

## **Appendix B**

### **Land Development Code Regulations**

Sec. 30-59. - Office districts (OR and OF).

- (a) Purpose. The office districts are established for the purpose of encouraging the development of professional offices, low to medium density residential and studio uses at locations where such uses of land would be compatible with surrounding residential uses and be in keeping with the land use policies of the comprehensive plan.
- (b) Objectives. The provisions of the office districts are intended to:
- (1) Encourage, through the OR district, the mixture of compatible residential and office activities at suitable locations;
  - (2) Permit development to locate in close proximity to residential areas, provided that such development will not be incompatible with its surroundings;
  - (3) Promote, through development plan approval, the most efficient use of the land, as well as establish a harmonious relationship between such development and its environment;
  - (4) Require appropriate buffering or screening around such development when it abuts any residential district boundary, to maintain its compatibility with such abutting district;
  - (5) Create transitional areas between low intensity land uses and other intense land uses; and
  - (6) Encourage major office development using the OF district to locate along the community's major transportation arteries identified in the comprehensive plan, which will provide adequate access to such development.

(c) Permitted uses, OR district (office residential district).

SIC	Use	Conditions
	<b>USES BY RIGHT:</b>	
	Any accessory uses customarily and clearly incidental to any permitted use	
	Community residential homes	In accordance with article VI
	Compound uses	
	Correspondence schools	
	Day care centers	In accordance with article VI
	Emergency shelters	
	Family child care home	In accordance with state law
	Food trucks	Only when accessory to a permitted principal use and in accordance with article

		VI
	Large family child care homes	In accordance with article VI
	Newspaper establishments excluding on-site printing or warehouse facilities	
	Personal fitting and sale of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Professional schools	Cannot be located adjacent to property designated for single family on the future land use map of the comprehensive plan
	Public services vehicles	In accordance with article VI
	Roominghouse	In accordance with article VI
	Residential uses up to 20 units per acre	Residential density cannot exceed more than two times the average permitted density of adjacent residential districts
	Sales offices without warehousing, showrooms or retail space	
GN-074	Veterinary services	In accordance with article VI
GN-078	Landscape and horticultural services	Offices only, outdoor storage prohibited
MG-15	Building construction — General contractors and operative builders	Offices only
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, and telegraph	Accessory transmission, retransmission and

and 482	and other message services	microwave towers up to and including 100 feet in height in accordance with article VI
GN-591	Drug stores and proprietary stores	Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Funeral services and crematories (GN-726) in accordance with article VI
GN-731	Advertising	
GN-732	Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies	
GN-733	Mailing, reproduction, commercial art and photography and stenographic services	
GN-736	Personnel supply services	
GN-737	Computer programming, data processing and other computer-related services	
IN-7381	Detective, guard and armored car services	
GN-801 through 804	Health services	
GN-807 through 809	Medical and dental laboratories, home health care services and miscellaneous health and allied services not elsewhere classified	Excluding blood banks
MG-81	Legal services	

GN-839	Social services not elsewhere classified	
MG-86	Membership organizations	Excluding GN-864, civic, social and fraternal associations
MG-87	Engineering, accounting, research, management and related services	Excluding IN-8734, testing laboratories, and IN-8744, facility support management services
MG-94, 95 and 96	Public administration	
	USES BY SPECIAL USE PERMIT	
	Bed and breakfast establishment	In accordance with article VI
	Community residential homes over 14 persons	In accordance with article VI
	Dormitory	Must not abut property designated for single-family on the future land use map of the comprehensive plan
	Food distribution center for the needy	In accordance with article VI
	Nursing and intermediate care facilities	In accordance with article VI
	Private schools	In accordance with article VI
	Public schools, other than institutions of higher learning	In accordance with the provisions of section 30-77, educational services district (ED).
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Retransmission and microwave transmission towers	Accessory transmission at heights higher than 100 feet in accordance with article VI
	Social service homes and halfway houses	In accordance with article VI

GN-483	Radio and television broadcasting	Excluding transmitter towers
IN-7997	Membership sports and recreation clubs	

(d) Dimensional requirements for OR districts. All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- (1) Minimum lot area: 6,000 square feet.
- (2) Minimum lot width at minimum front yard setback: 60 feet.
- (3) Minimum lot depth: 90 feet.
- (4) Minimum yard setbacks:
  - a. Front: Ten feet.
  - b. Side, street: Ten feet.
  - c. Side, interior: Zero feet.\*
  - d. Rear: Zero feet.\*

\*Except 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.

- (5) Maximum lot coverage: 40 percent.
- (6) Maximum floor area ratio of principal structures:
  - a. Residential use: 0.55.
  - b. All principal structures (office and residential): 1.00.
- (7) Accessory structures shall not exceed 25 feet in height.
- (8) Maximum building height: 35 feet.

(e) Permitted uses, OF (general office district).

SIC	Use	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted use	
	Compound uses	
	Correspondence schools	
	Day care center	In accordance with article VI

	Food trucks	Only when accessory to a permitted principal use and in accordance with article VI
	Newspaper establishments excluding on-site printing or warehouse facilities	
	Personal fitting and sale of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Professional schools	Cannot be located adjacent to property designated for single family on the future land use map of the comprehensive plan
	Public services vehicles	In accordance with article VI
	Residential uses up to 20 units per acre	
	Sales offices without warehousing, showrooms or retail space	
	Exercise studio	Only in an enclosed building
GN-074	Veterinary services	In accordance with article VI
GN-078	Landscape and horticultural services	Offices only, outdoor storage prohibited
MG-15	Building construction - General contractors and operative builders	Offices only
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
MG-48	Communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI

GN-591	Drug stores and proprietary stores	Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Funeral services and crematories (GN-726) provided the requirements of article VI are met
MG-73	Business services	Excluding heavy construction equipment and leasing (IN-7353) and disinfecting and pest control services (IN-7342)
GN-801 through 805	Health services	Nursing and intermediate care facilities in accordance with article VI
GN-807 through 809	Medical and dental laboratories, home health care services and miscellaneous health and allied services not elsewhere classified	Excluding blood banks (see uses by special use permit)
MG-81	Legal services	
GN-839	Social services not elsewhere classified	
MG-86	Membership organization	Excluding GN-864, civic, social and fraternal associations
MG-87	Engineering, accounting, research, management and related services	Excluding IN-8734, testing laboratories, and IN-8744, facility support management services
MG-94, 95 and 96	Public administration	
	USES BY SPECIAL USE PERMIT	
	Bed and breakfast establishment	In accordance with article VI



	Blood banks	Must have a two acre minimum lot size
	Food distribution center for the needy	In accordance with article VI
	Private schools	In accordance with article VI
	Public schools, other than institutions of higher learning	In accordance with the provisions of section 30-77, educational services district (ED)
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Retransmission and microwave towers	Accessory transmission at heights higher than 100 feet in accordance with article VI
GN-832	Individual and family social services during daylight hours only	Excluding adult day care centers, multi-service centers (neighborhood), temporary relief services, social service centers (e.g., Salvation Army, etc.) and youth centers

(f) Dimensional requirements for OF districts.

- (1) Minimum lot area: 6,000 square feet.
- (2) Minimum lot width at minimum front yard setback: 60 feet.
- (3) Minimum lot depth: 90 feet.
- (4) Minimum yard setbacks:
  - a. Angle of light obstruction: 45 degrees.
  - 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 angle of light obstruction, whichever is greater.
- (5) Accessory structures shall not exceed 25 feet in height.
- (6) Maximum lot coverage: 40 percent.
- (7) Maximum floor area ratio of principal structures: 1.00.

(g) General requirements. All structures and uses within this district shall comply with the applicable requirements and conditions of section 30-60 and article IX.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3918, §§ 1, 2, 11-15-93; Ord. No. 3963, § 1, 3-14-94; Ord. No. 4056, §§ 40-56, §§ 2, 3, 1-23-95; Ord. No. 4075, § 5, 5-8-95; Ord. No. 951420, §§ 1, 2,

7-8-96; Ord. No. 030131, § 2, 10-13-03; Ord. No. 030752, § 2, 5-10-04; Ord. No. 041268, § 7, 8-22-05; Ord. No. 060017, § 2, 7-10-06; Ord. No. 070619, § 2, 3-24-08; Ord. No. 140190, §§ 4, 5, 4-16-15)

Sec. 30-60. - General provisions for office districts.

- (a) Development plan approval. Prior to the issuance of a building permit for development in any office district, with the exception of exclusively residential development of one building and four or fewer dwelling units, development plan approval shall be obtained in accordance with the provisions of article VII.
- (b) Parking. In order to receive and maintain a valid certificate of occupancy within all office districts, the parking requirements shall be complied with as set forth in article IX.
- (c) Landscaping. In order to receive and maintain a valid certificate of occupancy within all office districts, the landscaping requirements shall be complied with as set forth in article VIII.
- (d) Signs. In order to receive and maintain a valid certificate of occupancy within all office districts, the sign requirements shall be complied with as set forth in article IX.
- (e) Flood control. Prior to the issuance of a building permit in any office district, the provisions of the flood control district, article VIII, shall be complied with, where applicable.
- (f) Access to office uses. Where a parcel of property used for nonresidential use in any office district abuts more than one street, access from either street to such property will be permitted only if no property in any RSF-1, RSF-2, RSF-3, RSF-4 or RC residential district or shown for single-family residential use on the future land use map of the comprehensive plan lies immediately across such street from such office-zoned property; provided, however, access may be permitted from any major collector or arterial as shown on the official roadway map; and provided, further, that one point of access shall be permitted in any case, notwithstanding other provisions of this subsection.
- (g) Outdoor uses. All principal uses in any office district shall be contained within completely enclosed buildings. Outdoor storage is not permitted in any office district.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3963, § 2, 3-14-94)

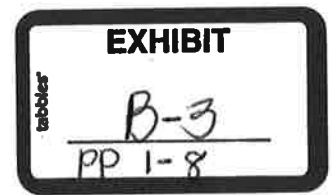
**Editor's note**— Section 30-60 was originally numbered in Ord. No. 3777 as § 30-59.1. The section was renumbered by Ord. No. 3963, § 2, adopted Mar. 14, 1994.



Sec. 30-88. - Nursing homes and intermediate care facilities (GN-805).

- (a) Dimensional requirements. All principal and accessory structures for nursing homes and intermediate care facilities shall be located and constructed in accordance with the following requirements:
  - (1) Minimum lot area: Ten thousand square feet.
  - (2) Minimum lot width at minimum front yard setback: One hundred feet.
  - (3) Minimum yard setbacks:
    - a. Front: 25 feet.
    - b. Rear: 25 feet.
    - c. Side: 25 feet.
- (b) Development plan approval. Development plan approval, in accordance with the requirements of Article VII, is required prior to issuance of a building permit for all nursing homes and intermediate care facilities.

(Ord. No. 3777, § 1, 6-10-92)



SECTION 5. - SPECIAL AREA PLAN FOR CENTRAL CORRIDORS

ORDINANCE NO. 980015  
0-98-62

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, IMPOSING THE SPECIAL AREA PLAN OVERLAY ZONING DISTRICT FOR THE "CENTRAL CORRIDORS" ON CERTAIN PROPERTY LOCATED ON W. UNIVERSITY AVENUE, S.W. 2ND AVENUE, W. 13TH STREET, N.W. 23RD AVENUE, W. 6TH STREET, N. MAIN STREET, WALDO ROAD AND HAWTHORNE ROAD; ADOPTING A SPECIAL AREA PLAN FOR THIS PROPERTY; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on December 17, 1997; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on March 5, 1998; and

WHEREAS, pursuant to law, an advertisement no less than 2 columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day this advertisement was published; and

WHEREAS, a second advertisement no less than 2 columns wide by 10 inches long was placed in the same newspaper notifying the public of the second Public Hearing to be held at the adoption stage at least 5 days after the day this advertisement was published; and

WHEREAS, the Public Hearings were held as advertised and the parties in interest and all others had an opportunity to be and were, in fact, heard;

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

Section 1. The Special Area Plan overlay district is imposed on certain property located adjacent to W. University Avenue, S.W. 2nd Avenue, W. 13th Street, N.W. 23rd Avenue, W. 6th Street, N. Main Street, Waldo Road and Hawthorne Road, as shown on the map attached hereto as Exhibit "A," and made a part hereof as if set forth in full.

Section 2. The Special Area Plan of the Central Corridors (Exhibit "B") is hereby adopted. The specific regulations of the Special Area Plan for the aforementioned property and the administration and enforcement of these regulations as delineated in Exhibit "B" shall be made a part hereof as thought set forth in full.

Section 3. The City Manager is authorized and directed to make these changes in the zoning map in order to comply with this ordinance and administer the provisions of the Central Corridors Special Area Plan.

Section 4. It is the intention of the City Commission that the provisions of the special area plan adopted by this ordinance shall become and be made a part of Land Development Code of the City of Gainesville, Florida, and that the Sections and Paragraphs of this plan may be renumbered or relettered in order to accomplish such intentions.

Section 5. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 6. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed, except as stated in this ordinance.

Section 7. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 22nd day of June, 1998.

#### Exhibit A. Central Corridors

#### Exhibit B. Special Area Plan for the Central Corridors Minimum Development Standards

- (a) Purpose. The Central Corridors are established to improve the sense of place and community; improve the environment for businesses, including smaller, locally-owned businesses; support a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses in close proximity; reduce crime by encouraging a 24-hour mix of uses and a significant number of pedestrians; strike a balance between the needs of the car and pedestrian by creating a pleasant ambience and interesting people-scaled features, and make the pedestrian feel safe and inconvenienced; increase transit viability; and improve independence of people without access to a car. The standards are designed to make Gainesville a more vibrant, livable place, and increase citizen pride in its development. The standards are designed to establish an important engine in job creation, a strengthened tax base, and an incubator for new, entrepreneurial, locally-owned businesses and entry-level job opportunities. The standards are also intended to protect the property values of nearby residential areas.
- (b) Effect of classification. The Central Corridors standards are an overlay zoning district. They shall operate in conjunction with any underlying zoning district in the subject area. The regulations of the underlying zoning district, and all other applicable regulations, remain in effect and are further regulated by the Central Corridors standards. If provisions of the Central Corridors standards conflict with the underlying zoning, the provisions of the Central Corridors standards shall prevail.
- (c) Annual evaluation. The City Plan Board shall conduct an evaluation of these standards on an annual basis.
- (d) Exceptions. Exceptions to these standards can be granted by the appropriate reviewing board, city manager or designee, upon a finding that either of the following criteria are met:
  - 1. The proposed construction is consistent with the overall intent of the Central Corridors standards; or
  - 2. The applicant proves an undue hardship, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these standards.

In addition to the exceptions that may be granted above, exceptions to the build-to line may be granted to preserve a high quality heritage tree or to provide sufficient space for the required street trees, or if the proposed construction includes an existing structure which has been designated as a historic property or has historic significance because it is potentially eligible for listing on the national or local register, and maintaining a viewshed of the existing historic structure is in the public interest.

- (e) Right to appeal.
  - 1. Any person aggrieved by a decision rendered by the appropriate reviewing board, city manager or designee may appeal the decision to the City Commission within 14 days from the date that the decision by the appropriate reviewing board, city manager or designee is reduced to writing and served by certified or registered mail, return receipt requested, to such person. The appeal shall be made by filing a written notice of appeal within the above-proscribed time period with the clerk of the city commission. The notice shall set forth concisely the decision under appeal and the reasons or grounds for the appeal.

2. The Planning and Development Services Department shall prepare the appeal for the City Commission. The appeal shall be de novo and shall be heard by the City Commission at its next regular meeting, provided at least 14 days have intervened between the time of the filing of the notice of appeal and the date of such meeting. The City Commission shall hear and consider all evidence and testimony placed before it, and shall render its decision promptly, based on competent, substantial evidence. The City Commission may affirm, amend or reverse the decision of the appropriate reviewing board, city manager or designee. The decision by the City Commission shall be reduced to writing and shall constitute final administrative review. Appeals from decisions of the City Commission may be made to the courts as provided by law.
- (f) Definitions. Defined terms are as defined in the Traditional City standards, section 4 of this Appendix, and are italicized in the text. Drawings are illustrative only. They do not represent required designs.
  - (g) Delineation of Central Corridors Overlay District. The Central Corridors overlay district shall apply to all lands adjacent to the streets shown on the map of the Central Corridors. Distances from the Central Corridors overlay district to structures outside the Central Corridors overlay district shall be measured from the nearest curb or edge of pavement.
  - (h) Required compliance. All new commercial, office, civic and multi-family buildings and developments shall be required to comply with the sections of the text labeled "standards." Automotive dealers (both new and used vehicles) located on N. Main Street north of N. 16<sup>th</sup> Avenue and south of N. 53<sup>rd</sup> Avenue are exempt from standards of this special area plan as applied through the Transportation Mobility Program Area (TMPA).
  - (i) Presumptive vested rights. Developments shall be presumptively vested for the purposes of consistency with this overlay if they have filed a valid application for a preliminary development order issued by the city, as specified by Article VII, Division 1, prior to the effective date.
  - (j) Non-conforming uses and buildings.
    - (1) Continuation of use. A nonconforming use may be continued as provided in section 30-23, Non-Conforming Use, and section 30-346, Non-conforming Lots, Uses or Structures.
    - (2) Expanding existing non-conforming uses.
      - a. A special use permit may be issued for expansion of uses made non-conforming by the Central Corridors standards when the City Plan Board makes findings that the proposed expansion is in compliance with Article VII, Division 4, Special Use Permit.
      - b. In addition, no permit for expansion of a non-conforming use shall be issued unless the City Plan Board makes the following findings concerning the proposed expansion:
        1. The expansion complies with the Central Corridors standards, as applicable;
        2. Auto Dealers, Auto Service and Limited Auto Services, and Gas Service Stations shall comply with sections 30-93 and 30-94;
        3. Carwashes shall comply with section 30-95;
        4. Outdoor Storage shall comply with section 30-97;
        5. Parking Lots, as the principal use other than structured parking or the use of existing parking lots shall comply with section 30-114;
        6. The expansion shall not reduce pedestrian safety by increasing driveway widths, adding a new driveway crossing to a sidewalk or crosswalk, or increasing the number of driveway lanes;
        7. The expansion shall not increase the size of signs on the site;
        8. The non-conforming use shall not be changed (except to a conforming use) as a result of the expansion;

9. The expansion shall not result in a conversion of the non-conforming use from a seasonal to a year-round operation, nor shall it result in the use expanding its hours of operation;
  10. Outdoor storage areas shall not be expanded or located any closer to residential development as a result of the expansion; and
  11. The proposed expansion shall not add more than 25 percent of new floor area to existing buildings on the site.
- (3) Change of use. A non-conforming use may only be changed to a conforming use.
- (4) Development, enlargement, or modification of a non-conforming building. A non-conforming building may be developed, enlarged, or modified without requiring conformance with this overlay if the change would not increase the degree of non-conformity with the standards in this overlay.
- (k) Build-to line.
- (1) Intent. The intent of the build-to line is to define the relationship between the building facade and the street and streetside sidewalk. The distance between the buildings and the street edge should preserve the neighborhood as a place sheltered by large trees. Because of the transitional nature of these corridors, the build-to line is more flexible than in the Traditional City. The build-to line allows new buildings to be aligned with existing buildings, or, in the future, allows a building to be built in front of the building and allows this future building to abut the streetside sidewalk. Over time, building facades along a block face should be aligned to form a street edge that frames the public realm, while retaining sufficient width for people to walk, and sufficient space to provide a formal landscape created by street trees. Over time, the intent is to pull building facades close to the street and streetside sidewalk, frame a comfortable public realm, and prevent overly large setbacks.
- Overly large setbacks are inconvenient and unpleasant for pedestrians. They can significantly increase walking distances from the public sidewalk. They prevent the pedestrian on the public sidewalk from enjoying building details and activity within the building. Similarly, overly large setbacks contribute to sign proliferation and visual blight because a building set back a large distance often needs to "shout," with signs, at passing motorists, transit users, bicyclists and pedestrians in order to be noticed. Buildings pulled up to the street sidewalk have more of a human scale and allow for the construction of canopies which shield the pedestrian from wet weather.
- (2) Standard. The build-to line shall be that which achieves the above-stated intent, as determined by the appropriate reviewing board, city manager or designee, and shall apply even if the facade faces a street outside of the overlay affected area. Building walls along a street that is not within the overlay affected area that are entirely more than 250 feet from the regulated corridor shall be exempt from the Build-to Line standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard. In most instances, the build-to line shall be 80 feet from the curb or edge of pavement for at least 70 percent of the building facade. Factors to be considered for variations to this build-to line shall be as follows:
- When considering a closer build-to line, the building facade shall, in most instances, be no closer than 14 feet from the curb or edge of pavement along an arterial, 12 feet along a collector, and 11 feet along a local street, in order to leave space for adequate sidewalks, required utility separations and street trees (see Map A).
  - When the proposed building is adjacent to existing buildings on an abutting property the facade shall, in most instances, be built at the facade of the adjacent building closest to the street, or the 80-foot build-to line, whichever is closer to the street. In all cases, however, space shall be created for street trees of high quality species on private property or in the public right-of-way.

- The appropriate reviewing board, city manager or designee can approve a facade closer to the curb or edge of pavement than the previously listed distances so that a consistent street edge of adjacent buildings can be maintained.
- Buildings on corner lots or buildings on more than one street frontage shall, in most instances, have the 80-foot build-to line requirement on the more primary street frontage area.
- The appropriate reviewing board, city manager or designee may approve a greater build-to line (farther from the street) than the required build-to line when site constraints such as significant tree features or significant design features warrant it. If such approval by the appropriate reviewing board, city manager or designee is granted, the front yard area must be landscaped to provide shade for pedestrians with tree plantings and to establish the street edge articulation.
- The standards described in this subsection shall supersede any landscape buffer width requirements found in Article VIII of the Land Development Code for frontage areas, except in front of surface parking lots.

Stoops, stairs, chimneys, and bay windows are allowed to extend beyond the build-to line as long as they do not exceed more than 25 percent of the front facade. Open porches, projecting signs, balconies, arcades, awnings and outdoor cafes may also extend beyond the build-to line. However, at least 5 feet of unobstructed sidewalk width and room for any required tree strip must be retained.

(l) Parking.

- (1) Intent. Parking is one component of the successful commercial area, but should not dominate the streetscape or degrade the public realm. Parking areas located in front of buildings are inconvenient and unpleasant for pedestrians. They significantly increase walking distances from the public sidewalk. They create hot expanses of asphalt, and prevent the pedestrian on the public sidewalk from enjoying building details and activity within the building. In addition, they prevent the building from contributing to an intimate, comfortable street edge. Buildings pulled up to the street without intervening motor vehicle parking have more of a human scale. A larger curb turning radius at a parking area ingress and egress point allows vehicles to negotiate a turn rapidly, whereas a smaller radius forces a vehicle to slow down.

- (2) Standard.

- a. No motor vehicle parking is required. All motor vehicle parking except a double-loaded row of parking is to be located in the rear or interior side, or both, of the building, unless topography, stormwater retention, or significant trees, as determined by the appropriate reviewing board, city manager or designee, prevent such a location. In no case shall more than 50 percent of the parking be located between the front facade and the primary abutting street. However, driveway entrances and exits to parking areas shall be allowed on the front side of the building. The minimum number of motor vehicle parking spaces required by section 30-332 is the maximum allowed. However, there shall be no limit on the number of parking spaces in parking structures.
- b. Bicycle parking spaces shall be installed as called for by section 30-332. Such parking may encroach into the public right-of-way or beyond the build-to line provided that at least 5 feet of unobstructed sidewalk width and any required tree strip is retained. Bicycle parking requirements may be waived if public bicycle parking exists to serve the use.

(m) Sidewalks.

- (1) Intent. Sidewalks, when properly dimensioned and maintained, provide the pedestrian with a pleasant, safe, and convenient place to walk, and mitigate traffic impacts by making the area more walkable. Sidewalks that are too narrow are inconvenient, especially in areas with large volumes of pedestrians.



(2) Standard.

- a. All developments must provide sidewalks along all street frontage. All developments must provide pedestrian connections from the public sidewalk to the principal building. Entrance sidewalks shall be a minimum of 5 feet of clear width.
- b. Minimum sidewalk widths:

Street Classification	Multi-Family Residential/ Industrial (feet)	Commercial/ Institutional/Office/ Mixed Use (feet)
Local	6	7
Collector	7	8
Arterial	7	10

The minimum unobstructed width shall be 2 feet less than the required sidewalk width, as long as at least 5 feet of unobstructed width is retained. At transit stops, the minimum width is 8 feet of unobstructed width. Minimum width for a tree strip shall be 4 feet, or such other width as may be adequate for tree placement, unless the tree strip requirement is waived by the appropriate reviewing board, city manager or designee.

- c. In order to maintain a consistent street edge of adjacent buildings, the appropriate reviewing board, city manager or designee may modify the required sidewalk width and the tree strip width in order to achieve the above-stated intent. In areas where a sidewalk pattern as to materials and width has been adopted, the appropriate reviewing board, city manager or designee can allow the pattern to be continued by each new development. If the sidewalks installed are less than the minimums provided above, sufficient space shall be provided in order for these minimum sidewalk widths to be added in the future.

(n) Building orientation.

- (1) Intent. A successful commercial district must have vital streetfronts. Neighborhoods with lively streetfronts become the healthiest for business. Streetfront entrances provide convenience for customers and residents by minimizing walking distances from public sidewalks and nearby buildings. Rear or side entrances, or entrances oriented toward a parking lot, when no streetfront entrance is available, make travel highly inconvenient for pedestrians and transit users, cuts the building off from street life, "turns the building's back" to the public realm, and hides architectural character from public view. When a building is located at an intersection, the most convenient entrance is usually abutting the public sidewalks at the corner of the intersection.
- (2) Standard. The main entrance of buildings or units must be located on the first floor on the more primary street, even if the more primary street is outside of the overlay affected area. The Building Orientation standard applies if a portion of the wall along the more primary street outside of the overlay affected area is within 250 feet of the overlay affected area.

(o) Building wall articulation.

- (1) Intent. All buildings shall be designed to provide streetfront vitality. Long expanses of blank walls tend to be monotonous. Windows attract pedestrians, who act as a security system for the

business. Buildings without such relief and interest tend to create a "massive scale," and make the public realm impersonal.

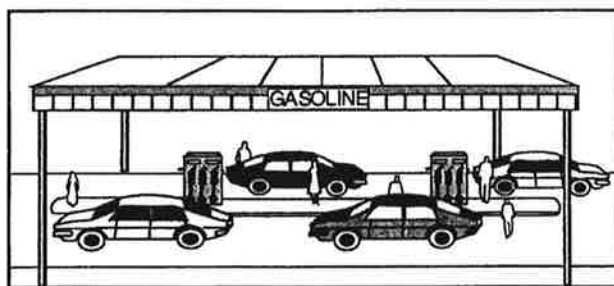
- (2) **Standard.** Building walls facing the more primary street shall have non-reflective, transparent windows or glazed area covering at least 25 percent of their surface at pedestrian level (between 3 feet above grade and 8 feet above grade) on the first floor, even if the wall faces a street outside of the overlay affected area. Operable entrance doors shall be excluded from the calculation of total facade surface area. Building walls along a street that is not within the overlay affected area that are entirely more than 250 feet from the regulated corridor shall be exempt from the Building Wall Articulation standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard.

(p) **Mechanical equipment.**

- (1) **Intent.** Mechanical equipment, when improperly located on a site or improperly screened, can contribute to noise problems and create visual blight.
- (2) **Standard.** All mechanical equipment must be placed on the roof, in the rear, or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be allowed along street frontage(s). Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.

