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- Correct the error in Sec. 30-318(b)(4)b, concerning the reference to the provisions for special use permits. It should say “article VII, division 4 5”.
- Correct the reference in Sec. 30-353(d)(1), changing Article ~~VIII~~, Division 1 to Article X, Division 1 and deleting an extra word.
- Correct the omission of the letter “e” from what should be the word, “note,” on page 30:376.46 in the University Heights Special Area Plan.
- Clarification within the S.W. 13th Street Special Area Plan, specifically Appendix A, Section 7(r) *Signs*.

CODE: Words and numbers ~~stricken~~ are deletions; words and numbers underlined are additions.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH: JS

Attachment

Attachment - Proposed Text Changes

Sec. 30-41. Establishment of zoning districts and categories.

(a) In order to classify, regulate and restrict the use of land, water, buildings and structures; regulate the height and bulk of buildings; regulate the intensity of land use; implement the comprehensive plan; and promote orderly urban growth within the corporate area of the city, the following zoning districts/categories are established:

(4) *Mixed use districts.*

- MU-1: ~~8-10~~-30 units/acre mixed use low intensity.
- MU-2: ~~12-14~~-30 units/acre mixed use medium intensity.
- CCD: Up to 150 units/acre central city district.
- UMU-1: Up to 75 units/acre urban mixed-use district.
- UMU-2: Up to 100 units/acre urban mixed-use district.

Sec. 30-52. Residential low density districts (RMF-5, RC and MH).

(d) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the requirements in Table 2.

(e) *General requirements.* All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-56 and article IX.

TABLE 2. DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL
 LOW DENSITY AND RC DISTRICTS
 Principal Structures

| | | MH | RMF-5 | RC |
|--|---------------------------------------|---------------|-----------------------------|----------------------------|
| Maximum density | | 12 du/a | 12 du/a | 12 du/a |
| Minimum lot area: ¹ | | | | |
| | Single-family dwelling unit | 3,000 sq. ft. | 3,500 sq. ft. | 3,000 sq. ft. |
| | Two-family dwelling unit ¹ | N/A | 7,000 sq. ft. ² | 6,000 sq. ft. ³ |
| | Three-family dwelling unit | N/A | 10,500 sq. ft. ⁷ | N/A |
| | Four-family dwelling unit | N/A | 14,000 sq. ft. ⁷ | N/A |
| Minimum lot width at minimum front yard setback: | | | | |
| | Single-family dwelling unit | N/A | 40 ft. | 35 ft. |
| | Two-family dwelling unit | N/A | 75 ⁴ ft. | 70 ⁴ ft. |
| | Three-family dwelling unit | N/A | 85 ft. ⁷ | N/A |
| | Four-family dwelling unit | N/A | 100 ft. ⁷ | N/A |
| | Five & six-family dwelling unit | | 120 ft. ⁷ | N/A |

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| Minimum yard setbacks: | | | | |
|-------------------------|-----------------|--------|----------------------|---|
| | Front | 15 ft. | 20 ft. | The average of the actual distance (up to 20 feet) between the street right-of-way and principal structures on the 2 adjoining lots, using 20 ft. for any adjoining vacant lot. |
| | Side (interior) | 10 ft. | 7.5 ft. ⁵ | 5 ft. ⁶ |
| | Side (street) | N/A | 10 ft. | N/A |
| | Rear | 15 ft. | 20 ft. | 20 ft. |
| Maximum building height | | 25 ft. | 3 stories | 3 stories |
| Maximum lot coverage | | N/A | 35% | 50% |

¹ A separate lot does not need to be created for each duplex, triplex, or quadraplex structure, where applicable.

² However, the dwelling may be arranged so that a common wall is located on the property line of adjoining lots with a minimum lot area of 5,000 square feet in the RMF-5 district.

³ However, the dwelling may be arranged so that a common wall is located on the property line of adjoining lots with a minimum of 3,000 square feet in the RC district.

⁴ Except when a common wall is located on the property line of two adjoining lots, in which case the required width is 50 feet for each lot.

⁵ Except where a two-family dwelling is located with a common wall on the property line of two adjoining lots. In such instances, the yard setback for the side of each lot opposite the common wall shall be at least 10 feet in the RMF-5 district. No setback for attached rowhouse and townhouse units.

⁶ Except where a two-family dwelling is located with a common wall on the property line of two adjoining lots. In such instances, the yard setback for the side of each lot opposite the common wall shall be at least 7.5 feet in the RC district.

⁷ Attached rowhouses and townhouses require no minimum lot width; however, such units require a 40-foot lot width maximum when units are on separate lots. In addition, such lots require no minimum lot area.

Sec. 30-98. Wireless Communication Facilities and Antenna Regulations

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

- (1) Reactivate the use of the tower;
- (2) Transfer the tower to another owner who makes actual use of the facility; or
- (3) Remove the tower and all associated equipment. If the tower is not removed within 90 days of the receipt of notice of abandonment, the city may dismantle and remove the tower and recover the costs from the owner or by accessing the bond set forth in subsection 30-98(m), Submittal requirements.

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

- (9) A bond or irrevocable letter of credit in an amount determined by the city manager or designee, and subject to the approval of the City Attorney as to form and legality, to ensure that if the tower is abandoned pursuant to subsection 30-98(l m), cost to the City for removal of the tower shall be guaranteed to the City.

Sec. 30-112. Historic preservation/conservation.

(a) *Findings.* The city commission hereby finds as follows:

- (2) In recognition of these assets, the city has recently adopted the 2000-2010 1991-2001 Comprehensive Plan which includes a historic preservation element;

Sec. 30-160. Submittal requirements.

