

# Ordinance



City Council  
City of Wilmington  
North Carolina

0-2008-72

**Introduced By:** Sterling B. Cheatham, City Manager

**Date:** 08/05/2008

**Ordinance Amending CBD Regulations in the Land Development Code  
(LDC-11-508)**

**LEGISLATIVE INTENT/PURPOSE:**

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code; and

WHEREAS, the amendment set out below is intended to promote the public health, safety and welfare by amending the Land Development Code to amend Sec. 18-196, Central Business District, of the Land Development Code, including uses, residential density, building heights, and design and dimensional requirements; and Article 6, to add certain prescribed conditions.

**THEREFORE, BE IT ORDAINED:**

SECTION 1: Section 18-196, CBD, Central Business District, of the Land Development Code is hereby amended to read as follows:

**Sec. 18-196. CBD, Central Business District.**

(a) *Purpose.* This district is established to create and maintain a high density commercial, office, service and residential area meeting city, county and regional needs. It encourages the full utilization of public services and contributes to the economic base of the city. According the *Wilmington Vision 2020: A Waterfront* Downtown plan, the CBD is envisioned to be a living, working, learning and mixed use community. The intent of the design standards is to recognize and respect historic resources; to preserve and respect existing historic buildings; to preserve the cohesive character of the downtown area by compatible, sympathetic development and to provide an enhanced pedestrian experience. This district is not intended to accommodate basic industries and other uses that produce noise, odor, smoke, dust, airborne debris, and other impacts that might be detrimental to the health, safety, and welfare of the surrounding neighborhoods, the viability of surrounding uses, or industries with small physical plants and high land-to-worker ratios.

CERTIFIED TO BE A TRUE COPY  
  
 Sandra S. Sibley  
 City Clerk

(b) *Uses permitted by right* . Notwithstanding the provisions of Section 18-173, any use is permitted in the CBD provided it meets all other provisions of this chapter, except for the following:

- (1) Adult establishments
- (2) Contractor's equipment or supply dealers and service
- (3) Contractor's storage lots
- (4) Crematoria
- (5) Fuel and ice dealers
- (6) Garbage collection, private
- (7) Gas companies
- (8) Ground floor residential, fronting Water and Front Streets north of Orange Street and the riverwalk
- (9) Industrial and Manufacturing uses as set forth in this chapter
- (10) Motor freight companies
- (11) Motor vehicle dealers, including automobiles, boat dealers, manufactured homes, motorcycles, recreational vehicles and utility trailers
- (12) Movers, van lines and storage
- (13) Tire dealers
- (14) Welding, repair

(c) *Uses permitted under prescribed conditions*. The following uses are permitted provided that they meet all requirements of this section, Article 6, and all other applicable requirements established in these regulations.

- (1) Automobile rental
- (2) Automobile services and towing services
- (3) Auxiliary uses and wares
- (4) Communications towers, attached
- (5) Day care, child or adult
- (6) Freestanding parking structures
- (7) Group home supportive, large
- (8) Group home supportive, medium
- (9) Tour operators
- (10) Utility stations and plants outside public rights-of way (public and private) including lift stations, substations, pump stations, etc.

(d) *Permitted by special use permit* . The following uses are permitted subject to the issuance of a special use permit and provided that they meet all requirements of this section, Article 6, and all other applicable requirements established in these regulations.

- (1) Communication facilities, including radio and TV stations, cellular telephone facilities, towers, etc.
- (2) Dormitory, private
- (3) Group day facility

- (4) Group home residential
- (5) Group home supportive, small
- (6) Guest lodging
- (7) Nursing and personal care
- (8) Single-family residential uses, attached or detached

(e) *Development Standards.* All uses and structures permitted within the CBD shall meet the applicable development standards established in this section and all other applicable requirements of these regulations. Within the Historic District Overlay (HDO), building design is subject to Historic Preservation Commission (HPC) review. Approvals for projects within the HDO may necessitate the meeting of a more restrictive standard than required by this section. The HPC does not have the authority to waive the requirements of this section.

(1) *Setbacks:* No setbacks are required except where abutting a residential district, excluding street and alley rights-of-way. For every foot of increased height of structures over thirty-five (35) feet, additional interior side and rear yard setbacks shall be provided at a one to one (1:1) ratio.

