

ORDINANCE NO. 7,620-N.S.

ADDING BERKELEY MUNICIPAL CODE CHAPTER 23C.26 AND AMENDING BERKELEY MUNICIPAL CODE SECTIONS 23D.16.030, 23D.20.030, 23D.28.030, 23D.32.030, 23D.36.030, 23D.40.030, 23D.44.030, 23D.48.030, 23D.52.030, 23E.36.030, 23E.40.030, 23E.44.030, 23E.48.030, 23E.52.030, 23E.56.030, 23E.60.030, 23E.64.030, 23E.68.030, 23E.72.030, 23E.76.030, 23E.80.030, 23E.84.030, AND 23F.04.010 TO ESTABLISH A NEW LAND USE OF URBAN AGRICULTURE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 23C.26 is added to read as follows:

**Chapter 23C.26**

**Urban Agriculture**

**Sections:**

- 23C.26.010 Purposes**
- 23C.26.020 Applicability**
- 23C.26.030 Urban Agriculture Uses and Levels of Discretion**
- 23C.26.040 Thresholds**
- 23C.26.050 Operation Standards**
- 23C.26.060 Complaints**

**23C.26.010 Purposes**

The purposes of the Urban Agriculture related regulations contained in this Chapter is to provide the following benefits to the community:

- A. Support the local economy and increase access to fresh local produce;
- B. Strengthen the health and social fabric of communities by encouraging and supporting community gardens; and
- C. Encourage the Berkeley Climate Action Plan Chapter 3, Policy C goal of supporting efforts to build more complete and sustainable local food production and distribution systems.

**23C.26.020 Applicability**

- A. Urban Agriculture is a primary use and defined in Section 23F.04.010.
- B. Urban Agriculture shall be allowed in all zoning districts in the City except for ES-R.

**23C.26.030 Urban Agriculture Uses and Levels of Discretion**

- A. Low-Impact Urban Agriculture (LIUA) meets all or falls below the thresholds listed in Section 23C.26.040, and is allowed by right with a Zoning Certificate.
- B. High-Impact Urban Agriculture (HIUA) does not meet one or more of the thresholds listed in Section 23C.26.040, and may be permitted by an Administrative Use Permit.

**23C.26.040 Thresholds**

The levels of discretion for Urban Agriculture are based on the following thresholds:

- A. Maximum parcel size of 7,500 square feet.
- B. Maximum lot coverage of 20% for accessory structures and buildings, per definition of ‘coverage area’ in Section 23F.04.010.
- C. Hours of operation is 8:00 a.m. and 8:00 p.m., including but not limited to activities related to gardening and planting of horticultural crops, group classes, and sales.
- D. Maximum group classes and workshops of 20 participants per class conducted no more than three times per week.
- E. Use of organic pesticides.

**23C.26.050 Operation Standards**

- A. The growing, production, or sale of Urban Agricultural Products do not involve hazardous materials or processes or create offensive or objectionable noise, vibration, odors, heat, dirt, or electrical disturbance perceptible by a person beyond the lot line of the subject lot.
- B. Sales and/or donations of Urban Agricultural Products grown and produced on-site are permitted.
- C. If selling or donating Urban Agricultural Products to the public, the Urban Agriculture use shall comply with all applicable food safety laws, including the California Health and Safety Code.
- D. Garbage and compost receptacles must be screened from the street and adjacent properties by utilizing landscaping, fencing or storage structures and all garbage shall be removed from the site weekly. Compost piles and containers must be set back at least 10 feet from residential buildings when an Urban Agriculture use abuts a residential use.
- E. Use of mechanized farm equipment is prohibited in residential districts and when the Urban Agriculture use abuts a residential use, with the following exceptions:
  - 1. Heavy equipment may be used initially to prepare the land for agriculture use.
  - 2. Landscaping equipment designed for household use is permitted.
  - 3. Equipment when not in use must be enclosed or otherwise screened from sight.

**23C.26.060 Complaints**

Uses, activities or events associated with Urban Agriculture are subject to Chapters 23B.64 and 12.92 if found to be non-compliant with the provisions set forth in this chapter.

Section 2. That “Accessory Uses and Structures” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23D.16.030 are amended to read as follows:

**23D.16.030 Uses Permitted**

<i>Table 23D.16.030</i>		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Accessory Uses and Structures		

<b>Table 23D.16.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23D.10.040	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23D.10.040	AUP	Subject to making applicable findings in Section 23D.10.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Day Care		
Small Family Day Care Homes: of eight or fewer children	ZC	
Large Family Day Care Homes: of nine to 14 children	AUP	
Fences		
If six ft. or less in height	ZC	
Exceed six ft. in height	AUP	In required setbacks
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of

