

ORDINANCE AMENDING SECTIONS 5.2 (C-1 – NEIGHBORHOOD COMMERCIAL) AND  
5.4 (C-3 – HIGHWAY COMMERCIAL) OF THE BELMONT ZONING ORDINANCE  
NUMBER 360 FOR CABARET USES

WHEREAS, on October 14, 2003, the City Council initiated a Zoning Ordinance amendment regarding “cabarets” in the C-1 and C-2 zones for Commission consideration of possible amendments to Sections 5.2 (C-1 – Neighborhood Commercial) and 5.4 (C-3 – Highway Commercial) of the Zoning Ordinance; and,

WHEREAS, on November 18, 2003, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report, and recommended an amendment to Sections 5.2 (C-1 – Neighborhood Commercial) and 5.4 (C-3 – Highway Commercial) of the Zoning Ordinance; and,

WHEREAS, on December 9, 2003, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on the aforementioned amendments; and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

WHEREAS, the City Council hereby adopts the staff report (dated December 9, 2003) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council has adopted a Negative Declaration for the amendment pursuant to the provisions of the California Environmental Quality Act (CEQA); and,

WHEREAS, the City Council after consideration of all testimony and reports hereby determines that the proposed amendments to Section 5.2.2 (C-1 – Neighborhood Commercial – Conditional Uses) and Section 5.4.2 (C-3 – Highway Commercial – Conditional Uses) of the Belmont Zoning Ordinance to allow, with Conditional Use Permit approval, cabaret uses in the C-1 & C-2 Commercial Zoning Districts is required to achieve the objectives of the Zoning Plan and General Plan for the City. Adoption of the proposed amendments would provide a more precise guide for physical development of the City, and thereby protect and promote the comfort, convenience and general welfare of the community and fulfill the General Community Goals and Policies of the General Plan.

**Section 1:** NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belmont that Section 5.2.2 – C-1 – NEIGHBORHOOD COMMERCIAL DISTRICT – COMMERCIAL USES of the Belmont Zoning Ordinance be hereby amended to read as follows:

5.2.2 CONDITIONAL USES - The following Conditional Uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

- (a) Automobile service stations as regulated by Section 19.
- (b) Automobile parking lots (commercial) not associated with a use on site.

- (c) Temporary uses regulated by Section 9.5.2(d).
- (d) Churches and other religious institutions which do not provide sleeping accommodations.
- (e) Pet stores.
- (f) Uses which require exterior-mounted refrigeration or mechanical equipment capable of creating noise or venting vapor or odors, within 100 feet of an area designated for residential use on the general plan.
- (g) Public buildings and grounds utility and service structures, when found by the Commission to be necessary for the public health, safety, or welfare.
- (h) Private clubs and lodges and philanthropic institutions which do not provide sleeping accommodations.
- (i) Public and private libraries, and museums.
- (j) Any use conducted outside of a completely enclosed building and any use involving storage of materials or merchandise outside of a completely enclosed building.
- (k) Any use conducted before 7 am or after 11 pm.
- (l) Incidental and accessory structures and uses located on the same site with, and necessary to, the operation of a Conditional Use.
- (m) Car wash, not to exceed four (4) stalls, coin operated self-service type not including the use of mechanical conveyors, blowers, or steam cleaning, when included within a group of permitted neighborhood retail and service establishments located together within a single parcel of land at least five (5) acres in size.
- (n) Temporary circuses and carnivals.
- (o) Other uses, which in the opinion of the Planning Commission, are similar to those listed Permitted Use.
- (p) Taverns and lounges.
- (q) In existing buildings, replacement of uses permitted by Section 5.2.1(a) by accounting, law, investment, real estate, medical, professional, or general business office uses at the ground floor.

- (r) In a new building, establishment of accounting, law, investment, real estate, medical, professional, or general business office uses at the ground floor.
- (s) New buildings and building additions.
- (t) Cabarets.

NOW THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 5.4.2 – C-3 – HIGHWAY COMMERCIAL DISTRICT – COMMERCIAL USES of the Belmont Zoning Ordinance be hereby amended to read as follows:

5.4.2 CONDITIONAL USES - The following Conditional Uses shall be permitted upon the granting of a Use Permit in accordance with the provisions of Section 11 of this Ordinance.

- (a) Any use which is a Conditional Use in the General Commercial or C-2 Districts.
- (b) Ambulance Service.
- (c) Automobile and Vehicular Sales, new or used, including boats, recreational vehicles and trailers.
- (d) Automobile washing business, including the use of the mechanical conveyors, blowers and steam cleaning.
- (e) Drive through establishments offering foods or service to customers in automobiles.
- (f) Mortuary.
- (g) Motel.
- (h) Storage warehouse for the storage of household goods and furniture.
- (i) Machinery sales, rental and service, when conducted wholly within an enclosed building.
- (j) Animal Clinic.
- (k) Vehicular repair shops except vehicle body repair and painting.
- (l) Vehicular towing operations.
- (m) All structures exceeding 28 feet or two stories in height.

**SECTION 2: Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

**SECTION 3:** Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

**SECTION 4:** The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this 9th day of December, 2003.

\* \* \* \* \*

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

AYES,  
COUNCIL MEMBERS: \_\_\_\_\_

NOES,  
COUNCIL MEMBERS: \_\_\_\_\_

ABSENT,  
COUNCIL MEMBERS: \_\_\_\_\_

ABSTAIN,  
COUNCIL MEMBERS: \_\_\_\_\_

RECUSED,  
COUNCIL MEMBERS: \_\_\_\_\_

\_\_\_\_\_  
MAYOR, City of Belmont

ATTEST:

\_\_\_\_\_  
CITY CLERK, City of Belmont