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Appendix B



MD district, the parking requirements shall be complied with as set forth in article IX.

- (4) *Landscaping.* In order to receive and maintain a valid certificate of occupancy within any MD district, the landscaping requirements shall be complied with as set forth in article VIII.
- (5) *Signs.* In order to receive and maintain a valid certificate of occupancy within any MD district, the signs requirements shall be complied with as set forth in article IX.
- (6) *Flood control.* Prior to the issuance of a building permit in any MD district, the provisions of the flood control district, article VIII, shall be complied with where applicable.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 951420, § 7, 7-8-96; Ord. No. 970683, § 1, 3-9-98)

Sec. 30-75. Public services and operations district (PS).

(a) *Purpose.* The PS district is established for the purpose of identifying and providing suitable locations for the necessary public and private utility and recreation activities that serve and are used directly by the public for their own benefit and are necessary to the normal conduct of the community's activities. This district may be isolated and surrounded by any other zoning district compatible with the intended use of the facility.

(b) *Objectives.* The provisions of this district are intended to:

- (1) Accommodate utilities, recreation and public facilities, at appropriate locations, necessary to serve the public;
- (2) Ensure public awareness of the location of existing or potential utilities, recreation and public facilities;
- (3) Allow, through the rezoning process, public review of specific utility, recreation and public facility uses to ensure locations compatible with surrounding activities; and

- (4) Ensure, by requiring development plan review where necessary, that such uses are designed to minimize negative impacts on surrounding properties.

(c) *Uses permitted by right.* The specific use(s) permitted on the subject property shall be specified as a part of the ordinance which places this classification on a particular area of ground and may include:

- (1) Libraries and information centers (GN-823).
- (2) U.S. Postal Service (MG-43).
- (3) Museums, art galleries and botanical and zoological gardens (MG-84).
- (4) Public administration (Div. J).
- (5) Local and suburban transit and interurban highway passenger transportation (MG-41).
- (6) Public golf courses (IN-7992).
- (7) Commercial sports (GN-794).
- (8) Pipelines, except natural gas (MG-46).
- (9) Electric, gas and sanitary services (MG-49).
- (10) Amusement parks (IN-7996).
- (11) Membership sports and recreation clubs (IN-7997).
- (12) Amusement and recreation services, not elsewhere classified (IN-7999).
- (13) Cemeteries.
- (14) Public service vehicles, in accordance with article VI.
- (15) Any other use specified in the ordinance rezoning property to this classification.
- (16) Any use customarily incidental to any permitted principal use.
- (17) Public lands designated for open space or conservation.
- (18) Activity-based private recreational or open space lands which have had development rights conveyed to the public, or for which a covenant of at least ten-years' duration is executed ensuring that only open space

outdoor recreation or park uses shall be permitted in accordance with F.S. § 193.501.

- (19) Activity-based public parks and recreational facilities as defined by the comprehensive plan.
- (20) Golf driving ranges.
- (21) Pitch-n-putt golf.
- (22) Utility lines.
- (23) Water conservation areas, water reservoirs and control structures, drainage wells and water wells.
- (24) Transmitter towers in accordance with article VI.
- (25) Camps and recreational vehicle parks (GN-703).
- (26) Places of religious assembly, in accordance with article VI.

(d) *Uses by special use permit.*

- (1) Food distribution center for the needy in accordance with article VI.
- (2) Residences for destitute people in accordance with article VI.

(e) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- (1) Office and administrative activities:
 - a. Minimum lot area: 10,000 square feet.
 - b. Minimum lot width at minimum building front yard setback: 100 feet.
 - c. Minimum yard setbacks:
 - 1. Front: Ten feet.
 - 2. Side, street: Ten feet.
 - 3. Side, interior: Zero feet.
 Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 20 feet or

the 60-degree angle of light obstruction, whichever is greater.

4. Rear: Zero feet.

Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: Twenty feet or 60-degree angle of light obstruction, whichever is greater.

(2) All intensive recreation uses (fairgrounds, stadia, community assembly buildings, performing arts halls, arenas, etc.):

a. Minimum lot size: One acre.

b. Minimum yard setbacks:

1. Front: Twenty-five feet.

2. Side, interior: Twenty feet.

Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: Fifty feet or 45-degree angle of light obstruction, whichever is greater.

3. Side, street: Twenty feet.

4. Rear: Zero feet.

Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: Fifty feet or 45-degree angle of light obstruction, whichever is greater.

(3) All other uses: As specified in the rezoning ordinance.

(f) *Additional requirements.*

(1) *General conditions.* All structures and uses within this district shall also comply with the applicable requirements and conditions of article IX.

(2) *Development plan approval.* Preliminary and final development plan approval in

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accordance with article VII shall be required for all development. In addition to the review criteria listed in article VII, the following criteria shall also apply:

a. *Site suitability.*

1. The site shall be suitable to the use proposed. Adequate land area should be provided for the current development, as well as any anticipated expansion.
2. The site shall be adequately served by water and wastewater facilities.
3. Transportation facilities available to the site shall be appropriate to the use. Large scale uses or those generating large volumes of traffic should be located on arterial or major collector streets as shown in the comprehensive plan.
4. The site shall be suitable for the use proposed without hazard to persons or property from the probability of flooding, soil erosion or other hazards.

b. *Site design.*

1. Building scale and massing shall relate to that of adjacent buildings to the extent practical.
2. Public developments shall be exemplary in their use of signage and landscaping and in the preservation of existing trees.
3. Pedestrian areas shall be separated from vehicular areas wherever possible. Traffic circulation should be safe, convenient and designed according to sound engineering practices.
4. The design of the site and facilities shall promote energy conservation through proper solar access, shading and other measures, where appropriate.

5. Appropriate access for emergency vehicles, garbage trucks and other service vehicles shall be provided.
6. All site elements shall be designed to protect natural and community resources, such as wildlife habitats, historic structures and ecologically sensitive areas.

c. *External compatibility.*

1. Buffering and screening of public service facilities shall be provided commensurate with the facility's degree of impact and incompatibility with surrounding developments.
 2. Electrical transformers and other utility equipment shall be screened from public view.
 3. Site illumination and public address systems, particularly for recreation areas, shall be designed so as to create no interference with the privacy of adjoining properties.
 4. Adverse impacts on adjacent properties, such as noise, smoke, glare and odor, shall be mitigated through site design. Where necessary, building construction methods or mechanical equipment should also be utilized to mitigate these adverse impacts.
- (3) *Parking.* Any development within any PS district shall comply with the parking requirements as set forth in article IX.
 - (4) *Landscaping.* Any development within any PS district shall comply with the landscaping requirements is set forth in article VIII.
 - (5) *Street signs.* In order to receive and maintain a valid certificate of occupancy within all PS districts, the sign requirements shall be complied with as set forth in article IX.

(6) *Flood control.* Prior to the issuance of a building permit in any PS district, the provisions of the flood control ordinance, article VIII, shall be complied with where applicable.

(7) *Preliminary development plan in conjunction with rezoning.*

a. *Intent.* A preliminary development plan is intended to help further the purpose of this district by providing the plan board and city commission with additional information on site-specific conditions which will assist the city plan board and city commission in their decision-making process relating to the accommodation of the proposed use(s) at appropriate locations necessary to serve the public; the assurance of public awareness of the proposed location of potential public facilities, utilities and recreation; and the assurance that the conditions placed upon the rezoning are designed to minimize any potential negative impacts on surrounding properties.

b. *Approval process.* The plan board shall recommend to the city commission whether a preliminary development plan is required before the property is rezoned or the uses permitted on the property are changed. The city commission may require such development plan, or those specific items or portions of a preliminary development plan that the city commission deems necessary, to be included as part of any petition to rezone property to this classification or to change the permitted uses on the property if the newly permitted use has not been previously approved. Should the city commission deem such a plan is needed in order to judge whether the proposed use can be accommodated on the site without detriment to the health, safety and general welfare of sur-

rounding properties the development plan shall meet the requirements of article VII.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3963, § 13, 3-14-94; Ord. No. 060587, § 1, 6-25-07; Ord. No. 070619, § 8, 3-24-08)

Sec. 30-76. Airport facility district (AF).

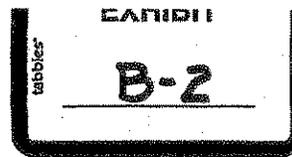
(a) *Purpose.* The AF district is established for the purpose of assuring the proper and safe operation of the Gainesville Regional Airport, to protect the public investment in the airport, and to protect and promote the public utility of the airport. Recognizing the unique conditions pertaining to the airport, this district provides a means of balancing conformance to applicable state and federal regulations with local concerns.

(b) *Objectives.* The provisions of this district are intended to:

- (1) Ensure public health, safety and welfare by adherence to all applicable local, state and federal standards and regulations.
- (2) Protect the public investment through development plan review, where applicable, to accommodate efficient and harmonious use of the facility.
- (3) Be consistent with the city's comprehensive plan and be compatible with surrounding land uses through adoption and implementation of the airport facility zoning map.

(c) *Uses permitted by right.* The specific uses permitted within the airport development area of this district are listed below, subject to the limitations as further provided in this section and subject to the limitations and requirements of Appendix F, Airport Hazard Zoning Regulations, as applicable:

SIC	Uses	Conditions
	Public lands	Designated for open space or conservation
	Wireless communications facilities	In accordance with article VI



(including MH, mobile home residential district) or other existing, conforming residential use.

- (2) All outdoor lighting shall be oriented away from any property in a residential district (including MH, mobile home residential district) or other existing conforming residential use.
- (3) All uses must comply with the requirements of article VIII for buffering incompatible uses.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 6, 7-25-94)

Sec. 30-96. Junkyards and salvage yards.

(a) *Dimensional requirements.* Minimum lot area is two acres.

(b) *Spacing.* Distance from any property which is in a residential district or which is shown for residential use on the future land use map shall be 300 feet.

(c) *Screening.* The entire area occupied by a junkyard or salvage yard shall be surrounded by a continuous solid masonry wall eight feet in height without openings, except for entrances and exits, which shall be equipped with solid gates.

(d) *Hazardous materials.* Junkyards and salvage yards shall comply with the county hazardous materials code.

(e) *Development plan approval.* Development plan approval shall be required for any development or expansion of any junkyard or salvage yard. The county office of environmental protection shall receive notice of any development plans for junkyard development or expansion.

(Ord. No. 3777, § 1, 6-10-92)

Cross reference—Secondhand goods, Ch. 22.

Sec. 30-97. Outdoor storage.

Where outdoor storage is a principal permitted use or a regularly recurring accessory use (not including short-term or temporary storage) the following requirements shall apply:

- (1) *Screening requirements.* A landscape buffer strip shall be provided in the same manner as if the property were zoned in an

industrial zoning district/category in accordance with the requirements of article VIII, section 30-253, with the following additional requirements:

- a. When a hedge is used, a chainlink fence at least six feet in height is required.
- b. Screening is required whenever in the opinion of the city manager it is necessary to visually shield the use from the public right-of-way. (This requirement shall apply notwithstanding the fact that the subject property abuts property which is zoned in an industrial district/category.)
- c. No merchandise, equipment, machinery, materials, motor vehicles or other items shall be stored above the height of the landscape buffer strip.
- d. If a landscape buffer strip is not required either under the provisions of section 30-253 or the provisions of this section, a fence or wall at least six feet in height shall be provided.
- e. Exceptions may be permitted in accordance with the criteria provided in section 30-253, provided the objectives of screening and safety are met in the opinion of the city manager.

