

ARTS RECOMMENDATION #2
Redraw zoning bylaws and other city practices to stimulate arts activities.
 The City of Edmonton will review and, where applicable, redraw zoning bylaws or other civic regulations that inhibit the effective but responsible development of space for arts programming, buildings and living space, including, for example, rezoning light industrial areas to include artists’ live/work studios. An unsympathetic legislative environment is one of the greatest drawbacks to the effective use of space for artists, whereas a sympathetic environment is an extremely effective catalyst in developing space for artists.

NOTE: that “Arts” uses are also included in additional zones that are not referenced in the amendments to the bylaws. EG. NEW DOWNTOWN ZONES.

NOTE: 6.1(2) **Accessory** means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and exclusively devoted to the principal Use or building, and located on the same lot or Site;

Yellow highlight/yellow highlight – Proposed Feb amendments (City)

Blue highlight – March amendments and clarifications (City)

Red – April new comments (Arts Team)

Green highlight – April new definition (Arts team)

Pink Highlight – April comments (City)

POTENTIAL ARTS USE CLASSES	ALLOWED ACTIVITY	CHANGE PROPOSED	ZONES INCLUDED OR PROPOSED BY THE CITY	ADDITIONAL ZONES DESIRED BY THE ARTS COMMUNITY	COMMENTS
Social Establishments	Drinking dancing, live music	<ul style="list-style-type: none"> - Merge bars, pubs, and nightclubs - Allow dancing and live music - Remove dance floor restriction - remove the outdated term “cocktail” <p>Social Establishments means development used for the sale of alcoholic beverages to the public, for consumption on Site, and which may also include entertainment, dancing, music, or the sale of food for consumption on or off the Site.-Minors are prohibited from patronizing the establishment during some or all of the hours of operation. Typical Uses include neighbourhood pubs,</p>	Permitted CSC, CB1, CB2, CO, CB3 Discretionary CNC, IB	IL	<p>Clarify: Is the dance floor restriction removed? Yes</p> <p><i>“Social establishments would be discretionary in any mixed use or residential zone, and the floor area restrictions that currently exist would be maintained in any future changes.”</i> Floor area restriction in this sense refers to a limit on the total size of the establishment, not the size of the dance floor.</p> <p>Zones- ADD to IL</p>

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		bars, beverage rooms, cabarets, dance clubs, nightclubs, and cocktail lounges.			Administration does not support adding to IL
Eating Establishments	Eating, dancing, live music, performance	- Merge specialty and restaurant definitions. - Allow minors, dancing, live music, entertainment as part of food experience. Eating Establishments means development used for the preparation and sale of foods and non-alcoholic beverages to the public, for consumption on or off the Site and which may include entertainment, dancing, music, or the sale of alcoholic beverages incidental to a meal. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. Typical Uses include fast food and family restaurants, coffee, donut, bagel or sandwich shops, ice cream parlours, and dessert shops.	Permitted CNC, CSC, CB1 CB2, CO, CB3, IB Discretionary IL, AP, CS1, CS2,		
Production & Rehearsal Studios Broadcasting and Motion Picture Studios Media Studios	Creation, rehearsal and production and rehearsal of audio, visual programming.	Revert back to original definition with "...creation, rehearsal..." added <i>The performing arts component has been removed from this use class and made more explicit in Spectator Entertainment Establishment and the newly named Fabrication and Rehearsal Studio (formerly Custom Manufacturing Establishment).</i> Broadcasting and Motion Picture Media Studios means development used for the creation, rehearsal, production, or broadcasting of audio or visual programming, in either analog or digital format. Typical Uses include radio, television, and motion picture, studios.	Permitted IL Discretionary CB1, CB3 CB2, CO, IB, CNC, CSC, CB3	IM CB3	Note: We have concern that while this definition appropriately defines media activities of years-gone-by it may not address the future of media arts – specifically as typical uses are described. Add: Digital and new media studios. Modification made. Administration willing to add to CB3 but not IM (does not align with purpose of IM zone).
Commercial Schools	dance, music, custom manufacturing "schools".	Added: - "artistic endeavour" Deleted: "financial gain" sentence Commercial Schools means development used for training and instruction, in a specific trade, skill, service, or artistic endeavour. This Use Class does not include schools defined as Public Education or Private Education. Typical Uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.	Permitted CSC, CB1, CB2, CO CB3 CS1 Discretionary US, CNC, IB	IL <i>Affordability</i> CS2	Clarify: Can both training and rehearsal occur in this definition? - The separation of training (classes) and rehearsal (for performance) is artificial. They are interchangeable and inseparable activities. A group will train, then rehearse and need to be able to do it in the same space. Instruction to the public is the primary use of a Commercial School. Rehearsal can occur as an accessory use. City Notes: So named because located in Commercial zones and distinct from public schools. Future overhaul of school definitions may occur as separate project. A Custom Manufacturing Establishment becomes a Commercial School when the primary function of the establishment is instruction rather than production. If instruction is incidental to the primary purpose of the Custom Manufacturing

