



Memorandum

To: Chair and Members of the Plan Commission

From: Johanna Nyden, Director of Community Development
Meagan Jones, Neighborhood and Land Use Planner
Katie Ashbaugh, Planner

Subject: Text Amendments to Define and Allow Live-Work Units | 21PLND-0049
City Council Determining Body

Date: July 9, 2021

Request:

Andrew Spatz, the applicant, submits for a Text Amendment to allow live-work units as a permitted use in the C2 Commercial District (Section 6-4-10-2 of the Evanston City Code). The City of Evanston also proposes Text Amendments to Title 6 of the Evanston City Code to revise the definition of "live-work unit", to add special regulations for live-work units, and to add live-work units as a permitted use within all non-residential and non-university zoning districts.

Notice:

The application has been filed in conformance with applicable procedural and public notice requirements, including publication in the Evanston Review on June 24, 2021.

Analysis:

Background

Live-work units are a type of mixed-use development wherein a business owner or one or more of the employees of that business may also live on the same premises as the business itself. The principal use of the building or tenant space is the business and accessory to the business is a dwelling unit. To be considered a live-work unit, the person must be able to sleep, cook, bathe, and use the bathroom. If the area does not have a heating element and kitchen sink or does not have a private bathroom not used by the customer during business hours, it would not be considered a live-work unit.

Live-work units have been in use for many years, with traditional downtown buildings consisting of the storefront of the ground floor and the living quarters on the second and/or third floors. More recently, they have become more prevalent for artists, skilled-trade workers, entrepreneurs, or self-employed professional service providers. The work and living areas are not always separated by a floor change and instead may blend into one another, or only be separated by a demising wall.

People may choose a live-work unit for a variety of reasons. First, working where one also is living eliminates a commute and therefore may be a cost-effective alternative by allowing the person to save on transportation and parking costs. Second, depending on the nature of the business, it can reduce overhead costs for the business and reduce living expenses if the person is only paying rent for one building or tenant space, rather than rent for two separate locations. Third, if the employer is the property owner and/or lessee, they may offer the living quarters to a new employee and it can be a more affordable means for the employee to save on transportation.

Existing Conditions & Current City Policy

Although the City does not expressly regulate live-work units in any zoning district, many exist. The City has not registered such properties, as is required for rental housing, and does not have records of where they all may be located but is aware some properties are known as live-work units anecdotally. The City has historically considered live-work units as an accessory use to the either permitted or duly authorized special uses allowed on the property in the applicable zoning district. With the increasing popularity and desirability of this style of housing type, staff will be studying the next steps for rental registration (or rental licensing if this is implemented in the future) for this property type.

The City does regulate home occupations in Chapter 6-5 of the Zoning Code. Home occupations are permitted only in residential zoning districts and are considered an accessory use to the dwelling unit itself. Based on the percentage of the floor area of the dwelling unit used for the home occupation, it may be considered a minor or major home occupation. At most, no more than 25 percent of the floor area of the dwelling unit may be used and no more than two non-residents of the dwelling unit may be employed by the business. Delivery frequency and customer volume are also limited.

Other Communities

Live-work units are commonly defined and regulated in more dense municipalities where mixed-use development is already prevalent. They also may be defined and regulated in municipalities that consider them an economic development tool for start-ups and local businesses. A few urban municipalities which define and regulate live-work units are Chicago, Illinois; Columbus, Ohio; Iowa City, Iowa; and San Diego, California (see attached for reference).

Proposed Text Amendments:

By Applicant

The applicant has designed and developed multiple live-work units throughout the City. They specifically are proposing to add the use, "live-work units", to the list of permitted uses in the C2 district. The property at which they are proposing their newest live-work unit, 1312 Hartrey Avenue, is located on the west side of Hartrey just north of the intersection with Dempster Street in the C2 district.

City-Initiated

To ensure that the proposed amendment as requested by the applicant is not limited to only one of the districts in which this use already exists, staff is proposing to also add the use, “live-work units”, as a permitted use in all non-residential and non-university zoning districts. This includes the following districts:

- Business Districts (B1, B2, B3, B1a)
- Commercial Districts (C1, C1a, C2)
- Downtown Districts (D1, D2, D3, D4)
- Research Park District (RP)
- Transitional Manufacturing Districts (MU, MUE, MXE)
- Industrial Districts (I1, I2, I3)
- Office District (O1)
- Open Space District (OS)

Additionally, to provide additional parameters within which live-work units may operate, staff is also proposing to add a new Section to Chapter 6-4 of the Zoning Code (General Provisions). These regulations are intended to define a ratio of work area to living area that constitutes as a live-work unit and permitted occupants of the living area.

Finally, staff is also proposing an amendment to eliminate regulatory language from the existing definition of “live-work unit” in Section 6-18-3. This will ensure all regulations are within the new Section.

Standards for Text Amendments (Section 6-3-4-5):

For the Plan Commission to recommend approval to the City Council of the proposed text amendments, the Plan Commission should consider whether or not the following standards are met:

1. **The proposed amendments are consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council.** *Standard met* - The proposed amendments serve to maintain the appealing character of Evanston’s neighborhoods while guiding their change and also encourage the adaptive reuse of properties available for redevelopment.
2. **The proposed amendments are compatible with the overall character of existing development in the immediate vicinity of the subject property.** *Not applicable.*
3. **The proposed amendments will have an adverse effect on the value of adjacent properties.** *Not applicable.*
4. **The adequacy of public facilities and services.** *Not applicable.*

Recommendation:

Given the current economic, social, and environmental factors contributing to shifts in where people choose to live relative to where they work, live-work units allow both an additional housing option while also contributing to the local economy and business

community. The Climate Action and Resilience Plan also identifies reducing vehicle miles traveled as part of Goal #1 within the Transportation and Mobility Focus Area. By allowing people to live where they work, two (2) daily trips at a minimum are eliminated per live-work unit.

Further, given that many live-work units exist but the City has historically not regulated them, the proposed amendments give the City authority to ensure that such accessory living quarters to otherwise nonresidential uses are habitable and safe. The Plan Commission should recommend approval of the proposed text amendments as presented to the City Council. The City Council will then make a final determination.

Attachments:

1. Applicant's Text Amendment Application Materials
2. Plat of Survey
3. Draft Text Amendment Language
4. Chicago, IL Live-Work Regulations
5. Columbus, OH Live-Work Regulations
6. Iowa City, IA Live-Work Regulations
7. San Diego, CA Live-Work Regulations



Katie Ashbaugh <kashbaugh@cityofevanston.org>

Zoning Ordinance Text Amendment Application

1 message

noreply@formstack.com <noreply@formstack.com>
Reply-To: aspatz122@gmail.com
To: zoning@cityofevanston.org

Thu, May 27, 2021 at 12:54 PM



Formstack Submission For: **Zoning Ordinance Text Amendment Application**

Submitted at 05/27/21 12:54 PM

Address: [1310 hartrey](#)
IL, IL 60202

Permanent Identification Number (PIN) 1: 10-13-321-020-0000

Permanent Identification Number (PIN) 2:

Name: Andrew Spatz

Organization:

Address: [1216 Main Street](#)
Evanston, IL 60202

Home or Office Phone Number: (847) 864-3100

Cell Phone Number: (847) 971-3290

Email: aspatz122@gmail.com

Please choose primary means of contact: Cell Phone

Is applicant also the property owner?: Yes

Name:

Organization:

Address:

**Home or Office Phone
Number:**

Cell Phone Number:

Email:

**What is the relationship of
the applicant to the
property owner?:**

**Please state the Zoning
Ordinance Section Number,
what the Ordinance
currently states, and how
you would like to amend
the text.:**

6-10-4-2 ADD live/work unit to the permitted use section

**Is there another section
you wish to be amended?:**

No

**Please state the Zoning
Ordinance Section Number,
what the Ordinance
currently states, and how
you would like to amend
the text.:**

**2) Is there another section
you wish to be amended?:**

**Please state the Zoning
Ordinance Section Number,
what the Ordinance
currently states, and how
you would like to amend
the text.:**

**3) Is there another section
you wish to be amended?:**

**Please state the Zoning
Ordinance Section Number,
what the Ordinance
currently states, and how
you would like to amend
the text.:**

4) Is there another section

you wish to be amended?:

Please state the Zoning Ordinance Section Number, what the Ordinance currently states, and how you would like to amend the text.:

5) Is there another section you wish to be amended?:

Please state all the remaining Zoning Ordinance Section Numbers, what the Ordinances currently state, and how you would like to amend the text.:

Please describe the reason for the proposed zoning ordinance text amendment.:

How is the proposed amendment with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council?:

Per my previous discussions with Johanna Nyden (director of community development), Melissa Klotz (zoning administrator) and the support of alderman Peter Braithwaite, I would like to add live/work unit as a permitted use in C2 zoning districts.

I believe adding FLEXIBILITY to Evanston's C2 commercial district will increase the city's property and sales tax income by decreasing vacancies in existing properties. It will also stimulate new development such as my project at [1310 Hartrey](#). Expanding property owner and end user CHOICES will accelerate Evanston's recovery from the COVID economic recession. My company has a 27 year successful project history adding to the demand for live/work units. This need is growing and justifies expansion to C2 district and will add to Evanston's demand for affordable building stock.

As Evanstonians, we have a limited window of opportunity to inform the public and potential investors that the City of Evanston is an ENABLER that seeks to attract entrepreneurs and small business to our city. As we all know, we have location, a diverse community of talent, public transportation and Northwestern University.

Historically, similar legislation developed in public/private partnership has facilitated positive and lasting growth. For example, the creation the now 15 year-old MXE zoning district and the related adaptive re-use portion of the Green Building Ordinance provided a development CATALYST for both the 2nd and 5th wards.

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In what ways is the proposed amendment compatible with the overall character of existing development in the immediate vicinity of the subject property?:

Will the proposed amendment have an adverse affect on the values of adjacent properties and why?:

No, by allowing flexibility within the C2 adjacent property values will actually increase.

What change to existing public facilities and services, if any, will be required to serve the effects of the proposed amendment?:

There will be no changes to existing public facilities and services.

