

CITY DEVELOPMENT REVIEW BOARD STAFF REPORT

PUBLIC HEARING DATE: May 31, 2022

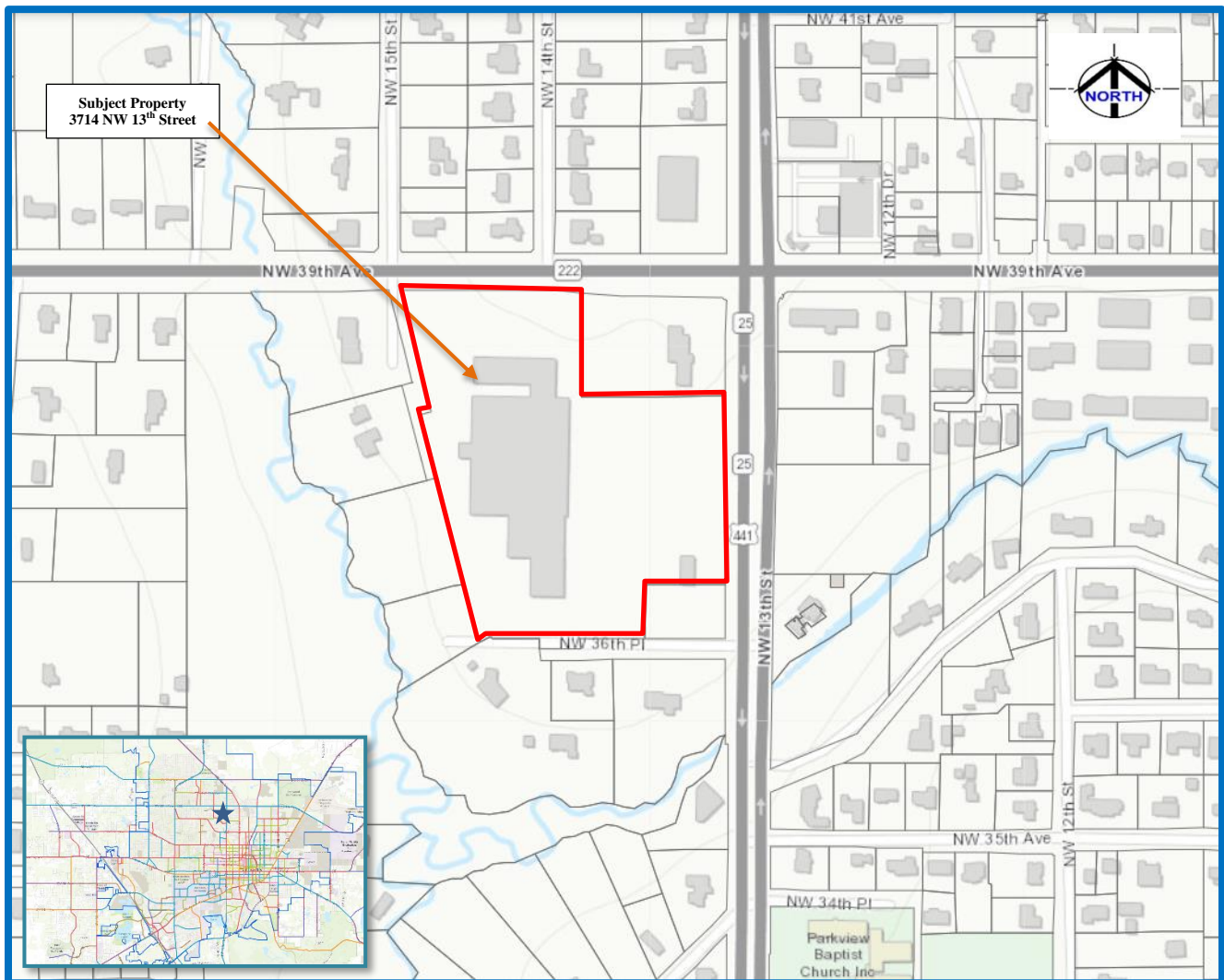
ITEM NO: 1

PROJECT NAME AND NUMBER: 3714 NW 13th. Street. Petition LD22-000049 VAR

APPLICATION TYPE: Variances with no Development Plan Review

CITY PROJECT CONTACT: Lawrence Calderon/ Dan Zhu, Planner III

Map 1: General Location Map of 3714 NW 13th. Street.



APPLICATION INFORMATION:

Agent/Applicant: EDA Inc. (Onelia Lazzari)

Property Owner(s): The Exchange Center Shopping Center.

Neighborhood Workshop: Not Required

SITE INFORMATION:

Address: 3714 NW 13th. Street

Parcel Number(s): 07960-048-002

Acreage: Approximately 10.04 Acres (473,342 sq. ft.)

Existing Use(s): Shopping Center with An Automotive Use Facility

Land Use Designation(s): MUL – Mixed Use Low Intensity

Zoning Designation(s): MU-1: Urban 7

Overlay District(s): Wellfield Tertiary Zone

Transportation Mobility Program Area (TMPA): Area B

Water Management District: Saint John's River Water Management District

Special Feature(s): Existing Shopping Center with a use needing to create a separate parcel.

Annexed: 1961

Code Violations: No record of Code Violations

ADJACENT PROPERTY CHARACTERISTICS:

	EXISTING USE(S)	LAND USE	ZONING DESIGNATION(S)
North	Residential and Commercial PD	PD and Single-family	PD Commercial and RSF-1
South	Restaurant and Residential	MUL: Mixed Use Low	MU-1 Mixed Use Low Intensity
East	Service Station and Offices	Office	MU-1 Mixed Use Low Intensity and OF
West	Single family Residential	Residential Low	RSF-4 Single-family Residential

BACKGROUND AND EXPLANATION:

The subject property is located in the northern section of the City, at the intersection of NW 39th Avenue and NW 13th Street. The property is listed as Tax Parcel #07960-048-002 with an address of 3714 NW 13th Street. The property is approximately +/- 10 acres in size and is currently improved with a shopping center with outparcels on the northeast and southeast corners of the development (See Map 2 below). The Exchange Shopping Center has been developed since 1995 and includes the primary retail building to the west and a Jiffy Lube service facility closer to NW 13th Street. The applicant was granted a variance on March 22, 2022 to reduce the south interior side setback from 10 feet to 3 feet. The applicant later discovered that the variance needed is to reduce the setback to 2.8 feet.

REQUESTED VARIANCES:

The applicant is requesting a modification of a variance issued under DB-21-221 VAR for the south side setback to be from 10 feet to 2.8 feet (instead of the previously requested 3 feet). The reason for this application is because the EDA survey team found out on May 2, 2022, that the Jiffy Lube is only 2.86ft from the south property line.

The applicant lists the following reasons for the variance in the previous DB-21-221 VAR:

Variances to the setbacks (internal to the shopping center site) are necessary to facilitate a proposed minor subdivision on the site for the existing, developed Jiffy Lube business due to multiple factors, including:

1. There is a desire to create a separately owned parcel for the existing Jiffy Lube business. A minor subdivision is necessary to create the new parcel for the developed Jiffy Lube business. The minor subdivision will be proposed in a separate application.
2. References to outparcels in neighborhood shopping centers and their associated setbacks in the MU-1 zoning district were eliminated in the 2017 Land Development Code update. As a result, the only setbacks listed in the Land Development Code now are generic setbacks for all MU-1 parcels.
3. The Dunkin' Donuts abutting to the south was granted a minor subdivision to create its parcel in September 2010. This minor subdivision was approved based on the setbacks for outparcels in the pre-2017 Land Development Code.
4. The Dunkin' Donuts building/site does not meet the setback requirements to create a new parcel (by minor subdivision) in the current Land Development Code. And, as a result, it creates a non-conforming situation for the Jiffy Lube site that was built prior to the construction of the Dunkin' Donuts and prior to the approval of the minor subdivision for Dunkin' Donuts.
5. The pre-2017 Land Development Code side and rear setbacks for outparcels in the MU-1 zoning district were 0 feet unless the side and/or rear yard abutted a residential zoning district (Sections 30-64(d)(5) and 30-64(d)(7) b., see Attachment 1 from pre-2017 Code for MU-1 included in this report).

