpose of determining **General Plan conformance**.

CHAPTER 20.40 Commercial Zoning Districts

20.40.010 Commercial Zoning Districts

C. The Commercial Zoning Districts are intended to support the commercial land use, economic development, and neighborhood preservation and conservation goals and policies of the **General Plan** through the use regulations and development standards. The four Commercial Districts reflect the diversity of the commercial needs and opportunities in the City. The purposes of the Commercial Districts are as follows:

1. CO Commercial Office District.
2. CP Commercial Pedestrian. The CP Commercial Pedestrian District is a district intended to support pedestrian oriented retail activity at a scale compatible with surrounding residential

neighborhoods. This district is designed to support the goals and policies of the **General Plan** related to neighborhood business districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate.

3. CN Commercial Neighborhood.
4. CG Commercial General.

20.40.100: Table 20-90

Mixed Use/Ground floor commercial with residential above	-	C	C	C	Note 6
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NOTE 6: **Make sure General Plan supports mixed use or residential.**

20.40.200 Development Standards

Notes Applicable to Commercial Development Standards:

In the CP Commercial Pedestrian District, lots located wholly within the West San Carlos Street Neighborhood Business District, as indicated on the **General Plan** Land Use Diagram, shall not be subject to the maximum individual occupant square footage requirements set forth in this Section.

20.40.300 Exception - Maximum Number of Stories, Height, and Floor Area Ratio Exception.

In the CO Commercial Office and CG Commercial General Districts, a Conditional Use Permit may be issued which authorizes a greater floor area, number of stories and/or height if such increases are not inconsistent with the general purposes of this Title, consistent with applicable **General Plan** policies, and would promote the public health, safety, or welfare.

CHAPTER 20.50 Industrial Zoning Districts

20.50.010 Industrial Zoning Districts

C. The purposes of the Industrial Zoning Districts are as follows:

1. **CIC Combined Industrial/Commercial:** The CIC Combined Industrial/Commercial zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the Combined Industrial/Commercial **General Plan** Designation. The district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Assembly uses and day care centers are allowed where they are compatible with and will not impose constraints on neighboring industrial uses.
2. **IP Industrial Park:** The Industrial Park zoning designation is an exclusive designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. Industrial uses are consistent with this designation insofar as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas exclusively for industrial uses may contain a very limited amount of supportive commercial uses, in addition to industrial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. These commercial uses should be located within a larger industrially utilized building to protect the character of the area and maintain land use compatibility. In addition, warehouse retail uses are allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. When located within an area with a **Mixed Industrial Use Overlay General Plan** Designation or a Combined Industrial/Commercial **General Plan** Designation, a broader range of uses, both free standing and in combination with others, will be considered

including uses such as retail, Church/Religious Assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.

3. LI Light Industrial: The Light Industrial Zoning District is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. The design controls are less stringent than those for the Industrial Park Zoning District. Examples of typical uses are warehousing, wholesaling, and light manufacturing. Sites designated Light Industrial may also contain service establishments that serve only employees of businesses located in the industrial areas. In addition, warehouse retail uses may be allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. When located within an area with a Mixed Industrial Use Overlay General Plan Designation or a Combined Industrial/Commercial General Plan Designation, a broader range of uses will be considered including uses such as retail, Church/Religious Assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.

4. HI Heavy Industrial

This district is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses. Extractive and primary processing industries are typical of this district. Very limited scale retail sales and service establishments serving nearby businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depends on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial user on the property and integrated within an industrial building. In addition, warehouse retail uses may be allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. When located within an area with a Mixed Industrial Use Overlay General Plan Designation, a broader range of uses will be considered including uses such as retail, Church/Religious Assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.

