ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO (A) AMEND SECTION 20.100.220 OF CHAPTER 20.100 TO DESIGNATE THE DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT AS THE INITIAL DECISION-MAKER, AND THE CITY COUNCIL AS THE APPEAL BODY, FOR SPECIAL USE PERMITS AND SITE DEVELOPMENT PERMITS FOR LARGE ENERGY PROJECTS; (B) AMEND SECTION 20.200.265, 'DATA CENTER', AND SECTION 20.200.1000, 'RESEARCH AND DEVELOPMENT', OF CHAPTER 20.200 TO INCLUDE REFERENCES TO LARGE ENERGY PROJECT WITH A POWER DEMAND OF 20 MEGAWATTS OR GREATER; (C) AMEND SECTION 20.50.100, TABLE 20-110, OF CHAPTER 20.50, 'INDUSTRIAL ZONING DISTRICT', TO INCLUDE LARGE ENERGY PROJECT AS A NEW ENUMERATED USE; AND (D) ADD NEW SECTIONS 20.200.603 AND 20.200.892 TO INCORPORATE DEFINITIONS FOR LARGE ENERGY PROJECT AND POWER DEMAND IN CHAPTER 20.200 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

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SECTION 1. Section 20.100.220 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.220 Appeal - Hearing Body

Decisions on permits or approvals pursuant to this Chapter are subject to appeal as set forth in Table 20-260 which lists the initial decision maker and the decision making body which will hear any appeal.

Table 20-260
Appeal Hearing Body

Application	**Initial Decision Making Body 1**	**Appeal Decision Making Body 2**
Administrative permit	Director of Planning	No Appeal
Site development permit	Director of Planning	Planning Commission
Site development permit - projects within downtown districts and exceeding 150 feet and FAR of 6:1	Director of Planning	City Council
Site development permit for Large Energy Projects	Director of Planning	City Council
Single-Family House Permit		
Administrative decision	Director of Planning	No Appeal
Director's hearing	Director of Planning	Planning Commission
Planned development permit	Director of Planning	Planning Commission
Special use permit	Director of Planning	Planning Commission
Special use permit - for schools that are elementary or secondary (public or private), post secondary, trade and vocational, or driving (class C & M license) in the PQP public/quasi-public zoning district	Director of Planning	City Council

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Special use permit - for church/religious assembly in the PQP public/quasi-public zoning district	Director of Planning	City Council
Special use permit - for privately-operated museums, libraries, parks, playgrounds, or community centers in the PQP public/quasi-public zoning district	Director of Planning	City Council
Special use permits for Large Energy Projects	Director of Planning	City Council
Conditional use permit - stadium, more than 2,000 seats including incidental support uses	City Council	No Appeal
Conditional use permit - drinking establishments with an approved maximum occupancy load of over 250 persons that operate between 12:00 midnight and 6:00 a.m.	City Council	No Appeal
Conditional use permit involving off-premises sale of alcoholic beverages requiring a determination under Chapter 6.84 where findings required by planning commission under Section 6.84.030.B.1. through 4. cannot be made	City Council	No Appeal
Conditional use permit or planned development permit for mobilehome park conversion of use	City Council	No Appeal
Variance	Director of Planning	Planning Commission
Exception	Director of Planning	Planning Commission
Tree removal permit		
Administrative decision	Director of Planning	No Appeal
Director's hearing	Director of Planning	Planning Commission
Zoning code verification certificate	Director of Planning	No Appeal

1. The City Council is the initial decision making body for a project that requires certification of an environmental impact report for environmental clearance unless the project as proposed includes all mitigation measures

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identified in the draft environmental impact report for the project as necessary to reduce the impacts of the project to a less than significant level.

2. The City Council is the appeal decision making body for all projects in which appeals have been filed for both approval of the project under this chapter and environmental clearance for the project under Title 21 of this Code.

SECTION 2. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code, to be numbered, entitled and to read as follows:

20.200.603 Large Energy Project

A large load (20 Megawatts or greater) Data Center or a large load (20 Megawatts or greater) Research and Development Facility, as defined in Sections 20.200.265 and 20.200.1000.

