

**TEXT AMENDMENT SUMMARY: Retail and Eating, Drinking and Entertainment Establishments in Office Districts with and without a Pedestrian Overlay District Designation**

**10-12-15**

**2015-099**

**Purpose/Background:** The purpose of this text amendment is to modify the office zoning district (O-1, O-2 and O-3) standards for retail uses and eating/drinking/entertainment establishments (Type 1 and Type 2), with most changes related to office zoning with a pedestrian overlay (PED). The retail and eating/drinking/entertainment uses are currently allowed, under prescribed conditions, within the office zoning districts when the uses are located in hotel/motels, multi-family buildings, and/or office buildings. However, the prescribed conditions limit the size of such uses, prohibit entrances external to the building, prohibit the display of merchandise, and limit the wall signage. The proposed modifications to the prescribed conditions for retail uses and eating/drinking/entertainment establishments are to bring them into alignment with the purpose of the PED overlay district by allowing these uses to be designed so they are more pedestrian oriented and to adjust the square footage limitations so they are consistent throughout the office zoning district provisions.

	<b>Current Regulations</b>	<b>Proposed Regulations</b>
<b>Retail and Eating, Drinking and Entertainment Establishments as <u>Accessory Uses in Hotels and Motels</u> in Office Districts</b>	<ul style="list-style-type: none"> <li>• <u>Accessory</u> retail and eating, drinking and entertainment establishments (type 1 and 2) are permitted as accessory uses, with prescribed conditions in hotels and motels in the office districts, Prescribed conditions:               <ul style="list-style-type: none"> <li>• The hotel or motel must have a minimum of 75 rental units;</li> <li>• Gross floor area for the accessory uses is limited to 75 square feet per rental unit;</li> <li>• No merchandise display windows may be visible from outside the building;</li> <li>• No outside storage or display of merchandise is permitted; and</li> <li>• One wall sign is permitted, no larger than 16 square feet.</li> </ul> </li> </ul>	Remains unchanged.
<b>Retail and Eating, Drinking and Entertainment Establishments as <u>Principal Uses in Hotels and Motels</u> in Office Districts with PED Overlay</b>	<ul style="list-style-type: none"> <li>• In PED, type 2 eating, drinking and entertainment establishments are permitted as an additional use to those allowed in the underlying zoning district.</li> </ul>	<ul style="list-style-type: none"> <li>• Adds retail and eating, drinking and entertainment establishments (type 1 and 2) as principal uses allowed in a hotel or motel, in the Office districts with a Pedestrian Overlay district designation, with prescribed conditions:               <ul style="list-style-type: none"> <li>• The uses shall occupy no more than 20% of the gross floor area of the hotel or motel, and shall be located on the ground floor, a mezzanine located within the ground floor tenant space, or on the top floor of any component of the structure, so long as no more than 30% of the floor area provided is located on the roof.</li> <li>• Ground floor uses may have external building entrances.</li> <li>• Ground floor uses may display merchandise.</li> <li>• Each establishment may have one wall sign not to exceed 16 square feet in area.</li> <li>• A minimum 250-foot separation distance is required:                   <ul style="list-style-type: none"> <li>• It cannot be reduced through an optional provision.</li> <li>• If an approved Pedscape Plan exists, the separation distance in the plan shall be</li> </ul> </li> </ul> </li> </ul>

