

APPENDIX C

Kaiser Permanente OMC (KX) Zoning Regulations

**5/5/06 DRAFT FOR 5/17/06 PLANNING COMMISSION MEETING
(BASED ON KAISER'S PROPOSAL AS OF 5/3/06)**

(NOTE: ALL TEXT IS NEW LANGUAGE TO BE INSERTED INTO THE PLANNING CODE)

**Chapter 17.XX
KAISER PERMANENTE OAKLAND MEDICAL CENTER (KX) ZONE REGULATIONS**

Sections:

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- 17.XX.020 SPECIAL REGULATIONS GOVERNING USE AND DEVELOPMENT IN THE KX-4 ZONE.**
- 17.XX.030 PERMITTED AND CONDITIONALLY PERMITTED ACTIVITIES IN THE KX-1, KX-2, AND KX-3 ZONES.**
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17.XX.010 Title, purpose and applicability.

A. The provisions of this chapter shall be known as the Kaiser Permanente Oakland Medical Center Zone Regulations. This chapter establishes land use regulations for the KX-1, KX-2 KX-3 and KX-4 zones, which are depicted in **Figure OMC 1**. The purposes of the Kaiser Permanente Oakland Medical Center zones are to:

- Replace the Oakland Medical Center with a new, state of the art facility to serve Kaiser Permanente's Oakland and Alameda membership.
- Comply with state requirements under SB 1953 mandating the seismic upgrade or replacement of the Oakland Medical Center hospital by January 1, 2013.
- Update and modernize the Oakland Medical Center's patient care and administrative service space to meet Kaiser Permanente's current standards.
- Ensure that the Oakland Medical Center will be architecturally and functionally integrated, and that the Oakland Medical Center will be compatible with the existing neighborhood.
- Provide a framework of development standards that takes into account the scale, massing and content of the surrounding community.
- Provide a set of procedures and practices to review and consider future design of new building construction.

KX-1 Kaiser Permanente Oakland Medical Center 1 Zone. The KX-1 zone is intended for those properties north of MacArthur Boulevard and west of Broadway.

KX-2 Kaiser Permanente Oakland Medical Center 2 Zone. The KX-2 zone is intended for those properties south of MacArthur Boulevard.

KX-3 Kaiser Permanente Oakland Medical Center 3 Zone. The KX-3 zone is intended for those properties north of MacArthur Boulevard and east of Broadway.

KX-4 Kaiser Permanente Oakland Medical Center 4 Zone. The KX-4 zone is intended for those single family residential properties on the east side of Manila Avenue which are, and will remain zoned R-70, and will have the permitted uses further restricted during time the properties remain a part of the Kaiser Permanente Oakland Medical Center.

- B. The Kaiser Permanente Oakland Medical Center Zoning District is applied as an overlay district for those properties which are not owned by Kaiser Permanente. The existing zoning designation shall remain as the applicable zoning district, and the zoning regulations associated with that zoning district shall govern all development and use of the property until Design Review for the parcel/lot is approved by the City in accordance with the provisions of the KX District, with the consent of the property owner. Upon approval of Design Review, the zoning standards, guidelines, regulations and other requirements for the development and use of property within the applicable KX District and the adopted conditions of approval or mitigation monitoring program shall govern the use and development of that property.

17.XX.020 Special Regulations governing use and development in the KX-4 zone.

The properties in the KX-4 zones are zoned R-70 and shall remain subject to the regulations of the R-70 District contained in Chapter 17.28, except that while the properties are included as a part of the Kaiser Permanente Oakland Medical Center the properties may only be used for the following activities: (i) single family residential uses; (ii) sleeping rooms for medical center staff; or (iii) temporary housing for families of members receiving long-term care at the Kaiser Permanente Oakland Medical Center.

17.XX.030 Permitted and conditionally permitted activities in the KX-1, KX-2, and KX-3 zones.

The following table lists the permitted, conditionally permitted, and prohibited activities in the KX-1, KX-2, and KX-3 zones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

“P” designates permitted activities in the corresponding zone.

