

~~AMENDED~~
ORDINANCE NO. 99-021

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 6 1999

AN ORDINANCE AMENDING SECTIONS 2..B, 2.E, AND 2..3, SECTION 3.B, SECTION 4.B, SECTION 5.D, AND SECTION 6.A OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, AND ADDING SECTIONS 2.3-1, 2.3-2, AND 2.3-3 TO THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 2550, FOURTH SERIES AS AMENDED, RELATING TO HOUSING REQUIREMENTS, MIXED USE PARKING REQUIREMENTS, AND ESTABLISHING NEW OVERLAY ZONES IN THE CENTRAL CITY (M97-030)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 2-B of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series, as amended), (hereinafter "Zoning Ordinance") is amended to read as follows:

- a. Sections 2-B-1 through 5 are hereby amended to read as follows:

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	R O	R M X	O B
1. Apartments						x	x	x	x	x	x	x	x	x	
2. Room and boarding house		2		2	2	5	5	5	5	x	5	x	x	5	
3. Single family dwelling	x	26	17	26	26	26	26	26	26	26	5	26	26	26	
3b. Halfplexes		37	37	1	17	17	17	17	x	x			x	x	
4. Alternative ownership housing types (e.g., townhouses, row house, cluster housing developments, patio developments and other similar types of condominium and non-condominium housing)			17	17		17	17	17	17	17	17	17	17	x	
5. Two Family Dwelling		37	37	1	x	x	x	x	x	x	x	x	x	x	

FOR CITY CLERK USE ONLY

ORDINANCE NO. **99-021**
DATE ADOPTED: **MAY 6 1999**

USE	H C	S C	C 1	C 2	C 3	C 4	M1 M1 (S)	M2 M2 (S)	A	F	A O S	H	M I P	S P X	M R D	T C	E C
1. Apartments		5	6	6	6	13	13	13									57
2. Room and boarding house		5	5	5													
3. Single family dwelling	5	5	6	6	5	13	13	13	26		26						
3b. Halfplexes																	
4. Alternative ownership housing types (e.g., townhouses, row house, cluster housing developments, patio developments and other similar types of condominium and non-condominium housing)		5	17	17	17	17											57
5. Two Family Dwelling		5	6	6	6	13	13	13									

b. Section 2-B-28 is hereby amended to read as follows:

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	R O	R M X	O B
28. Offices												7	15	x	11

USE	H C	S C	C 1	C 2	C 3	C 4	M1 M1 (S)	M2 M2 (S)	A	F	A O S	H	M I P	S P X	M R D	T C	E C
28. Offices		x	x	x	x	35	35	35					14	14	5		57

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

c. Section 2-B-38 is hereby amended to read as follows:

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	R O	R M X	O B
38. Retail Stores and Services												7		33	60

USE	H C	S C	C 1	C 2	C 3	C 4	M1 M1 (S)	M2 M2 (S)	A	F	A O S	H	M I P	S P X	M R D	T C	E C
38. Retail Stores and Services		12	33	x	x	12	12	12						14			57

SECTION 2

Section 2-E of the Zoning Ordinance is hereby amended as follows:

a. Section 2-E-1 is amended to read as follows:

1. Halfplexes and duplexes are permitted on corner lots. Halfplexes and duplexes are allowed on interior lots only if a Zoning Administrator Special Permit is first granted for such a location. Halfplexes and duplexes must be built according to the following criteria:
 - a. Except as provided in paragraph d below, each unit must have a minimum of 150 square feet of individual open space beyond the minimum required front, rear, and side yard setbacks.
 - b. Except as provided in paragraph d below, each unit shall have an enclosed garage and a driveway, except units located on lots of 3200 square feet or less. The garage shall be a minimum 10' wide and 20' deep. If access to the driveway is provided from a public street, the driveway shall be a minimum of ten feet (10') wide and twenty (20') feet in length behind the property line, except as provided by Chapter 38.13 of the City Code or subparagraph (i) below. If access to the driveway is provided from an alley, the driveway shall be as prescribed in Section 5 of this Ordinance.
 - (i) On lots of 3200 square feet or less that include driveways, driveway length must be at least eighteen (18') feet behind the property line if access to the driveway is from a public street. If the driveway accesses an enclosed garage, the garage shall be equipped with a roll-up garage door and automatic garage door opener. If access to the garage is provided via the side yard, and the garage is located less than six feet from the property line, a driveway of six feet or less may be provided, with approval of the Public Works Director.
 - c. A duplex may be erected as one or two detached buildings.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
 DATE ADOPTED: MAY 6 1999

- d. The requirements of paragraphs a and b do not apply to the conversion of an existing duplex development to halfplex development where the existing duplex units do not meet one of these requirements.

b. Section 2.E.6 is hereby amended as follows:

6. A Special Permit is required except within the Central City, where the use is permitted by right subject to the following development standards:

a. Noise Standards: The building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:

- (1) All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
- (2) The roof shall be finished with a minimum 7/16" OSB or plyboard of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.
- (3) Skylights shall not be used unless they have an STC rating of 29 or better.
- (4) Windows shall have a minimum STC rating of 29.
- (5) Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
- (6) Sliding glass doors shall have a minimum STC rating of 29.
- (7) An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
- (8) Gravity vent openings in attic space shall not exceed code minimum in size and number.
- (9) Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.

b. Off-Street Parking Reduction. Notwithstanding the provisions of Section 6 of this Ordinance, Off Street Parking and Transportation Systems Management for New Non-Residential Development, for mixed use projects which incorporate both residential and commercial retail or service uses, the Zoning Administrator may reduce or waive up to four spaces or up to 50 percent, whichever is greater, of the required off-street parking for the ground floor commercial retail or service uses. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Section 15-B of this ordinance.

c. Section 2.E.7 is amended to read as follows:

7. Offices or commercial retail uses, limited only to ground floor of a building are permitted subject to granting of a Special Permit. The residential component of mixed use projects is subject the following development standards:

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

a. Noise Standards: The building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:

- (1) All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
- (2) The roof shall be finished with a minimum 7/16" OSB or plywood of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.
- (3) Skylights shall not be used unless they have an STC rating of 29 or better.
- (4) Windows shall have a minimum STC rating of 29.
- (5) Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
- (6) Sliding glass doors shall have a minimum STC rating of 29.
- (7) An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
- (8) Gravity vent openings in attic space shall not exceed code minimum in size and number.
- (9) Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.

d. Section 2.E.13 is hereby amended as follows:

13. Residential uses in the C-4, M-1, M-1(S), M-2, and M-2(S) Zones:

- a. Except as provided in (b) and (c) below, living quarters for a guard or security personnel shall be the only residential uses permitted in the C-4, M-1, M-1(S), M-2, and M-2(S) zones.
- b. Property with the Central City zoned C-4, M-1 and M-2, in which a building or structure has been previously used for lawful residential purposes may be restored to residential use pursuant to a Zoning Administrator's Special Permit.
- c. Property located within the Central City and zoned C-4, M-1 and M-2 may be used for residential purposes pursuant to a Special Permit issued by the Zoning Administrator.

e. Section 2.E.15 is hereby amended as follows:

15. A Special Permit is required to locate the use in this particular zone. The following criteria shall be used to evaluate requests for office uses in Residential-Office zone:

- a. The structure is historically or architecturally important and conversion to office use will allow for preservation of the structure.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

- b. Parking to accommodate non-residential use of the structure can be accommodated, either on-site without detracting from the residential appearance of the structure, or off-site without negatively affecting the character or residential parking supply in the area.
- c. The structure remains predominantly residential in appearance. To this end, conditions may be placed on parking area location and design, signage, and landscaping.
- d. Where the structure has two or more floors, the floors above the ground floor shall be devoted to residential uses unless the Planning Commission finds such uses are undesirable or infeasible.
- e. The conversion is compatible with surrounding uses.

SECTION 3

Section 2.3 of the Zoning Ordinance is hereby amended as follows:

SECTION 2.3 NEIGHBORHOOD CORRIDOR OVERLAY (NC) ZONE

A. PURPOSE

The purpose of the Neighborhood Corridor (NC) Overlay Zone is to encourage the development of new housing in specified general commercial (C-2) zoned corridors located within low-to-medium density residential neighborhoods. At the same time, some restrictions on commercial or office development are established in order to ensure compatibility with adjacent residential uses. It is intended to allow a wider range of commercial uses than the RMX or C-1 zones, but at less intensity than the C-2 zone. Mixed use projects, in which commercial or office uses are contained in the same building or on the same site as residential, are encouraged.

B. APPLICATION

The NC designation appearing after the C-2 zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this Section in addition to those in the underlying C-2 zone, unless otherwise specified. When combined with the underlying C-2 zoning, the NC overlay allows certain specified commercial, office, and residential uses as a matter of right, while other uses shall require a Special Permit as described in Section 2.3-C-2 below. In the event of a conflict between a provision of this Section 2.3 and a provision contained in another Section of the Ordinance, the provision of Section 2.3 shall apply.

