

Summary of Legislation and Changes to Existing Code

Category	Pre-Existing (Pre-June 30, 2003)	Existing (June 30, 2003 to Present)	Proposed (May 15, 2007)
Allowed Uses	The type of zoning that you have determines the types of uses that you are allowed “by right” and “by exception”.	There is no limitation to the existing uses allowed, however, there are additional “bonus” uses allowed, depending on what district of downtown your property is in.	Uses remain the same, except Commercial surface parking lots have been added to the Riverfront District as a “bonus” use and accessory surface parking lots have been added to Cathedral, Riverfront and Southbank Districts as a “bonus” use.
Districts	10 districts were presented in the Downtown Master Plan, however, they were not introduced into the Zoning Code.	10 districts are being introduced based on the approved Downtown Master Plan. These districts break up what is a very large downtown into succinct and identifiable areas of like uses and design.	Districts remain as is.
Alcohol	<ol style="list-style-type: none"> 1. Is allowed by right or by exception in all categories, except PBF 1. 2. Must comply with Distance Requirements – Part 656.805 	<ol style="list-style-type: none"> 1. Allowed as a bonus use in all districts except Church District. 2. Must comply with Distance Requirements – Part 656.805 	<ol style="list-style-type: none"> 1. Remains as is. 2. Remains as is.
Design Review Committee (DRC)	<ol style="list-style-type: none"> 1. Created with the Passage of the Downtown Master Plan via Ordinance 2000-321-E. 2. Members appointed by DDA Board. 	<ol style="list-style-type: none"> 1. Establishes the Design Review Committee a part of the Zoning Code. 2. Members will be appointed by the Mayor, and then confirmed by the City Council 	<ol style="list-style-type: none"> 1. Establishes the Downtown Design Review Board as part of the Zoning Code. Replaces DRC. 2. Remains as is.

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Downtown Design Review (DRC) Membership/Downtown Design Review Board (DDBR) Membership	Ad-Hoc Committee: <ol style="list-style-type: none"> 1. Vice-Chairperson of DDA is Chairperson of DRC 2. Executive Director of DDA 3. 3 Architects 4. 1 Landscape Architect 5. 1 Downtown Business Person 6. 1 Downtown Representative 	9 Voting DRC Members: <ol style="list-style-type: none"> 1. Vice-Chairperson of DDA is Chairperson of DRC. 2. Executive Director of DDA 3. 1 Architects 4. 1 Landscape Architects 5. 1 Contractor/developer/realtor 6. 1 Urban Planner 7. 3 Downtown Property Owners Ex-officio Members: <ul style="list-style-type: none"> ▪ Planning Commission Chairperson ▪ Building Inspection Chief ▪ Traffic Engineer ▪ Urban Forester ▪ Planning Director ▪ District Council Member ▪ JTA Director ▪ DVI Chairman <p>Terms: Architect and landscape architect- two years Contractor/developer/realtor, property owners, urban planner – one year Number of terms: No term limits</p>	9 Voting DDRB Members: <ol style="list-style-type: none"> 1. 2 Architects 2. 1 Landscape Architect 3. 1 Contractor/developer/realtor 4. 3 Property Owner/Business Owner/Employee 5. 1 Urban Planner 6. 1 Transportation Planner Ex-Officio Members: <ul style="list-style-type: none"> ▪ Building Inspection Chief ▪ Traffic Engineer ▪ JEDC Director ▪ Planning Director ▪ District Council President ▪ JTA Director ▪ Waterways Commission Chairman ▪ Historic Preservation Commission Chairman ▪ DVI Chairman ▪ School Board Chairman <p>Terms: All members serve two year terms, staggered with contractor/developer/realtor and property owners/business owner/business employee starting with an initial term of one year. All members limited to three terms.</p>

