

## **C. Zoning**

Changes to the zoning are an important recommendation in this document to implement the vision and goals for the corridor.

### **Zoning Goal and Policies**

#### **1. Ensure that zoning supports the identified character zones and goals of the plan**

- a. Retain current Special Use (SU) zoning established in portions of the corridor through sector development plans, except as proposed as amendments to those plans (See Land Use Policies).
- b. Allow mixed use development, including residential uses and live/work units as a use-by-right in most areas of the corridor.
- c. Use special use zoning in the corridor to encourage mixed use development.
- d. Address specific use issues
  - Use zoning to encourage auto sale establishments to locate in character zones that include compatible uses.
  - Discourage the construction and continued use of security fences in yards visible from North Fourth Street.
  - Consider clustering restaurant drive-throughs in only selected portions of North Fourth Street in order to minimize traffic disruption and manage air pollution caused by idling cars.
- e. Require automobile-oriented uses to comply with city landscaping standards.
- f. Allow live/work uses in adjoining mid-density residential areas.
- g. Retain current zoning for the established low-density single-family neighborhoods extending into the corridor.

## Existing Zoning Conditions and Issues

The North Fourth Street corridor contains a mixture of standard zones and special use zones. Acreage within the C-2 Community Commercial designation is the largest zoning type that is located directly along the street, although the study area contains larger components of residential and light manufacturing zones.

No residentially zoned property is located directly on North Fourth Street, although the planning area contains residentially zoned land. Areas located within sector plan boundaries have special use zones.

The table below summarizes the planning area's acreage by zoning category:

<b>North 4th Street Corridor Planning Area Existing Zoning Districts</b>		
<u>Zones</u>		<u>Acres in Zones</u>
C-1	Neighborhood Commercial	34.2
C-2	Community Commercial	117.7
C-3	Heavy Commercial	63.2
M-1	Light Manufacturing	240.1
M-2	Heavy Manufacturing	37.9
O-1	Office and Institutional	6.1
P	Parking	4.3
P-R	Reserve Parking	1.3
Park		2.2
R-1	Residential	267.1
R-2	Residential	48.5
R-3	Residential	19.2
MH	Mobile Home Development	7.9
S-MI	Sawmill-Mixed Industrial	16.9
S-R	Sawmill-Residential	15.9
S-MRN	Sawmill-Mountain Road	0.5
SU-1	Special Use Zone	83.3
SU-2	Special Neighborhood Zone	34.5
SU-3	Special Center Zone	34.4
<b>Total</b>		<b>1,035.2</b>

Existing zoning is shown on the map located on the following page.

## **Recommendations for Zone Changes and Plan Amendments**

### **Purposes of Zoning Changes**

Four adopted sector plans that contain zoning overlap the southern portion of the North Fourth Street corridor planning area. One objective is to amend selected provisions and mapping in two of the existing sector plans to enable somewhat more intense development on and close to North Fourth Street. These changes encourage mixed use redevelopment of North Fourth Street, and some residential and live/work redevelopment in easy walking distance to North Fourth Street.