- (2) *Hazardous materials.* Compliance with the county hazardous materials code is required.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 7, 7-25-94)

Sec. 30-98. Wireless communication facilities and antenna regulations.

(a) *Purpose.* These regulations were developed to protect the health, safety and welfare of residents of the city, and to protect property values and minimize visual impact while furthering the development of enhanced telecommunications services in the city. These standards are designed to comply with the Telecommunications Act of 1996 and the requirements of F.S. Ch. 365. The provisions of this section are not intended to and shall

not be interpreted to prohibit or have the effect of prohibiting the provision of personal wireless services. This section shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent services, consistent with federal regulations. These regulations are intended to:

- (1) Provide uniform standards for the provision of both radio and television broadcast signals and telecommunication services, including two-way radio, paging, personal communication services (PCS), cellular and related wireless services;
- (2) Protect the natural features and aesthetic character of the city by regulating the location, design and operation of wireless communication facilities, with special attention to residential neighborhoods, public parks, transportation view corridors, historic districts, historic landmarks, and environmentally sensitive lands;
- (3) Minimize the adverse visual and aesthetic impacts of wireless communication facilities through innovative design, siting and landscaping standards, including incentives to promote the use of camouflaged towers, collocation of new antennas on existing communication towers and the placement of antennas on roofs, walls, existing towers and other existing structures;
- (4) Accommodate the growing demand for wireless communication services, consistent with the Federal Telecommunications Act of 1996, and ensure an efficient and high-quality wireless communications network; and
- (5) Expedite the review process for those new applicants choosing the least intrusive alternative of deploying wireless telecommunication services.

(b) *Definitions.* In addition to the terms defined at F.S. § 365.172, when used in this section, the following terms shall have the following meaning:

Amateur radio towers. Structural facilities used to support amateur radio antennas as licensed and operated by federally licensed amateur radio station operators.

Antenna. Any exterior apparatus designed for sending and/or receiving intelligence without physical connection.

Broadcast. To transmit information without physical connections to two or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems or wireless data communications networks.

Camouflaged facility. Any wireless communication facility that is designed to blend into the surrounding environment or that camouflages or conceals the presence of the wireless communication facility. Examples of camouflaged towers include, but are not limited to, man-made trees, clock towers, bell steeples, flag poles, light poles, and similar alternative-design mounting structures. Examples of camouflaged antennas include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and antennas integrated into architectural elements.

Collocation. The situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

Communication tower. A guyed or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. References in this ordinance to "tower," unless otherwise qualified, shall mean "communication tower."

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Guyed tower. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Height. The vertical distance measured from the base of the tower or antenna support structure at grade to the highest point of any part of the structure.

Lattice tower. A guyed or self-supporting three or four-sided, open, steel frame structure used to support communications equipment.

Microwave transmission tower. A structure operated for the specific purpose of transmitting microwave frequency communications not open to public correspondence, operated by and for the sole use of those licensees operating their own point-to-point radio facilities in the public safety, business, industrial, land transportation, marine or aviation service.

Monopole tower. A communication tower consisting of a single pole, constructed without guy wires and ground anchors, used for the transmission of wireless communication.

Personal wireless services (PWS). Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as defined by Federal Regulations.

Retransmission tower. A structure operated for the specific purpose of retransmitting the signals of a radio broadcast station or another retransmission facility without significantly altering the characteristics of the incoming signal other than its frequency or amplitude.

Service provider(s). Any individual, company, firm or other entity that provides telecommunications service over telecommunications facilities.

Wireless communications facility. An all-encompassing definition meaning any equipment or facility used to provide personal wireless services and may include but is not limited to, antennae, towers, equipment enclosures, cabling, antenna brackets, and other such equipment. Placing a wireless communications facility on an existing structure does not cause the existing structure to become a wireless communications facility. This does not include antennas as defined in subsec-

tion 30-98(n) or other accessory personal use antennas as allowed by the City Code of Ordinances.

(c) *Applicability and general requirements.* The requirements of this section apply to all wireless communication facilities and broadcast towers. All property within the city limits shall be subject to the requirements of this section. It is the intent of the city to impose all regulations of this section to all land within the city, whether publicly or privately held, except as specifically provided herein. These regulations shall supersede all other code provisions concerning wireless communications facilities for those applications for development review that are filed on or after July 1, 2005 unless otherwise provided in law. Setback and separation distances shall be applied regardless of municipal and county jurisdictional boundaries. The design, construction and installation of wireless communications facilities shall comply with all applicable building codes.

(d) *Collocation.* Collocation on any existing facility or structure shall be completed in accordance with the standards stated at F.S. § 365.172(11), if and as applicable. All other collocations shall be reviewed in accordance with the provisions of subsection 30-98(h), and, if applicable, subsection 30-98(j).

(e) *Modification of existing towers.* Pursuant to F.S. § 365.172(11), an existing tower, including a nonconforming tower, may be structurally modified in order to permit collocation or may be replaced through no more than administrative review and building permit review and is not subject to public hearing review if the overall height of the tower is not increased and, if a replacement, the replacement tower is a monopole tower or, if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower.

- (1) The replacement tower is located as close as reasonably possible to the existing tower and in no instance greater than 50 feet from the existing tower.
- (2) In all cases the existing tower shall be removed within 30 days of completion of the replacement tower.

- (3) The replacement tower shall comply with the airport hazard zoning regulations of the city.
- (4) Any other existing tower modifications or replacements are considered a new tower and are subject to the provisions of this section.

(f) *Camouflaged towers.* New camouflaged towers shall be permitted according to the process identified below in subsection (4) in all zoning districts except for those zones in the single-family and residential-low zoning categories (see Table A, which appears at the end of this section) where no actual or effective prohibition of the provider's service in that residential area or zoning district results. If a wireless provider demonstrates to the satisfaction of the city that the provider cannot reasonably provide its service to the residential area or zone from outside the residential area or zone, the city and provider shall cooperate to determine an appropriate location for a wireless communications facility of an appropriate design within the residential area or zone. In no instance shall the height of a camouflaged tower in a single-family or residential-low zoning category exceed 80 feet in height, and shall be subject to a special use permit by the plan board. The city may require that the wireless provider reimburse the reasonable costs incurred by the city in cooperating in this determination.

- (1) *Height.* The maximum height of camouflaged towers in multiple-family, office or mixed-use districts, as listed in Table A (which appears at the end of this section), is 80 feet. The maximum height of camouflaged towers in all other districts is 110 feet, except that in industrial districts a camouflaged tower may be a height of up to 130 feet. Camouflaged towers may be constructed in excess of the maximum heights listed above, provided a special use permit is issued in accordance with article VII, division 5 of this chapter.
- (2) *Setbacks.* For purposes of structural safety and aesthetics, regardless of the zoning district in which a camouflaged tower is

located, the tower shall be set back a distance of at least the height of the tower from any adjoining lot line.

- (3) *Collocation.* Any camouflaged tower in excess of 110 feet in height shall be designed to support the facilities of at least three providers, including the facilities of the applicant. Any camouflaged tower in excess of 70 feet in height but less than 110 feet in height shall be designed to support the facilities of at least two providers, including the facilities of the applicant.
- (4) *Development plan approval.* Development plan approval for new uses shall be done in accordance with: the review procedures stated at article VII, division 1 of this chapter for intermediate level review; the provisions for neighborhood workshops stated at section 30-350, citizen participation; and with the requirements as listed below in subsection (m), Submittal requirements. The base application fee for review of any development plan application to construct a camouflaged tower shall be the same as the fee for intermediate plan review, plus the fee for a special use permit, if necessary, and the fee for the technical consultant, if deemed necessary by the city. All proposed new camouflaged towers must be architecturally and/or aesthetically compatible with the surrounding community. To determine architectural and/or aesthetic compatibility with the surrounding community, a public hearing shall be held before the development review board on the development plan application; however, if a special use permit is required for approval of the proposed camouflaged tower, a public hearing shall be held before the city plan board on the development plan application.
- (5) *Aircraft hazard.* All towers shall comply with the airport hazard zoning regulations in Appendix F to the Land Development Code.

- (6) *Utility building.* The equipment used to operate the facility shall be stored in:
 - a. An existing building on the site; or
 - b. An equipment cabinet, shelter or an underground vault; or
 - c. A building constructed or installed to accommodate multiple providers and designed to be compatible with the surrounding environment, while meeting the minimum building setback requirements of the underlying zoning district.

The equipment cabinet or shelter, if used, shall be screened by a fence or wall of not less than eight feet in height from finished grade, or by landscaping that conceals the cabinet or shelter.

- (7) *Equipment storage.* No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are currently being made.

(g) *Monopole towers.* Except as set forth herein, new monopole towers that are not accessory to communications uses (MG-48), shall be permitted by right in I-1, I-2, and AGR zones and are subject to review in accordance with the process identified below in subsection (8).

- (1) *Height.* The maximum height of a monopole wireless tower is 130 feet. Monopole towers may be constructed in excess of the maximum height, up to 200 feet, provided a special use permit is issued in accordance with article VII, division 5 of this chapter.
- (2) *Setbacks.* For purposes of structural safety and aesthetics, regardless of the zoning district in which a monopole tower is located, the tower shall be set back a distance of at least 300 feet from the nearest property lines of any single-family, residential-low, multiple-family, office or mixed-use district. The tower shall be set back at least 100 percent of the height of the tower from any adjoining lot line. Monopole towers may be constructed within 300 feet of the nearest property

lines of any single-family, residential-low, multiple-family, office or mixed-use district, provided a special use permit is issued in accordance with article VII, division 5 of this chapter.

- (3) *Collocation.* Collocation is encouraged; therefore, monopole towers shall be designed to accommodate collocation for multiple wireless communication service providers in accordance with the following minimum requirements stated at Table 1: Table 1: Collocation Requirements

Monopole Tower Height	Total Number of Providers
Less than 110 feet	3
111 feet to 130 feet	4
131 feet to 170 feet	5
171 feet to 200 feet	6

- (4) *Fencing and buffering (all nonresidential districts).* A metal or solid fence or wall of not less than six feet in height from finished grade, with locked gates, shall be provided around the base of each tower or around the yard area where the tower is located. Climb-proof shields can be substituted for a fence or wall around any tower. A monopole tower shall provide a buffer equal to that of commercial use in accordance with article VIII, except that in cases where the adjacent use is also commercial and a buffer is not required, adjacent use Buffer C shall be provided (see section 30-253, chart A). Exceptions to the buffer strip requirement shall be in accordance with subsection 30-253(5)b.

