

**ORIGINAL CODE LANGUAGE USED BY TREE ADVISORY BOARD  
AS THE BASIS FOR THE PROPOSED CHANGES – 12/18/08**

Sec. 30-23. Definitions

*Improvement* means any manmade, immovable item which becomes part of, is placed upon, or is affixed to real estate.

*Improvements* means physical changes made to raw land and structures placed on or under the land surface, in order to make the land more usable. Typical improvements would be clearing and grubbing, grading, street pavements, curb and gutter, drainage ditches, street trees, storm and sanitary sewers, streetlights, fire hydrants, street name signs, permanent control points (PCP's), etc.

*Landscape materials* means living trees , shrubs, vines, grasses, ground covers and other plants, sand, wood mulch, walls and fences, and other nonliving, durable materials commonly used in landscaping; landscape water features; and similar materials and design features; provided that visible synthetic materials shall not qualify.

*Dripline* means the outer perimeter of the crown of a plant as projected vertically to the ground.

*Regulated tree.* Refer to article VIII of this chapter.

*Tree grouping* or *major tree grouping* means an assemblage of closely spaced trees with the following characteristics:

- (1) The perimeter of the assemblage encompasses at least 400 square feet; and
- (2) The coverage of the assemblage tree canopy is at least 50 percent.

*Understory trees* means trees which average less than 40 feet in height at maturity, whether or not the tree is found in an understory habitat.

**Sec. 30-160. Submittal requirements.**

(a) *Application.*

(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.

(d) *Preliminary development plan.* Each preliminary development plan shall include the following:

(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 4 1/2 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.

### **Sec. 30-183. Design plat requirements and approval.**

(e) *Specifications.*

(2) The design plat shall also contain or be accompanied by:

h. The location of all major tree groupings and identification of all heritage trees by genus and species on the subdivision tract, a designation of which tree groupings and heritage trees are proposed to be removed, and identification by genus and species of all regulated trees as defined in section 30-254 located in or within 15 feet of any proposed right-of-way or utility improvement.

### **Sec. 30-184. Preparation, submission and review of construction plans.**

(a) *Preparation.* Following the city commission approval of the design plat, the subdivider shall submit construction plans and specifications for all subdivision improvements required, in accordance with this article. The construction plans must be prepared, by an engineer registered in the state, in conformance with section 30-188 of this article, the design manual on file in the public works department, and other applicable regulations by an engineer.

(b) *Submission and review.* The subdivider shall submit a minimum of one set of prints of the complete construction plans to the director of public works and

one set of prints to Gainesville Regional Utilities and one set of prints to the county office of environmental protection. Following their reviews, if the construction plans are consistent with the approved design plat and comply with all standards and specifications, public works department and Gainesville Regional Utilities shall notify the subdivider of construction plan approval. If the construction plans are not consistent with the design plat as approved by the city commission or do not comply with all standards and specifications, the public works department and Gainesville Regional Utilities shall notify the subdivider of:

(1) Conditional construction plan approval, subject to any necessary modifications which shall be indicated on the plans or attached to them in writing; or

(2) Disapproval of the construction plans or any portion thereof, indicating in writing the reasons for the disapproval. The subdivider shall be responsible for timely resubmittal of acceptable plans.

(c) *Required maps and drawings.* Plans for the proposed improvements and a boundary survey shall be required to be approved by the public works department and Gainesville Regional Utilities prior to approval of the final plat by the city commission. The final plat shall be recorded in the public records unless the subdivider has complied in all respects with subsection 30-186(e). The improvement plans shall show the proposed locations, sizes, types, grades and general design features of each facility, and shall be based upon reliable field data. These drawings shall include, at a minimum, a topographic map, stormwater management plan, and construction drawings showing street profiles, street cross sections and water supply, sewer and stormwater management as specified by the public works department and GRU.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 960061, § 6, 6-8-98)

### **30-211 Planned Development Districts.**

(a) *Purpose.* It is the purpose of this district to provide a method for landowners or developers to submit unique proposals which are not provided for or allowed in the zoning districts otherwise established by this chapter. In particular, these provisions allow a mix of residential and nonresidential uses and/or unique design features which might otherwise not be allowed in the district, but they must conform to all aspects of the comprehensive plan. Rezoning for planned developments (PDs) will be an entirely voluntary procedure.

(b) *Objectives.* The PD provisions are intended to promote flexibility of design and integration of uses and structures, while at the same time retaining in the city commission the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging flexibility in the proposals which may be considered, while at the same time retaining control in the city commission over the approval or disapproval of such proposals, the PD provisions are designed to:

(1) Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide for an integration of housing types and accommodation of changing

lifestyles within neighborhoods; and provide for design which encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.

(2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences.

(3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.

(4) Lower development and building costs by permitting smaller networks of utilities, a network of narrower streets, and the use of more economical development patterns and shared facilities.

(5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.

(6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.

(7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks.

## **DIVISION 6. TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) DISTRICT\***

### **Sec. 30-241. General development criteria.**

(a) *Land use.*

(b) *Streets and alleys.*

(15) If the parallel parking lane is provided on only one side of shopfront use lots, rowhouse use lots, or workplace use lots, there shall be a planting strip, at least four feet wide, between the opposite travel lane and sidewalk for shopfront use lots. When on only one side for rowhouse use lots, the strip shall be at least five feet wide. When on only one side for workplace use lots, the strip shall be at least eight feet wide.

(f) *Shade tree and street tree landscaping.*

(1) One shade tree, with at least 18 square feet of planting area at the surface and 140 square feet of root room below the surface, is required for every 600 square feet of building footprint. If no street trees will be planted, trees must be planted between the building and the sidewalk in front of the building. When street trees are part of the development, shade trees may be planted in a courtyard or at the side or rear of the building or lot. Engineered soil may be required under sidewalks when tree grates or brick-paved sidewalks permit less than 140 square feet of appropriate root room below the surface.

(2) Street trees shall be planted in rights-of-way parallel to the street along all streets at a maximum average spacing of 35 feet on center. Trees shall be planted on both sides of the street except as provided for in subsections 30-241

(b)(15) and (19). Street trees shall be used as a design element to provide visual identity to the TND and be installed using the principles of formal landscaping. Tree grates may be used only if the developer retains maintenance responsibility for trees and sidewalks or if engineered soil with at least 140 square feet of root room below the surface, or as required by the city manager or designee, is provided. Trees shall be selected from the list of street trees on file at the city department of community development. Either the same species shall be selected for a street, or trees of the same size and shape, at maturity, shall be selected, as approved by the city manager or designee. Where infrastructural incompatibility would result, this requirement may be waived. Street trees shall be planted within the parallel parking lane on streets within the TND in planting areas at the surface, no smaller than 3.5 feet by seven feet, and at least 140 square feet of root room below the surface. Trees in planting areas shall be placed at least three feet from the face of the curb, and at least two feet from the sidewalk. Where no lane of parking is required, there shall be a planting strip between the sidewalk and the travel lane. Trees in planting strips shall be placed four feet from the edge of pavement when no curb is present and a minimum of four feet from the face of curb when curbs exist. Street trees shall not be required where colonnades are constructed.

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

### **Subdivision I. Landscape and Tree Management**

Sec. 30-250. Purpose; objectives.

(a) *Purpose.* This article is established for the purpose of protecting the immediate and longterm public health, safety and general welfare by preserving, enhancing, conserving or restoring the natural environment. Development and other activities within the city shall be in accordance with this purpose.

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

- (1) To conserve energy through the cooling and shading effects of trees;
- (2) To conserve water through the preservation of existing natural vegetation, the use of xeriscape techniques, and other water-conserving irrigation and landscape practices;
- (3) To mitigate nuisances such as noise, glare, heat, air pollution and stormwater runoff;
- (4) To preserve, enhance or restore the natural environment through the protection and establishment of native vegetation and existing natural systems for the enjoyment of present and future populations;
- (5) To promote a linked open space system throughout the city and county;
- (6) To preserve, enhance or restore the unique aesthetic character of the community;

- (7) To mitigate, through buffering, potentially adverse impacts between land uses of differing type and intensity, and to ensure sufficient landscaping within areas designated for multiple-family uses and mixed uses;
- (8) To assist in controlling vehicular and pedestrian movement to and within developed sites by:
  - a. Clearly delineating the boundaries of vehicular use areas, in such a manner that movement, noise and glare do not adversely impact activity in adjoining areas;
  - b. Establishing the points of ingress and egress so as to eliminate confusion and to control physical access to the site;
  - c. Establishing the direction of internal vehicular and pedestrian circulation;
- (9) To prevent personal injury, loss of life and excessive property damage due to flooding;
- (10) To prevent the installation of structures which reduce the flood channel capacity and increase flood heights, the installation of which may cause excessive property damage;
- (11) To reduce public expenditures for emergency operations, evacuations and restorations;
- (12) To prevent damage to industries, transportation and utility systems;
- (13) To restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (14) To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (15) To minimize the alteration of natural floodplains, creek channels and natural protective barriers which are involved in the accommodation of floodwaters;
- (16) To minimize or prohibit filling, grading, dredging and other development which increases erosion, sedimentation or flood damage;
- (17) To prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
- (18) To protect and enhance property values through regulation of the natural resources in the city;
- (19) To ensure that potential home buyers are notified that property is in a flood area;
- (20) To protect wetlands as areas for the natural storage of surface waters, and their function as a means to reduce pollution;
- (21) To protect and restore the quality of groundwater and surface water through on-site treatment of stormwater runoff;
- (22) To control the rate and quantity of stormwater discharging from any developed site;
- (23) To protect groundwater levels;
- (24) To prevent the breeding of mosquitoes;
- (25) To protect the diverse plant and animal communities found in association with creeks, lakes, uplands, floodplains, nature parks and wetlands;

- (26) To prevent soil erosion and sedimentation loadings to creeks, lakes and wetlands;
  - (27) To maintain the stability of creek and lake banks;
  - (28) To prevent adverse impacts to the water quality of creeks, lakes, wetlands, floodplains, groundwater and uplands;
  - (29) To protect municipal drinking water quality;
  - (30) To enhance the aesthetic and tree canopy qualities of significant entryway streets in order to convey the image of the city as "a city in a forest";
  - (31) To protect or restore significant entryway streets in order to promote transportation safety and to discourage blight;
  - (32) To protect the environmental, education and passive recreation functions of public parks and open spaces from nearby development, and, in some instances, to protect nearby development from such public properties;
  - (33) To protect public park wildlife, vegetation and park uses from potential adverse impacts by nearby land uses. Such impacts can include stormwater pollution, pesticides, noise disturbances, visual unsightliness and light pollution;
  - (34) To encourage development and preservation of a network of greenway transportation corridors throughout the city and county;
  - (35) To provide safe, convenient, scenic, historic and nonmotorized transportation linkages between land uses;
  - (36) To provide wildlife corridors, and other forms of environmental conservation and environmental education;
  - (37) To provide for recreation and access to recreation;
  - (38) To provide greenway buffering to protect environmental features and neighborhoods from nearby land uses;
  - (39) To preserve biological diversity and viable populations of special protection species dependent on upland, transitional and wetland ecological communities;
  - (40) To ensure adequate, safe, economic, reliable and environmentally sound water and wastewater utility services for the public; and
  - (41) To promote economic development in a manner that will enhance the quality of life.
- (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)

**Sec. 30-251. Elements of compliance.**

**Sec. 30-251. Elements of compliance.**

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

TABLE INSET:

Proposed Site Plan Amendment		Mandatory Compliance
1.	Any expansion which increases the gross floor area of a development by ten percent or less.	The expansion and all parking spaces directly related to such area.
2.	Any expansion which increases the gross floor area of a development by more than ten percent but less than 20 percent.	The expansion and all property within 25 feet, where practicable, plus 25 percent of the remainder of the development.
3.	Any expansion which increases the gross floor area of a development by 20 percent or more but less than 35 percent.	The expansion and all property within 25 feet, where practicable, plus 50 percent of the remainder of the development.
4.	Expansion which increases the gross floor area of a development by 35 percent or more.	The entire development.

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 location 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 36 months, which meet the above threshold, shall comply with the provisions of this article.

c. Any new use of property which alters the use of existing structures from a residential use to a nonresidential use, or any use of property which alters the use of property from any other use to a place of religious assembly, shall be required to meet all applicable landscaping requirements. The city manager's designee shall determine the applicable requirements based on the character and orientation of the proposed mixed use development. For purposes of this subsection, nonresidential use shall mean any office, commercial, public, semipublic, institutional or industrial use, including motels and hotels.

d. The use of property, including outdoor activities and parking, which expands the lot area of places of religious assembly, when such property adjoins property in actual use as a single-family residence or shown in any single-family zoning district, shall be required to conform with all buffer requirements.

e. Where a structure or parking facility existing prior to June 10, 1992, would be prohibited from expansion or change of use from one nonresidential use to another solely on the basis of an inability to provide the required landscaping around and in such previously existing facilities, then the development review board or plan board may allow reasonable use of the property in compliance with all other aspects of this chapter, if the applicant can show that:

1. The structure and/or parking facility existed prior to June 10, 1992; and
2. The amount of existing landscaping would not be diminished.

(5) *Parking lots under lease.* The area of any lot under lease which contains required parking spaces for any use as provided in article IX shall comply with the provisions of this section as a precondition to the issuance of any development order issued in connection with such lot for such use.

(6) *Minimum submittal criteria.* All landscape plans must be drawn to scale and have a north arrow, and accurately depict all buildings, pavement, on-site facilities, utilities and lighting systems. The landscape drawing or accompanying development plan must give the permitted use of adjacent parcels and the total square footage of all pavement on-site. Stormwater basins shall be designated as either wet or dry. A plant schedule shall be provided showing the botanical name, size, spacing and number of all required plant materials. Architectural symbols depicting trees to be installed shall not exceed the scale equivalent of five feet in diameter. Any native tree or shrub may be substituted for the identified plant with city staff approval, provided that the shrub is adaptable to the amount of sun/shade, wet/dry and size conditions where it will be planted, and insofar as the provisions for diversity, shading and/or screening described in the article are met. Plant material shown in addition to the required elements of the landscape plan maybe labeled as optional and shall not be subject to inspection.

(7) *Design principles and standards.* All landscaped areas required by this article shall conform to the following general guidelines:

- a. The preservation of native trees and shrubs is strongly encouraged to maintain healthy, varied and energy-efficient vegetation throughout the city, and to maintain habitat for native wildlife species.
- b. The landscaping plan should integrate the elements of the proposed development with existing topography, hydrology and soils in order to prevent adverse impacts such as sedimentation of surface waters, erosion and dust.
- c. The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscape plan. The landscaped areas should be integrated, especially to promote the continuity of on-site and off-site open space and greenway systems, and to enhance environmental features, particularly those features regulated by the environmental overlay districts (article VIII).
- d. The selection and placement of landscaping materials should maximize the conservation of energy through shading of buildings, streets, pedestrian ways, bikeways and parking areas. The use of wind for ventilation and the effect on existing or future solar access shall be considered.
- e. Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plant at maturity, and the design should use shortterm and longterm elements to satisfy the general design principles of this section over time. The natural and visual environment should be enhanced through the use of materials which achieve a variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.

f. The placement of trees around buildings should permit access to the building by emergency vehicles.

g. The installation of the following invasive nonnative species is prohibited:

INVASIVE, NONNATIVE  
PLANT SPECIES

TABLE INSET:

Common Name	Scientific Name
Air potato	<i>Dioscorea bulbifera</i>
Arrow bamboo	<i>Pseudosasa japonica</i>
Brazilian waterweed	<i>Elodea densa</i>
Camphor tree	<i>Cinnamomum camphora</i>
Chinaberry	<i>Melia azedarach</i>
Chinese privet	<i>Ligustrum sinense</i>
Chinese tallow tree	<i>Sapium sebiferum</i>
Chinese wisteria	<i>Wisteria sinensis</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Cogon grass	<i>Imperata cylindrica</i>
Coral berry	<i>Ardisia crenata</i>
Elephant's ears	<i>Xanthosoma sagittifolium</i>
Glossy privet	<i>Ligustrum lucidum</i>
Henon bamboo	<i>P. nigra</i> cv. "Henon"
Hyacinth	<i>Eichhornia crassipes</i>
Hydrilla	<i>Hydrilla verticillata</i>
Hygrophia	<i>Hygrophia polysperma</i>
Japanese honeysuckle	<i>Lonicera japonica</i>
Japanese paper mulberry	<i>Brousonettia papyrifera</i>
Kudzu	<i>Pueraria lobata</i>
Mimosa	<i>Albizia julibrissin</i>
Palm leaf bamboo	<i>Sasa palmata</i> ( <i>Arundinaria palmata</i> )
Wild taro	<i>Colocasia esculenta</i>

h. For all new development, or redevelopment of existing property, the applicant should be required to remove all invasive nonnative plant species from the property prior to issuance of the certificate of occupancy.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 1, 10-4-93; Ord. No. 960060, §§ 3, 4, 6-8-98; Ord. No. 990954, § 4, 4-24-00; Ord. No. 020461, § 2, 4-12-04)

**Sec. 30-252. Landscaping requirements for vehicular use areas.**

(a) *Generally.* This section provides two landscaping methods which are intended to set minimum requirements for the landscaping of vehicular use areas. Method 1 addresses shading by specifying landscape placement throughout and around the vehicular use area. Method 2 provides flexibility in the design of vehicular use area landscaping in order to accommodate unique site considerations. Method 1 shall be used for the purpose of calculating landscaping requirements for excess parking as regulated in Article IX.