Plat of Survey, if applicable - One copy of plat of survey, drawn to scale, that accurately reflects current conditions.:

[View File](#)

Date of Survey:

Sep 25, 2013

Legal Descriptions of all properties as shown on Plat of Survey, if applicable.:

[View File](#)

Date of Descriptions:

Sep 25, 2013

Proof of Ownership, if applicable - Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents, etc.:

[View File](#)

Document Submitted:

warranty deed

Additional Documentation:

Additional Documentation -:

Quantity:

1

Price:

1100

Credit Card:

Card number: *****8774 Expiration: 02/25

I certify that all of the above statements and all statements, information and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance or for an appeal from the Zoning Administrator's decision are true to the best of my knowledge.:



[Direct Link to Image](#)

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Formstack, [11671 Lantern Road, Suite 300, Fishers, IN 46038](#)

WARRANTY DEED

Statutory (Illinois)

THE GRANTOR:

EVANSTON 30, LLC

an Illinois Limited Liability Company

for and in consideration of Ten and no/100 Dollars (\$10.00) in hand paid, and other good and valuable consideration, CONVEYS and WARRANTS to **ANDREW J. SPATZ**



Doc#: 1412049034 Fee: \$40.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 04/30/2014 11:54 AM Pg: 1 of 2

BW/4-20460 10618

the following described Real Estate situated in the County of Cook, in the State of Illinois, to wit:

SEE ATTACHED

Subject to the following permitted exceptions, if any,: covenants, conditions, and restrictions of record; public and utility easements; general real estate taxes for 2013 and subsequent years; the mortgage or trust deed and acts done or suffered by or through the Purchaser.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois. TO HAVE AND TO HOLD said premises, forever.

STREET ADDRESS: 1310 Hartrey Avenue, Evanston, Illinois 60202-60201

PIN: 10-13-321-020-0000

DATED THIS 21st DAY OF APRIL, 2014.

EVANSTON 30, LLC

Attested:

By: [Signature]
HAROLD D. RIDER, JR., Managing Member

Baird & Warner Title Services, Inc.
475 North Martingale
Suite 950
Schaumburg, IL 60173

State of Illinois, County of Cook ss. I, the undersigned a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that HAROLD D. RIDER, JR., Managing Member of EVANSTON 30, LLC, known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 21st day of April, 2014.



Alma Sikitic

NOTARY PUBLIC

This instrument was prepared by Heidi Weitmann Coleman, Attorney at Law, 7301 N. Lincoln Ave., Suite 140, Lincolnwood, Illinois 60712.

Mail To:

Send Subsequent Tax Bills To:

*andrew j. spatz
1216 madison st. 60202
evanston, IL 60202*

*andrew j. spatz
1216 madison st. 60202
evanston, IL 60202*

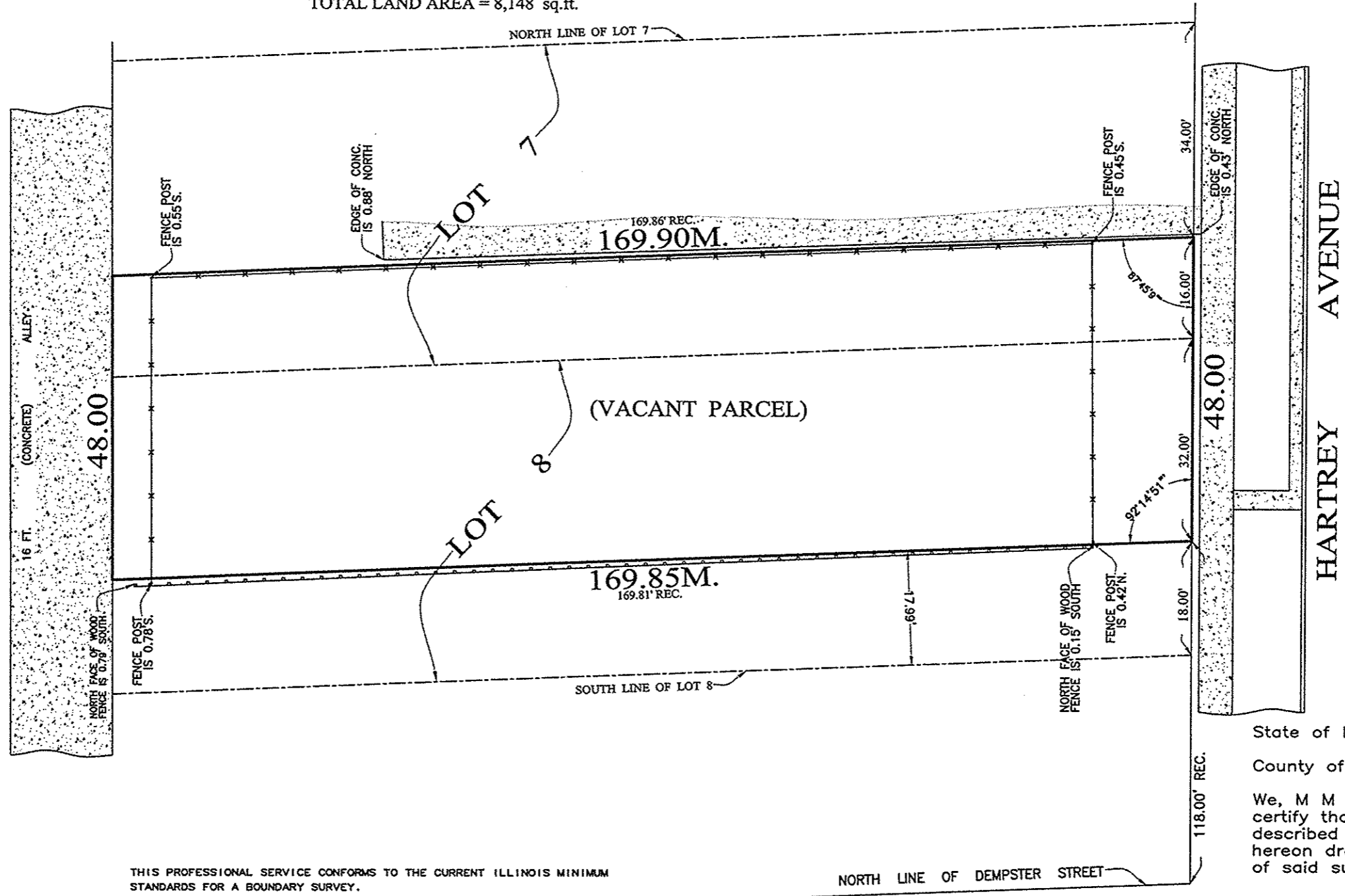
MM SURVEYING CO., INC.

PROFESSIONAL DESIGN FIRM No. 184-003233

PLAT OF SURVEY

THE SOUTH 16 FEET OF LOT 7 AND THE NORTH 32 FEET OF LOT 8 IN BLOCK 7 OF FOWLER AND McDANIEL'S SUBDIVISION OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1310 HARTREY AVE., EVANSTON, ILLINOIS
TOTAL LAND AREA = 8,148 sq.ft.



- LEGEND :**
- CHAIN LINK FENCE
 - WOOD FENCE
 - CONCRETE PAVEMENT
 - E.F.P. - ENCLOSED FRAME PORCH
 - O.F.P. - OPEN FRAME PORCH
 - O.B.P. - OPEN BRICK PORCH
 - O.C.P. - OPEN CONC. PORCH
 - E.C. - EDGE OF CONCRETE

Order No. 81612
Scale: 1 Inch = 20 FEET
FIELDWORK COMPLETION DATE : 25 SEPTEMBER 2013
Ordered by: PRESENCE HEALTH CARE

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, TITLE POLICY AND LOCAL ZONING ORDINANCE, ETC.
LEGAL DESCRIPTION NOTED ON THIS PLAT WAS PROVIDED BY THE CLIENT AND MUST BE COMPARED WITH DEED AND/OR TITLE POLICY.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
NO CORNERS WERE MONUMENTED PER CUSTOMER REQUEST.

State of Illinois ss
County of Cook
We, M M Surveying Co., Inc., do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.
Signature: M. M. Surveying Co., Inc.
Date: 09-26-2013
REG. ILL. Land Surveyor No. 35-2522
LIC. EXP. NOVEMBER 30, 2014

Text Amendments to Define and Allow Live-Work Units
July 14, 2021 Plan Commission Meeting

DRAFT

(**bold/underlined** = new text; ~~struck through~~ = removed)

Proposed Text Amendment Language:

Section 6-18-3:

Live-Work Unit:

A structure or a portion of a structure ~~tenant space:~~ a) that combines an **where** allowed commercial or manufacturing **nonresidential** activity with a residential living space for **occurs** by the owner or proprietor of the commercial or manufacturing nonresidential activity, and that person's household; b) where the resident owner or proprietor of the business is responsible for the commercial or manufacturing nonresidential activity performed; and c) where the commercial or manufacturing nonresidential activity conducted takes place pursuant to a valid business license or permit associated with **as the principal use of the structure or tenant space and a living quarters accessory to the allowed nonresidential activity serves as a dwelling unit on** the premises. **A live-work unit shall not consist of solely the allowed nonresidential activity and a sleeping unit without a kitchen for use exclusively by the occupant.**

Section 6-4-6-13:

Special Regulations Pertaining to Live-Work Units:

- A. **Purpose and Intent:** The purpose of this Section is to permit the **establishment of live-work units that are compatible with the nonresidential and non-university districts in which they are located and to ensure that live-work units are safe and habitable for occupants.**
- B. **Construction:** A live-work unit may be created through **new construction, addition to an existing principal structure, or conversion of an existing principal structure to a live-work unit.**
- C. **Number of Units:** One (1) live-work unit is permitted per principal **nonresidential activity with a valid business registration granted in accordance with Title 3 (Business Regulations) of the Evanston City Code occurring within a structure or tenant space.**
- D. **Minimum Lot Size:** None.
- E. **Dwelling Unit Size within a Live-Work Unit:**
 1. **Maximum:** No more than 49 percent of the floor area of **each live-work unit, excluding bathrooms, may be used or arranged for residential purposes.**

2. **Minimum: All live-work units shall be of a suitable area that may sufficiently accommodate one (1) dwelling unit, as defined by Section 6-18-3 of this Title, and shall be compliant with all applicable requirements stated in Title 4 (Building Code) of the Evanston City Code.**

F. Ownership and Occupancy:

1. **Permitted Residents: At least one of the occupants shall be either the property owner conducting the nonresidential activity within the live-work unit, the business owner responsible for the nonresidential activity presently leasing the live-work unit from the property owner, or an employee of the business owner.**

Should the permitted resident be leasing the area designated as the dwelling unit within the live-work unit, whether from the business owner or the property owner, the dwelling unit within the live-work unit shall be subject to Chapters 5-3 (Landlord and Tenant Regulations) and 5-8 (Registration of Rental Residential Buildings).