SECTION 3. Section 20.200.265 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.265 Data Center

~~"Data center" is a facility that houses computer systems and associated components, including but not limited to telecommunications and storage systems.~~

"Data center" is a facility used primarily to house networked computer servers for the remote storage, remote computing, or distribution of data. Examples include facilities that provide cloud services, store customer data, provide internet services, or serve as enterprise computing infrastructure. A Data Center with a Power Demand of twenty (20) megawatts or greater is a "Large Load Data Center." A Research and Development

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Facility meeting the definition of 20.200.1000 (B) is defined as a “Large Load Data Center”.

SECTION 4. Section 20.200.1000 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.1000 Research and Development

~~A "research and development" facility is an establishment or facility engaged in industrial or scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.~~

A “research and development” facility is an establishment or facility engaged in industrial or scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes. Research and Development facilities may include networked computer servers that support the owner’s or operator’s own industrial, research, design, engineering, or product development activities, such as chip design, hardware development, and prototype testing, and that are not used to sell computing, storage, or data services to others.

A. A research and development facility that includes networked computer servers that support the owner’s or operator’s own industrial, research, design, engineering, or product development activities, with a Power Demand of twenty (20) megawatts or greater, and has no backup power generation or a backup generation capacity, excluding battery energy storage systems, less than 40% of the Power Demand is defined as a “Large Load Research and Development Facility”.

B. A research and development facility that includes networked computer servers that support the owner’s or operator’s own industrial, research, design, engineering, or product development activities, with a Power Demand of twenty (20) megawatts or greater, and has a backup generation capacity, excluding battery energy storage systems, of 40% or more of the Power Demand is defined as a “Large Load Data Center” as provided for in Section 20.200.265 and is not a Research and Development Facility.

C. A use that meets the definition of manufacturing in Section 20.200.710, 20.200.720, or 20.200.730 is classified as manufacturing and not as a Large Load Research and Development Facility.

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SECTION 5. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code, to be numbered, entitled and to read as follows:

20.200.892 Power Demand

The maximum electrical load of a project, in megawatts, as shown in the project's electrical utility service request or interconnection agreement, whichever is greater. Power Demand includes all buildings and phases of a project on the same or site or on contiguous sites.

SECTION 6. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code, is amended to read as follows:

20.50.100 Allowed Uses and Permit Requirements

A. "Permitted" land uses are indicated by a "P" on Table 20-110.

B. "Permitted" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial land use designation or, in the case of Hotel or Motel establishments, which may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay, are indicated by a "P GP" on Table 20-110.

C. "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 General Plan, as amended, with the Combined Industrial/Commercial Designation or, in the case of Hotel or/Motel establishments, may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the preferred Hotel Site Overlay, 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.

D. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" 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 approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by

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the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.

"Conditional" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial designation are indicated by a "CC 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.

E. "Special" uses are indicated by an "S" 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 Special Use Permit as set forth in Chapter 20.100.

F. "Administrative" uses are indicated by an "A" 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 an Administrative Permit as set forth in Chapter 20.100.

G. "Restricted" land uses are indicated by an "R GP" on Table 20-110. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100. "Restricted" uses may only occur on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with a Combined/Industrial Commercial, Industrial Park, Light Industrial, or Heavy Industrial designation.

H. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not permitted.

I. When the right column of Table 20-110 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

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Table 20-110
Industrial Zoning District Use Regulations

Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	HI	
Industry						
Construction/corporation yard	S	-	-	P	P	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	-	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	-	-	C	
Hazardous materials storage facility	-	-	-	C	C	
Hazardous waste facility	-	-	-	-	C	
Junkyard	-	-	-	-	C	
Industrial services	-	-	-	P	P	
Laboratory, processing	P	P	P	P	P	
Manufacturing and assembly, light	P	P	P	P	-	
Manufacturing and assembly, medium	P	P	P	P	P	
Manufacturing and assembly, heavy	-	-	-	-	P	
Miniwarehouse/ ministorage	-	-	-	C	-	
Outdoor uses or storage, industrial	-	-	-	S	P	Section 20.50.210
Research and development	P	P	P	-	-	
Stockyard, including slaughter	-	-	-	-	C	
Warehouse/distribution facility	P	P	P	P	P	Note 2
Wholesale sale establishment	P	S	S	P	P	Note 2
Additional Uses						
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	C	S	S	