“C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

“--” designates uses that are prohibited in the corresponding zone.

Activity	Regulations			Additional Regulations
	KX-1	KX-2	KX-3	
<i>Residential Activities</i>				
Permanent	P	P	P	
Residential Care occupying a One-Family Dwelling Residential Facility	C	C	C	17.102.212

Activity	Regulations			Additional Regulations
	KX-1	KX-2	KX-3	
Semi-Transient	C	C	C	17.102.212
Residential Care, except when occupying a One-Family Dwelling Residential Facility	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212
<i>Civic Activities</i>				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Health Care	P	P	P	
Telecommunication	P	P	P	17.128
Administrative	C	C	C	
Utility and Vehicular	C	C	C	
Special Health Care Civic Activities	C	C	C	
<i>Commercial Activities</i>				
General Food Sales	P	P	P	
Convenience Market	P	C	C	
Fast-Food Restaurant	C	C	C	
Alcoholic Beverage Sales	C	C	C	
Convenience Sales and Service	P	P	P	
General Personal Service	P	P	P	
General Retail Sales	P	P	P	
Consultative and Financial Service	C	C	C	
Group Assembly	C	C	C	
Administrative	C	C	C	
Business and Communication Service	C	C	C	
Retail Business Supply	C	C	C	
Research Service	C	C	C	
Automotive Fee Parking	C	C	C	
Animal Care	C	C	C	
Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.102.100	C	C	C	17.74.030 17.102.100
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.	C	C	C	17.102.110

17.XX.040 Permitted and conditionally permitted facilities in the KX-1, KX-2, and KX-3 zones.

The following table lists special regulations relating to certain facilities. The descriptions of these facilities are contained in Chapter 17.10.

“P” indicates that the facility is permitted in the corresponding zone.

“C” indicates that the facility is only permitted upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

Facility Types	Zone			Additional Regulations
	KX-1	KX-2	KX-3	
<i>Residential Facilities</i>				
One-Family Dwelling	P	P	P	
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
<i>Nonresidential Facilities</i>				
Enclosed non-residential facilities	P	P	P	
Open non-residential facilities	C	C	C	
<i>Telecommunications Facilities</i>				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	
Monopole Telecommunications	C	C	C	

17.XX.050 Required Master Plan conformance and design review.

- A. Substantial Conformance to the *Kaiser Permanente Oakland Medical Center Master Plan* is required for all projects in the KX-1, KX-2, and KX-3 zones.
- B. No building, sign, or other facility shall be constructed or established, or altered in such a manner unless plans for such proposal have been approved pursuant to the Design Review Procedure set forth in section 17.XX.060.

17.XX.060 Design Review.

- A. Design Review Application
 1. Pre-Application Conference: Prior to application for design review, the applicant or his or her representative shall have a conference with a representative of the City Planning Department before or at an early stage in the design process to review the proposed project for consistency with the adopted *Kaiser Permanente Oakland Medical Center Master Plan*. At the conference the city representative shall provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the city representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.
 2. Application for Design Review: Application for design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City

Planning Department and shall be filed with such Department. The application shall be accompanied by such information as may be required to allow applicable criteria to be applied to the proposal, and by the fee prescribed in the City's Master Fee Schedule. Such information may include, but is not limited to, site and building plans, elevations, and relationships to adjacent properties.

B. Exemptions from Design Review. The following changes to existing nonresidential buildings are exempt from design review:

1. Any alteration or addition of existing floor area or footprint area determined by the Director of City Planning to be not visible from the street or from other public areas. An alteration or addition will normally be considered "not visible from the street or from other public areas" if it does not affect any street face or public face of a building or is located more than forty (40) feet from any street line, public path, park or other public area;
2. Alterations or additions of floor area or footprint that are determined by the Director of City Planning to be visible from the street or from other public areas, but which comprises less than ten percent (10%) of the floor area of that particular story (or floor) of the building or facility;
3. A change of sign face copy or new sign face so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark;
4. Any alteration or addition not normally exempt which is used as a loading dock, recycling area, utility area, porch, deck or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor or footprint area, and has no significant visual or noise impact to neighboring properties or from a public street. Exemptions only permitted where the proposal conforms with all buffering requirements in Chapter 17.110 and all performance standards in Chapter 17.120.
5. The alteration or addition is on a roof and does not project above the parapet walls.

