

ORDINANCE NO. 18-_____

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1, SECTIONS 10-1.1900 (AIR TERMINAL DISTRICT) AND 10-1.2700 (GENERAL REGULATIONS) OF THE HAYWARD MUNICIPAL CODE RELATED TO HEIGHT FOR NEW DEVELOPMENTS LOCATED WITHIN THE BOUNDARIES OF THE HAYWARD EXECUTIVE AIRPORT

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolution No. 18-__ approving the text changes to the Hayward Municipal Code requested in Zoning Text Amendment Application No. 201706359.

Section 2. Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes development standards and regulations for all zoning districts within City boundaries, is hereby amended to add certain text (as indicated by underline) and delete certain provisions (as indicated by strikethrough) in the attached Exhibit "A", related to the allowable height for new development within certain AT District properties, introduced herewith and as specifically shown in this Ordinance.

Section 3. Severance. Should any part of this Ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 16th day of January 2018, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward,
held the ___th day of _____ 2018, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A**CHAPTER 10 – PLANNING, ZONING, AND SUBDIVISIONS****ARTICLE 1 – ZONING ORDINANCE****SEC. 10-1.1900 - AIR TERMINAL DISTRICT (AT)****SEC. 10-1.1905 - PURPOSE.**

The purpose of the Air Terminal (AT) District is to provide the City with a unique special area occupied primarily by commercial, industrial, and public uses that are aviation-oriented. Additional high performance industrial and commercial facilities are to be encouraged provided they are not of a nature that might be hazardous to the Airport's operation.

SEC. 10-1.1910 - SUBDISTRICTS.

To encourage a functional and compatible association of uses in identifiable areas, this District is divided into the following subdistricts:

- a. Air Terminal—Operations (AT-O).
- b. Air Terminal—Industrial Park (AT-IP).
- c. Air Terminal—Aviation Commercial (AT-AC).
- d. Air Terminal—Commercial (AT-C).
- e. Air Terminal—Recreational (AT-R).
- f. Air Terminal—Medium Density Residential (AT-RM).

SEC. 10-1.1920 - AIR TERMINAL—OPERATIONS SUBDISTRICT (AT-O)**SEC. 10-1.1921 - AT-O PURPOSE.**

The purpose of the AT-O Subdistrict is to provide facilities for aviation operations. These shall include, but not be limited to, runways, taxi-ways, ramps, and required clearances.

SEC. 10-1.1922 - AT-O USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-O Subdistrict, as primary uses.
 - (1) Aviation operations and facilities.
 - (2) Military facilities.
 - (3) Aircraft tie-downs.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-O District:
 - (1) Accessory buildings and uses. (See Sec. 10-1.1985)
 - (2) Minor open storage. (See Sec. 10-1.1985)

SEC. 10-1.1923 - AT-O CONDITIONALLY PERMITTED USES.

None.

SEC. 10-1.1924 - AT-O LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.

- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: No limit.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1925 - AT-O YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Street Yard: 10 feet.
- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1926 - AT-O HEIGHT LIMIT.

- a. Maximum Height Permitted: 40 feet, except as provided in sub-section c. below and as set forth in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.
 (Also see Section 10-1.1985 for additional standards)
- c. Height Exception and Special Findings for property located within the boundaries of the Hayward Executive Airport: See Section 10-1.1985(o). ~~Special Height Requirements and Exceptions: See Section 10-1.2730.~~

SEC. 10-1.1930 - AIR TERMINAL—INDUSTRIAL PARK SUBDISTRICT (AT-IP)

SEC. 10-1.1931 - AT-IP PURPOSE.

The purpose of the AT-IP Subdistrict is to provide for and encourage the development of industrial uses in areas suitable for same and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties and uses.

SEC. 10-1.1932 - AT-IP USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP District, as primary uses.
 - (1) Industrial Uses.
 - (a) Newspaper printing facility.
 - (b) Publishing facility. (Publishing and distribution of books and magazines.)
 - (c) Research and development facility.
 - (d) Research laboratory.
 - (e) Warehouse.
 - (f) Wholesale establishment.
 - (g) Hazardous materials use and storage subject to the following limitations:
 - (i) Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.