An aerial photograph of a commercial area in Miami, Florida. The map shows a large parking lot and several buildings. A red line outlines a large area, and a yellow line outlines a smaller area labeled "Proposed Jilly Parcel". Other labels include "OUTPARCEL", "Dunkin' Parcel", "NW 39th Ave.", "NW 13th Street", and "NW 36th Place". The area is surrounded by trees and other commercial buildings.

[illegible]

Map 4. Existing Separation Between Buildings



Map 5. Setbacks and Existing Separation between Buildings



STAFF ANALYSIS:

Analysis:

Staff has reviewed this petition in the context of **Sec. 30-4.20 and Sec. 30-3.55** of the Land Development Code. Those sections of the code set development standards, define a variance and authorize the Board to grant variances from certain provisions of the code. It also places restrictions on granting variances and outlines the general requirement for granting a variance. The Land Development Code is clear in outlining findings needed in order to grant a variance.

Staff identify the following key issues as directly related to the requested variance:

1. Zoning and development standards (side setbacks) have changed on the subject property.
2. The south side setback is an existing nonconforming standard.
3. The request is to create a new parcel
4. The request will not change physical site conditions.

In considering a request for a variance, the code requires that the board establish findings that the request demonstrates the following:

1. ***That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.***

The applicant stated that the special conditions and circumstances peculiar to the land, structure or building are the removal of the 0-foot rear and side setbacks previously allowed in the MU-1 zoning district. The Minor Subdivision establishing Parcel A resulted in a 2.91-foot setback which complied with the MU-1 zoning standard at that time. When the development standard was changed to establish a more restrictive setback of 5 feet, that action resulted in a legal nonconforming south side setback of 2.91 feet. The Land Development Code allows such nonconformities to exist without having to bring the building into compliance. However, if the building is destroyed, it must be reconstructed in conformance with development standards existing at the time of construction. The applicant wishes to address the nonconformities in order to create a new legal lot.

2. ***That the special conditions and circumstances do not result from the action of the applicant.***

The lot layout and building configuration at the Exchange center has been in existence for several years. The issue resulting in the need for a variance is the desire to establish a separate parcel for the Jiffy Lube facility. The existing nonconforming south side setback is acceptable by the City and would not be enforced. However, the applicant is attempting to remove any encumbrances and to allow redevelopment in the same footprint, should the building be demolished.

3. ***That granting the variance requested will not confer on the applicant any special privilege that is denied by this section to other lands, structures or buildings in the same district.***

The Board's review of the variance must be based on the "Findings of Fact" listed in the Land Development Code (LDC) in order to avoid any appearance of conferring special privileges. In reaching a decision on the requested variance, the board must consider the material facts and competent and substantial evidence presented at the public hearing. The applicant has provided documentation demonstrating the basis for the requested variance and the circumstances resulting in the need for such a variance. Staff has also provided an analysis of the request based on the findings of fact listed in the Land Development Code. In arriving at a decision the board must consider the merits of the information provided relative to the criteria for granting a variance. Such a decision is considered sound and not one based on conferring special privilege.

4. ***That literal enforcement of the provisions of the Land Development Code or building chapters would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or Building code.***

Although non-conforming, the subject properties are currently improved and have enjoyed development rights afforded under the current zoning since 1998. The property boundaries can also be developed in alternate ways that would comply with the standards of the MU-1 zoning district. However, the applicant states that the objective of the variance is to establish legitimate property boundaries, which is a right available to property owners. Consideration must therefore be given to the merits of establishing the property boundaries as proposed and whether alternate options exist to achieve the same goals without a variance.

Strict application and literal enforcement of the provisions of the Land Development Code or Building Chapters will not deprive the applicant of rights typically enjoyed by most property owners.

5. ***The variance requested is the minimum variance required to make possible the reasonable use of the land, building or structure.***

In both cases, the requested variance is the minimum necessary to make possible creation of the proposed property boundaries for the Jiffy Lube property. The applicant has provided documentation claiming that the proposed design is the minimum variance required to make possible the reasonable use of the land, building or structure.

6. ***The variance is in harmony with the general intent and purpose of the regulation at issue and the Land Development Code, and such variance will not be injurious to the abutting lands or to the area involved or otherwise detrimental to the public welfare.***

The intent of the variance procedure is to provide relief to property owners who experience hardships in pursuing developments in strict compliance with the Land Development Code, without being injurious and in disharmony with surrounding neighborhoods. The applicant presented information identifying factors which are unique to the subject property and not typical of other sites. The requested variance is to establish legal boundaries of property ownership. Since the variance will not result in new construction, the site will continue to operate in the same manner as it did. The spatial relationship of improvements and activities on the site will continue to maintain compatibility and the harmonious operation of activities on a daily basis. The impact

of the variance will be to establish boundaries with City-authorized setbacks, having no encumbrances.

In considering this variances, it is important to consider whether the requested variance is consistent with the findings of fact listed in Section 30-3.55 for granting a variance. That is, establishing unique situations related to the land, structure or building that create hardships in complying with the required development standards. Once those unique hardships have been established, it is also important to establish that the proposed use, design and modifications would be in harmony with the overall character of the neighborhood and would not create negative impacts.

If the variance is granted, nothing on the site will be changed. The requested variance will not be injurious to the abutting lands or to the area involved or otherwise be detrimental to the public welfare.

The petitioner must demonstrate compliance with the findings necessary to issue a variance and must show restricting hardships.

STAFF RECOMMENDATION:

Review the application, Petition LD22-000049, for compliance with the criteria necessary for granting a variance.

POST-APPROVAL REQUIREMENTS:

If approved the applicant has six months to implement the variance; failing implementation of the variance, the approval becomes null and void and will require a new application. Granting the variance will establish a south side setback of 2.8 feet for the referenced structures.

LIST OF ATTACHMENTS:

Attachment A: Application and Supporting Documents.

Attachment B: Some Relevant Land Development Code References



**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

**ATTACHMENT
A**

Petition LD22-000049

May 31, 2022

- 1. Attachment A. - Application and Other Supporting Documents**
- 2. Attachment B: Some Relevant Comp Plan and Land Development Code References**

PETITION TO THE BOARD OF ADJUSTMENT
Planning & Development Services Department

OFFICE USE ONLY

Petition No. _____ Fee: \$ _____

Hearing Date: _____ EZ Fee: \$ _____

Account No. 001-660-6680-3401 []

Account No. 001-660-6680-1124 (Enterprise Zone) []

Account No. 001-660-6680-1125 (Enterprise Zone Credit) []

CHECK ONE:

☒ Variance ☐ Appeal of Administrative Decision ☐ Special Exception ☐ Special Permit

Please note that a pre-application conference is required before submitting this application

Owner(s) of Record (please print)		Agent Authorized to Act on Owner Behalf	
Name: Exchange Associates of Georgia		Name: eda consultants, inc.	
Address: C/O Stafford Dev. Company		Address: 720 SW 2 nd Avenue	
1805 US Hwy 82 West PO Box 269		South Tower, Suite 300	
Tifton, GA 31793		Gainesville, FL 32601	
E-mail Address:		E-mail Address: sreyes@edafl.com	
Phone:		Phone: 352-373-3541	
Fax:		Fax:	
PROPERTY INFORMATION:			
Street address: 3720 NW 13 th St			
Tax parcel no(s): 07960-048-002 (portion of)			
Legal description (may be attached): see attached			
Existing Zoning: MU-1		Lot size: 10.04+/- (portion of)	
Present use: Shopping Center/Jiffy Lube		Proposed use: Shopping Center/Jiffy Lube	
Historic District or Landmark?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Present structures (type) and improvements upon the land: Shopping Center/Jiffy Lube			
SURROUNDING PROPERTY INFORMATION: (List all uses surrounding the subject property under "Existing use." Staff is available to supply zoning and land use information.)			
	Zoning	Land Use	Existing Use
North			NW 39 th Avenue
South	MU-1	MUL	SF house; office; commercial drive-through fast food
East			NW 13 th Street
West	RSF-4	RL	SF houses and vacant

Certified Cashier's Receipt:

Fax: 352-334-3259

Phone: 352-334-5023 Rev.

Planning Division
Planning Counter—158
04/09 jmw

Thomas Center B
306 NE 6th Avenue

SIGNATURE PAGE

1. (a) I hereby attest to the fact that the above supplied parcel number(s) and legal description(s) is (are) the true and proper identification of the area of this petition.

