



Text File

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Committee: Committee on Planning, Zoning & Land Use

Status: Passed Finally

Presented by Mr. Udin

Ordinance amending the Pittsburgh Code, Title Nine, Zoning Map by changing zoning district boundaries by extending the SP-4 district to S 1st St, extending the DR-C, GT-C and GT-B districts to the 16th St Bridge and creating the new GT-E district bounded by the Crosstown Expressway, Crawford St and Fifth Ave; and amending the Pittsburgh Code, Title Nine, Zoning with changes regarding Gaming Enterprises including amending text for the SP-4 district, adding text for the GT-E Subdistrict, adding Gaming Enterprise to the Use Table, amending the Use Standards for Adult Entertainment, Parking, Commercial, Firearm Business Establishment, Check Cashing and Pawn Shop uses, revising landscaping standards for surface parking, adding Site Plan Review criteria for large footprint buildings, amending the Project Development Plan, Preliminary Land Development Plan and Final Land Development Plan procedures and adding new definitions.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1.

1. Amend Section 902.03, Zoning District Map of the Pittsburgh Code by changing the following zoning district classifications:

From CP / Commercial Planned Unit Development to SP-4 / Specially Planned District #4: Station Square all properties bounded by the center of the Monongahela River, South 1st St, East Carson St and Smithfield St, 17th Ward.

2. Amend Section 902.03, Zoning District Map of the Pittsburgh Code by changing the following zoning district classifications:

From UNC / Urban Neighborhood Commercial, RM-M / Residential Multi-Unit, Moderate Density, RM-VH / Residential Multi-Unit, Very High Density and AP / Mixed Use Planned Unit Development to GT-E / Golden Triangle, Subdistrict E all properties bounded by Crawford St, Pride St, Fifth Ave, the centerline of the Crosstown Expressway and Bigelow Blvd, 2nd and 3rd Wards.

3. Amend Section 902.03, Zoning District Map of the Pittsburgh Code by changing the following zoning district classifications:

From UI / Urban Industrial to GT-B / Golden Triangle, Subdistrict B all properties bounded by Smallman St, 16th St, the Martin Luther King Jr East Busway and the centerline of the Veteran's Br, 2nd Ward.

4. Amend Section 902.03, Zoning District Map of the Pittsburgh Code by changing the following zoning district classifications:

From GI / General Industrial to GT-C / Golden Triangle, Subdistrict C all properties bounded by the center of the Allegheny River, the 16th St Bridge, Smallman St and the Veteran's Br, 2nd Ward.

5. Amend Section 902.03, Zoning District Map of the Pittsburgh Code by changing the following zoning district classifications:

From UI / Urban Industrial and PO / Parks and Open Space to DR-C / Downtown Riverfront, Subdistrict B all properties bounded by the Norfolk-Southern Railroad, Chestnut St / 16th St, the center of the Allegheny River and the Veteran's Br, 23rd Ward.

6. Amend Section 909.01.D.3(a), Floor Area Ratio as follows:

(a) Floor Area Ratio

The maximum permitted floor area ratio within any SP district shall be ~~[4.0. A lower floor area ratio standards may be established with]~~ set in the text in each individual SP ~~[sub]~~district.

7. Amend Section 909.01.I.1 (SP-4 (I) Park/Landing Subdistrict) as follows:

(a) Use Regulations

Within the SP-4 (I) subdistrict, land and structures may be used, and structures may be erected, altered, and enlarged for only the following uses:

- (1) Multiple-unit dwellings;
- (2) Restaurants, including those with live entertainment;
- (3) Office;
- (4) Institutional, limited to museum, exhibition, and library;
- (5) Hotels;
- (6) Theaters;
- (7) Major parking area or major parking garage;
- (8) Child day care center;
- (9) Retail uses within buildings where such uses are not the principal use, and only when located within

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- a structure housing a permitted principal use;
- (10) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident in the use thereof;
- (11) Accessory uses that are clearly incidental to permitted principal uses, and only when located within a structure housing a permitted principal use; ~~[and]~~
- (12) Signs larger than twenty (20) square feet visible from the river or from across the river shall be neon and positioned so as to maximize reflection in the river; and
- (13) Gaming Enterprise.

