

New Orleans, Louisiana

Section 8.9.- VCP Vieux Carré Park District.

8.9.1. Purpose of the District.

The purpose of this district is to provide for parks, public facilities, and associated uses along the Vieux Carré riverfront. Parks and open space are encouraged and are permitted uses. Conditional use review is required for all other uses to ensure compatibility of the character of the Vieux Carré with the maritime use and scale of the waterfront.

8.9.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section. Regulations applicable to existing hotels and to the conversion of existing buildings to multiple dwellings are set forth in Section 8.10. Class B licensed package liquor sales are prohibited within the boundaries of the Vieux Carré and within all Vieux Carré zoning districts.

(Ord. 19,151 § 1 (part), adopted 3/31/99)

8.9.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the VCP Vieux Carré Park District subject to the performance standards in Section 7.5, except that timeshare buildings, transient vacation rentals, bed and breakfast facilities, guest houses, package liquor stores, massage parlors, adult establishments as defined in Article 2, tattoo parlors, pawnshops, and T-shirt, novelty, gift and souvenir shops are prohibited:

1. Parks and open space.
2. Gas distribution mains and gas regulator stations.
3. Electric utility facilities.* (See Section 11.40)
4. Underground sewerage lift or pumping stations.* (See Section 11.43)
5. Aboveground sewerage lift or pumping stations.* (See Section 11.42)
6. Water distribution systems, meters, sanitary and stormwater sewerage systems and related appurtenances, but not including lift and pumping stations or water towers.
7. Public telephones (booth or otherwise).* (See Section 11.41)
8. Public transit waiting stations.* (See Section 11.31)
9. Electric substations.* (See Section 11.40)
10. Telephone exchanges.* (See Section 11.45)
11. Personal wireless communication facilities consisting of mast-mounted and facade-mounted installations.* (See Section 11.55)

(Ord. 18,384 § 1 (part), adopted 8/21/97)

8.9.4. Accessory Uses.

The following uses of land are authorized as accessory uses within the VCP Vieux Carré Park District:

1. Gas distribution mains, service piping, service regulators, meters, gas regulator stations, and related appurtenances.
2. Electric utility distribution and service lines, distribution transformers, meters and related appurtenances.
3. Noncommercial radio and television and receiving antennae and noncommercial radio transmitting antennae limited in height to fifty (50) feet.
4. Small telephone repeater structures when located in a public right-of-way, utility easement or buildable area of a lot.
5. Underground cable communication system cables, amplifiers, and related facilities but excluding distribution or switching centers and cablecasting studios.
6. Restrooms.

8.9.5. Conditional Uses.

The following uses of land are authorized as conditional uses within the VCP Vieux Carré Park District, upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Public buildings, including, but not limited to, museums, aquariums, information and interpretive structures, etc.
2. Maritime uses, including, but not limited to, general cargo operations, tour boats, cruise boats, docking for ceremonial vessels, etc. (provided that any maritime use shall be deemed to be a permitted use without the need for conditional use authorization whenever an unconditional right to said maritime use is established by applicable state law).
3. Concession stands for dispensing of food and beverages.
4. Restaurants in conjunction with public buildings.
5. Small retail stores and shops, except pawnshops, occupying a floor area of not more than 2,000 square feet of gross floor area in conjunction with public buildings.

(Ord. 23,902, adopted 3/11/10)

8.9.6. Permitted Signs.

Subject to the general sign regulations of Article 12, any accessory sign permitted in the VCC-1 Vieux Carré Commercial District is permitted in the VCP Vieux Carré Park District.

8.9.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height for the VCP Vieux Carré Park District are contained in Table 8.H. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

Table 8.H
Area Requirements for the VCP Vieux Carré Park District

Requirements	Standards
Maximum height from grade	50 ft. ¹
Minimum depth of front yard	none
Minimum side or rear yard	none
Maximum Floor Area Ratio	none
Minimum lot area requirements per dwelling unit	
One-family buildings	1,500 sq. ft.
Two-family buildings	1,000 sq. ft.
Three-family buildings	800 sq. ft.
Four-or-more-family buildings	600 sq. ft.
Minimum Open Space Ratio: ²	
corner lots	20 percent
interior lots	30 percent

Table 8.H Notes:

¹ Buildings of a lesser height may be required as provided by the Vieux Carré Commission Enabling Legislation. These height regulations shall not apply to public utilities.

² In computing area, all yards and courts may be included as open space. In all Vieux Carré Districts, all open space shall be unobstructed from grade level upward and shall contain no balconies, roof overhangs, galleries, stairways, storage area or other projections in such required open area. Where a parcel contains a corner lot and an interior lot, the percentage of open space area shall be prorated accordingly.

8.9.8. Special Regulations.

1. All land and water areas shall be maintained as open space in the area of the VCP Vieux Carré Park District bounded by the floodwall, the Mississippi River, St. Peter Street (extended), and Ursuline Street (extended). Enclosed structures (other than minor accessory buildings) and vehicular use areas shall be

prohibited.

2. Seventy-five (75) percent of the land area shall be maintained as open space in the area of the VCP Vieux Carré Park District bounded by the floodwall, Esplanade Avenue (extended), the Mississippi River, and Ursuline Street (extended). The open space area shall not be encumbered by enclosed structures or vehicular use areas (except building service areas including loading docks and staging areas, etc.). The transportation corridor (rail corridor) may be counted in the open space area. However, the street rights-of-way should not be calculated as open space.
3. Seventy-five (75) percent of the land area shall be maintained as open space in the area of the VCP Vieux Carré Park District bounded by the floodwall, Canal Street, the Mississippi River, and St. Peter Street (extended). The open space area shall not be encumbered by enclosed structures or vehicular use areas (except building service areas including loading docks and staging areas, etc.). The transportation corridor (rail corridor) may be counted in the open space area.

Section 16.6.- Conditional Use Permits.

16.6.1. Purpose and Intent.

1. Nature of Conditional Use.

A conditional use is a land use which because of its unique nature is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions. This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit applications.

2. Permit Required.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within a zoning district until a conditional use permit is issued in accordance with the provisions of this article. An application for a conditional use permit shall be accompanied by a site plan prepared in the manner described in Section 16.7. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties and how it meets the approval standards set forth in Section 16.6.5.

16.6.2. Status of Conditionally Permitted Uses.

The following general rules apply to all conditional uses:

- 1.** The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.
- 2.** Approval of a conditional use permit shall authorize only the particular use for which the permit is issued.
- 3.** No use authorized by a conditional use permit shall be enlarged, extended, or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use permit in accordance with the procedures set forth in this section.
- 4.** Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code, or any permits required by regional, State and Federal agencies.

16.6.3. Application for Conditional Use Permit.

1. Application Requirements.

An application for a conditional use permit may be submitted by the property owner or by the property owner's designated representative to the Executive Director. The application shall be accompanied by a site plan prepared in accordance with the requirements of Section 16.7. If a zoning amendment is required or requested, such application shall accompany the application for a conditional use permit.

2. Subdivision Approval.

If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

16.6.4. Procedures for Conditional Use Permits.

1. Planning Commission Recommendation.

Upon receipt of the recommendation from the Executive Director, the City Planning Commission shall conduct a public hearing in order to formulate its recommendations to the City Council on the conditional use permit application. Following the public hearing, the Commission shall recommend approval, approval subject to modification, or denial of the proposal to the City Council in accordance with Section 16.9.5. If the appropriateness of the use cannot be assured at the location, the Commission shall recommend denial of the application as being incompatible with existing uses or uses permitted by right in the district.

2. City Council Action.

The City Council shall be the final decision-maker on applications for conditional use permits. Following

a public hearing and in consideration of the Planning Commission's recommendations, the City Council shall approve, modify or deny the proposal for a conditional use permit in accordance with Section 16.9.6. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district.

16.6.5. Standards.

1. Factors for Consideration.

When considering applications for a conditional use permit, the City Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Commission and the City Council shall specifically consider the extent to which:

- a. The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- c. The proposed use meets all standards specifically applicable to the use as set forth in Article 11;
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - (2) Off-street parking and loading areas;
 - (3) Refuse and service areas;
 - (4) Utilities with reference to location, availability, and compatibility;
 - (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (7) Required yards and open space;
 - (8) Height and bulk of structures;
 - (9) Hours of operation; and
 - (10) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

2. Conditions.

In approving the application, the Planning Commission may recommend and the City Council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this section, in accordance with the procedures in Section 16.9.7. Any conditions imposed shall be set forth in the ordinance approving the conditional use and shall be incorporated into or noted on the site plan for final approval. The Executive Director or her agent shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the conditional use, and shall sign the plan to indicate final approval. The applicant shall have the signed site plan recorded in the Conveyance Office of Orleans Parish not later than thirty (30) days following the date of final approval, or the Ordinance approving the conditional use shall be deemed null. The City Planning Commission shall maintain a record of such approved conditional uses and the site plans and conditions attached thereto.

3. Prohibition on Waivers and Variances.

The foregoing standards of development shall not be subject to waivers or variances that otherwise could be granted under Article 14, Board of Zoning Adjustments, nor may conditions imposed by the City Council subsequently be waived or varied by the Board. In conformity with the authority of the City

Council to authorize conditional uses, the Council may waive or modify specific standards otherwise made applicable to the use by this Ordinance, to secure the general objectives of this section; provided, however, that the Council shall not waive or modify any approval factor set forth in subsection 1 of this section.

16.6.6. *Expiration and Extension.*

Termination of approval of a conditional use for failure to commence development and extension of the time for performance for a conditional use permit shall be governed by Section 16.9.11.

16.6.7. *Amendment.*

No proposed or existing building, premise, or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this section, and the conditional use permit and approved site plan are amended accordingly.

Norfolk, Virginia

7-5 - Deep Waterfront Industrial District I-5.

7-5.1 *Purpose statement.* The I-5 Deep Waterfront Industrial District provides areas with access to deep water channels for large scale maritime uses, such as shipping, shipbuilding and repair, bulk cargo transfer, and other uses requiring deep water access. Outdoor storage and activities are permitted.

7-5.2 *Uses.* Uses in the I-5 District as specified in the Table of Principal Uses for Industrial Districts found at section 7-6 are permitted as of right or by special exception subject to the general provisions set forth in section 7-0.

7-5.3 *Minimum lot area and lot width.* The minimum lot areas and widths permitted in the I-5 District are as follows:

	Minimum Lot Area	Minimum Lot Width	7-5.4
(a) Permitted uses	1 acre	150 ft.	
(b) Special exception uses:			
(1) Off-site parking	15,000 sq. ft.	150 ft.	
(2) Other special exception uses	1 acre	150 ft.	

Maximum building height. None.

7-5.5 *Yard requirements and other development standards.* The yard requirements for the I-5 District are set forth in Table 7-A following this Chapter 7. Other development standards applicable to uses in this district are set forth in Article III, including parking (Chapter 15), signs (Chapter 16), and landscaping (Chapter 17).