<b>Table 23D.16.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
		Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
<b>Miscellaneous Uses</b>		
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08.
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Public Utility Substations, Tanks	UP(PH)	
<b>Wireless Telecommunications Facilities</b>		
Microcell Facilities	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 3. That “Accessory Uses and Structures” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23D.20.030 are amended to read as follows:

**23D.20.030 Uses Permitted**

<i>Table 23D.20.030</i>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23D.10.040	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23D.10.040	AUP	Subject to making applicable findings in Section 23D.10.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Day Care		
Small Family Day Care Homes: of eight or fewer children	ZC	
Large Family Day Care Homes: of nine to 14 children	AUP	
Fences		
If six ft. or less in height	ZC	

<b>Table 23D.20.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Exceeding six ft. in height	AUP	In required yards
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
<b>Miscellaneous Uses</b>		
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08.
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Public Utility Substations, Tanks	UP(PH)	
Wireless Telecommunications Facilities		
Microcell Facilities	AUP	Subject to the requirements and findings of Section 23C.17.100

<i>Table 23D.20.030</i>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
All Other Telecommunication Facilities	UP	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 4. That “Accessory Uses and Structures” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23D.28.030 are amended to read as follows:

**23D.28.030 Uses Permitted**

Table 23D.28.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23D.10.040	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23D.10.040	AUP	Subject to making applicable findings in Section 23D.10.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Day Care		
Small Family Day Care Homes: of eight or fewer children	ZC	
Large Family Day Care Homes: of nine to 14 children	AUP	
Fences		
If six ft. or less in height	ZC	



Table 23D.28.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Exceeding six ft. in height	AUP	In required setbacks
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
<b>Miscellaneous Uses</b>		
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08.
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Public Utility Substations, Tanks	UP(PH)	
Wireless Telecommunications Facilities		
Microcell Facilities	AUP	Subject to the requirements and findings of

Table 23D.28.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
		Section 23C.17.100
All Other Telecommunication Facilities	UP	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 5. That “Accessory Uses and Structures” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23D.32.030 are amended to read as follows:

**23D.32.030 Uses Permitted**

Table 23D.32.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23D.10.040	ZC	

<b>Table 23D.32.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Accessory Dwelling Unit that does not comply with requirements under Section 23D.10.040	AUP	Subject to making applicable findings in Section 23D.10.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Day Care		
Small Family Day Care Homes: of eight or fewer children	ZC	
Large Family Day Care Homes: of nine to 14 children	AUP	
Fences		
If six ft. or less in height	ZC	
Exceeding six ft. in height	AUP	In required setbacks
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
<b>Miscellaneous Uses</b>		
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a

Table 23D.32.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
		Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08.
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Public Utility Substations, Tanks	UP(PH)	
Wireless Telecommunications Facilities		
Microcell Facilities	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 6. That “Accessory Uses and Structures” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23D.36.030 are amended to read as follows:

**23D.36.030 Uses Permitted**

Table 23D.36.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23D.10.040	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23D.10.040	AUP	Subject to making applicable findings in Section 23D.10.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care/Family Day Care		
Small Family Day Care Homes: of eight or fewer children	ZC	
Large Family Day Care Homes: of nine to 14 children	AUP	
Fences		
If six ft. or less in height	ZC	

<b>Table 23D.36.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Exceeding six ft. in height	AUP	In required setbacks
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
<b>Miscellaneous Uses</b>		
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08.
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Public Utility Substations, Tanks	UP(PH)	
Wireless Telecommunications Facilities		
Microcell Facilities	AUP	Subject to the requirements and findings of

Table 23D.36.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
All Other Telecommunication Facilities	UP	Section 23C.17.100 Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 7. That “Accessory Uses and Structures” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23D.40.030 are amended to read as follows:

**23D.40.030 Uses Permitted**

Table 23D.40.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23D.10.040	ZC	

<b>Table 23D.40.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Accessory Dwelling Unit that does not comply with requirements under Section 23D.10.040	AUP	Subject to making of applicable findings set forth in Section 23D.10.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care, Family Day Care		
Small Family Day Care Homes: of eight or fewer children	ZC	
Large Family Day Care Homes: of nine to 14 children	AUP	
Fences		
Six ft. or less in height	ZC	
Exceeding six ft. in height	AUP	In required setbacks
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
Stores and Shops (Incidental to another Use)	UP(PH)	Contained within a building with no street access and no displays or merchandise visible from the street



Table 23D.40.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Miscellaneous Uses		
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08.
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Emergency Shelter Up to 15 beds More than 15 beds	ZC UP(PH)	Such shelters may operate only during the wet weather season from November 15 through April 15. See Chapter 23C.10.
Public Utility Substations, Tanks	UP(PH)	
Wireless Telecommunications Facilities		
Microcell Facilities	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	ZC AUP	Subject to 23C.26

Section 8. That “Accessory Uses and Structures” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23D.44.030 are amended to read as follows:

**23D.44.030 Uses Permitted**

<b>Table 23D.44.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
<b>Accessory Uses and Structures</b>		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23D.10.040	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23D.10.040	AUP	Subject to making of applicable findings set forth in Section 23D.10.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
<b>Child Care, Family Day Care</b>		
Small Family Day Care Homes: of eight or fewer children	ZC	
Large Family Day Care Homes: of nine to 14 children	AUP	
<b>Fences</b>		
Six ft. or less in height	ZC	

Table 23D.44.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Exceeding six ft. in height	AUP	In required setbacks
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
Stores and Shops (Incidental to another Use)	UP(PH)	Contained within a building with no street access and no displays or merchandise visible from the street
Miscellaneous Uses		
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08.
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas

Table 23D.44.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Emergency Shelter Up to 15 beds More than 15 beds	ZC UP(PH)	Such shelters may operate only during the wet weather season from November 15 through April 15. See Chapter 23C.10.
Public Utility Substations, Tanks	UP(PH)	
Wireless Telecommunications Facilities		
Microcell Facilities	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	ZC AUP	Subject to 23C.26

Section 9. That “Accessory Uses and Structures” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23D.48.030 are amended to read as follows:

**23D.48.030 Uses Permitted**

Table 23D.48.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23D.10.040	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23D.10.040	AUP	Subject to making of applicable findings set forth in Section 23D.10.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care, Family Day Care		
Small Family Day Care Homes: of eight or fewer children	ZC	
Large Family Day Care Homes: of nine to 14 children	AUP	
Fences		
Six ft. or less in height	ZC	

Table 23D.48.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Exceeding six ft. in height	AUP	In required setbacks
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
Stores and Shops (Incidental to another Use)	UP(PH)	Contained within a building with no street access and no displays or merchandise visible from the street
Miscellaneous Uses		
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08.
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas

Table 23D.48.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Emergency Shelter Up to 15 beds More than 15 beds	ZC UP(PH)	Such shelters may operate only during the wet weather season from November 15 through April 15. See Chapter 23C.10.
Public Utility Substations, Tanks	UP(PH)	
Wireless Telecommunications Facilities		
Microcell Facilities	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	ZC AUP	Subject to 23C.26

Section 10. That “Accessory Uses and Structures” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23D.52.030 are amended to read as follows:

**23D.52.030 Uses Permitted**

Table 23D.52.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds	AUP	

Table 23D.52.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
the requirements under Chapter 23D.08  When located on a vacant lot without a Main Building  With Urban Agriculture	AUP   ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23D.10.040	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23D.10.040	AUP	Subject to making applicable findings set forth in Section 23D.10.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care, Family Day Care  Small Family Day Care Homes: of eight or fewer children  Large Family Day Care Homes: of nine to 14 children	ZC   AUP	
Fences  Six ft. or less in height  Exceeding six ft. in height	ZC   AUP	In required setbacks
Home Occupations  Low Impact  Moderate Impact, teaching-related	ZC   AUP	If the requirements of Section 23C.16.020 are met  Subject to the requirements of Section 23C.16.030.A



Table 23D.52.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	Prohibited	
Stores and Shops (Incidental to another Use)	UP(PH)	Contained within a building with no street access and no displays or merchandise visible from the street

Table 23D.52.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Miscellaneous Uses		
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building.
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Emergency Shelter Up to 15 beds	ZC	Such shelters may operate only during the wet weather season from November 15

Table 23D.52.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
More than 15 beds	UP(PH)	through April 15. See Chapter 23C.10.
Public Utility Substations, Tanks	UP(PH)	
Wireless Telecommunications Facilities		
Microcell Facilities	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 11. That “Uses Permitted in Residential Districts” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.36.030 are amended to read as follows:

**23E.36.030 Uses Permitted**

Table 23E.36.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Uses Permitted in Residential Districts		
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care Centers	UP(PH)	

<b>Table 23E.36.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	
Dwelling Units, subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.36.070.E. Residential-only projects are prohibited within the University Avenue Node Overlay areas, and permitted within University Avenue Overlay Mixed Use areas
Group Living Accommodations subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.36.070.E
Hospitals	UP(PH)	Subject to parking requirements; see Section 23E.36.080.C
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements; see Section 23E.36.080
Nursing Homes	UP(PH)	Subject to parking requirements; see Section 23E.36.080
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing Six or fewer people	ZC	Changes of use from an existing dwelling unit

Table 23E.36.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Seven or more persons	AUP	
New Construction	UP(PH)	
Miscellaneous Uses		
Automatic Teller Machines	UP(PH)	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	UP(PH)	
Emergency Shelter		See Chapter 23C.10.
Up to 25 beds	ZC	
More than 25 beds	UP(PH)	
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	AUP**	
Mortuaries	UP(PH)	

<b>Table 23E.36.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Public Utility Substations, Tanks	UP(PH)	
Radio, Television, or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Warehouses or Storage including Mini-storage Warehouses	UP(PH)	Prohibited within the University Avenue Strategic Plan Overlay
Wireless Telecommunications Facilities  Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District  All Other Telecommunication Facilities	AUP  UP(PH)	Subject to the requirements of Section 23C.17.100  Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture  Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	ZC  AUP	Subject to 23C.26

Section 12. That “Uses Permitted in Residential Districts” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.40.030 are amended to read as follows:

**23E.40.030 Uses Permitted**

<b>Table 23E.40.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
<b>Uses Permitted in Residential Districts</b>		
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	
Dwelling Units, subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.40.070.E
Group Living Accommodations subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.40.070.E
Hospitals	Prohibited	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements; see Section 23E.40.080.B
Nursing Homes	UP(PH)	Subject to parking requirements; see Section 23E.40.080.B
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	

Table 23E.40.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Changes of use from an existing dwelling unit
Six or fewer persons	ZC	
Seven or more persons	AUP	
New Construction	UP(PH)	
Miscellaneous Uses		
Automatic Teller Machines	UP(PH)	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	Prohibited	
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	Prohibited	

<b>Table 23E.40.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Mortuaries	Prohibited	
Public Utility Substations, Tanks	UP(PH)	
Radio, Television or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Warehouses or Storage including Mini-storage Warehouses	Prohibited	
Wireless Telecommunications Facilities		
Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District	AUP	Subject to the requirements of Section 23C.17.100
All Other Telecommunication Facilities	UP(PH)	Subject to the requirements of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	



Section 13. That “Uses Permitted in Residential Districts” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.44.030 are amended to read as follows:

**23E.44.030 Uses Permitted**

Table 23E.44.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Uses Permitted in Residential Districts		
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	
Dwelling Units, subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.44.070.F
Group Living Accommodations, subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.44.070.F
Hospitals	Prohibited	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements under Section 23E.44.080
Nursing Homes	UP(PH)	Subject to parking requirements under Section 23E.44.080
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	

Table 23E.44.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Changes of use from an existing dwelling unit
Six or fewer persons	ZC	
Seven or more persons	AUP	
New Construction	UP(PH)	
Miscellaneous Uses		
Automatic Teller Machines	Prohibited	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	Prohibited	
Emergency Shelter		See Chapter 23C.10.
Up to 25 beds	ZC	
More than 25 beds	UP(PH)	

<b>Table 23E.44.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	Prohibited	
Mortuaries	Prohibited	
Public Utility Substations, Tanks	UP(PH)	
Radio, Television or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Warehouses or Storage including Mini-storage Warehouses	Prohibited	
Wireless Telecommunications Facilities		
Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP(PH)	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 14. That “Uses Permitted in Residential” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.48.030 are amended to read as follows:

**23E.48.030 Uses Permitted**

<b>Table 23E.48.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
<b>Uses Permitted in Residential Districts</b>		
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care Centers	UP(PH)	
Clubs, Lodges	Prohibited	
Community Centers	UP(PH)	
Dwelling Units, subject to R-3 Standards	UP(PH)	Subject to the standards under Section 23E.48.070.F
Group Living Accommodations, subject to R-3 Standards	UP(PH)	Subject to the standards under Section 23E.48.070.F
Hospitals	Prohibited	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements; see Section 23E.48.080
Nursing Homes	UP(PH)	Subject to parking requirements; see Section 23E.48.080
Parks and Playgrounds	ZC	

<b>Table 23E.48.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Change of use from an existing dwelling unit
Six or fewer persons	ZC	
Seven or more persons	AUP	
New Construction	UP(PH)	
<b>Miscellaneous Uses</b>		
Automatic Teller Machines	UP(PH)	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	
Commercial Excavations	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	UP(PH)	
Emergency Shelter		See Chapter 23C.10.

<b>Table 23E.48.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Up to 25 beds	ZC	
More than 25 beds	UP(PH)	
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	Prohibited	
Mortuaries	Prohibited	
Radio, Television, or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Public Utility Substations, Tanks	UP(PH)	
Warehouses or Storage including Mini-storage Warehouses	Prohibited	
Wireless Telecommunications Facilities Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP(PH)	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	ZC AUP	Subject to 23C.26

Section 15. That “Uses Permitted in Residential Districts” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.52.030 are amended to read as follows:

### 23E.52.030 Uses Permitted

Table 23E.52.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Uses Permitted in Residential Districts		
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	
Dwelling Units, subject to R-3 Standards	UP(PH)	Subject to the standards under Section 23E.52.070.E
Group Living Accommodations subject to R-3 Standards	UP(PH)	Subject to the standards under Section 23E.52.070.E
Hospitals	Prohibited	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements; see Section 23E.52.080
Nursing Homes	UP(PH)	Subject to parking requirements; see Section 23E.52.080
Parks and Playgrounds	ZC	

<b>Table 23E.52.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Change of use from an existing dwelling unit
Six or fewer people	ZC	
Seven or more people	AUP	
New construction	UP(PH)	
<b>Miscellaneous Uses</b>		
Automatic Teller Machines	UP(PH)	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	Prohibited	
Emergency Shelter		See Chapter 23C.10.



