



**City of Gainesville
Department of Sustainable Development
Planning Division**

PO Box 490, Station 11
Gainesville, FL 32627-0490
306 NE 6th Avenue
P: (352) 334-5022
F: (352) 334-2648

Petition PB-20-29 WSUP

June 25, 2020

Attachment A: Application and Supporting Documents

Attachment B: Comprehensive Plan and Land Development Code References

Attachment C: Technical Review Committee (TRC) Conditions

Attachment D: Drawings and Plans

Attachment “B”

Comprehensive Plan and Land Development Code References.

Goals, Objectives and Policies of the Comprehensive Plan

Future Land Use Element of the Comprehensive Plan

Objective 1.5 Discourage the proliferation of urban sprawl.

Goal 2.

Redevelop areas within the City as needed, in a manner that promotes quality of life, transportation choice, a healthy economy, and discourages sprawl.

Objective 2.1

Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.

Objective 2.3

The City shall collaborate with the Community Redevelopment Agency (CRA) to designate Community Redevelopment Areas that encourage reinvestment in the form of capital projects, infill redevelopment, and economic development programs designed to eradicate slum and blight and enhance urban form.

Policy 3.1.3

The City shall coordinate with the Florida Department of Environmental Protection and other agencies with regulatory authority over hazardous materials management in the review of any development proposal involving the use or generation of hazardous materials through the development review process.

Potable Water & Wastewater Element

Policy 1.4.2 All new developments at equivalent residential densities greater than 2 units per acre that require wastewater treatment, within the City of Gainesville, shall be required to connect to the centralized wastewater system except as specified in Policies 1.4.4 and 1.4.5. Equivalent development densities shall be determined as estimated by Gainesville Regional Utilities. Non-residential development proposed to be on septic tanks must demonstrate that it will not dispose of toxic, hazardous, or industrial waste in the septic tank.

Objective 1.5

Recognizing the importance of potable water supplies, the City shall encourage water conservation through the programs and methods listed below:

Solid Waste Element

Objective 1.2

Prevent the disposal of hazardous waste that would cause significant degradation of the environment. Coordinate with hazardous materials service providers to increase the capacity of hazardous materials management facilities.

1.2.1 The City shall enforce illegal dumping laws. Such enforcement shall include efforts to clean up existing illegal dump sites, and develop or revise ordinances to increase the feasibility of prosecuting illegal dumpers.

1.2.2 Through coordination with the County and other waste material handlers, the City will continue to participate in a periodic, convenient special waste collection program for difficult-to-dispose-of waste such as tires, used oil, batteries, and asbestos, and will utilize the Household Hazardous Waste Center to promote increased reuse and recycling by the general public.

1.2.3 The City shall continue to coordinate with the Florida Departments of Transportation and Environmental Protection regarding the transportation of hazardous wastes within city limits.

1.2.4 The City shall continue to coordinate with the Alachua County Department of Environmental Protection, which requires submission of a hazardous materials management plan as a contingency for all development approvals for sites where hazardous materials may be handled.

Conservation, Open Space & Groundwater Recharge Element

Policy 1.1.1

d. Wellfields: Development must be consistent with Policies 2.3.2 and 2.3.3 of this Element. e. Floridan Aquifer High Recharge Areas: Development within this area must be consistent with Policies 2.3.3, 2.3.6, 2.3.7, and 2.3.8 of this Element.

Objective 1.1

The City shall protect significant environmental lands and resources identified in the Environmentally Significant Land and Resources Series within the Future Land Use Map Series. The City shall identify environmentally significant open space and recreation sites for acquisition.

Policy 2.2.4

The City's land development regulations shall require the handling of hazardous materials in such a way as to prevent degradation of the natural environment. At a minimum, this shall be achieved by complying with the Alachua County Hazardous Materials Management Code and the Alachua County Murphree Wellfield Protection Code, which:

- a. Prohibit certain new hazardous materials facilities and underground storage tank systems from siting within the unconfined zone of the Floridan aquifer;

- b. Prohibit new hazardous materials facilities from siting within the primary and secondary wellfield protection zones of the Murphree wellfield, and establish requirements for siting of hazardous materials facilities within the tertiary protection zones of the Murphree wellfield. Within the secondary zone, vehicular fuel storage subject to Section 376.317, F.S., may be allowed;
- c. Require new Class C and D hazardous materials facilities, as identified in the Alachua County Hazardous Materials Management Code, to maintain large setbacks from surface waters, wells, and floodplains; and
- d. Require stringent hazardous materials storage and containment designs, periodic monitoring, inspections, a management plan, fees, and penalties for non-compliance.

Objective 2.3

The City shall conserve and protect the quality and quantity of current and projected water sources through the planning period.

Policy 2.3.1

The City shall coordinate with the Alachua County Environmental Protection Department, the Florida Department of Environmental Protection (FDEP), the Water Management Districts, and the Environmental Protection Agency (EPA) and shall support the appropriate agencies with efforts to:

- a. Identify areas of pollution to surface waters and groundwater;
- b. Provide on-going monitoring programs that include periodic reports that describe environmental conditions and cleanup status; and
- c. Identify parties responsible for polluted areas, and require such parties to mitigate pollution problems.

Policy 2.3.2

The City shall allow land uses and facility design within wellfield protection zones (and other “community water system” cones of influence as defined by Rule 62-550.200, F.A.C.) as identified in the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series, and that are in compliance with the Murphree Wellfield Protection Code.

Policy 2.3.3

The City shall allow new development in commercial, institutional, and industrial districts to only place septic tanks: a. In compliance with the Wellfield Protection Special Use Permit process of the City’s Land Development Code, and if the development is in compliance with the Alachua County Hazardous Materials Management Code; and b. In areas not identified as regulated surface

waters and wetland areas in the Environmentally Significant Land and Resources Map Series of the Future Land Use Map Series.

LAND DEVELOPMENT CODE REFERENCES:

Sec. 30-65. Mixed use medium intensity district (MU-2).

(a)

Purpose. The mixed-use medium intensity district is established for the purpose of providing a mix of employment, retail, professional, service and residential uses in medium level activity centers. The district is intended to encourage a reduction in the number and length of vehicular trips by providing for basic needs and employment opportunities within close proximity to residential areas. Such districts are established to allow uses compatible with each other and with surrounding residential areas to be clustered in a compact urban center. The mixed-use medium intensity district shall be located in areas where analysis of residential characteristics demonstrates that such facilities are required, and where there is limited overlapping of market areas with other mixed-use medium intensity districts.

(b)

Objectives. The provisions of this district are intended to:

(1)

Coordinate the locations of activity centers with the population and land use needs of adjoining residential areas. It is intended that activity centers have only minimally overlapping market areas;

(2)

Encourage large, mixed-use developments to locate on land that is physically capable of supporting the proposed development;

(3)

Ensure that new development within the district is integrated with existing development and is designed to promote pedestrian and nonautomotive access within the district and from surrounding residential areas;

(4)

Minimize traffic congestion by requiring that large, mixed-use developments be located on appropriate major collector and arterial roadways, and by minimizing the number and location of driveway connections;

(5)

Encourage proper design review through the utilization of the development plan review process to ensure a harmonious relationship with surrounding development (including adequate ingress and egress);

(6)

Integrate all outparcel development through landscaping; shared parking, traffic access management and circulation; and stormwater management; and

(7)

Require appropriate buffering or screening around large mixed-use development to maintain its compatibility with surrounding land uses.

