SECTION 25.22
COMMERCIAL ZONING DISTRICTS

Sections:

25.22.1 Description of Commercial Districts

25.22.2 Allowed Uses and Permit Requirements

25.22.3 General Development Regulations

25.22.4 Regulations of Specific Uses

25.22.1 Description of Commercial Zoning Districts

This Section provides regulations applicable to development and new land uses in the Commercial zoning districts established by Section 25.12.2 (Zoning Districts Established). The purpose of the individual commercial zoning districts is as follows:

A. CN (Neighborhood Commercial) District. The CN zoning district provides areas for convenient neighborhood access to daily goods and services. Typical uses include grocery stores, banks, dry cleaners, and restaurants. Residential land uses may be appropriate, particularly as part of a mixed-use development. The CN zoning district is consistent with the Neighborhood Commercial land use category of the General Plan.

B. CC (Community Commercial) District. The CC zoning district applies to commercial areas of the City where retail goods and services are available to serve neighborhood and communitywide needs. Typical land uses include larger shopping centers, specialty shopping centers, and other retail establishments that serve the community at large. Residential land uses may be appropriate, particularly as part of a mixed-use development. The CC zoning district is consistent with the Highway and Regional Commercial, and Community Commercial land use categories of the General Plan. Winery Square and adjoining commercial areas in the Heart of Fairfield Plan Area have not been assigned distinct Heart of Fairfield Zoning designations and retain CC zoning.

C. CT (Thoroughfare Commercial) District. The CT zoning district applies to portions of North Texas Street and Parker Road characterized by a mixture of small, individual and multi-tenant commercial buildings, shopping centers, automobile services and sales, and fast-food restaurants. Residential land uses may be appropriate, particularly as part of a mixed-use development. The CT zoning district is consistent with the Community Commercial land use category of the General Plan.

D. CS (Service Commercial) District. The CS district provides areas for commercial service and light industrial uses that may have impacts not suitable for other commercial districts. Uses in the CS zone are primarily of a non-retail character, some of which require outdoor storage or activity areas. Retail and office uses are allowed to the extent that they are compatible with the service commercial uses. Typical uses include small-scale light assembly operations, motor vehicle repair and body shops, equipment rental and storage yards, small-scale warehousing and distribution, and “workshop” type commercial land uses (e.g., welding and cabinet shops). The CS zoning district is consistent with the Service Commercial land use category of the General Plan.

E. CM (Mixed Commercial) District. The CM zoning district applies to transitional areas near the Heart of Fairfield Plan boundary and areas identified by the General Plan as Mixed Use. Permitted uses shall be consistent with the General Plan description for each mixed use property. Mixed use areas in the Heart of Fairfield Plan Area are regulated under Section 25.23.

F. CO (Office Commercial) District. The CO zoning district is applied to areas intended for office uses and related services. Land uses include professional offices, medical offices and related services, administrative offices, banks and other financial institutions, and related business support services. Personal services and small-scale commercial and retail establishments may be permitted as supporting land uses. Residential land uses are appropriate as part of a mixed-use project. The CO zoning district is consistent with the Office Commercial land use category of the General Plan.

G. CR (Regional Commercial) District. The CR zoning district applies to areas appropriate for highway oriented retail and service uses and regional shopping centers that serve a market beyond the Fairfield/Suisun area. The CR district is generally applied to properties with direct frontage on Interstate 80 or 680, or State Highway 12. This includes properties at the western end of West Texas Street within the boundaries of the Heart of Fairfield Plan but not assigned a distinctive land use designation by the Plan. The CR zoning district is consistent with the Highway and Regional Commercial land use category of the General Plan. (Ord. No. 2015-06, § 2; Ord. No. 2017-14, § 9.)

25.22.2 Allowed Uses and Permit Requirements

A. Permitted land uses. The land uses allowed by this Zoning Ordinance in commercial zoning districts are identified in the following tables as:

1. “Permitted” land uses are indicated by a “P” on Table 25-9. Permitted lands uses are allowed on a property without discretion by the City, subject to compliance with all applicable provisions of this Ordinance.

2. “Conditionally Permitted” land uses are indicated by a “C” on the tables and are allowed only with the approval of a Conditional Use Permit (Section 25.40.6). These uses are subject to all applicable provisions of this Ordinance as are permitted uses. However, the City has discretion to approve, approve with conditions, or deny a Conditional Use Permit application. The decision on a Conditional Use Permit is based upon the circumstances of an individual case and the criteria in Section 25.40.6.C.

B. Uses not permitted or not listed. Land uses not permitted are those indicated by a “-” on the table. Land uses not listed on the tables are not allowed, except as provided in Section 25.10.6 (Exemptions from Zoning Ordinance Requirements).

C. Regulations for specific uses. Where a column in the following tables includes a reference to a section number or footnote, the regulations in the referenced section or footnote apply to the use. However, provisions in other sections of this Zoning Ordinance or City Code may also apply.