- (ii) Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
- (h) Manufacturing
- (2) Administrative and Professional Offices/Services.
 - (a) Architectural, drafting and engineering offices.
 - (b) Banks and financial institutions.
 - (c) Interior design studio.
- (d) Medical/dental laboratory.
 - (e) Offices.
- (3) Automobile Related Uses.
 - Parking lot. (Requires Site Plan Review.)
- (4) Personal Services.
 - None.
- (5) Residential Uses.
 - None.
- (6) Retail Commercial Uses.
 - Retail sales. (Sale at retail of goods and merchandise distributed on-site, where the cumulative floor area of the retail activity does not exceed 10 percent of the first floor area of the industrial building. Sale is of new commodities only, not used goods. Includes weekend sales of new commodities year-round.)
- (7) Service Commercial Uses.
 - (a) Reverse vending machines(s). (When located within a convenience zone.)
 - (b) Copying or reproduction facility.
 - (c) Mailing or facsimile service.
- (8) Other Uses.
 - (a) Ambulance service.
 - (b) Broadcasting studio. (Radio and television.)
 - (c) Christmas tree and pumpkin patch lots. (See Section 10-1.2735.c.)
 - (d) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-IP District:
 - (1) Accessory buildings and uses. (See Sec. 10-1.1985.a-c.)
 - (2) Minor open storage. (See Sec. 10-1.1985.r.)

SEC. 10-1.1933 - AT-IP CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP Subdistrict subject to approval of an administrative use permit:
 - (1) Industrial Uses.
 - (a) Truck rental.
 - (b) Hazardous materials use and storage subject to the following limitations:

- (i) Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - (ii) Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
- (2) Administrative and Professional Offices/Services.
None.
- (3) Automobile Related Uses.
None.
- (4) Personal Services.
None.
- (5) Residential Uses.
None.
- (6) Retail Commercial Uses.
Restaurant/delicatessen. (No drive-through)
- (7) Service Commercial Uses.
None.
- (8) Other Uses.
Temporary use.
- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP Subdistrict subject to approval of a conditional use permit:
 - (1) Industrial Uses.
 - (a) Any AT-IP Use(s) located on a parcel(s) which abuts an A, MH, OS, R, or residential PD zoning district.
 - (b) Hazardous materials use and storage subject to the following limitations: Production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.
 - (2) Administrative and Professional Offices/Services.
None.
 - (3) Automobile Related Uses.
None.
 - (4) Personal Services.
None.
 - (5) Residential Uses.
None.

- (6) Retail Commercial Uses.
Bar, cocktail lounge. (See Sec. 10-1.2750 et seq. for regulations of alcohol)
- (7) Service Commercial Uses.
None.
- (8) Other Uses.
None.

SEC. 10-1.1934 - AT-IP LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1935 - AT-IP YARD REQUIREMENTS.

- a. Minimum Front Yard: 25 feet.
- b. Minimum Side Yard: 30 feet total both sides, 5 feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1936 - AT-IP HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in sub-section c. below and as set forth in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.
 (Also see Section 10-1.1985m. for additional standards)
- c. Height Exception and Special Findings for property located within the boundaries of the Hayward Executive Airport: See Section 10-1.1985(o). -Special Height Requirements and Exceptions: See Section 10-1.2730.

SEC. 10-1.1940 - AIR TERMINAL—AVIATION COMMERCIAL SUBDISTRICT (AT-AC)**SEC. 10-1.1941 - AT-AC PURPOSE.**

The purpose of the AT-AC Subdistrict is to provide for commercial and service activities that are clearly related to or supportive of the operational aspects of the Air Terminal.

SEC. 10-1.1942 - AT-AC USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-AC District, as primary uses.
 - (1) Aviation Commercial Uses.

- (a) Air photography, survey, and map-making services.
- (b) Air charter service.
- (c) Aircraft repair.
- (d) Aircraft storage (inside or outside).
- (e) Aviation clubs.
- (f) Aviation schools.
- (g) Passenger transportation terminal.
- (h) Retail sales within passenger transportation terminals.
- (i) Retail sales of aviation equipment, aircraft, fuel and lubricants.