		<p>met.</p> <ul style="list-style-type: none"> <li>Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district).</li> </ul>
<p><b>Retail, Office and Eating, Drinking and Entertainment Establishments, and Indoor Recreation in Multi-Family Buildings in Office Districts with PED Overlay</b></p>	<ul style="list-style-type: none"> <li>Retail and office establishments and eating, drinking and entertainment establishments (type 1 only) and indoor recreation are currently permitted in office districts in multi-family buildings, with prescribed conditions: <ul style="list-style-type: none"> <li>The establishment is located within a building containing at least 50 dwelling units.</li> <li>The establishment will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet.</li> <li>The establishment will have no direct public entrance from the outside of the building.</li> <li>No merchandise or display or merchandise will be visible from outside the building.</li> </ul> </li> <li>In PED, type 2 eating, drinking and entertainment establishments are permitted as an additional use to those allowed in the underlying zoning district.</li> </ul>	<ul style="list-style-type: none"> <li>The current regulations remain unchanged for uses located in multi-family buildings in Office zoning districts.</li> <li>Adds a new subsection that allows these same uses (retail, office, and type 1 eating, drinking and entertainment establishments, indoor recreation) and also clarifies that type 2 eating, drinking and entertainment establishments are allowed when located in a multi-family building in an Office district, <u>with a PED district designation</u>, with new prescribed conditions. <ul style="list-style-type: none"> <li>The uses shall occupy no more than 20% of the gross floor area of the multi-family building, and shall be located on the ground floor or a mezzanine located within the ground floor tenant space.</li> <li>Ground floor uses may have external building entrances.</li> <li>Ground floor uses may display merchandise.</li> <li>Each establishment may have one wall sign not to exceed 16 square feet in area.</li> <li>Type 2 eating, drinking and entertainment establishments shall have a minimum separation distance of 250 feet, unless an approved Pedscape Plan establishes a different separation distance. The distance shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.</li> <li>The uses shall only be located in multi-family buildings that contain at least 50 residential units.</li> </ul> </li> </ul>
<p><b>Retail and Eating, Drinking and Entertainment Establishments in Office Buildings and Mixed-Use Buildings in Office Districts</b></p>	<ul style="list-style-type: none"> <li>Retail and eating, drinking and entertainment establishments (type 1 and 2) are allowed in office buildings, with prescribed conditions: <ul style="list-style-type: none"> <li>The principal use of the lot is for office.</li> <li>The principal use of the lot occupies at least 30,000 square feet of floor area.</li> <li>Uses shall occupy no more than 10% of the gross floor area of all buildings on the lot, and shall not exceed 25% of the ground floor area except eating, drinking and entertainment establishments may occupy up to 50% of the ground floor area.</li> <li>Uses located in an Office district (<u>with a PED Overlay designation</u>) shall occupy no more than 20% of the gross floor area of all buildings on the lot and shall only be located on the</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The current regulations remain unchanged for uses located in office buildings in Office zoning districts.</li> <li>Adds retail and eating, drinking and entertainment establishments (type 1 and 2) as allowed uses, <u>in mixed-use buildings</u>, in addition to office buildings, and modifies the prescribed conditions for these uses, when located in an Office district with a PED district designation. <ul style="list-style-type: none"> <li>The principal use of the lot is for office <u>or mixed-use buildings</u>.</li> <li>The principal use of the lot occupies at least 30,000 square feet of floor area.</li> <li>Uses shall occupy no more than 10% of the gross floor area of all buildings on the lot <u>or in a planned development</u>, and shall not exceed 25% of the ground floor area except eating, drinking and entertainment establishments may occupy up to 50% of the ground floor area.</li> <li>Uses located in an Office district (with a PED Overlay designation) shall occupy no more than 20% of the gross floor area of all buildings on the lot <u>or in a planned development</u>, and shall only be located on the ground floor, <u>or a mezzanine located within the ground floor tenant space</u>.</li> <li>In all districts, except PED, the use must be located within the same building as the</li> </ul> </li> </ul>

	<p>ground floor.</p> <ul style="list-style-type: none"> <li>• In all districts, except PED, the use must be located within the same building as the principal use, with no direct public entrance to the use from outside the buildings, except for an eating, drinking and entertainment establishment, which may have entrances external to the building.</li> <li>• No merchandise or display of merchandise visible from outside the building housing the proposed use.</li> <li>• One wall sign to identify commercial uses is allowed, provided the sign is no larger than 16 square feet.</li> <li>• Eating, drinking and entertainment establishments are subject to the regulations of Section 12.546.</li> </ul>	<p>principal use, with no direct public entrance to the use from outside the buildings except for an eating, drinking and entertainment establishment, which may have entrances external to the building.</p> <ul style="list-style-type: none"> <li>• No merchandise or display of merchandise visible from outside the building housing the proposed use, <u>except in PED.</u></li> <li>• One wall sign to identify commercial uses is allowed, provided the sign is no larger than 16 square feet. <u>In PED, each individual retail establishment and eating, drinking and entertainment establishment may have one wall sign not to exceed 16 square feet in size.</u></li> <li>• Eating, drinking and entertainment establishments are subject to the regulations of Section 12.546.</li> </ul>
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