- (5) *Utility Building.* The equipment used to operate the facility shall be stored in:
 - a. An existing building on the site; or
 - b. An equipment cabinet, shelter or an underground vault; or
 - c. A building constructed or installed to accommodate multiple providers and designed to be compatible with the surrounding environment, while meeting the minimum building setback requirements of the underlying zoning district.

The equipment cabinet or shelter, if used, shall be screened by a fence or wall of not less than eight feet in height from finished grade, or by landscaping that conceals the cabinet or shelter.

- (6) *Equipment storage.* No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are currently being made.
- (7) *Aircraft hazard.* All towers shall comply with the airport hazard zoning regulations in Appendix F to the Land Development Code.
- (8) *Development plan approval.* Development plan approval for new uses shall be done in accordance with: the review procedures stated at article VII, division 1 of this chapter for intermediate level review; the provisions for neighborhood workshops stated at section 30-350, citizen participation; and with the requirements as listed below in subsection (m), submittal requirements. A public hearing before the development review board shall be held to consider all new monopole tower development plan applications; however, if a special use permit is required for approval of the proposed monopole tower, a public hearing shall be held before the city plan board on the development plan application. The base application fee for review of any development plan application to construct a monopole tower shall be the same as the fee for intermediate plan review, plus the fee for a special use permit, if necessary, and the fee for the technical consultant, if deemed necessary by the city.

(h) *Personal wireless service (PWS) antennas and wireless communications facilities.*

(1) *General.* This subsection is relevant to all new PWS antennas and collocated PWS antennas that increase the height of the structure or are not otherwise preempted pursuant to F.S. § 365.172(11).

- a. PWS antennas attached to existing structures shall be permitted as accessory uses in all zoning districts.

- b. PWS antennas may be located on existing commercial, industrial, office, institutional or multiple-family structures. PWS antennas shall not be mounted on single-family structures or on two-family structures.
- c. PWS antennas may extend a maximum of 20 feet above the roofline or the highest point of the existing structure on which they are mounted.
- d. The height of a rooftop installation shall be measured from the finish level of the portion of the roof on which the antenna is mounted.
- e. PWS antennas placed on a legally non-conforming structure shall not be considered an expansion of the structure. Existing PWS antennas that were legally installed at the time of initial installation may be repaired, replaced and/or relocated at an equal or lower height on the existing structure.

(2) *Visual compatibility for PWS antennas not located on a communication tower.*

- a. All new PWS antennas and collocated PWS antennas that increase the height of the structure or are not otherwise preempted pursuant to F.S. § 365.172(11), must be placed on the structure out of public view to the greatest extent possible. If this is not practical, screens or enclosures are required to conceal the facility from public view in a manner that is compatible with the scale, color and architectural character of the structure.
- b. If it is necessary to place the PWS antenna in public view, for aesthetic purposes it shall be integrated into the structure in such a manner that it is compatible with the scale, color and architectural character of the structure to the greatest extent practical.
- c. Equipment shelters used in conjunction with such PWS antennas shall

be located inside the existing structure or hidden from public view, or made compatible with the scale, color and architectural character of the structure.

- d. A PWS antenna shall comply with the required setbacks for the zoning district in which it is located.
- (3) *Development plan approval.* Development plan approval in accordance with article VII, as applicable, and compliance with the application requirements stated in subsections (m)(1), (6) and (11) are required prior to the issuance of a building permit for all new PWS antennas and collocated antennas that are not otherwise preempted pursuant F.S. § 365.172(11).
- (i) *Amateur radio towers.* All amateur radio towers in residential districts, as listed in article IV of this chapter, must meet the following requirements:
- (1) *Height.* No amateur radio tower shall rise more than 80 feet from the ground level at the exact site on which it is erected except as otherwise provided for in subsection (7) below.
 - (2) *Location.* Amateur radio towers are only allowed in rear yards. Only one tower is allowed per lot.
 - (3) *Guy anchors.* Guy anchors shall meet the setback requirements of the respective district and are allowed in side and rear yards only.
 - (4) *Construction standards.* Amateur radio towers shall meet manufacturer's specifications and an engineer licensed in the State of Florida shall certify plans. Towers shall meet the requirements of the Standard Building Code, relating to wind loads, and shall be engineered or guyed so that in the event a tower falls it will collapse only within the property lines on which it is located. All towers shall meet the standards contained in the most current version of American National Standards Institute "Steel Antenna Towers and Steel Supporting Structures" (ANSI EIA/TIA 222, F-1996 (R 2003)).
- (5) *Fencing and buffering.* A metal fence or solid wood or masonry wall at least eight feet in height shall be constructed and maintained around the perimeter of the rear yard or the base of the amateur radio tower. Climb-proof shields may be substituted for a fence or wall around the tower. A combination of hedges and/or evergreen trees, at least four feet in height when planted, shall be planted and maintained around the perimeter of the rear yard or in a continuous line around the tower and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes.
- (6) *Design/landscape plan.* A design/landscape plan shall be submitted for all proposed amateur radio tower sites, showing the proposed location of the tower, guy anchors and any existing or proposed landscaping as required by this section.
- (7) *Development plan approval.* The level of review for amateur radio towers of up to 80 feet in height shall be rapid review in accordance with article VII.
- (8) *Special use permit for excess height.* Amateur radio towers may be constructed in excess of the 80-foot height limitation provided a special use permit is issued. In addition to the requirements stated at article VII, division 5, special use permit, considerations shall include the following:
- a. The effects of topography, terrain and height of surrounding tree canopy on broadcasting ability.
 - b. The construction and design of amateur radio towers with regard to safety regulations including a consideration of the distance from the airport and whether the proposed tower would interfere with any flight paths.

- c. The visual impact on surrounding properties and existing or proposed screening and buffering.

(j) *Historic preservation / conservation districts.*

A new wireless communications facility shall only be located in a historic preservation/conservation district if it is a camouflaged tower and is 80 feet or less in height. A certificate of appropriateness from the historic preservation board shall be required for approval, in addition to the requirements of subsection (f). Personal wireless service (PWS) antennas located in a historic preservation/conservation district shall be required to obtain a certificate of appropriateness from the historic preservation board for approval, in addition to meeting the requirements stated at subsection (h). Any alteration made to a historical structure to accommodate the placement of a PWS antenna shall be designed and constructed so that it is fully reversible without damage to the historical structure.

(k) *Broadcast towers, retransmission and microwave transmission towers.* New broadcast towers may be guyed towers, lattice towers or monopole towers.

(1) *Dimensional requirements.*

- a. *Tower location.* For purposes of structural safety and aesthetics, broadcast towers and retransmission and microwave transmission towers shall be set back at least 300 feet from the nearest property lines of any single-family, residential-low or multiple-family district. The tower shall be set back at least 100 percent of the height of the tower from any adjoining lot line. No broadcast tower shall be located between the street and the front of any principal building. Broadcast towers adjacent to any residential district shall be screened along any common property line by trees and shrubs. A combination of hedges and/or evergreen trees, at least four feet in height when planted, shall be planted and maintained around the perimeter of the rear yard or in a continuous line around

the tower and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes.

- b. *Anchor location.* All tower supports and peripheral anchors shall be located entirely within the boundaries of the property.
- c. *Height and angle of light.* The height and angle of light obstruction of particular zoning districts shall not apply to broadcast towers.
- (2) *Fencing and buffering (all nonresidential districts).* A metal or solid fence or wall of not less than eight feet in height from finished grade, with locked gates, shall be provided around the base of each tower or around the yard area where the tower is located. Climb-proof shields may be substituted for a fence or wall around any tower. A broadcast tower shall provide a buffer equal to that of an industrial use in accordance with article VIII, except that in cases where the adjacent use is also industrial and a buffer is not required, adjacent use Buffer D shall be provided (see section 30-253, chart A).
- (3) *Equipment storage.* No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are being made.
- (4) *Aircraft hazard.* All towers shall comply with the airport hazard zoning regulations stated in Appendix F to the Land Development Code.
- (5) *Development plan approval.* Development plan approval shall be in accordance with the review procedures in article VII, division 1 of this chapter, as applicable; the provisions for neighborhood workshops in section 30-350, citizen participation; and the requirements as listed below in subsection (m), submittal requirements, as applicable.

(1) *Unused or abandoned towers.* A wireless communications tower is considered unused or abandoned when it is not used for transmission or retransmission for nine consecutive months. Upon determination that a tower has been abandoned, the city manager or designee shall provide written notice of the determination, by certified mail, to the owner of the tower. Upon receipt of the written notice of abandonment, the owner shall have 90 days to:

- (1) Reactivate the use of the tower;
- (2) Transfer the tower to another owner who makes actual use of the facility; or
- (3) Remove the tower and all associated equipment. If the tower is not removed within 90 days of the receipt of notice of abandonment, the city may dismantle and remove the tower and recover the costs from the owner or by accessing the bond set forth in subsection (m), Submittal requirements.

(m) *Submittal requirements.* In addition to the requirements of article VII, division 1, an application for a new wireless communication facility shall contain the following information:

- (1) The identity of the owner(s) of the proposed facility, as well as the identity of the wireless communication service provider(s) who have committed to locating on the proposed facility.
- (2) The distance between the proposed tower and the nearest residentially zoned lands.
- (3) Details of all proposed antennas and mounting equipment, including the location on the structure, size and color.
- (4) A design drawing including a cross-section and elevation of the proposed tower.
- (5) A description of the capacity of the tower including the number and type of antennas that can be accommodated.
- (6) A certified statement from a licensed professional engineer attesting to the structural integrity of the proposed facility and its ability to accommodate collocation opportunities.

- (7) Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed facility, as it would appear viewed from the closest residential property or properties and adjacent roadways.
- (8) An application for a new wireless communication facility that requires a special use permit shall contain a propagation map depicting both the extent of the communication service provider's existing coverage within the subject area and the service area of the proposed tower.
- (9) A bond or irrevocable letter of credit in an amount determined by the city manager or designee, and subject to the approval of the city attorney as to form and legality, to ensure that if the tower is abandoned pursuant to subsection 30-98(1), cost to the city for removal of the tower shall be guaranteed to the city.
- (10) FCC license.
- (11) Any additional information that is necessary for the city to complete the review of the application and is consistent with the requirements of Florida Statutes.

(n) *Television antennas.* For the purposes of this subsection, television antenna shall mean any exterior apparatus designed for television communications through the reception of electromagnetic waves. The following antennas used to receive video programming signals are allowed in all zoning districts and are exempt from the provisions of this section except as noted herein:

- (1) Residential antenna satellite dishes that are one meter (39 inches) or less in diameter and are designed to receive direct broadcast satellite (DBS) service, including direct-to-home satellite service.
- (2) Antennas that are one meter (39 inches) or less in diameter or diagonal measurement and are designed to receive video programming services via multichannel multipoint distribution service (MMDS or wireless cable). These antennas may be mounted on masts to reach the height needed to establish line-of-sight contact

with the transmitter. Antennas mounted on masts higher than 20 feet are considered communication towers and shall be subject to the provisions of subsection (h).

(3) Antennas that are designed to receive over-the-air television broadcast signals and that are mounted on masts higher than 20 feet are considered communication towers and shall be subject to the provisions of subsection (h).