(2) Along all public rights-of-way, at least fifty (50) percent of the building wall shall be set at the property line. For the remaining fifty (50) percent of the building wall, setbacks may be voluntarily increased to a depth no greater than fifteen (15) percent of the building height, provided that the following criteria are met:

a. The non-planter areas of the setback shall be hardscaped, i.e. paved. Sixty (60) percent of the proposed hardscaped, non-planter setback areas shall be covered with pavers approved by the City Engineer. Forty (40) percent of the proposed hardscaped, non-planter setback area may be paved with light-colored (not white) concrete in lieu of pavers.

b. At least forty (40) percent of the edge of the public right-of-way shall be defined by a vertical element not greater than three (3) feet in height. No physical barrier shall entirely prevent the pedestrian public from entering the private property setback.

c. Planters, raised, recessed, or contained shall be installed in the front setback area to accommodate canopy or understory trees at a minimum of one (1) tree per one-thousand two hundred (1,200) square feet of increased front setback area between the outermost side facades of the building. The area used for the calculation of increased front setback shall not include the square footage beneath building overhangs and fountains or sculptures larger than three (3) square feet.

d. Trees and any additional vegetation in the setback area shall meet the general landscaping requirements of Sec. 18-448 of this chapter except subsections (c), (d), and (e) and opacity is not required.

e. Trees and shrubs in the setback area shall be maintained by the owner to ensure that the material remains living and prospers.

Figure 1. Street wall definition (mid-block)

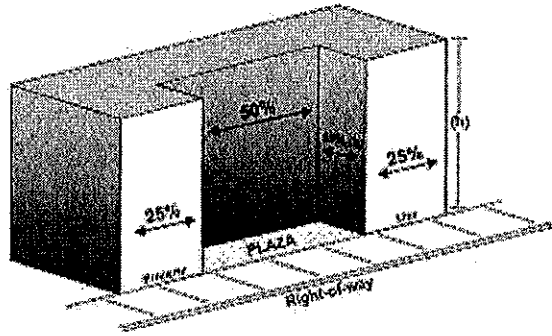
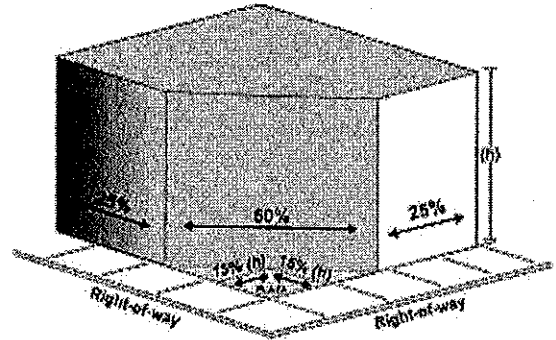
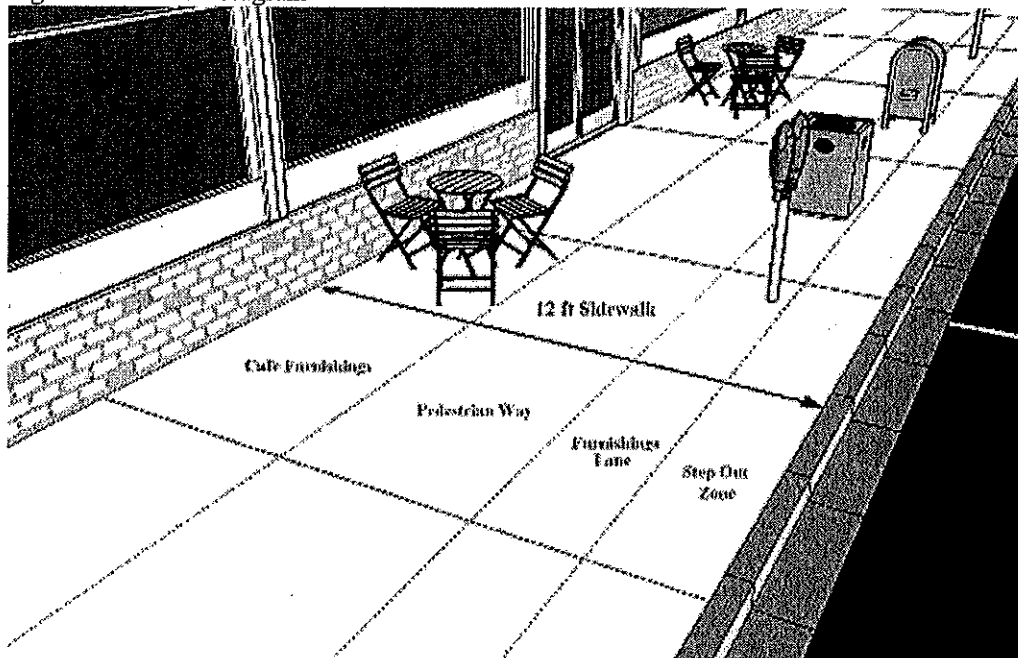


Figure 2. Street wall definition (corner lot)



(3) *Sidewalks.* North of Red Cross Street, where no sidewalks currently exist, sidewalks shall be installed within the right-of-way at a minimum width of twelve (12) feet between the property line and the back of the curb.