2. **No Vacation Rentals: Live-work units shall not be rented or leased as Vacation Rentals, as defined by Section 5-9-2 of the Housing Regulations.**

G. Off-Street Parking: Parking is required for the nonresidential activity being conducted within the live-work unit per Chapter 16 (Off-street Parking and Loading), Table 16-B. Additional parking shall not be required for the dwelling unit component of the live-work unit.

H. Design Standards:

1. **Location: The nonresidential activity of the structure or tenant space occurring within the live-work unit shall be visible from the public right-of-way. In structures greater than one story in height, the nonresidential activity shall occur on the ground floor of the structure.**
2. **Entrances: Only one (1) entrance to the dwelling-unit component of the live-work unit may be located on the front-facing facade of the principal building, provided one (1) dedicated customer entrance is already provided and the residential activity is not visible from the public right-of-way. The live-work unit shall have at least one (1) entrance solely dedicated to the dwelling unit component of the live-work unit.**

If the dwelling unit component of the live-work unit is 1,000 square feet or larger, excluding the bathroom or bathrooms, it shall have at least two dedicated entrances.

- I. **Alterations or Additions to Existing Structures: If an existing nonresidential principal structure that does not meet one or more of the standards within the underlying zoning district is converted into a live-work unit, the structure is exempt from the standard(s) it does not meet. However, any alterations or additions that would result in the structure becoming less conforming with those standards it does not meet are not allowed.**

Section 6-10-4-2:

The following permitted uses may be permitted in the C2 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Live-Work Units (subject to the general requirements of Section 6-4-6-13 of this Title)
(among others listed)

Similar text amendment language to add the use as a permitted use in the O1, D1, D2, D3, D4, C1a, C1, C2, B1a, B2, B3, I1, I2, I3, RP, MU, MXE, MUE Districts and the oDM, oCSC, and oH Overlay Districts.

14B-4-419 Live/work units.**Chicago, IL**

The provisions of Section 419 of IBC are adopted by reference with the following modifications:

1. Revise the exception to Section 419.1 to read:

"Exception:*Dwelling units* or *sleeping units* that include workspace that is less than 20 percent of the area of the *dwelling unit* or 200 square feet (18.6 m²), whichever is greater, are permitted to be classified as *dwelling units* with accessory occupancies in accordance with Section 508.2."

2. Revise items 1 and 2 in Section 419.1.1 to read:

"1. **The *live/work unit* shall be not less than 800 square feet (74.3 m²) and not greater than 3,000 square feet (279 m²) in *gross area*.**

2. **The nonresidential area shall be not more than 50 percent of the area of each *live/work unit*.**"

3. Revise Section 419.2, excluding the exception, to read:

"419.2 Occupancies.

Live/work units shall be classified as a Group R-2 or R-5 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the *live/work unit* where the *live/work unit* is in compliance with Section 419. Nonresidential uses that would otherwise be classified as either a Group H or S occupancy shall not be permitted in a *live/work unit*. *Live/work units* shall not be used for the commercial production, sale or distribution of food or drink for consumption on- or off-premises."

4. Delete Section 419.5.

5. Revise Section 419.9 to read:

"419.9 Plumbing facilities.

The nonresidential area of the *live/work unit* shall be provided with minimum plumbing facilities as specified by the *Chicago Plumbing Code*, based on the function of the nonresidential area. Where the nonresidential area of the *live/work unit* is required to be *accessible* by Section 1107.6.2.1, the plumbing facilities and fixtures specified by the *Chicago Plumbing Code* shall be *accessible*. Plumbing facilities shall be allowed to serve both residential and nonresidential areas within a *live/work unit*."

(Amend Coun. J. 2-19-20, p. 14473, Art. II, § 13)

wetlands, air quality, water quality, flora and fauna, and public health must be submitted. The assessment must also evaluate potential risk and effects of accidental releases, fires or explosions on surrounding communities, and must analyze alternatives to the proposed facility and address their costs and impact on the environment.

(c) An end-use plan describing the proposed use of the site after terminating use of the facility.

3. **Business live/work units.** In addition to any other general information required to be submitted with a special use application, the following specific information must accompany any special use application for a business live/work unit:

(a) Description of the nature of the work activities to be performed in the business live/work unit.

(b) Floor plan that identifies those areas to be used as living space and those areas to be used as work space and a table showing the square footage devoted to each.

17-13-0903 Recommendation – Zoning Administrator. The Zoning Administrator must review each proposed *special use* application and forward a recommendation on the proposal to the Zoning Board of Appeals before the Board's public hearing.

17-13-0904 Hearing. The Zoning Board of Appeals must hold a hearing to consider the *special use* application. Written, Published and Posted Notice of the Zoning Board of Appeals' public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

17-13-0905 Approval Criteria.

17-13-0905-A General Criteria. Except as otherwise expressly provided in this Zoning Ordinance, no *special use* application may be approved unless the Zoning Board of Appeals finds that the proposed use in its proposed location meets all of the following criteria:

1. complies with all applicable standards of this Zoning Ordinance;
2. is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community;
3. is compatible with the character of the surrounding area in terms of site planning and building scale and project design;
4. is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and
5. is designed to promote pedestrian safety and comfort.

17-13-0905-B Waste-Related Uses Approval Criteria.

1. **Specific Criteria.** No *special use* application for a waste-related use may be approved unless the Zoning Board of Appeals finds that the *special use* meets the General Criteria of Sec. 17-13-0905 and all of the following specific criteria:

- (a) is necessary to accommodate the waste removal needs of the area it is intended to serve;
- (b) is located outside the boundary of the 100-year flood plain as determined by the Illinois Department of Transportation, or the site is flood- proofed to meet the standards and requirements of the Department of Transportation and is approved as flood- proofed by said Department;
- (c) is designed to minimize the danger to the surrounding area from fires, spills or other operational accidents;
- (d) is so designed and located as to minimize the impact on existing traffic flow in the surrounding area;
- (e) is designed and proposed to be operated so as to minimize adverse impacts on air, land and water quality by using the best commercially available pollution control technology;

- (c) the use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
- (d) the use will not have an adverse effect on traffic-flow or parking within the surrounding area;
- (e) the use will not generate noise levels that would disrupt the peace and enjoyment of surrounding areas;
- (f) the use will not have an adverse effect on the character of the surrounding neighborhood because of the hours of operation of use;
- (g) the use will not be inconsistent with the exterior appearance of other commercial establishments;
- (h) the use will conform to the applicable regulations of the district in which it is to be located; and
- (i) the use complies with all other applicable city standards, including those of Sec. 17-9-0101.

2. Basis for Decision-Making.

(a) The decision of the Zoning Board of Appeals to approve or deny a *special use* application for an *adult use* must be based solely on the approval criteria set forth in this section, and all such considerations must be applied consistently with the applicant's constitutional rights, as contained in the First, Fifth and Fourteenth Amendments of the United States Constitution, and Sections 2 and 4 of Article I of the Illinois Constitution. The Zoning Board of Appeals must approve any such application unless substantial evidence is presented that demonstrates that the application fails to meet at least one of the criteria set forth in Sec. 17-13-0905-D1.

(b) For purposes of this section, the phrase "substantial evidence" means more than a de minimis quantum of evidence. If substantial evidence is adduced, this section may not be construed to impose a burden of proof on any party objecting to an application other than proof by a preponderance of the evidence.

3. Time-Frame for Decision-Making. If the Zoning Board of Appeals does not render a final decision on a *special use* application for an *adult use* within 120 days after the application is filed, the application will be considered to be approved, provided that this limitation does not apply during any period of time during which consideration of the application has been delayed at the request of the applicant.

17-13-0905-E Business live/work units. No special use application for a business live/work unit may be approved unless the Zoning Board of Appeals finds that the special use meets the general criteria of Section 17-13-0905 and all of the following specific criteria:

1. The floor plan for the business live/work unit provides a functional and open area for a bona fide commercial use.
2. The business live/work unit is easily identified as a business and conveniently accessible by clients, employees and other business visitors.
3. The establishment of the business live/work unit will not impair the retention or creation of commercial uses in the surrounding neighborhood.
4. Each business live/work unit has been designed to ensure that the residential space meets basic habitability requirements in compliance with Section 14B-4-419 of the Municipal Code and any other applicable codes, ordinances, laws, rules, and regulations.
5. The residents of the business live/work unit will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions.

17-13-0905-F Parking Reductions for Transit-Served Locations.

1. Specific Criteria. No special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than 50% as expressly

Chapter 3320 - TRADITIONAL NEIGHBORHOOD DEVELOPMENT

3320.01 - Purpose.

The purpose of this article is to encourage the development of transit-supportive mixed-use neighborhoods that foster pedestrian activity and a sense of community. It recognizes that many activities of living should occur within easy walking distance, giving independence to those who do not drive. It also recognizes the importance of linkages to the broader community and the importance of public transit as a viable alternative to the automobile by providing appropriate densities and land uses within walking distance of the transit stop.

This article recognizes that the suburban development pattern of late 20th century has produced a separation of land uses, excessive vehicular trip generation, inefficient public transportation, and infrastructure costs that exceed available resources. It is the intent of this article to provide for a development pattern that can reduce trip demand and infrastructure costs, and to create more viable communities, by adapting the land development principles that guided our country's first settlements, towns, cities and suburbs.

(Ord. 1518-01 § 3 (part).)

3320.011 - Principles.

