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## CN – NEIGHBORHOOD COMMERCIAL DISTRICT

### Chapter 2-37

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#### **2-37-010 Purpose.**

The purpose of the CN District is to designate sites for the location of neighborhood shopping centers which will provide shopping services at locations generally indicated in the General Plan and specifically located on the basis of detailed land use and circulation studies. It is intended that such shopping facilities shall be designed in a way so as to be operated completely compatible to and harmonious with the character of surrounding residential areas and shall provide primarily those services which are intended to serve the one or more neighborhoods of which it is a part. (Ord. 442 § 10.10)

#### **2-37-020 Uses permitted - Generally.**

The following uses are permitted subject to approval of a Zoning Use Permit prior to occupancy of any building or site, approval of any other prerequisite permits, and conformance to all applicable regulations set forth in this chapter, in LPZC Part 3, and elsewhere in this Code. (Ord. 442 § 10.20)

#### **2-37-030 Uses permitted - Specifically.**

City Hall  
Permit Center

Community Development Department  
1052 South Livermore Avenue  
Livermore, CA 94550

phone: (925) 960-4450  
fax: (925) 960-4459  
TDD: (925) 960-4104

[www.ci.livermore.ca.us](http://www.ci.livermore.ca.us)

The following uses shall be permitted:

- A. Consumer Services.
  - 1. Business services, excluding sales, storage or rental of heavy equipment.
  - 2. Catering establishments.
  - 3. Restaurants less than 1,500 square feet, except fast-foods.
  - 4. Financial and business institutions.
  - 5. Motion picture production distribution services.
  - 6. Newspaper publishing offices.
  - 7. Nursery sales (garden supply).
- B. Personal Service Shops.
  - 1. Barber and beauty shops.
  - 2. Garment pressing repair and alteration.
  - 3. Laundering, dry cleaning, laundromats.
  - 4. Cleaning pickup stations.
  - 5. Shoe repair shops.
  - 6. Printing, limited to letter press and duplication machines.
  - 7. Specialty schools, which would not generate excessive noise or amounts of people or traffic, and would not create a nuisance for the surrounding area.
  - 8. Studios, photographers and artists.
  - 9. TV and radio stations.
  - 10. Vending machines.
  - 11. Health spas including fitness centers and fitness instruction including dance and gymnastics, self-defense instruction (for example, judo and karate), and diet and weight control services, provided the space occupied is 3,000 square feet or less in size.
- C. Home Improvements.
  - 1. Hardware, including light building materials.
  - 2. Paint, glass, wallpaper and floor covering.
  - 3. Miscellaneous repair services, including only establishments engaged in the repairing and servicing of household and business equipment, machines and furnishings.
- D. Retail Uses.
  - 1. Bicycle sales, service, and rental.
  - 2. Bookstores, except adult book stores.
  - 3. Apparel and accessories.
  - 4. Bakeries.
  - 5. Food stores (including convenience markets).
  - 6. Furniture, home furnishings and appliances sales, service, and rental.
  - 7. Miscellaneous retail, including candy or ice cream stores, drug stores, hobby or crafts shops, liquor stores, jewelry stores, newsstands, specialty shops, variety stores, pet stores, computer stores, or animal grooming.
- E. Offices.
  - 1. Administrative.
  - 2. Business.
  - 3. Dental.

- 4. Medical.
- 5. Optical.
- 6. Pharmacy.
- 7. Professional.
- 8. X-ray laboratory.
- F. Signs (Chapter 3-45 LPZC).
- G. Automobile parking lots.
- H. Retail certified recycler where located within a building or fully screened from public view by a solid wall or fence.
- I. And similar uses and other retail business or service establishment determined by the Zoning Administrator to be of the same general character as the above uses. (Ord. 1747 § 1, 2004; Ord. 1538 § 3, 1998; Ord. 1423, 1994; Ord. 1239, 1987; Ord. 442 § 10.21)

**2-37-040 Uses permitted with Conditional Use Permit approval.**

The following uses are permitted subject to approval of a Conditional Use Permit:

- A. Automotive Services. Automobile service stations subject to the requirements of LPZC [3-10-070](#).  
Findings: Conditional Use Permits shall be approved only where the findings set forth in LPZC [3-10-070](#) are made; in no case shall the structure or equipment of an automotive service station be located within 75 feet of a parcel zoned residential.
- B. Personal Service Shops.
  - 1. Health spas including fitness centers and fitness instruction including dance and gymnastics, self-defense instruction (for example, judo and karate), and diet and weight control services, provided the space occupied is more than 3,000 square feet in size.
- C. Consumer Services.
  - 1. Animal hospitals, veterinarians.
  - 2. Cocktail lounges.
  - 3. Dance clubs.
  - 4. Restaurants more than 1,500 square feet.
  - 5. Fast-foods.