Figure 3. Sidewalk diagram

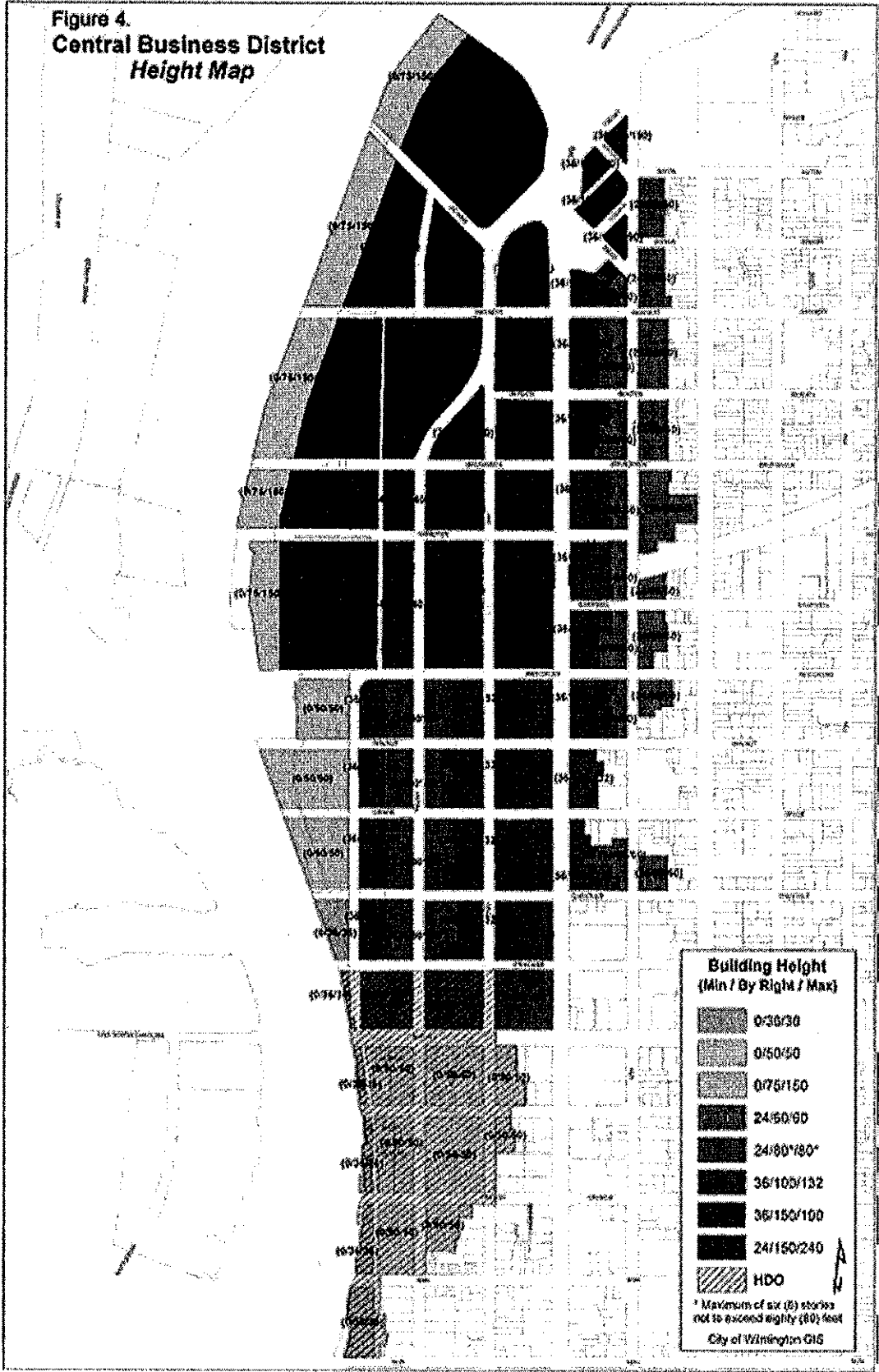


(4) *Building heights.* The maximum permitted height of structures shall be as depicted on the *Central Business District height map* (Figure 4 below). Height increases above the by-right permitted height may be allowed in instances where additional public benefits or features are provided as outlined in Sec. 18-196 (g) *Public benefits matrix*.

a. Building height shall be measured from the average grade of the adjacent right(s)-of-way to the underside of the highest structural member.

b. Buildings exceeding the by-right permitted height shall step-back the building by no less than ten (10) percent of the total mass occurring above the by-right height.