(c)

Requirements for developments of less than 50,000 square feet.

(1)

Yard setbacks.

a.

Front: The maximum setback shall be the average setback of existing development in the same face block face; however, when there is no existing development in the same block face, the setback shall be between 15 and 80 feet.

b.

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 25 feet or the distance created by the 45-degree angle of light obstruction, whichever is greater. If MU-2 zoning abuts a single-family residential zoning district, then the residential portion of the mixed-use development shall be limited to RMF-7 in the area within 100 feet of the property line, plus the required buffers for the single-family residential zoning district. In addition, the multi-family development shall comply with all the regulations in the RMF-7 district and the requirements of [section 30-56](#)

(2)

Maximum building height: Five stories.

(3)

Maximum lot coverage: 50 percent.

(4)

Access: Access shall be designed to integrate all aspects of the development and shall meet all requirements of article IX and [Chapter 23](#). Driveways shall be coordinated or shared insofar as possible.

(d)

Requirements for developments of 50,000 square feet or more. These requirements apply to developments with at least 50,000 square feet of gross leasable area.

(1)

Location. Nonresidential development shall be located at intersections of arterials or arterials and collectors, as shown in the city comprehensive plan.

(2)

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

a.

Minimum lot area: 10,000 square feet.

b.

Minimum lot width at minimum front yard setback: 100 feet.

c.

Minimum yard setbacks:

1.

Internal to the district. Where there are separate residential uses and nonresidential uses within the MU-2 district, such uses shall have an angle of light obstruction for all principal and accessory structures of 60 degrees.

2.

Between different districts. Where the side or rear yard abuts property which is in a residential district, or is shown on the future land use map of the comprehensive plan for residential use, the minimum setback shall be 100 feet or the distance created by a 45-degree angle of light obstruction, whichever is greater. If MU-2 zoning abuts a single-family residential zoning district, then the residential portion of the mixed-use development shall be limited to RMF-7 in the area within 100 feet of the property line, plus the required buffers for the single-family residential zoning district. In addition, the multi-family development shall comply with all the regulations in the RMF-7 district and the requirements of [section 30-56](#)

3.

Front yard. The maximum setback shall be the average setback of existing development in the same face block face; however, when there is no existing development in the same block face, the setback shall be between 15 and 80 feet.

d.

Maximum lot coverage: 50 percent for single-use projects; 75 percent for mixed-use projects that include residential.

e.

Maximum building height: Five stories.

(3)

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 development review board or city plan 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.

(4)

Outparcels.

a.

Purpose. 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.

b.

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 plan board, development review board or staff, as applicable, that the center and all outparcels are integrated through the use of landscaping and buffers; shared parking, traffic access management and circulation; and stormwater management.

c.

Dimensional requirements for outparcels. Outparcels with unified circulation systems with adjoining shopping centers shall not be required to meet the minimum lot area, lot depth, and lot width requirements; however, outparcels shall be required to meet the yard setback, lot coverage and floor area ratio requirements for the MU-2 district.

(5)

Access.

a.

Vehicular access. Access to the shopping centers shall be in accordance with the provisions of article IX, Division 3, of this chapter, [Chapter 23](#) of the Code of Ordinances, and [section 30-67\(f\)](#) 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 Division 3 of article IX, pertaining to access management. All loading and unloading shall be done on the 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 development projects. 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 development review board shall also review the relationship of the mixed-use development to adjoining properties and may require appropriate access for bicycles or pedestrians at locations where vehicular access is prohibited.

(e)

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	In accordance with article VI
	Compound uses	
	Eating places	
	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 uses (12 to 30 dwelling units per acre)	Residential development shall conform to the requirements of the RMF-7 or RMF-8 zoning districts, the requirements of section 30-56 , and the additional requirements of this section. 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.
	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-	Printing, publishing and	

27	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-484	Cable and other pay television services	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
GN-	Auto and home supply	Garage and installation facilities, in accordance with the provisions for

553	stores	limited automotive services in article VI
GN-554	Gasoline service stations including the sales of alternative fuels for automobiles	In accordance with article VI
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Excluding fuel dealers (IN-5983)
Div. H	Finance, insurance and real estate	Excluding cemetery subdivisions and developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories, in accordance with article VI
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-	Amusement and recreation	Only within enclosed structures, and excluding go-cart rental and

79	services	raceway operations and excluding commercial sports (GN-794)
MG-80	Health services	Excluding hospitals (GN-806) and including nursing and personal care facilities (GN-805) in accordance with article VI, and excluding rehabilitation centers
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 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 transmission, retransmission and microwave towers over 100	In accordance with article VI

	feet in height	
	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
	Recycling centers	In accordance with article VI
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Social service homes	In accordance with article VI
GN-598	Fuel dealers	
GN-701	Hotels and motels	
GN-702	Roominghouses and boardinghouses	In accordance with article VI
MG-79	Amusement and recreation services when outside enclosed structures	In compliance with noise ordinance

(f)

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, § 5, 11-15-93; Ord. No. 3963, § 6, 3-14-94; Ord. No. 4075, § 8, 5-8-95; Ord. No. 950364, § 1, 8-28-95; Ord. No. 950862, § 6, 11-13-95; Ord. No. 951420, § 5, 7-8-96; Ord. No. 980273, § 4, 11-9-98; Ord. No. 990299, § 4, 10-25-99; Ord. No. 002469, §§ 7—9, 3-17-03; Ord. No. 020590, § 3, 4-14-03; Ord. No. 070619, § 5, 3-24-08; Ord. No. 110865, § 2, 7-19-12)

Sec. 30-233. Criteria for issuance.

No special use permit shall be approved by the city plan board unless the following findings are made concerning the proposed special use:

(1)

That the use or development complies with all required regulations and standards of this chapter and all other applicable regulations.

(2)

That the proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties.

(3)

That necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development.

(4)

That the use or development is serviced by streets of adequate capacity to accommodate the traffic impacts of the proposed use.

(5)

That screening and buffers are proposed of such type, dimension and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.

(6)

That the use or development conforms with the general plans of the city as embodied in the city comprehensive plan.

(7)

That the proposed use or development meets the level of service standards adopted in the comprehensive plan and conforms with the concurrency management requirements of this chapter as specified in article III, division 2.

Sec. 30-203. Criteria for issuance.

(a)

Wellfield protection permit. After an assessment by appropriate Gainesville Regional Utilities, Alachua County Environmental, public works and community development staff, the city manager or designee may approve and issue a wellfield protection permit in the tertiary and secondary zones in accordance with Article VII, Development Review Process, based on the following findings:

(1)

That the proposed use or development will not endanger the city's potable water supply.

(2)

That necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development. The development must be connected to the potable water and wastewater system.

(3)

That the use or development conforms to the city's comprehensive plan.

(4)

That the proposed use complies with all federal, state and local laws, rules, regulations, and ordinances now and hereafter in force which may be applicable to the use of the site.

(5)

That there has been proper abandonment, as regulated by the relevant water management district or state agency, of any unused wells or existing septic tanks at the site. An existing septic tank may remain if it is used solely for domestic waste and if it meets all applicable state and local regulations.

