

Exhibit “E”

**Comprehensive Plan and Land Development Code
References.**

Goals, Objectives and Policies of the Comprehensive Plan

Relevant Goals, Policies and Objectives of the Future Land Use Element of the Comprehensive Plan

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.

Policy 2.1.4

The City shall designate an Urban Infill and Redevelopment Area for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives in the urban core. The designated Urban Infill and Redevelopment Area shall

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.

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.

Policy 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.

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 <u>Chapter 19</u> , 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-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-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-	Retail nurseries, lawn and	

526	garden supply stores	
MG-53	General merchandise stores	
MG-54	Food stores	Accessory gasoline and alternative fuel pumps in accordance with article VI
GN-553	Auto and home supply stores	Garage and installation facilities, in accordance with the provisions for 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-79	Amusement and recreation services	Only within enclosed structures, and excluding go-cart rental and 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 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
	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)

- (5) That the use or development is serviced by streets of adequate capacity to accommodate the traffic impacts of the proposed use.
- (6) 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.
- (7) 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](#)

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.