(b) *Method 1, Prescriptive Landscape Requirement.*

(1) *Perimeter requirements.*

a. *Perimeter landscaped area required.* All vehicular use areas shall be separated by a perimeter landscaped area, a minimum of nine feet in width, from any public right-of-way and from any boundary of the property on which the vehicular use area is located.

b. *Exceptions.* This landscape area is not required:

1. When the paved ground surface area is completely screened from adjacent properties or public rights-of-way by intervening buildings or structures;
2. When an agreement to operate abutting properties as essentially one contiguous parking facility is in force. The agreement shall be executed by the owners of the abutting properties, and shall bind their successors, heirs and assigns. Prior to the issuance of any building permit for any site having such a contiguous parking facility, the agreement shall be recorded in the public records of the county;
3. When the paved area is at least 150 feet from the nearest property line; or
4. When the required landscape strip would be in conflict with utility installations, and such conflicts cannot be resolved, such areas may be reduced to five feet and planted with shrubs and such understory trees as may be acceptable to the utility.

c. *Location of perimeter landscape area.* The landscape area shall commence within five feet of the paved surface area, except that when a grass parking area is provided the landscaped strip may be located around such area. Where the perimeter landscape area and a required buffer strip overlap, the more stringent requirements shall be applied, except that the street buffer requirements shall be applied to street frontages not to exceed 300 feet for properties in use for auto sales. Perimeter buffering shall be required for all storage, accessory service and customer parking areas at any auto sales facility.

d. *Modification of requirements.* The development review board or the plan board, through plan review, or the board of adjustment by special exception, or staff, when only staff review is required, may determine that:

1. Screening is better achieved by relocation of the landscape strip;

2. There is an unresolvable conflict between other element(s) of the development plan and the location, width or height of the perimeter landscape area, and that the public interest is therefore best served by relocation of the landscape area, lowering the height of required material or the substitution of a solid fence or wall in conjunction with a reduction in width; or

3. That the screening would only serve to emphasize a long driveway that would otherwise be unobtrusive.

e. *Required plant material.* The perimeter landscape area shall contain:

1. Shrubs, arranged to provide a visual screen of 75 percent opacity and achieve a height of at least three feet within three years; and

2. At least one shade tree planted for each 50 linear feet, or part thereof, of the boundary of the vehicular use area. The distance between such trees shall not exceed 55 feet.

The development review board or plan board during development plan review, or staff during administrative review, may determine that natural vegetation is sufficient to screen adjacent properties and rights-of-way. In such instance the existing vegetation, including understory plants and bushes, is protected from pruning and removal except that diseased plant material and invasive nonnative species may be replaced in accordance with this section. Where encroachments are made for utility connections, replacement plants appropriate to the ecosystem shall be required.

(2) *Interior landscaped areas.* The interior of any vehicular use area shall also be landscaped in compliance with the following except as provided in subsection (b)(2)e. of this section:

a. The placement of landscaped areas throughout the interior of the paved area shall average one landscaped island for each ten parking spaces. At no time shall a row of parking have landscape areas greater than 135 feet apart or closer than 35 feet apart. Terminal landscape islands containing a tree shall enclose each row of parking spaces.

b. Each required interior landscaped area shall contain at least one shade tree. Such tree(s) shall be located within the landscaped area to maximize the shading of the pavement.

c. The development review board, or plan board through development plan review, or staff when only staff review is required, may allow the relocation of such landscape areas to preserve existing trees, or where it is determined, upon review and recommendation of the city manager's designee, that the relocation is necessary for the safe maneuvering of vehicles or pedestrians.

d. In those vehicular use areas including but not limited to auto dealerships or attendant parking where interior landscaping would interfere with the customary storage or display of vehicles, the development review board or plan board through development plan review, or staff, when only staff review is required, may allow some or all of the required interior landscaping to be located near the perimeters of the paved area, including such perimeters which may be adjacent to a building on the site. Such landscaped area would be in addition to required perimeter landscaping in the amount of one square foot of landscaped area for

each 60 square feet of paved area. For each 140 square feet of relocated landscaped area, a shade tree or understory tree shall be provided.

e. Any parcel of land or lot, which has fewer than 11 interior parking spaces, shall be exempt from the above requirements when it is used for industrial or warehouse purposes in the MU-2 mixed use medium intensity district, CCD central city district, W warehousing and wholesaling district, I-1 limited industrial district, and I-2 general industrial district.

(c) *Method 2, Performance Landscape Requirements.* Method 2 requires that at least 50 percent of the vehicular use area be shaded. Alternative landscaping objectives are provided that can reduce the required amount of tree shade that must be provided in the vehicular use area.

(1) Method 2 is encouraged in the following circumstances:

- a. The site contains unique geologic features or a tree grouping which may be adversely impacted if the requirements of Method 1 are adhered to;
- b. The preservation and enhancement of cultural, architectural or historical elements on the site would be better achieved by Method 2; or
- c. The design proposes a unique design element that serves as a focal point, a site unifier, or as an element which articulates a specific portion of the development and cannot effectively be integrated into the overall design through the use of Method 1; or the design of on-site stormwater facilities requires greater flexibility in the arrangement of landscaped areas.

(2) *Method 2 requirements.*

a. The vehicular use area shall be planted with trees sufficient to shade 50 percent of the total vehicular use area. Tree types shall not be substituted except as would maintain the required shading. Shrubs, ground cover and trees shall be chosen and arranged to conform with the guidelines of subsection 30-251(7).

b. Landscape plans for Method 2 shall be prepared by a landscape architect registered in the State of Florida, the property owner or a nurseryman, in compliance with F.S. § 481.301 et seq.

c. All landscape plans shall be accompanied with calculations and shadow studies in order to evidence 50 percent coverage of the interior of the vehicular use area, or meet alternative landscaping requirements as in subsection 30-252(c)(3) of this section. In determining the area shaded, the following methodology shall be used:

1. Calculate the proposed shading of pavement assuming that the shaded area is only that area directly under the tree canopy or dripline. The estimated crown for a twenty-year-old parking lot tree, shown in the Gainesville Tree List shall be used to calculate the percent of shaded area.

2. Landscaped areas within the vehicular use area containing trees shall be counted in the calculation of shaded area.

3. Paved areas under structures (such as second stories of buildings, canopies, etc.) may be deducted from the total paved area to be shaded.

- d. Alternative landscaping in lieu of the 50 percent shading requirement (see subsection 30-252(c)(3) of this section) must be listed and drawn to scale on the landscape plan, and shall meet no more than 20 percent of the vehicular use area requirement.



e. When shade trees are planted on the perimeter of a parking area, they must be planted no closer than four feet and no farther than nine feet from the edge of the pavement, and must provide shade to either the parking area, the primary structure or an adjacent pedestrian area. If an existing tree is used to fulfill shading requirements, it should be in the vehicular use area, or within nine feet of the vehicular use area; however, a tree located further from the vehicular use area may be counted towards the fulfillment of the shading requirements, provided city staff finds that the tree casts shading equal to the minimum canopy of any parking lot tree on the Gainesville Tree List, onto the vehicular use or pedestrian areas.

f. When any portion of a vehicular use area is not screened by buildings or required street buffer and is within 50 feet of a property line or a public right-of-way, a perimeter landscaped area or vegetated berm shall be provided so as to effectively screen any adjacent property or right-of-way.

(3) *Alternative landscaping requirement in lieu of fifty percent shading requirement.* A reduction to 30 percent shading of the vehicular use area may be allowed by combination of any two of the following three alternatives:

a. Vehicular use area located on the north side of a structure, on the same lot, and receives 50 percent shading in the afternoon by the structure.

b. Preservation of tree groupings in an amount of at least 1,000 square feet or 25 percent of the square footage of the groupings, whichever is greater.

c. Preservation of existing wetlands that are not otherwise protected from encroachment by Article VIII or other federal, state, regional or local regulations. A transitional buffer, having a minimum width of 15 feet, shall be provided. The total area so preserved shall have a minimum size of 1,000 square feet. The petitioner shall present competent evidence that such area is a viable wetland.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 1, 10-4-93; Ord. No. 990954, § 5, 4-24-00)

### **Sec. 30-253. Landscape buffer requirements for buffer strip areas.**

This section is intended to provide the minimum requirements for separation of land uses of differing type and intensity, and for the provision of an aesthetic streetscape conducive to pedestrian and bicycle traffic throughout the city. The need for a buffer strip between land uses shall not impede the development of appropriate pedestrian and bicycle accessways between these uses. Where such accessways are installed, they shall be landscaped in a manner to clearly delineate such trails and bikeways and also to provide shade trees as appropriate. Where certain uses or combinations of uses are difficult to categorize, as in planned developments or public service facilities, it is the intent of this section that buffering shall be provided which mitigates the impacts of such uses.

(1) *Required buffer strip areas.*

a. Buffer strips between properties are intended to provide a visual screen, to prevent undesirable access to surrounding properties, and to provide sound attenuation.

1. The required buffer type, depicted on the adjacent use buffer matrix (A through E) as shown below, depends on the proposed use of a site and the adjacent use. The buffer type sets the required width and plant materials to be shown on the landscape plan. The owner/developer may choose width options X, Y or Z within the required buffer type as indicated on the matrix.

2. The buffer matrix specifies the number of plant combinations required per 100 linear feet.

b. Street buffer yards are located along public rights-of-way. The required width of street buffer yard and amount of plant material, per 100 linear feet, are determined by the proposed land use (see buffer matrix above). Street buffer yards are not required when buildings abut the right-of-way; however, if the right-of-way can be landscaped, the required trees shall be planted provided the city manager or designee, or the agency having jurisdiction over the right-of-way, approves. In zoning districts where the required street buffer yard is greater than the required setback, the street buffer yard may be decreased by the amount necessary for placement of the building at the required setback. If a building is placed beyond the required setback, the required street buffer yard shall be equal to the building setback. When required landscaping cannot be provided in the street buffer area, required trees and landscape material shall be planted within the right-of-way subject to approval by the city manager or designee, or the agency having jurisdiction over the right-of-way. Where street buffer yards overlap buffer strip areas which are required to satisfy vehicular use area requirements, the screening provided shall at a minimum satisfy the requirements for vehicular use areas.

(2) *Conditions for implementation of buffer strip.*

a. Utility easements cannot be used as a substitute for the required buffer strip between residential zoning districts, or between residential and nonresidential zoning districts as classified in section 30-41. No shade tree shall be planted within 12 feet of a buried utility conduit. Easements for overhead wires shall require the relocation of required shade trees or substitution of trees acceptable to the utility.

b. Where residential zoning districts are separated from nonresidential zoning districts by public utilities, drainage, railroad rights-of-way, or lands zoned conservation with a width of less than 50 feet, the buffer strip shall be provided as if the parcels were adjacent.

c. No accessory structures, garbage or trash collection points or receptacles, parking or any other functional use contrary to the intent and purpose of this section shall be permitted in a required buffer strip area. This does not prohibit the combining of compatible functions such as nature trails, landscaping and drainage, provided the visual screening effect is maintained.

**Sec. 30-254. Permits for tree removal.**

(a) *Removal or relocation permits.* Except as provided below, no living tree that is eight inches or more in diameter or two feet in circumference, whichever dimension is lesser, at a point 4 1/2 feet above ground level, may be removed or

relocated without a removal permit as provided for in this section. Trees that require such permit for removal or relocation shall be called "regulated trees." Exceptions are as follows:

(1) Pine trees of the slash or loblolly species which are at least 12 inches in diameter or three feet in circumference, whichever dimension is lesser, at a point 4 1/2 feet above ground level, shall be considered regulated trees.

(2) No Heritage or Champion trees as defined in this article may be removed or relocated except as specifically provided in this article.

(3) Tree removals for utility operations shall comply with the provisions of Article VIII.

(4) Trees which cause, or that can be demonstrated by competent evidence will in the near future cause, structural damage from roots, absorption of large amounts of water causing soil expansion and contraction, or other structural problems to buildings or underground facilities, may be removed, relocated or replaced with the approval of the appropriate board for projects requiring board approval or the city manager or designee for other projects. Verification of such claims, when the damage is apparent, shall be provided by a statement from an engineer registered in the State of Florida. Verification shall identify the trees causing such structural problems, shall give an explanation of the problem, and shall bear the embossed seal of the engineer. Such statements of verifications shall be accepted by the plan board or the city manager.

(b) *Removal or relocation of regulated trees subject to development plan approval.* A separate tree removal permit will not be required in conjunction with developments requiring development plan approval by the appropriate board. Plans for tree removal or relocation will be considered and either approved or denied as part of the development review process. Construction drawings should be submitted to the building department and application for construction permits made before any trees are removed. After a certificate of occupancy has been issued for a development, any tree removal shall require either a tree removal permit or an approved plan amendment. Failure to obtain a permit before removing or relocating a regulated tree shall be subject to the measures for enforcement and replacement specified in section 30-311, pertaining to violations, and the provisions of Article X of this chapter.

(c) *Removal or relocation of regulated trees not subject to development plan approval or in exempt areas as defined in section 30-266.* Any person desiring to remove or relocate a regulated tree, except trees subject to development plan approval or trees in an exempt area, shall file with the city manager or designee an application for a permit. The application shall include or be accompanied by:

(1) An overall development plan or proportional sketch of the site, easement or right-of-way upon which the tree is located, showing the shape and dimensions of the site and the location, configuration and size of existing and proposed structures, driveways and other improvements. The plan or sketch shall also identify the location and type of all regulated trees and all major tree groupings on the site that will be impacted by the proposed project. Trees or groups of trees on a site that will not be impacted by the proposed project need not be shown on the plan or sketch.

(2) A designation of any regulated trees proposed to be removed or relocated, along with the reasons for such removal or relocation.

(3) A statement of how any other regulated trees are to be protected during any approved tree removal or relocation and any associated construction or clearing.

(4) A statement identifying any proposed grade changes on the site and the precautions to be taken to ensure that such changes will not adversely impact or endanger any regulated trees that are not to be removed or relocated. Spot elevations may be required prior to issuance of construction permits.

(5) As a condition of the granting of a permit, the applicant will be required to replace each tree being removed with two replacement trees as adopted by resolution of the city commission. Two trees will be required for each tree removed that will reach comparable size at maturity from the Gainesville Tree List.

(d) *Permit approval procedure.* The city manager or designee shall, within five working days of the filing of such applications, attempt to verify the information contained in the application and either approve or deny the application as to each regulated tree proposed to be removed or relocated.

(e) *Permit approval criteria.* Removal or relocation of regulated trees shall be approved by the city manager or designee upon a finding that the trees pose a safety hazard; have been weakened by disease, age, storm, fire or other injury; or prevent the reasonable development of the site, including the installation of solar energy equipment. Regulated trees shall not be removed, damaged or relocated for the purpose of locating utility lines and connections unless no reasonably practical alternative as determined by the city manager or designee is available.

(f) *Removal or relocation approval in conjunction with other approval.* When tree removal or relocation is contemplated in conjunction with any development requiring approval of a development plan or subdivision plat by the development review board or plan board, such removal or relocation shall be considered and either approved or denied by the development review board or plan board at the same time a development plan or plat is approved or denied, based upon the same standards for approval as specified in subsection (e) of this section. All of the required plans, data or other information required with the application shall be included on the proposed development plan or on the supporting documents submitted with the plat.

(g) *Standards for tree relocation or replacement.* As a condition of the granting of a permit, the applicant will be required to replace or relocate the trees being removed with suitable replacement trees. Replacement trees will be from the Gainesville Tree List. Two trees will be replaced for every tree removed, except healthy Heritage trees. When healthy Heritage trees are removed, they will be replaced on an inch-for-inch basis. In determining the required location of relocated or replacement trees that will be planted either on-site or offsite, the city manager or designee, or the development review board or plan board the developments as specified in subsection 30-254(f), shall consider the needs of

the intended use of the property together with a realistic evaluation of the following:

- (1) Existing tree coverage, including percentage of canopy.
- (2) Number of trees to be removed on the entire property.
- (3) Area to be covered with structures, parking and driveways.
- (4) Topography and drainage of the site and its environs.
- (5) Character of the site and its environs.
- (6) Ecology of the site.
- (7) Characteristics and amount of shrubs, grass and trees proposed for planting on the site by the applicant.
- (8) The requirements of section 30-260.
- (9) The health and desirability of existing trees.
- (10) The impact of features included in the proposed project (e.g., buffer areas, etc.) and areas not to be impacted by the proposed project.

(h) *Natural emergencies or disasters.* In the case of natural emergencies or disasters such as hurricanes, windstorms, floods or other disasters, issuances of permits for the removal of damaged trees may be waived by the city manager. Such waiver may not be for an indefinite period and shall expire when the city manager determines that emergency conditions have ended.

(i) *Commercial tree removal permits.* Commercial tree removal permits may be granted for the removal of trees associated with forestry management, tree harvest and other similar commercial purposes in accordance with the requirements of this subsection.

(1) *Applicability.* Commercial tree removal permits may be requested in lieu of other tree removal permits required by this section where no development of the property is intended. Where development of the property is planned, the petitioner shall address tree removal within the development plan review or normal tree removal processes.

(2) *Permit granting authority.* The city manager or designee, the board of adjustment and the development review board have authority to grant commercial tree removal permits as described below.

(3) *Receipt of request.* Owners of property may request the appropriate authority to grant a permit for the commercial removal of trees by filing such an application with the department of community development, on forms supplied by the department, together with the appropriate fee. The request shall be accompanied with the following information supplied by the applicant:

- a. Suitability of the trees for harvest.
- b. Harvesting methods to be used.
- c. Sedimentation and erosion control measures to be used.
- d. Plan of property showing location of required buffers next to water bodies and property lines and tree canopy to remain as applicable.
- e. Tree protection measures for trees to remain.
- f. Species of trees to be used for replacement.

(4) *Notice.* Whenever a property is under consideration for a permit, except any property designated agriculture on the future land use map, all owners of property adjacent to the property shall be given notice by mail. Such

notice shall be mailed at least 15 days prior to the granting of the permit. For the purpose of this notification, an owner of property shall be deemed to be the person who, by his/her address, is so shown on the tax rolls of the city. If any such property is part of the common area of a condominium, notice shall be sent to all of the condominium unit owners as shown on the latest tax rolls.

Additionally, the property under consideration shall also have a sign posted at least five days prior to the date the permit is to be granted. The sign shall specify that the property is under consideration for a permit allowing tree removal for commercial purposes and specify the date the permit is to be granted.

