

## Appendix D: Land Development Code

### Exhibit D-1: Mixed-Use 1 zoning district regulations

#### Sec. 30-64. - Mixed use low intensity district (MU-1).

- (a) *Purpose.* The mixed-use low intensity district is established for the purpose of allowing coordinated developments designed to offer a mixture of residential, convenience-type retail, professional and consumer service uses primarily for residents of mixed-use and adjacent residential neighborhoods, and places of religious assembly. The district is intended to reduce the length and number of vehicular trips by providing for basic needs within close proximity to residential areas, by encouraging pedestrian access, and by the combining of trips. This district is established to allow uses compatible with each other and with surrounding residential areas to be developed near each other. The MU-1 district may be located in areas where analysis of residential characteristics demonstrates that such facilities are required. This district is intended to encourage the development of planned and unified neighborhood shopping centers in a relationship harmonious with adjoining residential activities. It is also intended to accommodate traditional neighborhoods that include nonresidential uses and neighborhood centers.
- (b) *Objectives.* The provisions of this district are intended to:
- (1) Permit compatible commercial, office, service and residential developments that benefit from being located near each other.
  - (2) Provide an adequate mix of residential uses including multifamily, townhouse, zero lot line, and detached single-family at urban densities.
  - (3) Provide opportunities for the development of compound residential uses.
  - (4) Minimize traffic congestion by:
    - a. Requiring that shopping center and/or mixed-use developments be located on appropriate major collector and arterial roadways, as defined in the comprehensive plan;
    - b. Minimizing the number and regulating the location of driveway connections; and
    - c. Encouraging pedestrian and nonautomotive access.
  - (5) Ensure, through development plan approval, that nonresidential and mixed-use developments are designed to promote the most efficient use of the land, and that they coordinate the internal activities of the site as well as establish a harmonious relationship between such developments and their environment.
  - (6) Require buffering or screening around nonresidential and/or mixed-use development in accordance with the land development code when the development abuts any property zoned for residential use or shown as residential on the future land use map.
  - (7) Accommodate neighborhood-level services and retail uses along existing business corridors.
  - (8) Coordinate the location and size of mixed-use developments commensurate with the character and density of the areas to be served.
  - (9) Allow the market some flexibility in determining locations of new nonresidential development, and the ability to expand such areas in relation to the population densities achieved.
  - (10) Encourage nonresidential and/or mixed-use developments to locate on land that is physically capable of supporting the particular type of development.
- (c) *Permitted uses.* See permitted uses listed in subsection (g) of this section pertaining to permitted uses.
- (1) *Specific conditions for residential uses.* If MU-1 zoning abuts a single-family residential zoning district, then the density of the residential portion of the mixed-use development shall be limited

to that allowed by the RMF-6 residential district in the area within 100 feet of the property line, plus the required buffers for that single-family residential zoning district. In addition, multi-family development shall comply with all regulations in the RMF-6 district and the requirements of section 30-56.