(6)

That the use is not listed as a use subject to the specially regulated industry use provisions in [section 30-70](#)

(7)

There is no current or proposed underground storage of petroleum products and/or hazardous materials, as defined in the Alachua County Hazardous Materials Management Code, at the development site.

(8)

That the applicant is in compliance with the requirements of the Alachua County Hazardous Materials Management Code, and all applicable state and federal regulations.

(b)

Wellfield protection special use permit.

(1)

Development in the secondary zone and tertiary zone that cannot be exempt under [section 30-202](#) or approved by city manager or designee under [section 30-203](#) must apply for a wellfield protection special use permit in accordance with [section 30-204](#). The development or use shall be reviewed using the following criteria:

a.

Whether criteria (1) through (5) and (8), listed in subsection [30-203\(a\)](#), have been complied with; and

b.

Whether the development properly addresses environmental features such as wetlands, creeks, lakes, sinkholes and soils to ensure that hazardous materials will not endanger the potable water supply and the environmental features; and

c.

Whether the criteria listed in [section 30-233](#) have been met.

(2)

Development in the primary zone. No use involving hazardous materials shall be allowed in this zone, except for uses or development associated with the Murphree Water Treatment Plant, or electric transmission and distribution systems or generally the provision of utility service by a government-owned utility. All other uses shall obtain a wellfield protection special use permit and meet the criteria in subsection [30-203\(b\)](#), above, and [section 30-233](#)

(Ord. No. 990193, § 1, 11-8-99; Ord. No. 030455, § 4, 11-10-03)

Comprehensive Plan

Concurrency Element: Policy 1.4.9

Within the TCEA, retail petroleum sales at service stations and/or car washes, either separately, or in combination with the sale of food or with eating places, shall be required to obtain a Special Use Permit. In addition to the review criteria set in the Land Development Code for Special Use Permits, the following review standards shall be included:

- a. Site design shall enhance pedestrian/bicycle access to any retail or restaurant facilities on site. Sidewalk connections or marked pedestrian crosswalks shall be shown on the site plan.
- b. The number and width of driveways shall be minimized.
- c. Except where more stringently regulated by a Special Area Plan or overlay district, the maximum number of fueling positions shall be set as follows:
 1. No limitation on fueling positions in the Industrial zoning categories;
 2. Six fueling positions in the Mixed Use Low land use category or Mixed Use 1 zoning district;
 3. Until adoption, in the Land Development Code, of specific architectural and design standards, six fueling positions in all other zoning categories where gasoline service

stations (retail petroleum sales) or food stores with accessory gasoline and alternative fuel pumps are allowed. In the interim period before the adoption of architectural and design standards, additional fueling positions, up to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the following conditions:

- a. The size of the site can safely accommodate the additional fueling positions while meeting all required landscaping, buffering, and other Land Development Code requirements;
 - b. Site access and traffic safety conditions on adjacent roadways and intersections are not compromised by the additional trips generated by the additional fueling positions; c. Pedestrian/bicycle safety and comfort in the area are not compromised by the additional trips generated by the additional fueling positions;
 - d. The architectural and site design are of such high quality that they enhance the site area and promote the City's multi-modal and design goals. As part of a Planned Development rezoning or Special Use Permit review process, the developer shall provide a development plan, elevations and architectural renderings of the proposed site including details such as, but not limited to, façade treatment, colors, lighting, roof detail, signage, landscaping, building location relative to the street, and location of access points.
 - e. Cross-access or joint driveway usage is provided to other adjacent developments.
 - f. Retail convenience goods sales or a restaurant are included in the development and designed such that pedestrian or bicycle use of the site is encouraged. The retail convenience goods sales or restaurant building and development shall meet all of the following requirements:
 1. Building(s) shall be placed close to the public sidewalk for a substantial length of the site's linear frontage;
 2. A minimum of 30 percent window area or glazing at pedestrian level (between 3 feet above grade and 8 feet above grade) on all first-floor building sides with street frontage. Windows or glazing shall be at least 80 percent transparent;
 3. A pedestrian entry is provided from the public sidewalk on the property frontage; or, near a building corner when the building is on a corner lot;
 4. Off-street parking shall be located to the side or rear of the building;
 5. The building height and façade elevation are appropriate for the site and surrounding zoned properties.
4. Until adoption in the Land Development Code of specific architectural and design standards, ten fueling positions within 1/4 mile of an I-75 interchange. In the interim period before the adoption of architectural and design standards, additional fueling positions, to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the conditions shown in 3 a-f above.

Sec. 30-3.30. - Review criteria.

- A. *Primary zone.* No use involving hazardous materials shall be allowed in this zone, except for uses or development associated with the Murphree Water Treatment Plant, or electric transmission and distribution systems or generally the provision of utility service by a government-owned utility. All other uses shall obtain a WPSUP.
- B. *Secondary and tertiary zone.* The development or use shall be reviewed using the following criteria:
 - 1. The criteria for special use permits provided in section 30-3.24 have been met.
 - 2. The proposed use or development will not endanger the city's potable water supply.
 - 3. The necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development. The development must be connected to the potable water and wastewater system.
 - 4. There has been proper abandonment, as regulated by the applicable water management district or state agency, of any unused wells or existing septic tanks at the site. An existing septic tank may remain if it is used solely for domestic waste and if it meets all applicable state and local regulations.
 - 5. There is no current or proposed underground storage of petroleum products or hazardous materials at the development site.
 - 6. The applicant is in compliance with the requirements of the Alachua County Hazardous Materials Management Code, and all applicable state and federal regulations.
 - 7. The development property addresses environmental features such as wetlands, creeks, lakes, sinkholes, and soils to ensure that hazardous materials will not endanger the potable water supply and the environmental features.

DIVISION 5. - SPECIAL USE PERMITS

Sec. 30-3.22. - Purpose.

It is the intent of this division to recognize and permit certain uses and developments that require special review, and to provide the standards by which the applications for permits for uses and development shall be evaluated. It is further intended that special use permits be required for developments that, because of their inherent nature, extent, and external effects, require special care in the control of their location, design, and methods of operation in order to ensure conformance with the Comprehensive Plan and this chapter.

Sec. 30-3.23. - Required.

The applicable uses listed in article IV may be established in that zoning district only after issuance and recordation of a special use permit by the city plan board.

Sec. 30-3.24. - Review criteria.

No special use permit shall be approved by the city plan board unless the following findings are made concerning the proposed special use. The burden of proof on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant.

- A. The proposed use or development is consistent with the Comprehensive Plan and the Land Development Code.
- B. The proposed use or development is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan. Factors by which compatibility of the proposed use or development shall be reviewed include scale, height, mass and bulk, design, intensity, and character of activity.
- C. The proposed use will not adversely affect the health, safety, and welfare of the public.
- D. Ingress and egress to the property, proposed structures, and parking/loading/service areas is provided and allows for safe and convenient automobile, bicycle, and pedestrian mobility at the site and surrounding properties.
- E. Off-street parking, service, and loading areas, where required, will not adversely impact adjacent properties zoned for single-family residential use.
- F. Noise, glare, exterior lighting, or odor effects will not negatively impact surrounding properties.
- G. There is adequate provision for refuse and service/loading areas, and these areas shall be reviewed for access, screening, location on the site, and pedestrian/bicycle mobility and safety. Outdoor storage or display areas, if included, will not adversely impact surrounding properties and shall be reviewed for screening and location on the site.
- H. Necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use or development.
- I. Screening and buffers are proposed of such type, dimension, and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.
- J. The hours of operation will not adversely impact adjacent properties zoned for single-family residential use.
- K. Any special requirements set forth in the Land Development Code for the particular use involved are met.

