

**REPRINT OF THE CITY OF ERIE
ZONING ORDINANCE 80-2005**

WATERFRONT CONDITIONAL USE REQUIREMENTS

306 CONDITIONAL USES - WATERFRONT DISTRICTS: A building permit or zoning certificate for a use in the Waterfront Districts, Sections 204.20, 204.21 and 204.22 will be issued by the Zoning Officer only after receiving the recommendations of the Design Review Committee, Planning Commission and City Council approval. The Design Review Committee shall only meet and review projects where there is a modification to the existing structure or a new structure is proposed. City Council shall hold a public hearing subject to public notice on all such proposed developments. The development shall demonstrate compliance with Section 306, as well as Section 305, if applicable, and all other appropriate sections of this Ordinance. Building permits for accessory uses, interior alterations, and minor additions/alterations (20% or less than the total square footage of the structure) are exempt from this process. However, any expansion of pre-existing uses onto other properties or outside existing leased and utilized land, whether minor in nature or not, shall be considered a new use and must be reviewed by the City Planning Commission as detailed above. However, any new development that is located on the water's edge and is required to provide "public access" as defined, will be a Conditional Use and must be voted on by the Erie City Council after City Planning Commission review and a Public Hearing, as the process for Conditional Uses is set forth in the Pennsylvania Municipalities Planning Code.

306.10 Public Access - Waterfront Districts: A free public access way* must be regarded as an essential component of all developments in all Waterfront Districts. Every proposed site development that has access to the Bayfront water's edge shall show on the plans a proposed free public access way, abutting and parallel to the water's edge. The free public access way shall be of sufficient width to comfortably handle the expected amount of pedestrians, but shall not be less than twelve (12) feet in width. The construction of the free public access way shall be of such material as to be aesthetically pleasing and in harmony with the site development, and shall not consist of gravel, stone, grass or other unapproved material. When the free public access way is abutting the water's edge, and an apparent danger exists, a safety barrier shall be installed. It shall be the responsibility of the developer and/or property owner to construct and maintain the public access way. In addition, said developer or property owner shall assume all liability. The public access way shall be made accessible to the handicapped. The free public access way shall have north/south access to a City of Erie Public Right-of-Way at maximum intervals of seven hundred sixty (760) feet. The issuance of a building permit shall be contingent upon the developer providing a performance bond in an amount equal to one hundred ten (110%) percent of the cost of the proposed free public access way.

*"Free Public Access way" - A constructed passage located within a Waterfront District designed for use by the general public for such activities as walking, jogging, fishing, etc., and made available for the public's use during daylight hours, and as mandated by City Council.

306.20 Buildings or Structures - Waterfront Districts: Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established area, the design, scale, and location on the site shall enhance rather than detract from the character, value, and attractiveness of the surroundings.

306.21 Buildings or structures located along strips of land or on single sites and not a part of a unified multi-building complex shall strive to achieve visual harmony with the surroundings. If they are built in undeveloped areas the three primary requirements shall be met - express honest design and construction; show proper design concepts; and be appropriate to the City of Erie.

306.22 All facades visible to public or adjacent property shall be designed to create a harmonious whole.

306.23 Harmony shall be achieved through the proper consideration of scale, proportions, site planning, landscaping, materials, and color.

306.24 Exterior lighting may be used to illuminate a building and its grounds for safety purposes but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if garish or detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional and aesthetic value.

306.25 Building surfaces, walls, and roofs shall not be garish.

306.26 "Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building facade that faces a public right-of-way, unless they are designed in such a manner as to be an aesthetic asset to the building and neighborhood.

306.27 All telephone, vending machines, or any facility dispensing merchandise or a service on private property shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building.

306.28 No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.

306.30 Marine Gasoline Stations - Waterfront Districts: Marine gasoline stations, as accessory uses, must follow all criteria set forth herein.

306.31 Symbolic color of the exterior facades or roofs may not be used unless they are harmonious with the atmosphere of the neighborhood and Erie.

306.32 Exterior display or goods for sale or displays designating a service will not be allowed, except that a display of goods and tools of a service may be displayed on the pump island, and provided the goods and tools be such that they can be used or installed at the island.