TABLE (Cont'd)

7-6 TABLE OF PRINCIPAL USES FOR INDUSTRIAL DISTRICTS

.....LEGEND..... P - Permitted Use S - Special Exception Use	PRINCIPAL USES, BY DISTRICT INDUSTRIAL DISTRICTS				
USE	I-1	I-2	I-3	I-4	I-5
<u>OFFICE AND RELATED USES</u>	P	P			
Financial Institutions					
Offices	P	P	P		

Seafood Processing; Seafood Market		P		P	
Ship Building and Repair					P
Sign Painting	P				
Warehousing	P	P			
<u>RECREATION, CULTURAL & ENTERTAINMENT</u>	P	P			
Commercial Indoor Recreation					
Health and Fitness Facility	P	P			
Membership Organizations	P				
Yacht Clubs; Marinas (excluding boat repair)				P	
<u>MISCELLANEOUS</u>	P				
Animal Pound, Kennel					
Automobile Salvage and Recycling (indoor)			P		
Automobile Salvage and Recycling (outdoor)			S		
Boatels				S	
Boilerworks			P		
Cargo Pier, Terminal					P
Communication Tower/Antenna (Commercial)	S	S	S	S	S
Contractor's Office (with exterior storage)		P	P		
Crematoria		S	S		
Cruise Ship Pier, Terminal					P
Display Room; Wholesale	P				
Hiring Hall	P	P	P		P
Off-site Parking	S	S	S		S
Outdoor Advertising Sign	S	S	S		
Public Utility Building and Site (excluding storage and maintenance facilities)	P	P	P	P	P
Radio, Television Station	P				

Radio, Television Transmission Tower		S	S		
Railroad Passenger Station			P		
Sewage Treatment Plant					P
Solid Waste Transfer Station			S		
Tattoo Parlor	S				
Taxicab Operation	P	P			
Trucking Terminal	S	S			
Water Treatment Plant			P		
Vendors	P	P			

(Ord. No. 37,750, § 1, 9-13-94; Ord. No. 38,217A, § 3, 12-12-95; Ord. No. 38,880, § 3, 8-26-97; Ord. No. 39,026, § 1, 1-27-98; Ord. No. 39,027, § 1, 1-27-98; Ord. No. 39,028, § 3, 1-27-98; Ord. No. 39,259, § 1, 8-18-98; Ord. No. 39,282, § 2, 8-18-98; Ord. No. 40,238, § 2, 3-6-01; Ord. No. 41,049, § 1 (Exh. A), 6-3-03; Ord. No. 41,730, § 3 (Exh. C), 3-1-05; Ord. No. 42,404, § 3 (Exh. C), 9-19-06; Ord. No. 42,837, § 1 (Exh. A), 9-18-07; Ord. No. 42,957, § 1 (Exh. A), 1-8-08; Ord. No. 43,531, § 2 (Exh. B), 8-18-09)

NOTES:

TABLE 7A YARD REQUIREMENTS INDUSTRIAL DISTRICTS

District	Front Yard and Corner Side yard	Interior Side Yard	Rear Yard
I-1: Limited Industrial District	10 feet	0 feet (1)	0 feet (1)
I-2: Light Industrial District	10 feet	0 feet (1)	0 feet (1)
I-3: General Industrial District	10 feet	0 feet (1)	0 feet (1)
I-4: Waterfront Industrial District	10 feet	0 feet (1)	0 feet (1)
I-5: Deep Waterfront Industrial District	10 feet	0 feet (1)	0 feet (1)

NOTES:

- (1) Where applicable, a ten-foot buffer yard shall be provided as set forth in section 7-0.3(d).
- (2) Where the new construction is an addition to an existing building, the yard requirement for the addition may match the existing yard for the existing building.

15-5 - Off-street parking.

15-5.1 General requirements.

- (a) *Location of parking spaces.* All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces may be located off lot if within five hundred (500) feet of such use if said parking spaces are located in a district in which the use served by the parking is permitted or off-lot parking is specifically listed as an allowable use in such district subject to obtaining a special exception pursuant to article V, chapter 25
- (b) *Reduction of off-street parking requirements for housing for the elderly.* Reduction of off-street parking requirements for housing for the elderly may be permitted by special exception pursuant to article V, chapter 25 and subject to the following additional requirements:
 - (1) No special exception for such purpose shall be issued except upon assurances satisfactory to the city council that such dwelling units will be used by families with the head of the household 62 years of age or over, and that not more than ten (10) percent of the total number of persons housed on the premises may be employees on the premises, without regard to age.
 - (2) No special exception for such purpose shall be issued except upon a finding by the city council that, in view of the location of such housing, the economic status of the anticipated occupants and other pertinent considerations, reduction in the number of required off-street parking spaces will leave adequate off-street parking for occupants and visitors. In no event shall requirements for such off-street parking be reduced to less than half of those generally required in the district for housing of the same type.
 - (3) After the special exception for such purpose shall have been issued, the premises shall not be used other than for dwelling units for the elderly, subject to the exceptions and limitations set forth in subparagraph (1) above, unless and until any parking requirements applying generally to the new use have been met. It is not in accord with the spirit and purpose of this ordinance that any such new use shall be permitted without providing such parking.
- (c) *Parking prohibited in required front yards, corner side yards and buffer yards.* Except for one-family dwelling units, off-street parking spaces and maneuvering spaces may not be located in any required yard abutting a public street or in any required buffer yard. Enclosed building structures and carports enclosed on more than one side containing off-street parking spaces shall be subject to all applicable yard requirements.

The only pavement utilized for the purpose of parking or maneuvering a vehicle permitted in any required yard abutting a public street shall be limited to driveways installed generally perpendicular to the intersecting street right-of-way.

(Ord. No. 42,260, § 42 (Exh. XX), 5-9-06; Ord. No. 42,611, § 9 (Exh. O), 3-20-07)

- (d) *Reserved.*

(Ord. No. 43,751, § 7 (Exh. F), 3-2-10)

- (e) *Parking and storage of boats, trailers and recreation vehicles in residence districts.*
 - (1) Unless parked or stored in a garage, carport or accessory building, such equipment shall be parked or stored behind the nearest portion of any building to any public street; provided, however, that parking shall be permitted elsewhere on the premises not to exceed a twenty-four-hour time limit for the purpose of loading and unloading.
 - (2) No such equipment may be parked or stored in any side yard not adjacent to a street if it exceeds six (6) feet in height above the ground; provided, however, that masts, antennas, vent stacks, windshields or other minor accessories may exceed this height limit.
 - (3) Equipment exceeding the limitations set forth in section 15-5.1(e)(2) above, may be parked or stored outdoors only in the rear yard not closer than five feet to a rear or side lot line. Any equipment so parked shall be further subject to the requirements for accessory buildings set forth in Chapter 13, section 13-5

- (f) **Control of off-street parking facilities.** In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- Private possession may be either by deed or long-term lease, acceptable terms of such lease to be determined by the zoning administrator after his review of a certified copy of such lease. An agreement, approved as to form by the city attorney, shall also be filed with the zoning administrator providing that any off-lot required parking will not be alienated from the use for which it is required unless alternative arrangements approved by the zoning administrator are made to provide the required parking.
- (g) **Size of parking stalls.** All requirements as to size of parking stalls are set forth in Figure 15-1, Off-Street Parking Dimensions Table. The dimensions of stalls in parking garages shall be approved by the department of public works.
- (h) **Handicapped parking.** Handicapped parking spaces shall be provided in accordance with the Schedule of Handicapped Parking Space Requirements below. Such spaces shall conform to the Uniform Statewide Building Code.

Schedule of Handicapped Parking Space Requirements

Total parking spaces in lots and garages	Required Minimum No. of Handicapped Accessible Parking Spaces
1–25	1
26–50	2
51–75	3
76–100	4
101–150	5
151–200	6
201–300	7
301–400	8
401–500	9
501–1,000	2% of total
over 1,000	20 plus one for each 100 over 1,000 spaces

- (i) **Access/Driveways.** All off-street parking facilities shall be designed with appropriate means of vehicular access to a public street or alley in a manner satisfactory to the city transportation engineer of the department of public works. In conjunction with the provision of required parking spaces for residential uses, there shall be permitted only one such access for each 100 feet of street frontage or portion thereof for each zoning lot. The size of such access shall be limited as follows:
- (1) One-family:
 - (a) Detached dwellings:
 - i. without detached garage: one, 20 feet in width
 - ii. with detached garage: two, each 10 feet in width
 - (b) Townhouse/Attached dwellings: Ten feet in width.
 - (2) Two-family residences: One 20 feet in width or two with a maximum width of ten feet each.
 - (3) Multiple-family residences: 20 feet in width.

(Ord. No. 42,260, § 43 (Exh. YY), 5-9-06)

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Off-Street Parking Dimensions Table (In feet)

- (j) **Shared parking.** Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than 90 percent of the separate requirements of each such use and all regulations governing location of accessory parking spaces in relation to

the uses served are adhered to. Except for the following provisions, no parking space or portion thereof shall serve, or be counted as a required space for, more than one use unless the zoning administrator authorizes a reduction in the total number of required parking spaces for two or more nonresidential uses jointly providing off-street parking when their respective hours of operation do not normally overlap. Reduction of shared use parking shall be subject to the following conditions:

- (1) No more than 50 percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.
- (2) The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:

Step 1: Multiply the minimum parking required for each individual use, as set forth in the attached schedule of required parking, by the appropriate percentage indicated in the Schedule of Shared Parking calculations for each of the six designated time periods.

Step 2: Add the resulting sums for each of the six columns.

Step 3: The minimum parking requirement shall be 90 percent of the highest sum among the six columns resulting from the above calculations.

SCHEDULE OF SHARED PARKING CALCULATIONS

General Land Use Classification	Weekdays Night Mid-7am	Day 7am-6pm	Evening 6pm-Mid	Weekends Night Mid-7am	Day 7am-6pm	Evening 6pm-Mid
Office & Industrial	5%	100%	5%	0%	100%	10%
Retail	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	70%	45%	100%
Hotel	100%	65%	100%	100%	65%	100%

- (3) If one or all of the land uses proposing to make use of shared parking facilities do not conform to one of the general land use classifications in the Schedule of Shared Parking Calculations as determined by the zoning administrator, then the applicant may submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses.
- (4) The property owners involved in the shared use of off-street parking facilities shall submit a legal agreement approved by the city attorney guaranteeing that the parking spaces shall be maintained so long as the uses sharing the required parking are in existence or unless the required parking is provided elsewhere in accordance with the provisions of this chapter. Such legal agreement shall be recorded by the property owner with the clerk of the Circuit Court and a copy filed with the zoning administrator.
- (k) *Fractional space.* When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction shall be counted as one parking space.
- (l) *Utilization.* Except as may otherwise be provided for the parking of trucks in the granting of special exception uses, required accessory off-street parking facilities shall be solely for the parking of passenger automobiles of patrons, visitors, occupants, or employees of such uses.
- (m) *Design and maintenance.*
Plan: The design of new parking lots or areas or the redesign or reconfiguration of existing parking lots or areas shall be subject to the approval of the zoning administrator and the director of public works.
Character: Parking spaces may be open to the sky or enclosed in a building.
Surfacing: Surfacing of parking areas and driveways may be of a material designed to encourage infiltration and shall be subject to approval by the director of public works for material approval,

design and proper drainage provisions.

Landscaping and screening: Screening and landscaping of off-street parking areas shall be provided pursuant to the requirements of Chapter 17.

Lighting: Any lighting used to illuminate off-street parking areas shall be designed and equipped to cast light down from the fixture head, away from residential properties and public streets in such a way as not to cause glare onto any abutting or adjacent lots.

Cleaning and maintenance: Except in the Industrial, Commercial, Office, Business and Commerce, Downtown, and General Airport Districts no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between the hours 10:00 p.m. and 7:00 a.m. each day.

Signs: Signs shall be permitted in parking areas in accordance with the provisions specified in Article III, Chapter 16.

15-5.2 Specific requirements. All off-street parking spaces required by this ordinance shall be provided in accordance with the classes and formulae set forth in the Schedule of Parking Requirements (Table 15-A) located at the end of this chapter. Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal use requirement.

The calculation of parking spaces for a given business shall always include one space for each vehicle owned or leased by the business and stored on the lot subject to these parking requirements.

When computing required parking spaces, the total number of required spaces shall be based upon the use(s) of the zoning lot or portion thereof. Therefore, one lot may actually contain two or more parking classes. (e.g., retail sales and warehousing.)

Parking spaces required based on the number of employees shall be calculated using the number of employees on duty on the shift involving the greater number of employees. For purposes of this chapter, an "employee" shall include any person authorized or compensated to do work on the property or site. If, for any reason the classification of any use, for the purpose of determining the amount of off-street parking or the number of spaces to be provided by such use, is not readily determinable under these provisions, the parking class of such use shall be established by the zoning administrator.

