AGENDA
PLANNING ADVISORY BOARD
WORKSHOP
JULY 16, 2018
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM

1.1 Study Area: Front Street to Central Park and Ash Street to Alachua Street

Top Identified Concerns:

1. Decision making based on parking perceptions
2. Loss of Browsing Inventory
3. Too Much Ground Level Office
4. Over-regulation leading to non-conformities and reduced values

Board's Focus to Enhance:

1. Vibrancy: people on the street, music, mixed uses
2. Human Scale
3. "Browse-ability"
4. Local Owned
5. Pockets of Greenspace
6. Victorian Architecture

Areas of Board Consensus: 1. Requiring Non-Residential on the 1st Floor at least for properties on Centre Street.

2. OLD BUSINESS

2.1 **Central Business District Review:**

A. Parking Requirements for C-3 Residential Uses- Review of Draft Amendments
- Draft language to be provided at the workshop.

B. **Limits of 1st Floor "Permissible Uses" in C-3 Zoning "Browsing Area"**

- Review C-3 Permissible Uses for Modifications (Reference LDC Table 2.03.02)

- Determine Scope of Changes:

1. Centre Street Facing Only
2. Side Streets
3. Contributing Historic Structure Residence Exceptions

C. Downtown Intersection Safety

1. Review FBPD Accident Data
2. Determine Recommendations for Board Consideration

3. PUBLIC COMMENT

4. ADJOURNMENT

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.

PAS Essential

INFO PACKET

PAS EIP-04 December 2012

Promoting Ground-Floor Retail in Mixed Use Districts

The Planning Advisory Service (PAS) researchers are pleased to provide you with information from our world-class planning library. This packet represents a typical collection of documents PAS provides in response to research inquiries from our 1,500 subscribers. For more information about PAS visit www.planning.org/pas.

American Planning Association

Making Great Communities Happen

Promoting Ground-Floor Retail in Mixed Use Districts (EIP-04)

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Foreword

For zoning districts that are commercially oriented but allow a range of use types, many communities have zoning standards which explicitly promote ground-floor retail along designated street fronts in those districts to support an active, vibrant streetlife. Less pedestrian-friendly uses, such as offices or residences, are therefore discouraged on ground floors but permitted on upper-story floors. The practice of specifying permitted uses by floor in addition to district is sometimes referred to as "horizontal zoning." However, in recent years "vertical mixed-use development" has become a more common way to describe traditional main streets with residences above storefronts. To encourage retail within mixed use districts, a common approach is to require that all—or a certain percentage of—ground-floor uses must be retail or pedestrian-oriented personal service uses, or that such uses must at least occupy the portion of the building that fronts the street. Residential and office uses are limited to upper floors.

However, it must be noted that there is an inherent risk in setting up specific thresholds for commercial development. Developers may build the commercial space to comply with local regulations, but this does not guarantee that the space will be filled. Many communities with mixed-use zoning districts seem to struggle with attracting commercial uses. The dominant thinking is that this is merely a reflection of local market conditions, and with the recent recession, some communities have amended their codes to relax their ground-floor retail requirements. The affordable commercial space programs described by Hirt and Sellars below are another strategy. Ground-floor design that encourages a vibrant pedestrian streetscape is also important. As always, local context and economics should be an important factor in drafting regulations that will encourage a healthy mix of businesses and services in a community's mixed use, pedestrian-friendly areas.

Articles and Studies

District of Columbia, Office of Planning. 2009. "Final Report: Zoning Strategies and Tools for Regulation of Retail Uses." Prepared by Stephen Rice and Michael Giulioni.

- Seven recommendations for code changes to establish and maintain a viable retail economy and strengthen local neighborhood areas.

Hirt, Jeff and Joe Sellars. 2007. "Goodbye Main Street?" *Zoning Practice*, October.

- Article looks at strategies to provide affordable commercial space for desirable businesses.

Schutz, Jim, and Kelly Kline. 2004. "Getting to the Bottom of Mixed Use." *Planning*, January.

- Guidelines for promoting successful ground-floor retail space in mixed use development.

Staff Reports

Alexandria (Virginia), City of. 2012. "Docket Item #3: Informational Item, Carlyle Retail Amendments." March 15.

- Report recommends amending ground- and second-floor retail requirements for mixed use project to provide more flexibility, allowing for better use of vacant storefronts and promoting active uses along street frontages.

Brentwood (California), City of. 2005. Staff Report. "Project Description: Amend the City of Brentwood's Zoning Code Chapter 17.280.002 Subsection 'A' Permitted Uses in the CB (Central Business) Zone." July 19.

- Recommends code amendment to permit general office uses on ground floors as long as they are located a minimum of 65' from the front building façade.

San Jose (California), City of. 2012. "Memorandum: An Ordinance of The City of San Jose Amending Title 20, Amending Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts) to Streamline the Permit Process for the Location of Nonretail Uses Within the DG Overlay Area (Downtown Ground-Floor Space) of the DC (Downtown Core) and DC-NT1 (Downtown Code – Neighborhood Transition 1) Zoning Districts." February 15.

- Staff report recommends amending ordinance to provide greater flexibility and a streamlined permit process for specific uses within ground-floor locations in the downtown area to promote better occupancy rates in downtown buildings.

San Mateo (California), City of. 2012. Administrative Reports, PA 12-007. "Introduction of Ordinance Amending City's Required Retail Frontage (Section 27.38 of San Mateo Municipal Code)." October 1. "Adoption of Ordinance Amending City's Required Retail Frontage (Section 27.38 of San Mateo Municipal Code)." October 15.

- Staff report for planning commission meeting recommends amending required retail frontage requirements to require that, on non-corner lots, at least 75% of the portions of building fronting streets be occupied by retail/service uses to a depth of 60', but that non-retail uses such as offices may occupy the balance of the building.

Model Codes and Design Guidelines

Atlanta Regional Council, Land Use Division. 2011. *Plan 2040 Local Performance Standards Implementation Template*. Minimum Standard 3.K: Active Commercial District Design Regulations.

- Model language template adapted from the Georgia DCA Model Land Use Management Code to help communities encourage active ground-floor uses on designated retail streets.

Morris, Marya, ed. 2009. "Model Mixed Use Zoning District Ordinance" and "Model Town Center Ordinance." Chapters 4.1 and 4.3. In *Smart Codes: Model Land Development Regulations*. Planning Advisory Service Report No. 556. Chicago: American Planning Association.

- Model mixed use district ordinances with commentaries. Residences are prohibited or conditional uses on the ground floor, but are permitted by right on the second floor or above.

Los Angeles (California), City of, Department of City Planning, Urban Design Studio. 2009. *Downtown Design Guide.* Part 4, Ground Floor Treatment.

- Design guidelines for promoting retail and other active ground-floor uses in the downtown area.

Sample Regulations

Bellevue (Washington), City of. 2012. *City Code.* Title 20, Land Use Code; Chapter 20.25, Special and Overlay Districts; Part 20.25A, Downtown; Section 20.25A.115, Design Guidelines – Building/Sidewalk Relationships. Seattle: Code Publishing Company.

- Establishes five designations for rights-of-way within the Downtown district requiring different amounts of retail, commercial, and service uses along the streetwall.

Berkeley (California), City of. 2012. *Berkeley Municipal Code*. Subtitle 23E, Provisions Applicable in All Non-Residential Districts; Chapter 23E.44, C-E Elmwood Commercial District Provisions; Section 23E.44.040, Special Provisions − Numerical Limitations. Seattle: Code Publishing Company.

- Community commercial district ordinance establishes numerical limits for various service-oriented uses.

Chicago (Illinois), City of. 2012. *Chicago Zoning Ordinance*. Chapter 17-3, Business and Commercial Districts; Section 17-3-0500, Pedestrian Streets; Section 17-3-0504-I, Special Uses. Cincinnati: American Legal Publishing Corporation.

- Contains a 600-foot spacing requirement for banks along pedestrian retail streets.

Crested Butte (Colorado), Town of. 2012. *Crested Butte Municipal Code*. Chapter 16, Zoning; Section 16-5-120, "B1" Business District − Permitted Uses. Fort Collins, Colo.: Colorado Code Publishing Company.

- Encourages sales tax-generating uses and restricts non-retail uses including office uses, financial institutions, and medical and dental offices on the ground floor of the primary commercial street in the district.

Del Mar (California), City of. 2012. *Municipal Code.* Title 30, Zoning; Chapter 30.22, Central Commercial Zone.

- Horizontal zoning provisions limit street-frontage uses along a designated street to commercial and cultural uses.
- These regulations have been included, almost verbatim, in the city's 2012 Village Specific Plan (www.delmar.ca.us/Government/Pages/VillageRevitalization.aspx).

District of Columbia. 2012. *District of Columbia Municipal Regulations*. Title 11, Zoning; Chapter 13, Neighborhood Commercial Overlay District; Section 1302, Designated and Restricted Uses.

- Designated uses must occupy at least 50 percent of ground-level gross floor area; financial institutions and ticket offices are limited to 20 percent of ground-level floor area, and restaurants are limited to 25 percent of street frontage.

Healdsburg (California), City of. 2012. *Municipal Code*. Title 20, Land Use Code; Chapter 20.08, Base Zoning Districts; Article VI, Commercial Districts; Section 20.08.145, Permitted and Conditionally-Permitted Uses: PR, CD, and CS Districts. Seattle: Code Publishing Company.

- In the Plaza Retail District, various nonretail uses require conditional use permits for ground-floor locations but are allowed by right above the ground floor.

Imperial Beach (California), City of. 2012. *Municipal Code*. Title 19, Zoning; Chapter 19.27, C-2 Seacoast Commercial Zone; Section 19.27.20, Permitted Uses. Seattle: Quality Code Publishing.

- In district focused on visitor-serving retail, financial and professional offices require conditional use permit on the ground floor but are permitted by right above; residential uses are permitted above the ground floor with a conditional use permit.

Lake Forest (Illinois), City of. 2012. *Lake Forest City Code*. Chapter 46, Zoning Code; Article VIII, Office and Business Districts; Section 46-53.2, B-3 Traditional Business District. Section 46-53.3, B-4 Preservation Business District.

- These business districts allow non-retail uses on the ground floor, but restrict them to 10 percent of rentable ground-floor space; non-retail and residential uses are encouraged above the ground floor.

Libertyville (Illinois), Village of. 2012. *Libertyville Zoning Code.* Article 5, Commercial Districts; Part B, District Requirements; Section 5-2, C-1 Downtown Core Commercial District; Part 5-2.4, Use Limitations.

- Limits office uses at street level to 10 percent of total street frontage; additional office uses over this threshold require special use permit.

Lincolnshire (Illinois), Village of. 2012. *Village Code.* Title 6, Zoning; Chapter 6, Business Districts; Article A, B1 Retail Business District; Section 6-6A-2(D), General Requirements – Allowances and Restrictions on Ground Floor Uses.

- Limits office, clinic, government, and non-sales-tax-generating uses to 25 percent of ground-floor floor area and uses.

Madison (New Jersey), Borough of. 2012. *Municipal Code*. Chapter 195, Land Development; Article V, Zoning; Section 195-32.4: CBD-1, CBD-2 Central Business District Zones. Rochester, N.Y.: General Code.

- Downtown districts seek to encourage street-level pedestrian activity through ground-level locally oriented retail uses and upper-floor offices and residential uses.

New York (New York), City of. 2012. *Zoning Resolution.* Article VIII, Special Purpose Districts; Chapter 1, Special Midtown District; Section 81-82(a), Special Regulations for Fifth Avenue Subdistrict – Special Regulations on Permitted and Required Uses – Restrictions on Ground Floor Uses.

- Lists uses selected to promote and strengthen retail business in the districts; restricts certain non-retail uses to 15 percent of linear street frontage and 10 percent of total lot area at ground level along Fifth Avenue.

Newport Beach (California), City of. 2012. *Municipal Code*. Title 20: Planning and Zoning. Chapter 20.22: Mixed-Use Zoning Districts. Chapter 20.48, Standards for Specific Land Uses; Section 20.48.130, Mixed-Use Projects. Seattle: Code Publishing Company.

- All ground-floor street frontage of mixed use development must be occupied by retail and other compatible nonresidential uses; residential uses are permitted on upper floors.

Old Orchard Beach (Maine), Town of. 2012. *Code of Ordinances*. Chapter 78. Zoning. Article VI. Districts. Division 7. Downtown Business Districts. Tallahassee, Fla.: Municipal Code Corporation.

- Defines "primary" and "complementary" uses; limits complementary uses to 40 percent of street frontage and sets 200-foot spacing requirement. Multifamily dwelling uses restricted to upper floors.

Orlando (Florida), City. 2012. *City Code*. Chapter 62, Historic Preservation and Architectural Design; Part 5, Design Standards in AC-3A District; Section 62.505, Ground Floor Commercial Use. Section 62.506, Ground Floor Commercial Use Incentive. Tallahassee, Fla.: Municipal Code Corporation.

- Sets mandatory street-level retail requirements along specially designated primary-street segments of 50 percent of street frontage; as an incentive, street-level commercial square footage is not counted towards FAR for the development.

Palo Alto (California), City of. 2012. *Municipal Code*. Title 18, Zoning; Chapter 18.30(A), Retail Shopping (R) Combining District Regulations. Chapter 18.30(C), Ground Floor (GF) Combining District Regulations. Cincinnati: American Legal Publishing Company.

- These combining districts allow retail, eating and drinking, and service-oriented commercial development uses by right on ground floors; financial services and certain other non-retail uses on ground floors require conditional use permits.
- Annual downtown retail vacancy rate survey for Ground-Floor Combining District required to assess changes in retail use in the downtown zones.

Portsmouth (New Hampshire), City of. 2012. *Zoning Ordinance*. Article 6: Overlay Districts. Section 10.640: Downtown Overlay District.

- Residences are prohibited on the ground-floor in the Downtown Overlay District, but permitted on any other floor in this district.

Sacramento (California), City of. 2012. *Sacramento City Code*. Title 17, Zoning; Division V, Special Districts; Chapter 17.96, Central Business District Special Planning District; Section 17.96.070, Ground Floor Retail Requirement. Seattle: Quality Code Corporation.

- For identified retail blocks in the central business district, limits listed non-retail, non-pedestrian-oriented uses to either 25 or 50 percent of the ground-floor street frontage on each block face.

San Francisco (California), City and County of. 2012. *San Francisco Planning Code.* Article 7, Neighborhood Commercial Districts; Section 714.1, Broadway Neighborhood Commercial District. Section 729.1, West Portal Avenue Neighborhood Commercial District. Cincinnati: American Legal Publishing Corporation.

- Financial services are allowed on the ground story subject to certain limitations, with non-retail offices prohibited in order to prevent encroachment of the adjoining downtown office uses. Table specifies whether uses are by-right, conditional, or prohibited for first, second, and third-plus stories.

San Mateo (California), City of. 2012. *Municipal Code*. Title XXVII, Zoning; Chapter 27.38, CBD Districts – Central Business District; Section 27.38.110, Required Retail Frontage.

- Restricts ground-floor banks in corner locations and only permits second-floor professional offices if the ground floor meets the retail frontage requirement.

Telluride (Colorado), Town of. 2011. *Municipal Code*. Title 18, Land Use Code; Article 3, Zone District Regulations; Division 2, Zone District Purposes and Standards; Section 3-212, Commercial Zone District.

- Ground-floor residences are prohibited unless they are located behind an average setback of 35 feet from the front exterior wall and no closer than 20 feet at any point (see Note 2); residences are permitted without restriction on other floors.

Tumwater (Washington), City of. 2012. *Municipal Code*. Title 18, Zoning; Chapter 18.23, TC Town Center Zone District; Section 18.23.050, Development and Design Standards – Specific to Properties Fronting Main Streets; Part E, First Floor Uses in Commercial and Residential Developments. Seattle: Code Publishing Company.

- For commercial and residential developments in the Town Center Mixed Use subdistrict, at least 20 percent of first-floor gross floor area must be dedicated to "externally oriented" retail sales uses, restaurants, personal services, museums, or art galleries.

Vail (Colorado), Town of. 2011. *Town Code*. Title 12, Zoning Regulations; Chapter 7, Commercial and Business Districts; Article B, Commercial Core 1 (CC1) District. Coeur d'Alene, Id.: Sterling Codifiers.

- Classifies permitted and conditional uses for basement or garden levels, first floor or street levels, second floor levels, and levels above the second floor.

Vancouver (British Columbia), City of. 2012. *Zoning and Development By-law*. C-2C District Schedule; Part 3.3, Conditions of Use.

- Residential uses permitted on third floors of buildings; certain office uses are restricted along ground-level street frontages.

Articles and Studies

- District of Columbia, Office of Planning. 2009. “Final Report: Zoning Strategies and Tools for Regulation of Retail Uses.” Prepared by Stephen Rice and Michael Giulioni.
- Hirt, Jeff and Joe Sellars. 2007. “Goodbye Main Street?” *Zoning Practice*, October.
- Schutz, Jim, and Kelly Kline. 2004. “Getting to the Bottom of Mixed Use.” *Planning*, January.

Final Report: Zoning Strategies and Tools For Regulation of Retail Uses

Government of the District of Columbia
Zoning Regulatory Review Project
Retail Working Group

Office of Planning
Development Review Division

801 N. Capitol St.
Suite 4000
Washington D.C. 20001

Prepared by:

Stephen Rice and
Michael Giulioni

Introduction:

The follow report outlines detailed recommendations in relation to the District of Columbia Zoning Regulatory Review Project's Retail Working Group. These recommendations are based on a series of public meetings, public response solicitations and staff research and analysis. The recommendations presented are intended to:

- Effectively address specific policies and action items of the District of Columbia Comprehensive Plan;
- Improve the clarity, relevance and ease of use of the Zoning Ordinance;
- Effectively address concerns identified by the working group;

All with respect to retail commerce as an important type of land use.

These recommendations will serve as the foundation for the preparation of regulations related to the District of Columbia's Zoning Ordinance. Final language will be based on the results of the work of the retail working group in combination with other related working groups.

Upon final implementation of these recommendations it is important to note that they will not represent changes to other existing regulatory systems (e.g.: Historic Preservation Districts), but only the standard zoning regulations. Upon completion, these new zoning regulations will continue to interact as the current standards do with respect to other related regulatory systems.

Format:

For ease of reference the recommendations have been presented in two sections:

- **Zoning Ordinance Related Recommendations** – recommendations that address specific zoning related matters.
- **Deferred Items for Future Working Groups and Policy Development** – general recommendations for further work that is retail use related, but that has more relevance in broader regulatory and fiscal land use policy, outside of the scope of zoning.

Within each recommendation section the information is presented in three parts:

- The specific recommendation is identified along with reference to associated ***Comprehensive Plan Policies or Action Items***;
- A further description of the recommendation and associated rationale, including a bulleted list of ***supporting working group and public feedback comments***;

- An overview of regulatory guidance that could be used when preparing final regulations. Where applicable example regulations or concepts have also been provided for clarity; and
- General comments identified by the Working Group upon presentation of the draft recommendations for their review and related dialogue.

Zoning Ordinance Related Recommendations

The following recommendations intend to identify areas for potential improvement to both the organization of the District of Columbia zoning ordinance and to the utilized regulatory tools. In many cases the recommendations are focused on ways the existing regulations can be improved and applied more comprehensively throughout the district. Some new tools have also been proposed for consideration.

Each recommendation is supported by the identification of relevant Comprehensive Plan Policy and Action Items in a separate table. The specific policy code or action code is identified along with the associated title clause (i.e.: Policy UD-3.1.7: Improving the Street Environment). For full text, reference can be made to the Comprehensive Plan.

Supporting Working Group and public feedback points are also identified. These points are provided as background regarding the need for, and development of the recommendation.

Recommendation 1: Focus on the regulation of Ground Floor Retail within the context of broader Commercial Corridor and District land use regulation. Focus on uses and development standards that make a good retail environment at the street level as opposed to general permission of uses by geographic area.

Supporting Policies and/or Action Items:
Policy UD-3.1.7: Improving the Street Environment
Policy ED-3.1.1: Neighborhood Commercial Vitality

1.1 Concept and Rationale:

Much of the Working Group conversation focused on the location of retail commerce within a commercial district and the dedicated street level retail space's relationship to the street. Both what uses occupy the retail space at street level, and how and where this space is placed and designed to interact with the street was considered vitally important to the success of a retail district.

It is therefore generally recommended that the composition of retail related regulations should be organized so as to ensure recognition of what happens at the **ground floor** or **street level** as paramount, within the context of broader and interrelated commercial area regulations.

Further to the discussions of the working group and review of some best practices (including recent District of Columbia regulatory development for Reservation 13, the Hill East District): focusing on the regulation of ***Ground Floor Retail*** within the context of other related regulations would be a consistent and effective approach regarding how to ensure successful commercial areas throughout the District.

Supporting Excerpts from Working Group and Public Feedback:

- ***Through facilitated discussions with the Working Group, the focus of their feedback often related to what happens on the street level.***
- ***We need to be able to 'nodify' retail uses in certain areas that have an imbalance of residential density relative to available commercial space.***
- ***Consider requiring percentage of ground floor space be used for retail or food uses-not law firm lobbies, banks health facilities etc.***
- ***Restrict the amount of blank ground-level street frontage-either walls or covered-over windows (CVS, law firms etc.)***

1.2 Regulatory Requirements:

The following should be included in the preparation of language related to Ground Floor Retail Uses within a commercial area regulatory section:

- Explanatory language establishing the need to regulate for ground floor retail uses and related development standards, within the context of broader commercial area regulations;
- A section defining what areas of a commercial district would be regulated as ground floor retail and associated maps. This section could also stipulate where ground floor retail might *not* be permitted, in order to facilitate retail nodes.
- A section addressing the permission and prohibition of specific ground floor retail uses; and
- A section addressing the regulation of development standards associated with ground floor retail.

Identified in the image below is an example of how the regulation of the location of required, permitted and prohibited Ground Floor Retail areas is being accomplished in the Hill East redevelopment plan and regulations. Commercial Districts could use a similar approach or simply require or prohibit types of retail depending on area needs and characteristics.

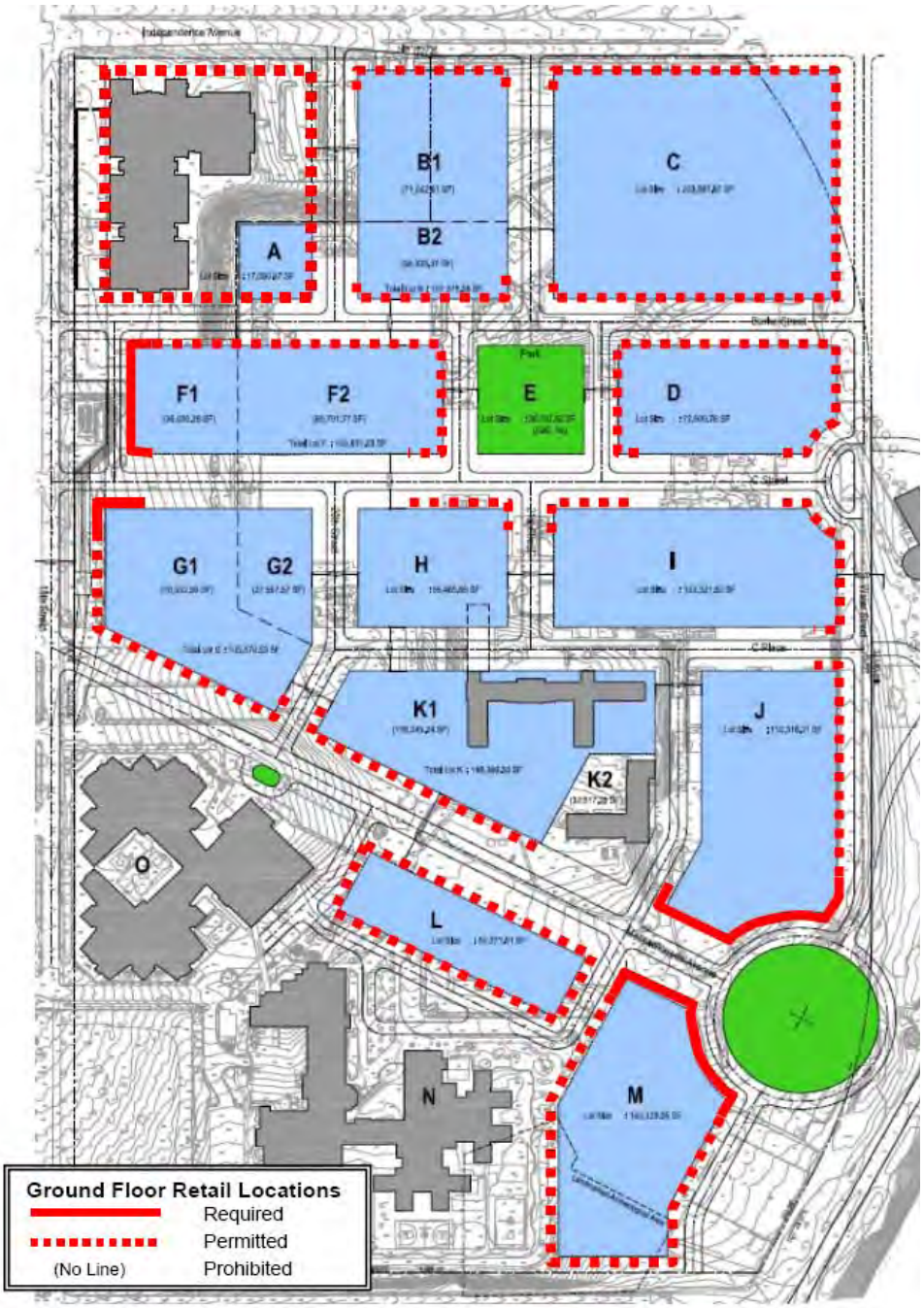
1.3 Working Group Comments on Recommendation:

Upon presentation of Recommendation 1.0 to the Working Group there was general consensus on the relevance of regulating retail from a 'ground floor' perspective. However, specific concerns were identified about enabling the prohibition of any retail within a commercial district. These concerns conflict with possible policy implementation programs related to commercial corridors; specifically the creation of 'retail nodes'.

The approach toward selectively prohibiting may or may not be correct. At this time, it may not be advisable, nor is it recommended to implement any prohibitions on retail uses in commercial areas on a comprehensive basis. Limited implementation of such a program, based on specific commercial area considerations, may however prove useful. If applied it may be advisable to limit implementation of such a tool to 'pilot' areas and to limited terms (i.e.: 5 years). Areas can be monitored to determine effectiveness in accordance with desired goals.

The general recommended approach to regulating retail as proposed does provide for flexibility. Should it be deemed necessary to remove prohibitions, minor modifications to the code and related maps would not be arduous.

Hill East Ground Floor Retail Map



Recommendation 2: Recognize the need for local regulations based on area characteristics – i.e. Neighborhood Commercial District, Downtown, Wisconsin Ave., Georgia Ave.

Supporting Policies and/or Action Items:
Policy ED-3.1.1: Neighborhood Commercial Vitality
Policy ED-2.2.3: Neighborhood Shopping
Policy ED- 2.2.2: Downtown Shopping

2.1 Concept and Rationale:

Through the general working group discussions, it became apparent that to be effective, retail-associated regulations must recognize the geography of different areas. Regulations need to be able to relate to their relative context – whether the defined area is a neighborhood commercial district or the downtown. This is currently achieved through the interrelationship between the base commercial zoning districts and the use of zoning overlays. As an alternative it would be more practical to simply recognize individual districts and regulate all associated local interests based on local geographic characteristics.

Writing a new zone in lieu of overlay would also allow for the ***maintenance of existing regulations*** that are utilized in existing overlays and would allow for better local planning based on area needs and markets. The use of such an approach should not necessarily pose additional administrative burden as many of the existing commercial areas of the city are already regulated through an overlay approach.

Application of such an approach would establish a framework that would also be most consistent with the Comprehensive Plan. Due to the varying nature of Commercial districts in terms of the population they may serve, or the population it may be desired that they serve, it is important that the final system be flexible in recognizing both possibilities. For example, certain commercial areas may serve vastly different target markets in terms of scale. The Downtown – a High Density Commercial area – serves a wide regional market; whereas Mount Pleasant – a Low Density Commercial area – serves a much more local market. The appropriate types of permitted uses and development standards would not necessarily be consistent between the different areas.

In addition, where we have two commercial areas that are of the same type – Mount Pleasant and Cleveland Park, both Low Density Commercial Areas – they may be dealing with different local market characteristics and/or problems. Even though they are the same type of area, they need to be able to permit or prohibit uses and establish development standards based on local conditions.

Further potential considerations and relevant reasoning for such a concept will be addressed through other recommendations.

Supporting Excerpts from Working Group and Public Feedback:

- ***Address real contemporary issues – zoning should be flexible to shift quickly to address economic challenges – or otherwise.***
- ***We need to make a distinction between new construction and other parts of the city where things are fixed; how we regulate should/will vary depending on the location. We should require retail in these districts and define what that means as well as what percentage should go where.***
- ***Service a three to five minute driving radius.***
- ***Remove necessity of driving to accomplish everyday tasks.***
- ***Zoning should not be a barrier to facilitating Retail uses. It should be more positive force in achieving our desired ends and its purpose.***
- ***Zoning should be more flexible to allow for modification based or current need when it is not achieving its goal.***
- ***Zoning regulations must recognize the need for balance between local business and national chains.***
- ***Need to build regulations consistent with Public Transportation and associated plans.***

2.2 Regulatory Requirements:

Some regulatory requirements that would be necessary to ensure viable application of such an approach to regulation include:

- Utilization of standard tools and ordinance organization between different districts; and
- Utilization of consistent language when defining uses and regulating development standards.

2.3 Working Group Comments on Recommendation:

The working group was generally supportive of the geographic specific approach to the regulation of retail uses and development standards. However, concerns were expressed that this is not necessarily an assurance of success.

Recognizing this change should be accomplished within the scope of wider commercial corridor planning. A more local approach to regulation of retail should not disregard wider retail markets, both within the district and regionally, when individual policies are developed. It is important that individual retail area regulations reflect a wider city strategy.

Maintaining common development standards and language for use regulations are an important step in assuring coordination. Common language and tools will allow for measurement, comparison and future retail strategy implementation that ensures recognition and co-ordination with surrounding retail districts.

Recommendation 3: Continue to utilize and further develop development standards which restrict the concentration of certain permitted uses.

Supporting Policies and/or Action Items:
Action LU-2.3.A (b): Zoning Changes to Reduce Land Use Conflict in Residential Zones
Policy ED-2.2.4: Destination Retailing
Policy ED-2.2.5: Business Mix
Policy ED-3.1.1 Neighborhood Commercial Vitality

3.1 Concept and Rationale:

Recognizing the proposed ability to regulate on a more local or geographic basis (as identified in Recommendation 2.0), it would be worthwhile to maintain and develop standards to restrict the concentration and location of certain permitted uses. Such regulations may be helpful in achieving the following policy goals:

- Achieving a balanced retail business mix;
- Helping to curtail rising rents associated with certain uses; and
- Ensuring that retail space is available to serve neighborhood resident needs.

Currently regulations that limit the concentration of certain uses do so through a frontage based restriction. Within the Neighborhood Commercial Overlay regulations of the District of Columbia Zoning Ordinance, designated districts may regulate a maximum amount of restaurant and related uses to 25% of the linear street frontage within a defined area.

Through the continued application of such 'concentration-restrictions' it may be worth further developing means of regulating use concentration based on ***floor-space area*** relative to the district within which the use exists, and *where* such uses may be permitted or restricted within the defined area.

Supporting Excerpts from Working Group and Public Feedback:

- ***Restrict banks from corner locations in general, or at least in overlay districts such as Downtown Development, Woodley Park, Cleveland Park, Mt. Vernon Triangle etc.***
- ***Encourage balance in the retail mix.***
- ***Overlays might not be relevant now compared to when they were initiated. A regular review of their effectiveness should be performed. To adequately assess their impact they should be reviewed both during periods of rapid and slow economic growth.***
- ***Review current limitations to ensure zoning is not an impediment to healthy and fledgling retail.***

3.2 Regulatory Requirements:

The continued application of use limitations should include the following requirements or considerations based on Working Group and Public Feedback:

- Effective application and enforcement of the limitations requires that more effort be placed on keeping information related to types of uses and the associated area that they occupy, and the actual baseline standard for the restriction (i.e.: total linear frontage within a defined district.)

- Consideration of how to deal fairly with applicants who are impacted by an application near the edge of a threshold. This could include situations where there is only a portion (i.e.: 5 %) of the restricted frontage available – but the desired frontage exceeds this amount. Possible solutions include:
    - The defined index could apply as a base-line only – not a strict standard. An applicant would therefore be able to occupy a space regardless of whether their proposed frontage or floor space can fit ***entirely*** within the allowable remaining index. For example, the remaining permitted frontage is 5 % and the applicant's proposed frontage would represent 7% of the entire permitted frontage. The applicant would still be permitted, as the general overall goal of effectively restricting a maximum concentration would be achieved, without being punitive.
    - Preliminary certification of space availability related to a concentration-restricted use issued by the Zoning Administrator prior to execution of a leasing agreement. The certification would be valid for a certain time so as to not encumber the space with speculative inquiries.

- Restrictions on location and area would not apply to existing businesses that desire to expand the physical space of their existing businesses.

- Regular review of the use restrictions should be performed to evaluate the impact of the regulations toward intended goals. This could be accomplished through the establishment of sunset review language.

- Where review takes place, clear goals should be established (i.e.: reduced or maintained rental rates, balance of retail uses, vacancy rates, etc.). These criteria should form the basis of measuring the success of existing and any proposed use concentration restriction.

- Considerations should be made regarding regulating based on an area standard such as floor space as opposed to a linear standard.

3.3 Working Group Comments on Recommendation:

Dialogue with the working group throughout the meeting process did not result in a strong consensus regarding effectiveness of use concentration regulations. Although the application of the regulations may be effectively prohibiting the proliferation of certain uses it may also be overly restrictive as it may be resulting in unnecessary vacancies where space is available and desired by a certain tenant.

With the reality that these restrictions are already in place and that the zoning review process is not intended to focus on desired ends, it was recognized that the recommended improvements would be pragmatic.

Further to the regulation of use concentrations and other possible regulatory tools, the proposed use of floor space as the standard of measurement (instead of frontage) was recognized as good idea in theory, but hard to practically apply.

Recommendation 4: Utilize definitions for retail uses based on existing related regulatory and economic measurement systems to ensure ease of use and consistency in enforcement and compliance; and to allow for economic development planning. Establish additional guidelines for evaluation of use permission or special exception that focus on desired retail impacts.

Supporting Policies and/or Action Items:
Action LU-2.3.A (b): Zoning Changes to Reduce Land Use Conflict in Residential Zones

4.1 Concept and Rationale:

Definitions:

Through discussions with the Working Group the idea of using existing classification or regulatory systems was proposed as a means of establishing new definitions to be used in the Code. Research has indicated that consistent definitions between the zoning regulations and other related regulations (i.e.: Alcoholic Beverage Regulations) would represent a manner of ensuring consistency and clarity with respect to regulating towards certain desired intentions.

This approach would be consistent with the general intent of a Comprehensive Plan as a synthesis of a broad range of policy interests: i.e.: economic development policy, housing policy, land-use compatibility, etc. Utilizing definitions in a Zoning Ordinance (an implementation tool for a Comprehensive Plan) which correspond with higher level or other related regulations will build consistency with other public regulatory bodies and avoid gray areas where applicants find themselves having to comply with two separate standards.

This approach to establishing definitions in association with use permissions is also recommended by the American Planning Association (APA). The APA advocates for the utilization of nationally accepted definitions if available, and the use of federal, state or other relevant municipal definitions in a local zoning ordinance.

In relation to the North American Industry Classification System or NAICS – a system developed to classify businesses to allow for comparability – the Planners Dictionary specifically states that:

> The NAICS can be used to develop various land-use categories and identify changes of use. The zoning ordinance could identify specific NAICS business sectors or sub-sectors as permitted uses in appropriate zones *and exclude them where not appropriate.*[*]

Using a system – such as the NAICS – would also allow for measurement of performance of commercial districts in relation to economic development interests. This would be consistent with general methodology associated with **Retail Area Market Analysis**, which is based upon the NAICS. The system is also broad and thorough enough in nature that it tends to allow a broad range of retail uses based on the parent classification categories – not necessarily requiring that all possible desired use types be identified beyond the parent classes.

Evaluation of Retail Use Permission and Special Exceptions:

Although the use of common terms and definitions may be more thorough in recognition of potential uses there is always the probability of the need for further clarity in association with assessing the consistency of a proposed retail use. To assist in the evaluation of such an approach it would be advisable to develop criteria that could be applied in evaluating a proposed use – whether through permit review or through special exception. These criteria should be based on general retail policy goals and would ***not*** necessarily have to ***all*** be met in order to be deemed to be compliant. Examples ***could*** include the following:

- The use shall provide a good or service which generates sales tax.
- The use shall have no negative impact in terms of noise or odors on neighboring properties.
- The use shall be of the nature that involves the sale and purchase of goods or services on a regular basis which would therefore facilitate regular pedestrian traffic.

[*] A Planners Dictionary, Pg. 7, PAS Report Number 521/522, APA, 2004.

Supporting Excerpts from Working Group and Public Feedback:

- ***Recognize classification systems that already exist to regulate business uses.***
- ***NAICS code was introduced for possible guidance when discussing preferred retail types. Building code occupancy and alcohol/beverage control classifications were also suggested as relevant sources. Group members also suggested the use of other retail categories used in other cities.***
- ***Businesses with different hours of operation – some day, some late night.***
- ***Where definitions are used they should focus on the intent or goal of the regulation. Compliance should be based on criteria being met and not necessarily an absolute test.***
- ***Protect the existing quality of life in residential neighborhoods: noise and safety.***

4.2 Regulatory Requirements and Example:

The following regulatory requirements should be kept in mind when establishing a revised system for permission and restriction of ground floor retail uses.

- The NAICS should be used to establish different categories of Ground Floor Retail uses.
- Exclusions or prohibitions should draw from relevant regulatory interests where such examples exist. I.E. Prohibitions on alcohol related uses and their associated impacts should defer to the District of Columbia Alcoholic Beverage Regulations and the definitions of specific types of establishments contained therein.
- Where no existing definition exists in relation to the potential impact that is trying to be addressed, language should be drafted which focuses on the regulatory intent of the definition, not simply a commonly understood term.
- Qualifications should still be required based on certain use types – i.e.: Fast Food Restaurants – as established in the existing ordinance.
- Where using regulations based on other regulatory or classification systems, the zoning ordinance must address the potential for updates of those other systems' definitions. Ultimately it must be ensured that the applied definition maintain consistency within desired goals of the zoning ordinance.

Provided below is a sample ground floor retail use regulatory section that could be incorporated into a commercial district regulatory section of the Zoning Ordinance.

Sample Ground Floor Retail Use Regulatory Section

1. The table identified in Section 6 identifies a comprehensive list of Ground Floor Retail Uses. A use is permitted by the chart when the letter "P" is set in the line opposite the designation of the use and prohibited where an "NP" is set in the line opposite the use designation. Where an identified use has a letter "Q" followed by a number or numbers the use shall be subject to the qualification or qualifications identified in Section 7.

2. Where a use is identified as prohibited this shall also apply to any accessory or secondary use of a Ground Floor Retail space, whether located on the ground floor or as a component of a contiguous space linked to the ground floor.

3. Any use not specifically identified within the Regulated Ground Floor Retail Use Table or inconsistent with the definition and associated uses shall be explicitly prohibited.

4. Where a potential Ground Floor Retail use is proposed and may be considered consistent with the general intent of maintaining active and vibrant ground floor retail spaces. But is not specifically identified within the permitted NAICS sections. It may be approved by Special Exception subject to the following evaluation criteria. Compliance with all criteria shall not be necessary for approval:

    a) The use shall provide a good or service which generates sales tax.
    b) The use shall have no negative impact in terms of noise or odors on neighboring properties.
    c) The use shall be of the nature that involves the sale and purchase of goods or services on a regular basis which would therefore facilitate regular pedestrian traffic.

5. The North American Industry Classification System (NAICS) shall serve as the basis for the establishment of permitted use types and corresponding definitions. Where applicable more detailed definitions will be provided for clarity. The NAICS code shall serve as the basis of reference to the corresponding definitions. Identification of any NAICS code shall include all subordinate uses under the corresponding classification parent classification code identified, unless a specific sub-code is identified for purposes of prohibition.

6. Regulated Ground Floor Retail Use Table:

NAICS Use Code:	Use and Further Definition:	Permitted or Not Permitted:
Retail Trade		
441	Motor Vehicle and Parts Dealers	NP
442	Furniture and Home Furnishings	P
443	Electronics and Appliance Stores	P
444	Building Material and Garden Equipment and Supplies Dealers	P
445	Food and Beverage Stores	P
4453	Beer, Wine and Liquor Stores Beer, Wine and Liquor Stores shall include any off-premise retailer licensed to vend alcohol in accordance with Title 25-112 of the District of Columbia Official Code regarding Alcoholic Beverage Regulation.	NP
446	Health and Personal Care Stores	P
447	Gasoline Stations	P
448	Clothing and Clothing Accessories Store	P
451	Sporting Goods, Hobby, Book and Music Stores	P
452	General Merchandise Stores	P
453	Miscellaneous Store Retailers	P
4539	Other Miscellaneous Store Retailers	NP
45393	Manufactured (Mobile) Home Dealers	NP
45399	All Other Miscellaneous Store Retailers	NP
Finance and Insurance		
52211	Commercial Banking	Q-1
Real Estate and Rental and Leasing		
5322	Consumer Goods Rental	P
532299	All Other Consumer Goods Rental	NP
Accommodation and Food Services		
722	Food Services and Drinking Places	Q-2
7221	Full-Service Restaurant	Q-3
7222	Limited-Service Eating Places	Q-4
7223	Special Food Services	NP
7224	Drinking Places	Q-5
Other Services		
8112	Electronic and Precision Equipment Repair and Maintenance	P
8114	Personal and Household Goods Repair and Maintenance	P
8121	Personal Care Services	P
81219	Other Personal Care Services	NP
8123	Dry-cleaning and Laundry Services	P
81233	Linen and Uniform Supply	NP
8129	Other Personal Services	P
81293	Parking Lots and Garages	NP
81299	All Other Personal Services	NP

7. Qualifications:

    1. Commercial Banking establishments shall be permitted within the defined Ground Floor Retail Area provided:
        a) they are not located in the following defined geographic areas:
            - Example Area A
            - Example Area B
        b) They occupy no more than a total gross floor area of 5,000 square feet.

    2. All Food Services and Drinking Places corresponding with NAICS Code 722 shall be permitted subject to the following limitations:
        a) These uses shall occupy no more than 25 % of the linear street frontage within the defined permitted Ground Floor Retail area.

    3. Full-Service Restaurant shall be permitted subject to the following limitations:
        a) A restaurant that desires to serve alcohol shall be limited to an (R) license as required under § 25-113.
        b) For purposes of this regulation a restaurant shall follow the same definition utilized in § 25 of the District of Columbia Official Code.

    4. Limited-Service Eating Places shall be permitted to the following limitations subject to the following limitations:
        a) They shall not be permitted to sell alcohol. Alcohol shall have the same definition as that used in § 25 District of Columbia Official Code.

    5. Drinking Places shall be permitted subject to the following restrictions:
        a) A Drinking Place shall not include a Nightclub as defined in § 25 of the District of Columbia Official Code.
        b) A Drinking Place shall include a Tavern as defined and licensed under § 25 of the district of Columbia Official Code.

4.3 Working Group Comments on Recommendation:

The working group commented that where other established definitions exist and are applicable it would make good sense to use them. Specific concerns were expressed regarding the potential for updates of the definitions wherefrom they are drawn, whether from other regulations or classification systems. Recommendations we're made that where definitions are utilized from alternative regulations or systems, that their meaning be established based on the date of adoption in the ordinance.

Staff would recommend that the Office of Attorney General and the Office of Zoning advise on how to ensure effective application of definitions from other statutes, regulations, or systems. Maintaining consistent and effective application of the zoning regulations toward desired goals, if and when any changes to definitions are made, should be of paramount importance.

Important to note were concerns that were raised regarding the impact of any proposed use permissions through the zoning update on existing alternate regulatory requirements outside the scope of zoning (specifically Alcoholic Beverage Commission moratoriums). Within the context of the zoning review and any associated changes, there would be no impact on existing related systems of regulation. Any changes would supplant only the existing zoning regulations, where applicable.

Recommendation 5: Ensure newly developed space maintains minimum ceiling height standards consistent with national and generally preferable retail requirements. Ensure that required minimums allow for relative allowances to final overall building height and within broader height guidance requirements.

Supporting Policies and/or Action Items:
Policy ED- 2.2.2: Downtown Shopping
Action ED-2.2.B: Retail Ceiling Heights

5.1 Concept and Rationale:

Through discussions with the working group, general feedback provided through the District of Columbia Zoning Update web-site and direct information solicitations, it became apparent that the 14 foot minimum clear ceiling height standard utilized in some existing overlays should be maintained and applied through other individual commercial area regulations. Restriction of the minimum first floor ceiling height should also have a compensating allowance related to the overall building height, where applicable.

Regulations should consider a height allowance where additional first floor ceiling height (beyond the 14 foot minimum standard) should be permitted. This can be achieved through additional building height allowances, within established overall maximum standards. Utilization of this approach will ensure consistent development of retail space which meets the needs of retail tenants who may have special requirements for floor height allowances (i.e.: grocery stores).

Supporting Excerpts from Working Group and Public Feedback:

- ***Current 5 ft. compensation for ceiling heights is the right strategy. 14 ft. clear is a good height.***
- ***Ground level should be built properly for retail.***
- ***Require 14 ft. ceiling heights in all neighborhood districts for new development and grant extra height as matter-or-right if such ground floor height increase will cause the loss of a floor under the height limit for that zone.***
- ***Zoning should not be a barrier to facilitating Retail uses. It should be more positive force in achieving our desired ends and its purpose.***

5.2 Regulatory Requirements:

The following regulatory requirements should be utilized with respect to final language related to retail ceiling heights:

- A 14 foot clear **minimum** height requirement from floor to ceiling of the first story of a building located and fronting on a designated required Ground Floor Retail Area should be the minimum defined standard.
- The Ground Floor restriction should provide a compensation clause for the additional final building height – as permitted under the Height Act – to compensate for the potential loss in gross leasable floor space on the upper story.
- The compensation clause for final building height should be relative to the amount by which the minimum clear floor to ceiling height exceeds the existing one-story first floor standard of 9 feet – up to a specified maximum based on area considerations.
- An illustrative diagram would also be useful to ensure compliance and clarity regarding the clause.

The following language and figure provides an example based on existing language and the proposed modifications:

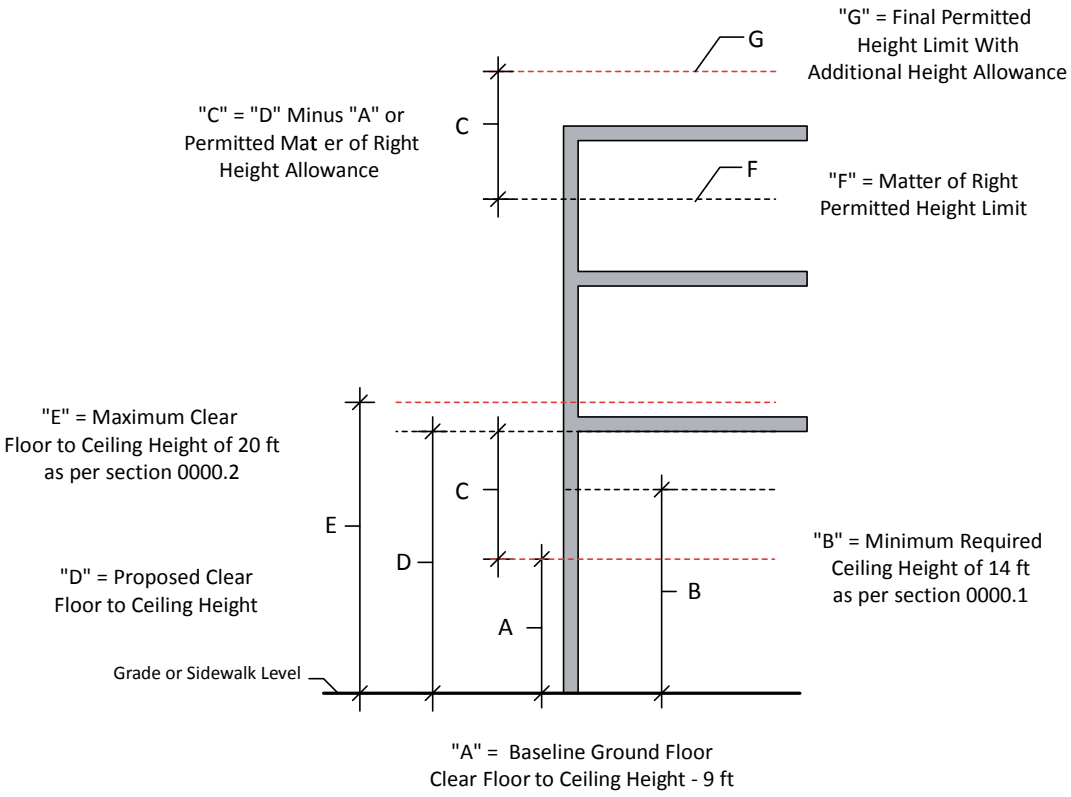
Revised Minimum Ceiling Height Restriction Language

0000.1 The ground floor level of each building or building addition shall have a uniform minimum clear floor to ceiling height of fourteen feet (14 ft.)

0000.2 Buildings subject to § 0000.1 shall not be limited to the defined minimum and are entitled to higher clear floor to ceiling height on the ground floor level as desired up to a maximum of twenty feet (20 ft)[†]. Where additional height is provided beyond the fourteen foot (14 ft) minimum, the building shall be permitted an additional amount of building height allowance relative to the final height established for clear floor to ceiling height.

0000.3 The allowances provided through S. 0000.1 and 0000.2 are illustrated in Figure 0.1 for further clarity.

Figure 0.1: Minimum and Maximum Clear Ground Floor Ceiling Heights and Associated Building Height Allowances



[†] The identified 20' standard is an assumption based on the highest possible reasonable allowance. The intent of the language is intended to represent the potential for a sliding scale as opposed to a fixed standard, which could be more limiting and subject to request for special exception. The optimal 'maximum' standard should be based on further retail market research and final application should be based on local commercial area considerations.

5.3 Working Group Comments on Recommendations:

The proposal of the 14 foot minimum standard for a clear floor to ceiling height was generally accepted as a good baseline for the restriction of minimum clear floor to ceiling heights with respect to new construction. This was indicated through working group discussions and the solicitation of feedback from certain participants involved in the development of the District of Columbia's Retail Action Strategy.

Although the minimum was supported, there were concerns expressed regarding providing any allowances beyond any matter of right standard and the potential for a sliding scale. Additional concerns were also expressed in regard to other related Height regulations, specifically those associated with Historic Districts.

The current experience in relation to the application of the 14 foot minimum clear floor to ceiling height standard and associated height allowance has proven to be effective in achieving its intent. The application of the 14 foot minimum restriction, results in a minor allowance in addition to overall height of a building (five feet). Adjusting the minimum standard to a sliding scale – up to a maximum of 20 feet – would allow for up to 11 ft in additional permitted height – an effective full building story. Such an allowance may be considered inappropriate in many instances.

What would be advisable would be to establish the maximum desirable limit based on research related to current national retail market demands. The basic intent of providing a minimum and a maximum would be to ensure flexibility where a particular desired use (i.e.: grocery store) may require additional height beyond the 14 foot minimum, while still providing the overall building height allowance. Where the final height is established should ultimately be contextually based, depending on local retail market area characteristics and desired improvement strategies.

Again, where regulations are in places that have a higher regulatory enforcement power than the zoning regulations (i.e.: Historic Preservation Districts), those existing powers shall prevail.

Recommendation 6: Develop, Revise and Maintain Consistent Development Standards Related to Ground Floor Retail continuity and Active Street Fronts:

- ***a) Establish and Maintain Development Standards that ensure that new Ground Floor Space is active retail/window space.***
- ***b) Establish Development Standards that restrict a minimum amount of access points relative to building frontage.***
- ***c) Establish maximum standards for Office or Residential Lobby entrances relative to overall frontages.***

Supporting Policies and/or Action Items:
Policy ED- 2.2.2: Downtown Shopping
Policy ED-3.1.1: Neighborhood Commercial Vitality
Policy UD-3.1.7: Improving the Street Environment

6.1 Concept and Rationale:

Within the body of the existing District of Columbia zoning regulations, and in development, are regulations related to ensuring retail continuity or active street fronts. In addition to this work there is more recent work, again related to the Hill East redevelopment plan, which supports this goal.

Maintaining and developing these types of development standards were of key concern to members of the Working Group and are proven and effective means of ensuring the reduction of negative impacts associated with inappropriately functioning retail street-walls. These standards should be recognized and serve as tools to be used city-wide, as applicable, to maintain active street frontages.

Further reference to the types of standards identified above, regulatory requirements and examples are provided below.

Supporting Working Group and Public Feedback

- ***Consider requiring percentage of ground floor space be used for retail or food uses-not law firm lobbies, banks health facilities etc.***
- ***Restrict the amount of ground-level street frontage per individual retail user. To promote user mix, regulations should promote something like a maximum of 25' frontage for all users up to 2,500 square feet + 1' of additional frontage for per each additional 100 square feet Perhaps a special exception should be instituted in situation like existing corner row houses, which typically have a short front on one street and a long front on another.***
- ***Restrict the amount of blank ground-level street frontage- either walls or covered-over windows (CVS, law firms etc.).***

- ***The current overlay district regulations are too restrictive and that if we want to create vibrant successful businesses, we need incentives to get the things we want.***
- ***Concerns about vacant space were raised:-we must be conscious of property owners with 'patient money' who hold vacant properties until particular type of tenant surfaces.***
- ***Ground level should be built properly for retail.***
- ***Requirements on ground-level and window conditions, such as opacity, should be examined.***
- ***Explore instituting mechanism to ensure neighborhood serving retail is not priced out in areas where available space for neighborhood retail venues are above what can be supported (Friendship Heights on DC side). Permanently dividing space into smaller spaces would be more conducive to small start up and deter national chains.***
- ***Need a mechanism to ensure that there is neighborhood serving retail in parts of the city where the market prices retail space above what can be supported by retail serving the community.***
- ***Facilitate interactivity on the streets.***

6.2 Regulatory Requirements and Examples:

Outlined below are examples from the existing ordinance and the proposed Hill East regulations that fulfill the desired intent of ensuring active street-walls and street frontage space.

The Downtown Development overlay district utilizes a restriction on surface area of any street-wall to maintain active retail/window space and to restrict minimum access points to the building:

> 1701.3 Along defined street frontages, not less than fifty percent (50 %) of the surface area of any street-wall at the ground level of each building shall be devoted to display windows and to entrances to commercial buildings or to the building; provided:
>
> a) The windows shall use clear or low emissivity glass, except for decorative or architectural accent;
> b) Entrances to the building, excluding vehicular entrances, shall be separated by not more than fifty feet (50 ft.) on average for the linear frontage of the building.

The Neighborhood Commercial Overlay district provides language more specific to the provision of appropriate uses at the ground floor level of the building:

> 1302.4 The identified designated uses shall occupy no less than fifty percent (50 %) of the gross floor area of the ground level of the building, subject to the following requirements:
>
> a) No more than twenty percent (20%) of the ground level floor area shall be devoted to banks, loan offices or other financial institutions, travel agencies or other ticket offices.

The draft Hill East regulations contain similar standards, specifically:

> 2815.6 The street facing facades of buildings on primary streets shall devote not less than fifty (50) percent of the length and 50% of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with building entrances.
>
> 2814.6 Buildings shall incorporate vertical elements to create a series of storefront-type bays with entrances that are no more than 50 feet apart.
>
> 2814.11 Street-facing facades shall not have blank walls (without doors or windows) greater than 10 feet in length.
>
> 2815.6 Entrances shall be no more than fifty (50) feet apart and recessed no more than six (6) feet deep or ten (10) feet wide.

Additional regulatory requirements that would further fulfill the intent of these types of regulations would be:

- Clarifying that any lobby space dedicated to serving upper floor office or residential uses shall not be counted towards the required 50 % that would be devoted toward active frontage space, or street level building entrances.
- Adjusting the 50% surface area standard and the 50 ft entry point standard relative to the context within which it is applied. (Generally the intent would be to be more restrictive, requiring a greater surface area and less space between entry points.)
- Preparing graphics and definitions to further support and clarify all standard terms (i.e.: 'surface area of street-wall') and associated requirements.
- Ensure through revision and updates to Neighborhood Commercial Overlay Districts that requirements for Ground Floor Retail identified above (S. 1302.4) ensure location on or along Street Frontage of space.

6.3 Working Group Comments on Recommendations:

Although specific language was not determined, the general tone of the working group seemed to overwhelmingly favor regulations that would aggressively ensure active street-walls on the ground level throughout all retail areas. The degree to which ground-level frontage should be regulated would vary depending on the needs and desires of the specific area.

The input ranged from specific examples as detailed in the Hill East regulations - *not less than fifty percent (50 %) of the surface area of any street-wall at the ground level of each building shall be devoted to display windows and to entrances to commercial buildings or to the building (§1701.3)* - to more generic comments - *ground level retail frontage should not allow any "blank" space at all.* The working group highlighted the need to clearly define what "blank" space means and the importance of recognizing building compliance considerations.

Other topics of concern were raised during the feedback discussion. These included the role and placement of signage, awnings and other visual components. It was determined that such topics are beyond the scope of the zoning review process, but should be recognized for future policy discussion and development.

Recommendation 7: Establish Ground Floor Retail adaptability development standards to ensure establishment of new retail space that would allow for long-term utilization by smaller businesses, but that would not prohibit occupancy by larger retail tenants.

Supporting Policies and/or Action Items:
Policy ED- 2.2.3: Neighborhood Shopping
Policy ED-2.2.4: Destination Retailing
Policy ED-2.2.5: Business Mix
Policy ED-3.1.1: Neighborhood Commercial Vitality
Policy ED-3.2.1: Small Business Retention and Growth
Policy UD-2.2.2: Areas of Strong Architectural Character
Policy UD-2.2.8: Large Site Development
Policy UD-3.1.7: Improving the Street Environment

7.1 Concept and Rationale:

Although current regulations may restrict the total quantity of retail space required as a component of a development project, it is important to recognize the need for that space to serve a wide variety of tenants in terms of scale. Requiring that newly developed retail space be **adaptable** to serve either large scale or small scale tenants will ensure that the District's retail supply base can address changes in retail markets over time.

Such development standards could be established as follows: a baseline standard would be determined for the maximum width of desired local retail space, within a defined permitted Ground Floor Retail area. This standard would be the basis for requiring that the ground floor level of new buildings be able to be divisible over time into spaces that meet the minimum standard. The entire space would still be able to be consolidated into a single occupancy at the desire of the building owner based on real estate demands.

Such a development standard would ensure that new retail spaces could adapt to a variety of potential future market demands for retail space. There would be an assurance that regardless of current demands that there would be a long term supply of start-up or small scale space. Adaptable building standards would also maintain urban design policies intended to ensure that a 'fine-urban grain' is maintained and that the street environment is maintained as an active space.

Further explanation and details are provided through the regulatory requirements, sample regulation and diagrams below.

Supporting Excerpts from Working Group and Public Feedback:

- ***Restrict the amount of ground-level street frontage per individual retail user. To promote user mix, regulations should promote something like a maximum of 25' frontage for all users up to 2,500 square feet + 1' of additional frontage for per each additional 100 square feet. Perhaps a special exception should be instituted in situation like existing corner row houses, which typically have a short front on one street and a long front on another.***
- ***Explore instituting mechanism to ensure neighborhood serving retail is not priced out in areas where available space for neighborhood retail venues are above what can be supported (Friendship Heights on DC side). Permanently dividing space into smaller spaces would be more conducive to small start up and deter national chains. Need a mechanism to ensure that there is neighborhood serving retail in parts of the city where the market prices retail space above what can be supported by retail serving the community.***
- ***Facilitate interactivity on the streets.***
- ***Develop a broad strategy that will encourage a balanced mix of large and small retail uses everywhere but create incentives to encourage small businesses. We should encourage people to have a longer-term vision since retail trends change over time and our current ordinance is 50 years old.***
- ***Encourage 'serendipitous' moments in the City. Encourage pedestrian traffic in general.***
- ***Create opportunities for entrepreneurship for existing neighborhood residents and ensure resident retention.***
- ***Zoning should not be a barrier to facilitating Retail uses. It should be more positive force in achieving our desired ends and its purpose.***
- ***Zoning regulations must recognize the need for balance between local business and national chains.***

7.2 Regulatory Requirements and Examples:

Identified below is an example of language that could be used as a means of requiring adaptable building frontages where new construction is taking place in a defined commercial district.

Proposed Retail Frontage Adaptability Language

0000.1 Where a building is to be reconstructed along designated street square frontages, it shall be required to maintain the first floor level as adaptable retail frontage.

0000.2 Adaptability shall be maintained by ensuring that ground floor retail space can be divided into smaller retail frontage spaces based on a defined standard for the designated area.

0000.3 Compliance with 0000.2 shall be achieved through building plans that:

a) allow for servicing (plumbing and mechanical) to individual tenants; and
b) that do not propose permanent frontage construction that would prohibit the division of the entire Ground Floor Retail building frontage into smaller units.

0000.4 The determination of the Minimum Number of Frontage Units shall be based on the following formula and is further illustrated in Figure 0.1 below.

The proposed building frontage shall be established and defined as the "X" variable. "X" shall be divided by "Y", the defined Minimum Frontage Baseline as identified in section 0000.7 below, to establish "Z": the Minimum Number of Frontage Units.

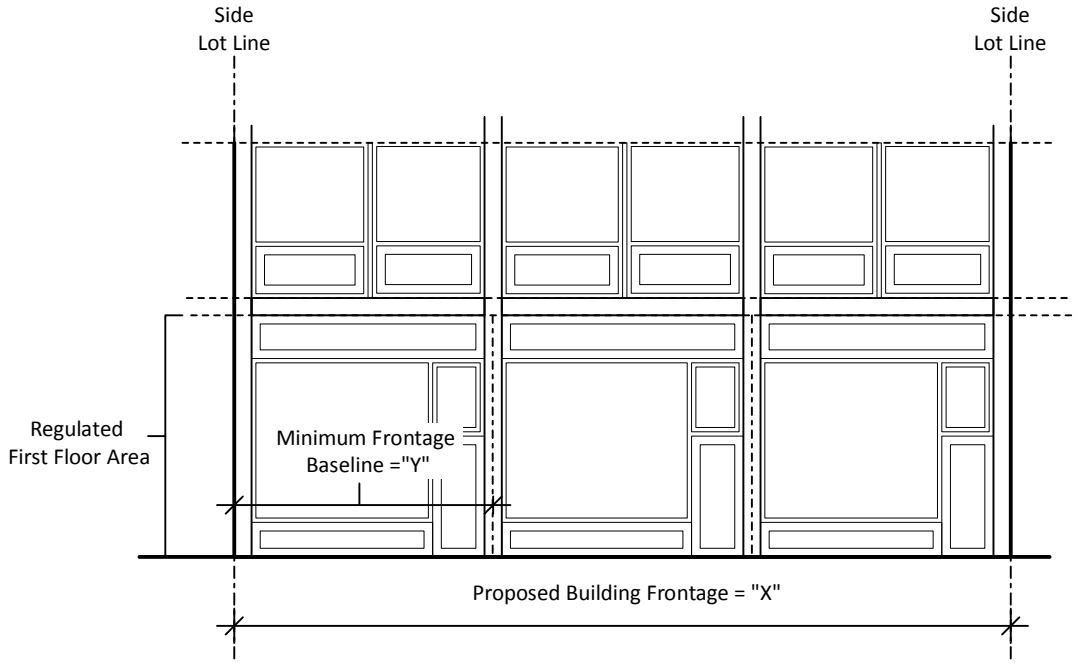
Where "Z" is a fraction it shall be rounded down to the next nearest whole number. Where this reduced whole number value is not viable based on structural requirements, the "Z" number shall be allowed to be reduced to the next nearest number that is.

0000.5 The requirements of section 0000.2 as a result of the determined amount of Minimum Number of Frontage Units identified through Section 0000.4 shall ***not*** prohibit the occupancy of ground floor retail space by a single occupant or multiple occupants that are less than the defined Minimum Number of Frontage Units.

0000.6 These retail adaptability development standards shall apply only to the First Floor Area as identified on Figure 0.1 below.

0000.7 The Minimum Frontage Baseline (or "Y") shall be fifteen feet (15 ft).

Figure 0.1: Adaptable Building Frontage Division Formula Illustration



"X" divided by "Y" = "Z" or the Minimum Number of Frontage Units.
"Z" value shall be rounded down to the next nearest whole number, or
the next whole number that is viable based on structural requirements.

When developing regulations related to retail space adaptability the following considerations would also have to be recognized:

- Corner lot situations and associated allowance requirements;
- That the regulations discussed in Recommendation 6.0 would be recognized to ensure no conflict and joint applicability of both standards desired ends;
- The minimum frontage baseline would be based on specific commercial district where adaptability development standard is being applied.

7.3 Working Group Comments on Recommendations:

The concept of creating ground floor adaptability development standards was generally received positively by the Working Group. For new construction, however, the working group drew attention to the need to clarify a distinction between façade adaptability (e.g.: window /divider placement) and internal function space adaptability (e.g.: plumbing arrangement, column placement). In either or both cases, a full understanding of the resulting implications of such a standard is necessary.

The idea of not making the adaptability piece a mandate but rather an incentive option was also raised due to cost concerns associated with requiring developers to fulfill such a standard. Additional concerns were also raised regarding the need to have a comprehensive knowledge base of the potential external impacts that may result due to the application of an adaptability standard.

Deferred Items for Future Working Groups and Policy Development

Through the discussions of the Retail Strategy Working Group many issues were identified that are considered to be very relevant to the impact of the success of retail business within the District of Columbia. However, many of these items are recognized here as a starting point for future discussions in other commercial oriented working groups. In addition there were ideas that were not within the specific scope of zoning regulations, but should be recognized for future fiscal, regulatory and/or administrative policy development.

Recommendation 8: Ensure through Commercial Corridor Working Group discussions that the following regulatory problems in relation to the C2A zone and other commercial zones are addressed:

- ***FAR allocations between Commercial and Residential Use, need to better address real estate economics.***
- ***Lot Occupancy standards and setback requirements need to be consistent with policy goals. There should not be a varying standard of ground floor occupancy based on whether a residential or commercial use is proposed.***
- ***Development Standards – particularly set-backs and lot occupancy should recognize the importance of grocery uses and should not restrict building depth and lot area so as to prohibit desired ends.***

Supporting Policies and/or Action Items:
Policy ED-2.2.6: Grocery Stores and Supermarkets

8.1 Rationale:

Through Working Group discussions and solicitation of public feedback through the District of Columbia Zoning Update Web-Site it became quite apparent that there were deficiencies regarding the C2A Zoning District and its application of FAR and development standards.

The development and placement of grocery stores in commercial areas was also identified as a critical issue to meeting the needs of local commercial district populations and establishing an overall balanced retail mixture.

Because these issues and standards are interrelated with larger Commercial corridor regulatory guidelines it was decided that it would be most practical to address these problems within the context of the Commercial Corridor Working Group discussions.

Supporting Excerpts from Working Group and Public Feedback:

- ***Zoning should not be a barrier to facilitating Retail uses. It should be more positive force in achieving our desired ends and its purpose.***
- ***Consider increasing density in areas where current permitted density is too low to support retail (such as 12th Street in Brookland).***
- ***C-2-A does not seem to produce the ground level retail with housing above that it was supposed to. Perhaps not enough density to compensate for loss of usable space for residential, given the need for tow means of access/ egress.***
- ***Consider ridding the rear yard requirement in C-2-A (especially where there are 30 foot alleys).***
- ***Review the effectiveness of the lot occupancy requirements of C-2-A (currently 80% for commercial and 60% for residential).***
- ***C-2-A and C-1 should have lower lot occupancy to encourage the provision of parking in rear.***
- ***The difficulty in providing "space" to tenants in neighborhoods is the floor plans tend to be quite small. Zoning relief regarding first floor lot occupancy would be helpful.***

Recommendation 9: Recognize and utilize guidance, ideas and observations provided through the Retail Working Group as foundation for discussion topics regarding Commercial Corridor and Downtown Working Groups.

9.1 Concept and Rationale:

Many ideas, principles, general discussion items and questions – although very relevant to the overall success of retail commerce within the District – were deemed to be more relevant to larger discussions regarding both the Commercial Corridor and Downtown Working Groups and general public policy initiatives. The items identified below should frame the discussion regarding bigger land use planning issues and wider policy development discussions, including future Comprehensive Plan Policy and Action Items.

Guiding principles:

- Need to build regulations consistent with Public Transportation and associated plans.
- When talking about density in relation to retail we should be talking about people as opposed to building standards.

Ideas:

- New development should be used to subsidize the development of affordable retail space with tools like Transferable Development Rights.
- Permission should be provided to allow retail into new areas such as side-streets off of existing main streets to address existing high rental rates on main streets.
- There should be some form of penalties associated with maintaining a vacant store front.
- There should be some manner of facilitating the temporary use of vacant retail space.
- Some form of tool should be considered that would enable ownership of retail space (i.e.: condo retail).
- Establish tool for measuring, maintaining and regulating an adequate mix of retail use types based on defined geographic goals. Tool could be utilized when allocating development bonus benefits associated with incentive programs and when considering Special Exceptions or Zoning Commission Approval on proposals.
- Establish tool for measuring the characteristics of retail space types (i.e.: heights, frontage size). Tool should utilize same methodology national retail space inventorying and analysis.
- Establish Development Bonus Incentive Program targeted to long-term affordable leaseable retail development, creation of condo retail, condo live/work retail, incubator space, grocery store space and common parking facilities. Program should focus on creating partnerships between development community and certified local economic development agencies with a mandate toward small business development.
- When dealing with Planned Unit Development proposals where a retail use is a required component of the PUD process, Certificate's of Occupancy should not be issued until a retailer is secured as a tenant.
- Where does signage fit in to overall regulatory regime – in relation to Retail?
- Where do other visual components – i.e. awnings – integrate into overall zoning discussion?
- A key factor in ensuring the establishment of small business incubators – which may be retail based – is to recognize an incubator through some form of use permission. This would also be valuable should there be a desire to transfer some form of financial benefit to an incubation type use as a part of any municipal fiscal programs.
- Although not within the specific scope of zoning regulations, participants expressed interest in facilitating – by whatever possible means – programs to improve existing 'blank' building areas, or underutilized window spaces.

Questions and General Observations:

- Is there a place for local retailers based on the current marketplace? We need to recognize the relationship to renovation and re-investment – which is needed – and the inherent associated rent increases. We need to understand why retail is unaffordable to determine if and how we can address it through zoning.
- How can we use office space to drive retail?
- How can we use Zoning to facilitate the creation of retail nodes?
- We need to understand how much 'workers' and 'visitors' make up in terms of density if we are to capitalize on them as a market. We need to understand how much 'human density' exists in areas during the day vs. the night. We need to recognize (where applicable) the differences between Federal employees and Private employees when it comes to retail.
- How do we use Zoning to address the problem where areas have an oversupply of retail space relative to the existing surrounding market base?
- How can Zoning be used to facilitate local shopping to prevent having to drive and spend elsewhere?
- How can we utilize the population density associated with the large visitor base that comes to DC in the form of workers and regional and national visitors?

Goodbye Main Street?

By Jeff Hirt and Joe Sellars

After decades of losing ground to suburban big box stores and chain restaurants, America's main streets are once again a major focus of development activity.

Jeff Hirt

Chain retail and restaurants are threatening the unique character of downtown Golden, Colorado.

Thanks to new urbanism and smart growth and other infill policies that redirect development inward, these areas are witnessing a resurgence in mixed use and commercial development. With this renewed interest in downtowns and central business districts, however, comes the issue of how to create and maintain a healthy mix of uses, including locally owned and locally serving businesses. Increasingly, communities are seeing an overconcentration of high-end uses (e.g., art galleries, boutiques, and expensive restaurants) and chain store businesses that can erode the qualities and ambiance that make downtowns unique and attractive.

Local governments are beginning to use zoning regulations as a powerful tool to create a balanced mix of land uses downtown and in business districts. In doing so, they are correctly recognizing a vital component of creating and maintaining a vibrant and sustainable downtown.

Using zoning to regulate uses is nothing new, but there are some creative strategies emerging to address the thornier issue of how to achieve the appropriate mix of uses. After all, attractive downtowns and business districts are a source of identity that distinguishes one community from another. This source of identity comes from not only the history, architecture, and the built environment generally, but also the businesses located there. One of the most significant features of vibrant downtowns and central business districts is diversity, or a robust mix of land uses, whether local, national, small, or large. In many cases, the businesses contributing to an ideal mix are the smaller, locally serving, and locally owned businesses. Local governments around the country are recognizing this fact and taking creative steps to protect these businesses through zoning regulations.

This issue of *Zoning Practice* reports on some innovative strategies being employed effectively in a diverse array of communities to create a healthy mix of uses from both economic and aesthetic standpoints. This issue also discusses potential zoning approaches to providing affordable commercial space, another component of creating and sustaining a balanced mix of uses.

Specifically, this issue discusses:

- zoning strategies to preserve and protect desirable uses downtown and in central business districts (often locally serving and locally owned uses);
- potential strategies to provide affordable commercial space for desirable businesses that may not be able to afford locating downtown or in central business districts; and
- legal implications and challenges of these strategies.

FROM UNIQUE TO HOMOGENIZED

Many downtowns and business districts are beginning to lose their diversity and the availability of affordable commercial space to chain retail/restaurants and high-volume or high-end users that can pay higher rents. They are also being elbowed out by upscale residential development. Stacy Mitchell, author of *Hometown Advantage: How to Defend Your Main Street Against Chain*

ASK THE AUTHOR JOIN US ONLINE!

From November 19 to 30, go online to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. *Jeff Hirt and Joe Sellars will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using an e-mail link. The author will reply, and* Zoning Practice *will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of* Zoning Practice *at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA* Zoning Practice *web pages.*

About the Author

Jeff Hirt and Joe Sellars work for Clarion Associates, a national land-use and real estate consulting firm specializing in community planning, land-use law, zoning ordinance review, landscape architecture, real estate appraisal, urban design, and historic preservation. Clarion Associates works nationwide with a broad range of private- and public-sector clients. More information is at www.clarionassociates.com.

Stores . . . and Why it Matters, argues that large chains can reduce the diversity of locally owned shops, leaving the economy and the customer at the mercy of an absentee-owned firm that can raise prices or abandon the community in later years. Revenues from local businesses tend to circulate within and strengthen the local economy rather than flowing to distant suppliers or corporate headquarters. An increasing number of local governments agree with this assessment and are enacting regulations to curb this problem. Port Townsend, Washington, for example, enacted a "formula" business ordinance with a purpose statement that reflected this:

> WHEREAS, the addition of formula retail businesses in the commercial areas, if not monitored and regulated could serve to frustrate the Comprehensive Development Plan goal of a diverse retail base with a unique retailing personality comprised of a mix of businesses ranging from small to medium to large and from local to regional to national.

While many communities have benefited from larger chain and formula retail and restaurants, others want to limit the proliferation of such uses, particularly in their downtowns and central business districts. From a local land-use perspective, an over-abundance of these uses in concentrated areas can erode the unique qualities associated with vibrant downtowns and central business districts. Some proactive communities have successfully counteracted the idea of a homogenized commercial core. Local governments are realizing that they do not have to be at the mercy of these retailers in regulating the uses in their downtowns and central business districts.

STRATEGIES

Relatively few local governments have addressed this issue from a land-use regulatory standpoint, but there are some innovative strategies emerging. The majority of the strategies identified here involve amendments to the zoning code, one of the most powerful tools a local government has at its disposal. However, it is important to note that many of these regulations originate from and often reference comprehensive plan policies.

ZONE DISTRICTS

Several of the communities in our case studies have adopted zone districts in their commercial core areas with tailored use lists geared to exclude certain uses they feel are too numerous or that are not locally serving. Palm Beach, Florida, and Laguna Beach, California, are two good examples.

Local governments are realizing that they do not have to be at the mercy of chain and formula retailers in regulating the uses in their downtowns and central business districts.

Palm Beach, Florida—Town-Serving Zone

A town-serving zone has been in place for over 15 years in this resort community located north of Miami. The intent of the district is to "create, preserve, and enhance areas of attractive, small-scale, retail, personal, and professional/business services providing for the needs of Townspersons."

To accomplish this goal, the district imposes a 2,000-square-foot business size limit. Any businesses larger than 2,000 square feet must have an auditing firm document that more than 50 percent of receipts come from a local zip code.

Laguna Beach, California—Resident-Serving District

This upscale coastal community in Orange County enacted a resident-serving district in response to a growing concern that businesses in their commercial core increasingly catered to visitors, not locals. According to city planner Jenifer Murillo, residents in the downtown area have few affordable options for eating or shopping, and the few thriving locally owned, locally serving businesses are fortunate enough to own their buildings or have long-term leases.

In the resident-serving district, different types of uses are subject to specific criteria relating to the "resident-serving" goal. The following are excerpts from the criteria used to evaluate uses:

- General Findings (all uses)—The proposed use will maintain a balanced mix of uses which serves the needs of both local and non-local populations.
- Formula-Based Business—The business offers merchandise and/or services that serve the current unmet needs of the resident population.

Matt Goebel

South Congress in Austin, Texas, is an eclectic and thriving commercial corridor.

• Take-out Restaurants or Dessert Shops—No more than a total of 10 such establishments are to be located within the Downtown Specific Plan Boundaries.

NUMERICAL LIMITS ON SPECIFIC USES

Some communities have adopted numerical limits on certain uses (like restaurants) that they feel are overabundant and may drive out more desirable uses. This regulation has been used in communities such as Carmel, California, which adopted citywide caps on specific uses (hotel and motel units), and Laguna Beach, which adopted a cap on certain uses within a particular zone district (the resident-serving district discussed above). One large city, San Francisco (in its neighborhood commercial districts), has also utilized this tool. Now Portland, Maine, has followed suit.

Portland, Maine

An organization called Keep Portland Real in this historic seaside community lobbied successfully for the city to adopt a regulation in 2006 that puts a cap on formula businesses in the downtown area. They argued that proliferation of such uses downtown and in the harbor area would erode the uniqueness of these areas and damage the local economy.

Portland's code allows 23 formula businesses in the Extended Pedestrian Activities Overlay District (PAD) downtown. These businesses cannot be larger 2,000 square feet in size, although the regulations exempt some formula businesses, including gas stations and pharmacies, from this standard.

SPACING REQUIREMENTS

Historically, many communities have used spacing requirements to prevent the clustering of unwanted uses (e.g., requiring adult businesses to be at least 1,000 feet from a similar use) or to separate certain uses from others (e.g., bars must be 500 feet from schools). Now some local governments are using this approach to protect the vitality of their downtowns and central business districts.

Warner, New Hampshire

This small community located in the south-central part of the state amended its zoning in 2001 to limit the concentration of fast-food and drive-in restaurants in the town, particularly along highway corridors (Route 103 and Interstate 89). Under this regulation, no such use may be located within 2,000 feet of another similar use.

SIZE RESTRICTIONS

Placing size restrictions on particular uses can also be an effective way to discourage the proliferation of unwanted uses. Such restrictions were touched on in the above examples for Palm Beach and Portland. Below are some additional policies and regulations aimed more specifically at limiting business size.

Port Townsend, Washington

This historic Victorian seaport on the Olympic Peninsula adopted restrictions on formula retail and restaurants in 2005. The regulations came in response to community concern over a new chain video store opening in this small community of about 8,500.

The city's zoning states that in all but one of the city's commercial districts, formula retail and restaurants may not exceed 3,000 square feet nor occupy more than 50 feet of linear street frontage.

Kansas City, Missouri—Brookside Commercial Area

Widely regarded as one of Kansas City's most desirable neighborhoods, Brookside is a historic, compact neighborhood commercial district full of local and small-scale businesses. In order to help preserve its status as a unique and eclectic commercial area, the city in 2000 adopted size limitations for the Brookside Business District that include a 10,000-square-foot cap for all businesses, except for grocery stores, which are allowed up to 25,000 square feet.

COMPREHENSIVE PLAN POLICIES

Many of the regulations adopted reference comprehensive plan policies in their purpose statements. For example, Port Townsend's size cap on formula businesses references the comprehensive development plan's goal of establishing "a diverse retail base with a unique retailing personality comprised of a mix of businesses ranging from small to medium to large and from local to regional to national." Clear comprehensive plan policy statements can help local governments with-

An important component of achieving a healthy mix of locally oriented commercial uses is the issue of affordable commercial space.

stand legal challenges to these often controversial regulations. To illustrate, one of the Corvallis, Oregon, comprehensive plan policies states the city's goal to "support the establishment of locally owned, managed, or controlled small businesses." Similarly, in Manchester, Vermont, the town plan policies contain the following objectives:

- Create and maintain a business environment which is hospitable to locally owned and managed businesses.
- Create regulations to moderate the increased presence of retail businesses that . . . attract a nonresident customer base . . . whose presence in Manchester would tend to detract from the Town's uniqueness or distinctiveness as a place to visit.

CREATING AFFORDABLE COMMERCIAL SPACE

An important component of achieving a healthy mix of locally oriented commercial uses is the issue of affordable commercial space. Locally oriented businesses often cannot afford the high rents that characterize vibrant downtowns and successful central business districts. Many communities have implemented affordable housing requirements through inclusionary housing (i.e., a requirement that a certain percentage of new residential homes be affordable) and commercial linkage programs (a requirement that developers of nonresidential property pay a fee to the local government for the creation of affordable housing). Soon, these requirements may serve as models for creating affordable commercial space. The following are two potential strategies, one voluntary and the other mandatory, that could draw from affordable housing programs in order to create and sustain affordable commercial space in areas threatened by an overconcentration of high-end businesses and chain retailers. In some respects, these strategies may look as much like an economic development program as a zoning regulation. As land-use regulations, therefore, these approaches must seek to strike a balance in serving the public interest without being labeled an anticompetitive policy that favors certain users with subsidized lease rates.

Incentives

Local governments frequently offer incentives to developers who agree to provide affordable housing, open space, and other community benefits. These incentives often take the form of density bonuses, expedited development review and permitting, and exemptions from certain land-use regulations or requirements. These incentives could be extended to commercial or mixed use developers in downtown and other key commercial areas who provide "affordable" commercial space on the ground floor of their projects. This space could take the form of units with limited leasable square footage or restrictive covenants that cap rents for certain properties. Incentives are more palatable to most developers than direct regulations requiring provision of affordable space. Also, affordable housing programs already in place could be adapted to create additional incentives for an affordable commercial component. Incentives can help to keep residual land value (i.e., the land value remaining after regulatory restrictions such as zoning and development standards are considered) at a level that maintains project feasibility from the developer's standpoint. However, in some places incentives have proven ineffective in accomplishing goals like affordable housing. Thus, communities may want to consider imposing regulations to encourage affordable commercial space.

Regulation

One approach might be to emulate mandatory affordable housing linkage programs. Developers of commercial space, or any development that eliminated commercial space, could be required to provide off-site affordable commercial space or make a payment-in-lieu into a city affordable commercial space fund. This fund would be used by the local government to purchase or build commercial space that would be leased out to "desirable" businesses at reduced rates. Affordable housing programs could serve as a model, particularly in the areas of administration and enforcement.

Jeff Hirt

A national chain restaurant across the street from a local restaurant in Denver's Highlands neighborhood.

For multiunit commercial development, some communities may consider establishing a mandatory use list. Based on community objectives for the downtown or central business district, a use list may be drafted to implement a desired mix. So, for example, a new commercial development with 10 units must have two units with uses from use list A (that may include desired uses such as pharmacies or grocery stores, or affordable commercial space) and the rest may be from the more open commercial category (use list B). This could be a straightforward, effective approach if planners carefully consider local market conditions.

As with a strictly incentives-based approach, the success of a linkage or mandatory approach likely will depend on the degree to which it can help the developer recoup some of the costs of compliance. For example, local governments might draft regulations so that projects required to provide affordable commercial space or pay an in-lieu fee also receive an increase in density. If increased density is not feasible on-site, then perhaps affordable commercial regulations could be tied to a transferable development rights program. Similarly, local governments may need to provide owner incentives such as property tax breaks to help offset rent revenues that are below market rate.

Jeff Hirt

In recent years, new bridges have made the Highlands more accessible to downtown Denver. Now the neighborhood is one of the most desirable areas in the city. Without careful planning, local retailers, like this small market, may be threatened by chain competitors or forced out by escalating rents.

LEGAL ISSUES

Like any zoning or land-use regulation, special provisions aimed at creating vibrant yet affordable downtowns and central business districts must be sensitive to a number of legal issues. Fortunately, these legal issues are not difficult to address. For example, constitutional issues such as substantive due process and equal protection require that land-use regulations be rationally related to legitimate objectives and not discriminatory. Another constitutional concern is the "takings" issue. However, regulations like the ones discussed above should not pose takings problems since they do not threaten to wipe out all economically viable use of the subject property. With respect to takings, however, these regulations are on safer legal ground if they are legislatively adopted and uniformly applied, as opposed to being applied on an ad hoc, discretionary basis. Affordable-space requirements should also have a sufficient nexus to the community's need to accommodate a variety of commercial users and should be roughly proportional to such need.

Interstate Commerce

As discussed above, several communities have implemented formula or chain business restrictions to protect community character. The courts, however, have a long history of striking down state laws and local ordinances that discriminate against out-of-state businesses. The reasoning behind such cases is that Congress has exclusive authority to regulate interstate commerce. If local governments were free to create disadvantages for out-of-state businesses, interstate commerce would suffer overall. As a result, zoning regulations must be aimed at creating a healthy mix of commercial uses rather than simply prohibiting national chain restaurants on the belief that there are quite enough Starbucks coffee shops in the world. The goal should be to assure that key areas such as downtowns and business districts feature a variety of uses that serve local residents and visitors, as well as people of various income groups.

Case Law

A 2003 case from California, *Coronadans Organized for Retail Enhancement v. City of Coronado*, demonstrates the importance of regulating local and out-of-state businesses with an even hand. The City of Coronado adopted certain restrictions on formula retail businesses, defined as "a type of retail sales activity or retail sales establishment (other than a 'formula fast food restaurant') that is required by contractual or other arrangement to maintain any of the following: standardized ('formula') array of services and/or merchandise, trademark, logo, service mark, symbol,

The goal should be to assure that key areas such as downtowns and business districts feature a variety of uses that serve local residents and visitors, as well as people of various income groups.

decor, architecture, layout, uniform, or similar standardized feature." The ordinance requires these businesses to obtain a Major Special Use Permit to open a business or expand more than 500 square feet. In addition, the establishment may not have a street-level frontage of greater than 50 linear feet nor have its retail space occupy more than two stories (except for grocery stores, banks, savings and loans, restaurants, and theaters). The required special use permit may be approved only after the planning commission and city council make certain findings regarding the establishment's compatibility with existing surroundings and community character. Other findings include the establishment's contribution to an appropriate balance of local, regional, or national businesses in the community, and an appropriate balance of small, medium, and large businesses. The stated purpose of the ordinance was to maintain Coronado's "unique village character, the diversity and vitality of the City's Commercial Districts, and the quality of life of Coronado residents."

In upholding Coronado's formula business restrictions, the court observed that the ordinance "does not impose different regulations on interstate as opposed to intrastate businesses, nor does it distinguish between those businesses that are locally owned and those that are owned by out-of-state interests. Instead, its regulations are uniformly applied—any business that meets the definition of a Formula Retail is required to obtain a permit before it opens a business or expands the specified amount, and is subject to the specified space limitations." The court also found no intent to discriminate against out-of-state businesses. Instead, the court concluded that the city council's primary purpose was to "provide for an economically viable and diverse commercial area that is consistent with the ambiance of the city."

Contrast the California case with *Island Silver & Spice, Inc. v. Islamorada, Village of Islands*, where in 2007 a federal court in Florida reached a very different conclusion. The village had adopted formula retail restrictions not unlike those in Coronado. Formula retail businesses were allowed as conditional uses, provided that the street-level frontage did not exceed 50 linear feet and the floor area did not exceed 2,000 square feet.

Because of the regulations, a property owner was not able to sell a building to buyers who wanted to open a Walgreens drug store. Even though the intent of the ordinance was to retain a small-town community and prevent formula businesses from eroding the village's uniqueness, the court found that the village had no historic or unique area that warranted limitations on formula businesses. Small formula retail was not subject to the ordinance, and existing large formula retail businesses were allowed to continue as nonconforming uses, both of which undermined the ordinance's objective of preserving community character. In addition, the court found that the ordinance was tailored to serve local business interests by preventing competition from national chains. Even though the regulations, like Coronado's, treated local and out-of-state chain stores the same, the court found that the resulting damage to interstate commerce outweighed any local zoning benefits created by the regulations.

Formula business restrictions that discriminate against out-of-state businesses, intentionally or unintentionally, are much less likely to survive a legal challenge.

Legal Dos and Don'ts

These two cases illustrate that planners and local officials must carefully draft regulations so that they are specifically designed to achieve their stated purpose. Below are five key points to assist local governments in avoiding legal troubles when amending their zoning to encourage a balanced mix of uses in downtowns and business districts:

- Generally applicable regulations that are legislatively adopted are less likely to receive legal scrutiny than those that are imposed on an ad hoc or administrative basis.
- Formula business restrictions that discriminate against out-of-state businesses, intentionally or unintentionally, are much less likely to survive a legal challenge.
- Formula business restrictions should be limited to key areas where commercial diversity is needed to retain a vibrant mix of uses, unique character, etc..
- Affordable-space requirements must be rationally related to the stated zoning or land-use regulatory objectives and must not be out of proportion to the needs created by a proposed development.
- Staff reports, ordinance intent statements, public hearing records, and the like should not suggest any intent to discriminate against out-of-state businesses or chain stores/restaurants.

CONCLUSION

Increasingly, many downtowns and central business districts must contend with a lack of affordable commercial space and difficulties in maintaining a healthy mix of uses. Fortunately, there are proven, legally defensible land-use regulatory solutions being used effectively in some progressive communities around the country to meet these challenges. Drawing from these examples, with careful attention to legal issues and market conditions, local governments can craft regulations to further the goal of vibrant, sustainable downtowns and central business districts.

A mix of retailers thrive in the restored buildings lining St. Joseph Avenue in downtown Brewton, Alabama. © iStockphoto.com/Perry Watson.

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Planning — January 2004

Getting to the Bottom of Mixed Use

Good ground floor retail is the key to success.

By Jim Schutz, AICP, and Kelly Kline

Mixed-use development is back in style. Prominent in our earliest cities, this classic planning concept has reemerged as a tool to animate neighborhoods and revitalize urban areas. One element remains elusive: designing quality retail space.

The design and configuration of retail space may determine an entire project's ultimate success or failure. Further, over time, projects become known for what is on the ground floor.

Well-designed retail space (see below, "Ten Steps to Flexible Retail Space") is essential to attract quality tenants — defined here as tenants that are credit-worthy, can pay higher lease rates, and add the most vitality to a retail area.

The suggested guidelines apply equally to mega mixed-use developments and smaller scale, neighborhood-serving retail. After all, for every CityPlace (West Palm Beach) or Santana Row (San Jose), there are hundreds of smaller mixed-use projects requiring flexible and quality design in order to succeed.

Retail design

The main premise of retail design should be to view the ground floor space as a center of urban activity. Often this premise is ignored. "In downtown Los Angeles, you see many buildings where the ground level is nothing more than a structure for the upper floors," says Jeff Kreshek, leasing director for the mixed-use developer CIM Group of Hollywood. This approach fails to capitalize on the importance of place making.

Urban place making refers to the creation of vibrant, pedestrian-friendly areas with a mix of complementary land uses. In terms of retail, place making means shopping or dining that is less about selling and more about creating an experience. Howard Elkus, principal of Boston-based Elkus/Manfredi Architects, used these concepts at CityPlace, a mixed-use town center in West Palm Beach, Florida. CityPlace currently has 632,000 square feet of retail space, 582 housing units, and plans for 750,000 square feet of office and a 375-room hotel and convention center.

Regarding the mix of uses, Elkus says, "CityPlace grows from the retail, which gathers all uses together and activates all of the main spaces." An arcade was provided for weather protection, and ceiling fans were added to make browsing more comfortable and enticing. Elkus varied facade details such as arches, columns, lighting, and paint colors to give the illusion of many small buildings.

Retailers that had been identified during the design process provided input as well. Pottery Barn preferred a two-story look on a one-level store. Restoration Hardware asked for specific window proportions and colors. Other tenants influenced feature elements, the use of balconies, signage, graphics, and how the outdoor space was used.

Successful smaller scale developments include those created by AvalonBay, a nationwide apartment builder with two projects on The Alameda in San Jose, California. Together, the two projects include 523 housing units and 21,300 square feet of fully leased retail. Retailers include national chains like Blockbuster Video and Starbucks and local tenants like Riga Bakery and Seven Restaurant. Charlotte Strain, senior director of retail for AvalonBay, attributes the projects' success to the developer's interdisciplinary, roundtable approach to project planning and an in-house database of retail do's and don'ts.

The floor-to-ceiling heights were designed at 15 feet, the bay depths at about 50 feet, and details like window size, column placement, retail parking, vent shafts, and signs were pre-planned. If columns are set back from the retail storefronts by even as little as two feet, the space becomes more flexible. Strain warns that if design details are not thought out in advance, the result can be a disaster.

Pay now or later

Adopting proven design standards to attract quality retail may sound simple, but developers, owners, and architects face a number of pressures that make the task more complicated. Because projects need work to be financially successful, developers may not be able to justify higher upfront costs to attract retail tenants. This is especially true if the developer intends to sell the property after construction.

Skimping during construction, though, can lead to lower retail rents, vacant retail spaces, and higher costs to retrofit completed space with new amenities. These consequences are not limited to the retail component of the project. Residential returns are also linked to the success of the retail space. Jan Sweetnam, vice-president for Federal Realty, reports that Santana Row has received 20 percent more on residential lease rates due to the high quality of the mixed-use environment.

Other retail design features and amenities fall prey to the "last dollars syndrome." Marilyn Hansen, senior associate at Grubb and Ellis, is responsible for leasing the retail space at the Esplanade, a mixed-use project of 278 housing units and 5,500 square feet of retail in San Jose's Japantown. Because the project was running over budget, the retail space was left unfinished. Hansen estimates a retailer would have to invest around $35,000 on plumbing, restrooms, and electrical before a dime is spent on tenant improvements. The spaces are vacant with no current prospects due to the upfront costs, she says.

Linda Berman, a retail strategist in Los Angeles, laments this approach. "In the best developed projects, the devil is in the details," she says. "Value engineering that takes out the details takes out the soul with it. This is the greatest mistake developers make."

Retail markets

Another pressure on retail space occurs when local governments require ground floor retail in a questionable market. "As much as we'd like retail to be everywhere, there are some streets in the evolution of a city where we just know it doesn't work," says David Nieh, AICP, lead architect for the San Jose Redevelopment Agency. Two considerations in deciding whether a location works for retail are accessibility and maturity — with established retail districts having the best chance of success.

Even in a weaker retail market, focusing on high-quality design may get the space filled in the short run, with superior tenants taking over the space as market conditions improve. AvalonBay senior development director David Lynn, AICP , notes that San Jose planners required ground floor retail on The Alameda while the housing market was booming.

"Had we been asked if we wanted to put retail there, the answer would have been an emphatic no," Lynn says. But as the project was being planned, market conditions changed. The retail is now completely leased and earning more per square foot than the residential space.

Developers also need to view their project in context of the entire street. In cases where there are multiple owners, it is critical to ensure the retail uses are compatible. Berman says that for urban projects to be successful, they "need to approximate a street environment, offering more of a mix to meander and discover."

Interweaving uses

Mixed-use projects naturally require compromises. The trick is to design each use as a key component of the project, instead of designing for one use to the detriment of the others. Housing developers and architects often think of retail as a secondary use. Nieh explains, "In housing studio at architecture school, housing is first and retail is that nebulous space at the base of the building that you are supposed to fill, but that expertise has not been emphasized — because many teachers haven't done it."

Linda Crowley, president of Urban Street Advisors in Newport Beach, California, is both a retail broker and a mixed-use developer. The conflict of these roles is a battle she fights every day. "Typically, the developer leads the deal, and the architects look to them for direction," she says. "From a retail perspective you have to say, 'Here's what I need' and establish minimum design criteria."

Lenders can also create challenges for projects with multiple uses. They can be unfamiliar with mixed-use or be predisposed against one or more of the planned uses because of anticipated risk. They can also require pre-leasing before funding a loan. On the other hand, Jeff Kreshek has found that retail leases with credit-worthy tenants can make lenders more confident. It is also generally true that retail tenants have less turnover than residential tenants, and provide more stable income flow.

Are guidelines the solution?

Given the importance of ground floor space, the competing needs of mixed uses, and the many design challenges inherent in these projects, government entities are considering retail guidelines to ensure better functionality. Crowley warns that cities without them may encounter problems because each developer has a different understanding of what retailers need.

Barry Elbasani, principal of ELS architecture in Berkeley, California, argues that guidelines are unnecessary. "Thirty years ago, you needed control over the chaos," he says. "Architects weren't as good at designing retail space. Now, however, most architects do better than you can prescribe." If cities decide to create guidelines, flexibility is key as every building, development, and tenant is different. Retail needs can also change dramatically over time.

In developing successful guidelines, it is important to make sure there is the community and political will to back them up. In the actual document, using a conditional tense allows for broader interpretation, and case studies and graphics can enhance usability.

Defining success

How do you know when you've succeeded in blending a mix of uses? Crowley's answer is, "It all works. You've attracted the right tenants, sales are good, and the project fits in with the neighborhood." Elbasani ranks Water Tower Place in Chicago as a prime example. "It's a balance between the fun of retail and the seriousness of the use on top," he says.

Federal Realty's Santana Row is frequently cited as an example of successful mixed-use. Since opening in November 2002, Federal has leased 95 percent of its residential units and retail space, and the community has embraced the project.

Ironically, the project that people are pointing to as a model is the last of its kind for Federal Realty, a real estate investment trust (REIT). Sweetnam reports that the firm is going back to its core competency — more traditional, retail-only centers. Geoffrey Booth, director of retail development for the Urban Land Institute, argues that this indicates a problem with the financing, not the format, as REITs can be too conservative a vehicle for large mixed-use projects.

Of all the different land uses, retail is the most fluid. For developers who enter the mixed-use realm, there will be extra work in keeping up with the changing retail environment. Trend watchers say that the look and presentation of retail is only gaining in importance. Berman predicts, "An environment that feels good and is more personal will be rewarded by the customer with a purchase."

The future may also bring a broader definition of what should activate ground floor spaces, expanding into more community-based concepts such as education and events. These changes reflect the higher costs to recruit retail tenants, a yearning for authentic street environments, and a desire to find new avenues for social interaction.

Regardless of the particular look and feel of future ground floor concepts, flexibility in retail space design will allow mixed-use projects to adapt to changing needs and create the vibrancy that is the source of their popularity.

Jim Schutz, AICP, is a Planning and Development Manager and Kelly Kline is a Senior Development Officer for the San Jose Redevelopment Agency.

Ten Steps to Flexible Retail Space

- **Height**. Provide 14- to 18-foot clear finished height to accommodate heating and air conditioning, sprinklers, and so on.

- **Layout.** Provide maximum clear space between columns, and a minimum number of columns within the ground floor activity spaces. Bay depths should be a minimum of 30 feet, and preferably, 50 to 60 feet. Corners should be reserved for retail uses. Columns, elevators, and stairs should be located elsewhere.

- **Utilities.** Provide tenants with state-of-the art, conveniently located utilities and stubs that are not visible to pedestrians. Consider including an adequate electrical supply, plumbing, gas service, grease interceptors, and backflow preventers.

- **Servicing and trash.** Provide internal service space for deliveries and loading that is separate

from the front entry, enclosed, not visible to pedestrians, accessible from a secondary street, and appropriately sized for common use. Odors from trash should be confined.

• **Lighting.** Provide adequate power for interior lighting of active ground floor uses, including retail tenant signs and storefront windows. Develop an exterior building lighting package to address street level lighting for the sidewalk and outdoor patio.

• **Signage.** Provide a generous area for signs — preferably 2.5 square feet of space per linear foot of occupancy frontage. Provide a pedestrian signage program, which includes signs that are visible at street level, such as blade signs, window signs, and awnings.

• **Facade.** Facade design can vary but should provide maximum visibility and transparency, and have a distinct look from the uses above. The design should include adequate frontage, lighting, awnings, signage, and entrances. Setbacks and recesses should be minimal.

• **Floor and ceiling structure.** Unless there is parking at sub-grade levels, the ground floor level should be left unfinished (no concrete slab) to accommodate utilities and leasing plan flexibility. Likewise, consider leaving off the ceiling grid until a tenant is identified, as some prefer a more industrial look.

• **Sidewalks.** If possible, provide a minimum clear zone of 15 feet of sidewalk width to accommodate exterior patio and sidewalk dining at the most viable locations.

• **Parking.** Allow space for valet parking and passenger drop-off and pick-up. If the project includes on-site parking, consider retail-designated spaces and allocate spaces for valet staging and parking.

Resources

Images: Top — CityPlace, a mixed-use project in West Palm Beach, Florida, includes more than 630,000 square feet of retail space, nearly 600 housing units and plans for offices, a hotel, and a convention center. Photo by C.J. Walker, courtesy Elkus/Manfredi Architects. Bottom— An Avalon Bay development at Cahill Park in San Jose, California. Photo by Christopher Ayers.

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Staff Reports

- Alexandria (Virginia), City of. 2012. "Docket Item #3: Informational Item, Carlyle Retail Amendments." March 15.

- Brentwood (California), City of. 2005. Staff Report. "Project Description: Amend the City of Brentwood's Zoning Code Chapter 17.280.002 Subsection 'A' Permitted Uses in the CB (Central Business) Zone." July 19.

- San Jose (California), City of. 2012. "Memorandum: An Ordinance of The City of San Jose Amending Title 20, Amending Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts) to Streamline the Permit Process for the Location of Nonretail Uses Within the DG Overlay Area (Downtown Ground-Floor Space) of the DC (Downtown Core) and DC-NT1 (Downtown Code – Neighborhood Transition 1) Zoning Districts." February 15.

- San Mateo (California), City of. 2012. Administrative Reports, PA 12-007. "Introduction of Ordinance Amending City's Required Retail Frontage (Section 27.38 of San Mateo Municipal Code)." October 1. "Adoption of Ordinance Amending City's Required Retail Frontage (Section 27.38 of San Mateo Municipal Code)." October 15.

Docket Item #3
Informational Item
Carlyle Retail Amendments

Application	General Data	
Project Name: Amendment to the Carlyle Retail Conditions (#102) **Location:** All Carlyle Blocks **Applicant:** CCC	**DRB Date:**	March 15, 2012
	Site Area:	76 acres (all of Carlyle)
	Zone:	CDD#1(Carlyle)
	Proposed Uses:	Office and Retail

Purpose of Application	
Provide an overview of the proposed amendment to the Carlyle conditions to expand the retail definition and allow office uses in certain retail locations	
Staff Reviewers:	Tom Canfield, AIA tom.canfield@alexandriava.gov Gwen Wright, gwen.wright@alexandriava.gov Gary Wagner, RLA, gary.wagner@alexandriava.gov Katye North, AICP, LEED AP katye.north@alexandriava.gov
DRB ACTION, MARCH 15, 2012:	

I. SUMMARY

The Carlyle Community Council (CCC) and two property owners within Carlyle have requested an amendment to the Carlyle Special Use Permit (SUP) condition related to retail. The requested amendment proposes two changes:

1. Allowing second floor retail uses (as defined by the condition) in ground floor retail locations.
2. Allowing office uses in select retail locations for buildings on Blocks G and K.

Given the history of leasing retail space in Carlyle over the last decade, staff is supportive of the request to provide more flexibility for uses in these spaces. Allowing more options in ground floor retail spaces will help remove vacant storefronts and promote active uses along street frontages. Staff is recommending that criteria be established to ensure non-retail uses still present a pedestrian friendly presence along the street.

II. BACKGROUND

Location

The first part of this amendment, allowing second floor retail uses in ground floor retail spaces, would apply to all of the Carlyle blocks (lettered blocks on the attached map). The second part of the amendment, allowing office uses in select retail locations, would apply to two buildings within Carlyle: 1900 Jamieson Avenue (East Block G) and 1920 Ballenger Avenue (East Block K). The Block G building is located at the southwest corner of John Carlyle Square and has frontage on Jaimeson Avenue, John Carlyle Street, and Ballenger Avenue. One of the PTO campus buildings is to the west. Most of the ground floor is designated as retail space, with entrances to the parking garage and office floors on Ballenger Avenue. The Block K building is located directly south of the Block G building at the southwest corner of John Carlyle Street and Ballenger Avenue. The east PTO garage is to the south and another PTO campus building is to the west. Most of the ground floor facing the streets is retail, with an entrance to the office space on Ballenger Avenue. The entrance to the underground garage is south of the building, off of John Carlyle Street.

Project Evolution

The Carlyle SUP has been amended several times since the original approval for the development in 1990. Several of these amendments have related specifically to retail and have changed what is allowed in areas designated as retail. Most recently, in January 2010, the City Council approved an amendment that allowed second floor retail uses on the ground floor of Blocks G, J, and K for ten years or until 2021, whichever was earlier, and allowed office uses in second floor retail spaces.

In addition to these amendments, there have also been additional studies for the area. As part of the South Carlyle Planning process, a retail study was performed in December 2009 to identify the appropriate amount of retail (if any) for the South Carlyle region of the area, while considering the retail in Carlyle, Eisenhower East, and nearby shopping centers in the region. Findings from the study noted that there is too much retail floor area for the area to support. As a result, a high percentage of this space is vacant and may remain vacant. The retail consultants

recommended expanding the definition of retail for Carlyle to include more uses, clustering retail where possible rather than spread it throughout the area, and increasing density to increase the office worker and residential populations, which ultimately supports retail.

III. STAFF ANALYSIS

Second Floor Retail Uses in Ground Floor Retail Spaces

The current retail definition in the Carlyle SUP distinguishes between uses allowed in ground floor and second floor retail spaces. Ground floor uses that are permitted include retail shops, personal service uses (beauty salons, dry cleaning, etc.), and restaurants. Per the condition, the Director of P&Z can approve other uses that involve a high degree of pedestrian activity. The second floor retail uses include: financial investment offices, private schools, public schools, health clubs, realty offices, and tax preparation services. Second floor retail uses are currently allowed on the ground floor of buildings on Blocks G, J, and K (2010 amendment), but are limited to a period of ten years. Under this request, these uses would be permitted in any retail space in Carlyle with no time limit.

Considering the recommendations of the retail consultant to expand the retail definition, staff is supportive of this request. Although these uses are not the traditional retail uses the condition originally envisioned, they are still fairly active uses that would generate pedestrian activity at the street level. Furthermore, by expanding the types of uses, there is a better chance of filling the vacant spaces in the area, which also improves the pedestrian experience.

Office Uses in Ground Floor Retail Spaces

The 2010 amendment which allowed second floor retail uses on the ground floor applied to the office buildings at 1900 Jamieson Avenue (Block G) and 1925 Ballenger Avenue (Block K) and was approved in an effort to help occupy the vacant retail spaces in these buildings. Two years later, no new uses have gone into these spaces and the property owners are requesting an amendment that would allow office uses in retail spaces on the ground floor for parts of their buildings.

The retail consultants had identified John Carlyle Square and John Carlyle Street as one of the few places in the neighborhood that clustered retail. Both of these buildings are located along John Carlyle Street and the Block G building fronts a portion of John Carlyle Square. In consideration of this finding, the property owners have proposed keeping the spaces along John Carlyle Street retail, but allowing for office uses in the spaces fronting Jamieson and Ballenger (see attached graphics delineating these areas). Staff is supportive of this request since it upholds the efforts to cluster retail along John Carlyle Street, while providing some flexibility for uses in the less retail oriented spaces along the side streets.

IV. CONCLUSION

Staff supports the request for the retail amendments and believes they will provide more options to lease vacant retail space. Filling empty storefronts will improve the pedestrian experience in Carlyle and help increase activity in the neighborhood. While official DRB approval is not required for this case, staff recommends the DRB support the proposal.

All Office and Retail uses shall be permitted in 1) the 5,537 square foot space along Jamieson Street; 2) the 1,719 square foot space along Ballenger, and 3) the Robeks space.

1900 Jamieson Avenue (Block G)

STAFF REPORT

PLANNING COMMISSION REGULAR MEETING OF

JULY 19, 2005

PREPARED:	Jeff Zilm, Senior Planner
ITEM NO:	Item No. 3
FILE NO:	ZTA 05-02
PROJECT DESCRIPTION:	Amend the City of Brentwood's Zoning Code Chapter 17.280.002 Subsection "A" Permitted Uses in the CB (Central Business) Zone.
DATE OF NOTICE:	The public notice for the amendment to the Zoning Code was published in the Brentwood Press on June 9, 2005.
APPLICANT:	The City of Brentwood
RECOMMENDATION:	Pass Resolution No. 05-48 recommending that the City Council approve the amendment to Chapter 17.280.002 Subsection "A" Permitted Uses in the CB (Central Business) Zone.

BACKGROUND

The existing City of Brentwood Zoning Code Chapter 17.280 establishes guidelines intended to provide a pedestrian oriented center for business, cultural and recreational uses to serve the City and to promote, preserve and protect the existing downtown business core of the City.

The purpose of this is to provide appropriately located areas for professional offices, retail stores, service establishments, amusement establishments and other such offices and businesses offering various ranges of commodities and services to meet the needs of the Brentwood Community, to encourage the provision of attractive and stimulating surroundings that make Brentwood's office and retail areas enjoyable places in which to shop, work, walk and relax, to provide opportunities for retail establishments and offices to cluster for the convenience of the public and for efficient business operation in mutually beneficial relationships to each other and finally to protect retail areas from the intrusion of incompatible activities which might impair an areas appearance or functioning as a retail shopping area.

AMENDMENT

Chapter 17.280.002 Subsection "A" Permitted Uses in the CB (Central Business) Zone reads as follows:

"General retail sales excluding uses with outdoor storage or display, professional office uses including medical and dental; veterinarian or pet store excluding kennels."

Staff is recommending adding after "professional office uses including medical and dental *shall be permitted on the ground floor providing the use is located a minimum of 65 feet back from the front building facade for any building within the CB Zone."*

The goal of this amendment is to respond to direction received from several downtown business and property owners and the Downtown Specific Plan consultants. The main theme is that in order to have a vibrant and prosperous downtown you have to create an active ground floor frontage within the Downtown Core that promotes significant new development of specialty retail shops, and personal services within the Downtown Core. Encourage gift shops, books and music stores, as well as vendors selling local wares, foods, wines and similar "specialty retail". Target services including hair salons, beauty salons and other personal services, as well as dance and yoga studios, education centers, art galleries and antique shops that reinforce the distinctive charm of Brentwood's small town characteristics. Requiring professional office uses to go in behind ground floor retail or on the second floor provides more street frontage creating a well-defined retail core with ground floor activity generating uses throughout the downtown.

Amending the Zoning Ordinance to include the new text makes it consistent with the General Plan Economic Development Goal 5 - Retail Services which encourages retail and service growth that corresponds with local and regional demands, generates tax revenues for the City, and maintains the historical commercial focus and vitality of the downtown and Policy 5.3.2 which states "Encourage the development and expansion of downtown goods and services that are unique to the City that will establish a "niche" and make it competitive with outlying areas".

RECOMMENDATION

Staff is recommending that the Planning Commission approves the amendment to Chapter 17.280.002 Subsection "A" and recommends that the City Council does the same.

PLANNING COMMISSION RESOLUTION NO. 05-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD RECOMMENDING THAT THE CITY COUNCIL AMENDS CHAPTER 17.280.002 SUBSECTION "A" PERMITTED USES IN THE CB (CENTRAL BUSINESS) ZONE.

WHEREAS, the current Chapter 17.280.002 Subsection "A" Permitted Uses in the CB (Central Business) Zone is outdated and needs to be consistent with the City's General Plan and soon to be approved Downtown Specific Plan and the modern needs of a growing mixed use community and meet the expectations of its citizen; and

WHEREAS, a duly noticed public hearing on this project was advertised in the Brentwood Press on July 9, 2005; and

WHEREAS, the environmental effects of this proposed action have been considered and subject to the California Environmental Quality Act Section 15061 Subsection B3 will not have a significant effect on the environment and thereby exempt from any further environmental review; and

WHEREAS, the Planning Commission held a public hearing on the proposed Municipal Code Amendment for the purpose of reviewing the staff report, which includes an analysis of the consistency of the proposed project with all goals and policies of the General Plan, considering all comments made by public testimony with the respect to this project amendment and all other documents; and

WHEREAS, the Planning Commission of the City of Brentwood makes the following supporting findings for this application:

1. No text amendment shall occur, which is inconsistent with the City's General Plan. In making a decision the Planning Commission considers the consistency of the proposed action to the Municipal Code and whether the proposed action is inappropriate or otherwise contrary to the public interest. The Planning Commission finds that the proposed text amendment is consistent with the public interest and the City's General Plan Economic Development Goal 5 Retail Services which encourage retail and service growth that corresponds with local and regional demands, generates tax revenues for the City, and maintains the historical commercial focus and vitality of the downtown and Policy 5.3.2 which states "Encourage the development and expansion of downtown goods and services that are unique to the City that will establish a "niche" and make it competitive with outlying areas".

2. That the amendment will expound Chapter 17.280.002 Subsection "A" so that activities may be conducted in harmony with other uses within the Downtown which encourages or creates new activities which will support and induce balanced economic growth.

NOW, THEREFORE, BE IT RESOLVED that the Planning commission of the City of Brentwood hereby takes the following action:

- Recommends that the City Council approves this Municipal Code Amendment to the text of Chapter 17.280.002 Subsection "A" as indicated below attached hereto and made a part of this resolution:

CHAPTER 17.280

17.280.02 Permitted Uses:

Subsection “A”

General retail sales excluding uses with outdoor storage or display; professional office uses including medical and dental *shall be permitted on the ground floor providing the use is located a minimum of 65 feet back from the front building facade for any building within the CB Zone;* veterinarian or pet store excluding kennels.

PASSED AND ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting of July 19, 2005 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Ray Shipley
Planning Commission Chairman

ATTEST:

Heidi Kline
Planning Manager

COUNCIL AGENDA: 03-13-12
ITEM: 4.1

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: March 8, 2012

COUNCIL DISTRICT: 3

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20; AMENDING SECTION 20.70.100 OF CHAPTER 20.70 (DOWNTOWN ZONING DISTRICTS) TO STREAMLINE THE PERMIT PROCESS FOR THE LOCATION OF NON-RETAIL USES WITHIN THE DG OVERLAY AREA (DOWNTOWN GROUND-FLOOR SPACE) OF THE DC (DOWNTOWN CORE) AND DC-NT1 (DOWNTOWN CODE – NEIGHBORHOOD TRANSITION 1) ZONING DISTRICTS

RECOMMENDATION

The Planning Commission voted 6-0-1 (Commissioner Kamkar absent) to recommend to the City Council the approval of the proposed ordinance change to amend Title 20 of the San José Municipal Code to provide greater flexibility and a streamlined permit process for specific uses within ground floor building locations within the DG Overlay area of the Downtown Area with direction to staff to evaluate the outcome of this change and report the findings from this analysis to the City Council in two years.

OUTCOME

The proposed amendments to Title 20 (the Zoning Ordinance) would provide additional flexibility and a more streamlined permit process for the development and operation of industrial and commercial uses within San Jose. These amendments are intended to implement the City's Economic Development Strategy as directed by the City Council on October 18, 2011 (see attached memorandum).

BACKGROUND

On March 7, 2012, the Planning Commission conducted a public hearing on the proposed ordinance. See attached staff report to the Planning Commission for additional background information and analysis of the proposed amendments to Title 20 (the Zoning Ordinance).

ANALYSIS

Staff made a brief presentation regarding the proposed ordinance. There was no public testimony. During the Planning Commission's discussion of the ordinance, Commission Vice Chair Bit-Badal, expressed concern with the passage of the ordinance without a requirement for revaluation of the ordinance within two years to ensure that the ordinance does not result in too many non-retail tenants occupying ground floor tenant spaces. The City Attorney clarified that this was an incremental change to the regulations, as the requirement to obtain a Special Use Permit would remain for new office uses in tenant spaces greater than 20,000 square feet or that occupy a corner space with frontage on two streets. The Planning Commission voted to recommend that the City Council adopt the ordinance and give direction to staff to revaluate the outcome of the ordinance change and report to the City Council on their findings in two years.

CEQA

The environmental impacts of the proposed project are within the scope of the project analyzed under a Program Environmental Impact Report (PEIR) "Envision San Jose 2040 General Plan" that was certified on September 28, 2011 (EIR Resolution No.76041).

/s/
JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions, please contact Laurel Prevetti at 408-535-7901.

Attachments:
Planning Commission Staff Report.

P.C. Agenda: 03-07-12
Item No.: 3.c.
Deferred from 02-22-12

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: PLANNING COMMISSION **FROM:** Joseph Horwedel

SUBJECT: SEE BELOW **DATE:** February 15, 2012

COUNCIL DISTRICT: 3
SNI AREAS: N/A

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20, AMENDING SECTION 20.70.100 OF CHAPTER 20.70 (DOWNTOWN ZONING DISTRICTS) TO STREAMLINE THE PERMIT PROCESS FOR THE LOCATION OF NONRETAIL USES WITHIN THE DG OVERLAY AREA (DOWNTOWN GROUND-FLOOR SPACE) OF THE DC (DOWNTOWN CORE) AND DC-NT1 (DOWNTOWN CODE – NEIGHBORHOOD TRANSITION 1) ZONING DISTRICTS.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend to the City Council the approval of the ordinance changes outlined in this memorandum to amend Title 20 of the San José Municipal Code to provide greater flexibility and a streamlined permit process for specific uses within ground floor locations within the DG Overlay area of the Downtown Area.

OUTCOME

The proposed amendments to the Zoning Ordinance (Title 20) would provide additional flexibility and eliminate or streamline the permit process for the development and operation of specific uses within ground floor locations within the DG Overlay area of the Downtown Area. These amendments are intended to implement direction provided by the San Jose City Council Rules and Open Government Committee on November 30, 2011. (See attached memorandum)

BACKGROUND

Since 2000, the Zoning Code has been amended several times to add or modify restrictions of ground floor uses within the Downtown Area with the goal of preserving ground floor space for active street-level uses, including walk-in, customer oriented retail, restaurants, and entertainment. These uses tend to have windows with interesting displays and/or visibility into the business which add to a lively pedestrian environment in the Downtown. In contrast, office

and financial institutions tend to have covered window or other features that does not always contribute to an active, storefront environment. A clear exception to this more typical office is NextSpace, which does add visual interest to Downtown with its vibrant colors, uncovered windows, and other design elements.

The most recent amendments have generally loosened these restrictions, as the need to fill vacant space has been a more important concern than the need to preserve space for retail uses, and as the City has explored alternative means of maintaining an active and vibrant ground-floor environment within the DG Overlay area. The following is a summary of previous ordinance amendments that have created or modified the Zoning Code regulations of ground floor space in the Downtown Core

- December 2000 – A moratorium was established prohibiting new financial institutions, and business and professional office uses within a portion of the Downtown Core.

- March 2001 – The "DG Overlay Area" (Downtown Ground Floor Space) district was added to the Commercial Districts to preserve ground floor space primarily for walk-in, customer oriented retail, services, restaurant and entertainment uses. Offices and Business Support were prohibited in the DG Area and Financial Institutions were regulated as Conditional Uses (requiring a Conditional Use Permit).

- March 2004 – The Downtown Zoning District section was amended in its entirety to include new use regulations for the DG area. Additional changes included:

    - Financial Institutions were changed from a Conditional Use to a Special Use.

    - Financial Services were changed from a prohibited use to a Special Use.

- May 2005- The DG Overlay Area was reduced in size to focus restriction of ground floor uses to those streets determined to be most amenable to retail activity.

- November 2008 – In accordance with Council Direction (see attached memorandum), the Zoning Ordinance was amended for the DG Area to include:

    - A cap of 20,000 square feet on individual future non-retail uses.

    - The ability to allow Offices (Business and Administrative) and Business Support uses, which were previously prohibited, through a Special Uses Permit.

On November 30, 2011, the Rules and Open Government Committee recommended a one-year suspension of the current Zoning Code provisions requiring a Special Use Permit for certain non-retail uses in the DG area of the Downtown Core (see attached memorandum). Given the recent economic downturn, it was determined that additional flexibility was needed in order to reduce vacancy rates. The memorandum indicates that the requirement to obtain a Special Use Permit has deterred several companies from locating Downtown and has resulted in too many vacant

ground floor storefronts. The following analysis addresses a proposed ordinance to implement this recommendation.

ANALYSIS

Consistent with the Rules Committee direction to reduce regulatory barriers to the occupancy of Downtown ground floor spaces in light of current economic conditions, the proposed Zoning Code amendments will support increased occupancy of Downtown floor space by eliminating the requirement for a Special Use Permit for various financial and office uses that meet certain size and location criteria. A Special Use Permit would still be required for new office uses in tenant spaces greater than 20,000 square feet or that occupy a corner space with frontage on two streets.

Proposed Changes to the Use Regulations for the DG Overlay Area (Table 20-140)

Use	Existing Requirements	Proposed Requirements
Business Support	Special Use Permit	Permitted (Non-Corner / less than 20,000 Square Feet.)
Financial Institution	Special Use Permit	Permitted (Non-Corner / less than 20,000 Square Feet.)
Financial Services	Special Use Permit	Permitted (Non-Corner / less than 20,000 Square Feet.)
Office, Business and Administrative	Special Use Permit	Permitted (Non-Corner / less than 20,000 Square Feet.)
Day Care Center	Special Use Permit	Permitted (Non-Corner / less than 20,000 Square Feet.)
Radio & Television Studios	Conditional Use Permit	Permitted (Non-Corner / less than 20,000 Square Feet.)

In addition to allowing business support, and business and administrative office uses, staff is also recommending similar deregulation for day care centers and radio and television studios, and the elimination of the requirement that financial institutions be limited to only those that are dedicated to on-site retail customer services. Input from Downtown stakeholders indicates that these regulations are considered to be overly restrictive and inconsistent with efforts to provide more flexibility for leasing vacant ground floor tenant spaces.

The Rules Committee also did not recommend eliminating the corner space restriction upon non-retail uses. Therefore the proposed ordinance does not remove the Special Use Permit requirement for non-retail uses located in a corner tenant space. This way, if an office does want to locate on a corner, the Permit can identify design requirements to ensure that the office does contribute positively to the Downtown environment. This was accomplished with NextSpace. According to the attached survey conducted in January 2012 by the Downtown Association, 36 of the 212 tenant spaces (17%) within the DG Overlay Area were vacant. Of the 36 vacancies, only 6 are corner tenant spaces.

The Rules Committee recommended a temporary, one year suspension of the regulations for Downtown Ground Floor uses. Instead, staff is confident that the proposed ordinance meets the intent and with periodic evaluations of the result of the new ordinance, additional modifications could be enacted as appropriate in the future. An evaluation would determine if the Zoning Code is achieving the City's objectives of promoting the occupancy of Downtown buildings while also continuing to preserve the active, retail character of Downtown streets. The Zoning Code does not typically apply time limits for specific uses. Conducting a review at some point in the future would allow staff to collect data and make an assessment that could support further modifications to the Zoning Code should such modifications be deemed necessary.

The Rules Committee also recommended that as part of the Zoning Code amendment, permitted by-right ground floor office uses be limited to those with specific hours of operation and that meet specific design criteria. While the Special Use Permit process provides an opportunity for the City to review and regulate hours of operation and design treatment for ground floor uses consistent with achieving this objective, their deregulation will remove the opportunity for such review. While standards for hours of operation could be included within the Zoning Code, it is not feasible to review and enforce compliance with those standards without a regulating permit.

Conclusion

The proposed regulations will clarify and reduce the regulation of ground floor uses in the Downtown. With adoption of the proposed Zoning Code Amendment, discretionary review for non-retail uses will be limited to projects located in tenant spaces that occupy block corners and or that exceed 20, 000 square feet in area. This reduction of regulatory barriers for the occupancy of ground floor uses will support efforts to reduce the number of vacant ground floor spaces in the Downtown while also maintaining an active ground floor street environment.

PUBLIC OUTREACH

Public outreach for this proposal complies with the City Council's Public Outreach Policy and the Municipal Code. A public hearing notice including the Planning Commission and City Council hearing dates was published in the San Jose Mercury News and Post Record and emailed to a list of interested groups and individuals. Staff discussed the contents of the proposed ordinance with representatives of the San Jose Downtown Association on December 13, 2012 and also in subsequent phone conversations. The proposed ordinance was presented to and discussed with development industry representatives at the January 27, 2012 Developer Roundtable and presented to and discussed with interested community members at a community meeting on February 8, 2012. Staff has posted the hearing notice, staff report and draft ordinance on the Department's website and has been available to discuss the proposal with interested members of the public.

COORDINATION

The preparation of the proposed ordinance and this staff report has been coordinated with the City Attorney's Office.

CEQA

The environmental impacts of the proposed project are within the scope of the project analyzed under a Program Environmental Impact Report (PEIR) "Envision San Jose 2040 General Plan" that was certified on September 28, 2011 (EIR Resolution No.76041).

JOSEPH HORWEDEL, Director
Department of Planning, Building and Code Enforcement

For more information please call Laurel Prevetti at (408) 535-7901.

Attachments:

- Draft Ordinance
- November 22, 2011 Rules Committee Memorandum
- November 13, 2008 City Council Memorandum
- 2012 Survey of Ground Floor Vacancy in the Downtown
- Downtown Ground-Floor ("DG") Overlay Area Map

RD:RG
2/13/2012

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.70.100 OF CHAPTER 20.70 (DOWNTOWN ZONING REGULATIONS) OF TITLE 20 (ZONING CODE) OF THE CITY OF SAN JOSE TO ALLOW CERTAIN USES IN THE DG AREA (DOWNTOWN GROUND-FLOOR SPACE) WHEN CERTAIN ENUMERATED CRITERIA ARE MET

WHEREAS, the environmental impacts resulting from the provisions of this Ordinance were disclosed and evaluated under and as a part of the Final Program Environmental Impact Report for the Envision San Jose 2040 General Plan (the "EIR"), which EIR was certified on September 28, 2011 and for which EIR Resolution No. 76041 was adopted by City Council on November 1, 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 20.70.100 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

20.70.100 Allowed Uses and Permit Requirements

A. "Permitted" land uses are indicated by a "P" on Table 20-140.

B. "Conditional" uses requiring Planning Commission approval as the initial decision-making body are indicated by a "C" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the Planning Commission, or City Council on appeal, as set forth in Chapter 20.100.

C. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.

D. "Special" uses are indicated by a "S" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.

E. "Administrative" uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.

F. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.

G. The column of Table 20-140, under the heading Additional Use Regulations for the DG Area, identifies further regulations on the uses of ground-floor building space within a portion of the DC Zoning District. The portion of the DC District included in the DG Area is described in Section 20.70.520. These regulations apply to ground-floor building space, defined as Downtown Ground-Floor Space ("DG Area"), in Section 20.70.520 of this Chapter. If there are no additional regulations on properties located in the DG Area noted in this column, the use regulations for the DG Area remain those regulations of the DC Zoning District.

H. The "Parking" column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the Director as set forth in Sections 20.70.320 and 20.70.330 of this Chapter.

I. When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

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Table 20-140 Downtown Districts Land Use Regulations					
Use	**Zoning Districts**		**Applicable Notes & Sections**		
	DC	**DC-NT1**	**Additional Use Regulations for the DG Area**	**Parking**	**Applicable to All Downtown Districts**
Offices and Financial Services					
Automatic Teller Machine	P	P		No parking	Section 20.80.200
Business Support	P	P	S, Notes k and n	No parking	
Financial institution	P	P	S, Note n	2.5 per 1,000 sq. ft.*	
Financial Services	P	P	S, Note n	No parking	
Offices, business and administrative	P	P	S, Notes j and n	2.5 per 1,000 sq. ft.*	Section 20.70.110
Research and development	P	P	-	2.5 per 1,000 sq. ft.*	Note 1
General Retail					
Alcohol, off-site sales – beer and/or wine only	C	C		No parking	Section 20.80.900
Alcohol, off-site sales – full range of alcoholic beverages	C	C		No parking	Section 20.80.900
Auction	S	-	-	No parking	
Food, beverage, groceries	P	P		No parking	
Open air sales establishments and areas	S	S		No parking	
Outdoor vending	S	S		No parking	Part 10, Chapter 20.80
Pawn Shop, Pawn Broker	C	C	Note b	No parking	
Retail sales, goods and merchandise	P	P	Note a	No parking	

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Table 20-140 Downtown Districts Land Use Regulations					
Use	**Zoning Districts**		**Applicable Notes & Sections**		
	DC	**DC-NT1**	**Additional Use Regulations for the DG Area**	**Parking**	**Applicable to All Downtown Districts**
Seasonal sales	P	P		No parking	Part 14, Chapter 20.80
Education and Training					
Day care center	P	P	S, Notes c and n	No parking	
Post-secondary School	P	P	-	1 per 360 sq. ft.	
Trade School	P	P	-	1 per 360 sq. ft.	
Personal enrichment, Instructional Art	P	P	-, Note d	1 per 360 sq. ft.	
School, elementary (grades K-8)	C	C	-	1 per teacher and employee	
High School (grades 9-12)	C	C	-	.75 per teacher and employee and 1 per each 10 students	
Entertainment and Recreation Related					
Amusement arcade	C	-	Note e	No parking	
Movie Theater	P	P		No parking	
Recreation Commercial/Indoor	P	P		No parking	
Poolroom	S	-		No parking	
Private club or lodge	P	P	-	1 per 360 sq. ft.	
Food Services					
Banquet facility	P	P	Note f	No parking required	
Caterer	P	P	C, Note f	No parking	
Drinking establishments	C	C		No parking	

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Table 20-140 Downtown Districts Land Use Regulations					
Use	**Zoning Districts**		**Applicable Notes & Sections**		
	DC	**DC-NT1**	**Additional Use Regulations for the DG Area**	**Parking**	**Applicable to All Downtown Districts**
Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC	-		No Parking	Note 7
Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms	P	P		No parking	Section 20.80.475
Public eating establishments	P	P		No parking	
Wineries, Breweries	C	C		No parking	
Health and Veterinary Services					
Animal grooming	P	P	-	No parking	
Animal Boarding, indoor	P	P	-	No parking	
Emergency ambulance service	C	-	-	No parking	
Hospital/ in-patient medical facility	C	-	-	1.5 per doctor	
Medical or Dental Clinic/Out-patient facility	P	P	-	1.5 per doctor	
Veterinarian	P	P	-	1.5 per doctor	
General Services					
Bed and breakfast	P	P	S, Note	.35 per room	Part 2, Chapter 20.80
Hotel/motel	P	P	-, Note	.35 per room	
Maintenance and repair of household appliances	P	P	-	No parking	

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Table 20-140 Downtown Districts Land Use Regulations					
Use	**Zoning Districts**		**Applicable Notes & Sections**		
	DC	**DC-NT1**	**Additional Use Regulations for the DG Area**	**Parking**	**Applicable to All Downtown Districts**
Mortuary and funeral services	C	C	-	.75 per employee and vehicle	
Personal Services	P	P	Note g	No parking	
Printing and Publishing	P	P	Note h	No parking	
Public, Quasi-Public and Assembly Uses					
Auditorium	C	-	-	No parking	
Cemetery	C	C	-	No parking	
Church/religious assembly	P	P		No parking	
Information Center	P	P		No parking	
Museums, libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	Note j	No parking	
Residential					
Residential Shelter	C	-	-	1 per 4 beds, 2.5 per 1,000 sq. ft.*	
Live/work	P	S		1.5 per unit	Section 20.70.120
Residential multiple dwelling	P	P	-	1 per unit	
Residential Care Facility for 7 or more persons	C	C	-	.75 per employee	
Residential Services Facility for 7 or more persons	C	C	-	.75 per employee	
Single room occupancy living unit	S	S	-	.6 per room	Part 15, Chapter 20.80
Single room occupancy hotel	S	S	-	.6 per room	Park 15, Chapter 20.80
Residential Accessory Uses					

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Table 20-140 Downtown Districts Land Use Regulations					
Use	**Zoning Districts**		**Applicable Notes & Sections**		
	DC	**DC-NT1**	**Additional Use Regulations for the DG Area**	**Parking**	**Applicable to All Downtown Districts**
Accessory buildings and structures	P	P	-	No parking	Note 2
Recycling Uses					
Reverse vending	S	S	-	No parking	Note 3
Small collection facility	S	S	-	No parking	Note 3
Transportation and Communication					
Community television antenna systems	C	-	-	No parking	
Off-site and alternating use parking arrangements	P	P	-	N/A	Section 20.90.200
Parking establishment, off-street	P	P	-	N/A	
Private Electrical Power Generation Facility	C	C	-	1 for each vehicle used in the operation of such facility	
Standby Generators that do not exceed noise or air standards	A	A	-	N/A	
Temporary Stand-by/Backup generators	P	P	-	N/A	
Short term parking lot for uses or events other than on-site	S	S		N/A	
Radio & Television Studios	P	-	Note n	No parking	
Wireless communication antenna	S	-	-	No parking	Section 20.80.1900
Wireless communication antenna, building mounted	P	-	-	No parking	Section 20.80.1900
Electrical Power Generation					

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Table 20-140 Downtown Districts Land Use Regulations					
Use	**Zoning Districts**		**Applicable Notes & Sections**		
	DC	**DC-NT1**	**Additional Use Regulations for the DG Area**	**Parking**	**Applicable to All Downtown Districts**
Solar Photovoltaic System	P	P	-	No parking	Section 20.100.610(C)(7)
Vehicle Related Uses					
Accessory installation for cars and passenger trucks	P	-	-	No parking	
Car wash, detailing	P	-	-	No parking	
Gas or charge station	P	-	-	No parking	Note 3, Note 8
Gas or charge station with incidental service and repair	P	-	-	No parking	Note 3
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 4
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 5
Sale, vehicle parts, new	P	-	-	No parking required	
Historic Reuse					
Historic Landmark Structure Reuse	S	S		Section 20.90.220.E	Part 8.5 Chapter 20.80

Notes:

Notes applicable to the DG Area only:

(a) Excluding second-hand stores not dealing primarily in antiques, artworks, or vintage clothing.

(b) Only as a use incidental to a retail jewelry store, otherwise, not permitted.

(c) Only as a use incidental to existing on-site office use, otherwise not permitted.
(d) Culinary/Art School with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts.
(e) Allowed only as an incidental use to other allowed recreation uses.
(f) Only as a use incidental to restaurant, grocery or bakery uses for primarily on site sales, otherwise not permitted.
(g) Excludes check-cashing services, photography studios, weight loss centers, interior decorating, and bail bond services.
(h) Only if dedicated primarily to on-site retail customer copy services, otherwise not permitted.
(i) ~~Only if dedicated primarily to on-site retail customer services, otherwise not permitted.~~ **Formatted:** Strikethrough
~~(j)~~ (i) Exception for travel agencies and real estate agencies which are the only permitted uses. **Formatted:** Not Strikethrough
~~(k)~~(j) Community centers are not allowed. **Formatted:** Strikethrough
~~(l)~~(k) Exception for copy shops and mail centers which are the only permitted uses. **Formatted:** Strikethrough
~~(m)~~(l)Use of ground floor to be primarily dedicated to customer-related public services. **Formatted:** Strikethrough
~~(n)~~(m) Includes financial retail services such as payroll advances, foreign currency exchange, debt card services and related financial services products but excludes check cashing except as an ancillary use. **Formatted:** Strikethrough
(n) In order to be a permitted use, the size of the space of such use shall be limited in size to a total maximum area of no greater than 20,000 sq.ft., and the space shall not be located within a corner tenant space that is directly adjacent to the intersection of two public streets. Any use that does not meet either of those criteria may be allowed with a Special Use Permit, and a Special Use Permit is required. **Deleted:** Any such business support office or business and administrative office allowed in the DG Area **Formatted:** Not Strikethrough

Notes applicable to Downtown Core (DC) Zoning District, including DG Area:
(1) Excludes manufacturing uses.
(2) No lot may be used solely for an accessory structure or building.
(3) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
(4) All activity must be conducted indoors.
(5) Non-engine and exhaust related service and repair allowed as incidental use.

(6) Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940(2), incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.
(7) Maximum occupancy load shall be that maximum occupancy load determined by the City Fire Marshall.
(8) Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all downtown zoning districts.

* Under the Parking Management Plan, October 2001, the Code may be changed to reduce the parking allotments for these uses. The reduction would be to 2.5 spaces per 1,000 square feet when BART is opened.

Fifteen percent (15%) of total parking requirement must be provided off-site.

PASSED FOR PUBLICATION OF TITLE this day of , 2012 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk

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RULES COMMITTEE: 11-30-11
ITEM: H.2

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: RULES COMMITTEE

FROM: Mayor Chuck Reed
Councilmember Sam Liccardo

SUBJECT: GROUND-FLOOR USES IN THE DOWNTOWN CORE

DATE: November 22, 2011

APPROVED: Chuck Reed Sam Liccardo 11-22-11

RECOMMENDATION

1. Suspend Municipal Code § 20.70.100 (F), and the corresponding portions of Table 20-140 (and other any provisions of that sub-section that restrict ground-floor uses in the Downtown core), for a period of twelve months, to allow the specified restricted uses (e.g., financial services, financial institutions, other office uses, and day-care centers) to operate without a special use permit on the ground floor of the Downtown core:

   a. in sites other than corner lots;

   b. where those businesses are open Monday through Friday, for a minimum of the standard 9am to 5 pm business hours; and

   c. with reasonable conditions to ensure that ground-floor activity appears plainly evident from the sidewalk, e.g., provision of adequate night-time lighting on the storefront, limitation of window coverings, etc.

2. Return to the Community and Economic Development Committee prior to the expiration of the 12-month suspension period, to assess the status of the commercial real estate market Downtown, and to evaluate the efficacy of the program.

BACKGROUND

Despite all of the challenges of the recent downturn, we increasingly hear good news from businesses--particularly financial and professional services--looking for Downtown space. We have seen a host of new and expanding office users Downtown in the past year, including employers as wide-ranging as Oracle, PWC, Pinger, SunWize, ThreatMatrix, Xactly, BCA Architects, the University of San Francisco, and Acdis.

Nonetheless, too many ground-floor storefronts remain vacant Downtown, and with that vacancy comes the familiar urban problems of blight.

Several companies and brokers have expressed interest in Downtown ground-floor spaces, only to find that the current zoning code requires a special use permit for many non-retail uses. While we support the

intent of such restrictions—to encourage pedestrian-friendly vitality on our sidewalks with active streetscapes—we also recognize that the existing limitations came into being during a different time.

This challenging economy calls for greater flexibility. While we appreciate the need to encourage active ground-floor uses, it becomes imperative for the City to get out of the way of those employers who want to move Downtown. As we seek to support our existing restaurants and retail, increasing the City's flexibility toward office uses will bring the kinds of tenants who will, over time, attract retailers as well.

COUNCIL AGENDA: 11-18-08
ITEM: 11.2

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Mayor & City Council

FROM: Councilmember Sam Liccardo

SUBJECT: SEE BELOW

DATE: November 13, 2008

APPROVED:

DATE: 11-17-08

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW BUSINESS SUPPORT AND BUSINESS AND ADMINISTRATIVE OFFICE USES AS GROUND FLOOR USES WITH A SPECIAL USE PERMIT IN THE DOWNTOWN GROUND-FLOOR SPACE OVERLAY AREA, TO ALLOW ANIMAL GROOMING AS A PERMITTED USE IN THE DOWNTOWN ZONING DISTRICTS, TO MODIFY PARKING REQUIREMENTS FOR LIVE/WORK UNITS IN DOWNTOWN ZONING DISTRICTS, AND TO MAKE OTHER RELATED CLARIFYING CHANGES AND MODIFICATIONS.

RECOMMENDATIONS

Accept staff recommendations with the following modification:

- Restrict to 20,000 Square Feet the aggregate amount of any future non-retail uses granted development permits within the Downtown Ground-Floor Zoning Overlay Area, such that any additional square footage would require a change in Council policy.

- Direct the City Manager to return to Council with a report on all non-retail uses granted development permits within the Downtown Ground-Floor Zoning Overlay Area during the 12-month period following enactment of the proposed Ordinance changes.

BACKGROUND

The proposed ordinance has raised concern that allowing increased office uses in ground-floor retail space may hinder the long-term development of retail uses downtown. While I support the intent behind this proposed change to allow for increased flexibility for building owners, I share concerns about the proliferation of office uses. "Smart growth" principles call for keeping a mix of uses exists within walking distance of residences, and the dearth of retail downtown has too many residents in high-density developments getting into their cars to shop. More active ground-floor uses promote a more vibrant street life. Current and future downtown residents should have the variety of retail and cultural uses needed to maintain a high quality of life, and prospective high rise condo buyers will expect no less.

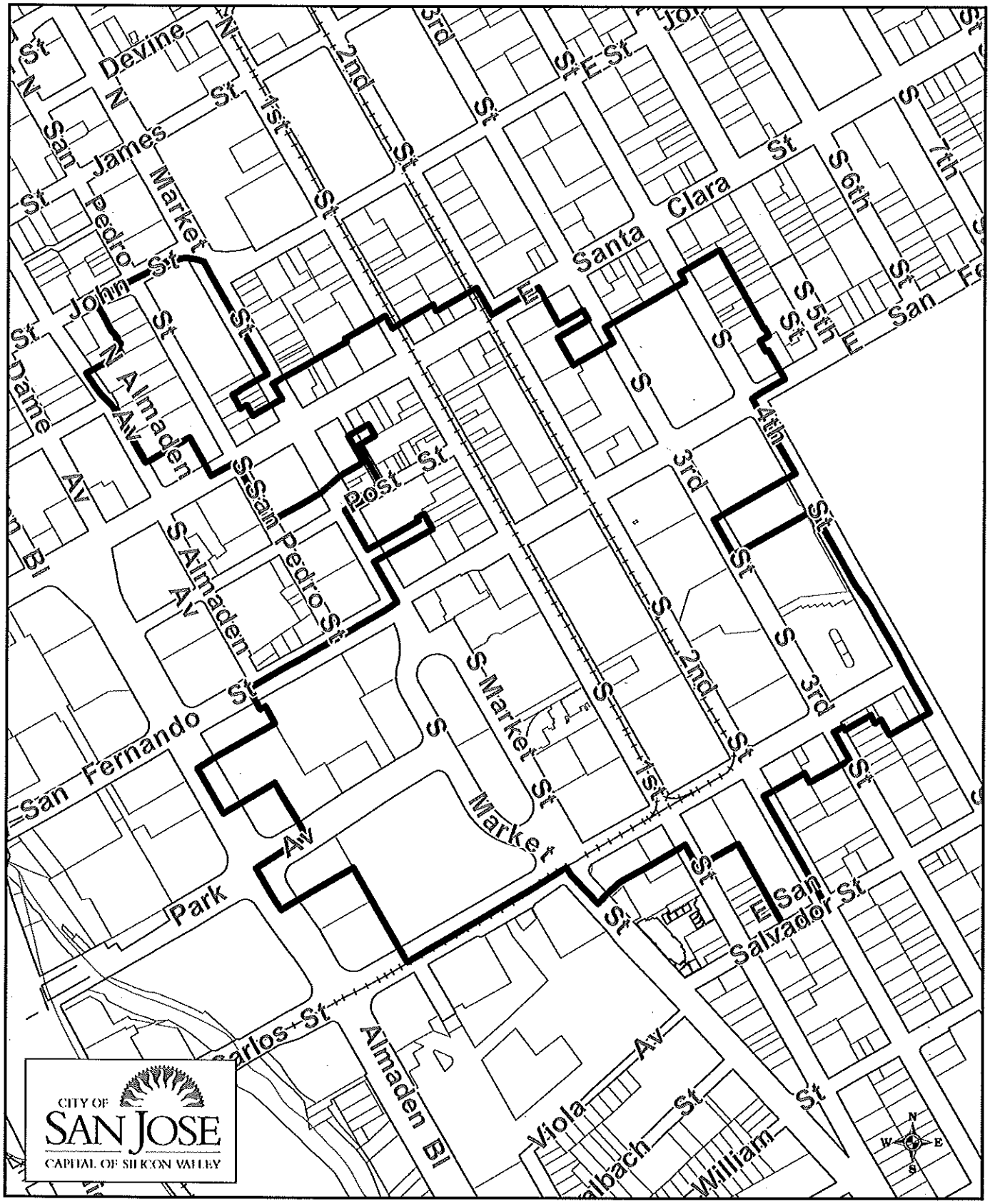
The Council-adopted Downtown Strategy 2000 includes retail development as one of its top priorities. The objective of the Downtown Strategy appears clearly stated: "The ground floor of buildings including parking structures should be occupied by retail, entertainment, service retail, cultural or other high intensity pedestrian uses."

For these reasons, I propose placing a cap of 20,000 square feet on future non-retail uses downtown. Without some constraints, a temporarily strong office market and/or a weak retail market can lead to long-term office leases that could permanently choke retail uses from the street level. Should market conditions change or if our perspective evolves, staff can return to Council to lift the 20,000 square foot limit.

This memorandum was coordinated with Redevelopment Agency, Planning, Building and Code Enforcement Department and the City Attorney's Office.

Downtown Ground Floor Space Areas	Total Spaces	Total Vacancies	Vacant Corners	*Net Vacancies	Notes
Both sides of Santa Clara Street between San Pedro Street and Second Street	32	6	2	4	Vacancies: 142 W. Santa Clara, Market and Santa Clara streets, 84 w. santa clara, 35 & 49 E. Santa Clara, 30 E. Sant Clara suite 120
Both sides of Fountain Alley, between First Street and Second Street	5	0	0	0	
Both sides of Post Street, between Lightston Street and First Street	16	2	0	2	Vacancies: 20 and 25 Post Street
Both sides of San Fernando Street, between Market Street and Fourth Street	16	1	1	0	Vacancies: 100 E. San Fernando Street
Both sides of Park Avenue from Market Street, continuing westerly for 500 feet	8	2	1	1	Vacancies: 179 Park Avenue, 220 Almaden Blvd
Both sides of Paseo de San Antonio, between Market Street and Fourth Street	27	5	1	4	Vacancies: 110, 22, 118, 170 S. Market Suite 150 and 120 (corner)
Both sides of San Carlos Street, between Makret street and Fourth Street	14	0	0	0	
Both sides of San Pedro Street, between St. John Street and Santa Clara Street	15	1	1	0	Vacancies: 151 W. Santa Clara + includes stores open in SPSMarket
Both sides of Market Street between San Fernando and San Carlos street	9	2	0	2	Vacancies 125 S. Market Suite 110/120
Both sides of First Street, between Santa Clara Street and San Carlos Street	39	6	0	6	Vacancies: 66, 78, 200, 204, 206, 150 S. First Street Suite 103, 310 S. First St.
Both sides of Second Street, between Santa Clara and San Carlos Street	21	8	0	8	Vacancies: ?, ?, 14, 18, 40 (divisible), 56, 72 & 84
East side of Third Streed, from four hundred sixty-three feet north of San Fernando Street to the north side of San Fernando Street	2	0	0	0	
Both sides of Third Street, from San Fernando Street to 270 feet South of San Fernando Street	2	1	0	1	The 88, parking, apartment buildings
Both sides of Fourth Street, from 463 feet north of San Fernando Street to the north side of San Fernando street	5	2	0	2	Vacancies: City windows gallery, suite 100 next to San Jose Credit Union
West side of Fourth Street, from the south side of San Fernando Street to 270 feet south of San Fernando Street	1	0	0	0	Paseo Villas- County Federal Credit Union
	212	36	6	**30**	
		0.169811		0.141509	
*Net vacancies excludes corners					

City of San Jose
Downtown Ground-Floor ("DG") Overlay Area



Map Prepared by: City of San Jose, Planning Division, February 2012

Item # 9
Public Hearing

ADMINISTRATIVE REPORT

TO:	CITY COUNCIL
FROM:	SUSAN M. LOFTUS, CITY MANAGER
PREPARED BY:	COMMUNITY DEVELOPMENT DEPARTMENT
MEETING DATE:	OCTOBER 1, 2012
SUBJECT:	INTRODUCTION OF ORDINANCE AMENDING CITY'S REQUIRED RETAIL FRONTAGE (SECTION 27.38 OF SAN MATEO MUNICIPAL CODE) (PA12-007)

RECOMMENDATION

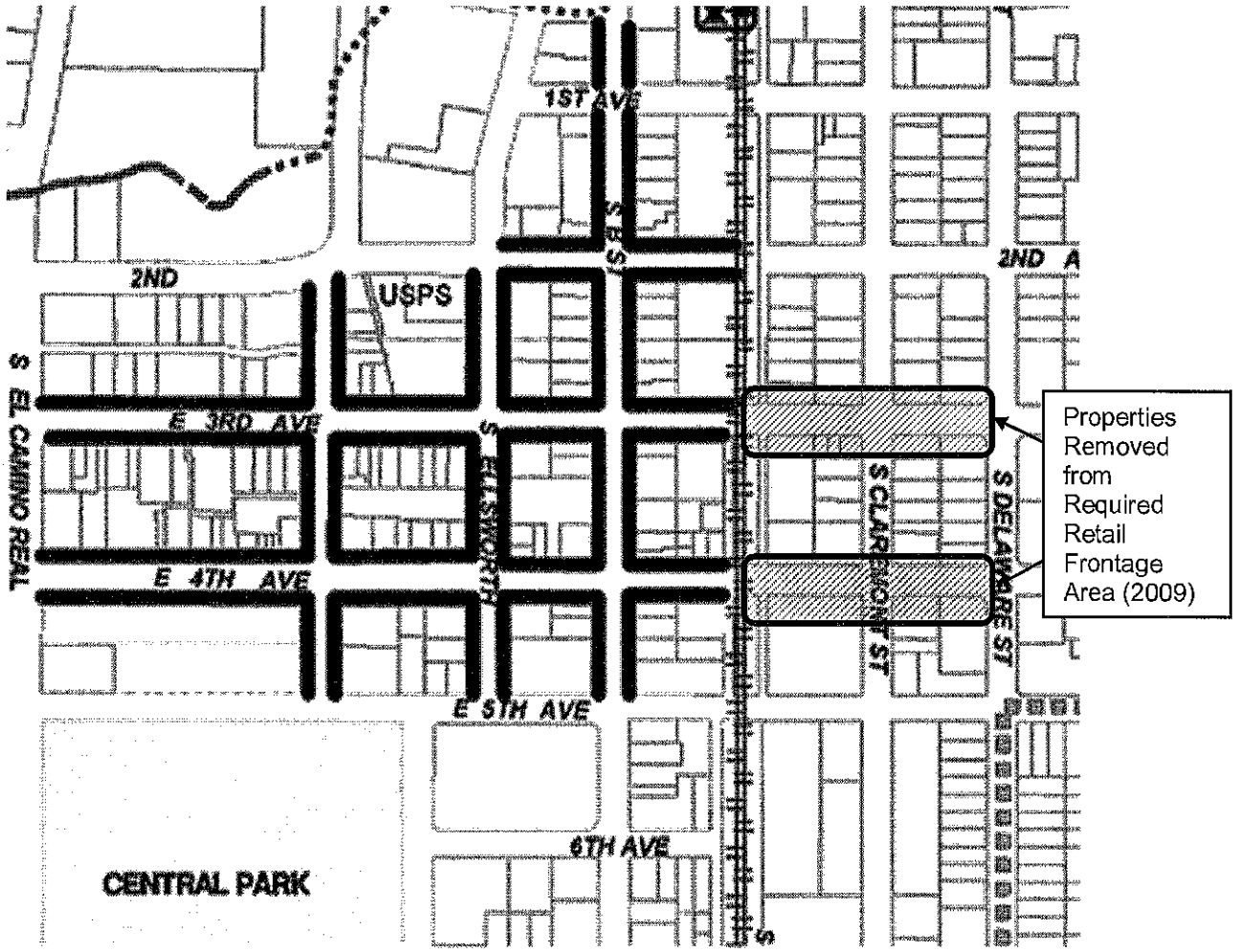
Introduce an ordinance amending the City's Required Retail Frontage requirements in SECTION 27.38, in order to add language to provide flexibility for land uses in the ground floor of downtown, enable the City to review the effectiveness of the amendments after a period of time, and enable some general clean up of the section. The ordinance will take effect 30 days after its second reading and adoption.

BACKGROUND

The Required Retail Frontage requirements were first established in 1986 with the adoption of the Downtown Plan. The requirements at that time (see attachment 6 – 1986 Retail Frontage Requirements) allowed as a permitted use a small percentage of the ground floor to be devoted to any type of office use or other use otherwise permitted in the Central Business District.

In 2000, during the "dot.com boom", a number of ground floor spaces were being converted to offices. As a result, the City Council adopted an urgency ordinance prohibiting the establishment of any new ground floor offices in the downtown. After study and analysis of this issue, the present requirements were adopted by the City Council in 2001 and remain in place today (see attachment 7).

In 2009, in adopting the present Downtown Plan, the City eliminated the Required Retail Frontage requirement for the properties along 3rd and 4th Avenues between the railroad and Delaware Street (see map below).



General Plan, Downtown Plan and Implementing Zoning Code Standards

Policy LU 3.1 of the current City of San Mateo General Plan states the following:

LU 3.1: **Downtown Plan.** As the social, cultural and economic center of the City, the downtown shall maintain a wide range of office, medical, residential, entertainment, and retail uses at high intensities and densities.

Policy II.2 of the Downtown Plan states the following:

II.2 Required Retail Frontage. *Require the provision of ground floor retail uses with windows on properties located on the primary shopping streets as identified in the Required Retail Frontage Zone Map (see map at the end of this chapter). In addition to traditional retailing activities, permit entertainment and cultural uses, and allow fast food establishments in limited instances.*

Currently, this policy is implemented by Zoning Code Section 27.38.110 Required Retail Frontage (see attachment 2). This section requires the ground floor of buildings within the Required Retail Frontage Area to be used for retail sales, personal services , eating and drinking establishments, theaters and cultural facilities, and banks (with the exception of block corners).

The zoning code does allow for consideration of a Special Use Permit for "ground floor dependent offices" (maximum of 2,500 sq. ft.) upon making a finding that "Such uses shall require ground floor visibility to serve patrons on an unannounced or drop-in basis, shall conduct a majority of their business face-to-face on the premises with their customers, and shall maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale."

It should be noted that these provisions apply to ground floor space only and do not apply to the upper floors, or basements of buildings. In addition, while Downtown San Mateo is large in comparison to other peninsula downtown areas, the Required Retail Frontage areas are concentrated in the retail core, as indicated below:

Recent Council Direction

During the recent public hearing regarding expansion of snapLogic (PA 11-052, 65 E. Third Ave Office SUP), a proposed expansion of a software company from the basement into a ground floor space within the Required Retail Frontage area, the City Council endorsed a review of the ground floor retail zoning code requirements, given the City's interest in encouraging startup companies within the downtown area.

Market Analysis

In 2007, AECOM (formerly Economic Research Associates) completed a *Downtown San Mateo Market Analysis* report for the City of San Mateo Planning Department. A number of issues were identified in that report, including a concern over excessive retail depths in the City's Downtown core.

Since then, the economy has experienced a recession and there have been recent attempts by Downtown property owners to allow office tenants on the ground floor. In response, the City retained AECOM Economics to examine conditions in Downtown and possible policies related to ground floor office uses. The 2012 updated report (attachment 4) includes a targeted update of the analysis provided in the 2007 report, as well as additional stakeholder interviews and jurisdictional surveys of comparable cities to assess the potential of allowing office tenants on the ground floor within the Downtown's Required Retail Frontage area.

Some of the report's key findings:

- **Future Outlook is Strong**
  - Restaurants have continued to thrive during economic recession
  - Recent opening of higher quality and "hip" restaurants in Downtown
  - Downtown retail sales recovering faster than the city and the county
  - Strong demand for retail in next 10 years

- **Challenges**
  - Downtown retail affected negatively by the economic recession
  - Long term retail vacancies do exist

- **Key Conclusions**
  - Allowing for rear conversion of retail space to office will not have a significant negative impact on City revenue
  - Benefits include preservation of a vibrant pedestrian retail environment and flexibility and greater revenue for property owners

- **Major Recommendation**
  - 60 feet as a retail depth to use for an office conversion policy
  - Proposed conversion spaces that would create retail spaces less than 60 feet in depth may be considered on a case by case basis through a conditional use permit process

The primary recommendation of this study is that allowing for the rear conversion of retail space (deeper than 60 feet) to office will not have a significant negative impact on City revenue, but will allow for a number of benefits. Benefits include the continued preservation of the vibrant pedestrian retail environment, greater flexibility for property owners, the attraction and retention of new office tenants, and the potential to attract a greater mix of retail tenants.

As noted in the previous 2007 report:

> *The major change (in retail trends) has been in store depths, which have become less deep since the advent of "just-in-time" deliveries to replenish inventories throughout the selling year rather than major deliveries two to three times a year. Before Federal Express (FedEx), United Parcel Service (UPS) and other common carrier delivery services, retailers purchased store inventory at markets once or twice a year, then were required to receive/have the inventory delivered, and store the extra goods within their buildings, often in basements, on upper floors, or at the rear of the ground floor selling space. These types of areas, known as the 'back-of-house', resulted in both larger retail spaces and higher rents or purchase prices for buildings, as more square feet of space was needed to operate.*

Planning Commission Public Hearing

At the August 24, 2012 Planning Commission meeting, the Commission reviewed the economic report and code amendments proposed by staff. The Commission also heard public testimony, discussed the need for more flexibility, and approved a resolution to recommend code amendments subject to the following changes:

- The required retail depth should be reduced to 40 feet, verses the staff recommendation of 60 feet;
- Add a provision to review the effectiveness of the code amendment after 3 years;
- Allow the Planning Commission to review and approve Special Use Permit proposals for reduced retail depth and/or width requirement for unique properties that are generally consistent with the Downtown Plan and other City policy documents; and
- Accept staff recommendation that the Special Use Permit process shall not be available for uses on corner properties.

The draft minutes of the August 24, 2012 Planning Commission public hearing (see attachment 3 for reference) and contain a summary of the Commissions' discussion & deliberation which lead to their recommendations.

Proposed Zoning Code Amendment

As recommended by the Planning Commission, the proposed zoning code amendment requires that for non-corner properties with widths greater than 25 feet, at least 75 % of the portion of the building fronting the street, to a depth of 40 feet, shall be occupied by the retail/service uses. The balance of the building may be used for uses that are otherwise permitted in the downtown, such as offices (see attachments 1 and 2 for proposed ordinance and redline version).

For non-corner properties with widths of 25 feet or less, at least 67 % of the portion of the building fronting the street, to a depth of 40 feet, shall be occupied by the retail/service uses. The balance of the building may be used for uses that are otherwise permitted in the downtown, such as offices.

With respect to building entries, for lots 25 feet wide or less, not more than one-third of street frontage shall be devoted to entrances for uses other than retail/service uses. For lots over 25 feet wide, not more than 25% of the street frontage shall be devoted to entrances to uses other than retail/service uses. This recommendation is consistent with the recently adopted Pedestrian Master Plan.

The Commission's recommendation is to add a provision to allow the Planning Commission to review and approve Special Use Permit proposals for reduced retail depth and/or width requirement for unique properties that are generally consistent with the Downtown Plan and other City policy documents. This would enable the Commission to consider unique circumstances as well as the City's overall interest in maintaining pedestrian oriented and

friendly character of downtown as expressed policy documents including the City's General Plan, Downtown Plan, Pedestrian Master Plan, and Bicycle Master Plan.

However, this code amendment for a new Special Use Permit would not apply to corner properties due to their visibility and prominence in determining the character of the downtown retail core. There are significant reasons for maintaining a focus on retail/service uses at the street frontage in the retail core area, these include:

- Retail areas are dependent upon synergy and lively activity, which would be interrupted with uses other than retail/service on the ground floor.
- Office uses typically close in the evenings and weekends, creating dark, dead spaces, thereby discouraging a pedestrian friendly environment. The resulting impression of the area is that it is not inviting, not interesting, and friendly to walk around.
- Retail areas in other cities with office uses on the ground floor also allow buildings of 100+ stories whereas San Mateo has mostly one and two-story buildings and a height limit. Therefore, San Mateo is challenged with getting the density of customers necessary that would allow more sparse retail to survive without the synergy from a consistent clustering of retail/service uses.
- "Charming & thriving downtowns" to which people strive to emulate: Carmel, Palo Alto, Burlingame Avenue - in none of these town centers, that are similar to San Mateo, do they allow new offices or housing at the street level.

The Commission also recommend a review of the effectiveness of the code amendments after three years. This would maintain a focus on downtown and enable the City to allocate resources to revisit the issue at a predetermined period.

Parking and Traffic

The complex issues related to long term downtown parking needs and the strategies to meet those needs would need to be examined in a broader context than can be addressed in a discussion of Required Retail Frontage requirements. The Public Works Department is leading this effort and recently presented the Downtown Parking Management Work Program at the September 18, 2012 City Council meeting.

In the short term, AECOM projects that 10-20% of the vacant 28,000 sq. ft. of ground floor space may be converted over the next five (5) years. This equals approximately 5,600 sq. ft. (or 20% of 28,000 sq ft) being converted to office space.

Based on downtown parking requirements of 2.6 spaces/1,000 square feet for office use and 1.9 spaces/1,000 square feet for retail, this would equal to approximately four (4) additional parking spaces over a period of five years. This is a minimal amount compared to the approximately 2,800 of public parking spaces in downtown.

§ 2, 2000; Ord. 1993-7 § 2 (part), 1993; Ord. 1989-19 § 2, § 3, 1989; Ord. 1986-14 § 1 (part), 1986).

27.38.120 BUFFERS. (a) When a CBD-zoned plot abuts any residential district, an adequate landscape planting buffer shall be maintained adjacent to the R-zoned property. The depth of this buffer along interior lot lines shall be equal to at least one-half the height of the building, or fifteen (15) feet, whichever is greater. No buffer shall be required along street frontages abutting R-zoned property. Open parking otherwise in conformance with standards listed in this chapter may be permitted within the required buffer area except as required in Section 27.64.140 of the off-street parking code. No portion of the building is exempt from the buffer requirements.

(b) Required Fences or Walls. A solid fence or solid wall is required for parcels abutting residential districts as provided in Section 27.84.030. (Ord. 2001-28 § 1, 2001; Ord. 1997-21 § 5, 1997; Ord. 1995-8 § 7, 1995; Ord. 1992-16 § 11, 1992; Ord. 1987-29 § 1, 1987; Ord. 1986-14 § 1 (part), 1986; Ord. 1979-1 § 18, 1979: Ord. 1975-31 § 1, 1975: Ord. 1969-34 § 1 (part), 1969: prior code § 147.06 (F)).

27.38.130 RESIDENTIAL DEVELOPMENT STANDARDS. In this district, residential uses shall be permitted as part of mixed use developments, subject to the following conditions:

(1) Unit Density.

(a) CBD (Central Business District). Residential development on properties zoned CBD shall not exceed 50 units per acre regardless of parcel size.

(b) CBD/R (Central Business District/Residential Overlay District - Mixed Use). Residential development on properties zoned CBD/R shall be subject to /R density standards.

(2) Floor Area. Any portion of lot area used for surface parking or above grade parking shall be included in floor area for the purposes of computing maximum permissible floor area.

(3) Open Space. Residential development shall include private usable open space equal to at least eighty (80) square feet per dwelling unit or common usable open space equal to at least one hundred fifty percent (150%) of the private usable open space requirements, or a combination of both.

Private usable open space used to fulfill this requirement shall have a usable area of not less than seventy five (75) square feet and shall not be less than six (6) feet in any dimension. (Ord. 2001-28 § 1, 2001; Ord. 1992-4 § 3, 1992; Ord. 1992-2 § 29, 1992; Ord. 1986-14 § 1 (part), 1986).

27.38.140 DOWNTOWN ECONOMIC DEVELOPMENT. To encourage development of large, vacant, underutilized parcels as designated in the Downtown Specific Plan, exceptions from land use standards contained in this title may be granted upon approval of a Downtown Economic Development Permit by the City Council for properties in the Central Business District (CBD). Approval of such an application shall be based on the following findings:

(a) The project is consistent with the goal statements of the Downtown Specific Plan,

(b) The project is of an excellent design quality and is consistent with the Downtown Retail Core and Downtown Historic District Design Guidelines,

(c) The project is a significant development which presents a substantial economic development opportunity for the City and attempts to maximize use of the site,

(d) The project has a minimum building floor area ratio of 1.0 (not including surface and structured parking) or includes a substantial public improvement such as a public parking garage, open space plaza, public marketplace or other public facility; and

(e) Any unmitigated significant impacts are outweighed by the project's economic, social or other benefits.

In no case, however, shall the project exceed the maximum height and bulk standard and building intensity standard as set forth in Chapter 27.40 Building Height and Bulk Overlay District and the Building Height and Intensity Plan of the General Plan. (Ord. 2001-28 § 1, 2001; Ord. 1999-22 § 1, 1999; Ord. 1996-1 § 1, 1996).

Item # 4
Consent Item

ADMINISTRATIVE REPORT

TO:	CITY COUNCIL
FROM:	SUSAN M. LOFTUS, CITY MANAGER
PREPARED BY:	COMMUNITY DEVELOPMENT DEPARTMENT
MEETING DATE:	OCTOBER 15, 2012
SUBJECT:	ADOPTION OF ORDINANCE AMENDING CITY'S REQUIRED RETAIL FRONTAGE (SECTION 27.38 OF SAN MATEO MUNICIPAL CODE) (PA12-007)

RECOMMENDATION

Adopt an ordinance amending the City's Required Retail Frontage requirements in Section 27.38, which was introduced at the October 1, 2012 City Council meeting.

BACKGROUND

The amendments to the Required Retail Frontage requirements in SECTION 27.38 of the San Mateo Municipal Code adds language to provide flexibility for land uses in the ground floor of the downtown Required Retail Frontage Area, enable the City to review the effectiveness of the amendments after a period of time, and enable some general clean up of associated code sections.

The ordinance will take effect 30 days after adoption.

CITY COUNCIL DIRECTION

At the October 1, 2012 City Council public hearing, after hearing public testimony and deliberation, the Council provided the following direction:

1. Regarding, SMMC 27.38.110 (a)(2) – The ordinance currently references 5.24.170 which is a typographical error, the ordinance should reference 5.24.160 Professions.
2. Regarding, SMMC 27.37.110 (c)(1)(i and ii) – While the Planning Commission recommended a 40 feet minimum ground floor retail frontage depth requirement, the Council would like that changed from 40 feet to 60 feet, which is consistent with City staff's original recommendation and AECOM's recommendation.

3. Regarding SMMC 27.37.110 (b)(1) – The ordinance currently references SMMC 27.74.020 Special Use Permits. Make it clear in the ordinance that the Planning Commission's decision on a Special Use Permit is appealable to City Council.

SUMMARY OF CHANGES

The proposed ordinance (included as attachment 1) includes the above changes as directed by the City Council as well as general clean up of SMMC 27.78 CBD - Central Business District and 27.74 Special Use Permit that includes:

- Reformatting section 27.38 to improve readability and correct internal inconsistencies,
- In both section 27.38 and 27.74 where there are incorrect references to other municipal code sections due to typographical error, make changes to ensure that the references cited in the ordinance are correct, and
- In both section 27.38 and 27.74 where there are incorrect references to policy documents, make changes to reference current policy documents such as the General Plan and Downtown Plan.

BUDGET IMPACT

The proposed code amendments will enable property owners to convert existing deep retail spaces with long term vacancies, and broaden their options for attracting tenants. This is expected to bring more businesses to downtown. While only a small percentage of vacant ground floor retail space is anticipated to be converted, it is expected that a small increase in business tax revenue will be generated for the General Fund.

It is anticipated that there will be a budgetary expense for the City in the future as the City would need to allocate resources to review the effectiveness of the proposed code amendments in three years and would need to budget for this anticipated expense accordingly.

ENVIRONMENTAL DETERMINATION

CEQA Guidelines Section 15061(b)(3) indicates that "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA". In this specific instance, an economic report by AECOM indicates that only 10 – 20% of the vacant 28,000 square feet of ground floor space will likely be converted to office over the next five (5) years. This results in only 5,600 sq. ft. (or 20% of 28,000 sq ft) being potentially converted, which is a small amount of space, not capable of generating significant environmental impacts.

NOTICE PROVIDED AND PUBLICATION

The ordinance amendments was introduced at the October 1, 2012 City Council public hearing. Mail notice for that meeting was provided to all property owners and business owners in the Required Retail Frontage Area, and to all interested parties, 10 days in advance of the City

Council meeting. Information was also posted on the City's web site, and provided through email for those who have signed up for Planning notices thought the Notify Me link. A newspaper notice was also published 10 days in advance of the meeting.

Following the City Council meeting to adopt the ordinance amendments, the ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website and shall be effective 30 days after the date of adoption.

ATTACHMENTS

Attachment 1 – Proposed Ordinance
Attachment 2 – Ordinance revisions in redline

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cc: Downtown San Mateo Association
San Mateo Chamber of Commerce
San Mateo United Homeowners Association
Interested parties list (including workshop attendees)

ORDINANCE NO. 2012-____

AMENDING SECTION 27.38.020, "PERMITTED USES," SECTION 27.38.030, "SPECIAL USES," SECTION 27.38.040, "CONDITIONS OF USE," SECTION 27.38.100, "BUILDING LINE AND SETBACKS," SECTION 27.38.110, "REQUIRED RETAIL FRONTAGE," AND SECTION 27.38.140, "DOWNTOWN ECONOMIC DEVELOPMENT," OF CHAPTER 27.38, "CBD DISTRICTS—CENTRAL BUSINESS DISTRICT," AND SECTION 27.74.020, "POWER TO GRANT," OF CHAPTER 27.74, "SPECIAL USE PERMITS," OF THE SAN MATEO MUNICIPAL CODE

WHEREAS, currently Municipal Code 27.38.110, "Required Retail Frontage," requires the ground floor of buildings within the Required Retail Frontage area to be used for retail sales, personal services, eating and drinking establishments, theaters and cultural facilities and banks, with the exception of block corners; and

WHEREAS, the Council recently endorsed a review of the ground floor retail zoning code requirements as the City has an interest in encouraging startup companies within the downtown area; and

WHEREAS, the major change (in retail trends) has been in store depths, which have become less deep since the advent of "just-in-time" deliveries to replenish inventories throughout the selling year rather than major deliveries two to three times a year, and

WHEREAS, in Downtown San Mateo, many existing and older commercial buildings are 100-130 feet deep, rather than the current typical retail store depth of 60 to 75 feet, and

WHEREAS, there are a number of buildings in downtown San Mateo that, because of the era in which they were built, are too deep to be attractive spaces for retailers, despite the strong demographics and walking character of downtown San Mateo, and

WHEREAS, the City wishes to maintain retail frontage in its downtown core, while at the same time allowing for alternative uses in the rear of non-corner retail buildings which are no longer viable for retail use, and

WHEREAS, the City wishes to maintain a retail focus for corner properties in the Downtown retail core area due to their visibility and prominence in determining the character of the downtown retail core, and

WHEREAS, in accordance with California Government Code Section 65352, the Planning Division referred the proposed amendments to affected agencies; and

WHEREAS, the proposed Required Retail Frontage Requirements Zoning Code Amendments are consistent with the City's Downtown Plan and General Plan; and

WHEREAS, in accordance with California Government Code Section 65350 et seq. and California Government Code Section 65853 et seq., the Planning Commission held a public hearing pursuant to the notice required by law for these amendments of the Zoning Code, at which the Commission received and considered written and oral evidence, and made its recommendations; and

WHEREAS, the City held one (1) community meeting and a study session with City Council on the Required Retail Frontage Study and provided opportunities for the involvement of public agencies, civic, education, and other community and interested groups; and

WHEREAS, the City Council introduced the ordinance at its meeting of October 1, 2012, and requested minor revisions prior to adoption;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Subsection (1) of Section 27.38.020, "Permitted Uses," of Chapter 27.83, "CBD Districts—Central Business District," of the San Mateo Municipal Code is amended to read:

"(1) Any use permitted in the C2 district, except an animal hospital and emergency shelters; provided that the use limitations contained in Section 27.38.110, Required Retail Frontage, shall apply to properties located within the Required Retail Frontage area, as shown in the Downtown Plan;"

Section 2. Paragraph 1 of Section 27.38,030, "Special Uses," of Chapter 27.38, "CBD Districts—Central Business District," of the San Mateo Municipal Code is amended to read:

"The following uses may also be permitted if their site locations and proposed development plans are first approved as provided in Chapters 27.06 through 27.12, 27.62, 27.74, 27.78 and 27.80; however, the specific use limitations contained in section 27.38.110, Required Retail Frontage, shall apply to properties located within the Required Retail Frontage area, as shown in the Downtown Plan:"

Section 3. Section 27.38.040, "Conditions of Use," of Chapter 27.38, "CBD Districts—Central Business District," of the San Mateo Municipal Code is amended to read:

"**27.38.040 CONDITIONS OF USE.** All non-residential uses permitted in this district shall be subject to the following conditions:

(a) Automobile service stations, automobile repair facilities and other similar automobile service uses are not permitted, with the exception of an automobile service station fully enclosed within a parking structure or other building.

(b) There shall be no manufacturing, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.

(c) All permitted uses in this district shall be conducted without objection from adjoining users due to odor, dust, smoke, noise, vibration, or other similar cause.

(d) Any exterior sign displayed shall pertain only to a use conducted within the building.

(e) All uses, including storage of equipment, materials, supplies, and commercial vehicles for off-site business permitted under this chapter shall be conducted wholly within an enclosed building, except as may be specifically authorized by Special Use Permit or as an accessory use to an approved permitted or special use.

(f) All ground floor uses shall maintain visibility of their space from the street and maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale."

Section 4. Subsection 1 of Section 27.38.100, "Building Line and Setbacks," of Chapter 27.38, "CBD Districts—Central Business District," of the San Mateo Municipal Code is amended to read:

"(1) New developments shall be built to the property line to a minimum height of 26 feet, up to the maximum height as permitted in the street wall area or to the maximum height permitted for parcels outside the street wall area, except where a setback is required to meet ground floor open space requirements or where a setback buffer is required adjacent to a residential district pursuant to the Building Height and Bulk Plan in the Downtown Plan."

Section 5. Section 27.38.110, "Required Retail Frontage," of Chapter 27.38, "CBD Districts—Central Business District," of the San Mateo Municipal Code is amended to read:

"27.38.110 REQUIRED RETAIL FRONTAGE. The following provisions apply in the Required Retail Frontage area as shown in the City's Downtown Plan (the "Required Retail Frontage"):

(a) Permitted Uses. The following uses are permitted on the ground floor subject to the requirements in section 27.38.040, Conditions of Use, and the standards listed in subsection (c) below:

(1) Retail Sales. Uses principally engaged in retail sale or rental of consumer or household goods, including ancillary repair services. These retail uses are characterized by face-to-face transactions conducted by both the buyer and seller on the business premises. Retail businesses that conduct a majority of their sales (over 50%) via the Internet or other means of telecommunications are not considered "retail" for the purposes of this section.

(2) Personal Services. Uses principally providing services of a personal convenience nature to the individual consumer. These types of uses are primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical personal services uses include, but are not limited to beauty and hair salons, shoe repair shops and tailor shops. This definition of

"Personal Services" does not include professions as defined in section 5.24.160 of the City of San Mateo Municipal Code or any similar professions.

(3) Eating and Drinking Services. Uses principally engaged in the preparation and retail sale of food and/or beverages, but excluding uses principally involving food preparation for off-site catering.

(4) Theaters and Cultural Facilities. Uses providing entertainment such as motion pictures, plays or operas or cultural facilities such as a museum.

(5) Banks. Uses providing financial services including banks, savings and loan institutions, lending institutions, and credit unions unless located at the intersection of two streets within the Required Retail Frontage area as shown in the Downtown Plan; banks and other financial services are prohibited at these corner locations. Such uses shall be retail service in nature, dedicated to serving the general customer, and not be open by appointment only. At least 50% of the ground floor area shall be devoted to this type of retail, customer serving use.

(b) Special Uses. The following uses are permitted subject to approval of a Special Use Permit.

(1) All Properties. Any other use deemed similar in nature and operation to the permitted uses, and found to be consistent with the purposes of this Chapter and the policies of the Downtown Plan, may be authorized upon approval of a Special Use Permit by the Planning Commission, subject to the provisions of Chapters 27.08, Rules of Procedure, and 27.74, Special Use Permits, unless appealed to the City Council in accordance with section 27.08.060.

(2) Ground Floor Dependent Offices on Non-Corner Properties. Offices used for on-site property management, or for professional or consulting services, including, but not limited to, travel agencies, insurance agencies, income tax preparers, real estate agencies and notary publics, when not exceeding 2,500 square feet per building and not located at the intersection of two streets within the Required Retail Frontage area as shown in the Downtown Plan. Such uses shall require ground floor visibility to serve patrons on an unannounced or drop-in basis, shall conduct a majority of their business face-to-face on the premises with their customers, and shall maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale.

(c) Standards.

(1) Ground Floor Retail Frontage Width and Depth Standards.

(i) For non-corner properties with street frontage widths of 25 linear feet or less, at least 67% of the building's street frontage, to a depth of 60 feet, shall be limited to the Permitted Uses specified above.

(ii) For non-corner properties with street frontage widths greater than 25 linear feet, at least 75% of the building's street frontage, to a depth of 60 feet, shall be limited to the Permitted Uses specified above.

(iii) Reduction in Ground Floor Retail Frontage Width and Depth Requirement. Reductions in the above requirements may be authorized upon approval of a Special Use Permit by the Planning Commission, subject to the provisions of Chapters 27.08, Rules of Procedure, and 27.74, Special Use Permits, and if each of the following findings can be made in addition to the findings required for Special Use Permits:

(aa) The property has physical limitations such as narrow building or lot width, or an unusual building or lot configuration which renders it infeasible to meet the retail depth and width requirements set forth above; and

(bb) The proposed uses and associated changes to the building and property are consistent with the purposes of this Chapter, and applicable policies pertaining to downtown including but not limited to the General Plan, Downtown Plan, and Pedestrian Master Plan.

(2) Public Access. All permitted and specially-permitted uses shall be directly accessible from a public sidewalk or a plaza accessible from the public sidewalk along the required frontage.

(3) View of Interior Space. New or reconstructed building walls at the ground level shall have at least 75% of the width along the street devoted to pedestrian entrances, transparent show or display windows of at least two feet in depth, or windows affording a view of retail, office, or lobby space.

(4) Ground Floor Entries to Other Uses.

(i) For lots with street frontage widths of 25 linear feet or less, not more than 33% of the street frontage shall be devoted to entrances to uses other than the above Permitted Uses.

(ii) For lots with street frontage widths greater than 25 linear feet, not more than 25% of the street frontage shall be devoted to entrances to uses other than the above Permitted Uses.

(5) Location of Parking. Surface parking shall not be permitted within 50 feet of property lines designated for Required Retail Frontage and shall be required to be located behind a building meeting the requirements of this title.

(6) Second Floor Offices. Second floor offices, including medical and dental clinics, and financial institutions are permitted only if the ground floor of the structure is occupied by one of the Permitted Uses listed above."

Section 6. Section 27.38.140, "Downtown Economic Development," of Chapter 27.38, "CBD Districts—Central Business District," of the San Mateo Municipal Code is amended to read:

"27.38.140 DOWNTOWN ECONOMIC DEVELOPMENT.

To encourage development of large, vacant, underutilized parcels as designated in the Downtown Plan, exceptions from land use standards contained in this title may be granted upon approval of a Downtown Economic Development Permit by the City Council for properties in the Central Business District (CBD). Approval of such an application shall be based on the following findings:

(a) The project is consistent with the goal statements of the Downtown Plan;

(b) The project is of an excellent design quality and is consistent with the Downtown Retail Core and Downtown Historic District Design Guidelines;

(c) The project is a significant development which presents a substantial economic development opportunity for the City and attempts to maximize use of the site;

(d) The project has a minimum building floor area ratio of 1.0 (not including surface and structured parking) or includes a substantial public improvement such as a public parking garage, open space plaza, public marketplace or other public facility; and

(e) Any unmitigated significant impacts are outweighed by the project's economic, social or other benefits.

In no case, however, shall the project exceed the maximum height and bulk standard and building intensity standard as set forth in Chapter 27.40, Building Height and Bulk Overlay District and the Building Height and Intensity Plan of the General Plan."

Section 7. Section 27.74.020 "Power To Grant," of Chapter 27.74, "Special Use Permits," of the San Mateo Municipal Code is amended to read:

"27.74.020 POWER TO GRANT. Power to grant a special use permit shall be limited to those uses designated as "special use" within the districts established under this title. Other nondesignated uses which the Planning Commission concludes are so similar to any specifically allowed use in the district as to be virtually identical thereto in terms of impact and land use requirements may also be allowed as special uses. The appropriate approval body shall have the power to hear evidence that the granting of such permit will or will not adversely affect the general health, safety and/or welfare of the community, and that the use, if permitted, will not cause injury or disturbance to adjacent property traffic or by excessive noise, smoke, odor or noxious gas, dust, glare, heat or fumes, or industrial waste. Any physical alteration, physical expansion, or change of an existing approved special use shall require a review by and be final with the Planning Commission, unless appealed to the City Council in accordance with section 27.08.060. Any use designated as a "special use," but which does not currently have a Special Use Permit, shall be required to procure a Special Use Permit from the appropriate approval body for any physical alteration, physical expansion, or change of the use."

Section 8. ENVIRONMENTAL DETERMINATION. The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061 (b) (3) because it can be seen with certainty that amending the City's retail frontage requirements will not have a significant impact on the physical environment.

Section 9. SEVERABILITY. In the event any section, clause or provision of this Ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 10. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, in accordance with Section 2.15 of the Charter and shall be effective 30 days after the date of adoption.

Chapter 27.38 CBD DISTRICTS—CENTRAL BUSINESS DISTRICT

27.38.010 PURPOSE – INTENT.

The purpose of the CBD district is to encourage the development and re-use of existing downtown structures as a center for retail, cultural, entertainment, and community service uses. Pedestrian activity should be strongly encouraged at the ground floor level, while upper floor office and residential uses should be encouraged to promote active daytime and nighttime use of the downtown area. Amenities that will enhance the downtown environment for public and public oriented uses shall also be encouraged.

In order to insure that these purposes will be carried out, a basic set of regulations establishing maximum permitted floor area, building setback requirements, maximum height and bulk, minimum open space standards, and required retail ground floor uses have been set forth.

For the areas in the required retail frontage area as designated by the Downtown Specific Plan, it is intended that ground floor retail and service uses with windows be provided to maintain downtown's commercial vitality and continuity within the retail core. Uses within this area should enhance the pedestrian scale of the downtown core and allow for a compact walking environment in which all shopping opportunities are easily accessible. It is intended that all uses in this area maintain ground floor visibility to serve patrons on an unannounced or drop-in basis, conduct a majority of their business face-to-face on the premises with their customers, and maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale.

The Central Business District zoning district will be restricted to those properties within a parking assessment district. It is the intent of these regulations to insure the continued growth and development of the downtown area, thereby enabling it to remain an important retail, cultural, entertainment, business, financial, and medical center of the City and of mid-San Mateo County. Residential uses will be encouraged by increased housing densities in the downtown area in order to provide a wide range of housing opportunities for growing number of downtown employees, as well as existing residents.

It is the intent of these regulations to encourage development of higher intensity than in other parts of City in order to create the concentration of development and activity appropriate to a major business center. Development intensities should vary by subarea to minimize impacts on adjacent areas, moderate transportation and parking requirements, preserve essential physical characteristics of the primary shopping area, conserve architectural, historical and natural values and make new residential development possible. (Ord. 2001-28 § 1; Ord. 1992-2 § 23; Ord. 1986-14 § 1; Ord. 1969-34 § 1; prior code § 147.06)

27.38.020 PERMITTED USES.

Unless otherwise provided in this title, uses of building or land in this district and buildings hereafter erected, structurally altered or enlarged shall be limited to the following uses:

(1) Any use permitted in the C2 district, except an animal hospital and emergency shelters; provided that the use limitations contained in Section 27.38.110, Required ~~r~~Retail ~~f~~Frontage, shall apply to properties located within the ~~r~~Required ~~r~~Retail ~~f~~Frontage area, as shown ~~in the Land Use Plan~~ in the Downtown ~~Specific~~ Plan;

(2) Multiple-family dwellings, when part of a mixed use development, subject to CBD Residential Development Standards and affordable housing requirements as adopted by City Council resolution; however, secondary units are prohibited;

(3) Name plates and signs, as classified and regulated in Title 25;

(4) Temporary buildings for construction purposes for a period not to exceed the duration of such construction;

(5) Accessory uses which are necessary to the above-mentioned buildings and uses; including a maximum of 15% of floor area for ancillary office uses related to retail establishments located in the ground floor area of the district, and which are not visible from the street nor located within the retail storefront area;

(6) Any other use deemed similar in nature and operation that is determined by the zoning administrator to be compatible with existing and permitted uses allowable under the CBD-Central Business District zoning, and is deemed desirable in serving the downtown core area and the community at-large. (Ord. 2010-15 § 8; Ord. 2009-10 § 4; Ord. 2003-12 § 6; Ord. 2001-28 § 1; Ord. 2000-16 § 1; Ord. 1997-21 § 4; Ord. 1992-2 § 24; Ord. 1986-14 § 1; Ord. 1969-34 § 1; prior code § 147.06(A))

27.38.030 SPECIAL USES.

The following uses may also be permitted if their site locations and proposed development plans are first approved as provided in Chapters 27.06 through 27.12, 27.62, 27.74, 27.78 and 27.80; however, the specific use limitations contained in Section 27.38.110, Required ~~r~~Retail ~~f~~Frontage, shall apply to properties located within the ~~r~~Required ~~r~~Retail ~~f~~Frontage area, as shown ~~in the Land Use Plan~~ in the Downtown ~~Specific~~ Plan:

(1) Amusement enterprises, commercial;

(2) Clubs, lodges and fraternal organizations, including the serving of food and beverages to members and their guests, and including such other facilities customarily provided for the comfort and convenience of the membership;

(3) Municipal or privately owned (religious or eleemosynary) recreation building or community center, including YWCA and YMCA buildings;

(4) Nonresidential planned unit developments;

(5) Public utility service uses and electrical substations;

(6) Bus or train terminal or other public transportation facilities;

(7) Fire and police stations;

(8) Post office, and other government agencies;

(9) Public art galleries, museums, and libraries;

(10) Telephone exchange or communications building, antenna towers and other outdoor equipment essential to the operation of the exchange or communications building;

(11) Auditorium, stadium, arena, armory, gymnasium, and other similar places for public events;

(12) Automobile service stations only when fully enclosed within a parking structure or other building;

(13) Churches and other places of religious worship except on parcels located within the required retail frontage area;

(14) Convalescent homes, rest homes, and nursing homes;

(15) Schools, philanthropic institutions, and day care facilities;

(16) Parking facilities:

(A) Parking lots outside the limited parking zone of the Central Parking and Improvement District,

(B) Parking garages, private parking garages within the parking expansion zone of the Central Parking and Improvement District, and public parking garages;

(17) Hospitals and sanitariums, but not including animal hospitals;

(18) Mortuaries;

(19) Parks and community centers;

(20) Residential planned developments, subject to CBD residential development standards and affordable housing requirements as adopted by City Council resolution;

(21) Fast food restaurants, without drive-through or drive-in facilities;

(22) Businesses selling or renting firearms as defined by Penal Code Section 12001(b);

(23) Drive-through facilities for financial institutions and for pharmacies dispensing only prescriptions or medicinal goods at the drive-through facility. Drive-through facilities for pharmacies shall be subject to the parking requirements for financial institution drive-through uses, as enumerated in Municipal Code Section 27.64.160(7)(a). (Ord. 2010-15 § 9; Ord. 2001-28 § 1; Ord. 1997-22 § 2; Ord. 1996-8 § 1; Ord. 1995-12 § 1; Ord. 1995-1 § 2; Ord. 1993-7 § 2; Ord. 1992-2 § 25; Ord. 1986-14 § 1; Ord. 1986-13 § 1; Ord. 1982-22 § 33; Ord. 1976-5 § 7; Ord. 1973-39 § 1; Ord. 1970-14 § 1; Ord. 1969-34 § 1; prior code § 147.06(B))

27.38.040 CONDITIONS OF USE.

All non-residential uses permitted in this district ~~shall be retail or service establishments dealing directly with consumers and~~ shall be subject to the following conditions:

(a) Automobile service stations, automobile repair facilities and other similar automobile service uses are not permitted, with the exception of an automobile service station fully enclosed within a parking structure or other building.

(b) There shall be no manufacturing, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.

(c) All permitted uses in this district shall be conducted without objection from adjoining users due to odor, dust, smoke, noise, vibration, or other similar cause.

(d) Any exterior sign displayed shall pertain only to a use conducted within the building.

(e) All uses, including storage of equipment, materials, supplies, and commercial vehicles for off-site business permitted under this chapter shall be conducted wholly within an enclosed building, except as may be specifically authorized by ~~s~~Special Use ~~p~~Permit or as an accessory use to an approved permitted or special use.

(f) All ground floor uses shall maintain visibility of their ~~retail, office, or lobby~~ space from the street~~, serve patrons on an unannounced or drop-in basis, conduct a majority of their business face-to-face on the premises with their customers,~~ and maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale. (Ord. 2001-28 § 1; Ord. 1995-12 § 2; Ord. 1991-12 § 67; Ord. 1986-14 § 1; Ord. 1969-34 § 1; prior code § 147.06(C))

27.38.050 OFF-STREET PARKING AND LOADING.

Automobile parking and loading facilities shall be provided as required or permitted in Chapter 27.64. Parking requirements for residential uses may be satisfied by a contract with the CPID or payment of in-lieu fees, provided at least one (1) parking space per unit is provided on site. (Ord. 2001-28 § 1; Ord. 1986-14 § 1; Ord. 1969-34 § 1; prior code § 147.06(D))

27.38.060 MAXIMUM FLOOR AREA RATIO—LOT COVERAGE.

The maximum floor area ratio and coverage shall be as follows:

(a) The floor area ratio shall not exceed 3.0.

(b) The maximum parcel coverage is 100%.

(c) In this district, floor area devoted to above grade structured parking and lot area devoted to surface parking shall be included in the gross floor area for the purpose of calculating maximum permitted floor area ratio.

(d) For the downtown block bounded by B Street, Ellsworth Avenue, First Avenue and Second Avenue, floor area exclusions may be permitted for historic preservation in accordance with Land Use Element Area Specific Policy 3(c). (Ord. 2001-28 § 1; Ord. 1992-2 § 26; Ord. 1986-14 § 1; Ord. 1979-1 § 16; Ord. 1969-34 § 1; prior code § 147.06(E))

27.38.080 MAXIMUM BUILDING HEIGHT AND BULK.

Structures in this zone shall not exceed the maximum height and bulk as set forth in Chapter 27.40, Building Height and Bulk Overlay District and the Building Height Plan of the General Plan. (Ord. 2001-28 § 1; Ord. 1992-2 § 28; Ord. 1992-2 § 27; Ord. 1986-14 § 1; Ord. 1979-1 § 18; Ord. 1975-31 § 1; Ord. 1969-34 § 1; prior code § 147.06(F))

27.38.090 OPEN SPACE REQUIREMENTS.

Open space shall be provided in an amount equal to one (1) percent of the nonresidential floor area of the project, not including parking, provided that there shall be no requirement for open space where the resulting open space would be less than 200 square feet.

This required open space shall be usable open space located at ground level directly accessible to a public sidewalk with a minimum width along the sidewalk of 25 feet. Fifty percent of the required open space shall be unshaded between noon and 2:00 p.m. at the spring and fall equinox except where the open space is already shaded by an existing building and no other opportunities exist on the site. This open space area shall include provisions for public use facilities, such as seating for the public in the public areas. (Ord. 2012-4 § 1; Ord. 2001-28 § 1; Ord. 1986-14 § 1)

27.38.100 BUILDING LINE AND SETBACK STANDARDS.

In this district, building line and setbacks standards shall be as follows:

(1) New developments shall be built to the property line to a minimum height of 26 feet, up to the maximum height as permitted in the street wall area or to the maximum height permitted for parcels outside the street wall area, except where a setback is required to meet ground floor open space requirements or where a setback buffer is required adjacent to a residential district pursuant to the Building Height and Bulk Plan in the Downtown ~~Specific~~ Plan.

(2) Up to 25% of the building line may be set back from the property line to provide for open space in excess of that required where the building is along a street designated for required retail frontage. An additional 15% may be set back in addition to the 25% if the site is not along a street designated for required retail frontage.

(3) Transfers of these requirements may be permitted among properties by Planning Commission approval of a special permit where the requirements are met for the entire block face. A transfer shall be by an agreement between the property owner and the City and shall be recorded. (Ord. 2001-28 § 1; Ord. 1997-7 § 1; Ord. 1986-14 § 1)

27.38.110 REQUIRED RETAIL FRONTAGE.

~~Where a lot or parcel is located within the required retail frontage area, as shown in the Land Use Plan in the Downtown Specific Plan, the following standards shall be met for all ground floor uses:~~The following provisions apply in the required retail frontage area as shown in the City's Downtown Plan (the "Required Retail Frontage"):

(a) Permitted Uses. The following uses are permitted on the ground floor subject to the requirements in section 27.38.040, Conditions of Use, and the standards listed in subsection (c) below:

(1) Retail Sales. Uses principally engaged in retail sale or rental of consumer or household goods, including ancillary repair services. These retail uses are characterized by face-to-face transactions conducted by both the buyer and seller on the business premises. Retail businesses that conduct a majority of their sales (over 50%) via the Internet or other means of telecommunications are not considered "retail" for the purposes of this section.~~; the~~

~~establishment of these types of businesses on the ground floor of buildings within the required retail frontage area, as shown in the Land Use Plan in the Downtown Specific Plan, is prohibited.~~

(2) Personal Services. Uses principally providing services of a personal convenience nature to the individual consumer. These types of uses are primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical personal services uses include, but are not limited to beauty and hair salons, shoe repair shops and tailor shops. This definition of "Personal Services" does not include professions as defined in ~~Section 5.24.170~~section 5.24.160 ~~-~~of the City of San Mateo Municipal Code or any similar professions.

(3) Eating and Drinking Services. Uses principally engaged in the preparation and retail sale of food and/or beverages, but excluding uses principally involving food preparation for off-site catering.

(4) Theaters and Cultural Facilities. Uses providing entertainment such as motion pictures, plays or operas or cultural facilities such as a museum.

(5) Banks. Uses providing financial services including banks, savings and loan institutions, lending institutions, and credit unions unless located at the intersection of two ~~(2)~~ streets within the ~~Downtown r~~Required ~~r~~Retail ~~f~~Frontage area ~~as designated in the Downtown Specific Plan~~ as shown in the Downtown Plan; banks and other financial services shall be prohibited at these corner locations. Such uses shall be retail service in nature, dedicated to serving the general customer, and not be open by appointment only. At least 50% of the ground floor area shall be devoted to this type of retail, customer serving use.

(b) Special Uses The following uses are permitted ~~S~~subject to ~~A~~approval of a Special Use Permit.

(1) All Properties. Any other use deemed similar in nature and operation to the permitted uses, and found to be consistent with the purposes of this Chapter and the policies of the Downtown Plan, may be authorized upon approval of a Special Use Permit by the Planning Commission, subject to the provisions of Chapters 27.08, Rules of Procedure, and 27.74, Special Use Permits, unless appealed to the City Council in accordance with section 27.08.060.

(2) Ground Floor Dependent Offices on Non-Corner Properties. Offices used for on-site property management, or for professional or consulting services including, but not limited to, travel agencies, insurance agencies, income tax preparers, real estate agencies and notary publics, when not exceeding 2,500 square feet per building and not located at the intersection of two ~~(2)~~ streets within the ~~Downtown r~~Required ~~r~~Retail ~~f~~Frontage ~~a~~Area ~~as designated in the Downtown Specific Plan~~. Such uses shall require ground floor visibility to serve patrons on an unannounced or drop-in basis, shall conduct a majority of their business face-to-face on the premises with their customers, and shall maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale.

~~(2) Other Uses. Any other use deemed similar in nature and operation to the above listed uses, and found to be consistent with the purposes of this chapter and the policies of the Downtown Specific Plan, may be authorized upon approval of a special use permit by the Planning Commission, subject to the provisions of Chapters 27.08, Rules of Procedure and 27.74, Special Use Permits.~~

(c) Standards.

(1) Ground Floor Retail Frontage Width and Depth Standards.

(i) For non-corner properties with street frontage widths of 25 linear feet or less, at least 67% of the building's street frontage, to a depth of 60 feet, shall be limited to the permitted uses specified above.

(ii) For non-corner properties with street frontage widths greater than 25 linear feet, at least 75% of the building's street frontage, to a depth of 60 feet, shall be limited to the permitted uses specified above.

(iii) Reduction in Ground Floor Retail Frontage Width and Depth Requirement. Reductions in the above requirements may be authorized upon approval of a Special Use Permit by the Planning Commission, subject to the provisions of Chapters 27.08, Rules of Procedure, and 27.74, Special Use Permits, and if each of the following findings can be made in addition to the findings required for Special Use Permits:

(aa) The property has physical limitations such as narrow building or lot width, or an unusual building or lot configuration which renders it infeasible to meet the retail depth and width requirements set forth above; and

(bb) The proposed uses and associated changes to the building and property are consistent with the purposes of this Chapter, and applicable policies pertaining to downtown including but not limited to the General Plan, Downtown Plan, and Pedestrian Master Plan.

(2) Public Access. All permitted and specially-permitted uses shall be directly accessible from a public sidewalk or a plaza accessible from the public sidewalk along the required frontage.

(3) View of Interior Space. New or reconstructed building walls at the ground level shall have at least 75% of the width along the street devoted to pedestrian entrances, transparent show or display windows of at least two feet in depth, or windows affording a view of retail, office, or lobby space.

(4) Ground Floor Entries to Other Uses.

(i) For lots with street frontage widths of 25 linear feet or less, not more than 33% of the street frontage shall be devoted to entrances to uses other than the above Permitted Uses.

(ii) For lots with street frontage widths greater than 25 linear feet, not more than 25% of the street frontage shall be devoted to entrances to uses other than the above Permitted Uses.

(5) Location of Parking. Surface parking shall not be permitted within 50 feet of property lines designated for Required Retail Frontage and shall be required to be located behind a building meeting the requirements of this title.

(~~c~~6) Second floor offices, including medical and dental clinics, and financial institutions are permitted only if the ground floor of the structure ~~complies with the Required retail frontage area use regulations listed in subsection (a).~~is occupied by one of the Permitted Uses listed above.

~~(d) For lots 50 feet wide or less, not more than one-third of street frontage shall be devoted to entrances to uses other than those described in subsection (a). For lots over 50 feet~~

~~wide, not more than 25% of the street frontage shall be devoted to entrances to uses other than those described in subsection (a).~~

~~(e) All uses credited toward meeting required retail frontage standards specified in subsection (a) shall be directly accessible from a public sidewalk or a plaza accessible from the public sidewalk along the required frontage.~~

~~(f) New or reconstructed building walls at the ground level shall have at least 75% of the width along the street devoted to pedestrian entrances, transparent show or display windows of at least two (2) feet in depth, or windows affording a view of retail, office, or lobby space.~~

~~(g) Surface parking shall not be permitted within 50 feet of property lines designated for required retail frontage and shall be required to be located behind a building meeting the requirements of this title.~~ (Ord. 2001-28 § 1; Ord. 2000-16 § 2; Ord. 1993-7 § 2; Ord. 1989-19 §§ 2, 3; Ord. 1986-14 § 1)

27.38.120 BUFFERS.

(a) When a CBD-zoned plot abuts any residential district, an adequate landscape planting buffer shall be maintained adjacent to the R-zoned property. The depth of this buffer along interior lot lines shall be equal to at least one-half the height of the building, or 15 feet, whichever is greater. No buffer shall be required along street frontages abutting R-zoned property. Open parking otherwise in conformance with standards listed in this chapter may be permitted within the required buffer area except as required in Section 27.64.140 of the off-street parking code. No portion of the building is exempt from the buffer requirements.

(b) Required Fences or Walls. A solid fence or solid wall is required for parcels abutting residential districts as provided in Section 27.84.030. (Ord. 2001-28 § 1; Ord. 1997-21 § 5; Ord. 1995-8 § 7; Ord. 1992-16 § 11; Ord. 1987-29 § 1; Ord. 1986-14 § 1; Ord. 1979-1 § 18; Ord. 1975-31 § 1; Ord. 1969-34 § 1; prior code § 147.06(F))

27.38.130 RESIDENTIAL DEVELOPMENT STANDARDS.

In this district, residential uses shall be permitted as part of mixed use developments, subject to the following conditions:

(1) Unit Density.

(a) CBD (Central Business District). Residential development on properties zoned CBD shall not exceed 50 units per acre regardless of parcel size.

(b) CBD/R (Central Business District/Residential Overlay District—Mixed Use). Residential development on properties zoned CBD/R shall be subject to /R density standards.

(2) Floor Area. Any portion of lot area used for surface parking or above grade parking shall be included in floor area for the purposes of computing maximum permissible floor area.

(3) Open Space. Residential development shall include private usable open space equal to at least 80 square feet per dwelling unit or common usable open space equal to at least 150% of the private usable open space requirements, or a combination of both.

Private usable open space used to fulfill this requirement shall have a usable area of not less than 75 square feet and shall not be less than six (6) feet in any dimension. (Ord. 2001-28 § 1; Ord. 1992-4 § 3; Ord. 1992-2 § 29; Ord. 1986-14 § 1)

27.38.140 DOWNTOWN ECONOMIC DEVELOPMENT.

To encourage development of large, vacant, underutilized parcels as designated in the Downtown ~~Specific~~ Plan, exceptions from land use standards contained in this title may be granted upon approval of a Downtown Economic Development Permit by the City Council for properties in the Central Business District (CBD). Approval of such an application shall be based on the following findings:

(a) The project is consistent with the goal statements of the Downtown ~~Specific~~ Plan;

(b) The project is of an excellent design quality and is consistent with the Downtown Retail Core and Downtown Historic District Design Guidelines;

(c) The project is a significant development which presents a substantial economic development opportunity for the City and attempts to maximize use of the site;

(d) The project has a minimum building floor area ratio of 1.0 (not including surface and structured parking) or includes a substantial public improvement such as a public parking garage, open space plaza, public marketplace or other public facility; and

(e) Any unmitigated significant impacts are outweighed by the project's economic, social or other benefits.

In no case, however, shall the project exceed the maximum height and bulk standard and building intensity standard as set forth in Chapter 27.40, Building Height and Bulk Overlay District and the Building Height and Intensity Plan of the General Plan. (Ord. 2001-28 § 1; Ord. 1999-22 § 1; Ord. 1996-1 § 1)

Chapter 27.74 SPECIAL USE PERMITS

27.74.020 POWER TO GRANT.

Power to grant a special use permit shall be limited to those uses designated as "special use" within the districts established under this title. Other nondesignated uses which the Planning Commission concludes are so similar to any specifically allowed use in the district as to be virtually identical thereto in terms of impact and land use requirements may also be allowed as special uses. The appropriate approval body shall have the power to hear evidence that the granting of such permit will or will not adversely affect the general health, safety and/or welfare of the community, and that the use, if permitted, will not cause injury or disturbance to adjacent property by traffic or by excessive noise, smoke, odor or noxious gas, dust, glare, heat or fumes, or industrial waste. Any physical alteration, physical expansion, or change of an existing approved special use shall require a review by and be final with the Planning Commission, unless appealed to the City Council in accordance with section 27.08.060. Any use designated as a "special use", but which does not currently have a Special Use Permit, shall be required to procure a Special Use Permit from the appropriate approval body for any physical alteration, physical expansion, or change of the use. (Ord. 1992-15 § 29, 1992; Ord. 1982-22 § 44, 1982; Ord. 1978-18 § 102; prior code § 152.08(B)).

Model Codes and Design Guidelines

- Atlanta Regional Council, Land Use Division. 2011. *Plan 2040 Local Performance Standards Implementation Template*. Minimum Standard 3.K: Active Commercial District Design Regulations.

- Morris, Marya, ed. 2009. "Model Mixed Use Zoning District Ordinance" and "Model Town Center Ordinance." Chapters 4.1 and 4.3. In *Smart Codes: Model Land Development Regulations*. Planning Advisory Service Report No. 556. Chicago: American Planning Association.

- Los Angeles (California), City of, Department of City Planning, Urban Design Studio. 2009. *Downtown Design Guide.* Part 4, Ground Floor Treatment.

Number	Level	Standard
Min3.K	Advanced	Adopt design regulations that encourage active ground floor retail spaces, pedestrian oriented design and pedestrian amenities in commercial districts.

Description of Measure

Encouraging street and pedestrian activity supports livable neighborhoods and vital commercial areas. The local government should adopt a policy in its comprehensive plan that encourages the design of ground floor space on designated retail streets for retail or other active uses, and encourages tenant spaces to be oriented to the street. Maximizing storefronts and entries along sidewalks in this manner will work to sustain street level interest and promote pedestrian traffic.

The regulations should also foster human-scale design that emphasizes the pedestrian and should promote pedestrian oriented buildings, pedestrian amenities, and landscaping that contributes positively to an appealing streetscape.

Purpose of This Template

This template serves as a model ordinance, adapted from a portion of the Georgia DCA Model Land Use Management Code, which communities can use as a guide when adopting these policies. Additional useful information is available below:

- The City of Los Angeles Department of Planning's Urban Design Studio adopted Downtown Design Guidelines in 2009. Included in these guidelines is a section on planning and designing for active ground floor uses. This section can be viewed online at http://www.urbandesignla.com/UD_pdf/CH4.pdf.
- Georgia DCA Model Land Use Management Code, Downtown-Specific Plans section: http://www.dca.state.ga.us/development/planningqualitygrowth/programs/documents/Part9aDowntownSpecificPlans.pdf

Documentation Required for Credit

The local government should submit a copy of any regulations that implement its active commercial district policy, along with the official adoption date.

PRIMER: HOW CAN DESIGN REGULATIONS ENCOURAGE ACTIVE COMMERCIAL DISTRICTS?

Design regulations can help to maximize storefronts and entries along sidewalks to encourage street level interest and promote pedestrian traffic. Design standards can be directed toward ground floor space on designated retail streets for retail or other activities, encourage tenant space to be oriented to the street, and creating an appealing streetscape for pedestrian use.

Street-Oriented Buildings

Buildings have spread out rather than up, stepped back from the street, and had their windows and doors reduced in number, reoriented away from the street, reducing pedestrian accessibility and safety.

As a convenient rule of thumb, buildings should be set back no farther than 25 feet from the street edge, for beyond that they lose their tangible connection to the street. Ideally, buildings will be flush with the sidewalk or set back just far enough for a modest yard, forecourt, or landscaped area in front. Surface parking will be to the side or rear of buildings; parked cars should not dominate the streetscape by projecting beyond adjacent building fronts. Street-oriented buildings are that main entries face the street, and that windows, in significant numbers, be at street level.

A. Ground Floor Treatment Along Retail Streets

Design ground floor space on designated Retail Streets for retail or other active uses, orienting tenant spaces to the street and maximizing storefronts and entries along the sidewalks to sustain street level interest and promote pedestrian traffic.

1. On Retail Streets, ground floor space with a linear frontage equal to at least 50% or 75% of street frontage, shall be designed to accommodate retail, professional office, and live-work uses.
2. The ground floor space within 150’ of an intersection shall be designed specifically for retail uses. Mid-block ground floor space may be designed for retail, professional office, and live-work uses.
3. Where Retail Streets intersect other streets, the ground floor retail space should wrap the corner onto the intersecting streets.
4. Ground floor retail space may be provided on streets that are not designated as Retail Streets in Figure 3-1. If it is, the ground floor retail space should comply with these standards and guidelines.
5. Required ground floor retail space shall be provided to a depth of at least 25 feet from the front façade and shall include an average 14’-0” floor-to-ceiling height. Note that the ground floor retail space may be occupied by other uses initially, but will be available for retail uses in the future when there is demand for such uses.
6. The primary entrance to each street-level tenant space that has its frontage along a public street shall be provided from that street.
7. The primary entrance to each street-level tenant that does not have its frontage along a public street shall be provided from a pedestrian paseo, courtyard or plaza, which is connected to the public street.
8. Wall openings, such as storefront windows and doors, shall comprise at least 75% of a building’s street level façade.
9. Clear glass for wall openings, i.e., doors and windows, shall be used along all street-level façades for maximum transparency, especially in conjunction with retail uses. Dark tinted, reflective or opaque glazing is not permitted for any required wall opening along street level façades.
10. During hours of operation, open-wall storefronts are encouraged.

B. Ground Flood Treatment Along Other Streets

Design ground floor space facing other streets to accommodate habitable space and to avoid blank walls and visible parking.

1. Along other streets, at least 75% of the ground floor street frontage shall be designed to accommodate the following uses: retail, cultural, professional office, live/work units, residential units with individual entries along the street, and/or other active space such as recreation rooms or common rooms.
2. The ground floor treatment of those uses, except residential units with individual entries, should be similar to that of retail space, except that wall openings shall comprise at least 50% of the street level façade.
3. Residential units with individual entries should include windows on the ground floor that look out onto the street.
4. If a residential unit's individual entry along the street is the unit's primary entry, it must be accessible, that is, at the same elevation as the sidewalk.
5. If a residential unit's individual entry along the street is a secondary entry, the entry and any private outdoor space for the unit may be several (but not more than 4 or 5) steps above the sidewalk elevation. Private outdoor open space for the unit must be directly accessible from the unit, that is, at the same elevation.

C. Ground Floor Treatment Along All Streets

Orient buildings to the street to promote the sidewalk activity.

1. A building's primary entrance, defined as the entrance which provides the most direct access to a building's main lobby and is kept unlocked during business hours, shall be located on a public street or on a courtyard, plaza or paseo that is connected to and visible from a public street.
2. At least one building entrance, which provides access to a building's main lobby and which is kept unlocked during business hours, shall be located on a public street.
3. At least one building entrance, which may be either a building or tenant/ resident entrance, shall be provided along each street frontage.
4. More public entrances than the minimum specified, including building and/ or tenant/resident entrances, are encouraged.

Incorporate a pedestrian-oriented scale at the street level.

5. Street wall massing, articulation and detail, street level building entrances and storefront windows and doors, as well as the use of quality materials and decorative details, shall be used to promote pedestrian-scaled architecture along the street.
6. Architectural features that reinforce the retail character of the ground street wall and/or help define the pedestrian environment along the sidewalk, such as canopies, awnings, and overhangs, are encouraged and should be integral to the architecture of the building.
7. Awnings and canopies shall be fabricated of woven fabric, glass, metal or other permanent material compatible with the building architecture. Internally illuminated, vinyl awnings are not permitted.

Don't waste valuable street frontage on "back of house" uses.

8. Electrical transformers, mechanical equipment and other equipment should not be located along the ground floor street wall.

9. Electrical transformers, mechanical equipment, other equipment, enclosed stairs, storage spaces, blank walls, and other elements that are not pedestrian-oriented shall not be located with 100 feet of the corner on north-south streets and within 50 feet of the corner on east-west streets.

Medium-to-High Densities

Densities compressed enough activities into a small area to allow people to walk to daily services. People confuse high density with high rise. High densities can be achieved with small-scale buildings by raising lot coverage to 50, 60, or even 70 percent, instead of taking up the majority of a lot with surface parking. Conversely, high-rise buildings afford only moderate densities if surrounded by acres of parking and lawn.

Higher densities mean more residents or employees within walking distance to activities. They mean more street life and the added interest and security that go with having more people around. They mean a greater propensity to walk or use transit, and lower auto ownership rates.

Mix of Land Uses

Pedestrian malls are often made successful by the mix of uses permitted within that area. Mixed Use Districts provide a variety of destination and departure points within a relatively small area, the likelihood of someone walking between those points becomes greater. Mixed-use districts allow people to live within walking distance of work, shopping and other services. Additionally, depending upon the types of businesses that open in an area, mixed use neighborhoods can create a vibrant neighborhood with a variety of activities throughout the day.

ACTIVE COMMERCIAL DISTRICT MODEL ORDINANCE

§9-1-1 PURPOSE AND INTENT

The purpose of this Resolution [Ordinance] is to foster and strengthen economic vitality in the local jurisdiction's commercial districts while respecting and enhancing the special character of the existing development. The active commercial core area is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, and consolidated on- and off-street parking. The purpose of this Resolution [Ordinance] is to establish requirements for building and site design for new developments and for the significant modification of existing developments within the designated active commercial core area. This Resolution [Ordinance] is intended to protect the existing character of the active commercial area and encourage orderly development in accordance with the comprehensive plan for the city and with a study and specific plan for the active commercial core area. The following principles serve as the foundation for the Active Commercial Specific Plan:

(a) Efficient use of land and services.
(b) A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.
(c) Provide for community gathering places and pedestrian/visitor amenities.
(d) Establish a distinct storefront character associated with the active commercial core area.
(e) Provide transitions to adjacent neighborhoods and active commercial areas.
(f) Maintain and enhance the area's character through design guidelines.

The active commercial specific plan, upon its adoption per this Resolution [Ordinance], is enforceable and implemented as a set of land use regulations. Development proposals that are consistent with an adopted specific plan are not subject to further discretionary review by the local government. In this context, all land use applications for property within the active commercial specific plan area are required by this Resolution [Ordinance] to comply with the provisions of the active commercial specific plan.

§9-1-2 ADOPTION OF ACTIVE COMMERCIAL SPECIFIC PLAN BY REFERENCE

The city hereby finds that the Specific Plan for _____, is consistent with the city's Comprehensive Plan and is hereby adopted and made a part of this Resolution [Ordinance] as if fully set forth herein. The city finds that prior to adoption of the Specific Active commercial Plan, the following actions have been taken to ensure procedural due process:

(a) A detailed map has been prepared showing the boundaries for the Active commercial Plan Specific Area in relation to property lines.
(b) The city's comprehensive plan was amended to include the idea of establishing a active commercial specific plan, and the comprehensive planning process afforded the opportunity for all citizens and business owners of the city to participate in a vision for the city and the active commercial core area. Said comprehensive plan amendment also took into account site-specific conditions and needs in the subject area.
(c) The city prepared a specific plan for the subject area that includes studies and data on existing conditions and needs with regard to preserving the existing character of the area.
(d) At least 15 days prior to public hearing and action, the Mayor and City Council notified the public of the date, time, place and nature of a public hearing by publication in a newspaper of general circulation in the territory of the local government.
(e) The Land Use Officer notified all owners of parcels of land within the boundary of the Active commercial Specific Plan and all owners of parcels of land within 300 feet of the project area boundary, of the date, time, place and nature of the public hearing by mail at least 15 days before the public hearing. Notices shall be sent to the names of the property owners identified by the tax records of the local government. Notice shall be by first class mail, and the act of mailing said notice to property owners listed identified by tax records of the city shall be deemed sufficient to comply with this requirement.
(f) The Mayor and City Council held the public hearing at the date, time, and place advertised, and afforded all interested individuals the opportunity to be heard concerning the proposed active commercial specific plan and implementing regulations.
[See Commentary]

§9-1-3 PLAN AS REGULATION

The active commercial specific plan, as adopted by reference, contains recommended policies and development guidelines that are hereby made mandatory by adopting them in this Resolution [Ordinance]. The active commercial specific plan, unless otherwise specifically provided for in this Resolution [Ordinance], shall be considered as carrying the weight of law and shall be enforced and abided by as a municipal land use regulation.

§9-1-4 USE LIMITATIONS

Within the _____ active commercial specific plan boundary, only those uses that help create a unique, dynamic pedestrian-oriented center are allowed. Such uses generally include specialty retail, services, civic uses, restaurants and dining establishments, professional offices, passive open spaces, and residences. (See Figure).

§9-1-4.1 Permitted Uses. The land uses listed in Table 1 are permitted in the Specific Active commercial Plan area, subject to the provisions of this chapter. Only land uses which are specifically listed in Table 1, and those land uses which are or may be approved as "similar" to those listed in said table may be permitted. The land uses identified with a "(3)" are conditional and require conditional use permit approval prior to development or establishment, in accordance with the provisions of Section 10-1 of this Code.

§9-1-4.2 Determination of Similar Land Uses. Uses that are similar in nature to one or more permitted uses, as determined by the Land Use Officer, shall be permitted within the boundary of the active commercial specific plan.

§9-1-5 BUILDING SETBACKS

§9-1-5.1 Minimum Front Setbacks. There shall be no minimum front setback. The front building façade shall correspond to the build-to line of adjacent structures, except to accommodate usable public space with pedestrian amenities.

§9-1-5.2 Maximum Front Setbacks. The maximum allowable front yard setback shall be 10 feet. Exceptions to this requirement may be approved for structures that provide pedestrian amenities, placed between the building façade and street sidewalk.

§9-1-5.3 Minimum Rear Yard Setbacks. There shall be no minimum rear yard setback for structures on lots with street access. For structures on lots accessed by an alley, the minimum setback shall be six feet (distance from building to rear property line or alley easement) in order to provide space for parallel parking.

§9-1-5.4 Through Lots. For buildings on through lots, the front setbacks established in this subsection shall apply to both property frontages.
[See Commentary]

§9-1-5.5 Side Yard Setbacks. There shall be no minimum side yard setback required, except that buildings shall meet applicable fire and building codes for attached structures, firewalls and related requirements, and allow for a minimum 15-foot vision clearance area when located on a corner lot.

§9-1-5.6 Setback Exceptions. Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, projecting signs, and similar architectural features may encroach into setbacks by no more than six feet, subject to compliance with standards of locally applicable fire codes and building code.

§9-1-7 BUILDING HEIGHT

All buildings in the Specific Active commercial Plan area shall comply with the following building height requirements, which are intended to allow for development of appropriately scaled buildings with a storefront character.

§9-1-6.1 Maximum Height. Buildings shall be equivalent to the height of the adjacent building(s). Where the height of two adjacent buildings differ, the subject structure may be equivalent to the greater height. Where applicable, the cornices (e.g., building tops or first story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings.

§9-1-6.2 Height Increase for Buildings Containing Residences. The maximum building height may be increased by 15 feet where residential uses are provided above the ground floor. The building height increase applies only to those portions of the building that contain housing.

§9-1-6.3 Exceptions to Height Regulations. Not included in maximum height: chimneys; bell towers; steeples; roof equipment; flagpoles, and similar features that are not intended or used for human occupancy.

§9-1-6.4 Method of Measurement. Building height is measured as the vertical distance from the average level of the highest and lowest grade point of the portion of the lot covered by the building, measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

§9-1-7 BUILDING DESIGN STANDARDS

The Active commercial Specific Plan design guidelines in this section are intended to provide human scale design, while affording flexibility to use a variety of building styles. These guidelines should be followed in order to ensure that the physical and operational characteristics of proposed buildings and uses are compatible within the context of the surrounding area. Infill uses in developed areas shall be compatible with the established architectural character by using a design that is complementary. New construction should reinforce existing patterns. Compatibility shall be achieved through techniques such as repetition of roof lines, the use of similar proportions in building mass, similar relationships to the street, similar door and window patterns, and the use of complementary building materials and colors.

§9-1-7.1 Building Size, Bulk, Scale, and Mass. In infill development, buildings should “learn” from their neighbors. Buildings shall either be similar in size and height, or if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block.

§9-1-7.2 Building Orientation. If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Building presence should be reinforced through the observation of the following criteria:

(a) The minimum and maximum setback standards are met.
(b) Buildings have their primary entrance(s) oriented to the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.
(c) Corner building entrances should be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is

beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
(d) A building may have an entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
(e) Off street parking, driveways and other vehicular access shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner as feasible.
(f) At least 50 percent of the width of the lot is occupied by a building at the front setback.

§9-1-7.3 Storefront Design. All buildings shall contribute toward the storefront character and visual relationships of buildings existing in the Active commercial Specific Plan area. The following architectural features should be used along the street frontage building elevations, as applicable.

(a) Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.
(b) Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.
(c) All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.
(d) Cornices or changes in material can be used to differentiate the ground floor of buildings that have active commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

§9-1-7.4 Building Materials. Building materials shall be similar to the materials used on the existing buildings in the Active commercial Specific Plan area. Brick and stone masonry are considered compatible with wood siding.

(a) In circumstances where similar materials are not proposed, such as a stucco building in a row of brick structures, other characteristics such as scale and proportion, form, architectural detailing, height, and color and texture shall be utilized to ensure that adequate similarity exists for the building to be considered compatible.
(b) Building materials shall not create glare. Highly reflective materials such as aluminum, unpainted metal, and reflective glass shall not be permitted.
(c) Clear glass windows shall be used for active commercial storefront display windows and doors.
(d) Buildings shall be consistently detailed on all sides. Windows and doors shall be defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.
(e) Exposed rough or re-sawn siding and exposed, untreated concrete shall not be permitted as a finished exterior.

§9-1-7.5 Building Color. Recommended color shades shall draw from the range of color shades of structures that already exist in the Active commercial Specific Plan area. No more than one accent color should be used per building.

§9-1-7.6 Pedestrian Amenities. Pedestrian amenities serve as informal gathering places for socializing, resting and enjoyment of the active commercial area, and contribute to a walkable environment. Pedestrian amenities may be provided within the public right-of-way when approved by the local jurisdiction. The following amenities should be incorporated into the building design whenever feasible:

(a) A plaza, courtyard, or extra-wide sidewalk next to the building entrance.
(b) Sitting space (i.e. dining area, benches, or ledges) between the building entrance and the sidewalk. Recommended dimensions are a minimum of 16 inches in height and 30 inches in width.
(c) A building canopy, awning, or similar weather protection, with a minimum four foot projection over the sidewalk or other pedestrian space.
(d) Public art which incorporates seating (e.g., fountain, raised planter, sculpture).

§9-1-8 SPECIAL STANDARDS FOR RESIDENTIAL USES

§9-1-8.1 Residential Uses Generally. Higher density residential uses, such as multi-family buildings and attached single-family units are permitted to encourage housing near employment, shopping and services. All residential uses in the Active commercial Specific Plan area are intended to require mixed-use development, conserve the community's supply of active commercial land for retail and service use, provide designs which are compatible with a storefront character, avoid or minimize impacts associated with traffic and parking, and ensure proper management and maintenance of common areas. Pre-existing residential uses within the Specific Active Commercial area boundaries are exempt from these conditions.

§9-1-8.2 Mixed-Use Development Required. Residential uses shall be permitted only when part of a mixed-use development (residential as a component of a active commercial, office or public/institutional use). Both "vertical" mixed-use (housing above the ground floor) and "horizontal" mixed-use (housing on the ground floor) developments are allowed.

§9-1-8.3 Limitation on Street-Level Housing. No more than 50 percent of a single street frontage at ground level may be occupied by residential uses.

§9-1-8.4. Allowable Density. There shall be no maximum residential density standard.

§9-1-9 SPECIAL STANDARDS FOR PARKING AREAS

§9-1-9.1 Parking, Garages and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, or located in parking areas behind or to the side of the building.

§9-1-9.2 Relationship of Buildings to Streets and Parking. Every dwelling unit with a front façade facing the street shall to the maximum extent possible have its primary entrance face the street. Every building containing four or more dwelling units shall have at least one building entry or doorway facing any adjacent street that has on-street parking.

§9-1-10 SPECIAL STANDARDS FOR OTHER USES

§9-1-10.1 Light Manufacturing. Light manufacturing uses are limited in the Active Commercial Specific Plan area. Light manufacturing means production or manufacturing of small-scale goods, such as crafts, electronic equipment, candy products, printing and binderies, custom furniture, and similar goods. All such light manufacturing uses shall comply with the following:

(a) Light manufacturing is only allowed when done in conjunction with a permitted retail or service use that is in the storefront location.
(b) Floor area devoted to light manufacturing is limited to 50 percent of the gross floor area of any individual establishment.
(c) The light manufacturing operations shall be fully enclosed within a building.

§9-1-10.2 Accessory Uses. Outdoor displays, sales, service, and minor entertainment are permitted accessory uses provided that they meet the following:

(a) Merchandise displayed or sold and services rendered are permitted uses.
(b) Minor entertainment is provided by groups of five or fewer performers without electronic amplification; performances have a duration period of no more than one hour in any one location within a 50-foot radius, and the hours of minor entertainment fall between the hours of 9:00 AM to 9:00 PM.
(c) All such outdoor displays, sales, service or minor entertainment takes place on private property with the written consent of the owner or agent of said property, or on public property with consent from the city.
(d) No display, sales, service or minor entertainment blocks the required pedestrian walkways. A clear area with a minimum width of four feet shall be left between the street and the building entry or exit.
(e) All booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.

§9-1-10.3 Trash and Loading Areas. In order to preserve the pedestrian orientation of the active commercial area, all servicing, loading, and solid waste collection shall take place off-street away from pedestrian walkways, generally in bays provided in the alleys or in screened, internal, rear spaces if alleys are not available.

§9-1-11 SIGNS

The following guidelines apply specifically to the active commercial Specific Plan area.

§9-1-11.1 Ground-Mounted Pole Signs. Ground mounted pole signs are not permitted in the active commercial Specific Plan area. Monument signs may be permitted as a conditional use, subject to the requirements of Section 10-1 of this code.

§9-1-11.2 Projecting Signs. No portion of a sign shall project above a parapet or eave. Tower elements that are integral to the building architecture can be considered exceptions (e.g., an existing theater marquis).

§9-1-11.3 Historic Wall Signs. Existing painted wall signs that are deemed by the city to have historic significance, shall not be removed, defaced, painted over or covered. Building owners are encouraged to restore these signs and maintain their historic character.

§9-11.4 Pedestrian orientation. All signs shall be designed for visual communications to pedestrians and slow-moving vehicular traffic. Signs projecting from the building wall toward the sidewalk are emphasized because they are typical of communities possessing a village scale and pedestrian orientation.

§9-1-11.5 Illumination. In order to maintain the historic quality of the active commercial area, signs shall be externally illuminated from concealed sources or approved ornamental exposed fixtures. No internally illuminated signs shall be permitted or replaced, with the exception of neon lighting on theater marquis.

§9-1-11.6 Materials and Color. Three dimensional letter forms provide shape and shadow to building and tenant signs and are preferable to flat, painted-on letters. Wood or metal type or logos may be applied directly to the building façade. Colors on signs should be natural metals, or painted black, white, gray, beige and other colors compatible with the existing signs and building materials. Letter style shall be consistent for each tenant in any multi-tenant building.

§9-1-11.7 Size limitations. Tenant identification signs; including wall, window, awning, and projecting signs, or any combination thereof, shall not exceed one square foot of sign for each linear foot of building frontage, with a maximum of 100 square feet of total signage. Building identification signs, consisting of the name of the building, the address, and the date of construction, shall be limited to 20 square feet maximum. Accessory signage for parking control, pedestrian flow, or other signage not described above shall be limited to four square feet in area maximum.

CHAPTER 4.1

Model Mixed Use Zoning District Ordinance

PRIMARY SMART GROWTH PRINCIPLES ADDRESSED:

- Mix land uses
- Take advantage of compact building design

The following model zoning district provisions represent a commercial zoning classification that permits, rather than mandates, a vertical mix of commercial and residential uses within the same building. The district is intended to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities.

Marya Morris

Figure 4.1.1. *Belmont Dairy, a mixed use development in Portland, OR, combines neighborhood-serving retail, services, and other uses on the ground floor with residential uses above.*

101. Purpose

The purposes of the Neighborhood Commercial, Mixed Use District (CX1) are to:

(1) Accommodate mixed use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;

(2) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and

(3) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

102. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

Floor area ratio. The ratio of a building's gross floor area to the area of the lot on which the building is located.

Gross floor area. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on- or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

Mixed use building. A structure that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

103. Allowed Uses

Uses are allowed in "CX1" zoning districts in accordance with the use table of this section.

Comment: *This use table should be refined to reflect local characteristics and planning objectives. The range of uses allowed should be kept as broad as possible in order to ensure that the district is economically viable. Note that this model allows, as a conditional use, drive-through facilities. Drive-through facilities may be appropriate in such areas in connection with banks and pharmacies. Whether to allow them is a policy choice, no different than other policy choices in selecting permitted uses. Also keep in mind that in buildings with residential units, commercial use issues will be largely self-policing because owner associations and builder/developers will ensure that commercial uses in mixed use buildings will be compatible with upper-story residential uses.*

TABLE 4.1.1. USES ALLOWED IN CXI ZONING DISTRICTS

Use Category (Specific Use Type)	CXI Zoning District
Residential:	
Household Living	
• Artist Live/Work Space, above ground floor	P
• Artist Live/Work Space, ground floor	C
• Dwelling Units, above ground floor	P
• Detached House	C
• Multiunit (3+ units) Residential	C
• Single-Room Occupancy	C
• Town House	C
• Two-Flat	C
Group Living	
• Assisted Living	C
• Group Home	P
• Nursing Home	C
• Temporary Overnight Shelter	C
• Transitional Residences	C
• Transitional Shelters	C

(continued)

TABLE 4.1.1. USES ALLOWED IN CXI ZONING DISTRICTS *(continued)*

Use Category (Specific Use Type)	CXI Zoning District
Public and Civic:	
Colleges and Universities	P
Cultural Exhibits and Libraries	P
Day Care	P
Hospital	N
Lodge or Private Club	N
Parks and Recreation	P
Postal Service	P
Public Safety Services	P
Religious Assembly	P
School	C
Utilities and Services, minor	P
Utilities and Services, major	C
Commercial:	
Adult Use	N
Animal Services	
• Shelter/Boarding Kennel	N
• Sales and Grooming	P
• Veterinary	P
Artist Work or Sales Space	P
Drive-Through Facility [see comment]	C
Eating and Drinking Establishments	
• Restaurant	P
• Tavern	C
Entertainment and Spectator Sports	
• Small (1–149 seats)	P
• Medium (150–999 seats)	N
• Large (1,000+ seats)	N
Financial Services	P
Food and Beverage Retail Sales	P
Gas Stations	N
Lodging	
• Small (1–16) guest rooms)	P
• Large (17+ guest rooms)	C
Medical Service	P
Office	P
Parking, Commercial (nonaccessory)	C
Personal Service (including health clubs and gyms)	P
Repair Service, Consumer (including bicycles)	P
Residential Storage Warehouse	N
Retail Sales, General	P
Vehicle Sales, Service, and Repair	N
Industrial:	
Manufacturing, Production, and Industrial Services	N
• Artisan (hand tools only; e.g., jewelry or ceramics)	C
Other:	
Wireless Communication Facilities	
• Colocated	P
• Freestanding (towers)	C

P = permitted by right; C = conditional use; N = not allowed

104. Commercial Establishment Size Limits
The gross floor area of commercial establishments in the CX1 district shall not exceed [15,000] square feet.

Comment: *Floor area limits are proposed in the model ordinance to help ensure that allowed commercial uses would be geared toward a neighborhood market area. Some local ordinances impose much more restrictive floor area limits in neighborhood-oriented districts. The limit proposed in this model would accommodate a modern drugstore. If floor area limits are employed, the standards should not be so restrictive as to hamper the economic viability of the district.*

105. Indoor/Outdoor Operations
All permitted uses in the CX1 district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.

106. Floor-to-Floor Heights and Floor Area of Ground-Floor Space
(1) All commercial floor space provided on the ground floor of a mixed use building must have a minimum floor-to-ceiling height of [11] feet.

(2) All commercial floor space provided on the ground floor of a mixed use building must contain the following minimum floor area:

(a) At least [800] square feet or [25] percent of the lot area (whichever is greater) on lots with street frontage of less than [50] feet; or

(b) at least [20] percent of the lot area on lots with [50] feet of street frontage or more.

Comment: *In areas with strong residential real estate markets, ground-floor space is sometimes viewed as an afterthought, particularly when developed by those new to mixed use development. These types of provisions can help ensure that ground-floor space will meet the needs of future retailers and not sit vacant for years after upper-floor residential units have been leased or sold.*

107. Lot Area per Unit (Density)
The minimum lot area per dwelling unit shall be [1,000] square feet for mixed use buildings and [1,500] square feet for all other buildings.

Comment: *If mixed use buildings are desired, such buildings should be rewarded with more flexible development standards. The model ordinance allows higher residential densities in mixed use buildings than it does in single-use buildings.*

108. Floor Area Ratio
The maximum FAR shall be [2.0] for mixed use buildings and [1.25] for all other buildings.

Comment: *To encourage mixed use buildings, the model ordinance allows higher FARs for mixed use projects.*

109. Setbacks
(1) The entire building façade must abut front and street side property lines or be located within [10] feet of such property lines.

Comment: *Rather than mandating a zero-foot "build-to" line for all properties in CX1 zoning districts, this model offers flexibility to accommodate shallow building setbacks that are sometimes necessary to accommodate features such as outdoor seating/display areas, stoops, and sidewalk widening. Alternately, it is possible for the ordinance to establish a formula to determine setbacks based on the average setback of buildings in a block face. For an example of this, see section 108 of the Model Town Center Ordinance (below).*

(2) The minimum rear setback is [0–30] percent of the lot depth.

Comment: *The appropriate minimum building setback will depend on lot and development patterns in the area. When alleys abut the rear of CX1 lots, no rear setback may be necessary, except perhaps for upper floors. On the other hand, when CX1-zoned lots will abut the rear property line of residential lots, buildings in the CX1 district should be set back from rear property lines in order to protect the privacy and open feeling expected within residential rear yards.*

(3) No interior side setbacks are required in the CX1 district, except when CX1-zoned property abuts R-zoned property, in which case the minimum side setback required in the CX1 district shall be the same as required for a residential use on the abutting R-zoned lot.

Comment: *Most pedestrian-oriented shopping streets are lined with buildings that span the entire width of the lot. The standard proposed here will help reinforce that pattern, while also ensuring that if a CX1 district abuts a residential zoning district, a "typical" residential side yard will be provided.*

110. Building Height
The maximum building height shall be [38–50] feet for mixed use buildings and [35–47] feet for all other buildings.

Comment: *Some communities will want to regulate height by stories rather than feet above grade, since stories will allow for greater flexibility in building design. The standards proposed allow greater height for mixed-use buildings than for single-use buildings because mixed-use buildings are required to have taller floor-to-ceiling heights on the ground floor. The proposed standards will accommodate three- or four-story buildings.*

111. Off-Street Parking
(1) [Insert off-street parking standards]

(2) No off-street parking is required for nonresidential uses in CX1 districts unless such uses exceed [3,000] square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of [3,000] square feet.

Comment: *Paragraph (2) may be incorporated into paragraph (1). Exempting small retail businesses from compliance with off-street parking requirements will help promote pedestrian-oriented character and encourage use/reuse of storefront retail space. Communities should also examine off-street parking ratios with an eye toward reducing the amount of off-street parking required overall and encouraging shared and off-site parking arrangements.*

(3) Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

112. Transparency
(1) A minimum of [60–75] percent of the street-facing building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor space or product display areas.

(2) The bottom of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than [3–4.5] feet above the adjacent sidewalk.

(3) Product display windows used to satisfy these requirements must have a minimum height of [4] feet and be internally lighted.

113. Doors and Entrances
(1) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(2) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

Comment: *Requiring ground-floor windows and sidewalk-facing entrances help make for a more pleasing pedestrian environment.*

114. Vehicle and Driveway Access
No curb cuts are allowed for lots that abut alleys.

Comment: *Driveways that cross sidewalks disrupt pedestrian movements and pose safety threats. They should be the rare exception in neighborhood-oriented mixed use districts.*

Marya Morris

Figure 4.1.2. *Mixed use zoning encourages pedestrian-oriented, storefront-style shopping streets that encourage physical activity and greater social interaction.*

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CHAPTER 4.3

Model Town Center Zoning Ordinance

PRIMARY SMART GROWTH PRINCIPLES ADDRESSED:

- Mix land uses
- Create walkable neighborhoods
- Foster distinctive and attractive places

The following ordinance model establishes a town center (TC) that serves as a high-density, high-intensity, mixed use employment center. Three types of subdistricts are authorized (see section 102, below).

The model ordinance describes, in section 104, a set of permitted uses, which are slightly different for each use district. While every community may not want to establish and map all three different types of districts, this table offers guidance for the types of uses that might be allowed if the community opts for the three-district alternative.

Note that drive-in facilities are not allowed uses in the TC districts because of the potential of interfering with the desired pedestrian orientation of the land-use mix. Similarly, the TC districts also require a certain level of transparency for ground-floor retail to give buildings a human scale (see section 112). In core areas such as town centers, setbacks are critical; this model allows setback averaging up to a maximum of 12 feet to reflect the context of adjoining buildings (see section 108).

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Figure 4.3.1. *Town center districts promote compact, pedestrian-oriented development with a diverse mix of residential, business, commercial, entertainment, and other uses for workers, visitors, and residents.*

101. Purpose

The purposes of a town center (TC) district are to:

(a) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;

(b) Promote a diverse mix of residential, business, commercial, office, institutional, educational, cultural, and entertainment activities for workers, visitors, and residents;

(c) Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses;

(d) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;

(e) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and

(f) Enhance the community's character through the promotion of high-quality urban design.

Comment: *These "generic" purpose statements reflect the intent of typical town center-style districts. Actual purpose statements should reflect the objectives of the plans that the code is intended to implement.*

102. Subdistricts

The TC district consists of three mapped subdistricts that reflect the existing and desired places within the town center area. They are:

(a) TC-1, Town Center Core Subdistrict. The TC-1 subdistrict is primarily intended to encourage and enhance the high-intensity office and employment center function of the town center's core area. The TC-1 subdistrict regulations support the town center's role as a hub of regional importance for business, communications, office, government, retail, culture, education, visitor accommodations, and entertainment. The district regulations support a mix of large-scale office, commercial, public, recreation, and entertainment uses. The TC-1 district also accommodates mixed use and residential projects as important components of the area's vitality.

(b) TC-2, Town Center Mixed-Use Subdistrict. This subdistrict is primarily intended to support mixed-use (residential/nonresidential) projects with active ground-floor uses within one-quarter of a mile of the TC-1 district.

(c) TC-3, Town Center Residential Subdistrict. This subdistrict is primarily intended to accommodate moderate- to high-density residential development and small-scale ground-floor commercial uses with residential units above. The district also accommodates low-intensity office development compatible with the residential character of the TC-3 district.

Comment: *This model suggests a basic framework consisting of three districts. The number of districts needed to implement town-center planning objectives will vary from community to community, reflecting the types of places and activities that exist within the area as well as the community's agreed-upon vision for its town center area. Note that, if desired, the TC-2 and TC-3 subdistricts can be combined if the distinctions between them are perceived as too fine for regulation or are simply not needed in a particular community.*

103. Definitions

As used in this ordinance, the following words and terms have the meanings specified below:

Floor area ratio. The ratio of a building's gross floor area to the area of the lot on which the building is located.

Gross floor area. The sum of the gross horizontal areas of several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one half the floor-to-ceiling height is below grade. Gross floor area does not include accessory parking, attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

Mixed use building. A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

Setback. The open, unobstructed area required to be provided between the furthermost projection of a building and the adjacent property line.

TABLE 4.3.1. "TC" ZONING DISTRICTS USE TABLE

Specific Use Type	Subdistrict TC-1	TC-2	TC-3
Residential			
Household Living			
• Artist Live/Work Space, above ground floor	P	P	P
• Artist Live/Work Space, ground floor	N	C	P
• Dwelling Units, above ground floor	P	P	P
• Dwelling Units, ground floor	N	C	P
Group Living			
• Assisted Living	C	C	C
• Group Home	C	C	C
• Nursing Home	C	C	C
• Temporary Overnight Shelter	C	C	C
• Transitional Residences	C	C	C
• Transitional Shelters	C	C	C
Public and Civic			
Colleges and Universities	C	C	N
Cultural Exhibits and Libraries	P	P	C
Day Care	P	P	P
Hospital	C	C	C
Lodge or Private Club	P	P	N
Parks and Recreation	P	P	P
Postal Service	P	P	N
Public Safety Services	P	P	P
Religious Assembly	P	P	P
School	C	C	C
Utilities and Services, minor	P	P	P
Utilities and Services, major	C	C	C
Commercial			
Animal Services			
• Shelter/Boarding Kennel	N	N	N
• Sales and Grooming	P	P	N
• Veterinary	P	P	P
Artist Work or Sales Space	P	P	P
Eating and Drinking Establishments			
• Restaurant	P	P	P[1]
• Tavern	P	P	C[1]
Entertainment and Spectator Sports			
• Small (1–149 seats)	P	P	N
• Medium (150–999)	P	P	N
• Large (1,000+)	P	C	N
Financial Services	P	P	P[1]
Food and Beverage Retail Sales	P	P	P[1]
Gas Stations	N	N	N
Lodging			
• Small (1–16 guest rooms)	P	P	P
• Large (17+)	P	P	N
Medical Service	P	P	P[1]
Office	P	P	P[1]
Parking, Commercial (nonaccessory)	C	C	C
Personal Service (including health clubs and gyms)	P	P	P[1]
Repair Service, Consumer (including bicycles)	P	P	P[1]
Residential Storage Warehouse	N	N	N
Retail Sales, General	P	P	P[1]
Vehicle Sales, Service, and Repair	N	N	N
Industrial			
Manufacturing, Production and Industrial Services			
• Artisan (hand tools only; e.g., jewelry or ceramics)	C	C	N
Other			
Wireless Communication Facilities			
• Colocated	P	P	P
• Freestanding (towers)	C	C	C

P = permitted by right; C = conditional use; N = not allowed

[1] Allowed only in buildings containing more than 50 dwelling units and may only be located on the first or second floor. Individual business establishments are limited to a maximum of 5,000 square feet in area. Larger establishments or expansions beyond 5,000 square feet require conditional use approval.

104. Allowed Uses
Uses are allowed in "TC" zoning districts in accordance with the use table of this section.
Comment: *This use table should be refined to reflect local characteristics and planning objectives.*

105. Floor Area Ratio
All development in TC districts is subject to the following maximum FAR standards:

TABLE 4.3.2. DISTRICT MAXIMUM FLOOR AREA RATIO

TC-1	[varies: 3.0–7.0]
TC-2	[varies: 3.0–5.0]
TC-3	[varies: 2.0–3.0]

Comment: *Table 4.3.2 suggests a typical range of FAR standards that may be appropriate for buildings within the boundaries of a TC district. In establishing proposed standards, communities will want to survey existing development to ascertain typical FAR ranges within the various areas to be covered by the district. Care should be taken to ensure that allowed FAR levels are high enough to encourage moderate- to high-intensity buildings, while not setting the allowed levels so high that new buildings would be out of scale with the surrounding areas. In underdeveloped town center areas, communities may want to consider increasing the maximum allowable FAR to accommodate larger buildings.*

106. Lot Area per Unit (Density)
All residential development in TC districts is subject to the following standards for lot area per dwelling unit:

TABLE 4.3.3. DISTRICT MAXIMUM LOT AREA PER DWELLING UNIT

TC-1	[varies: 200–400 square feet]
TC-2	[varies: 200–400 square feet]
TC-3	[varies: 300–700+ square feet]

Comment: *Within the types of urban and semiurban settings where a TC district is likely to be applied, it is fairly common to regulate residential density in terms of the amount of lot area required per dwelling unit. It should be noted that some jurisdictions—notably Seattle—have chosen to abandon residential density standards in village center and mixed use commercial areas. The thinking behind such an approach is that density is already indirectly regulated by many other controls, such as building codes, parking requirements, FARs, maximum height limits, and setback controls. If the community wants to encourage residential development, the logic goes, why not remove the sometimes-arbitrary control that density limits represent.*

107. Building Height
All development in TC districts is subject to the following maximum building height standards:

TABLE 4.3.4. DISTRICT MAXIMUM BUILDING HEIGHT

TC-1	[varies: 5 stories to unlimited]
TC-2	[varies: 4–7 stories]
TC-3	[varies: 3–5 stories]

Comment: *Communities that want to promote building forms compatible with the physical context of the existing area will want to establish maximum building heights. Height limits can also play an important role in protecting neighborhoods on the periphery of the town center area. Building step-backs (skyplane) standards should be used to soften the height transition between town center–style districts and lower-intensity neighborhood districts.*

When height limits are used, they should be calibrated to reflect FAR and building coverage limits. To calculate the number of building stories required to make full use of the allowed FAR, divide FAR by the maximum building coverage. If, for example, the maximum FAR allowed is 2.0 and the maximum building coverage allowed is 66 percent, it will require a building of three or more stories to achieve the full FAR (2.0 ÷

0.66 = 3.03). When no building coverage limits apply, maximum building height limits (in stories) should be established at no less than 1.5 to 2.5 times the allowed FAR (e.g., three to five stories in a district that allows an FAR of 2.0). In mid- and high-rise districts, the rule of thumb is typically three to four stories for each additional 1.0 FAR.

108. Setbacks

(1) No minimum front or streetside building setback is required.

(2) The maximum front and streetside building setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less. (See Figure 4.3.3.)

(a) If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of zero feet.

(b) Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in computing the average.

(c) When the subject lot is a corner lot, the average setback will be computed on the basis of the two adjacent lots that front on the same street as the subject lot.

(d) When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.

(3) The following exceptions to the maximum front and street side building setbacks apply:

(a) A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.

(b) A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the streetwall, the building may be set back no more than 12 feet from the front or streetside property line, or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor eating area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet. (See Figure 4.3.3.)

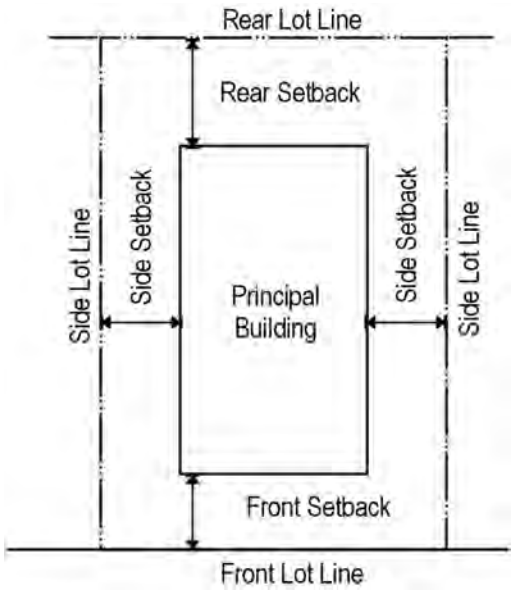


Figure 4.3.2. *Location of lot lines and setbacks.*

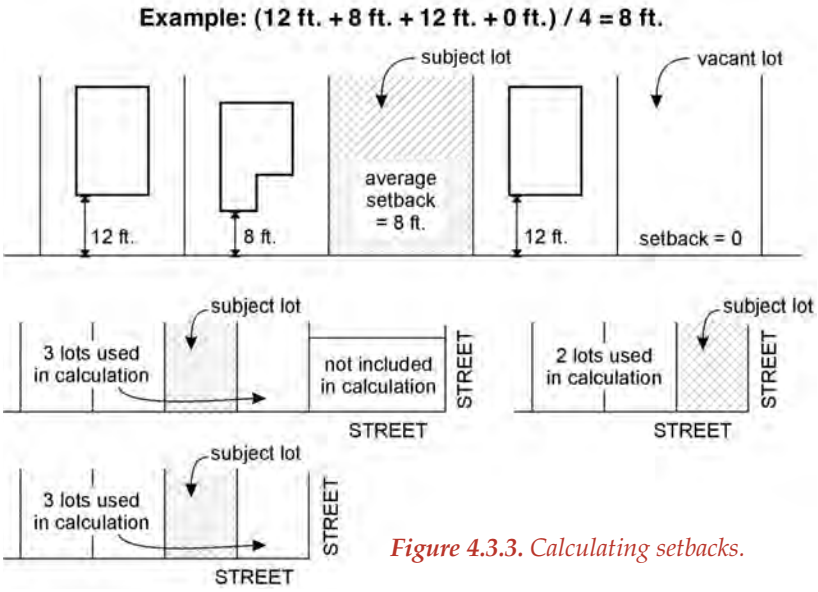
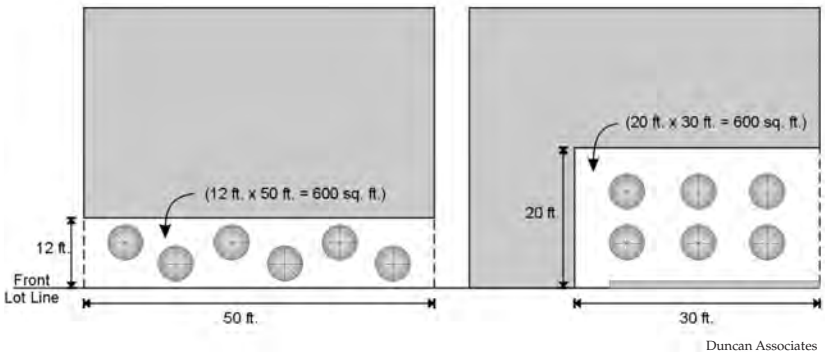


Figure 4.3.3. *Calculating setbacks.*

Figure 4.3.4. *Exceptions to minimum front and streetside setbacks.*



Comment: *Rather than mandating a zero-foot "build-to" line for all properties in TC zoning districts, this model offers flexibility to accommodate contextual setbacks, reflecting the setbacks of adjacent buildings. Paragraph (2) allows buildings to be set back to reflect the building setbacks of neighboring buildings. Special provisions are also included to accommodate building recesses and setbacks for building entries and outdoor seating areas.*

(4) The minimum rear setback must be [0–30] percent of the lot depth.

Comment: *The appropriate minimum building setback will depend on lot and development patterns in the area. When alleys abut the rear of lots, no rear setback may be necessary, except perhaps for upper floors. On the other hand, when TC-zoned lots will abut the rear property line of low- to moderate-density residential lots, buildings in TC districts should be set back from rear property lines in order to protect the privacy and open feeling expected within residential rear yards.*

(5) No interior side setbacks are required in the TC district, except when TC-zoned property abuts R-zoned property, in which case the minimum side-yard setback required in the TC district must be the same as required for a residential use on the abutting R-zoned lot.

Comment: *Streets within town center areas are often lined with buildings that span the entire width of the lot. The standard proposed here will help reinforce that pattern, while also ensuring that a "typical" residential side yard will be provided in areas abutting neighborhood residential zoning districts.*

109. Off-Street Parking

(1) One off-street parking space must be provided for each dwelling unit.

(2) No off-street parking is required for nonresidential uses in TC-1 district unless the gross floor area of such uses exceeds twice the area of the lot, in which case off-street parking must be provided at a minimum ratio of [one or two] spaces per each 1,000 square feet of gross floor area in excess of twice the lot area.

(3) No off-street parking is required for nonresidential uses in TC-2 district unless the gross floor area of such uses exceeds the area of the lot, in which case off-street parking must be provided at a minimum ratio of [one or two] spaces per each 1,000 square feet of gross floor area in excess of twice the lot area.

(4) No off-street parking is required for nonresidential uses in TC-3 district unless the gross floor area of such uses exceeds 5,000 square feet of gross floor area, in which case off-street parking must be provided at a minimum ratio of [one or two] spaces per each 1,000 square feet of gross floor area in excess of 5,000 square feet.

(5) All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

Comment: *Although many ordinances require 1.5 or two parking spaces per dwelling unit, the nature of most TC-style districts warrants consideration of lower residential parking ratios, such as one space per unit (lower perhaps for affordable units, elderly housing, and areas with excellent transit accessibility). Exempting certain sizes of nonresidential uses from compliance with off-street parking requirements will help promote pedestrian-oriented character and encourage use/reuse of storefront retail space.*

110. Indoor/Outdoor Operations

All permitted uses in the TC districts must be conducted within buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas, alone or in connection with restaurants.

111. Floor-to-Floor Heights and Floor Area of Ground-Floor Space

(1) All nonresidential floor space provided on the ground floor of a mixed use building must have a minimum floor-to-ceiling height of 11 feet.

(2) All nonresidential floor space provided on the ground floor of a mixed use building must contain the following minimum floor area:

(a) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or

(b) At least 20 percent of the lot area on lots with 50 feet of street frontage or more.

Comment: *In areas with strong residential real estate markets, ground-floor space is sometimes viewed as an afterthought or an incidental area, particularly when developed by those with a poor understanding of mixed use development. In other words, if profit margins are*

high enough on the residential units, inexperienced developers may have no incentive to make ground-floor commercial space attractive and actually usable for retail activities. These types of provisions can help ensure that ground-floor space will meet the needs of future retailers and not sit vacant for years after upper-floor residential units have been leased or sold.

112. Transparency

(1) A minimum of [60–75] percent of the street-facing building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor nonresidential space or product display areas.

(2) The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than [3–4.5] feet above the adjacent sidewalk.

(3) Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

Comment: *There is always a possibility that merchants will choose to block required windows with display shelves, signs, and other visual obstructions, either because they view windows as a security concern or because they desire to maximize product display area. This ordinance does not expressly prohibit this practice because of the difficulty of enforcing such prohibitions. Moreover, the most important objective is that buildings be designed to include such pedestrian-oriented features rather than later having to retrofit existing storefront designs.*

113. Doors and Entrances

(1) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(2) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

Comment: *Requiring ground-floor windows and sidewalk-facing entrances help make for a more pleasing pedestrian environment. People are attracted to spaces with interesting pedestrian-scale views and visually appealing elements, such as window displays. Identifiable and accessible building entrances make it easier for pedestrians to navigate the area and thus encourage them to spend time there.*

114. Vehicle and Driveway Access

No curb cuts are allowed for lots that abut alleys.

Comment: *Driveways that cross sidewalks disrupt pedestrian movements and pose safety threats. They should be the rare exception in neighborhood-oriented mixed use districts.*

115. Drive-through Facilities

Drive-through facilities for vehicles are prohibited in all TC districts.

Comment: *Some communities may elect to treat businesses with drive-through facilities as a conditional use, requiring case-by-case approval. When that approach is used, standards should be included requiring that drive-through windows be located behind the building and that pedestrian circulation routes be protected from auto traffic. Note that this prohibition does not apply to service windows, such as a service window for an ice cream parlor.*

pedbikeimages.org

Figure 4.3.5. *Transparency requirements of street-facing building facades and primary entrance doors facing public sidewalks help make for a more pleasing pedestrian environment.*

REFERENCES

Bellevue (Wash.), City of. *Land Use Code,* Part 20.25I, "Community Retail Design District." Available at www.bellevuewa.gov/bellcode/blvlucnt.html.

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GROUND FLOOR TREATMENT 04

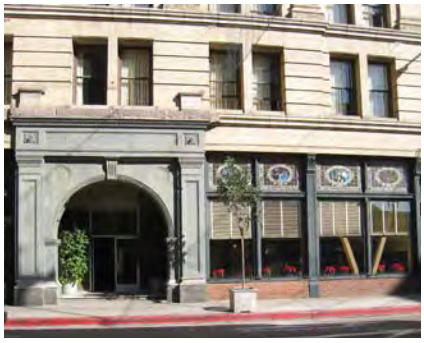
A. GROUND FLOOR TREATMENT ALONG RETAIL STREETS

Design ground floor space on designated Retail Streets for retail or other active uses, orienting tenant spaces to the street and maximizing storefronts and entries along the sidewalks to sustain street level interest and promote pedestrian traffic.

1. All streets in the Historic Downtown are Retail Streets. Refer to the Historic Downtown Los Angeles Design Guidelines for guidance regarding ground floor treatment in the Historic Downtown.
2. On Retail Streets, ground floor space with a linear frontage equal to at least 50% or 75% of street frontage, as specified in Figure 3-1, shall be designed to accommodate retail, professional office, and live-work uses.
3. The ground floor space within 150' of an intersection shall be designed specifically for retail uses. Mid-block ground floor space may be designed for retail, professional office, and live-work uses.
4. Where Retail Streets intersect other streets, the ground floor retail space should wrap the corner onto the intersecting streets.
5. Ground floor retail space may be provided on streets that are not designated as Retail Streets in Figure 3-1. If it is, the ground floor retail space should comply with these standards and guidelines.
6. Required ground floor retail space may be located along the required street wall (see Section 6) or along a courtyard or plaza, provided the retail frontage is not more than 60 feet from the back of sidewalk and is visible from the sidewalk.
7. Required ground floor retail space shall be provided to a depth of at least 25 feet from the front façade and shall include an average 14'-0" floor-to-ceiling height. Note that the ground floor retail space may be occupied by other uses initially, but will be available for retail uses in the future when there is demand for such uses.
8. The primary entrance to each street-level tenant space that has its frontage along a public street shall be provided from that street.
9. The primary entrance to each street-level tenant that does not have its frontage along a public street shall be provided from a pedestrian paseo, courtyard or plaza, which is connected to the public street.
10. Wall openings, such as storefront windows and doors, shall comprise at least 75% of a building's street level façade.
11. Clear glass for wall openings, i.e., doors and windows, shall be used along all street-level façades for maximum transparency, especially in conjunction with retail uses. Dark tinted, reflective or opaque glazing is not permitted for any required wall opening along street level façades.
12. During hours of operation, open-wall storefronts are encouraged.

Good examples of ground floor treatments that include retail displays, outdoor dining and awnings for shade.

Good example of individual unit entry several feet above the sidewalk with porch and windows that look onto the street.



Common areas or recreation rooms with transparent windows can also line the ground floor of residential buildings.

Where blank walls are unavoidable, they can be set back with landscaping.

B. GROUND FLOOR TREATMENT ALONG OTHER STREETS

Design ground floor space facing other streets to accommodate habitable space and to avoid blank walls and visible parking.

1. Along other streets, at least 75% of the ground floor street frontage shall be designed to accommodate the following uses: retail, cultural, professional office, live/work units, residential units with individual entries along the street, and/or other active space such as recreation rooms or common rooms.
2. The ground floor treatment of those uses, except residential units with individual entries, should be similar to that of retail space, except that wall openings shall comprise at least 50% of the street level façade.
3. Residential units with individual entries should include windows on the ground floor that look out onto the street.
4. If a residential unit's individual entry along the street is the unit's primary entry, it must be accessible, that is, at the same elevation as the sidewalk.
5. If a residential unit's individual entry along the street is a secondary entry, the entry and any private outdoor space for the unit may be several (but not more than 4 or 5) steps above the sidewalk elevation. Private outdoor open space for the unit must be directly accessible from the unit, that is, at the same elevation.

C. GROUND FLOOR TREATMENT ALONG ALL STREETS

Orient buildings to the street to promote the sidewalk activity.

1. A building's primary entrance, defined as the entrance which provides the most direct access to a building's main lobby and is kept unlocked during business hours, shall be located on a public street or on a courtyard, plaza or paseo that is connected to and visible from a public street.
2. At least one building entrance, which provides access to a building's main lobby and which is kept unlocked during business hours, shall be located on a public street.
3. At least one building entrance, which may be either a building or tenant/resident entrance, shall be provided along each street frontage.
4. More public entrances than the minimum specified, including building and/or tenant/resident entrances, are encouraged.

Incorporate a pedestrian-oriented scale at the street level.

5. Street wall massing, articulation and detail, street level building entrances and storefront windows and doors, as well as the use of quality materials and decorative details, shall be used to promote pedestrian-scaled architecture along the street.
6. Architectural features that reinforce the retail character of the ground street wall and/or help define the pedestrian environment along the sidewalk, such as canopies, awnings, and overhangs, are encouraged and should be integral to the architecture of the building.
7. Awnings and canopies shall be fabricated of woven fabric, glass, metal or other permanent material compatible with the building architecture. Internally illuminated, vinyl awnings are not permitted.

Good examples of buildings that promote sidewalk activity with overhangs, awnings and other transitional elements integrated into the architecture.

Don't waste valuable street frontage on "back of house" uses.

8. Electrical transformers, mechanical equipment and other equipment should not be located along the ground floor street wall.
9. Electrical transformers, mechanical equipment, other equipment, enclosed stairs, storage spaces, blank walls, and other elements that are not pedestrian-oriented shall not be located with 100 feet of the corner on north-south streets and within 50 feet of the corner on east-west streets.

Examples of poor equipment location choices. A primary opening to a courtyard garden is walled off with electric meters (left) and irrigation equipment is in plain view near a building entrance (right).

Sample Regulations

- Bellevue (Washington), City of. 2012. *City Code.* Title 20, Land Use Code; Chapter 20.25, Special and Overlay Districts; Part 20.25A, Downtown; Section 20.25A.115, Design Guidelines – Building/Sidewalk Relationships.

- Berkeley (California), City of. 2012. *Berkeley Municipal Code*. Subtitle 23E, Provisions Applicable in All Non-Residential Districts; Chapter 23E.44, C-E Elmwood Commercial District Provisions; Section 23E.44.040, Special Provisions – Numerical Limitations.

- Chicago (Illinois), City of. 2012. *Chicago Zoning Ordinance*. Chapter 17-3, Business and Commercial Districts; Section 17-3-0500, Pedestrian Streets; Section 17-3-0504-I, Special Uses.

- Crested Butte (Colorado), Town of. 2012. *Crested Butte Municipal Code*. Chapter 16, Zoning; Section 16-5-120, "B1" Business District – Permitted Uses.

- Del Mar (California), City of. 2012. *Municipal Code.* Title 30, Zoning; Chapter 30.22, Central Commercial Zone.

- District of Columbia. 2012. *District of Columbia Municipal Regulations*. Title 11, Zoning; Chapter 13, Neighborhood Commercial Overlay District; Section 1302, Designated and Restricted Uses.

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- Imperial Beach (California), City of. 2012. *Municipal Code*. Title 19, Zoning; Chapter 19.27, C-2 Seacoast Commercial Zone; Section 19.27.20, Permitted Uses.

- Lake Forest (Illinois), City of. 2012. *Lake Forest City Code*. Chapter 46, Zoning Code; Article VIII, Office and Business Districts; Section 46-53.2, B-3 Traditional Business District. Section 46-53.3, B-4 Preservation Business District.

- Libertyville (Illinois), Village of. 2012. *Libertyville Zoning Code.* Article 5, Commercial Districts; Part B, District Requirements; Section 5-2, C-1 Downtown Core Commercial District; Part 5-2.4, Use Limitations.

- Lincolnshire (Illinois), Village of. 2012. *Village Code.* Title 6, Zoning; Chapter 6, Business Districts; Article A, B1 Retail Business District; Section 6-6A-2(D), General Requirements – Allowances and Restrictions on Ground Floor Uses.

- Madison (New Jersey), Borough of. 2012. *Municipal Code*. Chapter 195, Land Development; Article V, Zoning; Section 195-32.4: CBD-1, CBD-2 Central Business District Zones.

- New York (New York), City of. 2012. *Zoning Resolution.* Article VIII, Special Purpose Districts; Chapter 1, Special Midtown District; Section 81-82(a), Special Regulations for Fifth Avenue Subdistrict – Special Regulations on Permitted and Required Uses – Restrictions on Ground Floor Uses.

- Newport Beach (California), City of. 2012. *Municipal Code*. Title 20: Planning and Zoning. Chapter 20.22: Mixed-Use Zoning Districts. Chapter 20.48, Standards for Specific Land Uses; Section 20.48.130, Mixed-Use Projects.

- Old Orchard Beach (Maine), Town of. 2012. *Code of Ordinances*. Chapter 78. Zoning. Article VI. Districts. Division 7. Downtown Business Districts.

- Orlando (Florida), City. 2012. *City Code*. Chapter 62, Historic Preservation and Architectural Design; Part 5, Design Standards in AC-3A District; Section 62.505, Ground Floor Commercial Use. Section 62.506, Ground Floor Commercial Use Incentive.

- Palo Alto (California), City of. 2012. *Municipal Code*. Title 18, Zoning; Chapter 18.30(A), Retail Shopping (R) Combining District Regulations. Chapter 18.30(C), Ground Floor (GF) Combining District Regulations.

- Portsmouth (New Hampshire), City of. 2012. *Zoning Ordinance*. Article 6: Overlay Districts. Section 10.640: Downtown Overlay District.

- Sacramento (California), City of. 2012. *Sacramento City Code*. Title 17, Zoning; Division V, Special Districts; Chapter 17.96, Central Business District Special Planning District; Section 17.96.070, Ground Floor Retail Requirement.

- San Francisco (California), City and County of. 2012. *San Francisco Planning Code.* Article 7, Neighborhood Commercial Districts; Section 714.1, Broadway Neighborhood Commercial District. Section 729.1, West Portal Avenue Neighborhood Commercial District.

- San Mateo (California), City of. 2012. *Municipal Code*. Title XXVII, Zoning; Chapter 27.38, CBD Districts – Central Business District; Section 27.38.110, Required Retail Frontage.

- Telluride (Colorado), Town of. 2011. *Municipal Code*. Title 18, Land Use Code; Article 3, Zone District Regulations; Division 2, Zone District Purposes and Standards; Section 3-212, Commercial Zone District.

- Tumwater (Washington), City of. 2012. *Municipal Code*. Title 18, Zoning; Chapter 18.23, TC Town Center Zone District; Section 18.23.050, Development and Design Standards – Specific to Properties Fronting Main Streets; Part E, First Floor Uses in Commercial and Residential Developments.

- Vail (Colorado), Town of. 2011. *Town Code*. Title 12, Zoning Regulations; Chapter 7, Commercial and Business Districts; Article B, Commercial Core 1 (CC1) District.

- Vancouver (British Columbia), City of. 2012. *Zoning and Development By-law*. C-2C District Schedule; Part 3.3, Conditions of Use.

City of Bellevue, Washington
***City Code* (2012)**

Title 20, Land Use Code
Chapter 20.25, Special and Overlay Districts
Part 20.25A, Downtown.

20.25A.115 Design Guidelines – Building/Sidewalk Relationships.

A. General.

1. Each development within a Downtown Land Use District must comply with the applicable provisions of that document entitled "Design Guidelines – Building/Sidewalk Relationships," now or as hereafter amended pursuant to the provisions of that document.

2. For purposes of applying the FAR Amenity Incentive System, the "City Center District" shall mean that area of the Downtown bounded by 100th Avenue NE, 112th Avenue NE, NE 4th Street and NE 8th Street.

3. For purposes of applying the Amenity Incentive System, a level shall be considered the ground level so long as less than half of that ground level story height is located above or below the average finished grade of the adjacent public right-of-way or pedestrian connection. The two stories immediately above the ground level story and intended to activate the ground level pedestrian environment through demonstrated compliance with this section shall be considered an upper level.

B. Development Standards.

Each development located on a street designated pursuant to Section IV.E. of the Design Guidelines – Building/Sidewalk Relationships shall comply with the following standards within the project limit:

Right-of-Way Designation	Required Street Wall Conditions[1]
"A" Rights-of-Way	100% of street wall within project limit shall incorporate retail activities.
"B" Rights-of-Way	100% of street wall within project limit shall incorporate retail activities and service activities, at least 50% of which shall be retail activities.
"C" Rights-of-Way	Each street wall within the project limit shall incorporate some amount of service activities and commercial activities.
"D" Rights-of-Way	Each street wall within the project limit shall incorporate some amount of service activities and commercial activities.
"D/R" Rights-of-Way	At least 50% of the street wall within the project limit shall incorporate one or more of: service activities, commercial activities, landscape features, terraced planters, residential entry courtyards, or plazas.

[1] A project shall be considered to comply with the proportional requirements set forth above even though some portion of the street wall incorporates required access points supporting allowed uses in the project.

C. Retail Activities Exempt from FAR.

Each square foot of floor area of retail activities that satisfies the requirements of LUC 20.25A.020.B.7 shall be eligible for an exemption from calculating FAR for the proposal in the following proportion:

Location of Retail Activity	Amount Exempt from FAR: Amount of Retail Activity Provided (sq. ft.)
Ground level	1:1
Mid-Block Retail Connection at Ground Level	1:1
Upper Level Within the City Center District	1:1
Upper Level Outside the City Center District	0.5:1

D. Mid-Block Retail Connection.

The exemption allowed pursuant to LUC 20.25A.020.B.7. and this section may be earned for retail activities in compliance with subsection C above when located on a mid-block retail connection designed in accordance with the Guidelines and Standards for Mid-Block Retail Connections in Section IV.F of the Design Guidelines – Building/Sidewalk Relationships.

The pedestrian connections required in other sections of this Part 20.25A LUC are not required to be Mid-Block Retail Connections. However, any pedestrian connection meeting the criteria of this section shall be deemed to satisfy other applicable criteria for required pedestrian connections. (Ord. 5497, 11-17-03, § 7; Ord. 5091, 8-3-98, § 14; Ord. 4979, 3-17-97, § 13; Ord. 4973, 3-3-97, § 115; Ord. 4816, 12-4-95, § 215; Ord. 3309, 11-7-83, § 1)

Chapter 23E.44

C-E ELMWOOD COMMERCIAL DISTRICT PROVISIONS

Sections:

23E.44.010 Applicability of Regulations
23E.44.020 Purposes
23E.44.030 Uses Permitted
23E.44.040 Special Provisions -- Numerical Limitations
23E.44.050 Construction of New Floor Area, Conversions of Existing Buildings -- Requirements for Use Permits
23E.44.060 Use Limitations*
23E.44.070 Development Standards
23E.44.080 Parking -- Number of Spaces
23E.44.090 Findings

Section 23E.44.010 Applicability of Regulations

The regulations in this chapter shall apply in all C-E Districts. In addition, general provisions in Sub-title 23C shall apply. (Ord. 6478-NS § 4 (part), 1999)

Section 23E.44.020 Purposes

The purposes of the Elmwood Commercial (C-E) Districts are to:

A. Implement the Master Plan's designation for a community commercial district in this area.

B. To maintain a scale and balance of retail goods and services in the district to compatibly serve the everyday needs of surrounding neighborhoods by:

1. Providing locations for retail goods and service establishments to serve surrounding neighborhoods;

2. Preventing development which exceeds the amount and intensity of use that is compatible with adjacent residential neighborhoods;

3. Limiting the space occupied by businesses that generate high traffic and/or parking demands;

4. Controlling the proliferation of establishments which, if not limited, might expand to displace establishments needed to serve surrounding neighborhoods; and

5. Permitting other uses which serve this objective.

C. To ensure that new buildings, alterations and additions to existing buildings harmonize with their surroundings. (Ord. 6478-NS § 4 (part), 1999)

Section 23E.44.030 Uses Permitted

A. The following table sets forth the permits required for each listed item. Each use or structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a public hearing (UP(PH)) or is prohibited.

Table 23E.44.030

Use and Required Permits

Use	Classification	Special Requirements (if any)
Retail Sales		
All Retail Sales Uses, except those listed below	ZC*	As defined in Sub-title F, except otherwise listed (does not include Video Rental Stores). Also subject to numerical limitations listed in Table 23E.44.040
Alcoholic Beverage Retail Sales, including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants
Department Stores Over 3,000 s.f.	ZC* Prohibited	
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops, including Auction Houses	Prohibited	
Pet Stores, including Sales and Grooming of Animals	UP(PH)	Does not include boarding of animals
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
Personal and Household Services		
All Personal/Household Services, except those listed below	ZC*	As defined in Sub-title F, except those otherwise listed (does not include Massage). Also subject to numerical limitations listed in Table 23E.44.040
Laundromats	UP(PH)	
Veterinary Clinics, including Pet Hospitals	UP(PH)	
Video Tape/Disk Rental Stores	AUP**	
Offices		
Financial Services, Retail (Banks)	UP(PH)	Also subject to numerical limitations listed in Table 23E.44.040
Insurance Agents, Title Companies, Real Estate Agents, Travel Agents	ZC*	When located on the ground floor adjacent to a street frontage, storefront windows required to include a window display or to be transparent and provide pedestrian viewing a minimum of 10 feet into the storefront area
Medical Practitioners	Prohibited	Including Holistic Health and Mental Health Practitioners
Other Professionals and Government, Institutions, Utilities	AUP**	When located on the ground floor adjacent to a street frontage, storefront windows required to include a window display or to be transparent and provide pedestrian viewing a minimum of 10 feet into the storefront area

Table 23E.44.030		
Use and Required Permits (Continued)		
Use	**Classification**	**Special Requirements (if any)**
Food and Alcohol Service, Lodging, Entertainment and Assembly Uses		
Adult-oriented Businesses	Prohibited	
Alcoholic Beverage Service	UP(PH)	Service of alcoholic beverages allowed only as incidental to food service in Food Service Establishments
Alcoholic Beverage Service of beer and wine incidental to food service at quick and full service restaurants	AUP	For on-site consumption only
Amusement Device Arcades	Prohibited	
Commercial Recreation Center	UP(PH)	
Dance, Exercise, Martial Arts and Music Studios	AUP**	
Entertainment Establishments, including Nightclubs	Prohibited	
Food Service Establishments:		Also subject to numerical limitations listed in Table 23E.44.040
Carry Out Food Service Stores	AUP**	
Quick Service Restaurants	AUP**	
Full Service Restaurants	AUP**	
Group Class Instruction for Business, Vocational or Other Purposes	AUP**	
Gyms and Health Clubs	AUP**	
Hotels, Tourist, including Inns, Bed and Breakfasts and Hostels	UP(PH)	
Motels, Tourist	Prohibited	
Theaters	UP(PH)	Including Motion Pictures and Stage Performance
Automobile and Other Vehicle Oriented Uses		
Automobile Parts Stores	ZC*	Excluding service of auto parts
Automobile Repair and Service, including Parts Service	Prohibited	
Automobile Sales and Rentals	Prohibited	
Automobile Washes, Mechanical or Self-Service	Prohibited	
Automobile Wrecking Establishments	Prohibited	
Gasoline/Automobile Fuel Stations	Prohibited	
Motorcycle Stores, including Sales and/or Service	Prohibited	
Recreational Vehicle and Trailers Sales and Rental, including Boats	Prohibited	
Tire Sales/Service Stores	Prohibited	

Table 23E.44.030		
Use and Required Permits (Continued)		
Use	**Classification**	**Special Requirements (if any)**
Parking, Outdoor and Exterior Service Window Uses		
Activities or Storage Outside of a building		
Not abutting R-District	AUP	
When abutting R-District	UP(PH)	
Automatic Teller Machines (exterior and when part of a Retail Financial Service)	UP(PH)	Limit of 2 per establishment per Table 23E.44.040
Drive-in Uses	Prohibited	Providing service to customers in their cars. See definition in Sub-title F
Parking Lots	UP(PH)	
Recycling Redemption Centers	AUP	
Outdoor Cafe Seating		Quick and Full-Service Restaurants only
When seating not abutting R-District	ZC	
When seating abutting R-District	AUP	
Combination Commercial/Residential Uses		
Live/Work Units		
Not requiring a UP under Chapter 23E.20	ZC	
Requiring a UP under Chapter 23E.20	UP(PH)	
Mixed Use Developments (Residential/Commercial)	UP(PH)	Subject to the standards under Section 23E.44.070.E
Uses Incidental to a Permitted Use		
Amusement Devices (up to three)	UP(PH)	
Food or Beverage for Immediate Consumption	UP(PH)	Treated as Food Service Establishment and subject to numerical limitations in Table 23E.44.040
Live Entertainment		
Unamplified	ZC	
Amplified	Prohibited	
Manufacturing Uses	UP(PH)	
Storage of Goods (over 25% of gross floor area)	AUP	
Wholesale Activities	UP(PH)	
Uses Permitted in Residential Districts		
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	
Dwelling Units, subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.44.070.F

Table 23E.44.030		
Use and Required Permits (Continued)		
Use	**Classification**	**Special Requirements (if any)**
Group Living Accommodations, subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.44.070.F
Hospitals	Prohibited	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements under Section 23E.44.080
Nursing Homes	UP(PH)	Subject to parking requirements under Section 23E.44.080
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Changes of use from an existing dwelling unit
Six or fewer persons	ZC	
Seven or more persons	AUP	
New Construction	UP(PH)	
Miscellaneous Uses		
Automatic Teller Machines	Prohibited	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	Prohibited	
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	Prohibited	
Mortuaries	Prohibited	
Public Utility Substations, Tanks	UP(PH)	
Radio, Television or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Warehouses or Storage including Mini-storage Warehouses	Prohibited	

Table 23E.44.030		
Use and Required Permits (Continued)		
Use	**Classification**	**Special Requirements (if any)**
Wireless Telecommunications Facilities		
Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District	AUP	Subject to the requirements and findings of Section 23C.17.100
All Other Telecommunication Facilities	UP(PH)	Subject to the requirements and findings of Section 23C.17.100
Legend:		
ZC – Zoning Certificate AUP – Administrative Use Permit UP(PH) – Use Permit, public hearing required Prohibited – Use not permitted	*Change of Use of floor area between 2,000 and 3,000 sq. ft. shall require an AUP; over 3,000 sq. ft. shall require a UP(PH) **Change of Use of floor area over 3,000 sq. ft. shall require a UP(PH)	

B. Any Use not listed that is compatible with the purposes of the C-E District shall be permitted subject to securing a Use Permit. Any Use that is not compatible with the purposes of the C-E District shall be prohibited.

C. The initial establishment, or change, of use of floor area of an existing non-residential building, or portion of building, shall be subject to the following permit requirements as listed in the legend of Table 23E.44.030 (Ord. 7204-NS § 5, 2011; Ord. 7191-NS § 5, 2011: Ord. 7155-NS § 11, 2010; Ord. 7129-NS § 11, 2010; Ord. 6671-NS § 7, 2002: Ord. 6669-NS § 1, 2001: Ord. 6644-NS § 2, 2001: Ord. 6478-NS § 4 (part), 1999)

Section 23E.44.040 Special Provisions -- Numerical Limitations

A. Uses subject to numerical limitations as set forth in Table 23E.44.040 shall also be subject to the requirements of Section 23E.44.030. No such limitation may be exceeded unless the Board issues a Use Permit and makes the findings under Section 23E.44.090.C.

Table 23E.44.040			
Numerical Limitations			
Use	Number Limit	Size (sq. ft.)	Type of Permit
Art/Craft Shops, Gift/Novelty Shops, Jewelry/Watch Shops	12*	1,500	Zoning Certificate
Barber/Beauty Shops, including Manicure and other Personal Care	7	None	Zoning Certificate
Bookstores, Periodical Stands	4	2,000	Zoning Certificate
Clothing Stores, including Hats, Shoes and Accessories	10	None	Zoning Certificate
Financial Services, Retail**	2	None	Use Permit
Food Service Establishments:			
Carry Out Food Service	3	1,000	AUP
Quick Service Restaurants	7	1,000	AUP
Full Service Restaurants	7	None	AUP
Photocopy Stores, Printing, Fax, Magnetic Disk Reproduction Services	2	1,000	Zoning Certificate

Table 23E.44.040			
Numerical Limitations			
Use	Number Limit	Size (sq. ft.)	Type of Permit
*Total **Shall have no more than 2 Automatic Teller Machines			

(Ord. 7191-NS § 6, 2011: Ord. 6478-NS § 4 (part), 1999)

Section 23E.44.050 Construction of New Floor Area, Conversions of Existing Buildings -- Requirements for Use Permits

A. No new gross floor area shall be created unless a Use Permit is obtained. Creation of new floor area includes construction of new buildings or Accessory Buildings; additions to existing buildings; or the installation of new floor or Mezzanine levels within or onto existing buildings.

B. Existing buildings used for commercial activities shall not be converted, unless an Administrative Use Permit is obtained. (Ord. 6478-NS § 4 (part), 1999)

Section 23E.44.060 Use Limitations*

A. No Commercial Use shall operate except between the hours of 7:00 a.m. and 11:00 p.m., unless a Use Permit is obtained and is in accordance with Section 23E.16.010.

B. Any Use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading, in Table 23E.44.030, except as below:

1. Any food service use shall subject to the limitations in Table 23E.44.040 and shall not be considered as an Incidental Use for this District.

C. Any activity or Use which occurs outside of a building shall be subject to the permit requirements identified in the Parking, Outdoor and Exterior Window Uses heading in Table 23E.44.030.

D. Adult-oriented Businesses and Amusement Device Arcades are not permitted. Alcoholic Beverage Sales or Service Uses and Live/Work Uses shall be subject to the requirements of Chapters 23E.16 and 23E.20, in addition to the requirements of this District and below:

1. On-premises service or consumption of alcoholic beverages shall be permitted only as incidental consumption with meals in food service establishments. (Ord. 7191-NS § 7, 2011; Ord. 6478-NS § 4 (part), 1999)

*Specific text which previously amended this section on September 26, 2006 was repealed November 2006 as stated in the sunset provision (§ 22) of Ordinance 6,948-N.S.

Section 23E.44.070 Development Standards

A. The FAR shall not exceed eight-tenths (.8) for an Interior or Through Lot and the FAR shall not exceed one for a Corner Lot.

B. The height for a Main Building shall not exceed the following limits and shall satisfy the following requirements:

Use Type	Height (ft.)	Stories (number)
All	28	2*
*Except that basement level devoted exclusively to parking shall not be counted as a story		

C. No yards for Main Buildings, Accessory Buildings, or Accessory Structures shall be required, except as set forth below:

1. Subject to obtaining a revocable encroachment permit from the City Council, bay windows and balconies 11 feet or more above the sidewalk grade may extend three feet into a street right-of-way, provided, that, not more than 60% of the length of a building elevation shall extend beyond the property line.

D. When the subject lot is adjacent to an abutting or confronting lot in a residential zone, the requirements of Section 23E.04.050 and 23E.04.060 shall apply, for additional yard and building feature requirements, respectively and as below:

1. No food service establishment shall have any openings other than fixed windows and required fire exits within 50 feet of a residential zone. In addition, no food service establishments shall have any live entertainment other than unamplified background music.

E. Any Mixed Use building (residential and commercial) shall satisfy all of the standards and requirements of this District, except that the off-street parking and Usable Open Space requirements for the Residential Use portion shall be as set forth in the R-3 District requirements; provided, however, that the Board in its discretion may issue a Use Permit to modify the off-street parking and Usable Open Space requirements where it finds such modification promotes any of the general purposes set forth in Section 23E.44.090.B.

F. Exclusive Residential Uses shall be subject to the building site area, yard, coverage and parking requirements of the R-3 District standards and the height limit set forth in Section 23D.36.070.B. Other requirements are set forth below:

1. Each Dwelling Unit shall have Usable Open Space of at least 40 square feet with no dimension less than six feet;

2. No Residential Use shall be located on the ground floor within 20 feet of a property line along College or Ashby Avenue. (Ord. 6478-NS § 4 (part), 1999)

Section 23E.44.080 Parking -- Number of Spaces

A. All parking shall be provided in accordance with the requirements of this section and Chapter 23E.28, except as set forth in this section.

B. The district minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area. This standard shall not apply to spaces less than 6,000 square feet, where no parking standard exists.

C. Construction which results in the creation of 6,000 or more square feet of commercial gross floor space shall be required to provide Off-street Parking Spaces at the minimum ratio of two spaces per 1,000 square feet of gross floor area of commercial space and in accordance with the requirements of Chapter 23E.28.

D. Any construction which results in the creation of 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter 23E.32. (Ord. 6856-NS § 13 (part), 2005: Ord. 6478-NS § 4 (part), 1999)

Section 23E.44.090 Findings

A. In order to approve any Use Permit under this chapter, the Zoning Officer or Board must make the finding required by Section 23B.32.040. The Zoning Officer or Board must also make the findings required by the following paragraphs of this section to the extent applicable:

B. A proposed use or structure must do all of the following:

1. Encourage and maintain the present street frontage and pedestrian orientation of the District;

2. Be compatible in design and character with the commercial District and the adjacent residential neighborhoods;

3. Be compatible with the purposes set forth in Section 23E.44.020 and the existing character of the District.

In addition, a finding also shall be made that such action and its effects will not:

4. Interfere with the continuity of retail or compatible service facilities at the ground level;

5. Interrupt a continuous wall of building facades;

6. Generate traffic and parking demand beyond the capacity of the commercial District or significantly increase impacts on adjacent residential neighborhoods;

7. Result in domination of this District by one type of use;

8. Generate objectionable odors nor excessive levels of noise.

C. In order for a Use Permit under Section 23E.44.040.A, for an exception to exceed a numerical limitation for a use, to be granted the following finding must be made: The exception shall result in the positive enhancement of the purposes of the District, as evidenced by neighborhood resident and merchant support and marketing surveys or other information indicating probable substantial patronage by surrounding residents. (Ord. 6478-NS § 4 (part), 1999)

City of Chicago, Illinois
***Zoning Ordinance* (2012)**
Chapter 17-3, Business and Commercial Districts

17-3-0500 Pedestrian streets.

17-3-0501 Purpose. The regulations of this section are intended to preserve and enhance the character of streets and intersections that are widely recognized as Chicago's best examples of pedestrian-oriented shopping districts. The regulations are intended to promote transit, economic vitality and pedestrian safety and comfort.

17-3-0502 Description and Criteria for Designation. Pedestrian streets exhibit most or all of the following characteristics:

17-3-0502-A have a high concentration of existing stores and restaurants;

17-3-0502-B abut a street with a right-of-way of 80 feet or less;

17-3-0502-C have a continuous or mostly continuous pattern of buildings that are built abutting or very close to the sidewalk;

17-3-0502-D have doors and entrances abutting the sidewalk;

17-3-0502-E have many storefront windows abutting the sidewalk; and

17-3-0502-F have very few vacant stores.

17-3-0503 Designation and Boundaries.

17-3-0503-A Pedestrian streets must be identified in the text of this Zoning Ordinance and shown on the Official Zoning Atlas.

17-3-0503-B The “pedestrian street” designation may be established or removed only in accordance with the Zoning Ordinance Text and Zoning Map Amendment procedures of Sec. 17-13-0200 and Sec. 17-13-0300. Both a text and map amendment is required.

17-3-0503-C The “pedestrian street” designation applies to all zoning lots that abut the right- of-way of a pedestrian street.

* * *

17-3-0504 Standards.

17-3-0504-A Applicability. The standards of this section apply to all development on lots that abut the right-of-way of designated pedestrian streets unless otherwise expressly stated. For purposes of Title 17, the criteria, standards and regulations that apply to pedestrian streets shall apply to pedestrian retail streets, except as more specifically regulated herein.

17-3-0504-B Building Location.

1. The entire building façade that faces a designated pedestrian street must abut the sidewalk or be located within 5 feet of the sidewalk.

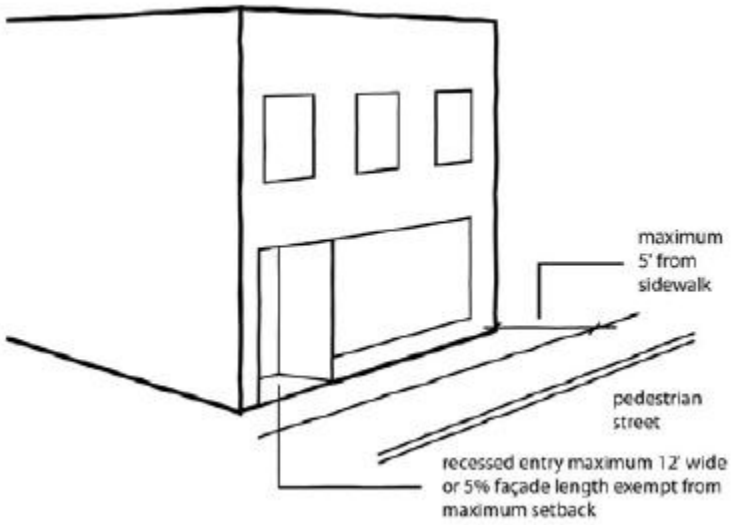
2. These building location standards do not apply to permitted arcades, public plazas or parks, entries to through-block connections, or recessed entries. Recessed entries are subject to the following standards:

(a) The entrance width may not exceed 12 feet or 5% of the building's street-facing façade width;

(b) The entrance depth may not exceed the entrance width; and

(c) The entrance may not exceed 2 stories in height.

Figure 17-3-0504-B



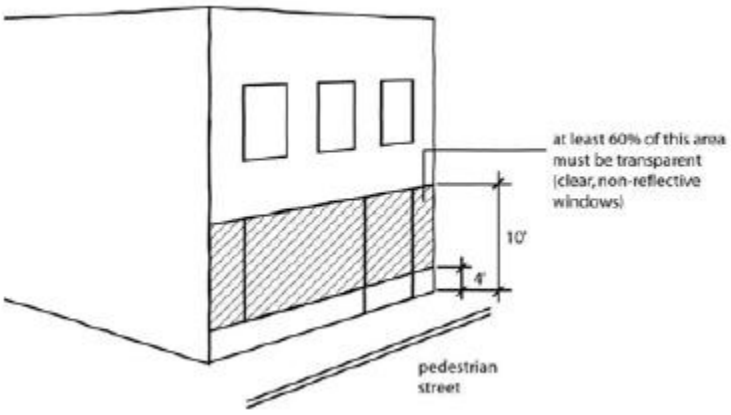
17-3-0504-C Transparency.

1. A minimum of 60% of the street- facing building façade between 4 feet and 10 feet in height must be comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. This standard applies to building façades that face pedestrian streets.

2. The bottom of any window or product display window used to satisfy this requirement may not be more than 4.5 feet above the adjacent sidewalk.

3. Product display windows used to satisfy these requirements must have a minimum height of 4 feet and be internally lighted.

Figure 17-3-0504-C

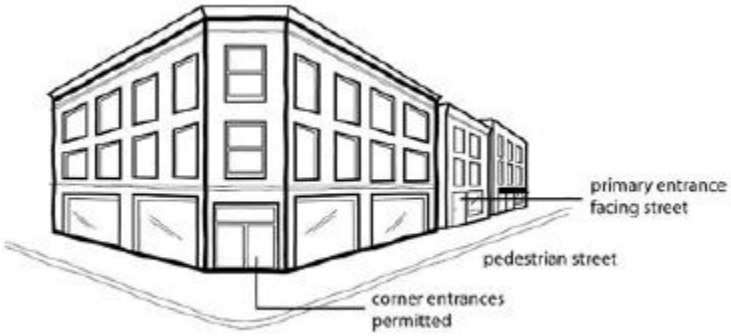


17-3-0504-D Doors and Entrances.

1. On lots abutting pedestrian streets, buildings must have a primary entrance door facing the pedestrian street. Entrances at building corners facing a pedestrian street may be used to satisfy this requirement.

2. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas or courtyard entrances to a cluster of shops or businesses.

Figure 17-3-0504-D



17-3-0504-E Off-Street Parking Requirements. No off-street parking is required for nonresidential uses on lots abutting pedestrian streets unless such uses exceed 10,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 10,000 square feet. (See Sec. 17-10-0200 for off-street parking ratios)

17-3-0504-F Parking Location. All off-street parking spaces must be enclosed or located to the rear of the principal building and not be visible from the right-of-way of a pedestrian street.

17-3-0504-G Driveways and Vehicle Access. Vehicle access to lots located along pedestrian streets must come from an alley. No curb cuts or driveways are allowed from a pedestrian street. (See Sec. 17-13-1003-S).

17-3-0504-H Prohibited Uses. The following uses are expressly prohibited on lots abutting pedestrian streets:

1. strip centers;
2. drive-through facilities;
3. vehicle sales and service uses involving any outdoor storage of vehicles or goods;
4. gas stations;
5. car washes; and
6. residential storage warehouses.

17-3-0504-I Special Uses.

1. Non-accessory parking facilities are allowed on lots abutting pedestrian streets only if reviewed and approved in accordance with the special use procedures of Sec. 17-13-0900.

2. A bank, savings bank, savings and loan association, credit union, currency exchange, or automated teller machine facility is permitted on lots abutting pedestrian retail streets: provided that a proposed bank, savings bank, savings and loan association, credit union, currency exchange, or automated teller machine facility that will be located within 600 feet of a bank, savings bank, savings and loan association, credit union, currency exchange, or automated teller machine facility that already exists on the pedestrian retail street is allowed only if reviewed and approved in accordance with the special use procedures of Sec. 17-13-0900; provided further that the review and approval for such special use shall not be required if:

(i) the bank, savings bank, savings and loan association, credit union, currency exchange, or automated teller machine facility is located above or below curb level of a building with permitted or special uses on the curb level;

(ii) the bank, savings bank, savings and loans association, credit union, currency exchange, or automated teller machine facility is accessory to a retail or commercial use; or

(iii) the bank, savings bank, savings and loan association, credit union, or currency exchange, automated teller machine facility is located: (1) in the rear of the building that abuts the pedestrian retail street; and (2) 50 feet or more from the sidewalk that abuts the building façade that faces the pedestrian retail street; and (3) in a building in which a retail or commercial use faces the pedestrian retail street.

17-3-0504-J Encouraged Uses. The following uses are encouraged on lots abutting pedestrian streets:

1. Sidewalk cafes and outdoor eating areas; and
2. Outdoor display of produce, flowers and plants.

(Added Coun. J. 5-26-04, p. 25275; last amend Coun. J. 12-14-11, p. 18117, § 1)

(4) Minimum front yard: none.

(5) Minimum side yard: seven and one-half (7½) feet for single-story and flat-roofed buildings, and as much as eleven and one-half (11½) feet for sloped-roofed buildings, dependent upon snow storage guidelines.

(6) Minimum rear yard: fifteen (15) feet. (Prior code 15-2-9; Ord. 4 §1, 2009)

Sec. 16-5-50. Floor areas.

The following shall regulate measurements for floor areas located in the "T" District:

(1) Minimum floor area: four hundred (400) square feet for each residential unit.

(2) Maximum floor area ratio: 0.66 as a matter of right; provided, however, that the Board in its discretion may allow a maximum floor area ratio of up to 1.0 depending upon the provision of site amenities. (Prior code 15-2-9; Ord. 4 §1, 2009)

Sec. 16-5-60. Building measurements.

The following shall regulate measurements for buildings located in the "T" District:

(1) Maximum building height: thirty-five (35) feet.

(2) Minimum exterior wall height: seven (7) feet. (Prior code 15-2-9; Ord. 4 §6, 1990; Ord. 4 §13, 1991; Ord. 11 §1, 1992; Ord. 4 §1, 2009)

Sec. 16-5-70. Additional provisions.

(a) Open space required: twenty-five percent (25%) of the lot area shall be open, unencumbered and free of any building or structure.

(b) Minimum vertical distance from eave line of roof to the finished grade level shall be six (6) feet.

(c) Slope of roof shall be a minimum of 4:12. A flat roof must contain a parapet on the side facing a street, and as otherwise required by the Board. (Prior code 15-2-9; Ord. 3 §10, 1994; Ord. 4 §1, 2009)

Division 2
"B1" Business District

Sec. 16-5-110. Intent.

The purpose for which this District is created is to allow the use of land for retail, service, commercial, recreational and institutional purposes, with customary accessory uses, in order to enhance the business and service character in the central core of Town. Sales tax-generating uses are encouraged. Accommodations and residential uses are limited to accessory status, except that service housing is encouraged as part of a business structure, and historical residential uses may be maintained under certain circumstances. (Ord. 6 §1, 2009)

Sec. 16-5-120. Permitted uses.

The following uses shall be permitted in the "B1" District:

(1) Retail commercial establishments, limited to the following and similar uses: antiques, appliances, art supplies, galleries, retail bakeries, bookstores, cameras, candies, tobaccos, florists, food markets, furniture, gifts, hardware, hobby shops, photo shops, sporting goods, stationery and variety stores.

(2) Office uses, except for in buildings that front onto Elk Avenue, in which case office uses are prohibited in such buildings on the ground floor. The prohibition against such uses on the ground floor fronting Elk Avenue (if the ground floor level has display windows fronting Elk Avenue) shall not apply to spaces set back more than forty (40) feet from the Elk Avenue property line upon which such use is located.

(3) Financial institutions (excluding automatic teller machines, which are permitted on any building level), except for in buildings that front onto Elk Avenue, in which case financial institutions are prohibited in such buildings on the ground floor. The prohibition against such uses on the ground floor fronting Elk Avenue (if the ground floor level has display windows fronting Elk Avenue) shall not apply to spaces set back more than forty (40) feet from the Elk Avenue property line upon which such use is located.

(4) Medical and dental offices and clinics, except for in buildings that front onto Elk Avenue, in which case medical and dental offices and clinics are prohibited in such buildings on the ground floor. The prohibition against such uses on the ground floor fronting Elk Avenue (if the ground floor level has display windows fronting Elk Avenue) shall not apply to spaces set back more than forty (40) feet from the Elk Avenue property line upon which such use is located.

(5) Personal services establishments.

(6) Open use recreation sites, recreation clubs, theaters, assembly halls, schools, churches, hospitals, public buildings and governmental offices.

(7) Shop crafts.

(8) Rental, repair and wholesaling facilities in conjunction with any of the above uses, provided that all such activity is clearly incidental and accessory to the permitted use and conducted within a building.

(9) Museums. (Prior code 15-2-10; Ord. 7 §1, 1997; Ord. 20 §1, 2000; Ord. 10 §1, 2002; Ord. 2 §4, 2003; Ord. 17 §9, 2007; Ord. 3 §2, 2009; Ord. 4 §1, 2009)

Sec. 16-5-130. Conditional uses.

The following uses shall be permitted as conditional uses in the "B1" District:

(1) Newspaper publishing businesses, except for in buildings that front onto Elk Avenue, in which case newspaper publishing businesses are prohibited in such buildings on the ground floor. The prohibition against such uses on the ground floor fronting Elk Avenue (if the ground floor level has

display windows fronting Elk Avenue) shall not apply to spaces set back more than forty (40) feet from the Elk Avenue property line upon which such use is located.

(2) Residential units comprising up to one-half (½) of the total floor area of any building. Residential units located in historic buildings existing prior to May 15, 1994, shall not be limited by the above size restrictions. Such residential unit may only be used as a long-term rental or, under the circumstances set forth herein, as an owner-occupied unit. In the event that a conditional use for a residential unit is granted, that use may not in the future revert to any other use. The unit thereafter shall be restricted to such use. Residential units are prohibited in buildings that front onto Elk Avenue on the ground floor. The prohibition against such uses on the ground floor fronting Elk Avenue (if the ground floor level has display windows fronting Elk Avenue) shall not apply to spaces set back more than forty (40) feet from the Elk Avenue property line of the property upon which such use is located. However, residential uses in place in buildings that front onto Elk Avenue as of July 9, 2007, may revert to such use regardless of subsequent changes in use or building level. In the event that the owner of a unit, for which a conditional use for a residential unit is granted, owns and uses for his or her own use another nonresidential unit as a permitted use or an approved conditional use within the same building, the owner may occupy the residential unit. Only owners conducting business themselves in their nonresidential unit may occupy their residential unit. Leasing the nonresidential unit to another person or entity for his or her use is not considered using for his or her own use or conducting business himself or herself under this Section.

(3) Residential units that: (i) are historical buildings; (ii) have historically been used as primary, single-family residences; (iii) are located on parcels of no more than four thousand eight hundred fifty (4,850) square feet; and (iv) have a F.A.R. for the primary structure of no greater than .85, notwithstanding the requirements of Paragraph (2) above. The conditional use permit granted for such residential unit shall be conditioned upon the recording of a restrictive covenant in the official real property records of the County encumbering the affected property that shall restrict the F.A.R. for said primary structure in perpetuity to .85.

(4) Hotels, lodges, motels and resorts.

(5) Clubs.

(6) Noncommercial nurseries and greenhouses.

(7) Fraternities and sororities.

(8) Funeral parlors and mortuaries.

(9) Parking areas.

(10) Restaurants, cocktail lounges or other places serving food and/or alcoholic beverages, excluding drive-in eating places that serve customers in their automobiles or vehicles.

(11) Accessory buildings, nonresidential use, heated and/or plumbed.

(12) Accessory buildings, nonresidential use, not heated or plumbed.

(13) Micro-distillery. (Prior code 15-2-10; Ord. 4 §2, 1991; Ord. 3 §§13, 23, 26, 1994; Ord. 20 §2, 2000; Ord. 15 §§1, 2, 2003; Ord. 17 §§10, 11, 2007; Ord. 3 §§3, 4, 2009; Ord. 4 §1, 2009; Ord. 6 §2, 2009; Ord. 9 §1, 2011)

Sec. 16-5-140. Lot measurements.

The following shall be lot measurements for property located in the "B1" District:

(1) Minimum lot area: one thousand two hundred fifty (1,250) square feet.

(2) Maximum lot area: nine thousand three hundred seventy-five (9,375) square feet.

(3) Minimum lot width: twelve and one-half (12½) feet.

(4) Minimum front yard: none.

(5) Minimum side yard: from none to as much as seven and one-half (7½) feet for flat-roof buildings and from seven and one-half (7½) feet to as much as eleven and one-half (11½) feet for sloped-roof buildings, dependent upon snow storage guidelines and proximity of adjacent structures, as determined by the Board. Any setback between zero (0) feet and seven and one-half (7½) feet must meet the criteria required for approval of a nonconforming aspect as set forth in Section 16-19-90 of this Chapter; provided, however, that, before allowing less than a three-foot setback on a side lot line where the abutting owner's sloped roof building is within four and one-half (4½) feet of the lot line and sheds snow toward the lot line, the proponent must present the Board with an agreement allowing the desired side yard setback properly executed by all affected property owners, as determined by the Board, which agreement shall run with the land and be recorded in the real property records of the County.

(6) Minimum rear yard: all buildings, ten (10) feet. (Prior code 15-2-10; Ord. 4 §15, 1991; Ord. 22 §6, 1992; Ord. 3 §25, 1994; Ord. 4 §1, 2009)

Sec. 16-5-150. Floor area.

The following shall regulate measurements for floor areas located in the "B1" District:

(1) Minimum floor area:

a. Four hundred (400) square feet for each residential unit.

b. Two hundred fifty (250) square feet for each structure.

(2) Maximum floor area ratio:

a. For a lot area not exceeding three thousand one hundred twenty-five (3,125) square feet, 1.55 as matter of right if a Dumpster space is provided on site or is otherwise provided. F.A.R. may be as high as 1.74 if that part of the building creating a F.A.R. in excess of 1.55 is used exclusively for residential units and adequate parking for the residential units is provided on site, in addition to an on-site or otherwise approved Dumpster space. Residential parking shall not be

required for any residential building or portion thereof constructed prior to May 26, 1990, which continues to be used as a residence.

b. For a lot area of more than three thousand one hundred twenty-five (3,125) square feet but not exceeding six thousand two hundred fifty (6,250) square feet, 1.25 as matter of right up to 1.55, dependent upon provision of site amenities. F.A.R. may be as high as 1.87 if that part of the building creating a F.A.R. in excess of 1.55 is used exclusively for residential units and adequate parking for the residential units is provided on site, in addition to an on-site or otherwise approved Dumpster space. Residential parking shall not be required for any residential building or portion thereof constructed prior to May 26, 1990, which continues to be used as a residence.

c. For a lot area of more than six thousand two hundred fifty (6,250) square feet, 1.0 as matter of right up to 1.55, dependent upon provision of site amenities. F.A.R. may be as high as 1.9 if that part of the building creating a F.A.R. in excess of 1.55 is used exclusively for residential units and adequate parking for the residential units is provided on site, in addition to an on-site or otherwise approved Dumpster space. Residential parking shall not be required for any residential building or portion thereof constructed prior to May 26, 1990, which continues to be used as a residence.

(3) Maximum floor area: accessory building, one thousand (1,000) square feet of floor area or two-thirds (⅔) of the floor area of the principal building, whichever is smaller. (Prior code 15-2-10; Ord. 4 §15, 1991; Ord. 22 §6, 1992; Ord. 3 §25, 1994; Ord. 4 §1, 2009)

Sec. 16-5-160. Additional provisions.

(a) Maximum building height shall be thirty-five (35) feet.

(b) No open space is required.

(c) Minimum exterior wall height shall be seven (7) feet.

(d) Minimum vertical distance from eave line of roof to the finished grade level shall be six (6) feet.

(e) Slope of roof shall be a minimum of 4:12. A flat roof must contain a parapet on the side facing a street, and as otherwise required by the Board.

(f) Stream margin review: All uses within twenty (20) feet of a designated water course shall meet the requirements of Section 16-11-10 of this Chapter. (Prior code 15-2-10; Ord. 3 §10, 1994; Ord. 4 §1, 2009)

Division 3
"B2" Business District

Sec. 16-5-210. Intent.

The purpose for which this District is created is to provide for orderly business development along Highway 135 and the Ski Area Road, and to do so in a way compatible with safe traffic flow and the aesthetics of the Town. (Prior code 15-2-11)

Chapter 30.22

CENTRAL COMMERCIAL ZONE

30.22.010 Purpose. The Central Commercial Zone (CC Zone) allows activities that preserve and enhance the style and quality of the village center district of Del Mar. The CC Zone is the City's principal location for retail, restaurant, personal service and office uses serving the needs of both residents and visitors. Development in the CC Zone shall be compatible with the intellectual, social and material needs of the community. Development shall emphasize pedestrian orientation. [Ord. 824, 863]

30.22.020 Boundaries. Property within the CC Zone shall be designated by ordinance to be depicted upon the City zone map.

30.22.025 Definitions. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage. [Ord. 824]

A. Community Services/Cultural Uses. – Any use where the provision of information from a recognized visitor-information organization or providing cultural and/or entertainment opportunities constitutes 51% or more of the establishment’s activity.

B. Horizontal Zoning Requirements. The requirements of this Chapter that regulate the allowable uses in Street-Frontage Building Spaces.

C. Legal Nonconforming Use. An existing use that was legally permitted prior to the effective date of an ordinance amending this Chapter to establish Horizontal Zoning Regulations but which, by virtue of such amendment, is no longer deemed to be an allowable use in the location in which it is being operated.

D. Personal Service Uses. Commercial establishments where the face-to-face provision of services to individual customers constitutes 51% or more of the establishment's activity.

E. Retail Uses. Commercial establishments where the sale of goods and/or commodities stored and sold on site in face-to-face transactions constitutes 51% or more of the establishment's activity.

F. Restaurant/Bar Uses – Commercial establishments where the preparation and sale of food and/or beverages for on-site consumption constitutes 51% or more of the establishment's activity.

G. Street-Frontage Building Space. That portion of a building having frontage along either Camino Del Mar or 15th Street and which is closest in elevation and alignment to the frontage street.

30.22.030 Allowable Uses in Street-Frontage Building Spaces. The following uses are allowed in Street Frontage Building Spaces, as defined in this Chapter: [Ord. 662, 718, 824]

A. Community Services/Cultural Uses:
- Art Galleries and studios
- Photo galleries and studios
- City of Del Mar information centers
- Museums
- Theaters

B. Personal Service Uses:
- Barber Shops and Beauty Parlors
- Custom printing or Duplicating shop
- Day Spas
- Health Studios
- Instructional arts studios
- Dry Cleaning or Clothes Cleaning Services
- Paper Reproduction and Copy Shops
- Pet Grooming Providers (excluding overnight boarding)

- Postal Services (non-governmental administered)
- Photographic Reproduction Services
- Photography studios
- Shoe Repair Shops
- Travel Agencies
- Any other establishment which is found by the Director of Planning and Community Development to be unambiguously consistent with the definition of Personal Services, as provided in this Chapter

C. Restaurant Use:

- Bars, Cocktail Lounges, Wine Bars
- Coffee Houses/Cafés
- Delicatessens
- Ice Cream /Yogurt/Smoothie Shops
- Restaurants
- Sandwich Shops (with on-site consumption)
- Tea Rooms

Note: Any activity listed as an allowable use in the CC Zone and which involves the sale of alcohol for on-site consumption between the hours of 11:00 p.m. and 6:00 a.m. shall be subject to the receipt of a Conditional Use Permit.

D. Retail Uses:

- Antique Shops
- Apparel/Clothing Shops
- Appliance Sales
- Bakeries (retail, with no on-site consumption)
- Book and Stationery Stores
- Camera Shops
- Candy and Confectionary Stores
- Dressmaking or Millinery Shops
- Drug Store/Pharmacy
- Florist Shops
- Furniture and Home Furnishing Stores
- Garden Shops

- Gift Shops
- Grocery and Food Stores
- Hardware Stores
- Hobby and Art Supply Stores
- Jewelry Stores
- Leather Goods and Luggage Shops
- Liquor Stores
- Meat and Poultry Shops
- Music Shops
- Newspaper and Periodical Shops
- Stamp or Coin Collecting Stores
- Pet Shops
- Shoe Stores
- Plant nurseries
- Smoke Shops
- Sporting Goods Stores
- Take-Out Sandwich Shops (Take out only, no on-site consumption. Where on-site consumption occurs, the use shall be considered to be a restaurant.)
- Television, Radio, and Electronic Equipment Sales
- Video/DVD sales and Rental Shops
- Yardage Shops

30.22.031 [Rescinded] - See Ord. 596

30.22.032 Allowable Uses in Non Street-Frontage Building Spaces. The following are, pursuant to existing zoning regulations, permitted uses in non-street frontage building spaces but do not qualify as Street-Frontage Building Spaces: [Ord. 824]

- Any use allowed in Street-Frontage Building Spaces, as identified in this Chapter
- Offices, including Professional, Medical, Real Estate and Financial Institutions.

30.22.033 Procedures and Standards of Review for Receipt of an Exception Permit from Horizontal Zoning Requirements and Determination of Abandonment. [Ord. 824]

The owner of a Street-Frontage Building Space regulated by the Horizontal Zoning Requirements of this Chapter may seek relief from such requirements in accordance with the following:

A. The property owner shall submit an application for an Exception Permit, on a form provided by the City, stating the rationale for the request and the manner in which the unique circumstances associated with the property support a finding of compliance with the Standards of Review for Exception Permits contained in this section;

B. The property owner shall pay a fee, as established by resolution of the City Council, for processing of the application;

C. The application shall be reviewed by the City Council at a noticed public hearing conducted in accordance with the provisions of the DMMC;

D. The City Council's grant of an Exception Permit pursuant to this section shall be subject to such conditions as deemed necessary to implement the City's expressed goal for encouragement of retail-oriented commercial uses and to create a pedestrian-oriented downtown.

E. The application shall be approved if the City Council makes all of the following findings of fact:

Standards of Review for Grant of an Exception Permit:

1. The Street-Frontage Building Space for which the Permit is sought is, by virtue of existing unique circumstances such as topography, building alignment or building design, constrained from being successful for one of the uses listed in Section 30.22.030. For purposes of this section, examples of existing unique circumstances shall include, but not be limited to, the following situations wherein: a) the floor level of the Street-Frontage Building Space

is at an elevation differential of 36 inches or more from the level of adjacent street-frontage sidewalk measured at the entry to the building space; b) the building face of the Street-Frontage Building Space is set back from the adjacent street-frontage sidewalk by a distance of 25 feet or more; or c) the building face of the Street-Frontage Building Space contains a minimal number of windows that would otherwise allow passersby on the frontage sidewalk to observe goods and commodities for sale or to observe services available in the interior of the building space;

2. The constraints identified in Section 30.22.033-E-1 of this Chapter cannot be feasibly overcome by building or grading alterations. For purposes of this Section, the term “feasibly overcome” shall mean: Capable of being accomplished without an undue financial hardship; and

3. The proposed use is listed as an allowable use in the Central Commercial Zone.

F. A property owner may apply for an Exception Permit to be relieved from a determination of abandonment. An application seeking relief under this section F shall be filed no later than thirty (30) days prior to the end of the abandonment period and shall include sufficient documentation establishing: 1) the property owner has been unable to rent (or sell if the property is currently or was within the preceding twelve months marketed for sale) the property; and, 2) the property owner has made commercially reasonable efforts to rent or sell the property. An Exception Permit under this section F may only be granted if the City Council finds that: 1) the property owner has made commercially reasonable efforts to rent or sell the property; and, 2) the property has been unoccupied for no more than twelve (12) consecutive months prior to the date the application for an Exception Permit was received by the City.

30.22.034 Continuation and Abatement of Non-Conforming Use of Street-Frontage Building Spaces. [Ord. 824]

A. Notwithstanding other provisions of the Del Mar Municipal Code, a nonconforming use in a Street-Frontage Building Space may continue unless or until the occurrence of any of the following events:

i. The use is abandoned;
ii. The use is extended or enlarged;
iii. There is a substantial change in the intensity of use or character of the activity conducted within the building space; or
iv. The building space in which the nonconformity is located is destructed, deemed by the City to be uninhabitable or declared a public nuisance.

B. Where one of the events identified in Subsection A of this section occurs, the legal nonconforming use shall cease and any and all future uses shall conform with the provisions of this Chapter.

C. For purposes of this Chapter, the following terms shall have the meaning described below:

Abandoned shall mean the discontinuance of operation, for any reason, for a period of twelve (12) consecutive months.

Destructed shall mean the physical impairment, by any cause, of 50% or more of the structural premises in which the use is located, such that the use can no longer be maintained or operated in that portion of the premises. Such destruction shall be measured either by the occupied square footage of the premises or by the estimated cost of repairs to the premises compared against the structural value of the premises.

Enlargement shall refer to the nonconforming use and shall include the addition of any

employees, workers or agents operating within or from the premises, or the addition of any services, lines of business, or other activities operated by the nonconforming use.

Uninhabitable shall mean not fit for occupancy due to non-compliance with the Uniform Building Code, as determined by the City's Building Official.

30.22.035 Use of Required Accessory Parking Spaces for General Public Parking. [Ord. 863]

A. This section shall apply only to those properties located within the Central Commercial Zone that contain permitted development(s) and off-street parking spaces accessory to the permitted development.

B. Off-street parking spaces accessory to permitted development may be made available by the property owner for use as general public parking during the period(s) when such spaces are not reserved, encumbered, or designated to satisfy the off-street parking of a business or activity.

C. For purposes of this Section, the term "permitted development" shall mean structures and/or the operation of uses or activities that, at the time of their construction or establishment, were in compliance with all applicable local laws.

D. For purposes of this Section, the term "general public parking" shall mean the use of off-street parking spaces by members of the public, as distinguished from parking spaces reserved, encumbered or designated specifically for use by the patrons, operators or employees of a business or activity at the property. For purposes of this Chapter "general public parking" is also distinct from parking spaces developed and/or maintained by the City of Del Mar.

E. The use of off-street parking spaces for general public parking shall be subject to the prior receipt of written authorization from the Director of

Planning and Community Development ("Director"), or designee, in accordance with the provisions of this Chapter.

F. A fee may be charged for the use of the general public parking, subject to the prior receipt of written authorization by the Director, in accordance with the provisions of this Chapter.

30.22.036 Review Process for Requests to Make Parking Spaces Available for General Public Parking. [Ord. 863]

A. A request for Authorization for general public parking shall be submitted on a form provided by the City, along with such information and drawings as required by the Director.

B. The Request shall include:

1. The statement that the property owner consents to the filing of the request;

2. A statement that each of the operators of the businesses or activities being conducted at the property has been made aware of the filing of the request;

3. A statement that there will be no substantial overlap in the operating hours of the businesses or activities conducted at the property and the hours of the requested general public parking;

4. A description of the proposed operation of general public parking; and

5. A plan for all amenities to be installed in association with the Request for Authorization.

C. Public Notice of the Planning Director's review of a Request for Authorization shall be provided as follows:

1. Published once in a newspaper of general circulation within the City;

2. Mailed to all owners of real property within 300 feet of the location of the property for which the Request for Authorization has been submitted, with ownership as identified on County Tax Assessors' rolls; and

3. Posting at City Hall and on the City of Del Mar Web-site by staff and posting at the property by the property owner on a form provided by the City.

D. The notice required herein shall contain the date, place, and time set for the Director's review of the submitted Request for Authorization, along with a brief description of the proposal and explanation of the review process.

E. The Director may impose such conditions to the Request for Authorization as deemed necessary to ensure compliance with the provisions of this Chapter.

F. The Director's authorization granted pursuant to this Section may be revoked upon a written finding by the Director that the general public parking is being used or operated in a manner inconsistent with the terms and conditions of an approved Request for Authorization or in a manner that would be inconsistent with the provisions of the Del Mar Municipal Code or that the general public parking is being operated in a manner that constitutes a nuisance.

G. The Director's decision on a Request for Authorization pursuant to this Section shall be appealable to the City Council in accordance with the provisions of the Del Mar Municipal Code.

H. The Director's approval of a Request for Authorization shall be valid for a period of two (2) years from the date of approval. Not more than six months prior to the expiration of an approved Request for Authorization, a property owner may make a written submittal for Renewal of a Request for

Authorization. The Renewal shall be approved unless the Director makes written findings that there have been changed circumstances since the time of approval of the Request for Authorization that would render the Renewal of a Request for Authorization inconsistent with one or more of the provisions of this Chapter.

I. The Director's approval of a Request for Authorization shall not constitute authorization of other, separate city permits, as may be required per the Del Mar Municipal Code.

30.22.040 Allowable Uses: Conditional Use Permit. Provided a conditional use permit for any such use has first been obtained and is in full force and effect, the following uses are allowable in the CC Zone: [Ord. 662, Ord. 669, Ord. 718]

A. Commercial Mobile Radio Service Facilities - Minor
Child Day Care Facilities
Gasoline Service Stations
Hotels, Motels or Auto Courts
Motion Picture and Legitimate Theaters
Newspapers, Printers
Outdoor sales
Public Utility Buildings
Veterinary Clinics
Private Clubs, Fraternal Organizations
Parking Lots and Parking Garages, not accessory to a permitted use.

B. Any allowed or conditionally allowed use that involves the sale of alcohol for on-site consumption between the hours of 11:00 p.m. and 6:00 a.m.

C. Any similar enterprise, business or use which, in the opinion of the City Planning Commission, or the City Council on appeal, is functionally equivalent to one of the other conditionally allowed uses within the CC Zone.

30.22.050 Accessory Uses.

A. One dwelling unit as accessory to and on the same site as that of a permitted use, and conforming to the parking requirements of the R2 Zone.

B. Accessory uses customarily incidental to the above, including accessory storage of commodities sold on the premises.

C. Off-street automobile parking as an accessory use to any permitted use.

30.22.060 Lot Area.

A. No lot shall be less than 6,000 square feet in area.

B. No lot shall have a width of less than 50 feet.

C. No lot shall have a depth of less than 90 feet.

D. No lot shall have a street frontage of less than 35 feet.

30.22.070 Construction Standards.

A. Setback. Every lot having a common boundary with property zoned R1, RM, R2 shall have a minimum ten-foot wide landscaped setback from such common boundary.

B. Height.

1. No structure shall exceed a height of twenty-six feet. Except, structures fronting the west side of Camino del Mar shall not exceed a height of 14 feet measured from the elevation of the curb level adjacent to the structure on Camino del Mar.

2. No Commercial Mobile Radio Service Facility antennas, and any antenna support structures, shall be erected to a height exceeding ten feet above the roof, or ten feet above the maximum permitted height, whichever is less. [Ord. 635, Ord. 669]

C. Floor Area. No development shall exceed a floor area-to-lot area ratio of forty-five percent (45%) or 2,000 square feet, whichever is greater.

D. Lot Coverage. No development shall exceed a lot coverage of more than sixty (60%) or 2,500 square feet, whichever is greater.

30.22.080 Building Design Standards.

A. All development within the CC Zone shall be subject to design review pursuant to the provisions of the Code.

B. Development for the zone shall be designed to maintain a pedestrian-oriented, predominantly retail village character, with attractive walkways and courts which encourage social interaction and taking advantage of ocean vistas.

C. All Commercial Mobile Radio Service Facility antennas, any antenna support structures, and any associated exterior support equipment shall be located, designed, and screened so as to minimize their visual impacts when viewed from surrounding properties and public areas. No antennas shall be mounted so as to extend above the building roof at any point unless the Design Review Board finds that there is no other location on site for the proposed antennas and any antenna support structures that would result in a less conspicuous and/or more aesthetically appealing installation while still providing reasonable signal access.

If the applicant claims that an imposed regulation or condition will have the effect of prohibiting the provision of commercial mobile radio services, the applicant shall deposit with the City a sum in an

amount determined by the Director of Planning and Community Development to be sufficient to pay the City's cost in obtaining an expert evaluation and opinion on the proposed antenna heights, location, and design. Any unused portion of the deposit shall be refunded to the applicant upon a final determination on the application.

All facade-mounted antennas, and associated antenna support structures, shall be screened, textured, and/or painted to match the materials and color of the structure to which the antennas are attached. All roof-mounted antennas, antenna support structures, and any associated exterior support equipment shall be painted to match the color of the background against which they are most commonly viewed, as determined by the Design Review Board.
[Ord. 635, Ord. 669]

30.22.090 [Repealed] [Ord. 610]

30.22.095 Special Regulations. In reviewing a conditional use permit for a Commercial Mobile Radio Service Facility, the Planning Commission shall review the application under the following standards: [Ord. 774]

A. No Commercial Mobile Radio Service antenna shall be located within 100 feet of the exterior wall of a residential dwelling. For purposes of this section, the distance shall be measured as a straight line between the closest point of the antenna and the closest exterior surface of the habitable space of the dwelling.

B. No floor area shall be designed, constructed or used for Commercial Mobile Radio Service support equipment where the floor area:

1. Is within a structure which has an exterior wall located on Camino del Mar; and

2. Is located on the floor of the structure which is nearest in elevation to the elevation of Camino del Mar, measured at the point adjacent to the site on Camino del Mar.

District of Columbia
***District of Columbia Municipal Regulations* (2012)**
Title 11, Zoning
Chapter 13, Neighborhood Commercial Overlay District

1302 DESIGNATED AND RESTRICTED USES

1302.1 Any building that occupies or is constructed on a lot in a designated use area within an NC Overlay District shall provide designated retail and service establishments on the ground level according to the requirements of this section and any additional requirements of the particular overlay district.

1302.2 The designated uses for purposes of this section are the following:

(a) Any use that is permitted as a matter of right in the C-1 District pursuant to §§ 701.1 or 701.4;

(b) Antique store or shop;

(c) Auction house;

(d) Blueprinting or similar reproduction service;

(e) Department store;

(f) Display stand or store for mail order sales;

(g) Dry goods store;

(h) Film exchange;

(i) Furniture store;

(j) Home furnishings sales;

(k) Interior decorating shop;

(l) Laundry, self service;

(m) Leather goods store;

(n) Library (other than public library);

(o) Musical instruments and accessories sales;

(p) Office supplies and equipment sales;

(q) Optical goods store;

(r) Pet shop;

(s) Photographic studio;

(t) Picture framing studio or shop;

(u) Precision instrument sales;

(v) Tailor shop or valet shop;

(w) Telegraph office; and

(x) Theater, including motion picture theater.

1302.3 If the underlying zone district is C-1, the designated uses shall include only those uses that are referenced in paragraphs (a) and (b) of § 1302.2.

1302.4 The designated uses listed in § 1302.2 shall occupy no less than fifty percent (50%) of the gross floor area of the ground level of the building, subject to the following requirements:

(a) No more than twenty percent (20%) of the ground level floor area shall be devoted to banks, loan offices or other financial institutions, travel agencies, or other ticket offices;

(b) The ground level floor shall be the floor that is nearest in grade elevation to the sidewalk; and

(c) In those parts of the affected building or lot other than as delineated in this section, the use provisions of the underlying zone district shall apply.

1302.5 Restaurants, fast food establishments, and prepared food shops shall be subject to the following limitations:

(a) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NC Overlay District, as measured along the lots that face designated roadways in the particular district; and

(b) Except for a fast food restaurant, such uses may be applied to fulfill the requirements of § 1302.4; provided, that when such uses are so applied, they shall remain subject to the provisions of paragraph (a) of this subsection.

SOURCE: Final Rulemaking published at 36 DCR 7616, 7617 (November 3, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8444 (October 20, 2000); as amended by Final Rulemaking published at 50 DCR 10822 (December 19, 2003); as amended by Final Rulemaking published at 54 DCR 9393 (September 28, 2007).

City of Healdsburg, California
***Municipal Code* (2012)**
Title 20, Land Use Code
Chapter 20.08, Base Zoning Districts

Article VI, Commercial Districts

Section 20.08.145, Permitted and conditionally-permitted uses: PR, CD, and CS Districts

The following permitted and conditionally-permitted uses may be allowed in the PR, CD and CS Districts. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

Table 10 Permitted and conditionally-permitted uses: PR, CD and CS Districts

Permitted (P) and Conditionally-Permitted (C) Uses	PR	CD	CS
Residential Uses			
Day care, general	--	C	C
Day care, limited	--	P	P
Homeless shelters	--	--	P
Multi-family dwellings located on the same site as a commercial use - any floor	--	P	P
Multi-family dwellings located on the same site as a commercial use - above ground floor	C	P	P
Residential care, general	--	C	C
Residential care, limited	--	P	P
Single room occupancy dwellings located on the same site as a commercial use - any floor	--	P	P
Single room occupancy dwellings located on the same site as a commercial use - above ground floor	C	P	P
Supportive housing	--	P	P
Transitional housing	--	P	P
Vacation rental homes	--	C	--
Retail Trade and Services			
Ambulance service	--	--	P
Antique car display and sales	--	C	P
Antique sales - above ground floor	P	P	C
Antique sales - ground floor	C	P	C
Art galleries and picture framing with art sales	P	P	P
Arts and crafts schools	--	P	P
Arts, crafts and hobby stores, including instructional classes as an accessory use	P	P	P

Automobile rentals	--	--	P
Automobile washing (self-service)	--	--	P
Automotive repair	--	--	C
Automotive sales and service, new and used, with auto service	--	--	P
Automotive service stations, including smog testing, minor repair (tune-ups and brake repair only), towing services, vehicle storage and mini-markets	--	--	C
Automotive supply stores	--	P	P
Automotive upholstery shops	--	--	C
Bakeries, retail	P	P	P
Banks, savings and loans, thrift and loans, credit unions, including automated teller machines and drive through facilities	--	C	C
Banks, savings and loans, thrift and loans, credit unions, including automated teller machines (no drive through)	C	P	P
Barber shops/beauty shops - above ground floor	P	P	P
Barber shops/beauty shops - ground floor	--	P	P
Bars and cocktail lounges	C*	C*	C*
Beer and wine sales (off-premise consumption), ancillary to mini-market retail sales contained within a service station	--	--	C*
Bicycle sales and repair shops, including rentals	--	P	P
Blueprint and photo reproduction shops	--	P	P
Boat sales and service	--	--	P
Bookstores and newsstands - above ground floor	P	P	P
Bookstores and newsstands - ground floor	C	P	P
Bowling alleys	--	--	P
Broadcast and recording studios	--	C	C
Building material sales	--	--	C
Bus depots	C	C	C
Cabinet shops	--	--	C
Card and stationers stores	P	P	P
Carnivals and circuses, temporary	--	--	C
Catering shops (food to go only)	--	P	P
Christmas tree sales lots, temporary	P	P	P
Clothing and shoe establishments, including clothing sales (new merchandise only), tailor shops, and dressmaking establishments	P	P	P
Computer retail sales	--	P	P
Consignment sales with incidental sales of used goods and clothing	--	P	P
Contractors equipment rental yards & equipment rental yards	--	--	C

Contractors shops with no outdoor storage of heavy equipment	--	--	P
Delicatessens and gourmet food sales with incidental catering	P	P	C
Dental labs	--	P	P
Department stores	--	P	P
Dry cleaners and laundries	--	P	P
Electronic games centers (4 or more games)	--	C	C
Fabric shops	P	P	P
Farmers markets	C	C	C
Floor covering and drapery sales	--	C	P
Florists, including outdoor sales	P	P	P
Food and cold storage lockers	--	C	P
Food stores up to 3500 square feet in retail sales	C	P	P
Food stores over 3500 square feet in retail sales	--	P	P
Furniture repair	--	P	P
Furniture stores, retail	P	P	P
Gift shops	P	P	P
Glass shops (glaziers)	--	--	P
Gunsmith shops, sales and repair	--	P	P
Hardware, paint and wallpaper stores	--	P	P
Health clubs, gymnasiums and dance studios	--	C	P
Home electronics and household appliance stores, including television, stereo, radio, telephone, computer and related sales (includes repair and installation services)	--	P	P
Hotels, extended stay hotels and motels	P	P	--
Manufacturing/processing - light, provided that all of the conditions prescribed by Chapter 20.24 Article I are met and provided that no motor power other than electrically operated motors shall be used. The horsepower of any single motor shall not exceed 5 horsepower and the total horsepower of all such motors on the site shall not exceed 25 total horsepower. This does not include air conditioning equipment.	--	C	C
Interior furnishings and accessories shops	P	P	P
Jewelry, watch and clock sales and repair	P	P	P
Kennels	--	--	C
Kitchenware shops	P	P	P
Laboratories	--	C	P
Laundries - self-service	--	P	P
Linen supply services	--	--	P
Liquor, beer and wine sales - off-premise consumption	C*	C*	C*

Live-work facilities	--	P	P
Locksmiths	--	P	P
Machinery sales, service, rental	--	--	P
Massage establishments - any floor	--	P	P
Massage establishments - above ground floor	P	P	P
Medical and dental clinics	--	--	P
Mortuaries	--	C	C
Motorcycle sales and service	--	C	P
Music and dance entertainment clubs	--	P	C
Musical instrument sales, repair and lessons; and recorded music sales - above ground floor	P	P	P
Musical instrument sales, repair and lessons; and recorded music sales - ground floor	C	P	P
Night clubs with live entertainment	C*	C*	C*
Nurseries and garden supply stores	--	C	P
Office equipment sales and service	--	P	P
Offices - professional, administrative and business, including chiropractor, insurance, real estate and financial offices, but excluding medical and dental offices - any floor	--	P	P
Offices - professional, administrative and business, including chiropractor, insurance, real estate and financial offices, but excluding medical and dental offices - above ground floor	P	P	P
Offices - psychologist, psychiatrist, counseling and therapy	--	P	P
Optician and optometrist shops	--	P	P
Parking lots and parking garages	C	P	P
Patio and garden furniture and accessories shops	--	P	P
Pet shops, including pet grooming	--	P	P
Pharmacies and drug stores	C	P	P
Photography shops, studios and photo supply stores	C	P	P
Picture framing shops	--	P	P
Plumbing supply shops	--	C	P
Pool and spa sales and service	--	--	P
Pool and billiards halls	--	C	P
Post office and mailing services	--	C	P
Pottery and woodworking shops	--	--	P
Printing, lithography and engraving	--	C	P
Public information centers - indoor	P	P	P
Public utility installations, including public service pumping stations, power	--	C	C

stations and substations, equipment buildings and installations			
Radio, television and stereo sales and service	--	P	P
Recreational equipment rental		--	P
Recreational vehicle sales, services, repair and storage	--	--	P
Residential visitor lodging	--	C	C
Restaurants, cafes and eating establishments, indoor and outdoor eating, including sale of alcoholic beverages as an ancillary use and indoor music with no sound amplification	P	P	P
•Amplified music	C	C	C
Restaurants, drive-in, walk-up and drive-through	--	--	C
Retail warehouses over 6,000 square feet of floor area	--	--	C
Retail warehouses under 6,000 square feet of floor area	--	--	P
Second hand stores and pawn shops	--	C	C
Shoe repair	--	P	P
Sign painting	--	C	P
Spa, day	--	P	P
Any floor	--	P	P
Above ground floor	P	P	P
Spa, overnight	P	P	--
Sporting goods sales, with rental as an accessory use	--	P	P
Supermarkets (over 3500 square feet of retail sales area)	--	P	P
Theaters and auditoriums within buildings	C	P	C
Tire sales, not including tire recapping	--	--	P
Tobacco and pipe shops	P	P	P
Travel agencies - ground floor	C	P	P
Travel agencies - above ground floor	P	P	P
Upholstery shops	--	C	C
Vacation timeshares	--	--	--
Variety stores and dry goods	--	P	P
Vending machine service	--	--	P
Veterinarian offices and small animal hospitals	--	--	C
Wine tasting	C*	C*	--
Recreation, Education and Public Assembly			
Churches and other religious institutions	--	C	C
Private clubs, fraternal lodges and meeting halls	C	C	C
Private museums	P	C	--

Accessory Uses			
Accessory structures and uses located on the same site as a permitted or conditional use	P	P	P

-- = not permitted

* Alcohol beverage establishments are subject to the requirements of Section 20.20.075.

City of Lake Forest, Illinois
***Code of Ordinances* (2012)**
Chapter 46, Zoning Code
Article VIII, Office and Business Districts

Section 46-53.2 B-3 TRADITIONAL BUSINESS DISTRICT

A. PURPOSE

The B-3 Traditional Business District consists of the blocks surrounding the Preservation District. To the north, it includes lots on the north side of Wisconsin Avenue. To the south, it extends to Illinois Road. These regulations are designed to preserve the community's quality of life and the "village" character of the area. In particular, these regulations are intended to preserve the historic buildings, the variety of building sizes and heights, various architectural styles and unique detailing. In addition, the intent is to ensure the continued commercial viability of the District by maintaining the use of quality building materials, encouraging pedestrian traffic, providing generous green space and preserving and enhancing the social gathering spaces in the District. The B-3 District is designed to accommodate a variety of uses in a mutually advantageous setting. Multiple family residential uses are encouraged in the district.

B. CONDITIONS OF USE

Uses allowed in the B-3 Traditional Business District are subject to the following conditions:

* * *

7. Non-Retail Percentage Rule

a. Definitions: For purposes of this subsection, the following definitions shall apply:

Area A - The area bounded by Deerpath on the south, Western Avenue on the east, the south side of Westminster on the north, and Forest Avenue on the west.

Ground Floor Space - Any space within Area A on the ground floor having frontage on a street, alley, or outdoor pedestrian walkway

Non Retail Use - Any use whose predominate activity does not produce sales tax for the City, including but not limited to, banks, brokerage offices, real estate offices, and other business or professional offices. Governmental offices are excluded from the provisions of this section.

Vacancy - A space not regularly occupied and open for business a minimum of 4 days per week on a monthly bases. An exception to allow for temporary business closure may be granted by the Director of Community Development upon written request provided that office equipment and furnishings will remain in the establishment and a date certain for the reopening of the establishment is provided.

b. Limitations on Ground Floor Space - Non-retail uses are permitted in Area A; however, the aggregate total ground floor space devoted to non-retail uses shall be limited to ten percent (10%) of the net rentable square footage of ground floor space within Area A and ten percent (10%) of the street frontage of ground floor space within Area A.

c. Such uses on the ground floor in Area A in excess of the allowed percentages maybe permitted by Special Use Permit.

d. When a non-retail use vacates a ground floor space in Area A, such ground floor space shall retain its non-retail status for a period of 6 months, provided that written notice of the vacation is delivered to the Director of Community Development within thirty (30) days following the vacancy. If written notice is received by the City within 30 days after the vacancy, the space may be reoccupied by a non-retail use so long as a Certificate of Zoning Compliance is granted within 6 months of the date of notification of the vacancy. A 3 month extension of this period may be granted by the Director of Community Development based on a written request from a property owner if building permits for interior renovations have been issued and if the work is progressing. Any vacancy in a ground floor space formerly occupied by a non-retail use for which the notice required in this subsection is not delivered shall lose it non-retail use status after the expiration of the 30-day notice period.

* * *

I. SITE PLAN AND DESIGN REVIEW

The unique character of the B-3 District is reflected not only in the orientation of buildings and improvements as reflected on a traditional site plan, but also in the vertical orientation of buildings and the inter-relationship of buildings, landscaping, the streetscape and other features. In order to ensure the orderly development of properties within the B-3 District in a manner consistent with the overall character of the District, all proposed development within the B-3 District shall be subject to the site plan and design review requirements of this Subsection I.

* * *

2. Site Plan and Design Review Standards - Historic Preservation Commission - For properties under the purview of the Historic Preservation Commission, in addition to the standards in the Historic Preservation Ordinance, development proposals should be designed to preserve and enhance the character and value of the district through the application of the following standards.

Bank Lane is the pedestrian spine of the Central Business District. Developments along Bank Lane should complement the pedestrian elements of Bank Lane, both north and south of Market Square, by incorporating the various elements listed below.

Landscape and streetscape treatments shall include, but not be limited to burying utilities, screening all mechanical equipment, planting street trees and foundation plantings, installing street furniture, providing variety in building setbacks, constructing pedestrian connections and creating open spaces.

Bank Lane should be maintained and enhanced as an important pedestrian spine linking various elements of the Central Business District and providing pedestrian access to retail, residential and office uses from off site parking areas.

Alleyways and pathways designed to support and encourage pedestrian use.

In order to enhance the character of the District and promote the commercial vitality of the area, outdoor dining and gathering spaces, as well as other amenities that will promote evening activities, should be incorporated into developments.

In order to encourage additional pedestrian activity to enhance the commercial vitality of the area, small spaces such as gardens and courtyards should be designed and incorporated into developments.

Retail uses on the ground floor and residential uses and non-retail uses above the ground floor.

3. Site Plan and Design Standards - Building Review Board - For properties under the purview of the Building Review Board, in addition to the standard criteria used by the Building Review Board, development proposals shall be designed to preserve and enhance the character and value of the district through the use of the following elements.

Bank Lane is the pedestrian spine of the Central Business District. Developments along Bank Lane should complement the pedestrian elements of Bank Lane, both north and south of Market Square, by incorporating the various elements listed below.

Buildings shall be of varying heights, roof lines and architectural styles, facades shall be detailed with windows and offsets of building elements, building setbacks, arcades, awnings and entryways to achieve a human scale and pedestrian friendly street edges.

All elevations of the building visible from the streetscape shall be detailed to a consistent level.

Architectural styles, building elements, proportions, massing, materials and detailing shall be consistent with, and complimentary to, the historic character of the district.

Natural, high quality building materials shall be used for the exterior of buildings.

Landscape and streetscape treatments shall include, but not be limited to burying utilities, screening all mechanical equipment, planting street trees and foundation plantings, installing street furniture, providing variety in building setbacks, constructing pedestrian connections and creating open spaces.

Bank Lane shall be maintained and enhanced as an important pedestrian spine linking various elements of the Central Business District and providing pedestrian access to retail, residential and office uses from off site parking areas.

Alleyways and pathways shall be designed to support and encourage pedestrian use.

In order to enhance the character of the District and promote the commercial vitality of the area, outdoor dining and gathering spaces, as well as other amenities that will promote evening activities, should be incorporated into developments.

In order to encourage additional pedestrian activity to enhance the commercial vitality of the area, small spaces such as gardens and courtyards should be designed and incorporated into developments.

Retail uses shall be located on the ground floor and residential uses above the ground floor.

Existing dwelling units throughout the district shall be maintained.

Landscaping and building design elements shall be incorporated into development adjacent residential districts to create a transition from commercial to residential development.

* * *

Section 46-53.3B-4 PRESERVATION BUSINESS DISTRICT

A. PURPOSE

The B-4 Preservation Business District is designed to preserve the unique attributes of the historic retail, residential and office core of the City. This District consists entirely of buildings that are within the National Register District and the local historic district. Any changes to the buildings are subject to review by the Lake Forest Historic Preservation Commission. Little or no on-site parking is available within the District.

These regulations are designed to preserve the community's quality of life and the "village" character of the core area. In particular, these regulations are intended to preserve the historic buildings and the variety of building sizes, heights, and architectural styles and detailing. In addition the district is intended to ensure the continued commercial viability of the District by maintaining the use of quality building materials, encouraging pedestrian traffic, providing generous green space and preserving and enhancing the social gathering spaces in the District. At the heart of the district is Market Square, the community's shared front yard for special events. It conveys the social spirit and exemplifies the historic character of the entire City. The B-4 District is designed to accommodate a variety of uses in a mutually advantageous setting. Multiple-family residential uses are encouraged above the first floor.

B. CONDITIONS OF USE

Uses allowed in the B-4 Preservation Business District are subject to the following conditions:

* * *

7. Non-Retail Percentage Rule

a. Definitions: For purposes of this subsection, the following definitions shall apply:

Area A - The area bounded by Deerpath on the south, Western Avenue on the east, the south side of Westminster on the north, and Forest Avenue on the west.

Ground Floor Space - Any space within Area A on the ground floor having frontage on a street, alley, or outdoor pedestrian walkway

Non Retail Use - Any use whose predominate activity does not produce sales tax for the City, including but not limited to, banks, brokerage offices, real estate offices, and other business or professional offices. Governmental offices are excluded from the provisions of this section.

Vacancy - A space not regularly occupied and open for business a minimum of 4 days per week on a monthly bases. An exception to allow for temporary business closure may be granted by the Director of Community Development upon written request provided that office equipment and furnishings will remain in the establishment and a date certain for the reopening of the establishment is provided.

b. Limitations on Ground Floor Space
Non-retail uses are permitted in Area A; however, the aggregate total ground floor space devoted to non-retail uses shall be limited to ten percent (10%) of the net

rentable square footage of ground floor space within Area A and ten percent (10%) of the street frontage of ground floor space within Area A.

c. Such uses on the ground floor in Area A in excess of the allowed percentages may be permitted by Special Use Permit.

d. When a non-retail use vacates a ground floor space in Area A such round floor space shall retain its non-retail status for a period of 6 months, provided that written notice of the vacation is delivered to the Director of Community Development within thirty (30) days following the vacancy. If written notice is received by the City within 30 days after the vacancy, the space may be reoccupied by a non-retail use so long as a Certificate of Zoning Compliance is granted within 6 months of the date of notification of the vacancy. A 3 month extension of this period may be granted by the Director of Community Development based on a written request from a property owner if building permits for interior renovations have been issued and if the work is progressing. Any vacancy in a ground floor space formerly occupied by a non-retail use for which the notice required in this subsection is not delivered shall lose it non-retail use status after the expiration of the 30-day notice period.

* * *

I. SITE PLAN AND DESIGN REVIEW

* * *

2. Site Plan and Design Review Standards - Historic Preservation Commission - In addition to the standards in the Historic Preservation Ordinance, development proposals shall be designed to preserve and enhance the character and value of the district through use of the following standards.

Bank Lane is the pedestrian spine of the Central Business District. Developments along Bank Lane. Developments along Bank Lane should complement the pedestrian elements of Bank Lane, both north and south of Market Square, by incorporating the various elements listed below.

Landscape and streetscape treatments shall include, but not be limited to burying utilities, screening all mechanical equipment, planting street trees and foundation plantings, installing street furniture, providing variety in building setbacks, constructing pedestrian connections and creating open spaces.

Bank Lane shall be maintained and enhanced as an important pedestrian spine linking various elements of the Central Business District and providing pedestrian access to retail, residential and office uses from off site parking areas.

Alleyways and pathways shall be designed to support and encourage pedestrian use.

In order to enhance the character of the District and promote the commercial vitality of the area, outdoor dining and gathering spaces, as well as other amenities that will promote evening activities, should be incorporated into developments.

In order to encourage additional pedestrian activity to enhance the commercial vitality of the area, small spaces such as gardens and courtyards should be designed and incorporated into developments.

Retail uses shall be located on the ground floor with residential uses and non-retail uses above the ground floor.

* * *

PART B - DISTRICT REQUIREMENTS

5-2 C-1 DOWNTOWN CORE COMMERCIAL DISTRICT

5-2.1 **Purpose**. The C-1 Downtown Core Commercial District is established to preserve the historic character of the Village's existing downtown commercial area and to provide for its continued vitality through a unified district approach that will accommodate a variety of uses compatible in size and type with the existing small town character of the area.

5-2.2 **Permitted Uses**. Except as specifically limited herein and in Section 5-2.4, the following uses are permitted as of right in the C-1 Downtown Core Commercial District, but only when conducted entirely within an enclosed building, unless otherwise specified:

a. Commuter Rail Stations, including outdoor platform areas
b. Day Care Centers - Adult and Child, including outdoor recreational devices
c. Dwellings, but only above the first floor of any structure containing a commercial use
d. Financial Institutions and Credit Unions, including indoor and outdoor automatic teller machines but excluding drive-in establishments
e. Laboratories, but limited to Dental
f. Offices
g. Personal Wireless Services Antennas, Indoor and Outdoor, with or without antenna support structures, and related electronic equipment and equipment structures where no single Personal Wireless Services Antenna exceeds fifteen (15) square feet in area or twelve (12) feet in any single dimension, and subject to the requirements of Section 12-12.4 of this Code (Amended, Ord. No. 97-O-30, Sec. 13, 5/13/97)
h. Retail Trade, but limited to:

    1) Apparel and Accessory Stores
    2) Auto Supply Stores, but excluding vehicle repair
    3) Consumer Electronics and Music Stores
    4) Drinking Places
    5) Eating Places, including outdoor eating areas, but excluding drive-in establishments
    6) Food Stores
    7) Furniture and Home Furnishing Stores
    8) General Merchandise Stores
    9) Hardware Stores
    10) Household Appliance Stores
    11) Liquor Stores
    12) Miscellaneous Retail Stores
    13) Paint, Glass, and Wallpaper Stores
    14) Used Merchandise Stores

i. Services, but limited to:

    1) Business Services
    2) Computer and Data Processing Services

3) Currency Exchanges
4) Educational Services
5) Funeral Services, except Crematories
6) Hotels
7) Miscellaneous Repair Services
8) Personal Services
9) Printing, Publishing, Photostating and Blueprinting Services, occupying three thousand (3,000) square feet of floor area or less
10) Transportation Services
11) Video Tape Rental and Sales

5-2.3 **Special Permit Uses**. Except as specifically limited herein and in Section 5-2.4, the following uses may be permitted in the C-1 Downtown Core Commercial District subject to the issuance of a special use permit pursuant to Section 16-9 of this Code, but only when conducted entirely within an enclosed building, unless otherwise specified:

a. Any use otherwise permitted or specially permitted in the C-1 Downtown Core Commercial District pursuant to Section 5-2.2 or Section 5-2.3 exceeding the use limitation set forth in Section 5-2.4.
b. Bed and Breakfast Inns
c. Congregate Housing, but only in dwellings otherwise permitted by Section 5-2.2 of this Code
d. Day Care Homes, Adult and Child - Type 2, including outdoor recreational devices
e. Drive-In Establishments accessory to Financial Institutions and Credit Unions
f. Membership Organizations
g. Parking Structures
h. Personal Wireless Services Antennas, Indoor and Outdoor, with or without antenna support structures and related electronic equipment and equipment structures, where (1) not otherwise permitted in Section 5-2.2 or (2) in excess of any required yard or setback or any bulk or space regulations in the C-1 Downtown Core Commercial District, and subject to the requirements of Section 12-12.4 of this Code (Amended, Ord. No. 97-O-30, Sec. 14, 5/13/97)
i. Planned Developments, but only on sites containing no less than eighty thousand (80,000) square feet, subject to the special procedures and standards set forth in Section 16-13 of this Code
j. Retail Trade, but limited to:

1) Microbreweries, but only when accessory to an eating or drinking place
2) Motion Picture theaters, excluding drive-in theaters

k. Senior Citizen Housing
l. Services, but limited to Gasoline Stations/Mini-Marts, including outdoor service islands, but excluding vehicle repair

5-2.4 **Use Limitations**. The following use limitations shall apply in the C-1 Downtown Core Commercial District:

a. Use Area. No use located in the C-1 Downtown Core Commercial District shall occupy more than ten thousand (10,000) square feet of floor area of any building or structure without obtaining a special use permit pursuant to Section 16-9 of this Code.

b. Performance Standards. Notwithstanding Sections 5-2.2 and 5-2.3, no use shall be allowed in the C-1 Downtown Core Commercial District if it would, in the reasonable judgement of the Village Administrator, not be capable of consistently meeting every performance standard set forth in Article 12 of this Code.

Amended by Ord. No. 05-O-77, September 27, 2005, see following.

c. ~~Office Uses. No office use located at street level shall be permitted in the C-1 Downtown Core Commercial District if, either individually or in combination with any other office use or uses in the C-1 Downtown Core Commercial District, such use occupies more than ten percent (10%) of the total street frontage in the C-1 Downtown Core Commercial District, not including the street frontage of parking areas, lots and structures. Office uses that would exceed this percentage limitation may be authorized in the C-1 Downtown Core Commercial District, but only upon issuance of a special use permit therefor in compliance with the procedures and standards of Sections 5-2.3 and 16-9 of this Code. (Amended, Ord. No. 96-O-15, Sec. 3, 4/23/96)~~

d. Parking Lots and Areas. No parking lot or area in the C-1 Downtown Core Commercial District established after the effective date of this Code shall be permitted within fifty (50) feet of the right-of-way of Milwaukee Avenue. Additional requirements for parking lots and areas in the C-1 Downtown Core Commercial District are set forth in Article 10 of this Code.

e. Facade Continuity. All new buildings and structures in the C-1 Downtown Core Commercial District constructed with zoning lot frontage along the streets indicated in Figure 5-1, shall be constructed up to the front lot line, so as to maintain a continuous street wall. Nothing in this Section 5-2.4.e shall be deemed to require any nonconforming structure to be brought into compliance with the specified build-to line designations, except in accordance with Article 14 of this Code.

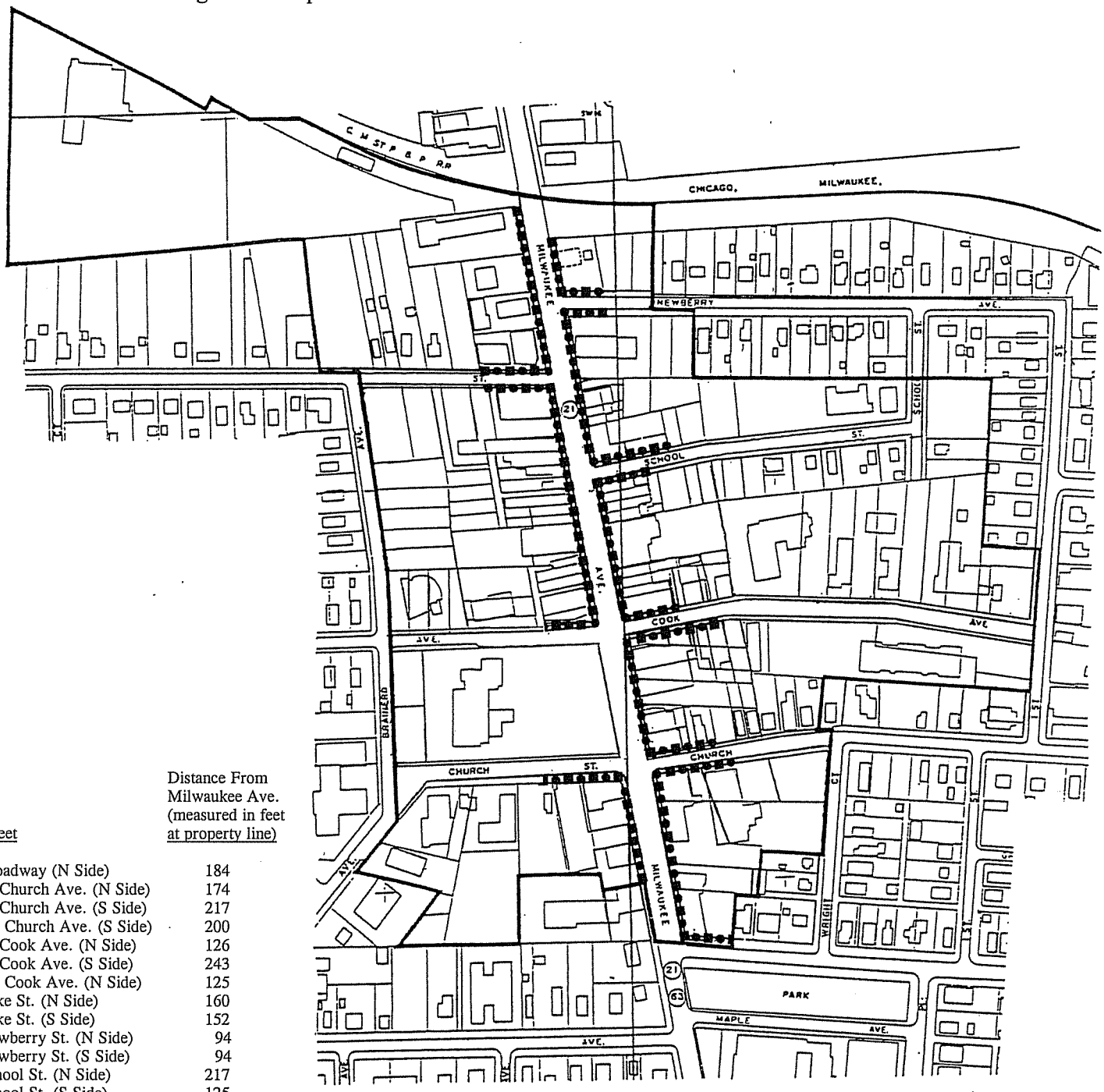
f. Corner Lots - Milwaukee Avenue. Any structure located on a corner lot along Milwaukee Avenue in the C-1 Downtown Core Commercial District shall be designed and constructed so that the primary/dominant entrance faces Milwaukee Avenue. The design of facades and secondary entrances facing streets other than Milwaukee Avenue shall be compatible with the Milwaukee Avenue facade and entrance.

g. Group Family Households. The following limitations shall apply to every Group Family Household established in the C-1 Downtown Core Commercial District:

1) *Registration*. Every Group Family Household shall file, and maintain current, with the Village Administrator adequate proof of prior licensing, certification or other approval of every public agency charged with the regulation of the proposed Group Family Household, if any.

FIGURE 5-1

FACADE CONTINUITY
Build to Line Designation Map



Street	Distance From Milwaukee Ave. (measured in feet at property line)
Broadway (N Side)	184
E. Church Ave. (N Side)	174
E. Church Ave. (S Side)	217
W. Church Ave. (S Side)	200
E. Cook Ave. (N Side)	126
E. Cook Ave. (S Side)	243
W. Cook Ave. (N Side)	125
Lake St. (N Side)	160
Lake St. (S Side)	152
Newberry St. (N Side)	94
Newberry St. (S Side)	94
School St. (N Side)	217
School St. (S Side)	125

Milwaukee Ave. (W. Side), between Metra RR tracks and Cook Ave., and between Church St. and a point 280 feet south of Church St.
Milwaukee Ave. (E. Side), between Metra RR tracks and Broadway

2) *Spacing*. Each Group Family Household shall be located at least one thousand (1,000) feet from any other Group Family Household and any Congregate Housing facility.

h. Congregate Housing. The following limitations, in addition to the requirements for special use permits pursuant to Section 16-9 of this Code, shall apply to every Congregate Housing facility established in the C-1 Downtown Core Commercial District:

1) *Registration*. Every Congregate Housing facility shall file, and maintain current, with the Village Administrator adequate proof of prior licensing, certification or other approval of every other public agency charged with the regulation of the proposed Congregate Housing facility, if any.
2) *Spacing*. Every Congregate Housing facility shall be located at least one thousand (1,000) feet from any other Congregate Housing facility and any Group Family Household.

i. Day Care Centers. The following limitations shall apply to every Day Care Center established in the C-1 Downtown Core Commercial District:

1) *Registration*. Every Day Care Center shall register its existence with, and provide a general description of its activities to, the Village Administrator before commencing operations and at least once each year thereafter.
2) *Licensing*. Every Day Care Center shall file, and maintain current, with the Village Administrator proof of prior licensing, certification or other approval of every public agency charged with the regulation of the proposed Day Care Center, if any.

j. Bed and Breakfast Inns. The following limitations, in addition to the requirements for special use permits pursuant to Section 16-9 of this Code, shall apply to every Bed and Breakfast Inn established in the C-1 Downtown Core Commercial District:

1) *Residential Dwelling*. All such uses shall be conducted in rooms that are part of the primary structure and that were not specifically constructed for rental purposes.
2) *Number of Guests*. All such uses shall provide no more than three (3) rooms for guests, and no guest shall be permitted to stay more than two (2) consecutive weeks.
3) *Parking*. Required parking for guests shall be provided on-site meeting all requirements of this Code.
4) *License*. All such uses shall obtain all necessary business or other licenses, and shall comply with all revenue collection ordinances of the Village.

5-2.5 **Bulk, Space, and Yard Regulations**. The bulk, space, and yard regulations for the C-1 Downtown Core Commercial District are as follows:

a. Maximum Building Height. The maximum height of a principal structure in the C-1 Downtown Core Commercial District shall not exceed three (3) stories or forty-five (45) feet. For structures exceeding thirty (30) feet in height constructed or expanded after the effective date of this Code, all required yards abutting a Residential District

shall be increased in accordance with the provisions of Section 5-2.5.d. The maximum height of an accessory structure shall not exceed fifteen (15) feet; except as provided in Section 10-1.4.d.8, Section 12-12.2, and Section 12-12.3, and of this Code. (Amended, Ord. No. 97-O-30, Sec. 15, 5/13/97)

b. Minimum Lot Area. There is no minimum lot area requirement for the C-1 Downtown Core Commercial District, except for structures containing residential dwelling units which shall provide a minimum lot area of one thousand five hundred (1,500) square feet per dwelling unit.

c. Minimum Lot Width. There is no minimum lot width requirement in the C-1 Downtown Core Commercial District.

d. Minimum Yards. No minimum yards are required for a use in the C-1 Downtown Core Commercial District except where the use abuts a Residential District. In such case, a yard shall be provided along the District Boundary Line for both principal and accessory structures in accordance with the requirement of the abutting district.

Additional Yards Related to Building Height. For structures exceeding thirty (30) feet in height constructed or expanded after the effective date of this Code, a required yard abutting a Residential District shall be increased by two (2) feet for every one (1) foot by which the structure exceeds a height of thirty (30) feet.

e. Maximum Floor Area Ratio. The maximum floor area ratio for the C-1 Downtown Core Commercial District is 2.0.

f. Maximum Lot Coverage. There is no maximum lot coverage requirement for the C-1 Downtown Core Commercial District.

g. Specified Structures and Uses in Required Yards. The following structures and uses, except as limited below, may be located in required yards in the C-1 Downtown Core Commercial District:

1) Awnings and canopies, projecting not more than four (4) feet into the yard; and
2) Bay windows and balconies projecting not more than three (3) feet, but only in front, corner side or rear yards, for a distance not more than one-third (1/3) of the length of such wall; and
3) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters and the like projecting not more than two (2) feet; and
4) Fences, walls, and hedges, subject to the limitations of Article 13 of this Code; and
5) Flagpoles having a height of not more than twenty-five (25) feet; and
6) Outside stairways projecting not more than three (3) feet and having a height of not more than three (3) feet; and
7) Recreational devices, but not in front or corner side yards; and not closer than five (5) feet from any lot line; and
8) Statuary, arbors, trellises, and ornamental light standards having a height of not more than ten (10) feet; and
9) Terraces.

h. Specified Structures Projecting Over the Pedestrian Way. The following structures and uses, except as limited below, may project over a public pedestrian way in the C-1 Downtown Core Commercial District but only when a minimum vertical clearance of at least eight (8) feet is provided:

1) Awnings and canopies, projecting not more than four (4) feet; and
2) Bay windows and balconies projecting not more than three (3) feet, but only in front, corner side or rear yards, for a distance not more than one-third (1/3) of the length of such wall; and
3) Cornices, eaves, gutters, sills, pilasters, lintels, ornamental features, and the like projecting not more than two (2) feet; and
4) Flagpoles having a height of not more than twenty-five (25) feet.

5-3 C-2 DOWNTOWN COMMUNITY COMMERCIAL DISTRICT

5-3.1 **Purpose**. The C-2 Downtown Community Commercial District is established to provide locations in the fringe areas of downtown for limited commercial activity. The C-2 Downtown Community Commercial District is designed to preserve existing commercial activity while accommodating new commercial activity compatible with the Village's existing suburban character.

5-3.2 **Permitted Uses**. Except as specifically limited herein and in Section 5-3.4, the following uses are permitted as of right in the C-2 Downtown Community Commercial Districts but only when conducted entirely within an enclosed building, unless otherwise specified:

a. Day Care Centers - Adult and Child, including outdoor recreational devices
b. Financial Institutions and Credit Unions, including indoor and outdoor automatic teller machines but excluding drive-in establishments
c. Offices
d. Personal Wireless Services Antennas, Indoor and Outdoor, with or without antenna support structures, and related electronic equipment and equipment structures where no single Personal Wireless Services Antenna exceeds fifteen (15) square feet in area or twelve (12) feet in any single dimension, and subject to the requirements of Section 12-12.4 of this Code (Amended, Ord. No. 97-O-30, Sec. 16, 5/13/97)
e. Retail Trade, but limited to:

1) Apparel and Accessory Stores
2) Auto Supply Stores, but excluding vehicle repair
3) Consumer Electronics and Music Stores
4) Drinking Places
5) Eating Places, including outdoor eating areas, but excluding drive-in establishments
6) Food Stores
7) Furniture and Home Furnishing Stores
8) General Merchandise Stores
9) Hardware Stores
10) Household Appliance Stores
11) Liquor Stores

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 05-O-77

AN ORDINANCE AMENDING SECTION 5-2.4.c.
OF THE LIBERTYVILLE ZONING CODE
RELATING TO LIMITATIONS UPON OFFICE AND FINANCIAL
INSTITUTION USES ON MILWAUKEE AVENUE
WITHIN THE C-1 DOWNTOWN CORE COMMERCIAL DISTRICT
AND SECTION 16-8.5 OF THE LIBERTYVILLE ZONING CODE
RELATING TO AUTHORIZED VARIATIONS - BOARD OF TRUSTEES

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
this 27th day of September, 2005

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
this 28th day of September, 2005

VILLAGE OF LIBERTYVILLE

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RELATING TO AUTHORIZED VARIATIONS - BOARD OF TRUSTEES

WHEREAS, the President and Board of Trustees of the Village of Libertyville have determined that the retention of retail uses at street level along Milwaukee Avenue (Route 21) within the C-1 Downtown Core Commercial Zoning District is of crucial importance to the vitality and viability of that district and the continued prosperity of the Village of Libertyville and both its residential and commercial citizens; and

WHEREAS, the President and Board of Trustees find that the provisions of Section 5-2.4.c. of the Libertyville Zoning Code no longer adequately addresses the needs of the Village and its citizens in maintaining retail uses at street level along Milwaukee Avenue in the C-1 Downtown Core Commercial District; and

WHEREAS, the Village of Libertyville, as applicant, has sought certain amendments to Section 5-2.4.c. and Section 16-8.5 of the Libertyville Zoning to address the deficiencies in the existing provisions of said Sections; and

WHEREAS, the Plan Commission of the Village of Libertyville, pursuant to notice duly published on April 10, 2004, in the *Daily Herald*, held a public hearing on April 26, 2004, at 7:05 p.m., at the Village Hall, 118 West Cook Avenue, Libertyville, Illinois for the purpose of hearing and considering testimony regarding the requested zoning relief; and

WHEREAS, on April 26, 2004, the Plan Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the President and Board of Trustees of the Village of Libertyville that the proposed text amendment be approved, all as is more specifically set forth in that certain Report of the Plan Commission on Case No. PC 04-11, dated as of May 19, 2004; and

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered the findings and recommendations of the Plan Commission and are fully advised in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LIBERTYVILLE, COUNTY OF LAKE, STATE OF ILLINOIS, AS FOLLOWS:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated herein as if fully set forth.

SECTION TWO: Determination as to Findings. The Village Board finds the following:

a. *The consistency of the proposed amendment with the purposes of this Code.* The proposed text amendment and its intent to promote a pedestrian friendly downtown and to increase the availability of retail and restaurant space, while recognizing the need for limited office and financial institutions to occupy within the downtown is consistent with the purposes of Zoning Code Section 5-2, C-1 Downtown Core Commercial District, as a district intended to provide for its continued vitality through a unified district approach that will accommodate a variety of uses compatible in size and type with the existing small town character of the area.

b. *The existing uses and zoning classifications of properties in the vicinity of the subject property.* The existing uses in the vicinity of the subject C-1 zoning district presently provide a wide mix of uses, an appropriate balance of which are worthy of preservation by the proposed text amendment.

c. *The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.* The trend of development within the vicinity of the C-1 zoning district, including changes, has

included a disproportionate number of financial institution applications and first floor office uses to occupy buildings and tenant spaces within buildings. Such trend has merited analysis and the proposed text amendment.

d. *The extent to which the value of the subject property is diminished by its present zoning classification.* The proposed text amendment will address the extent to which the value of the C-1 zoning district is diminished by its present zoning regulation regarding those uses including financial institutions and office classification provide fewer opportunities for retail pedestrian patronage.

e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* There shall be an offset consequence to any perceived diminution in value triggered by the proposed regulation of financial institution and office uses and promulgate an increase in the public health, safety and welfare in the C-1 zoning district.

f. *The extent, if any, to which the use and enjoyment of adjacent properties would be adversely affected by the proposed amendment.* There shall be an increase in the use and enjoyment of adjacent properties and zoning districts to the C-1 zoning district by the proposed amendment as there will be an anticipated increase in pedestrian traffic that will spill over onto the adjacent commercial and institutional zoning districts and further support the social and economic activity of these surrounding zoning districts of the downtown.

g. *The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.* There shall be minimal adverse affect to the value of adjacent zoning districts by the proposed amendment as it potentially will influence an increase of office and financial uses to occupy adjacent zoning districts such as the C-2 district. Office and Financial uses in the adjacent C-2 would promote pedestrian traffic in and around the immediate environment.

h. *The extent, if any, to which the future orderly development of adjacent properties would be adversely affected by the proposed amendment.* The proposed amendment for the C-1 district will promote the future orderly development of properties within the C-1 zoning district and adjacent districts as the intent is to maintain a balance of an appropriate mix of land uses.

i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* The C-1 district shall be suitable for uses permitted or specially permitted under its zoning classification while the proposed text amendment recognizes the value of allowing, with certain limitations, financial institutional and office uses.

j. *The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.* The proposed text amendment does not address the standard of adequate ingress to and egress from any one particular property. However, to the extent to which traffic conditions in the immediate vicinity of the C-1 zoning district would be

affected by the proposed amendment, the emphasis of the proposal shall be more conducive to pedestrian traffic promulgation in the downtown vicinity. The limitation of office uses in the C-1 zoning district, and the promotion of office uses in the adjacent C-2 district shall, in theory, circumvent an increase of a downtown office use parking demand.

k. *The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or specially permitted under its present and proposed zoning classification.* The proposed text amendment will not affect the standard of the availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or specially permitted under its present and proposed zoning classification.

l. *The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.* The proposed text amendment is not applicable and does not address the standard of the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.

m. *The community need for the proposed amendment and for the uses and development it would allow.* The proposed text amendment would serve the community's need for the uses and development it would allow. The proposed text amendment and its intent is to promote a pedestrian friendly downtown and to increase the availability of retail and restaurant space.

SECTION THREE: Repeal of Current Text of Section 5-2.4.c. The text of Article 5 Section 5-4-2.c. of the Libertyville Zoning Code is hereby repealed, in its entirety.

SECTION FOUR: Amendment of Section 5-2.4.c. Article 5, Section 5-2.4.c. of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code to read as follows:

5-2.4 **Use Limitations.**

c. Office and Financial Institution Uses:

1) Office uses and financial institution uses shall be prohibited from occupying the front thirty-five feet (35') of any first floor space within a building with street frontage on Milwaukee Avenue within the C-1 Downtown Core Commercial District.
2) No office use or financial institution use or combination of such uses shall be permitted to occupy more than twenty-five percent (25%) of the gross first floor area of a building with street frontage on Milwaukee Avenue within the C-1 Downtown Core Commercial District.

3) For purposes of this Section, a building shall be considered to have street frontage on Milwaukee Avenue if the lot upon which such building is located has frontage upon Milwaukee Avenue which is uninterrupted by the presence of a separate building. For purposes of this Section, the front thirty-five feet (35') of a building shall be the space measured from the exterior wall of the building nearest to Milwaukee Avenue.

4) Any office use or financial institution use which occupies an existing demised tenant or owner occupied space as of the effective date of this Section and which would otherwise be prohibited by the provisions of this Section, may continue pursuant to the provisions of Article 14 of this Code. Change of owners, tenants or business occupants of such demised space shall not affect the continuing right to engage in an office or financial institution use within such demised space. In the event that such an office or financial institution use within a demised spaced is discontinued for a period of greater than 180 days, any subsequent use within such demised space must comply with the provisions of paragraphs 1-3 of this Section.

SECTION FIVE: Amendment of Article 16. Article 16-8.5, entitled "Authorized Variations - Board of Trustees" of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code to read as follows:

16-8.5 **Authorized Variations - Board of Trustees.**

a. Permitted Variations.

23) To vary, without limit, the thirty-five foot (35') restriction imposed by Section 5-2.4.c.1. of this Code upon the location of Office and Financial Institution Uses.

24) To vary, without limit, the twenty-five percent (25%) limitation upon Office and Financial Institution Uses imposed by Section 5-2.4.c.2. of this Code.

SECTION SIX: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

PASSED this 27th day of September, 2005.

AYES: LARSON, GIZA, WESTERMAN, LUKENS, PERON, WEBER

NAYS: None

ABSENT: None

APPROVED this 28th day of September, 2005.

Jeffrey A. Harger, Village President

ATTEST:

Sally Kowal, Village Clerk

CHAPTER 6

BUSINESS DISTRICTS

ARTICLE A. B1 RETAIL BUSINESS DISTRICT

SECTION:

6-6A-1: Intent and Scope of Regulations
6-6A-2: General Requirements
6-6A-3: Permitted Uses
6-6A-4: Special Uses
6-6A-5: Lot Size Requirements
6-6A-6: Yard Requirements
6-6A-7: Building Height Limitations
6-6A-8: Signs
6-6A-9: Off-Street Parking and Loading Requirements

6-6A-1: INTENT AND SCOPE OF REGULATIONS: This District is intended to provide a location suitable to accommodate a combination of retail, service and office uses in an intensive commercial core area. Permitted and special uses can be placed on relatively small zoning lots reflecting the historic development pattern of Half Day and encouraging a pedestrian environment in retail shopping areas.

Areas containing unique natural features, transition areas adjacent to residential districts and areas at or near major intersections are identified as being of significant impact to the Village. This is due to the need to protect valued natural resources, the integrity and environment of the Village's residential neighborhoods, traffic safety conditions and the land use character of key intersections. Therefore, all petitions for zoning, either permitted or special uses proposed within this District shall be subject to site plan review and approval as specified in Section 6-14-7 of this Code.

6-6A-2: GENERAL REQUIREMENTS:

The Enforcing Officer shall issue a "cease and desist order" in those cases he finds to be in violation of the following restrictions. (Amd. Ord. 95-1406-36, eff. 10/9/95)

A. Outdoor Business and Storage

All business, service, storage, merchandise display and repair processing, where allowed, shall be conducted only within a completely enclosed building except for off-street automobile parking, off-street loading. open sales lots, automobile service stations, and drive-thru facilities where such uses are allowed.

B. Production of Goods

The production of any goods on the premises shall be clearly incidental to the principal retail or service use and all such goods shall be sold at retail, primarily on the premises, unless otherwise specifically provided herein.

C. Performance Criteria

Processes and equipment employed, and goods processed or sold, shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste.

D. Allowances and Restrictions on Ground Floor Uses

1. Buildings constructed prior to January 1, 1995 shall be allowed to have unlimited ground floor area utilized for office, clinic, government and non-sales tax-generating uses.

2. Buildings constructed after January 1, 1995 shall be subject to the restrictions below. For the purpose of calculating the following percentages, "permitted uses" specifically listed in this Article shall be included in the gross sq. ft. of ground floor area, but not in the office, clinic, government and non-sales tax-generating uses sq. ft.

   a. Floor Area: No more than 25% of the gross sq. ft. of ground floor area may be utilized for office, clinic, government and non-sales tax generating uses, and

   b. Uses: The percentage of office, clinic, government, and non-sales tax generating uses to total uses on the ground floor in a building shall not exceed 25%.

   c. Special Uses: Requests in excess of the above percentages for ground floor area or quantity in a building may be granted to an individual owner or operator as a Special Use in accordance with the provisions of this Title, and shall not be transferable. (Amend. Ord. 95-1406-36)

6-6A-3: PERMITTED USES: No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than any of the following uses: (Amd. Ord. 95-1406-36, eff.10/9/95)

Antique shops.
Art galleries, shops and art supply stores.
Banks and financial institutions (but not drive-thru facilities).
Bakeries.
Barber shops.
Beauty shops.
Bicycle sales and repair.
Book stores and stationery shops.
Camera and photographic supply stores.
Candy stores, ice cream, frozen yogurt and confectionery stores.
China, glassware and household goods stores.
Clock stores.
Clothing and clothing/costume rental stores.
Coin and philatelic stores.
Craft supplies.
Dairy products (retail sales only).
Drapery, curtain, and window covering shops.
Drug stores.
Dry-cleaning and pressing establishments (retail only).
Fabric and yarn shops.
Florist shops.
Food stores.
Furrier Shops.
Gift and novelty shops.
Hardware stores.
Hobby shops (not including video game parlors).
Kitchen, Bath and Cabinet Showrooms
Interior decorating shops.
Jewelry stores.
Leather goods and luggage stores.
Locksmith shops.
Musical instrument sales and repair shops.
Newspaper and magazine stands.
Office, business and professional
(See General Requirements for Allowances and Restrictions on Ground Floor Uses)
Office machine, computer, service and supply stores.
Opticians and optometrists (retail sales and service only).

Paint, glass and wallpaper stores.
Photograph studios.
Picture framing, when conducted for retail sales on the premises only.
Record, compact disc, cassette tape and sheet music stores.
Sewing machine sales and service stores.
Shoe sales and shoe repair stores.
Specialty shops.
Sporting goods.
Tailor and dressmaking shops.
Ticket agencies.
Tobacco shops.
Toy stores.
Travel bureaus and agencies.
Variety stores.
Video rental stores.
(Amend. Ord. 95-1406-36)(Amd. Ord. 03-1875-52, eff. 10/13/03)

6-6A-4: SPECIAL USES: The following special uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-14-14 of this Code, as appropriate: (Amd. Ord. 95-1406-36, eff.10/9/95)

Bowling alley establishment.
Catering establishment.
Clinics, medical and dental.
(See General Requirements for Allowances and Restrictions on Ground Floor Uses)
Community centers, museums, cultural facilities.
Convenience food stores which sell prepared food for consumption on or off the premises.
Dance Studio (Ord. 08-3053-36, eff. 8/25/08)
Day care centers and nursery schools.
Day Spa (Ord. 09-3103-26, eff. 06/22/09)
Delicatessen.
Farmers Market (Amd Ord. 97-1538-62, eff. 11/10/97)
Fast food restaurants without a drive-thru facility when located within a shopping center, with a minimum gross leasable area of twenty thousand (20,000) square feet; and containing at least five (5) retail establishments.
Financial Institutions with drive-through facilities (Amd. Ord. 08-3022-05, eff. 1/28/08)
Fire Stations owned and operated by a unit of local government, as defined in Section 1 of Article VII of the Constitution of Illinois, 1970.
Government office buildings, community centers, libraries.
(See General Requirements for Allowances and Restrictions on Ground Floor Uses)

Liquor sales (package goods only).
Office, business and professional
(See General Requirements for Allowances and Restrictions on Ground Floor Uses)
Open sales lots for the sale of Christmas trees during the months of November and December or farm produce if such use has been issued a permit for temporary use.
Parking lots and structures where such uses are the principal use on the zoning lots.
Pet shops.
Planned unit developments.
Printing, publishing, blueprinting and photocopying establishments with retail sales only.
Radio and television stations but excluding transmission towers.
Repair or servicing of any article, the sale of which is from a permitted use in this District.
Restaurants
Schools.
Shopping centers.
Theaters.
Vehicle Fueling Station (Amend Ord. 97-1494-18 eff. 6/9/97)
(Amend. Ord. 95-1406-36)

6-6A-5: LOT SIZE REQUIREMENTS: The minimum lot sizes required in the B1 District shall be as follows:

	Minimum Lot Area	Minimum Lot Width
Permitted Uses:	15,000 sq. ft.	100 ft.
Special Uses:		
Automobile service stations	15,000 sq. ft.	100 ft.
Farmers Market	45,000 sq. ft.	200 ft.
Financial institutions with drive-thru	40,000 sq. ft.	150 ft.
Funeral parlors	30,000 sq. ft.	200 ft.
Planned unit developments	10,000 sq. ft.	100 ft.

	Minimum Lot Area	Minimum Lot Width
Special Uses:		
Shopping centers	60,000 sq. ft.	250 ft.
Theaters	20,000 sq. ft.	150 ft.
All others	7,500 sq. ft.	100 ft.

Unless otherwise required by the Zoning Board

6-6A-6: YARD REQUIREMENTS: The minimum yard requirements in the B1 District shall be as follows:

A. Front and corner side yards shall be a minimum of twelve feet (12'); shall contain no parking and be fully landscaped with provisions for pedestrian access all across the zoning lot.

B. Rear yards; fifteen feet (15').

C. Side yards; eight feet (8').

D. Transitional yards which abut any residential district or an E or 0/I Distract shall be required to conform with the yard requirements of any such abutting district. Screening by fences or landscaping of at least seventy five percent (75%) opacity shall be provided within such yards.

E. Where a front, corner side or rear yard is located across an existing or proposed right of way from any residential district or an E or 0/I District, such yard requirement shall be not less than twenty five feet (25'). In front and corner side yards so located, said yards shall not contain parking or other obstructions except driveways and sidewalks and shall be fully landscaped.

In rear yards so located, fencing or landscaping of at least seventy five percent (75%) opacity shall be required.

6-6A-7: BUILDING HEIGHT LIMITATIONS: In the B1 District no building shall exceed two and one-half (2-1/2) stories or thirty feet (30') in height including rooftop equipment.

6-6A-8: SIGNS: Signs shall be subject to the regulations contained in Title 12 of this Code.

6-6A-9: OFF-STREET PARKING AND LOADING REQUIREMENTS: Off-street parking and loading facilities shall be provided as required in Chapter 11 of this Title. (Ord. 86-885-22)

Borough of Madison, New Jersey
***Municipal Code* (2012)**
Chapter 195 Land Development
Article V Zoning.

§ 195-32.4 CBD-1, CBD-2 Central Business District Zones regulations.

A. Purpose. The purpose of the CBD zones is to promote a vital, mixed-use, downtown core designed to encourage street-level pedestrian activity through ground-level locally oriented retail uses and upper-floor offices and residential uses. Preserving and maintaining a streetscape consistent with downtown design principles, encouraging the reuse and rehabilitation of historic structures, maintaining the character and scale of buildings, sites, and uses to promote pedestrian accessibility and safety, and encouraging locally oriented retail businesses and services are central to the identity, health and vitality of the CBD. [Amended 11-9-2009 by Ord. No. 54-2009]

B. Principal permitted uses.

(1) Apartments over stores or offices.
(2) Business, medical, professional, executive or administrative offices.
(3) Theaters.
(4) Institutional uses.
(5) Off-street parking facilities.
(6) Public parks and playgrounds.
(7) Recreation facilities, commercial or private.
(8) Restaurants, non-drive through.
(9) Retail sales and service.
(10) Financial institutions, non-drive-up window.
(11) Two-family dwellings (only in CBD-2 Zone).
(12) Single-family detached dwellings (only in CBD-2 Zone).

C. Accessory uses.

(1) Uses which are customarily incidental and accessory to the principal use.
(2) Home occupations.

D. Conditional uses.

(1) Assisted-living residences.
(2) Long-term care facilities.
(3) Gasoline service stations.
(4) Outdoor dining.
[Added 7-12-2010 by Ord. No. 20-2010]

E. Prohibited uses. Drive-through windows associated with any use, including, but not limited to, retail sales and services, business services, restaurants, and financial institutions. [Added 9-22-2008 by Ord. No. 59-2008]

F. Off-street parking.

[Added 11-9-2009 by Ord. No. 54-2009]

(1) Off-street parking requirements in the CBD-1 and CBD-2 Zones shall meet the nonresidential parking requirements set forth in the tables provided in Parking Schedule I in § 195-35, reduced by 20%, as well as the parking requirements for residential use as per the NJRSIS, except that on-street parking shall not be counted towards the parking requirement. In evaluation of parking requirements, the reviewing board may consider demand management approaches, such as provision of carsharing, ridesharing

and shuttles, and may further reduce the required parking by up to 10% based on documentation provided by an applicant outlining proposed demand management techniques.

(2) If there is a change in building occupancy (tenancy), but not use [as defined by § 195-20B(2)], and no physical expansion is proposed, additional parking above what is already provided (on site, off site, or through a shared parking agreement) is not required and no parking variance is necessary.

(3) If there is a change in building occupancy and use (but not physical expansion), then the parking requirement is computed based on the difference between the parking required for the legally existing (prior) use versus the parking required for the new (proposed) use, provided there shall be no reduction in the amount of any existing on-site or designated off-site parking.

(4) Parking requirements may be addressed in the CBD Zones through a shared parking approach between compatible uses either on or off tract. The off-tract parking shall be located within five blocks or 1,000 feet of the subject property. Documentation shall be provided to support the feasibility of shared parking, including an analysis of the uses sharing the parking and the peak usage periods for each, hours of operation of uses sharing the parking, and lot capacity (number of spaces) based on existing and proposed usage of the lot. A written contractual arrangement should be secured for a minimum two-year period, with a renewable option between parties.

G. Supplemental requirements.

[Added 11-9-2009 by Ord. No. 54-2009]

(1) Landscaped buffers.

(a) Where a nonresidential or mixed-use development is contiguous to a residential use or zone, there shall be a landscaped buffer strip along the perimeter of the property where it is contiguous to such residential property or zone. Such buffer strip shall be at least 10 feet in depth measured from the residential property line and shall be used as a planting strip or developed as a planted berm, with plant material (trees, shrubs, and plants, including a combination of coniferous and deciduous varieties) a minimum of six feet in height at time of planting. In addition, the reviewing body may also require a solid, board-on-board fence in conjunction with the plantings of at least five feet in height.

(2) Residential units permitted over first floor commercial space, with the exception of units owned and/or operated by the Madison Housing Authority, shall conform with the following minimum floor area requirements:

[Added 5-10-2010 by Ord. No. 17-2010]

(a) Studio/efficiency: 575 square feet.

(b) One bedroom: 750 square feet.

(c) Two bedrooms: 950 square feet.

(d) Three bedrooms: 1,200 square feet.

City of New York, New York
***Zoning Resolution* (2012)**
Article VIII, Special Purpose Districts
Chapter 1, Special Midtown Districts

81-80 SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT

81-81 General Provisions

The regulations of Sections 81-82 to 81-85, inclusive, relating to Special Regulations for the Fifth Avenue Subdistrict are applicable only in the Fifth Avenue Subdistrict, whose boundaries are shown on Map 2 in Appendix A of this Chapter. They supplement or modify the regulations of this Chapter applying generally to the Special Midtown District, of which this Subdistrict is a part. (2/2/11)

81-82 Special Regulations on Permitted and Required Uses

In order to preserve, protect and enhance the character of the Fifth Avenue Subdistrict as the showcase of New York and national retail shopping, and to allow for uses that are consistent with the character of the Fifth Avenue Subdistrict as a major shopping and tourist destination, the following special limitations are imposed on the location and kinds of uses and signs permitted within the Fifth Avenue Subdistrict. These requirements and limitations shall apply to developments, enlargements, extensions or changes of use.

(a) Restriction on ground floor uses

Uses within stories located on the ground floor level or on a floor within five feet of curb level, except for lobby space, shall be limited to uses listed in Use Group F.

(b) Minimum retail space requirement

Any zoning lot, or portion thereof, located within the Fifth Avenue Subdistrict shall contain uses listed in Use Group F with a floor area ratio of not less than 1.0. When existing uses listed in Use Group F are retained, their floor area may be counted toward such requirement. In order to count toward the requirement, retail or service establishments shall be located on levels up to but not exceeding a height of six stories or 85 feet, whichever is less, or not more than five feet below curb level.

(c) Use Group F

Use Group F comprises a group of establishments selected to promote and strengthen retail business in the Fifth Avenue Subdistrict.

Antique stores
Art galleries, commercial
Artists' supply stores
*Banks
Beauty parlors
Book or card stores
Candy stores
Clothing or clothing accessory stores, with no limitation on floor area per establishment
Department stores

Eating or drinking establishments including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime
Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less
Florist shops
Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores
Furrier shops, custom
Gift shops
Jewelry shops
Leather goods or luggage stores
Millinery shops
Music shops
Newsstands, open or enclosed
Optician or optometrist establishments
Package liquor stores
Photographic equipment or supply stores
Record shops
Shoe stores
Sporting or athletic stores
Stamp or coin stores
Stationery stores
**Studios, television or radio
Tailor or dressmaking shops, custom
Television, radio, phonograph or household appliance stores
Toy stores
*Travel bureaus
Variety stores
Watch or clock stores or repair shops

Any use or uses marked with an asterisk (*) shall occupy, in the aggregate at the ground floor level, no more than 15 percent of the linear street frontage of the zoning lot on or within 50 feet of Fifth Avenue and no more than 10 percent of the total lot area of the zoning lot within 50 feet of Fifth Avenue.

Any use or uses marked with two asterisks (**) shall be permitted on the ground floor level only if:

(1) the building has frontage on Fifth Avenue; and

(2) all portions of the street wall of the building are set back from the street line of Fifth Avenue by a minimum of 40 feet.

(d) Modification of use regulations on a zoning lot with no frontage on Fifth Avenue

For a zoning lot which has no frontage on Fifth Avenue, the mandatory retail use regulations of this Section may be modified for that portion of the zoning lot located more than 100 feet from the street line of Fifth Avenue, provided that the City Planning Commission certifies that the ground floor space is occupied by a community facility use which maintains front wall transparency up to a height of one story above the abutting sidewalk level generating pedestrian interest and activity, and is compatible with the character and objectives of the Fifth Avenue Subdistrict. In no event shall the street line frontage occupied by such use exceed 30 feet.

(e) The following special sign regulations apply to existing as well as new establishments or uses:

(1) The aggregate area of all signs in ground floor store windows are restricted to not more than one-third of the window area. Below a level of 10 feet above curblevel, signs shall not be permitted on the exterior of any building.

(2) The display of banners or pennants from the exteriors of buildings is prohibited. For the purposes of this Section, any signs, including banners and pennants, which do not comply with the above regulations may be continued for one year after April 28, 1983, provided that after the expiration of that period, such non-conforming sign shall terminate. A sign which the Chairperson of the City Planning Commission certified as an integral part of the building shall not be required to terminate.

City of Newport Beach, California
***Code of Ordinances* (2012)**
Title 20, Planning and Zoning

Chapter 20.22 MIXED-USE ZONING DISTRICTS (MU-V, MU-MM, MU-DW, MU-CV/15TH ST., MU-W1, MU-W2)

20.22.010 Purposes of Mixed-Use Zoning Districts.

The purposes of the individual mixed-use zoning districts and the manner in which they are applied are provided below. For the purpose of this Zoning Code, mixed-use projects shall comply with nonresidential standards when no mixed-use standards exist.

A. MU-V (Mixed-Use Vertical) Zoning District. This zoning district is intended to provide for areas appropriate for the development of mixed-use structures that vertically integrate residential dwelling units above the ground floor with retail uses including office, restaurant, retail, and similar nonresidential uses located on the ground floor or above.

* * *

20.22.020 Mixed-Use Zoning Districts Land Uses and Permit Requirements.

A. Allowed Land Uses. Tables 2-8, 2-9, and 2-10 indicate the uses allowed within each zoning district and the permit required to establish each use, in compliance with Part 5 of this title (Planning Permit Procedures).

B. Prohibited Land Uses. Any table cell with "—" means that the listed land use is prohibited in that specific zoning district.

C. Applicable Regulations. The last column in the tables ("Specific Use Regulations") may include a reference to additional regulations that apply to the use.

TABLE 2-8 ALLOWED USES AND PERMIT REQUIREMENTS	**Mixed-Use Zoning Districts Permit Requirements**				
	P	**Permitted by Right**			
	CUP	**Conditional Use Permit (Section 20.52.020)**			
	MUP	**Minor Use Permit (Section 20.52.020)**			
	LTP	**Limited Term Permit (Section 20.52.040)**			
	—	**Not Allowed ***			
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	**MU-V**	**MU-MM (6)**	**MU-DW**	**MU-CV/15th St. (7)**	**Specific Use Regulations**

Industry, Manufacturing and Processing, Warehousing Uses					
Handicraft Industry	P	P	P	P	
Industry, Marine-Related	—	CUP	—	MUP	
Research and Development	P	P	P	P	
Recreation, Education, and Public Assembly Uses					
Assembly/Meeting Facilities	CUP	CUP	CUP	CUP	
Commercial Recreation and Entertainment	CUP	CUP	CUP	CUP	
Cultural Institutions	P	P	P	P	
Schools, Public and Private	CUP	CUP	CUP	CUP	
Residential Uses					
Single-Unit Dwellings					
Located on 1st floor	—	—	—	P (3)	Section20.48.130
Located above 1st floor	P (1)	—	—	P (3)	Section20.48.130
Multi-Unit Dwellings					
Located on 1st floor	—	P (1)(2)	P (1)	P (3)	Section20.48.130
Located above 1st floor	P (1)	P (1)(2)	P (1)	P (3)	Section20.48.130
Two-Unit Dwellings					
Located on 1st floor	—	—	—	P (3)	Section20.48.130
Located above 1st floor	P (1)	—	—	P (3)	Section20.48.130
Home Occupations	P	P (1)	P	P	Section20.48.130
Live-Work Units	P	P (1)(2)	P	P (3)	
Care Uses					
Adult Day Care					
Small (6 or fewer)	P	P	P	P	
Child Day Care					
Small (8 or fewer)	P	P	P	P	Section20.48.070
Day Care, General	—	MUP	—	MUP	Section20.48.070
Retail Trade Uses					
Alcohol Sales (off-sale)	MUP	MUP	—	MUP	Section20.48.030
Alcohol Sales (off-sale), Accessory Only	P	P	P	P	
Marine Rentals and Sales					
Boat Rentals and Sales	CUP	P	—	CUP	
Marine Retail Sales	P	P	P	P	
Retail Sales	P	P	P	P	

Service Uses—Business, Financial, Medical, and Professional					
ATMs	P	P	P	P	
Emergency Health Care/Urgent Care	MUP	MUP	MUP	MUP	
Financial Institutions and Related Services	P	P	P	P	
Offices—Business	P	P	P	P	
Offices—Medical and Dental	P	P	P	P	
Offices—Professional	P	P	P	P	
Service Uses—General					
Animal Sales and Services					
Animal Grooming	P	P	P	P	Section20.48.050
Animal Retail Sales	P	P	—	P	Section20.48.050
Veterinary Services	—	CUP	CUP	—	Section20.48.050
Artists' Studios	P	P	P	P	
Eating and Drinking Establishments					
Accessory food service (open to public)	P	P	P	P	Section20.48.090
Fast Food (no late hours) (4)(5)	P/MUP	P/MUP	—	P/MUP	Section20.48.090
Fast Food (with late hours) (4)	MUP	MUP	—	MUP	Section20.48.090
Food Service (no late hours) (4)(5)	P/MUP	P/MUP	—	P/MUP	Section20.48.090
Food Service (with late hours) (4)	CUP	CUP	—	CUP	Section20.48.090
Take-Out Service, Limited (5)	P/MUP	P/MUP	—	P/MUP	Section20.48.090
Health/Fitness Facilities					
Small—2,000 sq. ft. or less	P	P	MUP	P	
Large—Over 2,000 sq. ft	CUP	CUP	—	CUP	
Laboratories	—	—	P	—	
Maintenance and Repair Services	P	P	—	P	
Marine Services					
Entertainment and Excursion Services	P	P	—	P	Title 17
Marine Service Stations	CUP	—	—	—	
Personal Services					
Massage Establishments	MUP	MUP	MUP	MUP	Chapter 5.50 Section20.48.120
Massage Services, Accessory	MUP	MUP	MUP	MUP	Section20.48.120
Nail Salons	P	P	P	P	
Personal Services, General	P	P	P	P	
Personal Services, Restricted	MUP	MUP	MUP	MUP	
Studio	MUP	MUP	MUP	MUP	

Postal Services	P	P	P	P	
Printing and Duplicating Services	P	P	P	P	
Smoking Lounges	—	—	—	—	
Visitor Accommodations					
Hotels, Motels, and Time Shares	CUP	CUP	—	CUP	
Bed and Breakfast Inns	—	CUP	—	—	
Transportation, Communications, and Infrastructure Uses					
Parking Facility	MUP	MUP	MUP (2)	MUP (2)	
Marinas	Title 17				
Marina Support Facilities	MUP	MUP	—	MUP	
Utilities, Minor	P	P	P	P	
Utilities, Major	CUP	CUP	CUP	CUP	
Wireless Telecommunication Facilities	Chapter 15.70				
Vehicle Rental, Sale, and Service Uses					
Vehicle/Equipment Rentals					
Office Only	P	P	P	P	
Limited (no outdoor storage)	—	MUP	—	—	
Vehicle/Equipment Repair					
Limited	—	MUP	—	—	
Vehicle Sales	—	CUP	—	—	
Vehicle Sales, Office Only	P	P	P	—	
Vehicle/Equipment Services					
Automobile Washing	—	CUP	—	—	
Service Stations	—	CUP	—	—	Section20.48.210
Other Uses					
Accessory Structures and Uses	MUP	MUP	MUP	MUP	
Outdoor Storage and Display	MUP	MUP	MUP	MUP	Section20.48.140
Personal Property Sales	P	P	P	P	Section20.48.150
Special Events	Chapter 11.03				
Temporary Uses	LTP	LTP	LTP	LTP	Section20.52.040

* Uses Not Listed. Land uses that are not listed in the table above, or are not shown in a particular zoning district, are not allowed, except as otherwise provided by Section 20.12.020 (Rules of Interpretation).

(1) Allowed only as part of a mixed-use development. Refer to Section 20.48.130 (Mixed-Use Projects) for additional development standards.

(2) Not allowed to front onto Coast Highway. Coast Highway frontage shall be limited to nonresidential uses. See Table 2-10 (Development Standards for Vertical and Horizontal Mixed-Use Zoning Districts).

(3) Not allowed on lots at street intersections unless part of a mixed-use or live-work structure.

(4) Late Hours. Facilities with late hours shall mean facilities that offer service and are open to the public after 11:00 p.m. any day of the week.

(5) Permitted or Minor Use Permit Required.
a. A minor use permit shall be required for any use located within five hundred (500) feet, property line to property line, of any residential zoning district.
b. A minor use permit shall be required for any use that maintains late hours.

(6) Properties fronting on Coast Highway shall be developed with nonresidential uses as allowed in Table 2-9. Properties to the rear of the commercial frontage may be developed for freestanding nonresidential uses, multi-unit residential dwelling units, or mixed-use structures that integrate multi-unit residential above the ground floor with nonresidential uses on the ground floor. See Table 2-10 (Development Standards for Vertical and Horizontal Mixed-Use Zoning Districts).

(7) Mixed-use or commercial structures are required on lots at street intersections and are allowed, but not required, on other lots.

Chapter 20.48 Standards for Specific Land Uses

20.48.130 Mixed-Use Projects.

This section provides standards and criteria for the development of mixed-use projects. The primary intent of these standards and criteria is to balance the needs of nonresidential uses for access, visibility, parking, loading, safety, and economic development with the needs of residential uses for privacy, security, and relative quiet.

A. Site Development Review Approval Required. Mixed-use projects shall require approval of a site development review in compliance with Section 20.52.080 (Site Development Reviews).

B. Development Standards. In addition to the development standards provided in this section, development standards for mixed-use projects are provided in:

1. Table 2-10 (Development Standards for MU-V; MU-MM; MU-DW; and MUCV/15th St.);

2. Table 2-11 (Development Standards for MU-W1 and MU-W2 Mixed-Use Zoning Districts); and

3. Other sections in this Part 4 for specific uses that may be part of the proposed mixed-use project.

C. Nonresidential Uses Required on Ground-Floor. All (i.e., one hundred (100) percent) of the ground floor street frontage of mixed-use structures shall be a minimum depth of twenty-five (25) feet and shall be occupied by retail and other compatible nonresidential uses except:

1. As specified otherwise by Table 2-10 or Table 2-11 in Part 2 of this title (Zoning Districts, Allowable Land Uses, and Zoning District Standards); or

2. For common/shared building entrances for residences on upper floors.

D. Open Space Areas. Open space areas shall be provided in compliance with Table 2-10 or Table 2-11 in Part 2 of this title (Zoning Districts, Allowable Land Uses, and Zoning District Standards).

1. Private Open Space. The private open space areas required for residential dwelling units (e.g., balconies, decks, porches, etc.) shall be designed to limit intrusion by nonresidents.

2. Common Open Space. The common open space areas required for residential dwelling units shall be separated from nonresidential uses on the site and shall be sited and designed to limit intrusion by nonresidents and customers of nonresidential uses. However, the sharing of common open space may be allowed by the review authority when it is clear that the open space will provide direct benefit to project residents. Common open space uses may be provided on rooftops for use only by the project residents.

E. Sound Mitigation. An acoustical analysis report, prepared by an acoustical engineer, shall be submitted to the Director describing the acoustical design features of the structure that will satisfy the exterior and interior noise standards. Projects shall be attenuated in compliance with the report. Mixed-use projects shall comply with the noise standards in Chapter 10.26.

F. Parking, Loading, and Access.

1. Type and Layout of Parking Facility. Parking facilities shall be physically separated for nonresidential uses and residential uses, except for residential guest parking. If enclosed parking is provided for an entire mixed-use complex, separate areas/levels shall be provided for nonresidential and residential uses with separate building entrances, whenever possible, subject to confirmation and approval by the review authority.

2. Loading Areas. Loading areas for nonresidential uses shall be located as far away as possible from residential uses and shall be completely screened from view from the residential portion of the project and public rights-of-way. Loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from odors when residential uses might be impacted.

3. Site Access Driveways. Separate site access driveways shall be provided, whenever possible, for nonresidential and residential uses. Site access driveways shall incorporate distinctive architectural elements, landscape features, and signs to help differentiate access to nonresidential parking areas from access to residential parking areas.

G. Buffering and Screening. Buffering and screening shall be provided in compliance with Section 20.30.020 (Buffering and Screening). Mixed-use projects shall locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development to the greatest extent feasible.

H. Notification to Owners and Tenants. Project applicants shall prepare a written disclosure statement prior to sale, lease, or rental of a residential unit in a mixed-use

project or located within a mixed-use zoning district. The disclosure statement shall indicate that the occupants will be living in an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment and potential impacts based upon the allowed uses in the zoning district. Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. The project applicant shall covenant to include within all deeds, leases or contracts conveying any interest in a residential unit in a mixed-use project or located within a mixed-use zoning district (1) the disclosure and notification requirement stated herein; (2) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.

I. Deed Notification. As a condition of project approval for a residential unit in a mixed-use project or in a mixed-use zoning district, applicants shall record a deed notification with the County Recorder's Office, the form and content of which shall be satisfactory to the City Attorney. The deed notification document shall state that the residential unit is located in a mixed-use project or in a mixed-use zoning district and that an owner may be subject to impacts, including inconvenience and discomfort, from lawful activities occurring in the project or zoning district (e.g., noise, lighting, odors, high pedestrian activity levels, etc.). (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

Town of Old Orchard Beach, Maine
***Code of Ordinances* (2011)**
Chapter 78. Zoning.
Article VI. Districts.
Division 7. Downtown Business Districts.

Subdivision III. Downtown District 1 (DD-1)

Sec. 78-716. Purpose.

The purpose of the downtown district 1 (DD-1) is to maintain the historical downtown area as the town's principal commercial, service, and entertainment center for year-round residents and seasonal visitors, by promoting increased commercial diversity, vertical stratification of mixed uses, improved infrastructure, and implementation of design standards targeted at creating a visually exciting and harmonious environment attractive to the changing market demands.
(Ord. of 9-18-2001, § 7.1)

Sec. 78-717. Permitted uses.

Permitted uses in the downtown district 1 (DD-1) shall be classified as follows:

(1) *Primary uses.* Primary uses are as follows:
- a. Single-family detached and two-family dwellings.
- b. Multifamily dwellings, provided that all units are located on any floor except sidewalk level.
- c. Accessory buildings, structures, or uses.
- d. Retail uses.
- e. Business/commercial services and professional offices.
- f. Restaurants, sidewalk cafes, and cafes.
- g. Food stands (located between First Street/Milliken Street and the beach) with a minimum ten-foot setback from the front property line.
- h. Movie theaters, playhouses, performing arts centers.
- i. Lodging establishments and convention centers.
- j. Recreational rentals, sales, supplies.
- k. Health clubs, recreational facilities, and bathhouses.
- l. Parking garages, providing the level abutting any public sidewalk or street shall contain retail uses to maintain the commercial continuity of the street.
- m. Service clubs, lodge or fraternal organizations.
- n. Municipal uses.
- o. Community living arrangements.

(2) *Complementary uses.* Complementary uses are as follows:
- a. Personal services, including laundromats, dry cleaning, tanning salons, and beauty parlors.
- b. Drinking establishments.
- c. Dancehalls and chem-free clubs that serve only nonalcoholic beverages.
- d. Amusement arcades.
- e. Artist and craftsman shops and any manufacturing operations where goods are produced and primarily sold in an on-site retail storefront.
- f. Tattoo parlors.
- g. Rental car parking lots provided that the number of on-site stored automobiles shall not exceed ten vehicles.

(3) *Conditional uses.* Conditional uses are as follows:

a. Public/private utility facility.

b. Wireless telecommunication facilities: architectural siting only.

(Ord. of 9-18-2001, § 7.1.1; Ord. of 10-20-09(2))

Sec. 78-718. Prohibited uses.

Prohibited uses in the downtown district 1 (DD-1) are as follows:

(1) Automobile filling stations, automobile sales, service, or repair.

(2) Fuel storage except that incidental for cooking and heating/cooling of buildings.

(3) Adult entertainment.

(4) Truck terminals/motor freight business.

(5) Storage of contractor's equipment or supplies.

(6) Trailer and mobile home, commercial boat sales and service.

(7) Marinas, docking facilities and water related uses.

(Ord. of 9-18-2001, § 7.1.2; Ord. 10-20-09(2))

Sec. 78-719. Distribution of uses.

(a) *Primary uses.* Primary uses shall be allowed anywhere within the downtown district 1 (DD-1).

(b) *Complementary uses.* Within the downtown district 1 (DD-1), any proposal for a new complementary use, including a proposal to change one complementary use to another, shall be reviewed by the code enforcement officer for compliance with the following distribution requirements:

(1) No new complementary use shall be established on the sidewalk level of any street if, as a result, the proportion of the street frontage allocated to complementary uses would be more than 40 percent. To determine that percentage, street frontage is measured along the sideline of the street, starting from the centerpoint of the front lot line of the parcel on which the proposed complementary use is located and running in each direction for a distance of 200 feet or to the nearest intersecting street on the same street side as the proposed complementary use, or to the zoning district boundary of the DD-1 district, whichever is less.

(2) Complementary uses listed in section 78-717(2)d and (2)f shall not be located closer than 200 feet from another similar use, measured in a straight line without regard for intervening structures or objects between the customer entrance of each such use. Where such uses have more than one customer entrance, the 200-foot spacing must be maintained between all such entrances.

(Ord. of 9-18-2001, § 7.1.3; Ord. of 11-5-2003(1), § 7.1.3.2.a.)

Sec. 78-720. Spacing of drinking establishments.

(a) After November 5, 2003, no new drinking establishment shall be located in a building, structure, or area of land which is closer than 400 feet, measured in a straight line without regard to intervening structures or objects, to any other building, structure, or land which is:

(1) Occupied by a drinking establishment; or

(2) Occupied by any establishment which serves alcoholic beverages for consumption on the premises.

(b) No drinking establishment shall be located in a building, structure, or area of land which is closer than 100 feet from the boundary of a residential zoning district.

(c) Any drinking establishment existing on November 5, 2003 may continue to operate in its existing location provided the owner of the establishment registers with the code enforcement officer on a form specified by the code enforcement officer and establishes to the satisfaction of the code enforcement officer that the establishment was lawfully located or has been deemed legally nonconforming as a drinking establishment as of November 5, 2003. Any establishment which does not so register with the code enforcement officer by May 5, 2004 or which the code enforcement officer determines was not lawfully located as of November 5, 2003 shall not qualify as a lawful nonconforming use under section 78-176, and continued operation shall constitute a violation. A drinking establishment which is allowed to operate pursuant to this section is not eligible for an appeal from restrictions on nonconforming uses under section 78-180.

(d) Any establishment which serves alcoholic beverages for consumption on the premises must, annually at the time of renewal of its license under chapter 18, article II of this Code, provide information to the code enforcement officer on a form specified by the code enforcement officer demonstrating that the establishment continues to operate in a manner which complies with the spacing requirements of subsection (a) of this section or is allowed to continue in a nonconforming location pursuant to subsection (c) of this section. Any establishment which does not provide such information or which has changed its operation so that it no longer complies with such spacing requirements will be in violation.
(Ord. of 11-5-2003(1), § 7.1.3.3)

City of Orlando, Florida
***Code of Ordinances* (2012)**
Chapter 62 - Historic Preservation and Architectural Design

Part 5. - Design Standards In AC-3A District

Sec. 62.505. - Ground Floor Commercial Use.

(a) Intent Statement. Ground floor commercial uses within the Downtown area function to strengthen economic vitality and diversity. In addition, this type of land use is considered essential to a healthy and vibrant street life. Policy 5.4.11 in the Future Land Use Element of the Growth Management Plan specifically states that retail commercial uses shall be encouraged along certain portions of Orange Avenue and other primary pedestrian streets in the Downtown area. Consistent with this policy, street level retail is required along certain specifically designated street segments and encouraged along others. Street segments designated for mandatory or recommended street level retail use are identified in Figure 45 (Chapter 62).

(b) Design Standards.

(1) For development along the mandatory street-level commercial area shown in Figure 45 (Chapter 62), at least 50% of the street frontage (exclusive of lobby entrances, stairways and driveways) shall be commercial.

(2) For existing buildings, the Director of Planning and Development, in conjunction with the Downtown Development Board Executive Director, may approve minor deviations from these percentages, when literal compliance is impossible. Deviations may only be granted if the applicant submits clear and convincing evidence, in writing, to justify the deviation.

(c) Eligible Uses. Only uses in the following land use categories may be counted toward satisfying minimum street frontage standards for this bonus:

(1) Light retailing (except banks and savings institutions).

(2) Personal services (excluding car washes, appliance services, funeral homes, in-house carpet services, laundromats, massage establishments, radio/television repair and veterinary clinics).

(3) Indoor Recreation (theaters only).

(4) Eating and drinking establishments.

(d) Minimum Depth From Building Façade. All business sites counted toward satisfying the standards of this bonus shall extend a minimum of 18 feet depth from the building façade.

(e) Location of Mandatory Ground Floor Retail. In the Area of Mandatory Bonus, where a structure has frontage on both a primary pedestrian street and a side street, the 50% mandatory ground floor retail shall be provided on the primary pedestrian street. If the proposed retail space occupies a corner of the structure, the ground floor retail may occupy 25% of the primary pedestrian street frontage and 25% of the side street frontage. In the event that a structure has frontage on two primary pedestrian streets, the 50% mandatory ground floor retail shall be provided on both streets.

(f) Orientation Toward Street. All business sites counted toward satisfying this requirement shall be so oriented as to promote and strengthen pedestrian activity on the Pedestrian Street or Mall which they abut. The DDB Development Review Committee and the Planning Official must find in their review of the proposed development that such pedestrian activity is promoted and strengthened.
(Ord. of 7-23-2001, § 40, Doc. #33944)

Sec. 62.506. - Ground Floor Commercial Use Incentive.

To further promote and facilitate the provision of ground floor commercial uses within the areas shown in Figure 45 (Chapter 62), the street-level commercial square footage shall not be counted towards the calculation of the Floor Area Ratio for the development. This additional incentive shall not be applied to any other portion of the AC-3A/t district, except for the areas shown in Figure 45 (Chapter 62).

City of Palo Alto, California
***Municipal Code* (2012)**
Title 18. Zoning

Chapter 18.30(A). RETAIL SHOPPING (R) COMBINING DISTRICT REGULATIONS

18.30(A).010 Specific Purposes

The retail shopping combining district is intended to modify the uses allowed in a commercial district, where applied in combination with such district, to allow only retail, eating and service-oriented commercial development on the ground floors.
(Ord. 3519 § 3 (part), 1984)

18.30(A).020 Applicability of Regulations

The retail shopping combining district may be combined with any commercial district, in accord with Chapter 18.08 and Chapter 18.80. Where so combined, the regulations set forth in this chapter shall apply in lieu of the comparable provisions established by the underlying commercial district regulations.
(Ord. 3519 § 3 (part), 1984)

18.30(A).030 Zoning Map Designation

The retail shopping combining district shall apply to properties designated on the zoning map by the symbol "R" within parentheses, following the commercial designation with which it is combined.
(Ord. 3519 § 3 (part), 1984)

18.30(A).040 Permitted Uses

The following uses shall be permitted in an R district:

(a) Eating and drinking services, except drive-in and take-out services;

(b) Personal services;

(c) Retail services;

(d) All other uses permitted in the underlying commercial district, provided they are not located on a ground floor.

(Ord. 3519 § 3 (part), 1984)

18.30(A).050 Conditional Uses

The following uses may be conditionally permitted in an R district, subject to the issuance of a conditional use permit in accord with Chapter 18.76 (Permits and Approvals):

(a) Financial services, except drive-in services, on a ground floor;

(b) All other conditional uses allowed in the underlying commercial district provided they are not located on a ground floor.

(Ord. 4826 § 86, 2004: Ord. 3519 § 3 (part), 1984)

18.30(A).060 Special Requirements

The following special requirements shall apply in the R retail shopping combining district:

Lawful conforming permitted uses or conditional uses operating pursuant to a conditional use permit which were existing on April 26, 1984 may remain as grandfathered uses and

shall not require a conditional use permit or be subject to the provisions of Chapter 18.70. Such uses shall be permitted to remodel, improve, or replace site improvements on the same site for continual use and occupancy by the same use; provided, that any such remodeling, improvement or replacement shall not result in increased floor area, nor shall such remodeling, improvement or replacement result in shifting of building footprint or increased height, length, building envelope, or any other increase in the size of the improvement, or any increase in the existing degree of noncompliance, except through the granting of a design enhancement exception, pursuant to Chapter 18.76 (Permits and Approvals). If a use deemed grandfathered pursuant to this section ceases and thereafter remains discontinued for twelve consecutive months, it shall be considered abandoned and may be replaced only by a conforming use. A use deemed grandfathered pursuant to this section which is changed to or replaced by a conforming use shall not be reestablished, and any portion of a site or any portion of a building, the use of which changes from a grandfathered use to a conforming use, shall not thereafter be used except to accommodate a conforming use.
(Ord. 4826 § 87, 2004: Ord. 4140 § 15, 1993: Ord. 4016 § 29, 1991: Ord. 3519 § 3 (part), 1984)

Chapter 18.30(C) GROUND FLOOR (GF) COMBINING DISTRICT REGULATIONS

18.30(C).010 Specific Purpose

The ground floor combining district is intended to modify the uses allowed in the CD commercial downtown district and subdistricts to allow only retail, eating and drinking and other service-oriented commercial development uses on the ground floor. For the purposes of this chapter, "ground floor" means the first floor which is above grade. Where the ground floor combining district is combined with the CD district, the regulations established by this chapter shall apply in lieu of the uses normally allowed in the CD district. Except for the regulations relating to uses set forth in this chapter, all other regulations shall be those of the applicable underlying CD district.
(Ord. 4098 § 2 (part), 1992)

18.30(C).020 Permitted Uses

(a) The following uses shall be permitted in the GF combining district:

(1) Eating and drinking;

(2) Hotels;

(3) Personal services;

(4) Retail services;

(5) Theaters;

(6) Travel agencies;

(7) Entrance, lobby or reception areas serving nonground floor uses;

(8) All other uses permitted in the underlying district, provided such uses are not on the ground floor.

(b) Notwithstanding subsection (a), not more than twenty-five percent of the ground floor area not fronting on a street may be occupied by a use permitted in the applicable underlying CD district.
(Ord. 4098 § 2 (part), 1992)

18.30(C).030 Conditional Uses

(a) The following uses may be conditionally allowed on the ground floor in the GF ground floor combining district, subject to issuance of a conditional use permit in accord with Chapter 18.76 (Permits and Approvals) and with the additional finding required by subsection (b):

(1) Business or trade school;

(2) Commercial recreation;

(3) Day care;

(4) Financial services, except drive in services;

(5) General business service;

(6) All other uses conditionally permitted in the applicable underlying CD district, provided such uses are not on the ground floor.

(b) The director may grant a conditional use permit under this section only if he or she makes the following finding in addition to the findings required by Chapter 18.76 (Permits and Approvals): The location, access or design of the ground floor space of the existing building housing the proposed use, creates exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district.

(c) Any use conditionally permitted pursuant to this section shall be effective only during the existence of the building that created the exceptional circumstance upon which the finding set forth in subsection (b) was made.
(Ord. 4826 §§ 94, 95, 2004: Ord. 4098 § 2 (part), 1992)

18.30(C).040 Annual Monitoring of Ground Floor Retail Use

A downtown retail vacancy rate survey shall be prepared annually in September of each year, and a report shall be prepared conveying that information to the Planning and Transportation Commission and City Council prior to the end of the year. The purpose of the survey is to assess changes in retail use in the downtown zones. The vacancy rate shall address all areas zoned CD-C or GF in downtown.
(Ord. 5065 § 3, 2009)

City of Portsmouth, New Hampshire
***Zoning Ordinance* (2012)**
Article 6, Overlay Districts

Section 10.640 Downtown Overlay District
10.641 Establishment and Purpose

10.641.10 The Downtown Overlay District (DOD) is an overlay district applied to portions of the Central Business A and Central Business B districts. All properties located in the DOD must satisfy the requirements of both the DOD and the underlying districts.

10.641.20 The purpose of the DOD is to promote the economic vitality of the central business district by ensuring continuity of pedestrian-oriented business uses along streets.

10.642 Ground Floor Uses

Within the DOD, the ground floor of any building shall consist entirely of the following uses:

1. Nonresidential principal uses permitted in the underlying zoning district.

2. Entries, lobbies, stairs, and elevators providing pedestrian access to permitted upper-floor residential uses, not exceeding 20 percent of the ground floor area.

3. Accessory off-street parking facilities serving permitted principal uses on the lot, as further regulated below.

10.643 Off-Street Parking Facilities

10.643.10 Parking facilities of less than 400 parking spaces shall not be permitted as a principal use in the DOD.

10.643.20 In the DOD, accessory off-street parking facilities providing spaces for more than two vehicles shall not be located within 30 feet of the following streets:
Bow Street
Market Street
Congress Street
Pleasant Street
Daniel Street
State Street
High Street

10.643.30 In the DOD, the vehicular entrance into a building or structure containing off-street parking facilities for more then two vehicles shall not face any street listed in paragraph 10.643.20; the vehicular entrance shall be set back at least 30 feet from any street listed in paragraph 10.643.20; and shall be located at least 50 feet from any street intersection.

City of Sacramento, California
***Code of Ordinances* (2012)**
Title 17 ZONING
Division V Special Districts

Chapter 17.96 CENTRAL BUSINESS DISTRICT SPECIAL PLANNING DISTRICT

17.96.010 Purpose and intent.

The central business district (CBD or C-3 zone) applies to an approximately seventy (70) block portion of the central city. The CBD or C-3 zone is that area so designated on the map at the end of this chapter. The area is sometimes referred to in this section as the C-3 or CBD zone. The CBD or C-3 zone is the only classification which has no height limit and is intended for the most intense retail, commercial and office developments in the city. The goals of the CBD-SPD are as follows:

A. Accelerate the economic revitalization process by creating a marketplace attractive to private investment;

B. Achieve a plan for long-term economic growth through private sector incentive measures;

C. Enhance the character of Sacramento's downtown and ensure the development of well-designed new projects by adopting the architectural design guidelines;

D. Provide for a pleasant, rich and diverse pedestrian experience by implementing the streetscape design guidelines;

E. Provide for the humanization of the downtown through promotion of the arts, program of special events and activities, and overall excellence of design. (Ord. 2004-005 § 2; Ord. 99-015 § 5-1.1-A)

* * *

17.96.070 Ground floor retail requirement.

A. Purpose. The purpose and intent of the ground floor retail requirement is to preserve, enhance and ensure establishment of retail commercial, personal service, and pedestrian-oriented uses within at least that portion of the street level of buildings that abut a public street.

B. Retail Blocks and Use Restrictions Established.

1. The map at this end of this chapter identifies retail blocks in the CBD-SPD that are subject to the provisions of this section and designates ground floor retail requirements of either seventy-five (75) percent or fifty (50) percent for each individual block-face, as shown.

2. The uses listed at the end of this section in Table 1, "Retail, Pedestrian-Oriented and Personal Service Classifications," may occupy any portion of the street-frontage floor area of a building on a retail block, subject to all otherwise applicable provisions of this title.

3. The uses listed at the end of this section in Table 2, “Non-Retail, Non-Pedestrian-Oriented, Non-Personal Service Classifications,” may occupy street-frontage floor area of a building on a retail block, subject to all otherwise applicable provisions of this title; provided, that if the gross square footage of street-frontage floor area of the proposed Table 2 use, when combined with the gross square footage of street-frontage floor area of all other uses on the same block-face that are not listed on Table 1, exceeds twenty-five (25) percent of the total street-frontage floor area of the block-face of a seventy-five (75) percent retail block or exceeds fifty (50) percent of the total street-frontage floor area of the block-face of a fifty (50) percent retail block, then a zoning administrator’s special permit under Chapter 17.212 shall be required in addition to all otherwise applicable requirements of this title. The zoning administrator’s approval may be for a limited period of time, depending upon present economic conditions, existing physical conditions or any special circumstances related to that particular location.

4. The total gross square footage of street-frontage floor area of all uses that are not listed on either Table 1 or Table 2 shall not exceed twenty-five (25) percent of the total street-frontage floor area of the block-face of a seventy-five (75) percent retail block or fifty (50) percent of the total street-frontage floor area of the block-face of a fifty (50) percent retail block.

C. New construction or conversions affecting ground floor areas in buildings on designated retail streets must provide retail space within said buildings with a minimum interior space depth of sixty (60) feet measured from the inside wall abutting the front property line or space modules containing a minimum area of one thousand (1,000) square feet along building frontage abutting designated retail streets, whichever is less.

D. As used in this section, “street-floor area frontage” means the interior floor area within a structure which has the same elevation as the public street providing principal access to the area (commonly referred to as the first or ground floor of the building) and that measures sixty (60) feet in depth from the inside wall abutting tle street side property line.

E. As used in this section, a “block-face” means a contiguous row of buildings or spaces located on a city block bordered on each side by a public street or public alley.

F. Major Projects—New Construction, Rehabilitation or Conversion. A bank, savings and loan, or similar financial institution and any uses listed in Table 2 of this section, cannot occupy more than fifty (50) percent of the ground floor area of a major project. A major project is one that will construct, rehabilitate or convert more than seventy-five thousand (75,000) square feet of space within a building or buildings on a block face.

G. Notwithstanding any other provision of this section or Section 17.212.100(G), any special permit for a use listed in Table 2 located within a building’s street frontage floor area that is voluntarily or involuntary interrupted for a continuous period of one year or more shall be deemed automatically revoked.

Table 1
RETAIL, PEDESTRIAN-ORIENTED AND PERSONAL SERVICE CLASSIFICATIONS

Retail Goods
- Apparel store
- Appliance store
- Book and stationery store
- Camera store

- Camping equipment store
- Department store
- Fabric store
- Furniture store
- Gift shop
- Luggage and leather goods store
- Paint store
- Pet store
- Plant store
- Record, stereo store
- Shoe store
- Sporting goods store

Pedestrian/Consumer-*Oriented Establishments

- Art gallery
- Bowling alley
- Museum
- Theater

Convenience Goods

- Bakery shop
- Bar
- Candy store
- Delicatessen
- Florist shop
- Grocery store
- Hardware store
- Hobby and crafts store
- Restaurant, except fast food or take-out food establishment

Personal/Consumer* Services

- Appliance repair
- Bank, credit union or savings and loan**
- Barber shop
- Beauty shop
- Bicycle shops
- Copy shop
- Dry cleaner
- Laundromat
- Photographic studio
- Shoe repair
- Tailor shop
- Travel agency

* Establishments that primarily serve walk-in customers without an appointment.
** Financial institutions such as banks, savings and loan, credit unions and uses listed in Table 2 cannot occupy more than fifty (50) percent of the ground floor area of a major project as defined by the zoning ordinance.

The zoning administrator shall have the authority to determine that a use not listed above is substantially similar to a use listed above and is therefore governed by Table 1. The procedure followed shall be that used for the granting of a special permit under Chapter 17.212 of this title.

Table 2
NON-RETAIL, NON-PEDESTRIAN/CONSUMER-ORIENTED, NON-PERSONAL SERVICE CLASSIFICATIONS

Offices
- Accountant
- Architect
- Attorney
- Bail bondsman
- Counseling services
- Consultants—General
- Employment agency
- Escrow agent
- Government office/service
- Insurance broker
- Internet service exchange
- Laboratory
- Landscape architect
- Mortgage broker
- Optometrist
- Real estate agent, appraiser, broker, developer, etc.
- Security company
- Stock broker
- Tax accountant, preparer
- Title company
- Trust company
- Utility company

Other/Miscellaneous
- Amusement arcade
- Athletic club
- Automotive sales
- Automotive service and repair
- Bus or other transit terminal, depot or passenger station, public or private
- Check cashing center
- Convenience market/store
- Drug store
- Fast food or take-out food establishment
- Industrial operation
- Liquor store
- Manufacturing
- Money lender/pawn shop
- Mortuary
- Secondhand store
- Service station
- School—Trade, etc.
- Social hall, club
- Storage lot
- Variety/merchandise store

The zoning administrator shall have the authority to determine that a use not listed above is substantially similar to a use listed above and is therefore governed by Table 2. The

procedure followed shall be that used for the granting of a zoning administrator's special permit under Chapter 17.212 of this title. (Ord. 2004-005 § 3; Ord. 99-015 § 5-1.1-G)

City of San Mateo, California
***Municipal Code* (2012)**
Title 27 ZONING

Chapter 27.38 CBD DISTRICTS—CENTRAL BUSINESS DISTRICT
27.38.110 REQUIRED RETAIL FRONTAGE.

The following provisions apply in the required retail frontage area as shown in the City's Downtown Plan (the "Required Retail Frontage"):

(a) Permitted Uses. The following uses are permitted on the ground floor subject to the requirements in Section 27.38.040, Conditions of Use, and the standards listed in subsection (c) below:

(1) Retail Sales. Uses principally engaged in retail sale or rental of consumer or household goods, including ancillary repair services. These retail uses are characterized by face-to-face transactions conducted by both the buyer and seller on the business premises. Retail businesses that conduct a majority of their sales (over 50%) via the Internet or other means of telecommunications are not considered "retail" for the purposes of this section.

(2) Personal Services. Uses principally providing services of a personal convenience nature to the individual consumer. These types of uses are primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical personal services uses include, but are not limited to, beauty and hair salons, shoe repair shops and tailor shops. This definition of "Personal Services" does not include professions as defined in Section 5.24.160 of the City of San Mateo Municipal Code or any similar professions.

(3) Eating and Drinking Services. Uses principally engaged in the preparation and retail sale of food and/or beverages, but excluding uses principally involving food preparation for off-site catering.

(4) Theaters and Cultural Facilities. Uses providing entertainment such as motion pictures, plays or operas or cultural facilities such as a museum.

(5) Banks. Uses providing financial services including banks, savings and loan institutions, lending institutions, and credit unions unless located at the intersection of two (2) streets within the required retail frontage area as shown in the Downtown Plan; banks and other financial services are prohibited at these corner locations. Such uses shall be retail service in nature, dedicated to serving the general customer, and not be open by appointment only. At least 50% of the ground floor area shall be devoted to this type of retail, customer serving use.

(b) Special Uses. The following uses are permitted subject to approval of a special use permit.

(1) All Properties. Any other use deemed similar in nature and operation to the permitted uses, and found to be consistent with the purposes of this chapter and the policies of the Downtown Plan, may be authorized upon approval of a special use permit by the Planning Commission, subject to the provisions of Chapters 27.08, Rules of Procedure, and 27.74, Special Use Permits, unless appealed to the City Council in accordance with Section 27.08.060.

(2) Ground Floor Dependent Offices on Non-Corner Properties. Offices used for on-site property management, or for professional or consulting services, including, but not limited to, travel agencies, insurance agencies, income tax preparers, real estate agencies and notary publics, when not exceeding 2,500 square feet per building and not located at the intersection of two (2) streets within the required retail frontage area as shown in the Downtown Plan. Such uses shall require ground floor visibility to serve patrons on an unannounced or drop-in basis, shall conduct a majority of their business face-to-face on the premises with their customers, and shall maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale.

(c) Standards.

(1) Ground Floor Retail Frontage Width and Depth Standards.

(i) For non-corner properties with street frontage widths of 25 linear feet or less, at least 67% of the building's street frontage, to a depth of 60 feet, shall be limited to the permitted uses specified above.

(ii) For non-corner properties with street frontage widths greater than 25 linear feet, at least 75% of the building's street frontage, to a depth of 60 feet, shall be limited to the permitted uses specified above.

(iii) Reduction in Ground Floor Retail Frontage Width and Depth Requirement. Reductions in the above requirements may be authorized upon approval of a special use permit by the Planning Commission, subject to the provisions of Chapters 27.08, Rules of Procedure, and 27.74, Special Use Permits, and if each of the following findings can be made in addition to the findings required for special use permits:

(A) The property has physical limitations such as narrow building or lot width, or an unusual building or lot configuration which renders it infeasible to meet the retail depth and width requirements set forth above; and

(B) The proposed uses and associated changes to the building and property are consistent with the purposes of this chapter, and applicable policies pertaining to downtown including, but not limited to, the General Plan, Downtown Plan, and Pedestrian Master Plan.

(2) Public Access. All permitted and specially-permitted uses shall be directly accessible from a public sidewalk or a plaza accessible from the public sidewalk along the required frontage.

(3) View of Interior Space. New or reconstructed building walls at the ground level shall have at least 75% of the width along the street devoted to pedestrian entrances, transparent show or display windows of at least two (2) feet in depth, or windows affording a view of retail, office, or lobby space.

(4) Ground Floor Entries to Other Uses.

(i) For lots with street frontage widths of 25 linear feet or less, not more than 33% of the street frontage shall be devoted to entrances to uses other than the above permitted uses.

(ii) For lots with street frontage widths greater than 25 linear feet, not more than 25% of the street frontage shall be devoted to entrances to uses other than the above permitted uses.

(5) Location of Parking. Surface parking shall not be permitted within 50 feet of property lines designated for required retail frontage and shall be required to be located behind a building meeting the requirements of this title.

(6) Second Floor Offices. Second floor offices, including medical and dental clinics, and financial institutions are permitted only if the ground floor of the structure is occupied by one (1) of the permitted uses listed above. (Ord. 2012-8 § 5; Ord. 2001-28 § 1; Ord. 2000-16 § 2; Ord. 1993-7 § 2; Ord. 1989-19 §§ 2, 3; Ord. 1986-14 § 1)

Section 3-212 Commercial Zone District

3-212.A. **Purpose**. The purpose of the Commercial Zone District (C) is to allow land to be used for retail and service commercial establishments and uses, together with accommodations uses. Some recreation, multi-family residential, accessory and institutional uses may also be appropriate, especially those that strengthen the Town's commercial core.

3-212.B. **Use Table.** The uses permitted by right and the uses permitted on review in the Commercial Zone District are as follows:

Commercial Zone District Use Table	
Uses Permitted By Right	**Uses Permitted On Review**
1. Retail Commercial Establishments, as listed in note 1, below	1. Schools as limited by Note 4 below, Public Buildings and Institutional Uses
2. Service Commercial Establishments, limited to the following and similar uses (see Note 5): a. business office b. catering service c. financial institution d. parking lot or garage e. personal service including barber or beauty shop f. radio or television broadcast facility g. studio for arts instruction	2. Recreation and Entertainment Establishments, limited to the following and similar uses: a. Billiard Parlor b. Business, Fraternal or Social Club or Hall c. Dance hall d. Ice or Roller Skating Rink
3. Rental, repair and wholesaling facilities, in conjunction with permitted retail commercial and service commercial establishments, provided all such activity is clearly incidental to the permitted use and conducted within a building	3. Shop Craft Industry
4. Condominium-Hotel, Hotels, Lodges, Roominghouses, Boardinghouses, Short-term Dwelling Units	4. Vehicle Repair Shops, as defined in Article 2, Division 1
5. Storage of materials accessory to permitted uses 1, 2, 3 & 4 above, provided all such storage is located within a structure	5. One-Family Dwelling Units on lots of 5,000 sq. ft. or less; see note 2
6. One-family Dwelling Units in Backman Village Subdivision, Lots 1 through 28, inclusive	6. Two-Family Dwelling Units on lots of 5,000 sq. ft. or less; see note 2
7. Multi-Family Dwelling Units: a. on lots greater than 5,875 square feet, per notes 2 and 3; b. on lots 5,875 square feet or less, per note 2	7. See C.10
8. Parks, Open Space and Recreational Uses	
9. Designated Employee Dwelling Units and Affordable Housing Units; see note 2	
10. Parking of motor vehicles	
11. Timesharing, pursuant to the provisions of Section 6-413 of this Title	

Note 1 - Retail commercial establishments shall be limited to the following and similar uses:

1. Antique shop
2. Appliance store
18. Furniture store
19. Gift shop

3. Art gallery
4. Art supply store
5. Automobile accessory store
6. Bakery
7. Bar
8. Bookstore
9. Camera shop
10. Candy, tobacco or cigarette store
11. Catalogue store
12. Clothing store
13. Decorator shop
14. Department store
15. Drugstore
16. Florist shop
17. Food market
20. Hardware store
21. Hobby shop
22. Jewelry store
23. Job printing shop
24. Key shop
25. Liquor store
26. Pet shop
27. Paint and wallpaper store
28. Pawn shop
29. Photography shop
30. Restaurant
31. Sporting goods store
32. Stationery store
33. Variety store

Note 2: **Restriction on Residential Dwelling Uses.**

No residential use as defined in Table B as Uses Permitted by Right B.7 and B.10 or Uses permitted on Review B.5 or B.6 shall be permitted within the first or ground floor of a building or structure (that floor which is closest to the elevation of the adjacent street), unless such use is setback an average of thirty-five (35') from the front exterior wall of the building or structure as measured perpendicularly from the front exterior wall. In no case shall such use be closer than twenty feet (20') from the front exterior wall. Such setback may be modified by the Planning and Zoning Commission pursuant to Article 6, Division 3, "Planned Unit Development," or varied by the Planning and Zoning Commission pursuant to Article 6, Division 2, "Variances." For the purposes of this section, the "front exterior wall" of building or structure shall mean that wall which establishes the front yard, or in the absence of a front yard, the front lotline. Also, for the purpose of this section, the "front lotline" shall mean the frontage along the street with the shortest linear frontage for lots which have more than one street frontage.

Note 3:

Net floor area of such units shall not exceed 35% of gross floor area of all structures per lot (excepting floor area restricted as affordable and employee housing), unless modified pursuant to Article 6, Division 3, "Planned Unit Development".

Note 4:

The P&Z shall deny an application for a public school as a use permitted on review if it determines (1) the proposed school meets the definition of a school as provided for in Section 12-47-103 of Colorado Revised Statutes; and (2) allowing such a school will prohibit the establishment or continuing operation of an establishment that serves alcohol pursuant to the Distance Requirements set forth in Section 6-2-160 of the Municipal Code.\

Note 5:

The East 300 Block of Colorado Avenue between Willow and Alder, is subject to the Vitality [Use] Setback in Section 3-213.E. and the 20% Service Commercial Limit in section 3-213.F. It is also subject to the Service Commercial Uses, Use Permitted by Right

found in 3-213.B of the Historic Commercial Use Table.

3-212.C. **Dimensional Limitations**. The following dimensional limitations apply to all uses permitted by right and uses permitted on review in the Commercial Zone District:

3-212.C.1 **Minimum Lot Area**: Two thousand five hundred (2,500) square feet.

3-212.C.2 **Maximum Lot Area:**

a. Eleven thousand seven hundred and fifty (11,750) square feet unless modified pursuant to Article 6, Division 3, "Planned Unit Development".

b. No limitation provided the development is comprised of hotel, lodge, roominghouse, boardinghouse, short-term dwelling units; facilities for conferences, performing arts, or special events, provided such facilities are available to local non-profit organizations[1]; excepting the following: the net floor area of uses other than those listed above shall not comprise greater than thirty five percent (35%) of the gross floor area of the structure minus floor area dedicated to affordable or employee housing. The uses within such structure(s) shall be memorialized in a development agreement or instrument as approved by the Town Manager.

3-212.C.3 **Minimum Lot Width:** Twenty-five feet (25').

3-212.C.4 **Minimum Lot Frontage:** Twenty-five feet (25') for all lots.

3-212.C.5 **Minimum Front Yard:** No limitation.

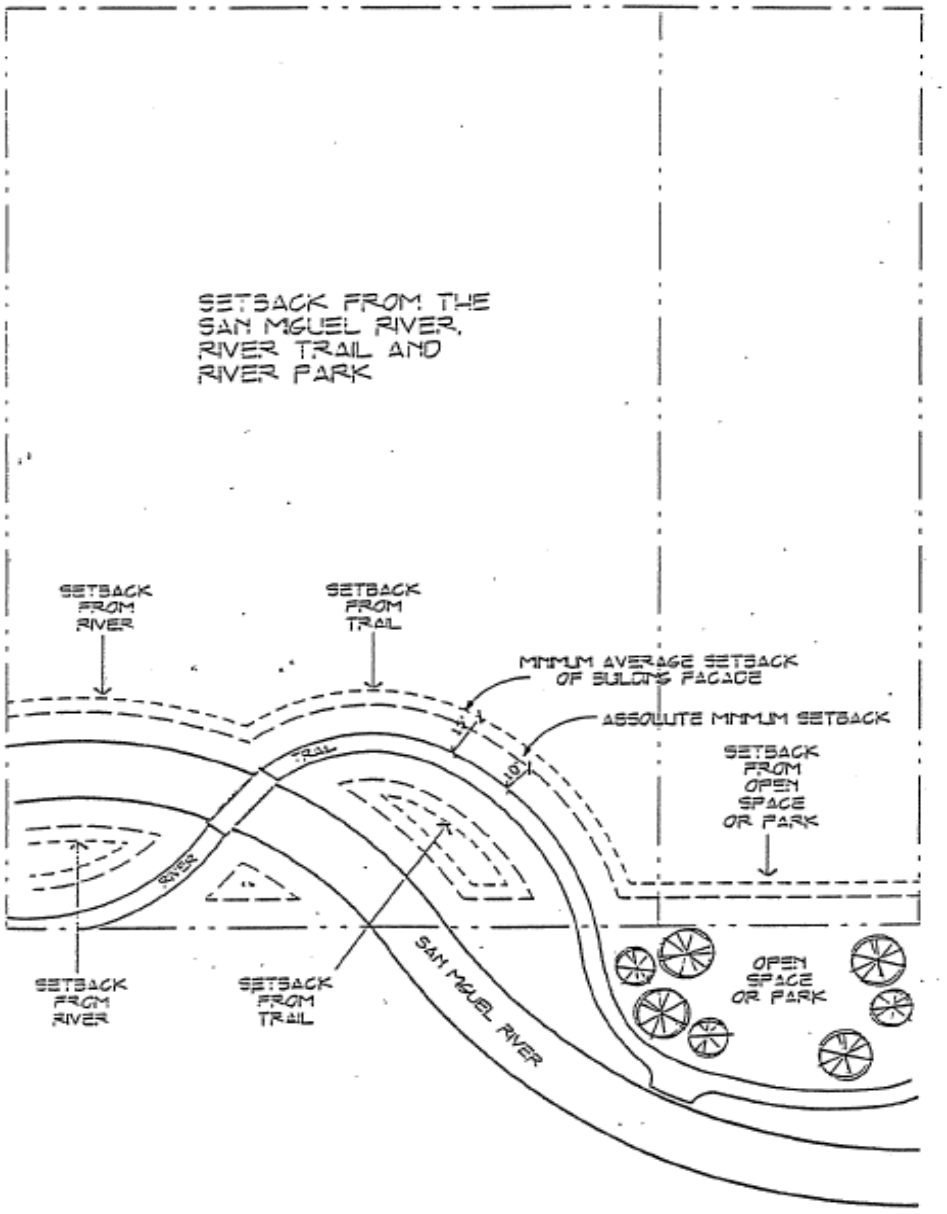
3-212.C.6 **Minimum Side Yard:** No limitation.

3-212.C.7 **Minimum Rear Yard:** All buildings, five feet (5'), provided this requirement shall not be applied so as to prohibit below-grade structures within the rear yard setback.

3-212.C.8 **Setback to the San Miguel River, River Trail and River Park:** Notwithstanding the above provisions, the following minimum setback from a property line which is adjacent to a property which is zoned or entirely

[1] "Available to local non-profit organizations" means such facility shall be available free of charge a minimum of twenty (20) days per calendar year between the hours of 6:00 a.m. and 12:00 midnight, or the number of days and times as otherwise approved by the Planning and Zoning Commission pursuant to Article 6, Division 3, "Planned Unit Development", for use by local municipal, school, religious, public service organizations, and not-for-profit educational, charitable and artistic organizations.

dedicated for Open Space or Park and contains either the San Miguel River or River Park Trail, or from the River Park Trail or the San Miguel River in the absence of such zoning or dedication, whichever is more restrictive, shall be ten feet (10'), however, in no case shall the average setback of the building facade be less than fifteen feet (15'). For the purposes of this section, the determination of setback shall include any building or structure, or portion thereof, including decks, porches, railings and fences.



3-212.C.9 **Minimum Bulk Plane.** Notwithstanding the above provisions, buildings shall be set back a minimum of one (1) horizontal foot for each one and a half (1.5) vertical feet, excluding chimneys, from a property line which is adjacent to a property which is zoned or entirely dedicated for Open Space

or Park and contains either the San Miguel River or River Park Trail, or from the River dedication, whichever is more restrictive.

3-212.C.10 **Setback for High Intensity Use.** Notwithstanding Section 3-212.B., no High Intensity Use as defined in Table 3-4 shall be permitted within a structure whose access to that use, or which use is located outside a structure, which is within fifty (50') feet of a property line which is adjacent to a property which is zoned or dedicated for Open Space or Park and contains either the San Miguel River or River Park Trial, or fifty (50') feet from the River Park Trail or the San Miguel River in the absence of such zoning or dedication; whichever is more restrictive, unless such uses are authorized and approved by P&Z subject to the provisions of Article 6, Division 1, "Uses Permitted on Review".

3-212.C.11 **Maximum Primary Facade Width:** Fifty feet (50'), unless modified by H.A.R.C. In no case shall such modified width exceed seventy-five feet (75').

3-212.C.12 **Minimum Floor Area:** No limitation.

3-212.C.13 **Maximum Floor Area:**

a. All buildings, above grade floor area to lot area ratio shall not exceed one and one half to one (1.5:1), except as provided in sections b and c.

b. In calculating such ratio, that square footage of floor area shall be excluded which is designed and built to provide exclusively for the storage or parking of motor vehicles.

c. The maximum floor area may be increased above the 1.5:1 ratio, but not greater than one and three quarters to one (1.75:1), provided that the additional floor area is restricted to designated employee dwelling unit(s) or affordable housing unit(s).

d. The maximum floor area may be increased above the 1.5:1 ratio, but not greater than two to one (2:1) pursuant to Article 6, Division 3, "Planned Unit Development".

e. Covered or enclosed open space shall be included in calculating floor area. "Covered or enclosed open space" means ground area which does not permanently provide at the pedestrian level unobstructed access to light and air, or which is roofed, heated, or physically, psychologically, or visually closed to public access and view.

3-212.C.14 **Maximum Building Height**:

a. All buildings, thirty-five feet (35') provided that the maximum height may be increased up to forty feet (40'), if approved pursuant to the PUD process.

b. The height of the primary facade of a building shall be not less than sixteen feet (16').

c. Upon review and approval of H.A.R.C., the building height may be increased to forty feet (40'), provided that the maximum above grade floor area to lot area ratio shall not exceed a ratio of one point two to one (1.2:1), regardless of any other LUC requirements including, but not limited to, parking and employee housing.

d. Upon review and approval of H.A.R.C., an architectural element may be located on top of a building, provided that the element may not extend more than twenty percent (20%) beyond the highest point of the building. No element shall exceed one hundred fifty (150) square feet of gross floor area or ten percent (10%) of the structure's ground coverage, whichever is less.

(1) No such element shall be permitted if it substantially reduces or blocks an adjacent structure's access to light or air.

(2) No building shall be allowed more than one (1) architectural element.

(3) The burden of proof shall be on the applicant to establish how the excess in height will benefit the neighborhood and the Town.

(4) In determining whether to approve an architectural element, H.A.R.C. shall consider, but not be limited to, such site conditions as large lot size, placement of the structure on the lot, the relationship and proximity to adjacent neighboring structures, major street intersections and dead-end streets, and whether the element would create a positive focal point.

e. The height of a structure rated as "contributing" or "supporting" by the *Telluride Historic and Architectural Survey* may be increased if the applicable following requirements are met:

(1) the height increase is necessary to replace an architectural element historically associated with the structure during the "period of significance"; or

(2) for buildings which have existing primary facade heights

of twenty (20) feet or less, the addition is stepped back from the primary facade a minimum of four (4) horizontal feet for each one (1) vertical foot of increase in height; for buildings which have existing primary facade heights of greater than twenty (20) feet, the addition is stepped back from the primary facade a minimum of three (3) horizontal feet for each one (1) vertical foot of increase in height; and

(3) is stepped back from side streets and side alley rights-of-way a minimum of two (2) horizontal feet for each one (1) vertical foot of increase in height.

Height increases authorized pursuant to this paragraph e. shall not be subject to compliance with the requirements of paragraph d., above, of this subsection.

f. The height of all roof-mounted mechanical and service equipment shall be counted in determining building height.

g. Renewable energy fixtures and equipment are permitted to project above building roof membrane for existing buildings provided HARC finds that the following items are complied with:

(1) The visual impacts of active solar collection devices shall be subservient to the historic integrity and visual characteristics of the building.

(2) Screening that is consistent with design guidelines shall be provided to shield fixtures that are in the sight line of the street or alley at which they are viewed.

(3) All fixtures and equipment shall be located in the least visible location possible while maintaining the efficiency of the solar panels proposed. For example, PV shingles and propanel/standing seam integrated products can be used to achieve minimal visibility.

Furthermore, renewable energy fixtures and equipment are permitted to project above the building roof membrane for existing buildings provided that:

(4) Renewable energy fixture and equipment heights do not exceed three (3) feet if more than seventy-five percent (75%) of the roof is covered with panels.

(5) Fixture and equipment heights do not exceed four (4) feet if fifty percent to seventy-four and nine tenths

percent (50% to 74.9%) of the roof is covered with panels.

(6) Fixture and equipment heights of up to five (5) feet are permitted if less than fifty percent (50%) of the roof is covered with panels.

(7) All fixtures shall be installed in a manner that conforms to the Uniform Building Code, and roof load engineering may be required.

(8) All fixtures and equipment shall possess an anti-reflective top coating, such as TOPS (Tempered glass tefzel glazing) or titanium dioxide. All metal surfaces shall be a matte finish.

(9) Top-of-pole ground mounts shall be permitted on the ground provided HARC finds that:

(a) Fencing or screening is provided surrounding the fixtures.

Furthermore, renewable energy fixtures and equipment shall be permitted provided that:

(b) The fixture(s) conform to all setbacks.

(c) The highest portion of the ground-mounted fixtures does not exceed six (6) feet.

(d) Fixtures are located in the rear third of the structure or site.

h. Renewable energy fixtures and equipment that are incorporated into new structures shall be permitted to project above building height limits provided HARC finds that the following items are complied with:

(1) The visual impacts of active solar collection devices shall be subservient to the historical integrity and visual characteristics of the building.

(2) For new structures, renewable energy fixtures shall be incorporated into the design of the building to minimize their appearance.

(3) Screening that is consistent with design guidelines shall be provided to shield fixtures that are in the sight line of the street or alley at which they are viewed.

(4) All fixtures shall be located in the least visible location possible while maintaining the efficiency of the solar panels proposed. For example, PV shingles and propanel/standing seam integrated products can be used to achieve minimal visibility.

Furthermore, renewable energy fixtures and equipment that are incorporated into new structures shall be permitted to project above building height limits provided that:

(5) Two feet above allowable height limits will be permitted if HARC determines that appropriate screening is provided.

(6) All fixtures and equipment shall possess an anti-reflective top coating, such as TOPS (Tempered glass tefzel glazing) or titanium dioxide. All metal surfaces shall be a matte finish.

(7) All fixtures shall be installed in a manner that conforms to the Uniform Building Code, and roof load engineering may be required.

(8) Top-of-pole ground mounts shall be permitted on the ground provided HARC finds that:

(a) Fencing or screening is provided surrounding the fixtures.

Furthermore, renewable energy fixtures and equipment shall be permitted provided that:

(b) The fixture(s) and equipment conform to all appropriate setbacks.

(c) The highest portion of the ground-mounted fixture(s) does not exceed six (6) feet.

(d) Fixture(s)and equipment are located in the rear third of the structure or site.

3-212.C.15 **Minimum Roof Pitch:** No limitation except roofs of buildings located on lots with frontage on Colorado Avenue shall be flat unless otherwise permitted or required by H.A.R.C.

3-212.C.16 **Maximum Site Coverage:** No limitation.

3-212.C.17 **Minimum Ceiling Height:** For all buildings located on lots with frontage on Colorado Avenue, the minimum height of the lowest finished ceiling

above sidewalk grade shall be not less than eleven and three-quarters feet (11.75') measured from the average sidewalk grade along the building frontage to the bottom of the ceiling, such minimum to apply within an area extending into the building a distance of twenty-five feet (25') from the Colorado Avenue property line.

3-212.D. **Off-Street Parking Requirements.** The following number of off-street parking spaces shall be provided for each use in the Commercial Zone District:

3-212-D.1 **Parking Requirements in the Commercial Zone District**	
Use Category	**Required Parking**
Residential Dwelling Units	1 space per unit
Short-term Dwelling Units	2 spaces per every 3 units
Hotel, Lodge, Roominghouses, Boardinghouses	2 spaces for every 3 units
High Intensity Use	One space per 500 square feet of floor area
Low Intensity Use	One space per 1,000 square feet of floor area
Gas Stations and Vehicle Repair	One space per gasoline pump; Two spaces per grease rack or wash rack; and One space per 200 square feet of area usable for repair work, exclusive of drives, equipment, storage, utilities, etc.
Auto Service, Car Rentals, Auto and Truck Sales	One space for each vehicle, exclusive of service and repair area, which shall meet the requirements for gas stations and vehicle repair.

3-212.D.2. **Parking Requirements for development comprised solely* of Hotel, Lodge, Roominghouse, Boardinghouse, and Short-term Dwelling Units for Lots less than 6,000 sq.ft.**	
Lot Area	**Required Parking**
0 - 3,000 sq. ft.	4 spaces; or the number of spaces required in Section 3-212.D.1, whichever is less
3,001 - 5,999 sq. ft.	5 spaces; or the number of spaces required in Section 3-212.D.1, whichever is less

*excepting affordable and employee housing

(Ord. 1344, 2011; Ord. 1316, 2009; Ord. 1248, 2006; Ord. 1177, 2002; Ord. 1163. 2002; Ord. 1112, 1999; Ord. 1106, 1998; Ord. 1092, 1997; Ord. 1033, 1995; Ord. 1011, 1994; Ord. 1007, 1994; Ord. 1005; 1994; Ord. 977, 1993; Ord. 975, 1993; Ord. 970, 1992; Ord. 955, 1992; Ord. 924, 1991; Ord. 869, 1989; Ord. 817; 1988)

City of Tumwater, Washington
***Municipal Code* (2012)**

Title 18, Zoning
Chapter 18.23 TC TOWN CENTER ZONE DISTRICT

18.23.010 Intent.
The intent of the town center (TC) zone district is to create a mixed use, urban density, transit-supported town center. The area should consist of multistory buildings oriented to create convenient pedestrian and transit access. Use of public gathering areas, shared parking facilities and public walkways that connect uses within the town center are envisioned. Development should occur in a manner that is consistent with the goals and policies set forth in the Tumwater comprehensive plan. The town center zone district consists of the following subdistricts (Figure 18.23.010):

A. Town Center Mixed Use. The intent of the town center mixed use subdistrict is to provide mixed retail, office and residential uses at a level of intensity sufficient to support transit services and to provide a focus for the town center. Mixed use can include: development of a parcel or structure with one or more different land uses, such as a combination of residential, office, retail, public, or entertainment in a single or physically integrated group of structures. A broad mix of land uses are allowed in this subdistrict, including retail, personal and professional services, restaurants, entertainment, lodging, community facilities and residential. Along designated main streets (Figure 18.23.010), ground floor retail sales, personal services and restaurants are encouraged with residential uses, professional services and general offices on the upper stories.

* * *

18.23.050 Development and design standards – Specific to properties fronting main streets.
The following requirements apply to development proposals on land within the town center mixed use subdistrict that has frontage on rights-of-way designated as main streets in Figure 18.23.010. These requirements supplement requirements described in other sections of this chapter.

* * *

E. First Floor Uses in Commercial and Residential Developments.

1. Intent. Create a pedestrian environment with first floor land uses that generate pedestrian activity which complement the wide sidewalks, street trees, pedestrian-level street lights, street furniture and mid-block crossings that characterize the pedestrian-oriented streetscape.

2. Requirement. For commercial and residential developments, a minimum of twenty percent of the gross floor area on the first floor shall be dedicated to one or more of the following: retail sales, restaurants, personal services, museums or art galleries. These uses may be located within mixed use structures or in separate structures within the development. For example, a professional office building may incorporate a restaurant on the first floor, or a building dedicated entirely to professional offices may be constructed adjacent to a single-use restaurant building within the same development.

First floor uses required by this section must be externally oriented. “Externally oriented” for the purpose of this regulation shall mean having a public entrance opening directly to the outside and facing the main street. A minimum finished ceiling height of ten feet is required.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2006-034, Amended, 07/17/2007; Ord. O2001-020, Added, 05/07/2002)

Town of Vail, Colorado
***Town Code* (2011)**

TITLE 12. ZONING REGULATIONS
CHAPTER 7. COMMERCIAL AND BUSINESS DISTRICTS

ARTICLE B. COMMERCIAL CORE 1 (CC1) DISTRICT

12-7B-1: PURPOSE:

The commercial core 1 district is intended to provide sites and to maintain the unique character of the Vail Village commercial area, with its mixture of lodges and commercial establishments in a predominantly pedestrian environment. The commercial core 1 district is intended to ensure adequate light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The zoning regulations in accordance with the Vail Village urban design guide plan and design considerations prescribe site development standards that are intended to ensure the maintenance and preservation of the tightly clustered arrangements of buildings fronting on pedestrianways and public greenways, and to ensure continuation of the building scale and architectural qualities that distinguish the village. (Ord. 29(2005) § 24: Ord. 21(1980) § 1)

12-7B-2: PERMITTED AND CONDITIONAL USES; BASEMENT OR GARDEN LEVEL:

A. Permitted Uses: The following uses shall be permitted in basement or garden levels within a structure:

1. Retail shops and establishments, including the following:
   - Apparel stores.
   - Art supply stores and galleries.
   - Bakeries and confectioneries.
   - Bookstores.
   - Camera stores and photographic studios.
   - Candy stores.
   - Chinaware and glassware stores.
   - Delicatessens and specialty food stores.
   - Drugstores.
   - Florists.
   - Gift shops.
   - Health food stores.
   - Hobby stores.
   - Jewelry stores.
   - Leather goods stores.
   - Music and record stores.
   - Newsstands and tobacco stores.
   - Sporting goods stores.
   - Stationery stores.
   - Toy stores.
   - Variety stores.
   - Yardage and dry goods stores.
2. Personal services and repair shops, including the following:
   - Beauty and barber shops.
   - Commercial ski storage.
   - Small appliance repair shops.
   - Tailors and dressmakers.
   - Travel and ticket agencies.

3. Eating and drinking establishments, including the following:
   Bakeries and delicatessens with food service, restricted to preparation of products specifically for sale on the premises.
   Cocktail lounges and bars.
   Coffee shop.
   Fountains and sandwich shops.
   Restaurants.
4. Professional offices, business offices and studios.
5. Banks and financial institutions.
6. Additional uses determined to be similar to permitted uses described in subsections A1 through A5 of this section, in accordance with the provisions of section 12-3-4 of this title so long as they do not encourage vehicular traffic.
7. Lodges.
8. Employee housing units, as further regulated by chapter 13 of this title.

B. Conditional Uses: The following uses shall be permitted in basement or garden levels within a structure, subject to issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:

Electronic sales and repair shops.
Household appliance stores.
Liquor stores.
Luggage stores.
Major arcades.
Meeting rooms.
Multiple-family dwellings.
Outdoor patios.
Theaters. (Ord. 1(2008) § 12: Ord. 39(2007) § 2)

12-7B-3: PERMITTED AND CONDITIONAL USES; FIRST FLOOR OR STREET LEVEL:

A. Permitted Uses: The following uses shall be permitted on the first floor or street level within a structure:

1. Retail stores and establishments, including the following:
   Apparel stores.
   Art supply stores and galleries.
   Bakeries and confectioneries.
   Bookstores.
   Camera stores and photographic studios.
   Candy stores.
   Chinaware and glassware stores.
   Delicatessens and specialty food stores.
   Drugstores.
   Florists.
   Gift shops.
   Hobby stores.
   Jewelry stores.
   Leather goods stores.
   Luggage stores.
   Music and record stores.
   Newsstands and tobacco stores.
   Sporting goods stores.
   Stationery stores.
   Toy stores.

Travel and ticket agencies.
Variety stores.
Yardage and dry goods stores.

2. Eating and drinking establishments, including the following:
Bakeries and delicatessens with food service, restricted to preparation of products specifically for sale on the premises.
Cocktail lounges and bars.
Coffee shops.
Fountains and sandwich shops.
Restaurants.
3. Lodges.
4. Employee housing units, as further regulated by chapter 13 of this title.
5. Additional uses determined to be similar to permitted uses described in subsections A1 and A2 of this section, in accordance with the provisions of section 12-3-4 of this title so long as they do not encourage vehicular traffic.
6. Automated teller machines (ATMs) exterior to a building.

B. Conditional Uses: The following uses shall be permitted on the first floor or street level floor within a structure, subject to issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:
Banks and financial institutions.
Beauty and barber shops.
Electronics sales and repair shops.
Household appliance stores.
Liquor stores.
Outdoor patios. (Ord. 12(2008) § 12: Ord. 1(2008) § 12: Ord. 39(2007) § 2)

12-7B-4: PERMITTED AND CONDITIONAL USES; SECOND FLOOR:

A. Permitted Uses; Exception: The following uses shall be permitted on the second floor within a structure; provided, however, that a conditional use permit will be required in accordance with chapter 16 of this title for any use which eliminates any existing dwelling or accommodation unit or any portion thereof:
1. Multiple-family residential dwelling.
2. Lodges.
3. Professional offices, business offices and studios.
4. Banks and financial institutions.
5. Personal services and repair shops, including the following:
Beauty and barber shops.
Business and office services.
Tailors and dressmakers.
Travel and ticket agencies.
6. Retail stores and establishments, including the following:
Apparel stores.
Art supply stores and galleries.
Bakeries and confectioneries.
Bookstores.
Camera stores and photographic studios.
Candy stores.
Chinaware and glassware stores.
Delicatessens and specialty food stores.
Drugstores.
Florists.

Gift shops.
Hobby stores.
Jewelry stores.
Leather goods stores.
Music and record stores.
Newsstands and tobacco stores.
Photographic studios.
Sporting goods stores.
Toy stores.
Variety stores.
Yardage and dry goods stores.

7. Eating and drinking establishments, including the following:
   Bakeries and delicatessens with food service, restricted to preparation of products specifically for sale on the premises.
   Cocktail lounges and bars.
   Coffee shops.
   Fountains and sandwich shops.
   Restaurants.
8. Employee housing units, as further regulated by chapter 13 of this title.

B. Conditional Uses: The following uses shall be permitted on second floors, subject to the issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:

Dog kennels.
Electronics sales and repair shops.
Household appliance stores.
Liquor stores.
Luggage stores.
Meeting rooms.
Outdoor patios.
Theaters. (Ord. 12(2008) § 12: Ord. 1(2008) § 12: Ord. 39(2007) § 2)

12-7B-5: PERMITTED AND CONDITIONAL USES; ABOVE SECOND FLOOR:

A. Permitted Uses: The following uses shall be permitted on any floor above the second floor:

Employee housing units, as further regulated by chapter 13 of this title.
Lodges.
Multiple-family residential dwellings.

B. Conditional Uses: The following uses shall be permitted on any floor above the second floor, subject to the issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title. Any permitted or conditional use which eliminates any existing dwelling or accommodation unit, or any portion thereof, shall require a conditional use permit. Such uses may include:

1. Retail stores and establishments, including the following:
   Apparel stores.
   Art supply stores and galleries.
   Bakeries and confectioneries.
   Bookstores.
   Camera stores and photographic studios.
   Chinaware and glassware stores.
   Delicatessens and specialty food stores.
   Drugstores.

Electronics sales and repair shops.
Florists.
Gift shops.
Hobby stores.
Jewelry stores.
Leather goods stores.
Liquor stores.
Luggage stores.
Music and record stores.
Newsstands and tobacco stores.
Photographic studios.
Sporting goods stores.
Stationery stores.
Toy stores.
Variety stores.
Yardage and dry goods stores.

2. Eating and drinking establishments, including the following:
Bakeries and delicatessens with food service, restricted to preparation of products specifically for sale on the premises.
Cocktail lounges and bars.
Coffee shops.
Fountains and sandwich shops.
Restaurants.

3. Professional offices, business offices, and studios.

4. Banks and financial institutions.

5. Personal services and repair shops, including the following:
Beauty and barber shops.
Business and office services.
Small appliance repair shops.
Tailors and dressmakers.
Travel and ticket agencies.

6. Theaters.

7. Additional uses determined to be similar to permitted uses described in subsections B1 through B5 of this section in accordance with the provisions of section 12-3-4 of this title, so long as they do not encourage vehicular traffic. (Ord. 12(2008) § 12: Ord. 1(2008) § 12: Ord. 39(2007) § 2)

12-7B-6: CONDITIONAL USES; GENERALLY:

The following uses shall be permitted, subject to the issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:

Bed and breakfasts, as further regulated by section 12-14-18 of this title.
Public buildings, grounds and facilities.
Public park and recreation facilities.
Public utility and public service uses.
Ski lifts and tows. (Ord. 29(2005) § 24: Ord. 31(1989) § 8: Ord. 16(1975) § 3(B): Ord. 8(1973) § 8.300)

12-7B-7: EXTERIOR ALTERATIONS OR MODIFICATIONS:

A. Subject To Review: The construction of a new building, the alteration of an existing building which adds or removes any enclosed floor area, the alteration of an existing building which modifies exterior rooflines, the replacement of an existing building, the addition of a new outdoor dining deck or the modification of an existing outdoor dining deck shall be subject to review by the planning and environmental commission (PEC) as follows:

1. Application: An application shall be made by the owner of the building or the building owner's authorized agent or representative on a form provided by the administrator. Any application for condominiumized buildings shall be authorized by the condominium association in conformity with all pertinent requirements of the condominium association's declarations.

2. Application; Contents: The administrator shall establish the submittal requirements for an exterior alteration or modification application. A complete list of the submittal requirements shall be maintained by the administrator and filed in the department of community development. Certain submittal requirements may be waived and/or modified by the administrator and/or the reviewing body if it is demonstrated by the applicant that the information and materials required are not relevant to the proposed development or applicable to the planning documents that comprise the Vail comprehensive plan. The administrator and/or the reviewing body may require the submission of additional plans, drawings, specifications, samples and other materials if deemed necessary to properly evaluate the proposal.

3. Application Date And Procedures1: Complete applications for major exterior alterations shall be submitted biannually on or before the fourth Monday of February or the fourth Monday of September. Submittal requirements shall include all information in subsection A2 of this section; provided, however, that the architectural or massing model shall be submitted no later than three (3) weeks prior to the first formal public hearing of the planning and environmental commission. No public hearings or work sessions shall be scheduled regarding exterior alterations prior to the biannual submittal date deadlines. At the next regularly scheduled planning and environmental commission meeting following the submittal dates listed above, the administrator shall inform the planning and environmental commission of all exterior alteration submittals. The administrator shall commence with the review of exterior alterations following this initial planning and environmental commission meeting.

a. A property owner may apply for a major exterior alteration (greater than 100 square feet) in any year during which he or she shall submit an application on the February or September dates as set forth in this subsection A3. Said application shall be termed a "major exterior alteration".

b. Notwithstanding the foregoing, applications for the alteration of an existing building which adds or removes any enclosed floor area of not more than one hundred (100) square feet, applications to alter the exterior rooflines of an existing building, applications for new outdoor dining decks and applications for modifications to existing dining decks may be submitted on a designated submittal date for any regularly scheduled planning and environmental commission meeting. Said applications shall be termed a "minor exterior alteration". The review procedures for a minor exterior alteration shall be as outlined in this section. All enclosed floor area for an expansion or deletion pursuant to this subsection A3b shall be physically and structurally part of an existing or new building and shall not be a freestanding structure.

c. A single property owner may submit an exterior alteration proposal which removes or encloses floor area of one hundred (100) square feet or less on a designated submittal date and will be reviewed by the planning and environmental commission at any of its regularly scheduled meetings.

4. Work Sessions: If requested by either the applicant or the administrator, submittals shall proceed to a work session with the planning and environmental commission. The administrator shall schedule the work session at a regularly scheduled planning and environmental commission meeting and shall cause notice of the hearing to be sent to all adjacent property owners in accordance with subsection 12-3-6C of this title. Following the work session, and the submittal of any additional material that may be required, the administrator shall schedule a formal public hearing before the planning and environmental commission in accordance with section 12-3-6 of this title.

5. Hearing: The public hearing before the planning and environmental commission shall be held in accordance with section 12-3-6 of this title. The planning and environmental commission may approve the application as submitted, approve the application with conditions or modifications, or deny the application. The decision of the planning and environmental commission may be appealed to the town council in accordance with section 12-3-3 of this title.

6. Compliance With Comprehensive Applicable Plans: It shall be the burden of the applicant to prove by a preponderance of the evidence before the planning and environmental commission that the proposed exterior alteration is in compliance with the purposes of the CC1 district as specified in section 12-7B-1 of this article; that the proposal is consistent with applicable elements of the Vail Village master plan, the town of Vail streetscape master plan, and the Vail comprehensive plan; and that the proposal does not otherwise negatively alter the character of the neighborhood. Further, that the proposal substantially complies with the Vail Village urban design guide plan and the Vail Village design considerations, to include, but not be limited to, the following urban design considerations: pedestrianization, vehicular penetration, streetscape framework, street enclosure, street edge, building height, views, service/delivery and sun/shade analysis; and that the proposal substantially complies with all other elements of the Vail comprehensive plan.

7. Approval: Approval of an exterior alteration under subsections A5 and A6 of this section shall constitute approval of the basic form and location of improvements including siting, building setbacks, height, building bulk and mass, site improvements and landscaping.

8. Lapse Of Approval: Approval of a major or minor exterior alteration as prescribed by this article shall lapse and become void two (2) years following the date of approval of the major or minor exterior alteration by the planning and environmental commission unless, prior to the expiration, a building permit is issued and construction is commenced and diligently pursued to completion.

9. Design Review Board Review: Any modification or change to the exterior facade of a building or to a site within the CC1 district shall be reviewed by the design review board in accordance with chapter 11 of this title.

B. Compliance Burden: It shall be the burden of the applicant to prove by a preponderance of the evidence before the design review board that the proposed building modification is in compliance with the purposes of the CC1 district as specified in section 12-7B-1 of this article; that the proposal substantially complies with the Vail Village design considerations, and that the proposal does not otherwise alter the character of the neighborhood. (Ord. 29(2005) § 24: Ord. 5(2003) § 6: Ord. 1(1998) § 1: 1997 Code: Ord. 4(1993) § 1: Ord. 41(1983) § 1: Ord. 25(1982) § 1(d): Ord. 21(1980) § 1)

12-7B-8: CONDITIONAL USES; FACTORS APPLICABLE:
In considering, in accordance with chapter 16 of this title, an application for a conditional use permit within commercial core 1 district, the following development factors shall be applicable:

A. Effects of vehicular traffic on commercial core 1 district.

B. Reduction of vehicular traffic in commercial core 1 district.

C. Reduction of nonessential off street parking.

D. Control of delivery, pick up, and service vehicles.

E. Development of public spaces for use by pedestrians.

F. Continuance of the various commercial, residential, and public uses in commercial core 1 district so as to maintain the existing character of the area.

G. Control quality of construction, architectural design, and landscape design in commercial core 1 district so as to maintain the existing character of the area.

H. Effects of noise, odor, dust, smoke, and other factors on the environment of commercial core 1 district. (Ord. 29(2005) § 24: Ord. 16(1975) § 4)

12-7B-9: ACCESSORY USES:
The following accessory uses shall be permitted in the CC1 district:

Home occupations, subject to issuance of a home occupation permit in accordance with the provisions of section 12-14-12 of this title.

Minor arcade. Amusement devices shall not be visible or audible from any public way, street, walkway or mall area.

Outdoor dining areas operated in conjunction with permitted eating and drinking establishments.

Swimming pools, patios, or other recreational facilities customarily incidental to permitted residential or lodge uses.

Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof. (Ord. 29(2005) § 24: Ord. 6(1982) § 3(b): Ord. 16(1975) § 3(C): Ord. 8(1973) § 8.400)

12-7B-10: LOT AREA AND SITE DIMENSIONS:
The minimum lot or site area shall be five thousand (5,000) square feet of buildable area, and each site shall have a minimum frontage of thirty feet (30'). (Ord. 12(1978) § 3)

12-7B-11: SETBACKS:
There shall be no required setbacks, except as may be established pursuant to the Vail Village design guide plan and design considerations. (Ord. 29(2005) § 24: Ord. 21(1980) § 1)

12-7B-12: HEIGHT:
Height shall be as regulated in the Vail Village urban design guide plan and design considerations. (Ord. 29(2005) § 24: Ord. 11(1982) § 2: Ord. 37(1980) § 2)

12-7B-13: DENSITY CONTROL:
Unless otherwise provided in the Vail Village urban design guide plan, not more than eighty (80) square feet of gross residential floor area (GRFA) shall be permitted for each one hundred (100) square feet of buildable site area. Total density shall not exceed twenty five (25) dwelling units per acre of buildable site area. Each accommodation unit shall be counted as one-half (1/2) of a dwelling unit for purposes of calculating allowable units per acre.

A dwelling unit in a multiple-family building may include one attached accommodation unit no larger than one-third (1/3) of the total floor area of the dwelling. (Ord. 29(2005) § 24: Ord. 31(2001) §§ 3, 5: Ord. 21(1980) § 1)

12-7B-14: RECONSTRUCTION OF EXISTING USES; GENERALLY:
If any building or structure located within commercial core 1 district on June 1, 1978, is subsequently destroyed by fire or other casualty to the degree provided in section 12-18-9 of this title, that structure or building may be reconstructed to the same or substantially the same size, dimensions, lot coverage, and height in accordance with the procedures outlined in section 12-18-9 of this title, so long as the appearance of the building or structure is the same or substantially the same as existed prior to its destruction. (Ord. 29(2005) § 24: Ord. 19(1979) § 3(a): Ord. 13(1978) § 2)

12-7B-15: SITE COVERAGE:
Site coverage shall not exceed eighty percent (80%) of the total site area, unless otherwise specified in the Vail Village urban design guide plan and design considerations. In commercial core 1 district, ground level patios and decks shall be included in site coverage calculations. (Ord. 29(2005) § 24: Ord. 17(1991) § 8: Ord. 21(1980) § 1)

12-7B-16: LANDSCAPING AND SITE DEVELOPMENT:
No reduction in landscape area shall be permitted without sufficient cause shown by the applicant or as specified in the Vail Village design considerations as adopted in section 12-7B-20 of this article. (Ord. 29(2005) § 24: 1997 Code: Ord. 21(1980) § 1)

12-7B-17: PARKING AND LOADING:
Off street parking and loading shall be provided in accordance with chapter 10 of this title; provided, that no parking shall be provided on site. All parking requirements shall be met in accordance with the provisions of chapter 10 of this title. Loading requirements shall continue to be applicable to properties within commercial core 1 district; provided that no loading areas shall be located in any required front setback area. (Ord. 29(2005) § 24: Ord. 13(1978) § 3)

12-7B-18: LOCATION OF BUSINESS ACTIVITY:
A. Limitations; Exception: All offices, businesses, and services permitted by sections 12-7B-2 through 12-7B-5 of this article, shall be operated and conducted entirely within a building, except for permitted unenclosed parking or loading areas, and the outdoor display of goods.

B. Outdoor Displays: The area to be used for outdoor display must be located directly in front of the establishment displaying the goods and entirely upon the establishment's own property. Sidewalks, building entrances and exits, driveways and streets shall not be obstructed by outdoor display. (Ord. 34(1982) § 1: Ord. 19(1976) § 9: Ord. 8(1973) § 8.511)

12-7B-19: RECONSTRUCTION OF EXISTING USES; COMPLIANCE REQUIRED:

Any building or structure located within commercial core 1 district may be reconstructed to the same or substantially the same enclosed floor area in accordance with the procedures outlined in section 12-18-9 of this title. The building, however, shall substantially comply with the applicable provisions of the Vail Village urban design guide plan and design considerations. (Ord. 29(2005) § 24: Ord. 21(1980) § 1)

12-7B-20: VAIL VILLAGE URBAN DESIGN GUIDE PLAN:

A. Adoption: The Vail Village urban design guide plan and design considerations are adopted for the purposes of maintaining and preserving the character and vitality of the Vail Village (CC1) and to guide the future alteration, change and improvement in the CC1 district. Copies of the Vail Village design guide plan and design considerations shall be on file in the department of community development.

B. Revisions: Revisions to the Vail Village urban design guide plan and design considerations shall be reviewed by the planning and environmental commission with official action to be taken by the town council by resolution on a semiannual basis to ensure that the plan reflects the purposes and intent for which it has been adopted. The review and action shall take place within thirty (30) days following the public hearing on the applications. (Ord. 29(2005) § 24: Ord. 21(1980) § 1)

C-2C District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities and personal services that require central locations to serve larger neighbourhoods, districts or communities and to encourage creation of a pedestrian oriented district shopping area by increasing the residential component and limiting the amount of office use.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

2.2.A

- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:

  (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
  (b) all accessory buildings are located in the rear yard;
  (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
  (d) not applicable; [Maximum width]
  (e) not applicable; [Proximity to residential dwelling]
  (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.

- Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.

2.2.R [Retail]

- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Repair Shop - Class B.

2.3 Conditions of use

2.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

(a) parking and loading facilities;
(b) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, including section 3.3.3, and the provisions and regulations of this Schedule, the Development Permit Board may approve any of the uses listed in section 3.2, subject to the conditions of section 3.3, and including such other conditions as it may decide, provided that it first considers:

(a) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
(b) the submission of any advisory group, property owner or tenant; and
(c) the amount of open space, plazas and landscaping being provided and the impact of the development on the character of the community.

3.2 Uses

3.2.A
- Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.C [Cultural and Recreational]

- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bowling Alley.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Hall.
- Library.
- Museum or Archives.
- Park or Playground.
- Rink.
- Swimming Pool.
- Theatre.
- Zoo or Botanical Garden.

3.2.D
- Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this Schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion.

- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
  (a) before making a decision the Development Permit Board shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area;
  (b) building additions shall not be permitted; and
  (c) no housekeeping or sleeping units shall be created.

- Principal Dwelling Unit combined with a Secondary Dwelling Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Public Authority Use.
- School - Elementary or Secondary.
- School - University or College.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.0 [Office]

- Office Uses.

3.2.R [Retail]

- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Furniture or Appliance Store.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Liquor Store.
- Pawnshop.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.

3.2.S [Service]

- Animal Clinic.
- Auction Hall.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Catering Establishment.
- Neighbourhood Public House.
- Print Shop.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.

- School - Business.
- School - Vocational or Trade.

3.2.U [Utility and Communication]

- Public Utility.
- Radiocommunication Station.
- Recycling Depot.

3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Development Permit Board considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

(a) parking and loading facilities;
(b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
(c) restaurant;
(d) neighbourhood public house; and
(e) farmers' market.

3.3.2 Residential uses only shall be permitted on the third floor of any building, except that this condition may be relaxed by the Development Permit Board where it is satisfied that residential use is inappropriate or impractical.

3.3.3 No general office except for entrances thereto shall be located within a depth of 10.7 m of the front wall of the building and extending across its full width on that portion of a storey having an elevation within 2.0 m of street grade on the fronting street except for an insurance, travel agency or real estate office. In the case of a site abutting more than one street, the fronting street is to be determined by the Director of Planning.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage

The maximum frontage for any commercial use shall be 15.3 m.

4.3 Height

4.3.1 The maximum height of a building shall be 10.7 m except that in the case of a site fronting a street running east and west, no portion of a building shall extend above an envelope formed by a vertical line measuring 7.3 m in height at the north property line and a plane formed by an angle of 30 degrees measured from the horizontal and having its vertex at the maximum building height permitted at the north property line.

Office, business or professional shall mean an office for such operations as real estate agencies, advertising agencies (not sign manufacturing), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau, abstract and title insurance companies, management consultants, stockbroker, and the like; or an office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, lawyers, dentists, physicians' offices (not including surgical centers or outpatient facilities and whose patients are not kept overnight), veterinarians (not including overnight boarding of animals on the premises), psychiatrists, psychologists, and the like.

2.01.13 Central Business District (C-3)

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

Comp. Plan

Policy 1.07.10.

Central Business District (CBD)

a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
b. The Central Business District category is designed to accommodate singlefamily or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
d. The density of residential development in the Central Business District land use category shall not exceed thirty-four (34) units per acre.
e. The intensity of non-residential development shall not exceed a FAR of 2.0.

Note that 3 unit and 4 or more unit residential in the Land use table for C-3 list 3 unit res and 4 or more as P uses not S uses.

	ZONING DISTRICTS																	
_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental	**R-E**	**R1-G**	**R-1**	**RLM**	**R-2**	**R-3**	**OT-1**	**OT-2**	**MU-1**	**MU-8**	**C-1**	**C-2**	**C-3**	**I-1**	**I-2**	**I-A**	**I-W**	**W-1**
PRINCIPAL LAND USES:																		
and Skating Rinks																		
Railroad Facilities														P	P		P	P
Religious Facilities	S		S	S	S	S	S	S	S	P	P	P	P					
Research, Education, and										P		P		P	P	P	P	P
Residential Uses:																		
Single-Family	P	P	P	P	P	P	P	P	P	P			P					P Note 2
Two- and Three-Family					P	P			P	P			P					
Four- or More Family						P				S			P					
Group Residential (see Note 3)						S			S	S			S					
						Note		Note										

DESIGN NOTES

1. The information shown on this index is intended solely for the purpose of clear sight development and maintenance at intersecting highways, roads, streets and driveways, and is not intended to be used to establish roadway and roadside safety except as related to clear sight corridors. An analysis of sight distance shall be documented for all intersections.

2. For the purpose of this Index, Minor Road is defined as all intersecting highways, roads, streets and driveways.

3. Details are based on the AASHTO 'A Policy On Geometric Design Of Highways And Streets, 2001', CHAPTER 9, INTERSECTION SIGHT DISTANCE, CASES B and F, and Department practices for channelized median openings (left turns from major road).

4. The minimum driver eye setback of 14.5' from the edge of the traveled way may be adjusted on any intersection leg only when justified by a documented, site specific field study of vehicle stopping position and driver eye position.

5. For SIGNALIZED INTERSECTIONS sight distances should be developed based on AASHTO 'Case D–Intersections With Traffic Signal Control'. 'At signalized intersections, the first vehicle stopped on one approach should be visible to the driver of the first vehicle stopped on each of the other approaches. Left turning vehicles should have sufficient sight distance to select gaps in oncoming traffic and complete left turns. Apart from these sight conditions, there are generally no other approach or departure sight triangles needed for signalized intersections. However, if the traffic signal is to be placed on two-way flashing operation (i.e. flashing yellow on the major road approaches and flashing red on the minor road approaches) under off peak or nighttime conditions, then the appropriate departure sight triangles for Case B, both to the left and to the right, should be provided for the minor road approaches. In addition, if right turns on a red signal are to be permitted from any approach, then the appropriate departure sight triangle to the left for Case B2 should be provided to accommodate right turns from that approach.'

6. Where curvature, superelevation, adverse split profiles or other conditions preclude the use of standard tree sizes and spacing, proof of view and shadowing restraints must be documented and the size and location of trees in medians detailed in the plans.

7. Intersection sight distance values are provided for Passenger Vehicles, SU Vehicles and Combination Vehicles. Intersection sight distance based on the Passenger Vehicle is suitable for most intersections. Where substantial volumes of heavy vehicles enter the major road, such as from ramp terminals with stop control or roadways serving truck terminals, the use of tabulated values for SU Vehicles or Combination Vehicles should be considered.

GENERAL NOTES

1. Details apply to both rural and urban intersections under stop sign control or flashing beacon control. For full signal controlled intersections see Design Note No 4. At intersections listed in the Department's High Crash Intersection Report, designers shall give attention to keeping to a minimum, objects that distract or affect sight distance.

2. Sight distance 'd' applies to normal and skewed intersections (intersecting angles between 60° and 120°), and where vertical and/or horizontal curves are not present. Sight distance 'd' is measured along the major road from the center of the entrance lane of the minor road to the center of the near approach lane (right or left) of the major road. Distances 'd_L' and 'd_r' are measured from the centerline of the entrance lane of the minor road to a point on the edge of the near side outer traffic lane on the major road. Distance 'd_m' is measured from the centerline of the entrance lane of the minor road to a point on the median clear zone limit or horizontal clearance limit for the far side road of the major road.

3. A. The limits of clear sight define a corridor throughout which a clear sight window must be preserved. See WINDOW DETAIL, Sheet 2.

   B. Clear sight must be provided between vehicles at intersection stop locations, and vehicles on the major road within dimension 'd'.

   C. Since observations are made in both directions along the line of sight, the reference datum between roadways is 3'–6" above respective pavements.

4. Barrier systems within intersection sight corridors, where penetration into the sight window might occur, shall be located to provide the least adverse affect practical.

5. The corridor defined by the limits of clear sight is a restricted planting area. Drivers of vehicles on the intersecting road and vehicles on the major road must be able to see each other clearly throughout the limits of 'd' and 'd_a'. If in the Engineers judgement, landscaping interferes with the line of sight corridor prescribed by these standards the Engineer may rearrange, relocate or eliminate plantings. Plants within the restricted areas are limited to selections as follows:

5. (Cont.)
   Ground Cover & Trunked Plants (Separate or Combined):

   Ground Covers – Plant selection of low growing vegetation which at maturity does not attain a height greater than 18" below the sight line datum. For ground cover in combination with trees and palms; the following heights below the sight line datum will apply:

   24" for trees and palms = 11" dia.; and, 18" for sabal palms >11" but = 18" dia. (dia.–within Sight Window).

   Trunked Plants – Plant selection of a mature trunk diameter 4" or less measured at 6" above the ground. Canopy or high borne foliage shall never be lower than 5' above the sight line datum. These selections shall be spaced no closer than 20'.

   Trees – Trees can be installed with sod; pavers; gravel, mulch; ground covers or other Department-approved material. The clear sight window must be in conformance with the 'WINDOW DETAIL' modified to attain the height requirements listed in 'Ground Covers' above.

   A. Size and spacing shall conform to the Tree Spacing Table.

   B. Requirements for placement within medians at median openings and at unsignalized and signalized intersections:

      a. The lateral offset of the mature specimen must be maintained as specified in the PPM, Vol. 1, Chapter 4. Specimens whose mature trunk diameter is greater than 18" shall not be permitted,

      b. Where left turns from the major road are permitted, no trees shall be located within the distance 'd_b', Sheet 2 of 6; and not less than the distances called for in (c) or (d), as applicable,

      c. For safety, these additional setbacks are required:

         1. Where no left turn lane is present, size and spacing shall conform to the Tree Spacing Table. No trees shall be permitted within 100' of the restricted median nose (measured from the edge of pavement),

         2. Where left turn lane(s) are present, the following requirements apply:

            - For low speed facilities (design speed less than 50 mph), size and spacing shall conform to the Tree Spacing Table. No trees shall be permitted within 100' of the restricted median nose (measured from the edge of pavement).

            - For high speed facilities (design speed 50 mph or greater), no trees shall be permitted within 200' of the restricted median nose. Beyond this limit, size and spacing shall conform to the Tree Spacing Table.

TREE SPACING TABLE **

Description	Design Speed (mph)													
	30		35		40		45		50		55		60	
Diameter (Within Limits Of Sight Window)	(Inches)													
	>4≤11	>11≤18	>4≤11	>11≤18	>4≤11	>11≤18	>4≤11	>11≤18	>4≤11	>11≤18	>4≤11	>11≤18	>4≤11	>11≤18
	(Feet)													
Minimum Spacing (c. to c. Of Trunk)	25	90	30	105	35	120	40	135	50	150	55	165	60	180

** Sizes and spacings are based on the following conditions:

a. A single line of trees in the median parallel to but not necessarily colinear with the centerline.

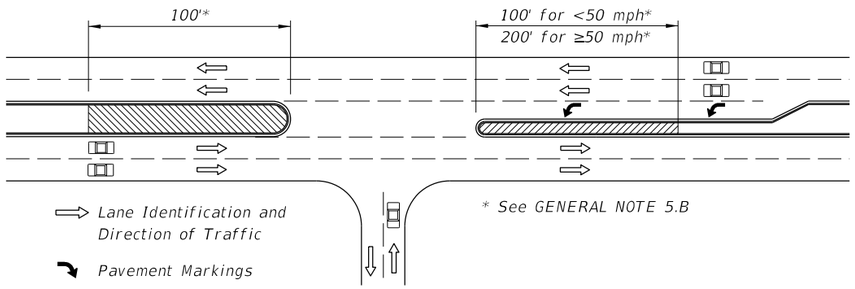
b. A straight approaching mainline, within skew limits as described in No. 2 above.

c. 1. Trees and palms ≤ 11" in diameter casting a vertical 6' wide shadow band on a vehicle entering at stop bar location when viewed by mainline driver beginning at distance 'd'; see SHADOW DIAGRAM, Sheet 2.

   2. Sabal palms with diameters > 11" ≤ 18" spaced at intervals providing a 2 second full view of entering vehicle at stop bar location when viewed by the mainline driver beginning at distance 'd'; see PERCEPTION DIAGRAM, Sheet 2.

d. Trees with diameters ≤ 11" intermixed with trees with diameters > 11" ≤ 18" are to be spaced based on trees with diameters > 11" ≤ 18".

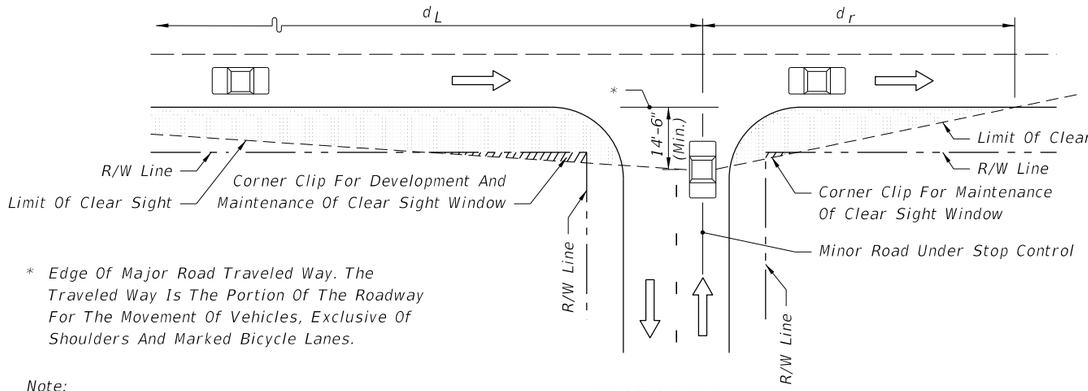
For any other conditions the tree sizes, spacings and locations shall be detailed in the plans; see Design Note 5.



PLAN
Special Areas Limited to Ground Cover

11/1/2016 10:59:23 AM

LAST REVISION	REVISION	DESCRIPTION:			INDEX NO.	SHEET NO.
11/01/16			FDOT FY 2017-18 DESIGN STANDARDS	SIGHT DISTANCE AT INTERSECTIONS	546	1 of 6

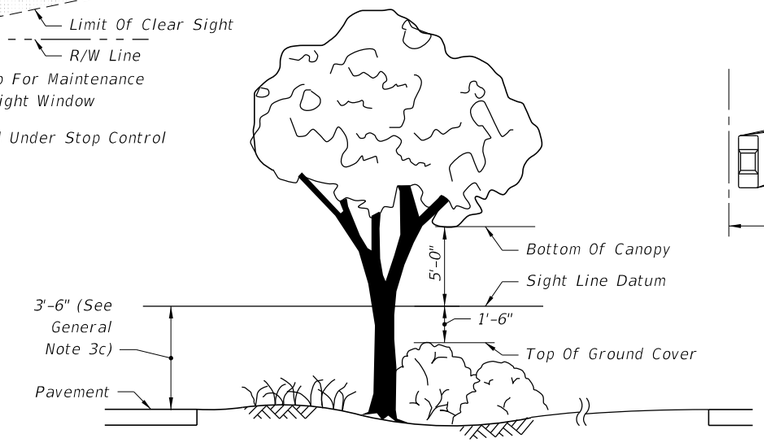


* Edge Of Major Road Traveled Way. The Traveled Way Is The Portion Of The Roadway For The Movement Of Vehicles, Exclusive Of Shoulders And Marked Bicycle Lanes.

Note:
Lines For 'Limit Of Clear Sight' Are Opposite Hand When Major Road Near Lane Traffic Moving Left (e.g., One-Way Left).

PICTORIAL

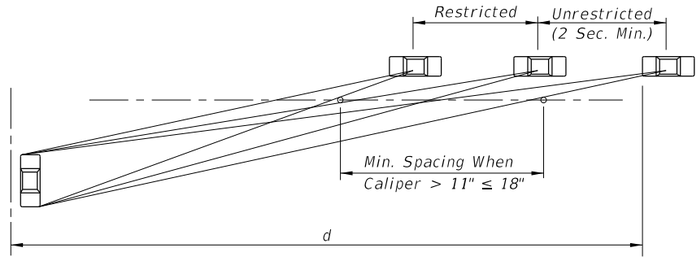
ORIGIN OF CLEAR SIGHT LINE ON MINOR ROAD



The Intent Of This Standard Is To Provide A Window With Vertical Limits Of Not Less Than 5' Above And 1'-6" Below The Sight Line Datum, And Horizontal Limits Defined By The Limits Of Clear Sight.

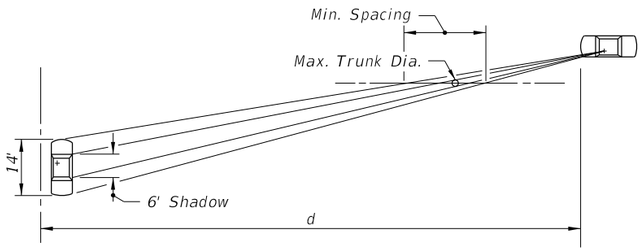
PICTORIAL

WINDOW DETAIL

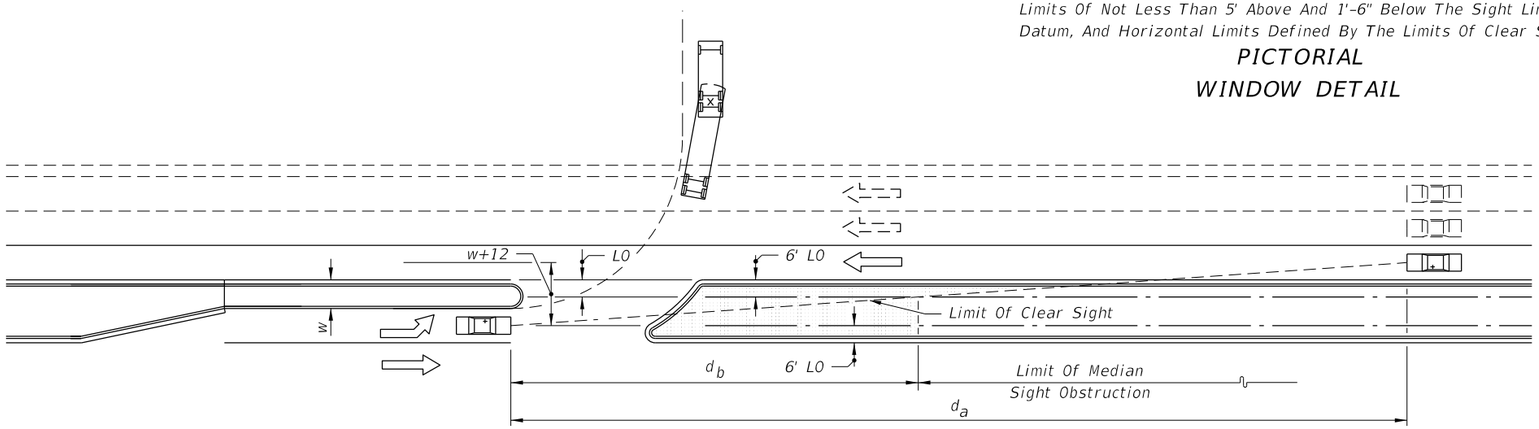


PERCEPTION DIAGRAM

SETTING SABAL PALM (STATE TREE) SPACING



SHADOW DIAGRAM



PICTORIAL

d_a (Feet)									
Design Speed MPH	1 Lane Crossed			2 Lanes Crossed			3 Lanes Crossed		
	P	SU	Comb.	P	SU	Comb.	P	SU	Comb.
30	245	290	330	265	320	365	290	350	395
35	285	335	385	310	370	425	335	410	460
40	325	385	440	355	425	485	385	465	525
45	365	430	495	400	475	545	430	525	590
☆ See Note									

☆ The d_a values in this table were established by the method referenced in Design Note 3, and are applicable to urban, predominantly curbed roadways with design speeds of 45 mph or less. For lateral offset (L0) of 6', the values for d may be determined by the equation $d_b = d_a\ (w/(w+12))$. For all other roadways d_a and d_b should be based on the geometry for the left turn storage and on clear zone widths (See PPM, Vol. 1, Chapter 4).

For wide medians where the turning vehicle can approach the through lanes at or near 90°, use d values from tables on sheets 5 or 6. (The clear sight line origin is assumed to be 14'-6" from the edge of the near lane.)

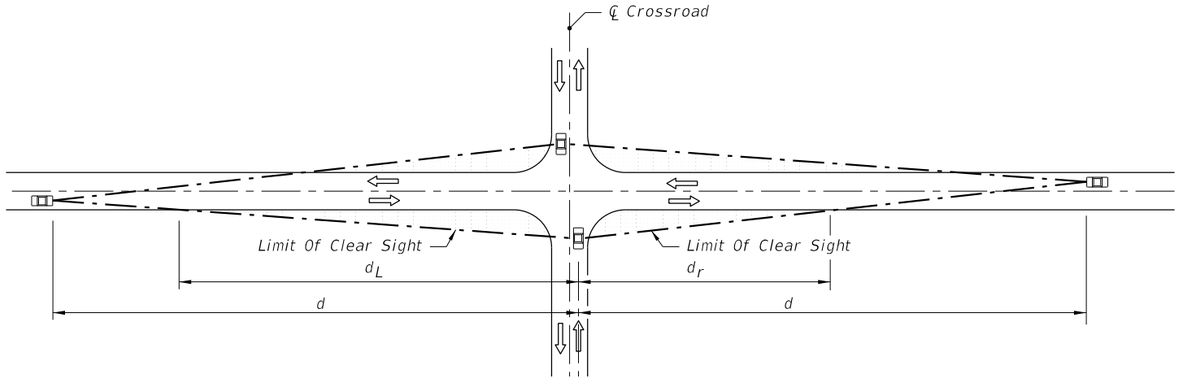
LEGEND

Areas Free Of Sight Obstructions

CHANNELIZED DIRECTIONAL MEDIAN OPENINGS

11/1/2016 10:59:26 AM

LAST REVISION	REVISION	DESCRIPTION:			INDEX NO.	SHEET NO.
11/01/16			FY 2017-18 DESIGN STANDARDS	SIGHT DISTANCE AT INTERSECTIONS	546	2 of 6



PICTORIAL

2 LANE UNDIVIDED

Design Speed	d	d_L	d_r
30	335	240	155
35	390	275	175
40	445	315	200
45	500	355	225
50	555	395	250
55	610	435	275
60	665	470	300
65	720	510	325

Passenger Vehicle

Design Speed	d	d_L	d_r
30	420	300	190
35	490	350	220
40	560	400	250
45	630	450	285
50	700	495	315
55	770	545	345
60	840	595	375
65	910	645	410

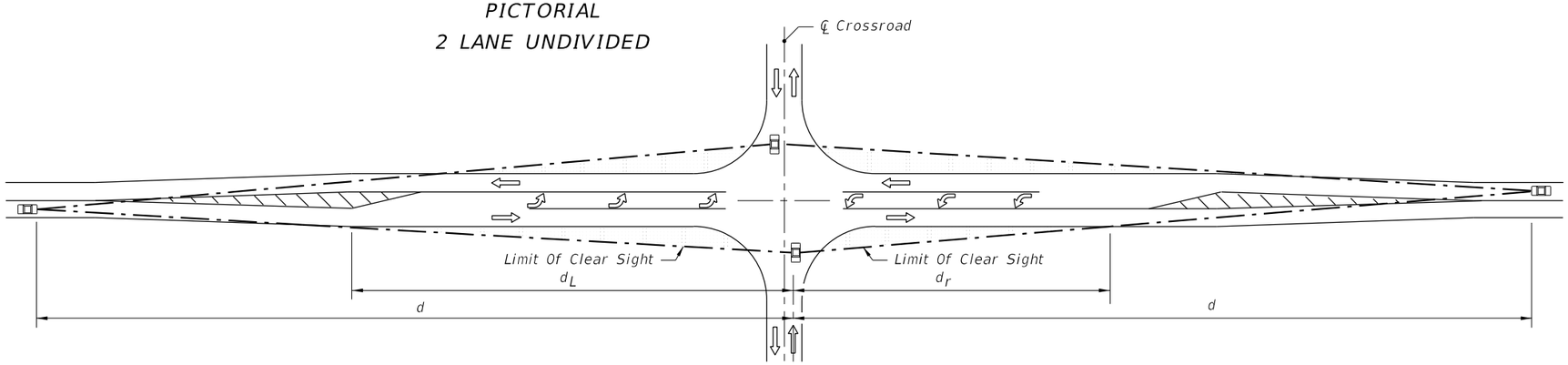
SU Vehicle

Design Speed	d	d_L	d_r
30	510	365	230
35	595	420	265
40	680	480	305
45	765	545	345
50	845	600	380
55	930	660	415
60	1015	720	455
65	1100	780	495

Combination Vehicle

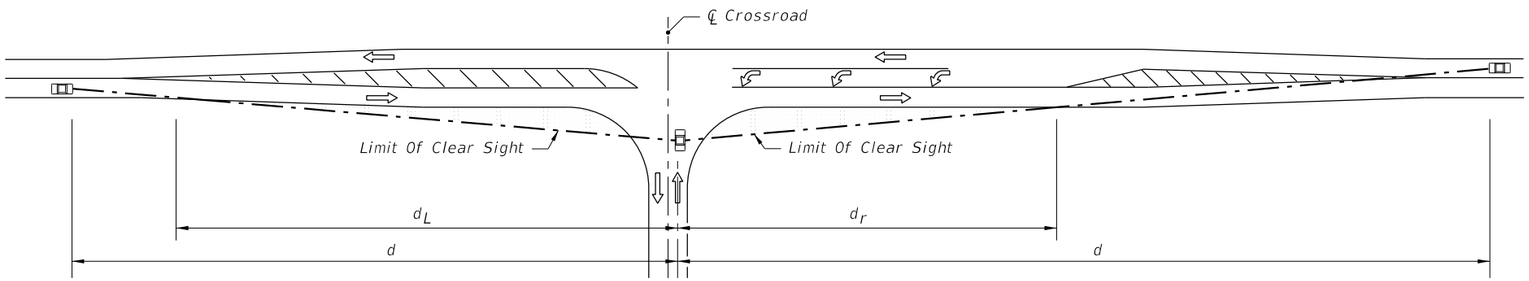
SIGHT DISTANCE (d) AND RELATED DISTANCES (d_L, d_r) (FEET)

2 LANE UNDIVIDED



PICTORIAL

2 LANE 2 WAY • FLARED FOR OPPOSING LEFT TURN CENTERED ON ALIGNMENT



PICTORIAL

2 LANE 2 WAY • FLARED FOR SINGLE SIDE LEFT TURN CENTERED ON ALIGNMENT

Design Speed	d	d_L	d_r
30	355	195	135
35	415	230	160
40	475	260	180
45	530	290	200
50	590	325	225
55	650	355	245
60	710	390	270
65	765	420	290

Passenger Vehicle

Design Speed	d	d_L	d_r
30	450	250	170
35	525	290	200
40	600	330	230
45	675	370	255
50	750	410	285
55	825	455	315
60	900	495	340
65	975	535	370

SU Vehicle

Design Speed	d	d_L	d_r
30	540	295	205
35	630	345	240
40	720	395	275
45	810	445	305
50	900	495	340
55	990	545	375
60	1080	590	410
65	1170	640	440

Combination Vehicle

SIGHT DISTANCE (d) AND RELATED DISTANCES (d_L, d_r) (FEET)

2 LANE 2 WAY • FLARED FOR LEFT TURNS

LEGEND

Areas Free Of Sight Obstructions

NOTE: See Sheet 2 for intersecting roadway origin of clear sight and quadrant corner clips.

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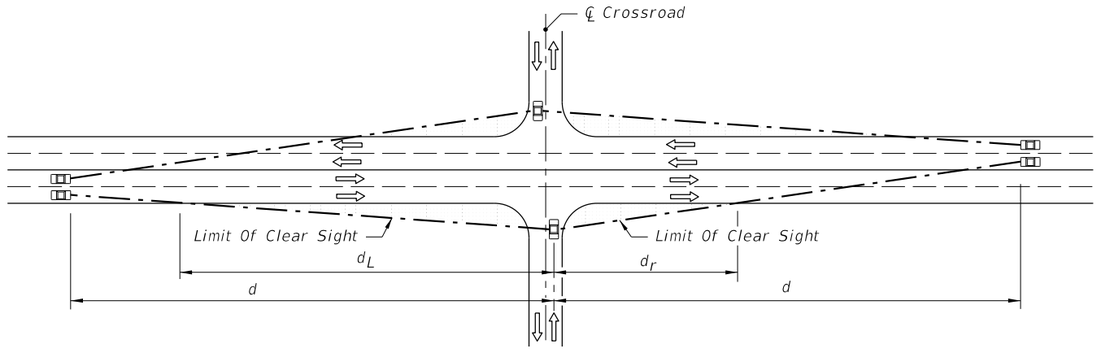
11/1/2016

LAST REVISION	REVISION	DESCRIPTION:		INDEX NO.	SHEET NO.
07/01/14			FY 2017-18 DESIGN STANDARDS	546	3 of 6

SIGHT DISTANCE AT INTERSECTIONS



PICTORIAL
4 LANE UNDIVIDED

Design Speed	d	d_L	d_r
30	355	255	120
35	415	295	135
40	475	335	155
45	530	375	175
50	590	420	195
55	650	460	215
60	705	500	230
65	765	545	250

Passenger Vehicle

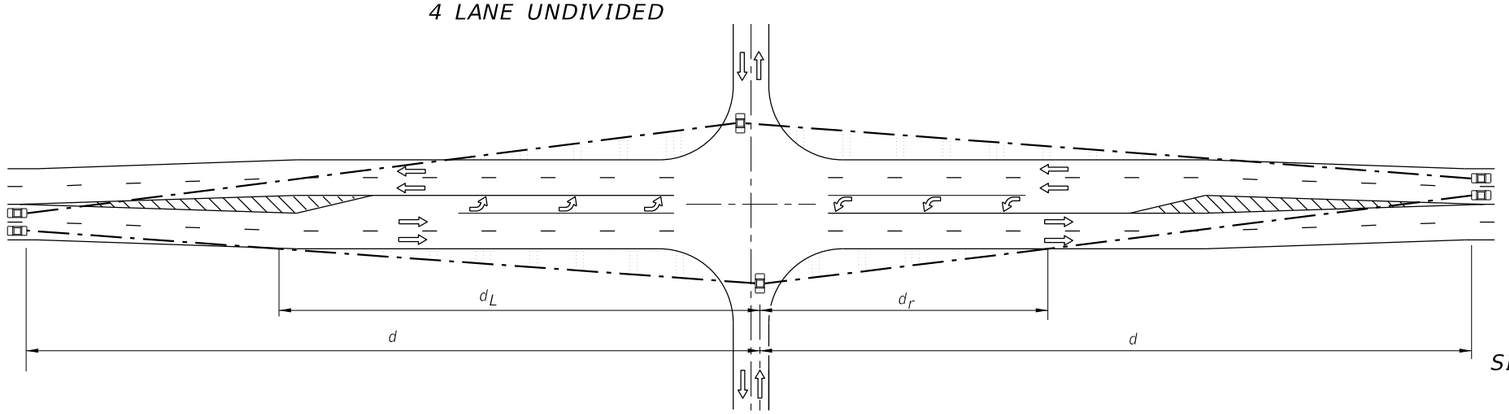
Design Speed	d	d_L	d_r
30	450	320	150
35	525	375	175
40	600	425	200
45	675	480	220
50	750	530	245
55	825	585	270
60	900	640	295
65	975	690	320

SU Vehicle

Design Speed	d	d_L	d_r
30	540	385	180
35	630	450	205
40	720	510	235
45	810	575	265
50	900	640	295
55	990	700	325
60	1080	765	355
65	1170	830	385

Combination Vehicle

SIGHT DISTANCE (d) AND RELATED DISTANCES (d_L, d_r) (FEET)
4 LANE UNDIVIDED



PICTORIAL
4 LANE UNDIVIDED FLARED - SYMMETRICAL

Design Speed	d	d_L	d_r
30	375	205	110
35	440	245	130
40	500	275	145
45	565	310	165
50	625	345	180
55	690	380	200
60	750	410	215
65	815	450	235

Passenger Vehicle

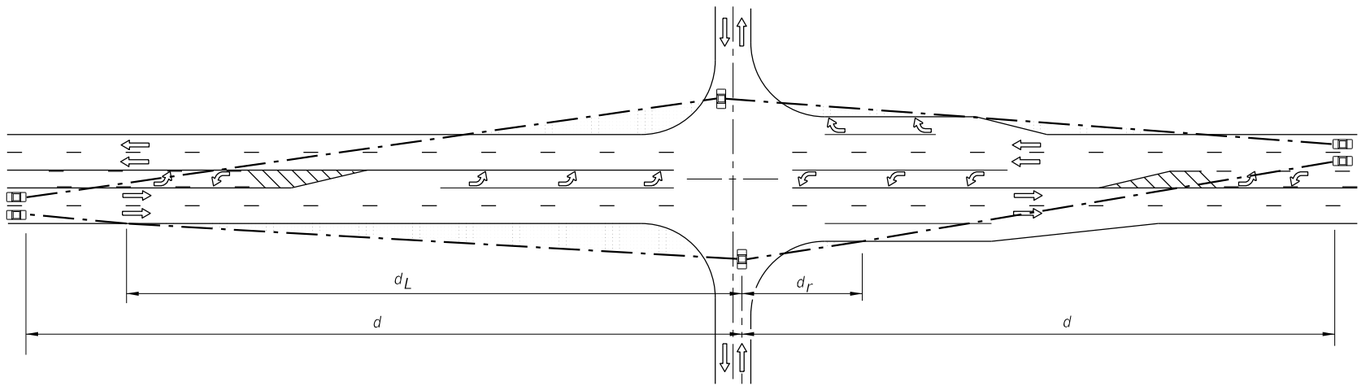
Design Speed	d	d_L	d_r
30	480	265	140
35	560	310	165
40	640	350	185
45	720	395	210
50	800	440	230
55	880	485	255
60	960	525	280
65	1040	570	300

SU Vehicle

Design Speed	d	d_L	d_r
30	570	315	165
35	665	365	195
40	760	420	220
45	855	470	245
50	950	520	275
55	1045	575	300
60	1140	625	330
65	1235	675	355

Combination Vehicle

SIGHT DISTANCE (d) AND RELATED DISTANCES (d_L, d_r) (FEET)
4 LANE UNDIVIDED FLARED - SYMMETRICAL



PICTORIAL
4 LANE UNDIVIDED WITH OPTIONAL LANE

Design Speed	d	d_L	d_r
30	375	265	80
35	440	315	95
40	500	355	110
45	565	400	120
50	625	445	135
55	690	490	150
60	750	530	160
65	815	580	175

Passenger Vehicle

Design Speed	d	d_L	d_r
30	480	340	105
35	560	400	120
40	640	455	135
45	720	510	155
50	800	570	170
55	880	625	190
60	960	680	205
65	1040	740	220

SU Vehicle

Design Speed	d	d_L	d_r
30	570	405	125
35	665	470	145
40	760	540	165
45	855	605	185
50	950	675	205
55	1045	740	225
60	1140	810	245
65	1235	875	265

Combination Vehicle

SIGHT DISTANCE (d) AND RELATED DISTANCES (d_L, d_r) (FEET)
4 LANE UNDIVIDED WITH OPTIONAL LANE

LEGEND

Areas Free Of Sight Obstructions

NOTE: See Sheet 2 for intersecting roadway origin of clear sight and quadrant corner clips.

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LAST REVISION	REVISION	DESCRIPTION:			INDEX NO.	SHEET NO.
07/01/14			FDOT FY 2017-18 DESIGN STANDARDS	SIGHT DISTANCE AT INTERSECTIONS	546	4 of 6

MEDIAN 22' OR LESS				
Design Speed	d	d_L	d_r	d_m
30	395	280	90	325
35	460	325	100	380
40	525	375	115	430
45	590	420	130	485
50	655	465	145	540
55	720	510	160	590
60	785	555	175	645
65	850	605	185	700

25'-64' MEDIAN				
Design Speed	d	d_L	d_v	d_{vL}
30	355	255	330	240
35	415	295	390	280
40	470	335	445	320
45	530	375	500	360
50	590	420	550	400
55	650	460	610	440
60	705	500	665	480
65	765	545	720	520

PASSENGER VEHICLE (P)

MEDIAN 35' OR LESS				
Design Speed	d	d_L	d_r	d_m
30	540	385	110	460
35	630	450	125	535
40	720	510	145	615
45	810	575	160	685
50	900	640	180	760
55	990	700	195	840
60	1080	765	215	915
65	1170	830	230	990

40'-64' MEDIAN				
Design Speed	d	d_L	d_v	d_{vL}
30	450	320	420	330
35	525	375	490	385
40	600	425	560	440
45	675	480	630	490
50	750	530	700	545
55	825	585	770	600
60	900	640	840	655
65	975	690	910	710

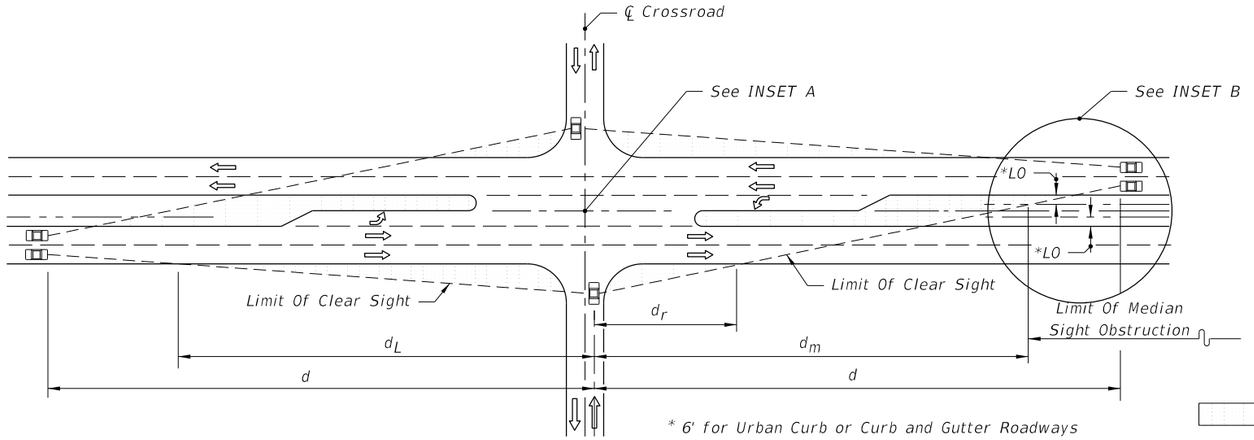
SINGLE-UNIT TRUCK (SU)

MEDIAN 30' OR LESS				
Design Speed	d	d_L	d_r	d_m
30	615	435	120	520
35	720	510	140	605
40	820	580	160	690
45	925	655	180	780
50	1025	725	200	860
55	1130	800	220	950
60	1230	870	240	1035
65	1335	945	260	1120

35'-50' MEDIAN				
Design Speed	d	d_L	d_r	d_m
30	670	475	105	585
35	780	555	120	680
40	890	630	140	780
45	1000	710	155	875
50	1110	790	170	970
55	1225	870	190	1070
60	1335	945	205	1165
65	1445	1025	225	1265

64' MEDIAN				
Design Speed	d	d_L	d_v	d_{vL}
30	540	385	510	435
35	630	450	595	500
40	720	510	680	575
45	810	575	760	645
50	900	640	845	720
55	990	700	930	790
60	1080	765	1015	865
65	1165	825	1100	935

INTERMEDIATE SEMI-TRAILERS (WB-40 & WB-50)



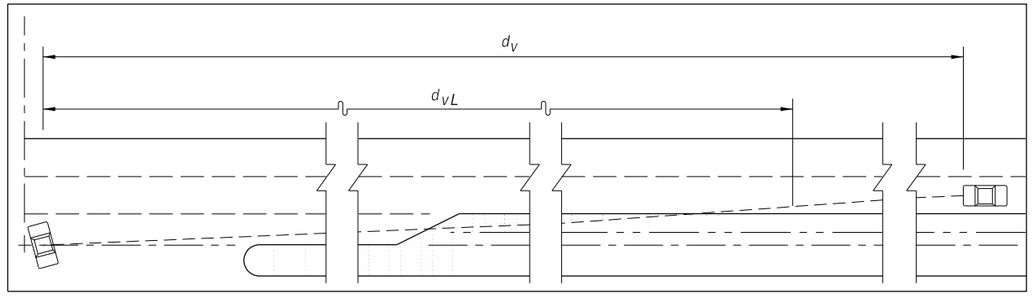
PLAN

* 6' for Urban Curb or Curb and Gutter Roadways with Design Speeds ≤ 45mph. Clear Zone for all other Roadways. See PPM, Vol. 1, Chapter 4.

LEGEND

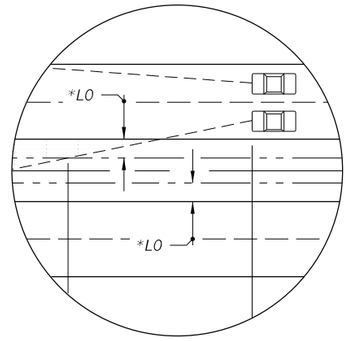
Areas Free Of Sight Obstructions

PICTORIAL



Where The Median Is Sufficiently Wide For The Design Vehicle To Pause In The Median Vehicle Length Plus 6' Min.) The Clear Line Of Sight To The Right (d_V) Is Measured From The Vehicle Pause Location, i.e., Not From The Cross Road Stop Position; Distances d_r & d_m Do Not Apply.

INSET A



INSET B

Vehicle Type	Vehicle Length (Ft.)
Passenger (P)	19
Single Unit (SU)	30
Large School Bus	40
WB-40	45.5
WB-50	55

NOTES FOR 4-LANE DIVIDED ROADWAY

1. See Sheet 2 for origin of clear sight line on the minor road.
2. Values shown in the tables are the governing (controlling) sight distances calculated based on 'AASHTO Case B – Intersection with Stop Control on the Minor Road.'

SIGHT DISTANCES (d) & (d_v) AND RELATED DISTANCES (d_L, d_r, d_m & d_{VL}) (FEET)

4 LANE DIVIDED ROADWAY

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LAST REVISION	REVISION	DESCRIPTION:			INDEX NO.	SHEET NO.
11/01/16			FDOT FY 2017-18 DESIGN STANDARDS	SIGHT DISTANCE AT INTERSECTIONS	546	5 of 6

MEDIAN 22' OR LESS				
Design Speed	d_x	d_L	d_r	d_m
30	415	295	80	355
35	485	345	90	415
40	555	395	105	470
45	625	445	115	530
50	690	490	130	585
55	760	540	140	645
60	830	590	155	705
65	900	640	170	765

25'-64' MEDIAN				
Design Speed	d	d_L	d_v	d_{vL}
30	375	265	330	240
35	440	315	385	280
40	500	355	445	320
45	565	400	500	360
50	625	445	555	400
55	690	490	610	440
60	750	530	665	480
65	815	580	720	520

PASSENGER VEHICLE (P)

MEDIAN 35' OR LESS				
Design Speed	d_x	d_L	d_r	d_m
30	570	405	90	495
35	665	470	105	580
40	760	540	120	660
45	855	605	135	745
50	955	675	155	830
55	1050	745	170	915
60	1145	810	185	995
65	1240	880	200	1080

40'-64' MEDIAN				
Design Speed	d	d_L	d_v	d_{vL}
30	480	340	420	330
35	560	400	490	385
40	640	455	560	440
45	720	510	630	490
50	805	570	700	545
55	885	625	770	600
60	965	685	840	665
65	1045	740	910	710

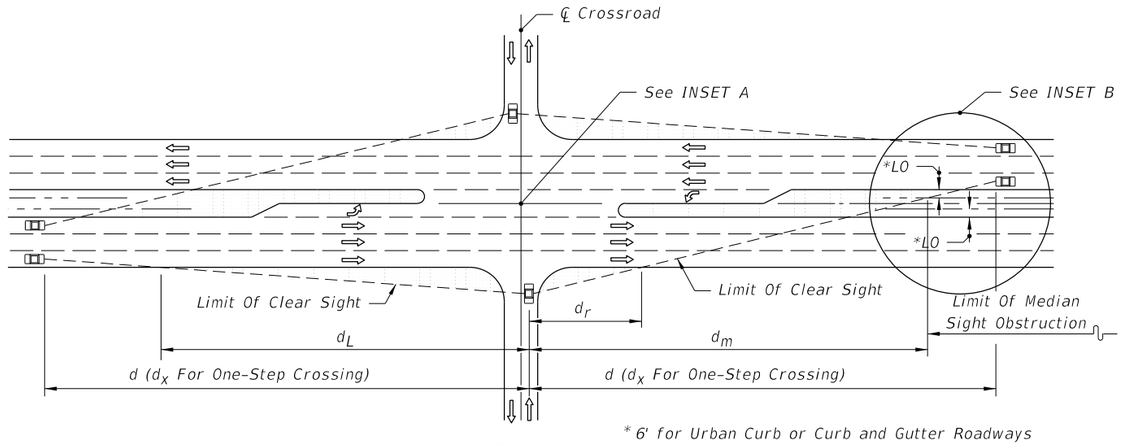
SINGLE-UNIT TRUCK (SU)

MEDIAN 30' OR LESS				
Design Speed	d_x	d_L	d_r	d_m
30	650	460	110	560
35	755	535	130	655
40	865	615	145	745
45	970	690	165	835
50	1080	765	185	930
55	1185	840	200	1025
60	1290	915	220	1115
65	1400	990	235	1210

35'-50' MEDIAN				
Design Speed	d_x	d_L	d_r	d_m
30	700	495	95	625
35	815	580	115	725
40	930	660	130	825
45	1045	740	145	930
50	1165	825	160	1035
55	1280	905	175	1140
60	1395	990	190	1240
65	1510	1070	210	1340

64' MEDIAN				
Design Speed	d	d_L	d_v	d_{vL}
30	570	405	510	435
35	665	470	590	500
40	760	540	680	575
45	855	605	760	645
50	950	675	845	720
55	1045	740	930	790
60	1140	805	1015	865
65	1235	875	1100	935

INTERMEDIATE SEMI-TRAILERS (WB-40 & WB-50)



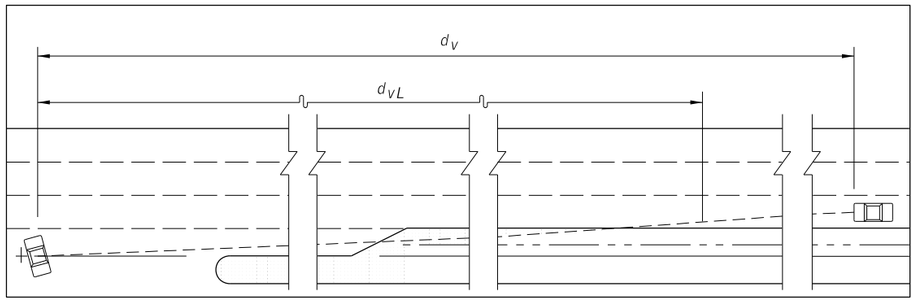
PLAN

PICTORIAL

* 6' for Urban Curb or Curb and Gutter Roadways with Design Speeds ≤ 45mph. Clear Zone for all other Roadways. See PPM, Vol. 1, Chapter 4.

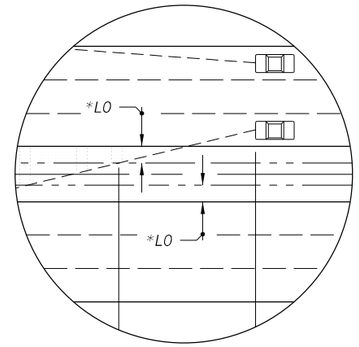
LEGEND

Areas Free Of Sight Obstructions



Where The Median Is Sufficiently Wide For The Design Vehicle To Pause In The Median (Vehicle Length Plus 6' Min.) The Clear Line Of Sight To The Right (d_V) Is Measured From The Vehicle Pause Location, i.e., Not From The Cross Road Stop Position; Distances d_r & d_m Do Not Apply.

INSET A



INSET B

NOTES FOR 6-LANE DIVIDED ROADWAY

1. See Sheet 2 for origin of clear sight line on the minor road.
2. Values shown in the tables are the governing (controlling) sight distances calculated based on 'AASHTO Case B – Intersection with Stop Control on the Minor Road.'

SIGHT DISTANCES (d), (d_V) & (d_X) AND RELATED DISTANCES (d_L, d_r, d_m & d_{vL}) (FEET)

6 LANE DIVIDED

11/1/2016 10:59:40 AM

LAST REVISION	REVISION	DESCRIPTION:			
11/01/16			FY 2017-18 DESIGN STANDARDS	SIGHT DISTANCE AT INTERSECTIONS	INDEX NO. 546 / SHEET NO. 6 of 6

C-3 Residential Parking Proposal

Current LDC provision:

7.01.04 Parking Standards and Parking Lot Design

A. Parking space requirements

1. Minimum off-street vehicular parking spaces shall be provided at the time of the construction of the principal building or at the time of the conversion of a building having a previously existing use to a more intensive use of the same property.
2. The minimum number of parking spaces shall conform to the standards in Table 7.01.04(A).
3. Due to the nature and character of the central business district, the provision of off-street parking will not be required, except for lodging accommodations, ~~and~~ bed and breakfast inns, and residential uses. For these uses, the off-street parking requirements shall be satisfied within 1,000 feet of the property involved and as otherwise required under this chapter.

Note: current requirement of parking **Table 7.01.04(A). Parking Space** Requirements only contains single family and multi-family. See definitions

Multi-family dwellings	2 spaces per dwelling unit
Single-family dwellings	2 per unit[2]

Fn 2 [2] Single-family dwellings within the CRA must provide two (2) spaces per dwelling unit on-site but are permitted the following exceptions: all units 1000 sq. ft or under are only required to provide one (1) space per dwelling unit on-site and all units 1,001- 1,250 sq. ft. are only required to provide one and one-half (1.5) spaces per dwelling unit on-site. Non-residential uses shall provide for parking per LDC section 4.03.03.

Additional existing provision:

8.01.02 Amelia River Waterfront Community Redevelopment Area

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines. Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.

C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

* * *

3. Properties that have obtained the Waterfront Mixed Use Future Land Use designation are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall include portions of the site which remain submerged. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand-alone residential units are prohibited.

4. Developers of Office, Commercial, and/or Waterfront Industrial uses may pay a fee in lieu of providing the required parking, as established in Table 7.01.04(A). The fee shall be set annually by the City Commission and shall be based on the average cost of constructing a parking space in the City. The fee shall be a one-time payment, to be placed in a trust fund for downtown parking improvements which serve the CRA properties. Residential uses must provide two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.

* * *

9. Developers of Office, Retail, or other Commercial uses may pay a fee in lieu of providing the required parking, as established in Table 7.01.04(A.) The fee shall be set annually by the City commission and shall be based on the average cost of constructing a parking space in the City. The fee shall be a one-time payment, to be placed in a trust fund for downtown parking improvements which serve the CRA properties. Residential uses must provide one space per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking. Parking is not permitted in the front yard, but is permitted in the side or rear yard. Parking is also permitted beneath structures.

10. CRA properties located east of Front Street which carry the Central Business District future land use designation/C-3 zoning, and are not within the Coastal High Hazard Area (CHHA) are eligible to participate in a Density Bonus Incentive Program as described in Section 4.01.02.

Existing LDC definitions:

Dwelling unit means a single housing unit providing complete, independent living facilities for one (1) housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This definition includes site-built homes and modular homes manufactured under the Florida Manufactured Building Act (553.35, *F.S.*) and certified by the State Department of Community Affairs as complying with the structural requirements of the Standard Building Code.

- ***Multi-family*** means a building designed for or occupied exclusively by three (3) or more housekeeping units, living independently of each other.

- ***Single-family*** means a building designed for or occupied exclusively by one (1) housekeeping unit.

- ***Townhouse*** means a single-family dwelling unit which is constructed in a series or group of attached units with property lines separating such units.

- ***Triplex*** means a building, on a single lot or parcel, designed for, or occupied exclusively by three (3) housekeeping units, living independently of each other.

- ***Two-family or duplex*** means a building, on a single lot or parcel, designed for, or occupied exclusively by two (2) housekeeping units, living independently of each other.

Thus, there are no parking requirments in table for duplex, townhouse or triplex.

Single Family

Duplex (whether stand-alone or mixed use)

Triplex (whether stand-alone or mixed use)

4 or more (whether stand-alone or mixed use)

2.03.02 Table of Land Uses

Table 2.03.02. Table of Land Uses

	ZONING DISTRICTS																			
_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	**R-E**	**R1-G**	**R-1**	**RLM**	**R-2**	**R-3**	**OT-1**	**OT-2**	**MU-1**	**MU-8**	**C-1**	**C-2**	**C-3**	**I-1**	**I-2**	**I-A**	**I-W**	**W-1**	**PI-1**	**CON**	**REC**
PRINCIPAL LAND USES:																					
Adult Entertainment														S	S						
Airports and Heliports														P	P	P					
Aeronautical Operations:														P		P					
Aircraft Storage and Maintenance Hangars														P		P					
Aircraft Repair														P		P					
Aviation Equipment Repair														P		P					
Aviation Terminal																P					
Aviation Schools, Research, and Education Facilities														P		P					
Construction, Sales (New and Used) and/or Maintenance of Aircraft; Aircraft Supply														P		P					
Sea Plane Dockage and Parking																P	P	P			
Animal Hospital or Veterinary Clinic										P		P		P	P						
Asphalt or Concrete Plant														S	S						
Automobile Sales, New and Used										S		P		P	P						
Automobile Repair, Garage, Body Shop										S		P		P	P						
Automotive Rental Agencies										P		P		P	P		P	P			

	ZONING DISTRICTS																			
_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	**R-E**	**R1-G**	**R-1**	**RLM**	**R-2**	**R-3**	**OT-1**	**OT-2**	**MU-1**	**MU-8**	**C-1**	**C-2**	**C-3**	**I-1**	**I-2**	**I-A**	**I-W**	**W-1**	**PI-1**	**CON**	**REC**
PRINCIPAL LAND USES:																					
Bakery Plant										S				P	P						
Bed and Breakfast Inns						S		S	S	S			S								
Book and Stationery Stores								P	P	P	P	P	P	P	P	P		P			
Bottling Plants														P	P						
Bulk Storage Yards – Liquid														P	P	P					
Bulk Storage Yards – Solids														P	P						
Bus Terminals and Taxi Stations												P		P	P	P					
Business Colleges; Commercial, Trade, Vocational, and Arts Schools										P		P	P	P	P	P			P		
Business Services such as Copying, Mailing, or Printing										P	S	P	S	P	P	P					
Cemeteries	S	S	S	S	S	S	S	S	S										P		
Clubs, Public or Private; Community and Recreation Centers			S	S	S	S			S	P	P	P	P	P	P	P		P	P		
Commercial Fishing Facilities																	P	P			
Construction, Sales, and/or Maintenance of Boats and Ships; Marine Supply														P	P		P	P			
Craft Distillery, Small-Scale Brewery or Winery									S	P	S	S	S	P	P		P				
Day Care Center									S	P	S	P	P						P		
Dog Dining- Outdoors Only								S	S	S	S	S	S	S	S		S	S			
Distribution, Packing, and														P	P	P	P	P			

_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	ZONING DISTRICTS																				
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
PRINCIPAL LAND USES:																					
Shipping																					
Drug Store or Pharmacy									P	P	P	P	S	P	P			P			
Essential Public Services, such as Transmission Lines and Lift Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Financial Institutions, Banks, and Credit Unions								P	P	P		P	P	P	P						
Freight and Moving Establishments														P	P	P					
Funeral Home and Mortuary									P	P		P		P	P						
Gasoline Station, with or without a Convenience Store										S	P	P		P	P	P	P				
Golf Course		P												P	P				P		P
Grocery Store								P	P	P		P	P	P	P			P			
Group Homes	S	S	S	S	S	S			S	S			S								
Government and Civic Buildings, including Library and Museum									P	P			P	P		P			P		
Health Clubs and Gyms										P		P	P	P	P						
Hospital																			S		
Junk and Salvage Yards																					
Laundry and Dry Cleaning, On-Site, including Self-Service Laundry										P		P		P	P						

_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	ZONING DISTRICTS																			
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
PRINCIPAL LAND USES:																					
Laundry and Dry Cleaning, Pick-Up Only *Note 5								P	P	P	P	P		P							
Light Indoor Manufacturing Uses, including Packaging and Fabricating														P	P	P					
Liquor Store, Lounge, and Bar (without drive-through window) *Note 5									S	P	S	P	S	P	P			P			
Lodging Accommodations										S	S	P	P	P		S					
Lumber and Building Supply												S		P	P		P				
Manufacturing and/or Assembly -Heavy															P						
Manufacturing and/or Assembly -Light														P	P	P					
Manufacturing and/or Assembly – Water Related														P	P		P				
Manufacturing and/or Assembly - Artisan								P	P	P	P	P	P	P	P		P				
Marina																	S	S	S		
Marine recreation, such as kayak or boat rentals, sailing schools, etc.										P				P			P	P			
Medical and Dental Clinics										P	P	P		P	P				P		
Mini-storage or Self-storage Facility										S		S		P	P	S					

_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	ZONING DISTRICTS																				
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
PRINCIPAL LAND USES:																					
Music, Dancing, Photography, or Art Studios								P	P	P		P	P	P	P			P	P		
Outside Sales										S	S	S		S	S			S			
Parking Lots and Parking Garages										P		P	P	P	P		P		P		
Parks, Public		P								P				P			P	P	P		P
Parks, Private or with Stadium Style Lighting										S				P			S		S		S
Personal Services, such as beauty/barber shops, tattoo parlor, massage or acupuncture therapy									P	P	P	P	P	P	P			P			
Picnic Areas, Trails, and Nature Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S
Piers, Docks, and Wharves														P	P		P	P			P
Professional Offices								P	P	P	P	P	P	P	P	P		P			
Public Recreation Buildings		P	P	P	P	P				P				P			P	P	P		P
Radio, Television, and Telecommunication Towers														S	S	S	S		S		
Recreation, Outdoor Amusements, such as Miniature Golf or Fishing Piers, Excluding Amusement Parks and Drive-in										S		S	S	P			S	S	S		S
Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Rooms,										S		S	S	S	S				S		S

_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	ZONING DISTRICTS																			
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
PRINCIPAL LAND USES:																					
and Skating Rinks																					
Railroad Facilities														P	P		P	P			
Religious Facilities	S		S	S	S	S	S	S	S	P	P	P	P								
Research, Education, and Development Facilities										P		P		P	P	P	P	P			
Residential Uses:																					
Single-Family	P	P	P	P	P	P	P	P	P	P			P					P Note 2			
Two- and Three-Family					P	P			P	P			P								
Four- or More Family						P				S			P								
Group Residential (see Note 3)						S			S	S			S								
Resort Rental			Note 1		Note 1	P															
Restaurant, With or Without Drive- Through Window *Note 5									P	P	P	P	P	P	P		P	P			
Retail Stores								P	P	P	P	P	P	P	P	P		P			
Schools, Elementary, Junior, or Senior High	S	S	S	S	S	S			S	P									P		
Scooter and Moped Rentals										P	S	P	S	P							
Seasonal Sales *Note 4									P	P	P	P	P	P	P		P	P			
Small Equipment or Appliance Repair Shops										P		P	P	P	P						
Specialty Food Stores, such as Bakeries or Ethnic Grocers								P	P	P	P	P	P	P	P			P			

	ZONING DISTRICTS																				
_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	**R-E**	**R1-G**	**R-1**	**RLM**	**R-2**	**R-3**	**OT-1**	**OT-2**	**MU-1**	**MU-8**	**C-1**	**C-2**	**C-3**	**I-1**	**I-2**	**I-A**	**I-W**	**W-1**	**PI-1**	**CON**	**REC**
PRINCIPAL LAND USES:																					
Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers								P	P	P	P	P	P	P	P			P			
Stormwater Treatment Park/Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Terminals for Freight or Passengers, By Ship														P	P		P	P			
Theaters, Movie or Performing Arts									P	P		P	P	P	P			P			
Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing										S	S	S		P	P						
Utility Facilities, such as Electric Substations, Water and Wastewater Treatment Plants													P	P	P	P	P	P	P		
Warehouse, not Including Mini-Storage														P	P		P				
Welding or Sheet Metal Works														P	P						
Wholesale Establishments														P	P						

(Section 2.03.02 Table of Land Uses footnotes are contained on following page.)

ACCIDENT SEARCH
Print Date/Time: 06/27/2018 10:09:16 AM

Accident Date/Time	Accident No.	Accident Type	Reporting Officer	Location
04/11/2018 19:06:00	2018-00006295	Long Form	Paetsch, Joshua	204 ASH ST, FERNANDINA BEACH
12/29/2017 10:24:00	2017-00021827	Short Form	Lee, Henry	ASH ST / S 4TH ST, FERNANDINA BEACH
11/24/2017 16:33:00	2017-00019436	Short Form	Hernandez, Jorge	112 ASH ST, FERNANDINA BEACH
08/13/2017 22:40:00	2017-00013107	Long Form	Hernandez, Jorge	312 ASH ST, FERNANDINA BEACH
05/07/2017 13:54:00	2017-00007165	Short Form	Benton, Ritchie	S 8TH ST / ASH ST, FERNANDINA BEACH
03/17/2017 16:52:00	2017-00004171	Short Form	Swanson, David	S 3RD ST / ASH ST, FERNANDINA BEACH
11/23/2016 10:25:00	2016-00018921	Long Form	Paetsch, Joshua	ASH ST / S 8TH ST, FERNANDINA BEACH
10/31/2016 05:01:00	2016-17517	Short Form	Benton, Ritchie	ASH ST / S FRONT ST, FERNANDINA BEACH
08/05/2016 22:55:00	2016-00012828	Short Form	Haney, William	ASH ST / S 8TH ST, FERNANDINA BEACH
07/23/2016 19:30:00	2016-00012065	Short Form	Peake, Freddie	416 ASH ST, FERNANDINA BEACH
06/30/2016 11:20:00	2016-00010596	Short Form	Kopinski, Christopher	ASH ST / S 7TH ST, FERNANDINA BEACH
06/12/2016 01:19:00	2016-00009550	Long Form	Arseneau, Michelle	218 ASH ST, FERNANDINA BEACH
05/13/2016 16:25:00	2016-00007767	Long Form	Kopinski, Christopher	204 ASH ST, FERNANDINA BEACH
04/29/2016 11:02:00	2016-00006915	Long Form	Lee, Henry	204 ASH ST, FERNANDINA BEACH
12/09/2015 06:59:00	2015-00080666	Short Form	Lee, Henry	S 2ND ST / ASH ST, FERNANDINA BEACH
11/08/2015 02:01:00	2015-00078883	Long Form	Hernandez, Jorge	204 ASH ST, FERNANDINA BEACH
10/12/2015 11:41:00	2015-00077097	Short Form	Douglass, Matthew	S 8TH ST / ASH ST, FERNANDINA BEACH

Total Rows: 17

Ash Street

ACCIDENT SEARCH
Print Date/Time: 06/27/2018 10:09:42 AM

Accident Date/Time	Accident No.	Accident Type	Reporting Officer	Location
04/30/2018 18:25:00	2018-00007493	Short Form	MORENO, STEPHEN	N 8TH ST / CENTRE ST, FERNANDINA BEACH
03/17/2018 22:10:00	2018-00004654	Long Form	Pensa, Michael	117 CENTRE ST, FERNANDINA BEACH
03/06/2018 18:37:00	2018-00003926	Short Form	MORENO, STEPHEN	CENTRE ST / N 3RD ST, FERNANDINA BEACH
12/08/2017 07:30:00	2017-00020332	Long Form	Woods, Christina	N 3RD ST / CENTRE ST, FERNANDINA BEACH
11/21/2017 07:37:00	2017-00019267	Short Form	Mulkearns, Michael	CENTRE ST / N 3RD ST, FERNANDINA BEACH
07/08/2017 12:36:00	2017-00011044	Short Form	Mitchell, Jarell	710 CENTRE ST, FERNANDINA BEACH
07/04/2017 19:21:00	2017-00010800	Short Form	Mazuryk, Michael	715 CENTRE ST, FERNANDINA BEACH
07/03/2017 16:17:00	2017-00010701	Short Form	Woods, Christina	614 CENTRE ST, FERNANDINA BEACH
06/22/2017 16:31:00	2017-00009976	Short Form	Woods, Christina	602 CENTRE ST, FERNANDINA BEACH
06/13/2017 18:00:00	2017-00009387	Long Form	Mazuryk, Michael	530 CENTRE ST, FERNANDINA BEACH
05/21/2017 13:33:00	2017-00007937	Short Form	Paetsch, Joshua	710 CENTRE ST, FERNANDINA BEACH
04/30/2017 03:04:00	2017-00006643	Long Form	Mulkearns, Michael	S 2ND ST / CENTRE ST, FERNANDINA BEACH
08/24/2016 08:40:00	2016-00013893	Long Form	Hepler, Jason	CENTRE ST / N 2ND ST, FERNANDINA BEACH
05/23/2016 13:42:00	2016-00008306	Short Form	Sturges, Walter	710 CENTRE ST, FERNANDINA BEACH
05/19/2016 20:55:00	2016-00008099	Short Form	Mitchell, Jarell	530 CENTRE ST, FERNANDINA BEACH
04/21/2016 02:27:00	2016-00006442	Short Form	Lee, Henry	114 CENTRE ST, FERNANDINA BEACH
03/25/2016 20:56:00	2016-00004955	Short Form	Arseneau, Michelle	S 8TH ST / CENTRE ST, FERNANDINA BEACH
03/05/2016 12:10:00	2016-00003742	Short Form	Burling, Donald	117 CENTRE ST, FERNANDINA BEACH
11/27/2015 07:50:00	2015-00079962	Long Form	Kopinski, Christopher	CENTRE ST / N 7TH ST, FERNANDINA BEACH
11/03/2015 01:12:00	2015-00078603	Short Form	Lee, Henry	403 CENTRE ST, FERNANDINA BEACH
10/17/2015 18:00:00	2015-00077480	Short Form	Mulkearns, Michael	N 3RD ST / CENTRE ST, FERNANDINA BEACH
08/01/2015 13:38:00	2015-00072726	Short Form	Lee, Henry	715 CENTRE ST, FERNANDINA BEACH

Total Rows: 22

Centre St.

ACCIDENT SEARCH
Print Date/Time: 06/27/2018 10:10:23 AM

Accident Date/Time	Accident No.	Accident Type	Reporting Officer	Location
02/27/2018 12:17:00	201800003399	Short Form	Pensa, Michael	N 2ND ST / ALACHUA ST, FERNANDINA BEACH
02/20/2018 13:40:00	2018-00002931	Long Form	Woods, Christina	N 8TH ST / ALACHUA ST, FERNANDINA BEACH
12/16/2017 18:50:00	2017-00021029	Short Form	Mazuryk, Michael	ALACHUA ST / N 7TH ST, FERNANDINA BEACH
08/16/2017 14:15:00	2017-00013256	Long Form	MORENO, STEPHEN	N 8TH ST / ALACHUA ST, FERNANDINA BEACH
07/04/2017 22:03:00	2017-00010821	Short Form	Gothard, Ronald	N 8TH ST / ALACHUA ST, FERNANDINA BEACH
04/29/2017 18:08:00	2017-00006625	Long Form	Mulkearns, Michael	N 8TH ST / ALACHUA ST, FERNANDINA BEACH
04/25/2017 13:25:00	2017-00006393	Long Form	Smith, Jason	N 8TH ST / ALACHUA ST, FERNANDINA BEACH
04/07/2017 20:41:00	2017-00005326	Short Form	Gothard, Ronald	N 2ND ST / ALACHUA ST, FERNANDINA BEACH
03/23/2017 14:13:00	2017-00004492	Long Form	Carey, James	801 ALACHUA ST, FERNANDINA BEACH
02/09/2017 19:32:00	2017-00002141	Long Form	Woods, Christina	N 8TH ST / ALACHUA ST, FERNANDINA BEACH
11/05/2016 11:02:00	2016-00017800	Long Form	Paetsch, Joshua	ALACHUA ST / N 6TH ST, FERNANDINA BEACH
09/11/2016 16:31:00	2016-00014898	Short Form	Douglass, Matthew	ALACHUA ST / N 4TH ST, FERNANDINA BEACH
07/09/2016 00:00:00	2016-00011249	Long Form	Mitchell, Jarell	416 ALACHUA ST, FERNANDINA BEACH
05/29/2016 14:46:00	2016-00008744	Short Form	Burling, Donald	ALACHUA ST / N 8TH ST, FERNANDINA BEACH
03/21/2016 16:21:00	2016-00004723	Long Form	Burling, Donald	N 8TH ST / ALACHUA ST, FERNANDINA BEACH
01/08/2016 14:49:00	2016-00000351	Long Form	Lee, Henry	ALACHUA ST / N 3RD ST, FERNANDINA BEACH

Total Rows: 16

Alachua

ACCIDENT SEARCH
Print Date/Time: 06/27/2018 10:11:02 AM

Accident Date/Time	Accident No.	Accident Type	Reporting Officer	Location
07/08/2017 21:18:00	2017-00011063	Short Form	Hernandez, Jorge	115 S FRONT ST, FERNANDINA BEACH
10/31/2016 05:01:00	2016-17517	Short Form	Benton, Ritchie	ASH ST / S FRONT ST, FERNANDINA BEACH
06/19/2016 21:21:00	2016-00009939	Long Form	Hernandez, Jorge	12 N FRONT ST, FERNANDINA BEACH
04/24/2016 02:30:00	2016-00006614	Long Form	Paetsch, Joshua	500 S FRONT ST, FERNANDINA BEACH
09/14/2015 15:30:00	2015-00075395	Short Form	Arseneau, Michelle	20 S FRONT ST, FERNANDINA BEACH

Total Rows: 5

Front St.

ACCIDENT SEARCH
Print Date/Time: 06/27/2018 10:11:53 AM

Accident Date/Time	Accident No.	Accident Type	Reporting Officer	Location
06/14/2018 07:19:00	2018-00010581	Short Form	Carey, James	828 S 11TH ST, FERNANDINA BEACH
09/18/2017 10:30:00	2017-00015306	Short Form	Paetsch, Joshua	S 11TH ST / ATLANTIC AV, FERNANDINA BEACH
07/04/2017 16:35:00	2017-00010787	Short Form	Benton, Ritchie	S 11TH ST / DATE ST, FERNANDINA BEACH
07/03/2017 15:11:00	2017-00010694	Long Form	Benton, Ritchie	730 S 11TH ST, FERNANDINA BEACH
01/05/2017 02:25:00	2017-00000206	Long Form	Mulkearns, Michael	JASMINE ST / S 11TH ST, FERNANDINA BEACH
08/24/2016 17:44:00	2016-00013920	Long Form	Arseneau, Michelle	516 N 11TH ST, FERNANDINA BEACH
03/05/2016 11:12:00	2016-00003739	Short Form	Burling, Donald	DATE ST / S 11TH ST, FERNANDINA BEACH
12/27/2015 17:37:00	2015-00081746	Long Form	Paetsch, Joshua	S 11TH ST / JASMINE ST, FERNANDINA BEACH
11/18/2015 08:49:00	2015-00079453	Long Form	Hamilton, Tracey	BEECH ST / S 11TH ST, FERNANDINA BEACH

Total Rows: 9

11th St.