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Commercial support	-	P	P/A	-	-	Note 5; Section 20.50.110
Agriculture						
Aquaculture, aquaponics, and hydroponics	S	-	S	S	S	
Certified farmers' market	S	S	S	-	-	Part 3.5, Chapter 20.80
Certified farmers' market - small	P	P	P	-	-	Part 3.5, Chapter 20.80
Neighborhood agriculture	P	-	P	P	P	
Drive-Through Use						
Drive-through in conjunction with any use	C	-	-	-	-	
Education and Training						
Day care center	S	S	S	-	-	Note 20
Instructional art studios	P	P	-	-	-	Note 14
Private instruction, personal enrichment	P	P	-	-	-	Note 14
School, driving (class A & B license)	P/S	-	-	P	P	Note 23
School, driving (class C & M license)	P/S	-	-	S	S	Note 23 and Note 24
School, elementary and secondary (public or private)	C	C	-	-	-	Note 11
School, post secondary	C	C	C	-	-	
School, trade and vocational	S	C	S	S	S	
Entertainment and Recreation Related						
Recreation, commercial indoor	P	C/GP	C GP	C GP	-	Note 5; Section 20.50.110
Recreation, commercial outdoor	C	-	-	-	-	
Relocated cardroom	C GP	C GP	C GP	C GP	-	Section 20.80.1155
Performing Arts production and rehearsal space, excluding performances	P	C	C	C GP	-	

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Stadium, 2,000 seats or fewer	C GP	C/ GP	-	-	-	Note 15
Stadium, more than 2,000 seats	CC GP	CC	-	-	-	Note 15; Note 16
Food Services						
Caterer	P	P	-	-	-	
Commercial kitchen	P	P	P	P	-	Note 2 and Note 14
Drinking establishments	C	C	-	-	-	
Drinking establishments interior to a full-service hotel or motel that includes 75 or more guest rooms	P	S/P	P GP	-	-	Note 13 and Note 21; Section 20.80.475
Public eating establishments	P	P	-	C	C	Note 5; Sections 20.50.110, 20.50.113
Outdoor dining, incidental to a public eating establishment	P	S/P	-	C	C	Note 5 and Note 21; Sections 20.50.110, 20.50.113
Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	A	A	A	A	Part 5.75, Chapter 20.80
Winery, brewery, and distillery	P	P	P	P	P	Note 2 and Note 14
General Retail						
Alcohol, off-sale - beer and/or wine only	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-sale - full range of alcoholic beverages	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-sale - as incidental to a winery, brewery, or distillery	A	A	A	A	A	Note 12; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	-	-	-	Note 5 and Note 14; Section 20.50.110
Nursery, plant	P	-	P	C	C	

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Outdoor vending	A	A	-	A	A	Part 10, Chapter 20.80
Outdoor vending - fresh fruits and vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Warehouse retail	-	C	C	C	C	Note 2; Section 20.50.130
Retail sales, goods, and merchandise	P	P	-	-	-	Note 5 and Note 14; Section 20.50.110
Retail art studio	P	P	-	-	-	Note 14
Retail bakery	P	P	-	-	-	Note 5 and Note 14; Section 20.50.110
Sales, industrial equipment and machinery	P	P	P	P	-	Note 2
Seasonal sales	P	P	P	P	P	Part 14, Chapter 20.80
General Services						
Crematory	-	-	-	-	C	Note 7
Dry cleaner	P	P	-	-	-	Note 14
Hotel or motel	P	P	C	-	-	Note 13
Laundromat	P	P	-	-	-	Note 14
Mortuary, without funeral services	-	-	-	P	P	
Personal services	P	-	-	-	-	Note 5; Section 20.50.110
Printing and publishing	P	P	P	P	P	
Social service agency	S	-	-	-	-	
Health and Veterinary Services						
Animal boarding	P/S	-	-	-	-	Note 22
Animal grooming	P	-	-	-	-	
Cannabis cultivation business	R GP	-	-	R GP	R GP	Part 9.76, Chapter 20.80