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Planning Commission; Administration and Interpretation of Zoning Code; Administrative Deviations; Notice of Public Hearings by City Council; Advisory Recommendation on Rezoning; Special Notices to CPAC's umbrella neighborhood organizations, etc.; Zoning Exceptions, Zoning Variances, Waivers, Amendments to Final Orders; Procedures on Final Decisions on exceptions, variances, waivers, and appeals; Notice of Public Hearings; Appeals from decisions of DDBR; Notice of Appeal; Appellate Procedure; Scope of Review; Decision of City Council and Final Action; Schedule of Fees; Appeals; Planned Unit Development;	Not applicable	Not Applicable	<p>Design Review Committee becomes the Downtown Design Review Board who shall review and approve all downtown projects that are subject to the City's Zoning Code (Chapter 656). The DDRB will replace the role of the Planning Commission within the jurisdictional boundaries of the present Downtown Design Review Committee. The Planning and Development Department staff will process all requests for rezonings, variances, exceptions, administrative deviations and all other administrative functions associated with such as they would through the Planning Commission. However, all requests for such, within the jurisdictional boundaries of the DDRB, will be reviewed and approved, approved with conditions or denied by the DDRB. DDRB will continue to review and approve, approve with conditions or deny projects previously reviewed by the DRC and shall continue to use the downtown zoning overlay criteria for guidance on such reviews. The DDRB will also continue to review and approve, approve with conditions or deny projects previously reviewed by the DRC associated with the Downtown Sign Overlay and the Downtown Maintenance Code.</p>
Design Guideline	<p>Already established and in-use via approval of the Downtown Master Plan</p> <ul style="list-style-type: none"> ▪ Urban Design Guidelines ▪ Streetscape Guidelines ▪ Site Design and Building Form Guidelines ▪ District Design Guidelines 	Existing Design Guidelines are included in the zoning code. Clarification has been provided where needed and clear enforcement and appeal rights are laid out, thus protecting the land owner and limiting any ambiguity that the DRC may have with applying the guidelines.	Added clarification on intent of deviation section of design guidelines. Design guidelines are to be interpreted as a descriptive guideline and not as a prescriptive code. Flexibility in the use of the design guideline is encouraged through the use of the deviation section.

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Setbacks	Based on the type of Zoning Category <ul style="list-style-type: none"> ▪ CCBD – None ▪ CCG 1&2 – 5 to 10 feet ▪ CRO – 15 to 20 feet 	None, the new code encourages the buildings be built to the property line to maximize property values regardless of what your zoning category is – this encourages an urban environment.	Added additional criteria to encourage open space to be used by the public on private property and better designed connections to public property. <ul style="list-style-type: none"> ▪ Green strips in front of buildings along roadways no longer allowed. Open space for public and private use to be located within building foot print located at the “build to” line. ▪ Open space elements shall include amenities such as ornamental fountains, sculptures, trellises, seating facilities, landscape features, waterfalls, arbors and there shall be continuity of improvements into the public streetscape by creating architectural features such as arcades, site furnishings, and landscape elements. Severe elevation changes and walls shall be discouraged and entryways to adjoining buildings provided. Handicap accessibility will be maintained.
Lot Coverage	Based on the type of Zoning Category <ul style="list-style-type: none"> ▪ CCBD – 100% ▪ CCG 1&2 – 100% ▪ CRO – 35% 	100% Lot Coverage allowed throughout downtown, the new code encourages the buildings to maximize lot coverage regardless of what zoning category is – this encourages an urban environment.	Clarification has been added to ensure this section is interpreted properly.

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Height Restrictions	Based on the type of Zoning Category <ul style="list-style-type: none"> ▪ CCBD – Unlimited ▪ CCG 1&2 – 60' ▪ CRO – 35' 	Height is controlled by the underlying zoning category, however requests for additional height are granted based on adherence to the remaining design guidelines and context of surrounding buildings or structures.	Added additional criteria for review of added height as follows: <ul style="list-style-type: none"> ▪ Building to be compatible with surrounding properties. ▪ Building shall not have adverse affect on light, air, solar or visual access. ▪ Building or structure to be compatible in design elements such as bulk, profile, color, materials. ▪ Increased size of building or structure shall be necessary for function of building. ▪ Increased height shall not affect the function of existing transmission or receiving equipment within a 5 mile radius
Entrances	One entrance on each elevation facing ROW	No Change.	Added criteria that an entrance must face a primary street and not a parking lot or motor court drop off area. Allows for secondary entrances for interior block parking lots and mid-block pedestrian passages from the parking lot to the street.
Rooftop Design	Very little regulation except as provided in Cell Tower legislation.	Limitations placed on Rooftop fixtures: <ul style="list-style-type: none"> ▪ Railings, planters, clerestories, skylights, play equipment, solar collectors parapets, firewalls – may extend up to 15' with some restrictions. ▪ Radio, television, religious, smokestacks, belfries, flag poles, etc. – may extend up to 50'. ▪ DRC can allow higher with special exemption. 	Added additional limitations as follows: <ul style="list-style-type: none"> ▪ Clarified the point of measurement to be taken from the property boundary lines when determining the 300' radius of the rooftop features.