(2) Administrative and Professional Offices/Services.
None.

(3) Automobile Related Uses.
Parking lot.

(4) Personal Services.
None.

(5) Residential Uses.
None.

(6) Retail Commercial Uses.
None.

(7) Service Commercial Uses.
None.

(8) Other Uses.
None.

b. Secondary Uses. The following uses are permitted as secondary or subordinate to the uses permitted in the AT-AC Subdistrict:

- (1) Accessory building and use.
- (2) Minor open storage.

SEC. 10-1.1943 - AT-AC CONDITIONALLY PERMITTED USES.

a. Administrative Uses. The following uses or uses determined to be similar by the Planning Director, are permitted in the AT-AC Subdistrict, subject to approval of an administrative use permit:

(1) Aviation Commercial Uses.
None.

(2) Administrative and Professional Offices/Services.
None.

(3) Automobile Related Uses.
Automobile rental.

(4) Personal Services.
None.

(5) Residential Uses.
None.

(6) Retail Commercial Uses.
Restaurant. (No drive-through.)

(7) Service Commercial Uses.
None.

(8) Other Uses.
None.

b. Conditional Uses. The following uses or uses determined to be similar by the Planning Director, are permitted in the AT-AC Subdistrict, subject to approval of a conditional use permit:

(1) Aviation Commercial Uses.
None.

(2) Administrative and Professional Offices/Services.
None.

(3) Automobile Related Uses.
None.

(4) Personal Services.
None.

(5) Residential Uses.
None.

(6) Retail Commercial Uses.
Sales, rental, and service of non-aviation equipment, when compatible with aviation uses, for a period not to exceed one day less than five years in maximum duration. Non-aviation uses are limited to no more than 25 percent of the land area in leaseholds within the AT-AC Subdistrict.

(7) Service Commercial Uses.
None.

(8) Other Uses.
Major outdoor storage.

SEC. 10-1.1944 - AT-AC LOT REQUIREMENTS.

- a. Minimum Lot Size: 50,000 square feet, except that 200,000 square feet shall be required for lots on which fueling activity occurs.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.

- d. Maximum Lot Coverage: 30 percent, except 5 percent minimum, but never less than 5,000 square feet.
- e. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1945 - AT-AC YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 30 feet total both sides, 5 feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1946 - AT-AC HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in sub-section c. below and as set forth in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.

(Also see Section 10-1.1985.m. for additional standards)
- c. Height Exception and Special Findings for property located within the boundaries of the Hayward Executive Airport: See Section 10-1.1985(o). ~~Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.~~

SEC. 10-1.1950 - AIR TERMINAL—COMMERCIAL SUBDISTRICT (AT-C)

SEC. 10-1.1951 - AT-C PURPOSE.

The purpose of the AT-C Subdistrict is to provide for certain specified commercial and service uses that are compatible with airport activity, in addition to simultaneously serving the general population of the City.

SEC. 10-1.1952 - AT-C USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C District, as primary uses.
 - (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) Automobile Related Uses.
 - Parking lot. (Requires Site Plan Review.)

(3) Personal Services.
Health club.

(4) Residential Uses.
None.

(5) Retail Commercial Uses.
(a) Bakery.
(b) Coffee/espresso shop.
(c) Restaurant or delicatessen. (No drive-through.)
(d) Retail sales within a hotel or motel.

(6) Service Commercial Uses.
(a) Copying or reproduction facility.
(b) Hotel or motel.
(c) Mailing or facsimile service.
(d) Reverse vending machines(s). (When located within a convenience zone.)

(7) Other Uses.
(a) Broadcasting studio. (Radio and television.)
(b) Christmas tree or pumpkin patch lot. (See Section 10-1.2735.c. for standards.)
(c) Computer center. (Involving record storage and retrieval systems, data processing and micro filming)
(d) Electronics assembly.
(e) Public agency facilities.
(f) Research and development facility.
(g) Research laboratory.
(h) Wholesale sales.

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-C Subdistrict:
(1) Accessory buildings and uses. (See Sec. 10-1.1985.a-c.)
(2) Minor open storage. (See Sec. 10-1.1985.r.)