D. Ancillary Uses. Ancillary uses are those secondary activities associated with a primary land use directly associated with and supporting said primary permitted or conditionally permitted land use. Ancillary uses and activities typically require a minor portion of the square footage or space in a business premises, impose no additional impacts on land use patterns, building design, parking requirements, or outdoor storage. Examples of ancillary uses include, but are not limited to, small factory stores associated with an active manufacturing plant, on-site childcare facilities, etc.

					P	Use Permitted		
Table 25-9: Commercial District Land Use Regulations					C	Conditional Use Permit		
					-	Not permitted		
Use	**CN**	**CO**	**CS**	**CT**	**CC**	**CR**	**CM**	**Additional Regulations**
General Retail								

New merchandise sales-less than 80,000 square feet	P	P	C	P	P	P	C	Note 1
New merchandise sales-greater than 80,000 square feet	-	-	C	C	C	C	-	
Antique, jewelry and collectibles shop	P	P	-	P	P	P	-	Sec. 25.22.4.6
Apparel and shoes	P	P	-	P	P	P	P	Sec. 25.22.4.6
Automobile Parts and Accessories	P	C	P	P	P	P	-	
Building and landscape material sales	-	-	P	C	C	C	-	
Commercial Cannabis Business, Retail	-	-	P	P	-	P	P	Chapter 10E (Commercial Cannabis Business) Notes 12, 13
Florist	P	P	P	P	P	P	P	Sec. 25.22.4.6
Furniture, fixtures, and appliance sales	-	P	P	P	P	P	-	Sec. 25.22.4.6
Market, convenience	C	-	C	C	C	C	-	Note 2
Market, grocery or supermarket	P	-	-	P	P	C	-	
Music Shop	P	P	-	P	P	P	P	Sec. 25.22.4.6
Market, specialty food and beverage	P	-	-	P	P	P	C	Note 2
Pawn shop	-	-	-	P	P	-	-	
Pet Stores and Pet Supplies	P	C	C	P	P	P	-	
Photo, Video, Electronics	P	P	-	P	P	P	C	Sec. 25.22.4.6
Plant nursery - landscape	C	-	P	P	P	C	-	
Tobacco Sales (Specialty) and Smoke Shops	C	-	-	C	C	C	C	Sec. 25.22.4.7
Used merchandise sales	-	C	-	P	P	C	-	
Consignment Shop	-	P	-	P	P	C	-	

Education and Training

Child daycare center	P	C	-	P	P	C	C	
Museum, library, or gallery	-	P	-	P	P	C	C	
Personal instruction studio	P	P	C	P	P	C	C	
Reading room	P	P	-	P	P	-	C	
School, business	-	P	P	P	P	C	C	
School, college or university (private)	-	C	-	C	C	C	-	
School, Personal and Social Development	P	P	P	P	P	C	C	
School, elementary and secondary (private)	C	C	-	C	C	-	C	
School, vocational	-	-	P	P	C	C	-	

Entertainment and Recreation Related

Adult entertainment business	-	-	P	P	-	-	-	Section 25.32.2
Bingo Hall	C	-	C	C	C	C		Section 12.201
Athletic club	P	C	-	P	P	C	-	
Fitness Studio	P	P	C	P	P	P		
Campground	-	-	C	-	-	C	-	
Commercial recreation	C	-	C	P	P	C	-	
Stadium or arena	-	-	C	C	C	C	-	
Theater (indoor)	-	-	-	P	P	P	-	
Theater (outdoor)	-	-	C	C	C	C	-	

Food Service

Bar	-	C	-	C	C	C	-	
Catering services	-	P	P	P	P	-	C	
Food and beverage sales	P	P	P	P	P	P	C	
Restaurant, counter service	P	P	P	P	P	P	C	
Restaurant, table service	P	P	P	P	P	P	C	
Drive-through sales (with any food service)	C	-	-	C	C	C	-	Section 25.22.4.1
Entertainment (with any food service)	-	C	-	C	C	C	-	

Health and Veterinary Services

Ambulance service	C	P	P	P	P	-	-	
Animal clinic or grooming	P	C	P	P	P	-	-	
Animal hospital	C	C	P	P	P	C	-	
Animal kennel	C	-	P	C	C	C	-	
Emergency medical care	P	P	C	P	P	C	-	
Hospital	-	C	C	P	P	C	C	
Nursing home	C	C	-	C	C	-	P	