Those principles, as adapted to our current situation, are listed below:

- A. The basic increment of planning is the transit-supportive, mixed-use neighborhood of a minimum density of five units per acre.
- B. The neighborhood is defined by an easy walking distance from edge to center, ranging from one-quarter mile to one-half mile.
- C. A variety of housing stock serves a range of incomes and age groups and includes backyard apartments, apartments above shops and residential units adjacent to work places.
- D. A variety of business types are accommodated, from retail and professional offices to live-work units and outbuildings for start-up businesses. The office stock serves a range from home occupations to conventional office buildings. The retail stock includes a range from the corner store to small supermarkets.
- E. Special sites are reserved for civic buildings to serve as symbols of the community, thus enhancing community identity.
- F. A variety of civic space takes the form of parks, greens, squares and plazas.
- G. A variety of thoroughfares are designed to be equitable to the pedestrian, bicycle and automobile. Thoroughfares are connected in such a way as to encourage walking and reduce the number and length of automobile trips.
- H. Building frontages spatially delineate thoroughfares and civic spaces and mask parking lots.
- I. Smaller block sizes reflecting intensity of use for each district will serve to support the above principles.
(See Transect diagram)

"Foundation planting" means the planting along the exterior foundation of a building designed to soften and enhance the architecture and to accentuate certain architectural elements (i.e. entryways). The planting should be of correct size for the intended location and should be designed to present a continuous theme around the building using both evergreen and deciduous materials to provide year round appeal. Planting should be maintained to prevent an overcrowded or overgrown appearance.

"Front" means the provision of an element along a frontage line, as in "porches front the avenue."

"Front of a building" means the widest side of the building fronting on the widest thoroughfare except lane, alley or a passage, interconnected with other thoroughfares, which has no fewer entrance doors than any other side of the building.

"Frontage" means the layer of a lot between the façade and the lot line that fronts a thoroughfare or a civic open space or the privately held layer between the façade of a building and the lot line.

"Gallery and arcade" means a frontage type which is the façade of a building or an attached colonnade. The building overlaps the sidewalk above while the ground story remains set back at the lot line. This type is indicated for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. An easement for private use of the right-of-way is usually required. To be useful, the arcade should be no less than 12 feet wide.

"Green" means a medium-sized civic open space available for unstructured recreation, its landscape predominantly consisting of grassy areas and trees, naturalistically disposed and requiring only limited maintenance.

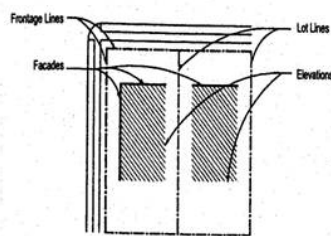
"Hedge" means a continuous row of shrubs with minimum height of 24 inches at installation, three feet on center maximum and reaching 36 inches in height and 85 percent opacity within three years.

"Lane" means a vehicular access way located to the rear of lots providing access to parking and outbuildings and utility easements designed for providing access to more than two residential properties. No overhead wires, no overhangs, and no parking are permitted in the right-of-way. See Thoroughfares section.

"Live-work unit" means a commercial building type with one dwelling above a commercial shopfront. Common walls are permitted on the side lot lines.

"Lodging" means premises available for short-term residence, including daily and weekly letting. See Use Standards Table.

"Lot line" means the boundary that legally and geometrically demarcates a lot. Lot lines appear graphically on the Regulating Plan as the baseline for measuring setbacks. See Frontage Line.



"Lot width" means the dimension of a lot measured parallel to the frontage line at the building setback.

"Mid-block parking lot" means parking lots situated between the side walls of buildings and not extending beyond the rear or front wall of the buildings, which are no wider than two parking lanes and the access drive.

7. For purposes of meeting allocation requirements, at least 50 percent of any district is other than civic space.
8. Civic spaces of one acre or greater will be dedicated to public use, accepted by the city of Columbus, and maintained by the recreation and parks department to a standard similar to other civic spaces maintained by them. Civic spaces approved at the time of rezoning count toward the requirements of Columbus City Codes Chapter 3318.
9. Civic spaces to be owned and maintained by the city of Columbus or otherwise dedicated for public use are accessed by a public thoroughfare.

B. Mandatory Elements:

1. The development contains civic spaces within the required distance of each housing unit. (3 pts)
2. Civic space types are designated on the regulating plan and conform with the standards specified in the Civic Space Types by Districts Table and the Civic Space Landscape Standards. (3 pts)
3. A majority of civic spaces and civic building space have a minimum of 50 percent of their perimeter along a thoroughfare excluding alleys, lanes and paths. All civic spaces must have frontage. (3 pts)
4. Side and rear setbacks are no smaller than those required for private buildings on adjacent lots. (3 pts)
5. On-site parking does not exceed the number of spaces required by this article minus the number of parking spaces that can reasonably be accommodated on-street adjacent to the civic building. (3 pts)
6. Each neighborhood center and town center district contains at least one civic space designed and improved as a plaza, square or green of no less than one-half acre and no greater than three acres. (3 pts.)
7. Land designated for neighborhood commercial uses, such as a live-work space, daycare center, and convenience store, in neighborhood center districts of more than five acres is integrated into the regulating plan. (3 pts.)
8. At least one civic space in each neighborhood general, neighborhood edge, and neighborhood center district containing one family dwellings is furnished with play equipment for children according to Civic Space Improvement and Landscape Standards. One civic space in each district is landscaped and furnished with benches, the remainder are landscaped. (3 pts.)*
9. All parking lots along frontages are masked by a streetwall, and/or hedges. (3 pts)
10. Parking lots are planted with indigenous shade trees at a minimum ratio of one tree per ten parking spaces. (3 pts)
11. Trash compactors and dumpsters are not located in or adjacent to civic spaces unless they are associated with a civic building and so designated on the regulating plan.

C. Desired Elements:

1. Civic building site(s) are designated on the regulating plan. (2 pts.)*
2. A commitment exists to build minor civic structures such as a picnic shelter, park facilities, gazebo or centralized mail facility. (2 pts.)*
3. A commitment exists to build non-retail commercial uses. (2 bonus pts.)
4. A civic building site intended for use as a childcare center is reserved in each neighborhood center or neighborhood general district. (2 pts)
5. A commitment exists to build a daycare center or pre-school. (2 bonus pts)

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(Ord. No. 1508-2013, § 1, 7-22-2013)

3323.05 - Definitions.

As used in this Chapter, the following terms shall have the meaning given herein:

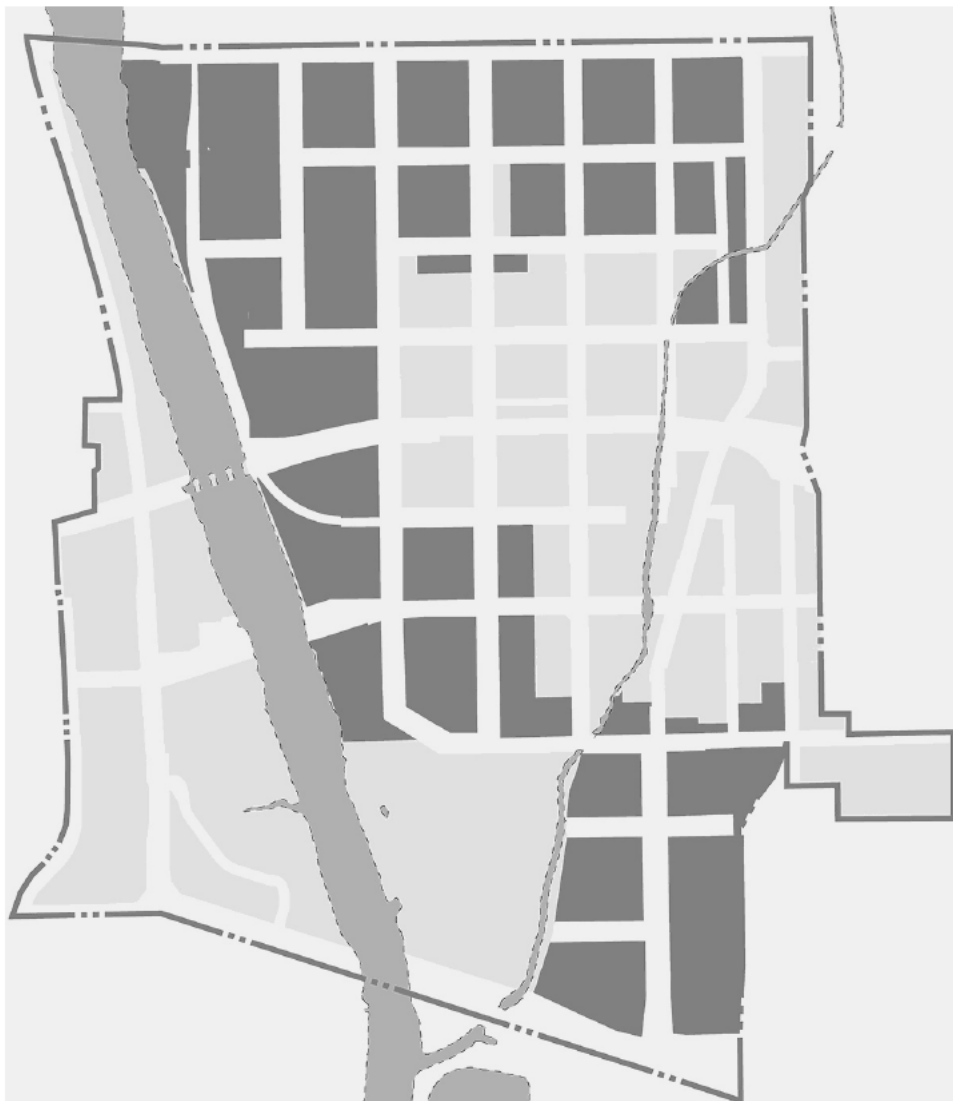
- A. Agriculture: The commercial practice of cultivating, processing, and distributing food, in this case in an urban neighborhood. Agriculture can also involve small animal husbandry and beekeeping.
- B. Artist: Person(s) working in all art forms and mediums, including, but not limited to, painters, sculptors, authors, screenwriters, play writes, film makers, dancers, potters, weavers, jewelers, exhibitors, printers, costumers, musicians and photographers.
- C. Artisan Food and Beverage Production: On-site production of food and beverage products, involving small batch processing. Typical uses include coffee roasting, ice cream, bakery, candy, and other food stuffs, and alcoholic beverage manufacturing. This may include on-site sales and consumption.
- D. Artisan Manufacturing: On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties. Welding is also permitted.
- E. Artist Work or Sales Space: Floor space devoted to the production, showing or sale of art, such as art galleries and artist studios. This includes space for work-only (visual studio, performing rehearsal), sale-only (gallery, store, theater, etc.), or a combination of work and sale space.
- F. Board Staff: A reference to city staff assigned to support the East Franklinton Review Board.
- G. Certificate of Approval: "Certificate of Approval", "Certificate" or "COA" means a certificate issued by the East Franklinton Review Board to an applicant stating that the proposed construction, alteration or demolition of a structure, site improvements per an approved site plan, architectural feature or graphic pursuant to the application filed therefor is appropriate under the terms of this Chapter pertinent thereto and consistent with the design characteristics, guidelines and standards affecting same or due to unusual and compelling circumstances or substantial economic hardship does not require such consistency; and that, therefore, a permit can be issued therefor.
- H. District: "District" shall mean the East Franklinton Zoning District.
- I. East Franklinton Plan: "East Franklinton Plan" or the "Plan" reference the East Franklinton Creative Community District Plan, adopted by Columbus City Council on November 12, 2012 and as subsequently amended.
- J. **Live/Work Space: A dwelling unit that is also is used for non-residential uses such as, but not limited to, the production, showing and sale of art, both visual and performing arts, office uses, and related uses.**
- K. Mixed Use Buildings: Buildings in which a mix of permitted uses is included in the same building.
- L. Review Board: "Review Board" shall mean the East Franklinton Review Board.