SEC. 10-1.1953 - AT-C CONDITIONALLY PERMITTED USES.

a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C Subdistrict, subject to approval of an administrative use permit:

(1) Administrative and Professional Offices/Services.
None.

(2) Automobile Related Uses.
Automobile Rental.

(3) Personal Services.
None.

(4) Residential Uses.
None.

(5) Retail Commercial Uses.

Retail sales of retail goods with a regional or sub-regional marketing base, including but not limited to discount retail or warehouse retail, on land not to exceed 8 acres which is visible to Hesperian Boulevard.

- (a) Apparel.
- (b) Appliances.
- (c) Art goods.
- (d) Bicycles.
- (e) Cameras.
- (f) Crafts.
- (g) Electronics.
- (h) Hardware.
- (i) Household furnishings.
- (j) Office supplies.
- (k) Sporting goods
- (l) Similar uses as determined by the Planning Director.

(6) Service Commercial Uses.

None.

(7) Other Uses.

- (a) Vocational educational facility. (For persons 18 years of age and older)
- (b) Health club. (For persons 18 years of age and older)
- (c) Temporary use.

- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C Subdistrict, subject to approval of a conditional use permit:
None.

SEC. 10-1.1954 - AT-C LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1955 - AT-C YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: None.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1956 - AT-C HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in sub-section c. below and as set forth in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.(Also see Section 10-1.1985.m. for additional standards)
- c. Height Exception and Special Findings for property located within the boundaries of the Hayward Executive Airport: See Section 10-1.1985(o). ~~Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.~~

SEC. 10-1.1960 - AIR TERMINAL—RECREATIONAL SUBDISTRICT (AT-R)

SEC. 10-1.1961 - AT-R PURPOSE.

The purpose of the AT-R Subdistrict is to provide for outdoor recreational activities that are compatible with airport activity.

SEC. 10-1.1962 - AT-R USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-R District, as primary uses.
 - (1) Recreational Uses.
 - (a) Golf course.
 - (b) Health club.
 - (c) Recreational facilities. (Maintained by a public agency)
 - (d) Tennis and swim clubs.
 - (2) Administrative and Professional Offices/Services.
None.
 - (3) Automobile Related Uses.
None.
 - (4) Personal Services.
None.
 - (5) Residential Uses.
None.
 - (6) Retail Commercial Uses.
Retail uses. (Which are within and/or ancillary to a public or private recreational facility, golf course, country club, or a health club)
 - (7) Service Commercial Uses.
None.
 - (8) Other Uses.
Christmas tree or pumpkin patch lot. (See General Regulations Sec. 10-1.2735.c for standards)

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-R Subdistrict:
 - (1) Accessory building and use. (See Sec. 10-1.1985.a-c)
 - (2) Minor open storage. (See Sec. 10-1.1985.r)

SEC. 10-1.1963 - AT-R CONDITIONALLY PERMITTED USES.

- a. Administrative Uses.
None.
- b. Conditional Uses.
Any recreational uses located on a parcel which abuts an A, OS, R, MH, or residential PD zoning district.

SEC. 10-1.1964 - AT-R LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 80 feet.
- d. Maximum Coverage Permitted: 60 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.1965 - AT-R YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Street Yard: 10 feet.
- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - (1) 20 feet where abutting an A, OS, R, MH, or residential PD zoning district.
 - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.1966 - AT-R HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.(Also see Section 10-1.1985 for additional standards)
- c. ~~Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.~~

SEC. 10-1.1970 - AIR TERMINAL—MEDIUM DENSITY RESIDENTIAL SUBDISTRICT (AT-RM)

SEC. 10-1.1971 - AT-RM PURPOSE.

The purpose of the AT-RM Subdistrict is to provide residential land uses that are compatible with airport activity.

SEC. 10-1.1972 - AT-RM USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-RM District, when not specified as an administrative or conditional use.
 - (1) Residential Uses.
 - (a) Multiple-family dwelling.
 - (b) Single-family dwelling.
 - (c) Group home. (See definitions)
 - (2) Other Uses.
 - (a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (b) Public agency facilities. (See definitions)
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-RM District:
 - (1) Residential Uses.
 - None.
 - (2) Other Uses.
 - (a) Accessory buildings and uses. (See Section 10.1.1985)
 - (b) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (c) Home occupation. (See definitions)
 - (d) Household pets.