(5) *Procedure for review.* If less than 20 percent of the noticed property owners file a written objection to the proposed tree removal within 15 days of the mailing of the notice, the commercial tree removal permit may be issued provided all other provisions of this section and this chapter have been met.

a. *Parcels of five acres or less, other than property designated agriculture on the future land use map.* If 20 percent or more of such noticed property owners file a written objection within 15 days of the date of mailing of the notice, the application will be referred to the board of adjustment for a public hearing according to the notification for special exception procedures as found in article X. The board of adjustment in deciding whether to approve or disapprove the application shall consider the factors delineated in subsections (i)(7) and (8) of this section.

b. *Parcels of more than five acres, other than property designated agriculture on the future land use map.* If 20 percent or more of such noticed property owners file a written objection within 15 days of the date of mailing of the notice, the development review board shall hold a public hearing in accordance with its rules. The development review board, in deciding whether to approve or disapprove the application, shall consider the factors delineated in subsections (i)(7) and (8) of this section.

c. *Parcels designated agriculture on the future land use map.* All applications for tree removal on such parcels shall be reviewed by the city manager or designee, who, in deciding whether to approve or deny the application, shall consider the factors delineated in subsection (i)(7) and (8) of this section. Appeals of the decision of the city manager or designee shall be made to a hearing officer. The procedure for the appeal shall be the same as is provided in section 30-352.1(a) for appeals from decisions of the development review board.

(6) *Action on application.* Upon receipt of a completed application and following the notice period specified above, or after the permit has been granted after a hearing under subsection (i)(5), the city manager, or designee, will issue the commercial tree removal permit, except as may be modified below, with the following conditions:

a. Unless otherwise specified herein, trees will be removed according to best management practices, as specified in "A Landowner's Handbook for Controlling Erosion from Forestry Operations," published by the state department of agriculture and consumer services, division of forestry, or subsequent manuals on file with the public works department.

b. No regulated tree shall be removed and no logging road shall be constructed:

1. Within 35 feet of the break in slope at the top of the bank of any creek;
2. Within 35 feet of the landward extent of a lake or wetland; or
3. Within the delineated boundaries of uplands as defined by this chapter.

This requirement may be waived where crossing of the creek by a bridge is necessary to access the property where trees are to be removed. Such waiver shall be limited to the area necessary to construct the bridge. For the purposes of this subsection, creeks shall be those identified by the surface water district provisions of article VIII.

c. Following removal of the trees granted by the permit, the petitioner shall within 18 months provide for reforestation of the site by one of the following means:

1. Where forestry or other agricultural use of the property is to continue in the conservation or agriculture districts, pine seedlings or other forestry or agricultural crops, including pasture, may be planted.
2. Where forestry use is to be abandoned or in districts where it is not a permitted use, replacement of trees shall be required as per section 30-260. This requirement may be waived when an adequate number of trees of appropriate size and species remain on-site to meet this requirement and are certified by the city manager or designee to be in good health and free from damage caused by harvest operation which may result in the death of the tree.

d. All invasive nonnative tree species listed in subsection 30-251(7)(g) may be required to be removed from the property.

(7) *Imposition of additional conditions.* The city manager or designee, board of adjustment or development review board, as appropriate, may impose other reasonable conditions where need is demonstrated. Such conditions may include restrictions on percentage of canopy removed or the prohibition of tree removal from certain portions of the site under consideration. The city manager, board of adjustment or development review board, as appropriate, shall be guided by, but not restricted to, the following criteria in imposing such additional conditions:

- a. The need to provide buffers to adjacent developed property;
- b. The need to protect soils highly susceptible to soil erosion as identified by the soil survey of the county;
- c. The need to protect slopes in excess of ten percent, particularly near creeks and other bodies of water;
- d. The need to protect existing wetlands, floodplains and flood channels and other environmentally sensitive areas as shown on existing maps, photographs and other reliable and available sources; and

e. The need to preserve endangered, threatened or special concern animal and vegetative species, habitats and communities, rare hardwood hammocks or champion trees as identified from competent sources.

(8) *Removal of trees specifically planted or managed for harvest.* Where environmental and other factors limit the removal of trees on 75 percent or more of the site under consideration, the commercial tree removal permit may be denied. However, factors identified above may not be used to unduly prohibit the harvest of trees where it is demonstrated that the trees to be harvested were specifically planted for that purpose.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 1, 10-4-93; Ord. No. 4031, § 1, 9-26-94; Ord. No. 960060, §§ 5, 6, 6-8-98; Ord. No. 981148, §§ 1, 2, 5-24-99; Ord. No. 990954, § 7, 4-24-00)

**Sec. 30-255. Tree preservation during development and construction.**

(a) *Barriers required.* Prior to clearing, demolition, or other construction activities, protective barriers shall be constructed, as necessary, to prevent the destruction or damaging of regulated trees that are located within 15 feet of any construction activity or storage of equipment and materials. Barrier placements along subdivision streets are regulated in accordance with the provisions of section 30-183(e)(2)i. Trees destroyed or receiving major damage shall be replaced before issuance of a certificate of occupancy or use, if such certificate is required, unless approval for their removal has been granted under permit. The city manager or designee shall determine which trees, if any, require protection or replacement. To avoid conflicts between barrier placements and demolition and construction activities, barriers shall be drawn to scale on the demolition, grading and paving sheets of the development plan.

(b) *Barrier zones.* All regulated trees not designated for removal may be required by the terms of the permit to be protected by barrier zones erected prior to construction of any structures, road, utility service or other improvements, and may be required by the terms of the permit to comply with the following if determined to be necessary by the city manager or designee:

(1) Protective barriers shall be plainly visible and shall create a continuous boundary around trees or vegetation clusters in order to prevent encroachment by machinery, vehicles or stored materials. Barricades must be at least three feet tall and must be constructed of either wooden corner posts at least two by four inches buried at least one foot deep, with at least two courses of wooden side slats at least one by four inches with colored flagging or colored mesh attached, or constructed of one-inch angle iron corner posts with brightly colored mesh construction fencing attached.

(2) Barriers shall be placed as follows:

a. At or outside the dripline for all Heritage and Champion trees and all regulated pine and palm trees.

b. At a minimum of two-thirds of the area of the dripline for all other regulated species.

(3) If complying with the above placement of barriers is found to unduly restrict development of the property, the city manager or designee may approve



alternative barrier placements or methods of protection. Protective barriers may not be removed or relocated without such approval.

(4) No grade changes shall be made within the protective barrier zones without prior approval of the city manager or designee. Where roots greater than one inch in diameter are damaged or exposed, they shall be cut cleanly and re-covered with soil.

(5) Protective barriers shall remain in place and intact until such time as landscape operations begin or construction needs dictate a temporary removal that will not harm the tree.

(6) Landscape preparation in the protected area shall be limited to shallow discing of the area. Discing shall be limited to a depth of two inches unless specifically approved otherwise by the city manager or designee or the plan board, as applicable.

(7) No building materials, machinery or harmful chemicals shall be placed within protective barriers defined in subsection (b)(2) of this section, except short-duration placements of clean fill soil that will not harm the tree. Such short-duration placements shall not exceed 30 days. The original soil grade that existed within the protected areas prior to the placement of such fill shall be restored.

(8) The "Tree Protection Manual for Builders and Developers," as published by the state department of agriculture and consumer services, division of forestry (October 1980 edition), the standards of the National Arborist Association, or other nationally recognized arboricultural standards approved by the city manager or designee may be used as guidelines for tree protection, planting, pruning and care.

No Changes in remainder.

### **Sec. 30-256. Replacement stock.**

In all cases wherein this article shall require replacement of any tree, such replacement shall be made with replacement stock. "Replacement stock" is hereby defined as any tree contained on the herein-referenced replacement stock list having a height of at least eight feet and a Florida Nursery Grade of Number 1 or better. Survival of replacement stock will be guaranteed until such replacement stock meets with the definition of "tree" as defined in article II. Replacement stock may be any of the trees listed on the Gainesville Tree List. When ten or more replacement trees are required, the trees shall consist of no more than 50 percent of any one tree genus. Development within airport flight paths are excluded from the genus requirement.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 1, 10-4-93; Ord. No. 960060, § 7, 6-8-98)

### **Sec. 30-257. Champion trees.**

(a) Champion trees are those that have been identified by the state division of forestry as being the largest of their species within the state or by the America

Forestry Association as the largest of their species in the U.S. The current list of Champion trees in the city and the county that have been identified is on file in the department of community development. This list is subject to revision and will be updated yearly.

(b) Champion trees shall be considered regulated trees in both excluded areas, as defined in subsection 30-266, and nonexcluded areas.

(c) The removal, relocation or replacement of Champion trees in conjunction with development requiring board approval shall be in accordance with subsections 30-254(b) and 30-254(f). The removal, relocation or replacement of Champion trees shall be by special exception of the board of adjustment.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 990954, § 9, 4-24-00)

### **Sec. 30-258. Heritage trees.**

(a) The Heritage designation is conferred on the large trees that are the major distinguishing feature of Gainesville's urban forest. All native tree species are designated Heritage trees when they reach the size of 20 inches in diameter when measured at 4 1/2 feet above ground level. Exceptions are Water Oaks (*quercus nigra*), Laurel Oaks (*quercus hemispherica*), Sweetgums (*Liquidambar styraciflua*) and Loblolly Pine (*pinus taeda*), which become Heritage trees only when they are larger than 30 inches in diameter when measured at 4 1/2 feet above ground level.

(b) Heritage trees shall be considered regulated trees in exempt areas, as defined in subsection 30-251(2)h.

(c) The removal, relocation or replacement of Heritage trees in conjunction with development requiring board approval shall be in accordance with subsections 30-254(b), 30-254(f) and 30-254(g). In exempt areas as defined in subsection 30-251(2)h., the removal, relocation or replacement of Heritage trees shall be by special exception as provided by this chapter. No permit shall be required for the removal of Heritage trees on property with single-family zoning district classifications (RSF-1, RSF-2, RSF-3 and RSF-4) when the trees are located outside of the required yard and limited to a maximum of two compact areas. Any permission given for the removal of any Heritage tree that is healthy and that is not causing structural damage, whether this permission is through an approved development plan or through the issuance of a tree removal permit, will require replacement on an inch-for-diameter-inch basis. Trees may be planted on-site or off-site, or given to the city for planting on public property.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 2, 10-4-93; Ord. No. 990954, § 10, 4-24-00)

### **Sec. 30-260. Reforestation.**

As a condition of any development order issued for commercial harvest for any property other than excluded areas, there must exist or be planted on such property within one year shade trees (except for pines and palms) from the Gainesville Tree List, in accordance with section 30-265, 12 shade trees per acre for sites over five acres. Newly planted trees shall be located so as to ensure that

the appropriate proportion of trees is planted within the developed area of the property.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 3, 10-4-93; Ord. No. 960060, § 9, 6-8-98)

**Sec. 30-261. Tree removal and planting of street trees in new subdivisions.**

(a) *During construction.* During the construction of required subdivision improvements, the developer shall only remove those trees that will hamper the installation of the improvement. To ensure that this limitation is not exceeded, the appropriate reviewing board may require, during the subdivision approval process, that the subdivider provide plans, aerial photographs or other data sufficient to allow an accurate determination to be made.

(b) *Street trees.* The subdivider shall plant street trees from the Gainesville Tree List within five feet of the right-of-way of each street or within the right-of-way if such a planting strip has been part of the development plan. Trees shall be planted along all streets constructed within the subdivision. One such tree shall be planted for every 50 linear feet of street right-of-way on both sides of the street, except for gateway streets, which shall comply with section 30-262. Existing native trees in good health may be counted as required trees, if approved by the city manager or designee. Where property on one side of the right-of-way is not owned by the subdivider, such trees shall be planted only on the side of the street owned by the subdivider. Such trees shall be no closer together than 50 feet.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 3, 10-4-93; Ord. No. 960060, § 10, 6-8-98; Ord. No. 990954, § 11, 4-24-00)

**Sec. 30-262. Tree planting in gateway street district.**

(a) *Generally.* The applicant shall plant gateway trees adjacent to the right-of-way from the Gainesville Tree List. Trees planted to meet this requirement shall be located on the applicant's property, and no closer than five feet, or farther than ten feet, from the right-of-way or public utility easement, or within the street median. One tree shall be planted for every 35 linear feet of right-of-way or street median. Large or medium shade trees shall be utilized in all areas outside of medians. Median trees shall be selected from the "small or medium gateway tree" list. For installations adjacent to overhead utility lines, one small gateway tree for every 25 linear feet shall be planted. For installations adjacent to streetlights, the following clear zones shall be maintained:

- (1) Large gateway trees: 50-foot clear radius.
- (2) Medium gateway trees: 35-foot clear radius.
- (3) Small gateway trees: 25-foot clear radius.

For the purpose of meeting the gateway street tree requirement, existing streetlights adjacent to the applicant's property may be substituted for trees on a one-to-one basis.

(b) *Exemption.* No gateway street trees shall be required if, in the opinion of the city manager or designee, gateway street objectives are achieved by the preservation of existing healthy trees.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 3, 10-4-93; Ord. No. 990954, § 12, 4-24-00)

**Sec. 30-263. Credit for preservation of existing trees.**

Whenever the terms of these sections require the provision of shade trees on any lot, credit shall be given for the preservation of existing trees which are properly protected during any clearing or construction on the property, pursuant to section 30-264, and which meet the following criteria:

(1) Such trees must meet the requirements of these sections for location, spacing and type of tree.

(2) Any such trees which have a minimum two-inch trunk diameter at a point 4 1/2 feet above ground level and a minimum crown spread of ten feet shall provide credit on a one-for-one basis for trees required pursuant to subsections 30-261(b) or 30-252(b) and (c).

(3) Credit toward the requirements of section 30-260 shall be given in accordance with the following table:

TABLE INSET:

Existing Crown Spread of Preserved Tree	Or	Diameter of Tree Trunk 4 1/2 Feet Above Natural Grade	Number of Trees Credited
90 feet or greater	or	36 inches or greater	7
60--89 feet	or	30--35 inches	6
50--59 feet	or	26--29 inches	5
40--49 feet	or	20--25 inches	4
30--39 feet	or	13--19 inches	3
20--29 feet	or	8--12 inches	2
10--19 feet	or	2--7 inches	1

(Ord. No. 3777, § 1, 6-10-92)

**Sec. 30-264. Tree protection requirements generally.**

(a) To receive credit for the preservation of an existing tree, the following requirements must be met:

(1) Fifty percent of the area within the dripline of the tree shall be naturally preserved or provided with pervious landscape material and shall be maintained at its original grade with no trenching or cutting of roots in this area. Within this

area, there shall be no storage or fill or compaction of the soil, as from heavy construction equipment, or any evidence of concrete, paint, chemicals or other foreign substances in the soil.

(2) The tree shall not be damaged from skinning, barking, bumping and the like.

(3) There shall be no evidence of active insect infestation potentially lethal to the trees.

(4) There shall be no impervious surface or grade change within five feet of the trunk.

(b) If it is determined by the city manager or designee that the requirements of subsection (a) of this section have not been complied with, credit for an existing tree may be given upon proof from the county forester and city arborist, satisfactory to the building official, that such tree is healthy and has not been seriously damaged during development.

(c) If any tree for which credit was given pursuant to section 30-263 is not alive and healthy one year after all associated construction and development of the property is completed, it shall be removed and replaced with the tree or trees which originally would have been required.

(d) The department of community development shall maintain, and make available to the public, descriptions and illustrations of tree preservation and protection practices which will assist in assuring that preserved trees survive construction and land development.

(Ord. No. 3777, § 1, 6-10-92)

### **Sec. 30-265. Standards for installation and maintenance of landscape materials.**

(a) *Installation.*

(1) All plants shall be Florida Nursery Grade Number 1 or better, healthy, disease-free and pest-free, and hardy for the North Florida region. Nursery invoices or labels must clearly specify that Grade Number 1 or better plants were purchased for installation.

(2) All trees shall have an average height of eight feet at the time of planting. However, trees at least 7 1/2 feet in height at the time of planting are eligible for the purpose of determining the average height of all trees.

(3) Plants may be installed during the period of the year most appropriate for planting the particular species. If this option requires that some or all of the landscaping be planted at a time after the issuance of a certificate of occupancy, the developer shall post a performance bond sufficient to pay the costs of the required, but not yet installed, landscaping before the certificate shall be issued.

(4) Lighting fixtures, power, cable television or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service, shall be located and designed to provide adequate service in the presence of landscape materials when such landscape reaches maturity. For existing mature trees, reasonable efforts shall be made to install utility service without removing such trees. No shade tree that exceeds 40 feet in height at maturity shall be placed within 15 feet of any overhead utility. Fire hydrant connections and

building fire connections shall not be obstructed by plant material, nor shall dangerous plants such as Spanish bayonet be located within 15 feet of such facilities. Small, low-growing shrubs (ten inches or less in height) may be planted to soften the visual impact of these facilities.

(5) In order to satisfy the requirements of this section, at least 50 percent of the total number of trees shall be native species selected from the Gainesville Tree List for all development approval issued before June 10, 1995. On or after June 11, 1995, 75 percent of the number of total trees shall be native species.

(6) The use and location of all landscaping materials shall be compatible with the soil and light needs of the proposed plant material.

(7) The use of grass, lawn, or turf shall be minimized to conserve water. All sod shall be inspected prior to purchase and installation and shall be certified as free of noxious weeds by the Florida Department of Agriculture and Community Services, Division of Plant Industry. All landscaped areas not covered with vegetation shall be covered with organic mulches. No plastic surface covers shall be used.

(8) Walls, fences and berms. All required walls shall be of solid masonry construction and shall have a minimum height of six feet, and shall be installed in such a manner so as not to disturb existing vegetation or the character of the buffer strip. Fences shall be opaque and constructed to a height of six feet of pressure treated wood. Fences and walls shall be screened on each side in amounts equalling one-third or more of the face of the fence. A berm may be substituted for a wall if the berm attains at least four feet and has plant material of at least two feet. No berm shall have a slope of greater than one to three.

(b) *Replacement of dead material.* Within six months of a determination by the county forester, city arborist or other city-designated qualified specialist, that a required tree or plant is dead or severely damaged or diseased, the tree or plant shall be replaced by the owner/developer in accordance with the standards specified in this article.