(4) *General conditions for television antennas.*

a. There are no minimum setback requirements for antennas described in subsections (n)(1) through (3). In order to protect pedestrians and vehicle operators from possible conflict with structures in the right-of-way, no part of an antenna or its support structure shall extend over public sidewalk or right-of-way at a height of less than nine feet.

b. Antennas described in subsections (n)(1) through (3), shall be placed in a location not visible from the street unless an acceptable signal cannot be obtained from any other location. If an antenna must be placed where it is visible from the street, it shall be placed wholly on the subject property and shall comply with the provisions of section 30-341 (vision triangle). This is a safety-based restriction necessary to provide unobstructed sight distance in both directions on all approaches to an intersection.

c. A certificate of appropriateness shall be required for the placement of antennas described in subsections (n)(1) through (3), in those districts or on individual properties that are listed on both the local and national register of historic places and for those districts or individual properties listed on the local register of historic places for which the Federal Communica-

tions Commission has granted permission for the city to regulate antenna placement.

(o) *Environmental regulations.* All wireless communications facilities shall comply with all applicable environmental regulations.

(p) *Signs and illumination.* No signage or advertising shall be permitted on any wireless communications facility, except that each tower facility shall have an identification sign of no more than six square feet, identifying the service providers, the dates of permit approval, and the FCC registration and site identification numbers. The maximum height of the sign shall be no more than six feet, as measured from the base of the tower. No signals, lights or illumination shall be permitted on any wireless communication facility unless required by the Federal Aviation Administration or as an integral part of the design of a camouflaged facility.

(q) *Technical consultants.* The city in its discretion shall have the right to hire independent technical consultants and experts that it deems necessary to properly evaluate individual commercial wireless facility applications for purposes of compliance with land use and zoning regulations. The applicant shall be responsible for paying the costs of such consultation, the costs of which shall be identified reasonable expenses incurred in the review of the application. Payment is due upon receipt of the billing invoice and proof of payment shall be required prior to the consideration of the application by the appropriate reviewing body of the city. The applicant shall also be responsible for paying the costs of such consultation that may occur at the time of consideration of the application by the appropriate reviewing body. No final development order for the project under review shall be issued by the city until payment in full has been received by the city for technical consultation costs incurred during review of the application by the appropriate reviewing body.

Table A

For the purposes of this section, *single-family and residential-low zoning districts* shall include the following:

RSF-1: 3.5 units/acre single-family residential district.

RSF-2: 4.6 units/acre single-family residential district.

RSF-3: 5.8 units/acre single-family residential district.

RSF-4: 8 units/acre single-family residential district.

RC: 12 units/acre residential conservation district.

MH: 12 units/acre mobile home residential district.

RMF-5: 12 units/acre single-family/multiple-family residential district.

Multiple-family districts shall include the following:

RMF-6: 8—15 units/acre multiple-family residential district.

RMF-7: 8—21 units/acre multiple-family residential district.

RMF-8: 8—30 units/acre multiple-family residential district.

RMU: Up to 75 units/acre residential mixed use district.

RH-1: 8—43 units/acre residential high-density district.

RH-2: 8—100 units/acre residential high-density district.

Office districts shall include the following:

OR: 20 units/acre office residential district.

OF: General office district.

MD: Medical services district.

Mixed-use districts shall include the following:

MU-1: 10—30 units/acre mixed use low intensity.

MU-2: 14—30 units/acre mixed use medium intensity.

CCD: Up to 150 units/acre central city district.

CP: Corporate park district.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3918, § 7, 11-15-93; Ord. No. 970151, §§ 1, 2, 11-10-97; Ord. No. 970741, § 1, 3-23-98; Ord. No. 980732, §§ 1, 2,

6-14-99; Ord. No. 991152, § 2, 6-12-00; Ord. No. 030759, § 1, 8-22-05; Ord. No. 080545, § 3, 5-21-09)

Sec. 30-99. Veterinary services (GN-074).

(a) *Dimensional requirements.* Dimensional requirements for veterinary services:

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum lot width at minimum front yard setback: 100 feet.
- (3) Minimum yard setback: All buildings and structures, excluding fences and walls, shall be set back a minimum distance of 25 feet from any property which is in a residential zoning district or which is shown for residential use on the future land use map of the comprehensive plan. All other setbacks shall conform to the requirements of the district in which such use is located.

(b) *Additional regulations.*

- (1) No such facilities shall be permitted to have outside cages or runs except for those which are located in industrial districts and which are at least 500 feet from any property shown on the comprehensive plan for residential use.
- (2) All such facilities shall have sound attenuation so as to prevent common and ordinary animal noises from being heard outside any building or structure. Outside cages or runs permitted in industrial districts shall not be required to be so designed.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 8, 7-25-94)

Sec. 30-100. Dormitories and roominghouses.

(a) *Dimensional requirements.* All principal and accessory structures for dormitories and roominghouses shall be located and constructed in accordance with the dimensional requirements for multiple-family dwellings for the particular district in which located, except that the required

Sec. 30-117. Large family child care homes

In addition to compliance with all state and county requirements, large family child care homes, as defined in section 30-23, shall meet all of the following conditions at the time of approval of the use.

- (1) *Spacing.* Large family child care homes shall not be located closer than 1,000 feet from any other large family child care center.
- (2) *Primary residence on site.* The residence containing the large family child care home shall be the occupied and the primary residence of the operator.
- (3) *Absence of code violations.* There shall be no active code violations associated with the site or any structures on the site.
- (4) *Location of outdoor play areas.* All outdoor play areas shall be located between the primary structure and the rear property line.
- (5) *Paved driveways.* All driveways shall be paved.
- (6) *Staff approval of a plot plan.* The operator shall submit for approval a plot plan showing all structures, dimensions, distances, driveways, play areas, parking areas, and other similar relevant information. The plan shall show that the existing paved driveway is used and not a new or altered driveway.
- (7) *Sign prohibition.* Notwithstanding any other provision in this Code, there shall be no signage on the site.

(Ord. No. 041268, § 9, 8-22-05)

Secs. 30-118—30-150. Reserved.

ARTICLE VII. DEVELOPMENT REVIEW PROCESS*

DIVISION 1. DEVELOPMENT PLAN REVIEW PROCESS

Sec. 30-151. Purpose.

The purpose of this article is to promote harmonious, functional relationships among the var-

*Cross reference—Hearings and appeals, § 30-348 et seq.

ious elements within any development such as the location of activities, vehicular and pedestrian circulation systems, and visual form, to ensure physical, social and economic compatibility with neighboring developments and conditions, as well as with the community at large, and to prevent detrimental impact to the natural environment on and off the site by providing for review and evaluation of site plans for all development. Although certain minimum standards are prescribed by specific provisions of this Code of Ordinances, development plan review will permit maximum flexibility in reviewing each plan on its merits and encourage variety and innovation within the intent and purpose specified for each zoning district while ensuring privacy and safety on all levels.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99)

Sec. 30-152. Administration and enforcement generally.

This article sets forth the application and review procedures required for obtaining develop-

ment orders, and certain types of permits. The procedures for appealing decisions and seeking legislative action are addressed under section 30-352.1.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99)

Sec. 30-153. Authorization by development permit required prior to undertaking development activity.

Development activity may be undertaken only when the activity is authorized by a development permit. A development order or permit shall be issued only when all applicable procedures, inspections and reviews have been complied with as provided in this Code of Ordinances. A development permit may only be issued when the proposed development activity:

- (1) Is authorized by a final development order issued pursuant to this article; and
- (2) Conforms to all applicable federal, state, regional and city codes and regulations.
- (3) The applicant, owner or agent submits evidence of applicable permit from all federal, state, regional and county authorities. City approvals may be issued conditioned upon obtaining necessary permits or approvals from other agencies.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99)

Sec. 30-154. Exceptions to requirement of preliminary and final development order.

A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this article, provided all requirements of the vested rights and/or concurrency management ordinances are met. Unless otherwise specifically provided, the development activity shall conform to this article and all applicable codes and regulations.

- (1) *Construction or alteration of one-or two-family dwelling and associated accessory structures.* Review for compliance with development standards will be conducted

by the building codes and standards division at the time of application for a permit. Approval by relevant departments may be required as necessary. Compliance with the development standards in this article is not required if in conflict with the previously approved plat.

- (2) *Renovations and modifications.* The alteration of an existing building or structure so long as there is no change of use, expansion of floor area or increase in the amount of impervious surface on the site.
- (3) *Erection of signs; removal of protected trees.* The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site, except as required in other sections of this Code of Ordinances. However, where placement of a sign was approved through the development review process, the city manager or designee may require an amendment to the approved development plan in accordance with section 30-159, (Criteria for determining level of review).
- (4) *Resurfacing and re-striping of off-street parking.* Resurfacing and/or re-striping of an off-street parking area with no new spaces or modification of the layout and landscaping, does not require preliminary and final development plan review. Reconfiguration of parking spaces and/or landscaping may require development plan review in accordance with section 30-159. The city manager or designee may determine the level of review depending on the nature, type and complexity of the proposed change.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99)

Sec. 30-155. Post-permit changes.

After a permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A concurrency

review may also be required. A written record of the modification shall be entered upon the original permit and maintained in the files of the issuing department. Amendment of the development order must be made in accordance with the procedures for development review for any modification falling into the scope of the review process.

(Ord. No. 3777, § 1, 6-10-92)

Sec. 30-156. Development review approval process.

(a) *Steps in process.* The approval process consists of the following step in accordance with section 30-160:

- (1) Pre-application conference.
- (2) Determination of the level of review.
- (3) Concept plan review (optional).
- (4) Preliminary development plan review.
- (5) Final development plan review.

(b) *Pre-application conference.* Prior to filing for development plan review, the developer, petitioner, applicant or property owner must attend a pre-application conference with planning staff or the technical review committee to discuss the development review process, be informed of ordinance requirements and to confer with staff about the application. Capital improvements, such as turn lanes, signalization and the costs attributable to the development, necessary for the development to be approved, may be discussed at this and subsequent meetings. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(Ord. No. 970566, § 1, 1-11-99)

Editor's note—Ord. No. 970566, § 1, adopted Jan. 11, 1999, repealed the former § 30-156 and enacted a new § 30-156 as set out herein. The former § 30-156 pertained to the pre-application conference and derived from Ord. No. 3777, § 1, adopted June 10, 1992.

Sec. 30-157. Levels of review, rapid, minor, intermediate and major review.

For purposes of the development review process, all development plans shall be designated by the city manager or designee as either rapid, minor, intermediate or major development according to the thresholds set forth in section 30-159. Before submitting a development plan for review, the developer, petitioner, applicant or property owner shall provide the city manager or designee with sufficient information to allow designation of the proposed development into one of the reviewing levels. The decision of the city manager or designee may be supported by written findings. The level of review will be determined based on the criteria in section 30-159.

(Ord. No. 970566, § 1, 1-11-99)

Editor's note—Ord. No. 970566, § 1, adopted Jan. 11, 1999, repealed the former § 30-157 and enacted a new § 30-157 as set out herein. The former § 30-157 pertained to designation of plans as minor, intermediate or major developments, and derived from Ord. No. 3777, § 1, adopted June 10, 1992.

