

Attachment No. PC 3

Amendments to Title 20 (Planning and Zoning Code), proposed redlined code changes

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Title 20 Planning and Zoning

20.70.020 Definitions of Specialized Terms and Phrases.

C. "C" Definitions

"Cigar Lounge" Any facility or location ancillary to whose business operation, whether as a primary use or an ancillary use, is characterized by the sale of premium cigars and includes a private room within or attached to the establishment for smoking.

G. "G" Definitions

"Grocery store" is defined as a retail use of which greater than 1/2 of the floor area is devoted to the sale of food items and small household goods intended for consumption or use off the premises, excluding alcoholic beverages.

S. "S" Definitions

"Smoking lounge (land use)" means an establishment that is dedicated, in whole or part, to providing tobacco or other substances for smoking by patrons on the premises for a fee, including but not limited to establishments known as ~~cigar lounges~~, hookah lounges, vape lounges, e-cigarette club, tobacco clubs, or tobacco bars. ~~Does not include a "retail or wholesale tobacco shop," which sells tobacco products and smoking accessories, but does not provide for on-premises use of tobacco products.~~

T. "T" Definitions

"Tobacco retailer business" means any person or business who sells, offers for sale, distributes, furnishes, or otherwise exchanges, with or without compensation, a tobacco product, tobacco paraphernalia, or tobacco-related item, to a consumer or end user, whether conducted in a physical storefront, through mobile or temporary setups, or via online or delivery-based platforms operating within the City of Newport Beach. Does not include "Grocery Store", "Convenience Market", "Alcohol Sales (off-sale)", "Alcohol Sales (off-sale), Accessory Only" and "Cigar Lounge" or the sale of "Premium Cigars".

20.20.020 Commercial Zoning Districts Land Uses and Permit Requirements.

A. Allowed Land Uses. Tables 2-4 and 2-5 indicate the uses allowed within each zoning district and the permit required to establish the use, if any, in compliance with Part 5 of this title (Planning Permit Procedures).

B. Prohibited Land Uses. Any table cell with "—" means that the listed land use is prohibited in that specific zoning district.

C. Applicable Regulations. The last column in the tables ("Specific Use Regulations") may include a reference to additional regulations that apply to the use.

TABLE 2-4 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Office Zoning Districts Permit Requirements *				
	P CUP MUP LTP —	Permitted by Right Conditional Use Permit (Section 20.52.020) Minor Use Permit (Section 20.52.020) Limited Term Permit (Section 20.52.040) Not allowed *			
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	OA	OG	OM	OR	Specific Use Regulations
Retail Trade Uses					
Alcohol Sales (off-sale)	MUP	MUP	MUP	MUP	Section 20.48.030
Alcohol Sales (off-sale), Accessory Only	P	MUP	MUP	P	
Retail Sales (less than 10,000 sq. ft.) ⁴	MUP	P	P	P	
Retail Sales (10,000 sq. ft. or greater) ^{1,4}	CUP	—	—	—	
Pharmacy, Medical Supplies	P	P	P	P	
Other Uses					
<u>Cigar Lounges</u> ⁵	<u>P</u>	<u>=</u>	<u>=</u>	<u>P</u>	

* Uses Not Listed. Land uses that are not listed in the table above, or are not shown in a particular zoning district are not allowed, except as otherwise provided by Section 20.12.020 (Rules of Interpretation).

- (1) Late Hours. Facilities with late hours shall mean facilities that offer service and are open to the public past 11:00 p.m. any day of the week.
- (2) Permitted or Minor Use Permit Required.
 - a. For Take-Out Service – Fast Casual (up to 20 seats), a minor use permit shall be required for any use located within one hundred (100) feet of any residential zoning district.
 - b. Except as provided in (2)(a), a minor use permit shall be required for any use located within five hundred (500) feet of any residential zoning district.
 - c. A minor use permit shall be required for any use that maintains late hours.

(3) Applicants for City approval of a heliport or helistop shall provide evidence that the proposed heliport or helistop complies fully with State of California permit procedures and with all conditions of approval imposed by the Federal Aviation Administration (FAA), the Airport Land Use Commission for Orange County (ALUC), and by the Caltrans Division of Aeronautics.

(4) Tobacco Retailer Businesses are subject to the standards of Chapter 5.55 (Tobacco Retailer Businesses) including but not limited to the distance requirements contained therein.

(5) A Cigar Lounge shall be restricted to persons aged twenty-one (21) years of age or older. Cigar Lounges shall be fire sprinklered and comply with all Building and Fire Codes. A Cigar Lounge shall provide adequate ventilation. A Cigar Lounge shall not be located within one thousand (1,000) feet of another Cigar Lounge.