(c) *Pruning.* All trees may be pruned to maintain shape and promote their shade-giving qualities. They should be pruned to remove diseased or dying portions in areas where falling limbs could be a hazard to people or property. Lower limbs may be removed to provide clearance for pedestrians. In addition, trees located in association with vehicular use areas shall also be pruned to allow a seven-foot clearance from ground level to avoid potential for damage or injury to both pedestrians and vehicles, after they have adapted to the site. Mature trees overgrowing driveways should be pruned to allow the passage of emergency vehicles. However, the excessive pruning or pollarding of trees into round balls of crown or branches, which results in an unnecessary reduction of shade, shall be prohibited, and may require supplemental plantings. All pruning shall be done following the American National Standard for Tree Care Operations "Tree, Shrub and Other Woody Plant Maintenance - Standard Practices."

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 4, 10-4-93; Ord. No. 990954, § 13, 4-24-00)

### **Sec. 30-266. Excluded areas.**

The following are excluded areas as referred to in this subdivision:

Commence at the southwest corner of the intersection of N.E. 2nd Avenue and N.E. 3rd Street as the point-of-beginning; thence run south along the west right-of-way line of said N.E. 3rd Street to its intersection with the south right-of-way line of East University Avenue; thence run east along said south right-of-way line to its intersection with a northerly extension of the centerline of Sweetwater Branch; thence run South along said centerline to its intersection with an easterly extension of the north right-of-way of S.E. 2nd Place; thence run west along said easterly extension and the north right-of-way line of said S.E. 2nd Place to its intersection with the northerly extension of the east property line of Lot 1 of Oak Hall Plat, as recorded in Deed Book "Q", pages 342 and 343 of the Public Records of Alachua County, Florida; thence run south along said northerly extension and along the east line of said Lot 1 to the north line of Lot 7 of said subdivision; thence run west a distance of 12 feet more-or-less; thence run south parallel to the east line of Lots 7, 8, 11 and 12 of said Oak Hall Plat to the north right-of-way line of S.E. 4th Avenue; thence run west along said north right-of-way line to its intersection with the east right-of-way line of S.W. 1st Street; thence run north along said east right-of-way line to its intersection with the south right-of-way line of S.W. 3rd Avenue; thence run west along said south right-of-way line to its intersection with a southerly extension of the east right-of-way line of S.W. 2nd Street; thence run north along said east right-of-way line to its intersection with the south right-of-way of S.W. 2nd Avenue; thence run west along said south right-of-way line to its intersection with a southerly extension of the east right-of-way line of S.W. 3rd Street; thence run north along said southerly extension and the east right-of-way line of S.W. 3rd Street to its intersection with the south right-of-way line of West University Avenue (also known as State Road No. 26); thence run north to the north right-of-way line of said West University Avenue lying also at a point on the east right-of-way line of N.W. 3rd Street, thence run northerly, following the east right-of-way line of said N.W. 3rd Street to the southeast corner of N.W. 3rd Street and N.W. 2nd Avenue; thence run east along the south right-of-way line of N.W. 2nd Avenue to its intersection with the east right-of-way line of North Main Street (also known as State Road No. 329); thence run north along said east right-of-way line to the southeast corner of said North Main Street and N.E. 3rd Avenue; thence run east along the south right-of-way line of N.E. 3rd Avenue to the west right-of-way line of N.E. 1st Street; thence run south along said west right-of-way line of N.E. 1st Street to its intersection with the south right-of-way line of N.E. 2nd Avenue; thence run east along said south right-of-way line to the southwest corner of N.E. 2nd Avenue and N.E. 3rd Street, being the point-of-beginning.

#### CENTRAL CITY DISTRICT LANDSCAPE EXEMPT AREA

#### **Sec. 30-310. Relief for reasonable or beneficial use.**

(a) *Landscape and tree management.* As regards the provisions of the landscape and tree management sections of this article:

(1) *Generally.* In addition to the relief provisions of this chapter, and pursuant to the terms of article X, pertaining to the board of adjustment, the board of adjustment may grant variances to the landscape and tree management sections, based on demonstrated hardship, to the minimum 20 percent of areas devoted to landscape materials requirement of section 30-251.

(2) *Preserving existing trees.* The preservation of any existing regulated tree on the Gainesville Tree List may be considered as a basis for the granting of a variance pursuant to the procedures established in article X.

### **Sec. 30-311. Violations, enforcement and penalty.**

(c) *Landscape and tree management.* As regards the provisions of the landscape and tree management sections:

(1) The enforcing official shall regularly inspect properties within the city to determine whether the areas devoted to landscape materials are in accordance with the provisions of these sections. Whenever the enforcing official finds any violation of the provisions of the landscape and tree management sections, he/she shall institute enforcement proceedings as follows:

a. *Notice.* The enforcing official shall issue a code violation to the owner of the property which shall be given either by personal delivery or by deposit in the United States mail in an envelope marked certified mail, postage prepaid, addressed to the owner as listed on the current tax assessor's tax roll. The notice of code violation shall include:

1. A location of the property either by street address or legal description.
2. A statement indicating the nature of the violation and the reason or reasons why the notice of violation is issued.
3. A specification of the subsection or subsections of the landscape and tree management sections upon which the notice of violation is based.
4. If corrective action will bring the areas devoted to landscape materials into compliance with these sections, a statement of the nature and extent of such action, repairs or alterations necessary to remedy the violation in accordance with the performance standards provided in subsection (c)(2) of this section.
5. If corrective action is necessary for compliance, the department of community development shall specify the time for performing such action, such time not to be less than ten nor more than 90 days.
6. The name or names of persons upon whom the notice of violation is served.
7. A statement advising that the city may institute legal proceedings as provided herein.
8. A statement advising of the procedures available for review of the action of the enforcing official as set out in article X and section 30-310 of this chapter.

b. *Appeals and variances.* An appeal to the zoning board of adjustment of the decision of the enforcing official or a petition for variance as provided in section 30-310, if applicable, shall operate to stay further proceedings by the enforcing official until final disposition by the board of adjustment.

c. *Failure to comply.* If corrective action is not taken within the time specified in the notice of violation, or if an appeal is taken and corrective action is not taken in



accordance with the decision of the board of adjustment, then the enforcing official may institute further proceedings as provided by the enforcement provisions of this chapter.

(2) Performance standards for regulated trees shall be as follows:

a. *Purpose.* In order to assist the enforcing official, the code enforcement board and/or appropriate judicial forum in remedying a violation of the landscape and tree management sections of this article and ordering appropriate corrective action against any violation of these sections, there are adopted the following performance standards which meet the objectives of these sections.

b. *Minimum requirements.*

1. To replace a regulated tree, a minimum tree of three inches in diameter and 14 feet in height when planted is sufficient, unless such a tree would be unreasonable under the circumstances, in which event a smaller variety of flowering tree may be allowed provided such tree is a minimum of two inches in diameter and ten feet in height when planted.

2. All regulated trees shall be replaced by parking lot trees from the Gainesville Tree List, with the exception of pines and palms, which are not allowed as replacement trees. However, other varieties of trees from the list of shade trees may be used when requested by the violator; provided, further, in no event shall pine or palm trees be allowed as replacement trees.

3. All replacement trees shall be balled and burlapped, tree spaded or containerized.

4. Replacement trees shall be located in approximately the same location as the regulated tree, unless such location would be unreasonable under the circumstances, in which event the location shall be determined by the enforcing official or other appropriate body.

5. Replacement trees shall only be required to be planted during the months of November through March, unless the trees are containerized.

6. The total sum of the caliper inches of replacement trees shall equal, at a minimum, to the total sum of the caliper inches of the regulated trees which were illegally removed.

c. *Reinspection.* The enforcing official shall inspect the property upon completion of all corrective action or order issued pursuant to the landscape and tree management sections of this article to determine compliance. The enforcing official shall then reinspect the property approximately one month thereafter and then at four-month intervals to ensure compliance. If at any time the enforcing official determines that the corrective action is not successful, he/she shall notify the owner and/or resident of the property as provided in subsection (c)(1)a. of this section.

## **DIVISION 12. TREE BOARD OF APPEALS\***

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\***Editor's note:** Ord. No. 3529, § 1, adopted Apr. 10, 1989, adding §§ 2-224--2-229 to the 1960 Code, has been included as Div. 12, §§ 2-430.16--2-430.21 hereof at the discretion of the editor.

**Cross references:** Tree Advisory Board § 2-430.31 et seq.; standards for yards and landscaped areas in Central City District, § 6-236; land development code, Ch. 30; landscape and management, § 30-251 et seq.

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**Sec. 2-430.16. Creation; composition; appointment; term of members; filling of vacancies.**

(a) The tree board of appeals shall consist of three members nominated by the tree advisory board and appointed by the city commission. Any candidate for the tree board of appeals shall be qualified in arboriculture. The board is authorized to hear appeals from any order, decision, or determination to remove dangerous or dead trees which is made by the city arborist. Appeals shall be filed with the city arborist. The tree board of appeals shall apply standards and considerations found in section 30-254 of the Land Development Code and shall have authority to decide any question involving the interpretation of the city arborist's order. Each member shall be appointed for a term of three years and shall remain in office until a successor has been appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. Terms shall expire on January 1 of the year the term expires.

(b) *Schedule.* The terms and expiration of terms for the tree board of appeals are as follows: one term shall expire January 1, 1990; one term shall expire January 1, 1991; and one term shall expire January 1, 1992. After each term expires, appointments shall be made for three-year terms or for unexpired terms.

(Ord. No. 3529, § 1, 4-10-89; Ord. No. 3593, § 1, 1-22-90)

**Sec. 2-430.17. Officers and rules.**

The tree board of appeals shall elect a chairperson from its membership and adopt rules for the conduct of its affairs which shall be in full force and effect when approved by the commission.

(Ord. No. 3529, § 1, 4-10-89)

**Sec. 2-430.18. Meetings.**

(a) *Schedule.* The board shall meet when directed by the appropriate authority or within ten working days of the filing of an appeal. Special meetings may be held upon the call of the chairperson or upon the written request of any two members of the board. All meetings shall be open to the public. The board shall keep minutes of its proceedings showing each member's absence, failure to vote, or vote, and shall keep records of its examinations and all other official actions which shall be filed immediately in the office of the board and which shall become public records.

(b) *Attendance.* Three board members must be present at the meeting. If one board member is unable to attend a specific meeting, an alternate, duly appointed by the chairperson of the tree advisory board, shall substitute for the aforementioned specific meeting only. Furthermore, only one substitute will be permitted at each meeting.

(Ord. No. 3529, § 1, 4-10-89; Ord. No. 3593, § 2, 1-22-90)

**Sec. 2-430.19. Powers and duties.**

(a) *General.* The tree board of appeals shall have all the powers and duties prescribed by this division. The tree board of appeals shall adopt such rules and regulations as may be necessary or proper to the performance of its powers and duties hereunder, and may

amend or repeal the same. The rules and regulations shall be approved by resolution of the city commission prior to becoming effective.

(b) *Conditions and safeguards.* Upon reaching a decision, the board may attach such conditions and safeguards as may be required to protect the public health, safety, and general welfare.

(Ord. No. 3529, § 1, 4-10-89)

#### **Sec. 2-430.20. Decisions.**

Every decision of the tree board of appeals shall be final and binding on all persons. All decisions of the board shall be in writing and indicate the vote upon the decision. A decision shall be rendered on all appeals within ten working days of the filing of the appeal.

(Ord. No. 3529, § 1, 4-10-89)

#### **Sec. 2-430.21. Notification to adjacent property owners for errors by administrative officials.**

Notification of any appeal of the arborist's decision shall be given to all owners of property within 100 feet of the premises which are involved in the appeal.

(Ord. No. 3529, § 1, 4-10-89)

Secs. 2-430.22--2-430.30. Reserved.

### **DIVISION 13. TREE ADVISORY BOARD\***

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**\*Editor's note:** Ord. No. 3592, § 1, adopted Jan. 22, 1990, adding §§ 2-230--2-232 to the 1960 Code, has been included as Div. 13, §§ 2-430.31--2-430.33 hereof at the discretion of the editor.

**Cross references:** Tree board of appeals, § 2-430.16 et seq.; land development code, Ch. 30; landscape and tree management, § 30-251 et seq.

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#### **Sec. 2-430.31. Creation; composition; appointment; term of members; filling of vacancies.**

The tree advisory board shall consist of five members who serve on the tree advisory board and are appointed by the city commission. At least four members of the tree advisory board shall have knowledge of urban forestry. Each member shall be appointed for a term of three years and shall remain in office until a successor has been appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. Terms shall expire on January first of the year the terms expire. Notwithstanding provisions of the previous subsection, one term shall expire January 1, 1993, one term shall expire January 1, 1994, one term shall expire January 1, 1995, one term shall expire January 1, 1996, and one term shall expire January 1, 1997. After each of said terms expires, appointments shall be made for three-year terms or for unexpired terms.

(Ord. No. 3592, § 1(2-230), 1-22-90)

#### **Sec. 2-430.32. Meetings; records.**

The board shall meet when directed by the appropriate authority or on the second Thursday of each month. Special meetings may be held upon the call of the

chairperson or upon the written request of any two members of the board. All meetings shall be open to the public. The board shall keep minutes of its proceedings showing each member's absence, failure to vote, or vote, and shall keep records of its examinations and all other official actions which shall be filed immediately in the office of the board and which shall become public records.

(Ord. No. 3592, § 1(2-231), 1-22-90)

### **Sec. 2-430.33. Duties.**

The duties of the tree advisory board shall include:

- (1) To act as the technical information collector/exchange forum on tree issues where citizens need coordination of information from varied sources.
- (2) To clarify tree regulations that exist in the city's codes and ordinances and make them known to city residents.
- (3) To act on referrals from the city commission.
- (4) To guide the creation of a master tree plan for the city.
- (5) To assist in the development of the goals and objectives for the city's comprehensive plan with respect to tree.
- (6) To advise all departments of the city on tree issues.
- (7) To communicate general tree information and develop tree projects that would benefit the community.
- (8) To serve on the tree board of appeals (three of the five members will be recommended by the tree advisory board for appointment by the city commission).

## **SECTION 3. SPECIAL AREA PLAN FOR COLLEGE PARK**

ORDINANCE NO. 3779

0-92-30

Regulations For The College Park  
Neighborhood Plan

### *Build-to Line.*

*Intent.* The intent of a build-to line is to pull the building facade close to the street and streetside sidewalk. By doing so, building facades along a block face will be aligned to form a street edge that frames the public realm, while retaining sufficient width for people to walk, and sufficient space to provide formal landscape created by street trees. The street edge shapes the public realm to provide a sense of comfort and security for the public space. Buildings pulled up to the street sidewalk have more of a human scale, and allow for the construction of canopies which create shade and shield the pedestrian from wet weather. In general, the goal of a commercial build-to line should be that the width of the street corridor (as measured by opposing building facades) and the height of the buildings shall be at least a ratio of 1:1 to 3:1. (The width should be no more than 3 times the height).

*Standard.* A build-to line range is specified by building lot type.

Stoops, stairs, chimneys, and bay windows are allowed to extend beyond the build-to line as long as they do not exceed more than 25 percent of the front facade and do not encroach into the public right-of-way. Open porches, projecting signs, balconies, arcades, and awnings and outdoor cafes may also extend beyond the build-to line. However, at least 5 feet of unobstructed sidewalk width and room for any required tree strip must be retained.

#### *Landscape Standards.*

*Total Number of Trees Required.* Developing or redeveloping properties are required to provide shade trees based on the lot's private outdoor space. The property owner is also required to improve the adjacent public right-of-way to the standard set by the Special Area Plan and City Manager or designee.

Three trees including at least 2 shade trees are required for every 1,200 square feet of private outdoor space on the lot.

Parking lots other than single-family driveways shall meet the landscape requirements specified in the Land Development Code. Street buffer yards requirements specified in the Land Development Code shall also be met. Spacing of street trees shall be as set forth below. The front buffer requirements may be modified or reduced if the build-to line established by the City Manager or designee or the appropriate reviewing board precludes or reduces the front buffer area. Tree spacing shall be in accordance with the right-of-way planting requirements rather than the underlying buffer requirements.

Existing trees on the lot and on the adjacent swales may count toward the total number of trees required. The City Manager or designee shall approve which existing trees may count towards the total required trees.

*Street Trees.* Street trees intended to provide pedestrian shade shall be located in the right-of-way swale or near the sidewalk on the private property. The City prefers street trees between curb and sidewalk but recognizes that utilities or space constraints may dictate that street trees shall in some cases be required to be located instead on private property behind the sidewalk.

Commercial and mixed-use streets (such as University Avenue) shall have shade trees planted with an average spacing of 35 feet on center. Trees are not required when arcades and colonnades are present.

Residential Streets shall have shade trees planted an average spacing of 30 feet on center.

*Quality of Trees.* All trees planted shall be Florida Grade #1 or better, with a trunk caliper of at least 2 inches in a 25-gallon container. Species must be chosen from the list of trees in the Approved Tree List in the Land Development Code. Each shade tree shall have a minimum root area of 140 square feet at or below grade. The minimum root space requirement can be met by using soil materials that are engineered to accommodate root growth under hardscape.

#### *Encroachments.*

1. Balconies shall be permitted to encroach forward of the build-to line. Balconies shall be a minimum of 9 feet above grade and 18 inches behind the face of the curb.
2. Stoops and open porches shall be permitted to encroach forward of the build-to line, and shall not encroach into the public right-of-way.
3. For encroachment of balconies into the public right-of-way, permission (such as an easement or other appropriate property right) is required from the public entity responsible for right-of-way.

### Plant List

#### Landscape Regulations for New Construction and Renovation Planting on Public and Private Property

*Large Trees:*

Ulmus alata (Winged Elm)

Yellow fall color

Quercus shumardii (Shumard Oak)

Scarlet fall color

Magnolia grandiflora (Southern Magnolia)

Evergreen

Quercus virginiana (Live Oak)

Evergreen

*Medium Trees:*

Acer rubrum (Red Maple)

Red fall color, red spring flowers

Ostrya virginiana (Ironwood) (Hop Hornbeam)\*

Yellow fall color

*Small Trees:*

Prunus angustifolia or P. umbellata (Wild Plum)

White flowers in early spring, sunny or part shade

Osmanthus americanus (Wild Olive)\*

Evergreen, shady sites

Lagerstroemia indica cv. Natchez (White Crape Myrtle)

White flowers, yellow fall color

*Hedge (Sun):*

Ilex vomitoria nana (Dwarf Yaupon Holly)

Especially cultivar Schillings Dwarf

*Hedge (Shade):*

Rhododendron indicum

Cultivars (vary in height)

### Urban Regulations For New Construction--Type I

*Instructions.* This building type includes shopfronts, offices, apartments or mixed-use buildings with apartments.

*Building Placement.*

1. Shopfront and Office buildings 0 feet to 12 feet from the front property line, 0 feet to 10 feet from the side street property line. The City Manager, designee or appropriate board shall set build-to line location to ensure enough room for sidewalks and appropriate street trees on narrow rights-of-way. If the block is only one lot deep, new buildings should be oriented towards the street of greater hierarchy, known as the Primary Frontage Street.

*Side Setback.*

1. No side setback is required when next to existing or designated Shopfront buildings, Offices, Townhouses or Civic buildings.
2. A minimum of 8 feet when next to existing or designated Apartments or Houses.

Urban Regulations For New  
Construction--Type II

*Instructions.* This building type includes houses, apartments or townhouses.

*Building Placement.*

1. Townhouses and Apartments: 10 feet to 20 feet from the front property line, 5 feet to 10 feet from the streetside property line for the end unit. The City Manager, designee or appropriate reviewing board shall set build-to line location to ensure enough room for sidewalks and appropriate street trees on narrow rights-of-way. Rowhouse lot widths may be as narrow as the rowhouse.
2. Houses: 5 feet to 25 feet from property line, 5 feet to 10 feet from the side property line. City staff shall set build-to line location to ensure enough room for sidewalks and appropriate street trees on narrow rights-of-way.
3. Accessory structures shall be a minimum of 5 feet from rear property line and 8 feet from side property line.

SECTION 6. SPECIAL AREA PLAN FOR UNIVERSITY HEIGHTS ORDINANCE  
NO. 990733  
0-00-88

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, IMPOSING THE SPECIAL AREA PLAN OVERLAY ZONING DISTRICT FOR "UNIVERSITY HEIGHTS" ON CERTAIN PROPERTY LOCATED SOUTH OF N.W. 3RD AVENUE, WEST OF N.W. AND S.W. 6TH STREET, NORTH OF S.W. DEPOT AVENUE, AND EAST OF N.W. AND S.W. 13TH STREET; ADOPTING A SPECIAL AREA PLAN FOR THIS PROPERTY; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on December 16, 1999; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on February 14, 2000; and  
WHEREAS, pursuant to law, an advertisement no less than 2 columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville, at least 7 days after the day the advertisement was published; and

WHEREAS, a second advertisement no less than 2 columns wide by 10 inches long was placed in the same newspaper notifying the public of the second Public Hearing to be held at the adoption stage at least 5 days after the day this advertisement was published; and

WHEREAS, the Public Hearings were held as advertised and the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

*Section 1.* The Special Area Plan overlay district is imposed on certain property located south of N.W. 3rd Avenue, west of N.W. and S.W. 6th Street, north of S.W. Depot Avenue and east of N.W. and S.W. 13th Street, as shown on the map on page 13 of Exhibit A, which is made a part hereof as if set forth in full.

*Section 2.* The University Heights Special Area Plan (Exhibit A) is hereby adopted. The specific regulations of the Special Area Plan for the aforementioned property and the administration and enforcement of these regulations as delineated in Exhibit A shall control and guide the development and use of the property.

*Section 3.* The city manager is authorized and directed to make these changes in the zoning map in order to comply with this ordinance and administer the provisions of the University Heights Special Area Plan.

*Section 4.* It is the intention of the City Commission that the provisions of the special area plan adopted by this ordinance shall become and be made a part of Land Development Code of the City of Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intentions.

*Section 5.* If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

*Section 6.* All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed, except as stated in this ordinance.

*Section 7.* This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 23rd day of October, 2000.

Exhibit A. Special Area Plan  
for University Heights

I. *Intent.* The City of Gainesville seeks to promote and control preservation and revitalization in this traditional neighborhood. History shows that a few traditional



urban design conventions will generate building types and neighborhood forms which allow profitable, positive infill and change which strengthen property values and appearance, and which offer a high quality of life. These conventions are derived from many sources in planning literature including: *Civic Art* by Hegeman and Peets, *Great Streets* by Allan B. Jacobs, *The New Urbanism* by Peter Katz, and *AIA Graphic Standards, 9<sup>th</sup> Edition*.

This Code establishes standards for land development in order to:

1. Preserve and extend the historic neighborhood character through the design and placement of building types and public spaces.
2. Create high-quality street spaces by using buildings to form a pleasant, convenient and safe environment designed for pedestrians, bicyclists, public transit and motorists.
3. Enhance the viability of local businesses and reduce car travel demand by focusing growth in appropriate locations.
4. Provide a measure of predictability to property owners and occupants about what may be built on their land or their neighbors' property, yet allow for a market-driven mixture of land uses.
5. Encourage a wide range of building types and sizes that will offer a measure of self-sufficiency and sustainability, and adapt gracefully to change over time.
6. Make the neighborhood a pleasant place to live, that will attract a mix of long-term residents reflecting the composition of the university community and adjacent neighborhoods.

## II. Administration

A. *Required Compliance.* All new commercial, office, mixed-use and multi-family development (including single-family attached rowhouses) shall be required to comply with this Special Area Plan.

B. *Waiver from Compliance.* A Waiver from Compliance may be considered for applications that do not follow all aspects of the Special Area Plan, but offer exceptional benefits to the community. Applicants may request a Waiver from the design standards, but no waiver is allowed for uses. In granting a Waiver, the City Manager, designee, or appropriate reviewing board must find by substantial competent evidence that:

1. The proposed development contributes to, promotes and encourages the improvement of the University Heights Neighborhood and catalyzes other development as envisioned in the University Heights regulations.
2. The proposed development abides by all rules in this code other than those specially excepted. Special limitations apply to large footprint free-standing buildings (greater than 20,000 sq ft on the first story); see section IV.(I.) for these limitations.
3. The proposed development meets any reasonable additional conditions, restrictions or limitations considered deemed necessary or desirable by the City Manager, designee, or appropriate reviewing board, in order to preserve and promote the intent of the University Heights Special Area Plan.

4. The applicant proves an undue hardship, owing to conditions peculiar to the existing structure and not the result of the action of the applicant, would result from the strict adherence to these standards because:
  - a. The structure is officially designated as historically significant and these standards conflict with standards established for the preservation of historic structures, or;
  - b. The application of these standards would result in inconsistency of proportion and scale with the existing structure, or;
  - c. The application of these standards would result in the project being made financially impossible.

C. *Effect of Classification.* The University Heights Special Area Plan is applied as an Overlay Zoning District. If the provisions of the Special Area Plan conflict with the underlying zoning, the provisions of the Special Area Plan shall prevail. The effect of the classification is that the Special Area Plan is the applicable set of regulations. The regulations of the underlying zoning district and all other applicable regulations remain in effect and are further regulated by the Special Area Plan. Where the Special Area Plan addresses a requirement, the underlying zoning shall not apply. The underlying zoning and provisions of the Land Development Code shall apply when the Special Area Plan does not address a requirement. The University Heights Special Area Plan shall supercede any floor area ratio requirements in the Land Development Code.

### III. *Definitions*

*Appurtenances* means architectural features not used for human occupancy consisting of: spires, belfries, cupolas or dormers; silos; parapet walls, and cornices without windows; chimneys, ventilators, skylights, antennas and screened mechanical equipment.

*Arcade Building* means a building with a ground level passageway through a part of the building. The passage is covered and lined with shops or booths. The passage may be more than one story in height with projecting balconies and walkways.

*Awning* means an architectural projection roofed with flexible material supported entirely from the exterior wall of a building.

*Balcony* means a porch connected to a building on upper stories supported by either a cantilever or brackets.

*Breezeway* means a freestanding colonnade connecting 2 or more buildings.

*Catwalk* means a balcony like walkway which is cantilevered or supported by columns along the side of a building. A catwalk provides access to interior spaces inside the building.

*Colonnade or Arcade* means a covered, open-air walkway at standard sidewalk level attached to or integral with the building frontage; the structure overhead is supported architecturally by columns or arches along the sidewalk.

*Dwelling Area* means the total internal useable space on all stories of a structure, not including porches, balconies, terraces, stoops, patios, or garages.

*Expression Line* means a molding or cornice extending or offset a minimum of 3 inches, from the surface plane of the building wall. Expression Lines delineate the transition between the story levels.

*Frontage Street* means the street in front of a property to which the front facade and main entrance is oriented.

*Front Property Line* means the line that delineates private ownership facing the street.

*Garden Wall* means a freestanding wall along the property line dividing private areas from streets, alleys, and or adjacent lots.

*Liner Building* means a building built in front of a parking garage, cinema, supermarket, etc., to conceal large expanses of blank wall area and to face the street space with a facade that has doors and windows opening onto the sidewalk (see Item IV.(G.)(3)).

*Lot Frontage* means the property line adjacent to the frontage street.

*Marquee* means a permanently roofed architectural projection, the sides of which are vertical and are intended for the display of signs, which provides protection against the weather for the pedestrian, and which is supported entirely from an exterior wall of a building.

*Outbuilding* means a building or structure subordinate to the principal building, used for purposes customarily incidental to the main or principal building, and located on the same lot or set of attached lots there. Outbuildings can be used as residential dwellings.

*Parapet* means a low wall or barrier built above the cornice of a building, whether built with a sloped or flat roof. A parapet is typically of solid construction and may be broken with crenulations. When corbelled out from the surface of the wall it crowns, parapets may take the place of a cornice.

*Primary Street or Space* means the street that a lot fronts. At squares and street intersections the larger, more important is the primary street.

*Principal Plane* means vertical plane which corresponds to the largest front facade of the building.

*Private Outdoor Space* means the square footage of a lot that is not occupied by buildings, swimming pools, or parking lots. Impervious areas such as decks, patios, terraces, walkways and pavement surrounding a pool shall be considered as private outdoor space.

*Property Line* means the line which delineates private ownership.

*Rowhouse* is one of a group of 3 or more attached dwelling units divided from each other by a common wall and each having a separated front entrance from the outside of the at ground level.

*Stoop* means a small platform, entrance stairway at a house door, or both, covered by a secondary roof or awning. The stoop projects from the primary building plane. Catwalks or breezeways are not considered stoops.

*Storefront* means building frontage for the first story usually associated with retail uses.

*Story* means that portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

*Structured Parking* means layers of parking stacked vertically.

#### IV. General Provisions

A. *Facade Requirements.* Building facades shall have windows, sills, lintels, expression lines and a cornice. The front facade of the building is also required to

have its primary entrance face the street. Main Street Shopfront buildings do not require sills or lintels on first story Shopfront windows that display merchandise. On attached building types such as Shopfront buildings or Rowhouses, the sides located on interior property lines do not require windows, expression lines, or cornices.

Expression lines are required on stucco and brick buildings.

Front entrances shall be required on all buildings, and, for nonresidential buildings, a minimum of 50% glazing at the first story level shall be required on all street facades (for each story facing streets above the first story, 15% to 70% of its facade shall consist of glazing). For multi-family residential, a minimum of 30% glazing at the first story level shall be required on all street facades.

On detached building types, windows are required on the interior sides on all stories of all structures set back greater than 3 ft from the side property line. A minimum of 10% glazing is required on all stories.

Detailed facade requirements are specified in the Building Types section.

B. *Outbuildings*: Outbuildings are permitted as parking garages, apartments, storage space, and trash receptacles. Outbuildings shall be located at the rear of the lot (or at minimum sit behind the front plane of the principal structure).

C. *Alleys*: Existing alleys and alley rights-of-way are prohibited from being removed or vacated, except when the City Commission determines that the alley no longer serves a public purpose.

GRAPHIC LINK:[Alley - Grass or Gravel](#)

New alleys can be incorporated into the redeveloped areas of the neighborhood to minimize curb cuts and to provide access to parking and service areas behind buildings. New alleys may be a minimum of 10 ft and a maximum of a 16 ft of right-of-way.

Landscaping, trash receptacles, and other objects must remain outside the alley right of way.

Alleys may be incorporated into parking lots as drive aisles.

D. *Corner Radii & Clear Zones*: Corner curb radii should be between 9 ft for residential streets, including alleys, and 15 ft for commercial streets such as University Avenue. Fairly tight turning radii such as these shorten pedestrian crossings and inhibit reckless drivers from turning corners at high speeds. Corner radii and clear zones shall be created within the vision triangle established using AASHTO standards.

GRAPHIC LINK:[Corner Radii and Clear Zone](#)

A Clear Zone at corners can allow emergency vehicles such as fire trucks to turn corners. A Clear Zone is an area free of all vertical obstructions including, but not limited to, telephone poles, sign poles, fire hydrants, electrical boxes, or newspaper boxes. A clear zone with a radius of 20 ft is sufficient for emergency vehicles.

E. *Exceptions from Build-to Lines*: Exceptions from the build-to lines standard may be granted by the City Manager, designee, or appropriate reviewing board, for:

1. avoiding trees with calipers greater than 8 inches; or
2. creating space sufficient for sidewalks.

F. *Parking:*

1. *Parking Requirements* Parking shall be provided as necessary to meet the requirements of the Americans with Disabilities Act and Florida Accessibility Code.

Other than ADA and FAC, there shall be no minimum auto parking requirement, except bicycle parking, which shall be provided as specified by Sec. 30-332. There shall be a maximum auto parking allowance of 1 parking space per 400 sq ft of gross floor area.

GRAPHIC LINK:[Blocks Without Alleys](#)

2. *Off-Street Surface Parking Lots* Off-street surface parking lots as a principal use are prohibited.

3. *Structured Parking Lot Placement* Parking structures (or parking portions of mixed-use structures) shall be set back a minimum of 30 ft from the property lines of all adjacent streets. "Liner buildings" shall be placed between parking structures and the lot frontage. The liner building shall have a height greater than or equal to the parking structure or parking portions of mixed-use structures. Liner buildings shall be no less than 2 stories or 34 ft in height. Liner buildings may be detached from or incorporated into parking structures. A point of entry is allowed on side streets. When the size of the parcel would prohibit the development of a liner building between the parking structure and the lot frontage of all adjacent streets, the liner building must be placed along the more primary street frontage and along other frontages only where feasible. The more primary street shall be decided by department of community development staff and approved by the appropriate reviewing board. Building facade and landscaping enhancements will be required on all other frontages to ensure that there will be no blank walls along street frontages. In instances where full-height liner buildings or liner portions of mixed-use buildings are infeasible, the liner may be limited to first-story retail, office or residential use (as appropriate under applicable zoning).

GRAPHIC LINK:[Structured Parking Lot Placement](#)

4. *Access to Off-Street Parking* All motor vehicle surface parking shall be located in the rear or interior side of the building, or both, with rear encouraged. No surface parking area shall extend for a width of more than 70 ft along any street frontage without a building, outdoor cafe, or a vertically prominent and articulated pedestrian-oriented feature interrupting the parking streetscape. Surface parking shall not occupy lots which terminate a street vista.

Alleys, when present, shall be the primary source of access to off-street parking, although the city manager or designee may make an exception for access to structured parking, which may be better served by a side street.

Alleys may be incorporated into parking lots as a standard drive aisle. Access to all properties adjacent to the alley shall be maintained. Access between parking lots across property lines is also encouraged.

In blocks without alleys, mid-block buildings may develop before corner buildings. Access to the side street may not be possible because of the corner building being set back. A driveway from the frontage street may be granted by the City Manager, designee, or appropriate reviewing board. Once corner sites redevelop

and allow access to side streets, the City may require the driveway on the frontage street to be removed. Corner lots that have both rear and side access shall access parking through the rear (see diagram). Garages shall always be accessed from the alley and located in the rear of the lot, when possible.

GRAPHIC LINK:[Blocks With Alleys](#)

5. *Garages where Alleys are Not Present* If no alleys exist, then garage door(s) shall be positioned no closer to streets, square or parks than 20 ft behind the principal plane of the building frontage. Garages facing streets, squares or parks are limited to one car width. However, 2-car garages are allowed, where alleys are not present, so long as the garage is located in the rear of the lot. Doors shall not exceed 10 ft in width.

G. *Storm Water Management:* The requirements of the City's Land Development Code shall apply. In lieu of on-site stormwater management facilities, master facilities may be developed within the watershed to either take the stormwater runoff directly or through mitigation of runoff generated from other properties within the watershed, when approved by the City Manager or designee.

H. *Large Footprint Buildings:* Commercial buildings with a free-standing, first-story footprint greater than 20,000 sq ft may be built within the University Heights Neighborhood, by Special Use Permit. These buildings must abide by all rules in this Code with the following special limitations:

- a. Buildings may be one story or more in, but shall be at least 24 ft in height. This may be accomplished with liner buildings or higher ceiling height sor parapets, or a combination of features.
- b. Buildings that are 2 stories in height, must be a minimum of 27 ft to a maximum of 36 ft.
- c. Buildings are exempt from maximum lot size restrictions.
- d. Requirements for opacity and facades shall be met.

I. *Civic Sites:* Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, daycare centers, recreation facilities, and places of assembly. Civic buildings are not subject to build-to line requirements or building frontage requirements. The design of Civic buildings shall be subject to review and approval by the City Manager, designee, or appropriate reviewing board.

J. *First Story Height for Residential:* Residential uses on the first story shall have a finished floor height raised a minimum of 1.5 ft above grade. The appropriate reviewing board may reduce the finished floor height as long as the proposed elevation is consistent and compatible with existing structures in the area.