Sec. 30-158. Public notice.

Notice to the public on development review projects requiring notice shall be in accordance with section 30-351.

- (a) *Rapid review and minor review projects.* No public notice will be given for rapid review and minor review projects. The review will be administrative only.
- (b) *Intermediate and major development* must be noticed in accordance with section 30-351, and with a public hearing before the appropriate review board.

(Ord. No. 970566, § 1, 1-11-99)

Editor's note—Ord. No. 970566, § 1, adopted Jan. 11, 1999, repealed the former § 30-158 and enacted a new § 30-158 as set out herein. The former § 30-158 pertained to rapid development review of amendments to existing development or approved final development orders and derived from Ord. No. 3777, § 1, adopted June 10, 1992.

Sec. 30-159. Criteria for determining level of review.

Criteria for determining the level of review are as follows:

<i>Rapid Review</i>	<i>Minor Review</i>	<i>Minor Review II</i>	<i>Intermediate Review</i>	<i>Major Review</i>
Resurfacing of existing impervious area which does not include new or additional spaces, layout modification and/or landscaping modifications.	Up to 15 new parking spaces (500 square feet each) or construction, reconfiguration or redesign of existing parking or equivalent paved area not accessory to expansion of the number of multi-family units, or the floor area of office, commercial, public service, or industrial uses.		16-100 new parking spaces (500 square feet each) or reconstruction, reconfiguration or redesign of existing parking or equivalent paved area not accessory to expansion of the number of multi-family units, or the floor area of office, commercial, public service, or industrial uses.	Over 100 parking spaces (500 square feet each) or reconstruction, reconfiguration or redesign of existing parking or equivalent paved area not accessory to expansion of the number of multi-family units, or the floor area of office, commercial, public service, or industrial uses.
Expansion or redesigns of existing developments which will create up to 500 square feet of floor area, when submitted through the building division for a building permit. These may include decks, porches, patios, courts, pole barns and similar accessory structures with usable floor area.	New construction, expansions or redesigns of existing office, commercial or public service development that will create up to 2,500 square feet of floor area and its required parking. Porches, pole barns, and canopies up to 2,500 square feet of building area. Any deck, patio, court and similar unenclosed or pervious structure.	New construction, expansions or redesigns of existing office, commercial or public service development that will create from 2,500 to 10,000 square feet of floor area and its required parking.	New construction or expansion of existing office, commercial or public service development that will create from 10,001 to 50,000 square feet of additional floor area and its required parking.	New construction or expansion of existing developments of over 50,001 square feet of additional floor area and its required parking.
Developments of 500 square feet or less, of floor area, which involve no stormwater issues and no additional parking, when submitted through the building division for a building permit.	Developments located in the agricultural or warehousing zoning districts which have no common boundary with properties zoned residential or office, providing the proposed development contains only a roof and support structures with 50% or less of the total sides enclosed or industrial development up to 2,500 square feet area of developed industrial area.	Industrial development greater than 2,500 square feet of developed industrial area and located on 5 or fewer acres.	Industrial development greater than 2,500 square feet of developed industrial area and located on greater than 5 acres.	
Drawings submitted to verify site conditions for issuing a zoning compliance permit.	New construction or additions of 3 to 5 dwelling units.	Developments of 6 to 25 dwelling units.	Developments of 26 to 99 dwelling units.	Developments of 100 dwelling units or more.

<i>Rapid Review</i>	<i>Minor Review</i>	<i>Minor Review II</i>	<i>Intermediate Review</i>	<i>Major Review</i>
Field changes or modifications to active development where the changes do not trigger higher level thresholds, which does not alter stormwater, traffic, and fire safety or utility requirements.	A change in the location and type of landscape materials, except a change in the location of buffers that exceeds the rapid review thresholds.		Changes in the location of buffers, affecting any plan that was approved by the development review board.	
Minor structural, material, or dimensional changes that do not affect the site layout or any specific provision of a prior approval, as determined by the development review coordinator.	Shifts in the location of buildings, structures, parking bays, utility ties and dumpsters where the city manager or designee has determined that the shifts do not substantially alter the approved plan or conflict with buffering requirements.			

Residential development shall be reviewed on the basis of the number of dwelling units, unless the proposed development involves only an expansion of floor area of existing multifamily development (three or more dwelling units).

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99; Ord. No. 050158, § 2, 8-28-06)

Sec. 30-160. Submittal requirements.

(a) *Application.* Applications for development review shall be available from the planning and development services department. A completed application shall be signed and notarized by all owners, of the subject property. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization from the owners of record. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation.

Incomplete applications will not be processed. The city manager or designee may rule that certain required items, not be included with a particular submittal. This decision must be based on a determination that the level of review can proceed without the specified information, or that the information can be provided during the next level of review.

(b) (1) a. Concept review. Concept review is encouraged for all intermediate and major development but is not required. This concept review is intended solely to alert an applicant to

problems with, or objections to, a particular proposed development. During concept review, no comments made by the appropriate reviewing board or staff should be deemed as either an approval or denial of the proposed project. Concept plans should address conformity with the comprehensive plan, zoning, environment concerns and concurrency.

b. When an application for concept review is submitted, each concept plan shall include the following unless the city manager or designee determines that the requirements are not applicable:

1. General description of the project including property boundaries, illustrating the general location of all proposed use(s). Residential projects should include the total number of units proposed.
2. Proposed access to the property (street network) or number of access points requested.

3. A scaled drawing of the site showing major geographical features: creeks, ditches, wetlands, lakes, and other prominent topographic features (USGS or regional planning council maps and tax maps may be used).
4. Location of major tree groupings and Heritage trees as defined in section 30-258 shall be outlined on aerial tax maps or scaled drawings.
5. Generalized location, size and number of stories of proposed building(s) and aboveground utilities.
6. General parking lot layout with approximate number of spaces, basic traffic flow and proposed circulation patterns including proposed pedestrian, bikeway, greenway and public transportation facilities.
7. A statement indicating whether access will be required to a state or county road.
8. A statement identifying the existence and general location and elevation of any flood zones.
9. A statement indicating whether the project will be affected by the surface water, gateway, nature park, greenway, uplands or wellfield protection districts.
10. A general description of how drainage will be handled, including a soils statement (soil conservation survey is acceptable) and the general area of the site to be used for stormwater management facilities.
11. Any special occupancies to be included on the site, which may include but are not limited to

- underground storage tanks, a fireworks manufacturing site, a paint and body shop, or any other occupancy that includes a fire safety concern.
12. Note whether there is existing water or water service facilities on or near the site.
 13. Existing wastewater services.
 14. Type of building construction (Standard Building Code Chapter 6).
 15. The occupancy classification of the building (Standard Building Code Chapter 4).
 16. Peak hour, peak direction trip generation of proposed development based on the latest edition of the Institute of Transportation Engineers, Trip Generation, an Information Report, or a method approved by the city's traffic engineer. The trip generation report shall be signed by a professional engineer registered in the State of Florida, when there is a difference between the traffic report provided by the petitioner and the concurrency test.
- (b) (2) a. Affordable housing concept review and approval. Affordable housing concept review is encouraged for all certified affordable housing developments and is intended solely to assist affordable housing developers with meeting the application requirements for the State of Florida Housing Tax Credit program, in support of the state housing strategy stated at F.S. ch. 420. The review will alert an applicant to problems with, or objections to, a particular proposed development. This concept plan must address conformity with the comprehensive plan, zoning, environment concerns and concurrency. The appropriate reviewing board may grant a non-binding conceptual approval. The conceptual approval does not grant to the applicant any development rights and does not represent a development order. This conceptual approval is only an indication that the development proposal appears to be consistent with general requirements for development approval and that a development order will only be granted after the requirements for a final development plan have been met.
- b. When an application for affordable housing concept review is submitted, each concept plan shall include the following, unless the city manager or designee determines that the requirements are not applicable:
1. General description of the project including property boundaries, illustrating the general location of all proposed use(s). The total number of residential units proposed and units per acre.
 2. Proposed access to the property (street network) or number of access points requested.
 3. A scaled drawing of the site showing major geographical features: creeks, ditches, wetlands, lakes, and other prominent topographic features (USGS or regional planning council maps and tax maps may be used).
 4. Location of major tree groupings and heritage trees as defined in section 30-258 shall be outlined on aerial tax maps or scaled drawings.
 5. Generalized location, size and number of stories of proposed building(s) and aboveground utilities.
 6. General parking lot layout with approximate number of spaces, basic traffic flows and proposed circulation patterns including proposed pedestrian, bikeway, greenway and public transportation facilities.

7. A statement indicating whether access will be required to a state or county road.
 8. A statement identifying the existence and general location and elevation of any flood zones.
 9. A statement indicating whether the surface water, gateway, nature park, greenway, uplands or wellfield protection districts will affect the project.
 10. A general description of how drainage will be handled, including a soils statement (soil conservation survey is acceptable) and the general area of the site to be used for stormwater management facilities.
 11. Any special occupancy to be included on the site, which may include but are not limited to underground storage tanks or any other occupancy that includes a fire safety concern.
 12. Note whether there does exist water or water service facilities on or near the site.
 13. Existing wastewater services.
 14. Type of building construction (Standard Building Code Chapter 6).
 15. Peak hour, peak direction trip generation of proposed development based on the latest edition of the Institute of Transportation Engineers, Trip Generation, an Information Report, or a method approved by the city's traffic engineer. When there is a difference between the traffic report provided by the petitioner and the concurrency test, the trip generation report shall be signed by a professional engineer registered in the State of Florida.
 16. Minutes from the required neighborhood workshop.
- (c) *General plan requirements.* All plans for minor and all preliminary and final plans for intermediate or major review shall conform to the following standards, however, the city manager or designee may request additional information essential to providing a professional and complete response to the petition:
- (1) Each application shall include multiple copies of the plan as necessary to facilitate the review process.
 - (2) Each sheet shall contain a title block with the name of the development, both stated and graphic scale, a north arrow, and date of preparation. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
 - (3) The first sheet of each plan shall include:
 - a. The general location, both stated and graphic. The location graphic shall be drawn to scale showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits and/or other pertinent orientation information.
 - b. A complete written legal description of the property and the tax parcel number(s).
 - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
 - d. Name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).
 - e. The area of the property stated in square feet and acres.
 - f. Approximate location and types of development immediately adjacent to the proposed project.