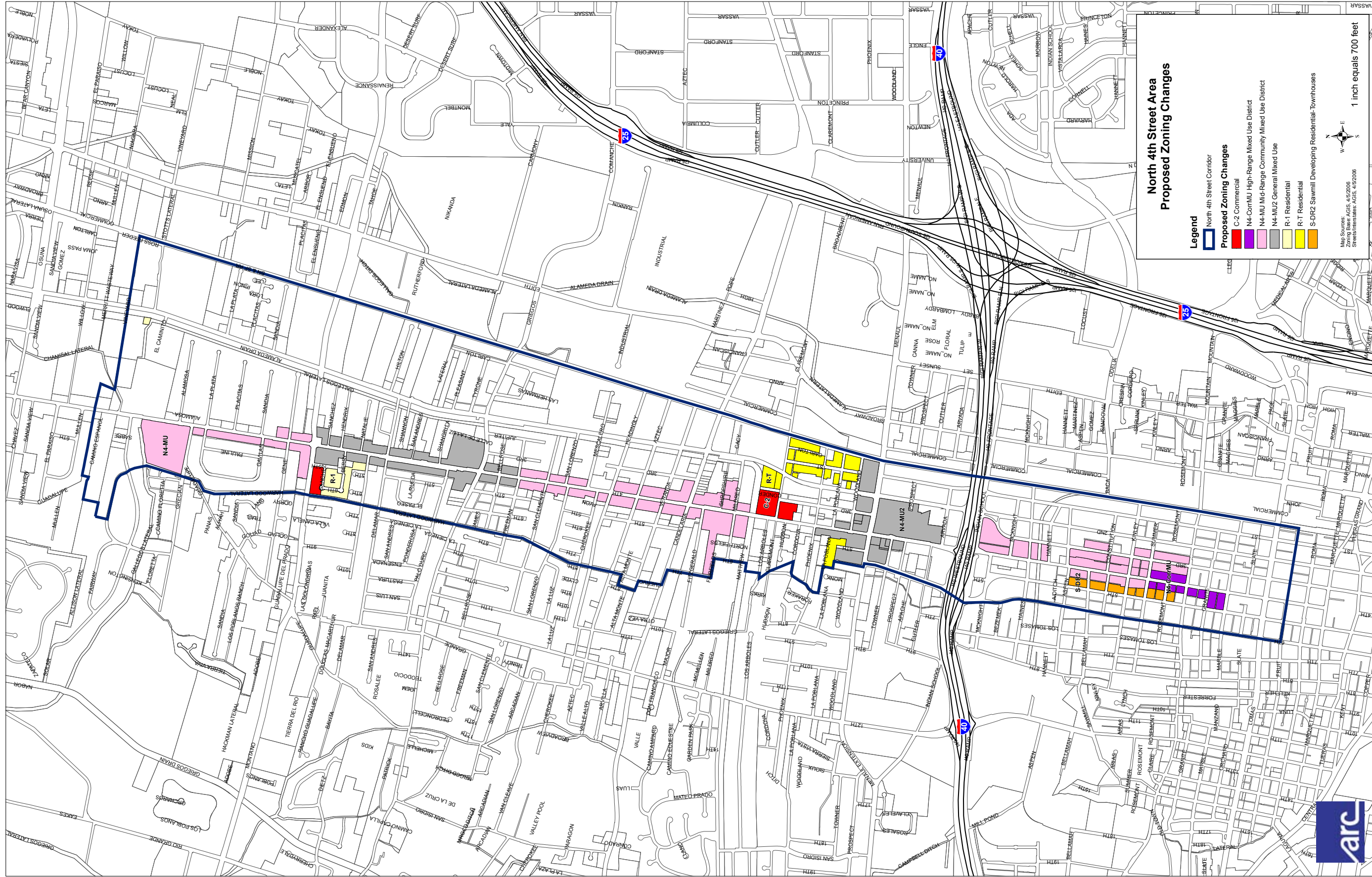
- Amend the MacClellan Park SU-2 zoning for Block 12, bounded by North Fourth, Marble, North 3rd and Granite Streets, to not require a ratio of residential to non-residential square footage and to not set a maximum height limit of 40 feet, while retaining the requirement of stepping back the structure over 26 feet in height.
- Amend the Sawmill-Wells Park zoning map and create a new zone to allow townhouses and live/work units in those half-blocks east of 5th Street.

Areas where no sector plans overlap the North Fourth Street planning area require several zoning map and text changes to enable mixed-use development that is oriented mainly to commercial services serving the nearby neighborhoods and the creation of more pedestrian and transit-oriented development. Other objectives are to encourage somewhat higher intensities of use, and to discourage heavy commercial uses that conflict with the desired redevelopment character. Urban design standards are included in all of the SU-2 zones.