In the event this ordinance does not specify the number of parking spaces for a specific use or class the zoning administrator shall determine the number of spaces required. In making this determination of the number of spaces required for a proposed use, the zoning administrator shall consider the number of parking spaces required for the listed use most similar to the proposed use in terms of parked vehicles which are expected to be generated. In determining the number of parked vehicles likely to be generated by a use, the zoning administrator shall consider the square footage occupied by the use where appropriate. In the alternative, the zoning administrator may consider the number of employees and patrons which are anticipated for the proposed use.

(Ord. No. 40,378, § 5, 6-19-01; Ord. No. 43,078, § 10 (Exh. N), 5-13-08)

15-6 - Off-street loading.

15-6.1 General requirements.

- (a) *Location of loading berths.* All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a residence district or are visible from a public right-of-way shall be completely screened therefrom by building walls or by a solid concrete or masonry wall, or door designed to be compatible with the principal building that it serves, and the provisions of chapter 17. The screening wall shall not be less than six (6) nor more than eight (8) feet in height. No permitted or required loading berth shall be located within thirty (30) feet of the nearest point of intersection of any two (2) streets. No loading berth shall be located in a required front or side yard where berths would abut a residence district. Any loading berth located in a required rear yard may be open to the sky.
- (b) *Size of short and long loading berths.* Unless otherwise specified, a required off-street loading berth shall be at least ten (10) feet in width by at least thirty-five (35) feet in length for short berths, and twelve (12) feet in width by at least fifty (50) feet in length for long berths exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet. Maneuvering aprons for short berths shall be at least thirty-five (35) feet and for long berths shall

be at least sixty (60) feet. Access lanes for short berths shall be twelve (12) feet in width for one-way lanes and twenty-two (22) feet in width for two-way lanes. For long berths, access lanes shall be fourteen (14) feet in width for one-way lanes and twenty-four (24) feet in width for two-way lanes. Space dedicated for access lanes may also be considered as space for the maneuvering apron.

- (c) **Access.** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, separated from customer and/or employee parking, and shall be subject to approval by the city transportation engineer of the department of public works.
- (d) **Surfacing.** All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of two hundred (200) pounds per square foot in a manner satisfactory to the director of public works.
- (e) **Utilization.** Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (f) **Central loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.
 - (2) Total off-street loading berths provided shall meet seventy-five (75) percent of the minimum requirements herein specified, based on the several types of land uses served.
 - (3) No zoning lot served shall be more than five hundred (500) feet removed from the central loading area.
 - (4) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.
- (g) **Minimum facilities.** Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.

15-6.2 *Specific requirements.* The specific requirements for off-street loading areas are set forth in the Schedule of Off-Street Loading Requirements (Table 15-B) located at the end of this chapter.

(Ord. No. 40,541, § 1, 12-11-01)

TABLE 15-A
SCHEDULE OF PARKING REQUIREMENTS

CLASS	FORMULA
Residential	
Bed and Breakfast Establishment	In HC-G1, HC-G2 and HC-G3: Two (2) spaces for owner/manager; one (1) space per guest room, see Section 9-1.4(b)(9) In HC-WF1 and HC-WF2: One (1) space for owner/manager; one (1) space per guest room, see Section 9-2.4(b)(7)
	One (1) space per six (6) residents plus one (1) space per employee
Congregate Housing (Elderly)	One (1) space per two (2) living units plus one (1) space per employee
Continuing Care Retirement Community	One and one-tenth (1.1) space per dwelling unit

Plant and Garden Shop, Greenhouse	Four (4) spaces per one thousand (1,000) square feet of gross indoor sales floor area, plus one (1) space per one thousand (1,000) square feet of greenhouse or net outdoor sales and customer display area, plus one space per every one and one-half (1.5) employees, plus one (1) space for every facility vehicle stored on the lot
Recycling Processing Center Recycling Collection Station	Two (2) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) space per employee
Retail, Sales and Service Free-standing and Shopping Center Over fifty-five thousand (55,000) square feet GFA	Five (5) space per one thousand (1,000) square feet gross floor area
Retail, Sales and Service, Freestanding and Shopping Center Under fifty-five thousand (55,000) square feet GFA, Pawnshop/Establishments for the Sale of Alcoholic Beverages for Off-Premises Consumption	Four (4) spaces per 1,000 square feet gross floor area
Retail, Sales and Service, with 2,000 square feet or less of building floor space on a separate zoning lot existing on the effective date of this Ordinance	No spaces required
Retail, Outdoor Bazaar, Farmers Market, Flea Market	Two (2) spaces per individual sales stand or booth
Veterinary Office	One space per employee, plus one space per 100 square feet of client waiting room floor area
Wholesale, Ship Supply Store	One space per 1,000 square feet gross floor area for the first 10,000 square feet, plus one per 2,000 square feet gross floor area for the remaining space, plus one space for each facility vehicle stored on the lot. Office area parking shall be calculated separately based on office parking rates
<i>Services & Institutions</i>	
Adult Day Care	One space per employee plus one space for each facility vehicle stored on the lot
Airport, Railroad Passenger Station, Cruise Ship Terminal	One space per employee plus one space for every facility vehicle stored on the lot or used in connection with the business of the facility, plus one space for every five (5) seats available for

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ARTICLE V. - MARITIME CENTER

Sec. 2-171. - Department created.

Sec. 2-172. - Director generally.

Sec. 2-173. - Cruise bureau.

Secs. 2-174—2-195. - Reserved.

Sec. 2-171. - Department created.

Pursuant to the provisions of section 52 of the Charter, an administrative department of the city is hereby created, to be known as the Maritime Center. The Maritime Center, to the extent consistent with the charter and bylaws of the National Maritime Center Authority and the authorization and delegation of the board of commissioners, shall be responsible for the management and operation of the National Maritime Center, known as "Nauticus."

(Ord. No. 38,753, § 1, 5-20-97)

Sec. 2-172. - Director generally.

The head of the Maritime Center shall be known as the director of the Maritime Center. Subject to the supervision and control of the city manager in all matters, and subject to the supervision and control of the Board of Commissioners of the National Maritime Center Authority to the extent required by its charter and bylaws, and to the extent authorized and delegated by such board, the director of the Maritime Center shall be responsible for the management and operation of the Maritime Center ("Nauticus") and for the administration of the affairs of the department.

(Ord. No. 38,753, § 1, 5-20-97)

Sec. 2-173. - Cruise bureau.

The cruise bureau shall be charged with the marketing, logistical planning and compliance with all federal, state and local security requirements. The manager of cruise operations and marketing shall be the head of the bureau and his duties shall be such as may be prescribed by ordinance or by the director of the Maritime Center. The manager of cruise operations and marketing will be the primary liaison between the city and the cruise industry.

(Ord. No. 41,160, § 1, 9-9-03)

Secs. 2-174—2-195. - Reserved.

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outdoor storage of materials shall be screened from view of any adjoining properties and public rights-of-way. NO outdoor storage shall be permitted between the front of any building on the site and the street.

- (k) *Odor:* Uses in the B-7 zone shall adhere to the odor regulations of the IL zone.
- (l) *Smoke:* Discharges of smoke shall not exceed opacity percentage of forty percent (40%) or number two (2) on the ringelman chart.
- (m) *Discharge into sewers:* No discharge shall be permitted at any point into any private sewage disposal system, or surface drain, or into the ground, of any materials in such a way or of such nature or temperature as to contaminate any water supply, or the harbor, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.
- (n) *Lighting:* All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties and as otherwise governed by the site lighting standards of the City of Portland Technical Manual.
- (o) *Building entrances:* All buildings shall have a minimum of one (1) public pedestrian entrance facing the street frontage of the lot. Such building entrances shall also be reviewed under the B-7 bayside design standards.

(Ord. No. 201-05/06, 4-19-06; Ord. No. 240-09/10, 6-21-10; Ord. No. 278-09/10, 7-19-10)

DIVISION 17.5. EASTERN WATERFRONT PORT ZONE*

***Editor's Note-** Order No. 297-05/06 adopted on September 18, 2006, implemented a new Eastern Waterfront Port Zone for the Maine State Pier and Portland Ocean Terminal. The proposed changes for the Portland Ocean Terminal and the Maine State Pier would allow for a wider range of uses for the piers and properties of the Portland Ocean Terminal.

Sec. 14-300. Purpose.

The Eastern Waterfront Port Zone is created to nurture deepwater dependent activity within the context of the established waterfront. The transport of goods and passengers by water is an important component of both the local and regional economies and this transport and other forms of marine industry are dependent upon land and piers with direct access to Portland Harbor. Given the existing pier infrastructure, proximity to deep water, and urban context, Portland's Eastern Waterfront is uniquely situated to support a wide range of water-dependent industry and commerce through a variety of marine activities.

The support and expansion of Portland's marine industry requires piers, uplands, and circulation consistent with the transportation purpose and use of marine facilities. The growth of Portland's marine passenger industry also requires supporting services and activities to provide a safe, convenient, and enjoyable travel experience for users of marine passenger facilities. Non-marine uses that complement the marine passenger industry, are compatible with existing and future water-dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged.

The primary use of the deep-water resources must be for the berthing and support of large vessels. Non-marine uses that complement and support the deepwater infrastructure and do not conflict or compete for limited space with existing or anticipated deepwater-dependent uses are encouraged. Existing and future pier infrastructure and upland support areas should be designed and maintained to support a variety of marine uses and be responsive to future technologies and trends in the marine industry.

Given the need to nurture and support deepwater-dependent uses and the need for non-deepwater dependent uses to complement the marine passenger industry and to support the maintenance and repair of pier infrastructure, the Eastern Waterfront Port Zone recognizes the following hierarchy of uses:

- (a) The first priority of this zone is to protect and nurture existing and potential deepwater dependent uses (those uses requiring a minimum of 15 feet of water depth);

- (b) The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure; and
- (c) Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.

(Ord. No. 297-05/06, 9-18-06)

Sec. 14-300.1. No adverse impact on marine uses.

No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed non-water dependent component of a development will have an impermissible adverse impact if it will result in any one (1) or more of the following:

- (a) The proposed use will displace an existing water-dependent use;
- (b) The proposed use will reduce existing commercial vessel berthing space;
- (c) The proposed use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or
- (d) The siting of a proposed use will substantially reduce or inhibit existing public access to marine or tidal waters.

(Ord. No. 297-05/06, 9-18-06)

Sec.14-301. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-300.1. (no adverse impact on marine uses), the following uses are permitted in the Eastern Waterfront Port Zone:

(a) *Marine passenger:*

1. Intermodal marine passenger facilities;
2. Cruise ship home port and port of call berthing and support;
3. International and domestic ferries.

(b) *Marine commercial:*

1. Transient and long-term commercial berthing;
2. Marine-related warehousing;
3. Marine related construction, manufacturing, fabrication, salvage and repair;
4. Storage and repair of fishing equipment;
5. Ship and other marine vessel construction, building, servicing, and repair;
6. Boat and marine equipment storage;
7. Marine fuel storage and dispensing provided that on-site fuel storage structures shall be used solely for the purpose of fueling vessels and shall be limited, cumulatively, to 20,000 gallons of storage capacity within the zone;
8. Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis;
9. Ship and off-shore support services, including but not limited to tug boats, pilot boats, and chandleries;

10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.

(c) *Commercial:*

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.

***Editor's Note**—On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of section 14-301.1. (conditional uses, parking) below.

2. Temporary events, except festivals as otherwise governed under section 14-301I3 below.

Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:

- a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of sixty (60) days between May 1st to October 31st;
- b. No temporary event may continue for more than 14 days of continuous operation;
- c. Any temporary event that anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.

3. Festivals subject to City license.

(d) *Public:*

1. Fire, police and emergency services;
2. Governmental agency emergency operations/crisis centers; 3. Research, military and visiting attraction vessel berthing;
4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

(Ord. No. 297-05/06, 9-18-06)

Sec. 14-301.1. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the Eastern Waterfront Port Zone, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and provided further that in addition to the provision of section 14-474(c) (2) such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below:

(1) Conditional use standard:

- a. *Marine compatibility:* The proposed use shall be compatible with existing and potential marine uses in the vicinity, as required by section 14-304(n) and (o) (compatibility of non-marine uses with marine uses and functional utility of piers and access to the water's edge); and
- b. *Parking and traffic circulation:*
 - i. *Parking and traffic circulation plan:* All applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the planning board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways and parking under the common ownership and/or control of

the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

(2) Conditional uses:

a. *Marine:*

- i. Marine products, wholesaling and retailing;
- ii. Ice-making services;
- iii. Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight;
- iv. Marine educational facilities;
- v. Seafood retailing, wholesaling, packaging and shipping;
- vi. Seafood processing for human consumption, subject to the performance standards of the IL zone set forth in section 14-236 in addition to the performance standards of section 14-304;
- vii. Commercial marinas serving commercial and recreation boats, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater dependent vessels accessing existing or potential deepwater berthing;
- viii. Fish byproducts processing, provided that:
 - a. Any fish byproducts processing facility has a valid rendering facility license under chapter 12 of the Portland city code; and
 - b. Any fish byproducts facility shall

employ current and appropriate odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone (section 14-252); and

- c. The processing other material wastes or byproducts shall not be deemed a lawful accessory use Permitted herein.

b. *Commercial:*

- a. Structured parking available to the general public;
- b. Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006;
- c. Passenger support services supporting a marine passenger use listed under 14-301(a) (marine passenger). The total ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor area of the principle associated marine passenger use and no more than 35,000 square feet cumulative within the EWPZ:
 - i. Retail;
 - ii. Restaurants/food service;
 - iii. Retail service;
 - iv. Passenger information services.

- c. *Industrial:* The following industrial uses are permitted provided that such uses shall conform to the IM zone performance standards set forth in section 14-252 in addition to the performance standards of 14-304. Where redundant or

contradictory performance standards exist, the more restrictive standard applies.

- i. Non-marine related warehousing in structures existing as of September 18, 2006;
- ii. Facilities for combined marine and general construction;
- iii. Low impact industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities.

d. *Public:*

- i. *Utility substations:* Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations, are permitted under the following conditions:
 - a. The facility is located more than 100 feet from the water's edge;
 - b. The facility occupies no more than 50 square feet of structure above ground;
 - c. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine related uses, including but not limited to parking, travel ways, and/or storage; and
 - d. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.
 - ii. Maritime museums, limited to 5,000 square feet of ground floor footprint.
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***Editor's Note**—On-site parking for non-marine commercial and industrial uses are permitted as conditional uses subject to the provisions of section 14-301.1. (conditional uses, parking) below.

- e. *Parking for non-marine uses:* Notwithstanding sections 14-304(h), 14-331, 14-334 (regarding off-street parking requirements) and article V (site plan) of this chapter, no parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted by section 14-301 (permitted marine uses) and 14-301.1. (conditional marine uses) which are or may be located on the subject property (see editor's note below). The remainder of parking Required, if any, for such non-marine uses shall be provided off-site.
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***Editor's Note**—Vacant ground floor space should be considered to have a parking demand similar to other space housing an existing water-dependent use elsewhere on the subject property or on a comparable property.

(b) The following use shall be permitted only upon the issuance of a conditional use permit subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

- (1) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

- a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
- b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided

to the Board of Appeals with the application;
and

- c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
- d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
- e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
- f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
- g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
- h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 29-09/10, 8-3-09, emergency passage)

Sec.14-301.2. Prohibited uses.

Uses, whether floating or fixed to land, which are not enumerated in either section 14-301 or 14-301.1. as permitted or conditional uses are prohibited. Those uses that are specifically prohibited shall include, without limitation:

- (a) Residential uses;
- (b) Amusement/theme parks;
- (c) Bulk freight facilities;
- (d) On-site gambling casinos not accessory to and located aboard either a ferry or inter-port cruise ship.

(Ord. No. 297-05/06, 9-18-06)

Sec. 14-302. Contract or conditional rezoning.

In addition to those marine and non-marine uses authorized in section 14-301 (permitted uses) and 14-301.1(conditional uses) an applicant may apply to locate a non-marine use not otherwise permitted, if the reviewing body finds the applicant has met the standards of section 14-300.1 (no adverse impact), the performance standards of 14-304(a-o), and the applicable standards of contract/conditional rezoning contained in sections 14-60 to 14-63 and conforms to the following requirements:

- (a) *Standards for contract or conditional rezoning:*
 - 1. All non-marine uses are either permitted or conditionally permitted in the B-5 zone, and are not specifically prohibited in section 14-301.2 (prohibited uses) above. Any hotel, inn, or other similar transient lodging establishment proposed must be located landward of the spring tide line and westerly of the extension of the India Street right-of-way; and
 - 2. The aggregate ground floor area of any development permitted hereunder located within 100 feet of the pier edge or working edge of the hardened shoreline shall be occupied by at least

50% of one or more marine uses set forth in section 14-301 (permitted, marine uses) and 14-301.1 (conditional marine uses). **Note: the circulation areas and areas occupied for accessory parking serving marine uses shall not be used as the basis for calculating the 50% provision above; and**

3. The development is consistent with the comprehensive plan and without the non-marine use component authorized herein, the site could not otherwise support an economically viable water-dependent use; and
4. The project's public benefits outweigh its potential negative impacts, provided that such public benefits include one or more of the following: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public; and
5. The non-marine portion of the development will not significantly restrict air or light for marine uses located in the immediate vicinity; will not create significant adverse local climatic effects on marine uses such as an undue increase of winds or shadowing; and will not adversely affect the efficient operation of marine uses, such as by producing less efficient traffic, parking or circulation patterns; and
6. The rezoning contains adequate provisions and/or conditions to ensure that on-site water-dependent infrastructure remains occupied by commercial marine use(s) listed in section 14-301 (permitted uses) and 14-301.1 (conditional uses) and that said use is not abandoned after the project is developed; and
7. Notwithstanding section 14-304(h) (performance standard "Parking") and section 14-526 (a)

4.a.(i), all on-site parking constructed or used for non-marine uses allowed only by contract or conditional rezoning shall be subject to the conditional use provisions section 14-301.1 (e) (*parking for non-marine uses*).

Additionally, the total amount of parking shall be established by the city council in the conditional or contract rezoning agreement after consideration of the planning board's recommendation on the same.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 278-09/10, 7-19-10)

Sec. 14-303. Dimensional requirements.

In addition to the provisions of article III, division 25 of this code, lots in the EWPZ shall be subject to the following requirements:

- (a) *Minimum lot size:* None.
- (b) *Minimum frontage:* None.
- (c) *Minimum yard dimensions:*
 - 1. Front setback: None.
 - 2. Side setback: None.
 - 3. Rear setback: None.
 - 4. Setback from pier line: Notwithstanding the above requirements, a minimum setback of thirty-six (36) feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure. The setback area may be utilized for water-dependent uses and public uses and activities, subject to the provisions of sections 14-300.1 (no adverse impact) and 14-301.1 (conditional use provisions), and shall not be utilized for restaurant, drinking, or other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

(d) *Maximum impervious surface:* One hundred (100%) percent.

(e) *Maximum building height:* Forty-five (45) feet, except as follows:

1. For purposes of this section only, moveable elements such as cranes and gantries, connection devices such as conveyors or bridges, and floating vessels shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to air traffic.
2. Rooftop appurtenances may exceed the maximum height limits of forty-five (45) feet providing that their design and placement is either fully screened or integrated into the architecture of the structure on which they sit.
3. The applicant must provide a determination from the Federal Aviation Administration that structures and equipment in excess of forty-five (45) feet will not exceed the applicable height guidelines for the runway approach and will not create a conclusive evidence that the proposed development will not create a hazard.

(Ord. No. 297-05/06, 9-18-06)

Sec. 14-304. Performance standards.

Development in the Eastern Waterfront Port Zone shall comply with the following standards:

(a) *Outdoor storage of materials:* Outdoor storage of commodities and materials accessory to normal conduct of business shall be entirely contained, including runoff contaminants and residual material, within a designated area.

(b) *Noise:*

1. The level of sound, measured by a sound

level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the EWPZ between the hours of 7:00 p.m. and 7:00 a.m. from facilities or operations commenced on or after July 1, 1988, shall not exceed fifty-five (55) decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices, and maritime navigation signals.

2. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).
3. In addition to the sound level standards otherwise established, facilities or operations established or built in the EWPZ on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

- (c) *Vibration*: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration

resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile-supported pier.

- (d) *Federal and state environmental regulations:* All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this code are more stringent.
- (e) *Discharges into harbor areas:* No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code.
All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.
- (f) *Storage of vehicles:* Storage of any unregistered automotive vehicle on the premises for more than ten (10) days shall not be permitted.
- (g) *Landfill of docking and berthing areas:* Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. § 471-478, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.
- (h) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (i) *Off-street loading:* Off-street loading is required as

provided in division 21 of this article.

- (j) *Shoreland and flood plain management regulations:* Any lot or a portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (k) *Lighting:* All lighting on the site shall be shielded such that direct light sources shall not interfere with vessels transiting the harbor, nor have an unreasonable adverse impact on adjacent residential zones, and shall be compliant with the Site Lighting Standards of the City of Portland Technical Manual.
- (l) *Signs:* Signs shall be permitted as set forth in division 22 of this article.
- (m) *Storage of pollutants and oily wastes:* On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.
- (n) *Compatibility of non-marine uses with marine uses:* Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.
- (o) *Functional utility of piers and access to the water's edge:* All development, whether for marine or non-marine uses, must anticipate current and future needs of water-dependent uses to functionally access the water's edge for the transfer of goods, materials, and passengers between berthed vessels and land bound vehicles. Provisions for the storage and movement of goods, materials, and passengers must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 240-09/10, 6-21-10; Ord. No. 278-09/10, 7-19-10)

Tampa, Florida

ARTICLE XIX. THE CHANNEL DISTRICT*

***Editor's note:** Ord. No. 2007-190, § 1, adopted September 6, 2007, repealed Art. XIX, §§ 27-450--27-457, which pertained to the Channel District. Section 2 of said ordinance restated the title of Art. XIX and §§ 3--9A added provisions designated as new §§ 27-450--27-456.1. Sections 10--13 added provisions designated as §§ 27-257--27-460. At the discretion of the editor, §§ 10--13 have been codified as §§ 27-457--27-457.3.

Sec. 27-450. Purpose and intent.

The purpose and intent of the Channel District ("CD" or "District") is to provide for a growing mixed-use area which lies between and complements the Central Business District and the Ybor City Historic District. The CD provides for protection of existing uses and a variety of residential, commercial, and industrial uses consistent with the Tampa Comprehensive Plan. The CD also seeks to guide development design according to the desired palette as identified in the "Channel District Community Redevelopment Area Strategic Action Plan." While these regulations allow for the potential for mixed-use development in the Channel District, it is the intent of this article to provide existing industrial, maritime, and commercial uses (specifically related to Port Authority activities) with the opportunity to continue, expand, prosper, and grow.

Per the strategic action plan, the district is evolving dramatically to also include increased tourism, higher density residential, and more intense mixed-use projects. This constant evolution of uses makes the Channel District a unique redevelopment opportunity in the eastern side of downtown peninsula, given its proximity and geographical connection to the Central Business District. The District is on a direct path to becoming a destination with an urban, mixed-use, transit-related neighborhood reflecting the smart-planning concept of locating residences near job centers. Creation of inviting urban spaces through innovative, superior design will add to the economic and social success of the neighborhood.

Geographic location and the historic dependence upon port related activity have influenced the district's development pattern. Even today the district reflects the diverse activities emerging at the port and its evolution as a tourist destination. The Channel District is facing dramatic change as its future development pattern emerges at the onset of the 21st Century as part of Tampa's emerging downtown neighborhoods.

(Ord. No. 2007-190, § 3, 9-6-07)

Sec. 27-451. District and subdistricts established: procedures for rezoning.

(a) *District established; boundaries.* The Channel District is hereby established as a separate district with subdistricts therein. The boundaries of the District are as follows:

An area within downtown Tampa which is generally located, North of Garrison Channel, South

of Tampa South Crosstown Expressway, East of Meridian Avenue, and West of Ybor Channel, and being more particularly described as follows: An area bounded on the North by the Tampa South Crosstown Expressway; on the North beginning at the Tampa South Crosstown Expressway and extending South along the Centerline of Ybor Channel to a point on a line, said point lying on a line which bears North 43 deg. 31 min. West, bisecting the intersection of the Northwesterly Harbour Line of the Ybor Turning Basin and the Westerly Harbour Line of Ybor Channel; thence North 43 deg. 31 min. West, along said line to 13th Street; thence South and Southwesterly along 13th Street to and along Platt Street, to Meridian Avenue; and bounded on the West by Meridian Avenue to the Tampa South Crosstown Expressway.

Any owner of property immediately abutting the boundaries of the Channel District as herein described, and zoned PD or PD-A on the date of adoption of this Article XIX, The Channel District, may petition the city to expand the PD or PD-A into the Channel District boundaries, provided such expansion does not enlarge or intensify the existing development rights under the PD or PD-A as it existed on the date of adoption of Article XIX. If such petition is approved by the city, the above-referenced boundaries of the Channel District will be modified to exclude the expanded PD or PD-A property.

(b) *Subdistrict established.* The following CD zoning subdistricts shall be the only zoning districts permitted within the CD (previously approved CD-3 site plans shall remain valid subject to section 27-323(6) and (7) and any substantial changes thereto require compliance with this article):

(1) *CD-1.* This zoning subdistrict is appropriate for a variety of residential, commercial, and industrial uses with an urban and pedestrian development pattern.

(2) *CD-2.* This zoning subdistrict is appropriate for those uses and/or structures exceeding those dimensional and intensity criteria set forth in the CD-1 subdistrict.

(c) *Procedures for rezoning to CD subdistricts.*

(1) A property owner requesting a rezoning to CD-1 shall be governed by the parcel rezoning procedures set forth in Article XVI of this chapter.

(2) A property owner requesting a rezoning to CD-2 or an amendment to a CD-2 (or previously adopted CD-3) zoned property shall be governed by the parcel rezoning procedures, the site plan controlled rezoning review procedures, and the provisions of this article, all as set forth in this chapter. A property owner requesting a CD-2 rezoning shall be required to submit an application for preliminary design approval at the time of submission of the rezoning application and final design approval at the time of submission of the commercial site plan application.

(Ord. No. 2007-190, § 4, 9-6-07)

Sec. 27-452. Official schedule of permitted principal, accessory and special uses.

(a) Except as otherwise specifically provided in this chapter, the use of land, water and structures within the Channel District (CD) shall only be permitted in accordance with Table 19-1, Schedule of Permitted Principal, Accessory and Special Uses. All other uses of land, water and structures in the CD which are not expressly listed in Table 19-1 are prohibited uses and shall not be established in the CD.

(b) Uses listed in Table 19-1 as special uses may be established in the CD only after approval of an application of a special use permit in accordance with the procedures and requirements in Article XI of this chapter.

Table 19-1

SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES

TABLE INSET:

LEGEND: X--Permitted principal use S1--Special use, zoning administrator review S2--Special use, city council review A--Permitted accessory use Blank or not listed--Prohibited use	CD-1	CD-2
Uses 1,2,3		
Group A		
Bed and breakfast	X	X
Congregate living facility	S1	S1
Dwelling, multiple family	X	X
Dwelling, single-family detached 4	X	X
Dwelling, single-family semi-detached 4	X	X
Dwelling, single-family attached 4	X	X
Dwelling, two-family	X	X
Extended family residence	X	X
Home occupation	X	X
Professional residential facilities:		
Recovery home A	S2	S2
Recovery home B	S2	S2
Residential treatment facility	S2	S2
Life care treatment facility	S2	S2
Group B		
Accessory use to a permitted principal or special Group B use	A	A
Place of religious assembly	X	X
Clinic	X	X
Club	X	X
College	X	X

Vehicle sales and leasing (port-related activities only)	X	X
Vermin control and related services	X	X
Veterinary office	X	X
Warehouse and wholesale trade (port-related activities only)	X	X
Warehouse, mini 12	X	X
Warehouse, mini (port-related activities only)	X	X
Water transport	X	X

Notes:

- 1 Except as noted in Footnote #6 below, or as may be required in a CD-2 rezoning site plan, uses in the Channel District are exempt from the buffering requirements of section 27-130, with the exception of buffer standards as they apply to solid waste facilities.
- 2 The ability to establish a permitted use on a parcel of land is contingent on compliance with all land development regulations, including but not limited to concurrency, drainage, environment regulations, and parking requirements.
- 3 Uses in CD-2 shall be consistent with the Tampa Comprehensive Plan.
- 4 See section 27-137 for applicable residential design standards.
- 5 See section 27-126 for accessory parking requirements.
- 6 See section 27-138 for buffering requirements for open storage.
- 7 See section 27-246.1(b) for special event parking regulations.
- 8 See section 27-246.1(a) for interim parking requirements.
- 9 See section 27-150 for regulations applicable to temporary film production. Additionally, the section 27-130 buffer requirements shall not apply to this use.
- 10 Refer to Articles XI Special Use Permits and XXII Alcoholic Beverages for applicable provisions.
- 11 A separate special use application process shall be required in order to make alcohol sales from this use classification, subject to the provisions in this chapter.
- 12 Refer to 27-457(c) for specific performance standards.

(Ord. No. 2007-190, § 5, 9-6-07; Ord. No. 2008-51, § 5, 3-20-08; Ord. No. 2009-10, § 1, 1-8-09)

Sec. 27-453. Official schedule of dimensional regulations.

Except as otherwise specifically provided in this chapter, the minimum lot size and width, minimum required yards, mandatory yards, maximum height, and maximum density and F.A.R. shall be as shown in Table 19-2, Schedule of Dimensional Regulations.

Table 19-2

SCHEDULE OF DIMENSIONAL REGULATIONS

TABLE INSET:

	CD-1	CD-2
Yard Dimensional Ranges:		
Mandatory Front Yard 1,5		
11th Street:	5 feet	5 feet
12th Street:	5 feet	5 feet
Channelside Drive:	10–15 feet	10–15 feet
Kennedy Boulevard:	5–10 feet	5–10 feet
Minimum Side Yard	0 feet	0 feet
Minimum Rear Yard	0 feet	0 feet
Mandatory Corner Yard 2,5	0 feet	10 feet
11th Street:	5 feet	5 feet
12th Street:	5 feet	5 feet
Channelside Drive:	15 feet	15 feet
Kennedy Boulevard:	5–10 feet	5–10 feet
Maximum Height (ft.)	60	175 3
Maximum F.A.R.	3.5	3.5 4
Maximum density	Per Comprehensive Plan	Per Comprehensive Plan

Notes:

- 1 Front yards set at zero (0) feet for all other streets.
- 2 Corner yards set at zero (0) feet for all other streets.
- 3 Building height may be considered above one hundred seventy-five (175) feet up to the maximum height as prescribed by the HCAA/FAA and as approved by city council. For each ten (10) feet of building height above sixty (60) feet, the required yards shall be increased by a minimum of one (1) foot.
- 4 Bonus FAR considered above 3.5, pursuant to requirements of sections 27-459, and as approved by city council.
- 5 Arcades may be set at zero (0) feet for any yard adjacent to a public street.

(Ord. No. 2007-190, § 6, 9-6-07)

Sec. 27-454. Parking requirements.

The regulations set forth in Article X shall apply in the Channel District except as modified herein.

(a) *Off-street parking requirements.* Any building in the CD that is erected, expanded, increased in floor area or seating capacity, or changes its use, or in which a new use is established, shall meet the applicable parking requirements as set forth in Table 19-3, Table of Required Parking Spaces.

TABLE 19-3

TABLE INSET:

Use	Spaces	Per Unit
Bank	3	1,000 SF
Bar and Lounge	0.2 or 28.0	Per seat or 1,000 SF of assembly area
Catering shop	3	1,000 SF
Clinic	3	1,000 SF
Cigar factory	3	1,000 SF
College	0.5	Per student
Congregate living facility:		
Adult family home	1	Per dwelling unit
Group care facility	1	Per dwelling unit
Emergency shelter/home	1	Per dwelling unit
Foster care home	1	Per dwelling unit
Day care and nursery facility	0.5	Per employee plus 1 per facility vehicle
Dwelling, multi-family and/or efficiency	1	Per unit
Dwelling, single-family	1	Per unit
Hospital and associated uses	1	Per bed
Hotel/motel	1	Per room
Maintenance or storage facility	0.6	Per employee on largest shift
Manufacturing	0.6	Per employee on largest shift
Marina	2.0	Per slip or berth
Marina sales and repair	1.0	Per employee plus 2.0 per 1,000 SF
Nursing, convalescent and extended care facility	0.3	Per bed

Office, business and professional	1	1,000 SF
Office, medical and veterinary	2	1,000 SF
Performing art studio	3.6	1,000 SF
Personal services	4	1,000 SF
Pharmacy	2	1,000 SF
Place of assembly (e.g. theater)	0.2 or 28.0	Per seat or 1,000 SF of assembly area
Place of religious assembly	0.2	Per seat
Printing, light	1	1,000 SF
Printing, publishing	1	1,000 SF
Public cultural facility	2	1,000 SF
Public service facility	1	Per employee
Public use facility	2	1,000 SF
Radio and TV studio	1	1,000 SF
Recreational facility, commercial	2	1,000 SF
Recreational facility, private	2	1,000 SF
Research activity	1	1,000 SF
Restaurant	0	1,000 SF
Retail sales, all types	2	1,000 SF
School (primary and secondary)	1	Per classroom
School (business, trade, vocational)	0.5	Per student plus 1 per staff member
Service station	2	1,000 SF
Transportation service facility	3	1,000 SF
Vehicle repair	2	1,000 SF
Warehouse	0.6	Per employee
Wholesale trade	1	1,000 SF

(b) *Alternative compliance.* Except for single-family detached, semidetached, and two-family dwellings, half of the required number of off-street parking spaces shall be surfaced with asphaltic or Portland cement binder pavement or an equivalent improvement so as to provide a durable and dustless surface. In making a determination as to the suitability of an equivalent improvement, the city traffic engineer shall find that such improvement:

- (1) Provides a safe and permanent surface, suitable for the quantity and quality of traffic expected to use it; and
- (2) Provides a surface that will accept permanent delineation of parking spaces, aisles, accessways and maneuvering areas; and

- (3) Provides a surface that will not contribute to erosion or sedimentation, either on-site or off-site; and
- (4) Provides a surface that meets the design standards of the department of public works.

The balance of the required parking spaces may be a hard rock surface which must be provided with bumper stops or other department of public works approved methods of delineating parking spaces.

(c) *In-lieu parking payments.* Within the Channel District, development subject to compliance with subsection (a) above shall comply with the off-street parking requirements utilizing one of the following methods:

- (1) Making payments (same rate as established in the Central Business District) which shall be contributed to a parking fund specially set aside to provide parking for the Channel District; or
- (2) Providing on-site parking spaces; or
- (3) Any combination of items (c)(1) and (c)(2) above which together will meet the requirements of subsection (a).

The amount of the payment shall be established by resolution of the city council; no building permits shall be issued until the complete payment has been received by the city.

(d) *Variance and waiver procedure.* Variances to the number of required parking spaces may be granted by the zoning administrator pursuant to the standards set forth in section 27-245. City council may vary or waive the number of required parking spaces if a variance or waiver is denied by the zoning administrator; additionally city council may vary or waive the in-lieu payment. City council hearings to consider variances or waivers of the number of required parking spaces or the in-lieu payment shall be held in accordance with the procedures set forth in section 27-267(b)(2), S-2 Special use permits.

(Ord. No. 2007-190, § 7, 9-6-07)

Sec. 27-455. Public art requirements.

(a) *Purpose and intent.* The purpose of the public art requirements is to increase the presence of art in public open spaces in the Channel District, ensure that art can be enjoyed by the general public, and to support the promotion of the Channel District as a cultural, urban neighborhood. The intent of the development regulations and review framework set forth herein is to provide the mechanism for implementing the above-referenced goals.

(b) *Requirements.* Public art shall be provided in all CD districts for new construction only as follows:

- (1) Each new development shall be assessed .75 percent of the project cost, with a maximum contribution of two hundred thousand dollars (\$200,000.00), for placement of ground floor or on-site publicly accessible art (in accordance with (c) below.)
- (2) A property owner may pay a fee-in-lieu as set forth in section 27-455(e) below.

(c) *Placement of public art.* The placement of all public art as required by this subsection shall meet the following provisions:

(1) A minimum of seventy-five (75) percent of the total public art requirement shall be placed in places that are clearly visible from the public sidewalk or public space. The property owner or agent thereof may elect to provide the entire public art requirement in these areas. The final location of the art piece shall be reviewed and determined through the CD development design review.

(2) At the option of the property owner, up to a maximum of twenty-five (25) percent of the total public art requirement may be placed indoors in publicly accessible and clearly visible lobby areas.

(d) *Off-site provision of public art.* Any property owner or agent thereof required to provide public art as set forth in this section may provide the required amount of public art off site on another parcel located in the central business district, provided the following conditions are met:

(1) The property owner or agent thereof shall submit a request to provide the required public art off site with the application for design approval.

(2) The placement of the proposed off-site public art shall meet the requirements of subsection (d)(3) above.

(e) *In-lieu payment for public art.* Any property owner or agent thereof required to provide public art as set forth in this subsection may pay a fee-in-lieu as set forth in this subsection and shall pay the fee in lieu of the required amount of public art upon issuance of a certificate of occupancy. The property owner or agent thereof may provide a fee for the total public art requirement, assessed at .5 percent of the project cost, up to two hundred thousand dollars (\$200,000.00) or a portion thereof that is not met through the provisions of (b) above.

(f) *Public art fund.* A public art fund shall be created and shall consist of all in-lieu payments for public art requirements for the Channel District. The public art fund shall be used solely for the selection, acquisition, installation, maintenance and insurance of public art to be displayed on public property in this district.

(g) *Ownership, maintenance of public art and maintenance covenant.* All public art pieces shall be owned and maintained by the owner of the property on which the public art pieces are located. At the time of issuance of a certificate of occupancy all property owners installing public art on site shall be required to execute a maintenance agreement and covenant, in a form acceptable to the city attorney, in which the property owner agrees to maintain and repair all elements of the public art. The covenant shall be recorded in the public records of the county and shall be binding on all successors in interest.

(Ord. No. 2007-190, § 9, 9-6-07)

Sec. 27-456. Development design approval and procedures.

(a) *Design approval; when required; submission of application.*

(1) *Design approval required.* Any property owner or agent thereof proposing to erect a building or structure or conduct major renovations on any building or structure in the Channel District, for which a rezoning application or building permit application

is submitted as of the effective date of this article, shall obtain design approval for said building or structure by complying with the provisions of this article.

(2) *Submission of application.* An application for design approval shall be submitted to the urban design manager at the same time as an application for commercial site plan review as required by Chapter 5 of this Code, unless design approval was already obtained at time of a rezoning to CD-2.

(b) *Review procedure.*

(1) *Pre-application conference.* Any property owner or agent thereof required to obtain design approval shall schedule a pre-application conference with the urban design manager prior to the submission of an application for design approval. For those developments seeking consideration of any bonus criteria through the site plan rezoning process, a pre-application conference shall also be scheduled with the zoning administrator for evaluation of those proposed items. The pre-application meeting will serve as an initial exchange of information in order for the applicant to receive a better understanding of the city's standards and requirements for the Channel District and at the same time, the city obtains information related to the applicant's proposed use(s) and location.

(2) *Submission requirements.* All applications for design approval shall contain, at a minimum, the following items (as determined by the zoning administrator and urban design manager):

- a. Scaled site plan showing all improvements, existing conditions, and dimensions of the site and building as well as adjacent streets.
- b. Scaled landscape plan, which may be incorporated into site plan, showing preliminary plant material (existing and proposed) with specific information as to location, species, and sizes.
- c. Typical floor plan with major use categories as necessary to describe all levels of building.
- d. Exterior building elevations of all sides with general material designations.
- e. Sketches of signs, locations, and their dimensions.
- f. General exterior color description, including signs.
- g. Exterior perspective (character sketch) in color at the pedestrian level (at least two (2) prominent sides). This drawing may be a sketch perspective rendered in sufficient detail using any color medium such as markers or colored pencil, etc.
- h. Streetscape plan detailing all required public realm features, such as street furnishings, lighting, art, plantings, etc.

(3) *Review of design approval application.* The urban design manager shall review applications for design approval to ensure the visual and aesthetic intent of this article is met. For those developments seeking consideration of any bonus criteria through the site plan rezoning process, the zoning administrator shall be responsible for evaluation of those proposed items.

(c) *Approval, denial, and appeals.*

(1) *Approval/denial.* When design approval is required for a project, review for design approval shall be conducted concurrently with commercial site plan review required by Chapter 5 of the City of Tampa Code. Approval or denial (official determination) shall be reported to the applicant in writing, clearly outlining the basis for the decision including related code sections, within thirty (30) working days of the submittal date.

(2) *Appeals.* Applicants that have received an official determination of 'denial' may appeal to the city council, who may grant waivers to the design provisions of this article, through the CD-2 site plan rezoning process as described in this article and Article XIII.

(Ord. No. 2007-190, § 9A, 9-6-07; Ord. No. 2008-183, § 5, 10-16-08)

Sec. 27-456.1. Designation of corridors.

(a) *Designation of gateways.* Iconic elements and public art help to provide neighborhood identity at gateway locations throughout the Channel District. Where appropriate, provide gateway monuments through local artists design competitions. Gateways shall occur in several key locations in the Channel District. See Figures 19-1(a) and (b) for a map of gateway locations.

(1) *Major gateways--Significant entries into the District shall contain major identity elements and enhancement.*

- a. Intersection of Twiggs Street and Meridian Avenue.
- b. Intersection of Channelside Drive and Meridian Avenue.
- c. Intersection of Cumberland Street and Channelside Drive.
- d. Any location along Channelside Drive between Twiggs Street and Lee Roy Selmon Crosstown Expressway.

(2) *Secondary gateways--Areas where smaller pedestrian scale identity elements shall occur.*

- a. Intersection of Kennedy Boulevard and Meridian Avenue.
- b. Intersection of Jackson Street and Meridian Avenue.
- c. Intersection of Whiting Street and Meridian Avenue.

(3) *Standard streetscape design for the district shall adhere to the applicable design palette, as depicted in Figures 19-2 through 19-9. For those developments that propose streetscape improvements above the minimum standard to achieve bonus FAR/intensity, the proposed design must exceed those depicted herein.*

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(b) *Streetscape design and layout.*

(1) *Channelside Drive*. This key corridor provides significant community identity and vitality through the adjacent publicly owned facilities and transportation systems. Channelside Drive is an urban four-lane road with one hundred (100) feet right-of-way. North of Kennedy Boulevard, it is a state regulated facility. In that location, placement and maintenance of design enhancements must comply with FDOT design standards. Improvements to the corridor are needed to increase pedestrian activity, extend active land uses along the east side of the right-of-way, and support increased transit use. Enhanced pedestrian access to Streetcar stations shall be provided. A minimum four-foot buffer zone along the curb including a combination of cobblestone pavers and landscape area shall be provided on both sides of the right-of-way. A minimum fifteen-foot sidewalk is required on the south or east side of the right-of-way. See Figures 19-2 and 19-3 for streetscape concept and cross-section concept.

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(2) *Kennedy Boulevard/SR 60*: This corridor provides direct connection between the Central Business District and Ybor City. It is depicted as an urban five-lane road. As a state regulated facility, placement and maintenance of design enhancements must comply with FDOT design standards. Safe pedestrian crossings are required to ensure that the corridor does not create physical barriers for pedestrians within the District. A minimum four-foot buffer zone along the curb including a combination of cobblestone pavers and landscape area shall be provided on both sides of the right-of-way. See Figures 19-4 and 19-5 for streetscape concept and cross-section concept.

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(3) *Twiggs Street*: This corridor provides a direct connection between the Central Business District, the Channel District, and Channelside Drive. Additionally, it provides access to the Lee Roy Selmon Crosstown Expressway. Twiggs Street in the District is an urban four-lane road with eighty (80) feet right-of-way. On-street parking shall be provided on the north side of the right-of-way. A ten-foot wide City urban trail shall be provided on the south side of the right-of-way. A minimum four-foot buffer zone along the curb including a combination of cobblestone pavers and landscape area shall be provided on both sides of the right-of-way. See Figures 19-6 and 19-7 for streetscape concept and cross-section concept.

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GRAPHIC LINK:[Click here](#)**(4) Interior Streets**: The remaining interior street corridors provide interconnections throughout the District. North-south streets are depicted as a typical two-lane urban cross section, with on-street parking on both sides of the right-of-way. East-west streets are two-lane urban cross-section with a continuous left turn lane and on-street parking on one side of the street. Pedestrian crosswalks and mid-block crossings are proposed to provide safe and convenient

pedestrian movements. See Figures 19-8 and 19-9 for streetscape concept and cross-section concept.

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(Ord. No. 2007-190, § 9A, 9-6-07; Ord. No. 2008-183, § 6, 10-16-08)

Sec. 27-457. Development site and building design standards.

(a) *Compliance.* Compliance with the standards included herein shall be required in order to obtain design approval.

(b) *General site and building design standards.*

(1) All developments shall provide residential, office, neighborhood serving commercial uses, including general retail, restaurant, and/or personal services, and said uses shall be located on the ground floor and may extend to the second floor and above for a specific user. Furthermore, the location of said uses within the ground floor assists in the creation of pedestrian interaction and connectivity to the public right-of-way.

(2) Developments shall provide shade and weather protection for pedestrians along public rights-of-way. This may be accomplished through the use and incorporation of awnings, canopies, arcades, etc. The intent of this standard is to provide weather protection for pedestrian traversing the sidewalk adjacent to the structure. In the rare instance that a surface parking lot is placed at grade and adjacent to a public sidewalk, the proposed streetscape trees shall be increased in caliper and canopy spread, so as to fully shade said public sidewalk.

(3) Developments shall provide outdoor building light fixtures, which complement the architecture, at all points of ingress/egress from the structure. The light level shall be a minimum of one (1) foot candle.

(4) *[Reserved.]*

(5) Telephones, vending machines, or any facility dispensing merchandise shall be confined to a space built into the building or buildings, or designed as a separate structure compatible with the main building or the theme of development.

(6) Parking shall be located on the street (if approved by department of public works), or within, on the side, or in the rear of the buildings (oriented away from public rights-of-way. However, in regard to the property between 13th Street and the Ybor Channel, for water transport and other water dependent uses, parking also may be located in the front of buildings.

(7) Vehicle access and circulation for new development shall not impede pedestrian circulation. This may be accomplished by limiting the frequency and placement of curb cuts, by allowing adjacent property owners to share the same entrance and exit driveway to parking, and/or by utilizing a variation on materials to delineate pedestrian areas.

(8) Utilities shall be placed underground.

(9) The design of new buildings or structures and major renovations, specifically the design of building facades, shall demonstrate due respect and consideration for their context within the District; however, developments are not mandated to resemble one another or to utilize the same architectural style as that of an adjacent structure, in order to be compatible. Compatibility can be achieved through the proper consideration of scale, proportion, site planning, landscaping, materials, etc.

(10) Building surfaces, walls, and roofs shall, however, consider complimenting each other in regard to materials, texture, color, etc. In most cases, mixing facade materials is acceptable but there may be extreme situations where mixing materials such as brick and stone are uncomplimentary and therefore not recommended.

(c) *Performance standards for mini-warehouse in Channel District.*

(1) The use is limited to the upper floors of buildings;

(2) The use must be part of a mixed use project with at least two (2) uses, one (1) of which must be residential;

(3) The use may not exceed forty (40) percent of the total square footage of the project;

(4) The use must be integrated within the structural system of the building;

(5) The use is allowed in Zoning Districts CD-1, CD-2 and CD-3;

(6) The rental of mini-warehouse units shall not be limited to the residents of the building housing the use; and,

(7) The storage of hazardous materials other than materials common in household use and in retail and commercial businesses such as ordinary detergents and other cleaning materials, cosmetics, paints and adhesives, automotive fluids in small quantities, and other such materials, shall be prohibited.

(d) *General on site landscaping standards.*

(1) Provide landscaping with color where a new building or structure or major renovation encompasses the entire site, by introducing color and plantings with flowers (window boxes or flowering vines).

(2) Landscape designs shall be integrated into the overall design concept. Landscaping schemes shall consider the design of the structure, adjacent structures, the surrounding areas and the streets.

(3) A variation in color shall be reflected in the landscape design by use of flowers, flowering plants, or different types of landscaping which result in colorful and complementary schemes.

(4) Landscaping shall be used to screen objectionable areas located on ground level such as trash and garbage service areas, and outside mechanical equipment (i.e., air conditioning condensers), unless screened through an alternative architectural/structural design.

(e) *General sign standards.* The following sign standards shall apply to new buildings or structures and major renovations in the CD and shall be in addition to the sign regulations set

forth in Chapter 20.5; where inconsistent, the more restrictive shall apply.

(1) No signs are to abut at the corner of a building. A minimum clearance of ten (10) feet shall be required between such signs. A minimum clearance of four (4) feet shall be maintained between signs on the same facade.

(2) All signage shall be placed on or attached to the building facade, canopy, awning, or marquee. Exceptions to this would include small directional, entrance or exit signs where warranted.

(3) Awning signs may be located at a tenants main entry under an awning and is intended for pedestrian communication. The sign must be at a right angle (perpendicular) to the exterior wall. Each tenant is allowed one (1) non-illuminated sign only. The tenant name may be placed on the both faces of the sign. The maximum dimensions for the sign are as follows: four (4) feet long, one (1) foot high and six (6) inches thick. The maximum height for the lettering shall be six (6) inches. The bottom of the sign must be a minimum of seven (7) feet above the sidewalk.

(f) *Waterfront access.*

(1) All new buildings or structures and major renovations located in an area bounded by the Crosstown Expressway, 13th/Platt Streets (Channelside Drive), Beneficial Boulevard, and the Ybor/Garrison Channels shall provide public access points to, and along, the water's edge. Where feasible, independent waterfront overlook areas for pedestrians may be developed at dead-ends of existing rights-of-way at the water's edge, or along dock areas which may have intermittent use and allow public access when the property owner's scheduling permits.

(2) Where feasible, public access along the water's edge shall be incorporated into the designs of all new buildings or structures and major renovations located adjacent to the Channel District waterfront.

(g) *Encroachments.* Encroachments into the public right-of-way for awnings, awning signs or architectural features may be authorized administratively through the commercial site plan review process.

A separate encroachment application for awnings or architectural features will not be required provided the projections comply with the following criteria:

(1) Such features shall be at least eight (8) feet above grade and have a maximum projection into the right-of-way of six (6) feet.

(2) Building columns are prohibited from projecting into the right-of-way.

(3) Encroachments shall leave street corners free of obstruction to allow for safe traffic movement and proper placement of utilities.

(4) Proper lighting underneath overhangs shall be provided and maintained by the property owner.

(5) A hold harmless agreement must be signed by the owner and submitted to, and approved by, the city attorney's office prior to issuance of building permits.

A separate encroachment application for awning signs will not be required provided the projections comply with section 27-456(f)(3) and a hold harmless agreement is provided.

(Ord. No. 2007-190, § 10, 9-6-07; Ord. No. 2009-10, § 2, 1-8-09; Ord. No. 2010-54, § 2, 5-6-2010)

Sec. 27-457.1. Public open space design concepts; community-scale, neighborhood-scale, pocket-scale.

(a) Per the "Channel District Community Redevelopment Area Strategic Action Plan," it was determined that the district was in need of a minimum of one (1) community-scale space (two-acre minimum), four (4) neighborhood-scale spaces (0.5 acre minimum), and eight (8) pocket-scale spaces (0.10 acre minimum), see Figures 19-11 through 19-14.

GRAPHIC LINK:[Click here](#)

(b) For those developments that propose public open space amenities to obtain bonus FAR, in accordance to this section, the minimum standards and design concepts shall apply:

(1) Community-scale space shall be a minimum of two (2) acres and shall follow the general design concept of Figure 19-11:

GRAPHIC LINK:[Click here](#)

(2) Neighborhood-scale space shall be a minimum of one-half (0.5) acres and shall follow the general design concept of Figure 19-12:

GRAPHIC LINK:[Click here](#)

(3) Pocket-scale space shall be a minimum of one-tenth (0.10) acre and shall follow the general design concept of Figure 19-13:

GRAPHIC LINK:[Click here](#)

(Ord. No. 2007-190, § 11, 9-6-07)

Sec. 27-457.2. Channel District bonus methodology and calculation; list of bonus amenities.

(a) [*Generally.*] The purpose and intent of this section is to ensure that new development in the Channel District will be accompanied by those amenities that enhance the urban quality of life and that balance or compensate in the form of bonus floor area to achieve the desired density/intensity in this area. This section establishes a method and calculation to be considered for bonus floor area, including a list of bonus amenities for development within the Channel District. This section, however, does not mandate the award of the bonus to the applicant. In order to receive consideration for granting of any bonus in floor area ratio (FAR), a property owner and/or developer must adhere to the bonus methodology and calculation, including the process and procedures as set forth in this section. The property owner and/or developer shall select items from the "Channel District Bonus Amenities" list, as set forth herein, for consideration of bonus floor area ratio.

(b) *Compliance.* All developments that seek density/intensity bonuses within the Channel

District shall adhere to the regulations set forth in this section. Developments that have been granted bonuses by city council, per the provisions of this section, shall not be granted any further administrative increase in floor area, unit count, or building height through section 27-323(7) substantial change.

(c) *Review procedure.* The developer/property owner(s) shall submit his/her bonus cost incentive estimates to the zoning administrator for review and evaluation during the rezoning process. The zoning administrator shall determine compliance with the provisions set forth in this section and report findings to city council for consideration. Subsequent to a bonus FAR and rezoning approval and prior to the issuance of the first permit for vertical construction for the project, the developer/property owner(s) shall submit certified materials and construction cost estimates to the zoning administrator for review of compliance with the bonus-related rezoning conditions. If the zoning administrator finds that the approved bonus calculations are not being met (amenities and/or dollars are deficient), the petitioner shall disburse the remaining dollar amount to an available city funding source for public infrastructure and/or parks and recreation improvements within the Channel District. The petitioner shall notify the zoning administrator, by notarized letter with copy of receipt(s), of all disbursements made to the city.

(d) *Channel District bonus amenities.* The following list represents those bonus amenities identified as applicable to the City of Tampa CBD Periphery, per the Future Land Use Element of the Tampa Comprehensive Plan and identified in the "Channel District Community Redevelopment Area Strategic Action Plan":

- (1) Affordable housing (subject to section 27-328 requirements).
- (2) Public open space (scaled appropriately for each subdistrict)¹
- (3) Channelside Drive Promenade (minimum length to meet width of project along Channelside Drive)¹
- (4) Riverwalk improvements.
- (5) Mid-block pedestrian connectors (through-building).
- (6) Bicycle accommodation (on road bicycle lanes, bicycle lockers).
- (7) Artist studio, display, indoor/outdoor performance space.
- (8) Transit support¹
- (9) Public Parking (open to the general public for daily use; minimum twenty-five hundredths (0.25) space/space provided)¹
- (10) Fire/rescue site¹
- (11) Child care center space.
- (12) Leadership in energy and environmental design (LEED) certified construction.
- (13) Enhanced landscaping (that portion that exceeds the minimum design standards set forth in Figures 19-2 through 19-9).
- (14) Enhanced public access to waterfront.
- (15) Enhanced street design¹
- (16) Increased sidewalk area¹

(17) Public art (beyond the minimum requirement).

(18) Public water features (large fountains, waterfalls, wall mounted water elements).

1 For those developments that propose to incorporate the following amenities, the development may receive an additional one tenth (0.10) in floor area ratio (FAR) per amenity, above bonus achieved through calculation described herein. These added bonuses signify the city's current priorities related to the provision and creation of amenities within the public realm. Total bonus shall not exceed that threshold set forth in the Tampa Comprehensive Plan.

(e) *Bonus FAR methodology and calculation.* The mathematical calculation, as described in subparagraph (3) below, hereby establishes the method by which the city and the developer shall determine the amount of bonus FAR to be considered for approval by city council. Generally, the formula provides a public subsidy to offset the developer's added cost of including additional public enhancements, by allowing development intensity beyond the **base** FAR of the subject "future land use" category. To achieve a "standardized" means of calculation, the following components shall be used in the bonus FAR calculation:

(1) The current "per square-foot sum" of the construction cost and the market land value shall equal the "development cost."

a. Construction costs shall be based on a standard index. The city shall refer to the most current edition of the RS means "Means Construction Cost Index," or other industry standard publication.

b. The zoning administrator shall use the average 'land value (market),' per square foot within the Channel District, per the most current ad valorem tax assessment.

(2) In order to fine-tune the incentive, a cost factor is applied to either increase or decrease the impact. A bonus cost ratio of 10:1 representing for every one dollar (\$1.00) contribution to the city in the form of a bonus amenity, the developer receives ten dollars (\$10.00) in equivalent development dollars, which then translates to a bonus FAR based on the proposed improvements per SF of overall development costs.

(3) The following sample tables demonstrate the bonus FAR method and calculation:

Development Features:

TABLE INSET:

Bonus Cost Ratio	10:1
Subject Site Land Area (in square feet (SF))	Amount of Land SF
Average Market Land Value (AMLV) or Recent Sales Price (RSP) per SF	\$ per SF
Construction Cost (CC) per SF	\$ per SF
Development Cost (DC = AMLV or RSP + CC) per SF:	\$ per SF

Base FAR #	Per Future Land Use Category
Potential Maximum FAR w/Bonus	100% of Base FAR

Bonus Incentive Calculation:

TABLE INSET:

Subject Site Land Area (in square feet (SF))	Amount of Land SF
Base FAR # for Subject Site (Subject Site SF \times Base FAR)	Amount of Gross Floor Area (GFA) SF (per Base FAR)
Proposed FAR # (Subject Site SF \times Proposed FAR)	Amount of GFA SF (per Proposed FAR)
Actual Bonus FAR in Gross Building Area (SF) (Proposed FAR -- Allowable FAR)	Actual Bonus FAR SF
Bonus Cost Ratio per Bonus SF (Bonus Incentive \$) (Ratio = DC/10)	Bonus Incentive \$/SF
Development Incentive \$ for public improvement (Bonus Incentive \$ \times Actual Bonus FAR SF)	Total Development Incentive \$

Bonus Amenities (\$) Proposed by Developer to be Applied to Bonus Incentive (\$):

TABLE INSET:

Total Development Incentive \$ (public improvement) (Bonus Incentive \$ \times Actual Bonus FAR SF)	Total Development Incentive \$
Amenity (e.g. land area \times AMLV or RSP + \$ expenditure)	(\$)
Amenity (e.g. cost of feature + installation)	(\$)
Transit Support Subsidy (see (f)(1) below)	(\$)
Public Art (Note: only for provisions above minimum standard)	(\$)
Balance:	\$0

(f) *Miscellaneous formulas.* Certain amenities may receive bonus credit for subsidies that the developer/property owner(s) provides for multiple years. These amenities are calculated based on the following methods:

(1) *Transit support subsidy.* To provide transit support subsidy dollars as a bonus amenity, the developer/property owner(s) shall fund on either an annual basis or as a lump sum payment, the cost per rider based on the projected population, or fraction thereof, of the subject project. The subsidy shall be provided for a period of no less than twenty (20) years with the first annual payment made to Hillsborough Area Regional Transit Authority prior to the issuance of the first certificate of occupancy for the development. To calculate the "total bonus credit" for a transit support subsidy, follow Steps One through Three below:

TABLE INSET:

Step One	Step Two	Step Three
Persons Per Household × # of Units in Project Projected Population	Projected Population × Current Cost per Rider Bonus Transit Subsidy	Bonus Transit Subsidy × 20 (years) Total Bonus Credit

- a. Current cost per rider figure shall be provided by Hillsborough Area Regional Transit Authority.
- b. Projected population shall be derived from the City of Tampa's most current "persons per household" figure.
- c. If a transit subsidy is being requested in order to provide less than the required rate of parking for a development, then said subsidy shall be equal to the cost per rider for the projected population for those units that are not provided the required parking or increment thereof.

(2) *Neighborhood serving commercial/retail floor area.* To provide floor area for neighborhood serving commercial/retail uses as a bonus amenity, it must be located on the ground floor of the proposed structure(s); however, said uses may expand to the 2nd and 3rd floors to serve a specific user. A developer/property owner(s) may provide reduced rents per SF for a ground floor retail use, however, the bonus given for the reduced rents shall not extend beyond ten (10) years, as calculated in the commercial floor area subsidy table below. The bonus credit given is based on a projected 'discounting' of the stabilized rental rate (without inflation), which is hereby established as twenty-five dollars (\$25.00)/SF. To calculate the "total bonus credit" for the commercial floor area, follow the table below:

TABLE INSET:

Commercial Floor Area Subsidy Yearly Credit = (Stabilized Rental Rate per SF × Corresponding Yearly %) × Total Commercial SF										
Year	1	2	3	4	5	6	7	8	9	10
%	27.5	25	22.5	20	17.5	15	12.5	10	7.5	5

(3) *Artist gallery, studio, display, or indoor/outdoor performance space.* To provide

artist/performance space(s) as a bonus amenity, a developer/property owner(s) may provide reduced rents per SF for said use; however, the bonus given for the reduced rents shall not extend beyond ten (10) years, as calculated in the commercial floor area subsidy table in (f)(3) above. The bonus credit given is based on a projected "discounting" of the stabilized rental rate (without inflation), which is hereby established as twenty-five dollars (\$25.00)/SF.

(g) *Bonus FAR incentive examples.* The following "bonus FAR incentive examples" demonstrate the bonus FAR method and calculation as described in this section:

(1) *Bonus FAR incentive examples:*

a. *Example 1:*

The first cost ratio FAR model scenario (Example 1) assumes a developer donates four thousand (4,000) SF of a site's land area for a pocket-scale public open space area. The developer is awarded an additional 0.284 FAR or twenty-four thousand seven hundred sixty-two (24,762) SF in building floor area.

Pocket-scale Public Open Space Bonus Example - Cost Ratio Model Scenario (development within the CD)

General Assumptions:

1. City goal to provide incentives for pocket-scale public open space(s)
2. Base FAR: 3.5/Max: 7.0
3. Bonus Incentive: Based on land area contributed to city plus contribution of public open space infrastructure, etc.
4. Any scale public open space shall be open to the public from dawn to dusk, located at grade, and maintained by the property owner/developer in perpetuity.

Assumptions:

TABLE INSET:

Bonus Cost Ratio	10:1
2.0 acre development site	87,120 SF
Pocket-scale public open space size	4,000 SF
Actual Development Costs/SF (AMLV or RSP per SF + construction costs per SF)	\$210.00 per SF

Pocket-scale Land Area Improvement Costs (paid by developer)	\$200,000.00 (amount to be provided in the form of a design/construction estimate)
Land Price	\$80.00 per SF (Total Land Area to be based on avg land values (market) within CD)
Land Value (4,000 SF × \$80.00)	\$320,000.00
Base FAR	3.5
Max. FAR w/Bonus	7.0

Bonus Incentive Calculation:

TABLE INSET:

Site Size (2.0 acres)	87,120 SF
Allowable FAR 3.5	(87,120 SF × 3.5 FAR) 304,920 SF Gross Bldg. Area
Pocket-scale Land Costs + Land Area Improvement Costs (4,000 SF × \$80.00 per SF = \$320,000.00 + \$200,000.00)	\$520,000.00
Ratio Public Improvement \$ to Project Development	Cost 10:1
Development Incentive \$ (10 × \$520,000.00 Contribution)	\$5,200,000.00
Equivalent Bonus FAR Area (\$5,200,000.00/\$210.00 per SF Cost)	24,762 SF
Aggregate FAR (Base + Bonus)	329,682 SF Gross Bldg. Area
Total New FAR Ratio (329,682 SF/87,120 SF)	3.784 FAR (rounded)
% Increase in FAR	8.1% increase bldg. area

In this example, development of a four thousand (4,000) SF pocket-scale public open space (design as reviewed and approved through the parks and recreation department and incorporated into the overall development) grants the developer an additional eight and one tenth (8.1) percent FAR or twenty-four thousand seven hundred sixty-two (24,762) SF in building area. This example assumes the land price/value for the public open space area is equal to full value of land before incentive (or the purchase price by city if available in market).

b. *Example 2 (Alternative calculation method):* The second Cost Ratio FAR Model scenario (Example 2) assumes a developer is attempting to achieve an

increase in floor area from 3.5 to 4.0 FAR. A dollar amount is generated based on the bonus cost ratio, against which the developer draws down with each proposed bonus amenity, as selected from the applicable bonus amenities list. In this example, the developer donates four thousand (4,000) SF of a site's land area for a pocket-scale public open space area, incorporates a water feature into the building design at ground floor level, contributes to public transit (Hartline Intown Trolley), and provides for onsite public art (above the that adheres to Chapter 4 Public Art requirements).

Mixed Amenity Approach - Cost Ratio Model Scenario (development outside of CD/CBD)

General Assumptions:

1. City goal to provide incentives for a mix of amenities(s).
2. Base FAR: 3.5/Max: 7.0.
3. Bonus incentive: Based on land area contributed to city plus contribution of public open space infrastructure, etc.
4. Any scale public open space shall be open to the public from dawn to dusk, located at grade, and maintained by the property owner/developer in perpetuity.

Assumptions:

TABLE INSET:

Bonus Cost Ratio	10:1
2.0 acre development site	87,120 SF
Actual Development Costs/SF (AMLV or RSP per SF + construction costs per SF)	\$165.00 per SF
Land Price	\$60.00 per SF (Total Land Area to be based on avg land area values)
Base FAR	3.5
Max. FAR w/Bonus	7.0

Bonus Incentive Calculation:

TABLE INSET:

Site Size (2.0 acres)	87,120 SF
Allowable FAR 3.5 (87,120 SF × 3.5 FAR)	304,920 SF Gross Bldg. Area
Proposed FAR 4.0 (87,120 SF × 4.0 FAR)	348,480 SF
Bonus FAR (Proposed FAR -- Allowable FAR)	43,560 SF
Bonus Cost Ratio per Bonus SF (Ratio = \$165/10)	\$16.50/SF

Development Incentive \$ for public improvement (\$16.50 × 43,560 SF)	\$718,740.00
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Bonus Amenities (\$) Proposed by Developer to be Applied to Incentive (\$):

TABLE INSET:

Development Incentive \$ for public improvement (\$16.50 × 43,560 SF)	\$718,740.00
Pocket-scale Public Open Space Land Value (4,000 SF × \$75.00/sf)	(\$300,000.00)
Pocket-scale Public Open Space Improvement Costs (\$35.00/SF based on previous example)	(\$140,000.00)
Public Water Feature (located at pedestrian level and incorporated into building design)	(\$100,000.00)
Transit Support (\$5,000.00/year for 20 years to Hartline for Intown Trolley service)	(\$100,000.00)
Public Art (development is outside of CBD & CD)	(\$78,740.00) above the \$250K req'd
Balance:	\$0

In this example, development of a 4,000 SF pocket-scale public open space (design as reviewed and approved through the parks and recreation department and incorporated into the overall development), provision of public art, a public eater feature, and support dollars to Hartline for the Intown Trolley grants the developer an additional thirty-six (36) units (at an average of one thousand two hundred (1,200) SF per unit) or forty-three thousand five hundred sixty (43,560) SF for non-residential uses. This example assumes the land price/value for the public open space area is equal to full value of land before incentive (or the purchase price by city if available in market).

(2) Although the land area set aside for the public open space will not be developed with habitable/usable floor area (calculated as FAR), neither example scenario demonstrates a loss to the developer for development entitlement of that land. It is applied to the overall development with additional bonus FAR given for this amenity. Granted bonus FAR is proportionate to the amenity provided. The scenarios offered apply to any and all of the bonus criteria set forth by the community.

(h) The zoning administrator is charged with reviewing the "Channel District Bonus Amenities" list and related requirements, on a semi-annual basis, to determine any change in community needs/desires and general relevance to current market conditions. The zoning administrator shall seek consult from stakeholders, including both public and private entities, to determine any needed text amendments to the regulations set forth in this article. All proposed text amendments shall follow the process as defined in section 27-394. Said review may include amenity and bonus cost/benefit analyses that consider the following factors:

(1) Any changes needed in the bonus cost ratio (multiplier).

- (2) Current construction costs for bonus amenities.
- (3) Public benefit derived from bonus amenities.
- (4) Developer benefits derived from bonus amenities vs. bonuses received.
- (5) Negative impacts that result from bonus gain(s) (congestion, air quality, visual impacts, etc.).

(Ord. No. 2007-190, § 12, 9-6-07; Ord. No. 2008-183, § 7, 10-16-08)

Sec. 27-457.3. Specific definitions.

For purposes of this Article XIX, The Channel District, the term "water transport" shall have the following definition:

Water transport: An area of land or water which is used for activities related to freight and passenger transportation on the open seas, inland waters or waterways; marine cargo handling operations; cargo loading and unloading; ship docking; the use, operation and maintenance of piers, channels, anchorage areas, jetties, breakwaters, harbors, canals, locks, waterways, tidal and turning basins; wharves, berths, docks, piers, quays, slips, bulkheads, public landings, terminal storage and shedding facilities; warehouses, storage, refrigeration, cold storage and quick freezing plants; stockyards; elevators; shipyards; marine railways; dry docks; marine service, maintenance, and repair facilities; laying up of ships, including refueling; ship repair, including dry dock facilities; fuel storage and transmission facilities; pipelines; terminal railway facilities, including rolling stock, belt-line railroad ferries and car ferries; police boats; bridges; causeways; terminals; cruise ship facilities; facilities for the loading and handling of passengers, mail, express freight and other cargo; administrative offices; and other uses compatible with water transportation.

(Ord. No. 2007-190, § 13, 9-6-07)