(b) I authorize staff from the Planning and Development Services Department to enter onto the property in question during regular city business hours in order to take photos which will be placed in the permanent file.

2. I/We understand that this petition becomes a part of the permanent records of the Board of Adjustment. I/We hereby certify that the above statements and the statements or showings made in any document or plans submitted herewith are true and correct to the best of my/our knowledge.

Applicant Signature:

Stephanie Sutton

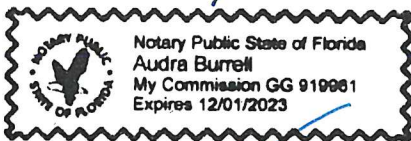
Date:

5/5/22

STATE OF FLORIDA

COUNTY OF Alachua

Sworn to and subscribed before me this 5th day of May 2022
by (Name) Stephanie Sutton



Audra Burrell

Signature – Notary Public

Personally Known ☒ OR Produced Identification ☐ (Type) _____

VARIANCE

The process for requesting a variance is documented in the Land Development Code Chapter 30-354(d)(3).

Indicate the specific code a variance is requested from and summarize the context:

Code source:	<input checked="" type="checkbox"/> Land Development Code	<input type="checkbox"/> Fire Code	<input type="checkbox"/> Building Code
Section:	30-4.20 for MU-1		

The following questions must be answered to demonstrate the foundation for the variance request as specifically required by the Land Development Regulations. As the applicant, you bear the burden of proving the variance criteria.

- (1) What special conditions and circumstances peculiar or unique to this land, structure or building exist that necessitate the variance?

See justification report and see Memo to DRB dated 5/4/22

- (2) Are these special conditions or circumstances applicable to other lands, structures, or buildings in the same district? ☐ YES ☒ NO

See justification report and see Memo to DRB dated 5/4/22

- (3) Does a literal enforcement of the provisions of the zoning or building code limit the use of the property or building in a manner unlike that of other properties in the same district? If so, please describe the limitation or hardship.

See justification report and see Memo to DRB dated 5/4/22

- (4) Were these special conditions or circumstances described in (1), above, the result of your actions?

See justification report and see Memo to DRB dated 5/4/22

- (5) Explain how the requested variance will not confer a special privilege on you that is not enjoyed by other properties in the same district.

See justification report and see Memo to DRB dated 5/4/22

- (6) Has an application for a variance been filed within the last 2 years in connection with these premises? Please note that the board will not entertain an application for a variance within two years of the board issuing a denial of the same variance request. ☐ Yes ☐ No

Please continue on additional pages as needed

(Variance, continued)

In addition to the above criteria, the Board of Adjustment will be required to make the following findings to authorize the variance request: *(please acknowledge by initialing each item)*

- SS (a) That the applicant has met the requirements set forth in section 30-354(d)(3) of the Land Development Code
- SS (b) That the reasons set forth in the application justify granting the variance
- SS (c) That the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building
- SS (d) That granting the variance will be in harmony with the general intent and purpose of the land development code or building chapters
- SS (e) That granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare

Check below that you have included these items with your application:

- ☒ Scaled drawing, site plan, or survey depicting property boundaries, easements, existing and proposed structures shown with their distance to the property line and existing building setback lines. The requested variance should be clearly illustrated with respect to each of these features.
- ☒ Reduced images or digital submission for oversized paper documents (greater than 11x17)
- ☒ Legal description, if not entered on front page
- ☒ Any other supporting materials you wish to provide

Variances are only authorized for height of structures, size of yard setbacks, driveway widths, street line corner clearances, and property line edge clearances as provided in section 30-336(15); and landscape and tree management and flood control provisions as provided in section 30-310.

A variance may not be granted for the following reasons:

- For establishment or expansion of a use otherwise prohibited
- Because of the presence of nonconformities in the zoning district or adjoining districts
- Because of financial loss or business competition
- Because the property was purchased with the intent to develop or improve the property, and the intended development or improvement would violate the restrictions of the land development code or building chapter, whether or not it was known at the time of purchase that such development would be a violation

EDA ENGINEERS-SURVEYORS-
PLANNERS, INC
2404 NW 13th St 720 SW 2nd Ave
GAINESVILLE, FL 32608-6602
PH. 352-373-3541

10090

63-751/631 20063

MAY 5, 2022

Date

Pay to the
Order of

CITY OF GAINESVILLE

\$ 349.50

THREE HUNDRED AND FORTY - NINE and 50/100

Dollars



Photo
Safe
Deposit
Details on back



Wells Fargo Bank, N.A.
Florida
wellsfargo.com

For JIFFY LUBE VARIANCE

[Signature]

⑆063107513⑆ 7895942634⑈ 10090



City of Gainesville
Department of Sustainable Development
Planning Division

GAINESVILLE
APPROVED

PO Box 496, Station 11
Gainesville, FL 32627-0496
306 NE 6th Avenue
P: (352) 334-5022
F: (352) 334-2648

DATE: 03/29/22

DB-21-00221
Variance for The
Exchange

Ms. Onelia Lazzari
Eda Consultants, Inc.
720 SW 2nd. Ave.
Gainesville, FL. 32601

Ref: Petition DB-21-221 VAR: Eda Consultants, Inc., agent for The Exchange Center. Requesting two variance: 1. to reduce the south interior side yard setback, from 10 feet to 3 feet and 2. To reduce the west rear yard setback from 10 feet to 5 feet. Zoned: MU-1 (Mixed Use Low Intensity) Located at 3714 NW 13th Street.

Dear Ms. Lazzari:

This letter serves to inform you that the Development Review Board heard your request, **Petition DB-21-221 VAR** at a public hearing on **Tuesday, March 22, 2022**. The board **approved** your request to **reduce the south side setback from 10 feet to 3 feet and the west rear yard setback from 10 feet to 5 feet. The variance is approved only for the specific reduction listed in the application and in conjunction with the proposed setbacks for the Juffy Lube automotive facility at the Exchange Shopping Center.**

A variance is valid for a period of one year, which is until March 21, 2023. Failure to implement the variance within that period will render it null and void, in which case you will be required to file a new application and pay a new fee for consideration of a new variance.

Any permit, authorization or other development order, issued based on the board's decision, prior to the end of the period for filing an appeal pursuant to Section 30-3.58, is considered conditional. Any action taken during the appeal period is taken at the sole risk of the property owner, who may be required to undo any work done if the decision of the board is overturned, either by a rehearing of the board's decision or by a court of competent jurisdiction. With reference to the above, the action of the board may be reheard or appealed to a hearing officer.

You may proceed with your proposed development subject to implementation of the approved variance. All development other than what was approved for that variance must comply with the applicable development standards of the Land Development Code. Please contact the Building Division at 352-334-5050, to apply for a permit to implement the approval of the variance granted.

Should you have any questions or need additional information, please contact me at (352) 393-8680.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence D. Calderon".

Lawrence D. Calderon
Planner III
LDC: ldc

CC: Code Enforcement Manager
Building Division: John Freeland

L:\SITEPLANS 2021\DB-21-221 VAR Exchange Variance\Final Development Order for Variance DB-21-221 VAR

MEMORANDUM

ATTN:	<u>Lawrence Calderon & Development Review Board</u>	DATE:	<u>May 4, 2022</u>
FROM:	<u>Stephanie Sutton</u>	EMAIL:	<u>ssutton@edafl.com</u>
SUBJECT:	<u>Reconsideration of DB-21-221 VAR (Variance for Jiffy Lube at Exchange Center)</u>		

On Tuesday, March 22, 2022, the Development Review Board approved a request for a variance for Jiffy Lube at the Exchange Center (3714 NW 13th ST) related to a proposed minor subdivision (Petition DB-21-221 VAR). The requests were to reduce the south side setback from 10 feet to 3 feet and the west, rear yard setback from 10 feet to 5 feet. The variances were requested to the existing conditions at the site and the prior approval of a minor subdivision for the Dunkin' Donuts property to the south, which was done prior to the current Land Development Code being adopted.

When the eda consultants, inc. survey team did the actual survey at the site on 5/2/22 (as built), it appears that the Jiffy Lube is only 2.86 feet from the south property line. Previously, the CAD technicians had measured the building as being 3.1 feet from the south property line, which is why the requested variance was for 3 feet.

