

Ordinance No. NS-1200.326

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SANTA CLARA CORRECTING AN
INADVERTENT OMISSION IN RECENTLY ADOPTED
ORDINANCE NS-1200.324 RELATING TO WIRELESS
TELECOMMUNICATION FACILITIES**

SUMMARY

This ordinance amends Section 2.40.020 of Appendix A: Zoning, of the Santa Clara County Ordinance Code to reinstate a footnote reference (Table 2.40-1, Note 6) that was inadvertently omitted when the Board adopted Ordinance NS-1200.324, relating to wireless telecommunication facilities.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

SECTION 1: Section 2.40.020, Chapter 2.40, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows:

§ 2.40.020 Use Regulations

The following table, Table 2.40-1, specifies the allowable land uses for the commercial and industrial base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit, and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “_” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the table. Use classifications not listed in the table are prohibited in the commercial and industrial base districts.

Table 2.40-1

**USES IN COMMERCIAL AND INDUSTRIAL
BASE DISTRICTS**

R	Permitted by Right
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING					Supplemental Regulations
	CN	CG	OA	ML	MH	
Adult Uses	—	U	—	U	U	§ 4.10.020
Antennas—Commercial						
Minor	A	A	A	A	A	
Major	U	U	U	U	U	
Auction Houses	—	—	—	A	A	
Automobile Sales & Services						
Limited Repair	—	U	—	A	A	Note 1 (CG)
General Repair	—	—	—	A	A	
Sales & Rentals	—	U	—	A	A	
Service Stations	U	U	—	A	A	
Storage	—	—	—	A	A	
Washing	U	U	—	A	A	
Banks	A	A	—	A	A	
Billboards	U	U	—	U	U	
Broadcasting	—	—	—	U	U	
Business Services	A	A	—	A	A	
Caretakers’ Residences	—	—	—	U	U	
Churches (See “Religious Institutions”)						
Clubs, Private & Nonprofit	U	U	—	U	U	
Colleges & Vocational Schools	—	U	—	U	U	
Community Care						
Limited	R	R	R	R	R	§ 4.10.090, Note 2
Expanded	U	U	U	U	U	§ 4.10.090
Food & Beverage Sales	—	A	—	A	A	
Food Preparation & Catering Services	A	A	—	A	A	

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USE CLASSIFICATIONS	ZONING					Supplemental Regulations
	CN	CG	OA	ML	MH	
Funeral & Cremation Services	—	U	—	A	A	
Health & Fitness Clubs	—	A	—	A	A	
Hospitals & Clinics	U	U	U	U	U	
Hotels & Motels	U	U	—	—	—	
Kennels – Commercial	—	U	—	A	A	§ 4.10.200
Laboratories & Testing Services	—	—	A	A	A	
Laundries – Industrial	—	U	—	U	A	
Machinery & Equipment Services						
Limited	U	A	—	A	A	
General	—	—	—	A	A	
Maintenance & Repair Services	A	A	—	A	A	
Manufactured-Home Sales & Rentals	—	—	—	U	U	
Manufacturing						
Limited	—	—	—	A	A	
General	—	—	—	U	A	
Intensive	—	—	—	—	U	
Massage Establishments	A	A	A	—	—	Note 3
Medicinal Marijuana Dispensaries	U	U	—	U	U	Note 4
Museums	U	U	U	U	U	
Nonprofit Institutions	U	U	U	U	U	
Nurseries						
Retail	A	A	—	A	A	
Wholesale	—	—	—	A	A	
Offices	A	A	A	A	A	
Parking Services & Facilities	—	A	—	A	A	
Personal Services: All	A	A	—	A	A	
Petroleum Products Distribution	—	—	—	U	U	
Recreation – Commercial	—	U	—	U	—	

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	CN	CG	OA	ML	MH	
Recycling						
Collection Facilities—Consumer Recycling	R	R	R	R	R	
Recycling/ Processing Facilities—Consumer Waste	—	—	—	—	U	
Concrete, Asphalt, & Soil Recycling	—	—	—	—	U	
Composting & Wood Recycling	—	—	—	—	U	
Hazardous Materials	—	—	—	—	U	
Religious Institutions	U	U	U	U	U	
Residences						
Single-Family	U	U	U	—	—	Note 5 (CN, CG) Note 6 (ML, MH)
Two-Family	U	U	U	—	—	Note 5 (CN, CG) Note 6 (ML, MH)
Multi-Family	U	U	U	—	—	Note 5 (CN, CG) Note 6 (ML, MH)
Residential Accessory Structures & Uses	R	R	R	R	R	§ 4.20.020
Restaurants & Bars	A	A	—	A	A	
Retail Sales & Services						
Local-Serving	A	A	—	—	—	
General	A	A	—	A	A	
Outdoor Sales & Storage	—	U	—	A	A	
Schools	U	U	U	U	U	
Studios, Arts & Crafts	A	A	—	A	A	
Taxidermy	—	—	—	A	A	
Theaters	—	U	—	U	—	
Truck & Railroad Terminals	—	—	—	A	A	

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USE CLASSIFICATIONS	ZONING					Supplemental Regulations
	CN	CG	OA	ML	MH	
Truck Sales & Services						
Repair	—	—	—	A	A	
Sales	—	—	—	A	A	
Storage	—	—	—	A	A	
Utilities						
Minor	A	A	A	A	A	
Major	U	U	U	U	U	
Warehousing & Storage						
Indoor	—	—	—	A	A	
Outdoor	—	—	—	A	A	
Wholesaling & Distribution	—	—	—	A	A	
Wireless Telecommunication Facilities						
Co-location	A	A	A	A	A	§ 4.10.400, Note 7
Minor	A	A	A	A	A	§ 4.10.400
Major	U	U	U	U	U	§ 4.10.400

NOTES:

1. In CG districts, limited auto rental establishments, including a business office and not more than 10 cars (stock) on site at any time, are not subject to a use permit, only ASA.

Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 12 persons, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
3. Massage establishments shall comply with the provisions of Division B22 of the County Ordinance Code.
4. Medicinal marijuana dispensaries shall comply with the provisions of Division B26 of the County Ordinance Code.
5. Commercial/residential mixed uses are permitted in CN and CG districts subject to use permit and ASA.
6. Expansion or replacement of legal-nonconforming residence in ML and MH districts subject to use permit, per § 4.50.060.
7. Co-location of wireless telecommunication facilities may be eligible for an ASA small project exemption (§ 5.40.050), where consistent with the provisions of this ordinance. Where the

proposed co-location meets the criteria in Government Code §65850.6(b) relating to previously approved facilities permitted by a means of a discretionary permit issued on or after January 1, 2007, and either a negative declaration, mitigated negative declaration, or environmental impact report was prepared and adopted, the co-location shall be reviewed for consistency with the approved plans, mitigation requirements, and conditions imposed on the existing facility, and if found consistent, will be subject only to a building permit or other applicable permits required by Title C of the County Ordinance Code.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on August 11, 2009 by the following vote:

AYES: Cortese, Gage, Kniss, Shirakawa, Yeager

NOES: None

ABSENT: None

ABSTAIN: None

Liz Kniss, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

Maria Marinos
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

Lizanne Reynolds
Deputy County Counsel