- Create a new SU-2 high range corridor mixed-use zoning district to encourage more intense development at the southern end of the North Fourth Street corridor stepped down in intensity from adjacent downtown 2010 sector plan SU-3 zoning. This zone transitions from downtown, to the south, to the generally mid-range mixed-use intensity along the corridor to the north.
- Create a new SU-2 community mixed use zoning district to supplant selected areas of C-2 and C-3 zoning to enable more pedestrian-oriented development with residential uses and do not allow new uses that are oriented to automobiles and likely to conflict with pedestrian environment, including automobile sales, service or repair, and drive-through businesses. Another

objective is to create design standards in this new zone district to encourage pedestrian-friendly scale and features.

- Create a new SU-2 general mixed use zoning district for areas where automobile-oriented develop is still appropriate, allowing all of the uses in the existing C-2 zone, while adding residential uses as uses-by-right (no longer conditional uses as in straight C-2 zoning) and requiring reduced setbacks of storefront buildings on North Fourth Street to enhance pedestrian qualities of the streetscape.



## Amendments to Existing Rank 3 Sector Development Plans

The **MacClellan Park Sector Development Plan** SU-2 zoning shall be amended as follows:

The following strike-out language in provision IV.A.1.b (page 79) shall be deleted:

~~“b. New construction on Block 12 shall maintain the existing ratio of residential to non-residential square footage of 1 to 2. For every two square feet of non-residential use which is constructed, there must be one square foot of residential use constructed. An existing business doing business on the block on the effective date of this zoning regulation can expand into as much as 4,000 square feet of new building net floor area without being required to meet the residential to non-residential square footage requirement.”~~

The following strike-out language in provision IV.A.4. shall be deleted: ~~“A structure height up to 40 feet is permitted. There is no height requirement except as required by the specific block criteria contained in the MacClellan Park Metropolitan Redevelopment Plan, Guidelines for Site development Plan Review. The height of a structure above 26 feet shall fall within a 45 degree angle plane drawn from the horizontal at the mean grade along the southern boundary of a lot zoned specifically for houses. Exceptions to the above are provided in Section 14-16-3-3 of the Comprehensive City Zoning Code, and for sign and antenna height, in division (A) in this section.”~~

The **Sawmill/Wells Park Sector Development Plan** SU-2 S-R Residential zoning district in the blocks east of 5th Street to the midblock between Fifth and Fourth Streets and north of Mountain Road to Aspen Street shall be rezoned to a new zone, Sawmill-Developing Residential 2, or S-DR-2.

All provisions of the S-DR shall apply to the S-DR-2 zone with the exception that the following strike-out language for the S-DR Zone A.1 (p 103):

~~“A.1. Uses listed as permissive in the R-ET Zone in the Comprehensive City Zoning Code except that there shall be no more than 4 dwelling units per townhouse building and not more than 30% of the net land area within this zone shall be developed as townhouses...”~~

A live/work space, as defined in Section 14-16-1-5 (see below), shall be added to permissive uses in the S-DR-2 zone.

**Recommended Addition to Section 14-16-1-5 Definitions** of the Comprehensive City Zoning Code

***Live/work units:*** a dwelling unit also used for business purposes operating in the space. No separation between the spaces is required.

Businesses allowed shall include permissive uses listed for the C-1 Neighborhood Commercial Zone with the exception of:

- institution
- park-and-ride temporary facilities
- public utility structure
- retail sales of auto parts and supply, food and drink for consumption on or off premises, gasoline, oil, liquefied petroleum gas, hardware, and pets
- services for automobile and motorized bicycle (moped) repairing, banking, loaning money, car washing, dry cleaning, electronic and pinball games, health gymnasiums, medical or dental laboratory, small animal clinic, and taxidermy.

These uses shall not be permitted in live/work units. None of the conditional uses listed for the C-1 Neighborhood Commercial Zone shall be permitted in live/work units.

One related on-premise sign is permitted provided it does not exceed two square feet in area, and it is a non-illuminated wall sign.

There shall be no external evidence of the business activity with regards to inordinate vehicular traffic, outside storage, noise, dust, odors, noxious fumes or other nuisances emitted from the premises.

Parking requirements shall meet residential standards.

The business can have up to 4 employees on-site in addition to household members.