- (4) The existing conditions map shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s) signed and sealed by a professional land surveyor licensed by the State of Florida. All existing easements, emergency accessways, other cross-access easement agreements, and rights-of-way, and common areas shall be shown. All existing structures, pavement and signage shall be shown.
- (5) Unless a format is specifically called for below, the information required may be presented textually, graphically or on a map, plan, aerial photograph or by other means, whichever most clearly conveys the required information. It is the responsibility of the petitioner to submit the information in a form that allows ready determination of whether the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations have been met. The trip generation report shall be signed by a professional engineer registered in the State of Florida, when there is a difference between the traffic report provided by the petitioner and the concurrency test results from the planning and development services department.
- (d) *Preliminary development plan.* Each preliminary development plan shall include the following:
- (1) Use and description of proposed project.
 - (2) A quality scaled drawing of the site showing the following:
 - a. Location and dimensions of all existing and proposed structures indicating all access points, gross floor area per floor per building, building height and number of stories, statement of number of units, and bedrooms.
 - b. All existing and proposed vehicular and pedestrian accessways with dimensions.
 - c. Areas designated for off-street parking showing the number of existing, required and proposed parking spaces based upon parking standards.
 - d. Required bicycle parking, number and placement of racks.
 - e. Designated loading and service areas.
 - f. A typical detail of a parking space with the number of spaces indicated in specific areas.
 - g. Location of all proposed structures to be located within the vehicular use area, including signs, dumpsters, trash compactors, etc.
 - h. Total area of site with percentages allocated to buildings, paving, impervious area and open space.
 - i. Dimensions of all features on the site must be indicated, including but not limited to setbacks, building separation, driveway and street widths, etc.
 - j. Designate all common areas.
 - k. Any proposed or required screening or buffering mechanism, including walls, hedges and/or fences.
 - l. Building elevations showing all features necessary to determine compliance with the Land Development Code. Other elevations and special design features may also be required. Submission of preliminary floor plans is strongly encouraged to facilitate review of the project.
 - m. A generalized landscaping plan showing existing trees, trees proposed to be saved and removed, and other significant vegetation on the site.
 - (3) A scaled topographic map of the site showing major geographical features: creeks, ditches, wetlands, springs, lakes, and other natural and man-made prominent features.
 - (4) Tree survey showing the location, diameter, genus and species of all trees larger

- than eight inches except sweetgums, slash and loblolly pines, which must be surveyed when larger than 12 inches. Measurements must be made at 4½ feet from base of trunk. An alternative to this survey of every regulated tree is a report, executed by a certified arborist with current credentials from the International Society of Arboriculture. The report must show the surveyed location, diameter, genus and species of all Heritage trees, other trees worthy of protection, and existing trees planted to comply with earlier approved development plans.
- (5) Location of all adjacent streets, internal streets, driveways and all access points. The state highway system or county road number shall be shown on the plans and peak hour, peak direction trip generation of proposed development calculated using the latest edition of the Institute of Transportation Engineers, Trip Generation, An Information Report.
 - (6) Sketch showing proposed access to public transportation facilities and greenways of projects adjacent to these facilities.
 - (7) Sketch showing basic plans for internal traffic circulation and parking lot design and preliminary plans for interaction between proposed development and pedestrian, bikeway, greenway and other public transportation facilities.
 - (8) The building construction type and type of roof covering.
 - (9) Fire protection systems to be provided in the structures shall be described. (These may include automatic fire sprinkler systems, halon systems, standpipe systems, smoke removal systems, smoke detection systems and fire extinguishers.)
 - (10) Identify any known special fire protection concerns such as flammable liquids storage tanks, dry cleaning operations, paint spray operations, manufacturing processes, furnaces, ovens, combustible storage, etc.
 - (11) Provide locations of fire hydrants and the size and locations of water mains that supply them. The point of service for fire protection systems connected to the public water system shall also be designated.
 - (12) Show the paved areas and/or stabilized areas of the site that may be used for access to the structures by emergency apparatus. This will include culs-de-sac, dead-ends, emergency accesses, limerock-based areas of travel, etc.
 - (13) Proposed or required fire lanes to be provided.
 - (14) Provide the calculation sheet for the required fire flow of the structures contained on the site. This is determined using the 1974 Edition of the Insurance Services Office "Guide for the Determination of Required Fire Flow," as it may be amended from time to time.
 - (15) Development phase lines.
 - (16) Landscaping (in utility areas).
 - (17) Indicate the location of all existing utilities on the site and in adjacent easements and/or rights-of-way.
 - (18) Indicate existing and proposed easements for facilities to be maintained by Gainesville Regional Utilities (GRU).
 - (19) Proposed off-site extensions from the point of available capacity, as determined by GRU engineering staff. (Note: Site plan approval does not constitute approval of the off-site extension.)
 - (20) General location of proposed water and wastewater facilities, including dimensions, size and type of pipes and slope of pipes.
 - (21) Grease, sand and lint interceptors (provide statement if they are included).
 - (22) Any other pretreatment facilities required (provide statement if needed).
 - (23) Engineering report itemizing the estimated wastewater average daily flow, showing method of calculation and indicating the constituents of the wastewater.

- (Note: If industrial in nature and concentrations of certain chemical compounds exist, then the applicant must secure an industrial user permit.)
- (24) Backflow preventers (statement whether needed).
 - (25) If required, fire sprinkler systems (type: dry, wet, chemical addition).
 - (26) Flood zones shall be identified, with elevations and the source of information if applicable.
 - (27) Show the location of the surface water overlay district, the gateway, greenway, uplands or nature park districts and community wellfield management zones. Locate the creek setback line on the plan in accordance with Article VIII, section 30-300, pertaining to surface water districts.
 - (28) A preliminary stormwater management plan in accordance with Article VIII:
 - a. Show generalized soil types.
 - b. Graphically show existing topography in one-foot contours and direction of flow.
 - c. Graphically show any existing drainage control features, and all natural or manmade water bodies.
 - d. Note depth of the high water table.
 - e. Graphically show location, note area and dimensions of proposed drainage/retention basins and swales including proposed depth and elevation of basin bottom and shoulder, elevation of all control structures and all preliminary calculations.
 - f. Graphically show all easements.
 - g. Provide documentation if joint facility or master plan facility is to be utilized.
 - h. Graphically show proposed grading.
 - i. Note proposed roof drainage control system.
 - j. Name, address and registration number of engineer or landscape architect who prepared preliminary stormwater management plan.
 - k. Sedimentation and erosion control plan:
 1. During construction; and
 2. Plan for erosion and sedimentation control over the life of the stormwater facilities.
 - l. List any permits required by the county, the applicable water management district, and any state agency.
 - (29) The occupancy classification of the building (Standard Building Code Chapter 4).
 - (30) Handicapped accessibility.
 - (31) A statement that the site is or is not in an historical preservation district.
 - (32) Certificate of concurrency. A certificate of preliminary concurrency is required for preliminary plan approval.
 - (33) A photometric plan. For all development plans requiring development plan review by a reviewing board, the plan shall be certified by a registered architect or engineer, or lighting professional holding a current LC (lighting certification) from the National Council on Qualifications for the Lighting Profession (NCQLP), as providing illumination in accordance with the applicable standards set forth in sections 30-330(a)(4) and 30-345(b)(8) and (9). For development plans requiring staff review only, the city manager or designee shall determine whether such a lighting plan is required. Plans shall indicate the location, height and types of lights (manufacturer's catalog cut, including make and model numbers and glare reduction/control devices), footcandle grid to illustrate light levels required, uniformity ratio, lamp wattage, shades, deflectors, beam direction, luminous area for each source of light and a statement of the proposed hours when the luminaries will be on and when they will be extinguished.

- (34) Sidewalk(s) that meet the requirement of section 30-338.
- (35) A statement indicating that all utility services shall be installed beneath the surface of the ground in accordance with section 30-345.
- (e) *Final development plan.* Each final development plan shall include the following:
- (1) A landscape plan and tree survey or certified arborist report in accordance with Article VIII.
 - (2) Security plan for parking areas, if used after dark (statement re compliance is satisfactory).
 - (3) Design of the connections (including driveways, roadways and other off-site improvements in abutting rights-of-way or easements) and between the development and adjacent developments.
 - (4) Right-of-way improvements associated with access to the proposed development, including but not limited to left turn lanes, bypass lanes and signalization for the development.
 - (5) Design of the internal traffic flow and parking lot.
 - (6) Accessibility for service and emergency vehicles; handicapped accessibility.
 - (7) Specify number and placement, and detail of bike parking.
 - (8) Design of bus stops, pedestrian, bikeway and greenway access to proposed development, where applicable.
 - (9) Where applicable, the completion of any traffic studies as specified in subsection 30-160(d)(5). In addition, letters of approval and conditions from the state department of transportation and the county must be provided.
 - (10) Dimensions, size and type of pipe and slope of wastewater facilities.
 - (11) Manholes and cleanouts with top and invert elevations.
 - (12) Location of all service laterals to within five feet of each building terminating a cleanout.
 - (13) Dimensions, size and type of pipe, tapes and valves related to water facilities.
 - (14) Location of all service laterals and water meters including size.
 - (15) A final stormwater management plan, in accordance with Article VIII, signed and sealed by a professional engineer registered in the State of Florida:
 - a. Data, method of analysis and explanation of assumptions for final stormwater management plan and stormwater management utility summary sheet.
 - b. Results of soil borings, if determined necessary by public works department.
 - c. Typical sections and details of all stormwater management control facilities; construction specifications, complete construction notes.
 - d. Grading and paving plan, including complete notes and construction specifications.
 - e. Final sedimentation and erosion control plan:
 1. During construction; and
 2. Plan for erosion and sedimentation control over the life of the stormwater facilities.
 - f. Status report on any permits required by the county, the applicable water management district and any state agency.
 - g. Maintenance plan for stormwater management facilities specifying regular maintenance procedures for which the property owner shall be responsible.
 - (16) Location and dimension of all existing and proposed structures indicating all access points, gross floor area per floor per building, elevations of proposed buildings

or additions, building height, number of stories, statement as to the number of dwelling units and bedrooms or floor area ratio. Submission of preliminary floor plans is strongly encouraged to facilitate review of the project.

- (17) Certificate of concurrency. A certificate of final concurrency is required for final plan approval.
- (18) Sidewalk(s) that meet the requirement of section 30-338.
(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4046, §§ 2, 3, 12-12-94; Ord. No. 970566, § 1, 1-11-99; Ord. No. 990954, § 1, 4-24-00; Ord. No. 990853, §§ 1, 2, 9-11-00; Ord. No. 991381, § 6, 9-25-00; Ord. No. 000516, § 3, 2-11-02; Ord. No. 002471, §§ 2, 3, 12-9-02; Ord. No. 030913, § 1, 4-12-04; Ord. No. 080545, § 5, 5-21-09)

Sec. 30-161. Review process.

(a) *Review considerations.* The appropriate reviewing board or the development review coordinator shall review any minor plan, intermediate plan, major plan or any amendment to any previously approved plan based upon the competent and substantial evidence presented by the reviewing authority, the petitioner, property owners, who are entitled to notice, affected persons, as determined by the board, and other interested persons related to any of the following factors:

- (1) Whether the plan meets submittal requirements of the land development code including payment of fees and compliance with submittal schedules to ensure adequate notice and review.
- (2) Whether the proposed development is consistent with the comprehensive plan, the land development code, applicable special area plans and other applicable regulations.
- (3) Whether the proposed development meets the level of service standards adopted in the City of Gainesville Comprehensive Plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applica-

ble at the particular development review stage), or certificate of conditional concurrency reservation.

- (4) Whether the proposed development complies with other applicable factors and criteria prescribed by the comprehensive plan, the land development code or other applicable law.