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Retail Zoning Districts Permit Requirements *						
	P Permitted by Right CUP Conditional Use Permit (Section 20.52.020) MUP Minor Use Permit (Section 20.52.020) LTP Limited Term Permit (Section 20.52.040) — Not allowed *						
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	CC	CG	CM	CN	CV	CV-LV	Specific Use Regulations
Retail Trade Uses							
Alcohol Sales (off-sale)	MUP	MUP	MUP	MUP	MUP	MUP	Section 20.48.030
Alcohol Sales (off-sale), Accessory Only	P	P	P	P	P	P	
Bulk merchandise	—	P	—	P	—	—	
Marine Rentals and Sales							
Boat Rentals and Sales	—	CUP	CUP	—	CUP	P	

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Retail Zoning Districts Permit Requirements *						
	P Permitted by Right CUP Conditional Use Permit (Section 20.52.020) MUP Minor Use Permit (Section 20.52.020) LTP Limited Term Permit (Section 20.52.040) — Not allowed *						
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	CC	CG	CM	CN	CV	CV-LV	Specific Use Regulations
Marine Retail Sales	P	P	P	—	P	P	
Retail Sales ⁵	P	P	P	P	—	—	
Visitor-Serving Retail	P	—	—	—	P	P	

Notes:

- (1) All development and the subdivision of land shall comply with the requirements of Title 19 (Subdivisions).
- (2) In the CG Zoning District, when 0.3/0.5 is shown on the Zoning Map, the FAR may be increased to a maximum of 0.5 when two or more legal lots are merged to accommodate larger commercial development projects in compliance with General Plan Policy LU 6.19.13 and Title 19 (Subdivisions).
- (3) Portions of legal lots that are submerged lands or tidelands shall be included in the land area of the lot for the purpose of calculating the allowable floor area for structures.
- (4) Architectural features such as domes, towers, cupolas, spires, and similar structures may be up to 65 feet in height.
- (5) Tobacco Retailer Businesses are subject to the standards of Chapter 5.55 (Tobacco Retailer Businesses) including but not limited to the distance requirements contained therein.

20.22.020 Mixed-Use Zoning Districts Land Uses and Permit Requirements.

- A. Allowed Land Uses. Tables 2-8, 2-9, and 2-10 indicate the uses allowed within each zoning district and the permit required to establish each use, in compliance with Part 5 of this title (Planning Permit Procedures).
- B. Prohibited Land Uses. Any table cell with “—” means that the listed land use is prohibited in that specific zoning district.
- C. Applicable Regulations. The last column in the tables (“Specific Use Regulations”) may include a reference to additional regulations that apply to the use.

TABLE 2-8 ALLOWED USES AND PERMIT REQUIREMENTS	Mixed-Use Zoning Districts Permit Requirements				
	P CUP MUP LTP —	Permitted by Right Conditional Use Permit (Section 20.52.020)	Minor Use Permit (Section 20.52.020)	Limited Term Permit (Section 20.52.040)	Not Allowed *
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	MU-V	MU-MM (6)	MU-DW	MU-CV/15th St. (7)	Specific Use Regulations
Retail Trade Uses					
Alcohol Sales (off-sale)	MUP	MUP	—	MUP	Section 20.48.030
Alcohol Sales (off-sale), Accessory Only	P	P	P	P	
Marine Rentals and Sales					
Boat Rentals and Sales	CUP	P	—	CUP	
Marine Retail Sales	P	P	P	P	
Retail Sales ⁸	P	P	P	P	

* Uses Not Listed. Land uses that are not listed in the table above, or are not shown in a particular zoning district, are not allowed, except as otherwise provided by Section 20.12.020 (Rules of Interpretation).

(1) Allowed only as part of a mixed-use development. Refer to Section 20.48.130 (Mixed-Use Projects) for additional development standards.

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- (2) Not allowed to front onto Coast Highway. Coast Highway frontage shall be limited to nonresidential uses. See Table 2-10 (Development Standards for Vertical and Horizontal Mixed-Use Zoning Districts).
 - (3) Not allowed on lots at street intersections unless part of a mixed-use or live-work structure.
 - (4) Late Hours. Facilities with late hours shall mean facilities that offer service and are open to the public after 11:00 p.m. any day of the week.
 - (5) Permitted or Minor Use Permit Required.
 - a. For Take-Out Service – Fast Casual (up to 20 seats), a minor use permit shall be required for any use located within one hundred (100) feet of any residential zoning district.
 - b. Except as provided in (5)(a), a minor use permit shall be required for any use located within five hundred (500) feet of any residential zoning district.
 - c. A minor use permit shall be required for any use that maintains late hours.
 - (6) Properties fronting on Coast Highway shall be developed with nonresidential uses as allowed in Table 2-9. Properties to the rear of the commercial frontage may be developed for freestanding nonresidential uses, multi-unit residential dwelling units, or mixed-use structures that integrate multi-unit residential above the ground floor with nonresidential uses on the ground floor. See Table 2-10 (Development Standards for Vertical and Horizontal Mixed-Use Zoning Districts).
 - (7) Mixed-use or commercial structures are required on lots at street intersections and are allowed, but not required, on other lots.
 - (8) Tobacco Retailer Businesses are subject to the standards of Chapter 5.55 (Tobacco Retailer Businesses) including but not limited to the distance requirements contained therein.