SEC. 10-1.1973 - AT-RM CONDITIONALLY PERMITTED USES.

- a. Administrative Uses.
 - None.
- b. Conditional Uses.
 - None.

SEC. 10-1.1974 - AT-RM LOT REQUIREMENTS.

- a. Minimum Lot Size: 5,000 square feet.
- b. Minimum Lot Area per Dwelling Unit: 2,500 square feet per multiple-family dwelling unit.
- c. Minimum Lot Frontage: 35 feet.
- d. Minimum Average Lot Width: 50 feet.
- e. Maximum Lot Coverage: 50 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.1975 - AT-RM YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 5 feet, or 10 percent of the lot width at the building line whichever is greater up to a maximum of 10 feet.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.1976 - AT-RM HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code as now in effect or may hereafter be amended or replaced.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: 6 feet.

(See Section 10-1.1985.m. for additional standards).
- d. ~~Special Height Requirements and Exceptions: See Sections 10-1.2730.~~

SEC. 10-1.1980 - SITE PLAN REVIEW REQUIRED.

Site Plan Review approval is required prior to issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

SEC. 10-1.1985 - MINIMUM DESIGN AND PERFORMANCE STANDARDS.

This Section establishes design and performance standards that shall apply to the construction of aviation, industrial and commercial buildings and uses in the AT District.

Residential Buildings and Uses.

For single-family and multi-family residential buildings and uses, refer to the Minimum Design and Performance Standards contained in the RS and RM District.

Commercial Buildings and Uses.

For commercial buildings and uses, refer to the Minimum Design and Performance Standards contained in the CN District.

Air Terminal and Industrial Buildings and Uses.

For air terminal and industrial buildings and uses refer to the following specific criteria and standards.

- a. Accessory Buildings, Detached.
 - (1) Detached accessory buildings shall meet the following criteria:
 - (2) Shall not exceed one story.
 - (3) Shall not be located in a required front yard or side street yard.
 - (4) Shall be setback a minimum of 20 feet from a side or rear property line where abutting an A, C, FP, MH, OS, R, or residential PD zoning district.
 - (5) Shall not be located in front of a primary building, unless no other practical alternative exists.
 - (6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building. Greater setbacks may be necessary where required by the Uniform Building Code as adopted by the City.
- b. Accessory Structures, Decorative.
 - (1) Detached decorative accessory structures, including but not limited to arbors, shade covers, trellises, etc., shall meet the following criteria:
 - (2) Shall not exceed one story.

- (3) Shall use exterior materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
 - (4) Shall not be located in a required front yard or side street yard.
- c. Additions and Accessory Structures Attached to Primary Building. Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building.
 - d. Aircraft Parking. Adequate on-site parking for aircraft shall be provided for tenants, customers, guests, and others as required. Hangar doors shall be set back at least 25 feet from property lines abutting taxiways.
 - e. Alcoholic Beverage Outlets. Refer to Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.
 - f. Antennas and Satellite Dishes and Telecommunications Devices. Refer to Chapter 10, Article 13, of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.
 - g. Architectural Design Principles.
 - (1) Refer to the City of Hayward Design Guidelines where applicable. Where abutting residential zoning districts, all structures shall be designed to:
 - (a) Be appropriate for the proposed use(s);
 - (b) Incorporate design elements that are harmonious and in proportion to one another;
 - (c) Be compatible with the design of adjacent uses; and
 - (d) Incorporate an appropriate use or mixture of color, texture, patterns, shadows, offsets and decorative siding, roofing, window and accent materials such as wood, tinted glass, plaster, tile or masonry.
 - h. Architectural Projections into Yards. Architectural features such as bay windows, cornices and eaves may extend 2 feet into any required yard.
 - i. Aviation Fuel Storage. Aviation fuel shall be stored in aircraft tanks, in delivery units approved by the Fire Department, or in aviation fuel storage areas reserved for such use as approved by the Fire Department.
 - j. Decks and Ramps.
 - (1) Decks and ramps 12 inches or less in height may be located in any yard.
 - (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than 3 feet to the rear or side property line.
 - (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
 - (4) Landscape screening shall be provided along the sides of the ramp.
 - k. Electronic and Radio Interference. No operation shall emit electrical, electronic, or radio emissions which will interfere with, obstruct, or adversely affect the operation of air navigation aids and radio communication.
 - l. Fences, Hedges, Walls.

- (1) Fences shall be installed so as to restrict access to airport operational areas or adjacent residential, industrial or commercial districts or uses as required by the Planning Director. Design and construction of fences and walls shall conform to appropriate commercial, industrial, or residential standards, and the following criteria.
- (2) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
- (3) Fences and walls above 6 feet in height shall require approval by the Planning Director and a Building Permit.
- (4) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be no higher than the height required on both sides of the fence or wall.
- (5) Barb or razor wire or similar security fencing shall not be located less than 6 feet above ground along a common property line of a residential property. Such fencing shall not exceed 3 feet in height and where used shall be angled toward the industrial use.
- (6) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.

m. Fire Insurance Rating. No operation shall by its nature increase the fire insurance rating for adjoining or adjacent parcel(s).

n. Grading. All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, and Design Guidelines.

o. HEIGHT EXCEPTION AND SPECIAL FINDINGS FOR HAYWARD EXECUTIVE AIRPORT PROPERTY. The approving authority may approve or conditionally approve a request for an increase in height of a structure over 40 feet when the request accompanies a Site Plan Review or Use Permit Application, and the following additional findings are made:

- (1) The proposed structure will not constitute a hazard to or result in an unsafe condition for air navigation pursuant to Federal Aviation Administration review and approval; and**
- (2) The increase in height over 40 feet is necessary to achieve a more beneficial site layout or will result in public benefits/amenities that could not be achieved under current zoning standards.**

p. e. Landscaping.

(1) Landscape Areas.

- (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
- (b) Parking is prohibited within required front and side street yards. Where no front or side street yards are required:

- (i) A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between parking areas and all existing or future street rights-of-way; and
- (ii) The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.
- (c) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
- (d) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.
- (2) Buffer Trees/Landscaping.
 - (a) A minimum of one 15-gallon buffer tree shall be planted for every 20 to 40 lineal feet of property line where a required side or rear yard abuts an A, C, FP, MH, OS, R, or residential PD District.
 - (b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.
- (3) Parking Lot Trees/Planters.
 - (a) Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.
 - (b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
 - (c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.
 - (d) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
 - (e) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.
- (4) Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch or larger box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.
- (5) Irrigation. Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.
- (6) Tree Preservation.
 - (a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.
 - (b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured 2 feet above the ground.
- (7) Maintenance.
 - (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
 - (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

q. ~~p.~~ Lighting, Exterior. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way or interfere with airport operations or flight operations. Such lighting shall also be designed such that it is in keeping with the design of the development.

r. ~~q.~~ Outdoor Storage. All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site. Storage shall not exceed the height of any fence or wall required by this Ordinance, and storage shall not be placed within required yard or parking areas. Outdoor storage shall be screened by a view-obscuring fence or masonry wall and be compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).
All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site. Storage shall not be placed within required yard or parking areas, and the storage shall be compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).

s. ~~r.~~ Parking, Driveways and Paving. Parking, driveways and paving for air terminal, industrial and commercial uses shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) Parking Spaces Required.

(a) The number of parking stalls required shall be:

- (i) **one** space for each 500 square feet of gross floor area, or
 - (ii) If a building or structure has leasable bays of 2,500 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,000 square feet of gross floor area, or
 - (iii) If a building or structure has leasable bays of 10,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross floor area, or
 - (iv) If a building or structure has leasable bays of 20,000 square feet or greater, the off-street parking required is 1.0 space for each 2,000 square feet of gross floor area.
- (b) If an industrial use has an office area greater than 10 percent of the gross floor area of the industrial use, then the office area shall provide 1.0 parking space for each 250 square feet of gross office floor area.
- (c) Parking spaces for other uses, such as offices, retail, etc., shall be required per the Off-Street Parking Regulations.