With the new information obtained from a survey of the property, the applicant is requesting reconsideration of the Petition DB-21-221 VAR and requesting that the south side setback be reduced from the 3 feet that was granted on 3/22/22 to 2.8 feet in recognition of the as-built conditions at the site.

A copy of the approval letter for the variance has been attached and, the new survey for the proposed minor subdivision dated 5/2/22 is also attached.

We request this reconsideration take place at the May 24, 2022 Development Review Board meeting.

Please let us know if you need any additional materials.



City of Gainesville
Department of Sustainable Development
Planning Division

GAINESVILLE
APPROVED

PO Box 496, Station 11
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DATE: 03/29/22

DB-21-00221
Variance for The
Exchange

Ms. Onelia Lazzari
Eda Consultants, Inc.
720 SW 2nd. Ave.
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Ref: Petition DB-21-221 VAR: Eda Consultants, Inc., agent for The Exchange Center. Requesting two variance: 1. to reduce the south interior side yard setback, from 10 feet to 3 feet and 2. To reduce the west rear yard setback from 10 feet to 5 feet. Zoned: MU-1 (Mixed Use Low Intensity) Located at 3714 NW 13th Street.

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LDC: ldc

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L:\SITEPLANS 2021\DB-21-221 VAR Exchange Variance\Final Development Order for Variance DB-21-221 VAR

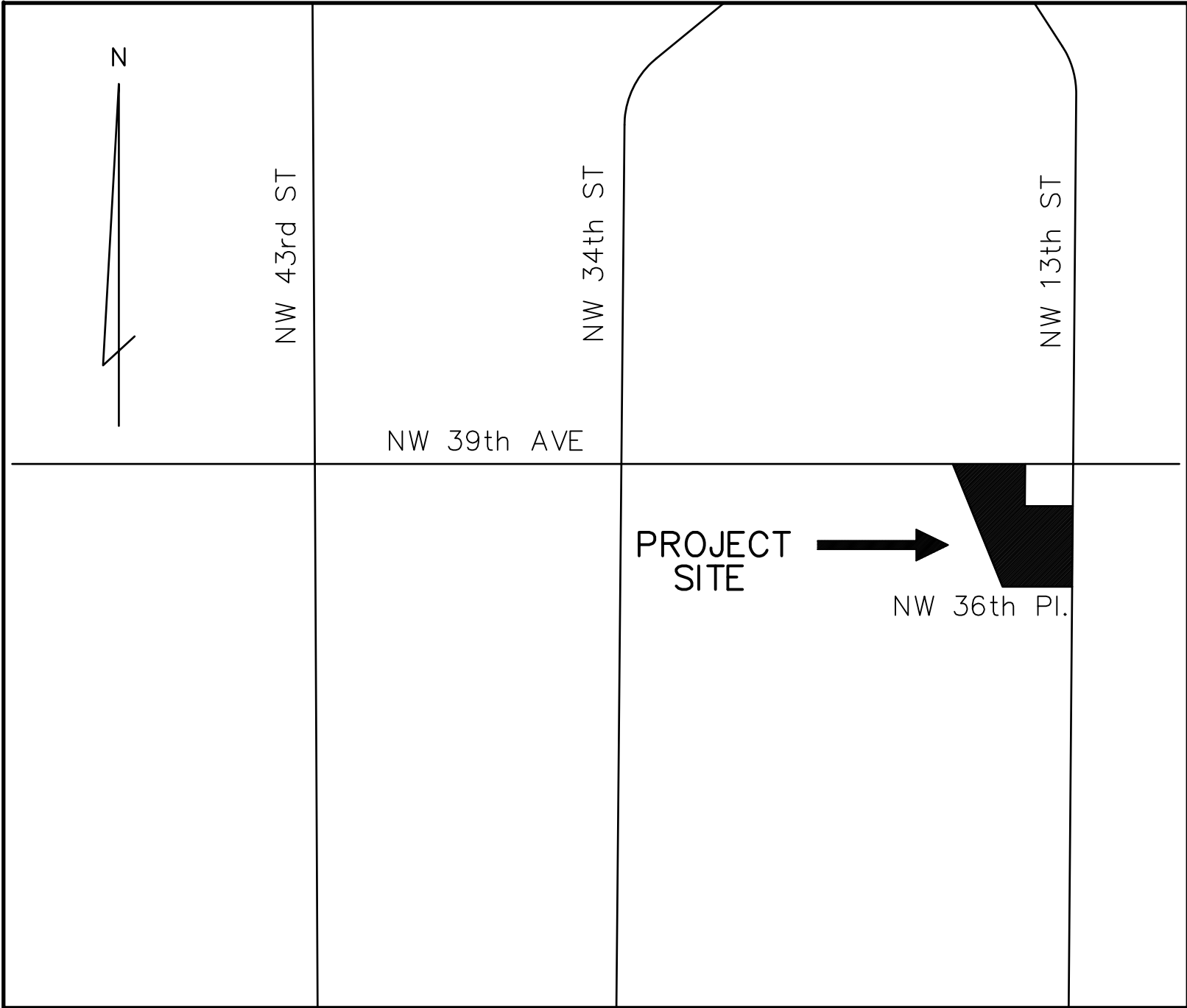
A MINOR SUBDIVISION

A PORTION OF 'FLORAL PARK' A SUBDIVISION AS PER PLAT THEREOF
RECORDED IN PLAT BOOK "D", PAGE 7 OF THE PUBLIC RECORDS OF
CITY OF GAINESVILLE
ALACHUA COUNTY, FLORIDA

BEING A PORTION OF THE NE 1/4 OF THE NE 1/4 OF
SECTION 30 TOWNSHIP 9 SOUTH, RANGE 20 EAST

THIS IS NOT A RECORD PLAT

THIS IS A BOUNDARY SURVEY



VICINITY MAP
NOT TO SCALE

Legal Description Parcel A

A portion of Floral Park, a subdivision as per plat thereof, recorded in Plat Book "D", page 7 of the Public Records of Alachua County, Florida; being more particularly described as follows:

Begin at the southeast corner of Lot 77 of Floral Park, a subdivision as per plat thereof recorded in Plat Book "D", page 7 of the Public Records of Alachua County, Florida and run thence South 88°47'41" West, along the south line of said Lot 77 and the south line of Lot 76 of said Floral Park and along the north right-of-way line of N.W. 36th Place (50' Right-of-Way) a distance of 185.00 feet; thence North 00°53'31" West, 124.92 feet; thence North 88°47'13" East, 185.00 feet to a point on the west Right-of-Way line of N.W. 13th Street (State Road No. 25); thence South 00°53'31" East, along said west Right-of-Way line, 124.95 feet to the Point of Beginning.

Containing 0.531 Acres (23,113 Square Feet), more or less.

Legal Description Parcel B

A portion of 'Floral Park', a subdivision as per plat thereof, recorded in Plat Book "D", page 7 of the Public Records of Alachua County, Florida; being more particularly described as follows:

Commence at the northeast corner of Section 30, Township 9 South, Range 20 East, Alachua County, Florida and run thence South 88°52'29" West, along the north line of said Section 30, a distance of 63.69 feet to the west right-of-way line of State Road No. 25; thence South 00°53'31" East, along said west right-of-way line, 40.45 feet to a point on the old south right-of-way line of State Road No. 222 (N.W. 39th Avenue); thence South 88°50'55" West, along said old right-of-way line, 335.28 feet; thence South 00°53'31" East, 10.02 feet to the northeast corner of that certain tract of land as described in Official Records Book 1805, page 1606 et seq. of the Public Records of Alachua County, Florida, and the POINT OF BEGINNING, said point lying on the new southerly right-of-way line of State Road No. 222 (N.W. 39th Avenue); thence continue South 00°53'31" East, along the east line of said certain tract of land, and the west line of that certain tract of land as described in Official Records Book 803, page 460 of said Public Records, a distance of 240.31 feet to the southwest corner of said certain tract of land as described in Official Records Book 803, page 460 of said Public Records; thence North 88°46'46" East, along the south line of said certain tract of land as described in Official Records Book 803, page 460 of said Public Records, 335.28 feet to a point on the westerly right-of-way line of said State Road No. 25 (N.W. 13th Street); thence South 00°53'31" East, along said westerly right-of-way line, 349.50 feet; thence South 89°06'29" West, 23.50 feet to the beginning of a curve, concave northeasterly, having a radius of 5.00 feet; thence northwesterly, along the arc of said curve, through a central angle of 90°00'00", an arc distance of 7.85 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of North 45°53'31" West, 7.07 feet; thence North 00°53'31" West, 30.34 feet; thence South 89°06'29" West, 143.68 feet thence South 00°53'31" East, 121.59 feet; thence South 88°47'13" West, 12.81 feet; thence South 00°53'31" East, 124.92 feet to a point on the northerly right-of-way line of N.W. 36th Place (50' R/W); thence South 88°47'41" West, along said northerly right-of-way line 150.28 feet to the southwest corner of that certain tract of land as described in Official Records Book 1396, page 823, 825, 826, 827, 828, and 829 of said Public Records and a point on said east line of that certain tract of land as described in Official Records Book 1805, page 1606 et seq. of said Public Records; thence South 00°53'31" East, along said east line, 25.00 feet to a point on the centerline of said N.W. 36th Place; thence South 88°47'41" West, along said centerline, 94.90 feet to a point on the east line of that certain tract of land as described in Deed Book 343, page 34 of said Public Records; thence North 01°12'19" West, 25.00 feet to the southeast corner of Lot 74 of 'Floral Park', a subdivision as per plat thereof recorded in Plat Book "D", page 7 of said Public Records; thence South 88°47'41" West, along said northerly right-of-way line of N.W. 36th Place, and along the south line of said Lot 74, and the westerly extension thereof, 119.95 feet to the northwest corner of said certain tract of land as described in Deed Book 343, page 34 of said Public Records; thence South 56°07'46" West, along the northwesterly line of said certain tract of land as described in Deed Book 343, page 34 of said Public Records, 20.31 feet to a point on the centerline of Dogwood Terrace (formerly a 50' right-of-way at said point), said point lying on the arc of a curve concave northeasterly, having a radius of 45.00 feet; thence northwesterly, along said former centerline and along the arc of said curve, through a central angle of 291°4'56", an arc distance of 22.97 feet to the end of said curve, said arc being subtended by a chord, having a bearing and distance of North 30°03'07" West, 22.72 feet; thence North 15°25'39" West, along said former centerline of Dogwood Terrace, 524.86 feet; thence North 74°34'21" East, 25.00 feet to a point on the northeasterly right-of-way line of said Dogwood Terrace; thence North 15°25'39" West, along said northeasterly right-of-way line, 291.09 feet to a point on said new southerly right-of-way line of State Road No. 222 (N.W. 39th Avenue); thence North 88°52'29" East, along said new right-of-way line, 334.20 feet; thence North 89°27'41" East, along said new right-of-way line, 32.30 feet; thence South 85°57'53" East, along said new right-of-way line, 57.40 feet to the POINT OF BEGINNING.

Containing 9.589 acres, more or less.

Legal Description Parcel C

A portion of Floral Park, a subdivision as per plat thereof, recorded in Plat Book "D", page 7 of the Public Records of Alachua County, Florida; being more particularly described as follows:

Commence at the southeast corner of Lot 77 of Floral Park, a subdivision as per plat thereof recorded in Plat Book "D", page 7 of the Public Records of Alachua County, Florida and run thence North 00°53'31" West, along the west Right-of-Way line of N.W. 13th Street (State Road No. 25), a distance of 124.95 feet to the Point of Beginning; thence continue North 00°53'31" West, along said west Right-of-Way line, 85.29 feet; thence South 89°06'29" West, 23.50 feet to the beginning of a curve, concave northeasterly, having a radius of 5.00 feet; thence northwesterly, along the arc of said curve, through a central angle of 90°00'00", an arc distance of 7.85 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of North 45°53'31" West, 7.07 feet; thence North 00°53'31" West, 30.34 feet; thence South 89°06'29" West, 143.68 feet thence South 00°53'31" East, 121.59 feet; thence North 88°47'13" East, 172.19 feet to the Point of Beginning.

Containing 0.456 Acres (19,852 Square Feet), more or less.

CERTIFICATE OF OWNERSHIP AND CONSENT

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE HEREON DESCRIBED PROPERTY AND DO CONSENT TO THIS MINOR SUBDIVISION.

EXCHANGE ASSOCIATES OF GEORGIA, L.P.

AUTHORIZED AGENT

DATE

MUNICIPAL APPROVAL

NOTE: THE CITY OF GAINESVILLE WAIVED THE REQUIREMENTS OF ALL APPLICABLE ORDINANCES AND REGULATIONS OF THE CITY OF GAINESVILLE RELATING TO MINOR SUBDIVISIONS.

DIRECTOR OF PLANNING
AND DEVELOPMENT SERVICES

DATE

DIRECTOR OF PUBLIC WORKS

DATE

GENERAL MANAGER FOR
GAINESVILLE REGIONAL UTILITIES

DATE

CERTIFICATE OF CLERK

RECEIVED AND FILED AS AN UNRECORDED MAP IN ACCORDANCE WITH SECTION 177.132, FLORIDA STATUTES.

CLERK OF COURT

DATE

DEPUTY CLERK

DATE

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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eda

eda consultants inc.

LB 2389
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GAINESVILLE, FLORIDA 32601
TEL (352) 373-2541
www.edatl.com mail@edatl.com

Project No.
2021-185-S00

ROBERT W. GRAVER

Drawn
B.G.

Check
B.G.

Registered Fla. Land Surveyor No. 4239
CORP. CERTIFICATE OF AUTHORIZATION NO.: LB 2389

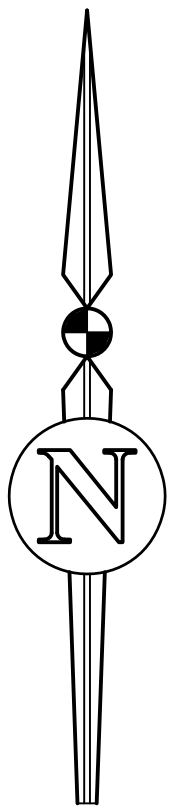
1049 Fieldbook	53-64 Page	5/02/2022 Survey Date	5/03/2022 Drawing Completed	Revised
PREPARED FOR:1)_____		2)_____	3)_____	4)_____
THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2021), FLORIDA STATUTES. THIS SURVEY DEPICTS THE SITE CONDITIONS AS OF 5/02/2022				

A MINOR SUBDIVISION

A PORTION OF 'FLORAL PARK' A SUBDIVISION AS PER PLAT THEREOF
RECORDED IN PLAT BOOK "D", PAGE 7 OF THE PUBLIC RECORDS OF
CITY OF GAINESVILLE
ALACHUA COUNTY, FLORIDA

BEING A PORTION OF THE NE 1/4 OF THE NE 1/4 OF
SECTION 30 TOWNSHIP 9 SOUTH, RANGE 20 EAST

THIS IS NOT A RECORD PLAT
THIS IS A BOUNDARY SURVEY



SCALE: 1" = 50'

LIST OF SYMBOLS & ABBREVIATIONS:

- C/L = CENTERLINE
CONC = CONCRETE
NO. = NUMBER
O.R. = OFFICIAL RECORDS BOOK
PGS. = PAGES
R/W = RIGHT-OF-WAY
T-9-S, R-20-E = TOWNSHIP 9 SOUTH, RANGE 20 EAST
○ = SET 5/8" REBAR & CAP (LB 2389)
● = FOUND 5/8" REBAR & CAP (ENG DENMAN & ASSOC)
⦿ = FOUND NAIL & DISC (FROM LB 2389 UNLESS NOTED OTHERWISE)
⊙ = SET NAIL & DISC (LB 2389)
■ = FOUND CONCRETE MONUMENT (SIZE & ID.)
○ = FOUND IRON PIPE (SIZE & ID.)