General Services

Auction (indoor)	-	-	P	P	P	C	-	
Auction (outdoor)	-	-	P	C	C	C	-	
Bed and breakfast inn	C	-	-	C	C	-	-	
Business support services	-	P	P	P	P	P	-	
Collection Containers	-	-	P	-	-	-	-	Sec 25.32.7B
Equipment rental (indoor)	C	P	P	P	P	-	-	
Equipment rental (outdoor)	-	-	P	C	C	-	-	
Funeral and interment services	-	C	-	P	P	-	C	
Hotel/motel	-	C	-	-	C	C	-	Section 25.22.4.2
Hotel/motel, Extended Stay	-	C	-	-	C	C	-	Section 25.22.4.2
Maintenance & repair, machinery & small engine	-	-	P	P	C	-	-	
Maintenance & repair, personal and household items	P	P	P	P	P	-	-	
Mini-storage	-	-	P	-	-	-	-	
Personal care and domestic services	P	P	C	P	P	P	C	Note 9
Personal care and domestic services - Limited	P	P	C	P	P	P	C	Sec. 25.32.16
Tattoo Parlor or Shop	P	-	C	P	P	P	C	
Recycling collection facility - small	C	C	P	C	C	-	-	

Offices and Financial Services

Alternative Financial Services	-	-		C	C	-	-	Sec. 25.22.4.8
Banks	P	P	-	P	P	P	P	
Bail bond service	-	P	C	P	P	-	P	
Offices, Administrative, business, and professional	P	P	P	P	P	P	P	
Offices, Government	-	P	P	P	P	C	C	
Offices, Medical and dental	P	P	P	P	P	P	P	

Industry

Aquaculture	-	-	C	-	-	-	-	Sec. 25.32.15
Contractor's yard	-	-	P	-	-	-	-	
Handicraft shop	C	C	P	P	P	-	C	Sec. 25.22.4.6
Industrial services	-	-	P	P	-	-	-	
Laboratory, processing	-	P	P	P	P	-	C	
Recycling Collection and Processing Facility	-	-	C	-	-	-	-	Sec. 25.24.4.2
Manufacturing and assembly - light	-	-	C	-	-	-	-	
Wholesale, distribution, and storage - light	-	-	P	-	-	-	-	

Public, Quasi-public, and Assembly (see Note 3)

Auditorium or exhibition hall, public	C	C	P	P	P	C	C	
Church or other place of worship	P	P	P	P	P	-	P	Table 25-17
Club, lodge, or meeting hall	C	C	-	P	P	-	C	
Community Center/Banquet Hall	C	C	-	C	C	C	C	
Homeless shelter	-	-	C	C	C	-	C	
Public safety facility	P	P	P	P	P	P	P	
Utilities, Public or quasi-public - major	C	C	C	C	C	C	C	
Utilities, Public or quasi-public - minor	P	P	P	P	P	P	P	
Residential								**(Note 11)**
Accessory dwelling units	Section 25.20.4.11							
Boarding houses, large	C	C	-	C	C	-	C	
Boarding houses, small	C	C	-	C	C	-	C	
Adult Day Care Facility	-	C	-	C	C	-	P	
Assisted Living Facility	C	C	-	C	C	-	C	
Duplex	C	C	-	C	C	-	P	Note 3
Duet	C	-	-	C	C	-	P	Note 3
Dwelling, multi-family	C	C	-	C	C	-	P	Note 3
Dwelling, single family detached	C	C	-	C	C	-	C	Note 3
Family day care homes	-	-	-	-	-	-	P	
Community Care Facility-Residential	-	C	-	C	C	-	P	
Single Room Occupancy Housing	-	-	-	C	-	-	P	Sec. 25.22.4.5

Temporary and Other Uses

Temporary uses and events								

Transportation and Communication

Antenna or communication facility	C	C	C	C	C	C	-	
Helipad	-	C	C	C	C	C	-	
Heliport	-	-	C	-	-	-	-	
Moving and Drayage Services	-	-	C	-	-	-	-	
Transit station or terminal	P	P	P	P	P	C	-	
Parking facility, non-residential	C	P	P	P	P	P	C	
Private transportation service	-	C	P	P	P	-	-	
Truck stop	-	-	-	-	-	-	-	

Vehicle Sales and Service

Automobile and truck rental	-	C	P	P	P	C	-	Note 4
Automobile and vehicle major repair	-	-	P	C	C	C	-	Note 5, Note 8
Automobile maintenance and minor repair	C	-	P	P	C	C	-	Note 8
Large truck and machinery - sales and leasing	-	-	P	C	-	C	-	
Recreational vehicle, boats, trailer sales	-	-	P	P	C	P	-	
Service station	C	-	P	P	C	C	-	Note 6
Vehicle, accessory equipment sales	-	-	P	P	P	C	-	
Vehicle sales - antique and collector	-	-	C	P	P	P	-	Notes 4, 7, 10
Vehicle sales (greater than one acre)	-	-	C	P	P	P	-	Notes 4, 7, 10
Vehicle sales (less than one acre)	-	-	C	P	C	C	-	Notes 4, 7, 10
Vehicle storage or impound yard	-	-	C	C	-	-	-	

Notes:

(1) In the CS zone district, a Conditional Use Permit (CUP) is required for retail sales when the sale of products is a primary use. A CUP is not required for retail sales that occur as an ancillary or accessory use, such as the sale of items associated with a repair or service business, or the sale of products produced, repaired, or refurbished on-site.