Part 2: Use Regulations

20.50.100 Allowed Uses and Permit Requirements

- B. “Conditional” uses are indicated by a “C” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

“Conditional” uses which may be approved only on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay or Combined Industrial/Commercial are indicated by a “C^{GP}” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

Table 20-110 Industrial Districts Land Use Regulations: GP references

Table 20-120: Development Standards

Table 20-120 Industrial Zoning Districts Development Standards					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Maximum Height (feet)	45 or subject to General Plan Height Policies	45 or subject to General Plan Height Policies	45 or subject to General Plan Height Policies	45 or subject to General Plan Height Policies	Note 4
Minimum street frontage (feet)	60	60	60	60	
Parking	See Chapter 20.90				

Notes:

4. Refer to the San Jose 2020 General Plan, as amended, Urban Design Policies for policies related to height

20.50.260 Landscaping

- B. Landscape guidelines are contained in the Landscape and Irrigation Guidelines, adopted by the City Council, October 1989, Revised March 1993, the San Jose 2020 General Plan, as amended,.....

CHAPTER 20.75 Pederian Oriented Zoning Districts

20.75.020 MS Main Street Districts

- A. Applicability
The MS Main Street Districts as established by Section 20.10.060 shall be applicable only to properties located within the Alum Rock Neighborhood Business District, as that District is described and identified in the San Jose 2020 General Plan (as the same may be updated and/or amended from time to time).

CHAPTER 20.80 Specific Use Regulation

20.80.020 Anti-Skid Row Regulations

- B. No lot or any structure thereon or any portion thereof shall be used for an adult book/video store, adult motion picture theater, adult entertainment establishment or massage parlor unless said lot, parcel, building or structure is located in a CG Commercial District, or in a Planned Development district that allows uses of the CG Commercial District, and is located outside the Downtown Core area as that area is defined in the City's General Plan
- C. 2. The commercial site has a General Plan designation of Regional Commercial;

20.80.030 Prohibition of Certain Uses Within Two Hundred Feet of Residentially Zoned Property or Within Five Hundred Feet of Schools

- B. 2. The commercial site has a General Plan designation of Regional Commercial

20.80.1200 Seasonal Sales

Notwithstanding anything in this Title to the contrary, seasonal sales, including the sale of Halloween pumpkins and Christmas trees may be held on lots in the CO, CP, CN, CG, IP, LI, and HI Zoning Districts, as

well as on lots zoned Planned Development where the permitted uses align with the permitted uses in the aforementioned lots. Such seasonal sales may also be held on property in any zoning district if such property is designated Public/Quasi-Public on the Land Use/Transportation Diagram of the **General Plan** and the property is currently being used for uses consistent with that designation.

20.80.1830 Minimum Development Criteria - Utility Structures That Contain Power Generating Equipment

Utility Structures that contain power generating equipment shall meet all of the following applicable minimum criteria:

2. Maximum noise levels emanating from the Utility Structure shall be subject to the **General Plan** noise policies.

CHAPTER 20.90 Parking and Loading

20.90.220 Reduction in Required Off-Street Parking Spaces

20.90.150 Parking Facilities in Residence Districts – Restrictions

In a Residential District no Conditional Use Permit shall be issued for a vehicle parking facility intended to serve nonresidential uses, unless all of the following conditions are met:

- D. The following criteria and standards are met:
 5. No driveway access is permitted from a public street unless either the public street is one that is designated an arterial or major collector by the **General Plan** of the City of San José, or the driveway is located within one hundred and fifty (150) feet of such a designated street.

20.90.220 Reduction in required Off-Street Parking Spaces

A. Alternative Transportation

1. A reduction in the required off-street vehicle parking spaces of up to ten percent (10%) may be authorized with a Development Permit or a Development Exception if no Development Permit is required, for structures or uses that conform to all of the following:
 - a. The structure or use is located within 2,000 feet of a proposed or an existing rail station, or an area designated as neighborhood business district in the City's **General Plan**; and

C. Ground Floor Uses in Neighborhood Business Districts

1. The off-street vehicle parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one (1) space per four hundred (400) square feet of floor area, provided all of the following requirements are met:
 - a. The site is designated on the **San José 2020 General Plan** Land Use Transportation Diagram with the Neighborhood Business District Overlay, and

CHAPTER 20.100 Administration and Permits

20.100.500 Adjustments

- B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of issuance, including without limitation the City's **General Plan**, the provisions of this Title, and the provisions of Title 21 of this Code.