K. *Sidewalks Required:* Developing or redeveloping properties shall construct or improve sidewalks as required by the City Manager or designee. Developing or redeveloping properties are required to repair sidewalks damaged during construction, following standards in subsection (Q) below.

L. *Landscape Standards:*

Total Number of Trees Required

Developing or redeveloping properties are required to provide shade trees based on the lot's private outdoor space. The property owner is also required to improve

the adjacent public right-of-way to the standard set by the Special Area Plan and City Manager or designee.

Three trees including at least 2 shade trees are required for every 1,200 sq ft of private outdoor space on the lot.

Parking lots other than single-family driveways shall meet the landscape requirements specified in the Land Development Code. Street buffer yards requirements specified in the Land Development Code shall also be met.

Spacing of street trees shall be as set forth below. The front buffer requirements may be modified or reduced if the build-to line established by the City Manager or designee or the appropriate reviewing board precludes or reduces the front buffer area. Tree spacing shall be in accordance with the right-of-way planting requirements rather than the underlying buffer requirements.

Existing trees on the lot and on the adjacent swales may count toward the total number of trees required. The City Manager or designee shall approve which existing trees may count towards the total required trees.

### Street Trees

Street trees intended to provide pedestrian shade may be located in the right-of-way swale or near the sidewalk on the private property. The City prefers street trees between curb and sidewalk but recognizes that utilities or space constraints may dictate that street trees shall sometimes be required instead on private property behind the sidewalk.

Commercial and mixed-use streets (such as University Avenue) shall have shade trees planted with an average spacing of 35 ft on center. Trees are not required when arcades and colonnades are present.

Residential Streets shall have shade trees planted an average spacing of 30 ft on center.

### Quality of Trees

All trees planted shall be Florida Grade #1 or better, with a trunk caliper of at least 2 inches in a 25-gallon container. Species must be chosen from the list of trees in the Approved Tree List in the Land Development Code. Each shade tree shall have a minimum root area of 140 sq ft at or below grade. The minimum root space requirement can be met by using soil materials that are engineered to accommodate root growth under hardscape.

M. *Building Additions:* Building additions--attached or detached--shall be in keeping with the Special Area Plan. The primary structure on the site shall be classified into one of the building type categories by the City Manager or designee. The building addition shall then follow the requirements as described for the appropriate building type.

Additions shall be in keeping with the architectural style of the existing structure or standards set by the City Manager or designee.

- Exterior walls should be of the same or compatible materials and finish as the existing structure.
- Windows should have a similar proportion and style of mullions as the windows of the existing structure.
- New roof additions should be a similar material to the existing roof.

GRAPHIC LINK:[Existing Conditions](#)

GRAPHIC LINK:[Computer simulation of a house with new addition](#)

N. *Adaptive Reuse:* The University Heights neighborhood has many long-term residents as well as student rentals. Outbuildings as well as building additions can be used to accommodate the student population without compromising the neighborhood character.

On this page is an example of a large house with an outbuilding. It is shown on a typical size lot. These 2 buildings would fit neatly into the urban fabric. This form of adaptive reuse is not new to the neighborhood. Several existing homes with outbuildings presently provide housing for students in this way.

GRAPHIC LINK:[Adaptive Re-Use](#)

O. *Trash Dumpsters:*

*Intent.* Trash dumpsters shall be provided without compromising the quality of the street. Trash dumpsters shall not be visible or malodorous to pedestrians.

*Standard.* If stored outside of the building, and if the building is not residential only, all solid waste, recycling, yard trash containers (except litter containers), and grease containers, shall be placed at the side or the rear of the building and attached to that building with an enclosing wall, so that they are not visible from the street. The enclosing wall shall not exceed 7 ft in height, and shall be finished or painted with the same material as is used on the building. The enclosing wall shall be fitted with an opaque sliding or hinged door and working latch. Loading docks shall be placed at the side or rear of the building, and shall be screened from the street. If the building is residential only, these containers, in addition to the above, shall be located in parking areas or in a location remote from the streetside sidewalk. When in a parking area, solid waste, recycling, and yard trash containers (except litter containers), and grease containers shall be located in that part of the parking area furthest from the streetside sidewalk, or at least 20 ft from a streetside sidewalk. These containers shall be screened with an enclosing wall to minimize sound to and visibility from abutting streets or residences.

"Trash Shacks," a sealed and cooled self-compacting container, may be used.

P. *Prohibited Uses:*

*Intent.* Certain uses decrease streetfront vitality, and are so exclusively oriented toward or designed to attract motor vehicles, that they contribute to visual blight, and lack of human scale for a traditional area. As a result, these uses are not compatible with the University Heights Neighborhood.

*Standard.* The following uses are prohibited:

- Auto Dealers, Auto Service and Limited Auto Services (IN-5511, MG-753)
- Carwashes (IN-7542)
- Gas Service Stations (IN-5541)
- Gasoline pumps when accessory to a Food Store (MG-54)
- Off-street surface parking lots as a principal use.
- Drive-throughs (new or expanded).

Q. *Sidewalks:*

*Intent.* Sidewalks, when properly designed and maintained, provide the pedestrian with a pleasant, safe, and convenient place to walk. Sidewalks which



are too narrow are inconvenient, especially in areas with large volumes of pedestrians, for pedestrians walking side-by-side (which requires a minimum sidewalk width of 5 ft unobstructed), and for people using wheelchairs. In addition, sidewalks that are too curvilinear or that wrap around large block faces are an impediment to pedestrian convenience.

*Standard.* All buildings or developments must provide sidewalks along the street edge(s) of their property. Sidewalks shall be placed to align with existing sidewalks. Sidewalk connections from the principal building to the public sidewalk, with at least 5 ft of clear width, must be provided, and be aligned to minimize walking distance. Curvilinear sidewalks are not allowed unless they are necessary to avoid significant trees, stormwater basins, or topography, as determined by the appropriate reviewing board, city manager or designee. The maximum length of a block face shall be 480 ft, unless shortened with cross-access sidewalks, arcades or alleys, so that the face is no more than 480 ft.

Minimum sidewalk widths:

TABLE INSET:

<i>Street Classification</i>	<i>Multi-family Residential/ Industrial (feet)</i>	<i>Commercial/ Institutional/ Office/ Mixed-Use (feet)</i>
Local	6	7
Collector	7	8
Arterial	7	10

The minimum unobstructed width shall be 2 ft less than the required sidewalk width, as long as at least 5 ft of unobstructed width is retained. At transit stops, the minimum width is 8 ft of unobstructed width. Minimum width for a tree strip shall be 4 ft, or such other width as may be adequate for tree placement, unless the tree strip requirement is waived by the appropriate reviewing board, city manager or designee.

R. Permitted by special use permit.

- Rehabilitation centers.

V. *Building Types:* New buildings under this Special Area Plan are regulated by building type. They are mandatory for the University Heights Neighborhood as delineated in the map at the end of subsection V.

On the following pages, diagrammatic examples are used to illustrate intended, advisory building locations, configurations and dimensions. The accompanying numbers and text are rules. Architectural style is not regulated; the graphics are illustrative only.

Building types can be built within the appropriate Land Use Category.

The following building types are described in this code:

- Main Street Shopfront Building
- Office Building

- Rowhouse
- Garden Apartment
- Large House or Apartment Building
- House
- Outbuilding
- Civic Building

GRAPHIC LINK: [Land Use Map](#)

GRAPHIC LINK: [Main Street Shopfront Building](#)

#### Main Street Shopfront Building

A shopfront building is a basic unit of a traditional mixed-use street. It is sited at the front property line and features a ground floor that is roughly level with the sidewalk. The ground floor facade of the street has a large amount of transparent window and door openings.

TABLE INSET:

Building Placement:	
Building Width	200 ft maximum
Building Frontage	70% minimum to 100% maximum lot frontage
Build-to line locations	<i>Corner Lots:</i>
	0--15 ft. from the front property line (see note 6 below)
	0--15 ft. from the side street property line (see note 6 below)
	<i>Interior Lots:</i>
	0--15 ft. from the front property line (see note 6 below)
Side Setback	None when next to other shopfront buildings, office buildings, rowhouses, nonresidential vacant lots and outbuildings; 8 ft. when next to all other types or next to a residential vacant lot
Building Coverage	80% maximum
height:	
Maximum height	58 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply.
Minimum height	2 stories at least 27 ft. above grade. Dormers are not considered stories.
First Story Elevation	10 feet floor to ceiling minimum.

Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have at least one of the following: porch, arcade, colonnade, 2nd story balcony, marquee or awning, extending at least 80% of the building facade.
3. A cornice line is required at the top of the front and side facades facing streets. The cornice shall be at least 18 inches in height.
4. A parapet with cornice is required on flat or shed roofs, at the top of the front and side facades facing streets. Parapets shall be a minimum of 2 ft in height.
5. An expression line is required between the first and second stories on the front facade and along the sides visible from the street except for buildings of wood or cementitious siding.
6. The City Manager, designee or appropriate reviewing board will set build-to line location to accommodate sidewalks and street trees.
7. Courtyard buildings are permitted.

GRAPHIC LINK:[Office Building](#)

#### Office Building

An office building is appropriate to line wider thoroughfares. It is placed towards the front of its lot and features a first story roughly level with the sidewalk.

TABLE INSET:

Building Placement:	
Building Width	80 ft. maximum
Building Frontage	70% minimum to 100% maximum lot frontage
Build-to line locations	<i>Corner Lots:</i>
	0--15 ft. from the front property line (see note 6 below)
	0--15 ft. from the side street property line (see note 6 below)
	<i>Interior Lots:</i>
	0--15 ft. from the property line (see note 6 below)
Side Setback	None when next to other office buildings, shopfront buildings, rowhouses, nonresidential vacant lot and outbuildings;
	8 ft. when next to all other types or next to a residential vacant lot
Building Coverage	80% maximum
height:	
Maximum height	58 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply.

Minimum height t	2 stories at least 27 ft. above grade. Dormers are not considered stories.
First Story Elevation	10 feet floor to ceiling minimum.

Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have at least one of the following: porch, arcade, colonnade, 2nd story balcony, marquee or awning, extending at least 80% of the building facade.
3. A cornice line is required at the top of the front and side facades facing streets. The cornice shall be at least 18 inches in height.
4. A parapet with cornice is required on flat or shed roofs, at the top of the front and side facades facing streets. Parapets shall be a minimum of 3 ft in height.
5. An expression line is required between the first and second stories on the front facade and along the sides visible from the street.
6. The City Manager, designee or appropriate reviewing board will set build-to line location to accommodate sidewalks and street trees.
7. Courtyard buildings are permitted.

GRAPHIC LINK:[Rowhouse](#)

#### Rowhouse

A rowhouse is placed towards the front of the lot and shares one or more common walls with its neighboring units. Entry is usually through a covered stoop. A rowhouse can be a residence for one or 2 families, or apartments, or a combination.

TABLE INSET:

Building Placement:	
Building Width	40 ft. maximum per individual unit
Building Frontage	60% minimum to 100% maximum lot frontage
Build-to line locations	<i>Corner Lots:</i>
	0--15 ft. from the front property line (see note 6 below)
	0--15 ft. from the side street property line (see note 6 below)
	<i>Interior Lots:</i>
	5--20 ft. from the property line
Side Setback	None when adjacent to another rowhouse, shopfront building, office building, outbuilding; and nonresidential vacant lot.
	8 ft. when next to all other building types or next to residential

	vacant lots.
Rear Setback	Twenty-foot minimum from the rear property line, except that the setback may be reduced to five feet if approved by the appropriate reviewing board to accommodate special site features.
Building Coverage	70% maximum
Minimum Lot Size	An individual row house may be placed on a lot at least 15 ft. wide and 75 ft. deep.
Height:	
Maximum Height	48 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply.
Minimum Height	2 stories at least 24 ft. above grade. Dormers are not considered stories.
First Story Elevation	1.5 ft. above grade, minimum (4 ft. recommended). When building is below grade of street, building design shall elevate windows or use other strategies to maintain privacy.

Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have either a stoop or front porch.
3. Flat roofs with a parapet or gabled roofs are permitted.
4. Expression lines are required between the first and second stories along the front facade and the sides if visible from the street, on brick or stucco buildings.
5. Cornice lines are required for rowhouses.
6. The City Manager, designee or appropriate reviewing board will set build-to line location to accommodate sidewalks and street trees.

Advisory Guideline:

1. Each rowhouse unit shall have a separate entrance to the street.

GRAPHIC LINK: [Garden Apartment Building](#)

Garden Apartment Building

A garden apartment building shares a central stair core for 2 bays. The building is placed towards the front of the lot and does not share common walls with its neighboring units. Entry is typically through a covered stoop. A backyard or "garden" is shared behind the building.

TABLE INSET:

Building Placement:	
Building Frontage	65% minimum to 85% maximum lot frontage
Build-to line locations	<i>Corner Lots:</i>

	5--15 ft. from the property line (see not 5 below)
	0--15 ft. from the side street property line (see not 5 below)
	<i>Interior Lots:</i>
	10--20 ft. from the property line
Side Setback	8 ft. from the side property line
Rear Setback	Twenty-foot minimum from the rear property line, except that the setback may be reduced to five feet if approved by the appropriate reviewing board to accommodate special site features.
Building Coverage	60% maximum
height:	
Maximum height	48 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply.
Minimum height	2 stories at least 27 ft. above grade. Dormers are not considered stories.
First Story Elevation	1.5 ft. above grade, minimum (4 ft. recommended). When building is below grade of street, building design shall elevate windows or use other strategies to maintain privacy.

Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have either a stoop or front porch.
3. An expression line is encouraged between the first and second story.
4. A cornice line is required on Garden Apartment Buildings.
5. The City Manager, designee or appropriate reviewing board will set build-to line location to accommodate sidewalks and street trees.

GRAPHIC LINK: [Apartment Building](#)

Apartment Building

An Apartment Building is detached and has separate apartment units.

TABLE INSET:

Building Placement:	
Building Frontage	40% minimum to 70% maximum lot frontage
Build-to line locations	<i>Corner Lots:</i>
	10--20 ft. from the front property line
	10--20 ft. from the side property line

	<i>Interior Lots:</i>
	15--25 ft. from the front property line
Side Setback	8 ft. from side property line
Rear Setback	Twenty-foot minimum from the rear property line, except that the setback may be reduced to five feet if approved by the appropriate reviewing board to accommodate special site features.
Building Coverage	50% maximum
height:	
Maximum height	48 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply.
Minimum height	2 stories at least 27 ft. above grade. Dormers are not considered stories.
First Story Elevation	1.5 ft. above grade, minimum (4 ft. recommended). When building is below grade of street, building design shall elevate windows or use other strategies to maintain privacy.

Note:

1. Appurtenances may extend beyond the height limit.
2. Buildings are required to have either a front or side porch (may be waived or replaced by a stoop with approval by the City Manager, designee or appropriate reviewing board).
3. The City Manager, designee or appropriate reviewing board will set build-to line location to accommodate sidewalks and street trees.

GRAPHIC LINK:[House](#)

House

A House is suited for smaller lots. A house is detached and has yard on all 4 sides.

TABLE INSET:

Building Placement:	
Building Frontage	40% minimum to 70% maximum lot frontage
Build-to line locations	<i>Corner Lots:</i>
	10--20 ft. from the property line
	10--20 ft. from the side street property line
	<i>Interior Lots:</i>

	15--25 ft. from the property line
Side Setback	5 ft. from the side property line
Rear Setback	Twenty-foot minimum from the rear property line, except that the setback may be reduced to five feet if approved by the appropriate reviewing board to accommodate special site features.
Building Coverage	40% maximum
height:	
Maximum height	48 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply.
Minimum height	12 ft. above grade
First Story Elevation	1.5 ft. above grade, minimum (4 ft. recommended). When building is below grade of street, building design shall elevate windows or use other strategies to maintain privacy.

Note:

1. Appurtenances may extend beyond the height limit.
2. Buildings are required to have either a front or side porch (may be waived or replaced by a stoop with approval by the City Manager, designee or appropriate reviewing board).
3. The City Manager, designee or appropriate reviewing board will set build-to line location to accommodate sidewalks and street trees.

GRAPHIC LINK: [Outbuilding](#)

### Outbuilding

Outbuildings are located in the rear of the lot. These buildings are behind the principal structure, at the rear of the lot. They may have parking, apartments, storage and trash receptacles.

TABLE INSET:

Building Placement:	
Building Frontage	0% to 85% of rear lot frontage
Build-to line locations	<a href="#">5--20 ft. from the rear property line</a>
Side Setback	3 ft. from side property line. 0 ft for rowhouse adjacent to another rowhouse.
Building Coverage	1,300 sq. ft. maximum and no larger than principal structure



height	
Maximum height	2 stories or 27 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply. Dormers are not considered stories.
Minimum height	1 story or 13 ft. above grade

Note:

1. Exterior walls should be of a similar material to the primary structure.
2. Windows should be of similar proportion and style of mullions as the windows of the primary structure.
3. Roofs should be of similar material to the primary structure.
4. For shallow lots, less than or equal to 75 ft deep, outbuildings may occur in the sideyard provided they are not forward of the principal structure. The outbuilding must be behind the build-to line and side setback of the principal structure. Outbuildings that are garages located on shallow lots, shall follow the requirements under the Special Area plan, General Provisions, (G)(5), Garages where Alleys are Not Present.

GRAPHIC LINK:[Civic Building](#)

#### Civic Building

Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, daycare centers, recreation facilities and places of assembly. Accessory residential uses customarily and clearly incidental to the principal use.

TABLE INSET:

Building Placement:	
Building Frontage	negotiated
Build-to line locations	negotiated
Side Setback	negotiated
Building Frontage	negotiated
Building Coverage	75% maximum
height:	
Maximum height	negotiable

Note:

1. Building placement requirements for Civic Buildings shall be established by the City Manager, designee or appropriate reviewing board at the time of application. Civic buildings should be sited when possible in locations of particular geometric importance, such as anchoring a major public space or green, or terminating a street vista.