(2) A Conditional Use Permit shall be required for any specialty food or beverage market selling alcohol.

(3) Residential land uses shall only be allowed in conjunction with a commercial land use on the same property, except in the CM zoning district where purely residential projects can be allowed.

(4) Conditional Use Permit approval shall be required for any automobile or vehicle sales or leasing in any multitenant building.

(5) Major repair use is also permitted as an ancillary use to vehicle sales dealerships which occupy sites of greater than one acre.

(6) A Conditional Use Permit shall be required for any service station in which the sale of alcoholic beverages, i.e., beer, wine, or distilled spirits, is proposed as part of the convenience market associated with the service station use.

(7) No vehicle may be stored or displayed on any vacant site or at any vacant commercial/industrial location except when approved as part of an auto dealership.

(8) All auto repair shall be conducted within an enclosed building or in a rear or side yard behind a solid masonry wall. No work shall occur in parking lots or driveways.

(9) Spa and massage therapy facilities shall comply with Chapter 10A.

(10) Vehicle sales in the CS District shall involve no outdoor sales lot. All vehicle sales shall occur within an enclosed showroom.

(11) Transitional and supportive housing are not regulated as a separate land use. Rather, it is a means of occupying a residential land use (e.g. single family detached housing, duplex, multifamily) and such occupancy must meet all existing standard requirements for the underlying residential land use and the residential unit. Determinations regarding the permissiveness of transitional housing will depend on the number of independent arrangements between tenants and the operator of the service. For example, more than two independent arrangements within a single housing unit will be regulated as a boarding house.

(12) Retail sales of cannabis shall not be located on any commercial or industrial property within the area bounded by Travis Blvd., Pennsylvania Ave., and Gateway Blvd.

(13) No commercial cannabis business, whether Retail, Manufacturing, or Testing Lab, shall be closer than six hundred (600) feet from any of the following sensitive uses that are in existence at the time a permit application is deemed complete: a public or private school providing instruction in kindergarten or any grades 1 through 12; a child day care center; or a youth center, as defined in Chapter 10E of the Fairfield Municipal Code. The distance measured shall be the horizontal distance measured in a straight line from the property line of the parcel with the sensitive use to the closest property line of the lot on which the cannabis business is located.

(Ord. No. 2008-08, § 2; Ord. No. 2009-06, § 2; Ord. No. 2009-15, § 2; Ord. 2009-17, § 2; Ord. No. 2010-03, § 2; Ord. No. 2011-01, § 2; Ord. No. 2011-03, § 2; Ord. No. 2012-04, § 2; Ord. No. 2012-15, § 2; Ord. No. 2013-03, § 3; Ord. No. 2013-04, § 3; Ord. No. 2013-18, § 2; Ord. No. 2014-03, § 2; Ord. No. 2015-05, §§ 2, 4; Ord. No. 2015-06, § 2; Ord. No. 2016-08, § 2; Ord. No. 2017-06, § 7; Ord. No. 2017-08, § 2; Ord. No. 2017-14, §§ 10, 11; Ord. No. 2019-04 §§ 4, 5; Ord. No. 2020-05, § 9; Ord. No. 2020-14, § 4; Ord. No. 2020-20, § 6; Ord. No. 2021-14, § 10; Ord. No. 2021-21, § 3.)

25.22.3 General Development Regulations

A. General Development Regulations. All new development, subdivisions, establishment of new land uses, and alterations to existing land uses, structures and site improvements, shall be designed and constructed in compliance with the regulations in the following Tables, except those activities and land uses specified in Section 25.10.6 (Exemptions from Zoning Ordinance Requirements). Additional Zoning Ordinance regulations may apply as referenced in the tables, as well as other City Code regulations City Standards, Specifications and Details, or regulations of another local agency, special district, and State or Federal agency.