Site Development Permit (Part 5)

20.100.600 Purpose

- A. The purpose of this Part is to promote orderly development, to enhance the character, stability, integrity and appearance of neighborhoods and zoning districts, to maintain and protect the stability and integrity of land values, and to secure the general purposes of this Title and of the San Jose General Plan.

20.100.630 Findings

- A. The director, or the planning commission or City Council on appeal, as set forth in Table 20-260, shall grant the site development permit after review of project design, only if all of the following findings are made:
 - 6. The application is either consistent with the General Plan or counterbalancing considerations justify the inconsistency.

Planned Development Permits

20.100.940 Findings

- A. The Director or the Planning Commission on appeal, may issue a Planned Development Permit only if all of the following findings are made:
 - 1. The Planned Development Permit, as issued, furthers the policies of the General Plan;

Single Family House Permit

20.100.1000 Purpose

- A. The purpose of this Part is to promote orderly development, to enhance the character, stability, integrity and appearance of single family neighborhoods and zoning districts, to maintain and protect the stability and integrity of land values, and to secure the general purposes of this Title and the San Jose General Plan.

Sidewalk Cafe

20.100.1470 Special Findings - Service of Alcohol

The service of alcoholic beverages within and as a part of a Sidewalk Café Permit may be allowed only if the Director first makes all of the following findings:

- E. The Public Eating Establishment has not been issued a Public Entertainment Permit, as defined in Chapter 6.60 of this Code, if the Establishment is located outside of the Downtown Core area, as that area is described in the City's General Plan, as amended from time to time; provided, however, that a Public Entertainment Permit may be issued to a Public Eating Establishment within said Downtown Core area; and

20.100.1490 Special Conditions - Service of Alcohol

- E. A Sidewalk Café appurtenant to a Public Eating Establishment outside of the Downtown Core area, as that area is described within the City's General Plan as may be amended from time to time, shall maintain full food service and shall operate as a bona fide eating place at all times that it is in operation, and a Sidewalk Café appurtenant to a Public Eating Establishment within said Downtown Core area shall maintain food service and operate as a Public Eating Establishment, respectively, at all times that it is in operation; and

CHAPTER 20.120 Zoning Changes and Amendments

20.120.110 Conformance with the General Plan

- A. For the purposes of Section 20.120.100 only, the determination of conformance of zoning or rezonings to the General Plan, shall be made in the manner set forth in Table 20-270;

Table 20-270	
General Plan Designation	Conforming District
All Designations	OS, A
Rural Residential (.2 du/ac), Urban Hillside (1 du/5 ac)	R-1-RR
Very Low Density Residential (2 du/ac)	R-1-2
Estate Residential (1 du/ac)	R-1-1
Low Density Residential (5 du/ac)	R-1-5
Medium Low Density Residential (8 du/ac)	R-1-8
Medium Density Residential (8-16 du/ac)	R-2, R-M
Medium High Density Residential (12-25 du/ac)	R-M
Office	CO
Neighborhood/Community Commercial	CP, CN
General Commercial	CP, CN, CG
Regional Commercial	CG
Industrial Park	IP
Light Industrial	LI
Heavy Industrial	HI
Combined Industrial/Commercial	CIC

- B. A Planned Development (PD) Combining District conforms to the General Plan designation where the uses permitted by the General Development Plan for such proposed district conform to General Plan Designation and where the base zone thereof conforms to said designation in accordance with the foregoing table.
- C. Each portion of the property to be zoned or rezoned must conform to the General Plan designation for each such portion.

CHAPTER 20.175

Commercial and industrial common interest development regulations

20.175.048 Minimum Project Floor Area Ratio, Non-residential Condominium Projects, North San Jose

For parcels either wholly or partially within the North San Jose Core Area, as such area is defined within the City's General Plan, or wholly or partially within two hundred (200) feet of the North San Jose Core Area, the minimum Floor Area Ratio for any non-residential condominium project shall be three (3.0).

CHAPTER 20.200 Definitions

20.200.290 Downtown Core Area

"Downtown core area" means that area delineated as such on the Land Use/Transportation Diagram of the General Plan of the City of San Jose as amended.

20.200.800 Neighborhood Business District

"Neighborhood Business District" means any area delineated as such on the Land Use/Transportation Diagram of the General Plan of the City of San Jose as amended