**Figure 4.  
Central Business District  
Height Map**



(f) *General regulations.*

(1) *Density.* There is no maximum density requirement for new residential construction on a site equal to or less than one-half (1/2) acre. The density for new residential construction on all parcels exceeding one-half (1/2) acre in size shall be one hundred (100) dwelling units per acre. Density increases above one hundred (100) units per acre may be allowed in instances where additional public benefits or features are provided as outlined in Sec. 18-196 (g) *Public benefits matrix.*

(2) *Parking.* All off-street parking shall adhere to the following requirements:

a. *Structured parking.* Structured parking facilities contained within new buildings shall adhere to the building design standards of Sec. 18-196(h), except that glazing is not required, and the following regulations:

i. Whenever possible, vehicular entrances shall not be located on Front, Water, Market or North 3rd streets.

ii. On street-fronting facades, vehicles shall be concealed from view with decorative screening, such as louvers, and/or vegetation.

b. *Surface parking.* All surface parking lots shall adhere to the following requirements:

i. Surface parking shall be located in the side or rear yards and shall be set back a minimum of ten (10) feet from the front plane of all street-facing facades. One-way drives shall be incorporated where possible.

ii. Surface parking shall not be located in front of any building. Surface parking shall be located to the interior of the block and/or behind buildings fronting rights-of-way, where possible, so as to not interrupt the continuity of the block face.

iii. Surface parking lots shall be screened from public streets by permanent walls, shrubbery or hedges at least three (3) feet but not more than five (5) feet in height.

iv. Surface parking shall be accessed via public or private alleyways where possible.

v. All surface lots shall meet the shading requirements of Sec. 18-481 of this Chapter.

c. *Bicycle parking.* Where automobile spaces are provided, bicycle parking shall be provided in accordance with Section 18-528 of this Chapter.

(3) *Street trees.* For new commercial development, street tree plantings in below-grade planters shall be included in the public right-of-way at the rate of one (1) tree per thirty (30) feet of frontage. If the City Manager determines there is no plaza or other space available for tree plantings in the right-of-way, or determines that the planting is problematic for the site, then a payment-in-lieu of tree plantings, equal to the cost for the required trees, shall be paid by the developer into the City of Wilmington tree improvement fund. All plans for street tree plantings must be approved by the City Manager and must be planted according to Sec. 18-448 of this chapter, unless otherwise noted in this section. The following tree species are recommended for

use in the CBD (tree species not listed require site-specific approval by the Technical Review Committee):

- a. Street trees, full canopy
  - i. Green ash (*Fraxinus pennsylvanica*)
  - ii. Ginko biloba, male (*Ginko biloba* and/or *G. fastigiata*)
  - iii. Tulip poplar, 'Arnold' variety (*Liriodendron tulipifera* 'Arnold')
  - iv. Willow oak (*Quercus phellos*)
  - v. Live oak (*Quercus virginiana*)
  - vi. Bald cypress (*Taxodium distichum*)
  - vii. Japanese zelkova (*Zelkova serrata*)
  - viii. Silver linden (*Tilia tomentosa*)
  - ix. Black locust (*Robinia Pseudoacacia* and/or *R. fastigiata*)
  - x. Honeylocust (*Gleditsia tricanthos*) - thornless varieties
  
- b. Street trees, under power lines
  - i. Trident maple (*Acer buergerianum*)
  - ii. Florida red maple (*Acer rubrum* var. *barbatum*)
  - iii. 'Highrise' live oak (*Quercus virginiana* 'QVTIA')
  - iv. Chinese evergreen oak (*Quercus myrsinifolia*)
  - v. Japanese evergreen oak (*Quercus acuta*)
  - vi. Foster's holly (males only) (*Ilex attenuate* 'Fosteri')
  - vii. American holly (males only) (*Ilex opaca*)
  - viii. Yaupon holly (males only) (*Ilex vomitoria*) tree forms only
  - ix. Cherry laurel (*Prunus caroliniana*)
  - x. Pastiche (*Pistachia chinensis*)
  - xi. Lace bark elm, 'Drake' (*Ulmus parvifolia* 'Drake')
  - xii. Yoshino cherry (*Prunus x yedoensis*)
  - xiii. Kwanza cherry (*Prunus serrulata* 'Kwansan')
  - xiv. Purple-leaf plum (*Prunus cerasifera*)
  - xv. Crepe myrtle (tree form only) (*Lagerstroemia indica*, or *L. fuariei*)
  
- c. Parking and interior shade trees
  - i. Silver linden (*Tilia tomentosa*)
  - ii. Black locust (*Robinia Pseudoacacia* and/or *R. fastigiata*)
  - iii. Lace bark elm, 'Drake' (*Ulmus parvifolia* 'Drake')
  - iv. Live oak (*Quercus virginiana*)
  - v. Green ash (*Fraxinus pennsylvanica*)
  - vi. Cherry laurel (*Prunus caroliniana*)
  - vii. Parsley hawthorne (*Crataegus marshalli*)
  - viii. Sweet bay (*Magnolia virginiana*)
  - ix. Purple leaf plum (*Prunus cerasifera*)