Table 25-10: Commercial District Development Regulations

Regulations (all figures are minimums measured from property lines and in linear feet, unless otherwise indicated)	CM	CN	CO	CS	CT	CC	CR	Applicable Sections and Footnotes
Site Planning								
Floor Area Ratio (max. % of net lot area)	0.7	0.4	1.0	0.5	0.5	0.5	1.0	Note 1
Lot Area (in sq.ft., for new subdivisions only)	6,000	20,000	20,000	20,000	10,000	20,000	40,000	Notes 2 and 3
Lot Dimensions (for new subdivisions only)								
Width	60	100	100	100	80	100	200	
Depth	100	150	150	150	120	150	200	
Landscaping								
Depth @ street frontage (incl. hwy or fwy)	10	15	15	10	10	15	15	Notes 3, 5, 9
Depth @ interior property lines:								
Minimum	5	5	5	0	5	5	5	
Adjacent to Residential zone or use	5	10	5	10	5	5	10	Note 4
Street tree spacing (one tree for each ...)	30'	30'	30'	30'	30'	30'	30'	
Buildings								
Setbacks								
Front:	15	25	20	15	10	15	25	Note 5, 7
Street side yard (min. abutting arterial)	10	20	15 (20)	10 (15)	10	15	20	Note 6, 10
Interior side yard:								
... minimum	5	10	10	0	0	10	10	
... abutting residential zone or use	5	10', plus 1' for each 1' of bldg height over 20', up to 30'						
Rear yard								
... minimum (min. abutting arterial road)	5 (10)	10 (20)	10 (20)	0 (15)	0 (10)	10 (20)	10 (20)	
... abutting residential zone or use	10	15', plus 1' for each 1' of bldg height over 20', up to 40'						
Adjacent to creek								Note 7
Building Height Limit	35	35	45	35	35	45	55	Note 8

Notes:

(1) An increase in the Floor Area Ratio is allowed with approval of a Conditional Use Permit (see Section 25.40.6).

(2) Individual parcels within a shopping center or master planned development may vary from the minimum lot size, dimensions, and setbacks so long as the project as a whole complies with the development requirements of this Table. Reciprocal easements shall be recorded to guarantee common maintenance of all parking and landscape areas.

(3) On North Texas Street, the required 10 feet of streetscape landscaping may occur within the public right-of-way when planned street improvements will not be impacted.

(4) In the CS, CT, CC, and CR zoning districts, an additional five feet of interior property line landscaping is required for buffering adjacent residential property when a drive aisle or loading area used by delivery trucks is within 20 feet of the common property line (not separated by perpendicular parking or a structure).

(5) Special Plan Line setbacks apply along North Texas Street, Dover Avenue, and East Tabor Avenue which are generally greater than that listed in this Table (see Section 25.30.5). On North Texas Street, the Plan Line Setback may be used as the front setback and street side yard setback.

(6) Where an increased setback is required adjacent to an arterial road, the increased setback shall also apply adjacent to a higher capacity road, such as a highway or freeway. The increased setback shall be fully landscaped.

(7) Article VIII (Creekside Protection) requires a stream environment zone to be dedicated to the City (up to 200 feet in width) along all or a portion of Jameson Canyon, American Canyon, Green Valley, Suisun, Ledgewood, Dan Wilson, and Laural Creeks. Refer to that section for the specific requirements.

(8) An increase in building height is allowed with approval of a Conditional Use Permit (see Section 25.40.6).

(9) Where the building setback is greater than the landscape requirement, the additional building setback shall be fully landscaped.

(10) The Zoning Administrator may reduce the front and street side yard setbacks in the CM Zone to reflect abutting character.

(Ord. No. 2008-08 § 2; Ord. No. 2017-14, § 11; Ord. No. 2018-03, § 3.)

25.22.4 Specific Regulations

25.22.4.1 Drive-Through Facilities

Any establishment with a drive-through lane(s) shall comply with the following regulations:

A. Drive-through Lanes.

1. Stacking.

a. **With any food or beverage service.** All drive through lanes for food or beverage service shall provide total vehicle stacking spaces for a minimum of eight vehicles. The site plan shall provide at least three vehicle stacking spaces between any order or menu board and the entrance to the drive-through lane.

b. **Other drive-through lanes.** Drive-through lanes for non food service businesses (e.g., bank tellers, pharmacies, dry cleaning, etc) shall provide total vehicle stacking spaces for a minimum of two vehicles.

For all drive-through lanes, no vehicles in the required stacking lane(s) may block internal circulation aisles, block required parking or cause traffic congestion on surrounding streets or properties.

The overall circulation plan for the site shall not result in vehicles in the required stacking lane extending into any internal circulation aisles, block any required parking or cause traffic congestion on surrounding streets.

2. Location. Wherever feasible, drive-through lanes shall be accessed from the rear of a site, and run along the interior side property line or building elevation. In addition, the location of a drive-through lane shall minimize potential nuisances to nearby residential property caused by vehicles and use of the order board.

3. Setbacks and Screening. Where a drive-through lane will be located between a building and a roadway, a minimum 15-foot setback shall be required from the roadway right-of-way to the drive-through lane. The lane shall be screened by a combination of shrub planting, berming, and/or low retaining walls at least three feet in height. The menu and order board signs shall also be screened from the street by landscaping.

4. Directional signage: Directional signage shall be installed per City Sign Ordinance standards to properly direct traffic to and from the drive-through aisles.

B. Building Design. The proposed architecture (including that of a franchise business) shall be complimentary to the design of surrounding buildings. Freestanding buildings within shopping centers shall include common design elements with the principal structures in the center.