Sec. 30-3.25. - Review procedures.

- A. *Pre-application meeting.* A pre-application meeting is not required; however, the applicant is encouraged to attend a meeting with staff to review applicable procedural and regulatory requirements.
- B. *Applications.* Each application shall be filed with the city manager or designee on the form prescribed. Any incomplete applications will be returned to the applicant. The application shall include proof of having met the requirements of a neighborhood workshop as provided in this article.
- C. *Staff meeting.* The applicant for a special use permit shall meet with city staff to discuss the procedures and requirements and to consider the elements of the proposed use and site and the proposed site layout.
- D. *Staff report.* The city manager or designee shall submit to the city plan board a written report that includes analysis of the application and a recommendation based on the review criteria provided in this division.
- E. *City plan board hearing.*
 - 1. The city plan board shall consider the evidence presented in the public hearing and the written report submitted by the city manager or designee and shall act on the application based on the review criteria provided in this division.
 - 2. Action on the application shall be one of the following:
 - a. Approval;
 - b. Approval subject to conditions; or
 - c. Denial, with a statement of the reasons for denial.
- F. *Effect of denial or withdrawal.* No application for a special use permit may be submitted within two years after the date of denial or withdrawal of a request for the same use for the same property. The city plan board may waive this time limitation by the affirmative vote of five members, provided 30 calendar days have elapsed and provided the city plan board deems such action necessary to prevent an injustice.
- G. *Amended application.* Amendment of an application may be allowed at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after notice of the hearing has been given and such amendment is at variance with the information set forth in the notice, then the applicant shall pay an additional fee in the same amount as the original fee for amended public notice. If the amended notice can be mailed at least ten calendar days prior to the hearing originally scheduled, the hearing on the amended petition may be held on that date; otherwise, the chairperson shall announce at the public hearing that the hearing will be continued to a future meeting with proper public notice.

Sec. 30-3.26. - Effect and limitations.

- A. *Effect.* Special use permits, including any permit conditions, shall run with the land and shall be binding on the original applicant as well as any successors or assigns.
- B. *Modifications.* After approval and issuance of a special use permit, the following situations are allowed only with the review and issuance of a new special use permit:
 - 1. A change in the boundaries of the approved site.
 - 2. A change from the approved use.
 - 3. Either an increase of ten percent or more or incremental increases that total ten percent or more in the floor area or number of parking spaces as approved.
 - 4. Substantial changes in the approved location of principal or accessory structures.

5. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal or accessory structures as shown on the approved plans.
 6. Substantial changes in approved pedestrian or vehicular access or circulation.
 7. Substantial change in the approved amount or location of landscape screens or buffers.
- C. *Expiration.* Special use permits shall expire 12 months after the date of approval unless, at that time, the authorized use has commenced or development at the site is continuing in good faith with an active building permit. At the request of the applicant and for good cause shown, the city plan board may extend the time of the permit's expiration for good cause shown and if not in conflict with any other provision of this chapter.
- D. *Abandonment.* On request of the permit holder, the city manager or designee may approve the abandonment of a special use permit provided no construction has begun. In addition, if the use allowed by a special use permit has been abandoned for a continuous period of 12 months, the permit shall be void. The process to determine whether a use has been abandoned shall be the same as that provided for nonconforming uses in article X.
- E. *Revocation.* If any conditions of an issued special use permit are violated, the city plan board may, after giving proper notice to the permit holder, revoke the permit at a public hearing. The permit may be reinstated by the city manager or designee if the circumstances leading to the revocation are corrected.

DIVISION 6. - WELLFIELD PROTECTION SPECIAL USE PERMIT

Sec. 30-3.27. - Purpose.

- A. This division is established for the purpose of protecting the immediate and long-term supply of potable water in the community by creating a permit procedure for uses and developments within the Murphree Wellfield Protection Zones (also known as Murphree Wellfield Management Zones) as delineated in the Alachua County Code of Ordinances, as may be amended from time to time, and to provide the standards by which the applications for permits for uses and development shall be evaluated.
- B. It is further intended that wellfield protection permits or wellfield protection Special Use Permits be required for developments that require special care in the control of their location, design, and methods of operation in order to ensure conformance with the city's Comprehensive Plan and Alachua County Murphree Wellfield Management Code (also known as Murphree Wellfield Protection Code), as may be amended from time to time.

Sec. 30-3.28. - Required.

Unless exempt as provided in this division, all new development and existing development within the primary, secondary, and tertiary wellfield protection (management) zones of Alachua County that will intensify, expand, or modify a use directly associated with the storage of hazardous materials (as defined in the Alachua County Hazardous Materials Management Code) shall first obtain a Wellfield Protection Special Use Permit (WPSUP).

- A. The standards and requirements of this division shall apply to all properties located in the wellfield protection management zones. Properties that may only be partially located in a wellfield protection management zone shall be treated as if the entire property is located completely within the wellfield protection management zone.
- B. The primary, secondary, and tertiary wellfield protection zones are those zones delineated on the Murphree Wellfield Protection management zones map on file with the city.

Sec. 30-3.29. - Exemptions.

- A. Uses allowed within residential zoning districts.
- B. Any proposed uses or development associated with the Murphree Water Treatment Plant, or electric transmission and distribution systems or generally the provision of utility service by a government-owned utility shall be exempt from the provisions of this division.
- C. Exemptions from the permit requirements shall be allowed for uses and developments that meet the following criteria, except for specially regulated industrial uses allowed by special use permit:
 - 1. There is no manufacture, storage, use, or sale of hazardous materials at the site or development as defined and regulated in the Alachua County Hazardous Materials Management Code, other than hazardous materials excluded from the provisions of the Hazardous Materials Management Code, as may be amended from time to time.
 - 2. The project is part of an environmental cleanup or facility upgrade that is required by a local, state or federal environmental agency, and the project is in compliance with the Alachua County Hazardous Materials Management Code and all other applicable state and federal regulations.
 - 3. Redevelopment of an existing site that may manufacture, store, use, or sell hazardous materials at the site or development as defined and regulated in the Alachua County Hazardous Materials Management Code, but where the actual development project will not involve hazardous materials other than those associated with similar construction projects, and the project is in compliance with the Alachua County Hazardous Materials Management Code and all other applicable state and federal regulations.

Sec. 30-3.30. - Review criteria.

- A. *Primary zone.* No use involving hazardous materials shall be allowed in this zone, except for uses or development associated with the Murphree Water Treatment Plant, or electric transmission and distribution systems or generally the provision of utility service by a government-owned utility. All other uses shall obtain a WPSUP.
- B. *Secondary and tertiary zone.* The development or use shall be reviewed using the following criteria:

1. The criteria for special use permits provided in section 30-3.24 have been met.
2. The proposed use or development will not endanger the city's potable water supply.
3. The necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development. The development must be connected to the potable water and wastewater system.
4. There has been proper abandonment, as regulated by the applicable water management district or state agency, of any unused wells or existing septic tanks at the site. An existing septic tank may remain if it is used solely for domestic waste and if it meets all applicable state and local regulations.
5. There is no current or proposed underground storage of petroleum products or hazardous materials at the development site.
6. The applicant is in compliance with the requirements of the Alachua County Hazardous Materials Management Code, and all applicable state and federal regulations.
7. The development property addresses environmental features such as wetlands, creeks, lakes, sinkholes, and soils to ensure that hazardous materials will not endanger the potable water supply and the environmental features.

