

ORDINANCE NO. 2019-04

AN ORDINANCE ADDING A NEW ZONE TITLED “TOWN CENTER ZONE (TC)” TO THE SUNSET CITY ZONING REGULATIONS

WHEREAS, the City Council of Sunset is desirous of regulating the development of land within the City; and

WHEREAS, the Sunset City Planning Commission has requested the implementation of a new zone to be titled “Town Center Zone (TC)”; and

WHEREAS, the Sunset City Planning Commission held a public hearing on August 14, 2019 to solicit public input; and

WHEREAS, the Sunset City Council held a public hearing on August 20, 2019 to solicit public input; and

WHEREAS, the City Council deems it necessary to add Article G. Town Center Zone to Title 10, Chapter 5 of the Sunset City Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SUNSET CITY, as follows:

Section One: The Sunset City Code is amended by adopting Title 10, Chapter 5, Article G entitled “Town Center Zone” to read as follows:

ARTICLE G. TOWN CENTER ZONE (TC)

Sections:

10-5G-1: PURPOSE:

10-5G-2: VERTICLE STRUCTURE OF LAND USES:

10-5G-3: PARKING:

10-5G-4: PERMITTED MATERIALS:

10-5G-5: PROHIBITED AND CONDITIONAL USES:

10-5G-6: DEVELOPMENT REQUIREMENTS:

10-5G-7: STREET SCAPE/LANDSCAPING/SIDEWALKS:

10-5G-1: PURPOSE:

A. The Town Center Zone (TC) is designed to encourage infill and redevelopment opportunities while creating a mix of retail, office, and residential uses. Commercial uses are limited to convenience retail, [café or restaurant,] service, and professional offices. The TC zone is intended to provide a focal point ~~for neighborhoods~~ that accommodates neighborhood[s] ~~serving~~ [with] retail, service, and residential uses in compact, walkable urban form.

B. The following are generally appropriate form elements in this Zone:

1. Attached
2. Medium to Large Footprint
3. Simple Wall Plane along Street

4. Buildings at the ROW
5. Small to No Side Setbacks
6. Up to 5 Stories
7. Diverse Mix of Frontages

10-5G-2: VERTICLE ~~& HORIZONTAL~~ STRUCTURE OF LAND USES:

A. The design and functioning of the areas in the mixed-use zone will be designed to achieve **either** a vertical ~~or horizontal~~ structure of activity in the zone. The following broad categories generally describe the character of the TC zone:

1. Ground-Floor uses shall be a minimum (75%) commercial office or retail uses.
 - a. Where development plans may include multiple structures, this requirement may be calculated against the total ground floor space of the development, instead of each individual building, as allowed by the Planning Commission and City council.
 - ~~b. 100% residential use may be allowed by Planning Commission and City Council.~~
Purpose says it is to create a mix of retail, office and residential use
Planning Commission wants this left in. Jonathan will explain during the mtg.
2. The dominant orientation of doors and windows shall be toward the public streets and Common Areas.
3. Individual or shared entrances for upstairs residential units may be located at the first-floor level, with parking garage access at the side, rear or underneath the structure.
4. Plazas may be located adjacent to the public streets.
5. Upper floor uses may contain offices and residential dwelling units, including home occupations as permitted.
6. Balconies, decks, and rooftop gardens are encouraged.

10-5G-3: PARKING:

A. Sunset City desires to encourage the redevelopment of smaller sites by providing a more flexible approach to parking and to make efficient use of available on-street parking. Shared use parking shall be encouraged. The amount of off-street parking required may be reduced by an amount that can be demonstrated may be in demand at different intervals of time throughout the day.

B. Total parking requirement for mixed-use developments may be reduced with “shared” spaces dedicated to residential in the evening and retail or commercial use during daytime hours. There must be a mitigation or management measure in place to accommodate this, such as permit parking, stall monitoring, or other management measure approved by the planning commission and city council.

C. Minimum Required Residential On-Site Parking:

1. ~~1-bedroom or~~ Studio: 1 space
2. **[One Bedroom: 1.5 spaces]**
3. Two bedroom unit: 2 spaces
4. Three bedroom unit: 2 spaces

5. Guest Parking: 1 space per 8 units

D. Minimum Required Commercial/Retail On-Site Parking: 2 Spaces per 1,000 square feet (No additional parking is required for a change of use in an existing building, even where the existing parking may be nonconforming. Additional parking must be provided in accordance with these standards for any building addition that adds new habitable or leasable floor area. Amount of additional parking shall be calculated based upon new square footage only.)

10-5G-4: PERMITTED MATERIALS:

A. Primary building materials shall be a mix of durable materials and project an image of permanence. Appropriate materials include, but are not limited to:

1. Brick, stone, or other masonry products;
2. Steel;
3. Stucco;
4. Cast concrete;
5. Split face block;
6. Composite siding;
7. Steel, corrugated metal;
8. glass, or
9. other comparable material as proposed by builder.

10-5G-5: PROHIBITED AND CONDITIONAL USES:

A. The following uses are expressly prohibited:

1. Industrial uses, including fabrication, manufacturing, and warehousing;
2. Drive-through Services;
3. Utilities;
4. Automobile, truck, recreational vehicle storage, repair, fuel and/or sales;

B. The following uses will require Conditional Permit:

1. Retail, Dining, or Entertainment Uses requiring a floor area of 10,000+ sq ft.
2. Animal Boarding.
3. Day Care or Other Care Facilities.
4. Recreation Facilities.
5. Medical and recreational drug, marijuana, tobacco, e-cigarette, or vape production, distribution, dispensary, or sales facilities.