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

- (33) A photometric plan. For all development plans requiring development plan review by a reviewing board, the plan shall be certified by a registered architect or engineer, or lighting professional holding a current LC (lighting certification) from the National Council on Qualifications for the Lighting Profession (NCQLP), as providing illumination in accordance with the applicable standards set forth in sections 30-330(a)(4) and 30-345(b)(8) and (9) (a)(9) and (10). For development plans requiring staff review only, the city manager or designee shall determine whether such a lighting plan is required. Plans shall indicate the location, height and types of lights (manufacturer's catalog cut, including make and model numbers and glare reduction/control devices), footcandle grid to illustrate light levels required, uniformity ratio, lamp wattage, shades, deflectors, beam direction, luminous area for each source of light and a statement of the proposed hours when the luminaries will be on and when they will be extinguished.

Sec. 30-318. Permanent signs.

(b) Ground-mounted signs for single- and multiple-occupancy developments.

(4) I-75 corridor signs.

- b. An applicant for this additional ground-mounted sign may apply for a special use permit for an I-75 corridor sign which allows a maximum height above 18 feet. The plan board shall review sign height and the overall site design in order to make the appropriate findings in accordance with article VII and the following special considerations. Under no circumstances may a special use permit be granted for any sign exceeding 90 feet in height. The burden shall be on the applicant to prove by clear and convincing evidence that all conditions of article VII, division 4.5, are met and that no on-site sign of a height of 18 feet or less can be seen by motorists on I-75 at a distance of 1/4 mile from the nearest exit ramp and that the sign requested is of the minimum height and orientation necessary to achieve such visibility due to special conditions and circumstances relative to topography, vegetation or the built environment. Applicants for the special use permit must include certification by a registered engineer or other reliable documentary evidence of the factual and methodological basis that no on-site ground-mounted or roof-mounted sign of a height of 18 feet or less could be seen as specified above and that the requested sign is of the minimum height and orientation required to establish the clear view-shed above visual obstacles such as topographical conditions, vegetation or built environment. If the applicant cannot prove that such visibility will be achieved within the 90 feet height, then no special use permit shall be issued. In addition, no special use permit for an I-75 corridor sign shall be granted unless the applicant can prove that the special conditions and circumstances do not result from actions of the applicant.

Sec. 30-353. City plan board.

(d) Rules of procedure. The city plan board shall adopt rules of procedure to carry out its purposes. All rules must conform to this article, the Code of Ordinances and state law.

- (1) The city plan board shall conduct hearings in accordance with Article X VIII, Division 1, of this chapter.
- (2) The city plan board shall meet at least once each calendar month, unless cancelled by the board or its chair, and more often at the call of the chair or the city commission.
- (3) The city plan board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- (4) The board shall adopt rules setting the number of members needed to establish a quorum.
- (5) Each decision of a the board must be approved by a majority vote of the regular members present at a meeting in which a quorum is in attendance and voting.

APPENDIX A. SPECIAL AREA PLANS

SECTION 6. SPECIAL AREA PLAN FOR UNIVERSITY HEIGHTS

Exhibit A. Special Area Plan for University Heights

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

Garden Apartment Building

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

| | |
|----------------------------|---|
| <i>Building Placement:</i> | |
| Building Frontage | 65% minimum to 85% maximum lot frontage |
| Build-to line locations | <i>Corner Lots:</i> |
| | 5--15 ft. from the property line (see note 5 below) |
| | 0--15 ft. from the side street property line (see note 5 below) |
| | <i>Interior Lots:</i> |
| | 10--20 ft. from the property line |
| Side Setback | 8 ft. from the side property line |
| Rear Setback | Twenty-foot minimum from the rear property line, except that the setback may be reduced to five feet if approved by the appropriate reviewing board to accommodate special site features. |
| Building Coverage | 60% maximum |
| <i>Height:</i> | |
| Maximum Height | 48 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply. |
| Minimum Height | 2 stories at least 27 ft. above grade. Dormers are not considered stories. |
| First Story Elevation | 1.5 ft. above grade, minimum (4 ft. recommended). When building is below grade of street, building design shall elevate windows or use other strategies to maintain privacy. |

Note:

1. Appurtenances may extend beyond the height limit.

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

APPENDIX A. SPECIAL AREA PLANS

SECTION 7. SPECIAL AREA PLAN FOR SOUTHWEST 13TH STREET

Exhibit A. Special Area Plan Southwest 13th Street

(r) *Signs.* The provisions of the City sign code (Article IX, Division 1) apply within the corridor area. ~~Two additional provisions are as follows: Those exceptions are listed below:~~

- New pole-mounted signs shall be prohibited within the corridor.
- Each multiple-occupancy complex and each single-occupancy building/development may have one or two ground-mounted signs in accordance with the following:

| Street Frontage (feet) | Maximum # of Signs | Maximum Size of Sign (sq. ft.) | Minimum Distance from Side Property Line (feet) | Minimum Distance from Other Signs (ft.) |
|-------------------------------------|--------------------|---|---|---|
| Less than 50 | 1 | 24 | 10 | -- |
| 50 to less than 100 | 1 | 32 | 10 | -- |
| 100 to less than 200 | 1 | 64 | 20 | -- |
| 200 to less than 300 | 1 | 72 | 50 | 50 |
| Greater than 300 | 1 | 96 | 50 | 100 |
| Greater than 600 with no outparcels | 2 | Total square footage no more than 144; neither sign may be greater than 96 square feet or more than 10 feet in height | 50 | 250 |