- x. Yoshino cherry (*Prunus x yedoensis*)
  - xi. Kwanza cherry
- d. Interior landscape / accent trees
- i. Italian cypress (*cupressus sempervirens*)
  - ii. Magnolia (*Magnolia grandiflora* 'Little Gem')
  - iii. American holly (male only) (*Ilex opaca*)
  - iv. Foster's holly (male only) (*Ilex attenuate* 'Fosteri')
  - v. Yaupon holly (male only)(*Ilex vomitoria*) tree forms only
  - vi. Redbud (*Cercis canadensis* or *C. chinensis*)
  - vii. Silver bell (*Halsia diptera* var. *magniflora*)
  - viii. Flowering crabapple (southern or Japanese) (*Malus angustifolia* or *M. floribunda*)
  - ix. Japanese maple (*Acer palmatum*)
  - x. Palmetto palm (*Sabal palmetto*)
  - xi. Yoshino cherry (*Prunus x yedoensis*)
  - xii. Kwanza cherry (*Prunus serrulata* 'Kwansan')
  - xiii. Purple leaf plum (*Prunus cerasifera*)

e. The following tree species shall not satisfy street tree requirements

- i. Sycamore (any *Platanus* )
- ii. Cottonwood (*Populus deltoids*)
- iii. Chinese tallow (*Sapium sebiferum* )
- iv. Water oak (*Quercus nigra*)
- v. Laurel oak (*Quercus laurifolia* )
- vi. Crape myrtle, non tree form
- vii. Bradford pears (*Pyrus calleryana* 'Bradford')
- viii. Holly (female only) (any berry-bearing species)
- ix. Palm trees (all varieties)

(4) *View corridors* . All developments shall provide and protect view corridors of the Cape Fear River along all existing or proposed streets that terminate at the river. Such view corridors shall remain fully unobstructed by buildings or structures from the ground to the sky. Any new public or private street that terminates within fifty (50) feet of the riverwalk shall provide public access that is a clearly defined entry point to the riverwalk.

(5) *Trash containment screening*. All developments within the CBD are exempt from Sec.18-504 of this chapter and are subject to the following screening requirements:

- i. Trash containment areas shall be located within a building where possible.
- ii. If trash containment cannot be accommodated within a building, it shall be placed on the rear or side of the building and screened from view from the right-of-way.
- iii. All trash-handling and related equipment, and all areas for holding materials for recycling, shall be completely enclosed and screened with an opaque fence or wall. The enclosure shall be at

least one (1) foot taller than the highest point of the trash receptacle. Chain link and exposed concrete blocks are prohibited.

(6) *Underground utilities.* All new utilities shall be installed underground, except where such placement is prohibited or deemed impractical by the utility provider. Underground terminal facilities for street lighting along all public streets abutting the subject site shall be installed by the developer.

(7) *Encroachment agreements .* An encroachment agreement shall be required for any projection into the right-of-way, such as balconies and door swings. The encroachment agreement must be approved prior to construction release or issuance of a building permit. Application for any encroachment must be made to the City Engineer for review and the format of the encroachment agreement shall be determined and approved by the City Attorney. Official approval of such agreement shall be by resolution of the City Council. De minimus encroachments including gutters, fabric awnings, door swings, architectural elements less than twelve (12) inches in depth, signs, and sub-grade structural elements may be approved by the City Engineer.

(g) *Public benefits matrix.* Development projects within the CBD may incorporate public benefits, in any combination, into the development to obtain additional building height or residential density based upon the public benefits matrix (Table 1 below).

Table 1. Public benefits matrix

Public Benefit	Additional Building Height and/or Residential Density
Public Space Provided on-site Provided off-site – shall be located no less than 400 feet from the structure intended to be served Payment in lieu of public space to the city’s downtown public space fund	12 feet and 12 u/a for every 1% of gross lot area or 1,000 square feet, whichever is greater, of public space provided on- or off-site 12 feet and 12 u/a for every \$20,000 paid in lieu of open space
Public parking	24 feet and 24 u/a for every 5 spaces of structured parking dedicated for public use.
Transportation management practices – a transportation management plan, as approved by the TRC, including the following elements: Utilize remote parking or shared parking facilities Provide on-site child daycare Provide shower and locker facilities in combination with bicycle parking for employees	12 feet and 12 u/a for each transportation management practice incorporated into development project
Review by Architectural Review Committee and compliance with recommendations – outside of the CBD-HDO, submit to architectural review and comply with all of the recommendations	Maximum height allowed as prescribed by the CBD height map and/or unlimited density
Ground floor nonresidential provided on all street facing façades (not applicable to Front and Water Streets or abutting the riverwalk) - incorporate commercial, retail, or office space on all street-facing facades. Structured parking shall not meet the nonresidential requirement.	Maximum height allowed as prescribed by the CBD height map and/or unlimited density
Restoration or preservation of historic structures considered “contributing” to the local or national register historic district(s) – any project that restores or preserves a contributing historic structure according the Secretary of the Interior’s Standards for Rehabilitation (Historic Preservation Commission approval is required in the HD-O).	Unlimited density