Sec. 30-3.31. - Review procedures.

- A. *Pre-application meeting.* The applicant for a WPSUP shall meet with staff to discuss the procedures and requirements and to consider the elements of the proposed use and site, and the proposed site plan.
- B. *Applications.* Applications shall be filed with the city manager or designee on the form prescribed. Any incomplete applications will be returned to the applicant.

Applications shall include a development plan. However, if any of the items required for the development plan are inapplicable or irrelevant to a proposed development, such item may be omitted upon approval of the appropriate staff, provided the applicant identifies in writing any missing item and includes a brief explanation of why it is inapplicable or irrelevant. The city plan board may, at the public hearing, approve the omission of items from the development plan if it finds they are not

relevant to a determination that the proposed use or development meets the requirements of this division.

- C. *Staff review.* Staff from Gainesville Regional Utilities, Alachua County Environmental Protection Department, and the city shall review the request and submit to the city plan board a written analysis of the application and a recommendation based on the criteria provided in this division.
- D. *City plan board hearing.*
1. The city plan board shall consider the evidence presented in the public hearing and the written report submitted by staff and shall act on the application based on the review criteria provided in this division.
 2. Action on the application shall be one of the following:
 - a. Approval;
 - b. Approval subject to conditions; or
 - c. Denial, with a statement of the reasons for denial.
- E. *Effect of denial or withdrawal.* No application for a WPSUP may be submitted within two years after the date of denial or withdrawal of a request for the same use for the same property. The city plan board may waive this time limitation by the affirmative vote of five members, provided 30 calendar days have elapsed and provided the city plan board deems such action necessary to prevent an injustice.
- F. *Amended application.* Amendment of an application may be allowed at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after notice of the hearing has been given and such amendment is at variance with the information set forth in the notice, then the applicant shall pay an additional fee in the same amount as the original fee for amended public notice. If the amended notice can be mailed at least ten calendar days prior to the hearing originally scheduled, the hearing on the amended petition may be held on that date; otherwise, the chairperson shall announce at the public hearing that the hearing will be continued to a future meeting with proper public notice.

Sec. 30-3.32. - Effect and limitations.

- A. *Effect.* WPSUPs, including any permit conditions, shall run with the land and shall be binding on the original applicant as well as any successors or assigns. If there is a change of ownership or operator at the development site, the new owner or operator shall inform the city of its identity and registered agent for service of notice within 30 calendar days. Failure to do so shall be considered a violation of a condition of the permit.
- B. *Modifications.* After approval and issuance of a WPSUP, the following situations are allowed only with the review and issuance of a new special use permit:
1. A change in the boundaries of the approved site.
 2. A change from the approved use.
 3. An increase in the storage capacity or type of any hazardous materials used, manufactured, sold or stored at the site, including new hazardous materials not previously listed in the original WPSUP. This criterion shall not apply to hazardous materials excluded from the provisions of the Alachua County Hazardous Materials Management Code, as may be amended from time to time.
- C. *Expiration.* WPSUPs shall expire 12 months after the date of approval unless, at that time, the authorized use has commenced or development at the site is continuing in good faith with an active building permit. At the request of the applicant and for good cause shown, the city plan board may extend the time of the permit's expiration for good cause shown and if not in conflict with any other provision of this chapter.
- D. *Abandonment.* On request of the permit holder, the city manager or designee may approve the abandonment of a WPSUP provided no construction has begun. In addition, if the use allowed by a WPSUP has been abandoned for a continuous period of 12 months, the permit shall be void. The process to determine whether a use has been abandoned shall be the same as that provided for nonconforming uses in article X.
- E. *Revocation.* If any conditions of an issued WPSUP are violated, the city plan board may, after giving proper notice to the permit holder, revoke the permit at a public hearing. The permit may be reinstated by the city manager or designee if the circumstances leading to the revocation are corrected.

Sec. 30-8.40. - Wellfield district.

- A. *Adoption of wellfield district.* The wellfield district is delineated on the map entitled, "Map Displaying Community Wellfields of Gainesville, Florida," on file with the city.
- B. *Requirements and procedures.*
 - 1. All new and existing developments shall comply with the county Murphree Well Field Management, Storage Tank Systems, and Hazardous Materials Management Codes, except that such development shall also comply with subsection B.2. of this section.
 - 2. In the Murphree wellfield management primary and secondary zone, the installation of new septic tanks in commercial, institutional and industrial districts is prohibited.

Sec. 30-4.19. - Permitted uses.

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section shall be allowed.

Table V-7: Permitted Uses in Mixed-Use and Nonresidential Districts.

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
RESIDENTIAL													
Single-family house		P	-	P	P	-	-	-	-	-	P	-	-
Attached dwellings		P	P	P	P	-	-	-	-	-	-	-	-
Multi-family dwellings		P	P	P	P	S	-	-	-	-	P	-	-
Accessory dwelling units	30-5.34	A	A	A	A	-	-	-	-	-	P	-	-
Adult day care homes	30-5.2	P	P	P	P	P	P	-	-	P	-	-	-
Community residential homes (up to 6 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Community residential homes (more than 14 residents)	30-5.6	-	P	P	P	-	-	-	-	-	P	-	-
Community residential homes (7 to 14 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Dormitory, large	30-5.8	-	-	-	S	-	-	-	-	-	-	-	-
Dormitory, small	30-5.8	S	S	S	P	-	S	-	-	-	-	-	-
Family child care homes	30-5.10	P	-	P	P	-	-	-	-	-	P	-	-
NONRESIDENTIAL													
Alcoholic beverage establishments	30-5.3	S	S	-	-	-	P	-	P	P	-	P	P

Assisted living facility		P	P	-	P	-	-	-	-	-	P	-	-
Armor systems manufacturing and assembly	30-5.16	P	-	-	-	-	-	-	-	-	-	-	-
Bed and breakfast establishments	30-5.4	P	P	S	S	-	P	-	P	-	-	-	-
Business services		P	P	-	P	P	P	P	P	P	P	P	P
Car wash facilities	30-5.5	S	S	-	-	-	P	P	S	P	P	P	P
Civic, social & fraternal organizations		P	P	-	-	-	P	P	P	P	-	-	-
Daycare center	30-5.7	P	P	P	P	P	P	-	-	P	P	-	-
Drive-through facility	30-5.9	P	P	-	-	-	P	P	P	P	P	P	P
Emergency shelters		P	P	P	P	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy		-	-	-	-	-	-	-	-	-	-	P	P
Equipment sales, rental and leasing, light		-	P	P	P	-	P	P	-	P	P	P	P
Food distribution center for the needy	30-5.12	-	-	-	-	-	S	-	S	S	-	-	-
Food trucks	30-5.36	P	P	A	A	P	P	P	P	P	P	P	P
Fuel dealers		S	S	-	-	-	S	P	-	-	-	P	P
Funeral homes and crematories		P	P	P	P	-	P	P	-	-	-	-	-
Gasoline/alternative fuel stations	30-5.13	S	S	-	-	-	P	P	P	S	P	S	S
Go-cart raceway and rentals (indoor and outdoor)		-	-	-	-	-	-	-	-	-	-	S	S
Health services		P	P	P	P	P	-	-	-	-	P	-	-