GRAPHIC LINK:[Civic Building - Placement](#)

VI. *Building Elements:*

A. *Awnings & Marquees:*

GRAPHIC LINK:[Awnings and Marquees](#)

Depth = 5 ft. minimum

height = 10 ft. minimum clear

Length = 25% to 100% of building front

The above requirements apply to first story awnings above the first story.

Marquees and awnings may occur forward of the build-to line and may encroach over the right-of-way. Encroachment into right-of-way shall require compliance with Sec. 30-338(3)(c)(8).

Awnings shall be made of fabric. High gloss or plasticized fabrics are prohibited.

B. *Balconies:*

GRAPHIC LINK:[Balconies](#)

Depth = 6 ft. minimum for 2nd story balconies

height = 10 ft. minimum clear

Length = up to 100% of building front

Balconies may occur forward of the build-to line and may encroach within the right-of-way, but shall not extend past the curb line. Encroachment into right-of-way shall require compliance with Sec. 30-338(3)(c)(8).

Balconies may have roofs, but are required to be open, un-air conditioned parts of the buildings.

On corners, balconies may wrap around the side of the building facing the side street.

C. *Colonnades/Arcades:*

GRAPHIC LINK:[Colonnades/Arcades](#)

Depth = 10 ft. minimum from the build-to line to the inside face of the column

height = 10 ft. minimum clear

Length = 75% to 100% of building front

Open, multi-story verandas, awnings, balconies, and enclosed useable space shall be permitted above the colonnade.

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades may occur forward of the build-to line and may encroach beyond the right-of-way line, but shall not extend past the curb line, as approved by the public entity responsible for the right-of-way.

On corners, the colonnade may wrap around the side of the building facing the side street.

On sidewalks with on-street parking or bicycle lanes next to the curb, colonnades shall be 18 inches from the face of curb.

On sidewalks with travel lanes next to the curb, colonnades must be at least 4 ft from curb.

D. *Front Porches:*

GRAPHIC LINK:[Front Porches](#)

Depth = 8 ft. minimum

Length = 25% to 100% of building front

Front Porches may have multi-story verandas and/or balconies above.

Front porches may occur forward of the Build-to line. Porches shall not extend into the right-of-way.

Front porches are required to be open, un-air conditioned parts of the buildings. More than 25% of the floor area of a porch shall not be screened if the porch extends forward of the build-to line.

E. *Stoops:*

GRAPHIC LINK:[Stoops](#)

Depth = 8 ft. minimum

Length = 5 ft. minimum

Stoops are permitted and may occur forward of the build-to line. Stoops may be covered or uncovered.

F. *Bay Windows:*

GRAPHIC LINK:[Bay Windows](#)

Depth = 3 ft. minimum

Length = 6 ft. minimum

Bay windows are permitted and may occur forward of the build-to line. Bay windows may not encroach beyond the right-of-way line. Bay windows shall have required facade details such as lintels, sills, cornices and expression lines.

Bay windows shall cover a maximum of 40% of any building facade.

VI. *Architectural Guidelines:*

The lists of permitted materials and configurations come from study of traditional buildings found in north Florida and have been selected for their appropriateness to the visual environment and climate.

A primary goal of the Architectural Guidelines is authenticity. The Guidelines encourage construction which is functional, and which draws its ornament and variety from the traditional assembly of genuine materials.

*General Requirements:*

The following shall be located in rear yards or sideyards not facing the streets:

- Window and wall air conditioners;
- Air conditioning compressors;
- Heating and ventilation;
- Irrigation and pool pumps;
- Electrical utility meters.

The following shall be located in the rear yards only:

- Clotheslines;
- Clothes drying yards;
- Antennas;
- Permanent barbecues.

The following are prohibited:

- Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening.);
- Plastic or PVC shutters;
- Reflective and/or bronze-tint glass, highly opaque glass;
- Plastic or PVC roof tiles;
- Backlit awnings;
- Glossy-finish awnings; and
- Front yard fences made of chain link, barbed wire, or plain wire mesh.

- Fences extending in front of the front plane of the building made of chain link, barbed wire, or plain wire mesh.

A. *Building Walls:*

1. *General Requirements.* For Main Street Shopfront and Office buildings, if finished with masonry or stucco:

An expression line shall delineate the division between the first story and the second story. An expression line shall either be a cornice or molding extending a minimum of 2 inches, or a jog in the surface plane of the building wall greater than 2 inches.

GRAPHIC LINK:[Building Walls - Desirable](#)

GRAPHIC LINK:[Building Walls - Undesirable](#)

2. *Permitted Finish Materials.*

- Concrete masonry units with stucco (C.B.S.)
- Stucco on frame and synthetic stucco
- Reinforced concrete with stucco
- Fiber-cement exterior siding
- Wood siding, painted or natural (cypress and cedar preferred)
- Brick
- Chert stone

B. *Garden Walls, Fences & Hedges:*

1. *General Requirements.* Fences, garden walls, or hedges are strongly encouraged and shall be constructed along all unbuilt rights-of-way which abut streets and alleys. Fences, garden walls and hedges shall be minimum 25% opaque. Fences made of chain-link (wholly or in part) are prohibited along all rights-of-way.

Maximum height of fences shall be 40 inches for front yards and along side streets and 72 inches in the rear yards. Pillars and posts may extend up to 6 inches more, to a height of 78 inches.

Decorative wrought iron type fences (black iron or metal) may be allowed up to 8 ft when designed with a base not to exceed 3 ft in height, made out of cement, brick, decorative block or stone. The fence design shall be pickets with a minimum of 3" between each picket. Decorative pillar ornaments may extend up to 24" above the main fence line.

2. *Permitted Finish Materials.*

- Wood: left natural, painted or stained
- Concrete masonry units with stucco (C.B.S.)
- Reinforced concrete with stucco
- Wrought iron and simulated wrought iron
- Brick

3. *Permitted Configurations.*

- Wood: Picket Fences: minimum 30% opaque, with corner posts Other wooden fences: to match building walls
- Stucco: with texture and color to match building walls
- Painted or wrought iron: Vertical, 5/8 inch minimum

C. *Columns, Arches, Piers, Railings & Balustrades:*

1. *General Requirements.*

- Columns and piers shall be spaced no farther apart than they are tall.

## 2. *Permitted Finish Materials.*

- Columns:

Wood, painted or natural

Cast iron

Concrete with smooth finish

Aluminum, fiberglass, stone, cementitious

- Arches:

Concrete masonry units with stucco (C.B.S.)

Reinforced concrete with stucco

- Piers:

Concrete masonry units with stucco (C.B.S.)

Reinforced concrete with stucco

Brick

- Railings & balustrades:

Wood, painted or natural

Wrought iron

## 3. *Permitted Configurations.*

- Columns:

Square, 6 inches minimum, with or without capitals and bases

Round, 6 inches minimum outer diameter, with or without capitals and bases

Classical orders

- Arches:

Semi-circular & segmental

- Piers:

8 inches minimum dimension

- Porches:

Railings 2- 3/4 inches minimum diameter

Balustrades 4 inches minimum spacing, 6 inches maximum spacing

## D. *Opacity & Facades:*

*Shopfront areas only:* Storefronts shall remain unshuttered at night and shall use transparent glazing material, and shall provide view of interior spaces lit from within. Where building frontages exceed 50 ft, doors or entrances with public access shall be provided at intervals averaging no less than 50 ft.

## E. *Roofs & Gutters:*

### 1. *General Requirements.*

- Permitted Roof Types: gabled, hipped, shed, barrel vaulted, domed & flat.

Applied mansard roofs are not permitted.

- Any building systems placed on a roof shall be concealed from view.

• Flat roofs are permitted. Flat roofs shall be concealed by parapets along any street frontage or any side of the building that is visible from the street. Parapets shall be no less than 36 inches high.

- Exposed rafter ends (or tabs) at overhangs are strongly recommended.

• Downspouts are to match gutters in material and finish.

### 2. *Permitted Finish Materials* (Does not apply to flat roofs).

- Metal:

Galvanized

Copper

Aluminum

Zinc-Alum

• Shingles:

Asphalt or metal, "dimensional" type

Fiberglass, "dimensional" or "architectural"

Tile

• Gutters:

Copper

Aluminum

Galvanized steel

### 3. *Permitted Configurations.*

• Metal:

Standing seam or "five-vee," 24 inches maximum spacing, panel ends exposed at overhang

• Shingles:

Square, rectangular, fishscale, shield

• Gutters:

Rectangular section

Square section

Half-round section

F. *Signs.* Signs shall be regulated by both these regulations and Article IX, Division 1: Signs Regulations, in the Land Development Code. Where there is conflict between Article IX and these regulations, these regulations shall prevail.

GRAPHIC LINK:[Configurations - Desirable](#)

GRAPHIC LINK:[Configurations - Undesirable](#)

### 1. *General Requirements.*

• Wall-mounted signs shall be flat against the facade, mounted projecting from the facade, or mounted above the top of the facade.

• Signs shall be externally lit. Individual letter and symbols may be internally lit or back-lit.

• Roof-mounted signs are prohibited.

• Only one ground-mounted sign is allowed per development.

• The maximum height of ground-mounted signs shall be 8 ft.

• Signs shall maintain a minimum clear height above sidewalks of 9 ft.

• Signs shall not extend beyond the curb line.

### 2. *Finish Materials.*

• Wood: painted or natural

• Metal: painted or unpainted.

• Painted or rubberized canvas

• Neon (including individual channel letter neon signs that are internally illuminated and may have plastic faces)

• Engraving directly on facade surface

• Wood-like materials

• Lettering on transparent windows or doors

- Vinyl lettering with a painted appearance

### 3. *Maximum Sign Size.*

- Sign area shall be determined in accordance with Sec. 30-318(g)(2).
- Size of sign structure shall be determined in accordance with Sec. 30-318(g)(3).
- Maximum size of any sign mounted perpendicular to given facade shall not exceed 10 sq ft.
- Maximum sign size shall be measured by using the largest surface area of the sign viewable at one time from any one direction (i.e., on a two-sided sign, only one side is measured).
- The following are the maximum sign sizes for primary signs:
  - a. The Maximum size of wall-mounted signs on the primary street frontage on a given facade shall not exceed 10% of the facade area or 100 sq ft, whichever is smaller. Only one building side will be considered as being the building's primary street frontage.
  - b. For ground-mounted signs for non-residential development, the maximum size is 16 sq. ft. This does not include the base or columns.
  - c. Each tenant in a building with multiple tenant units, as well as the tenant of a single-occupant building, is allowed one under-canopy sign with a maximum vertical height of one foot and a maximum width of 3 ft. An under-canopy sign shall be defined as a sign suspended beneath a canopy, ceiling, roof, or marquee. The under-canopy sign must maintain a vertical clearance of 9 ft. over any pedestrian walkway or public right-of-way.
  - d. For ground-mounted signs for multi-family residential development, the maximum sign size is 12 sq. ft.
  - e. Civic buildings shall be allowed signs based on their zoning designation and consistent with the standards established above.

### G. *Windows, Skylights, & Doors:*

#### 1. *General Requirements.*

Windows shall be rectangular, square, circular, semi-circular, or octagonal.

Rectangular window openings facing streets shall be oriented vertically.

The following accessories are permitted:

- Shutters
- Wooden window boxes
- Muntins and mullions
- Fabric awnings (no backlighting; no glossy-finish fabrics)

#### 2. *Finish Materials.*

Note: Many of these finish materials listed below are further regulated by the University Heights Historic District Regulations North and South, and in some cases are not allowed in renovations.

- Windows, Skylights, & Storefronts:

Wood

Aluminum (not mill)

Copper

Steel

Vinyl-clad wood

- Doors:

Wood or metal

3. *Permitted Configurations.*

• Windows:

Rectangular (vertical orientation)

Round (18-inch maximum outer diameter)

Semi-circular

• Window Operations:

Casement

Single- and double-hung

Industrial

Fixed frame (36 sq ft maximum)

• Skylights:

Flat to the pitch of the roof

• Door Operations:

Casement

French

Sliding (rear only)

H. *Mechanical Equipment:*

1. *General Requirements.* All mechanical equipment must be placed on the roof, in the rear or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be allowed along street frontage(s). Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.

2. *Permitted Finish Materials.*

• Screening shall be compatible with the primary building.

(Ord. No. 990733, § 2, 10-23-00; Ord. No. 030761, § 1 (Exh. A), 6-14-04; Ord. No. 050768, §§ 1--4, 4-24-06)



## **DIVISION 12. TREE BOARD OF APPEALS\***

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**\*Editor's note:** Ord. No. 3529, § 1, adopted Apr. 10, 1989, adding §§ 2-224--2-229 to the 1960 Code, has been included as Div. 12, §§ 2-430.16--2-430.21 hereof at the discretion of the editor.

**Cross references:** Tree Advisory Board, § 2-430.31 et seq.; standards for yards and landscaped areas in Central City District, § 6-236; land development code, Ch. 30; landscape and tree management, § 30-251 et seq.

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### **Sec. 2-430.16. Creation; composition; appointment; term of members; filling of vacancies.**

(a) The tree board of appeals shall consist of three members nominated by the tree advisory board and appointed by the city commission. Any candidate for the tree board of appeals shall be qualified in arboriculture. The board is authorized to hear appeals from any order, decision, or determination to remove dangerous or dead trees which is made by the city arborist. Appeals shall be filed with the city arborist. The tree board of appeals shall apply standards and considerations found in section 30-254 of the Land Development Code and shall have authority to decide any question involving the interpretation of the city arborist's order. Each member shall be appointed for a term of three years and shall remain in office until a successor has been appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. Terms shall expire on January 1 of the year the term expires.

(b) *Schedule.* The terms and expiration of terms for the tree board of appeals are as follows: one term shall expire January 1, 1990; one term shall expire January 1, 1991; and one term shall expire January 1, 1992. After each term expires, appointments shall be made for three-year terms or for unexpired terms. (Ord. No. 3529, § 1, 4-10-89; Ord. No. 3593, § 1, 1-22-90)

### **Sec. 2-430.17. Officers and rules.**

The tree board of appeals shall elect a chairperson from its membership and adopt rules for the conduct of its affairs which shall be in full force and effect when approved by the commission.

(Ord. No. 3529, § 1, 4-10-89)

### **Sec. 2-430.18. Meetings.**

(a) *Schedule.* The board shall meet when directed by the appropriate authority or within ten working days of the filing of an appeal. Special meetings may be held upon the call of the chairperson or upon the written request of any two members of the board. All meetings shall be open to the public. The board shall keep minutes of its proceedings showing each member's absence, failure to vote, or vote, and shall keep records of its examinations and all other official actions

which shall be filed immediately in the office of the board and which shall become public records.

(b) *Attendance.* Three board members must be present at the meeting. If one board member is unable to attend a specific meeting, an alternate, duly appointed by the chairperson of the tree advisory board, shall substitute for the aforementioned specific meeting only. Furthermore, only one substitute will be permitted at each meeting.

(Ord. No. 3529, § 1, 4-10-89; Ord. No. 3593, § 2, 1-22-90)

**Sec. 2-430.19. Powers and duties.**

(a) *General.* The tree board of appeals shall have all the powers and duties prescribed by this division. The tree board of appeals shall adopt such rules and regulations as may be necessary or proper to the performance of its powers and duties hereunder, and may amend or repeal the same. The rules and regulations shall be approved by resolution of the city commission prior to becoming effective.

(b) *Conditions and safeguards.* Upon reaching a decision, the board may attach such conditions and safeguards as may be required to protect the public health, safety, and general welfare.

(Ord. No. 3529, § 1, 4-10-89)

**Sec. 2-430.20. Decisions.**

Every decision of the tree board of appeals shall be final and binding on all persons. All decisions of the board shall be in writing and indicate the vote upon the decision. A decision shall be rendered on all appeals within ten working days of the filing of the appeal.

(Ord. No. 3529, § 1, 4-10-89)

**Sec. 2-430.21. Notification to adjacent property owners for errors by administrative officials.**

Notification of any appeal of the arborist's decision shall be given to all owners of property within 100 feet of the premises which are involved in the appeal.

(Ord. No. 3529, § 1, 4-10-89)

Secs. 2-430.22--2-430.30. Reserved.

**DIVISION 13. \*TREE ADVISORY BOARD**

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**\*Editor's note:** Ord. No. 3592, § 1, adopted Jan. 22, 1990, adding §§ 2-230--2-232 to the 1960 Code, has been included as Div. 13, §§ 2-430.31--2-430.33 hereof at the discretion of the editor.

**Cross references:** Tree Board of appeals, § 2-430.16 et seq.; land development code, Ch. 30; landscape and tree management, § 30-251 et seq.

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**Sec. 2-430.31. Creation; composition; appointment; term of members; filling of vacancies.**

The tree advisory board shall consist of five members who serve on the tree advisory board and are appointed by the city commission. At least four members of the tree advisory board shall have knowledge of urban forestry. Each member shall be appointed for a term of three years and shall remain in office until a successor has been appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. Terms shall expire on January first of the year the terms expire. Notwithstanding provisions of the previous subsection, one term shall expire January 1, 1993, one term shall expire January 1, 1994, one term shall expire January 1, 1995, one term shall expire January 1, 1996, and one term shall expire January 1, 1997. After each of said terms expires, appointments shall be made for three-year terms or for unexpired terms.

(Ord. No. 3592, § 1(2-230), 1-22-90)

**Sec. 2-430.32. Meetings; records.**

The board shall meet when directed by the appropriate authority or on the second Thursday of each month. Special meetings may be held upon the call of the chairperson or upon the written request of any two members of the board. All meetings shall be open to the public. The board shall keep minutes of its proceedings showing each member's absence, failure to vote, or vote, and shall keep records of its examinations and all other official actions which shall be filed immediately in the office of the board and which shall become public records.