C. Operation. Specific design and operational conditions may be imposed with approval of a Conditional Use Permit, such as regulating the hours of operation and requiring security lighting, to ensure a safe environment for patrons and reduce potential impacts on surrounding properties. Restaurants shall be required to provide sufficient outdoor trash receptacles and implement regular clean-up procedures to reduce potential litter. A property maintenance agreement shall be required in accordance with Section 25.42.4 (Performance Guarantees).

D. Prohibited Sales. No alcoholic beverage may be dispensed, sold or distributed through a drive-through window. (Ord. No. 2011-03, § 2; Ord. No. 2015-06, § 2; Ord. No. 2016-08, § 2; Ord. No. 2017-08, § 2.)

25.22.4.2 Hotels and Motels

A. Occupancy Restriction. The length of stay at any Hotel/Motel shall not exceed 30 days within any 90-day period. The length of stay at any Hotel/Motel - Extended Stay shall not exceed 180 consecutive days. In-room kitchen facilities shall be permitted only in and as defined by Hotel/Motel - Extended Stay.

B. Market Study Required. The applicant shall prepare a market study for review and approval by the City. The market study, at the minimum, shall address the following:

1. Whether the proposed project will be financially feasible by meeting an unfilled need for hotel/motel rooms in the City.

2. Whether the proposed project will primarily focus on drawing guests from existing hotels and motels in the City.

3. Whether the proposed project will have potential adverse impacts on the financial viability of existing hotels and motels in the City.

4. Whether the proposed project will have an adverse impact on the financial viability of hotels and motels either under construction or in planning review in the City.

5. The market study also shall include projections of anticipated daily occupancy levels for transient guests, room rates, and anticipated changes in the local hotel/motel market.

C. Required Findings. An application for a Hotel/Motel or Hotel/Motel-Extended Stay shall not be approved unless the following findings are made in addition to the standard findings required for a Conditional Use Permit:

1. The proposed project will not create urban decay due to the significant loss of business at existing hotel/motel projects or at proposed hotel/motel projects either under construction or in planning review.

2. The proposed project is located in an area with substantial unmet demand for a Hotel/Motel or a Hotel/Motel-Extended Stay, such as within sight of a freeway, in a major business, industrial or office park, or in the downtown of the City.

D. Operation and Design. The following specific design and operational conditions shall be imposed with approval of a Conditional Use Permit, such as:

1. Long-Term Housing. The Hotel/Motel property shall not be used for long-term housing, defined as occupancy for more than thirty days, unless the hotel/motel meets all

the requirements for an Extended Stay facility. The property owner shall not enter into a contract with any public agency to provide housing for longer than thirty days unless a state of emergency has been declared by specific action of the City Council, County Board of Supervisors, Governor or the President of the United States.

2. Covenant. A covenant, deed restriction, or other appropriate legal document, as determined by and subject to the approval of the City Attorney, shall be recorded guaranteeing operation of the hotel/motel property in compliance with all of the requirements of this Chapter. This covenant will be in addition to the City's standard Property Maintenance Agreement required in accordance with Section 25.42.4 (Performance Guarantees).

3. Public Safety and Police Services. Hotel/Motel and Hotel/Motel - Extended Stay projects shall demonstrate that they will not create an unreasonable or excessive demand for police services.

i. Applicants shall submit a management plan that addresses how the motel will address potential criminal activities at the site.

ii. Applicants shall submit a lighting plan and demonstrate that the proposed lighting will illuminate the site to the extent necessary for a police officer to adequately observe the entire property from a patrol car.

iii. The site plan shall be designed to allow for visibility from the public right-of-way for police officers in patrol vehicles.

iv. Hotel/Motel and Hotel/Motel - Extended Stay operators shall provide the Fairfield Police and Fire Departments one point of contact for addressing law enforcement, public health and safety problems at the site. An inspection shall be required when the Hotel/Motel or Hotel/Motel - Extended Stay property undergoes a change in ownership.

25.22.4.3 Mixed-Use Residential Development Regulations

This Section establishes allowable density and provides development regulations for mixed-use development projects incorporating residential and commercial uses in the Neighborhood Commercial (CN), Office Commercial (CO), Community Commercial (CC), Mixed Commercial (CM), and Commercial Thoroughfare (CT) zoning districts. For the purpose of this Section, mixed-use development shall be defined as development of a site or building with two or more different land uses, including a combination of residential, office, retail, or entertainment in a single or physically integrated group of structures. When the director has determined that a project meets this definition, the following standards shall apply:

A. Density and intensity. The maximum permitted residential density for any mixed-use development project shall be 32 dwelling units per acre in the CO, CC, CM, and CT zoning districts and 20 dwelling units per acre in CN zoning district. To achieve this density, the maximum allowable floor area ratio (FAR) in the CN, CO, CC, CM, and CT zoning districts shall be increased to .85. The calculation of FAR shall not include the area covered by ground floor parking structures or any ground floor area devoted to parking.