<p>Workforce housing – designate at least 15% of the total project for affordable housing, as approved/designated by the City of Wilmington Community Development division. Any project submitted for consideration of workforce housing elements will be eligible for prioritized staff/Technical Review Committee review.</p>	<p>Maximum height allowed as prescribed by the CBD height map and/or unlimited density</p>									
<p>Technology – provide wireless internet access such that it is available to building tenants as well as within at least a 600-foot radius of the building. Other technology elements may be considered and approved by the Technical Review Committee.</p>	<p>6 feet and/or 6 u/a for each approved technology element incorporated into development project</p>									
<p><b>Green Building Elements</b></p> <p>Any building achieving the elements necessary for any level of LEED, Energy Star, Green Globes, North Carolina High Performance Building Guidelines, BRE Environmental Assessment Method, or similar approved certifying program may be built to the maximum height allowed as prescribed by the CBD height map and have unlimited residential density. Any project submitted for consideration of the following elements may be eligible for expedited staff/TRC review.</p> <p><b>Baseline requirements to achieve any bonus:</b></p> <ul style="list-style-type: none"> <li>Certified/Accredited Professional shall approve plan prior to issuance of building permit</li> <li>Erosion and sedimentation control</li> <li>Fundamental building system commissioning</li> <li>Minimum energy performance as documented by ASHRAE 90.1-2004 User’s Manual</li> <li>CFC reduction in HVAC&amp;R equipment</li> <li>Storage and collection of recyclables</li> <li>Minimum Indoor Air Quality Performance</li> <li>Environmental Tobacco Smoke Control</li> </ul> <p><b>Group A</b></p> <p>Heat island effect – roof – install green roof on 75% of roof surface or install roof that meets the following solar reflective index (SRI) criteria on 75% of roof:</p> <table border="1" data-bbox="304 1079 735 1162"> <thead> <tr> <th>Roof Type</th> <th>Slope</th> <th>SRI</th> </tr> </thead> <tbody> <tr> <td>Low-Sloped Roof</td> <td>≤ 2:12</td> <td>78</td> </tr> <tr> <td>Steep-Sloped Roof</td> <td>&gt; 2:12</td> <td>29</td> </tr> </tbody> </table> <p>Stormwater capture and treatment for 90% of average annual rainfall  Optimize energy performance (1 increment in bonus for every 20% increment in new building performance)  Innovative wastewater technology – reduce use of potable water for sewage conveyance by 50% or treat at least 50% wastewater for on-site use  Renewable energy (1 increment in bonus for every 10% increment)</p> <p><b>Group B</b></p> <p>Heat island effect – non-roof – 50% of site hardscaped with SRI of 29 or more  Water efficient landscaping – no use of potable irrigation  Green power - at least 35% of building’s electricity from renewable sources as defined by the Center for Resource Solutions (CRS)  Water use reduction – 20% reduction from baseline for non-irrigation water use  Refrigerant management - minimize or eliminate the emission of compounds that contribute to ozone depletion and greenhouse gas</p>	Roof Type	Slope	SRI	Low-Sloped Roof	≤ 2:12	78	Steep-Sloped Roof	> 2:12	29	<p>12 feet and 12 u/a for each <i>Group A</i> green building practice incorporated into development project.</p> <p>6 feet and 6 u/a for each <i>Group B</i> green building practice incorporated into development project.</p>
Roof Type	Slope	SRI								
Low-Sloped Roof	≤ 2:12	78								
Steep-Sloped Roof	> 2:12	29								

(1) *Covenants.* To assure continuation of amenities and other public benefits proven to qualify the project for bonus height and/or density allowances, the property owner must execute a covenant with the city. The covenant is required in consideration of the city's issuance of a building permit allowing height and/or density above that permitted by-right in the zoning for the area.

(2) *Requirements.* The covenant must run with the land and be attached to the land. It must

provide that in the event of the property owner's failure to abide by the covenant, the city is empowered to terminate occupancy of the structure and to obtain, in the name of the city, injunctive relief in a court of competent jurisdiction enjoining future occupancy of the structure while violation of the covenant exists. All covenants must be approved as to form by the city attorney and be recorded in the appropriate records of the county in which the property is located. Covenants must be recorded prior to issuance of any building permit and must specify that the owner will comply with all approved conditions listed for approval of the applicable bonus provision and the provisions of this section.