306.33 Areas used to store materials shall be screened from adjacent property and from the public view.

306.40 Exterior Space - Waterfront Districts: The scale of exterior space is to be relative to its neighborhood, adjacent properties, buildings, access (roads and pedestrian routes) and its activity. Building facades enclosing a space must be harmonious. Where, because of their use or age, like facades are not possible, consideration should be given to unifying the walls of the space by the application of landscaping or man-made objects of like design, at modular spacing. The floor of a space is of primary importance. Its materials, texture and color, contour and shadow on it are to be considered, not only in relation to space, but to its setting. Careful consideration shall be given to the

preservation of natural vistas and to the future development of vistas which open into undeveloped areas. Of importance is the Bluff area. To the extent feasible, Bluff views shall be preserved.

306.50 General Landscaping Criteria - Waterfront Districts: Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some projects and areas, it will be the primary tool available.

306.51 Landscape design and planning shall be integrated with the overall area design concept and not be considered merely as an afterthought. Toward this end, proposed landscaping schemes will be evaluated as to their relationship to the existing natural landscape, developed and other proposed landscape, including those on adjacent properties and street rights-of-way and the building or buildings existing and proposed.

306.52 The existing natural landscape character shall be preserved whenever possible. (As an example of this, in an area containing a stand of trees, the developer should preserve as many of these trees as possible and further landscape in a complementary manner, rather than destroy the existing trees and replant with a type of vegetation foreign to the immediate natural environment.)

Landscaping, includes not only trees and plantings, but paving, benches, fountains, exterior lighting fixtures, fences, and any other item of exterior furniture. All items of the landscape are to be selected not only for their functional value but for their aesthetic value, and must complement the whole.

306.53 One of the uses of landscaping will be to screen. The achievement of this is left to the designer, whether by walls, fences, mounds of earth, or vegetation. It must be complementary to the whole as outlined above. Screening shall be employed as outlined in parking lots and to mask from the public view such service areas as trash and garbage areas, outside equipment of unaesthetic character, and accessory buildings or areas not enhancing or in keeping with the aesthetics of the project or neighborhood. Screening of air conditioning units and other mechanical equipment shall be accomplished in a manner that does not interfere with the proper operation and/or maintenance of such equipment.

306.54 Landscaping shall be designed in such a manner as to impart its aesthetic character when viewed from any area accessible to the public or from adjacent properties. This is to include view from high-rises and bridges.

306.55 All landscaping and plantings designated on the plans shall be installed in accordance with the specified height, spread and quality.

306.56 Grass areas may be sodded, plugged or sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion. Seed, when used, shall be of a variety that will produce complete coverage within ninety (90) days from sowing. Where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

306.57 All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements.

306.58 Landscaped areas shall require protections from vehicular encroachment. Car stops shall be placed at least three (3) feet from the edge of such landscaped areas. Where a wheel stop or curb is utilized, the paved area between the curb/wheel stop and the end of the parking space may

be omitted, provided it is landscaped in addition to the required landscaping provided. Car stops shall be located so as to prevent damage to any trees, fences, shrubs or landscaping by automobiles.

306.59 Maintenance - The owner, occupant, tenant and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be kept free from refuse and debris. Any dead vegetation and landscaping material shall be promptly replaced with healthy, living plantings. All landscaped areas shall be provided with an approved irrigation system or alternative.

306.60 Parking Lots and Vehicular Use Areas - Waterfront Districts: Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space, a transitional space which is experienced between the access (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as eye level, should be designed accordingly.

306.61 Parking lots, vehicular use areas, and their parked vehicles, if adjacent to a residential district, are to be effectively screened from the public view and from adjacent property and in a manner that is attractive and compatible with safety, the neighborhood, and facilities served.

306.62 The atmosphere within the parking lot and vehicular use area is to be park-like rather than the harsh hardstand of paving. Trees are of primary importance in the landscape. They are not to be minimized in either height or quantity. The tree imparts, especially in a relatively flat area, a sense of three-dimensional space. It casts shadows that reduce the monotony of the expanse of paving and creates a refuge from the sun. Signs designating entrances, exits, and regulations are to be of a tasteful design. The pavement is to be more than wall to wall asphalt. It is recommended that pavement be varied in texture or color designating lanes for automobile traffic, pedestrian walks and parking spaces. Bright colored pavement is to be used only with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrances and exits to the lot. Trash, refuse and unaesthetic storage and mechanical equipment should be screened from the parking lot.