B. Development regulations. Projects that have been identified by the City to meet definition of Mixed-Use identified above shall comply with the development regulations identified for the respective commercial zone in which they are located, as identified in *Table 25-10: Commercial District Development Regulations* and any other regulations in this Ordinance that would apply to a commercial project on the site (e.g., provision of trash enclosures, bicycle storage, etc.). The following exceptions shall however apply:

1. Open Space. A minimum of 200 square feet of common open space shall be provided for each dwelling unit (e.g., outdoor garden, atrium, or indoor recreational area separate from the floor area internal to any dwelling unit). The Planning Commission shall have the ability to reduce or waive the requirement for common space in any project where the Commission determines that commercial activity integrated into the mixed use project would effectively serve as common open space.

2. Parking. The residential portion of any mixed-use development project shall provide one space per unit, irrespective of the number of bedrooms within individual units, in addition to the parking that the City would normally require for commercial portion of the project:

3. Projects with residential and commercial buildings not physically connected. The residential portion of any mixed-use development project in which the proposed commercial building is physically separated from the proposed residential building shall comply with the development regulations contained in *Table 25-6: Alternative Multifamily Development Regulations*, with the exception of the minimum lot area and parking requirements identified by Table 25-6. Instead, the minimum lot area specified in Table 25-10 for the respective zone in which the project is proposed shall apply and the parking regulations identified in the Parking section above shall apply.

4. Ground Floor Residential uses. For all buildings facing an arterial public street, no more than 50% of the occupied frontage façade on the ground floor facing the street shall be devoted to a residential use. Residential uses may occupy 100% of the ground floor frontage facing any local or collector street, parking area, or landscaped area. (Ord. No. 2015-06, § 2; Ord. No. 2017-14, §§ 13, 14; Ord. No. 2018-06, § 2; Ord. No. 2019-04, § 7; Ord. No. 2020-06, § 4; Ord. No. 2021-14, § 8. Formerly 25.22.4.4.)

25.22.4.4 Medical Marijuana Dispensaries Prohibited

Repealed by Ord. 2016-02 and Ord. 2016-03.

25.22.4.5 Single Room Occupancy (SRO) Housing

A. Definition, Purpose, and Applicability. Single Room Occupancy (SRO) Housing consists of reduced size housing units rented for at least thirty days in which all living activities occur within a single room. The purposes of single room occupancy housing include:

1. Implementation of the Housing Element. To implement Program HO 6.2C of the Housing Element by addressing single room occupancy housing.

2. Affordability. Provide affordable long-term housing for smaller, often nontraditional single and two-person households and persons with special needs. For very low and low income households, as defined by California State Redevelopment Law, the City will work to obtain permanently affordable units through financial incentives and relaxation of development standards.

3. Commercial District Housing. Provide for high density housing in close proximity to transportation, employment, and services in a commercial environment.

4. Design Quality. To provide the highest possible standards of design, environment, comfort, and security given the constraints of limited living space and the need to maintain affordability.

5. Conversion of Non-Conforming Motels. To provide an opportunity for owners of nonconforming hotel and motel structures to convert their units into high quality permanent housing in conformance with relevant housing and building codes and the City's stated intent to provide housing for all segments of the population.

6. Applicability to Existing Motels. In the Commercial Thoroughfare (CT) Zoning District, these regulations apply only to the conversion of existing motels to residential units which meet the definition and purposes outlined above.

7. No Mixed Projects. Motels and hotels converted under this section shall be 100% converted to housing use; there shall be no mixed housing/motel properties.

8. Reversion of Converted Housing. Conversion of SRO units back to hotel or motel use will not be permitted as said hotel/motel use is not permitted in the Commercial Thoroughfare CT Zoning District.

9. Construction of New Housing Not Subject to this Section. The construction of new housing units shall comply with the development standards for Multifamily Housing as outlined elsewhere in this Zoning Ordinance.

B. Development Regulations.

1. Individual SRO dwelling units shall meet the following standards:

a. Minimum unit size shall not be less than 175 square feet, except for double occupancy units, which shall not be less than 250 square feet in floor area.

b. Maximum unit size shall not exceed 450 square feet.

c. All units shall provide a full bathroom consisting of a tub and shower combination or shower, sink, and toilet facilities. Bathrooms shall be separated from the main living space.

d. All units shall provide a private kitchen area with a minimum two burner stove, sink with garbage disposal, a refrigerator with a minimum size of 14 cubic feet, and dining table/counter.

e. All units shall include a private closet with dimensions of 2 feet in depth and 6 feet in width.