2. Accessory Uses. Accessory Uses means a subordinate use, building or structure located on the same lot a nature incidental to the principal use, building or structure. Certificates of Approval are required to be the Review Board as provided for herein.
3. Prohibited Uses. Prohibited uses are not permitted in the East Franklinton District unless otherwise allowed by City Council as a use variance.

C. Land Use Table. The following table classifies land uses by category.

Table 1. Land Uses

Land Use	Sub-District		
	Broad Street	Arts and Innovation	Dodge Park
RESIDENTIAL			
1 dwelling unit building	PU	PU	PU
2 and 3 dwelling unit buildings	PU	PU	PU
4 or more dwelling unit buildings	PU	PU	PU
Ground floor residential in mixed use building	PU	PU	PU
Residential units in a building with non-residential uses	PU	PU	PU
Live/work space	PU	PU	PU
Rest home, nursing home, home for the aged, assisted living facility	PU	NP	NP
Civic spaces, plazas, clubhouses, recreational areas, and public parks	PU	PU	PU
Detached garage	AU	AU	AU
Accessory structure	AU	AU	AU
EATING AND DRINKING ESTABLISHMENTS			
Eating and drinking establishment	PU	PU	NP



2. Uses: The principal uses allowed in the South Downtown, Park, South Gilbert, and University Subdistricts are the same as allowed in the CB-5 Zone, as specified in section 14-2C-2, table 2C-1 of this chapter, except as noted below. Provisions and special exception approval criteria that apply in the CB-5 Zone also apply in the South Downtown, Park, South Gilbert, and University Subdistricts, as set forth in chapter 4, article B of this title, except as noted below. In addition, the following restrictions and allowances shall apply:

a. In the South Downtown and Park Subdistricts, quick vehicle servicing uses are not allowed on any frontage designated as a primary street frontage, as specified on the regulating plan. In the South Gilbert Subdistrict, quick vehicle servicing uses are not allowed on any frontage designated as a required retail storefront, as specified on the regulating plan. (Ord. 16-4675, 9-20-2016)

b. Household living uses shall be allowed within permitted building types as specified in section 14-2G-5 of this article. For multi-family uses, the provisions in section 14-4B-4 of this title are superseded by the standards in this article, and therefore, do not apply. Residential occupancy is limited to one "household" per dwelling unit, as this term is defined in chapter 9, article A, "General Definitions", of this title. The residential occupancy of a household living use is constrained by the provisions of title 17, chapter 5, "Housing Code", of this Code. The maximum number of bedrooms per dwelling unit is three (3). Residential density (units per acre): no maximum. However, in the South Downtown and University Subdistricts for apartment buildings, multi-dwelling buildings and mixed use buildings the number of three bedroom units per lot may not exceed thirty percent (30%) of the total number of units on the lot. In the South Gilbert and Park Subdistricts for apartment buildings, multi-dwelling buildings, and mixed use buildings, the number of three bedroom units per lot may not exceed twenty percent (20%) of the total number of units on the lot. (Ord. 18-4744, 4-2-2018)

c. Residential uses are not allowed within required retail storefronts, as specified on the applicable regulating plan, except in midblock locations along South Gilbert Street, where storefront spaces may be configured as live-work units.

d. Independent and fraternal group living uses are allowed by special exception in the South Downtown and University Subdistricts according to the approval criteria set forth in section 14-4B-4 of this title. Residential occupancy is limited to one roomer per three hundred (300) square feet of floor area, not including floor area within a garage or structured parking area. These uses shall be allowed within permitted building types as specified in section 14-2G-5 of this article.

e. Assisted group living uses shall be allowed within permitted building types as specified in section 14-2G-5 of this article. Residential occupancy is limited to one roomer per three hundred (300) square feet of floor area, not including floor area within a garage or structured parking area.

f. In the Park and South Gilbert Subdistricts, drinking establishments are only allowed in required retail storefronts, as indicated on the regulating plan, and must also meet the applicable drinking establishment spacing requirement.

3. Principal Building Placement And Form:

Highway 6 right-of-way and screened to the S2 standard. Said surface parking must be set back ten feet (10') minimum from the Gilbert Street right-of-way and three feet (3') minimum from the primary street building facade on Gilbert Street and screened to the S2 standard. (Ord. 17-4696, 3-7-2017)

(C) Building/structured parking: Two feet (2') minimum and set back one foot (1') minimum from the secondary street building facade and screened from view by architecturally finished building facades, according to the standards for structured parking set forth in subsection 14-5A-5F of this title.

(D) Underground parking: Two feet (2') minimum and set back zero feet (0') minimum from secondary street building facade. (Ord. 16-4675, 9-20-2016; amd. Ord. 17-4696, 3-7-2017)

(3) Side (G) And Rear (H) Setbacks And Screening:

(A) Surface parking, loading, and service area: Must comply with the same side and rear setback requirements as principal buildings, or zero feet (0') where parking is shared with the adjacent property. Setback area shall be landscaped to the S2 standard.

(B) Building/structured parking: Must comply with the same side and rear setback requirements as principal buildings. Parking must be screened from view by architecturally finished building facades, according to the standards for structured parking set forth in subsection 14-5A-5F of this title.

(C) Underground parking: Must comply with the same side and rear setback requirement as principal buildings.

(4) Underground Parking: Underground parking shall be designed to ensure ground floor finished floor elevations meet elevation requirements for permitted frontage types.

(5) Buildings With Ground Floor Residential Use: For buildings with ground floor residential use, no surface parking shall be closer than ten feet (10') to any residential portion of a building (i.e., not including portions of the building containing garage space). This ten foot (10') area must be used for walkways and landscaping and/or may be included as part of a larger open space area. If parking spaces are located where headlights of vehicles shine onto a wall containing ground floor windows, said parking spaces must be screened from view of the windows to at least the S2 standard.

c. Access To Parking And Service Areas:

(1) All parking, loading, and service areas shall be accessed from public alleys, private rear lanes, or driveways on secondary streets consistent with the riverfront crossings plan, except where permitted as specified in subsection A4c(2) of this section.

(2) If access from an alley, private rear lane, or driveway from the secondary street is not feasible due to topography, site conditions, configuration of the lot, and/or other constraints, access to a primary street may be granted by the FBC Committee. Any request for a curb cut on an arterial street will be reviewed according to the applicable provisions set forth in section 14-5C-6, "Arterial Street Access Requirements", of this title.

d. Construction And Design Standards For Parking Areas:

(1) The following subsections of section 14-5A-5, "Construction And Design Standards", of this title shall apply:

- A. Purpose.
- B. Paving materials.
- C. Parking and stacking space size.
- D. Drainage.
- E. Location.
- F. Standards for structured parking.
- H. Design and layout of surface parking areas.
- I. Landscaping and tree requirements within parking areas.
- J. Screening and setback requirements.
- K. Design of bicycle parking areas.

5. Accessory Uses, Buildings And Structures:

a. Accessory uses, buildings and structures shall comply with the provisions of chapter 4, article C of this title. However, if the provisions contained in the Riverfront Crossings Code are more specific or restrictive, said provisions shall supersede the provisions of chapter 4, article C of this title.

b. Garages and parking structures must be located and constructed in compliance with the provisions of subsection A4, "Parking, Loading, And Service Areas", of this section.

c. Accessory buildings other than garages and parking structures must be located behind principal buildings according to the same setback standards as surface parking. Facades of accessory buildings within public view must be architecturally finished in a manner that is consistent with the principal building. (Ord. 16-4675, 9-20-2016)

B. Central Crossings And Orchard Subdistricts And Eastside Mixed Use District:

1. Intent: The Central Crossings Subdistrict is intended for moderate intensity mixed use development in buildings with entries opening onto pedestrian friendly public streets and streetscapes. The Eastside Mixed Use District is intended for lower intensity mixed use and residential development in buildings with street-facing entries opening onto pedestrian friendly streetscapes that provide a transition between higher intensity mixed use areas in downtown Iowa City and residential neighborhoods to the east. The Orchard Subdistrict is intended for lower intensity residential development in buildings with street-facing entries opening onto pedestrian-friendly streetscapes that provide a transition between higher intensity mixed-use areas along Riverside Drive and low-scale residential neighborhoods to the west. Buildings are designed with facades aligned along primary streets and parking located within buildings behind active uses and in mid-block parking lots and structures.