8. Amend Section 909.01.I.3 (SP-4 (III), Historic Subdistrict) to include:

(a) Use Regulations

Within the SP-4 (III) subdistrict, land and structures may be used, and structures may be erected, altered, and enlarged for only the following uses:

- (1) Multiple-unit dwellings;
- (2) Restaurants, including those with live entertainment;
- (3) Office;
- (4) Institutional, limited to museum, exhibition, and library;
- (5) Hotels;
- (6) Retail sales, including personal service;
- (7) Theaters;
- (8) Child day care center;
- (9) Accessory uses that are clearly incidental to permitted principal uses, and only when located within a structure housing a permitted principal use; ~~[and]~~
- (10) Signs larger than twenty (20) square feet visible from the river or from across the river shall be neon and positioned so as to maximize reflection in the river; and
- (11) Gaming Enterprise.

(b) Maximum Height

The maximum height of structures hereafter erected or enlarged or used in the SP-4 (III) subdistrict shall [be] not exceed 125 feet (not to exceed 10 stories). Height for Residential and Hotel/Motel uses shall not exceed 175 feet and 20 stories. Additional height for Residential and Hotel/Motel uses may be allowed by the Planning Commission provided that the height of such use or uses shall not exceed 275 feet and 25 stories and that the building is oriented perpendicularly to the Monongahela and Ohio Rivers. [as follows:

- ~~(1) Structures north of Station Square Road: Twenty-five (25) feet~~
- ~~(2) Structures south of Station Square Road: One hundred (100) feet]~~

9. Amend Section 909.01.I.4 (Regulations Applicable Throughout the SP-4 District) as follows:

909.01.I.4 Regulations Applicable Throughout the SP-4 District

The following regulations shall apply throughout the SP-4 district:

(c) Floor Area Ratio

The maximum floor area ratio for the entire SP-4 District shall be four (4) [1.5].

(d) Traffic [~~Limitations~~]Analysis

[Total gross floor area shall not exceed that which is projected to generate a maximum number of vehicles in the evening peak hour for each subdistrict as follows, to be established from the results of a current trip generation analysis consistent with the 1992 analysis, prepared for the Planning Commission:

~~With vehicular traffic capacity existing on the date of this subsection:~~

~~For new development not existing on the date of this subsection, and with evening peak hour traffic of one thousand three hundred seventy-eight (1,378) vehicles generated by the existing development:~~

Subdistrict I: _____ 914
Subdistrict II: _____ 101
Subdistrict III: _____ 48
Entire SP-4 District: _____ 2,441

~~With increased vehicular traffic capacity, achieved by means of a City-approved design and construction of a McKean Street extension to intersect with Arlington Avenue extension, or other vehicular traffic improvements:~~

~~For new development not existing on the date of this subsection and with evening peak our traffic of one thousand three hundred seventy-eight (1,378) vehicles generated by the existing development:~~

Subdistrict I: _____ 1,094
Subdistrict II: _____ 121
Subdistrict III: _____ 57
Entire SP-4 District: _____ 2,650]

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Traffic and Parking Demand Analyses shall be required for all new development in a format specified by the Zoning Administrator. The Zoning Administrator shall review the submitted analyses, including all sources of data, to establish appropriate traffic and parking mitigation measures. The costs for constructing and implementing all required mitigation measures shall be the responsibility of the Applicant.

10. Amend Section 909.01.K.1(a)(1) - SP-6 Development Subdistrict A - Race Track as follows:

(1) The following uses shall be permitted by right:

[Casino: ~~casino means a building, room or rooms offering games of chance~~] Gaming Enterprise

11. Amend Section 910.01.B (GT Subdistricts) as follows:

910.01.B GT Subdistricts

GT District is further divided into the [~~four (4)~~] five (5) following zoning subdistrict classifications:

1. GT-A, Golden Triangle Subdistrict A
2. GT-B, Golden Triangle Subdistrict B
3. GT-C, Golden Triangle Subdistrict C
4. GT-D, Golden Triangle Subdistrict D
5. GT-E, Golden Triangle Subdistrict E

The term "GT District" when used alone, without the subdistrict letter, shall be deemed to include all [~~four (4)~~] five (5) of the subdistricts.

12. Amend Section 910.01.C.4(1) (In the GT-A, GT-B and GT-C Districts) as follows:

(1) *In the GT-A, GT-B, [~~and~~] GT-C and GT-E Districts:*

13. Amend Section 910.01.J (GT-E Subdistrict) by inserting the following:

910.01.J GT-E Subdistrict

The provisions in this section shall apply to lands within the GT-E Subdistrict of the GT District.