C. ALLOWED USES

- 1. The following uses are permitted as a matter of right in the NC, Neighborhood Corridor Overlay zone:
 - a. Residential (single and two-family dwellings, apartments, condominiums, townhouses)
 - b. Bed and breakfast inn
 - c. Commercial (Note provisions of Subsection C.2 a and b)
 - 1. Astrology and related practices
 - 2. Bakery where maximum gross floor area does not exceed 6,400 square feet
 - 3. Barber/beauty shop
 - 4. Business center, trade school

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

5. Child care center (subject to the criteria set forth in Section 2.E.51 of this Ordinance)
 6. Cleaning/laundry agency
 7. Convenience market (no gas sales, not open prior to 6 am or after 11 pm)
 8. Dance, music, voice studio
 9. Florist
 10. Food store/deli (no gas sales, not open prior to 6 am or after 11 pm)
 11. Furniture store where maximum gross floor area does not exceed 6,400 square feet.
 12. Health club, reducing salon, racquetball, martial arts school
 13. Laundromat/self-service cleaner with an on-site attendant and hours not before 6 a.m. or after 12 a.m.
 14. Live-Work Units
 15. Medical clinic or office and medical/dental/optical laboratory incidental to office
 16. Mortuary
 17. Non-profit organization food preparation for off-site consumption
 18. Nursery for flowers/plants, where use does not exceed 6,400 square feet
 19. Offices
 20. Printing, blueprinting
 21. Restaurant, coffee house
 22. Retail stores and services (except auto sales, rental and service, furniture stores in excess of 6,400 square feet, lumber yard, machine shop, mini-storage, pet shop, and recreational vehicle storage yard)
 23. Shop for building contractor where maximum gross floor area does not exceed 6,400 square feet.
 24. Sign shop where maximum gross floor area does not exceed 6,400 square feet.
 25. Wholesale stores and distributors where maximum gross floor area does not exceed 6,400 square feet.
 26. All other permitted uses specified in C-1 and RMX zones not listed above
 27. Other similar retail and service uses
2. The following uses are allowed subject to a Special Permit approved by the Planning Commission (unless otherwise noted):
- a. New construction where building frontage is 160 feet or greater.
 - b. Major projects of 20,000 square feet or more in gross floor area
 - c. Amusement centers - indoor
 - d. Antennas and communication facilities (as specified in Section 2.E.59 of this Ordinance)
 - e. Auto sales, service or rental
 - f. Bar
 - g. Beer, wine, or general alcoholic beverage sales for off-premise consumption
 - h. Bus and other transit terminal, depots, and passenger stations
 - i. Church or allied facilities
 - j. Hotel or motel
 - k. Movie theater/cinema
 - l. Non-profit organization food storage and distribution
 - m. Non-profit organization meal service facility
 - n. Non-profit organization food preparation for off-site consumption
 - o. Non-residential care facility
 - p. Parking lot, garage
 - q. Residential care facility
 - r. Residential hotel, SRO
 - s. School - public, private, non-profit
 - t. Sidewalk cafe (Zoning Administrator Special Permit)

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

D. DEVELOPMENT STANDARDS

Notwithstanding the provisions of Section 3 of this Ordinance, Height and Area Regulations, the following development standards shall apply in the NC Overlay zone:

1. Building Height. Commercial or office buildings are limited to 35 feet in height, however, buildings containing two or more residential units may be up to 45 feet in height.
2. Residential Densities. There is no density requirement or limit in the NC Overlay zone, however, the number of dwelling units that may be accommodated on a site will be determined by the building height, setbacks, parking, and other requirements.
3. Noise Standards. As some sites within the NC Overlay zone may be located on heavily traveled streets or near railroad lines, certain noise attenuation measures must be incorporated into the building design. Accordingly, the building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:
 - a. All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
 - b. The roof shall be finished with a minimum 7/16" OSB or plyboard of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.
 - c. Skylights shall not be used unless they have an STC rating of 29 or better.
 - d. Windows shall have a minimum STC rating of 29.
 - e. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
 - f. Sliding glass doors shall have a minimum STC rating of 29.
 - g. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
 - h. Gravity vent openings in attic space shall not exceed code minimum in size and number.
 - i. Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

SECTION 4

Section 2.3-1 is hereby added to the Zoning Ordinance as follows:

SECTION 2.3-1 URBAN NEIGHBORHOOD OVERLAY (UN) ZONE

A. PURPOSE

The purpose of the Urban Neighborhood (UN) Overlay Zone is to encourage the development of new housing and mixed use development in specified General Commercial (C-2) and Residential Mixed Use (RMX) zoned areas located southeast of the Memorial Auditorium between the Central Business District and the Central City's Midtown and residential areas. This area would provide support services and housing for the Arts and Entertainment District and would serve as a transition area in terms of building scale and height between the lower and medium density Midtown business and residential areas to the east and the high intensity Central Business District to the west.

This overlay zone permits increased heights over the base zone for projects with a residential component, and encourages housing and mixed use projects. It also places some restrictions and review on some kinds of commercial uses that are permitted in the underlying C-2 zone to maintain compatibility with residential uses.

B. APPLICATION

The UN designation appearing after the C-2 or RMX zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this Section in addition to those in the underlying C-2 or RMX zone, unless otherwise specified. When combined with the underlying C-2 or RMX zoning, the UN overlay allows certain specified commercial, office, residential uses and development standards as a matter of right, while other uses shall require a Special Permit as described in Section 2.3-1-C-2 below. Allowable uses differ between the underlying C-2 and RMX base zones, and are described separately in Section 2.X-C-2 below. In the event of a conflict between a provision of this Section 2.3-1 and a provision contained in another Section of the Ordinance, the provision of Section 2.3-1 shall apply.

C. ALLOWED USES IN THE BASE GENERAL COMMERCIAL (C-2) ZONE

1. The following uses are permitted as a matter of right in the UN, Urban Neighborhood Overlay zone, in the base C-2 zone:
 - a. Residential (single and two-family houses, apartments, condominiums, townhouses)
 - b. Bed and breakfast inn
 - c. Commercial
 1. Amusement centers, indoors
 2. Appliance repair store
 3. Astrology and related practices
 4. Bakery
 5. Barber/beauty shop
 6. Bank/savings and loan with no drive up
 7. Business college/trade school
 8. Child care center (subject to the criteria set forth in Section 2.E.51 of this Ordinance)
 9. Convenience market (no gas sales, hours not to exceed 6 am to 11 pm)
 10. Dance, music, voice studio
 11. Florist

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

12. Food store/deli
 13. Furniture store
 14. Health club, reducing salon, racquetball, martial arts school
 15. Hotel/motel
 16. Janitorial service company where maximum gross floor area does not exceed 6,400 square feet
 17. Laundry, cleaning agency
 18. Medical clinic or office (and medical/dental/optical labs incidental to office)
 19. Mortuary
 20. Non-profit organization food storage and distribution where maximum gross floor area does not exceed 6,400 square feet
 21. Non-profit organization food preparation for off-site consumption
 22. Nursery for flowers/plants where use does not exceed 6,400 square feet
 23. Offices (except ground floor offices with office use frontage on J Street; see subsection 2.1. below)
 24. Photo studio
 25. Prescription pharmacy/optician
 26. Printing, blueprinting
 27. Restaurant, coffee house
 28. Retail stores and services (excluding auto sales, rental and service, lumber yard, machine shop, mini-storage, and recreational vehicle storage yard)
 29. Sign shop where maximum gross floor area does not exceed 6,400 square feet
 30. Shop for building contractor where maximum gross floor area does not exceed 6,400 square feet
 31. Wholesale stores and distributors where maximum gross floor area does not exceed 6,400 square feet
 32. All other permitted uses specified in C-1 and RMX zones not listed above
 33. Other similar retail and service uses
2. The following uses are allowed in the Urban Neighborhood in the base C-2 zone, subject to a Special Permit approved by the Planning Commission (unless otherwise noted):
- a. Antennas and telecommunication facilities (as specified in Section 2.E.59 of this Ordinance)
 - b. Auto sales, service or rental
 - c. Bar
 - d. Beer, wine, or general alcoholic beverage sales for off-premise consumption]
 - e. Bus and other transit terminal, depots, and passenger stations
 - f. Bus and other transit vehicle maintenance and storage
 - g. Church or allied facilities
 - h. Convenience market if hours before 6 am or after 11 pm
 - i. Movie theater/cinema
 - j. Non-profit organization meal service facility
 - k. Non-residential care facility
 - l. Offices (ground floor) with office use frontage directly on J Street. (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street).
 - m. Parking lot, garage
 - n. Residential care facility
 - o. Residential hotel, SRO
 - p. School - public, private, non-profit
 - q. Service station
 - r. Sidewalk cafe (Zoning Administrator Special Permit)
 - s. Stand-alone parking lot

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

D. ALLOWED USES IN THE BASE RESIDENTIAL MIXED USE (RMX) ZONE

1. The following uses are permitted as a matter of right in the UN, Urban Neighborhood Overlay zone, in the base RMX zone:
 - a. Residential (single and two-family houses, apartments, condominiums, townhouses)
 - b. Bed and breakfast inn
 - c. Commercial
 1. Appliance repair store
 2. Astrology and related practices
 3. Bakery where maximum gross floor area does not exceed 6,400 square feet
 4. Bank/savings and loan with no drive up
 5. Barber/beauty shop
 6. Business college/trade school
 7. Child care center (subject to the criteria set forth in Section 2.E.51 of this Ordinance)
 8. Cleaning/laundry agency
 9. Convenience market (no gas sales, no hours prior to 6 am or after 11 pm)
 10. Dance, music, voice studio
 11. Florist
 12. Food store/deli (no gas sales, no hours prior to 6 am or after 11 pm)
 13. Furniture store where maximum gross floor area does not exceed 6,400 square feet
 14. Health club, reducing salon, racquetball, martial arts school
 15. Laundromat/self-service cleaner
 16. Medical clinic or office (and medical/dental/optical labs incidental to office)
 17. Nursery for flowers/plants where use does not exceed 6,400 square feet
 18. Offices
 19. Photo studio
 20. Prescription pharmacy/optician
 21. Restaurant, coffee house
 22. Retail stores and services (excluding auto sales, rental and service, furniture stores in excess of 6,400 square feet, lumber yard, machine shop, mini-storage, pet shop, and recreational vehicle storage yard)
 23. Shop for building contractor where maximum gross floor area does not exceed 6,400 square feet
 24. Sign shop where maximum gross floor area does not exceed 6,400 square feet
 25. Wholesale stores and distributors where maximum gross floor area does not exceed 6,400 square feet
 26. All other permitted uses specified in C-1 and RMX zones not listed above
 27. Other similar retail and service uses
2. The following uses are allowed in the Urban Neighborhood in the base RMX zone, subject to a Special Permit approved by the Planning Commission:
 - a. Amusement centers - indoors
 - b. Antennas and telecommunication facilities (as specified in Section 2.E.59 of this Ordinance)
 - c. Bar
 - d. Beer, wine, or general alcoholic beverage sales for off-premise consumption
 - e. Bus and other transit terminal, depots, and passenger stations
 - f. Bus and other transit vehicle maintenance and storage
 - g. Business college/trade school
 - h. Church or allied facilities

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

- i. Hotel/motel
- j. Movie theater/cinema
- k. Non-profit organization food storage and distribution
- l. Non-profit organization meal service facility
- m. Non-profit organization food preparation for off-site consumption
- n. Non-residential care facility
- o. Parking lot, garage
- p. Residential care facility
- q. Residential hotel, SRO
- r. School - public, private, non-profit
- s. Sidewalk cafe (Zoning Administrator Special Permit)