A portion of the review process shall permit any interested person to address the appropriate reviewing board or the development review coordinator at the proper time. The appropriate reviewing board or the development review coordinator shall determine what evidence is relevant to the decision and shall limit its review to that relevant evidence. Formal rules of evidence shall not apply.

(b) *Review of concept plans.* Concept review is provided in order for the applicant to receive public input and staff comments on a concept for development prior to the preparation of detailed plans and data. Any plan submitted for concept review must be in accordance with the land use designation and the zoning designation applicable to the subject property.

- (1) All major developments are encouraged to submit a plan for concept review. Intermediate developments need not be submitted to concept review, but concept review may be used at the option of the developer. This review is recommended to developers for proposals that may be controversial.
- (2) The developer shall file a completed application and a concept plan as a prerequisite to obtaining concept review.
- (3) Within five working days of receipt of an application and concept plan, the department shall make a determination that:
 - a. The application is complete; if the submittals are incomplete the department shall inform the developer in writing as to the deficiencies. The developer may submit an amended application within 30 days without payment of a new application fee, but, if more than 30 days have

elapsed, must thereafter reinitiate the application and pay an additional fee; or

- b. The submittals are complete and proceed with the following procedures. The proposed plan shall be placed on the agenda of the next meeting of the development review board that allows the provision of required notice.

- (4) Public notice shall be in accordance with Article X of this chapter.
- (5) A copy of the concept plan and notice of the time and date of the concept review shall be delivered to each member of the technical review committee. Technical review committee members shall review the proposal and submit comments, if any, in writing to the development review board at the board's concept review.
- (6) The development review board shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.
- (7) Following concept review, if applicable, any application must be submitted for preliminary or preliminary and final review within 12 months from the date the board conducted conceptual review.

(c) *Review of development plans for minor developments.*

- (1) All minor plan applications must be submitted to satisfy the requirements for final development plan review. There shall be one review step for developments classified as a minor development.
- (2) General procedures.
 - a. The developer of a proposed minor development shall submit the re-

quired number of copies, as established by the city manager or designee, for review. Minor developments shall be reviewed and a finding rendered by the city manager or his/her designee. Plans for review of minor developments shall be submitted to the planning and development services department. Plans may be submitted at any time, but will be assigned according to the technical review schedule.

- b. The department shall make a determination whether the application for review is complete. Incomplete applications will not be reviewed until all information required for review has been submitted. Complete submittals shall be processed using the following procedures:

- (1) A copy of the plan shall be sent to each member of the technical review committee. Each member shall review the proposal and submit written comments to the technical review committee.
- (2) The city manager or his designee shall review the comments and determine whether the proposal complies with the requirements of this chapter.
- (3) The city manager or his designee shall:
 - a. Issue a determination that additional information is required and defer a decision to the next technical

review cycle, until the necessary information is provided.

- b. Issue a finding that the development plans comply with the Land Development Code as applicable to the proposed development; or
- c. Refuse to issue a finding of compliance on the basis it is impossible for the proposed development even with reasonable modifications, to meet the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations as applicable.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 950983, § 1, 7-8-96; Ord. No. 970566, § 1, 1-11-99)

Sec. 30-162. Review of preliminary and final development plans for intermediate and major developments.

(a) Preliminary development plans.

- (1) The developer shall, following completion of concept review when such review is chosen by the developer, submit a preliminary development plan to the development review coordinator.
- (2) Within five working days of receipt of a preliminary development plan, the development review coordinator shall:
 - a. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within 30 days without payment of an additional fee, but, if more than 30 days has elapsed, must thereafter initiate a new application and pay a new fee; or
 - b. Determine that the plan is complete and proceed with the following procedures.

- (3) The development review coordinator shall send a copy of the preliminary development plan to each member of the technical review committee and shall place the plan on the agenda of the next committee meeting.
- (4) Each committee member shall submit written comments as to the proposed development's probable effect on the public facilities and services that the member represents.
- (5) Within 15 working days after the committee meets to consider the plan and comments, the city manager or designee shall issue a written report setting forth findings and conclusions supporting its recommendation that the development review board:
 - a. Issue a preliminary development order complying with section 30-165, pertaining to contents of preliminary development orders, below; or
 - b. Refuse to issue a preliminary development order based upon it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations as applicable.
- (6) The development review board shall conduct a quasi-judicial administrative hearing on the preliminary development plan to determine whether the plan satisfies the requirements of this chapter, the comprehensive plan, or other federal, state, or regional laws and regulations as applicable. The hearing shall be scheduled in accordance with Article X.
- (7) The development review board shall:
 - a. Find that all requirements have been met and issue a preliminary development order complying with section 30-165, pertaining to contents of preliminary development orders, below;
 - b. Find that all requirements can be met with reasonable modifications

which the developer proffers at the hearing and issue a preliminary development order complying with section 30-165, pertaining to contents of preliminary development orders, below; or

- c. Refuse to issue a preliminary development order because the plan as presented fails to meet the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations as applicable.

(b) *Final development plans.*

- (1) The developer shall file a final development plan for review within six months of receiving a preliminary development order. Extension of this period may be granted by the appropriate reviewing board at the applicant's request under the following circumstances:

- a. At the request of the applicant and for good cause shown, the appropriate reviewing board, at a public hearing, may extend the period for filing a final development plan for a period of six months, if all the concurrency management requirements of this chapter can be met and if the extended plan would not be in conflict with any other ordinance of the city.

- b. If there is an approved master plan for the development, the appropriate reviewing board, at a public hearing, may set the time schedule for how long the preliminary plan will be valid, provided the following conditions are met:

- i. The development includes a master stormwater plan for the entire development;
- ii. The internal traffic network is shown on the master site plan;
- iii. The master site plan shows building envelopes and general parking layout areas; and

- iv. The master site plan shows all exterior adjacent use buffers and environmental features including but not limited to creeks and wetlands.

The development will be required to receive a certificate of final concurrency when an application is made for final development plan approval for each phase of the development. No reservation of concurrency for future phases will be made when the master plan is approved. Each future phase must receive its own concurrency approval.

- (2) Within 20 working days the department shall determine whether the final development plan should be approved or denied based on whether the plan conforms to the preliminary development order.

- (3) The department shall:

- a. Issue a final development order complying with section 30-166, pertaining to contents of final development orders, below; or
- b. Refuse to issue a final development order based on the failure of the development to comply with the conditions imposed by the preliminary development order, this chapter, the comprehensive plan, or other federal, state, or regional laws and regulations as applicable.

- (4) A final development order shall be effective for a period of one year unless otherwise specified.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970140, § 1, 10-27-97; Ord. No. 970566, § 1, 1-11-99)

Sec. 30-163. Reserved.

Editor's note—Ord. No. 970566, § 1, adopted Jan. 11, 1999, repealed § 30-163 which pertained to review of preliminary and final development plans for major developments and derived from Ord. No. 3777, § 1, adopted June 10, 1992 and Ord. No. 970140, § 2, adopted Oct. 27, 1997.

Sec. 30-164. Phasing.

(a) *Approval of master plan.* A master plan for the entire development site must be approved for any development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the preliminary development plan for the first phase of the development and must be approved as a condition of approval of the preliminary plan for the first phase. A preliminary and final development plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases. Each phase must meet concurrency requirements. A certificate of preliminary and final concurrency shall be required for each phase. Approval of a master plan shall not be construed as the issuance of any development order. Any change to the master plan must be approved prior to any final development plan being approved based on the change.

(b) *Requirements for master plan.* A master plan is required for any development which is to be developed in phases. A master plan shall provide the following information for the entire development:

- (1) A concept plan for the entire master plan area.
- (2) A development plan for the first phase or phases for which approval is sought.
- (3) A development phasing schedule including the sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open space areas and facilities.
- (4) Total acreage in each phase and gross intensity (nonresidential) and gross density (residential) of each phase.
- (5) Number, height and type of residential units.

- (6) Floor area, height and types of office, commercial, industrial and other proposed uses.
- (7) Total land area, and approximate location and amount of open space included in each residential, office, commercial and industrial area.
- (8) Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
- (9) Approximate location and acreage of any proposed public use such as parks, school sites and similar public or semipublic uses.
- (10) A vicinity map of the area within one mile surrounding the site showing:
 - a. Land use designations and boundaries.
 - b. Traffic circulation systems.
 - c. Major public facilities.
 - d. Municipal boundary lines.
 - e. Urban service area boundaries.
- (11) Other documentation necessary to permit satisfactory review under the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations that may be applicable and required by special circumstances in the determination of the director.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970140, § 3, 10-27-97)

Sec. 30-165. Contents of preliminary development orders.

(a) *Mandatory requirements.* A preliminary development order shall contain the following:

- (1) An approved preliminary development plan (may be subject to conditions and modifications) with findings and conclusions.
- (2) A listing of conditions that must be met, and modifications to the preliminary development plan that must be made, in

order for a final development order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly. However, the failure to list all requirements of this chapter and regulations of the city shall not relieve the developer from complying with such ordinances and regulations.

- (3) A listing of federal, state, regional and city permits that must be obtained in order for a final development order to be issued. However, the failure to list all of such permits shall not relieve the developer from obtaining the required permits.
- (4) Notice that the preliminary development order does not constitute a final development order and that subsequently adopted ordinances, regulations and laws may require additional amendments to the proposal.
- (5) With regard to concurrency management requirements:
 - a. The initial determination of concurrency.
 - b. The time period for which the preliminary development order is valid. This initial determination indicates that capacity is expected to be available for the proposed project, provided that a complete application for a final development order is submitted prior to the expiration date of the preliminary development order.
 - c. Notice that the preliminary development order does not constitute a final development order and that one or more concurrency determinations may subsequently be required. The notice may include a provisional listing of facilities for which commitments may be required prior to the issuance of a final development order.
 - d. Notice that issuance of a preliminary development order is not binding with regard to decisions to ap-

prove or deny a final development order, and that it does not constitute a binding commitment for capacity of a facility or service, unless otherwise specified in Article III, Division 2.

(b) *Conditional requirements.* A preliminary development order may include one or more of the following as conditions of approval:

- (1) Agreement by the developer in a recordable written instrument running with the land that no final development order will be requested or approved unless the necessary facilities are programmed for construction within specified time periods.
- (2) Commitment by the developer in a recordable written instrument to contract for provision of the necessary services or facilities to achieve the concurrency requirement.
- (3) Schedule of construction phasing of the proposed development consistent with the anticipated availability of one or more services or facilities.
- (4) Such other conditions as may be required by the development review board to ensure that concurrency will be met for all applicable facilities and services.

(Ord. No. 3777, § 1, 6-10-92)

Sec. 30-166. Contents of final development orders.