C. Small Project Design Review. "Small project design review" means design review for minor alterations or additions to existing facilities that do not require a Subsequent or Supplemental EIR nor any other permit, variance or other approval pursuant to the zoning regulations of Title 17 of the Oakland Planning Code.

1. Definition of Small Projects. Small Projects are limited to one or more of the following types of work:
 - (a) New or modified signs, excluding advertising signs; signs extending above the roofline; and multi-tenant freestanding signs;
 - (b) New or modified awnings;
 - (c) Color changes to buildings, signs, awnings or other facilities;
 - (d) Changes to storefronts or ground floor facades limited to replacement or construction of doors, windows; bulkheads and nonstructural wall infill; or installation or replacement of security grilles or gates; provided, however, they

do not involve properties considered to be Historic Resources as defined by CEQA Guidelines section 15064.5 (14 CFR section 15064.5) and the City's Historic Preservation Element Policy 3.8;

- (e) Installation of flags or banners having any permanent structure within the public right of way;
 - (f) Fences.
2. Procedure for Consideration of Small Project Design Review: An application for small project design review shall be considered by the Director of City Planning.
- (a) The Director shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan*.
 - (b) The Director may approve or disapprove the proposal and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.
 - (c) The Director's decision shall be in writing, shall be final immediately and is not appealable.
 - (d) Whenever an application for small project design review has been denied by the Director of City Planning, no small project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review within one year of denial in accordance with Section 17.136.120.

D. Regular Project Design Review. Unless determined exempt or subject to small project design review pursuant to Section 17.XX.040 B or C above, no building, sign or other facility shall be constructed or established or altered in such a manner as to substantially affect its exterior appearance unless plans for such proposal have been approved pursuant to the following Regular Design Review procedures:

1. Reviewing Body:
- (a) If the project requires preparation of a Subsequent or Supplemental Environmental Impact Report, or involves twenty-five thousand (25,000) square feet of floor area, the Director of City Planning shall refer the application to the City Planning Commission for decision.
 - (b) All other applications for regular design review shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.
2. Procedure for Consideration of Design Review: Applications for design review shall be considered by the Director of City Planning or the Planning Commission according to the following procedures:

- (a) Decisions by the Planning Commission shall be made at a public hearing. At his or her discretion, the Director of City Planning may hold an administrative hearing for projects under his or her review.
- (b) Notice of public and/or administrative hearings shall be given by posting notices thereof within three hundred (300) feet of the property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. All such notices shall be given not less than fifteen (15) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director or the Commission, as the case may be.
- (c) The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may potentially be affected.
- (d) The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan*, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.
- (e) A determination by the Director shall become final ten days after the date of decision unless appealed to the City Planning Commission in accordance with the procedures in Section 17.136.080. The decision of the Planning Commission on appeal is final and is itself not appealable. An initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

E. Design Review Criteria. Design review approval may be granted only if the proposal is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan* including without limitation its goals, objectives, principles and guidelines, and also conforms to all of the following criteria:

- (a) That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered; and
- (b) That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area; and

- (c) That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council; and
 - (d) That any proposed retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas, and that the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or un-designed vertical surfaces.
- F. Adherence to Approved Plans. A design review approval shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate in accordance with Section 17.136.100.
- G. Revocation. In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or if the activity causes a public nuisance, the City may, after holding a public hearing, revoke any design review approval or other approval in accordance with Section 17.136.110.
- H. Review by Landmarks Board. A design review application may be subject to review by the Landmarks Preservation Advisory Board in accordance with Section 17.136.040.
- I. Design Review and Other Approvals. Whenever design review approval is required for a proposal also requiring a conditional use permit, or planned unit development permit or variance, the application for design review shall be included in the application to said permit and shall be processed and considered as part of same, in accordance with Section 17.136.120.

17.XX.070 Design review application.

The application for design review for one or more Campus Zones shall include the following:

1. Streets, driveways, sidewalks, pedestrian and bike ways, and off-street parking and loading areas, including integration with surrounding uses.
2. Location and dimensions of structures.
3. Major landscaping features, including trees protected by Oakland Municipal Code Chapter 12.36, as it may be amended.
4. Creeks Protected by Oakland Municipal Code Chapter 13.16, as it may be amended.
5. The presence of any historic resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 14 of the California Code of Regulations.
6. Plan and elevation drawings establishing the scale, character, and relationship of buildings, streets, and open spaces, and a description of all exterior building materials.
7. A tabulation of the land use area and gross floor area to be devoted to health care and retail uses, if any.
8. A public services and facilities plan including proposed location, extent and intensity of essential public services and facilities such as public streets and transit facilities,

pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities and a table comparing the descriptions to the existing location, extent and intensity of such essential public facilities and services.

9. If required, a Phasing Plan generally depicting projected development time frames sufficient to illustrate the relationship between the phasing of development and the provision of public facilities and services and parking.

17.XX.080 Master Plan amendment.

- A. The City Council shall not amend the *Kaiser Permanente Oakland Medical Center Master Plan* until after it has received, pursuant to this procedure, a recommendation from the Planning Commission. The purpose of these provisions is to set forth the procedure by which amendments may be made to the *Kaiser Permanente Oakland Medical Center Master Plan*.
 1. Private Party Initiation. The owner of any property with a KX zone, or his or her authorized agent, may make application to the City Planning Commission to amend the *Kaiser Permanente Oakland Medical Center Master Plan*.
 2. Commission Initiation. The City Planning Commission may, and upon request of the City Council, initiate a *Kaiser Permanente Oakland Medical Center Master Plan* amendment. Such initiation shall be for the purpose of reviewing the merits of the proposal and shall not imply advocacy by the Commission for amendment.
- B. A private party application shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the City's Master Fee Schedule. Upon receipt of a completed application, the Director shall, within a reasonable period of time, schedule a public hearing before the Planning Commission. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected.
- C. In the case of initiation by the City Planning Commission or initiation by a private party, the Commission shall, within 90 days from the date the submittal is deemed complete, hold a public hearing on the proposal. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected. The Commission shall, in every case, make a recommendation to the City Council for appropriate action.
- D. Upon receipt of a recommendation from the City Planning Commission, the City Council shall set the date for consideration of the matter. The Council may approve, modify, or disapprove the Commission's recommendations, as the case may be. The decision of the City Council shall be made by resolution and shall be final.
- E. Notice of public hearings required herein shall be given by (1) newspaper; (2) posting notices thereof within three hundred (300) feet of the property involved in the application; and (3) by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. All such notices shall be given not less than fifteen (15) days prior to the date set for the hearing on the application before the Commission or City Council, as the case may be.

- F. Whenever a private party application has been denied by the City Council, no such application for the same proposal shall be filed within one year after the date of denial.

17.XX.090 Minimum lot area width and frontage.

The following table contains the minimum lot area, width and frontage requirements for the zones in this chapter.

Standard	Zone		
	KX-1	KX-2	KX-3
Minimum lot area	4,000	4,000	4,000
Minimum lot width	25 ft	25 ft	25 ft
Minimum lot frontage	25 ft	25ft	25 ft

17.XX.100 Maximum floor area.

The maximum floor area for the aggregate of all the KX zoned properties shall not exceed 1.78 million square feet excluding parking structures, with a maximum of 1.450 million square feet of new construction. The following floor area requirements will ensure that density of new construction is appropriately distributed throughout the KX zones.

Standard	Zone			
	KX-1 (North of MacArthur)	KX-2	KX-3	Aggregate of KX zones
Maximum floor area of new construction	180,000 sq. ft.	1,200,000 sq. ft.	223,000 sq. ft.	1,450,000 sq. ft.
Note that the above maximums cannot be obtained in all zones, as that would exceed the total allowed for all the zones combined.				

17.XX.110 Maximum height for new construction.

The following table contains the maximum heights for new construction in the KX zones.

Standard	Zone		
	KX-1	KX-2	KX-3
Maximum height	85 ft except that parking structures abutting residentially zoned property are limited to 53 ft.	210 ft.	85 ft except as further limited as more fully described below.

In the KX-3 Zone, parking structures abutting residentially zoned property are limited to 53 ft. Additionally, all structures shall be set back from the adjacent R-50 residential area by a minimum of 12 feet. No structure may exceed 30 feet in height unless additional setbacks are provided equivalent to an additional horizontal distance of one foot beyond the 12-foot setback for each foot that the structure extends above 30 feet, up to the maximum allowable height.

17.XX.120 Parking.

Parking shall be determined on a KX District-wide basis and the amount, location and distribution of parking shall be determined as part of the Design Review Process. The parking demand study prepared for adoption of the KX district determined that upon completion of new construction to the full 1.78 million square foot total, a minimum of 3,584 parking spaces will be required. The actual amount of required parking shall be imposed as a condition of approval based on the current or updated parking study and the adopted Transportation Demand Management program, as approved by the City.

The requirements set forth herein may be modified during the design review process, upon a finding that the modification is supported by an updated parking analysis prepared by a professional traffic engineer, as approved by the City.

17.XX.130 Signs.

- A. If a comprehensive sign program is adopted as part of the *Kaiser Permanente Oakland Medical Center Master Plan*, the provisions of the comprehensive sign program shall govern and shall supersede the provisions of Chapter 17.104.
- B. Design Review approval is not required for temporary or development signs; and periodic changes of copy.

17.XX.140 Landscaping, buffering and screening.

A landscaping, buffering and screening plan shall be submitted for every project that requires approval pursuant to the design review process. The landscaping, buffering and screening plan shall contain the following:

1. Landscaping that is consistent with the *Kaiser Permanente Oakland Medical Center Master Plan* with an automatic system of irrigation for all private landscaping shown in the plan.
2. Landscape treatment of any interface with a residentially zoned property including a buffering and screening plan.
3. The location of parking, loading and storage areas, and exterior lighting including a buffering and screening plan.