Hotels and motels		S	S	-	-	S	P	-	P	P	S	-	-
Ice manufacturing/vending machines	30-5.39	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	30-5.14	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard/Salvage Yard	30-5.15	-	-	-	-	-	-	-	-	-	-	S	P
Laboratories, medical and dental		P	P	P	P	P	P	-	-	P	P	P	P
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
Libraries		-	P	-	-	P	-	-	-	-	P	-	-
Light assembly, fabrication, and processing	30-5.16	P	P	-	S	S	S	P	-	P	P	P	P
Liquor stores		P	P	-	-	-	P	P	P	-	P	-	-
Medical marijuana dispensing facility		P	P	A ¹	A ¹	S	P	P	P	P	P	S	S
Microbrewery Microwinery Microdistillery ³	30-5.17	S	P	-	-	-	P	-	P	P	P	P	P
Mini-warehouses, self-storage		-	-	-	-	-	-	P	-	P	P	P	P
Museums and art galleries		P	P	P	P	P	P	-	P	P	P	-	-
Offices		P	P	P	P	P	P	P	P	P	P	P	P
Offices, medical and dental		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage, principal use	30-5.19	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (as a principal use)	30-5.20	-	S	-	-	-	S	P	-	P	P	-	-

Passenger transit or rail stations		S	S	-	-	P	P	P	P	P	P	P	P	-
Personal services		P	P	P	P	P	P	P	P	P	P	P	P	P
Places of religious assembly	30-5.21	P	P	P	P	P	P	P	P	P	P	P	-	-
Public administration buildings		P	P	P	P	P	P	P	P	P	P	P	P	-
Public maintenance and storage facilities		-	-	-	-	-	-	-	-	P	P	P	P	
Public parks		S	S	S	S	P	P	P	P	P	P	P	P	P
Recreation, indoor		P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	S	P	P	S	-	P	P	
Recreational vehicle park	30-5.22	-	-	-	-	-	-	P	P	P	-	P	-	
Recycling centers		-	S	-	-	-	S	-	-	-	S	S	P	
Rehabilitation centers		S	S	S	S	-	S		-	S	-	S		
Research, development and testing facilities		-	-	-	-	P	P	-	-	P	P	P	P	
Residences for destitute people	30-5.23	S	S	S	S	-	S	-	S	-	-	-	-	
Restaurants		P	P	-	S	P	P	P	P	P	P	P	P	P
Retail nurseries, lawn and garden supply stores		P	P	-	-	-	P	P	-	P	P	P	-	
Retail sales (not elsewhere classified)		P	P	-	-	S	P	P	P	P	P	S	S	
Schools, elementary, middle & high (public & private)		P	P	S	S	-	P	-	-	-	P	-	-	
Schools, professional		P	P	P	P	P	P	P	-	P	P	P	P	

Schools, vocational and trade		-	P	P	P	-	P	P	-	P	P	P	P
Scooter or electric golf cart sales		P	P	-	-	-	P	P	-	P	-	P	-
Sexually-oriented cabarets	30-5.24	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented motion picture theaters	30-5.24	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented retail store	30-5.24	-	-	-	-	-	P	-	P	-	-	-	P
Simulated gambling establishments		-	-	-	-	-	-	-	-	-	-	-	-
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-
Social service facility	30-5.26	S	S	S	S	-	-	-	-	-	P	S	S
Solar generation station	30-5.28	-	-	-	-	-	-	-	-	P	-	P	P
Truck or bus terminal/maintenance facilities		-	-	-	-	-	-	P	P	P	P	P	P
Vehicle repair	30-5.29	-	-	-	-	-	-	P	P	P	-	P	P
Vehicle rental		-	-	-	-	-	P	P	P	P	P	P	-
Vehicle sales (no outdoor display)		-	-	-	-	-	P	P	P	P	-	P	-
Vehicle sales (with outdoor display)		-	-	-	-	-	-	P	-	P	-	P	P
Vehicle services	30-5.29	S	S	-	-	-	P	P	P	P	S	P	P
Veterinary services	30-5.30	P	P	P	P	P	P	P	P	P	P	P	P
Warehouse/distribution facilities (<100,000 SF)		-	-	-	-	-	-	-	-	P	P	P	P
Warehouse/distribution facilities (>100,000 SF)		-	-	-	-	-	-	-	-	P	P	P	P

Waste management facilities		-	-	-	-	-	-	-	-	S	-	P	P
Wholesale trade		-	-	-	-	-	-	S	-	P	P	P	P
Wireless communication facilities	30-5.31												

LEGEND:

P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

1 = Only when accessory to and in the same building as health services or offices of physicians, dentists, and other health practitioners.

2 = Accessory to and in the same building as health services and comprising less than 25 percent of the gross floor area of the building.

3 = Prohibited where adjacent to single-family zoned property.

(Ord. No. [160685](#), § 3, 3-15-18; Ord. No. [170975](#), § 3, 2-21-19; Ord. No. [190082](#), § 1, 10-17-19; Ord. No. [190292](#), § 4, 2-20-20)

Sec. 30-4.20. - Dimensional standards.

The following tables contain the dimensional standards for the various uses allowed in each district:

Table V-8: Mixed-Use and Nonresidential Districts Dimensional Standards.

	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	W	BI	I-1	I-2
DENSITY/INTENSITY												
Residential density (units/acre)												
Min. ¹	8	12	None	None	10	None	None	None	8	None	None	None
Max.	30	30	20	20	30	None	None	None	30	None	None	None
Nonresidential building coverage	60%	75%	40%	50%	50%	None	None	None	None	None	None	None
Nonresidential GLA (max)	100,000 ²	None ²	None	None	None	None	None	None	None	None	None	None
LOT STANDARDS												
Min. lot area (sq. ft.)	None	None	6,000	6,000	None	None	None	6,000	None	None	None	None
Min. lot width (ft.)	None	None	60	60	None	None	None	60	None	None	None	None
Min. lot depth (ft.)	None	None	90	90	None	None	None	90	None	None	None	None
SETBACKS (ft.)												
Front	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	15 min.	10 min. 100 max.	25 min.	25 min.	25 min.	25 min.
Side-street (min)	15	15	10	10	10	10	15	10	25	20	25	25

Side-interior (min)	10	10	10	10	10	10	10	10	10 ⁴	10	10 ⁴	20 ⁴
Rear (min)	10	10	10	10	10	10	15	10	10 ⁴	20	10 ⁴	10 ⁴
MAXIMUM BUILDING HEIGHT (stories)												
By right	5	5	3	3	5	5	5	5	5	5	5	5
With building height bonus	8	8	-	8	8	8	-	8	-	-	-	-

LEGEND:

1 = Lots that existed on November 13, 1991, as recorded in the city and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.

2 = Developments of 50,000 sq. ft. or more of gross leasable area shall be located along arterials or collectors, as defined in the official roadway map.

3 = Where the yard abuts and is used for access to a railroad siding, the minimum setback shall be zero feet.

4 = Where the rear or side yard abuts U1 or single-family residential zoning or a historic district, section 30-4.8 development compatibility standards shall apply.

(Ord. No. [170974](#), § 8, 2-21-19)

Sec. 30-4.21. - Design standards.

A. *Parking.*

1. Motor vehicle parking is required in accordance with article VII. All motor vehicle parking except a double-loaded row of parking shall be located in the rear and/or interior side of the building, unless such a location is prevented by topography, stormwater retention or significant trees, as determined by the appropriate reviewing board, city manager or designee. In no case shall more than 50 percent of the parking be located between the front facade and the primary abutting street, unless modified by the appropriate reviewing board, city manager or designee. However, driveway entrances and exits to parking areas shall be allowed on the front side of the building. There shall be no limit on the number of parking spaces in parking structures.
2. Bicycle parking spaces shall be installed as required by article VII. Such parking may encroach into the public right-of-way and may be located within the building frontage and/or landscape zones. Bicycle parking requirements may be waived if public bicycle parking exists to serve the use.

B. *Sidewalks.*

1. All developments, unless provided otherwise in this chapter, shall provide sidewalks along all street frontage. All developments shall provide pedestrian connections from the public sidewalk to the principal building. Entrance sidewalks shall be a minimum of five feet of clear width.
2. *Minimum sidewalk widths.*

Multi-Family Residential/Industrial	Commercial/Institutional/Office/Mixed-Use
7 feet	8 feet

The minimum unobstructed width shall be two feet less than the required sidewalk width, as long as at least five feet of unobstructed width is retained. At transit stops, the minimum width is eight feet of unobstructed width.

- C. *Building orientation.* The main entrance of buildings or units shall be located on the first floor on the more primary street.
- D. *Glazing.* 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 three feet and eight feet above grade) on the first floor. Operable transparent entrance doors may be included in the calculation of total facade surface area.
- E. *Mechanical equipment.* All mechanical equipment shall be placed on the roof, in the rear or side of the building, and shall be screened with parapets or other types of visual screening.

(Ord. No. [170831](#), § 5, 4-5-18)

Sec. 30-5.19. - Outdoor storage.

Where outdoor storage is a permitted principal use (not including accessory, short-term, or temporary storage) the following requirements apply (see applicable use standards in article V for outdoor storage as an accessory use):

- A. *Screening requirements.* A landscape buffer strip shall be provided in the same manner as if the property were in an industrial land use designation in accordance with the requirements of article VIII.
 - 1. Additional screening may be required to visually shield the use from the public right-of-way.
 - 2. No merchandise, equipment, machinery, materials, motor vehicles or other items shall be stored above the height of the landscape buffer strip.
- B. *Hazardous materials.* Compliance with the county hazardous materials code is required.

(Ord. No. [190292](#), § 8, 2-20-20)

Sec. 30-5.40. - Outdoor accessory display and storage.

The reviewing board or city manager or designee may authorize accessory display and/or storage outside of enclosed buildings subject to the following conditions:

- A. The outdoor storage/display area shall be designated on an approved development plan.
- B. The proposal shall be in accordance with the overall design and conditions of the development plan for the principal use.
- C. If the proposed outdoor display or storage is located within 20 feet of a public right-of-way, it shall be enclosed and screened by a wall, fence or hedge that is not less in height than two-thirds the height of any equipment or fixtures used or any material stored or offered for sale.
- D. The outdoor storage and/or display shall be clearly incidental or accessory to the principal use of the property and shall be limited to not more than 25 percent of the total building size of the principal use.

(Ord. No. [190292](#), § 10, 2-20-20)

Sec. 30-8.2. - General environmental performance standards.

- A. *Applicability.* All uses and activities permitted in any zoning district shall conform to the standards of performance described in this section.
- B. *Showing of probable compliance.* Uses and activities required to comply with this section shall make a showing of probable compliance with the performance standards described in this section. This showing shall be in the form of a letter submitted with a zoning compliance permit or development plan, as applicable, prepared by a professional engineer licensed by the State of Florida, certifying that the use or activity complies with all performance standards described in this section.
 - 1. *Fire and explosion hazards.* All activities and all storage of flammable and explosive materials or products at any place shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and fire suppression equipment, as prescribed by the fire prevention code adopted in chapter 10 of the Code of Ordinances.
 - 2. *Radiation.* All sources of ionizing radiation shall be registered or licensed by the Florida Department of Health. The handling of radioactive materials, the discharge of such materials into air or water, and the disposal of radioactive wastes shall be in conformance with applicable state and federal regulations.
 - 3. *Electromagnetic radiation.* Electromagnetic radiation generated by activities shall not adversely affect any operation or equipment other than those of the creation of the radiation. Interference with radio and television reception is prohibited. Equipment or activities generating electromagnetic radiation shall conform to the regulations of and, where appropriate, be licensed by the Federal Communications Commission.
 - 4. *Waste disposal.* All waste disposal including discharge of any liquid or solid waste into any public or private sewage system, the ground, or any lake, creek, or wetland shall be in accordance with state, federal, and local law and applicable regulations of state, federal and local agencies.
 - 5. *Vibration.* No use shall at any time create earth-born vibration which when measured at the boundary property line of the source operation exceeds the maximum allowable peak particle velocity set forth below. Ground vibration shall be measured as particle velocity using accelerometers. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements.

Frequency (Cycles per Second)	Maximum Peak Particle Velocity (Inches Per Second)
0 to 10	0.05
10 to 19	0.50
20 to 29	1.00
30 to 39	1.50
40 and over	2.00

6. *Sound.* All uses and activities shall not exceed the sound pressure levels set forth in chapter 15 of the Code of Ordinances.
 7. *Heat, cold, dampness or movement of air.* Activities on any property which produce any adverse effect on the temperature, motion or humidity of the atmosphere beyond the lot lines are not permitted.
 8. *Odor.* No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort, or hazard beyond the bounding property lines of such a use. For the purpose of this performance standard, the presence of such a described odor shall be determined by observation by a person or persons designated by the city manager or designee. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing and Materials (ASTM) E679 and E1432, entitled "Standard Practice for Determination of Odor and Taste Thresholds By a Forced-Choice Ascending Concentration Series Method of Limits" and "Standard Practice for Defining and Calculating Individual and Group Sensory Thresholds for Forced-Choice Data Sets of Intermediate Size," respectively. The operator and the city shall equally share the cost of conducting the more elaborate ASTM E679 Procedure.
 9. *Air quality.* All development shall maintain air quality levels that comply with state and national ambient air quality standards.
 10. *Air pollution emissions.* No industrial operation or use shall cause, create, or allow the emission of air contaminants which at the emission point or within the bounds of the property are in violation of the standards specified by the Florida Department of Environmental Protection, or successor agency, or any governmental entity with regulatory jurisdiction, whichever standards are more stringent.
 11. *Other air pollution.* Open storage and open processing operations, including on-site transportation movements, which are the source of windblown or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including but not limited to paint spraying, grain or seed handling, sand or gravel processing or storage or sand blasting shall be conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the Florida Department of Environmental Protection, or successor agency, or any governmental entity with regulatory jurisdiction, whichever standards are more stringent.
 12. *Toxics.* No industrial operation or use shall emit toxic or noxious matter at a concentration exceeding ambient air quality standards for the State of Florida across the property line of the parcel on which the operation or use is located. Where toxic materials are not listed in the ambient air quality standards of the state, concentrations shall not exceed one percent of the threshold limit values (TLVs) adopted by the American Conference of Governmental Industrial Hygienists (ACGIH). If a toxic substance is not listed by the ACGIH, verification of safe levels of the proposed toxic material for public health, plant and animal life will be required.
- C. *Utility service.* All utility services, including but not limited to those of franchised utilities, electric power and light, telephone, cable services, water, sewer and gas, shall be installed beneath the surface of the ground, unless the city manager or designee determines that the soil, topography and other compelling condition makes it unreasonable or impractical. The subsurface mounting of incidental appurtenances, including but not limited to transformer boxes or pedestal-mounted boxes for the provision of utilities, electric meters, back flow preventers and fire hydrants, is not required.

