

33 (a) Except as provided herein, Height limitations indicated in the district regulations shall apply
34 only to buildings and portions of buildings designed for human occupancy or use. Steeples,
35 flagpoles, elevator penthouses, air conditioning units, television or radio antennas, other
36 mechanical or functional features may exceed the district height requirements after being
37 approved by the director prior to installations.

38 (b) Within all districts, except single-family zoning districts, amenities customarily associated
39 with or incidental and accessory to the primary use(s) may be provided on the building
40 rooftop and may be permitted to exceed the maximum height by a maximum of 12 feet. This
41 area on the rooftop shall be considered the rooftop activation area. Within the rooftop
42 activation area, the following shall apply:

43 (1) Rooftop amenities shall conform to the permitted uses provided in the zoning district
44 where located.

45 (2) The rooftop activation area may include the following:

46 a. Unenclosed open-air rooftop amenities such as outdoor dining areas, pool
47 decks, courts, cooking facilities, bars, or similar. These amenities may
48 include open-air shade structures such as cabanas, gazebos, pergolas, or
49 trellises that are at least 50 percent open to the sky.

50 b. Uses within enclosed or climate-controlled rooftop structures that are
51 customarily associated with or accessory and incidental to the unenclosed
52 open-air rooftop amenities, subject to the following:

53 1. The aggregate area of the enclosed or climate-controlled rooftop
54 structures shall not exceed 25 percent of the rooftop area, and;

55 2. The aggregate area of the enclosed or climate-controlled rooftop
56 structures shall be less than or equal to the area of the unenclosed
57 open-air rooftop amenities, and;

58 3. Enclosed or climate-controlled rooftop structures shall be oriented in a
59 manner that minimizes the visual impact from building facades
60 adjacent to a public right-of-way.

61 4. The above percentage limitation shall include stairways and elevator
62 vestibules that provide access to the rooftop activation area.

63 (3) All structures shall be architecturally compatible with and in proportion to the
64 architecture and massing of the overall building.

65 (4) Mechanical equipment, associated screening, and appurtenances necessary to the
66 operation or maintenance of the building or structure itself, shall not be considered
67 as a part of the rooftop activation area.

68 **SECTION 2. Providing for Conflict.** All ordinances or parts of ordinances
69 and all resolutions or parts of resolutions in conflict herewith are hereby repealed, to the
70 extent of the conflict.

71 **SECTION 3. Providing for Severability.** If this ordinance or any part
72 thereof is declared by a court of competent jurisdiction to be invalid, such decision shall not
73 affect the validity of the remainder of the ordinance other than the part declared to be invalid.

74 **SECTION 4. Effective Date.** This Ordinance shall take effect immediately
75 upon its passage and adoption.

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77 PASSED AND ADOPTED on 1st reading, on _____, 20__.

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79 PASSED AND ADOPTED on 2nd reading, on _____, 20__.

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JOY F. COOPER
MAYOR

ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY