

1. Discussion Objective:

Work Session Date: April 15, 2013

To discuss changes to the Noise Ordinance and the creation of regulations for an Entertainment District.

2. Submitter of Information: Walter Fluegel, Community Development Director

- Council
 Town Staff
 Town Attorney

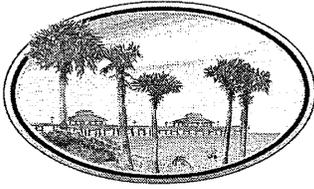
3. Estimated Time for this item: 30 minutes

5. Background: Town Council has requested an initial dialogue on changes to the Noise Ordinance and possible creation of an Entertainment District. The attached memo, authored by the Community Development Director, provides a brief summary overview on issues to consider regarding Noise & Entertainment.

The Town's Planning Consultant LaRue Planning & Management Services has also put together a memorandum outlining:

- Components & what takes place in an Entertainment District
- Possible geographic delineation of the Entertainment District
- Pros & cons of an Entertainment District
- Comprehensive Plan implications
- Noise implications

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						



Town of Fort Myers Beach

Memorandum

To: Mayor and Council

Through: Terry Stewart, Town Manager

From: Walter Fluegel, Community Development Director 

Date: April 3, 2013

RE: Outdoor Entertainment and Noise Ordinance for Town Council
Workshop Agenda, April 15, 2013

Town Council has requested a workshop regarding regulation of Outdoor Entertainment. Currently, Chapter 34 of the Land Development Code is silent on the topic of outdoor entertainment and has historically only been allowed through Special Exception requests in conjunction with outdoor dining and alcohol consumption. Further, noise is regulated in the Town's Code of Ordinances through the Noise Ordinance, as established in Ordinance 96-24 (Exhibit A).

In order to assist Town Council, Staff has prepared an Excel Spreadsheet (Exhibit B) depicting the existing Special Exception approvals, including the hours allowed for operation and outdoor entertainment. Further, Staff has color coded this document to identify those in Times Square and latest hours for outdoor entertainment. Also, the list is broken down between those establishments inside and outside the Downtown. This information has also been mapped (Exhibit C) to identify the locations of these historic approvals, which includes the latest hours of entertainment allowed and the Downtown boundaries. Based upon Staff's analysis, it is clear that the majority of the historic approvals have been located in the Downtown and the latest hours of outdoor entertainment have ranged from 9:00PM till 2:00AM.

Staff's analysis of the Noise Ordinance has concluded that the ordinance needs to be reviewed in more depth and that any attempt to regulate outdoor entertainment in a more meaningful way should include updates to the Noise Ordinance. Staff has numerous concerns that the ordinance is outdated and the enforceability of the ordinance has often been subject to criticism.

Based upon Staff's preliminary analysis of Outdoor Entertainment and the Noise Ordinance, we have engaged the services of Larue Planning and Management Group to assist Town Council in exploring more contemporary regulatory options. Accordingly, given the general concentration of outdoor entertainment in the Downtown, the consultant will introduce the concept of an Entertainment District to Town Council at the April 15 workshop, as one potential contemporary method of regulating outdoor entertainment.

TOWN OF FORT MYERS BEACH
ORDINANCE NO. 96-24

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH
FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS
BEACH NOISE CONTROL ORDINANCE PROVIDING
AUTHORITY; TITLE AND CITATION; DEFINITIONS;
PROHIBITED ACTS; SOUND LEVELS BY RECEIVING
LAND USE; EXCEPTIONS; WAIVERS; ENFORCEMENT;
PENALTIES; CIVIL REMEDIES; SEVERABILITY;
REPEALING CLAUSE AND EFFECTIVE DATE

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

SECTION ONE: Authority

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: Title and Citation

This ordinance shall be known and cited as the "Town of Fort Myers Beach Noise Control Ordinance"

SECTION THREE: Definitions

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The words "shall" and "will" are mandatory and not discretionary.

A. A-Weighted Level (dBA) - The total broad band sound level of the noise spectrum as measured using the "A-weighted network" of a sound level meter. The unit of measurement is the dBA. Sound level meter settings shall be for slow response.

B. Ambient Noise - The all encompassing noise associated with a give environment, being usually a composite of sound from many sources near and far.

C. Continuous Noise - A noise which remains essentially constant in level during the period of observation.

D. Decibel - (dB) - A division of a logarithmic scale used to express the ratio of two like quantities proportional to power or energy. The ratio is expressed in decibels by multiplying its common logarithm by 10.

E. Emergency- An occurrence or set of circumstances involving actual or imminent physical trauma or property damage threatened or caused by an emergency.

F. Emergency Work - Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

G. Impulsive Sound- A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

H. Intermittent Noise - A noise whose sound pressure level exceeds the ambient noise level at either regular or irregular intervals.

I. Noise - Any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological effect on humans.

J. Noise Disturbance- One or a group of loud, harsh, non-harmonious sounds or vibrations that are unpleasant and irritating to the ear which is or may be harmful or injurious to the health or welfare of a reasonable person with normal sensitivities or unreasonably interferes with the enjoyment of life, property or outdoor recreation.

K. Noise Level - As referenced in this Ordinance, the noise level is the sound pressure level as measured in dBA unless otherwise specified. A measurement of noise must be at least 5dB above the ambient noise level.

L. Person- Any individual, natural person, public or private corporation, firm, association, joint venture, partnership, or any other entity whatsoever or any combination of such, jointly and severally.

M. Pure Tone - Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a Pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds arithmetic value of the sound pressure levels of the two contiguous one-third octave bands by 5dB for center frequencies of 500 Hz and above and by 8dB for center frequencies between 160 and 400 Hz and by 15dB for center frequencies less than or equal to 125 Hz.

N. Real Property Line - An imaginary line along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

O. RMS Sound Pressure - means the square root of the time averaged

square of the sound pressure, denoted Prms.

P. Sheriff's Department- the Lee County Sheriff's Office is the designated authority charged with administration and enforcement of this ordinance.

Q. Sound Level Meter - An instrument to measure the sound pressure level of relatively continuous and broadband noises. The sound level meter used to determine compliance with this Ordinance shall meet or exceed the requirements for type 2 sound level meter in accordance with ANSI Standard S1.4.

R. Sound Pressure Level - means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20×10^{-6} N/m²). The sound pressure level is denoted Lp or SPL and is expressed in decibels.

S. Residential Zone- Any geographic area designated for single or multi-family dwellings by the zoning authority having jurisdiction over such area.

T. Commercial Zone Any geographic area designated for commercial or professional activities by the zoning authority having jurisdiction over such area.

U. Industrial Zone Any geographic area designated for industrial or manufacturing activities by the zoning authority having jurisdiction over such area.

SECTION FOUR: Prohibited Acts

A. Noise Disturbance Prohibited.

No person shall make, continue, or cause to be made or continued any noise disturbance, in accordance with the terms set forth in this Ordinance.

SECTION FIVE: Sound Levels by Receiving Land Use

A. Maximum Permissible Sound Levels by Receiving Land Use

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in Table 1 when measured at or within the property line of the receiving land use.

Table 1.

SOUND LEVELS BY RECEIVING LAND USE		
Land Use Category	Time	Sound Level Limit dBA
Residential, Public Space, Agricultural or Institutional	7 a.m.-10 p.m.	66
	10 p.m.- 7 a.m.	55
Commercial or Business	7 a.m.-10 p.m.	72
	10 p.m.- 7 a.m.	65
Manufacturing or Industrial	At all times	75

B. Correction for Character of Sound

1. For any source of sound which emits a pure tone, the maximum sound level limits set forth in Table 1 shall be reduced by 5 dBA.
2. For any source of impulsive sound which is of short duration with an abrupt onset, the maximum sound level limits set forth in Table I shall be increased by 10 dBA from 7 a.m. to 10 p.m.

C. Specific Prohibitions-

In addition to the general prohibitions set out above in Table 1., the following specific acts are declared to be in violation of this Ordinance:

1. Multi-family Dwellings.

In the case of multi-family dwelling units, it shall be unlawful to create or permit to be created any noise that exceeds 50 dBA during the hours between 7 a.m. to 10 p.m., or 45 dBA during the hours between 10 p.m. and 7 a.m. daily, measured from a neighbor's dwelling within said multi-family dwelling unit.

2. Construction Noise.

No person shall operate or permit to be operated any power driven construction equipment without a muffler or other noise reduction device at least as effective as that recommended by the manufacturer or provided as original equipment. Construction equipment that must be operated near a residentially zoned area on a 24-hour per day basis (i.e., pumps, well tips, generators, etc.) shall be shielded by a barrier to reduce the noise during the hours of 6 p.m. to 7 a.m. unless the unshielded noise level is less than 55 dBA, measured at the closest adjacent residentially zoned property line.

3. Radios, television sets, exterior loudspeakers and similar devices.

In the case of any radio receiving set, musical instrument television, phonograph, drum, exterior loudspeaker, or other device for the production or reproduction of sound, it shall be unlawful to create or permit to be created any noise that exceeds:

(a) 60 dBA during the hours between 10 a.m. to 10 p.m. from the property line of the noise source.

(b) 55 dBA during the hours between 10 p.m. to 12 a.m. from the property line of the noise source.

D. Waivers. An exception to the noise levels listed in Table 1 may be permitted by the granting of a waiver, under circumstances in which the activity creating the noise is of such importance to the public welfare, health or safety that the activity cannot be shut down, even though its noise levels exceed those given in Table 1. Responsibility for the granting of such waivers shall lie with the Town Council, or its designee.

E. Nothing in this Ordinance shall prohibit the Sheriff's Department from charging persons responsible for acts which affect the peace and quiet of persons who may witness them for breach of the peace or disorderly conduct under Section 877.03, F.S. as may be amended from time to time.

SECTION SIX: Exceptions

The following shall be permitted:

A. An exception to the noise levels listed in Section Five, Table 1, shall be permitted in instances where an industry or commercial business had in prior years established its place of business in an area away from a residential development, or rezoning, now finds itself adjoining a residential zone. In instances of this latter nature, the noise ordinance pertaining to industrial-commercial boundaries shall govern; and the business shall not be required to meet those noise levels pertaining to residential boundaries.

B. The operation of warning or emergency signal devices such as sirens, horns, and bells when utilized for their intended purpose.

C. Noises resulting from equipment or operations incidental to the installation, maintenance or repair of facilities or restoration of services such as public utilities or other emergency activities in the public interest.

D. Ordinary noise created by the operation of refuse collection.

E. Any noise created by the operation of all Lee County Airports.

F. Noises consistent with cultural, sporting, historical or traditional observances, holidays and ceremonies, parades and concerts, provided that any event being operated for profit shall obtain a noise permit prior to such event, from the Town Council, or its designee, and any other applicable permit to operate such event as required by the Town.

G. Operation of equipment or conduct of activities normal to residential or agricultural communities such as lawn care, soil cultivation, domestic power tools, lawn mowers, maintenance of trees, hedges, gardens, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping and other normal community operations, between the hours of 7 a.m. to 10 p.m.

H. The lowing of cattle, clucking of fowl, the neighing of horses, the baying of hounds and other normal sounds of reasonably cared for domestic animals.

SECTION SEVEN: Waivers

Applications for a waiver for relief from the maximum allowable noise level limits designated in this Ordinance shall be made in writing. Such applications for waivers shall be made to the Town Council or its designee. Any waiver granted must be in writing and shall contain all conditions upon which said permit shall be effective. The Council may grant the waiver as applied for under the following conditions:

A. In granting a permit, the Council may prescribe any reasonable conditions or requirements they deem necessary to minimize adverse effects upon the community or the surrounding neighborhood.

B. Waivers from maximum allowable noise level limits may be granted for noises created within an industrial or commercial zone by operations which were in existence on the effective date of this Ordinance.

C. Waivers may be issued for no longer than 180 days, renewable by further application to the Town Council.

Any party feeling aggrieved by the denial of its application for waiver may appeal such denial to the Town Council, such appeal to be filed within 30 days from the date of denial.

SECTION EIGHT: Enforcement

If the Lee County Sheriff encounters a circumstance which reasonably indicates that a person is violating this Ordinance he is to administer a sound level pressure test with a sound level meter and ascertain whether a breach of the peace or a violation of

this Ordinance has occurred.

SECTION NINE: Penalties

Any person or persons, firm or corporation, or any agent thereof who violates any of the provisions of this Ordinance shall upon conviction be guilty of a second degree misdemeanor and subject to a fine not exceeding the sum of Five Hundred Dollars (\$500.00) or imprisonment in the County Jail for a period not exceeding sixty (60) days, or by both such fine and imprisonment. Each separate occurrence of a violation of this ordinance shall constitute a separate offense and shall be punishable as such hereunder.

SECTION TEN: Civil Remedies

In addition to the criminal penalties provided in this Ordinance, the Town Council is hereby authorized to institute any appropriate action or proceeding including suit for injunctive relief in order to prevent or abate violations of this Ordinance.

SECTION ELEVEN: Severability

If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION TWELVE: Repealing Clause

All ordinances or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

SECTION THIRTEEN: Effective Date

This ordinance shall become effective September 30, 1996.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Murphy and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

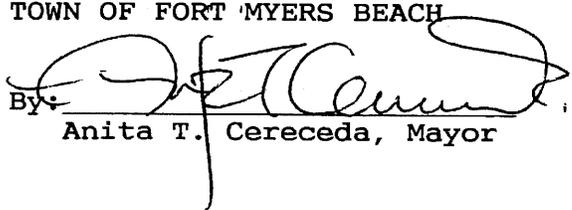
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 30th day of September , 1996.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Anita T. Cereceda, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney

Establishments with COP for Service- Fort Myers Beach

Last Updated January 23,
2013

EXHIBIT B

<u>SITE ID</u>	<u>CASE NAME</u>	<u>HOURS OF OPERATION INDOORS</u>	<u>HOURS OF OPERATION OUTDOORS</u>	<u>Outdoor Entertainment Allowed (Yes, No or N/A)</u>	<u>Hours of Entertainment Outdoors</u>	<u>ADDRESS</u>	<u>Case Number</u>
<u>DOWNTOWN</u>							
1	Citrolas					1000 5th Street	
2	Plaka					1001 Estero Blvd	
3	Pete's Time Out	7 am - 2 am	7 am - 2 am			1005 Estero Blvd	SEZ 12-03
4	La Ola	7 am - 2 am	7 am - 2 am	Yes	1 pm- 11 pm	1035 Estero Blvd	Resos 12-29, 11-21, 12-02
5	Top O Mast					1028 Estero Blvd	
6	Wahoo Willie's	7 am- midnight	7 am- midnight	No	Pre-recorded music at low volume 11 am- 9 pm	1021 Estero Blvd	Reso 07-07
7	Pierside Grill	No conditions	No conditions	No conditions	No conditions	1000 Estero Blvd	Reso 99-39
8	Zushi Zushi	9 am-2 am (for service of alcohol)	No COP permitted	No			ADD2010-0003
9	Yucatan	11 am-midnight M-Th; 11 am -1 am F&S; 11 am-10 pm Su	N/A	NO	N/A	250 Old San Carlos	Reso 07-29
10	SOB	8 am till midnight for alcohol service	N/A	NO	N/A	340 Old San Carlos	Reso 05-06
11	Nervous Nellies AKA: Snug Harbor)		11 am till midnight M-Th; 11 am-1am F&S, noon-10 pm Su	Yes (non-amp live music)	08 11 pm	1131 First St	Reso 03-36
12	Matanzas Inn	No hours given	No hours given	Yes (non-amp live acoustical music)	all outdoor music or entertainment must cease no later than 10pm	414/416 Crescent	Reso 03-35
13	Nemos	7 am-2 am (for service of alcohol)	7 am-2 am (for service of alcohol)	Yes	10 am- 10 pm	1154 Estero Blvd	Reso 10-15
14	Orpheus Café						
15	Surf Club	9 am-2 am (for service of alcohol)	9 am-2 am (for service of alcohol)	Yes	11 am- 9 pm	1167 Estero Blvd	Reso 11-15
16	Mermaid	9 am-2 am (for service of alcohol)	9 am-2 am (for service of alcohol)	Yes	11 am-10 pm Sun-Th; 11 am- 11 pm F&S	1204 Estero Blvd	Reso 11-05
17	Beached Whale		11 am-11pm, daily	NO	Only recorded music (no rap, hard rock or heavy metal music allowed)	1249 Estero Blvd	Co. 93-12-23-SP-1
18	Gulf Shore Grill (AKA: Cottage)	No Conditions	Varies	NO		1250 Estero Blvd	COP2002-00013
19	Lupo's (AKA: Merlot)		7 am-2 am (for service of alcohol)	Yes (subject to Noise Ord)	subject to Noise Ord	1365 Estero Blvd	Reso 11-06
20	Lani Kai						
21	Wicked Wings		10 am-11 pm	Yes	10 am- 11 pm	61 Ave C	Reso 10-01
22	Beach Pub		10 am- 10 pm	Yes	10 am- 10 pm		Co. 95-10-173.02S
23	Hooters		11 am till midnight M-Th; 11 am till 1 am F&Sa; Noon till 10 pm Su	NO		1600 Estero Blvd	Reso 02-44, Reso 10-12
24	Carribbean Grill						
25	Diamondhead Resort		9 am till 10 pm	Yes (w/ amp restrictions and non amp strings)	9 am till 10 pm	2000 Estero Blvd	Reso 01-15
26	Reese's Restaurant	11 am till 9:30 pm	11 am till 9:30 pm	NO		1661 ESTERO BLVD	COP2002-00106
27	Terra Nostra	N/A	11 am till 10 pm	NO			Reso 96-27
28	Lighthouse Inn & Resort	No hours given	No hours given	No, Reso 03-23 said an amendment to CPD req'd		1051 Fifth Ave	Reso 03-23
29	Saxe on the Beach (AKA: Mothers)		11 am till 10 pm	Yes (Non-amplified)	11 am till 10 pm	1901 Estero Blvd	Reso 00-14
30	Estero Island Club		8 am- 10 pm	NO			Co 95-10-232.04S

OUTSIDE DOWNTOWN

Pink Shell		11 am- 10 pm	Yes	No live. Recorded 11 am-10 pm		Z82-170, Z87-076, PUD91-10, PUD98-029, Res01-26, ADD03-086
Best Western		10 am- 10 pm	Yes	till 10 pm	1154 Estero Blvd	Co. 95-07-061.02S
Edison Beach House	Noon till 8 pm	N/A	N/A		830 Estero Blvd	Reso 00-12
Chuck's Last Stop	7 am till midnight	7 am till 10 pm	NO		2301 Estero Blvd	Reso 12-07
Shamrock Pub	10 am till 10 pm	NOT ALLOWED	NO		2201 Estero Blvd	Reso 06-26
Heathers (Red Coconut)						
Junkanoo	No Conditions	No Conditions		No Conditions	3040 Estero Blvd	Co 90-1-18-SP-1
Newton Park		By Special Event Permit	By Special Event Permit	By Special Event Permit		
Snook Bight Marina						
Munch Box?						
Outrigger	No Conditions	No Conditions	No Conditions	No Conditions	6200 Estero Blvd	Z95-085, Co 93-04-29-SP-03, ZAB85-271
Charleys Boathouse	No Conditions	No Conditions	No Conditions	No Conditions	6225/6241 Estero	COP2002-00002
Beach Theater	Noon till 11pm	NOT ALLOWED	NO		6345/6425 Estero	COP2006-00038
Holiday Inn	No Conditions	No Conditions	No Conditions	No Conditions	6890 Estero Blvd	Z88-291
Sandbar Resort	7 am- 9:30 pm Su-Th; 7 am- 10:30 pm F&S	7 am- 9:30 pm Su-Th; 7 am- 10:30 pm F&S	NO		5480 Estero Blvd	Co 93-12-09-SP-02
South Beach Grill (Santini Plaza)						
Skyes (Santini Plaza)	7 am till 2 am	7 am till 2 am	Yes	10 am till 10 pm	7205 Estero Blvd	Reso 10-24
Sand Bar (Santini Plaza)	No Conditions	No Conditions	No Conditions	No Conditions	7205 Estero Blvd	ZB-85-15
Snook Bight Marina	10 am till 11 pm	10 am till 9 pm (except 10 pm during daylight savings time)	No outdoor music or entertainment. Canned music ONLY inside		4761/4765 Estero	Reso 06-07
Gullwing Resort		No Outdoor Seating	No Outdoor Seating	No Outdoor Seating	6620 Estero Blvd	Reso 97-10

Legend:

	Times Square
	Till 11 pm
	Till 10 PM
	Till 9 PM

**Fort Myers Beach
Consumption on Premises approvals
With Outdoor Seating and entertainment
Approved hours outdoors**

- Legend
- DowntownOutline
 - DowntownOutline
 - EntertainmentClosingHours
 - ENDINGTIME
 - ?
 - 9
 - 10
 - 11
 - 12





LaRue Planning & Management Services, Inc.

Memorandum

To: Terry Stewart, Town Manager
Walter Fluegel, Community Development Director

From: James G. LaRue, AICP

Date: March 29, 2013

Subject: Entertainment District Workshop

This memo provides background information concerning the possible formation of an Entertainment District for portions of Fort Myers Beach. In the upcoming workshop on April 15th there will be an opportunity to explore specific issues that need to be discussed when considering the creation of such a district.

Enclosed are articles discussing Entertainment Districts as Economic Development Initiatives, the general importance of a downtown Entertainment District, and the application of noise regulations. Also included are several Florida community ordinances containing Entertainment Districts.

The following major issues will be discussed at the April 15th workshop.

- The components and what takes place in an Entertainment District
- The possible geographic delineation of the Entertainment District
- The pros and cons of an Entertainment District
- Comprehensive Plan implications
- Noise implications

In conclusion, the objective of the April 15th workshop will be to gain insight as to how the Town Council wishes to proceed regarding the possible creation of a Fort Myers Beach Entertainment District.

Entertainment Districts as Economic Development Initiatives: Part One – Why Focus on Entertainment? The Role of Entertainment in Center City Revitalization

By Ian Colgan | Redevelopment & Revitalization | Nov 22nd

This article is Part 1 of a two part series titled “Entertainment Districts as Economic Development Initiatives.” This series describes the role of entertainment and entertainment districts in economic development.



Entertainment is an extremely important component to the contribution of activity and vibrancy in a downtown. The concentration of entertainment uses creates a definable sense of place that can act as an enormous draw for people, both locals and tourists. Restaurants, bars, and taverns attract more people when clustered in a definable area rather than on their own. Integration of uses such as cinemas, theaters, restaurants, and cafes encourages multiple consumption of entertainment themed businesses.

One of the consequences of retail and entertainment uses moving outside of central business districts was that after the working day was over, downtowns emptied as workers went home and the businesses supporting them closed. Entertainment businesses and attractions attract people, and therefore activity, to downtowns and neighborhoods during all hours of the day, particularly during the evening and nighttime hours. This brings a balance of activity to downtown, creating what has come to be termed a “24-7 downtown” – that is, a downtown with activity throughout a given day or week.

A component of central city revitalization has been the introduction of residents into downtown or neighborhoods near downtown. Though people live in central city districts across the world, they had largely moved out of the American city center by the late 20th century. Housing can be as essential a component of a downtown district as the office and retail sectors are. While it is true that downtowns can be successful and engaging places without a large residential population, downtown housing nevertheless assists the success of a

downtown in several ways. It establishes a population that will always be present in the evening and nighttime hours, when office and retail workers have gone home. It also indicates people are willing to invest in the center city, not only those spending money to build or renovate housing, but those who are willing to call downtown home. Because downtown residents use their neighborhood as the place to shop and interact, they often spend more money in downtown retail than even the daytime population. The capability of downtowns to house large residential populations typically establishes a measure of safety that translates into a safer and more attractive environment for people who live outside of downtown to visit and engage in shopping or entertainment.

As residents begin to move into the central city, establishing and strengthening the entertainment sector of downtown becomes necessary. Living in a densely built neighborhood like a downtown is inherently different from a suburban neighborhood. There is less parking and generally less housing space for residents, often at a higher cost. One of the major draws of living in a densely populated neighborhood like a downtown district is the ease with which one can access nearby amenities like shops, retail and entertainment. Indeed, for downtown residents, there is an expectation of being proximate to a variety of services and amenities. Indeed, without sufficient urban amenities like entertainment nearby, there would be little reason for people to choose to live downtown.

What is Entertainment?

Entertainment is generally that which amuses and pleases people. It is a broad term that is different for every person. Entertainment is an important contribution to quality of life. People typically have entertainments that appeal to them personally within the home, as well as entertainment that is generally shared throughout large groups.

Entertainment in the context of cities and neighborhoods relates to businesses and activities that supply customers with a commodity and experience intended for enjoyment, amusement, and/or social interaction. Urban entertainment venues provide a destination for people to enjoy themselves outside of their homes and workplaces.

Though many businesses associated with Entertainment can be thought of as “nightlife”, it is not meant to imply that all of these businesses and attractions must exist at night in order to be considered entertainment.

What is an Entertainment District?

An entertainment district is essentially an area or neighborhood within a city known for its numerous entertainment attractions. This usually does not apply to every neighborhood within a certain city that has a number of entertainment businesses, but one, possibly two, central area(s) that focus upon entertainment to draw customers and visitors. Some cities have such a focused area of entertainment, while many others have entertainment attractions spread throughout the city, leaving no one central area for entertainment.

Entertainment Districts today are often split into two categories; those that have evolved into entertainment destinations like Miami’s South Beach or The French Quarter in New Orleans, and those that have been actively planned and developed to be entertainment destinations, such as Baltimore’s Inner Harbor and Station North, Boston’s Faneuil Hall, and Toronto’s Entertainment District.

Much of the significance of an entertainment district lies in the perception of the area to visitors. South Beach, for example, is an area renowned for its numerous entertainment and nightlife destinations, and therefore can be considered an entertainment district. Baltimore’s Station North or Toronto’s Entertainment District on the other hand, are urban neighborhoods that have been planned, developed, and marketed as entertainment districts to attract new activity in those areas and inform visitors who might not necessarily have previous knowledge of those neighborhoods as entertainment destinations.

What is a *Downtown Entertainment District*?

As entertainment has become a more integral component in the revitalization of the urban core, the concept and practice of an entertainment district has evolved. Though the name should still evoke the presence of numerous entertainment opportunities, no longer can it only be applied to neighborhoods whose sole purpose is the provision of entertainment. Emerging downtowns in Boulder, Charlottesville, San Diego, and Portland, Maine can all be considered entertainment districts due to their concentration of entertainment related businesses, but all also have burgeoning office, retail, and housing sectors. These Downtown Entertainment Districts are effectively entertainment destinations, but exist to fulfill many other roles, those of a central business district, a major shopping district, and a residential neighborhood.

This distinction is especially important for small and medium sized cities, which rarely have neighborhoods considered entertainment districts in the same way they exist in larger cities. Small and medium sized cities differ from larger cities in that they have fewer areas containing concentrations of entertainment – usually two at the most. In many of these cities, the primary source for entertainment is located in the downtown district, or perhaps near a local college or university.

By strategizing for a Downtown Entertainment District, smaller cities can reap the benefits of an expanded entertainment sector in downtown neighborhoods without officially naming it as an “Entertainment District”, which for some, can have a negative association. As a revitalized downtown needs many different components to make it successful, a downtown entertainment district conveys an impression of a downtown with many entertainment destinations without the perception that the area’s only attraction or purpose is entertainment, like many neighborhoods and entertainment districts in larger cities.

A Brief History of Urban Entertainment

Entertainment has always had a strong presence in the city, providing an essential element to the quality of life of both urban dwellers and visitors. Prior to the nineteenth century, entertainment establishments typically consisted of those catering to the upper class, those catering to the lower classes, and a few serving customers of all economic status. There were rarely established locations where entertainment was located, though establishments like taverns and drinking establishments were often clustered away from residential neighborhoods.

Several factors emerged in the 19th and 20th centuries that forever transformed urban entertainment and shaped how city dwellers interact with entertainment businesses today. The first was the emergence of downtown districts in the late 19th century. Formed at the height of the industrial revolution, downtown business districts were the central areas of commerce, transportation, and shopping for 19th century cities. Entertainment attractions began to cluster in downtown so as to take advantage of the synergies with the already existing shopping and employment sectors. By this time, people who could afford to had already moved out of the city center in favor of more spacious neighborhoods further away, often on the periphery of the city.

A second trend was the increase of per capita income and free time away from work between 1870 and 1930.¹ The growth in the buying power of city dwellers, as well as working hours beginning to be limited by federal legislation, led to a proliferation of establishments like theaters and restaurants, the introduction of new establishments with new technologies such as movie houses, and on a larger scale, the popularity of exhibitions, world fairs, sporting events, and amusement parks. Significantly, even though city residents in the early 20th century were still segregated from one another by work, neighborhood, income, ethnicity, and social class, the locations of entertainment were increasingly becoming common areas shared by people of all classes and status.²

Another significant development was the establishment of incandescent lighting on city streets in the early 1900s.³ This dramatically increased the safety of pedestrians at night, helping make urban “nightlife” more accessible. New electric lights also increased the power of nighttime advertisement. Greater use of electricity provided fuel to streetcars, which made access to downtown faster and cheaper, and helped establish movie houses and cinemas, which by 1920 were rapidly supplanting theaters as the most popular urban entertainment.

Increased access to cheaper and more abundant land sparked a major population migration to the suburbs in the years following the Second World War. This migration was aided by the automobile and the Federal Highway System, entertainment and employment soon followed. Many entertainment businesses remained in downtowns and urban neighborhoods, but an increased number were built outside of the city in the new population centers. The movement of entertainment businesses outside of downtown began in the 1920s, as cinema companies continuously opened up, eventually beginning to expand beyond downtown. By the start of the Great Depression, more movie theaters existed on the periphery of cities than were located downtown.

Today, the majority of development continues to be built on the periphery of cities. The dominance of suburban retail has become so firmly established that some entertainment businesses, such as cinemas, are generally thought of as suburban institutions. This is aided by the emergence of national chain corporations that develop key entertainment businesses such as restaurants, coffee shops as well as cinemas in suburban retail areas. As most of the population of the United States now lives in suburbs, much of the customer base for retail and entertainment services is in the suburban areas of the country.

However, this relocation of retail and entertainment has contributed greatly to the decline of the American downtowns as the place where most people work, shop, do business, and amuse themselves. Beginning in the 1980s, The United States saw a resurgent interest in downtowns and a movement for center city revitalization. There was a recognition that central cities and downtowns were integral to the quality of life and economic success of their communities, and cities sought to turn their decaying downtowns around before they became completely abandoned and irrelevant.

Part 2 of this series will discuss strategies to create a Downtown Entertainment District.

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Source: <http://www.development-concepts.com/blog/2010/11/entertainment-districts-as-economic-development-initiatives-part-one-why-focus-on-entertainment-the-role-of-entertainment-in-center-city-revitalization/>

The general importance of downtown entertainment districts

Why do city governments care so much about downtown entertainment districts? Why do they routinely invest in supporting infrastructure and the developments themselves, but rarely take the lead in hospitality and retail projects outside of downtowns? Some critics argue that these policies redistribute economic activity to the center of a city, leaning against market forces. The most vocal critics are often the owners of competing restaurants, bars and clubs, who feel they pay taxes to a city government that then subsidizes their competition. Here are the arguments we have heard for city government subsidy of downtown entertainment districts.

1. The suburbs will take care of themselves, since people will naturally go out to eat and shop close to where they live. Relatively few people live downtown, but the downtown is the heart of the region, and thus everyone in the region has a stake in keeping the center healthy. An entertainment district provides a synergistic reason to be downtown after the offices close during the week, and on weekends. If a strong agglomeration of restaurants, bars and clubs does not emerge organically, the local government should use its tools to make sure such a local draw exists.
2. Having a collection of scattered entertainment venues around downtown does not have the impact of a concentrated *district* of venues. Urban economists call this force “shopping externalities”, whereby the revenues and profits of a group of co-located firms are greater than if those firms were in disparate locations. The primary reason is that consumers like to shop around, and prefer to make a trip to a district with many options than many trips to isolated businesses. Much as customers like to shop at a mall with four or five shoe stores (typically lined up down one wing of the mall) than drive around to six scattered shoe stores, people looking for dinner, lunch, and entertainment prefer to make the trip to a place that has many choices. Once they park their car, they can walk around and decide which restaurant or club to patronize. Since most downtowns, like Louisville’s, have been around for two or three centuries and already have a built-up environment, it is a challenge to convert older buildings into an entertainment district. At a minimum, the city government needs to get involved in land use permitting, planning, streets, lighting, and other infrastructure. Often the city government will want, or need, to do much more, such as purchase property, demolish property, and provide financial incentives to developers.
3. All major cities have convention centers downtown surrounded by large hotels. The key to landing major conventions is to have a lot of hotel rooms within walking distance of the meeting and exhibit areas. Moreover, there needs to be something else to do on foot than go to a meeting hall. Prior to FSL, officials at Louisville’s Convention and Visitors Bureau had documented visitors’ concerns about lack of walkable entertainment. This was listed by downtown hotel customers as the number one deficit

in Louisville (today the concern is lack of retail outlets nearby). Conventions are much easier to attract if a city can promote (walkable) amenities other than hotel rooms and meeting space. It is probably not feasible to determine what conventions Louisville missed prior to FSL, or gained later due to FSL, but there is no question FSL is an important part of the package used in the competition for convention business.

- Over the past fifteen years cities have increasingly tried to lure ‘young professionals’ to their markets. These mobile, well-educated, and creative people are seemingly the new economic development prize, as human capital has superceded physical capital in importance in the competition among cities. Young professionals are more likely than others to take advantage of an entertainment district. Moreover, they are more likely to live in flats, studios, apartments, and condos downtown. Having something to do on foot downtown makes it easier to succeed in the downtown living dimension, which then supports downtown retail.

Downtown Entertainment Districts				
Louisville and 15 Peer Cities				
City	Entertainment District	Attractions	Developer	Organic?
Birmingham	Birmingham–Jefferson Convention Complex	Convention, Sports, Music	Bayer Properties	No
	Marketplace (Under Construction)	Dining and Hotel	Performa Entertainment Real Estate, Inc.	No
Charlotte	Uptown Entertainment District	Nightlife, Dining		Yes
Cincinnati	Fountain Square	Music, Arts & Culture, Sports	3CDC	No
Columbus	Arena District	Music, Movies, Nightlife, Sports	Nationwide Realty Investors	No
Dayton	Oregon Arts District	Nightlife, Dining	Downtown Dayton Partnership	No
Indianapolis	Massachusetts Avenue	Nightlife, Dining, Retail		Yes
	Wholesale District - Georgia Street	Arts, Entertainment, Retail	Indianapolis Department of Public Works	No
Jacksonville	The Jacksonville Landing	Nightlife, Retail, Dining	Rouse Company, sold to Sleiman Enterprises	No
Kansas City	Power & Light District (KC Live!)	Retail, Dining, Nightlife, Music	Cordish	No
Lexington	Rupp Arena, Arts, and Entertainment District	Sports, Art	Space Group (Designer)	No
Louisville	Fourth Street Live	Nightlife, Dining	Cordish	No
Memphis	Beale Street Entertainment District	Music (Blues)		Yes
Nashville	Historic 2nd Avenue	Music, Nightlife		Yes
Omaha	The Old Market Omaha	Art, Nightlife, Dining	City of Omaha	No
Raleigh	Warehouse District	Nightlife		Yes
Richmond	Shockoe Slip	Art, Retail, Dining		Yes

Louisville is certainly not alone in nurturing a downtown entertainment district. We have scanned our peer cities to see what they offer. See table for a summary. Of our fifteen peer cities, only Greensboro appears not to have an entertainment district downtown. Birmingham and Indianapolis appear to have two each. One could argue that several of these developed organically, without explicit government policy. The Broadway-Second Avenue district in Nashville, and Beale Street in Memphis, are good examples where music-oriented clubs sprang up in older low-rise buildings downtown, drawing traffic that subsequently fed restaurants and retail. In Richmond, the Skockeo Slip district in the city’s old core dates back to the 1600s, and

was revived as a dining and shopping area by private investors in the 1970s. Certainly, local government had to provide some infrastructure and basic city services to support these organic entertainment districts, but the districts emerged to meet a market demand without intentional government policy. Most of the entertainment districts listed are a result of government policy. In any case, the table makes clear that FSL is not an outlier; nearly every city has something similar. See Appendix A for descriptions of the comparable downtown entertainment districts.

Louisville's public investment in its downtown entertainment district is modest compared to at least two of those in comparison cities. Kansas City issued \$295 million in bonds to support their Power & Light District, ten times the public exposure as Louisville. Birmingham issued \$57 million in bonds for The Marketplace, with the debt service to be paid through an increase in the hotel room tax there.

The preceding article is an excerpt from "The Fourth Street Live! Entertainment District, Public Costs and Public Benefits" by Paul A. Coomes, Ph.D., Professor of Economics and Shaheer Burney and Barry Kornstein, University of Louisville August, 2012
For the complete report go to: <http://www.louisvilleky.gov/NR/rdonlyres/8CE506F5-4FB9-48F8-9316-C8B962D5E221/0/FourthStreetLiveEconImpactStudyFINAL.pdf>

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ARTICLE XIX. - THE CHANNEL DISTRICT [132]

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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 AN SPECIAL USES

LEGEND:	CD-1	CD-2
X—Permitted principal use		
S1—Special use, zoning administrator review		
S2—Special use, city council review		
A—Permitted accessory use		
Blank—Prohibited use		
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
Community garden, private	S1	S1
Day care and nursery facility	X	X
Day care and nursery facility (number limited to five (5) children)	X	X
Fraternity or sorority	X	X
Hospital and associated uses	X	X
Hotel and motel	X	X
Public cultural facility	X	X
School	X	X
School, vocational	X	X
School, business	X	X
School, trade	X	X
Security guard quarters	A	X
Group C		
Accessory use to a permitted principal or special Group C use	A	A
Alcoholic beverage sales		
Bar and lounge	S2 ¹⁰	S2 ¹⁰
Convenience retail (package only)	S1/S2 ¹¹	S1/S2 ¹¹
Gasoline retail (package only)	S1/S2 ¹¹	S1/S2 ¹¹
Hotel w/100+rooms (on premises only)	S1/S2 ¹¹	S1/S2 ¹¹
Large venue (on premises/package)	S1/S2 ¹¹	S1/S2 ¹¹
Restaurant (on premises only)	S1/S2 ¹¹	S1/S2 ¹¹
Shopper's goods retail (package only)	S1/S2 ¹¹	S1/S2 ¹¹

Small venue (on premises/package)	S1/S2 ¹¹	S1/S2 ¹¹
Sidewalk café	S1 ⁷	S1 ⁷
Special restaurant (on premises only)	S1/S2 ¹¹	S1/S2 ¹¹
Specialty retail (package only)	S1/S2 ¹¹	S1/S2 ¹¹
Temporary (on premises only)	S1 ⁷	S1 ⁷
Bank	X	X
Catering shop	X	X
Cigar factory	X	X
Commercial communication tower	S2	S2
Drycleaning plant, small	X	X
Hazardous materials (port-related activities only)	S1	S1
Heliport, helistop	X	X
Interim parking ⁸	X	
Kennel (limited to fifteen (15) animals)	X	X
Laboratory, dental and mental	X	X
Maintenance or storage facility (port-related activities only)	X	X
Manufacturing, heavy (port-related activities only)	X	X
Manufacturing, light	X	X
Marina	X	X
Microbrewery	X	X
Nursing (care facility), convalescent and extended care facility	X	X
Office, business, and professional	X	X
Office, medical	X	X
Parking, off street		
Principal use	X	X
Accessory use ⁶	A	A
Commercial use	X	X
Parking, temporary	S1	S1
Personal services	X	X
Pharmacy	X	X
Place of assembly	X	X
Printing, light	X	X
Printing and publishing	X	X
Public service facility	X	X
Public use facility	X	X
Radio/television studio	X	X
Recreation facility, commercial		
Indoor	X	X
Outdoor	X	X
Recreational facility, private	X	X
Research activity	X	X
Restaurant	X	X
Retail bakery	X	X
Retail sales, convenience goods	X	X
Retail sales, gasoline	X	X
Retail sales, lawn and garden shop	X	X
Retail sales, shopper's goods	X	X
Retail sales, specialty goods	X	X
Reupholstery	X	X
Special event parking ⁷	X	X

	A ²	A ²
Storage open ⁶ (port-related activities only)		
Storefront/residential office	X	X
Storefront/residential commercial	X	X
Temporary film production ⁹	X	X
Transportation service facility (port-related activities only)	X	X
Utility transmission site	S2	S2
Vehicle repair, major (port-related activities only)	X	X
Vehicle repair, minor	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 Refer to Articles XI Special Use Permits and XXII Alcoholic Beverages for applicable provisions. Requests may process as an administrative special use permit (S-1) only when sales meet the specific use standards in section 27-272. If any waivers are needed, the request shall process as an (S-2).

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; Ord. No. 2011-35, § 14, 3-3-2011; Ord. No. 2011-47, § 9, 3-29-2011; Ord. No. 2011-62, § 7, 5-19-2011)

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

	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

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.

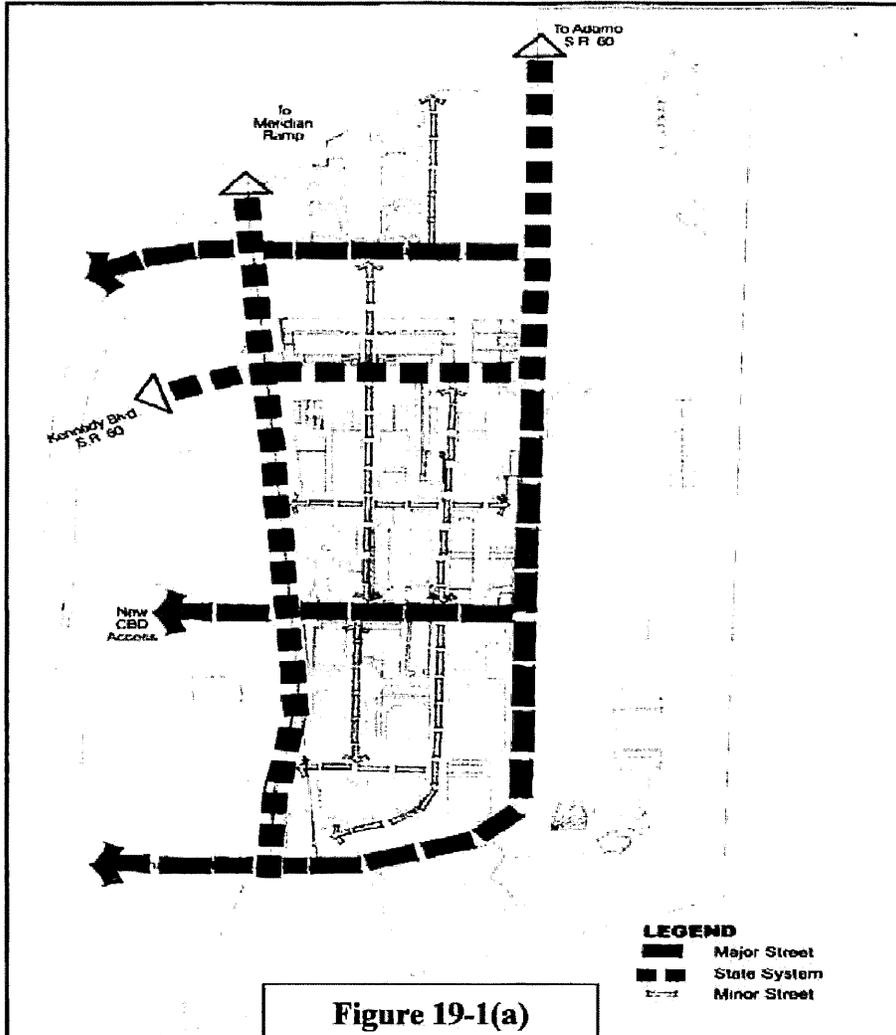
- (2) *Submission requirements.* All applications for design approval shall contain, at a minimum, the following items (as determined by the zoning administrator and urban design manager):
 - a. Scaled site plan showing all improvements, existing conditions, and dimensions of the site and building as 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.*



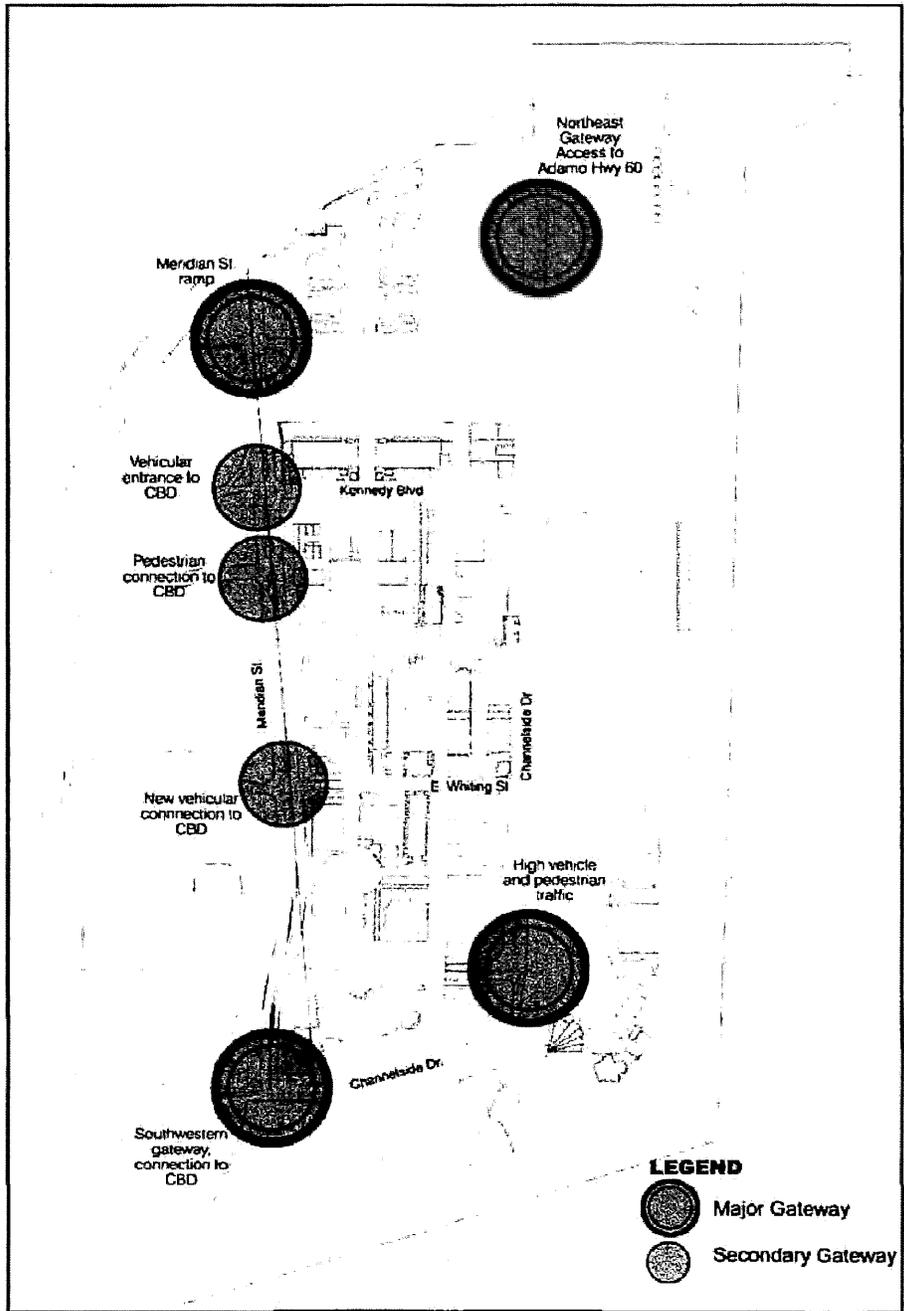
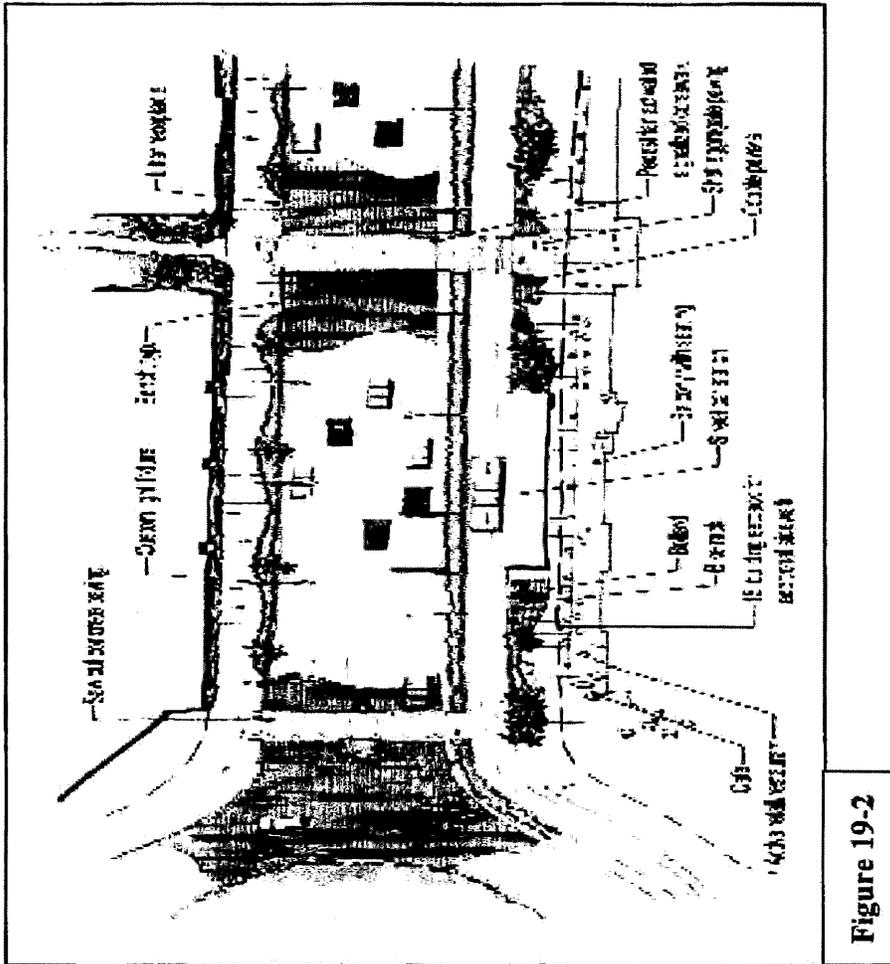


Figure 19-1(b)

(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.



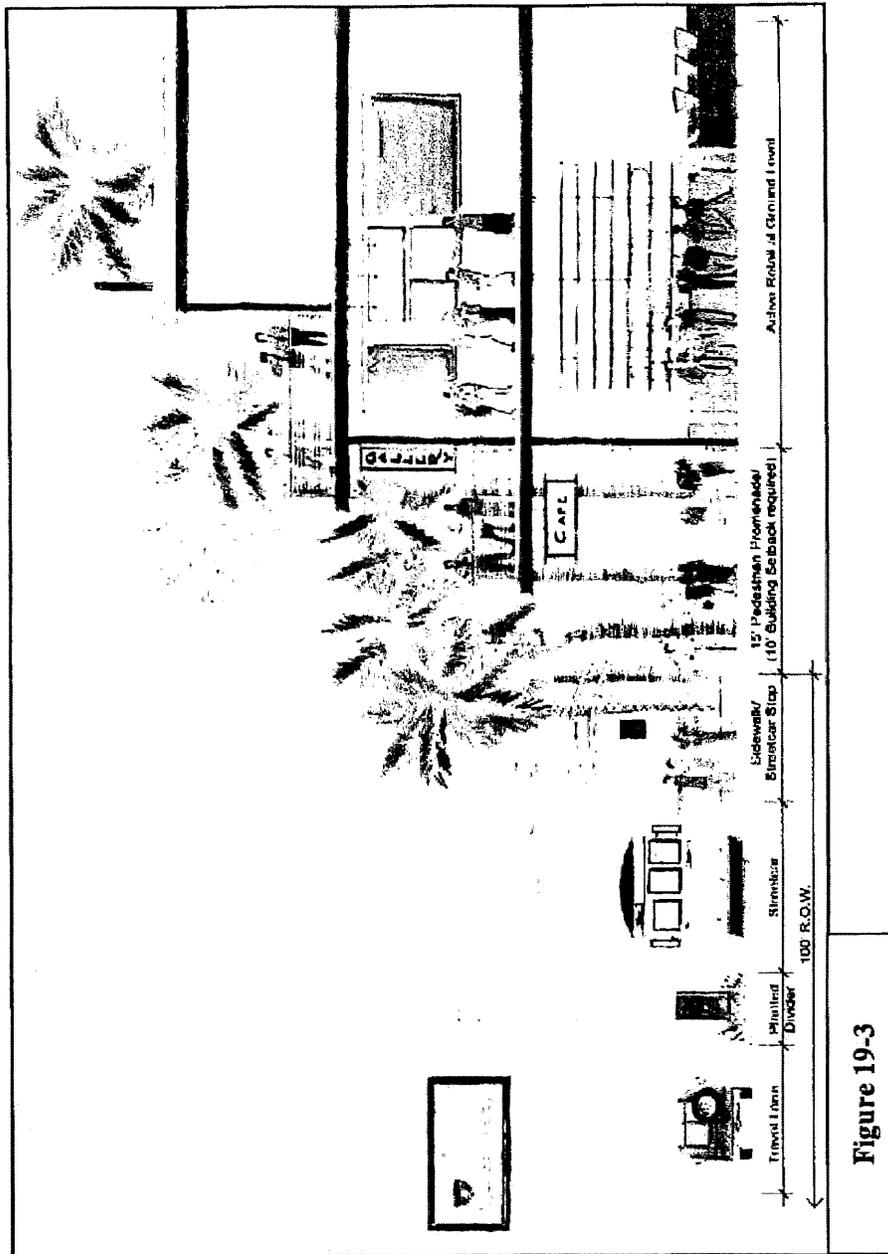


Figure 19-3

- (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.

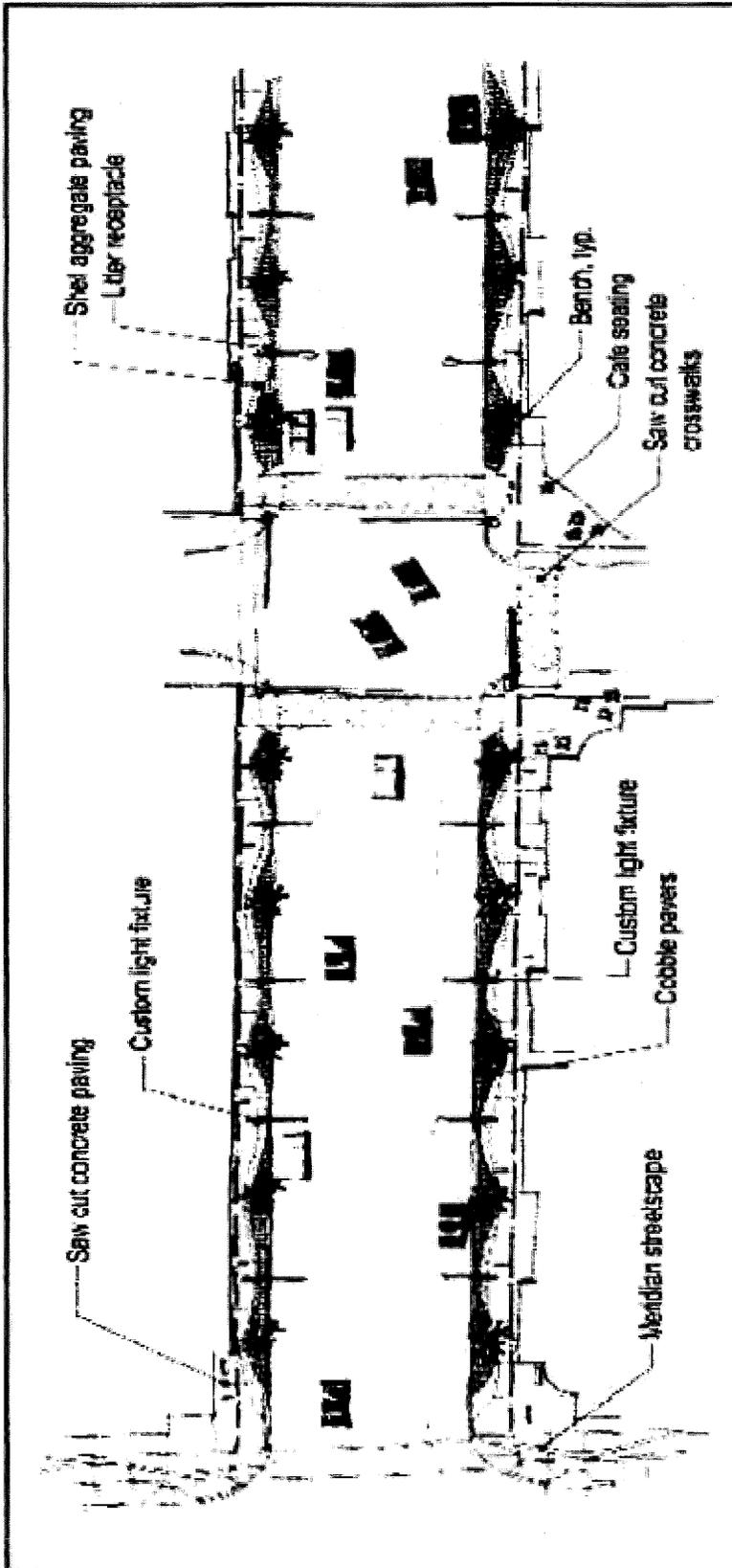


Figure 19-4

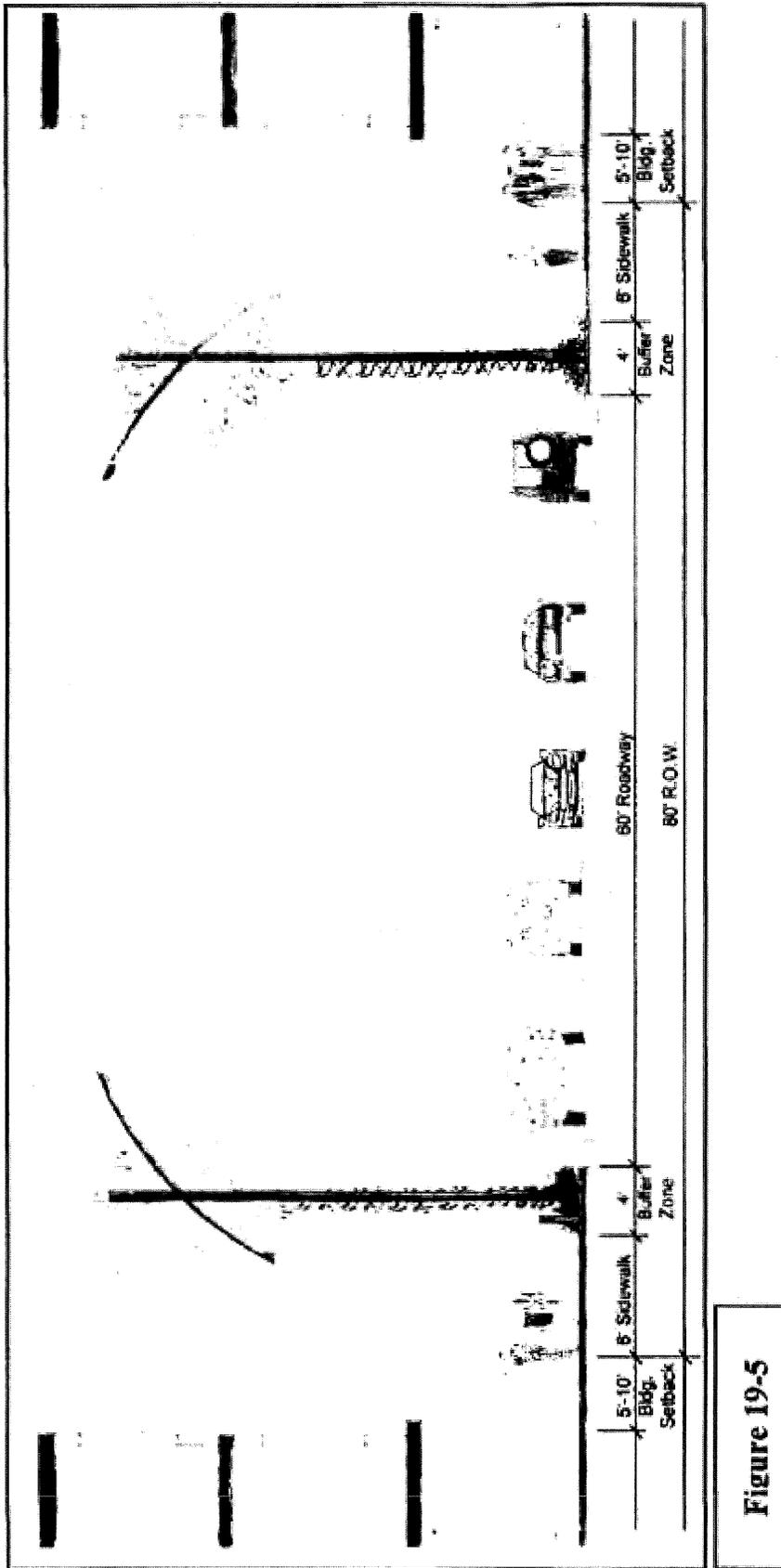


Figure 19-5

- (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. Twigg 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.

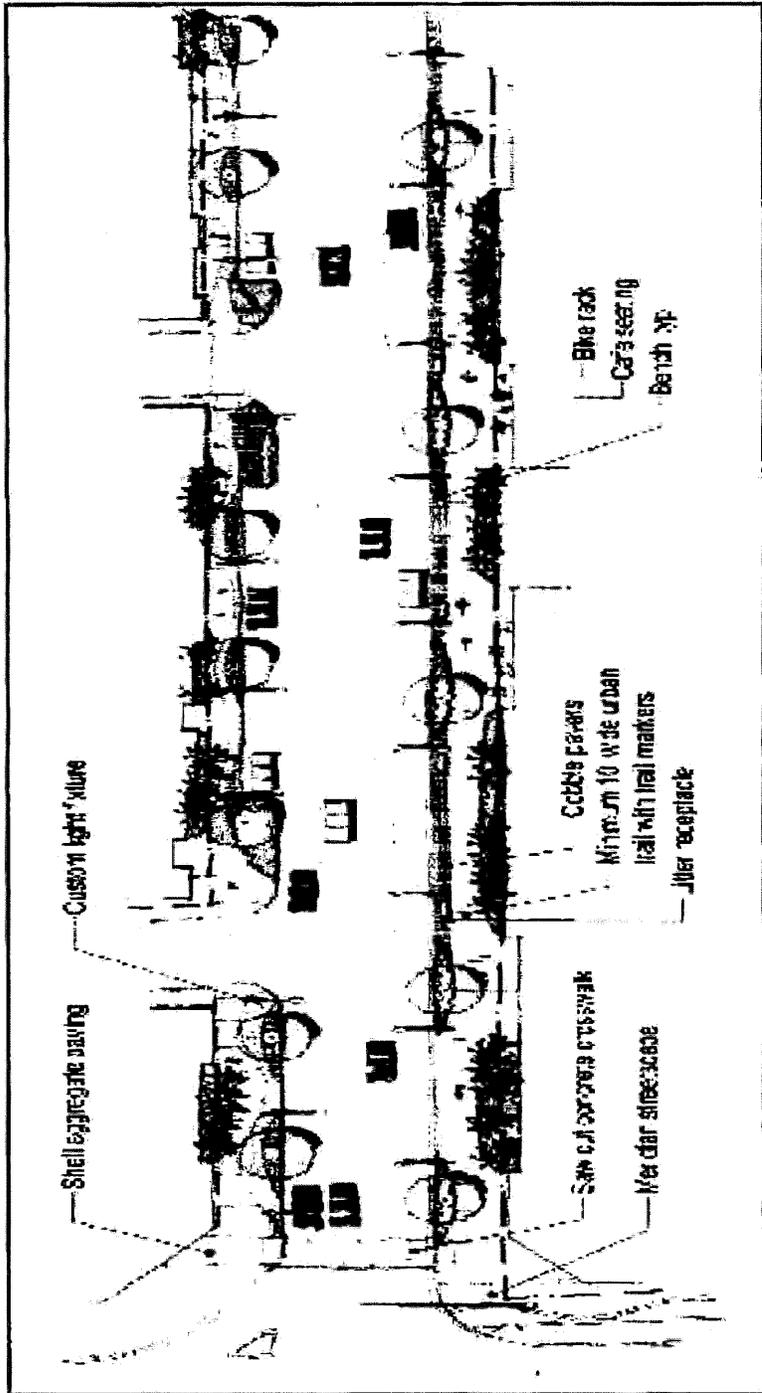


Figure 19-6

Figure 19-6

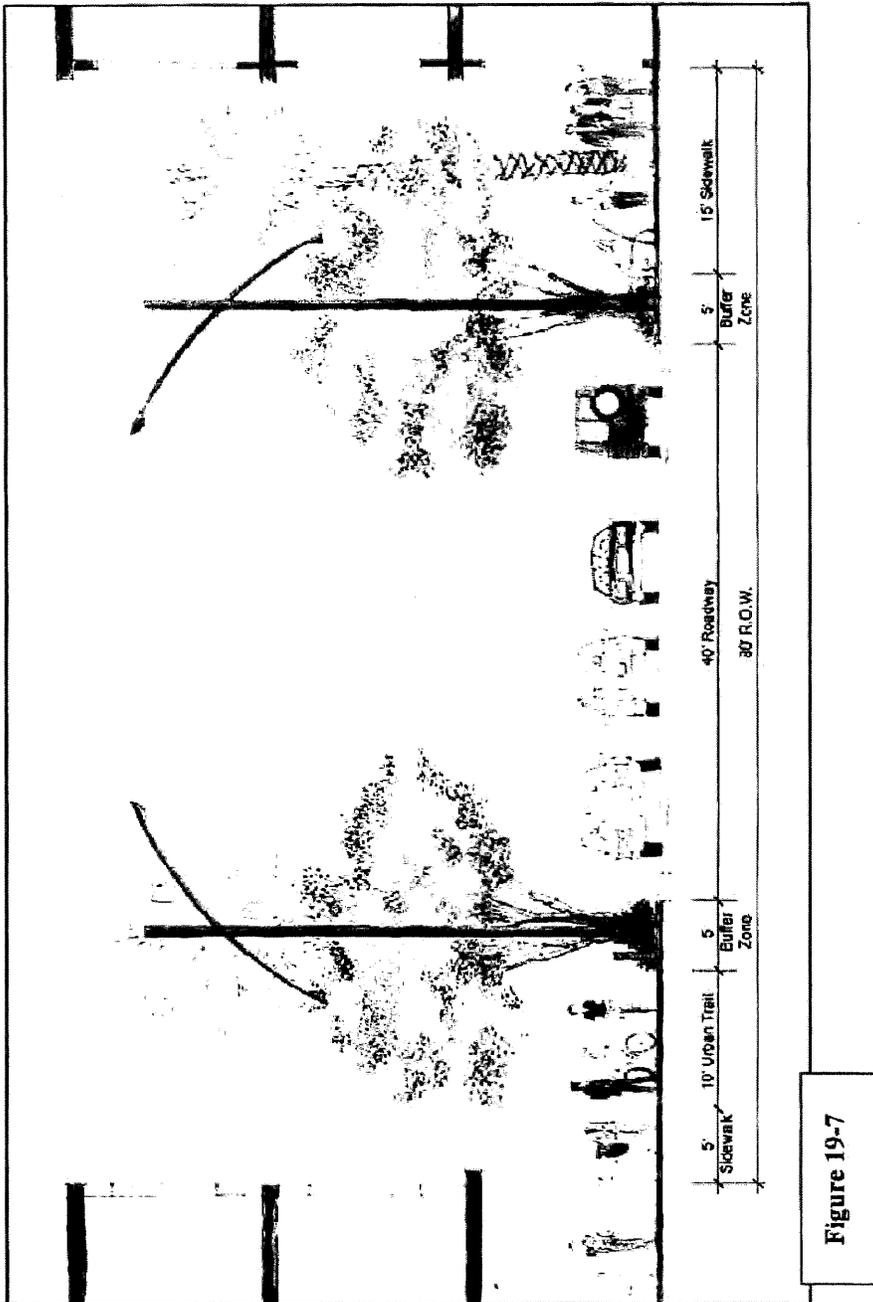
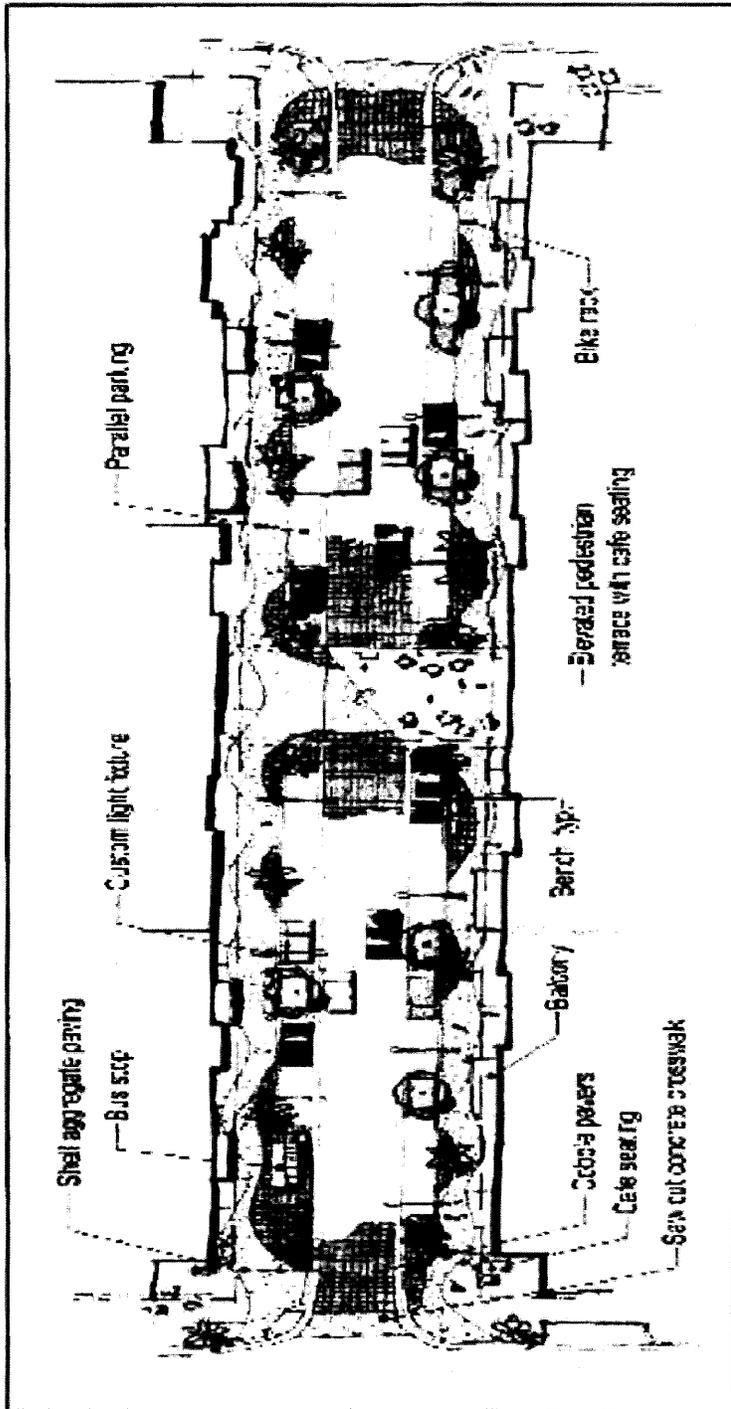


Figure 19-7

(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.



**Figure
19-8**

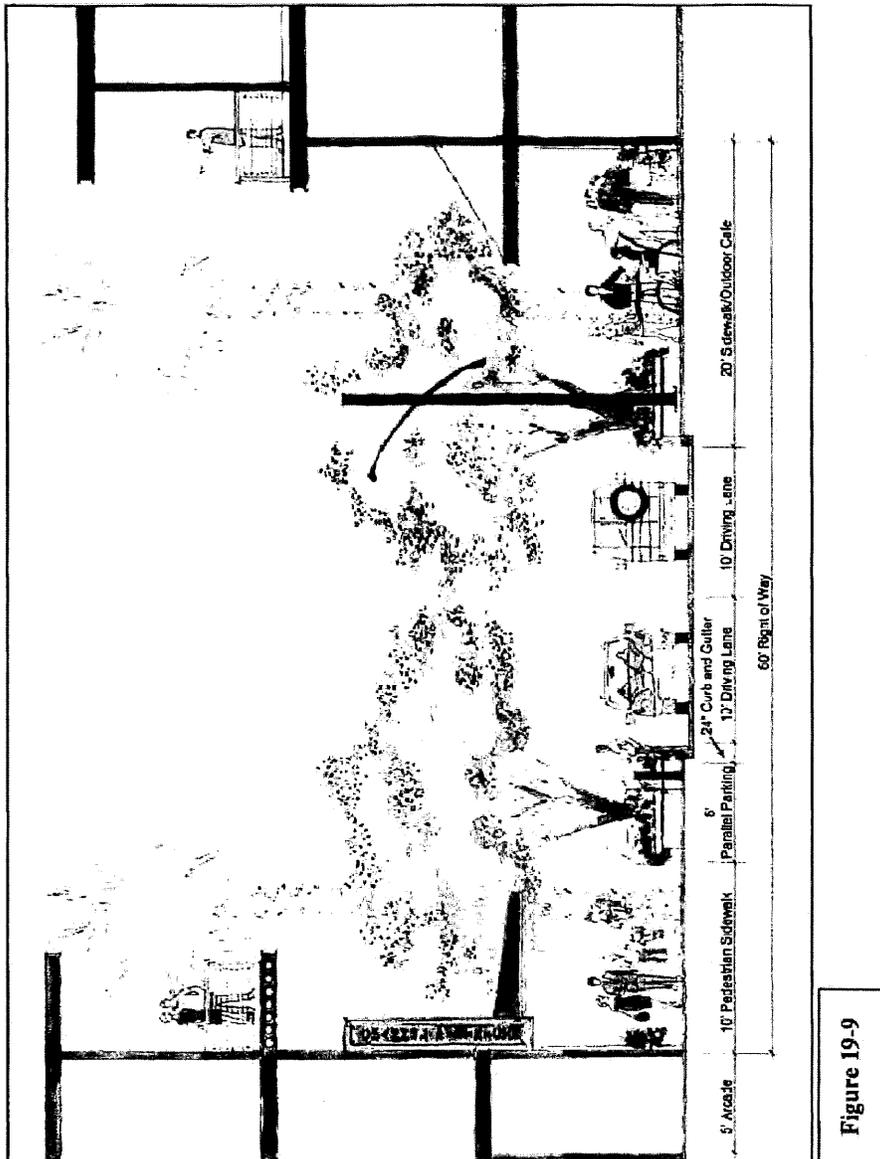


Figure 19-9

(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.

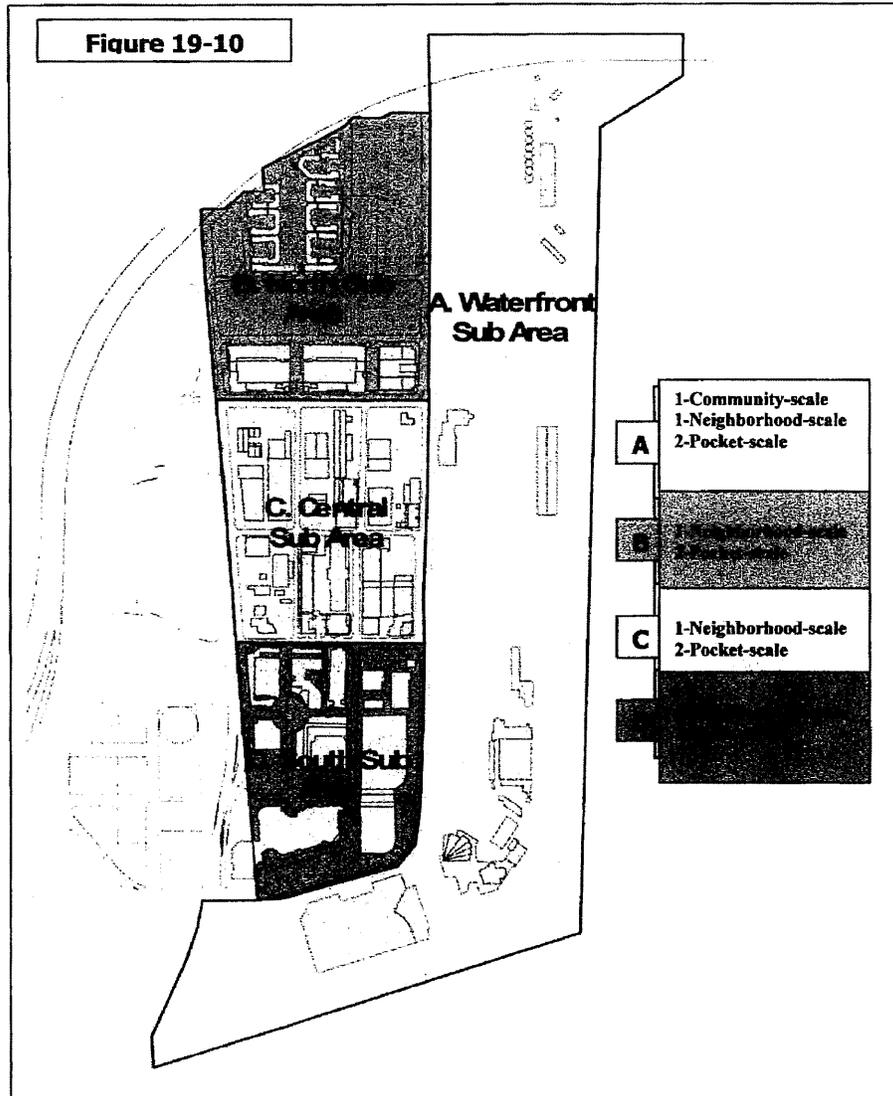
A separate encroachment application for awning signs will not be required provided the projections comply with section 27-456(f)(3) and a hold harmless agreement is provided.

(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.



- (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:

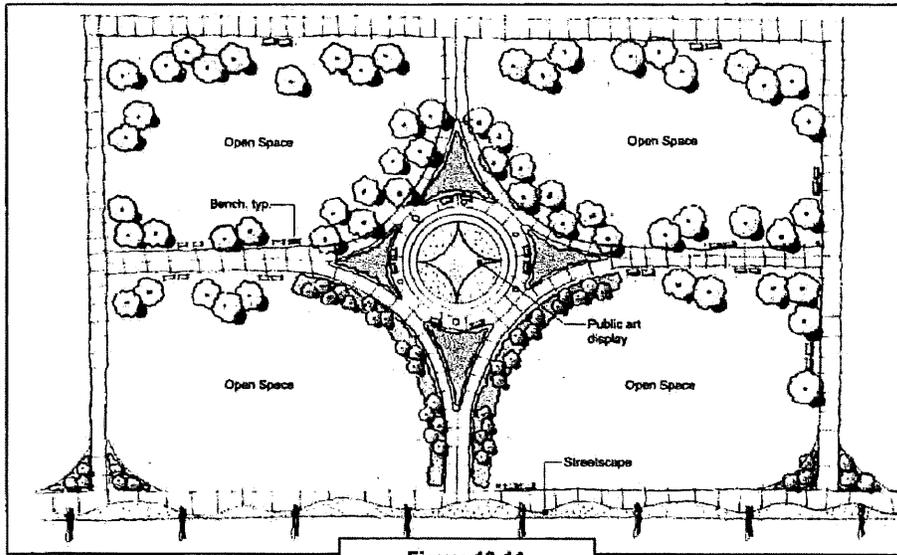


Figure 19-11

- (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:

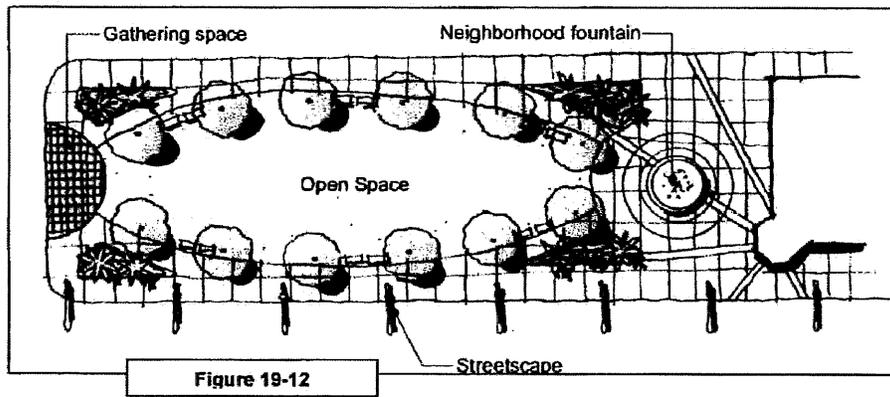
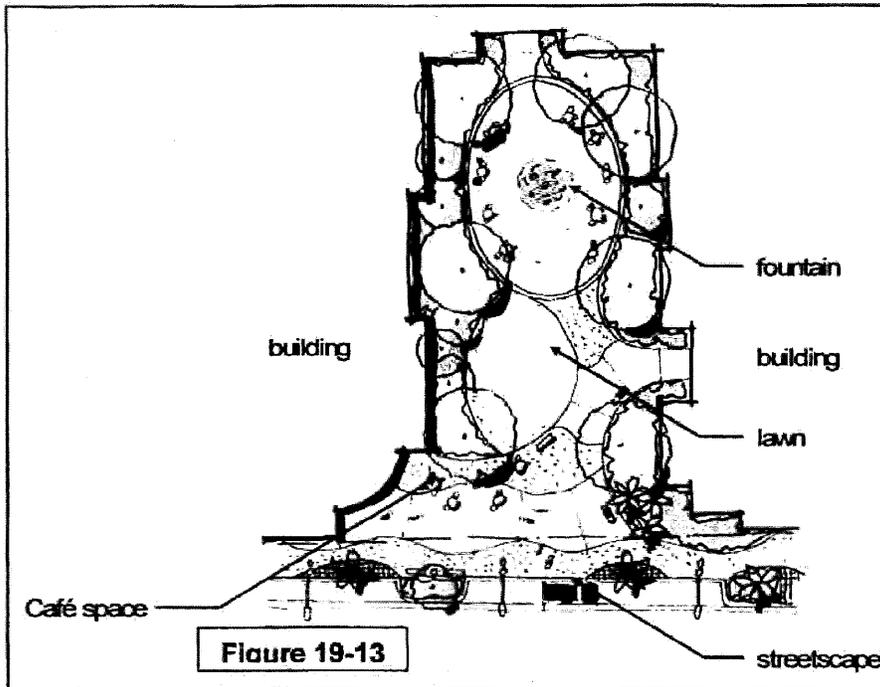


Figure 19-12

- (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:



(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).

¹For 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:

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:

Subject Site Land Area (in square feet (SF))	Amount of Land SF
Base FAR # for Subject Site (Subject Site SF × Base FAR)	Amount of Gross Floor Area (GFA) SF (per Base FAR)
Proposed FAR # (Subject Site SF × 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 \$ × Actual Bonus FAR SF)	Total Development Incentive \$

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

Total Development Incentive \$ (public improvement) (Bonus Incentive \$ × Actual Bonus FAR SF)	Total Development Incentive \$
Amenity (e.g. land area × 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:

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:

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:

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:

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:

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:

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 (\$):

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)

FOOTNOTE(S):

⁽¹³²⁾ **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. ([Back](#))

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ARTICLE III. - SPECIAL ENTERTAINMENT OVERLAY DISTRICT

Sec. 5-51. - Purpose and intent.

The purpose of the special entertainment overlay district regulations is to create the opportunity to and encourage the development of areas which promote the cultural, economic educational and general welfare of the people of Fort Lauderdale in conjunction with the development of areas catering to and promoting tourism and providing entertainment centers for the utilization and enjoyment of the public.

The regulations are intended to promote the goals of the city's comprehensive land use element by creating standards which are unique and specific to the regional activity center (RAC) land use designated areas in order to promote development of regional significance.

The regulations provide incentives for development which foster the implementation of the RAC land use designation by encouraging intense and varied development and uses, discouraging automobile travel and encouraging public pedestrian use.

The incentives are designed to promote redevelopment which will eliminate deteriorating conditions in areas which are found to be detrimental to the health, safety and welfare of the public.

The regulations are intended to enhance the visibility and public awareness of publicly-funded projects and to create incentives to the public to utilize public improvements by the creation of a special entertainment district.

It has been found that encouraging the location of entertainment, retail and restaurant uses within a limited defined area creates an opportunity to offer a variety of amenities to the public in a convenient physical location which will promote pedestrian use with an attendant decrease in vehicular traffic, provide for more efficient and effective public safety enforcement in a defined area; encourage greater utilization of public projects financed with public funds and encourage private development of entertainment facilities which enhance and compliment the use of the publicly-funded improvements.

The city commission hereby finds that this section benefits the residents and property owners of the city, and declares as a matter of public policy that this article is in the interest of the health, safety, general welfare and economic well-being of its residents.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-52. - Definitions.

The following words when used in this article shall, for the purposes of this article, have the following meanings.

Common control shall mean that the real property comprising a district is controlled by one (1) person, corporation, or other legal entity. For the purpose of this article, "controlled" shall mean that the underlying real property is the subject of a lease or exclusive license vesting control in such entity for a period of not less than ten (10) years. If the common controller is other than a natural person, a natural person with an ownership interest in the legal entity shall be identified and have authority to take all actions

on behalf of the legal entity as district representative.

Common ownership shall mean fee simple title ownership of the real property lying within a district by one (1) person, corporation or other legal entity. If the common owner is other than a natural person, a natural person with an ownership interest shall be identified and have authority to take all actions on behalf of the legal entity as district representative.

Economic development project is a project financed in whole or in part with public funds and intended to attract use of the project by person residing in Broward County and tourists to this regional destination.

Economic redevelopment area shall mean an urban area which has been found by a governmental authority to contain a substantial number of deteriorated or deteriorating structures and conditions which are detrimental to the public health, safety and welfare of the public in its present condition and use.

Owners or district representative shall mean the persons or entity, other than a governmental entity, having one hundred (100) percent of the common ownership, common control or both, in the real property within an area designated hereunder as a special entertainment overlay district.

Special entertainment district or district shall mean an area with a variety of uses which provides entertainment and supporting uses to the public such as theatres, restaurants, plazas, outdoor cafes, kiosks, retail shops, docks, boats and vessels moored at dock space, public areas and ways, which area meets the criteria set forth in this article, and has been designated hereunder as a special entertainment overlay district by the city.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-53. - Procedure for establishment of district.

Entertainment overlay districts shall, after submission and approval of necessary supporting documentation to ensure that the proposed district meets the minimum criteria for establishment of such a district, be established and designated. Such district shall be deemed established upon execution of a document which includes a map and legal description of the boundaries of the district by the city manager of the City of Fort Lauderdale.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-54. - Minimum district criteria.

In order to be designated and maintain a designation as a special entertainment overlay district, an area shall:

- (1) At the time of designation, be located on property identified as "regional activity center" on the city's land use plan;
- (2) At the time of designation, be located within an economic redevelopment area;
- (3) At the time of designation, be located adjacent to an economic development project;
- (4) Consist of a minimum of two (2) acres of contiguous land;
- (5) Contain property which is under common ownership, common control or both;
- (6) Have a minimum of fifty thousand (50,000) square feet of floor area under the same common ownership or common control and be designed to contain at a minimum the following types of uses, without precluding other uses, restaurant(s) and entertainment facilities and specialty retail shops either contained within structures or open air and be used for same. The floor area calculation shall include open air areas used for the purposes set out in this section;
- (7) Contain a restaurant having at least four thousand (4,000) square feet of floor area under the

common ownership or common control of the district representative;

- (8) Have a mixture of entertainment and supporting uses including but not limited to lounges, restaurants, night clubs and other entertainment facilities, retail shops and offices, provided that no more than ten (10) percent of the ground floor area and no more than twenty-five (25) percent of all floor area within the district shall be utilized for office uses. The calculation of the amount of ground floor office space shall not include office special incidental and accessory to a permitted primary use. A plan drawn to scale shall be submitted showing building locations and describing the proposed uses and associated square footage; and
- (9) At the time of designation, any portion of a proposed district shall not be located within five hundred (500) feet of any parcel of land which is either designated on the city land use plan as residential or is zoned RS-4.4, RS-8, R-2-A, R-2, R-3-A, R-3-B, R-3-C, R-3, R-4 or R-4-C, as measured by airline measurement from property line to property line using the closest property lines of the parcels of land involved.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-55. - District conditions.

If an area is designated as a special entertainment overlay district, the following conditions shall apply:

- (1) Establishments selling or serving alcoholic beverages must be permitted and operating in compliance with the laws governing the sale and consumption of alcoholic beverages; and
- (2) Adequate security shall be provided as approved by the city manager based on the number and type of business establishments, size of the district, square footage of pedestrian walkway and maximum capacity of the facilities within the district.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-56. - Alcoholic beverage sales within the district.

- (a) *Minimum distance requirements.* There shall be no minimum distance required between any place of business within the district licensed by the state to sell alcoholic beverages either for consumption on or off premises and any other place of business similarly licensed within the district. For the purpose of minimum distance requirements between establishments licensed to sell alcoholic beverages in a district and establishments similarly licensed outside of the district, the physical location of any place of business so licensed within a district shall be considered to extend to the outside perimeter boundary of the district, and the entire district shall thereafter be considered one (1) establishment licensed to sell alcoholic beverages. There shall be no minimum distance requirement between any establishment licensed to sell alcoholic beverages either for consumption on or off premises within the district and establishments similarly licensed outside of the district at the time of designation of the district.
- (b) *Hours of operation.* The hours during which sales, consumption and service of alcoholic beverages, beers and wines are prohibited within the district are as set forth in section 5-29 of the City Code, provided however:
Upon written notice provided by the district representative to the city manager one (1) or more establishments licensed by the State of Florida to sell alcoholic beverages either on or off premises within the district, may be designated by the district representative as late night licensed establishments and establishments so designated, shall be prohibited from selling, offering to sell, or serving any beers, wines or alcoholic beverages of any kind regardless of alcoholic content for consumption on or off premises on weekdays and Saturdays between the hours of 4:00 a.m. and 7:00 a.m.; and any such alcoholic beverage ordered by a patron from a vendor and served prior to 4:00 a.m. may be consumed within the district premises until no later than 4:30 a.m.
- (c) *Sales of alcoholic beverages within the district.* If permitted in accordance with state permitting

requirements, alcoholic beverages sold for consumption on the premises by a vendor within an area designated as a district pursuant to this article, may be consumed, held, carried and transported in the original or substitute container, at any location within the district, either indoors, outdoors or aboard boats moored at docks located within the district to the extent it is permitted by the state.

- (d) *Hours for music and entertainment.* Music, singing and other forms of entertainment whether amplified or not, shall be permitted indoors at any time during business hours of any facility or business enterprise within the district, and in addition music, singing and entertainment shall be permitted outdoors within the district, however, such outdoor music, singing and entertainment shall not be permitted later than the hours of 12:00 a.m. during weekdays and 1:00 a.m. on legal holidays as provided by state law, Fridays, Saturdays and Sundays, notwithstanding anything to the contrary in section 17-10 of the Code.
- (e) *Alcoholic beverage consumption on vessels within the district.* Owners of pleasure or excursion boats or barges who are licensed under the state beverage laws to sell alcoholic beverages for consumption on premises, may sell beers, wines and alcoholic beverages of any type, regardless of alcoholic content, on such vessels within the district subject to the provisions of this article.
- (f) *Outdoor sales of alcoholic beverages.* Those persons or entities within the district licensed under the state beverage license laws, may sell and serve beers, wines and alcoholic beverages of any type regardless of alcohol content at any location within the district licensed for such sale and under the control of such licensee, including, but not limited to, sidewalk cafes, outdoor areas designed for food or beverage consumption or both adjacent to and operated in concert with a business operated within enclosed premises, licensed freestanding structures including outdoor bars and kiosks selling food or beverages including alcoholic beverages and pushcart type vehicles, provided that all such operators of such outdoor facilities vending and serving alcoholic beverages shall be duly licensed by the state and permitted to operate pursuant to the City Code.
- (g) *Addition of property to districts.* Subsequent to the designation of a district pursuant to the provisions of this article upon application to the city, additional lands may be added to a district providing that the property proposed to be added to the district:
 - (1) Is adjacent to the district; for purposes of this provision, properties shall be deemed "adjacent" to a district if they are directly contiguous to any perimeter boundary of the district or separated from the district solely by any publicly dedicated thoroughfare or pedestrian walkway;
 - (2) Is under common ownership or control by the district representative; and
 - (3) Meets the criteria set forth in section 5-54(1), (4) and (8).

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-57. - Decertification of special entertainment overlay district.

Subsequent to the designation of a district pursuant to the provisions of this article, a district may be decertified upon adoption of an ordinance by the city commission after public hearing, upon a finding that the district has not complied with the criteria or conditions set forth hereinabove for one hundred eighty (180) days within a one-year period.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 13-360. - MainStreet Regional Activity Center (RAC).

The "MainStreet RAC Area," is bounded on the North by Wiles Road, on the South by Sample Road, on the East by Lyons Road and on the West by State Road No. 7. This area is subject to design standards that are specifically intended to create a pedestrian-friendly urban core area. It is also intended to foster the creation of a district that will attract and retain sustainable development through the use of mixed-use buildings, which may include commercial, office, and residential uses. This area is designated as a Regional Activity Center (RAC) in the city's comprehensive plan.

(Ord. No. 2004-050, § 5, 12-9-04; Ord. No. 2006-006, § 1, 3-9-05)

Sec. 13-361. - MainStreet RAC Design Standards adopted.

- (a) *Generally.* The City of Coconut Creek adopted "MainStreet Project Area Design Standards," now known as "RAC Design Standards" created by the city's consultant, Zyscovich, Inc., dated December 9, 2004, which are available in the office of the city clerk. These standards are to be the basis of review for any new development in the area and for any modification to, or reconstruction of, existing buildings or uses.
- (b) *Form of purchases; cost.* The public may purchase the MainStreet RAC Design Standards, either in written or electronic form. The cost of such purchase shall be the actual cost of reproduction.
- (c) *Educational mitigation requirement for residential development.* Any application for a building permit for new residential development in the RAC is subject to an educational mitigation requirement. As required by Broward County's approvals of the RAC, by Policy 1161 of the School Board of Broward County, and by interlocal agreement with the county and school board, the applicant shall pay to the school board an amount equal to the cost per dwelling unit (regardless of residential types or bedroom mix) as derived from the cost per student station for each RAC dwelling unit, as provided below. Alternatively, the obligation to pay educational mitigation fees may be met by the dedication of land for the construction of school facilities, and the fair market value of such dedication shall be credited against the required fees.
 - (1) *Amount.* The student station cost shall be determined by the State of Florida's cost per student station schedule in effect at the time of application for building permit, or an equivalent dedication of land as determined by fair market value.
 - (2) *County determination of adequacy required.* The applicant shall present documentation of the payment or land dedication and notice to the city prior to submission of an application for a building permit. The city shall not issue a building permit or certificate of occupancy for residential development within the RAC, without first receiving proof that Broward County has determined that the student station cost was paid or dedicated as required and that the payment was adequate.
- (d) *Notice to school board.* The city shall notify the superintendent of the school board or his or her designee of approval of any site plan or plat for residential development within the RAC, which notice shall include the location of the project and the number and type of dwelling units approved.

(Ord. No. 2004-050, § 5, 12-9-04; Ord. No. 2006-006, § 1, 3-9-05)

Editor's note—

Ord. No. 2008-037, § 1(Exh. A), adopted Nov. 13, 2008, amended the RAC Design Standards. The standards as well as amendatory ordinances have not been included herein, but can be found on file in the office of the city clerk.

Sec. 13-362. - MainStreet RAC Entertainment Regulations.

- (a) *Purpose and intent.* The purpose of the MainStreet RAC Entertainment Regulations is to provide the flexibility for businesses located within the MainStreet RAC to establish outdoor entertainment, restaurant uses, and other outdoor retail related activities which promote a vibrant, pedestrian-oriented downtown. This section regulates those activities that are proposed for public and private plaza areas, outdoor areas, and other areas within the MainStreet RAC that can accommodate outdoor events.
- (b) *Definitions.* The following definitions shall apply to this section.
- (1) *Outdoor dining area* is defined in section 13-380 of this Code.
 - (2) *MainStreet promotional and entertainment activities* mean outdoor events and uses which take place outside the confines of a legally permitted outdoor dining area, and include such uses as outdoor vendors as permitted by this Section, business grand openings, special business promotions, festivals, concerts or fund raising events, live or recorded music, theatrical productions and other outdoor entertainment or outdoor entertainment events as defined herein.
 - (3) *Outdoor dining entertainment* means live or recorded music, including vocal and instrumental music, and television broadcasts and other similar entertainment or theatrics taking place within the confines of an outdoor dining area.
- (c) *Regulations.*
- (1) *Outdoor dining areas permitted.* Outdoor dining areas are permitted in the MainStreet RAC. If an outdoor dining area is not approved in the original site plan for a specific project in MainStreet, an outdoor dining area may be created consistent with the requirements and standards of section 13-380, Outdoor dining and outdoor cafes.
 - (2) *When outdoor dining entertainment permitted.* outdoor dining entertainment is permitted in conjunction with a legally permitted outdoor dining area. Outdoor dining entertainment is subject to the city noise ordinance.
 - (3) *MainStreet promotional activities.* All MainStreet promotional activities require a MainStreet promotional activities permit.
 - (4) *MainStreet outdoor vendors.* Temporary stationary peddling/vending and temporary stationary accessory outdoor uses, as defined in section 16-2, are permitted within the MainStreet RAC subject to the following provisions:
 - a. MainStreet outdoor vendors shall not impede the flow of vehicular or pedestrian traffic.
 - b. MainStreet outdoor vendors shall be permitted subject to the provisions of any city, county or state licensing requirements which may be required prior to the sale of certain products, to sell crafts, artwork, flowers, agricultural products, plants, food, produce, beverages and other retail products or promote civic, cultural charitable or philanthropic events and entities.
 - c. MainStreet outdoor vendors must have written approval from the city, owner of the property or property management company having authority to grant approval as to specific locations within the MainStreet RAC prior to locating its vending operation on any such property.
 - d. MainStreet outdoor vendors shall not be permitted to operate vending operations on public rights of way without city approval.
 - (5) *Signage.* All signage shall comply with the MainStreet design standards. Additional signage is permitted for the following:
 - a. Signage within outdoor dining areas are subject to the provisions of section 13-380
 - b. MainStreet Promotional Activities shall be permitted banners not to exceed thirty two (32) square feet each and one (1) animated electronic/LED sign not to exceed sixteen (16) square feet. MainStreet promotional activities that occur on properties managed by a management company may be permitted a number of banners equal to the number of tenants participating in the promotional activity. Banner and animated sign locations

- shall be determined during the review of the MainStreet promotional activities permit request and removed by the applicant within forty-eight (48) hours of the conclusion of the permitted event.
- c. MainStreet outdoor vendors are permitted one (1) sign not to exceed six (6) square feet in sign area with an aggregate of twelve (12) square feet. Permitted signs shall not exceed five (5) feet in height and shall be placed immediately adjacent to or upon vendor location. No MainStreet outdoor vendor sign shall impede pedestrian circulation.
- (6) *Sale of alcoholic beverages.*
- a. Hours of operation shall be conducted in accordance with the provisions of section 3-2 of this Code.
 - b. Outdoor sale of alcoholic beverages shall be conducted in accordance to section 3-2 or as provided for with a MainStreet promotional activities permit.
 - c. Alcoholic beverages sold for consumption on premises within establishments located in the MainStreet RAC, may not be carried off the premises in the original or any substitute container except as may be permitted pursuant to a MainStreet promotional activities permit.
- (7) *Frequency.* There shall be no restriction on the number of MainStreet promotional activities permitted within the MainStreet RAC.
- (8) *License requirements for MainStreet promotional events.* Outdoor Vendors, and applicants for MainStreet Promotional Events or Outdoor Dining Areas within the MainStreet RAC shall submit to the City, as part of their application, any licenses required by the State of Florida or Broward County necessary to operate their specific business operation or event.
- (9) *Building permits for MainStreet promotional events.* All businesses, outdoor vendors and applicants for MainStreet promotional events within the MainStreet RAC shall submit to the city proof that they have obtained all applicable building permits necessary for their planned MainStreet promotional event, including, as necessary permits for tents, electrical connections, and temporary toilets.
- (d) *Application required.*
- (1) Outdoor dining and outdoor cafes shall comply with application requirements of section 13-380
 - (2) A MainStreet promotional activity permit application shall be submitted to development services department. The following shall be submitted with the application:
 - a. Application fee of fifty dollars (\$50.00).
 - b. Written approval from the property management company or property owner.
 - c. A site plan or drawing to scale depicting the area of activity including the location of signage and/or banners.
 - d. If applicable, signage and/or banner drawing illustrating text and colors.
 - (3) The development services director may place additional restrictions on applications if deemed necessary for public safety and welfare.
 - (4) The development services director may revoke, suspend, or deny an application if applicable state and county licenses have not been obtained or have expired, public health concerns arise, or if applicant has failed to comply with the regulations of this section.

(Ord. No. 2008-043, § 2, 1-8-09)

PART II - CODE OF ORDINANCES
Chapter 10.5 - LICENSES AND BUSINESS REGULATIONS

ARTICLE XI. - REGULATIONS GOVERNING THE DOWNTOWN WATERFRONT ENTERTAINMENT DISTRICT

ARTICLE XI. - REGULATIONS GOVERNING THE DOWNTOWN WATERFRONT ENTERTAINMENT DISTRICT ^[33]

Sec. 10.5-500. - Short title.

Sec. 10.5-501. - Purpose.

Sec. 10.5-502. - Downtown Waterfront Entertainment District boundaries.

Sec. 10.5-503. - Outside consumption and sales of alcoholic beverages.

Sec. 10.5-504. - Hours for music and entertainment.

Sec. 10.5-505. - Waiver of special event fee.

Sec. 10.5-506. - Games, sporting events and entertainment.

Sec. 10.5-507. - Advertising banners.

Secs. 10.5-508—10.5-549. - Reserved.

Sec. 10.5-500. - Short title.

This article may be known and cited as the "City of Tavares Downtown Waterfront Entertainment District Regulations."

(Ord. No. 2009-28, § 1, 9-2-09)

Sec. 10.5-501. - Purpose.

The purpose of this article is to encourage the location of entertainment, retail and restaurant uses within a limited defined area of the city hereafter referred to as the Downtown Waterfront Entertainment District. The regulations within this article create an opportunity to offer a variety of amenities to the public in a convenient physical location which will promote pedestrian use with an attendant decrease in vehicular traffic, provide for more efficient and effective public safety enforcement in a defined area; and encourage private development of entertainment facilities which enhance and compliment the use of the public facilities.

(Ord. No. 2009-28, § 1, 9-2-09)

Sec. 10.5-502. - Downtown Waterfront Entertainment District boundaries.

The Downtown Waterfront Entertainment District shall mean an area depicted in "Exhibit A" of Ord. No. 2009-28 and generally described as, beginning at the western boundary, from the western ROW line of Sinclair Avenue to the northern property boundary lines of those properties fronting onto Main Street to the eastern ROW line of St. Clair Abrams Avenue to Lake Dora, including docks and moored vessels over Lake Dora. This shall include parcel Alt Key # 3862242, presently known as 511 Main Street, since it also has frontage on Sinclair Avenue. It shall also include the special events area of Wooton Park, excluding the Splash Park Area and Wooton Wonderland.

(Ord. No. 2009-28, § 1, 9-2-09)

PART II - CODE OF ORDINANCES
Chapter 10.5 - LICENSES AND BUSINESS REGULATIONS

ARTICLE XI. - REGULATIONS GOVERNING THE DOWNTOWN WATERFRONT ENTERTAINMENT DISTRICT

Editor's note—

The exhibit referred to in this section is not set out at length herein, but is on file in the offices of the city.

Sec. 10.5-503. - Outside consumption and sales of alcoholic beverages.

Within the Downtown Waterfront Entertainment District, the following regulations shall apply:

- (1) *One drink on-street limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises, provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.
- (2) *Size limited to sixteen (16) ounces.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined Downtown Waterfront Entertainment District, any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.
- (3) *Drinking from can, bottle or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.

(Ord. No. 2009-28, § 1, 9-2-09)

Sec. 10.5-504. - Hours for music and entertainment.

Music, singing and other forms of entertainment whether amplified or not, shall be permitted indoors at any time during business hours of any facility or business enterprise within the district, and in addition music, singing and entertainment shall be permitted outdoors within the district, however, such outdoor music, singing and entertainment shall not be permitted later than the hours of 11:00 p.m. on Monday and Tuesday and midnight on Wednesday, Thursday, Friday, Saturday, Sunday and legal holidays as provided by state law (including St. Patrick's Day). Entertainment provided in compliance with this section shall not be considered a public noise nuisance as defined in chapter 12 of the city's land development regulations.

(Ord. No. 2009-28, § 1, 9-2-09; Ord. No. 2012-28, § 1, 9-19-12)

Sec. 10.5-505. - Waiver of special event fee.

Permit fees for special events held within the Downtown Waterfront Entertainment District shall be waived.

(Ord. No. 2009-28, § 1, 9-2-09)

PART II - CODE OF ORDINANCES
Chapter 10.5 - LICENSES AND BUSINESS REGULATIONS

ARTICLE XI. - REGULATIONS GOVERNING THE DOWNTOWN WATERFRONT ENTERTAINMENT DISTRICT

Sec. 10.5-506. - Games, sporting events and entertainment.

Games, sporting events, artistic performances and other such forms of organized entertainment is encouraged and allowed within the Downtown Waterfront Entertainment District, subject to compliance with all applicable safety regulations.

(Ord. No. 2009-28, § 1, 9-2-09)

Sec. 10.5-507. - Advertising banners.

On premise advertising banners, promoting on-premises special attractions and grand openings, may be used for a maximum duration of thirty (30) days for a grand opening or for thirty (30) days in advance of an upcoming special attraction. Such banners will be limited to a maximum size of seventy-five (75) square feet and shall be securely fastened to the building on the property where the grand opening or special attraction will take place. Within the Downtown Waterfront Entertainment District, banners complying with this section will be exempt from permitting requirements and other regulations pertaining to signage specified within the land development regulations.

(Ord. No. 2009-28, § 1, 9-2-09)

Secs. 10.5-508—10.5-549. - Reserved.

FOOTNOTE(S):

⁽³³⁾ **Editor's note**— Ord. No. 2009-28, § 1, adopted September 2, 2009, enacted provisions intended for use as article X, §§ 10.5-500—10.5-507. Inasmuch as there are already provisions designated as article X, and at the discretion of the editor, said provisions have been redesignated as article XI, §§ 10.5-500—10.5-507. ([Back](#))

MEMORANDUM

To: Members of the City Commission

From: Frank Johnson, City Manager

Date: April 10, 2012

Subject: Discussion of the application of noise regulations in entertainment districts in other cities in Texas

The following cities were either contacted or their regulations were reviewed to see how they addressed the application of noise regulations in locations that are identified as entertainment districts or in locations that could be construed as a type of entertainment district: Abilene, Arlington, Austin, Colleyville, Dallas, Fort Worth, Keller, Round Rock, Southlake, Tyler, San Antonio, and Universal City. These cities were selected for review because they are either known to have entertainment-type districts or they are known to be progressive well-governed cities that are often at the forefront of considering new approaches to regulations and that have some type of concentration or presence of entertainment-type activities. Additionally, a request was sent out to approximately 80 cities in Texas that participate in the Main Street program for information on how this type of situation is addressed in those cities.

Abilene, Austin, Colleyville, Dallas, Keller, Round Rock, Southlake, Tyler, and Universal City do not have any regulations that address special consideration of noise from entertainment venues. No response was received from any other Main Street cities around the state about regulations they have in place that address this type of situation.

Fort Worth is considering some regulations of this type, but does not yet have anything in place.

Arlington has designated entertainment districts, but no special regulations that create any exceptions for noise from entertainment venues. Arlington's regulations focus on large entertainment activities such as Six Flags, Cowboy Stadium, and the Ballpark in Arlington and the supporting activities around these venues.

San Antonio was the only city reviewed that addressed entertainment districts and noise from venues in these districts. San Antonio has provisions for four types of entertainment districts, one of which has some similarities to the activities that are occurring in Marshall's downtown area. San Antonio's regulations strongly favor use of entertainment districts as a redevelopment tool in distressed areas of the community with vacant or underutilized property. The area around Charlie's Backyard in downtown Marshall does not exhibit these characteristics. San Antonio maintains a strict provision that noise cannot exceed 85 decibels at designated distances from the source for longer than short durations of seconds to minutes. Copies of San Antonio's definitions of the four entertainment districts are attached, and a copy of San Antonio's noise regulations is attached. San Antonio remains in compliance with the state regulations that establish a limit of 85 decibels at designated distances for almost every type of noise.

DIVISION 1. - GENERALLY

Sec. 21-51 - Definitions and standards

Sec. 21-52 - Noise nuisance enumeration

Sec. 21-53 - Vibration

Sec. 21-54 - Vehicular mounted sound amplification systems

Sec. 21-55 - Exceptions

Sec. 21-56 - Method of noise measurement

Sec. 21-57 - Enforcement

Sec. 21-58 - Penalties

Sec. 21-59 - Identification of violator

Sec. 21-60 - River Walk standards

Sec. 21-61 - Appointment of abatement officers

Secs. 21-62—21-65 - Reserved

Sec. 21-51. - Definitions and standards.

[As used in this division the following words and terms shall have the meanings respectively ascribed:]

A-weighted sound level shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Daytime/evening shall mean the hours between six o'clock a.m. and ten o'clock p.m., Sunday through Thursday and six o'clock a.m. and eleven o'clock p.m. Friday and Saturday.

Director shall mean Director of Housing and Neighborhood Services Department.

Impulsive sound shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Leq shall mean an average measure of continuous noise that has the equivalent acoustic energy of the fluctuating signal over the same time period. The time period of monitoring will be continuous over any two (2) hours and will use the A-weighting network reported in decibel units.

Nighttime shall mean the hours between ten o'clock p.m. and six o'clock a.m., Sunday through Thursday and eleven o'clock p.m. and six o'clock a.m. Friday and Saturday.

Noise nuisance shall mean any loud, irritating, vexing or disturbing sound originating from a nearby property under separate ownership which causes injury, discomfort, or distress of a person of reasonable nervous sensibilities, or any sound that exceeds the maximum permitted sound levels specified in subsections 21-52(a) (6)(b), (9)—(12), and 21-60(b).

Sound level shall mean the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or time averages, output meter, and weighting network used to measure sound pressure levels.

(Ord No 94706 § 2(Attach A) 9-13-01, Ord No 2007-04-05-0371 § 1 4-5-07)

Sec. 21-52. - Noise nuisance enumeration.

- (a) The following acts, among others not hereinafter enumerated, are declared to be "noise nuisances," and are unlawful and in violation of the provisions of this division when such acts are done or accomplished or carried on in such a manner, or with such volume, intensity, or with continued duration, so as to annoy, to distress, or to disturb the quiet, comfort, or repose of a person of reasonable nervous sensibilities, within the vicinity or hearing thereof, or so as to endanger or injure the safety or health of humans or animals, or so as to interfere with the physical well being of humans or animals, or so as to endanger or injure personal or real property:
- (1) The playing or permitting or causing the playing of any radio, television, phonograph, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound.
 - (2) Any loud or vociferous language or any soliciting for, or description of, any amusement house, moving picture theater, or other like place of amusement, or for the performance therein, in the entrance thereto, the foyer or lobby thereof, or on the sidewalks adjoining the same.
 - (3) The keeping of any animal, fowl, or bird, which makes frequent or long, continued noise.
 - (4) The continued or frequent sounding of any horn or other signal device on any automobile or vehicle, motorcycle, bus or other vehicle, except as a danger signal.
 - (5) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, automobile, motorcycle, or other motor vehicle or boat, except through a muffler or other device which prevents loud or explosive noises therefrom.
 - (6)

The erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work:

- a. Other than during the daytime on week days; or
 - b. At anytime such that the sound level at or across a real property boundary exceeds 80dBA.
 - c. This section shall not apply in cases of urgent necessity in the interest of public safety, or in cases of public convenience, including city sponsored or co-sponsored fiestas, parades, and public events.
- (7) The crying, calling, or shouting, in person or by a mechanical device, or the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, loudspeaker or phonograph with or without an amplifier, hand organ, or other devices or instruments, musical or otherwise.
 - (8) The raucous shouting, whistling, yelling, singing, hooling, or crying of peddlers, hawkers, vendors or any other persons.
 - (9) The making of noise which exceeds sixty-three (63) decibels on residential zoned property as defined by Chapter 35 (Unified Development Code), when measured from property under separate ownership.
 - (10) The making of noise which exceeds seventy (70) decibels on business zoned property as defined by Chapter 35 (Unified Development Code), when measured from property under separate ownership.
 - (11) The making of noise which exceeds seventy-two (72) decibels on industrial zoned property as defined by Chapter 35 (Unified Development Code), when measured from property under separate ownership.
 - (12) The making of noise which exceeds eighty-five (85) decibels using the Leq method of noise measure for noise emanating from entertainment zoned property as defined by Chapter 35 (Unified Development Code), when measured from property under separate ownership. Any adjacent property owned, leased, controlled or managed by any person or entity or any affiliate that directly or indirectly controls, is controlled by, or shares common control with the other entity that has an ownership interest or lease interest in the monitored property shall not be considered property under separate ownership for purposes of determining the boundaries of the noise source property in an entertainment district.
- (b) Special noise corrections. Corrections shall be made to the basic octave band levels specified in subsections 21-52(a)(10) through (12) and section 21-60(b) for the specific conditions listed in accordance with the following table, designated as Table 1, except that nighttime corrections shall not apply in the River Walk area.
 - (c) River Walk Area corrections. Subsections (a)(10) through (12) above shall not apply in the River Walk Area, which shall be, regulated by the noise provisions in section 21-60

TABLE 1

Corrections Permitted to Basic Octave Band Levels

Noise is Present at Nighttime	Subtract	7 dB
Noise Contains Strong Pure-Tone Components or is Impulsive (Meter reading changes at a rate greater than 10 dB per second)	Subtract	7 dB
<i>Noise Has an "On Time" of No More Than:</i>	<i>And an "Off Time" Between Successive "On Times" of at Least:</i>	
0.5 minutes	1 hour	
5.0 minutes	1 hour	Add 10 Decibels
10.0 minutes	2 hour	to Permitted
20.0 minutes	4 hour	Levels

(Ord. No. 94706 § 2(Attach A) 9-13-01)

Sec. 21-53. - Vibration.

It shall be unlawful for any person to create, maintain or cause any ground or airborne vibration which is perceptible without instruments at any point on any affected property adjoining the property in which the vibration source is located.

(Ord. No. 94706 § 2(Attach A) 9-13-01)

Sec. 21-54. - Vehicular mounted sound amplification systems.

It shall be unlawful for any person operating or controlling a motor vehicle in either a public or private place within the city to operate any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette player, or other similar device in the motor vehicle, in such a manner that, when operated, is audible at a distance of thirty (30) or more feet from the source or, when operated causes a person to be aware of the vibration accompanying the sound in any location outside the confines of the vehicle emitting the sound, noise, or vibration. A culpable mental state is not necessary to constitute a violation of this section.

Sec. 21-55. - Exceptions.

The provisions of this division shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to an emergency; or
- (2) Sound produced by emergency vehicles; or
- (3) Sound produced by a vehicle motor while the vehicle is moving on a public right-of-way, public waterway, airport runway, or railway; or
- (4) Sound produced by any governmental body in the performance of a governmental function; or
- (5) Sound generated at a scheduled stadium event; by parade spectators and participants on the parade route during a permitted parade; by outdoor celebration participants sponsored or co-sponsored by the city for the general welfare of the public; by patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnic permit has been obtained and the explosives have been inspected and approved by the fire marshal; by pyrotechnic displays that are inspected and approved by the city fire marshal.
- (6) Sound produced by the operation of any air-conditioning unit, heat pump, or swimming pool machinery which does not produce a sound exceeding sixty-three (63) dBA on residential property or seventy (70) dBA on non-residential property, when measured at a distance of either fifteen (15) feet from the equipment producing the sound, or to the nearest exterior wall of a residential or commercial building under separate ownership, whichever distance is shorter.
- (7) Sound produced solely for the purpose of encouraging citizen participation in elections.

(Ord No 94706 § 2(Attach A) 9-13-01)

Sec. 21-56. - Method of noise measurement.

Whenever portions of this chapter prohibit noise over a certain decibel limit, measurement of said noise shall be made with a decibel meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every sampling of noise. Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. Times when the level of primary noise being measured does not exceed that of the background noise shall be considered as "off times" of the primary noise in determining the corrections from the correction table found in subsection 21-52(b). Except as provided in subsection 21-52(a)(12), measurements may be taken at a point on adjacent public or private property or on either side of an adjacent public right-of-way at or near the boundary line of the property where the noise is generated.

(Ord No 94706 § 2(Attach A) 9-13-01)

Sec. 21-57. - Enforcement.

- (a) *Administrative stop order.*
 - (1) The director, his/her designee, or duly authorized noise abatement officers may issue an order to any person having possession or control over noise generating property to immediately halt any sound which exposes any person, except those excluded in subsection (2) below, to continuous or impulsive noise levels in excess of those shown in Table 1. Within five (5) days following issuance of such an order, the director or his/her duly authorized representative may apply to the appropriate court for an injunction to replace the administrative stop order.
 - (2) No stop order shall be issued if the only persons exposed to sound levels in excess of those listed in Table 1 are exposed as a result of:
 - a. Trespass; or
 - b. Invitation upon private property by the person causing or permitting the sound.
- (b) *Seizure of noise producing property.* The director or his/her duly authorized agents are hereby authorized to apply to any magistrate for an administrative search warrant for the purpose of entering private property to investigate and identify noise nuisance producing devices, machines, instruments, or objects. Such identified property may be seized to summarily abate the noise nuisance if:
 - (1) A person who is cited for the subject noise violation has been convicted of a violation of any provision of this article within the preceding twelve (12) months, or has been declared to be an "habitual noise nuisance violator" within the preceding twenty-four (24) months; or
 - (2) The location of the noise nuisance has been declared an habitual noise nuisance source by the director, after appropriate notice to the real property owner or person in possession of the subject noise-source real property, of an administrative hearing to be held for the purpose of hearing evidence and determining whether the subject location is in fact an "habitual noise nuisance source." Upon finding a location to be an "habitual noise nuisance source," the noise producing property shall be immediately seized at the time of any subsequent violations whether or not there is a previous noise nuisance conviction associated with the location.

Such seizures shall be for the purpose of assuring continued cessation of the noise nuisance after the departure of the noise abatement peace officers by securing the instrumentality of the noise nuisance temporarily. The noise producing device, machine, instrument, or object shall be returned to the owner or person proving the right of possession, or to his/her authorized agent, not sooner than twenty-four (24) hours after seizure. Any disputed ownership or right of possession shall be resolved at a property disposition hearing before a magistrate of the city. Seizure of noise nuisance producing property shall be accomplished in addition to and not in lieu of municipal court prosecution and/or a civil suit for injunctive relief and civil penalties.

(c)

Impoundment of noise nuisance animals. Upon the determination by the director that any animal(s) at an identified address or location within the city has produced noise on two (2) occasions of a nature and intensity that violates the standards established by this division and/or section 5-201, animal nuisances, he/she may notify the resident or occupant that the animal(s) are producing a noise nuisance, and that an administrative hearing shall be held for the purpose of determining if the animal(s) constitute a continuing noise nuisance which must be summarily abated by seizure and impoundment until the owner or person from whom the animal was seized provides written consent of another person to provide shelter and care for the animal(s) in a fenced property not less than two hundred (200) feet from any neighboring residential structure or until the tenth day of impoundment. Said animals shall be destroyed if not reclaimed on or before the ten (10) days of impoundment.

- (d) *Declaration of habitual noise nuisance producer.* After producing noise measured at decibels in excess of the maximum allow by this article on three (3) separate days within a 12-month period, the noise producer shall be given notice of an administrative hearing before a municipal court magistrate for the purpose of introducing evidence so that the magistrate can make a determination of whether or not the cited noise producer is an "habitual noise nuisance producer," and if the magistrate so finds, a written declaration of said finding shall be signed by the magistrate and kept on file by the abatement officer for a period of one year.
- (e) *Declaration of habitual noise nuisance location.* After the production of noise in excess of that allowed by this article by anyone at the same address or property location on three (3) separate days within a 12-month period, the owner or lessee or person in possession shall be given notice of an administrative hearing before a municipal court magistrate for the purpose of introducing evidence so that the magistrate can make a determination of whether or not the location is an "habitual noise nuisance source," and if the magistrate so finds, a written declaration of said finding shall be signed by the magistrate and shall be kept on file by the abatement officer for a period of one (1) year.
- (f) *Seizure.* If the magistrate determines that the noise producer is an "habitual noise nuisance producer" or that the location is an "habitual noise nuisance source," the noise producing instrument, equipment, or other noise producing item used by the habitual noise nuisance producer may be immediately seized at the time of a subsequent decibel measurement in excess of that allowed by this article. At the time of such seizure, a written notice of the right to an immediate administrative hearing before a municipal court magistrate shall be issued to the habitual noise producer or owner or person in possession of the habitual noise nuisance source. The hearing shall be for the purpose of determining if a noise nuisance actually occurred on which the abatement officer based his seizure, and to voice any complaints about the manner of the seizure. If the noise produced is determined by the magistrate not to constitute a noise nuisance, the subject property shall be immediately delivered to the person from whom it was seized.