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					<p>Establishment, it would be approved as accessory to the primary use. If both production and instruction are conducted on an equal basis, then the establishment should be approved as both a Commercial School and a Custom Manufacturing Establishment.</p> <p>Administration not willing to add this use to IL or CS2; Commercial School does not fit with the intent of either of these zones.</p>
<p>Custom Manufacturing</p> <p>Fabrication & Rehearsal Studios</p> <p>Creation and Production Studio</p>	<p>Painting, jewellery, pottery, some welding, woodworking Glass blowing?</p>	<p>- Clarification of artist uses. Relocation of the # of employees (to the development regulations?) - Added retail use.</p> <p>Add rehearsal of music and performance arts</p> <p>Fabrication and Rehearsal Studio means development used for small scale, on-Site production of visual art or other goods, primarily involving the use of hand tools. This Use Class also means development used for the creation or rehearsal of musical or performing arts. No Nuisance occurs outside of the unit containing the development. Accessory Uses of the development may include the retail sale of goods produced on Site or instruction to one person at a time. Typical Uses include jewelry, toy and musical instrument manufacturing, and painting, photography, music, pottery and sculpture studios.</p> <p>New Proposed Definition:</p> <p>Creation and Production Studio means a development used for the on-Site creation or fabrication of arts related or small-scale goods, and for the creation, training and rehearsal of performance arts. No Nuisance occurs outside of the unit containing the development. Typical uses include literary, visual, craft, design, new media, and interdisciplinary and performance arts studios.</p> <p>*This definition has been modified so that it still includes the production of small scale, non-arts related goods.</p>	<p>Permitted IB, IL CB3</p> <p>Discretionary CNC, CSC, CB1, CB2, CO, IM</p>	<p>Include in all zones that allow CM, including downtown zones</p> <p>ADD US zone</p> <p>Could any of the discretionary be permitted instead?</p> <p>US zone so churches could be used for studios whose prime use is performance creation and rehearsal</p> <p>Creation and Production Studio is a commercial use class that</p>	<p>Notes:</p> <p>We think this definition is getting closer to the “studio” we are looking for, but it feels hampered by trying to maintain older definition/uses and because typical uses described are not inclusive enough to cover all or most arts disciplines. We also question “small scale” as it’s meaning is ambiguous. We like the addition of accessory uses, but those listed here are too limited – and suggest other accessory uses might not be allowed such as, for example, administration activities or a set design workshop within a theatre rehearsal studio. Instruction limited to “one person” does not align with statement about commercial school above, or with the reality of, say, a pottery or dance workshop.</p> <p>We suggest leaving the custom manufacturing as it was and adding a new definition to better accomplish the Art of Living recommendation to remove barriers to arts uses. We suggest the new definition be permitted in as many zones as the CM definition + US zone, and have no additional parking requirements.</p> <p>ADD new definition that goes something like this:</p> <p>Creation and Production Studio means a development* used for the creation, fabrication, or prototyping of arts related goods, and for the creation, training and rehearsal of performance arts. No Nuisance occurs outside of the unit containing the development. Accessory Uses of the development may include the retail sale of goods produced on Site or limited instruction in the form of workshops, and other activities that specifically support the prime use of the Studio operation, including occasional public presentations of work developed on Site. Typical uses include the range of literary, visual, craft, design, digital and new media arts, and music, dance and theatre studios.</p> <p>Updated definition:</p> <p>Creation and Production Studio means a development used for the creation, fabrication, or prototyping of arts related goods, and for the creation, training and rehearsal of performance arts. No Nuisance occurs outside of the unit containing the development. Accessory Uses of the development may include</p>