Table 23E.52.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Up to 25 beds	ZC	
More than 25 beds	UP(PH)	
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	Prohibited	
Mortuaries	Prohibited	
Public Utility Substations, Tanks	UP(PH)	
Radio, Television or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Warehouses or Storage, including Mini-storage Warehouses	Prohibited	
Wireless Telecommunications Facilities		
Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP(PH)	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 16. That “Uses Permitted in Residential Districts” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.56.030 are amended to read as follows:

**23E.56.030 Uses Permitted**

Table 23E.56.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Uses Permitted in Residential Districts		
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	
Dwelling Units, subject to R-3 Standards	UP(PH)	Subject to the standards under Section 23E.56.070.E
Group Living Accommodations subject to R-3 Standards	UP(PH)	Subject to the standards under Section 23E.56.070.E
Hospitals	Prohibited	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	
Nursing Homes	UP(PH)	
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	

Table 23E.56.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Change of use from an existing dwelling unit
Six or fewer people	ZC	
Seven or more persons	AUP	
New Construction	UP(PH)	
Miscellaneous Uses		
Automatic Teller Machines	UP(PH)	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Circus or Carnival	UP(PH)	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	Prohibited	
Emergency Shelter		See Chapter 23C.10.
Up to 25 beds	ZC	

Table 23E.56.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
More than 25 beds	UP(PH)	
Kennels or Pet Boarding	Prohibited	
Laboratories	Prohibited	Except photographic processing laboratories
Mortuaries	Prohibited	
Public Utility Substations, Tanks	UP(PH)	
Radio, Television or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Warehouses or Storage, including Mini-storage Warehouses	Prohibited	
Wireless Telecommunications Facilities		
Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP(PH)	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 17. That “Uses Permitted in Residential Districts” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.60.030 are amended to read as follows:

**23E.60.030 Uses Permitted**

<b>Table 23E.60.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
<b>Uses Permitted in Residential Districts</b>		
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Child Care Centers	UP(PH)	
Clubs, Lodges	Prohibited	
Community Centers	UP(PH)	
Dwelling Units, subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.60.070.F
Group Living Accommodations, subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.60.070.F
Hospitals	Prohibited	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements; see Section 23E.60.080
Nursing Homes	UP(PH)	Subject to parking requirements; see Section 23E.60.080
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	

Table 23E.60.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Change of use from an existing dwelling unit
Six or fewer persons	ZC	
Seven or more persons	AUP	
New Construction	UP(PH)	
Miscellaneous Uses		
Automatic Teller Machines	Prohibited	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	Prohibited	
Emergency Shelter		See Chapter 23C.10.
Up to 25 beds	ZC	

<b>Table 23E.60.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
More than 25 beds	UP(PH)	
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	Prohibited	Except medical office laboratories
Mortuaries	Prohibited	
Public Utility Substations, Tanks	UP(PH)	
Radio, Television or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Wireless Telecommunications Facilities  Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP(PH)	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture  Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	ZC AUP	Subject to 23C.26

Section 18. That “Residential and Related Uses” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.64.030 are amended to read as follows:

**23E.64.030 Uses Permitted**

<b>Table 23E.64.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Permits Required to Establish, Expand or Change Use (sq. ft.)</b>	<b>Special Requirements (if any)</b>
Residential and Related Uses		
Additions, Major Residential	AUP	See definition in Sub-title 23F. Subject to required finding under Section 23E.64.090.G
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Day Care		
Small Family Day Care Homes of 8 or fewer children	ZC	
Large Family Day Care Homes of 9 to 14 children	AUP	
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Care Facilities/Homes	ZC	
Community Centers	UP(PH)	
Dwelling Units	UP(PH)	Subject to Development Standards under Section 23E.64.070
Group Living Accommodations	UP(PH)	Subject to Development Standards under Section 23E.64.070



<b>Table 23E.64.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Permits Required to Establish, Expand or Change Use (sq. ft.)</b>	<b>Special Requirements (if any)</b>
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hospitals	UP(PH)	Subject to parking requirements; see Section 23E.64.080.F
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.070.C
Hotels, Residential, including Single Room Occupancy (SRO)	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements; see Section 23E.64.080.F
Nursing Homes	UP(PH)	
Parks and Playgrounds	AUP	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	AUP	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		
Six or fewer persons	ZC	Changes of use from an existing dwelling unit