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Cannabis delivery only business	R GP	-	R GP	R GP	-	Part 9.76, Chapter 20.80
Cannabis distribution business	R GP	-	R GP	R GP	-	Part 9.76, Chapter 20.80
Cannabis manufacturing (Type 6) business	R GP	-	R GP	R GP	R GP	Part 9.76, Chapter 20.80
Cannabis processing business	R GP	-	-	R GP	R GP	Part 9.76, Chapter 20.80
Cannabis testing business	-	-	R GP	-	-	Part 9.76, Chapter 20.80
Emergency ambulance service	C	-	-	-	-	
Hospital/in-patient facility	C	C	C	-	-	Note 6
Medical cannabis collective	R GP	-	R GP	R GP	R GP	Part 9.76, Chapter 20.80
Medical cannabis collective cultivation site only	R GP	-	R GP	R GP	R GP	Part 9.76, Chapter 20.80
Medical cannabis dispensary	R GP	R GP	-	-	-	Part 9.75, Chapter 20.80
Cannabis retail storefront	R GP	R GP	-	-	-	Part 9.75, Chapter 20.80
Office, medical	P	P	C	-	-	Note 14, Note 5, Section 20.50.110
Veterinary clinic	P	-	-	-	-	
Historic Reuse						
Historic landmark structure reuse	S	S	S	S	S	Part 8.5, Chapter 20.80
Offices and Financial Services						
Automatic teller machine	P	P	P	P	P	Section 20.80.200
Business support use	P	P	P	-	-	

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Financial institution	P	P	-	-	-	Note 5; Section 20.50.110
Office, general business	P	P	P	-	-	
Office, research and development	P	P	P	-	-	
Public, Quasi-Public and Assembly Uses						
Church/religious assembly	C	-	-	-	-	
Recycling Uses						
Processing facility	-	-	C	S	S	
Transfer facility, recycling	-	-	C	S	S	
Collection facility, large	-	-	-	-	P	
Reverse vending machine	A	A	A	A	A	
Collection facility, small	A	A	A	A	A	
Residential						
Emergency residential shelter, more than 150 beds	C	-	-	-	-	Section 20.80.500
Emergency residential shelter, 150 beds or fewer	P	-	-	-	-	Section 20.80.500, Chapter 20.195
Hotel supportive housing	C	C	C	C	C	Note 17; Part 22 of Chapter 20.80
Living quarters, custodian, caretakers	-	-	-	-	C	Note 1
Transportation and Utilities						
Commercial vehicle storage	S	-	-	S	S	
Common carrier depot	S	S	S	S	S	
Community television antenna systems	C	C	C	C	C	
Data center	S	S	S	S	S	Note 2
Large Energy Project	S	S	S	S	S	
Off-street parking establishment	C	-	C	C	C	
Television, radio studio	C	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	

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Wireless communications antenna	C	C	C	C	C	Note 18; Sections 20.100.1300, 20.80.1915
Wireless communications antenna, slimline monopole	S	S	S	S	S	Note 18; Sections 20.80.1900, 20.80.1915
Wireless communications antenna, building mounted	P	P	P	P	P	Note 18; Sections 20.80.1910, 20.80.1915
Utilities, Power Generation						
Base load power plant	-	-	-	-	C	
Co-generation facility	S	S	S	S	S	
Private electrical power generation facility	C	C	C	C	C	Note 25
Solar photovoltaic power system	P	P	P	P	P	Section 20.100.610 C.7.
Stand-by/backup facilities that do not exceed noise and air standards	P	P	P	P	P	
Stand-by/backup facilities that do exceed noise and air standards	C	C	C	C	C	
Stationary peaking power plant	-	-	-	C	C	
Temporary stand-by or backup electrical power generation facility	P	P	P	P	P	
Transportable peaking power plant	-	-	-	C	C	
Vehicle Related Uses						
Auto dealer, wholesale, no on-site storage	P	P	P	-	-	
Car wash, detailing	C	C	-	-	-	
Fuel service station or charge station, no incidental service or repair	P	-	C	-	-	Note 8