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				is not appropriate for an urban services zone.	the retail sale of goods produced on Site or limited instruction in the form of workshops, and other activities that specifically support the prime use of the Studio operation, including occasional public presentations of work developed on Site. <u>Typical uses include the range of literary, visual, craft, design, digital, media, interdisciplinary and performance arts studios.</u> *Is there is a way to get across that this could be one small unit for a writer/painter or a few thousand sq ft with multiple accessory uses for a small performance troupe? There is no reason to do so. For example, a flower shop and Costco are both approved as “General Retail.”
General Retail Stores	Galleries, stores displaying and selling art, craft	Tightened description. Arts uses assumed. General Retail Stores means development used for the retail sale of goods or merchandise, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold in pawn. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use Class does not include Aircraft Sales / Rentals, Automotive and Minor Recreation Vehicle Sales / Rentals, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Market Gardens, Major Alcohol Sales, Major Secondhand Stores, Minor Alcohol Sales, Minor Secondhand Stores, and Warehouse Sales.	Permitted CSC, CB1 CB3 Discretionary CNC, CB2, CO		
Major/Minor Second Hand stores	Pawned goods	Secondhand Stores means development used for the retail sale of secondhand or used personal and minor household goods, in pawn, including the minor repair of such goods. Typical Uses include the resale of clothing, jewelry, stereos and musical instruments. This Use Class does not include the sale of used vehicles, recreation craft or construction, and industrial equipment or goods sold by consignment, and does not include Flea Markets.	Permitted - Discretionary CNC, CB1, CB2		Note: Ah, I understand this now. But it reads like all goods are sold in pawn. Maybe a comma after “secondhand” would help clarify.
General Industrial Uses	Processing raw material, assembly and manufacturing Indoor display, office and retail accessory activities	Moved regulations out of the definition Added: - “the making , manufacturing or assembly of...” General Industrial Uses means development used principally for one or more of the following activities: a. the processing of raw materials; b. the making , manufacturing or assembling of semi-finished or	Permitted IB, IL, IM Discretionary -	IH	Could this be added to IH as discretionary? General Industrial Use is already permitted in the IH zone.

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	allowed	finished goods, products or equipment; etc...			
Live Work Unit	Custom manufacturing	<p>- Moved regulations to special land use provision. - New definition for “studio” means all artistic disciplines can operate from livework.</p> <p><u>Regulations Removed:</u> - access from grade - signage - who lives in the unit - Modified parking based on specific use. - Nuisance restrictions - description of business for Development application</p> <p>Live Work Unit means a unit that contains a Dwelling and a distinct and separate business Use. This Use Class does not include a Minor Home Based Business or a Major Home Based Business.</p> <p>92. (1) Live Work Units shall comply with the following regulations:</p> <ol style="list-style-type: none"> a. neither the Dwelling nor the business components of the Live Work Unit may be rented or sold separately; b. the number of non-resident employees or business partners working on Site shall not exceed two per unit at any one time; c. the number of parking stalls shall be provided based upon the Use or Uses to be conducted within the Live Work Unit, and according to the regulations outlined in Schedule 1 of Section 54.2 this Bylaw; d. the business component of the Live Work Unit shall not exceed 50 per cent of the gross Floor Area of the unit; e. there shall be internal access between the Dwelling and the business components of the Live Work Unit; f. the Dwelling associated with a Live Work Unit shall not contain a Minor Home Based Business or a Major Home Based Business; and 	Permitted CB1, Discretionary CNC, CSC, CB2, CO	ADD to: CB3, IB	ADD: “Creation and Production Studio” as an allowed business component.