(Ord. No. 3592, § 1(2-231), 1-22-90)

**Sec. 2-430.33. Duties.**

The duties of the tree advisory board shall include:

- (1) To act as the technical information collector/exchange forum on tree issues where citizens need coordination of information from varied sources.
- (2) To clarify tree regulations that exist in the city's codes and ordinances and make them known to city residents.
- (3) To act on referrals from the city commission.
- (4) To guide the creation of a master tree plan for the city.
- (5) To assist in the development of the goals and objectives for the city's comprehensive plan with respect to trees.
- (6) To advise all departments of the city on tree issues.
- (7) To communicate general tree information and develop tree projects that would benefit the community.
- (8) To serve on the tree board of appeals (three of the five members will be recommended by the tree advisory board for appointment by the city commission).

**SECTION 5. SPECIAL AREA PLAN FOR CENTRAL CORRIDORS**

ORDINANCE NO. 980015

0-98-62

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, IMPOSING THE SPECIAL AREA PLAN OVERLAY ZONING DISTRICT FOR THE "CENTRAL CORRIDORS" ON CERTAIN PROPERTY LOCATED ON W. UNIVERSITY AVENUE, S.W. 2ND AVENUE, W. 13TH STREET, N.W. 23RD AVENUE, W. 6TH STREET, N. MAIN STREET, WALDO ROAD AND HAWTHORNE ROAD; ADOPTING A SPECIAL AREA PLAN FOR THIS PROPERTY; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

*Section 1.* The Special Area Plan overlay district is imposed on certain property located adjacent to W. University Avenue, S.W. 2nd Avenue, W. 13th Street, N.W. 23rd Avenue, W. 6th Street, N. Main Street, Waldo Road and Hawthorne Road, as shown on the map attached hereto as Exhibit "A," and made a part hereof as if set forth in full.

*Section 2.* The Special Area Plan of the Central Corridors (Exhibit "B") is hereby adopted. The specific regulations of the Special Area Plan for the aforementioned property and the administration and enforcement of these regulations as delineated in Exhibit "B" shall be made a part hereof as thought set forth in full.

*Section 3.* The City Manager is authorized and directed to make these changes in the zoning map in order to comply with this ordinance and administer the provisions of the Central Corridors Special Area Plan.

*Section 4.* It is the intention of the City Commission that the provisions of the special area plan adopted by this ordinance shall become and be made a part of Land Development Code of the City of Gainesville, Florida, and that the Sections and Paragraphs of this plan may be renumbered or relettered in order to accomplish such intentions.

*Section 5.* If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

*Section 6.* All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed, except as stated in this ordinance.

*Section 7.* This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 22nd day of June, 1998.

Exhibit A. Central Corridors

Exhibit B. Special Area Plan for the Central Corridors

Minimum Development Standards

(a) *Purpose.* The Central Corridors are established to improve the sense of place and community; improve the environment for businesses, including smaller, locally-owned businesses; support a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses in close proximity;

reduce crime by encouraging a 24-hour mix of uses and a significant number of pedestrians; strike a balance between the needs of the car and pedestrian by creating a pleasant ambiance and interesting *people-scaled* features, and make the pedestrian feel safe and inconvenienced; increase transit viability; and improve independence of people without access to a car. The standards are designed to make Gainesville a more vibrant, livable place, and increase citizen pride in its development. The standards are designed to establish an important engine in job creation, a strengthened tax base, and an incubator for new, entrepreneurial, locally-owned businesses and entry-level job opportunities. The standards are also intended to protect the property values of nearby residential areas.

(b) *Effect of classification.* The Central Corridors standards are an overlay zoning district. They shall operate in conjunction with any underlying zoning district in the subject area. The regulations of the underlying zoning district, and all other applicable regulations, remain in effect and are further regulated by the Central Corridors standards. If provisions of the Central Corridors standards conflict with the underlying zoning, the provisions of the Central Corridors standards shall prevail.

(c) *Annual evaluation.* The City Plan Board shall conduct an evaluation of these standards on an annual basis.

(d) *Exceptions.* Exceptions to these standards can be granted by the appropriate reviewing board, city manager or designee, upon a finding that either of the following criteria are met:

1. The proposed construction is consistent with the overall intent of the Central Corridors standards; or
2. The applicant proves an undue hardship, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these standards.

In addition to the exceptions that may be granted above, exceptions to the *build-to line* may be granted if the proposed construction includes an existing structure which has been designated as a historic property or has historic significance because it is potentially eligible for listing on the national or local register, and maintaining a viewshed of the existing historic structure is in the public interest.

(e) *Right to appeal.*

1. Any person aggrieved by a decision rendered by the appropriate reviewing board, city manager or designee may appeal the decision to the City Commission within 14 days from the date that the decision by the appropriate reviewing board, city manager or designee is reduced to writing and served by certified or registered mail, return receipt requested, to such person. The appeal shall be made by filing a written notice of appeal within the above-proscribed time period with the clerk of the city commission. The notice shall set forth concisely the decision under appeal and the reasons or grounds for the appeal.

2. The Community Development Department shall prepare the appeal for the City Commission. The appeal shall be de novo and shall be heard by the City Commission at its next regular meeting, provided at least 14 days have intervened between the time of the filing of the notice of appeal and the date of such meeting. The City Commission shall hear and consider all evidence and

testimony placed before it, and shall render its decision promptly, based on competent, substantial evidence. The City Commission may affirm, amend or reverse the decision of the appropriate reviewing board, city manager or designee. The decision by the City Commission shall be reduced to writing and shall constitute final administrative review. Appeals from decisions of the City Commission may be made to the courts as provided by law.

(f) *Definitions.* Defined terms are as defined in the Traditional City standards, section 4 of this Appendix, and are italicized in the text. Drawings are illustrative only. They do not represent required designs.

(g) *Delineation of Central Corridors Overlay District.* The Central Corridors overlay district shall apply to all lands adjacent to the streets shown on the map of the Central Corridors. Distances from the Central Corridors overlay district to structures outside the Central Corridors overlay district shall be measured from the nearest curb or edge of pavement.

(h) *Required compliance.* All new commercial, office, *civic* and multi-family buildings and developments shall be required to comply with the sections of the text labeled "standards." Automotive dealers (both new and used vehicles) located on N. Main Street north of N. 16th Avenue and south of N. 53rd Avenue are exempt from standards of this special area plan as applied through the Transportation Concurrency Exception Area.

(i) *Presumptive vested rights.* Developments shall be presumptively vested for the purposes of consistency with this overlay if they have filed a valid application for a preliminary development order issued by the city, as specified by Article VII, Division 1, prior to the effective date.

(j) *Non-conforming uses and buildings.*

(1) *Continuation of use.* A nonconforming use may be continued as provided in section 30-23, Non-Conforming Use, and section 30-346, Non-conforming Lots, Uses or Structures.

(2) *Expanding existing non-conforming uses.*

a. A special use permit may be issued for expansion of uses made non-conforming by the Central Corridors standards when the City Plan Board makes findings that the proposed expansion is in compliance with Article VII, Division 4, Special Use Permit.

b. In addition, no permit for expansion of a non-conforming use shall be issued unless the City Plan Board makes the following findings concerning the proposed expansion:

1. The expansion complies with the Central Corridors standards, as applicable;
2. Auto Dealers, Auto Service and Limited Auto Services, and Gas Service Stations shall comply with sections 30-93 and 30-94;
3. Carwashes shall comply with section 30-95;
4. Outdoor Storage shall comply with section 30-97;
5. Parking Lots, as the principal use other than structured parking or the use of existing parking lots shall comply with section 30-114;
6. The expansion shall not reduce pedestrian safety by increasing driveway widths, adding a new driveway crossing to a sidewalk or crosswalk, or increasing the number of driveway lanes;

7. The expansion shall not increase the size of signs on the site;
8. The non-conforming use shall not be changed (except to a conforming use) as a result of the expansion;
9. The expansion shall not result in a conversion of the non-conforming use from a seasonal to a year-round operation, nor shall it result in the use expanding its hours of operation;
10. Outdoor storage areas shall not be expanded or located any closer to residential development as a result of the expansion; and
11. The proposed expansion shall not add more than 25 percent of new floor area to existing buildings on the site.

(3) *Change of use.* A non-conforming use may only be changed to a conforming use.

(4) *Development, enlargement, or modification of a non-conforming building.* A non-conforming building may be developed, enlarged, or modified without requiring conformance with this overlay if the change would not increase the degree of non-conformity with the standards in this overlay.

(k) *Build-to line.*

(1) *Intent.* The intent of the *build-to line* is to pull the building *facade* close to the street and streetside sidewalk. Because of the transitional nature of these corridors, the *build-to line* is more flexible than in the Traditional City. The *build-to line* allows new buildings to be aligned with existing buildings, or, in the future, allows a building to be built in front of the building and allows this future building to abut the streetside sidewalk. Over time, building *facades* along a block face should be aligned to form a *street edge* that frames the public realm, while retaining sufficient width for people to walk, and sufficient space to provide a *formal landscape* created by street trees. Over time, the intent is to pull building *facades* close to the street and streetside sidewalk, frame a comfortable public realm, and prevent overly large *setbacks*.

Overly large *setbacks* are inconvenient and unpleasant for pedestrians. They can significantly increase walking distances from the public sidewalk. They prevent the pedestrian on the public sidewalk from enjoying building details and activity within the building. Similarly, overly large *setbacks* contribute to sign proliferation and visual blight because a building set back a large distance often needs to "shout," with signs, at passing motorists, transit users, bicyclists and pedestrians in order to be noticed. Buildings pulled up to the street sidewalk have more of a human scale and allow for the construction of canopies which shield the pedestrian from wet weather.

(2) *Standard.* The *build-to line* shall be that which achieves the above-stated intent, as determined by the appropriate reviewing board, city manager or designee, and shall apply even if the *facade* faces a street outside of the overlay affected area. Building walls along a street that is not within the overlay affected area that are entirely more than 250 feet from the regulated corridor shall be exempt from the Build-to Line standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard. In most instances, the *build-to line* shall be 80 feet from the curb or edge of pavement

for at least 70 percent of the building *facade*. Factors to be considered for variations to this *build-to line* shall be as follows:

- When considering a closer *build-to line*, the building *facade* shall, in most instances, be no closer than 14 feet from the curb or edge of pavement along an arterial, 12 feet along a collector, and 11 feet along a local street, in order to leave space for adequate sidewalks and tree strips (see Map A).
- When the proposed building is *adjacent* to existing buildings on an abutting property the *facade* shall, in most instances, be built at the *facade* of the *adjacent* building closest to the street, or the 80-foot *build-to line*, whichever is closer to the street.
- The appropriate reviewing board, city manager or designee can approve a *facade* closer to the curb or edge of pavement than the previously listed distances so that a consistent *street edge* of *adjacent* buildings can be maintained.
- Buildings on corner lots or buildings on more than one *streetfrontage* shall, in most instances, have the 80-foot *build-to line* requirement on the more primary *street frontage* area.
- The appropriate reviewing board, city manager or designee may approve a greater *build-to line* (farther from the street) than the required *build-to line* when site constraints such as significant tree features or significant design features warrant it. If such approval by the appropriate reviewing board, city manager or designee is granted, the front yard area must be landscaped to provide shade for pedestrians with tree plantings and to establish the *street edge* articulation.
- The standards described in this subsection shall supersede any landscape buffer width requirements found in Article VIII of the Land Development Code for *frontage* areas, except in front of surface parking lots.

Stoops, stairs, chimneys, and bay windows are allowed to extend beyond the *build-to line* as long as they do not exceed more than 25 percent of the front *facade*. Open porches, projecting signs, balconies, *arcades*, awnings and outdoor cafes may also extend beyond the *build-to line*. However, at least 5 feet of unobstructed sidewalk width and room for any required tree strip must be retained.

(l) *Parking.*

(1) *Intent.* Parking is one component of the successful commercial area, but should not dominate the streetscape or degrade the public realm. Parking areas located in front of buildings are inconvenient and unpleasant for pedestrians. They significantly increase walking distances from the public sidewalk. They create hot expanses of asphalt, and prevent the pedestrian on the public sidewalk from enjoying building details and activity within the building. In addition, they prevent the building from contributing to an intimate, comfortable *street edge*. Buildings pulled up to the street without intervening motor vehicle parking have more of a human scale. A larger curb turning radius at a parking area ingress and egress point allows vehicles to negotiate a turn rapidly, whereas a smaller radius forces a vehicle to slow down.

(2) *Standard.*



a. No motor vehicle parking is required. All motor vehicle parking except a double-loaded row of parking is to be located in the rear or interior side, or both, of the building, unless topography, stormwater retention, or significant trees, as determined by the appropriate reviewing board, city manager or designee, prevent such a location. In no case shall more than 50 percent of the parking be located between the front *facade* and the primary abutting street. However, driveway entrances and exits to parking areas shall be allowed on the front side of the building. The minimum number of motor vehicle parking spaces required by section 30-332 is the maximum allowed. However, there shall be no limit on the number of parking spaces in *parking structures*.

b. Bicycle parking spaces shall be installed as called for by section 30-332. Such parking may encroach into the public right-of-way or beyond the *build-to line* provided that at least 5 feet of unobstructed sidewalk width and any required tree strip is retained. Bicycle parking requirements may be waived if public bicycle parking exists to serve the use.

(m) *Sidewalks.*

(1) *Intent.* Sidewalks, when properly dimensioned and maintained, provide the pedestrian with a pleasant, safe, and convenient place to walk, and mitigate traffic impacts by making the area more walkable. Sidewalks that are too narrow are inconvenient, especially in areas with large volumes of pedestrians.

(2) *Standard.*

a. All developments must provide sidewalks along all *streetfrontage*. All developments must provide pedestrian connections from the public sidewalk to the principal building. Entrance sidewalks shall be a minimum of 5 feet of clear width.

b. Minimum sidewalk widths:

TABLE INSET:

Street Classification	Multi-Family Residential/ Industrial (feet)	Commercial/ Institutional/Office/ Mixed Use (feet)
Local	6	7
Collector	7	8
Arterial	7	10

The minimum unobstructed width shall be 2 feet less than the required sidewalk width, as long as at least 5 feet of unobstructed width is retained. At transit stops, the minimum width is 8 feet of unobstructed width. Minimum width for a tree strip shall be 4 feet, or such other width as may be adequate for tree placement, unless the tree strip requirement is waived by the appropriate reviewing board, city manager or designee.

c. In order to maintain a consistent *street edge* of *adjacent* buildings, the appropriate reviewing board, city manager or designee may modify the required sidewalk width and the tree strip width in order to achieve the above-stated intent. In areas where a sidewalk pattern as to materials and width has been

adopted, the appropriate reviewing board, city manager or designee can allow the pattern to be continued by each new development. If the sidewalks installed are less than the minimums provided above, sufficient space shall be provided in order for these minimum sidewalk widths to be added in the future.

(n) *Building orientation.*

(1) *Intent.* A successful commercial district must have vital streetfronts. Neighborhoods with lively streetfronts become the healthiest for business. Streetfront entrances provide convenience for customers and residents by minimizing walking distances from public sidewalks and nearby buildings. Rear or side entrances, or entrances oriented toward a parking lot, when no streetfront entrance is available, make travel highly inconvenient for pedestrians and transit users, cuts the building off from street life, "turns the building's back" to the public realm, and hides architectural character from public view. When a building is located at an intersection, the most convenient entrance is usually abutting the public sidewalks at the corner of the intersection.

(2) *Standard.* The *main entrance* of buildings or units must be located on the first floor on the more primary street, even if the more primary street is outside of the overlay affected area. The Building Orientation standard applies if a portion of the wall along the more primary street outside of the overlay affected area is within 250 feet of the overlay affected area.

(o) *Building wall articulation.*

(1) *Intent.* All buildings shall be designed to provide streetfront vitality. Long expanses of blank walls tend to be monotonous. Windows attract pedestrians, who act as a security system for the business. Buildings without such relief and interest tend to create a "massive scale," and make the public realm impersonal.

(2) *Standard.* Building walls facing the more primary street shall have non-reflective, transparent windows or *glazed area* covering at least 25 percent of their surface at pedestrian level (between 3 feet above grade and 8 feet above grade) on the first floor, even if the wall faces a street outside of the overlay affected area. Operable entrance doors shall be excluded from the calculation of total *facade* surface area. Building walls along a street that is not within the overlay affected area that are entirely more than 250 feet from the regulated corridor shall be exempt from the Building Wall Articulation standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard.

(p) *Mechanical equipment.*

(1) *Intent.* *Mechanical equipment*, when improperly located on a site or improperly screened, can contribute to noise problems and create visual blight.

(2) *Standard.* All *mechanical equipment* must be placed on the roof, in the rear, or side of the building, or otherwise visually screened from the street. In no case shall *mechanical equipment* be allowed along street *frontage(s)*.

*Mechanical equipment* on the roof shall be screened from abutting streets with *parapets* or other types of visual screening.

(q) *Auto-oriented uses.*

(1) *Intent.* Auto-oriented uses tend to create visual blight, and noise and light pollution that detracts from community character and nearby neighborhoods.

(2) *Standard.* Gas Stations, Car Washes, Auto Dealers, and Limited Automotive Services shall be designed to minimize interruption of pedestrian traffic. The number of gas pumps and service bays shall not exceed 4 fueling positions and 3 service bays. (see figures 1 and 2)

(Ord. No. 000619, § 1, 1-22-01)

**GRAPHIC LINK:**[Auto-oriented uses #1 and #2](#)

Map A. Arterials and Collectors

**GRAPHIC LINK:**[Map A - Arterials and Collectors](#)

Sec. 13-204. Standards for exterior property areas.

(a) *Sanitation.* All exterior property and premise shall be maintained in a clean, safe and sanitary condition. Each occupant of the property shall keep that part of the exterior property that the occupant occupies or controls in a clean and sanitary condition.

(b) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. Weeds shall mean all grasses, annual plants and vegetation, other than trees or shrubs; however, the term shall not include cultivated flowers and gardens.

(c) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained so that they are structurally sound and in good repair.

(d) *Motor vehicles.* Except as permitted by the land development code in a particular zoning district, no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled unless such work is performed inside a structure or similarly enclosed area designed for, and approved by the city for, such purpose.

(e) *Hazardous conditions.* It shall be unlawful for the owner or occupant to create, maintain, keep or allow the existence of any hazardous condition, equipment, facility, fixture, premises or building.