<b>Table 23E.64.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Permits Required to Establish, Expand or Change Use (sq. ft.)</b>	<b>Special Requirements (if any)</b>
Seven or more persons	AUP	
New Construction	UP(PH)	
All other Residential Accessory Structures and Uses not listed	Per R-3 District	See Table 23D.36.030
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
<b>Miscellaneous Uses</b>		
Automatic Teller Machines	AUP	When not part of a Retail Financial Service
Cafeteria, Employee or Residential	AUP	
Cemeteries and Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	Prohibited in designated nodes. See Section 23E.64.050.C
Commercial Excavation	Prohibited	Including earth, gravel, minerals or other building materials including drilling for, or removal of, oil or natural gas

<b>Table 23E.64.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Permits Required to Establish, Expand or Change Use (sq. ft.)</b>	<b>Special Requirements (if any)</b>
Dry Cleaning and Laundry Plants	Prohibited	
Emergency Shelter  Up to 25 beds  More than 25 beds	  ZC  UP(PH)	See Chapter 23C.10.
Kennels or Pet Boarding	UP(PH)	Prohibited on ground floor in designated node
Laboratories, Commercial Physical or Biological	Prohibited	See Section 23E.64.030.C
Laboratories, Testing	AUP if less than 10,000 sq. ft.  UP(PH) if more than 10,000 sq. ft.	
Mortuaries and Crematories	UP(PH)	
Public Utility Substations, Buildings, Tanks	UP(PH)	Prohibited in designated node. See Section 23E.64.050.C
Radio, Television, or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	Prohibited on ground floor in designated node. See Section 23E.64.050.C
Wireless Telecommunications Facilities  Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District	AUP	Subject to the requirements and findings of Section 23C.17.100

Table 23E.64.030		
Use and Required Permits		
Use	Permits Required to Establish, Expand or Change Use (sq. ft.)	Special Requirements (if any)
All Other Telecommunication Facilities	UP(PH)	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 19. That “Uses Permitted in Residential Districts” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.68.030 are amended to read as follows:

**23E.68.030 Uses Permitted**

Table 23E.68.030		
Use and Required Permits		
Use	Classification	Special Requirements
Uses Permitted in Residential Districts		
Accessory Uses and Structures	As per R-5 District	See Table 23D.44.030
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care Centers	AUP	
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	

<b>Table 23E.68.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements</b>
Dwelling Units, including multifamily developments	UP(PH)	Subject to the standards under Section 23E.68.060.F
Group Living Accommodations subject to R-3 Standards	UP(PH)	Subject to the standards under Section 23E.68.060.F
Hospitals	UP(PH)	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	Subject to Section 23E.68.060.F
Libraries	UP(PH)	
Nursing Homes	UP(PH)	
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Change of use of an existing dwelling unit
Six or fewer people	ZC	
Seven or more persons	AUP	
New Construction	UP(PH)	Subject to Section 23E.68.070
<b>Miscellaneous Uses</b>		
Automatic Teller Machines When not a Part of a Retail Financial Service		
Exterior	UP(PH)	
Interior	AUP	

<b>Table 23E.68.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements</b>
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building.
Circus or Carnival	UP(PH)	
Dry Cleaning and Laundry Plants	UP(PH)	
Emergency Shelter Up to 60 beds More than 60 beds	ZC UP(PH)	See Chapter 23C.10.
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	AUP	
Mortuaries	UP(PH)	
Public Utility Substations, Tanks	UP(PH)	
Radio, Television or Audio/Sound Recording Studios Broadcast Studios	AUP UP(PH)	
Warehouses or Storage including Mini-storage Warehouses	UP(PH)	
Wireless Telecommunications Facilities Microcell Facilities, Modifications to	AUP	Subject to the requirements and findings of Section 23C.17.100

Table 23E.68.030		
Use and Required Permits		
Use	Classification	Special Requirements
Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District  All Other Telecommunication Facilities	UP(PH)	Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture  Low-Impact Urban Agriculture (LIUA)  High-Impact Urban Agriculture (HIUA)	ZC  AUP	Subject to 23C.26

Section 20. That “Parking, Outdoor Exterior Service Window Services,” “Residential and Related Uses,” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.72.030 are amended to read as follows:

**23E.72.030 Uses Permitted**

Table 23E.72.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand or Change Use (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 40,000	More than 40,000	
Parking, Outdoor and Exterior Service Window Uses				
Activities or Storage Outside of a building not ancillary to a permitted use	ZC	AUP		Not permitted abutting R-District
Automatic Teller Machines	AUP			
Drive-in uses, which provide service to customers in their cars	Prohibited			

Parking Lots			
Exclusively for uses located in the district	ZC for 10 or fewer spaces AUP 11+		
Not exclusively for uses located in the district	UP(PH)		
Recycling Redemption Centers	AUP	AUP	UP(PH)