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		<p>g. the business component of the Live Work Unit shall be limited to:</p> <p>i. Personal Service Shops;</p> <p>ii. Professional, Financial and Office Support Services;</p> <p>iii. Custom Manufacturing Establishments; Fabrication and Rehearsal Studios; Creation and Production Studio and</p> <p>iv. Health Services.</p>			
<p>Major home business</p>		<p>Major Home Based Business means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses. Such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.</p> <p>Typical Uses include hair-dressers and lawn maintenance companies.</p>	<p>Permitted - Discretionary A, CS4, AG, AGU CNC, CSC, CB1, CB2, CO</p>	<p>CB3</p> <p>Why are there no permitted uses?</p> <p>Minor Home Based Business is permitted in low density residential zones, Major Home Based Business is discretionary.</p>	<p>Clarify:</p> <p>- Has there been any Parking requirement relaxation? No</p> <p>- Have some limited sales been allowed? <i>They are already not specifically disallowed.</i></p> <p>Unofficial allowance for 3 garage sales/open houses per year from licence & permit dept. This needs to be confirmed.</p> <p>ADD to Typical uses : “artist studio in the home and/or outbuilding”</p> <p>It is not necessary to add typical uses.</p>
<p>Minor Home Business</p> <p>Add artist co-op to definition, as well as run by non-profit organizations.</p>		<p>Minor Home Based Business means development consisting of the Use of an approved Dwelling by a resident of that Dwelling for one or more businesses such businesses shall not require more than one business associated visit per day at the Dwelling. The business Use must be secondary to the residential Use of the building and no aspects of the business operations shall be detectable from outside the property. The Dwelling shall not be used as a workplace for non-resident employees of the business. This Use Class does not include General Retail Sales.</p> <p>Typical Uses include consultants, computer programmers and other service-oriented businesses where the proprietor goes to</p>	<p>Permitted CB3, A, Discretionary CS3, CS4, AG, AGU CNC, CSC, CB1, CB2, CO</p>	<p>Why are most only discretionary</p>	<p>Clarify:</p> <p>- Is the Outbuilding use allowed so long as there is no evidence from the exterior? No, because it displace parking. In the case of a Major Home Based Business, there should be no evidence from the exterior, regardless.</p> <p>ADD to Typical uses: “artist studio in the home”</p> <p>It is not necessary to add typical uses.</p>

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		the customer rather than the customer coming to the home.			
Community Recreation Services	Arts multi-purpose This is really a community hall type space, only allowed in Urban Services and downtown zones. It could be used by arts.	Add artist co-op to definition, as well as run by non-profit organizations. Community Recreation Services means development for recreational, social, arts or multi-purpose Use in a building without fixed seats and an occupancy capacity of fewer than 500 persons, primarily intended for local community purposes. Typical Uses include community halls, community centres, and community league buildings operated by a local residents' organization or similar non-profit organization.	Permitted US, AP, AN, Discretionary CS1, CS2, CS4 A, AG	CB3	ADD to typical uses: - "arts buildings" Administration not willing to add this use to CB3; this use is not meant for commercial zones.
Public Libraries + Cultural Exhibits	Galleries, libraries, film screenings, collection, preservation and exhibition of – media, books, music, art.	- Add public, not for profit art galleries to indicate exhibition not sales. - Added to more commercial zones Typical uses include office, gallery, film showings, fabrication workshop, accessible library and archives, storage, store. Public Libraries and Cultural Exhibits means development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical Uses include libraries, museums and public, not-for-profit art galleries.	Permitted CSC CB3 CB1, CB2, CO US, AN, CS1 Discretionary CNC, AP, A CS2	IB	ADD to IB and US zones Many IB zones are right next to commercial and residential zones and might be affordable. EG Richie area. The more appropriate option would to rezone the property. Administration is not prepared to add to IB zone at this time. - expansion into zones and areas smaller non-profit or alternative groups want and can afford to be.
Spectator Entertainment Establishment	Live Performance – theatre, dance, music, movies	Spectator Entertainment Establishments means development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Accessory Uses of the development may include training and rehearsal space. This Use Class does not include entertainment developments associated with Social Establishments and does not include Adult Mini-Theatres. Typical Uses include auditoria, cinemas, theatres and concert halls.	Permitted CSC Discretionary CB1, CB2, CB3, CO US, AP, A CS1, CS2	IB, IL, AN (tourism)	We like the addition of Accessory Uses, but those listed are too limited – and suggest other accessory uses might not be allowed such as, for example, administration activities or set and costume design workshops, rehearsal spaces etc. Accessory uses have been deleted; it is unnecessary to list them. - The arts community asked for major/minor uses classes to enable small groups to perform out of more accessible, marginal locations than the big cultural venues as might be found in industrial zones.
ADDITIONAL USES THAT MIGHT IMPACT ARTS					
Business Support Services	Printing, binding, photographic processes.		Permitted CSC, CB1, CB2 CO, IB, IL Discretionary		