GENERAL NOTES:

- BEARINGS AS SHOWN HEREON WERE PROJECTED FROM A BEARING OF S 88°47'41"W ON THE NORTH RIGHT-OF-WAY LINE OF N.W. 36th PLACE.
- THERE MAY BE RESTRICTIONS OTHER THAN THOSE SHOWN HEREON WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO A BLANKET GRANT OF EASEMENT FOR PUBLIC UTILITIES, OVER, UPON, AND THROUGH SAID PROPERTY AS PER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1984, PAGE 2019 et seq. OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; AS PER SAID EASEMENT THE GRANTEE AGREED THAT IT SHALL NOT CAUSE ANY PUBLIC UTILITIES TO BE LOCATED UNDER ANY BUILDINGS.
- THE TAX PARCEL NUMBERS, OWNERS & RECORDING INFORMATION SHOWN HEREON ARE AS PER ALACHUA COUNTY TAX ROLLS.
- WATER AND SANITARY SEWER SERVICE IS AVAILABLE TO THE PROPERTY.
- ALL UTILITY SERVICE SHALL BE INSTALLED BENEATH THE SURFACE OF THE GROUND IN ACCORDANCE WITH SECTION 30-8.2
- STORMWATER MANAGEMENT FACILITIES ARE AVAILABLE TO ACCOMMODATE STORM WATER RUNOFF OF THE EXISTING DEVELOPMENT.
- THE ACREAGE OF THE TOTAL TRACT SURVEYED AND SHOWN HEREON IS 10.576 ACRES, MORE OR LESS.
- THE BOUNDARY INFORMATION SHOWN HEREON WAS DERIVED FROM AN ALTA/ACSM LAND TITLE SURVEY OF THE SUBJECT PROPERTY PERFORMED AND PREPARED BY THIS FIRM FOR EXCHANGE ASSOCIATES OF GEORGIA, LP, DATED SEPTEMBER 21, 1995, PROJECT NO. 95-170.
- ACCESSORY STRUCTURES AS REQUIRED BY CITY OF GAINESVILLE LAND DEVELOPMENT CODE SECTION 30-188 (c), ITEM 1 (1) a, b ARE NOT SHOWN HEREON. STRUCTURAL DETAILS WOULD DETRACT FROM THE INTENDED PURPOSE OF THIS MINOR SUBDIVISION TO CLEARLY DELINEATE BOUNDARY LINES AND RELATED DATA.

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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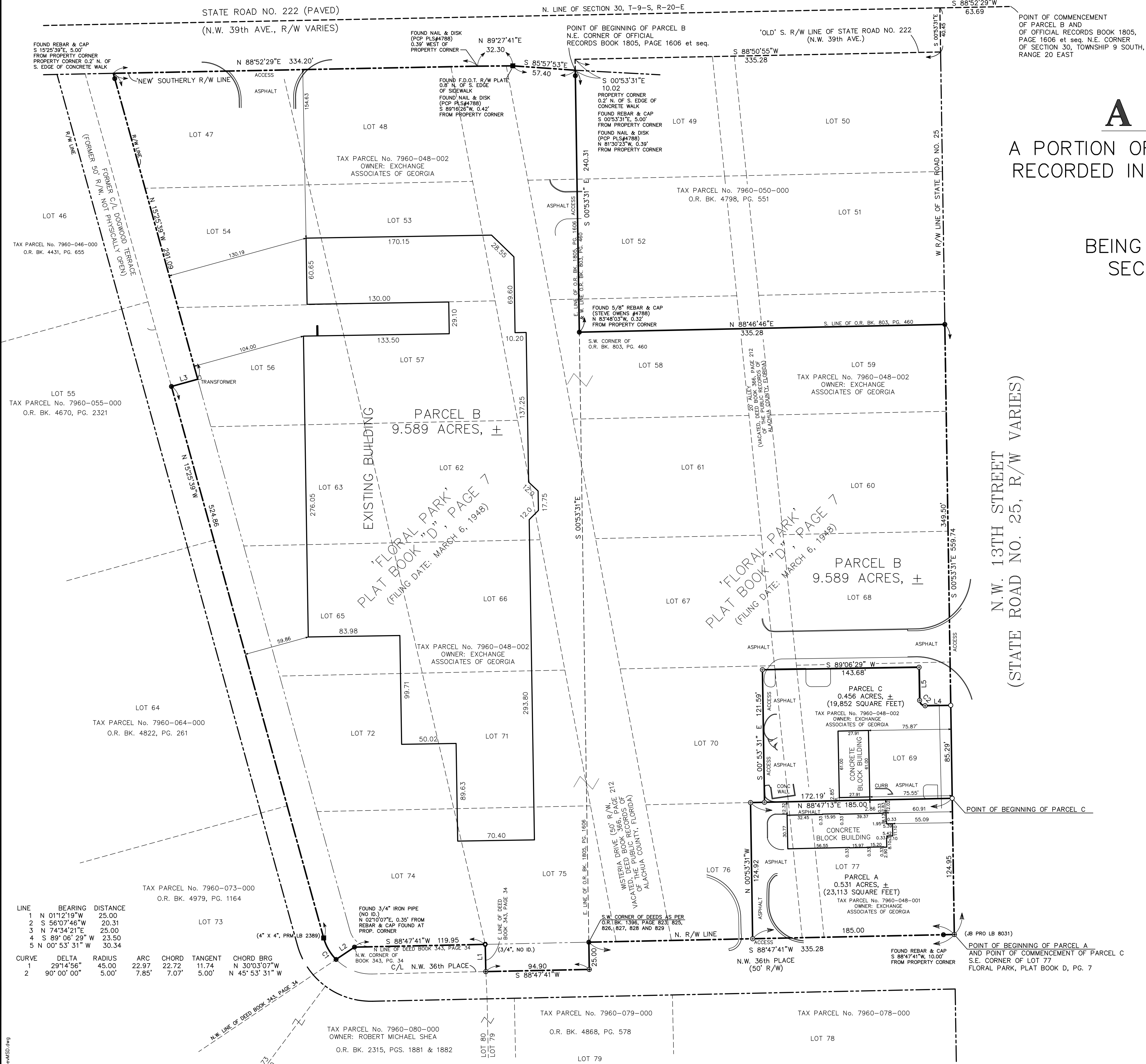
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Project No.
2021-185-500
Drawn B.G.
Check B.G.
Registered Fla. Land Surveyor No. 4239
CORP. CERTIFICATE OF AUTHORIZATION NO.: LB 2389

1049	53-64	5/02/2022	5/03/2022
Fieldbook	Page	Survey Date	Drawing Completed
PREPARED FOR:1)	2)	3)	4)
THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2021), FLORIDA STATUTES. THIS SURVEY DEPICTS THE SITE CONDITIONS AS OF 5/02/2022			



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**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

ATTACHMENT B

Petition LD22-000049

May 31, 2022

1. Attachment A. - Application and Other Supporting Documents
2. Attachment B: Some Relevant Comp Plan and Land Development Code References

PART II - CODE OF ORDINANCES
Chapter 30 - LAND DEVELOPMENT CODE
ARTICLE III. - HOW-TO GUIDE
DIVISION 11. MODIFICATIONS AND VARIANCES

- 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)

DIVISION 11. MODIFICATIONS AND VARIANCES

Sec. 30-3.54. Modifications.

- A. *Purpose.* In order to provide flexibility for the unique circumstances of individual developments, certain modifications from the standards provided in this chapter, as provided in this section, may be requested by an applicant as part of the development review process.
- B. *Review procedures.* All requests for modifications shall be submitted in writing with the application for development review on forms provided by the city. If an applicant requests multiple modifications, each modification shall be evaluated independently. The city manager or designee shall have the authority to approve the modifications specifically set forth in this section. The request shall be approved or denied during development plan review and, if approved, shall be noted on the final development plan. No administrative appeals are available for any decision to approve or deny a modification.
- C. *Review criteria.* The city manager or designee may approve a modification if the request meets all of the following criteria:
1. The request is consistent with the Comprehensive Plan and meets the intent of this chapter and the zoning district.
 2. The applicant is providing a compensating enhancement of the public realm.
 3. The request will not have a material negative impact on adjacent uses, and is not injurious to the public health, safety, and welfare.
- D. *Available modifications.*

REQUESTED MODIFICATION	MIN. COMPENSATING ENHANCEMENT OF PUBLIC REALM
Variation in required street setback up to 3 feet.	1. 10% increase above required 1 st floor glazing.
Reduction in required glazing percentages up to 10%.	2. Increase of 2 feet above required sidewalk width.
Reduction in required building frontage percentages up to 10%.	3. 10% increase above required building frontage.
Reduction in required landscape zones up to 2 feet; however, in no case shall a landscape area be less than 4 feet in depth.	4. Increase of 4 feet above min. 1 st floor height.
	5. Increase of 2 feet above min. landscape zone.

Sec. 30-3.55. Variances.