<b>Table 23E.72.030</b>				
<b>Use and Required Permits</b>				
<b>Uses</b>	<b>Permits Required to Establish, Expand or Change Use (sq. ft.)</b>			<b>Special Requirements (if any)</b>
	<b>Under 20,000</b>	<b>20,000 – 40,000</b>	<b>More than 40,000</b>	
<b>Residential and Related Uses</b>				
All other uses permitted in residential Districts including dwelling units	Prohibited			
Child Care Centers	Prohibited			
Clubs, Lodges for persons working in the District	UP(PH)			
Public Safety and Emergency Services	UP(PH)			
Public Utility Substations, Buildings and Tanks	UP(PH)			
Religious Assembly Uses	Prohibited			
Schools, Public or Private and other Educational Institutions	Prohibited			



Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Miscellaneous Uses		
Cemeteries, Crematories, Mausoleums and Mortuaries	Prohibited	
Circus or Carnival	Prohibited	
Kennels or Pet Boarding	Prohibited	
Municipal Animal Shelter	UP(PH)	
Parks and Recreational Uses, Public or Private	Prohibited	
Wireless Telecommunications Facilities when located on site with existing facilities	AUP	Subject to the requirements of Section 23C.17.100
When located on a site without existing facilities	Prohibited	Waiver may be granted if ZAB approves finding of necessity as required by Section 23C.17.100.D
Urban Agriculture Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	ZC AUP	Subject to 23C.26

Section 21. That “Parking, Outdoor Exterior Service Window Services,” “Residential and Related Uses,” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.76.030 are amended to read as follows:

**23E.76.030 Uses Permitted**

Table 23E.76.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand or Change Use (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 40,000	More than 40,000	
Parking, Outdoor and Exterior Service Window Uses				
Activities or Storage Outside of a building not ancillary to a permitted use	ZC	AUP		Not permitted abutting R-District
Automatic Teller Machines	AUP			
Drive-in uses, which provide service to customers in their cars	Prohibited			
Parking Lots				
Exclusively for uses located in the District	ZC for 10 or fewer spaces AUP 11+			
Not exclusively for uses located in the District	UP(PH)			
Recycling Redemption Centers	ZC	AUP	UP(PH)	
	AUP	UP	Prohibited	

Residential and Related Uses		
Clubs, Lodges for persons working in	UP(PH)	

Table 23E.76.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand or Change Use (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 40,000	More than 40,000	
the District				
Public Safety and Emergency Services	UP(PH)			
Public Utility Substations, Buildings and Tanks	UP(PH)			
All other uses permitted in residential districts including dwelling units	Prohibited			
Accessory Buildings and Structures with Urban Agriculture	ZC			Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
<b>Miscellaneous Uses</b>				
Cemeteries, Crematories, Mausoleums and Mortuaries	Prohibited			
Circus or Carnival	Prohibited except as a temporary use			
Kennels or Pet Boarding	Prohibited			
Municipal Animal Shelter	UP(PH)			
Parks and Recreational Uses, Public or Private	Prohibited			
Wireless Telecommunications Facilities when located on site with existing facilities	AUP			Subject to the requirements of Section 23C.17.100

Table 23E.76.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand or Change Use (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 40,000	More than 40,000	
When located on a site without existing facilities	Prohibited			Waiver may be granted if ZAB approves finding of necessity as required by Section 23C.17.100.D
Urban Agriculture Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	ZC  AUP			Subject to 23C.26

Section 22. That the “Residential and Related Uses” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.80.030 are amended to read as follows:

**23E.80.030 Uses Permitted**

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
Residential and Related Uses				
Child Care Centers	UP(PH)			Subject to the findings in

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
				Section 23E.80.090.1
Child Care; Family Day Care				
Small Family Day Care Homes of 8 or fewer children		ZC		
Large Family Day Care Homes of 9 to 14 children		AUP		Subject to the findings in Section 23E.80.090.1
Clubs, Lodges, Union Halls and similar uses for persons working in the district		UP(PH)		
Dwelling Units		Prohibited		
Group Living Accommodations		Prohibited		
Major Residential Additions		Prohibited		
Public Safety and Emergency Services		UP(PH)		
Religious Assembly Uses		Prohibited		
Schools				
Public or Private (other than vocational)		Prohibited		
Vocational	ZC	AUP	UP(PH)	Must provide training for occupations and/or industries found in the West Berkeley Plan area

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
Shelters for Homeless Persons	Prohibited			Existing shelter shall not be considered a non-conforming use and may add floor area with a UP(PH)
Utility Substations, Buildings and Tanks	UP(PH)			
All Other uses permitted in residential districts	Prohibited			
Accessory Buildings and Structures with Urban Agriculture	ZC			Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Miscellaneous Uses				
Cemeteries, Crematories, Mausoleums and Mortuaries	Prohibited			
Circus or Carnival	UP(PH)			Temporary use only
Kennels or Pet Boarding	Prohibited			
Municipal Animal Shelter	UP(PH)			
Parks and Recreational Uses, Public or Private	Prohibited, except public recreational uses permitted with Use Permit in Outdoor Recreation Sub-zones. See Section 23E.80.030.F			