(3) *Replacement of public benefit features.* An existing approved public benefit feature may only be diminished or discontinued if the feature is replaced by another approved benefit feature of at least equivalent size, value or function. Approval of the replacement feature and the timeframe within which it is to be implemented shall be by the City Manager or designee.

(4) *Maintenance.* The building owner, lessee, management entity or authorized agent are jointly and severally responsible for the maintenance of any public parks, parking facilities or other public facilities for which a height and/or density bonus has been granted. These maintenance responsibilities include, but are not limited to, litter control and care and replacement of trees, shrubs and street furniture. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article 3 of this chapter.

(h) *Building design.* All new construction in the CBD shall comply with the following design standards, where applicable. Within the Historic District Overlay, building design is subject to Historic Preservation Commission review.

(1) *Building entrances.* Primary building entrances shall be clearly defined and shall be recessed at least five (5) feet or framed by an architectural element. Primary entrances should be clearly distinctive from other entrances. Secondary outside building entrances to upper floors on the primary facade shall align with the outermost window on the front facade.

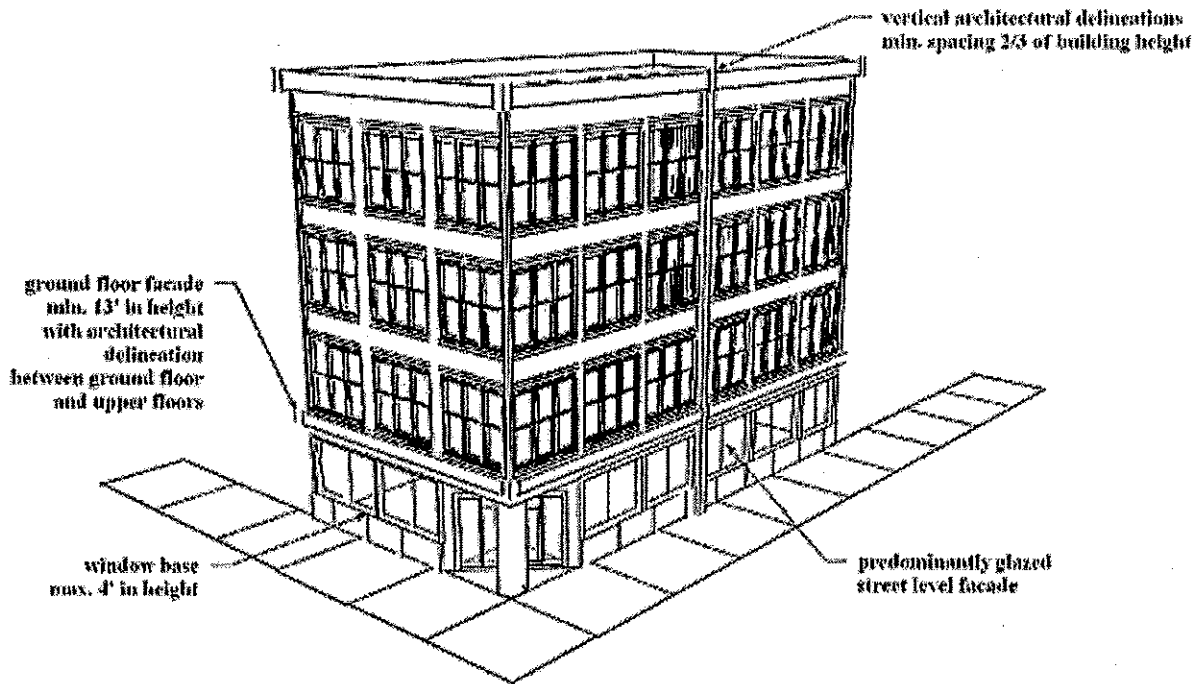
(2) *Massing and scale.* Large expanses of flat, unadorned walls are prohibited. Facades shall incorporate architectural details, particularly at the pedestrian level. Building facades shall incorporate periodic transitions across the facade as stated below. The following design element standards shall apply to all new construction where applicable:

a. Building facades shall be divided into distinct massing elements utilizing methods including but not limited to facade offsets, pilasters, change in materials, or fenestration (window arrangement). Transitions shall be no further apart than two-thirds of the height of the facade. The predominant orientation of fenestration within the facade shall be vertical.

b. The exterior expression of the height at the street-level facade shall be no less than thirteen (13) feet, which may be delineated by methods including, but not limited to incorporation of a distinct horizontal architectural member, facade offsets, or a change in materials (not solely color) or fenestration.

- c. Roofs shall be flat (low slope) with parapet walls, of barrel construction, or have a minimum pitch of four to twelve (4:12).