D. DEVELOPMENT STANDARDS

Notwithstanding the provisions of Section 3 of this Ordinance, Height and Area Regulations, the following development standards shall apply in the UN Overlay zone:

1. Building Height. Commercial or office buildings are limited to 45 feet in height, however, buildings where 25 percent or more square footage is devoted to residential uses may have a maximum 65 feet in height.
2. Setbacks. Setbacks in the base C-2 or base RMX zone shall be those specified for the C-2 zone, except that the minimum front yard setback in the RMX zone shall be a minimum of 0 feet. Stairs to access upper floors are permissible within the prescribed street side yard setback.
3. Residential Densities. There is no density requirement or limit in the UN Overlay zone. The number of dwelling units that may be accommodated on a site will be determined by the building height, setbacks, parking, and other requirements. Housing and mixed use developments must provide for private open space for the residents. This can take the form of patios, balconies, courtyards, recreation areas, or other forms of private open space.
4. Off-Street Parking Reduction. Notwithstanding the provisions of Section 6 of this Ordinance, Off Street Parking and Transportation Systems Management for New Non-Residential Development, mixed use projects which incorporate both residential and commercial or services uses may reduce or waive up to four spaces or 75 percent, whichever is greater, of the required off-street parking requirement for the ground floor commercial retail or service uses, subject to a Zoning Administrator's Special Permit. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Section 15-B of this ordinance.
5. Noise Standards. As some sites within the UN Overlay zone may be located on heavily traveled streets or near railroad lines, certain noise attenuation measures must be incorporated into the building design. Accordingly, the building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:
 - a. All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
 - b. The roof shall be finished with a minimum 7/16" OSB or plyboard of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

- c. Skylights shall not be used unless they have an STC rating of 29 or better.
- d. Windows shall have a minimum STC rating of 29.
- e. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
- f. Sliding glass doors shall have a minimum STC rating of 29.
- g. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
- h. Gravity vent openings in attic space shall not exceed code minimum in size and number.
- i. Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.

SECTION 5

Section 2.3-2 is hereby added to the Zoning Ordinance as follows:

SECTION 2.3-2 MIDTOWN COMMERCIAL (MC) OVERLAY ZONE

A. PURPOSE

The purpose of the Midtown Commercial (MC) Overlay Zone is to encourage active pedestrian uses along the J Street Corridor from 20th to 28th Streets, and discourage those uses that detract from pedestrian activity.

B. APPLICATION

The MC designation appearing after the C-2 zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this Section in addition to those in the underlying C-2 zone, unless otherwise specified. When combined with the underlying C-2 zoning, the MC overlay allows certain specified commercial, office, residential uses as a matter of right, while other uses shall require a Special Permit as described in Section 2.3-2-C-2 below. In the event of a conflict between a provision of this Section 2.3-2 and a provision contained in another Section of the Ordinance, the provision of Section 2.3-2 shall apply.

C. ALLOWED USES

- 1. The following uses are permitted as a matter of right in the MC, Midtown Commercial Overlay zone:
 - a. Residential (single and two-family houses, apartments, condominiums, townhouses)
 - b. Bed and breakfast inn
 - c. Commercial
 - 1. Amusement centers, indoors
 - 2. Appliance repair store
 - 3. Astrology and related practices
 - 4. Bakery

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

5. Bank/savings and loan with no drive up
 6. Barber/beauty shop
 7. Business college/trade school
 8. Child care center (subject to the criteria set forth in Section 2.E.51 of this Ordinance)
 9. Cleaning/laundry agency
 10. Convenience market (no gas sales, hours not to exceed 6 am to 11 pm)
 11. Dance, music, voice studio
 12. Florist
 13. Food store/deli
 14. Furniture store
 15. Health club, reducing salon, racquetball, martial arts school
 16. Laundromat/self-service cleaner
 17. Medical clinic or office on upper floor of building or ground floor without direct frontage on J Street
 18. Non-profit organization food preparation for off-site consumption
 19. Nursery for flowers/plants where use does not exceed 6,400 square feet
 20. Office on upper floor of building or ground floor without direct frontage on J Street
 21. Photo studio
 22. Prescription pharmacy/optician
 23. Printing, blueprinting
 24. Restaurant, coffee house
 25. Retail stores and services (excluding auto sales, rental and service, furniture stores in excess of 6,400 square feet, lumber yard, machine shop, mini-storage, and recreational vehicle storage yard)
 26. Shop for building contractor where maximum gross floor area does not exceed 6,400 square feet
 27. Sign shop where maximum gross floor area does not exceed 6,400 square feet
 28. All other permitted uses specified in C-1 and RMX zones not listed above
 29. Other similar retail and service uses
2. The following uses are allowed in the Midtown Commercial Overlay zone, subject to a Special Permit approved by the Planning Commission (unless otherwise noted):
- a. New construction where building frontage is 160 feet or greater.
 - b. Antennas and telecommunication facilities (pursuant to the provisions of Section 2.E.59 of this Ordinance)
 - c. Auto sales, service or rental
 - d. Bar
 - e. Beer, wine, or general alcoholic beverage sales for off-premise consumption
 - f. Bus and other transit terminal, depots, and passenger stations
 - g. Bus and other transit vehicle maintenance and storage
 - h. Church or allied facilities
 - i. Convenience market with hours before 6 am or after 11 pm
 - j. Hotel/motel
 - k. Medical offices where office would have ground floor frontage on J Street (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street).
 - l. Mortuary
 - m. Movie theater/cinema
 - n. Non-profit organization food storage and distribution
 - o. Non-profit organization meal service facility
 - p. Non-residential care facility

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

- q. Offices on ground floor where office use would have frontage on J Street (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street).
- r. Parking lot, garage
- s. Residential care facility
- t. Residential hotel, SRO
- u. School - public, private, non-profit
- v. Service station
- w. Sidewalk cafe (Zoning Administrator Special Permit)
- x. Stand-alone parking lot

D. DEVELOPMENT STANDARDS

Notwithstanding the provisions of Section 3 of this Ordinance, Height and Area Regulations, the following development standards shall apply in the MC Overlay zone:

1. Building Height. Commercial or office buildings are limited to 45 feet in height, however, buildings where 20 percent or more is occupied with residential uses may have a maximum 55 feet in height.
2. Setbacks: Setbacks shall be those specified for the C-2 zone, except that the front yard setback shall be zero (0) feet. The setback needed to buffer adjacent residential uses, to accommodate sidewalk cafes or provide usable outdoor space shall not exceed five (5) feet. For buildings over two stories, the required minimum shall be increased to 10 feet for each story over three, to accommodate street trees. Up to a five foot maximum setback may be provided to buffer adjacent residential uses, accommodate sidewalk cafes or provide usable outdoor space. Stairs to access upper floors are permissible within the prescribed street side yard setback.
3. Ground Floor Offices. Ground floor office space where the office space fronts on J Street that has been used for ground floor offices and becomes vacant for two years or more shall require a Zoning Administrator Special Permit for continued ground floor office uses.
4. Parking Lots: Parking lots to serve businesses may not have frontage on J Street, unless the Public Works Director makes a finding of no other feasible option. The Zoning Administrator or Planning Commission may opt to waive or reduce parking rather than have parking frontage on J Street.
5. Residential Densities. There is no density requirement or limit in the MC Overlay zone. The number of dwelling units that may be accommodated on a site will be determined by the building height, setbacks, parking, and other requirements.
6. Off-Street Parking Reduction. Notwithstanding the provisions of Section 6 of this Ordinance, Off Street Parking and Transportation Systems Management for New Non-Residential Development, mixed use projects which incorporate both residential and commercial or services uses, may reduce or waive up to four spaces or 75 percent, whichever is greater, of the required off-street parking requirement for the ground floor commercial retail or service uses, subject to a Zoning Administrator's Special Permit. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Section 15-B of this ordinance.
7. Noise Standards. As some sites within the MC Overlay zone may be located on heavily traveled streets or near railroad lines, certain noise attenuation measures must be incorporated into the building design. Accordingly, the

FOR CITY CLERK USE ONLY

ORDINANCE NO. **99-021**

DATE ADOPTED: **MAY 6 1999**

building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:

- a. All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
- b. The roof shall be finished with a minimum 7/16" OSB or plyboard of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.
- c. Skylights shall not be used unless they have an STC rating of 29 or better.
- d. Windows shall have a minimum STC rating of 29.
- e. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
- f.. Sliding glass doors shall have a minimum STC rating of 29.
- g. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
- h. Gravity vent openings in attic space shall not exceed code minimum in size and number.
- i. Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.

SECTION 6

Section 2.3-3 is hereby added to the Zoning Ordinance as follows:

SECTION 2.3-3 BUILDING CONSERVATION (BC) OVERLAY ZONE

A. PURPOSE

The purpose of the Building Conservation (BC) Overlay Zone is to encourage the retention of residential uses and historically and architecturally significant structures in specific areas zoned Residential Office (RO) in the Central City. This overlay zone establishes criteria for conversion of existing structures to office uses, and allows only residential development of vacant or substantially vacant property to maintain residential character of these areas and discourage demolition or neglect of residential and historic structures in these areas.

B. APPLICATION

The BC designation appearing after the RO zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this Section in addition to those in the underlying RO zone, unless otherwise specified. When combined with the underlying RO zoning, the BC overlay restricts the development of new office buildings and establishes criteria for conversion of existing structures to office uses. In the

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

event of a conflict between a provision of this Section 2.3-3 and a provision contained in another Section of the Ordinance, the provision of Section 2.3-3 shall apply.