## North Fourth Street Redevelopment Plan SU-2 Zoning

1. **SU-2 High-Range Corridor Mixed Use District (N4CorrMU)** is governed by the following regulations:

### **A. Permissive uses.**

1. Uses listed as permissive in the C-2 Zone in the Comprehensive City Zoning Code, with the exception of:
  - a. Vehicular sales, rental, service, repair and storage
  - b. Gasoline, oil, and liquefied petroleum gas retailing
  - c. Car wash
  - d. Drive-through business facilities (including all types of drive-up service windows)

These uses shall not be permitted in the N4CorrMU zone.

2. Uses listed as permissive in the R-3 Zone in the Comprehensive City Zoning Code
3. Live/work units
4. Parking Lots: Same requirements as in the O-1 Zone.
5. Signs shall be allowed following the regulations in the C-2 Zone, with the following exceptions;
  - a. Off-premise mounted or free-standing signs shall be prohibited.
  - b. Signs that are portable, fixed on a movable stand, self-supporting without being firmly embedded in the ground, mounted on wheels or movable vehicles, or made easily movable in any manner shall be prohibited.
  - c. Wall signs shall not exceed 20% of the building front facade.

### **B. Conditional uses.**

1. Uses listed as conditional in the C-2 Zone in the Comprehensive City Zoning Code
2. Uses listed as conditional in the R-3 Zone in the Comprehensive City Zoning Code
3. Where uses listed for C-2 and R-3 are permissive in one zone but conditional in the other, the use shall be permissive.

### **C. Height.**

1. A structure height up to 40 feet in midblocks and up to 80 feet on corners. The portion(s) of a building that may be taller corner segments can be up to 20% of the block face. The third story and higher stories must be set back at least 8 feet from the front building plane.

### **D. Lot size.** No requirements



**E. Setbacks.**

1. There shall be no minimum front or corner setback established for properties fronting North Fourth Street in locations where the distance from the front property line to curb face is 8 feet or more. Where the distance from the front property line to curb face is less than 8 feet, there shall be a minimum front or corner yard setback of not more than 5 feet.
2. There shall be a maximum front setback of not greater than 15 feet for properties fronting North Fourth Street, except where providing pedestrian amenities including a pedestrian plaza or angled corner entrance.
3. There shall be a minimum front and corner setback of 5 feet for properties not fronting on North Fourth Street.
4. There shall be a minimum setback of 11 feet from the junction of a driveway or alley.
5. There shall be a minimum side setback of 5 feet for properties adjoining a lot zoned specifically for houses.
6. There shall be a minimum back setback of 5 feet for properties adjoining a lot zoned specifically for houses.
7. Clear sight triangles shall not be infringed upon.

**F. Off-street parking.** The maximum number of parking spaces is established as follows:

1. For all lots, the maximum number of allowed off-street parking spaces shall be equal to 120% of the required minimum.

**G. Landscaping.** Compliance with Section 14-16-3-10(E) shall be required for existing non-conforming developments within five years after the adoption of the North Fourth Street Study: Rank III Plan or upon 25% or more expansion or rebuilding of a structure, whichever comes first.

1. Where the property owner of existing non-conforming developments has established to the satisfaction of the planning director that it is physically impossible to create the required landscaping without reducing the number of parking spaces below minimum off-street parking requirements, compliance with Section 14-16-2-10(E) shall not be required within the five-year period.

**H. Fencing materials.** Fences made of chainlink, razor wire, barbed wire, corrugated metal siding, unadorned concrete blocks, or similar materials shall not be visible from public street rights-of-way in this zone.

**I. Building design.**

1. Massing: All front façade walls shall provide horizontal articulation consistent with the following standards:
    - a. The maximum allowable length of a building wall between articulations is 30 feet;
    - b. The minimum depth of each articulation is 3 feet; and
    - c. The minimum width of each articulation is 15 feet
  2. For properties fronting on North Fourth Street, the primary pedestrian entrances to all uses and business establishments shall face and be visible from the street.
  3. First floor front-facing façade fenestration shall constitute a minimum of 50% of the vertical surface.
  4. Building materials: corrugated metal siding and unadorned concrete block are not permitted on building facades fronting North Fourth Street.
- J. Usable open space for residential.** Usable open space shall be provided on-site in an amount equal to 200 square feet for each dwelling unit. Balcony space can be counted towards usable open space.