- (2) *Specific conditions for single-family compound uses.* Twenty-five percent of the total floor area up to 1,000 square feet may be used for commercial or office uses. Such uses shall require a minimum lot size of 6,000 square feet and a lot width of 70 feet and shall have direct or shared access to a collector or arterial roadway.
- (d) *Specific conditions for neighborhood shopping centers.*
- (1) *Developments of more than 30,000 square feet.* There is no minimum size for buildings within the MU-1 zoning district. However, within the MU-1 zoning district, nonresidential developments of more than 30,000 square feet of gross leasable floor area are considered neighborhood shopping centers and are subject to the rights of and conditions for neighborhood shopping centers.
- (2) *Location.* Neighborhood shopping centers shall be located within one-fourth mile of intersections of arterials or intersections of arterials and collectors, as shown on the map entitled Functional Classification of Streets, in the transportation mobility element of the city's comprehensive plan. Such uses shall have direct or shared access to an arterial.
- (3) *Maximum gross leasable nonresidential floor area.* No more than 100,000 square feet of gross leasable nonresidential floorspace shall be allowed within any neighborhood shopping center.
- (4) *Maximum gross leasable nonresidential floor area in any one business.* No more than 50,000 square feet shall be contained in any one business located within a neighborhood shopping center, except MG-54 (food stores).
- (5) *Dimensional requirements for permitted nonresidential uses.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:
- a. Required yard setbacks:
    1. Minimum front: 20 feet.
    2. Maximum front: 80 feet.
    3. Where the side or rear yard abuts property which is in a residential zoning district, or is shown for residential use on the future land use map of the comprehensive plan, the minimum setback shall be 50 feet or the distance created by the 45 degree angle of light obstruction, whichever is greater.
  - b. Maximum lot coverage: 50 percent for single-purpose, nonresidential; 60 percent for mixed-use (inclusive of residential) or compound use.
  - c. Maximum building height: Five stories.
- (6) *Multiple structures.* The use of multiple structures shall be considered on a case-by-case basis during development plan approval. Approval shall be conditioned upon findings by the appropriate reviewing board that all such structures are compatible with the uses and purposes of the center and surrounding uses and traffic patterns and are safely incorporated into the overall transportation system for the center.
- (7) *Outparcels.* The proliferation of outparcels contributes to strip commercial development, traffic circulation problems and visual clutter, and obstructs pedestrian and bicycle movement. To mitigate the problems associated with outparcels, the following regulations shall apply:
- a. *Creation and design.* The creation of outparcels shall be considered on a case-by-case basis during subdivision, lot split approval or development plan approval. Approval shall be conditioned upon findings by the appropriate reviewing board or staff, as applicable, that the neighborhood shopping center and all outparcels are integrated through the use of

landscaping and buffers; shared parking, traffic access and circulation; and stormwater management.

- b. *Dimensional requirements for outparcels.* Outparcels which have unified circulation systems with the adjoining neighborhood shopping center shall not be required to meet the minimum lot area, width and depth requirements; however, development on outparcels shall be required to meet yard setback, lot coverage and building height requirements for the MU-1 district.

(8) *Access.*

- a. *Vehicular access.* Access to the neighborhood shopping center shall be in accordance with the provisions of article IX, division 3, and chapter 23 of the Code of Ordinances. Parking areas, including maneuvering space, ingress and egress roads and driving lanes, shall be improved in accordance with the provisions of article IX, division 3, and chapter 23 of the Code of Ordinances. All loading and unloading shall be done on the neighborhood shopping center property. Areas used by motor vehicles shall be physically separated from public streets by landscaped buffer areas.
- b. *Bicycle, greenway and pedestrian access.* Provisions shall be made to safely incorporate travel ways for bicycle and pedestrian usage into any neighborhood shopping center project. Where bikeways, greenways or sidewalks are presently adjoining the property, provisions shall be made to safely link the internal bicycle and pedestrian system with adjoining facilities. During development plan review, the appropriate reviewing board shall also review the relationship of the neighborhood shopping center to adjoining properties and may require appropriate access for bicycles or pedestrians at locations where vehicular access is prohibited.

(e) *Dimensional requirements for projects of less than 30,000 square feet.*

(1) *Yard setbacks:*

- a. *Front:* The front setback shall be no deeper than the average setback of existing development in the same block face, and within 15 to 80 feet.
- b. Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the minimum setback shall be 25 feet or the distance created by the 60-degree angle of light obstruction, whichever is greater.
- c. Where the property abuts a side street, the minimum setback from that street shall be ten feet.
- d. Where a nonresidential use is adjacent to a nonresidential use no side yard setback is required.

(2) Accessory structures shall not exceed 25 feet in height.

(3) Maximum lot coverage: 50 percent for single-purpose, nonresidential; 60 percent for mixed-use (inclusive of residential) or compound use.

(4) Maximum building height: Five stories.

- (f) *Access.* Access shall be designed to integrate all aspects of the development and shall meet the requirements of article IX, division 3, of this chapter. Driveways and parking shall be coordinated or shared insofar as possible.