C. ALLOWED USES AND DEVELOPMENT STANDARDS

1. Allowed Uses (Uses Permitted as a Matter of Right): All residential uses permitted in the RO zone as a matter of right are permitted within the BC overlay zone as a matter of right.
2. Uses Permitted Subject to a Special Permit: Other uses permitted in the RO zone with a Special Permit are permitted within the BC overlay zone subject to a Special Permit, with the exception of office and medical offices uses. Subject to approval of a Planning Commission Special Permit, conversion of existing structures to office use would be permitted in the BC overlay zone, subject to criteria outlined in Section 3.C. Development of new office buildings is prohibited within the BC overlay zone, except as described in Section 3.C.4 and 3.D of this Section.
3. Conversion of Existing Structures to Office Use: Special Permit Required: Subject to approval of Planning Commission Special Permit, a residential structure in existence as of June 5, 1999, may be converted to office uses. In addition to making the findings required by Section 15 of this Ordinance, the Planning Commission shall also be required to make the following additional findings when approving a Special Permit pursuant to this provision.
 - a. The structure is historically or architecturally important and conversion to office use will allow for preservation of the structure.
 - b. Parking to accommodate non-residential use of the structure can be accommodated, either on-site without detracting from the residential appearance of the structure, or off-site without negatively affecting the character or residential parking supply in the area.
 - c. The structure remains predominantly residential in appearance. To this end, conditions may be placed on parking area location and design, signage, and landscaping.
 - d. Where the structure has two or more floors, the floors above the ground floor shall be devoted to residential uses unless the Planning Commission finds such uses are undesirable or infeasible.
 - e. The conversion is compatible with surrounding uses.
4. Expansion of Existing Office Uses: Subject to approval of a Zoning Administrator Special Permit, a building lawfully devoted to office uses may be expanded by a maximum of twenty-five percent (25%) of its gross square footage and the expanded building space permitted for office spaces on a one-time basis after June 5, 1999. Expansions to accommodate residential uses would be permitted subject to the underlying development standards in the RO zone and according to any applicable historic preservation regulations and review.

D. NON-CONFORMING USE PROVISIONS

1. General. Except as provided below, the non-conforming use provisions of Section 12 of this Ordinance shall apply to development within the BC Overlay zone.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

2. Exception: Reconstruction of Building(s) Used for Non-residential Purposes Destroyed or Substantially Destroyed, and Restoration of Non-Residential Use(s). Notwithstanding Section 12-B-3 of this Ordinance, a building in the BC overlay zone which is lawfully devoted to non-residential use(s) and which is damaged or substantially destroyed by a fire, flood, wind, earthquake or other calamity or by the public enemy may nevertheless be rebuilt, even though the cost of repair or restoration exceeds fifty percent of the replacement cost, and the non-residential uses thereafter restored, subject to the following requirements.

a. Replacement Building

- i. New construction: The replacement building shall be approximately the same square footage as the original building, not to exceed one hundred and twenty five percent (125%) of the square footage of the original building. The exterior shall be residential in design and character, and shall be subject to review and approval by the Design Review and Preservation Board.
 - ii. Relocation of historic structure: Subject to review and approval by the Design Review and Preservation Board, the building can be replaced with another historic structure relocated to the site and thereafter devoted to non-residential uses. For purposes of this provision, a historic structure shall mean a listed structure on the City's Official Register, or a structure eligible for listing.
- b. Restoration of Non-residential Uses: The replacement building may be devoted to the non-residential uses to which the building was lawfully devoted at the time of its destruction, including but not limited to uses which required a Special Permit at the time of destruction or which currently require a Special Permit but which were established prior to the Special Permit requirement. For purposes of this provision, a building shall be considered lawfully devoted to non-residential uses under the following circumstances:
- i. The building was actively being used for the non-residential use, including office, prior to its destruction. For purposes of this provision, a building which is temporarily vacant but for which new tenants are being sought shall be considered in active use.
 - ii. The building was temporarily unoccupied by the non-residential use because it was undergoing remodeling or renovations, for which a current building permit had been issued if a permit is required for such remodeling or renovations.
- c. Time for Reconstruction and Restoration: A building permit to construct a replacement building or to relocate a historic structure shall be obtained within two years of the date of destruction, and thereafter the building shall be constructed or the building relocated in a timely manner. Upon construction or relocation, the replacement building shall thereafter be devoted to the non-residential uses within a reasonable period of time, not to exceed one year. For purposes of this provision, a replacement building which has been completed but which is vacant shall be considered devoted to the non-residential use if new tenants are actively being sought for the non-residential use.
- d. Extension of Time: Upon showing of good cause by the property owner, the Zoning Administrator may grant an extension of time not to exceed an additional three years, for a maximum of five years, for issuance of a building permit.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

SECTION 7.

Section 3.B. of the Zoning Ordinance is amended to read as follows:

- a. Section 3.B.14 of the Zoning Ordinance is amended to read as follows:

ZONE	LOCATION	MAXIMUM HEIGHT (FT.)	MINIMUM YARD REQUIREMENTS				MAXIMUM LOT COVERAGE	MINIMUM LOT AREA PER DU IN SQ FT*
			FRONT	REAR	INTERIOR SIDE	STREET SIDE		
RMX	General Central City	45/35 ft. (8)	(1) (27)	(2) (2)	(3) (3)	5 ft 5 ft.	70% (10)	1,200 1,200

- b. Section 3.B.20 of the Zoning Ordinance is amended to read as follows:

ZONE	LOCATION	MAXIMUM HEIGHT (FT.)	MINIMUM YARD REQUIREMENTS				MAXIMUM LOT COVERAGE	MINIMUM LOT AREA PER DU IN SQ FT*
			FRONT	REAR	INTERIOR SIDE	STREET SIDE		
C-2	General Central City	(25) (8)	(24) (28)	(24) (28)	(24) (28)	5 ft (24)(28)	23 (10)	1,500 (4)

SECTION 8

- a. Section 3.B.27 of the Zoning Ordinance shall be added to read as follows:

27. Within the Central City, the front yard setback in the RMX zone shall be a minimum of zero (0) feet.

- b. Section 3.B.28 of the Zoning Ordinance shall be added to read as follows:

28. Commercial projects shall comply with #25. Within the Central City, housing projects shall be required to meet the setbacks of the R-5 zone. Mixed use projects with ground floor retail or commercial and upper floor housing shall meet the applicable C-2 setbacks on the ground floor. Required upper floor setbacks shall be the same as the ground floor setbacks except or as required by Building Code and as determined through design review process as necessary to preserve light and air and to be compatible with surrounding land uses.

SECTION 9

Section 4.B of the Zoning Ordinance is amended to read as follows:

- a. Section 4-B-8 of the Zoning Ordinance is hereby amended to read as follows:

8. No Main Entrance from Rear Yard Area: Except for within the Residential Mixed Use zone and as provided for in Section 9 below, no dwelling unit may have its entrance from the rear yard area.

- b. Section 4-B-9 is hereby added to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

9. Alley Units: Within the Central City, with a Zoning Administrator Special Permit, units developed on improved 20 foot wide alleys may have the main entrance of the dwelling unit off the alley.

SECTION 10

Section 5-D-4 of the Zoning Ordinance is amended to read as follows:

4. Minimum driveway - minimum 20 feet of driveway between the front of said structure and any public street right-of-way line, except as provided in subparagraph a below. If the entrance to on-site parking is from an alley, 26 feet of maneuvering room (combined driveway and alley) is required.
- a. In the Central City, a minimum 18 feet of driveway between the front of said structure and any public street right-of-way line is required, provided the garage is equipped with a roll-up garage door and automatic garage door opener. If access to the garage is provided via the side yard, and the garage is located less than six feet from the property line, a driveway of six feet or less may be provided, with approval of the Public Works Director.

SECTION 11

Section 6.A of the Zoning Ordinance is amended to read as follows:

- a. Section 6.A.2 is amended to read as follows:
2. Waiver or Reduction of Required Parking for Residential Development: For a waiver or reduction in required parking for single family residential uses refer to Section 2-E-26 of this ordinance. For halfplex, duplex, or multi-family residential development (three or more units), the Zoning Administrator may approve a Special Permit pursuant to Section 15-H to waive or reduce the amount of required parking. The Zoning Administrator may waive or reduce a minimum of one parking space to a maximum of 10 percent of the total required parking. For adaptive reuse of a structure (i.e., a warehouse) to be converted for residential purposes, the Zoning Administrator may waive or reduce up to a maximum of 50 percent of the total required parking. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Section 15-B of this ordinance.
- b. Section 6.A.5 is added to read as follows:
5. Waiver or Reduction of Required Parking for Mixed Use Development. For mixed use projects which incorporate both residential and commercial or services uses, the Zoning Administrator may reduce or waive up to four spaces or 50 percent, whichever is greater, of the required off-street parking requirement for the ground floor commercial retail or service uses. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Section 15-B of this ordinance.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

SECTION 12

Section 22-A-141 is hereby added to read as follows:

141. Central City: That area of the City of Sacramento lying between the American River on the north, Broadway on the south, the Sacramento River on the west, Alhambra Boulevard on the east. Properties fronting upon the southern side of Broadway and the eastern side of Alhambra Boulevard are within the Central City.

SECTION 13.

Effective May 19, 1999, the revised Zoning Ordinance (Phase 1 Revision) adopted April 20, 1999, shall go into effect, reformatting the chapter and numbering system. The amendments to the Zoning Ordinance shall therefore be reformatted to amend the revised Zoning Ordinance, as follows:

- a. Chapter 2, Section 1-B, is amended to read as follows:

B: OVERLAY ZONES: The following overlay zones are discussed in more detail in Chapter 5, Section 3 are listed here for convenient reference only:

I-5	Interstate 5 Corridor Overlay Zone	Section 3.1
EA	Executive Airport Overlay Zone	Section 3.2
LI	Labor Intensive Overlay Zone	Section 3.3
AOL	Ascot Avenue Overlay Zone	Section 3.4
FF	Floodway Fringe Overlay Zone	Section 3.5
FW	Floodway Overlay Zone	Section 3.5
PC	American River Parkway Overlay Zone	Section 3.6
NC	Neighborhood Corridor Overlay Zone	Section 3.7
UN	Urban Neighborhood Overlay Zone	Section 3.8
MC	Midtown Commercial Overlay Zone	Section 3.9
BC	Building Conservation Overlay Zone	Section 3.10

- b. Chapter 2, Section 2.B-1 is amended to read as follows:

USE	RE	R 1	R 1A	R 1 B	R 2	R 2A	R 2 B	R 3	R 3A	R 4	R 5	R M X	R O	OB
Alternative ownership housing types (e.g., townhouses, row house, cluster housing developments, patio developments and other similar types of condominium and non-condominium housing)			8	8		8	8	8	8	8	8	8/ 69	8	

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

c. Chapter 2, Section 2.B-2 is amended to read as follows:

USE	E C	HC	S C	C 1	C 2	C 3	C 4	M 1	M 1 (S)	M 2	M 2 (S)	M I P	M R D	H	S P X	T C A	A O S	F	A R P F
Alternative ownership housing types (e.g., town-houses, row house, cluster housing developments, patio developments and other similar types of condominium and non-condominium housing)			8/ 15	8	8	8	8												
Apartments	53		5/ 15	76	76	76	13	13	13/ 20	13	13/ 20								
Duplex*			5/ 15	76	76	76	13	13	13/ 20	13	13/ 20								
Single family dwelling			5/ 15	76	76	5	13	13	13/ 20	13	13/ 20						26/ 72	26/ 72	

d. Chapter 2, Section 2.C is amended as follows

USE	RE	R1	R1 A	R1 B	R2	R2 A	R2 B	R3	R3 A	R4	R5	R M X	R O	OB
Medical Clinic or Office											7	69	77	18
Offices											7	69	77	18

e. Chapter 2, Section 2-E.1 is amended to read as follows:

1. Residential Minimum Lot Area (Density) Requirement: This residential use is allowed in this zone if the minimum lot area (density) requirement specified in the Height and Area Chart, Chapter 3 Section 1-B, is met. Except within the Central City and Alhambra Corridor SPD, the main entrance for each residential unit shall not be located off of the rear yard or interior side yard. Within the Central City and Alhambra Corridor SPD, with approval of a Zoning Administrator Special Permit, a dwelling unit may have its main entrance from the rear yard area if the rear yard abuts a 20-foot wide improved alley.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

f. Chapter 2, Section 2-E.7 is amended to read as follows:

7. Offices or commercial retail uses, limited only to ground floor of a building are permitted subject to granting of a Special Permit. The residential component of mixed use projects is subject to the following development standards:
- a. Noise Standards: The building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:
- 1) All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
 - 2) The roof shall be finished with a minimum 7/16" OSB or plyboard of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.
 - 3) Skylights shall not be used unless they have an STC rating of 29 or better.
 - 4) Windows shall have a minimum STC rating of 29.
 - 5) Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
 - 6) Sliding glass doors shall have a minimum STC rating of 29.
 - 7) An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
 - 8) Gravity vent openings in attic space shall not exceed code minimum in size and number.
 - 9) Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.

g. Chapter 2, Section 2.E.8 is amended to read as follows:

8. Alternative Ownership Housing Types: A Special Permit is required for new dwellings that provide for individual ownership in a form other than standard single family detached dwellings. A Zoning Administrator Special Permit is required for alternative ownership housing projects within the Central City. The Special Permit process will include review of the overall design of the project, the unit design, and the design of any accessory structures or features, as defined in subsections a and b below. Alternative ownership housing types may include, but are not limited to, non-standard single family detached developments, townhouses, row houses, cluster housing, and halfplexes, and ownership may be, but is not required to be, a condominium. A condominium is a legal form of ownership not a specific building style or type. Condominium projects must comply with the regulations outlined in Chapter 6 Section 3 of this Ordinance.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

- a. Design: The proposed site development plan must integrate structures, common and private open spaces, pedestrian and vehicular circulation, parking, and other site features in such a way as to produce a development which provides for all desirable residential features and environmental amenities. Further, the proposed development shall not adversely affect the existing or proposed future development of the surrounding areas.
 - b. Accessory Structures: Accessory structures and uses designed and constructed for the exclusive use of the residents of the project including recreational facilities, such as a playground, swimming pool or clubhouse, and service facilities, such as garages, carports, parking areas, laundry facilities and other similar accessory features.
- h. Chapter 2, Section 2.E.13 is amended to read as follows:
13. Residential uses in the C-4, M-1, M-1(S), M-2, and M-2(S) Zones:
- a. Property zoned C-4, M-1, M-1(S), M-2, and M-2(S), in which a building or structure has been previously used for lawful residential purposes may be restored to residential use pursuant to a Zoning Administrator's Special Permit.
 - b. Property located within the Central City and zoned C-4, M-1, M-1 (S), M-2, and M-2(S) may be used for residential purposes pursuant to a Special Permit issued by the Zoning Administrator.
- i. Chapter 2, Section 2.E.74 is added to read as follows:
77. A Special Permit is required to locate the use in this particular zone. The following criteria shall be used to evaluate requests for office uses in Residential-Office zone:
- a. The structure is historically or architecturally important and conversion to office use will allow for preservation of the structure.
 - b. Parking to accommodate non-residential use of the structure can be accommodated, either on-site without detracting from the residential appearance of the structure, or off-site without negatively affecting the character or residential parking supply in the area.
 - c. The structure remains predominantly residential in appearance. To this end, conditions may be placed on parking area location and design, signage, and landscaping.
 - d. Where the structure has two or more floors, the floors above the ground floor shall be devoted to residential uses unless the Planning Commission finds such uses are undesirable or infeasible.
 - e. The conversion is compatible with surrounding uses.
- j. Chapter 2, Section 2.E.26.h. is amended to read as follows:
- h. Driveway: Access to the required on-site parking shall be provided. On-site parking includes an enclosed garage, a carport, or an uncovered parking pad, whichever is required by subsection g above. Access shall be provided as indicated below.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

- 1) If the on-site parking is adjacent to a public street, no driveway is required. The public street may be used as maneuvering area for access to the dwelling.
- 2) If the on-site parking is not adjacent to a public street or alley, a driveway is required to access the parking space. The driveway shall be at least ten (10) feet wide and at least twenty (20) feet in length behind the property line, except as provided in subparagraph a) below and by Chapter 38.13 of the City Code. The driveway shall be surfaced in accordance with Chapter 3 Section 3-B-1 of this Ordinance.
 - a. In the Central City, a minimum driveway length of eighteen (18') feet behind the property line is required, provided any garage shall be equipped with a roll-up garage door and automatic garage door opener. If access to the garage is provided via the side yard, and the garage is located six feet or less from the property line, a driveway of six feet or less may be provided with approval of the Public Works Director.

k. Chapter 2, Section 2-E-27 is amended to read as follows:

27. Halfplexes and duplexes in the R-1B zone. Halfplexes and duplexes are permitted on corner lots. Halfplexes and duplexes are allowed on interior lots only if a Zoning Administrator Special Permit is first granted for such a location pursuant to Chapter 7 Section 5 of this ordinance. Halfplexes and duplexes must be built to the following criteria:
- a. Except as provided in paragraph d below, each unit must have a minimum of 150 square feet of individual open space beyond the minimum required front, rear, and side yard setbacks.
 - b. Except as provided in paragraph d below, each unit shall have an enclosed garage and a driveway, except units located on lots of 3200 square feet or less. The garage shall be a minimum 10' wide and 20' deep. If access to the driveway is provided from a public street, the driveway shall be a minimum of ten feet (10') wide and twenty (20') feet in length behind the property line, except as provided by Chapter 38.13 of the City Code or paragraph 1) below. If access to the driveway is provided from an alley, the driveway shall be as set forth in Chapter 3 Section 6 of this Ordinance.
 - 1) On lots of 3,200 square feet or less that include driveways, driveway length must be at least eighteen (18') feet behind the property line if access to the driveway is from a public street. If the driveway accesses an enclosed garage, the garage shall be equipped with a roll-up garage door and automatic garage door opener. If access to the garage is provided via the side yard, and the garage is located less than six feet from the property line, a driveway of six feet or less may be provided, with approval of the Public Works Director.
 - c. If a duplex is erected as two detached buildings, the minimum required distance between the two buildings shall be ten feet.
 - d. The requirements of paragraphs a and b do not apply to the conversion of an existing duplex development to halfplex development where the existing duplex units do not meet one of these requirements.
 - e. Main Entrance: The main entrance to a halfplex or duplex unit shall be from the front yard or street side yard. Within the Central City or the Alhambra Corridor SPD, with approval of a Zoning

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

Administrator Special Permit, a dwelling unit may have its main entrance from the rear yard area if the rear yard abuts an alley.

1. Chapter 2, Section 2.E.73 is added as follows:

76. A Special Permit is required except within the Central City, where the use is permitted by right subject to the following development standards:

- a. Noise Standards: The building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:
 - 1) All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
 - 2) The roof shall be finished with a minimum 7/16" OSB or plyboard of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.
 - 3) Skylights shall not be used unless they have an STC rating of 29 or better.
 - 4) Windows shall have a minimum STC rating of 29.
 - 5) Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
 - 6) Sliding glass doors shall have a minimum STC rating of 29.
 - 7) An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
 - 8) Gravity vent openings in attic space shall not exceed code minimum in size and number.
 - 9) Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.
- b. Off-Street Parking Reduction. Notwithstanding the provisions of Chapter 3 Section 2 of this Ordinance, for mixed use projects which incorporate both residential and commercial retail or service uses, the Zoning Administrator may reduce or waive up to four spaces or up to 50 percent, whichever is greater, of the required off-street parking for the ground floor commercial retail or service uses. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Chapter 7 Section 5 of this ordinance.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

- m. Chapter 3, Section 1.B of the Zoning Ordinance is amended to read as follows:

ZONE	LOCATION	MAXIMUM HEIGHT (FT.)	MINIMUM YARD REQUIREMENTS				REQUIRED MINIMUM COURT	MAXIMUM LOT COVERAGE	MINIMUM LOT AREA PER DU IN SQ FT*
			FRONT	REAR	INTERIOR SIDE	STREET SIDE			
RMX	General Central City	(24) (8)	(1) (28)	(2) (2)	(3) (3)	(3) (3)	(25) (25)	70% (9)	1,200 1,200
C-2	General Central City	(17) (8)	(16) (16/29)	(16) (16/29)	(16) (16/29)	5 ft 5 ft/(29)	NA NA/(25)	(15) (9)	1,500 (6)

- n. Chapter 3, Section 1.C.2 is amended to read as follows:

2. Minimum Rear Yard Setback shall be 15 feet. This setback may be reduced to five feet if the lot abuts a public alley. In the Central City, the minimum rear yard setback for corner lots in the R-1B and R-3A zones shall be three feet, provide that each unit includes a minimum of 150 square feet of individual open space beyond the minimum required front, rear, and side yard setbacks. Except for within the Central City or the Alhambra Corridor SPD, no dwelling unit may have its main entrance from the rear yard area. Within the Central City or the Alhambra Corridor SPD, with approval of a Zoning Administrator's Special Permit, a dwelling unit may have its main entrance from the rear yard provided the rear yard abuts an improved 20 foot wide alley and at least one main entrance faces the street. Within the RMX zone, a dwelling unit may have its main entrance from the rear yard provided at least one commercial entrance is oriented to the street.