Findings: Conditional Use Permits shall be approved only where the findings set forth in Chapter 4-20 LPZC and the following findings can be made: In the case of a fast-food restaurant, the City shall find that the premises of the business are located within the shopping center site in such a manner that the late evening automobile activity, noise, lights, and similar effects generally anticipated with such a use will not have a detrimental effect on adjacent residential areas. Building access shall be oriented or screened so that the activity which generally occurs at points of access will not disturb adjacent or nearby residences.

- D. Drive-in facilities.

Findings: Conditional Use Permits shall be approved only where the findings set forth in Chapter 4-20 LPZC and the following findings can be made: In the case of uses servicing customers "within motor vehicles," the City shall find that the use is located within the shopping center and access is provided such that waiting automobiles shall not impair the movement of traffic within the center or the public right-of-way, or restrict ingress and egress of traffic between the shopping center and the public right-of-way.

- E. Bed and breakfast uses, limited to six units per use.
- F. Public and semi-public uses.

- G. Freestanding uses, which shall be defined as any use located within a structure which is not part of the main building complex.
- H. Any use where the maximum floor area ratio ranges between 20 and 25 percent of the shopping center site area.
- I. Wholesale certified recycler (where located within a building or fully screened from public view by a solid wall or fence).
- J. Any land use that utilizes hazardous materials shall be subject to the regulations of Chapter 3-30 LPZC. Prior to approval, it must be found that the project includes sufficient safeguards to assure that the storage and use of the hazardous materials will be an acceptable risk as defined by Chapter 3-30 LPZC.
- K. And similar uses and other retail business or service establishment determined by the decision making body approving the Conditional Use Permit to be of the same general character as the above uses.
- L. Health facilities as set forth in LPZC [3-10-340](#). (Ord. 1747 § 2, 2004; Ord.1633 § 10, 2001; Ord. 1595 § 1, 2000; Ord. 1538 § 4, 1998; Ord. 1475, 1996; Ord. 1423, 1994; Ord. 1376, 1992; Ord. 1250, 1987; Ord. 1239, 1987; Ord. 442 § 10.22)

**2-37-050 Accessory uses.**

In a CN District, accessory uses and structures appurtenant to any permitted use are also permitted. (Ord. 442 § 10.23)

**2-37-060 Site requirements.**

- A. Minimum District Size. None.
- B. Maximum District Size. The maximum district size shall be 12 acres exclusive of public rights-of-way.
- C. Minimum Parcel Size. There shall be no minimum parcel size. (Ord. 1275, 1988; Ord. 442 § 10.30 - 10.32)

**2-37-070 Site Plan Approval.**

Site Plan Approval shall be required prior to the development of any site including the construction of any building, the establishment of any open land use, and the development of related off-street parking. A Site Plan Approval permit shall be approved only for a total site although stage development and subsequent site plan revision may be permitted as specified in LPZC [2-37-180](#) et seq. (Ord. 442 § 10.40)

**2-37-080 Maximum allowable floor area ratio.**

The maximum allowable floor area of a shopping center shall not exceed 20 percent, except it may be increased to 25 percent upon approval of a Conditional Use Permit, exclusive of any automobile service station site area. In the event subdivision of a shopping center site occurs subsequent to its development, additional development shall not be permitted on any parcel unless it can be found that the floor area ratio and off-street parking regulations for the entire center are still in conformance with this code. (Ord. 1250, 1987; Ord. 442 § 10.41)

**2-37-090 Minimum District yard - Street frontage.**

Either of the following alternatives may be utilized:

- A. A minimum building setback of 80 feet. A landscaped strip having a minimum width of 10 feet shall be provided adjacent to all public rights-of-way.
- B. A minimum building setback of 20 feet shall be provided adjacent to the public right-of-way. Any intermediate setback between 20 feet and 80 feet shall comply with the 20-foot landscaping requirement. (Ord. 442 § 10.42)

**2-37-100 Minimum District yard - Non-street frontage.**

The minimum District yard, non-street frontage, shall be 50 feet, except that a portion of a structure designed for loading or unloading may project into required yard a distance not to exceed 12 feet, provided the total length of such portion does not exceed 20 feet in length or 12 feet in height. (Ord. 442 § [10.42.1](#))

**2-37-110 Maximum building height limit.**

The maximum building height limit shall be 35 feet. (Ord. 442 § 10.43)