(g) *Permitted uses.*

SIC	Uses	Conditions

	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Bed and breakfast establishments	In accordance with article VI
	Community residential homes with 14 or fewer residents	When part of a permitted single-family or multifamily residential component and in accordance with article VI
	Community residential homes with more than 14 residents	In accordance with article VI
	Compound uses	
	Eating places	
	Family child care homes	When part of a permitted single-family or multifamily residential component and in accordance with state law
	Large family child care homes	In accordance with article VI
	Itinerant food vendor	In accordance with chapter 19, article IV
	Outdoor cafes	As defined in article II and in accordance with article VI
	Personal fitting and sales of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI

	Public service vehicles	As defined and in accordance with article VI
	Repair services for household needs	As defined in article II
	Residential (8 to 30 dwelling units per acre)	In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of this section, and the requirements of section 30-56. Lots that existed on November 13, 1991 as recorded in the planning and development services department and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.
	Residential use buffer	
	Neighborhood convenience center	
	Neighborhood shopping center	
	Specialty T-shirt production	
GN-074	Veterinary services	Only within enclosed buildings and in accordance with article VI
IN-0752	Animal specialty services, except veterinary	Only within enclosed buildings
GN-078	Landscape and horticultural services	
MG-15	Building construction - General contractors and operative builders	
GN-171	Plumbing, heating and air conditioning	

GN-172	Painting and paper hangers	
GN-173	Electrical work	
MG-27	Printing, publishing and allied industries	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
GN-481	Telephone communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI, excluding cellular telephone services
GN-482	Telegraph and other message communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-483	Radio and television broadcasting stations	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-523	Paint, glass and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply stores	
MG-53	General merchandise stores	

MG-54	Food stores	Accessory gasoline and alternative fuel pumps in accordance with article VI, and by special use permit in neighborhood convenience and shopping centers
GN-553	Auto and home supply stores	Excluding garage and installation facilities
GN-554	Gasoline service stations including the sale of alternative fuels for automobiles	In accordance with article VI and by special use permit in neighborhood convenience and shopping centers
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Excluding direct selling establishments (IN-5963); fuel dealers (IN-5983); including liquor stores (IN-5921) limited to 2,000 square feet and excluding on-site consumption when located in neighborhood convenience and shopping centers, inside storage, display and sales only for all uses
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI and excluding linen supply (IN-7213), industrial laundries (IN-7218), and diaper services in neighborhood convenience and shopping centers
MG-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359)

GN-752	Automobile parking	
MG-76	Miscellaneous repair services	Excluding miscellaneous repair shops and related services (GN-769) and including repair services for household needs as defined in this chapter
MG-78	Motion pictures	Excluding drive-in theaters (IN-7833) and outdoor filming facilities
MG-79	Amusement and recreation services	Only within enclosed structures, and excluding go-cart rental and raceway operations and also raceway operations and also excluding commercial sports (GN-794)
MG-80	Health services	Including nursing and intermediate care facilities in accordance with article VI when applicable, and excluding rehabilitation centers and hospitals (GN-806)
MG-81	Legal services	
MG-82	Educational services	Including private schools, in accordance with article VI
MG-83	Social services	Including day care centers as defined in this chapter and in accordance with article VI, excluding residential care (GN-836), rehabilitation centers, halfway houses, social service homes, and residences for destitute people as defined in this chapter
GN-841	Museums and art galleries	
MG-86	Membership organizations	
MG-87	Engineering, accounting, research management and related services	Excluding testing laboratories (IN-8734) and facilities support management services (IN-8744)



MG-89	Services, not elsewhere classified	
Div. J	Public administration	
	USES BY SPECIAL USE PERMIT	
	Accessory gasoline and alternative fuel pumps	In accordance with article VI in neighborhood convenience and shopping centers
	Accessory transmission, retransmission and microwave towers over 100 feet in height	In accordance with article VI
	Alcoholic beverage establishments	In accordance with article VI
	Limited automotive services	In accordance with article VI
	Other uses (including light assembly or packaging)	Within completely enclosed structures; no outdoor storage, truck traffic limited to that normal to commercial activities such as grocery stores, loading docks and mechanical equipment must be screened, and sound attenuation shall be provided to any adjacent residential area or area in actual residential use; no access to any residential street; must meet industrial buffers. Storage of hazardous materials in accordance with the county hazardous materials management code
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Social service homes	In accordance with article VI