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Fuel service station or charge station with incidental service and repair	P	-	-	-	-	Note 3 and Note 10
Repair and cleaning of vehicles	C	-	-	P	P	Note 4
Sale, brokerage, or lease (rental) of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	S	-	-	-	-	Note 10
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	-	C	-	
Sale, vehicle parts	P	-	-	P/S	-	Note 9
Vehicle tow yard	-	-	-	C	S	Note 19
Vehicle wrecking, including sales of parts	-	-	-	-	C	
Warehouse retail indoor sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	C	C	C	C	C	Note 2; Section 20.50.140

Notes:

1. Site must be seven (7) acres or more.
2. In TEC, only allowed in existing buildings with a valid certificate of occupancy as of (the effective date of Ordinance No. 30290 on September 6, 2019). Not allowed more than 5% expansion of the existing building floor area ratio for the portion of the building occupied by the use subject to this note.
3. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries, and accessories installation. Does not allow body repair or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
5. Commercial support uses are subject to and limited by Section 20.50.110. Commercial support uses subject to Section 20.50.110 A. are permitted (P) uses. Commercial support uses subject to Section 20.50.110 B. in the primary Industrial Park Building(s) require an administrative (A) permit. Commercial

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support uses subject to Section 20.50.110 C. in a single-use Building require a Development Permit. Public Eating Establishments in the LI or HI districts are limited to a maximum of six hundred fifty (650) gross square feet in size.

6. Refer to the General Plan for criteria to determine if the use is permissible at the proposed location.
7. Crematories shall be separated by at least five hundred (500) linear feet from residential uses, schools, and day care centers, which distance(s) shall be measured from the nearest points of the Parcel boundary on which the crematory is proposed and the Parcel boundary on which the residential, school or day care center use is located.
8. Charge Stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are Permitted in all Industrial Zoning Districts. Hydrogen-fueling stations shall be permitted pursuant to Government Code 65850.7.
9. Vehicle parts sales are permitted in the LI district when the total floor area dedicated to retail display and open to the public occupies no more than fifteen (15%) percent of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed fifteen (15%) percent of the gross floor area of the individual tenant space are subject to a Special Use Permit.
10. Any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
11. Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
12. Off-sale of alcoholic beverages. The total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:
    a. Two hundred fifty (250) gross square feet; or
    b. Five (5%) percent of the winery's, brewery's, or distillery's entire gross floor area; and any and all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
13. At least two hundred (200) rooms and four (4) or more stories in height are required for hotels located in the TEC Transit Employment Center Zoning District.
14. The use is allowed in the TEC district only on the first or second floor of a building containing another permitted, special, or conditional use of the TEC Zoning District that is not subject to this note. Not allowed as a standalone use.
15. Primary uses include sporting events, large assembly, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.

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16. Use permit applications for stadiums that consist of more than two thousand (2,000) seats and that are in an airport influence area shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.
17. Hotel Supportive Housing may be permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
18. Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.
19. Vehicle auctions are permitted as part of a Vehicle tow yard.
20. Day care centers are allowed in the IP and TEC Zoning Districts as incidental uses to the primary TEC or IP development, not as a standalone use.
21. Special Use Permit required if within 150 feet of residentially used or zoned lot; Permitted if not within 150 feet of residentially used or zoned lot.
22. Outdoor Animal Boarding is allowed through a Special Use Permit in the CIC Zoning District.
23. Permitted in the CIC Zoning district for classroom use only, outside vehicle storage requires a Special Use Permit
24. Only schools which offer driving instruction for commercial vehicles are permitted in this zoning district.
25. Onsite fuel-cell powered generation facility is allowed as an incidental use to an enumerated primary industrial use that is permitted by right or approved by a Site Development Permit, Special Use Permit, or Conditional Use Permit, provided that the facility meets all of the following requirements: (a) facility is located on the same site as the primary industrial use it serves; (b) facility is designed and operated to serve the primary industrial use and does not exceed 25% of the gross floor (if interior) or site area (if exterior), as applicable, of the primary industrial use or total 25,000 square feet, whichever is less. For purposes of calculating the maximum area, the area of the facility located on all floors or levels shall be counted cumulatively; and (c) shall comply with the maximum building height and setback requirements pursuant to Section 20.50.200.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

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