Sec. 30-8.5. - Compatibility buffers.

This section is intended to provide the minimum requirements for separation of land uses of differing type and intensity. 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.

- A. *Required buffer strip areas.* Buffer strips between properties are intended to provide visual screening and sound attenuation of more intense land uses from abutting less intense land uses. The required buffer type, shown in Chart A below, depends on the land use designation of the subject property which is being developed and the land use designations of the abutting properties. The required width of the each buffer type and the required amount of shade trees, understory trees, and shrubs are shown in Chart B below:

CHART A. LAND USE BUFFER TYPES

FUTURE LAND USE DESIGNATION							
Abutting property →	Single Family Res. Low	Res. Medium Res. High MU Office/Res Office	MU Low MU Medium Urban Core UMU UMU High	Commercial Business Ind.	Industrial	Education Recreation Public Facilities	Agriculture Conservation
Subject property ↓							
Single-Family Residential Low	-	-	-	-	-	-	A
Res. Medium Res. High MU Office/Residential Office	A	-	-	-	-	A	A
MU Low MU Medium Urban Core UMU UMU High	B	A	-	-	-	A	B
Commercial Business Ind.	C	B	A	-	-	B	C

Industrial	C	C	C	B	-	C	C
Education Recreation Public Facilities	A	A	-	-	-	-	A
Agriculture Conservation	-	-	-	-	-	-	-

CHART B. REQUIRED WIDTH AND PLANTINGS FOR BUFFER TYPES

BUFFER TYPE	MIN. WIDTH	SHADE TREES (per 100 linear feet)	UNDERSTORY TREES (per 100 linear feet)	SHRUBS (per 100 linear feet)
A	9'	2	2	20
B	9'	3	2	20
C	15'	3	3	25

- B. *Buffer widths.* The appropriate reviewing board, or the city manager or designee, may require the expansion of the minimum width of the buffer strip to ensure that trees will meet separation requirements from utility lines, buildings, or paved areas, or to allow for the inclusion of an existing high-quality shade tree in the buffer strip.
- C. *Driveways and sidewalks.* The widths of driveways and pedestrian or bicycle facilities that cross through a required buffer shall be subtracted from the linear feet of buffer length for the purposes of calculating the number of required plantings in Chart B above.
- D. *Existing trees and natural vegetation in buffers.* Any regulated, high quality shade trees existing within the minimum required buffer width shall be protected in accordance with section 30-8.8. Credit for preserving existing trees shall be applied in accordance with this article. High quality heritage trees within buffer areas should be preserved with the area underneath the canopy dripline protected. Sidewalks and bicycle access infrastructure may be permitted within the protection zones of a high quality heritage tree but not within the root plate. Natural vegetation, if it achieves a continuous 75 percent opacity for 10 months of the year, may be substituted for the required shrubs. If a buffer that preserved existing vegetation is subsequently cleared by the property owner or when permits for tree removal are granted post-development, then the required shrubs and trees in accordance with this section shall be required.
- E. *Invasive nonnative vegetation in buffers.* All buffers shall be maintained to remove invasive nonnative plant species and curtail natural regeneration of seedling loblolly and slash pines. The density of loblolly and slash pines in a natural buffer should be managed so the remaining pines grow no closer than 25 feet and seedling regeneration is curtailed.

- F. *Sound attenuation.* The reviewing board, or city manager or designee, may address the need for sound attenuation of certain equipment, such as refrigeration units, motors, fans, power tools, etc., or uses such as loading, vehicle repair, outdoor recreation, etc., by requiring a study, prepared by a licensed engineer or architect, to address the potential for a noise disturbance to be transmitted to adjacent properties by the proposed use, and may require the installation of a wall, fence or berm in addition to required landscape material. The wall, fence or berm may be located within the required buffer or directly around the equipment or use which requires sound attenuation.
- G. *Street trees.* Street trees shall be planted along the sides of all streets within a development and on the development side of any contiguous street. Street trees shall be planted for every 30 to 50 feet of street frontage, depending on the canopy area needed for the tree species. The widths of driveways along a street shall be subtracted from the linear feet of street frontage length for the purposes of calculating the number of required street trees. In no case shall trees be spaced closer together than 25 feet or farther apart than 60 feet. Alleys are exempt from this requirement for street trees.
1. Street trees shall be high quality shade trees and shall be planted in tree lawns with a minimum width of eight feet, or within tree wells with minimum four-foot by four-foot surface openings.
 - a. On-street parking spaces may be located between street trees, as long as the required number of trees is planted along the street frontage and the minimum rootzone volume is provided for each tree.
 - b. Tree wells may be enclosed with pavers or other hardscape materials above the required rootzone volume. The city manager or designee may determine if installation of an aeration system is necessary to conduit water and oxygen to the roots of trees within tree wells.
 2. Where possible, street trees shall be planted between the street and the public sidewalk. Street trees may be planted between the sidewalk and adjacent buildings only where the location of existing or proposed utility lines along the street, or the clear zone requirements of the public works department or other maintaining agency, prevent the location of trees between the street and sidewalk. Where street trees are approved to be planted between the sidewalk and adjacent buildings, the trees may be located as close as five feet away from building face.
 3. The reviewing board, or the city manager or designee, may require the adjustment of the prescribed build-to line in order to accommodate the required street trees and ensure that the trees will meet separation requirements from utility lines, buildings, and paved areas.
 4. Where possible, developments shall be designed to preserve as street trees any existing champion or high quality heritage trees which are located in the right-of-way or on private property within 20 feet of the right-of-way. Where these trees are preserved, no new construction or grading shall occur within the tree root plate, and new buildings shall be designed so that no more than 25 percent of the crown of the trees is removed. The area underneath the canopy of the preserved trees shall be exempt from tree planting requirements, and the required distances between street trees may be modified.
 5. A minimum ten-foot separation shall be provided between street trees and street stormwater inlets, except where bioretention inlets that incorporate trees are utilized.
 6. Where the required street trees would overlap with trees that are required to satisfy perimeter landscaping requirements for vehicular use areas, only the requirements for the vehicular use area shall be met.
- H. *Parking structures along a street.* Except at points of ingress and egress, and except as required in article IV for transect zones, parking structures shall provide a ten-foot-wide landscaping strip between the public sidewalk and the structure, which is designed to screen automobiles from pedestrians on the street. This strip shall be planted with evergreen shade trees at an average of four trees for every 100 feet of the linear distance of the street frontage of the structure, excluding the width of driveways. The required trees shall be supplemented with a continuous line of shrubs. This landscaping strip is required when the ground floor use is parking, but is not required where parking structures are shielded from the street by liner buildings or provide office or commercial uses along the first floor street frontage.