

## **ZONING**

### **CHAPTER 143**

#### **SAGINAW STREET URBAN DEVELOPMENT OVERLAY ZONE**

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**143.010. INTENT AND PURPOSE.** The Saginaw Street Urban Development Overlay Zone sets forth particular development standards to guide development, redevelopment, and changes in land use in specified areas so as to minimize impacts on existing residential uses.

**143.020. DEFINITIONS.** As used in this chapter, except as the context otherwise requires:

(a) "Change of use" means making a different or more intense use of any building, structure, or land than that which existed on and for which permission may be required pursuant to this code.

(b) "Develop" or "Development" means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued as of November 9, 1987, and under which substantial construction has been undertaken by May 1, 1988.

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;

(3) Reasonable emergency procedures necessary for the safety or operation of property;

(4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure.

**143.040. ESTABLISHMENT OF SAGINAW STREET URBAN DEVELOPMENT OVERLAY ZONE.** For purposes of placing special additional restrictions on the use of land therein, the Saginaw Street Urban Development Overlay Zone is hereby created. The boundaries of zone are as shown on the map adopted as part of the Saginaw Street development study, appended hereto as Appendix 1, and shown on the official zoning map.

**143.050. USES IN THE SAGINAW URBAN DEVELOPMENT OVERLAY ZONE.** Any use permitted in the underlying zone shall be permitted in the overlay areas. Any change of use or development in an overlay area shall additionally meet the applicable use and development standards provided in SRC 143.200.

## **VARIANCES**

**143.070. VARIANCES.** Any person desiring to develop or make a change of use contrary to the regulations prescribed in this chapter may make application in accordance with the procedures in Chapter 110. The hearings officer may vary any of the provisions of SRC 143.200 upon a finding that the variance criteria of Chapter 115 have been met.

## **DEVELOPMENT STANDARDS**

**143.200. DEVELOPMENT STANDARDS FOR CHANGE OF USE OR DEVELOPMENT.** (a) Setbacks.

(1) All new structures shall set back a minimum of 30 feet from the street right-of-way.

(2) All parking areas shall set back a minimum of 12 feet from the street right-of-way except on Kearney Street and Bush Street where set back shall be a minimum of five feet from the street right-of-way.

(3) No setback is required for property adjacent to the alley and parking may access directly off the alley.

(b) Landscaping.

(1) All areas not occupied by a structure, parking area, or driveways shall be landscaped with living plant materials. All landscaping shall be maintained and shall be replaced if dead or diseased.

(2) All required landscaping shall be planted and installed prior to issuance of a final occupancy certificate.

(3) Street trees shall be planted within the existing right-of-way landscaping strips subject to Parks Department approval.

(c) Height.

All structures shall be limited to a maximum height of 35 feet.

(d) Access.

(1) No commercial driveways shall be permitted on to Saginaw Street.

(2) No commercial driveways shall be permitted on to Bush Street if alley access is available.

(3) Commercial driveways on to Bush Street or Kearney Street shall be located more than 100 feet from the Saginaw Street intersection.

(e) Screening.

(1) Commercial uses shall be screened along Saginaw Street by a minimum six foot high sight-obscuring hedge capable of attaining a height of eight feet within two years after planting. Vision clearance areas shall be maintained.

(2) Where the interior side or rear yards of a lot developed hereunder abuts any lot used or zoned for residential uses, there shall be a minimum six foot high sight-obscuring hedge capable of attaining a height of eight feet within two years after planting.

(f) Lighting.

(1) Exterior lighting, if used, shall be designed to provide illumination to the site and not cause glare onto the public right-of-way or surrounding residential areas. Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground at five feet outside the boundary of the commercial development, shall within 50 feet of the base of the light standard be either:

(1) Completely shielded from direct view, or

(2) No greater than five foot-candles.

(g) Existing structures and vegetation.

Existing structures, and trees over eight inch caliper as measured approximately four feet above the ground, shall be maintained wherever possible.

(h) Transitional use requirements.

As transition occurs to non-residential uses through the removal of existing residential structures, the screening requirement along Saginaw Street shall be required. Lots that remain undeveloped shall either be fenced or have other means of preventing its use for parking, and the residential driveways which served the property shall be closed. (Ord. No. 124-87; Ord No. 62-95)