- A. *Generally.* Variance from strict compliance with the requirements of the Land Development Code is provided for in this section.
- B. *Authorized variances.* Variances may be approved only for height of structures; size of yard setbacks; driveway widths; building form standards in transect zones; building design standards for transect zones (dimensional standards only); landscaping requirements for vehicular use areas; landscape buffer requirements for buffer strip areas; landscape zones; street setbacks; glazing percentages; and minimum first floor height. Under no circumstances may a variance be granted to allow a use not permitted generally or by special use permit in the district involved, or any use expressly or by necessary implication prohibited in the district by the terms of this chapter.
- C. *Review criteria.* A variance from the terms of this chapter or building chapters shall not be granted unless the appropriate reviewing board affirmatively finds that each of the following criteria have been met:
 - 1. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same district.
 - 2. The special conditions and circumstances do not result from the action of the applicant.
 - 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this section to other lands, structures, or buildings in the same district.
 - 4. Literal enforcement of the provisions of the Land Development Code or building chapters would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or building chapters.
 - 5. The variance requested is the minimum variance required to make possible the reasonable use of the land, building, or structure.
 - 6. The variance is in harmony with the general intent and purpose of the regulation at issue and the Land Development Code, and such variance will not be injurious to the abutting lands or to the area involved or otherwise detrimental to the public welfare.
- D. *Prohibited considerations.* The following factors shall not be considered in any variance request:
 - 1. The presence of nonconformities in the zoning district or adjoining districts.
 - 2. Financial loss or business competition.
 - 3. Whether the property was purchased with the intent to develop or improve the property, whether or not it was known at the time of purchase that such development would be a violation.
- E. *Review procedures.*
 - 1. *Pre-application meeting.* A pre-application meeting is not required; however, the applicant is encouraged to attend a meeting with staff to review procedural and regulatory requirements.
 - 2. *Application submittal.* The applicant shall submit a complete application on a form prescribed by the city and accompanied by the applicable fee and plans.
 - 3. *Staff review.* The city manager or designee shall review the application and prepare a staff report for submittal to the appropriate review board.
 - 4. *Board hearing.* The appropriate reviewing board shall hold a public hearing to consider the request according to the review criteria provided in this section.

-
- F. *Conditions and limitations.* In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with the Land Development Code or building chapters. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable according to applicable law. If a variance request is denied, the same variance may not be considered for the property for a period of two years from the date of denial.
- G. *Expiration.* Any variance granted shall expire one year after the date of variance approval, unless a building permit based upon and incorporating the variance is issued within the aforesaid one-year period and construction has begun thereunder.

PART II - CODE OF ORDINANCES
Chapter 30 - LAND DEVELOPMENT CODE
ARTICLE IV. - ZONING
DIVISION 4. MIXED-USE AND NONRESIDENTIAL

DIVISION 4. MIXED-USE AND NONRESIDENTIAL

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 are allowed.

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

	U	S	e	S	M	M	O	O	C	P	B	B	BT	BI	W	I-1	I-2
RESIDENTIAL																	
Single-family dwelling					P	-	P	P	-	-	-	-	-	-	P	-	-
Attached dwelling					P	P	P	P	-	-	-	-	-	-	-	-	-
Multi-family dwelling					P	P	P	P	S	-	-	-	-	-	P	-	-
Accessory dwelling unit	30-5.35				A	A	A	A	A	A	-	-	-	A	A	-	-
Adult day care home	30-5.2				P	P	P	P	P	P	-	-	-	P	-	-	-
Community residential home (up to 6 residents)	30-5.6				P	P	P	P	-	-	-	-	-	-	P	-	-
Community residential home (more than 14 residents)	30-5.6				-	P	P	P	-	-	-	-	-	-	P	-	-
Community residential home (7 to 14 residents)	30-5.6				P	P	P	P	-	-	-	-	-	-	P	-	-
Family child care home	30-5.10				P	-	P	P	-	-	-	-	-	-	P	-	-
Single room occupancy residence	30-5.8				P	P	P	P	-	-	-	-	-	-	P	-	-
NONRESIDENTIAL																	
Alcoholic beverage establishment	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 establishment	30-5.4				P	P	S	S	-	P	-	-	P	-	-	-	-
Business services					P	P	-	P	P	P	P	P	P	P	P	P	P
Carwash	30-5.5				S	S	-	-	-	P	P	S	P	P	P	P	P

Civic, social, or fraternal organization		P	P	-	-	-	P	P	P	P	-	-	-
Day care 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 shelter		P	P	P	P	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy		-	-	-	-	-	-	-	-	-	-	P	P
Equipment 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 truck, not located within a food truck park	30-5.37	P	P	A	A	P	P	P	P	P	P	P	P
Food truck park (less than 6 pads)	30-5.13	P	P	-	P	P	P	P	P	P	P	P	P
Food truck park (6 or more pads) ⁴	30-5.13	S	S	-	S	S	S	S	S	S	S	S	S
Gasoline or alternative fuel station	30-5.14	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	-	-
Hotel or motel		S	S	-	-	S	P	-	P	P	S	-	-
Ice manufacturing/vending machines	30-5.40	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	30-5.15	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard or salvage yard	30-5.16	-	-	-	-	-	-	-	-	-	-	S	P
Laboratory, medical or dental		P	P	P	P	P	P	-	-	P	P	P	P
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
Library		-	P	-	-	P	-	-	-	-	P	-	-
Light assembly, fabrication and processing	30-5.17	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, or microdistillery ³	30-5.18	S	P	-	-	-	P	-	P	P	P	P	P
Mini-warehouses, self-storage facility	30-5.19	-	-	-	-	-	-	P	-	P	P	P	P
Museum or art gallery		P	P	P	P	P	P	-	P	P	P	-	-
Office		P	P	P	P	P	P	P	P	P	P	P	P
Office (medical, dental, or other health-related service)		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage (principal use)	30-5.20	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (principal use)	30-5.21	-	S	-	-	-	S	P	-	P	P	-	-
Passenger transit or rail station		S	S	-	-	P	P	P	P	P	P	P	-
Personal services		P	P	P	P	P	P	P	P	P	P	P	P
Place of religious assembly	30-5.22	P	P	P	P	P	P	P	P	P	P	-	-
Public administration building		P	P	P	P	P	P	P	P	P	P	P	-
Public maintenance or storage facility		-	-	-	-	-	-	-	-	P	P	P	P
Public park		S	S	S	S	P	P	P	P	P	P	P	P
Recreation, indoor		P	P	P	P	P	P	P	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	S	P	P	S	-	P	P
Recreational vehicle park	30-5.23	-	-	-	-	-	-	P	P	P	-	P	-
Recycling center		-	S	-	-	-	S	-	-	-	S	S	P
Rehabilitation center		S	S	S	S	-	S	-	-	S	-	S	
Research development or testing facility		-	-	-	-	P	P	-	-	P	P	P	P
Residence for destitute people	30-5.24	S	S	S	S	-	S	-	S	-	-	-	-
Restaurant		P	P	-	S	P	P	P	P	P	P	P	P
Retail nursery, lawn, or garden supply store		P	P	-	-	-	P	P	-	P	P	P	-
Retail sales (not elsewhere classified)		P	P	-	-	S	P	P	P	P	P	S	S
School (elementary, middle, or high - public or private)		P	P	S	S	-	P	-	-	-	P	-	-
School, professional		P	P	P	P	P	P	P	-	P	P	P	P

School, vocational or trade		-	P	P	P	-	P	P	-	P	P	P	P
Scooter or electric golf cart sales		P	P	-	-	-	P	P	-	P	-	P	-
Sexually-oriented cabaret	30-5.25	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented motion picture theater	30-5.25	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented retail store	30-5.25	-	-	-	-	-	P	-	P	-	-	-	P
Simulated gambling establishment		-	-	-	-	-	-	-	-	-	-	-	-
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-
Social service facility	30-5.27	S	S	S	S	-	-	-	-	-	P	S	S
Solar generation station	30-5.29	-	-	-	-	-	-	-	-	P	-	P	P
Truck or bus terminal or maintenance facility		-	-	-	-	-	-	P	P	P	P	P	P
Vehicle repair	30-5.30	-	-	-	-	-	-	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	30-5.30	S	S	-	-	-	P	P	P	P	S	P	P
Veterinary services	30-5.31	P	P	P	P	P	P	P	P	P	P	P	P
Warehouse or distribution facility (less than 100,000 sf)		-	-	-	-	-	-	-	-	P	P	P	P
Warehouse or distribution facility (100,000 sf or greater)		-	-	-	-	-	-	-	-	P	P	P	P
Waste management facility		-	-	-	-	-	-	-	-	S	-	P	P
Wholesale trade		-	-	-	-	-	-	S	-	P	P	P	P
Wireless communication facility or antenna	See 30-5.32												

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.