TABLE 2-9 ALLOWED USES AND PERMIT REQUIREMENTS	Mixed-Use Zoning Districts Permit Requirements			
	P CUP MUP LTP —	Permitted by Right Conditional Use Permit (Section 20.52.020) Minor Use Permit (Section 20.52.020) Limited Term Permit (Section 20.52.040) Not allowed *		
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	MU-W1 (5)(6)	MU-W2		Specific Use Regulations
Retail Trade Uses				
Alcohol Sales (off-sale)	MUP	MUP		Section 20.48.030
Alcohol Sales (off-sale), Accessory Only	P	P		
Marine Rentals and Sales				
Boat Rentals and Sales	P	P		
Marine Retail Sales	P	P		
Retail Sales ⁸	P	P		
Visitor-Serving Retail	P	P		

* Uses Not Listed. Land uses that are not listed in the table above, or are not shown in a particular zoning district, are not allowed, except as otherwise provided by Section 20.12.020 (Rules of Interpretation).

- (1) May only be located on lots with a minimum of two hundred (200) lineal feet of frontage on Coast Highway. Refer to Section 20.48.130 (Mixed-Use Projects) for additional development standards.
- (2) May only be located above a commercial use and not a parking use. Refer to Section 20.48.130 (Mixed-Use Projects) for additional development standards.
- (3) Late Hours. Facilities with late hours shall mean facilities that offer service and are open to the public past 11:00 p.m. any day of the week.
- (4) Permitted or Minor Use Permit Required.
 - a. For Take-Out Service – Fast Casual (up to 20 seats), a minor use permit shall be required for any use located within one hundred (100) feet of any residential zoning district.

b. Except as provided in (4)(a), a minor use permit shall be required for any use located within five hundred (500) feet of any residential zoning district.

c. A minor use permit shall be required for any use that maintains late hours.

(5) Approval of a minor site development review, in compliance with Section 20.52.080, shall be required prior to any development to ensure that the uses are fully integrated and that potential impacts from their differing activities are fully mitigated.

(6) A minimum of fifty (50) percent of the square footage of a mixed-use development shall be used for nonresidential uses.

(7) Applicants for City approval of a heliport or helistop shall provide evidence that the proposed heliport or helistop complies fully with State of California permit procedures and with any and all conditions of approval imposed by the Federal Aviation Administration (FAA), the Airport Land Use Commission for Orange County (ALUC), and by the Caltrans Division of Aeronautics.

(8) Tobacco Retailer Businesses are subject to the standards of Chapter 5.55 (Tobacco Retailer Businesses) including but not limited to the distance requirements contained therein.

20.24.020 Industrial Zoning District Land Uses and Permit Requirements.

A. Allowed Land Uses. Table 2-12 indicates the uses allowed within each zoning district and the permit required to establish each use, in compliance with Part 5 of this title (Planning Permit Procedures).

B. Prohibited Land Uses. Any table cell with “—” means that the listed land use is prohibited in that specific zoning district.

C. Applicable Regulations. The last column in the tables (“Specific Use Regulations”) may include a reference to additional regulations that apply to the use.

TABLE 2-12 ALLOWED USES AND PERMIT REQUIREMENTS	Industrial Zoning District Permit Requirements	
	P	Permitted by Right Conditional Use Permit (Section 20.52.020)
	CUP	Minor Use Permit (Section 20.52.020)
	MUP	Limited Term Permit (Section 20.52.040)
	LTP	— Not allowed *
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	IG	Specific Use Regulations
Retail Trade Uses		
Alcohol Sales (off-sale)	MUP	Section 20.48.030
Alcohol Sales (off-sale), Accessory Only	P	
Building Materials and Services	P	
Contractor's Storage Yards	MUP	
Marine Rentals and Sales		
Boat Rentals and Sales	MUP	
Marine Retail Sales	P	
Retail Sales ³	P	

* Uses Not Listed. Land uses that are not listed in the table above, or are not shown in a particular zoning district, are not allowed, except as otherwise provided by Section 20.12.020 (Rules of Interpretation).

(1) Wine Tasting Room Hours of Operation. The permitted hours of operation shall be limited to Monday through Friday from 4:00 p.m. to 11:00 p.m., and Saturday and Sunday from 12:00 p.m. to 11:00 p.m.

(2) Applicants for City approval of a heliport or helistop shall provide evidence that the proposed heliport or helistop complies fully with State of California permit procedures and with any and all conditions of approval imposed by the Federal Aviation Administration (FAA), the Airport Land Use Commission for Orange County (ALUC), and by the Caltrans Division of Aeronautics.

(3) Tobacco Retailer Businesses are subject to the standards of Chapter 5.55 (Tobacco Retailer Businesses) including but not limited to the distance requirements contained therein.

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