

Article 15-14 - Repealed.

15-19.020 - General regulations.

The following general regulations shall apply to all commercial districts in the City:

- (a) **Permitted uses.** The following permitted uses shall be allowed in any commercial district, unless a use involves the operation of a business providing direct customer service (including, but not limited to, conducting a delivery service) on-site between the hours of 1:00 A.M. and 6:00 A.M., in which event such use may be allowed upon the granting of a use permit pursuant to Article 15-55 of this Chapter:
- (1) Retail establishments, except restaurants, markets, delicatessens, and any establishment engaged in the sale of alcoholic beverages.
 - (2) Home occupations, conducted in accordance with the regulations prescribed in Article 15-40 of this Chapter.
 - (3) Parking lots which comply with the standards for off-street parking facilities as set forth in Section 15-35.020 of this Chapter.
 - (4) Accessory structures and uses located on the same site as a permitted use.
 - (5) Antenna facilities operated by a public utility for transmitting and receiving cellular telephone and other wireless communications subject to design review under Article 15-44.
 - (6) Markets with a floor area dedicated to food and drink sales that is less than or equal to twenty-five percent of the establishment's total floor area and two thousand square feet or less.
- (b) **Conditional uses.** The following conditional uses may be allowed in any commercial district, upon the granting of a use permit pursuant to Article 15-55 of this Chapter:
- (1) Restaurants.
 - (2) Markets with a floor area dedicated to food and drink sales that is more than twenty-five percent of the establishment's total floor area or more than two thousand square feet.
 - (3) Any establishment engaged in the sale of alcoholic beverages, with the exception of tasting rooms, as provided for in Section 15-19.050(a)(3) of this Code.
 - (4) Hotels and motels.
 - (5) Bed and breakfast establishments.
 - (6) Institutional facilities.
 - (7) Community facilities.
 - (8) Game arcades.
 - (9) Gasoline service stations on sites abutting Saratoga/Sunnyvale Road, Saratoga/Los Gatos Road or Saratoga Avenue and accessible directly from such arterial road; provided, that all operations except the sale of gasoline and oil shall be conducted within an enclosed structure.
 - (10) Animal establishments, as defined in Section 7-20.010(c) of this Code. All animal establishments shall be subject to the regulations and license provisions set forth in Section 7-20.210 of this Code.
 - (11) Public buildings and grounds.
 - (12) Public utility and public service pumping stations, power stations, drainage ways and structures, storage tanks, transmission lines and cable television facilities.

- (13) Accessory structures and uses located on the same site as a conditional use.
 - (14) Repealed.
 - (15) Tobacco retailers. All tobacco retailers (as defined in Section 15-80.130 of this Article) shall be subject to the permitting requirements and provisions set forth in Section 15-80.130 of this Article.
- (c) **Expressly prohibited uses.** Without limiting the application of Section 15-05.055(a) of this Chapter, the following uses are expressly declared to be prohibited in all commercial districts:
- (1) Any use which emits air pollutants, solid or liquid wastes, radioactivity, or other discharge which endangers human health or causes damage to animals, vegetation or property.
 - (2) Any use which creates offensive odor, vibration, glare or electrical disturbance, detectable beyond the boundaries of the site, or creates a hazard of fire or explosion.
 - (3) Any use involving drive-through service, such as restaurants and financial institutions with drive-through windows in all commercial districts with the exception of the CN(RHD) zoning district.
 - (4) Any use involving automotive body work, such as collision repair, painting, dismantling or customizing.
 - (5) Mini-storage facilities.
 - (6) Outdoor sales or storage of motor vehicles.
- (d) **Location of building sites.** The average natural grade of the footprint underneath any structure shall not exceed thirty percent slope, and no structure shall be built upon a slope which exceeds forty percent natural slope at any location under the structure between two five-foot contour lines, except that:
- (1) A variance pursuant to Article 15-70 of this Chapter may be granted where the findings prescribed in Section 15-70.060 can be made, and
 - (2) An exception under Article 14-35 of the Subdivision Ordinance may be granted where the findings prescribed in Section 14-35.020 can be made.
- (e) **Setback area.** No use shall occupy any required setback area, except fences, walls, hedges, landscaped areas, walks, driveways and parking areas. No required setback area shall be used for a loading area or for storage.
- (f) **Screening, landscaping and fencing.**
- (1) Where a site is abutting an A, R-1, HR, R-M or P-A district, a solid wall or fence six feet in height shall be located along the property line between the two districts, except in a required front setback area, and an area five feet in depth adjoining such property line shall be landscaped and permanently maintained with plant materials suitable for ensuring privacy, screening unsightliness and insulating adjacent properties against noise.
 - (2) Open storage of materials and equipment shall be permitted only within an area surrounded and screened by a solid wall or fence (with solid gates where necessary) not less than six feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall or fence.
 - (3) All outdoor trash containers and garbage areas shall be fully enclosed by a solid wall or fence and solid gates of sufficient height to screen the same from public view. No trash or garbage containers shall be placed or kept within twenty-five feet from the property line of any site occupied by a dwelling unit. An owner or occupant of a commercial establishment shall comply with the requirements of this subsection within sixty days after receiving a directive from the City to do so.