910.01.J.1 Purpose

The purposes of the GT-E Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application as a transitional area between the Golden Triangle and Crawford Square where regional and local uses can coexist harmoniously; and
- (b) To encourage connections between the Golden Triangle Area and the Crawford Square neighborhood by means of restoring a traditional pattern of development.

910.01.J.2 Site Development Standards

Each site in the GT-E District shall be subject to the following site development standards.

(a) Minimum lot area per Dwelling Unit

No more than one (1) dwelling unit or suite shall be permitted per one hundred ten (110) square feet of lot area in the GT-E Subdistrict.

(b) Floor Area Ratio

(1) Nonresidential

The maximum floor area ratio for structures that do not contain residential or hotel units shall be six (6).

(2) Residential and Hotel/Motel

The maximum floor area ratio for structures that contain residential dwelling units or hotel/motel uses shall be six (6), provided that a maximum floor area ratio of up to seven and one-half (7.5) may be allowed by the Planning Commission when the total amount of residential or hotel/motel floor area equals or exceeds twice the amount of bonus floor area.

(c) Urban Open Space

Urban Open Space shall be provided at ground level on lots of 20,000 sq feet or more in an amount at least equal to 10 percent of the lot area.

(d) Height

Structures or portions of structures, shall not penetrate an inclined plane determined by straight lines connecting points one hundred (100) feet above established grade one hundred (100) feet west of Crawford Street and four hundred (400) feet above established grade at Fifth Avenue and the Crosstown Expressway.

14. Amend Section 911.02, Use Table as follows:

Commercial Parking (general) as a [~~Permitted Use~~] use by Special Exception in the DR / Downtown Riverfront district.

15. Amend Section 911.02 (Use Table) to include:

Gaming Enterprise means an establishment where the playing of those games of chance or mixed chance and skill allowed under the Commonwealth of Pennsylvania law are conducted. A Gaming Enterprise use shall not include a facility where resort accommodations are offered to transient guests in conjunction with the operation of games of chance or a facility where live horse or dog race meetings are conducted with pari-mutual wagering.

16. Amend Section 911.02 (Use Table) as follows:

Gaming Enterprise as a Permitted Use in the GT / Golden Triangle and DR / Downtown Riverfront districts.

17. Amend Section 911.02 (Use Table) to include:

Pawn Shop means an establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

18. Amend Section 911.02 (Use Table) to include:

Pawn Shop as a Use by Special Exception in the HC / Highway Commercial, GI / General Industrial and UI / Urban Industrial Zoning Districts.

19. Amend Section 911.04.A.1 (Adult Entertainment) as follows:

911.04.A.1 Adult Entertainment

Adult Entertainment uses shall be subject to the following standards:

(a) Separation from other Adult Entertainment Uses

The building housing an Adult Entertainment use shall not be located within one thousand (1,000) feet of any [~~two (2)~~] of the following uses: Adult Entertainment uses, Amusement Arcade, Hotel/ Motel, bar or nightclub or Gaming Enterprise.

20. Amend Section 911.04.A.45, Parking, Commercial (General) by inserting the following:

(d) The lot containing the Parking, Commercial (General) use shall not be located within 1000 feet from a Gaming Enterprise as measured from the lot lines of the subject properties.

21. Amend Section 911.04.A.87(b), Parking Structure (General) as follows:

(3) In the HC, GT and DR Districts:

22. Amend Section 911.04.A.92(a) Firearms Business Establishment as follows:

Firearms Business Establishment shall be subject to the following standards in the NDI, UNC, HC, GI, UI, GT, an DR Districts:

- (a) Firearms Business Establishments shall not be located in a designated area that contains any of the following uses. The building shall not be located within a distance of five hundred (500) feet, measured along a straight line projected from each pedestrian entrance or exit of the subject occupancy to the nearest building wall or boundary line for a park or playground of any of the following:
- (1) Elementary or secondary school;
 - (2) Public playground;
 - (3) Public or non-profit operated recreation center;
 - (4) Drug or alcohol rehabilitation center;
 - (5) Church, synagogue, or temple;
 - (6) Gaming Enterprise

23. Amend Section 911.04.A.93 Check Cashing as follows:

The following standards shall apply to all Check Cashing uses:

- (c) The building housing a Check Cashing facility shall not be located within one thousand (1,000) feet from another Check Cashing facility, a Pawn Shop, Gaming Enterprise or a facility containing mechanical or electronic devices, machines, tables or apparatus of any kind used for playing games of skill or amusement, as a primary or accessory use, as measured from the center point of the subject building;

24. Amend Section 911.04.A (Standards That Apply to Uses in the Use Table) by inserting the following:

911.04.A.97 Pawn Shop

The following standards shall apply to all Pawn Shop uses:

- (a) Pawn Shop facilities shall not be open for business to customers for more than nine (9) hours within any 24-hour period and shall not be open for business on Sundays;
- (b) The building housing a Pawn Shop facility shall not be located within 500 feet from any residential use as measured from the center point of the subject building;
- (c) The building housing a Pawn Shop facility shall not be located within 1,000 feet from another Pawn Shop, a Check Cashing facility, Gaming Enterprise or a facility containing mechanical or electronic devices, machines, tables or apparatus of any kind used for playing games of skill or amusement, as a primary or accessory use, as measured from the center point of the subject building;
- (d) The use of bars, chains, or similar security devices that are visible from a public street or sidewalk shall be prohibited.

25. Amend Section 914.02.A (Schedule A) to include:

	Minimum Off-Street Automobile Spaces	Maximum Off-Street Automobile Spaces
<u>Gaming Enterprise</u>	<u>Parking Demand Analysis required, see 914.02.B</u>	
<u>Pawn Shop</u>	<u>1 per 500 s.f. above first 2400 s.f. 1 per 175 s.f.</u>	

26. Amend Section 914.02.C by inserting the following:

914.02.C Structured Parking Required

All principal and accessory off-street parking uses in the GT, DR, EMI and SP districts, where more than 150 number of spaces are provided, shall comply with the following requirements:

- (a) Surface parking shall be permitted for no more than 150 spaces;
- (b) All parking in excess of 150 spaces shall be structured;

(c) In no case shall an accessory parking area or structure occupy more than half the lot area of the lot containing the principal use that the parking area or structure serves.

27. Amend Section 918.01.B, Applicability as follows:

The landscaping and screening standards of this chapter shall apply to all development that is subject to the Site Plan Review provisions of Sec. 922.04, the Project Development Plan provisions of Sec. 922.10 and the Final Land Development Plan Provisions of Sec. 922.11.C, except that the following shall be exempt to the extent indicated.

28. Amend Chapter 918.02.A, General Landscaping as Follows:

918.02.A General Landscaping

Any portion of a developed lot or property that is not used for the location of buildings, structures, accessory uses, off-street parking, loading areas, sidewalks or similar features shall be landscaped. Landscaped areas shall be irrigated. Mulch, stone and other non-vegetative material shall not be substituted for landscaping. Paving that exceeds requirements for off-street parking areas, driveways, loading areas and sidewalks shall not be substituted for landscaping.

29. Amend Chapter 918.02.B, Off-Street Parking Areas as follows:

918.02.B Off-Street Parking Areas

[Off-street parking areas shall be landscaped in one (1) of the following ways; landscaping can suffice for the screening requirement in Sec. 918.03 below.

~~918.02.B.1 Option 1~~

~~Under option 1, no parking space shall be further than fifty (50) feet from a shade tree or landscaped area containing a shade tree.~~

~~918.02B.2 Option 2~~

~~Under option 2]~~ A minimum of twenty-five (25) square feet of landscaping shall be provided for each parking space in parking lots with up to one hundred (100) parking spaces. For parking lots with more than one hundred (100) parking spaces, a minimum thirty (30) square feet of landscaping shall be provided for each parking space. Required landscaping shall take the form of planter strips, landscaped areas, or perimeter landscaping. The landscaping shall include at least one (1) tree for every five (5) parking spaces. Landscaped

areas shall be dispersed throughout the parking lot. Planter strips, landscaped areas, and perimeter landscaped areas shall have a minimum width of five (5) feet.