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Off-Street Parking Requirements	<p>Depends on the type of use-same as in the suburbs.</p> <ul style="list-style-type: none"> ▪ Office = 4 per 1000 SF ▪ SF Home = 2 spaces ▪ Galleries, Museums, etc. – 1 per 500 SF ▪ Restaurants, Night Clubs, Taverns, Bars = 1 space for every 4 seats + 1 for every 2 employees. ▪ MF Dwellings <ul style="list-style-type: none"> ▪ Studio or 1BR <500 SF = 1.5 spaces. ▪ One BR > 500 SF = 1 ¾ spaces ▪ 2 BR = 2 spaces ▪ Each additional BR = ¼ space 	<ul style="list-style-type: none"> ▪ Central Civic Core District and Riverfront District – No parking required, except with Residential, Industrial Waterfront, and Hotel Uses. ▪ All other districts = 50% of existing requirements, unless new residential and hotel uses. ▪ Maximum off-street = existing minimum standards. ▪ 25% reduction in the maximum within 700' of ASE. ▪ Carpool and Vanpool Bonus. ▪ Short Term Parking Space Credit. ▪ Parking Plans required to participate in bonus programs. 	<p>Added additional criteria, which is as follows:</p> <ul style="list-style-type: none"> ▪ Removed IW from full parking requirements. ▪ Clarified existing residential and hotel building parking requirements – no parking requirement in Central Civic Core; 50% of the underlying zoning parking requirement for existing residential and hotel buildings in the remaining districts. New residential and hotel buildings (not existing buildings) will meet full underlying zoning parking requirement. ▪ 25% ASE reduction to be measured from property lines of proposed project. ▪ All maximum parking requirements to be reduced by 25% ASE reduction when applicable. ▪ DDRB staff authorized to determine parking plan compliance when utilized. ▪ Vehicular entrances and exits to be located off of primary street that building faces. ▪ Commercial surface parking lots subject to screening and landscaping requirements of Design Guidelines.

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Garage Design	<ul style="list-style-type: none"> Structure must be architecturally compatible with existing buildings. 50% of street frontage must be retail or ground floor use. 	No change.	<p>Changed retail/ground floor requirements as follows:</p> <ul style="list-style-type: none"> Retail and ground floor use requirement limited to Central Civic Core and established Retail Pedestrian Oriented Streets. JEDC will commission retail market analysis to determine streets most conducive to retail/commercial use. Garages located on streets deemed not conducive to retail/commercial development will be designed to incorporate architectural screening solutions that mimic windows, entrances, etc. and include upgraded landscaping elements.
Surface Lot Design (angle and aisle widths)	<ul style="list-style-type: none"> Existing city regulations 	<ul style="list-style-type: none"> New more modern and flexible designs recently approved by the ULI, AIA, APA, and NPA. 	Allows other acceptable standards to be considered.
Landscaping	<p>Subject to Part 12 of the Zoning Code:</p> <ul style="list-style-type: none"> Interior = 10% of VUA Exterior = 1- SF for every linear foot of street frontage. 	<ul style="list-style-type: none"> 0-100 Spaces = perimeter requirements only along ROW. 1001-299 = landscaped interior end islands and perimeter. 300+ = Subject to existing Part 12 + pedestrian walkway. 	No change.
Streetscape Design	Downtown Master Plan designated each roadway downtown and lays out a variety of tree species to plant, historic light fixtures, and brick paver designs.	No change.	Clarifies maintenance agreement form and adds criteria that affected property owners will agree to adhere to maintenance code requirements of Sec. 5 of Ch. 5
Waterfront Design	Downtown Master Plan calls for development of riverfront park along the river, McCoy's and Hogan's Creeks.	Establishes 50' setback from river's edge. Riverfront Park to be developed within 50' setback area. Linear parks will be developed along banks of McCoy's and Hogan's Creeks.	Added criteria that easement area for riverwalk can be dedicated to City and the City's Riverwalk Design Criteria may be amended from time to time, by the City, and that proposed riverwalk designs adhere to City' Riverwalk Design Criteria, as may be amended.

