

**Part 9C: MU-OH MIXED-USE OCEAN STREET HIGH DENSITY DISTRICT**

**24.10.830 PURPOSE.**

To encourage high-quality neighborhood- and visitor-serving commercial development along Ocean Street and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and medium-density mixed-use developments within larger buildings oriented toward Ocean Street and Broadway, and using building height and massing to create a sense of place, while promoting a vibrant and pedestrian oriented environment for residents, workers and visitors consistent with the Ocean Street Area Plan. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 for design standards.

**24.10.831 PRINCIPAL PERMITTED USES.**

This district allows a mix of residential and commercial uses within each proposed development, or exclusively commercial development. Each new development within the zone shall incorporate active commercial uses along the site frontage per requirements of Chapter 24.12.

The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines. Design permits are not required for accessory structures and additions that are less than one hundred twenty square feet and less than fifteen feet in building height. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

**RESIDENTIAL USES:**

1. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
2. Flexible Density Units (FDU) Housing
3. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
4. Single-Room Occupancy (SRO) Housing (860)
5. Small and large family daycare homes in residential units.
6. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
  - a. .
  - b. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
  - c. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.

7. Supportive and transitional housing.
8. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, however accessory dwelling units shall not be subject to approval of a design permit.

#### USES FOR ACTIVE FRONTAGE:

9. Acting/art/music/dance schools and studios (610);
10. Apparel and accessory stores (250);
11. Eating and drinking establishments (except bars, fast-food) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
12. Financial, insurance, real estate offices (420);
13. Financial services (320);
14. Food and beverage stores (except liquor and convenience stores) (240);
15. General retail merchandise (drug and department stores) (230);
16. Home furnishing stores (270)
17. Medical/health offices (except veterinarians and ambulance services) (410);
18. Museums and art galleries (600);
19. Professional/personal service (except contractors' yards and mortuaries) (310);
20. Repairs, alterations and maintenance services for household items (except boat repair) (340);
21. Small preschool/childcare (twelve or fewer) (510A);
22. Specialty retail supply stores (290); except thrift stores (290m);
23. Theaters (620);

#### NON-RESIDENTIAL USES

24. Communication and information services (550);
25. Community organizations, associations, clubs and meeting halls (570);
26. Educational facilities (public/private) (510);
27. Government and public agencies (530);

- 28. Houses of worship/religious facilities (500)
- 29. Lodging (300);
- 30. Off-site public/private parking facilities, five or more spaces, when combined with another allowed use (930);
- 31. Professional offices (400);

## **24.10.832 USE PERMIT REQUIREMENT.**

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

### RESIDENTIAL

- a. Temporary structures and uses.
- b. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

### USES FOR ACTIVE FRONTAGE

- c. Bakery, handicrafts or similar light manufacturing and assembly uses and wholesale trade associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area, where retail sale or service occupies the building frontage;
- d. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- e. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- f. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- g. Thrift stores (290m);
- h. Veterinarians (410A);

### NON-RESIDENTIAL

- i. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- j. Off-site public/private parking facilities, five or more spaces (930)
- k. Recycling collection facilities;

- l. Temporary commercial structures and uses;
  - m. Utilities and resources (540);
  - n. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.
2. The following uses are subject to approval of a special use permit and a design permit:

RESIDENTIAL:

- a. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
- b. Dormitories, fraternity/sorority residence halls, boardinghouses.
- c. Health facilities for inpatient and outpatient psychiatric care and treatment.
- d. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

USES FOR ACTIVE FRONTAGE

- e. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- f. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- g. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- h. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- i. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

NON-RESIDENTIAL:

- u. Contractor/building (310E);
- v. Fabricated metal products (manufacturing) (150);
- w. Fabricated wire products (manufacturing) (155A);
- x. Food and beverage preparation (manufacturing) (100);
- y. Furniture and fixtures (manufacturing) (120);
- z. Hospitals (520);

- aa. Laboratory research experimentation, testing, software development;
- bb. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- cc. Mortuaries (310I);
- dd. Motion picture production (manufacturing) (155E);
- ee. Rental services (360);
- ff. Solar equipment (manufacturing) (155C);
- gg. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- hh. Stone, clay, glass products (manufacturing) (140);
- ii. Storage and warehouse when connected with permitted use (330);
- jj. Wholesale trade (nondurable goods) (200):
  - i. Bakery,
  - ii. Confectionery,
  - iii. Dairy,
  - iv. Health foods;
- kk. Wholesale trade (durable goods) (210):
  - i. Paper products and related (210E),
  - ii. Special equipment (machine supply) (210F);

### **24.10.833 USE DETERMINATION.**

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, shall be permitted. If the zoning administrator determines that the proposed use is more in character with the conditional uses for this zone, then a use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title. The decision as to whether the use determination requires an administrative use permit or a special use permit shall be based on the use category that is most similar to the proposed use as determined by the zoning administrator.

### **24.10.834 DISTRICT REGULATIONS.**

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Commercial-only (stories and feet)	4 & 50
• Mixed use (stories and feet)	4 & 55
• Additional height for volumetric modular, factory-built housing (stories and feet)	0 & 2 + 1 per residential story
• Accessory	1 & 20
b. Height of buildings – Minimum	
• Commercial or Mixed Use	1 & 16
• Accessory	No Minimum
c. Lot Area for creating new parcels – Minimum (net) (sq. ft.)	4000
d. Required lot area per dwelling unit	Determined by General Plan density
c. Setbacks	
• Front-yard	0 <sup>2</sup>
• Rear-yard	10 <sup>1</sup>

• Interior	0 <sup>1</sup>
• Exterior	8 <sup>1,2</sup>
d. Open space per unit (residential)	
• Private (sq. ft.)	40
• Common (sq. ft.) and easily accessible to residential units	80
e. Distance between buildings on same lot	10

1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.
2. Except where special street setback requirements for designated streets apply, then the setback shall not be less than the minimum setback listed in Section 24.12.115 for affected street.

(2) Projects developed pursuant to this chapter are encouraged to include both residential and commercial uses in each development proposal. Residential and commercial uses may be mixed either horizontally on the same or neighboring parcels developed concurrently, or vertically within the same structure, so long as the requirements for active frontage pursuant to Section 24.12.185 are met on the Ocean Street frontage of all parcels.

(3) Commercial-only development is permitted and shall also be required to incorporate active uses along any Ocean Street frontage as required under Section 24.12.185.

(4) Projects developed under this chapter are required to include commercial uses, and to incorporate Uses for Active Frontage per the requirements of Section 24.12.185.

(5) Residential units shall not be located on the Ocean Street frontage at the ground floor, but may be located on the ground floor of mixed-use buildings, or on the ground floor of residential buildings on sites where a commercial or mixed use building occupies the street frontage. Residential units can occupy up to 50% of the frontage on thoroughfares other than Ocean Street.

(6) Other Requirements. Other regulations which may be applicable to site and building design in this zone are set forth in Title 24.12.

(7) All new development adjacent to a “CON – Neighborhood Conservation District” overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

## **24.10.835 PARKING.**

Off-street parking requirements must be fulfilled in accordance with the provisions of Chapter 24.12 Part 3, Off-Street Parking and Loading Facilities. Guest parking spaces required for the residential units may also be counted toward required commercial parking.

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