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Flea Market	Market tables, craft shows?		Permitted - Discretionary CSC, CB2 IB, IM	IL	Add to IL (it is already discretionary in IB and IM) OK
Personal Service Shop	Seamstress, custom clothing design		Permitted CNC, CSC, CB1, CB2		
Professional, financial and office support service?	Administrative offices, creative industry offices (eg. architect)		Permitted CNC, CSC, CB1, CB2, CB3 Discretionary CO, IB, IL		
Private Education Services	??		Permitted Discretionary CNC, CSC, CB1, CB2, CO		Clarify. What does this really apply to? Why is it always associated with live/work? Dropped from live/work as it is added to Fabrication/Rehearsal. Seems to mean one-on one instruction.

ADDITIONAL ZONES NOT ADDRESSED IN AMENDMENTS	DESIRED ADDITIONS TO ZONES	ARTS COMMENTS	City comments
IH- Heavy industrial	- General Industrial	ADD	It's there already
CS2– Community Services Zone 2	- Commercial school (<i>active/passive recreation</i>)	ADD	See explanation under Commercial School
AN – River valley Active Node	- Spectator Entertainment Establishment (<i>tourism</i>)	ADD	Not able to add this to a natural (river valley) zone; extensive consultation would be required
US – Urban Service Zone	- Creation and production Studio	ADD	OK
RF6 – med density Multiple family	Live/work		Live/work is designed for commercial zones
RA7 – Low Rise Apartment	Live/work		Live/work is designed for commercial zones
RA8 – Medium Rise Apartment	Live/work		Live/work is designed for commercial zones
RA9 – High Rise Apartment	Live/work		Live/work is designed for commercial zones
CHY - Highway Corridor Zone	- Custom Manufacturing, - Creation and production Studio - Commercial school		Will assess
CB3 – Commercial Mixed Business	- Major home business, - Broadcasting and motion picture - Custom manufacturing - Creation and production Studio - Community Recreation Services		Will assess
MA2 - Municipal Airport Bus Ind.	Based on IB zone ..		Airport zones are disappearing

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MA3 – Municipal Airport General Bus	Based on CB2- ...		Airport zones are disappearing
TMU – Terwillegar mixed use	Production and Rehearsal, Creation and Production Studio		Will assess
EIB – Ellerslie Industrial	Custom Manufacturing, Creation and Production Studio		Will assess
EIM – Ellerslie medium Industrial	Based on IM zone - Custom Manufacturing, - Creation and production Studio		Will assess
GVC – Griesbach Village Centre	- Production/Rehearsal - Creation and production Studio		Will assess
CSCA – Ambleside Shopping Centre	- Custom Manufacturing, - Creation and production Studio - Community Recreation services		Will assess
UVCa – Ambleside Urban Village Comm	Live/work		Will assess