2. All SRO conversion projects shall provide the following common facilities:

a. Secure, lockable entrances.

b. Usable common recreational/social space (outdoor or indoor) of at least 400 square feet. This space may be a combination of indoor and outdoor space, but the minimum area for any space shall not be less than 200 square feet.

c. No outdoor storage shall be permitted unless within an enclosed area not visible from off-site.

d. Laundry facilities and a utilities room/janitorial closet.

e. An on-site management office and secure mail facility for residents.

f. A centrally located manager's unit of at least 650 square feet with a resident on-site manager. The manager cannot occupy an SRO unit.

3. Parking. All projects shall provide one parking space for the resident manager, one space per residential unit, and one space per every 10 rooms for guest parking. Projects may provide one lockable bicycle parking space or locker in lieu of providing a vehicle parking space. Up to 50% of the vehicle parking spaces may be replaced by bicycle parking.

4. California Building Code. All projects shall comply with the California Building Standards Code.

C. Operational Requirements. All SRO Projects shall prepare a Management Plan. Management Plans shall address the following requirements:

1. Security. The Management Plan shall address security issues, including access by residents and nonresidents, lighting, alarm systems, and manager responsibilities.

2. Rental Periods. SROs shall be rented on a monthly basis. SROs are not subject to the City's Transient Occupancy Tax (TOT).

3. Tenant Screening and Residency Requirements. All Management Plans shall address tenant screening and policies for ensuring resident safety and comfort. The Management Plan shall provide clear standards for grievances, tenant behavior, and evictions.

4. Maintenance. Each property owner shall enter into a Property Maintenance Agreement with the City of Fairfield in a standard form provided by the City of Fairfield.

D. Modifications to these Standards and Requirements. At the discretion of the Community Development Director, the City may modify operational and development standards in exchange for housing units permanently affordable to low and very low income households, as defined by State Redevelopment Law, or in exchange for enhanced project design. (Ord. No. 2011-01, § 2; Ord. No. 2011-03, § 2; Ord. No. 2017-14, § 14. Formerly 25.22.4.7.)

25.22.4.6 General Retail Land Uses in the Commercial Office (CO) Zoning District
In the CO Zoning District, the land uses permitted or conditionally permitted under General Retail in Table 25-9, Commercial Land Use Regulations, may only be developed on the ground floor (first floor) of a building. (Ord. No. 2012-15, § 2; Ord. No. 2016-08, § 2; Ord. No. 2017-14, § 14. Formerly 25.22.4.8.)

25.22.4.7 Specialty Tobacco and Smoke Shops in All Commercial Districts
All Specialty Tobacco Retailers and Smoke Shops shall comply with the following standards:

A. Concentration and Location

1. Specialty tobacco retailers and smoke shops shall be located at least 1000 feet from any public or private elementary school, middle school, or high school or any public park or recreation center.

2. No specialty tobacco retailer or smoke shop shall be located within 1000 feet of an existing specialty tobacco retailer or smoke shop.

3. In the HD and HDC Zoning Districts, no specialty tobacco retailer or smoke shop shall be located within 1200 feet of an existing specialty tobacco retailer or smoke shop on either the ground or upper floors.

B. Hours of Operation

Specialty tobacco retailers and smoke shops may operate only between 7:00 a.m. and 10 p.m.

C. Operational Requirements

1. Specialty tobacco retailers and smoke shops shall focus on the sale of legal specialty tobacco and related products and goods, including electronic cigarettes (e-cigarettes) and other nicotine vaporizer devices.

2. The specialty tobacco retailer may devote up to 40% of the retail floor space to non-tobacco related items such as soft drinks, snacks, tee shirts, magazines, etc.

3. Retailers selling alcoholic beverages shall meet all requirements of the State Alcoholic Beverages Commission, including concentration of licensees.

4. No paraphernalia traditionally associated with controlled substances, such as marijuana, cocaine, or methamphetamine, shall be sold or displayed. Examples of such paraphernalia include glass pipes and bongs.

5. Specialty tobacco retailers and smoke shops shall comply with all State and Federal laws, including age limits on tobacco product sales, products sold or displayed, and advertising.

6. Specialty tobacco retailers and smoke shops shall comply with all local laws and regulations, including the Fairfield Sign Ordinance. (Ord. No. 2013-15, § 2; Ord. No. 2014-03, § 2; Ord. No. 2016-08, § 2; Ord. No. 2017-14, § 14; Ord. No. 2021-14, § 9. Formerly 25.22.4.9.)

25.22.4.8 Alternative Financial Services
A. Concentration and Location. No new Alternative Financial Service shall be located within 1000 feet of an existing service. (Ord. No. 2016-08, § 2; Ord. No. 2017-14, § 14. Formerly 25.22.4.10.)

The Fairfield Municipal Code is current through Ordinance 2022-05, passed March 15, 2022.

Disclaimer: The City Clerk's Office has the official version of the Fairfield Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: http://www.fairfield.ca.gov/
City Telephone: (707) 428-7384

Code Publishing Company