- o. Chapter 3, Section 1.C.28 shall be added to read as follows:

28. Within the Central City, the front yard setback in the RMX zone shall be a minimum of zero (0) feet.

- p. Chapter 3, Section 1.C.29 shall be added to read as follows:

29. Commercial projects shall comply with standards in footnote 16. Within the Central City, housing projects shall be required to meet the setbacks of the R-5 zone. Mixed use projects with ground floor retail or commercial and upper floor housing shall meet the applicable C-2 setbacks on the ground floor. Required upper floor setbacks shall be the same as the ground floor setbacks except as required by Building Code and as determined through design review process as necessary to preserve light and air and to be compatible with surrounding land uses.

- q. Chapter 3, Section 2.A.2.a is amended to read as follows:

- a. Waiver or Reduction of Required Parking for Residential Development: For a waiver or reduction in required parking for single family residential uses refer to Chapter 2 Section 2-E-26 of this ordinance. For halfplex, duplex, or multi-family residential development (three or more units), the Zoning Administrator may approve a Special Permit pursuant to Chapter 7 Section 5-D to waive or reduce the amount of required parking. The Zoning Administrator may waive or reduce a minimum of one parking space to a maximum of 10 percent of the total required parking. For adaptive reuse of a structure (i.e., a warehouse) to be converted for use for residential purposes, the Zoning Administrator may waive or reduce four spaces or up to a maximum of 50 percent of the total required parking, whichever is greater. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Chapter 7 Section 5-C of this ordinance.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

r. Chapter 3, Section 2.A.2.d is added to read as follows:

- d. Waiver or Reduction of Required Parking for Mixed Use Development. For mixed use projects which incorporate both residential and commercial or services uses, the Zoning Administrator may reduce or waive up to four spaces or 50 percent, whichever is greater, of the required off-street parking requirement for the ground floor commercial retail or service uses. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Chapter 7 Section 5-C of this ordinance.

s. Chapter 5, Section 3.7 of the Zoning Ordinance is hereby amended as follows:

SECTION 3.7 NEIGHBORHOOD CORRIDOR OVERLAY ZONE (NC)

Table of Contents

- A. Purpose
- B. Application
- C. Allowed Uses
- D. Development Standards

A. PURPOSE

The purpose of the Neighborhood Corridor (NC) Overlay Zone is to encourage the development of new housing in specified general commercial (C-2) zoned corridors located within low-to-medium density residential neighborhoods. At the same time, some restrictions on commercial or office development are established in order to ensure compatibility with adjacent residential uses. It is intended to allow a wider range of commercial uses than the RMX or C-1 zones, but at less intensity than the C-2 zone. Mixed use projects, in which commercial or office uses are contained in the same building or on the same site as residential, are encouraged.

B. APPLICATION

The NC designation appearing after the C-2 zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this Section in addition to those in the underlying C-2 zone, unless otherwise specified. When combined with the underlying C-2 zoning, the NC overlay allows certain specified commercial, office, and residential uses as a matter of right, while other uses shall require a Special Permit as described in Section 3.7-C-2 below. In the event of a conflict between a provision of this Section 3.7 and a provision contained in another Section of the Ordinance, the provision of Section 3.7 shall apply.

C. ALLOWED USES

1. The following uses are permitted as a matter of right in the NC, Neighborhood Corridor Overlay zone:
 - a. Residential (single and two-family dwellings, apartments, condominiums, townhouses)
 - b. Bed and breakfast inn
 - c. Commercial (Note provisions of Subsection C.2 a and b)
 1. Astrology and related practices

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

2. Bakery where maximum gross floor area does not exceed 6,400 square feet
3. Barber/beauty shop
4. Business college, trade school
5. Child care center (subject to the criteria set forth in Chapter 2 Section 2.E.51 of this Ordinance)
6. Cleaning/laundry agency
7. Convenience market (no gas sales, not open prior to 6 am or after 11 pm)
8. Dance, music, voice studio
9. Florist
10. Food store/deli (no gas sales, not open prior to 6 am or after 11 pm)
11. Furniture store where maximum gross floor area does not exceed 6,400 square feet.
12. Health club, reducing salon, racquetball, martial arts school
13. Laundromat/self-service cleaner with an on-site attendant and hours not before 6 a.m. or after 12 a.m.
14. Live-Work Units
15. Medical clinic or office and medical/dental/optical laboratory incidental to office
16. Mortuary
17. Non-profit organization food preparation for off-site consumption
18. Nursery for flowers/plants, where use does not exceed 6,400 square feet
19. Offices
20. Printing, blueprinting
21. Restaurant, coffee house
22. Retail stores and services (except auto sales, rental and service, furniture stores in excess of 6,400 square feet, lumber yard, machine shop, mini-storage, pet shop, and recreational vehicle storage yard)
23. Shop for building contractor where maximum gross floor area does not exceed 6,400 square feet.
24. Sign shop where maximum gross floor area does not exceed 6,400 square feet.
25. Wholesale stores and distributors where maximum gross floor area does not exceed 6,400 square feet.
26. All other permitted uses specified in C-1 and RMX zones not listed above
27. Other similar retail and service uses

2. The following uses are allowed subject to a Special Permit approved by the Planning Commission (unless otherwise noted):

- a. New construction where building frontage is 160 feet or greater.
- b. Major projects of 20,000 square feet or more in gross floor area
- c. Amusement centers - indoor
- d. Antennas and communication facilities (as specified in Chapter 2, Section 2.E.58 of this Ordinance)
- e. Auto sales, service or rental
- f. Bar
- g. Beer, wine, or general alcoholic beverage sales for off-premise consumption
- h. Bus and other transit terminal, depots, and passenger stations
- i. Church or allied facilities
- j. Hotel or motel
- k. Movie theater/cinema
- l. Non-profit organization food storage and distribution
- m. Non-profit organization meal service facility
- n. Non-profit organization food preparation for off-site consumption

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

- o. Non-residential care facility
- p. Parking lot, garage
- q. Residential care facility
- r. Residential hotel, SRO
- s. School - public, private, non-profit
- t. Sidewalk cafe (Zoning Administrator Special Permit)

D. DEVELOPMENT STANDARDS

Notwithstanding the provisions of Chapter 3 Section 1 of this Ordinance, Height and Area Regulations, the following development standards shall apply in the NC Overlay zone:

1. Building Height. Commercial or office buildings are limited to 35 feet in height, however, buildings containing two or more residential units may be up to 45 feet in height.
2. Residential Densities. There is no density requirement or limit in the NC Overlay zone, however, the number of dwelling units that may be accommodated on a site will be determined by the building height, setbacks, parking, and other requirements.
3. Noise Standards. As some sites within the NC Overlay zone may be located on heavily traveled streets or near railroad lines, certain noise attenuation measures must be incorporated into the building design. Accordingly, the building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:
 - a. All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
 - b. The roof shall be finished with a minimum 7/16" OSB or plyboard of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.
 - c. Skylights shall not be used unless they have an STC rating of 29 or better.
 - d. Windows shall have a minimum STC rating of 29.
 - e. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
 - f. Sliding glass doors shall have a minimum STC rating of 29.
 - g. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
 - h. Gravity vent openings in attic space shall not exceed code minimum in size and number.
 - i. Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

t. Section 3.8 is hereby added to Chapter 5 of the Zoning Ordinance as follows:

SECTION 3.8 URBAN NEIGHBORHOOD OVERLAY ZONE (UN)

Table of Contents

- A. Purpose
- B. Application
- C. Allowed Uses in the Base General Commercial (C-2) Zone
- D. Allowed Uses in the Base Residential Mixed Use (RMX) Zone
- E. Development Standards

A. PURPOSE

The purpose of the Urban Neighborhood (UN) Overlay Zone is to encourage the development of new housing and mixed use development in specified General Commercial (C-2) and Residential Mixed Use (RMX) zoned areas located southeast of the Memorial Auditorium between the Central Business District and the Central City's Midtown and residential areas. This area would provide support services and housing for the Arts and Entertainment District and would serve as a transition area in terms of building scale and height between the lower and medium density Midtown business and residential areas to the east and the high intensity Central Business District to the west.

This overlay zone permits increased heights over the base zone for projects with a residential component, and encourages housing and mixed use projects. It also places some restrictions and review on some kinds of commercial uses that are permitted in the underlying C-2 zone to maintain compatibility with residential uses.

B. APPLICATION

The UN designation appearing after the C-2 or RMX zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this Section in addition to those in the underlying C-2 or RMX zone, unless otherwise specified. When combined with the underlying C-2 or RMX zoning, the UN overlay allows certain specified commercial, office, residential uses and development standards as a matter of right, while other uses shall require a Special Permit as described in Subsection 3.8.C-2 and D-2 below. Allowable uses differ between the underlying C-2 and RMX base zones, and are described separately. In the event of a conflict between a provision of this Section 3.8 and a provision contained in another Section of the Ordinance, the provision of Section 3.8 shall apply.

C. ALLOWED USES IN THE BASE GENERAL COMMERCIAL (C-2) ZONE

1. The following uses are permitted as a matter of right in the UN, Urban Neighborhood Overlay zone, in the base C-2 zone:
 - a. Residential (single and two-family houses, apartments, condominiums, townhouses)
 - b. Bed and breakfast inn
 - c. Commercial
 1. Amusement centers, indoors
 2. Appliance repair store
 3. Astrology and related practices

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

4. Bakery
5. Barber/beauty shop
6. Bank/savings and loan with no drive up
7. Business college/trade school
8. Child care center (subject to the criteria set forth in Chapter 2, Section 2.E.51 of this Ordinance)
9. Convenience market (no gas sales, hours not to exceed 6 am to 11 pm)
10. Dance, music, voice studio
11. Florist
12. Food store/deli
13. Furniture store
14. Health club, reducing salon, racquetball, martial arts school
15. Hotel/motel
16. Janitorial service company where maximum gross floor area does not exceed 6,400 square feet
17. Laundry, cleaning agency
18. Medical clinic or office (and medical/dental/optical labs incidental to office)
19. Mortuary
20. Non-profit organization food storage and distribution where maximum gross floor area does not exceed 6,400 square feet
21. Non-profit organization food preparation for off-site consumption
22. Nursery for flowers/plants where use does not exceed 6,400 square feet
23. Offices (except ground floor offices with office use frontage on J Street; see subsection 2.1. below)
24. Photo studio
25. Prescription pharmacy/optician
26. Printing, blueprinting
27. Restaurant, coffee house
30. Retail stores and services (excluding auto sales, rental and service, lumber yard, machine shop, mini-storage, and recreational vehicle storage yard)
31. Sign shop where maximum gross floor area does not exceed 6,400 square feet
32. Shop for building contractor where maximum gross floor area does not exceed 6,400 square feet
33. Wholesale stores and distributors where maximum gross floor area does not exceed 6,400 square feet
34. All other permitted uses specified in C-1 and RMX zones not listed above
35. Other similar retail and service uses

2. The following uses are allowed in the Urban Neighborhood in the base C-2 zone, subject to a Special Permit approved by the Planning Commission (unless otherwise noted):

- a. Antennas and telecommunication facilities (as specified in Chapter 2, Section 2.E.58 of this Ordinance)
- b. Auto sales, service or rental
- c. Bar
- d. Beer, wine, or general alcoholic beverage sales for off-premise consumption]
- e. Bus and other transit terminal, depots, and passenger stations
- f. Bus and other transit vehicle maintenance and storage
- g. Church or allied facilities
- h. Convenience market if hours before 6 am or after 11 pm
- i. Movie theater/cinema

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

- j. Non-profit organization meal service facility
- k. Non-residential care facility
- l. Offices (ground floor) with office use frontage directly on J Street. (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street).
- m. Parking lot, garage
- n. Residential care facility
- o. Residential hotel, SRO
- p. School - public, private, non-profit
- q. Service station
- r. Sidewalk cafe (Zoning Administrator Special Permit)
- s. Stand-alone parking lot

D. ALLOWED USES IN THE BASE RESIDENTIAL MIXED USE (RMX) ZONE

- 1. The following uses are permitted as a matter of right in the UN, Urban Neighborhood Overlay zone, in the base RMX zone:
 - a. Residential (single and two-family houses, apartments, condominiums, townhouses)
 - b. Bed and breakfast inn
 - c. Commercial
 - 1. Appliance repair store
 - 2. Astrology and related practices
 - 3. Bakery where maximum gross floor area does not exceed 6,400 square feet
 - 4. Bank/savings and loan with no drive up
 - 5. Barber/beauty shop
 - 6. Business college/trade school
 - 7. Child care center (subject to the criteria set forth in Chapter 2, Section 2.E.51 of this Ordinance)
 - 8. Cleaning/laundry agency
 - 9. Convenience market (no gas sales, no hours prior to 6 am or after 11 pm)
 - 10. Dance, music, voice studio
 - 11. Florist
 - 12. Food store/deli (no gas sales, no hours prior to 6 am or after 11 pm)
 - 13. Furniture store where maximum gross floor area does not exceed 6,400 square feet
 - 14. Health club, reducing salon, racquetball, martial arts school
 - 15. Laundromat/self-service cleaner
 - 16. Medical clinic or office (and medical/dental/optical labs incidental to office)
 - 17. Nursery for flowers/plants where use does not exceed 6,400 square feet
 - 18. Offices
 - 19. Photo studio
 - 20. Prescription pharmacy/optician
 - 21. Restaurant, coffee house
 - 22. Retail stores and services (excluding auto sales, rental and service, furniture stores in excess of 6,400 square feet, lumber yard, machine shop, mini-storage, pet shop, and recreational vehicle storage yard)
 - 23. Shop for building contractor where maximum gross floor area does not exceed 6,400 square feet
 - 24. Sign shop where maximum gross floor area does not exceed 6,400 square feet

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

25. Wholesale stores and distributors where maximum gross floor area does not exceed 6,400 square feet
26. All other permitted uses specified in C-1 and RMX zones not listed above
27. Other similar retail and service uses

2. The following uses are allowed in the Urban Neighborhood in the base RMX zone, subject to a Special Permit approved by the Planning Commission:

- a. Amusement centers - indoors
- b. Antennas and telecommunication facilities (as specified in Chapter 2, Section 2.E.58 of this Ordinance)
- c. Bar
- d. Beer, wine, or general alcoholic beverage sales for off-premise consumption
- e. Bus and other transit terminal, depots, and passenger stations
- f. Bus and other transit vehicle maintenance and storage
- g. Business college/trade school
- h. Church or allied facilities
- i. Hotel/motel
- j. Movie theater/cinema
- k. Non-profit organization food storage and distribution
- l. Non-profit organization meal service facility
- m. Non-profit organization food preparation for off-site consumption
- n. Non-residential care facility
- o. Parking lot, garage
- p. Residential care facility
- q. Residential hotel, SRO
- r. School - public, private, non-profit
- s. Sidewalk cafe (Zoning Administrator Special Permit)

E. DEVELOPMENT STANDARDS

Notwithstanding the provisions of Chapter 3 Section 1 of this Ordinance, Height and Area Regulations, the following development standards shall apply in the UN Overlay zone:

1. Building Height. Commercial or office buildings are limited to 45 feet in height, however, buildings where 25 percent or more square footage is devoted to residential uses may have a maximum 65 feet in height.
2. Setbacks: Setbacks in the base C-2 or base RMX zone shall be those specified for the C-2 zone, except that the minimum front yard setback in the RMX zone shall be a minimum of 0 feet. Stairs to access upper floors are permissible within the prescribed street side yard setback.
3. Residential Densities. There is no density requirement or limit in the UN Overlay zone. The number of dwelling units that may be accommodated on a site will be determined by the building height, setbacks, parking, and other requirements. Housing and mixed use developments must provide for private open space for the residents. This can take the form of patios, balconies, courtyards, recreation areas, or other forms of private open space.
4. Off-Street Parking Reduction. Notwithstanding the provisions of Section 6 of this Ordinance, Off Street Parking and Transportation Systems Management for New Non-Residential Development, mixed use projects which incorporate both residential and commercial or services uses may reduce or waive up to four spaces or 75 percent,

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

whichever is greater, of the required off-street parking requirement for the ground floor commercial retail or service uses, subject to a Zoning Administrator's Special Permit. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Chapter 7 Section 5 of this ordinance.

5. Noise Standards. As some sites within the UN Overlay zone may be located on heavily traveled streets or near railroad lines, certain noise attenuation measures must be incorporated into the building design. Accordingly, the building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:

- a. All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
- b. The roof shall be finished with a minimum 7/16" OSB or plyboard of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.
- c. Skylights shall not be used unless they have an STC rating of 29 or better.
- d. Windows shall have a minimum STC rating of 29.
- e. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
- f. Sliding glass doors shall have a minimum STC rating of 29.
- g. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).
- h. Gravity vent openings in attic space shall not exceed code minimum in size and number.
- i. Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.

u. Section 3.9 is hereby added to Chapter 5 of the Zoning Ordinance as follows:

SECTION 3.9 MIDTOWN COMMERCIAL OVERLAY ZONE (MC)

Table of Contents

- A. Purpose
- B. Application
- C. Allowed Uses
- D. Development Standards

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY - 6 1999

A. PURPOSE

The purpose of the Midtown Commercial (MC) Overlay Zone is to encourage active pedestrian uses along the J Street Corridor from 20th to 28th Streets, and discourage those uses that detract from pedestrian activity.

B. APPLICATION

The MC designation appearing after the C-2 zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this Section in addition to those in the underlying C-2 zone, unless otherwise specified. When combined with the underlying C-2 zoning, the MC overlay allows certain specified commercial, office, residential uses as a matter of right, while other uses shall require a Special Permit as described in Section 3.9-C-2 below. In the event of a conflict between a provision of this Section 3.9 and a provision contained in another Section of the Ordinance, the provision of Section 3.9 shall apply.

C. ALLOWED USES

1. The following uses are permitted as a matter of right in the MC, Midtown Commercial Overlay zone:
 - a. Residential (single and two-family houses, apartments, condominiums, townhouses)
 - b. Bed and breakfast inn
 - c. Commercial
 1. Amusement centers, indoors
 2. Appliance repair store
 3. Astrology and related practices
 4. Bakery
 5. Bank/savings and loan with no drive up
 6. Barber/beauty shop
 7. Business college/trade school
 8. Child care center (subject to the criteria set forth in Chapter 2, Section 2.E.51 of this Ordinance)
 9. Cleaning/laundry agency
 10. Convenience market (no gas sales, hours not to exceed 6 am to 11 pm)
 11. Dance, music, voice studio
 12. Florist
 13. Food store/deli
 14. Furniture store
 15. Health club, reducing salon, racquetball, martial arts school
 16. Laundromat/self-service cleaner
 17. Medical clinic or office on upper floor of building or ground floor without direct frontage on J Street
 18. Non-profit organization food preparation for off-site consumption
 19. Nursery for flowers/plants where use does not exceed 6,400 square feet
 20. Office on upper floor of building or ground floor without direct frontage on J Street
 21. Photo studio
 22. Prescription pharmacy/optician
 23. Printing, blueprinting
 24. Restaurant, coffee house
 25. Retail stores and services (excluding auto sales, rental and service, furniture stores in excess of 6,400 square feet, lumber yard, machine shop, mini-storage, and recreational vehicle storage yard)
 26. Shop for building contractor where maximum gross floor area does not exceed 6,400 square feet

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

- 27. Sign shop where maximum gross floor area does not exceed 6,400 square feet
- 28. All other permitted uses specified in C-1 and RMX zones not listed above
- 29. Other similar retail and service uses

2. The following uses are allowed in the Midtown Commercial Overlay zone, subject to a Special Permit approved by the Planning Commission (unless otherwise noted):
- a. New construction where building frontage is 160 feet or greater.
 - b. Antennas and telecommunication facilities (pursuant to the provisions of Chapter 2, Section 2.E.58 of this Ordinance)
 - c. Auto sales, service or rental
 - d. Bar
 - e. Beer, wine, or general alcoholic beverage sales for off-premise consumption
 - f. Bus and other transit terminal, depots, and passenger stations
 - g. Bus and other transit vehicle maintenance and storage
 - h. Church or allied facilities
 - i. Convenience market with hours before 6 am or after 11 pm
 - j. Hotel/motel
 - k. Medical offices where office would have ground floor frontage on J Street (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street).
 - l. Mortuary
 - m. Movie theater/cinema
 - n. Non-profit organization food storage and distribution
 - o. Non-profit organization meal service facility
 - p. Non-residential care facility
 - q. Offices on ground floor where office use would have frontage on J Street. (Ground floor office are a permitted use in the interior, back, or courtyard area of a building where the use frontage is not directly on J Street).
 - r. Parking lot, garage
 - s. Residential care facility
 - t. Residential hotel, SRO
 - u. School - public, private, non-profit
 - v. Service station
 - w. Sidewalk cafe (Zoning Administrator Special Permit)
 - x. Stand-alone parking lot