**2. SU-2 Mid-Range Community Mixed Use District (N4MU) is governed by the following regulations:**

**A. Permissive uses.**

1. Uses listed as permissive in the C-2 Zone in the Comprehensive City Zoning Code, with the exception of:
  - a. Vehicular sales, rental, service, repair and storage
  - b. Gasoline, oil, and liquefied petroleum gas retailing
  - c. Car wash
  - d. Drive-through business facilities (including all types of drive-up service windows)These uses shall not be permitted in the N4MU zone.
2. Uses listed as permissive in the R-3 Zone in the Comprehensive City Zoning Code
3. Live/work units
4. Parking Lots: Same requirements as in the O-1 Zone.
5. Signs shall be allowed following the regulations in the C-2 Zone, with the following exceptions;
  - a. Off-premise mounted or free-standing signs shall be prohibited.
  - b. Signs that are portable, fixed on a movable stand, self-supporting without being firmly embedded in the ground, mounted on wheels or movable vehi-

cles, or made easily movable in any manner shall be prohibited.

- c. Wall signs shall not exceed 20% of the building front facade.

**B. Conditional uses.**

1. Uses listed as conditional in the C-2 Zone in the Comprehensive City Zoning Code
2. Uses listed as conditional in the R-3 Zone in the Comprehensive City Zoning Code
3. Where uses listed for C-2 and R-3 are permissive in one zone but conditional in the other, the use shall be permissive.

**C. Height.**

1. A structure height up to 48 feet is permitted. The third story must be setback at least 8 feet from the front building plane. The height of a structure above 26 feet shall fall within a 45 degree angle plane drawn from the horizontal at the mean grade along the southern boundary of a lot zoned specifically for houses. Exceptions to the above are provided in Section 14-16-3-3 of the Comprehensive City Zoning Code, and for sign and antenna height, in division (A) in this section.

**D. Lot size.** No requirements

**E. Setbacks.**

1. There shall be no minimum front or corner setback established for properties fronting North Fourth Street in locations where the distance from the front property line to curb face is 8 feet or more. Where the distance from the front property line to curb face is less than 8 feet, there shall be a minimum front or corner yard setback of not more than 5 feet.
2. There shall be a maximum front setback of not greater than 15 feet for properties fronting North Fourth Street, except where providing pedestrian amenities including a pedestrian plaza or angled corner entrance.
3. There shall be a minimum front and corner setback of 5 feet for properties not fronting on North Fourth Street.
4. There shall be a minimum setback of 11 feet from the junction of a driveway or alley.
5. There shall be a minimum side setback of 5 feet for properties adjoining a lot zoned specifically for houses.
6. There shall be a minimum back setback of 5 feet for properties adjoining a lot zoned specifically for houses.
7. Clear sight triangles shall not be infringed upon.

- F. Off-street parking.** The maximum number of parking spaces is established as follows:
1. For all lots, the maximum number of allowed off-street parking spaces shall be equal to 120% of the required minimum.
- G. Landscaping.** Compliance with Section 14-16-3-10(E) shall be required for existing non-conforming developments within five years after the adoption of the North Fourth Street Study: Rank III Corridor Plan or upon 25% or more expansion or rebuilding of a structure, whichever comes first.
1. Where the property owner of existing non-conforming developments has established to the satisfaction of the planning director that it is physically impossible to create the required landscaping without reducing the number of parking spaces below minimum off-street parking requirements, compliance with Section 14-16-2-10(E) shall not be required within the five-year period.
- H. Fencing materials.** Fences made of chainlink, razor wire, barbed wire, corrugated metal siding, unadorned concrete blocks, or similar materials shall not be visible from public street rights-of-way in this zone.
- I. Building design.**
1. Massing: All front façade walls shall provide horizontal articulation consistent with the following standards:
    - a. The maximum allowable length of a building wall between articulations is 30 feet;
    - b. The minimum depth of each articulation is 3 feet; and
    - c. The minimum width of each articulation is 15 feet
  2. For properties fronting on North Fourth Street, the primary pedestrian entrances to all uses and business establishments shall face and be visible from the street.
  3. First floor front-facing façade fenestration shall constitute a minimum of 50% of the vertical surface.
  4. Building materials: corrugated metal siding and unadorned concrete block are not permitted on building facades fronting North Fourth Street.
- J. Usable open space for residential.** Usable open space shall be provided on-site in an amount equal to 200 square feet for each dwelling unit. Balcony space can be counted towards usable open space.

