

Secs. 10-5.29108 – 10-5.29109. Reserved.

### Part 11. CW – Waterfront Commercial Districts

#### Sec. 10-5.29110. Purposes

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the CW Waterfront Commercial Districts are included in the zoning regulations to achieve the following purposes:

- (a) To encourage, protect and maintain coastal-dependent and coastal-related uses;
- (b) To encourage development of recreational and visitor-serving uses;
- (c) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area;
- (d) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationships to each other;
- (e) To provide space for community facilities and institutions that appropriately may be located in commercial areas;
- (f) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
- (g) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- (h) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- (i) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;
- (j) To encourage upgrading of the use of strategically located sites between the central business district and Humboldt Bay by creating an environment suitable for establishments catering to tourists; and
- (k) To protect and maintain certain industrial uses that require waterfront locations.

#### Sec. 10-5.29111. Required conditions.

- (a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

Effective September 20, 2015

(b) In a CW District all businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, exhibits of goods sold, manufactured, or processed on the premises, outdoor dining areas, and utility substations and equipment installations.

(c) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic or to involve any hazard of fire or explosion.

**Sec. 10-5.29112. Permitted uses.**

The following uses shall be permitted in the CW Waterfront Commercial District, provided that when recreation and visitor-serving facilities are integrated with coastal-dependent uses (noted below with an asterisk), the recreation and visitor-serving areas shall be secondary to and compatible with the coastal-dependent uses:

(a) Accessory uses and structures located on the same site as a permitted use;

\* (b) Boat launching;

(c) Coastal dependent and coastal-related uses;

\* (d) Commercial fishing facilities;

\* (e) Docks, piers and wharfs;

(f) Hotels and motels;

(g) Ice vending stations;

(h) Marine and boat sales, services and repairs;

(i) Offices related to or dependent upon coastal-dependent or coastal-related uses;

(j) Public and commercial recreation;

(k) Recreational boating facilities;

(l) Visitor-serving facilities and other establishments that offer retail sales and services to visitors, including but not limited to:

Antique shops;

Art and artists' supply stores;

Art galleries and stores selling objects of art;

Bakeries baking for retail sale on the premises only;

Bars and taverns;

Bicycle shops;

Book stores and newsstands;

Candy stores/shops;

Clothing shops, boutique;

Effective September 20, 2015

Dairy products manufacturing for retail sales on the premises only;  
 Day or destination spas;  
 Florists;  
 Garden shops;  
 Gift shops;  
 Jewelry stores;  
 Leather goods and luggage stores;  
 Music, record, and CD stores;  
 Picture framing shops;  
 Restaurants (not including drive-in establishments)  
 Shoe shops, boutique;  
 Sporting goods stores that primarily include rental and sales of equipment,  
 gear, clothing, and other goods, for coastal-dependent or –related recreation  
 activities;  
 Stamp and coin stores;  
 Stationery shops;  
 Theaters, small;  
 Toy shops, and;  
 Variety shops.

**Sec. 10-5.29113. Conditional uses.**

The following conditional uses shall be permitted in the CW Waterfront Commercial District upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The applicant shall demonstrate and the City shall find that granting of a use permit will not diminish recreational or visitor-serving opportunities.

Administrative, business, and professional offices, except medical and dental offices;

Arts and crafts schools and colleges;  
 Bakeries;  
 Banks;  
 Barber shops and beauty shops;  
 Bus depot;  
 Bus depots, provided all buses shall not be stored on the site and no repair  
 work or servicing of vehicles shall be conducted on the site;  
 Business, professional, and trade schools and colleges;  
 Charitable institutions;  
 Christmas tree sales lots;  
 Churches, parsonages, parish houses and other religious institutions;  
 Cigar stores;  
 Cleaning, coin-operated;  
 Clothing and costume rental establishments;

Effective September 20, 2015

Clothing stores;  
Conference center;  
Dance halls;  
Department stores;  
Finance companies;  
Food stores and supermarkets;  
Furniture stores;  
Gunsmiths;  
Gymnasiums;  
Hardware stores;  
Health clubs, neighborhood;  
Ice storage houses;  
Interior decorating shops;  
Laundries, self-service type;  
Liquor stores;  
Locksmiths;  
Massage and physical culture studios;  
Medical and dental offices;  
Medical and orthopedic appliance stores;  
Meeting halls;  
Messengers' offices;  
Music and dance studios;  
Musical instrument repair shops;  
Office and business machine stores;  
Offices and office buildings;  
Oil and gas pipelines;  
Optician and optometrical shops;  
Parking facilities, including fee parking facilities;  
Passenger railroad stations;  
Pet and bird stores;  
Photographic supply stores and studios;  
Post offices;  
Prescription pharmacies and dental and optical laboratories;  
Pressing establishments;  
Printing shops, including lithographing and engraving;  
Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare;  
Radio and television broadcasting studios;  
Realtors and real estate offices;  
Recreational vehicle parks;

Effective September 20, 2015

Residential uses permitted in the RM Districts shall be permitted in a CW District, provided the residential units are located above the ground floor of commercial structures and the minimum size of such dwelling units shall not be less than what is required in the Building and Housing Code;

- Saving and loan offices;
- Scientific instrument shops;
- Skating rinks;
- Skating rinks within buildings;
- Sporting goods stores;
- Sports arenas within buildings;
- Stationery stores;
- Stenographic services;
- Telegraph offices;
- Television and radio sales and repair stores;
- Theaters and auditoriums within buildings;
- Toy stores;
- Variety stores;
- Warehouses;
- Watch and clock repair shops;
- Wholesale establishments without stocks; and

Any other use which is determined by the Planning Commission to be similar to the listed conditional uses and which conform to the policies of the Land Use Plan. In making such a determination, in addition to the findings prescribed in Article 24 of this chapter (Conditional Uses), the Planning Commission must find:

- (a) That consideration of all determinable characteristics of the use that is subject to the application indicates that the use has the same essential characteristics as a permitted or conditional use;
- (b) That the use conforms to the purposes of the CW Waterfront Commercial District;
- (c) That the use will not create significantly more vehicular traffic or congestion than associated with permitted or conditional uses; or
- (d) That the proposed use will not negatively affect recreation or visitor-serving facilities and coastal-dependent uses.

**Sec. 10-5.29114. Off-street parking.**

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

**Sec. 10-5.29115. Off-street loading.**

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

**Sec. 10-5.29116. Signs.**

No sign, outdoor advertising structure or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs)

**Sec. 10-5.29117. Site plan review and architectural review.**

All permitted uses shall be subject to site plan review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review). Conditional uses shall be subject to architectural review.