2. Uses: The principal uses allowed in the Central Crossings Subdistrict, Orchard Subdistrict and Eastside Mixed Use District are the same as allowed in the CB-5 Zone, as specified in section 14-2C-2, table 2C-1 of this chapter, except as noted below. Provisions and special exception approval criteria that apply in the CB-5 Zone also apply in these districts as set forth in chapter 4, article B of this title, except as noted below. In addition, the following restrictions and allowances shall apply: (Ord. 16-4675, 9-20-2016; amd. Ord. 17-4705, 5-16-2017)

a. In the Orchard Subdistrict, commercial and industrial uses are not allowed, except in live-work townhouses, which may contain commercial uses allowed in the CB-5 Zone, provided the building is constructed to accommodate such uses and provided the use is not prohibited in the list below. Quick vehicle service uses are not allowed. (Ord. 17-4705, 5-16-2017)

Multi-dwelling building			X ³	X ³		X	X ¹
Live-work townhouse		X	X	X			
Commercial building	X	X					X ¹
Mixed-use building	X	X	X ^{2,3}	X ^{2,3}		X ²	X ¹
Liner building	X	X	X ³	X ³			
Civic or institutional building		X	X	X		X	X ¹

Notes:

1. Subordinate frontage type, to be used in conjunction with other permitted frontage type(s).
2. Frontage type may be allowed by the FBC for appropriate horizontal mixing of uses, e.g., for large mixed use buildings with multiple street frontages.
3. Allowed for access to individual dwelling units or live-work units.

(Ord. 16-4675, 9-20-2016; amd. Ord. 17-4705, 5-16-2017)

B. Storefront:

1. Description: The storefront frontage is the primary frontage type for buildings with active commercial ground floor uses, such as retail, personal services, and restaurants; see table 2G-5 of this section to determine appropriate building types. The frontage provides storefront facades that are typically aligned close to the streetside property line, with large transparent windows and multiple building entries at the grade of the fronting sidewalk. The regulating plan indicates locations where this frontage type is required.

FIGURE 2G-15**STOREFRONT**

2. Standards:

- a. The private frontage area between the public sidewalk and the building facade shall be designed for additional sidewalk width and other pedestrian oriented uses, such as plaza space, outdoor patio space for restaurant and cafe seating, landscaping, public art, or recessed entryways.
- b. To encourage commercial activity at the street level, private frontage areas should be seamlessly integrated with and at the same level as the public sidewalk to the extent possible. With approval of the FBC committee, on sloping sites in specific locations where there is a desire to provide usable outdoor space the private frontage area may be slightly raised above sidewalk grade to create a level plaza or patio area. The elevation of the raised area shall not exceed the elevation of the ground floor finished floor (see subsection B2d of this section). A transparent, decorative wrought iron or similar metal railing may be located at the edge of the raised area if required for safety, but shall be limited to forty two inches (42") maximum in height. Opaque railings, fences or walls shall not be permitted. Access to raised areas shall be provided directly from the sidewalk through steps and/or ramps. The use of ramps and railings shall be minimized to maintain a seamless transition from sidewalk to storefront. Transparent, decorative wrought iron or similar metal fencing/railings not to exceed forty two inches (42") are allowed for outdoor service areas and sidewalk cafes for eating and drinking establishments, as approved by the city. Any such fencing/railings for outdoor service areas and sidewalk cafes must include landscaped planters or planter boxes along at least fifty percent (50%) of its length.
- c. A minimum seventy percent (70%) of the area of the ground floor facade between two (2) and ten feet (10') in height above adjacent ground level shall consist of storefront windows and doors. Glazing shall be clear and highly transparent and individual lites for display windows should be as large as possible to invite views into the interior space. Transom windows are encouraged above storefront display windows. Residential window types, closely spaced mullions, and punched windows are not allowed for storefront frontages. Reflective (mirrored) or colored glass is not permitted. Low-E glazing will reduce transparency, so is discouraged for storefront windows, but if used, the glass chosen should have a high visible light transmittance and low reflectivity. Such windows must allow views into the interior space. The bottom of storefront windows shall be no more than two feet (2') above the adjacent ground level, except along sloping sites, where this standard shall be met to the extent possible so that views into the interior are maximized and blank walls are avoided.
- d. The ground floor finished floor elevation shall match the elevation of the abutting public sidewalk or publicly accessible plaza. On sloping sites the FBC committee may adjust this requirement, provided that the height of the ground floor of the building is no more than three feet (3') above the level of the abutting public sidewalk or public pedestrian plaza at any point along a street-facing facade.

- e. The ground floor floor-to-structural ceiling height shall be fourteen feet (14') minimum.
- f. Ground floor building space shall be designed to meet building code requirements for commercial uses.
- g. Entries to individual ground floor tenant spaces and entries to common lobbies accessing upper floor space shall open directly onto public sidewalks or publicly accessible outdoor plazas. Thresholds at building entries shall match the grade of the adjacent sidewalk or plaza area.
- h. Storefront entries shall be recessed a minimum of eighteen inches (18") and sheltered by awnings or canopies that project a minimum of six feet (6') from the building facade. Entries must also be distinguished by facade design, materials, articulation, or other architectural details that provide relief to the building facade and draw attention to the entrance.
- i. Awnings or canopies designed to provide weather protection are required along at least sixty percent (60%) of the street-facing facade and shall project four feet (4') minimum, eight feet (8') maximum from the front facade and shall be located eight feet (8') minimum above the adjacent sidewalk.

C. Urban Flex:

1. **Description:** The urban flex frontage is a frontage type appropriate for buildings with ground floor commercial uses where more flexibility is desired for nonretail uses, such as offices, institutional uses, building trade uses, and live-work uses, or along secondary frontages where views into the interior of the building are not as critical, but where architecturally finished facades with elements that provide visual interest and comfort to pedestrians are important. See table 2G-5 of this section to determine appropriate building types. The frontage provides ground floor storefront conditions with high proportions of transparency, but to a lesser degree than the storefront frontage.

FIGURE 2G-16

URBAN FLEX



2. Standards:

- a. The private frontage area between the public sidewalk and the building facade shall be designed for pedestrian oriented uses, such as plaza space, outdoor patio space for restaurant and cafe seating, landscaping, public art, or recessed entryways.
- b. To encourage commercial activity at the street level, private frontage areas should be seamlessly integrated with and at the same level as the public sidewalk to the extent possible. With approval of the FBC committee, on sloping sites in specific locations where there is a desire to provide usable outdoor space the private frontage area may be slightly raised above sidewalk grade to create a level plaza or patio area. The elevation of the raised area shall not exceed the elevation of the ground floor finished floor (see subsection C2d of this section). A transparent, decorative wrought iron or similar metal railing may be located at the edge of the raised area if required for safety, but shall be limited to forty two inches (42") maximum in height. Opaque railings, fences or walls shall not be permitted. Access to raised areas shall be provided directly from the sidewalk through steps and/or ramps. The use of ramps and railings shall be minimized to maintain a seamless transition from sidewalk to storefront. Transparent, decorative wrought iron or similar metal fencing/railings not to exceed forty two inches (42") are allowed for outdoor service areas and sidewalk cafes for eating and drinking establishments, as approved by the city. Any such fencing/railings for outdoor service areas and sidewalk cafes must include landscaped planters and/or planter boxes along at least fifty percent (50%) of its length.
- c. A minimum fifty percent (50%) of the area of the ground floor facade between two (2) and ten feet (10') in height above adjacent ground level shall consist of storefront windows and doors. Glazing shall be clear and highly transparent. Residential window types, closely spaced mullions, and punched windows are not allowed for urban flex frontages. Reflective (mirrored) or colored glass is not permitted. Low-E glazing will reduce transparency, so is discouraged for storefront windows, but if used, the glass chosen should have a high visible light transmittance and low reflectivity. Such windows must allow views into the interior space. The bottom of storefront windows shall be no more than three feet (3') above the adjacent ground level, except along sloping sites, where this standard shall be met to the extent possible so that views into the interior are maximized and blank walls are avoided.
- d. The ground floor finished floor elevation shall not exceed twelve inches (12") maximum above the elevation of the abutting public sidewalk or publicly accessible plaza. On sloping sites the FBC committee may adjust this requirement, provided that at least a portion of the ground floor finished floor elevation is located within twelve inches (12") of the elevation of the abutting public sidewalk or publicly accessible plaza, views into storefronts are maximized to the extent possible, and blank walls are avoided.
- e. The ground floor floor-to-structural ceiling height shall be fourteen feet (14') minimum.
- f. Ground floor building space shall be designed to meet building code requirements for commercial uses.
- g. Entries to ground floor building space and common lobbies accessing upper floor space shall open directly onto public sidewalks or publicly accessible outdoor plazas where present, or shall be directly connected to sidewalks by a paved walkway.
- h. Thresholds at building entries shall match the grade of adjacent sidewalks, plaza areas, or paved walkways.

i. Building entries shall be recessed a minimum of eighteen inches (18") and sheltered by awnings or canopies that project a minimum of six feet (6') from the building facade. Entries must also be distinguished by facade design, materials, articulation, or other architectural details that provide relief to the building facade and draw attention to the entrance.

j. Awnings and canopies designed to provide weather protection along frontages are encouraged and may project eight feet (8') maximum from the front facade and shall be located eight feet (8') minimum above the adjacent sidewalk.