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View Corridor	Downtown Master Plan calls for views to the river be maintained by encouraging building forms and massing that step buildings back from the river, break up buildings by allowing views through architecture, encourage building breaks, encourage variety of roof forms, and orient buildings perpendicular to the river to allow views from interior blocks.	Established a View Corridor for downtown. Prohibit street right-of-ways leading to the river from being closed unless equivalent alternate public access corridors are provided. Where distances between r/w exceed 300', a pedestrian access easement 40' wide will be provided 150' from an existing r/w. Height of buildings limited to underlying zoning.	No changes except that height increase requests will be required to adhere to the same new criteria as outlined in the Height Restriction category.
Encroachment	Downtown Master Plan calls for buildings facades design to involve the pedestrian by providing differentiated building walls, open and inviting facades, and variety of detail and form by addressing variation in plane walls, horizontal and vertical articulation, glazing, finishes, and colors. Calls for the use of awnings, marquees, overhangs, balconies, etc.	Establishes criteria to allow for structural elements such as balconies, marquees, awnings, etc. to be allowed within public right-of-way. Also, establishes criteria for pedestrian skywalks.	Buildings or structures located on Pedestrian Retail Oriented Streets, as determined by JEDC staff, shall be required to install awnings, arcades or other structural elements that protect pedestrians from sun or rain over all doors, windows, and other transparent elements.
Transparency	Downtown Master Plan calls for buildings to be designed with minimal blank wall space. Encourages continuity of retail and pedestrian consumer service uses by visually connecting activities occurring within a structure to adjacent sidewalk areas.	Establishes criteria whereby 50% of building façade between 2' and 10' will be transparent. Uses within transparent area will be occupied uses and shall not be devoted to parking of vehicles and trucks.	Buildings or structures located on Pedestrian Retail Oriented Streets, as determined by JEDC staff, shall be required to install awnings, arcades or other structural elements that protect pedestrians from sun or rain over all doors, windows, and other transparent elements.
Grid Pattern	Downtown Master Plan calls for traditional block patterns to be maintained.	Establishes criteria to discourage the closure of downtown streets unless a positive finding can be found to justify the closure.	Added public pedestrian access will be provided, if street closed

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Application Procedures	DRC projects submitted utilizing application format based on meeting the development guidelines of the Downtown Master Plan.	<p>DRC projects are classified as follows:</p> <p>(1) Staff Review Only</p> <ul style="list-style-type: none"> (a) landscaping (b) streetscape elements (c) minor structural changes (d) signage <p>(2) DRC Review</p> <ul style="list-style-type: none"> (a) new construction (b) structural change to exterior facade of existing structure(s) (c) other projects deemed appropriate by staff for review by the DRC <p>The process requiring Staff Review is a one-step procedure whereby DRC staff will review and approve development guidelines in the Downtown Zoning Overlay or Downtown Signage Overlay.</p> <p>The process requiring DRC Review is a two-step procedure, consisting of a Preliminary Approval and a Final Approval. In order to be granted Preliminary Approval, the architect or agent for the developer must submit an application to the Design Review Committee to review and approve based upon the development guidelines in the Downtown Zoning Overlay or Downtown Signage.</p>	<p>Application process remains similar; however, clarification on application submittal items has been made. Additionally, application process now includes a redevelopment agreement process for purposes of allocating DRI development rights to projects. Projects will be required to meet the performance standards of the Transportation Concurrency Exception Area Mitigation Plan, which will be tied to redevelopment agreements and allocation of DRI development rights agreements. Process also includes a new multi-phase project approval process allowing conceptual approval of projects based on density, urban form layout and construction performance schedule with detailed architectural review to be presented for final review and approval as project is developed based on performance construction schedule. Application process also clarifies the Historic Preservation Commission (HPC) role in review and approval of proposed modifications to the exterior of historic structures. HPC approval will be required before final approval can be granted by DDRB. DDRB will also institute review fees. Non-multi phase project-\$750; multi-phase projects-\$1,500; amendments to final approvals-\$50, staff review only-\$0. Time frames between conceptual approval and final approval have been increased from 30 days to 180 days unless tied to the construction performance schedule of a redevelopment agreement. Non-redevelopment agreement associated DRC approvals are valid for one year with a new maximum one year extension.</p>

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