Figure 5. Building design elements



(3) *Street-level facades* . New buildings shall front onto public sidewalks to reinforce pedestrian activity along public streets and pedestrian ways. A street-level facade that faces a public street, riverwalk, or sidewalk shall be predominately glazed by incorporating windows or doors of clear or lightly tinted glass that allow views into and out of the building. Windows shall extend from a sill or base not to exceed four (4) feet in height above the adjacent grade. Darkly tinted windows or window signs (interior or exterior) that block two-way visibility are prohibited along street-level facades; however, spandrel or colored glass may be used in the transom area above the door header. Exterior burglar bars, fixed "riot shutters," or similar security devices shall not be visible from the public right-of-way.

(4) *Exterior building materials* . Materials shall be highly durable and easily maintained, especially at the pedestrian level. The following materials are prohibited:

- a. Vinyl siding
- b. Shingle siding
- c. Faux wood-grained materials
- d. Full metal facades
- e. Exposed or unfinished concrete block

(5) *Alterations to historic facades* . Alterations or additions to buildings and/or structures that

are designated as contributing resources to the Wilmington National Register Historic District or are more than fifty (50) years old, should apply the Secretary of the Interior's Standards for Rehabilitation. These standards are included in the *Wilmington Historic District Design Guidelines*.

(6) *Drive-through windows and service islands* . Drive-through windows shall be located in the side or rear yards and shall be setback a minimum of ten (10) feet from the front plane of all street-facing facades. Driveways shall be one-way where possible.

(7) *Additional treatments* . HVAC equipment, air conditioning window units, and other electrical equipment shall not be located on street frontages. All such equipment shall be placed in the interior yards or on the roof of the building and screened from the right-of-way. Through-wall mechanical units are permitted on any facade if they are incorporated into the design of the building, flush with the facade on which they are located, concealed by a vent cover and have an internal drip system for condensation. Utility meters, transformers and fixed trash disposal receptacles that cannot be concealed from the public right of way shall be screened with an opaque fence or wall."

SECTION 2: Article 6 of Chapter 18 of the Land Development Code is hereby amended by adding a new Section 18-319 to read:

Sec. 18-319. Prescribed and special conditions for uses within the Central Business District.

In addition to any other restrictions set forth in this chapter, the following uses in the CBD shall be subject to the following conditions:

(a) Freestanding parking decks.

(1) Freestanding parking structures shall have no blank walls and shall be designed as to limit the visibility of interior ramps and outside glare from interior lighting.

(2) Facades facing the right-of-way shall be subject to the design standards as stated in Sec.18-196(h) of this Chapter.

(3) Commercial, retail, and/or office uses are required for a minimum depth of twenty (20) feet on the ground floor of all facades facing the right-of-way.

(4) Vehicular entrances shall be located on non-primary streets.

(b) Automobile rental facilities.

(1) The use of surface parking lots for storage, customer and employee parking, and/or vehicle service and maintenance shall be prohibited.

(2) Rental vehicles may be stored off-site. Vehicles stored within the limits of the CBD shall

be stored within structured parking.

(c) Automobile services and towing services.

(1) No outdoor work shall be performed.

(2) Surface parking lots shall not exceed two thousand (2,000) square feet in area and shall be located to the interior of the block and/or behind buildings fronting rights-of-way so as to not interrupt the continuity of the block face where possible.

(3) Surface parking lots shall be screened from public streets by permanent walls, shrubbery or hedges at least three (3) feet in height, not to exceed five (5) feet in height.

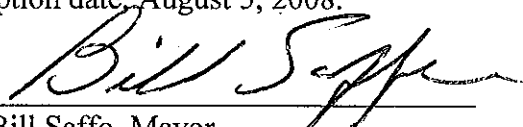
(4) Surface parking shall be accessed via public or private alleyways where possible."

SECTION 3: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 18-52 of the Land Development Code.

SECTION 4: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

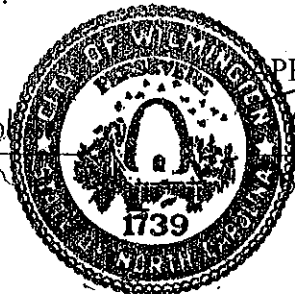
SECTION 6: This ordinance shall be effective immediately upon its adoption. However, completed site plans submitted within 60 days following the adoption of this ordinance, may be reviewed under ordinances in effect prior to the adoption date, August 5, 2008.

  
\_\_\_\_\_  
Bill Saffo, Mayor

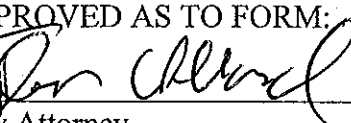
Adopted at a regular meeting  
on August 19, 2008.

ATTEST:

  
\_\_\_\_\_  
City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Attorney