D. Terrace:

1. **Description: The terrace frontage provides for vertical separation of building space from sidewalk grade and creates semiprivate outdoor space for individual dwelling units by elevating and partially enclosing a portion of the private frontage area. The terrace frontage is suited for ground floor residential uses in urban settings and may be appropriate for live-work and institutional uses. See table 2G-5 of this section to determine appropriate building types.**

FIGURE 2G-17

TERRACE



2. Standards:

a. The private frontage area between the sidewalk and the building facade shall be designed as a raised terrace, which is elevated up to thirty six inches (36") maximum above grade by a garden wall to provide a semiprivate outdoor space. The terrace may also be suitable for outdoor seating for live-work uses.

b. **A terrace shall project six feet (6') minimum, ten feet (10') maximum beyond the front facade. A terrace may extend along the front facade for the width of the dwelling unit. The terrace frontage is only allowed for access to individual dwelling units, individual live-work units, or for institutional uses. To enhance privacy, adjacent terrace frontages shall be separated by walls and/or railings, or by a minimum six feet (6') wide landscaped area.**

c. Terraces may be hardscaped or landscaped, or a combination of both. Wood or composite decking shall not be permitted. Where present, any private frontage area between the terrace and the edge of sidewalk shall be landscaped, except for walkways leading to the terrace.

d. Terraces shall be enclosed by garden walls up to forty two inches (42") maximum in height above grade. The garden wall's design and materials shall be of high quality and compatible with the building's architecture. A decorative, transparent railing or fence, constructed of metal and glass, wrought iron, or metal faithfully imitating wrought iron, may be affixed atop the garden walls if additional height is necessary for safety. The railing height shall not exceed forty two inches (42") maximum above the terrace grade. Steps or a ramp shall be provided for access to the terrace. Steps and/or ramps may be perpendicular or parallel to the sidewalk.

e. To provide vertical separation and enhance privacy, the finished floor elevation of ground floor residential building space shall be elevated eighteen inches (18") minimum above the elevation of the abutting public sidewalk, and thirty six inches (36") maximum above grade and may be flush with or slightly elevated above the terrace level.

f. Building entries shall be accessed directly from the terrace.

g. Landscaping of the terrace may include ground covers, grasses, garden plants, low shrubs, and ornamental trees. All plant material shall be of a variety that will not exceed forty two inches (42") in height at maturity (except trees) so as not to obstruct ground floor windows. Plant material shall be selected to prevent encroachment of the public sidewalk. Thorny plants are not permitted.

E. Stoop:

1. **Description: The stoop frontage is a frontage type appropriate for certain buildings with ground floor residential or institutional use. See table 2G-5 of this section to determine appropriate building types. The stoop frontage provides for vertical separation of building space from sidewalk grade and modest projections of stoops and covered entries for individual dwelling units beyond building facades. The stoop frontage typically is used in conjunction with shallow setbacks.**

FIGURE 2G-18

STOOP

b. Access to dwelling units shall be from a shared lobby located at the main entrance with entrances to each dwelling unit provided through central corridors. Exterior corridors and exterior stairways to upper floor dwelling units are not permitted.

4. Vehicle Parking:

a. Parking shall be provided in an underground structure located beneath the building footprint. The underground structure shall be designed so that the finished floor elevation of the residential space above matches the elevation of the frontage type (see section 14-2G-4, "Frontage Type Standards", of this article).

b. Additional surface parking may be located to the rear of the building.

c. Refer to section 14-2G-6, "Parking Type Standards", of this article for additional requirements.

F. Multi-Dwelling Building:

1. Description: The multi-dwelling building is designed to be occupied by multi-family dwelling units or group living uses. The multi-dwelling building may be arranged in a variety of configurations, including bar, L, U and C shapes. A multi-dwelling building may be configured around a courtyard providing private outdoor space, or may be part of a larger development with multiple buildings configured around a common courtyard. Table 2G-6 of this section identifies the subdistricts where this building type is permitted.

FIGURE 2G-27

MULTI-DWELLING BUILDING



2. Building Size And Massing:

a. Buildings shall be composed in accordance with the applicable subdistrict standards with respect to building height and step back requirements.

b. Courtyards shall have no dimension less than twenty feet (20') and shall be designed with appropriate landscaping and/or hardscaping to provide a safe and attractive outdoor space for residents of the building.

3. Primary Pedestrian Access:

a. The main entrance to the multi-dwelling building shall be located within the facade and shall be accessed directly from a street through an allowed frontage type. See section 14-2G-4, table 2G-5 of this article.

b. Access to dwelling units shall be from a shared lobby located at the main entrance with entrances to each dwelling unit provided through shared corridors. Exterior corridors and exterior stairways to upper floor dwelling units are not permitted.

c. Ground floor dwelling units fronting on a street may also have a separate entrance directly from the street through an allowed frontage type. However, the scale and design of entrances to individual units shall be such that the entrance to the shared lobby is clearly recognizable as the building's main entrance.

4. Vehicle Parking:

a. Parking shall be provided in a surface lot in the rear, an underground structure, an above grade midblock structure, an integrated structure contained within the base of the building, or a combination thereof.

b. Where present, above grade midblock parking structures shall be separated from the principal building by at minimum forty feet (40'). This space shall be landscaped to screen the parking structure and may contain an alley or private rear lane providing vehicular access to the structure.

c. Refer to section 14-2G-6, "Parking Type Standards", of this article for additional requirements.

G. **Live-Work Townhouse:**

1. Description: The live-work townhouse is designed to be occupied by a single dwelling unit and a single ground floor commercial or flex space. The live-work townhouse shares common walls with one or two (2) adjacent units and may be located on a separate fee simple lot or be part of a multi-unit development. Table 2G-6 of this section identifies the subdistricts where this building type is permitted.

FIGURE 2G-28

LIVE-WORK TOWNHOUSE



2. Building Size And Massing:

- a. Buildings shall be composed of two-, two and a half-, or three-story volumes.
- b. Groups of live-work townhouses may consist of two (2) to ten (10) units.

3. Primary Pedestrian Access:

- a. Entrances to ground floor commercial or flex space shall be located within the facade and shall be accessed directly from a street through an allowed frontage type. See section 14-2G-4, table 2G-5 of this article.
- b. Entrances to each dwelling unit shall be provided through a separate street level entrance or through a foyer shared with the commercial space.

4. Vehicle Parking:

- a. Parking shall be provided in a garage attached to or tucked under the unit at the rear, and/or a surface lot located behind the building.
- b. Garage doors must be oriented to an alley or private rear lane and shall not face the street.
- c. Refer to section 14-2G-6, "Parking Type Standards", of this article for additional requirements.

H. Commercial Building:

1. Description: Commercial buildings are designed for occupancy by one or more nonresidential uses. If present, uses generating visitor or customer traffic (such as retail, restaurants, personal services) are typically located on the ground floor facing the sidewalk. Table 2G-6 of this section identifies the subdistricts where this building type is permitted.

FIGURE 2G-29

COMMERCIAL BUILDING



2. Building Size And Massing:

- a. Buildings shall be composed in accordance with the applicable subdistrict standards with respect to building height and step back requirements.

3. Primary Pedestrian Access:

- a. For buildings occupied by a single user: The main entrance to a lobby shall be located within the facade and shall be accessed from a street through an allowed frontage type. See section 14-2G-4, table 2G-5 of this article.

b. For buildings occupied by multiple uses: Entrances to ground floor commercial spaces shall be located within the facade and shall be accessed from a street through an allowed frontage type. Entrances to upper floor commercial space shall be through a street level lobby and/or interior corridors accessed from the street through a separate entrance.

4. Vehicle Parking:

a. Parking may be provided in a surface lot, underground structure, above grade midblock structure, tuck under parking, or a combination thereof.

b. Where present, above grade midblock parking structures shall be separated from the principal building by at minimum forty feet (40'). This space may contain an alley or private rear lane.

c. Refer to section 14-2G-6, "Parking Type Standards", of this article for additional requirements.

I. Mixed Use Building:

1. Description: Mixed use buildings are designed for occupancy by a minimum of two (2) different uses that may be vertically and/or horizontally demised. If present, uses generating visitor or customer traffic (such as retail, restaurants, personal services, live-work commercial space) are typically located on the ground floor facing the sidewalk, whereas uses generating limited pedestrian activity (such as office or residential) are typically located on upper floors or behind street fronting commercial uses. Residential uses are not allowed in street-facing storefront spaces unless designed as live-work space. Table 2G-6 of this section identifies the subdistricts where this building type is permitted.

FIGURE 2G-30

MIXED USE BUILDING



2. Building Size And Massing:

a. Buildings shall be composed in accordance with the applicable subdistrict standards with respect to building height and step back requirements.

b. Courtyards shall have no dimension less than twenty feet (20') and shall be designed with appropriate landscaping and/or hardscaping to provide a safe and attractive outdoor space.

3. Primary Pedestrian Access:

a. Entrances to ground floor commercial spaces shall be located within the facade and shall be accessed from a street through an allowed frontage type. See section 14-2G-4, table 2G-5 of this article.

b. Entrances to upper floor commercial space or dwelling units shall be through a street level lobby and/or interior corridors accessed from the street through a separate entrance.

c. Entrances to live-work residential space may be provided directly from the live-work commercial space.

4. Vehicle Parking:

a. Parking may be provided in a surface lot, underground structure, above grade midblock structure, an integrated structure contained within the base of the building, or a combination thereof in accordance with the parking type standards. See section 14-2G-6, table 2G-7 of this article.

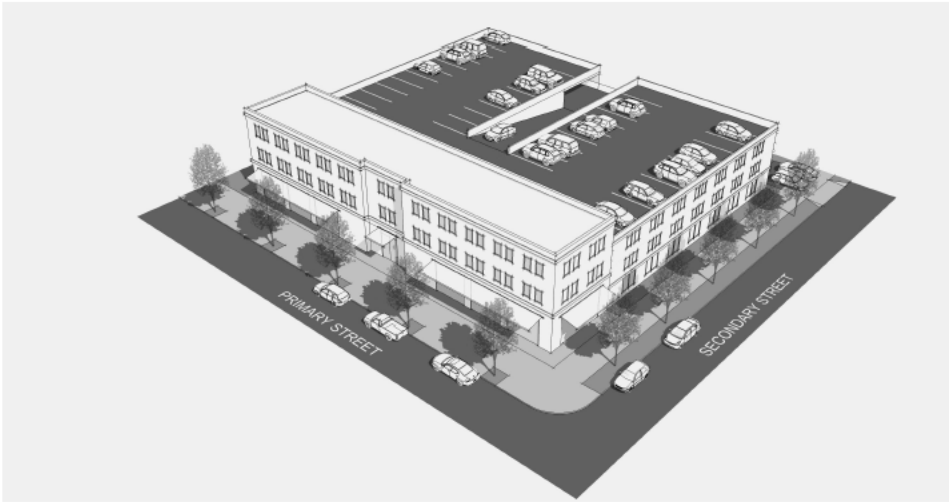
b. Where present, above grade midblock parking structures shall be separated from the principal building by at minimum forty feet (40'). This space may contain an alley or private rear lane.

c. Refer to section 14-2G-6, "Parking Type Standards", of this article for additional requirements.