30. Amend Chapter 919.01.E(7), Prohibited Signs as follows:

919.01.E Prohibited Signs

7. Any building which uses trademark colors, shapes or symbols as a primary exterior architectural element.

31. Amend Section 922.04.E - Site Plan Review Criteria by inserting the following:

6. For all properties and uses that contain a new structure with a footprint area in excess of 50,000 square feet and are specifically required by the Code to undergo site plan review the following standards shall apply:

a. Ground-Floor Tenant Space

The street level façade shall be lined with space suitable for lease to individual commercial operations for no less than sixty percent (60%) of the horizontal length of the building façade facing the primary street and forty percent (40%) of the horizontal length of the building facades facing secondary streets. Each individual commercial space shall have an independent entrance and signs on the exterior of the structure.

b. Ground-Floor Transparency

The street level façade shall be transparent between the height of three (3) feet and eight (8) feet above the walkway for no less than seventy percent (70%) of the horizontal length of the building façade facing the primary street and forty percent (40%) of the horizontal length of the building facades facing secondary streets.

c. Upper-Floor Transparency

The building façades facing the primary and secondary streets above the street level floor shall be transparent at each floor level for no less than twenty-five percent (25%) of the horizontal length of the upper floor façade.

d. Doorways and Entrances

All primary structures shall provide a prominent and highly visible street level doorway or entrance on

the facade of the building which fronts along a primary or secondary street. Doorways or entrances situated on corners of structures may face both parking areas and the primary or secondary street; otherwise, the doorway or entrance shall not face a parking area. Main entrances to buildings should be emphasized using larger doors and framing devices such as deep overhangs, recesses, peaked roof forms and arches.

e. Building Height

All primary structures shall be no less than forty (40) feet in height and shall not be less than two (2) stories.

f. Service and Docking Facilities

All waste removal and storage areas, loading docks and service yards shall not be located along a facade facing a primary or secondary street and shall be entirely enclosed within the primary structure. Such facilities shall be separated from the main circulation and parking functions.

g. Utility and Mechanical Equipment

i. Utilities shall be underground from R.O.W. to building.

ii. All utility equipment including but not limited to meters, transformers and electrical switches shall not be visible from a property line, parking area or customer entrance or should be located inside of the principal structure except where specifically prohibited by the utility.

iii. Roof mounted mechanical equipment shall be located such that is not visible from a point six (6) feet above grade within one hundred (100) feet of the structure on which it is mounted.

h. Sidewalks

Sidewalks shall be provided which are a minimum of fifteen (15) feet in width at the perimeter of the lot facing the primary street and a minimum of twelve (12) feet in width at the perimeter of the lot facing the secondary streets. Sidewalks shall be a minimum of ten (10) feet in width when provided for pedestrian circulation in parking areas and between ROW and customer entrances.

i. Lot Line

All new construction and/or enlargements shall maintain a eighty (80) percent building frontage along each exterior lot line facing a primary or secondary street.

j. Parking Requirements

i. Surface parking shall be permitted for no more than 300 spaces except in the GT, DR, EMI and SP Districts, where surface parking shall be permitted for no more than 150 spaces.

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- ii. All parking in excess of 300 spaces shall be structured except in the GT, DR, EMI and SP Districts, where all parking in excess of 150 spaces shall be structured.
 - iii. Surface parking areas shall be designed by a registered landscape architect.
 - iv. Landscaping in surface parking areas shall include one (1) tree for every for every five (5) parking spaces and one additional (1) tree at the termination of each row of spaces.
 - v. No more than five (5) contiguous parking spaces shall be permitted in surface parking areas.
 - vi. Where rows of parking spaces face one another a four (4) foot landscaped area shall be required between rows.
 - vii. Planting areas not separated by vehicular aisles shall abut.
 - viii. A planting area of not less than eight and one-half (8.5) feet in width and nineteen (19) feet in length shall be provided for each tree.
 - ix. Tree planting areas shall be protected by raised curbs.
 - x. Trees shall be of the large canopy variety.
 - xi. Tree selection and placement shall be reviewed by the City Forester.
 - xii. Light poles and fixtures shall be metal-halide and shall comply with the City of Pittsburgh Downtown Standard.
 - xiii. Pedestrian aisles shall be provided to connect parking areas with the primary structure. Pedestrian aisles shall be clearly demarcated.

k. Building Materials

Exterior finish materials shall be of enduring quality. Synthetic stucco, concrete block and simulated wood products may not be used as primary exterior finish materials.

l. Storm Water Management

A storm water management plan shall be submitted in a form prescribed by the Zoning Administrator.

m. Natural Features

The development shall minimize negative impacts on existing natural features and shall be designed so as to be compatible with natural features that are retained.