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
Wireless Telecommunications Facilities when located on a site with existing facilities	AUP			Subject to the requirements of Section 23C.17.100
When located on a site without existing facilities	Prohibited			Waiver may be granted if ZAB approves finding of necessity as required by Section 23C.17.100.D
Urban Agriculture Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	ZC  AUP			Subject to 23C.26

Section 23. That the “Residential and Related Uses” and “Miscellaneous Uses” sections of Berkeley Municipal Code Table 23E.84.030 are amended to read as follows:

**23E.84.030 Uses Permitted**

Table 23E.84.030		
Use and Required Permits		
Uses	Permit Required to Establish, Expand or Change Use (sq. ft.)	Special Requirements (if any)
Residential and Related Uses		
Additions, Major Residential	AUP	See Definition in Sub-title 23F. Subject to finding required under 23E.84.090.L; see limitations on location in Section 23E.84.060.G
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care Centers	UP(PH)	Subject to the findings in Section 23E.84.090.H
Child Care; Family Day Care		
Small Family Day Care Homes of 8 or fewer children	ZC	
Large Family Day Care Homes of 9 to 14 children	AUP	Subject to the findings in Section 23E.84.090.H
Clubs, Lodges	UP(PH)	
Community Care Facilities/Homes (Changes of Use)	ZC	Subject to parking requirements; see Section 23E.84.080.B
Community Centers	UP(PH)	
Dwelling Units		See limitation on location in Section 23E.84.060.G. Subject to development standards of



<b>Table 23E.84.030</b>		
<b>Use and Required Permits</b>		
<b>Uses</b>	<b>Permit Required to Establish, Expand or Change Use (sq. ft.)</b>	<b>Special Requirements (if any)</b>
		Section 23E.84.070 and parking requirements in Section 23E.84.080.B
1 – 4 Units	AUP	
5+ Units	UP(PH)	
Group Living Accommodations, subject to R-3 District Standards	UP(PH)	See limitations on location in Section 23E.84.060.G
Home Occupations		
Low Impact	ZC	Subject to requirements under Section 23C.16.020
Moderate Impact, teaching-related	AUP	Subject to requirements under Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to requirements under Section 23C.16.030.B
Hospitals	Prohibited	
Hotels, Residential	Prohibited	
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Libraries	UP(PH)	Subject to additional parking requirements; see Section 23E.84.080.B
Nursing Homes	UP(PH)	Subject to additional parking requirements; see Section 23E.84.080.B
Parks, Playgrounds, and outdoor recreation facilities	UP(PH)	If the park, playground, or outdoor recreation facility is likely to be used by children, subject to the finding

Table 23E.84.030		
Use and Required Permits		
Uses	Permit Required to Establish, Expand or Change Use (sq. ft.)	Special Requirements (if any)
		under 23E.84.090.H
Public Safety and Emergency Services	UP(PH)	
Public Utilities Substations, Buildings, Tanks	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private and Other Educational Institutions	UP(PH)	Subject to the findings in Section 23E.84.090.H
Senior Congregate Housing Six or fewer persons Seven or more persons New Construction	ZC AUP UP(PH)	Changes of use from an existing dwelling unit
Accessory Buildings and Structures with Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
<b>Miscellaneous Uses</b>		
Cafeteria, Employee or Residential	AUP	
Cemeteries, Crematories, Mausoleums	Prohibited	
Circus or Carnival	UP(PH)	
Kennels, Pet Boarding, other services for pets	UP(PH)	
Mortuaries	UP(PH)	
Wireless Telecommunications Facilities when located on site with existing facilities	AUP	Subject to the requirements of Section 23C.17.100

Table 23E.84.030		
Use and Required Permits		
Uses	Permit Required to Establish, Expand or Change Use (sq. ft.)	Special Requirements (if any)
When located on a site without existing facilities	Prohibited	Waiver may be granted if ZAB approves finding of necessity as required by Section 23C.17.100.D
Urban Agriculture		Subject to 23C.26
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	

Section 24. The Berkeley Municipal Code 23F.04.010 is amended to add the definitions “Urban Agriculture” and “Urban Agricultural Products” in alphabetical order as follows:

**23F.04.010 Definitions**

**Urban Agriculture (including community gardens):** The production of horticultural crops for harvest, sale, and/or donation, including community gardens. Urban Agriculture does not include cannabis cultivation and does not pertain to raising animals.

**Urban Agricultural Products:** Horticultural crops including fruits, vegetables, nuts, flowers, herbs, and any other cultivar, and value-added products made from raw agricultural products grown at the site such as jams, fruit preserves, herb blends, and floral bouquets. Urban Agricultural Products do not include cannabis products.

Section 25. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on July 10, 2018, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.