	Social service homes	In accordance with article VI
GN-598	Fuel dealers	
GN-701	Hotels and motels	Except in neighborhood convenience and shopping centers
GN-702	Roominghouses and boardinghouses	In accordance with article VI

- (h) *General requirements.* All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-67 and article IX.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3918, § 4, 11-15-93; Ord. No. 3963, § 5, 3-14-94; Ord. No. 4075, § 7, 5-8-95; Ord. No. 950862, § 5, 11-13-95; Ord. No. 951420, § 4, 7-8-96; Ord. No. 961100, §§ 1—3, 7-14-97; Ord. No. 980273, § 3, 11-9-98; Ord. No. 990299, § 3, 10-25-99; Ord. No. 002469, §§ 4—6, 3-17-03; Ord. No. 020590, § 2, 4-14-03; Ord. No. 041268, § 8, 8-22-05; Ord. No. 070619, § 4, 3-24-08; Ord. No. 110865, § 1, 7-19-12)

### **Triangle Special Area Plan**

#### **SECTION 2. - SPECIAL AREA PLAN FOR TRIANGLE**

ORDINANCE NO. 3631  
0-89-95

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, REZONING CERTAIN PROPERTY BY IMPOSING THE SPECIAL AREA PLAN DISTRICT ON THE TRIANGULAR AREA BOUNDED ON THE NORTH BY N.W. 8TH AVENUE, ON THE SOUTH BY NEWBERRY ROAD WEST THROUGH THE 5000 BLOCK AND ON THE EAST BY A LINE EXTENDING DUE SOUTH OF N.W. 43RD STREET TO NEWBERRY ROAD; ADOPTING THE SPECIAL AREA PLAN; ADOPTING SPECIFIC REGULATIONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the intent of this district is to limit access of non-residential traffic from the Triangle Area to 8th Avenue and Newberry Road by prohibiting the creation of new curb cuts on N.W. 8th Avenue, and requiring existing curbcuts to be combined into joint driveways and/or eliminated when redeveloped in conformance with the underlying zoning and Special Area Plan; and

WHEREAS, the intent of this district is to promote the dedication of rights-of-way, easements and installation of other traffic improvements as shall be necessary to prevent the degradation of service levels on 8th Avenue, Newberry Road and other Triangle Area roads to be constructed in the future; and

WHEREAS, the intent of this district is to encourage the development of vacant lands and the redevelopment of existing residential parcels into a large scale office-oriented mixed use development; and

WHEREAS, the intent of this district is to encourage the aforementioned development while mitigating potential negative impact to residents with[in] the Triangle Area and its surrounding neighborhoods; and

WHEREAS, the intent of this district is to provide guidelines for the development of uses permitted by Special Use Permit within the Triangle Area; and

WHEREAS, the intent of this district is to encourage the integrated development of parcels within the area for parking, traffic circulation, stormwater management, utilities and landscaping; and

WHEREAS, the intent of this district is to preserve the natural wooded appearance and further enhance the appearance of a major entryway into the City of Gainesville; and

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Zoning Code of the City of Gainesville, Florida, be amended as set forth herein; and

WHEREAS, notice was given and publication made as required by law on May 31, 1989, of Public Hearings which were then held on June 15, 1989 and September 21, 1989; and

WHEREAS, notice was given and publication made as required by law on May 31, 1989, of Public Hearings which were then held on July 10, 1989, October 2, 1989, and December 4, 1989; by the City Commission; and

WHEREAS, pursuant to law, notice has been given by mail to each real property owner whose land the City will rezone by enactment of this ordinance at least thirty (30) days prior to the date set for the Public Hearings; and

WHEREAS, at least ten (10) days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the A. Clarence O'Neill Auditorium of the Municipal Building of the City of Gainesville; and

WHEREAS, Public Hearings were held pursuant to the published notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

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

*Section 1.* The Special Area Plan District is imposed on the following property generally bounded located on the north by N.W. 8th Avenue, on the south by Newberry Road and on the east by a line extending due south of N.W. 43rd Street to Newberry Road:

See description attached hereto as Exhibit "A," and made a part hereof as if set forth in full.