**2-37-120 Fencing.**

On any interior property line where the boundary of a CN District abuts an R or E District, a minimum 6-foot high masonry wall shall be constructed and permanently maintained in good repair. (Ord. 1051, 1981; Ord. 442 § 10.44)

**2-37-130 Off-street parking.**

Off-street parking and bicycle facilities and loading spaces shall be provided as required in Chapter 3-20 LPZC. (Ord. 442 § 10.45)

**2-37-140 Landscaping.**

Landscaping, to include planted areas, the required parking lot tree planting, pedestrian walks, and exterior malls, shall be provided and maintained in perpetuity in conformance with LPZC [3-20-070](#) and the following:

- A. At least 20 percent of the site shall be landscaped.
- B. A landscaped strip having a minimum width of 10 feet shall be provided adjacent to all public rights-of-way.
- C. A landscaped strip providing a tall vegetative screen and having minimum width of 10 feet shall be provided along any property line abutting a parcel in an R or any E District.
- D. Pedestrian walks, malls, and similar paved or impervious areas shall be counted as landscaping only to the extent of 20 percent of the required landscaping. (Ord. 442 § 10.46)

**2-37-150 Solid waste storage.**

Enclosures for the storage of solid waste shall be provided within 50 feet of each space available for rental or lease. Such enclosure need not be roofed and shall be designed to enable the enclosure of solid waste containers and similar large items. (Ord. 442 § 10.47)

**2-37-160 Store service areas.**

Each store space within a shopping center shall be provided with a second (and normally rear) access to be used for service purposes. Store service areas having loading and unloading docks and similar service structures shall be screened or otherwise designed so as to be not visible from public rights-of-way. (Ord. 442 § 10.49)

**2-37-170 Customer service facilities.**

Facilities for the convenience and comfort of customers within the shopping center shall be provided, which shall include benches within 50 feet of each establishment, toilet facilities with public access which may be controlled by a business in the center and which shall remain open during the business hours of the major tenant, and rest areas having at least 400 square feet of area with shade structure, benches, and drinking fountains. (Ord. 442 § 10.50)

**2-37-180 Stage development - Generally.**

Stage development may be permitted provided the first stage includes at least 66-2/3 percent of the floor area and 50 percent of the off-street parking area of an approved ultimate site development plan as provided for in LPZC [2-37-070](#). (Ord. 442 § 10.60)

**2-37-190 Stage development - Service stations.**

In no case shall an automobile service station be approved until 50 percent of the site is completely developed. (Ord. 442 § 10.61)

**2-37-200 Stage development - Planning Commission review.**

The Planning Commission shall review annually the status of undeveloped or partially developed shopping center sites and shall, if all of the following findings cannot be made, initiate possible rezoning of the shopping centers to another zoning district, in the manner required by law:

- A. The shopping center location and size is still in conformance with standards set forth in the General Plan.
- B. There exists, or the probability still exists, that a residential population in the area provides the necessary marketing support and other justification for a shopping center.
- C. There are no proposals pending for a shopping center within the same vicinity or intended to serve the same population.
- D. The property owner has demonstrated that he is actively pursuing the development of the site as a neighborhood shopping center. (Ord. 442 § 10.62)

**2-37-210 Performance standards - General.**

Shopping centers shall be developed and operated in accordance with the general regulations set forth in this chapter. (Ord. 442 § 10.70)

**2-37-220 Light sources.**

Light sources, including exterior and interior illumination and electrically illuminated signs, shall not be erected or installed to a height greater than 15 feet and shall be directed and shielded as to not illuminate surrounding residential areas. All light sources except the minimum necessary for protection of property and for the protection of the general public shall be extinguished during periods when businesses within the center are closed. (Ord. 442 § 10.71)

**2-37-230 Confinement of use.**

All uses or activities shall be conducted wholly within completely enclosed buildings, except for the auto service station, restaurants and drinking places, off-street parking and loading facilities, public utility lines and substations, and/or where in the opinion of the City the use is incidental to a principal use on the premises and plans for the proposed use show construction and design to be in character and harmony with the surrounding area. (Ord. 1538 § 5, 1998; Ord. 442 § 10.72)

**2-37-240 Prohibition of exterior storage.**

Exterior storage of solid wastes and containers for solid waste, and containers, merchandise, or other items or goods awaiting pickup, sale or other disposition, shall be prohibited. (Ord. 442 § 10.73)

**2-37-250 Noise standards.**

No use shall generate noise that will exceed a reading of 50 dba in the adjacent use. (Ord. 993, 1979; Ord. 442 § 10.74)