OTHER COMMENTS			
City Council Initiative “Art of Living Recommendation #2” + the Arts Community space needs	- The caption from the Art of Living Recommendation #2 is our directive in working toward more flexible definitions and rules and for providing a new, more distinct, section focused on the arts, including more discretionary zones. - The arts community activities are distinguished by a mix of activities happening often concurrently within one space or set of closely related spaces. THEREFORE allowing a multiplicity of activities to occur in one Use Class as amenity uses, and/or ensuring multiple use classes are permitted in a single zone will promote better alignment with actual arts activities. - The arts community seek affordable spaces that aren’t fancy. Largely at the mercy of landlords and lease agreements members are therefore rarely able to apply for rezoning. Just the code upgrade costs associated with a simple “change of use” can shut down viable activities. Thus the flexibility of each use class and permitted use across zones is of paramount concern.		
General definitions and explanations	- For the purposes of an Arts stakeholder review of Bylaw amendments it will be useful to list ALL arts related definitions with / without changes made to them, as well as ALL zones uses are permitted or discretionary in. - An explanation of other items that were discussed and considered for change either discarded or not otherwise included in this amendment will also be informative. - There will be a need to update new definitions across all zones not mentioned in amendments.		
“Cultural Services” Feedback?	- Like personal service, professional, financial and office support services, business support services, it could be useful to include a definition for cultural services that will capture office administration, gallery, and other activities that are performed by an arts service organization throughout a day or month as described in some of the definitions above. Such a definition would not be distinctly different from definitions that already exist, such as professional, financial, and office support services. There is no reason why arts groups can’t fit into that use definition.		
“Arts” definitions	One of the key desires of the arts community is for new definitions that are truly fit their uses. Good steps have been taken to broaden definitions, but they are not yet clear enough to know if they will match artist uses: - Further development is needed for Fabrication and Rehearsal Studio in particular. - Home business definitions really don’t address an artist studio concept at all, and the organic way of working in the home, yard and garage.		
Major and Minor home businesses	Although both are added to more zones little has been to further enable and support artists to work from home – an affordable and sustainable solution to meet artist studio needs. - There is no change to the definition or to the development regulations. No change to parking requirements or for use of outbuildings. These requirements are in place to protect the residential character of the home/neighbourhood. - There is only an unofficial “relaxation” of licences and opportunity for tri- annual garage-type sales from the licence department.		
Accessory uses	Clarify: Is the definition for Accessory Uses included in the Zoning Bylaws? Where can we find it? Yes, it is Section 6.1 (2) of the Zoning Bylaw. 6.1(2) Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and exclusively devoted to the principal Use or		

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	building, and located on the same lot or Site.
Zones in general	Most commercial and some industrial zones have been nicely considered for increased arts definitions. The new downtown zones also include most. Consider expanding further into remaining zones. Some suggestions above....
Industrial Zones	<ul style="list-style-type: none"> - There was previous indication that transitional zones, (a zone touched at the edges by other zones) and older industrial zones that no longer function for industry would be reviewed for possible inclusion of arts activities due to the attractive building type and lower costs. This is not shown in this amendment. Eg. Karyn Stirling in IM touched by several other zones (Residential. IB, CNC) - Although we understand that this use is not intended for “arts uses”, we note that other Assembly uses such as flea market, and auction houses are allowed. Arts community is seeking the affordable, flexible space available in these zones for rehearsal and performance. Feedback is that might be valid but isn’t supported by administration at this time. However, note that Broadcasting and “studio” use have been introduced to IB and IL - which now includes rehearsal, and potentially thereby also “incidental” performances in that rehearsal space.
Overlays vs. Urban Warehouse Zone	The UW zone contains most definitions that apply to arts, short of the general industrial use, in an inviting, walkable mixed-use environment. Could this example be applied in other areas of the City where an arts focus is desired, in lieu of an “overlay”? Such as, for example, retired or transitional industrial areas? No feedback
Parking	<ul style="list-style-type: none"> - of parking A significant stumbling block in development where a “change of use” is required, or when a use “appears” to best fit under a definition that requires large amounts - Potentially large parking demands for modified uses would have a negative and limiting impact on arts uses. - Parking has not been addressed in this amendment. No feedback