(2) Parking Space Dimensions.

- (a) Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.
- (b) Compact car parking spaces shall be a minimum of 9 feet wide by 15 feet long.
- (c) Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least one foot on the effected side(s), to accommodate door swing.
- (d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

- (3) Parking Space Locations. Parking spaces shall not be located within any required front, side, side street, or rear yard setback.
- (4) Driveways and Paving.
 - (a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.
 - (b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet.
 - (c) Parking and driveway surfaces shall be paved with asphaltic surface or comparable all-weather dustless material(s), such as bricks or pavers, as approved by the Planning Director.
- (5) Driveway Aisle Dimensions. The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact aisle.
- (6) Driveway Turn-around Requirement. All airport terminal property shall provide a sufficient paved driveway turn-around to allow vehicles to exit property in a forward direction.
- (7) Driveway Security Gates. Refer to Chapter 10, Article 14 of the Hayward Municipal Code.
- (8) Emergency Vehicle Turn-Around Requirement. Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)
- (9) Private Street Criteria. Refer to the Standard Details and Section 10-1.2735.h. for design criteria and standards.

~~t-s.~~ Retaining Walls. Retaining walls which are not a part of walls of buildings shall require review and approval by the Planning Director.

~~t.~~ Not used.

u. Not used.

v. Not used.

w. Not used.

x. Roof-Mounted Equipment. Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority.

y. Signs. Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce. (Refer to the City of Hayward Sign Ordinance for specific regulations.)

z. Surfacing. All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

aa. Trash and Recycling Facilities.

- (1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.

- (2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.

bb. Truck Loading Facilities.

- (1) Truck loading spaces and the access and maneuvering areas serving loading spaces shall be located on the same parcel as the activity served and must be exclusive of the area used for required parking spaces. Truck turning templates should be used for design.
- (2) Truck loading/unloading shall not take place on public streets and shall not interfere with on-street traffic, parking or sidewalks.
- (3) Loading areas should not dominate the street frontage, and should not directly face a major street. Where loading docks or doors are located directly off abutting street(s), the following policy shall be used for truck maneuvering:
 - (a) If the abutting street is a major street where the curb-to-curb width is 72 feet or more, the loading facility/dock/door, etc., shall be located so that a truck cannot use the street as a means to maneuver in a backwards motion towards the unloading point. This will require an unobstructed on-site minimum depth of 95 - 115 feet in front of the loading area. Driveways shall not be placed to line up with the loading docks.
 - (b) On service roads (streets 40-48 feet curb-to-curb), truck maneuvering can take place within the street area, and the driveway may be lined up with the loading dock. When a truck is parked at the loading point, it shall not project into the public right-of-way. A minimum of 65 feet shall be unobstructed and provided in front of the loading area.

cc. Yard Exceptions. Spur tracks, open bays for truck loading, and off-street parking spaces may be placed within rear or side yards, except when abutting any A, FP, MH, O, R, or residential PD District.

dd. Window Coverage. Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public right-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.

SEC. 10-1.2700 - GENERAL REGULATIONS

SEC. 10-1.2730 - SPECIAL HEIGHT REQUIREMENTS.

- a. ~~Reserved. Height—Airport. Height provisions of airport or air approach regulations shall govern when in conflict herewith or in absence of provisions for such height regulation herein.~~
- b. Height—Exceptions.

- (1) Chimneys, cupolas, flagpoles, elevator shafts, radio and television towers, wind machines, and similar mechanical or architectural appurtenances, if attached to a building shall not exceed a height of 15 feet unless authorized by the Planning Director or other approval authority for two-story dwellings or dwellings located on hillsides. If not attached to a building, they shall not exceed 25 feet in height unless authorized by the Planning Director or other approval authority.
 - (2) Church steeples may be exempted from the height requirements as long as the steeples are in scale with the design of the church/religious facility and surroundings, as determined by the Planning Director or other approval authority.
- c. Height—Accessory Building. Unless otherwise specified in the District Regulations, an accessory building shall not exceed one story in height.