C. Until parcels require a new Conditional Use Permit, are developed, or re-developed, existing uses and parking are permitted within the TC Zone.

10-5G-6: DEVELOPMENT REQUIREMENTS:

A. Lot Dimensions:

1. Lot area – 2,500 sq. ft.
2. Lot width – 25 ft. min., 180 ft. max.
3. Lot coverage – 80% max.
4. Frontage build-out – 60% min. / 90% max.

B. Primary Building Placement [Setbacks:]

1. Front ~~Setback (Public Road Frontage)~~ – 0' min [none]
2. Side ~~Setback—Interior~~ [– none, except where the side lot line is immediately adjacent to a residential zone used for housing it must be 10 ft.]
3. Side (corner/alley) – 0' min. [See section 10-3-6: for Visual Traffic Clearance Triangle]
4. Rear ~~Setback— 0', 15' adjacent to neighborhood~~ [none, except where the side lot line is immediately adjacent to a residential zone it must be 15 ft.]
5. Attached garage/carport (from front façade) – 0' min [none]

C. Accessory Building Placement [Setbacks:]

1. Front ~~Setback~~ - 40 feet max. from rear property line
2. Side ~~Setback—Corner/Alley~~ – 0 – 3 ft. min. Jonathan will address this at meeting
3. ~~Side Setback—Interior—0-3 foot minimum~~ Jonathan will address this at meeting
4. Rear ~~Setback~~ – 3 ft.
5. Rear ~~Setback~~ (from Alley) – 15 ft.
6. Detached garage/carport ~~Setback~~ (from front facade) - minimum required by fire code

D. ~~Habitable Accessory Building~~

1. ~~Front setback—15' min-15' max~~
2. ~~Side setback—corner/alley—6' min; 0' if attached~~
3. ~~Side setback—interior—6' min; 0' if attached~~
4. ~~Rear setback—10' min~~
5. ~~Rear setback from alley—0' min~~
6. ~~Attached garage/carport setback (from front façade)—0' min~~

D. Building Form:

1. Primary building height – 2 stories min. / 5 stories max.
2. Accessory building height – 2.5 stories or 35 ft.
3. Within 20 ft. of the rear or side lot line, buildings are to be no more than 1 story taller than the height of adjacent buildings. Buildings can then tier up 1 story for every 20' farther from the lot line.

E. Parking Pad Location:

1. Front setback –
 - i. ~~Mixed Use:~~ max 10% req'd parking, 15' min setback, 90% must be 40' setback.
 - ii. ~~For a 100 % Res use: 100% 40' min Setback~~ Commissioners want left in - Jonathan will explain
2. Side setback (corner/alley) – 8 ft. min., including buffer
3. Rear setback – 3 ft. min. with a required buffer
(why does side have 'including buffer' and rear have 'with a required buffer'?)

F. Encroachments to setbacks:

1. Shopfront awning – allowed to back of curb

2. Architectural features – 3 ft. max.
3. Signs – ~~Allowed.~~ see ~~signage code xx.xx~~ [Section 9-6-8]

[G. Other requirements:

1. **Meet requirements of Section 9-8-6: Requirements for new construction of an undeveloped or redeveloped site of commercial and multi-family uses or remodeling of existing structures.]**
2. At corner locations, the ~~pubic~~ **[arterial]** road shall be deemed the front, and ~~a~~-principal public entrance ~~door(s)~~**[doors]** shall be located in the front wall facing the ~~pubic~~ **[arterial]** street or at the corner of the block adjacent to the sidewalk.
3. Sidewalks may be used for patron seating areas appurtenant to a permitted or conditional use, when such outdoor use area designation is approved in accordance with the conditional use permit standards in this chapter.
4. No building or associated parking and loading areas shall be permitted to encroach within or otherwise limit off-street vehicular circulation via shared drive aisles approved in conjunction with submitted development plans.

~~Building heights should be stepped or weighted so that they are taller towards public roads and shorter closer single-family residential neighborhoods. {addressed in table TC-1, v) Building Form (last line)}~~

5. Height restrictions contained herein do not include roof top amenities such as roof top gardens, hand rails, pergolas, stair cases, elevators, air conditioners, etc.
6. Taller buildings may be approved by the planning commission ~~at the approval of planning commission~~ and city council. Approval may include specific adjustments to setbacks and limitations on building volume, particularly for upper stories.
7. Any buildings wider than 150' must be designed to read as a series of buildings no wider than 75' each.
8. Loading Docks, Overhead Doors, and other service entries shall be screened and not to be located on primary street facades.
9. A building form with a chamfered corner is allowed only on corner lots and only if a corner entry is provided.

H. Street Scape/Landscaping/Sidewalks: Along public streets, all mixed use developments shall incorporate all of the following:

1. Street Trees, in grates or raised planters, evenly spaced between lamp posts at minimum 35' intervals.
2. Lamp posts every 100 feet.
3. 10' wide sidewalks from the back of curb (owner's right of way is included in this calculation).
4. Parking lot/parking garage screening and/or vegetative screening.
 - i. Landscape walls shall have masonry or stucco finish.
 - ii. No planting strips allowed between sidewalk and building.

5. Trash and Refuse containers shall be concealed behind buildings and away from public streets, but not within 10' of residences. Dumpsters shall be stored either:
 - i. Within a separate walled and gated enclosure. Materials for the enclosure should be reinforced concrete or reinforced masonry with bollards as protection from traffic.
 - ii. Within the building out of sight.
6. **[Opaque walls or fences of at least six feet (6') in height are required along all property lines which are adjacent to a residential zone or use or public right-of-way.]**