[6]7. Additional Information

When determined by the Zoning Administrator, any additional information specific to the proposed use as deemed necessary by the Zoning Administrator or Planning Commission for adequate site plan review.

[7]8. Conformance with Plans and Policy

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Projects are required to be compatible and conform to any master plan, comprehensive plan or development strategy approved by the Planning Commission.

32. Amend Section 922.10.D - Project Development Plans: Preliminary Review by inserting the following:

922.10.D.2 Development on sites of 3 or more acres

Any development of a building or buildings that require Project Development Plan review on a site of 3 or more acres is required to submit a Master Development Plan prior to the application for individual building or buildings review.

A complete application for a Master Development Plan shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator. Upon determining that the Master Development Plan application is complete, the Zoning Administrator shall schedule a review by the Planning Commission

The Planning Commission shall approve a Master Development Plan application only if it finds that the proposal meets all of the following criteria:

- (a) That the proposed development shall create an efficient, functional and attractive urban area which incorporates a high level of amenities;
- (b) That the proposed development shall create a favorable environmental, social and economic impact on the City;
- (c) That the proposed development shall not be injurious to other property in the immediate vicinity, nor substantially diminish or impair property values within adjacent zoning districts;
- (d) That adequate utilities, road, drainage and other necessary facilities have been or shall be provided;
- (e) That adequate measures have been or shall be taken to provide ingress and egress designated so as to minimize traffic congestion in the public streets; and
- (f) That the proposed development complies with plans and policy documents adopted from time to time by the City.

33. Amend Section 922.10.E.1 - Project Development Plans: Final Review by inserting the following:

922.10.E.1(a) Notice Requirement for Gaming Enterprise Developments

(a) Notice, Hearing and Action

Upon determining that a Project Development Plan that is specific to a gaming Enterprise is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and give at least twenty-one (21) days notice of the hearing by posting in accordance with the notice requirements of Section 922.01.C.2 and by mail in accordance with the notice requirements of Section 922.01.C.1 to all property owners within a one hundred and fifty (150)

foot radius of the subject property. The Planning Commission shall hold a public hearing on the Project Development Plan application specific for Gaming Enterprises. After the public hearing, the Commission shall act to approve, approve with conditions or deny the application within 45 days of the public hearing.

34. Amend Section 922.10.E.2 - Project Development Plan: Review Criteria as follows:

- (m) If the proposed application includes a building(s) that exceeds 50,000 square feet of building footprint, the proposed development must adequately address large footprint building criteria of Section 922.04.E.6.

35. Amend Section 922.11.B.6 - Amendments as follows:

922.11.B.6 Amendments

The procedure for amending an approved Preliminary Land Development Plan shall be the same as required for a new Preliminary Land Development Plan under Section 922.11.B.2.

36. Amend Section 922.11.C.2(a) - Specific Criteria for Gaming Enterprises by inserting the following:

922.11.C.6(a) Notice Requirement for Gaming Enterprise Developments

(a) Notice, Hearing and Action

Upon determining that a Final Land Development Plan that is specific to a gaming Enterprise is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and give at least twenty-one (21) days notice of the hearing by posting in accordance with the notice requirements of Section 922.01.C.2 and by mail in accordance with the notice requirements of Section 922.01.C.1 to all property owners within a one hundred and fifty (150) foot radius of the subject property. The Planning Commission shall hold a public hearing on the Final Land Development Plan application specific for Gaming Enterprises. After the public hearing, the Commission shall act to approve, approve with conditions or deny the application within 45 days of the public hearing.

37. Amend Section 922.11.C.2 - Final Land Development Plans: Review and Action by the Planning Commission as follows:

922.11.C.2 Review and Action by the Planning Commission

The Planning Commission shall review the Final Land Development Plan and Improvement subdivision site plan and evaluate whether the plans comply with the approved Preliminary Land Development Plan. The Planning Commission shall [approve]review the Final Land Development Plan and Improvement subdivision site plan [if it finds that the plans comply with the approved Preliminary Land Development Plan and all applicable Code requirements] to determine if the application addresses the following criteria. The Planning Commission shall deny approval of a Final Land Development Plan application if it finds that the plan does not comply with the [approved Preliminary Land Development Plan, this Zoning Code or with adopted plans and policy documents] following criteria.