*Section 2.* The Special Area Plan for the Triangle Area attached hereto as Exhibit "B" and made a part hereof as if set forth in full is hereby approved and adopted. The specific regulations of the Special Area Plan for the property described in Section 1 and the administration and enforcement of these regulations as delineated in Exhibit "B" shall govern and control the Development and use of the property.

*Section 3.* The underlying zoning district categories on the above described property are neither abandoned nor repealed; the existing zoning regulations remain in effect. The Special Area Plan District classification shall not modify existing zoning requirements except to the extent that they conflict with the provisions of the Special Area Plan. The requirements, regulations, and procedures set forth in Chapter 30 of the Gainesville Code of Ordinances shall remain applicable to the property so classified.

*Section 4.* The City Manager is authorized and directed to make this change in the zoning map in order to comply with this Ordinance and to administer the provisions of the Special Area Plan.

*Section 5.* The Codifier of the Zoning code is directed to include the Special Area Plan as an Appendix to the Zoning Code of the City of Gainesville.

*Section 6.* 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 7.* All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

*Section 8.* This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 18th day of June 1990.

Exhibit A. Legal Description—Triangle Area  
Petition Numbers 99LUC-89PB, 150ZON-89PB, and 151ZON-89PB  
October 30, 1989

Commence at the northeast corner of Section 3, Township 10 South, Range 19 East, Alachua County, Florida, thence run South along said section line 110 feet to its intersection with the west right-of-way of N.W. 39th Road, and the Point of Beginning; thence continue South along said section line 1380 feet to the north right-of-way of Newberry Road (State Road 26); thence run Northwesterly along the north right-of-way of Newberry Road 2880 feet, more or less, to the west boundary of the Northeast one-quarter (N.E. ¼) of Section 3 Township 10 South, Range 19 East; thence run North along said west boundary 341 feet to the south right-of-way of N.W. 8th Avenue (State Road 26-A); thence run East along said south right-of-way 2550 feet, more or less, to the beginning of a curve at the intersection of N.W. 8th Avenue and N.W. 39th road; thence run Southeasterly along the right-of-way of said curve 150 feet, more or less, to the east line of Section 3, Township 10 South, Range 19 East, being also a point on the west right-of-way of N.W. 39th Road, to the Point of Beginning and close. Lying and being in the City of Gainesville, Florida.

Exhibit B. Special Area Plan for the Triangle Area

- (a) *Purpose.* The Special Area Plan District is hereby established for the area known as the "Triangle Area," bounded on the north by N.W. 8th Avenue, on the south by Newberry Road west through the 5000 block and on the east by a line extending due south of N.W. 43rd Street to Newberry Road. The purpose of this district is to limit access of non-residential traffic from the Triangle Area to N.W. 8th Avenue and the surrounding arterial roads; to encourage the development of vacant lands and the redevelopment of existing residential parcels into a large scale office-oriented mixed use development; to mitigate the potential conflicts of use and intensity on residents within and surrounding the Triangle Area; to encourage the integrated development of parcels within the park for parking, traffic circulation, stormwater management, utilities and landscaping; and to enhance the appearance of a major entryway into the City of Gainesville.
- (b) *Background.* The rezoning of the "Triangle Area" to Corporate Park will permit significant non-residential development in an area generally surrounded by single-family subdivisions. The traffic expected from such development, if not carefully planned, could degrade the efficiency and safety of surrounding roadways. The planned extension of N.W. 43rd Street, the number of intersections, the topography, and expected traffic volumes dictate that this area receive special planning, in order to allow the appropriate intensity of development while mitigating the congestion that could be caused by numerous driveways, disjointed parking areas and inadequate roadways. To aid in the orderly transition from single-family to the desired office-oriented mixed use category, restrictions are needed to protect the privacy of existing single-family dwellings. Commercial land uses appropriate to mixed use developments require more careful scrutiny because this site is outside an activity center and is surrounded on all sides by lands designated for single-family residential development. Lands directly to the south of the Triangle Area have experienced drainage problems in the past. It is therefore desirable to promote the comprehensive design of stormwater management facilities and utilities within the area. The Triangle Area is a heavily wooded site located at a main entrance to the city. It is desirable that the landscape design of this area conserve the natural tree canopy to the maximum extent possible, especially as it may be viewed by the public entering and leaving the city.
- (c) *Objectives.* The provisions of this district are intended to:

1. Require that access be limited, insofar as possible, to local streets or common access corridors, so that direct access onto N.W. 8th Avenue, Newberry Road, and the planned extension of N.W. 43rd Street can be minimized.
  2. Promote the dedication of rights-of-way, easements and the installation of other traffic improvements that will be necessary to prevent the degradation of service levels on N.W. 8th Avenue, Newberry Road and future extension of N.W. 43rd Street in the Triangle Special Plan Area.
  3. Maintain the privacy of existing single-family dwellings in the Triangle Area until such time as properties are redeveloped in accordance with the provisions of the underlying zoning district.
  4. Provide guidelines for the development of uses permitted by Special Use Permit within the Triangle Area.
  5. Encourage the comprehensive design of stormwater management facilities and utility service.
  6. Preserve the natural wooded appearance of a major entryway into the City of Gainesville.
  7. Provide specific regulations applicable to development of the district.
- (d) *Effect of Classification.* This Special Area Plan is an overlay zoning district. It 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 Special Area Plan. If provisions of the Special Area Plan conflict with the underlying zoning, the provisions of the Special Area Plan shall prevail.
- (e) *Specific Regulations.*
1. Access shall be designed, insofar as possible, to provide driveway connections from local streets or common access corridors to individual sites. Where no alternative to direct access to N.W. 8th Avenue, Newberry Road or the planned extension of N.W. 43rd Street can be provided, sites shall be designed to promote shared use of driveways between adjacent lots.
  2. Joint access easements for driveways and parking lots shall be required for adjoining properties, wherever possible, prior to the issuance of building permits for sites having existing driveway access to N.W. 8th Avenue and Newberry Road, except as may be related to the issuance of building permits for additions to single-family residences.
  3. Driveway access serving any office or mixed use development from N.W. 8th Avenue or Newberry Road shall be closed when the provision of local streets, easements, or cross access corridors can provide common access from Newberry Road or N.W. 43rd Street Extension. The structures, parking and other features of the site shall be oriented to facilitate the future closing of individual vehicular access to N.W. 8th Avenue and Newberry Road.
  - 3[a]. Until the conditions of subsection (e)3[c] are met, no uses provided by special use permit may gain direct access to N.W. 8th Avenue.
  - 3[b]. Until the conditions of subsection (e)3[c] are met, physical fitness facilities shall have all access driveways from Newberry Road and N.W. 43rd Street. Only a right turn egress will be permitted onto N.W. 8th Avenue. No ingress will be permitted from N.W. 8th Avenue.
  - 3[c]. Ingress and egress to N.W. 8th Avenue shall be permitted for all uses when a driveway connection with appropriate easements or a publicly dedicated roadway is constructed as shown on the conceptual and engineering plans dated 8/97 on file with the planning and development services department.
  4. Dedication of local streets or cross-access corridor easements shall be made in connection with the approval of any site plan or plat in the Triangle Area. If right-of-way is not dedicated to the City, the easement shall provide that such corridors be of sufficient width to accommodate two-way traffic, be designed to accommodate service and loading areas, and provide stub-outs and other design features that make it obvious that the abutting parcels within the Triangle Area may be tied to the corridor. Corridor design in the Triangle Area shall maximize internal linkage of

parcels. All employee parking and any parking accessory to a special use shall gain access from the corridor or local road system. No lot meeting the minimum lot size of the underlying zoning shall be considered non-conforming if it has been diminished by the dedication of right-of-way.