(a) *Mandatory requirements.* A final development order shall contain the following:

- (1) A determination that, where one was required, a valid preliminary development order exists for the requested development.
- (2) An approved final development plan with findings and conclusions.
- (3) A determination that all conditions of the preliminary development order have been met.
- (4) If modifications must be made to the development plan before a final develop-



- including Champion and Heritage Trees, are specifically excluded as they are regulated under division 2 of this article.
- (2) *Reviewing authority.* The city manager or designee is authorized to conduct all environmental reviews pursuant to this section.
- (3) *Level of review.* The level of environmental review shall be classified as follows:
- a. *Basic review.* All applications shall undergo basic review. Basic review shall consist of determining, from available data sources and site visits (where necessary), the potential presence of any environmental feature of concern. If the basic review indicates the presence of any environmental feature of concern, then a Level 1 review is required.
 - b. *Level 1 review.* Level 1 review shall consist of more detailed review of the project data and the potential impacts identified in the basic review, including coordination with appropriate regulatory agencies, site visits and recommendation of modifications to the development proposal in order to avoid or minimize impacts to any environmental feature of concern. If during environmental review it is determined that a mitigation plan for impacts to environmental features of concern is required, then a Level 2 review is required.
 - c. *Level 2 review.* Level 2 review shall consist of extensive review of the potential environmental impacts, including coordination with appropriate regulatory agencies, recommendation of modifications to the development proposal in order to avoid and minimize potential impacts; and review of and comment on the mitigation plan to address remaining impacts.
- (4) *Review report.* Upon reviewing an application, the reviewing authority shall issue a written report that describes: the scope

of the review conducted; the presence (or absence) of environmental features of concern; whether the proposed development complies with the comprehensive plan, the Land Development Code and other applicable law with respect to the environmental features of concern; the potential (or actual) impacts that the development will have on the environmental features of concern and the reviewing authority's recommendations to address the impacts.

- (5) *Review fees.* The fees for all reviews pursuant to this Section shall be as established and set forth in Appendix A, Schedule of Fees, Rates and Charges. The fee will cover up to three reviews within a two-year period for the same project. By way of example, a single project that is required to undergo Basic and Level 1 reviews due to three applications filed within a two-year period for a PD rezoning, a special use permit and a development plan will be charged one Level 1 review fee, not three Level 1 review fees. The fees shall be paid within five city working days of the date of written notice from the city that a Level 1 or Level 2 review is required. Failure to timely pay the review fees shall result in the application being deemed incomplete and returned to the applicant.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3834, § 1, 2-15-93; Ord. No. 3911, § 1, 10-4-93; Ord. No. 4075, § 12, 5-8-95; Ord. No. 990954, § 3, 4-24-00; Ord. No. 090294, § 1, 10-15-09)

DIVISION 2. LANDSCAPE AND TREE
MANAGEMENT, STORMWATER
MANAGEMENT AND WATER/WASTEWATER
CONNECTION POLICIES*

Subdivision I. Landscape and Tree Management

Sec. 30-251. Elements of compliance.

All property within the city shall be subject to the following regulations except as exempted by

***Editor's note**—Designation of the provisions of Div. 2 as Subdivs. I—III was at the discretion of the editor.

subsection 30-251(2)h. No parcel within the city may be cleared, grubbed, filled or excavated, nor shall any building be altered or reconstructed in a manner which changes the site plan, site use or increases the impervious surface area except in compliance with this article. Requirements of these sections do not exempt property owners from compliance with any other section of this chapter.

- (1) *Minimum percentage of developed area devoted to landscaping.* Property shall be designed, constructed and used so that the total of the areas devoted to landscape materials of any site is at least 20 percent of the area devoted to development.
- (2) *Minimum requirements for landscaped areas.* All areas designed to meet the requirements of these sections shall comply with the following:
 - a. Any required landscape island containing a tree shall have a minimum area of 140 square feet. The width of any side shall be at least nine feet. Pedestrian walkways should not reduce the minimum area or width requirements for any landscape island containing a tree.
 - b. Landscaping of stormwater management areas shall conform to all requirements of this chapter and the public works department design manual. Retention/detention areas should be landscaped with trees, shrubs, ground covers and native perennials appropriate to the function as a wet or dry basin. If the landscaped area is also designed to meet on-site stormwater management requirements, one of the following conditions must be met:
 1. The area must be designed to provide an aesthetic focal point, such as a lake, creek or other water feature; to preserve a tree grouping; or to utilize the existing terrain and/or geological features of the site.

2. The area must be preserved in such a manner as to maintain an existing wetland function or to preserve or establish habitat for a viable population of native plant, animal or insect species.
3. The design of the retention/detention basin shall meet the following criteria:
 - i. Varying side slopes or vertical side slopes (basin 18 inches or less in depth);

- ii. The basin shall be an irregular shape, having no parallel sides;
 - iii. Twenty-five percent or more of the basin area including the shoulders shall be landscaped and shall include the equivalent of at least one shade tree for every 35 linear feet, or part thereof, of basin perimeter; spacing of trees may be closer when trees are planted in groups for aesthetic effect; and
 - iv. The landscaping for the basin shall be integrated with the entire landscape plan.
4. The retention/detention area utilizes wetland and aquatic vegetation compatible with cleaning of stormwater runoff.
- c. An irrigation system, or a readily available water supply within a distance of 100 feet, shall be supplied for all landscaped areas. An automatic irrigation system shall be provided for developments or redevelopments of existing property in accordance with subsection 30-251(3)b.4., if the total area of impervious surfaces devoted to vehicular uses exceeds 22,500 square feet. Such irrigation shall promote water conservation by such methods as drip irrigation and/or efficient sprinkler zoning. The irrigation system shall be designed and located to minimize the watering of impervious surfaces.
 - d. Plants shall be sized such that, within three years of the time of planting, at least half of the required landscaped development shall be devoted to living plants. Remaining landscape areas shall be mulched with organic materials. Grassed areas shall be planted with sod that has been certified free of noxious weeds by the
- Florida Department of Agriculture and Consumer Services, Division of Plant Industry.
- e. When a landscaped area is adjacent to or within a vehicular use area, curbing shall be used to protect landscaped areas from encroachment. Parking spaces shall be designed to provide pervious surface for the vehicle overhang area. Shrubs and trees shall be placed away from the wheel stop, so that they will not be encroached upon by vehicles. In lieu of curbing, the alternative means of preventing encroachment shall be shown on the site plan.
 - f. All required trees shall be selected from the Gainesville Tree List. Tree species not appearing on the Gainesville Tree List may be planted only with prior approval of the city manager or designee or appropriate reviewing board. In order to encourage plant diversity, no more than 50 percent of the selected canopy trees shall be of the same genus, except for street tree plantings, which, on a given street should be uniform with respect to genus, size, and shape. Street tree diversity is to be attained city-wide in order to reduce the effect of loss of street tree species due to insect or disease outbreaks, even though street tree diversity may not be attained on an individual street. The applicant or landscape contractor shall schedule an on-site meeting with the city arborist prior to the installation of any trees or shrubs to ensure compatibility with infrastructure and compliance with landscape code requirements.
 - g. Any landscaped area adjacent to an intersection or driveway shall conform to the requirements for the vision triangle, article IX, section 30-341.

h. Exemptions:

1. Lots within single-family zoning districts and the developed portion of any lot over two acres in actual single-family residential use are exempt from the requirements of this section, except that section 30-257, pertaining to Champion trees, section 30-258, pertaining to Heritage trees, and section 30-261, pertaining to subdivision requirements, shall apply.
2. Excluded areas as defined in section 30-266.
3. Lots in actual industrial use or having been zoned as I-1 limited industrial district, I-2 general industrial district, or W warehousing and wholesaling district, or which are zoned MU-2 mixed use medium or CCD central city district, are exempt from section 30-253, pertaining to buffer strip requirements, when such buffer strips occur along any common boundary with property in active use for rail transportation or zoned I-1, I-2 or W. Paved areas devoted to loading and outside storage are exempt from subsection 30-252(b)(2) as it pertains to interior landscaping of vehicular use areas.
4. Development within the approach and clear zone areas as specified on the Gainesville Regional Airport master plan, on file with the director of aviation, Gainesville Regional Airport, shall be exempt from the provision of required trees. Trees may be removed from such areas upon submission of written authorization from the Gainesville/Alachua County Regional Airport Authority or FDOT to the city manager's designee; no reforestation is required.
5. All parking garages shall be exempt from section 30-252, pertaining to landscaping requirements for vehicular use areas; however, vehicles shall be screened from adjacent properties and public rights-of-way through the use of opaque materials at ground level.

(3) *Expansion of neighborhood shopping centers (NSC), community shopping centers (SC) as defined in article II, or developments of 50,000 square feet or more. Expansion of neighborhood shopping centers, community shopping centers, or developments of 50,000 square feet or over shall comply with the following regulations:*

- a. The applicant or his/her representative shall submit an amendment to an approved development plan as provided in article VII, or, if there is no approved development plan for the development, shall file a development plan in accordance with the procedures provided in article VII. The amendment or development plan shall, at the option of the applicant, show either full compliance with the provisions of this article or provide a complete phasing schedule for the installation and completion of all landscape requirements as provided in this article.

b. The phasing schedule shall conform, at a minimum, to the following standards:

Proposed Site Plan Amendment

Mandatory Compliance

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| <ol style="list-style-type: none"> 1. Any expansion which increases the gross floor area of a development by ten percent or less. 2. Any expansion which increases the gross floor area of a development by more than ten percent but less than 20 percent. 3. Any expansion which increases the gross floor area of a development by 20 percent or more but less than 35 percent. 4. Expansion which increases the gross floor area of a development by 35 percent or more. | <p>The expansion and all parking spaces directly related to such area.</p> <p>The expansion and all property within 25 feet, where practicable, plus 25 percent of the remainder of the development.</p> <p>The expansion and all property within 25 feet, where practicable, plus 50 percent of the remainder of the development.</p> <p>The entire development.</p> |
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c. Provided, further, that the phasing schedule shall show that an additional ten percent of the remainder of the development shall be brought into compliance each and every succeeding year thereafter until the entire development complies with the landscape requirements of this article. This provision shall not apply to expansions of the gross floor area which do not exceed the following dimensions:

1. Ten percent of the floor area; and
2. 4,000 square feet of the floor area;

whichever requirement is less.

For purposes of this subsection, repeated expansions of property, including the construction or erection of separate buildings or accessory structures, constructed within a period of 36 months, which meet the above threshold shall comply with the provisions of this article as provided above.

d. The determination of the exact location of the remainder area which shall be brought into landscape compliance shall be made by the plan board. In determining the exact lo-

cation of such remainder area, the following factors shall be considered:

1. Buffering incompatible land uses;
2. Improvement to areas of visual or environmental impact; and
3. The economic and technical feasibility of landscaping particular areas.

(4) *Expansion or alteration of existing uses except neighborhood shopping centers, community shopping centers and developments of less than 50,000 square feet.*

a. Expansions of vehicular use area added after June 10, 1992, shall meet the requirements of section 30-252 for the expanded area.

b. Whenever expansion of a developed area, independently or cumulatively, accomplished after June 10, 1992, totals 4,000 square feet, or more than 35 percent of the gross square footage of the developed area, whichever is less, the entire site shall be brought into compliance with this article. For the purposes of this subsection, repeated expansions or alterations of the property, including the construction or erection of separate buildings or accessory structures, constructed within a period of