- (4) Notwithstanding any other provision contained in this subsection (f), the Community Development Director or the Planning Commission may require the installation of a solid fence or wall up to eight feet in height along any property line that abuts a residential district, upon a determination that such fence or wall is necessary to mitigate noise or other adverse impacts of the commercial activity upon the residential use. In the case of an existing commercial development, such fence or wall shall be installed within sixty days after the requirement is imposed by the Community Development Director or the Planning Commission, unless a longer period of time is allowed by the Director or the Commission by reason of extenuating circumstances, including, but not limited to, the installation cost of the new fence or wall, or the value of any existing fence or wall to be demolished, or the cost of removing any existing fence or wall. The design, color and materials of the fence or wall shall be subject to approval by the Community Development Director, based upon a finding that the design, color and materials of the fence or wall will not adversely affect contiguous properties.
- (5) Required pedestrian open spaces, front setback areas, side setback areas, and not less than fifteen percent of any parking lot area, shall be completely landscaped and permanently maintained.
- (6) No credit shall be given against any landscaping or open space requirement imposed by this Article by reason of adjacent public parking facilities or public rights-of-way.
- (7) Whenever screening or landscaping is required by the provisions of this Article, or as a condition of any project approval, the owner or occupant of the property shall keep and maintain such screening and landscaping in good condition and repair.
- (8) Except as otherwise provided in this subsection (f), fences, walls and hedges shall comply with the regulations set forth in Article 15-29 of this Chapter.
- (g) **Signs.** No sign of any character shall be erected or displayed in any C district, except as permitted under the regulations set forth in Article 15-30 of this Chapter.
- (h) **Off-street parking and loading facilities.** Except in the case of a site located within and constituting a part of a City parking district, off-street parking and loading facilities shall be provided for each use on the site, in accordance with the regulations set forth in Article 15-35 of this Chapter.
- (i) **Design review.** All structures shall be subject to design review approval in accordance with the provisions of Article 15-46 of this Chapter.
- (j) **Set-up and cleaning of commercial establishments.** Set-up and cleaning activities conducted at restaurants and other commercial establishments located immediately adjacent to a residential area, which generate any noise audible to the occupants of the adjacent residences, including noise generated by the operation of delivery or service vehicles, shall not begin prior to one hour before the normal opening time of the establishment or extend later than one hour after the normal closing time of the establishment, or such other times as may be specified in a use permit, license, or other entitlement granted by the City for such establishment.

(Amended by Ord. 71.91 §§ 3, 4, 1991; Ord. 71.113 (part), 1992; Ord. 71.122 § 1 (part), 1993; Ord. 71-163 § 1 (part), 1996; Ord. 211 § 2, 2002; Ord. 236 § 2C, 2005; Ord. 245 § 2 (Att. A) (part), 2006; Ord. No. 272, § 2(exh. A), 9-16-2009; Ord. No. 274, § 2(att. A), 10-7-2009; Ord. No. 284, § 1(Att. A), 5-18-2011; Ord. No. 292, § 1(Exh. A), 7-18-2012; Ord. No. 302, § 1, 2-6-2013; Ord. No. 305, § 1, 5-1-2013; Ord. No. 307, § 1.C.10, 10-16-2013; Ord. No. 315, §§ 1.4, 1.6, 4-2-2014; Ord. No. 320, § 1.F.17, 11-5-2014)