(Ord No 94706 § 2(Attach A) 9-13-01 Ord No 2007-04-05-0371 § 1 4-5-07)

Sec. 21-58. - Penalties.

- (a) It shall be unlawful for a person to do or perform any act prohibited by this article, and it shall be unlawful for a person to fail to do or perform any act required by this article. A violation of this article is a class C misdemeanor offense, no culpable mental state or criminal intent is required, and upon conviction, a person shall be fined an amount not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (b) Unless otherwise specifically provided for in this article, if it is found that a person intentionally, knowingly or recklessly violated any provision of this article, then upon conviction a person shall be fined an amount not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) except that, in the event a person has once previously been convicted under this article, the person shall be fined an amount not less than two hundred dollars (\$200.00) and shall be fined not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.
- (c) Nothing in this section shall limit the remedies available to the city in seeking to enforce the provisions of this chapter. Each day's violation thereof shall constitute a separate offense.

(Ord No 94706 § 2(Attach A) 9-13-01 Ord No 2008-03-06-0168 § 1 3-6-08)

Sec. 21-59. - Identification of violator.

The persons responsible for violations of this division are identified as follows:

- (1) *At private residences.* Any adult resident present at the time of the offense, and any adult guest or adult trespasser with the ability to control the level of noise at the time of the offense when no adult resident is present at the time of the offense.
- (2) *At business locations.* Any business owner, operator, manager, employee in charge, and all persons in control or in possession of the noise nuisance generating instrument or property at the time of the offense.
- (3) *At any location with an unattended noise nuisance producing machine, device, instrument, child, animal or combination of same.* Any person who leaves unattended any machine, instrument, device, child, animal, or any combination of same, which thereafter commences producing noise in violation of this article.

(Ord No 94706 § 2(Attach A) 9-13-01 Ord No 2007-04-05-0371 § 1 4-5-07)

Sec. 21-60. - River Walk standards.

In addition to the foregoing noise regulations, the following acts are declared to be noise nuisances when occurring in the River Walk area and it shall be unlawful for establishments located in the River Walk area, and the owners, managers, or officers thereof:

- (1) To place or cause to be placed speakers or amplified music on or near the patio of the establishment or in any other location outside the enclosed building on any side of the premises which can be seen from the San Antonio River;
- (2)

To create or allow the creation of noise from the establishment which exceeds a decibel level of seventy-two (72) dBA using the A frequency weighting and eighty (80) dBC using the C frequency weighting. This section is intended to prohibit the stated noise levels under both frequency measurements; and

- (3) To, if the establishment has been declared a habitual noise nuisance under section 21-57 of this chapter, and in addition to the remedies provided in section (e) thereof, keep any windows and doors to the establishment open after the hour of 10:00 p.m. except as necessary to provide for entry and exit to and from the establishment for a period of ninety (90) days from the date of declaration.

For purposes of this chapter, the term, "River Walk area" shall have the meaning assigned to it in Chapter 35, Article III of this Code.

(Ord. No 94705 § 2(Attach A) 9-13-01)

Sec. 21-61. - Appointment of abatement officers.

The city manager, his/her designee, or the director is authorized to appoint state licensed peace officers as "abatement officers" for nuisance abatement duties, and said officers shall report to the director or his/her designee as members of the staff of said department. Each peace officer appointment shall terminate with the termination of the nuisance abatement duty for which the peace officer was hired.

(Ord. No 94705 § 2(Attach A) 9-13-01 Ord. No 2007-04-05-0371 § 1 4-5-07)

Secs. 21-62—21-65. - Reserved.

Sec. 35-348. - "ED" Entertainment District.

STATEMENT OF PURPOSE

An entertainment district must have within its boundaries as a primary use a theme park or destination resort that is developed as a regional tourist entertainment facility. This district is designed to protect and encourage the creation and development of commercial recreation, tourist, vacation, hospitality, entertainment, sports and leisure facilities and complexes, together with complementary and accessory support facilities, operations and services that are associated with the tourist, hospitality and entertainment industries. The district is specifically created in order to classify such commercial recreation, entertainment and related uses in a distinct zoning category that expressly encompasses such uses, as opposed to the other business districts which do not specifically embody such uses. It is a flexible zoning classification that is intended to allow for a broad range of uses that will create a controlled, favorable environment for the development of diverse commercial entertainment and amusement activities, including by way of example, theme parks, destination resorts, tourist attractions, and other recreation and leisure facilities. Such flexibility permits and encourages an appropriate balancing of land uses that promotes the development of adequate support facilities and services.

(a) **Permitted Uses.** This district shall permit:

- A. Commercial entertainment, amusement, recreation and show parks or complexes that are developed as regional visitor tourist attractions and that are organized around a central theme or themes, such as, by way of example, music attractions, marine life attractions, water attractions, amusement rides and attractions, or tours and exhibitions. Such parks and complexes may include the following facilities: Indoor theaters, concert and entertainment facilities, rehearsal and production facilities, open air theaters, water attractions, amphitheaters, grandstand facilities, marine life facilities, guest attractions, rides, water activity areas, merchandise buildings and facilities (indoor and outdoor), playground facilities, arboreturns and botanical gardens, food and beverage buildings and facilities (indoor and outdoor), games, arcades, picnic areas and grounds, parking areas, service buildings, administration and operations facilities, main entrance buildings and facilities, security facilities, first aid facilities, wardrobe and locker facilities, and other similar facilities, attractions and activities. Such parks and complexes may also include all related accessory uses, buildings, structures and facilities that are necessary or incidental to the operation of such parks and complexes, including maintenance and fabrication facilities; food, beverage, and ice production preparation; storage and distribution facilities; wardrobe production and assembly facilities; laundry and cleaning facilities; maintenance facilities; salt water production and manufacturing facilities and related filtering, pipe, and plumbing infrastructure; warehouses, open sided shelters, and outdoor storage facilities; craft shops; bakeries; horse stables and equestrian centers; kennels, animal shelter and care facilities, and veterinary medicine facilities; and similar accessory uses and functions.
- B. Destination resorts.
- C. Outdoor amusement and recreation facilities, including but not limited to, golf courses (including customary clubhouses and appurtenant facilities), miniature golf courses, golf driving ranges, picnic areas, parks and playgrounds, bicycle and motor scooter rental facilities outdoor festivals, hiking trails, swimming pools, equestrian trails, and sports facilities and stadiums.
- D. Indoor amusement and recreational facilities, including but not limited to, bowling alleys, arcades, skating rinks, commercial recreation clubs and facilities, health and exercise oriented facilities, and theaters.
- E. Convention and meeting facilities.
- F. Concert and entertainment facilities and rehearsal and production facilities related thereto.
- G. Television, film and radio studios; recording and production facilities; talent booking and entertainment management facilities; and all related services and activities.
- H. Hotel facilities or complexes, including integrated and complementary recreational and commercial uses and facilities; timeshares; and other lodging facilities such as motels, motor inns, motor hotels, including associated accessory uses.
- I. Campgrounds and recreational vehicle parks, including integrated and complementary recreational and commercial uses and facilities.
- J. Business establishments selling merchandise, food, and beverages.
- K. Personal service establishments, including, but not limited to, barber shops, beauty salons, car rental agencies, kennels, travel agencies, and day care facilities.
- L. Business, financial, governmental, medical, and professional offices, agencies and studios.
- M. Food service and beverage facilities, catering facilities, and related activities, including the sale of alcoholic beverages for on- or off-premises consumption.
- N. Warehousing and wholesale distribution of foods, wares, and merchandise related to the primary use.
- O. Transportation facilities, including bus, railroad and taxi stations and facilities; tour and travel operations and facilities (including local sightseeing and destination travel services); parking facilities; tram, monorail, skywalk and moving sidewalk facilities; and other people moving facilities.
- P. Religious, cultural, educational, governmental, and social facilities, including but not limited to churches, museums, libraries, auditoriums, and tourist information centers.
- Q. Uses permitted in the "MF", "NC", "C-1", "C-2", or "C-3" districts.

Sec. 35-358. - "AE-1", "AE-2", "AE-3", and "AE-4" Arts and Entertainment Districts.

STATEMENT OF PURPOSE

The arts and entertainment special zoning districts are designed to support existing arts and entertainment venues and promote the creation of additional venues and supporting uses. These special zoning districts are appropriate where existing arts and entertainment venues are adjacent to areas with high building and lot vacancy rates where infill development and redevelopment is desired. By creating a distinct area for arts and entertainment venues and supporting uses, this zoning district allows a community to capitalize on nearby venues and draw visitors into the community. The arts and entertainment districts facilitate infill development and redevelopment by creating a consistent pattern of zoning, creating certainty about the form and function of future development and creating an identity that may be utilized to attract investment. The arts and entertainment districts include four (4) unique districts designed to accommodate a range of existing conditions and desired outcomes. All of the arts and entertainment districts require quality building design and materials and a pedestrian-oriented, mixed-use environment.

The "AE" districts implement the following master plan policies:

- *Growth Management, Policy 1b: Distribute land uses to meet the physical, social, cultural, economic and energy needs of present and future populations.*
- *Growth Management, Policy 1f: Encourage a balance of new development and redevelopment.*
- *Neighborhoods, Policy 1a: Rezone vacant or underutilized property in and around neighborhoods to encourage redevelopment that is compatible in use and intensity with the existing neighborhoods.*
- *Urban Design, Policy 1b: Develop urban design policies and standards which integrate and coordinate planning for historic and cultural resources, public facilities and services, and private development, infrastructure, transportation, arts and cultural resources, libraries, parks and recreation, health and human service facilities.*
- *Urban Design, Policy 1d: Develop criteria and procedures for infill development which will enhance the character of neighborhoods.*
- *Urban Design, Policy 1e: Apply strategies which will result in all existing and new streetscapes being accessible, safe and stimulating.*
- *Urban Design, Policy 4b: Use incentives to encourage development in underutilized urban areas.*
- *Urban Design, Policy 4c: Create streetscapes which emphasize both pedestrians and vehicles.*

(a) **Applicability.**

- (1) Property shall be located within one-half (½) mile of an existing primary arterial, secondary arterial or enhanced secondary arterial as delineated on the major thoroughfare plan and either:
 - A. At least fifty (50) percent of the property subject to rezoning shall be located within one-quarter (¼) mile and at least ninety (90) percent of the property subject to rezoning shall be located within one-half (½) mile of an existing publicly owned arts and/or entertainment venue including stadiums, performing arts venues, museums, theaters, convention centers, locations and/or structures of historical and/or cultural significance, and competition grade athletic facilities for professional or amateur athletic events.
 - B. Shall be located within the boundaries of a Neighborhood Commercial Revitalization (NCR) area designated by city council ordinance.
- (2) Unless explicitly superseded or modified by this section, the provisions contained in Article V: Development Standards, of this chapter shall be applicable to a property with AE-1, AE-2, AE-3 or AE-4 zoning.

(d) "AE-1" Arts and Entertainment District.

STATEMENT OF PURPOSE

The AE-1 district accommodates arts and entertainment venues and supporting uses in a higher density, pedestrian-oriented environment. This district supports infill development and the redevelopment of parcels along an existing arterial where lot and building vacancies are prevalent, but where nearby arts and entertainment venues bring people to the general area. The primary goal of this district is to create a mixed-use environment where arts and entertainment venues, commercial, residential and office uses harmoniously co-exist. The focus of design should be on the streetscape, with buildings located close to the front property line to form a street wall and street side public and private spaces adorned with pedestrian amenities.

- (1) **Location.** The AE-1 district zoning is appropriate along existing primary arterials, secondary arterials, or enhanced secondary arterials as delineated on the major thoroughfare plan. This district is appropriate for areas with high lot and building vacancy rates where the redevelopment of architecturally or historically significant structures and compatible infill development is desired. This district may be applied where the existing development pattern includes buildings with facades oriented to the street with zero to five-foot front setbacks creating a traditional main street pattern. The existing street pattern should be a grid pattern with short block lengths and shallow lots. This district is appropriate for areas where existing zoning is incompatible or does not reflect the existing or intended development pattern.
- (2) **Minimum Size.** An AE-1 district shall consist of at least one (1) block and include both opposing block faces.

(e) "AE-2" Arts and Entertainment District.

STATEMENT OF PURPOSE

The AE-2 district accommodates smaller scale arts and entertainment venues and supporting uses. This district supports infill development and the redevelopment of parcels along existing arterials where lot and building vacancies are prevalent, but where nearby arts and entertainment venues bring people to the general area. The primary goal of this district is to create space, in many cases within existing structures, for local artists to live, work, display and sell their artwork. Artists that locate within this district will benefit from the draw of other artists and the collective energy of the area. Corner lots may be utilized for neighborhood based commercial uses including cafes, bakeries, convenience stores and barber/beauty shops. This district is designed to harmoniously co-exist with adjacent single-family residential neighborhoods.

- (1) **Location.** The AE-2 district zoning is appropriate along existing primary arterials, secondary arterials, or enhanced secondary arterials as delineated on the major thoroughfare plan. This district is appropriate for areas with high lot and building vacancy rates where infill development and redevelopment is desired. This district may be applied where the existing development pattern includes a mix of residences and commercial establishments. The existing street pattern should be a grid pattern with shorter block lengths and smaller lots. This district is appropriate for areas where existing zoning is incompatible or does not reflect the existing or intended development pattern.
- (2) **Minimum Size.** An AE-2 district shall consist of at least one (1) block and include both opposing block faces.

(f) "AE-3" Arts and Entertainment District.

STATEMENT OF PURPOSE

The AE-3 district accommodates arts and entertainment venues and supporting uses in a town center pattern. This district support infill development and the redevelopment of larger parcels with frontage along existing arterials. This district is appropriate where lot and building vacancies are prevalent, but where nearby arts and entertainment venues bring people to the general area. This district is designed to bring residential, commercial and office development within a town center located immediately adjacent to an existing large entertainment venue with a regional draw. The town center should offer event goers dining and shopping opportunities in a pedestrian-oriented town center accessible via a short walk or ride on a trolley or other form of public transit from the entertainment venue main parking areas. A healthy mix of residential, commercial and office space will ensure this town center continues to function even on nights when there are no events at the large entertainment venue.

- (1) **Location.** The AE-3 district zoning is appropriate along existing primary arterials, secondary arterials, or enhanced secondary arterials as delineated on the Major Thoroughfare Plan. This district is appropriate for areas with high lot and building vacancy rates where infill development and redevelopment is desired. This district may be applied where the existing development pattern includes larger lots that are undeveloped or occupied by warehouses or other industrial buildings that are vacant or underutilized. Existing uses may include industrial, commercial, office or public/institutional. This district should be directly adjacent to or include within its boundaries a large entertainment venue with a regional draw. The existing street pattern should include higher capacity streets that could be supplemented with new lower capacity streets to create a grid pattern and break-up super blocks. This district is appropriate for areas where existing zoning is incompatible or does not reflect the existing or intended development pattern.
- (2) **Minimum Size.** An AE-3 district shall consist of at least one (1) block.

(g) "AE-4" Arts and Entertainment District.

STATEMENT OF PURPOSE

The AE-4 district accommodates light industrial uses that are located near existing arts and entertainment venues. This district allows for light industrial uses near existing arts and entertainment venues, but provides lot and building standards to ensure compatibility with adjacent uses and sensitivity to the high visibility of the area to visitors. Structures should be designed within a campus or park setting.

- (1) **Location.** The AE-4 district zoning is appropriate along existing primary arterials, secondary arterials, or enhanced secondary arterials as delineated on the major thoroughfare plan. It is appropriate for areas with established industrial uses that are in close proximity to existing arts and entertainment venues.
- (2) **Minimum Size.** An AE-4 district shall consist of at least one (1) block.

ARTS AND ENTERTAINMENT SPECIAL ZONING DISTRICTS USE MATRIX

	PERMITTED USE	AE-1	AE-2		AE-3	AE-4
			Corner	Interior		
Alcohol	Microbrewery	S			S	
Alcohol	Nightclub Without Cover Charge 3 or More Days Per Week				S	
Alcohol	Nightclub With Cover Charge 3 or More Days Per Week				S	
Alcohol	Wine Boutique	P			P	
Amusement	Amusement And/Or Theme Park - Outdoor Rides				S	
Amusement	Animal Racetrack And/Or Rodeo Arena				S	
Amusement	Billiard Or Pool Hall	S			S	
Amusement	Carnival And/Or Circus (Temporary For Not More Than 60 Days)				S	S
Amusement	Carnival And/Or Circus - Event Use (specific time limit set by city council on individual case consideration).				S	S
Amusement	Dance Hall				S	
Amusement	Fairground And/Or Stadium				S	
Amusement	Go-Cart Track				S	
Amusement	Laser Hide & Seek Games - Indoors	P			P	
Amusement	Laser Hide & Seek Games - Outdoors permitted				S	
Amusement	Live Entertainment Without Cover Charge 3 or More Days per Week (not including food service establishments)	S			S	
Amusement	Live Entertainment with Cover Charge 3 or More Days per Week (not including food service establishments)	S			S	
Amusement	Miniature Golf	P			P	
Amusement	Museum - Public or Private	P	P		P	
Amusement	Theater - Indoor permitting Over 2 Screens And/Or Stages	S			S	
Amusement	Theater - Indoor With 2 Or Less Screens And/Or Stages	P	S		P	
Amusement	Theater - Outdoor Including Drive-In & Amphitheaters				S	
Amusement	Video Games - Coin Or Token Operated	P	P		P	
Animal	Animal - Equestrian Center And Riding Trails				S	
Animal	Pet Grooming - Small Animals Only	P	P		P	
Auto	Auto Alarm & Radio - Retail (sales and					S