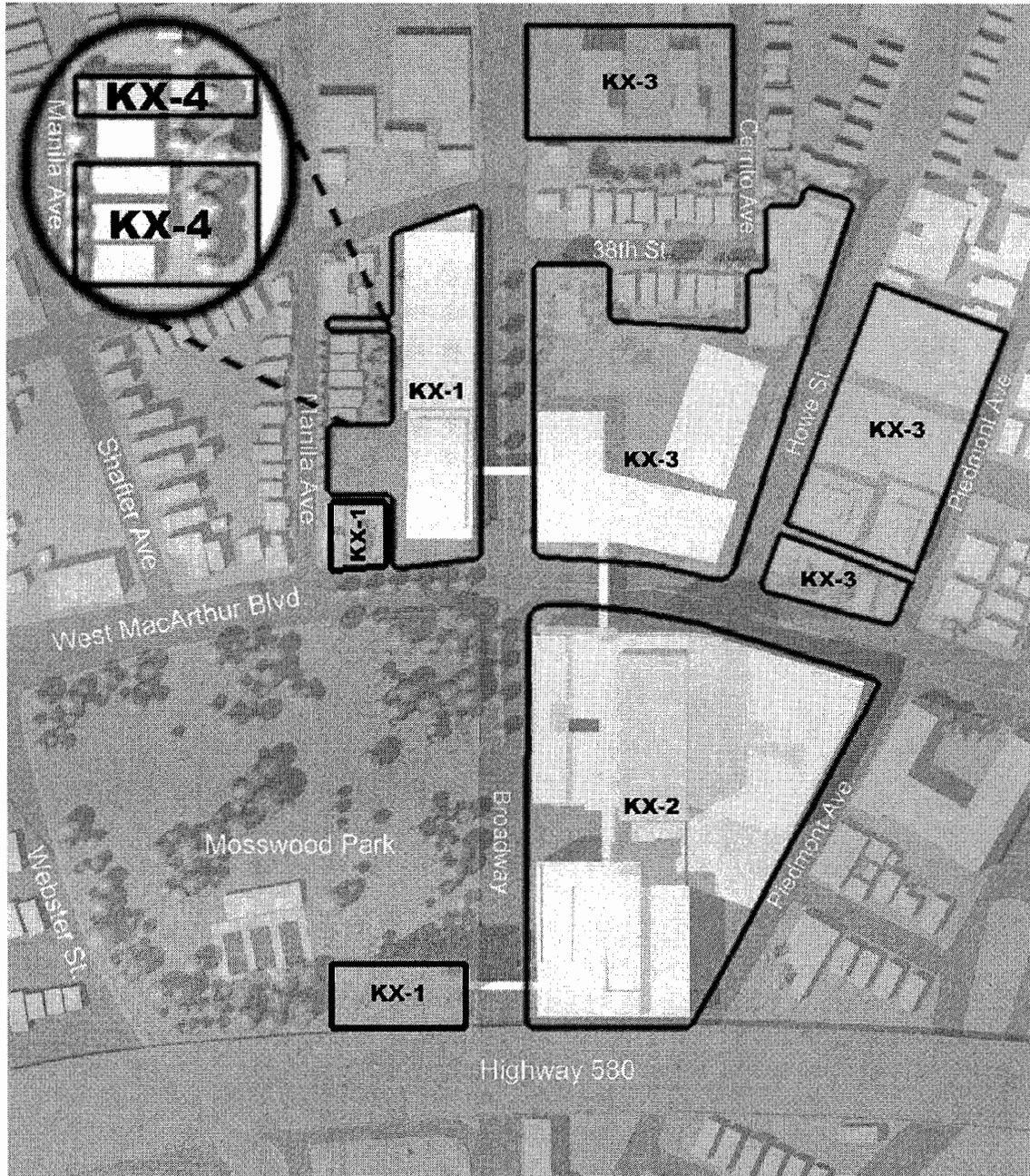
17.XX.150 Demolition.

Consistent with Oakland Municipal Code section 15.36.070, during the *Kaiser Permanente Oakland Medical Center Master Plan* approval process, the City Council may identify specific buildings for which a demolition permit may be issued without first obtaining a building permit because the issue of demolition was expressly considered as part of the *Kaiser Permanente Oakland Medical Center Master Plan* approval process. These buildings shall be listed in the *Kaiser Permanente Oakland Medical Center Master Plan* as eligible for demolition prior to the issuance of building permits.

17.XX.160 Skybridges.

One pedestrian skybridge over the public right of way of Broadway, adjacent to Highway 580, (connecting KX-1 and KX-2) is permitted in the KX zone and no conditional use permit shall be required pursuant to Section 17.102.200. Authority pursuant to Chapter 12.08 is also granted for this pedestrian skybridge. While the exact location has not yet been determined, the general location of the skybridge is shown in the *Kaiser Permanente Oakland Medical Center Master Plan*. The design and final location will be determined during the Design Review Process.

The two other proposed pedestrian skybridges over the public right of way are not needed until the completion of Phase 3 of the project (KX-3 Zone). The need for and final design and final location of these two skybridges will be determined during the Design Review Process and pursuant to Conditional Use permits. [KAISER'S REQUEST IS THAT ALL SKYBRIDGES ARE ALLOWED UNDER THE LANGUAGE OF THE FIRST PARAGRAPH ABOVE.]



AN ILLUSTRATION OF THE KX-1, KX-2, KX-3 AND KX-4 ZONING DISTRICTS