D. DEVELOPMENT STANDARDS

Notwithstanding the provisions of Chapter 3 Section 1 of this Ordinance, Height and Area Regulations, the following development standards shall apply in the MC Overlay zone:

- 1. Building Height. Commercial or office buildings are limited to 45 feet in height, however, buildings where 20 percent or more is occupied with residential uses may have a maximum 55 feet in height.
- 2. Setbacks: Setbacks shall be those specified for the C-2 zone, except that the front yard setback shall be zero (0) feet. The setback needed to buffer adjacent residential uses, to accommodate sidewalk cafes or provide usable outdoor space shall not exceed five (5) feet. For buildings over two stories, the required minimum shall

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

be increased to 10 feet for each story over three, to accommodate street trees. Up to a five foot maximum setback may be provided to buffer adjacent residential uses, accommodate sidewalk cafes or provide usable outdoor space. Stairs to access upper floors are permissible within the prescribed street side yard setback.

3. Ground Floor Offices. Ground floor office space where the office space fronts on J Street that has been used for ground floor offices and becomes vacant for two years or more shall require a Zoning Administrator Special Permit for continued ground floor office uses.
4. Parking Lots: Parking lots to serve businesses may not have frontage on J Street, unless the Public Works Director makes a finding of no other feasible option. The Zoning Administrator or Planning Commission may opt to waive or reduce parking rather than have parking frontage on J Street.
5. Residential Densities. There is no density requirement or limit in the MC Overlay zone. The number of dwelling units that may be accommodated on a site will be determined by the building height, setbacks, parking, and other requirements.
6. Off-Street Parking Reduction. Notwithstanding the provisions of Section 6 of this Ordinance, Off Street Parking and Transportation Systems Management for New Non-Residential Development, mixed use projects which incorporate both residential and commercial or services uses, may reduce or waive up to four spaces or 75 percent, whichever is greater, of the required off-street parking requirement for the ground floor commercial retail or service uses, subject to a Zoning Administrator's Special Permit. If the amount of parking proposed to be waived or reduced is greater than that which the Zoning Administrator may waive or reduce, a Special Permit approved by the Planning Commission is required pursuant to Chapter 7 Section 5 of this ordinance.
7. Noise Standards. As some sites within the MC Overlay zone may be located on heavily traveled streets or near railroad lines, certain noise attenuation measures must be incorporated into the building design. Accordingly, the building design of all new residential structures within an area of the City above 60 dB Ldn shall incorporate the following construction standards in order to reduce interior noise levels:
 - a. All penetrations of interior walls shall include a ½ inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
 - b. The roof shall be finished with a minimum 7/16" OSB or plyboard of equivalent surface weight, minimum 30 lb. felt paper and minimum 240 lb/square foot composition shingles or equivalent.
 - c. Skylights shall not be used unless they have an STC rating of 29 or better.
 - d. Windows shall have a minimum STC rating of 29.
 - e. Windows shall have an air filtration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.
 - f. Sliding glass doors shall have a minimum STC rating of 29.
 - g. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements as specified in the Uniform Building Code (UBC).

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

- h. Gravity vent openings in attic space shall not exceed code minimum in size and number.
- i. Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, subject to the approval by the Environmental Coordinator.

v. Section 3.10 is hereby added to Chapter 5 of the Zoning Ordinance as follows:

SECTION 3.10 BUILDING CONSERVATION OVERLAY ZONE (BC)

Table of Contents

- A. Purpose
- B. Application
- C. Allowed Uses and Development Standards
- D. Non-conforming Use Provisions

A. PURPOSE

The purpose of the Building Conservation (BC) Overlay Zone is to encourage the retention of residential uses and historically and architecturally significant structures in specific areas zoned Residential Office (RO) in the Central City. This overlay zone establishes criteria for conversion of existing structures to office uses, and allows only residential development of vacant or substantially vacant property to maintain residential character of these areas and discourage demolition or neglect of residential and historic structures in these areas.

B. APPLICATION

The BC designation appearing after the RO zone classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this Section in addition to those in the underlying RO zone, unless otherwise specified. When combined with the underlying RO zoning, the BC overlay restricts the development of new office buildings and establishes criteria for conversion of existing structures to office uses. In the event of a conflict between a provision of this Section 3.10 and a provision contained in another Section of the Ordinance, the provision of Section 3.10 shall apply.

C. ALLOWED USES AND DEVELOPMENT STANDARDS

1. Allowed Uses (Uses Permitted as a Matter of Right): All residential uses permitted in the RO zone as a matter of right are permitted within the BC overlay zone as a matter of right.
2. Uses Permitted Subject to a Special Permit: Other uses permitted in the RO zone with a Special Permit are permitted within the BC overlay zone subject to a Special Permit, with the exception of office and medical offices uses. Subject to approval of a Planning Commission Special Permit, conversion of existing structures to office use would be permitted in the BC overlay zone, subject to criteria outlined in Section 3.C. Development of new office buildings is prohibited within the BC overlay zone, except as described in subsections C.4 and D of this Section.
3. Conversion of Existing Structures to Office Use: Special Permit Required: Subject to approval of Planning Commission Special Permit, a residential structure in existence as of June 5, 1999, may be converted to office

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021

DATE ADOPTED: MAY 6 1999

uses. In addition to making the findings required by Chapter 7, Section 5 of this Ordinance, the Planning Commission shall also be required to make the following additional findings when approving a Special Permit pursuant to this provision.

- a. The structure is historically or architecturally important and conversion to office use will allow for preservation of the structure.
 - b. Parking to accommodate non-residential use of the structure can be accommodated, either on-site without detracting from the residential appearance of the structure, or off-site without negatively affecting the character or residential parking supply in the area.
 - c. The structure remains predominantly residential in appearance. To this end, conditions may be placed on parking area location and design, signage, and landscaping.
 - d. Where the structure has two or more floors, the floors above the ground floor shall be devoted to residential uses unless the Planning Commission finds such uses are undesirable or infeasible.
 - e. The conversion is compatible with surrounding uses.
4. Expansion of Existing Office Uses: Subject to approval of a Zoning Administrator Special Permit, a building lawfully devoted to office uses may be expanded by a maximum of twenty-five percent (25%) of its gross square footage and the expanded building space permitted for office spaces on a one-time basis after June 5, 1999. Expansions to accommodate residential uses would be permitted subject to the underlying development standards in the RO zone and according to any applicable historic preservation regulations and review.

D. NON-CONFORMING USE PROVISIONS

1. General. Except as provided below, the non-conforming use provisions of Chapter 4 of this Ordinance shall apply to development within the BC Overlay zone.
2. Exception: Reconstruction of Building(s) Used for Non-residential Purposes Destroyed or Substantially Destroyed, and Restoration of Non-Residential Use(s). Notwithstanding Chapter 4, Section B-3 of this Ordinance, a building in the BC overlay zone which is lawfully devoted to non-residential use(s) and which is damaged or substantially destroyed by a fire, flood, wind, earthquake or other calamity or by the public enemy may nevertheless be rebuilt, even though the cost of repair or restoration exceeds fifty percent of the replacement cost, and the non-residential uses thereafter restored, subject to the following requirements.
 - a. Replacement Building
 - i. New construction: The replacement building shall be approximately the same square footage as the original building, not to exceed one hundred and twenty five percent (125%) of the square footage of the original building. The exterior shall be residential in design and character, and shall be subject to review and approval by the Design Review and Preservation Board.
 - ii. Relocation of historic structure: Subject to review and approval by the Design Review and Preservation Board, the building can be replaced with another historic structure relocated to the site and thereafter devoted to non-residential uses. For purposes of this provision, a historic structure shall mean a listed structure on the City's Official Register, or a structure eligible for listing.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 99-021
DATE ADOPTED: MAY 6 1999

- b. Restoration of Non-residential Uses: The replacement building may be devoted to the non-residential uses to which the building was lawfully devoted at the time of its destruction, including but not limited to uses which required a Special Permit at the time of destruction or which currently require a Special Permit but which were established prior to the Special Permit requirement. For purposes of this provision, a building shall be considered lawfully devoted to non-residential uses under the following circumstances:
- i. The building was actively being used for the non-residential use, including office, prior to its destruction. For purposes of this provision, a building which is temporarily vacant but for which new tenants are being sought shall be considered in active use.
 - ii. The building was temporarily unoccupied by the non-residential use because it was undergoing remodeling or renovations, for which a current building permit had been issued if a permit is required for such remodeling or renovations.
- c. Time for Reconstruction and Restoration: A building permit to construct a replacement building or to relocate a historic structure shall be obtained within two years of the date of destruction, and thereafter the building shall be constructed or the building relocated in a timely manner. Upon construction or relocation, the replacement building shall thereafter be devoted to the non-residential uses within a reasonable period of time, not to exceed one year. For purposes of this provision, a replacement building which has been completed but which is vacant shall be considered devoted to the non-residential use if new tenants are actively being sought for the non-residential use.
- d. Extension of Time: Upon showing of good cause by the property owner, the Zoning Administrator may grant an extension of time not to exceed an additional three years, for a maximum of five years, for issuance of a building permit.

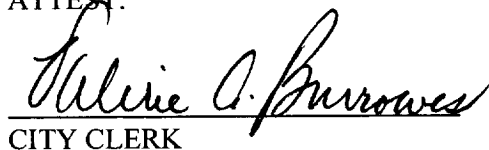
PASSED FOR PUBLICATION: **'APR -- 6 1999**

PASSED: **MAY -- 6 1999**

EFFECTIVE: **JUN -- 5 1999**


MAYOR

ATTEST:


CITY CLERK

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ORDINANCE NO. **99-021**

DATE ADOPTED: **MAY -- 6 1999**