3. **SU-2 General Mixed Use (N4MU2)** is governed by the following regulations:
  - A. Permissive uses:**
    1. Uses listed as permissive in the C-2 Zone in the Comprehensive City Zoning Code,
    2. Uses listed as permissive in the R-2 Zone in the Comprehensive City Zoning Code
      - a. Where any of the following uses exist on an adjoining site, household living uses allowed in the R-2 Zone shall be separated from those uses listed below by a minimum of 50 feet:
        1. Vehicular sales, rental, service, repair and storage
        2. Gasoline, oil, and liquefied petroleum gas retailing
        3. Car wash
        4. Drive-through business facilities (including all types of drive-up service windows)
    3. Live/work units
    4. Parking Lots: Same requirements as in the O-1 Zone.
    5. Signs shall be allowed following the regulations in the C-2 Zone, with the following exceptions;
      - a. Off-premise mounted or free-standing signs shall be prohibited.
      - b. Signs that are portable, fixed on a movable stand, self-supporting without being firmly embedded in the ground, mounted on wheels or movable vehicles, or made easily movable in any manner shall be prohibited.
      - c. Wall signs shall not exceed 20% of the building front facade.
  - B. Conditional uses:**
    1. Uses listed as conditional in the C-2 Zone in the Comprehensive City Zoning Code
    2. Uses listed as conditional in the R-2 Zone in the Comprehensive City Zoning Code
    3. Where uses listed for C-2 and R-2 are permissive in one zone but conditional in the other, the use shall be permitted.
  - C. Height.**
    1. A structure height up to 39 feet is permitted. The height of a structure above 26 feet shall fall within a 45 degree angle plane drawn from the horizontal at the mean grade along the southern boundary of a lot zoned specifically for houses. Exceptions to the above are

provided in Section 14-16-3-3 of the Comprehensive City Zoning Code, and for sign and antenna height, in division (A) in this section.

**D. Lot size.** No requirements

**E. Setbacks.**

1. There shall be no minimum front or corner setback established for properties fronting North Fourth Street in locations where the distance from the front property line to curb face is 8 feet or more. Where the distance from the front property line to curb face is less than 8 feet, there shall be a minimum front or corner yard setback of not more than 5 feet.
2. There shall be a maximum front setback of not greater than 15 feet for properties fronting North Fourth Street, except where providing pedestrian amenities including a pedestrian plaza or angled corner entrance.
3. There shall be a minimum front and corner setback of 5 feet for properties not fronting on North Fourth Street.
4. There shall be a minimum setback of 11 feet from the junction of a driveway or alley.
5. There shall be a minimum side setback of 5 feet for properties adjoining a lot zoned specifically for houses.
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**G. Landscaping.** Compliance with Section 14-16-3-10(E) shall be required for existing non-conforming developments within five years after the adoption of the North Fourth Street Study: Rank III Corridor Plan or upon 25% or more expansion or rebuilding of a structure, whichever comes first.

1. Where the property owner of existing non-conforming developments has established to the satisfaction of the planning director that it is physically impossible to create the required landscaping without reducing the number of parking spaces below minimum off-street parking requirements, compliance with Section 14-16-2-10(E) shall not be required within the five-year period.

**H. Fencing materials.** Fences made of chainlink, razor wire, barbed wire, corrugated metal siding, unadorned concrete blocks, or similar materials shall not be visible from public street rights-of-way in this