5. The design of the office/mixed use development, and associated driveways and local streets shall minimize the potential conflicts with the quiet use of the sanctuary and accessory residential structures of places of religious assembly adjacent to the Triangle Area.
6. New development or redevelopment of any existing structure, in accordance with the provisions of the underlying zoning, shall provide a minimum building setback of 25 feet or a 60 degree angle of light obstruction, whichever is greater, from existing single-family dwellings remaining in actual use as residences. A landscaped buffer, having a minimum width of 9 feet, and shrubs attaining a height of 6 feet within three years, and an opacity of 75%, shall screen all principal and accessory uses from single-family dwellings.
7. Hotels and motels when including conference facilities shall be permitted by special use permit within the Triangle Area.
8. On-site retention/detention requirements may be met by joint stormwater management facilities. Individual parcels retain responsibility for maintaining water quality prior to discharge into any common basin. A management agreement for any common basin shall be approved by the City Attorney and recorded in Official Records of Alachua County prior to the issuance of a building permit.
9. The developer shall identify those areas where existing stands of trees will be used to meet the buffering requirements of the underlying zoning. Buildings, pavement and retention areas shall be designed, insofar as possible, to minimize the removal of regulated trees.
10. No hazardous materials may be used or stored except in accordance with the hazardous materials regulations adopted as Exhibit No. 1 attached hereto and made a part hereof as if set forth in full.
11. Reserved.
12. Buildings are limited to a maximum of 5 above-ground stories.
13. Physical fitness facilities shall provide for excess overflow parking of fifty (50) percent of the parking required for health clubs and spas and gymnasia in accordance with section 30-332.

#### Exhibit No. 1. Hazardous Materials Regulation Standards

The following regulations and restrictions are standards for the use and storage of hazardous materials in facilities located in the Triangle Area:

##### I. *Definitions:*

*Facility*—A building or buildings, appurtenant structures, and surrounding land area used by a single business private entity or governmental unit or sub-unit at a single location or site.

*Petroleum product*—Fuels (gasoline, diesel fuel, kerosene and mixtures of these products) lubricating oils, motor oils, hydraulic fluids and other similar products. Also included is liquified petroleum gas in quantities in excess of three hundred (300) liquid gallons or in storage for dispensing into other containers.

*Hazardous materials*—The following materials as listed by reference:

1. Materials listed in the Florida Substances List (Chapter 38F-41, Florida Administrative Code)

2. Materials listed by the U.S. Environmental Protection Agency in Title 40, Part 302 and Part 355, Code of Federal Regulations.
  3. Materials listed by the U.S. Department of Transportation in Title 49, Part 172, Code of Federal Regulations.
  4. The following elemental metals if they are stored in an easily crumbled, powdered, or finely divided state: aluminum, beryllium, cadmium, chromium, copper, lead, manganese, mercury, molybdenum, nickel, rhodium, silver, tellurium, tin, and zinc.
  5. Any material not included above which may present similar or more severe risks to human health or the environment as determined by the party storing the material or the Gainesville Fire Rescue Department in consultation with the Alachua County Department of Environmental Services.
  6. Mixtures containing the above substances if they contain more than one percent (1%) by volume or are wastes.
  7. Class A, B, and C Explosives and blasting agents as defined by the U.S. Department of Transportation.
- II. *Restrictions:* No facility will be allowed which requires storage, use or manufacture of hazardous materials except as provided in Section III below. If construction activities or horticultural activities require the use of hazardous materials a temporary special permit from the Fire Rescue Department (approved by the Alachua County Department of Environmental Services) is required.

No facility will be allowed which requires storage, use or manufacture of petroleum products except in use as vehicular fuels or vehicular fuels stored in underground tanks in accordance with Chapter 17-61 Florida Administrative Code and Alachua County Ordinance 87-10. In instances where these regulations conflict, the more stringent shall apply.

III. *Exceptions:*

1. Commercial products limited to use at a facility solely for janitorial or minor maintenance purposes.
2. Consumer products located in the home for personal family or household purposes.
3. Consumer products in businesses for clerical purposes in quantities sufficient for short-term on site use.
4. Oils and fluids in electrical transformers, switches, or other electrical apparatus.
5. Packaged consumer products in normal concentrations for sale to individuals for non-commercial use.
6. Products used in printing, copying, blueprinting, and photofinishing.
7. Small quantities of material which in the quantities and concentrations to be handled and stored, and in the methods of handling or storage, do not present a significant danger to the surrounding occupancies and inhabitants, as determined by the Fire Rescue Department and the Alachua County Department of Environmental Services.

(Ord. No. 031013, § 4, 8-23-04)