J. Liner Building:

1. Description: A liner building is a shallow building designed and placed in a manner that hides a parking structure from public view and provides for more active, pedestrian oriented building uses along a street frontage. Liner buildings are oriented toward the street with no or minimal openings to the rear. The parking structure in the rear may be attached to the liner building, or slightly detached as required for fire separation. The liner building may be occupied by a single use or a mix of uses. If present, uses generating visitor or customer traffic (such as retail, restaurants, personal services) are typically located on the ground floor facing the sidewalk, whereas uses generating lower pedestrian activity (such as office or residential) are typically located on upper floors. The liner building may also include live-work units, and townhouse units. Table 2G-6 of this section identifies the subdistricts where this building type is permitted.

FIGURE 2G-31

LINER BUILDING

2. Building Size And Massing:

- a. A liner building shall be at least tall enough to visually screen the parking structure behind the building.

3. Primary Pedestrian Access:

a. Entrances to ground floor uses shall be located within the facade and shall be accessed directly from a street through an allowed frontage type. See section 14-2G-4, table 2G-5 of this article.

b. Entrances to upper floor commercial space or dwelling units shall be through a street level lobby and/or interior corridors accessed directly from the street.

- c. Entrances to live-work residential lofts may be provided directly from the live-work commercial space through internal stairs.

4. Vehicle Parking:

- a. Parking shall be provided in a parking structure located behind the liner building.
- b. Refer to section 14-2G-6, "Parking Type Standards", of this article for additional requirements.

K. Civic Or Institutional Building:

1. Description: Civic or institutional buildings are designed for occupancy by public or quasi-public uses that provide important services to the community. A civic or institutional building contributes significantly to the quality of a place and often is the focal point of a public open space and built with high quality materials and architectural design. Civic or institutional buildings may be publicly owned and operated (e.g., city hall, post office, school, courthouse), semipublic (YMCA, Boys And Girls Club, museum), or privately owned and operated (e.g., church, daycare center, private school).

FIGURE 2G-32**CIVIC OR INSTITUTIONAL BUILDING**

2. Building Size And Massing:

a. Civic or institutional buildings may be designed as freestanding buildings in a public space or integrated into the urban fabric, as deemed appropriate for their use and context.

- (d) The decision maker shall make the findings in Section 126.0205(a) through (d).

(“Interim Ground Floor Residential” added 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)

(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

[Editors Note: Amendments as adopted by O-21288 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21288-SO.pdf]

§141.0311 **Live/Work Quarters**

Live/work quarters are studio spaces in buildings that were originally designed for industrial or commercial occupancy that have been converted to integrate living space into the work space. Live/work quarters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The minimum floor area of a live/work quarters shall be 500 square feet.
- (b) A maximum of 49 percent of the floor area of each live/work quarters may be used or arranged for residential purposes such as sleeping, kitchen, bathroom, and closet area.
- (c) Each live/work quarters shall be separated by walls from other live/work quarters or other uses in the building.
- (d) Access to the live/work quarters shall be provided only from common access areas, halls, or corridors and shall not be from other live/work quarters or other uses in the building.
- (e) Access to each live/work quarters shall be clearly identified in order to provide for emergency services.
- (f) The non-residential use shall be managed by the resident.
- (g) Live/work quarters shall not be used for classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work.

- (h) The required parking spaces for the non-residential use shall be in compliance with Section 142.0560. The parking spaces shall not require designation for residential or non-residential uses.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 9-18-2018 by O-20985 N.S.; effective 10-18-18.)

§141.0312 Residential Care Facilities

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county.

Residential care facilities for 7 to 12 persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, and residential care facilities for 13 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Residential care facilities are not permitted in agricultural zones in *Proposition A Lands*
- (b) Only one residential care facility may be permitted per *lot* or *premises*.
- (c) Residential care facilities are not permitted within 1/4 mile of another residential care facility, measured from *property line* to *property line* in accordance with Section 113.0225.
- (d) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- (e) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- (f) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining, and *kitchen* areas.
- (g) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.

Limited Residential - Dwelling units on upper floors of nonresidential uses.

Liquor Sales - Retail sales of alcoholic beverages pursuant to the provisions of Land Development Code Section 141.0502.

Live/Work Quarters (Lofts) - An area converted to integrate living space into work space in buildings originally designed for industrial or commercial occupancy, in compliance with the requirements of Section 141.0311.

Maintenance Repair and Service Facilities - Establishments engaged in servicing or repairing industry machines and equipment, carpentry, welding and metal forming shops, print shops, laundry and dry cleaning plants, and other similar facilities. As a land use classification, this excludes vehicle dismantling, salvage and wrecking of automobiles and of other similar light vehicles, processing of scrap metals, junk yards and storage of salvaged materials, and similar uses. Maintenance Repair and Service Facilities does not include establishments engaged in chrome plating or materials.

Manufacturing - Establishments engaged in the manufacturing, fabricating, assembly, treatment, servicing, packaging, processing, and handling of finished products and product parts primarily from previously prepared materials. Manufacturing does not include establishments engaged in chrome plating or materials.

Marine Oriented/Waterfront Dependent Uses - Manufacturing, distributing and processing of parts and equipment, and the provision of services related to marine and waterfront uses, and other supporting uses including U.S. Navy presence, research, shipping, fishing, water recreation and tourism. As a land use classification, this includes facilities that need access to the waterfront, as well as uses dependent upon servicing waterfront oriented activities. Examples include boat building, sales and related maintenance, shipping and brokerage facilities and services, marine parts sales, installation and services, marine carpentry and woodworking, sail making and repair, and cargo freight services.

Mercado District Residential - Multifamily housing, and convenience commercial services and accessory uses for primary use by residents on the premises.

Multifamily Residential - Two or more dwelling units on a lot. This classification does not include single room occupancy ("SRO") hotels.

§131.0703 Purpose of the RMX (Residential Mixed-Use) Zones

The purpose of the RMX zones is to provide a mix of uses with a focus on residential uses. The RMX zones support residential employment through the inclusion of *shopkeeper units*, small-scale artisan or production spaces, live/work units, or amenities for home employment and small businesses. Residential *development* shall be the *primary use*. The *secondary use* can be non-residential or residential. If the *secondary use* is residential, it shall comply with Section 131.0712.

The RMX zones are differentiated in Table 131.07B based on the *floor area ratio* and *structure height*.

(“Purpose of the RMX (Residential Mixed-Use) Zones” added 9-12-2019 by O-21118 N.S.; effective 10-12-2019.)

§131.0704 Purpose of the EMX (Employment Mixed-Use) Zones

The purpose of the EMX zones is to provide a mix of uses with a focus on non-residential uses with opportunities for residential *development*. The EMX zones allow for a broad mix of uses, including office, research and development, industrial, and retail. Non-residential *development* shall be the *primary use*. The *secondary use* can be non-residential or residential. If the *secondary use* is non-residential, it must be a different non-residential use than the *primary use*.

The EMX zones are differentiated in Table 131-07B based on *floor area ratio* and *structure height*.

(“Purpose of the EMX (Employment Mixed-Use) Zones” added 9-12-2019 by O-21118 N.S.; effective 10-12-2019.)

§131.0706 Use Regulations of Mixed-Use Zones

The purpose and intent of the mixed-use zones is to allow a varied mix of uses that reduce the dependency on automobiles and promote transit accessibility and walkability.

The regulations in Section 131.0707 apply in the mixed-use zones where indicated in Table 131-07A.

- (a) The uses permitted in any mixed-use zone may be further limited by the following:
 - (1) Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15);

- (2) A deviation from the requirements of the Airport Environs Overlay Zone (Chapter 13, Article 2, Division 3).
- (3) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).
- (4) Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).
- (5) A deviation from the requirements of the Clairemont Mesa Height Limit Overlay Zone (Chapter 13, Article 2, Division 13).
- (6) A deviation from the requirements of the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15).
- (7) Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1).
- (8) A deviation from the requirements of the Historical Resources Regulations (Chapter 14, Article 3, Division 2).

(“Deviations” added 9-12-2019 by O-21118 N.S.; effective 10-12-2019.)

§131.0711 Phasing

For any *development* within the mixed-use zones that is proposed to be constructed in phases, the *applicant* shall submit a *development* phasing plan that specifies the chronology of *development*, including required land use components, *structures*, public facilities, and infrastructure. *Development* shall be phased so that supporting public facilities and infrastructure will be provided concurrently with the need and completed before occupancy of the *structures*.

(“Phasing” added 9-12-2019 by O-21118 N.S.; effective 10-12-2019.)

§131.0712 Supplemental Regulations for RMX Zones

These regulations are intended to enable joint living and working opportunities and contribute to the vitality of mixed-use zones. The following regulations apply to *development* within RMX zones where indicated in Table 131-07B, when the *primary use* and *secondary use* are both residential.

- (a) A minimum of 10 percent of the *structures*' ground floor gross floor area ratio shall be dedicated to facilitating home-based employment, excluding leasing offices, gyms, or community rooms. This requirement can be met by including one or more of the following:

- (1) Live/work quarters in accordance with Section 141.0311;
 - (2) Shopkeeper units; or
 - (3) A minimum of 500 square feet to accommodate home-occupation amenities, shared resources, and facilities such as conference rooms or co-work spaces.
- (b) Each *dwelling unit* on the ground *floor* fronting a *public right-of-way* or a private drive shall have a separate ground *floor* entrance adjacent to the *public right-of-way*, or a path that leads directly to the *public right-of-way*.

(“Supplemental Regulations for RMX Zones” added 9-12-2019 by O-21118 N.S.; effective 10-12-2019.)

§131.0713 Building Frontage Activation, Articulation and Transparency

The purpose and intent of these regulations is to create visual interest that enhances the pedestrian experience, assists in diminishing the overall mass of buildings, and creates variation from a pedestrian’s perspective.

- (a) All buildings shall be oriented so that primary pedestrian entrances for each ground *floor* use are accessible from an abutting public sidewalk or pedestrian connection to a sidewalk. Where there is an internal pedestrian pathway or a plaza, the primary pedestrian entrance may be internal.
- (b) All buildings located on a *public right-of-way* and *building facades* that front a private drive, plaza, or other open space area in the *development* shall provide a minimum of two frontage activation elements from Table 131-07C.