4 = Special use permit required for any proposed food truck park with six or more food truck pads when the food truck park's boundaries would be less than 300 feet from the boundary of any single-family zoned property or property that is developed with a single-family dwelling; otherwise, such food truck park is allowed by right.

(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; Ord. No. 190714 , § 4, 6-4-20; Ord. No. 190988 , § 4, 9-3-20; Ord. No. 191128 , § 4, 9-17-20)

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	-	-	-	-

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(Supp. No. 56, Update 1)

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.

the distance created by the angle of light obstruction, whichever is greater.

- (5) Accessory structures shall not exceed 25 feet in height.
- (6) Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the maximum building height shall be three stories.

(e) *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. 950862, § 4, 11-13-95; Ord. No. 030915, § 1, 8-9-04; Ord. No. 070619, § 3, 3-24-08; Ord. No. 090643, § 5, 4-15-10; Ord. No. 100152, § 1, 10-7-10; Ord. No. 110289, § 8, 11-3-11; Ord. No. 140130, § 4, 9-4-14)

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

(a) *Purpose.* The mixed-use low intensity district is established for the purpose of allowing coordinated developments designed to offer a mixture of residential, convenience-type retail, professional and consumer service uses primarily for residents of mixed-use and adjacent residential neighborhoods, and places of religious assembly. The district is intended to reduce the length and number of vehicular trips by providing for basic needs within close proximity to residential areas, by encouraging pedestrian access, and by the combining of trips. This district is established to allow uses compatible with each other and with surrounding residential areas to be developed near each other. The MU-1 district may be located in areas where analysis of residential characteristics demonstrates that such facilities are required. This district is intended to encourage the development of planned and unified neighborhood shopping centers in a relationship harmonious with adjoining residential activities. It is also intended to accommodate traditional neighborhoods that include nonresidential uses and neighborhood centers.

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

- (1) Permit compatible commercial, office, service and residential developments that benefit from being located near each other.
- (2) Provide an adequate mix of residential uses including multifamily, townhouse, zero lot line, and detached single-family at urban densities.
- (3) Provide opportunities for the development of compound residential uses.
- (4) Minimize traffic congestion by:
 - a. Requiring that shopping center and/or mixed-use developments be located on appropriate major collector and arterial roadways, as defined in the comprehensive plan;
 - b. Minimizing the number and regulating the location of driveway connections; and
 - c. Encouraging pedestrian and nonautomotive access.
- (5) Ensure, through development plan approval, that nonresidential and mixed-use developments are designed to promote the most efficient use of the land, and that they coordinate the internal activities of the site as well as establish a harmonious relationship between such developments and their environment.
- (6) Require buffering or screening around non-residential and/or mixed-use development in accordance with the land development code when the development abuts any property zoned for residential use or shown as residential on the future land use map.
- (7) Accommodate neighborhood-level services and retail uses along existing business corridors.
- (8) Coordinate the location and size of mixed-use developments commensurate with the character and density of the areas to be served.

- (9) Allow the market some flexibility in determining locations of new nonresidential development, and the ability to expand such areas in relation to the population densities achieved.
 - (10) Encourage nonresidential and/or mixed-use developments to locate on land that is physically capable of supporting the particular type of development.
- (c) *Permitted uses.* See permitted uses listed in subsection (g) of this section pertaining to permitted uses.
- (1) *Specific conditions for residential uses.* If MU-1 zoning abuts a single-family residential zoning district, then the density of the residential portion of the mixed-use development shall be limited to that allowed by the RMF-6 residential district in the area within 100 feet of the property line, plus the required buffers for that single-family residential zoning district. In addition, multi-family development shall comply with all regulations in the RMF-6 district and the requirements of section 30-56.
 - (2) *Specific conditions for single-family compound uses.* Twenty-five percent of the total floor area up to 1,000 square feet may be used for commercial or office uses. Such uses shall require a minimum lot size of 6,000 square feet and a lot width of 70 feet and shall have direct or shared access to a collector or arterial roadway.
- (d) *Specific conditions for neighborhood shopping centers.*
- (1) *Developments of more than 30,000 square feet.* There is no minimum size for buildings within the MU-1 zoning district. However, within the MU-1 zoning district, nonresidential developments of more than 30,000 square feet of gross leasable floor area are considered neighborhood shopping centers and are subject to the rights of and conditions for neighborhood shopping centers.
 - (2) *Location.* Neighborhood shopping centers shall be located within one-fourth mile of intersections of arterials or intersections of arterials and collectors, as shown on the map entitled Functional Classification of Streets, in the transportation mobility element of the city's comprehensive plan. Such uses shall have direct or shared access to an arterial.
- (3) *Maximum gross leasable nonresidential floor area.* No more than 100,000 square feet of gross leasable nonresidential floorspace shall be allowed within any neighborhood shopping center.
 - (4) *Maximum gross leasable nonresidential floor area in any one business.* No more than 50,000 square feet shall be contained in any one business located within a neighborhood shopping center, except MG-54 (food stores).
 - (5) *Dimensional requirements for permitted nonresidential uses.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:
 - a. Required yard setbacks:
 - 1. Minimum front: 20 feet.
 - 2. Maximum front: 80 feet.
 - 3. Where the side or rear yard abuts property which is in a residential zoning district, or is shown for residential use on the future land use map of the comprehensive plan, the minimum setback shall be 50 feet or the distance created by the 45 degree angle of light obstruction, whichever is greater.
 - b. Maximum lot coverage: 50 percent for single-purpose, nonresidential; 60 percent for mixed-use (inclusive of residential) or compound use.
 - c. Maximum building height: Five stories.
 - (6) *Multiple structures.* The use of multiple structures shall be considered on a case-by-case basis during development plan approval. Approval shall be conditioned upon findings by the appropriate review-

ing board that all such structures are compatible with the uses and purposes of the center and surrounding uses and traffic patterns and are safely incorporated into the overall transportation system for the center.

- (7) *Outparcels.* The proliferation of outparcels contributes to strip commercial development, traffic circulation problems and visual clutter, and obstructs pedestrian and bicycle movement. To mitigate the problems associated with outparcels, the following regulations shall apply:

- a. *Creation and design.* The creation of outparcels shall be considered on a case-by-case basis during subdivision, lot split approval or development plan approval. Approval shall be conditioned upon findings by the appropriate reviewing board or staff, as applicable, that the neighborhood shopping center and all outparcels are integrated through the use of landscaping and buffers; shared parking, traffic access and circulation; and stormwater management.
- b. *Dimensional requirements for outparcels.* Outparcels which have unified circulation systems with the adjoining neighborhood shopping center shall not be required to meet the minimum lot area, width and depth requirements; however, development on outparcels shall be required to meet yard setback, lot coverage and building height requirements for the MU-1 district.

- (8) *Access.*

- a. *Vehicular access.* Access to the neighborhood shopping center shall be in accordance with the provisions of article IX, division 3, and chapter 23 of the Code of Ordinances. Parking areas, including maneuvering space, ingress and egress roads and driving lanes, shall be improved in accordance with the provisions of article IX, division 3, and chapter 23 of the

Code of Ordinances. All loading and unloading shall be done on the neighborhood shopping center property. Areas used by motor vehicles shall be physically separated from public streets by landscaped buffer areas.

- b. *Bicycle, greenway and pedestrian access.* Provisions shall be made to safely incorporate travel ways for bicycle and pedestrian usage into any neighborhood shopping center project. Where bikeways, greenways or sidewalks are presently adjoining the property, provisions shall be made to safely link the internal bicycle and pedestrian system with adjoining facilities. During development plan review, the appropriate reviewing board shall also review the relationship of the neighborhood shopping center to adjoining properties and may require appropriate access for bicycles or pedestrians at locations where vehicular access is prohibited.

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

- (1) Yard setbacks:

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