306.63 Lighting is to be designed not only from the standpoint of safety and resistance to vandalism, but for visual effect. It should avoid any annoyance to the neighbors from brightness or glare. Low lights of a modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances, exits. The fixtures are to be selected not only for their functional value but for their aesthetic qualities. They are to be considered furniture of the parking lot visible both day and night.

306.64 Minimum Requirements for Off-Street Parking and Other Vehicular Use Areas: - Waterfront Districts:

306.64.1 All areas used for the display of parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, hereinafter referred to as "other vehicular uses," including, but not limited to, activities of a drive-in nature such as filling stations, grocery and dairy stores, banks, restaurants, and the like, shall conform to the minimum landscaping requirements hereinafter provided.

306.64.2 Ten percent (10%) minimum of the gross parking area is to be devoted to living landscaping, which includes grass, ground cover, plants, shrubs and trees. The gross parking area is to be measured from the edge of the parking and/or driveway paving and sidewalks, extended five (5) feet in all directions, but is not to include any area enclosed by the building or covered by a building overhand.

306.64.3 Perimeter Screening: All parking lots and vehicular use areas shall be screened from all abutting properties and/or rights-of-way with a wall, fence, hedge or other durable landscape barrier. Any living barrier shall be established in a two (2) feet minimum wide planting strip. This living barrier shall be at least thirty (30) inches high at the time of planting and shall attain a minimum height of three (3) feet, one (1) year after planting. A non-living barrier shall be a minimum of three (3) feet high at the time of installation. In addition, one (1) tree in each forty (40) lineal feet or fraction thereof shall be provided in the perimeter landscape planting area. Trees referred to in this section shall be of a species common to Pennsylvania and having an average mature spread of crown of greater than fifteen (15) feet and having trunk(s) which can be maintained in a clean condition over five (5) feet of clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown of spread. Trees species shall be a minimum of eight (8) feet overall height immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen thirty-six (36) inches high with a maximum of one (1) year after time of planting. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other approved landscape treatment excluding paving. All property other than the required landscape strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with at least grass or other ground cover. This shall include the off-property swale between the actual pavement of a public street or alley and the right-of-way/property line.

Appropriate provisions of this section may be waived in the following situation:

Where a proposed parking area or other vehicular use area abuts an existing hedge, wall or other durable landscape barrier it may be used to satisfy the landscape barrier requirements of the subsection provided that said existing barrier meets all applicable standards of this Ordinance and protection against vehicular encroachment is provided for hedges.

306.64.4 Interior Landscaping: - Waterfront Districts: Interior areas of parking lots shall contain planter islands located so as to best relieve the expense of paving. A maximum of twelve (12) parking spaces in a row will be permitted without a planter island.

Interior areas of vehicular use areas shall contain planter islands located so as to best relieve the expense of pavement. This section may be modified under the following circumstances:

a. When a strict application of this section will seriously limit the function of an area the required landscaping may be relocated with the approval of the Planning Commission.

b. In an manufacturing project the Planning Commission may lower the overall landscape area from ten percent (10%) to five percent (5%) of the gross parking area. This reduction would apply only to the interior requirements. Perimeter minimums will not change.

306.64.5 Planter islands shall be a minimum of fifty (50) square feet in area and shall contain at least one (1) tree having a minimum clear trunk of five (5) feet and a minimum overall height of eight (8) feet. The remainder shall be landscaped with shrubs, lawn ground cover or other approved material not to exceed three (3) feet.

306.64.6 Existing Plant Material: In instances where health plant material exists on a site prior to its development, the above-mentioned standards may be adjusted to allow credit for such plant material. Such an adjustment is in keeping with and will preserve the intent of the Ordinance.

306.70 Other Required Permits - Waterfront Districts: Any proposed development located within the Waterfront Districts shall secure all necessary permits from various governmental agency's (U.S. Army Corps of Engineers, PA Department of Environmental Protection, Environmental Protection Agency, etc.) prior to conditional use approval.

A general Environmental Assessment of the entire Bayfront is to be done by the United States Corps of Army Engineers or the United States Environmental Protection Agency for the purpose of discovering problem areas on the Waterfront.

Each developer would assess his or her project for impacts on air, water and land to provide a general picture of the total development impact on the harbor, peninsula and the city shore, with all costs to be borne by each individual developer involved with the Bayfront development and that all reports shall be filed with City Council prior to final design plan approval as submitted to the City Planning Commission and City Council.