- (a) The proposed development must comply with an approved Preliminary Land Development Plan for the Planned Development;
- (b) The proposed development must include retail facilities, where such facilities would maintain and continue the existing retail patterns;
- (c) The proposed development must address compatibility with any existing residential area, including provision for maintenance of residential uses;
- (d) The proposed development must adequately address parking, considering the demand analysis required in the Preliminary Plan Development Plan, and must make provisions for adequate vehicle access and loading facilities;
- (e) The proposed development must adequately address traffic generation characteristics and address reasonable alternatives that would mitigate increased traffic congestion;
- (f) The proposed development must adequately address pedestrian traffic and patterns, including, but not limited to, sidewalk capacity, pedestrian safety and access to transit;
- (g) The proposed development must adequately address access to public transportation facilities, including, but not limited to access to transit stops, encouragement of transit use and provisions for alternate forms of transportation;
- (h) The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, building siting, massing, façade treatment, materials, proportions and scale;
- (i) The proposed development must adequately address microclimate effects, including, but not limited to, wind velocities, sun reflectance and sun access to existing buildings and streets;
- (j) The proposed development must address the project's compatibility and conformance with the Zoning Code and any plans and policies approved by the Planning Commission;
- (k) If the proposed application includes a building(s) that exceeds 50,000 square feet of building footprint, the proposed development must adequately address large footprint building criteria of Section 922.04.E.6.

38. Amend Section 922.11.C.4(d) - Amendments as follows:

922.11.C.4 Amendments

The procedure for amending an approved Final Land Development Plan shall be the same as required for approval of the original Final Land Development Plan, except that the Zoning Administrator may approve an occupancy permit application for a project in an SP or PUD District if the Planning Director determines that the proposed project represents only a minor amendment to an approved Final Land Development Plan. A minor amendment, for the purpose of this provision, shall be one (1) that meets all of the following conditions:

- (a) Involves no change in use;
- (b) Increases development intensity or residential density by no more than ten (10) percent;
- (c) Increases the height of any structure by no more than ten (10) percent; and
- (d) ~~Decreases the amount of public open space; and~~
- (e) Places no structure closer to the perimeter of the planned development site than shown on the approved Final Land Development Plan.

39. Amend Chapter 925.06.A (Features Allowed Within Setbacks) as follows:

925.06.A Features Allowed Within Setbacks

3. ~~[In "R" Residential and "LNC" Districts,]~~ Fences or lattice-work screens or walls not more than six and one-half (6 ½) feet in height, or hedges or thick growth of shrubs, maintained so as not to exceed such height, in any required side or rear yard or court, provided they do not extend closer to a street than the buildable area of the lot. Barbed wire and razor edge are not permitted.

40. Amend Section 926 - Definitions as follows:

- 78. Floor Area, Gross** means the sum total horizontal area of all floors of a building, measured from the exterior face of exterior walls or from the center line of walls separating two abutting buildings, including;

- A. Basements;
- B. Elevator shafts and stairwells at each floor;
- C. Floor space used for mechanical equipment;
- D. Penthouses;
- E. Half stories, and
- F. Interior balconies and mezzanines.

But not including:

- A. Cellars;
- B. Accessory tanks or cooling towers;

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- C. Uncovered steps; ~~{and}~~
- D. Terraces, breezeways, open porches and exterior balconies; and
- E. Parking structures and garages, except where parking is the primary use.

185.1 Public Destination Facilities means a structure providing as its primary use one of the following: community center, ~~[educational classroom (limited and general),]~~ hospital, cultural services (limited and general), public assembly (general) ~~[or]~~ recreation and entertainment facilities (general, indoor and outdoor) and gaming enterprises.

41. Amend Section 926 - Definitions by inserting the following:

142.1 Master Development Plan means a document in support of a proposal for development, submitted to the Planning Commission, in order to demonstrate that a superior development is intended. The Master Development Plan shall contain all that information required by the Zoning Administrator to support the application;

238.1 Transparent means a window or clear surface unobstructed by signage, interior graphic elements, reflective coating, translucent or textured finish, racking or any type of fixed furniture that can be seen through from both the interior and exterior of a structure.

184.1 Primary Street means the street having the most immediate relationship to existing commercial or residential uses and which affords the principal means of access to abutting property.

218.1 Secondary Street means the street that is subordinate to an intersecting or adjacent primary street and which affords only a secondary means of access to abutting property.

236.2 Tertiary Street means the street whose functions are normally associated with service, delivery, and waste collection and which is not intended for general traffic circulation.