(q) **Auto-oriented uses.**

- (1) **Intent.** Auto-oriented uses tend to create visual blight, and noise and light pollution that detracts from community character and nearby neighborhoods.
- (2) **Standard.** Gas Stations, Car Washes, Auto Dealers, and Limited Automotive Services shall be designed to minimize interruption of pedestrian traffic. The number of gas pumps shall not exceed 4 fueling positions. (see figures1) Service bays for limited automotive services shall be designed and located either:
  - (a) With a maximum of 3 service area entrances at the rear of the building, not exceeding 14 feet in width for each, which each provide direct access to an externally-oriented service bay; or
  - (b) With a maximum of 2 service area entrances on the rear or side of the building, not exceeding 26 feet in width for each, which provide indirect access to one or more internally-oriented service bays.



#1 Maximum of four fueling positions

(Ord. No. 000619, § 1, 1-22-01; Ord. No. 110247, § 2, 11-3-11; Ord. No. 090878, § 15, 6-6-13; Ord. No. 140023, § 9, 3-19-15)

### Map A - Arterials and Collectors





Sec. 30-252. - Landscaping requirements for vehicular use areas.

(1) Perimeter requirements.

- a. Perimeter landscaped area required. All vehicular use areas shall be separated by a perimeter landscaped area, a minimum of nine feet in width, from any public or private street and from any adjacent properties.
- b. Exceptions. This landscape area is not required:
  1. When the paved ground surface area is completely screened from adjacent properties or streets by intervening buildings or structures; or
  2. When an agreement to operate abutting properties as essentially one contiguous parking facility is in force, and both sites are in compliance with vehicular use area landscaping requirements. The agreement shall be executed by the owners of the abutting properties, and shall bind their successors, heirs and assigns. Prior to the issuance of any building permit for any site having such a contiguous parking facility, the agreement shall be recorded in the public records of the county.
- c. For automotive sales uses, the perimeter landscape area shall only be required for 300 feet along each street frontage in the area devoted to automobile display, with the remainder of the required plant materials being proposed for planting elsewhere on the site, such as around stormwater areas or the building foundation. Perimeter landscape areas shall be required for all storage, accessory service and customer parking areas at any auto sales facility.
- d. Modification of requirements. The development review board or the plan board, through plan review, or staff, when only staff review is required, may determine that:
  1. Screening is better achieved by relocation of the landscape strip;
  2. There is an unresolvable conflict between other element(s) of the development plan and the location, width or height of the perimeter landscape area, and that the public interest is therefore best served by relocation of the landscape area, lowering the height of required material or the substitution of a solid fence or wall in conjunction with a reduction in width provided that the number of shade trees that would have otherwise been required are planted elsewhere on the development site; or
  3. On redevelopment sites where the conflict between existing utility line separation distances and the shade trees required within the perimeter landscaped area cannot be resolved through the practices listed in section 30-251(1)(b), then the area shall be planted with shrubs and understory trees acceptable to the utility company. On projects where new utility lines are planned, sufficient space shall be allocated to meet both the utility separation requirements and the minimum tree-planting requirement.
- e. Required plant material. The perimeter landscape area shall contain:
  1. Shrubs, arranged to provide a visual screen of 75 percent opacity and achieve a height of at least three feet within three years; and
  2. High quality shade trees at a minimum average of three trees for every 100 feet of the linear distance of the perimeter landscape area, excluding the width of driveways that cross the landscape area. The distance between such trees shall not exceed 55 feet nor shall they be planted closer than 25 feet apart.
  3. The development review board or plan board during development plan review, or staff during administrative review, may determine that natural vegetation is sufficient to screen adjacent properties and rights-of-way. In such instance the existing vegetation, including understory plants and bushes, is protected from pruning and removal except that diseased plant material and invasive nonnative species shall be replaced in accordance with this section. Where the property is adjacent to a railroad right-of-way or utility easement, these areas shall not be substituted for the perimeter landscape area or the required

landscaping. Where encroachments are made for utility connections, replacement plants appropriate to the ecosystem shall be required.

- (2) Interior landscaped areas. The interior of any vehicular use area shall also be landscaped in compliance with the following:
- a. Landscape islands, equal to the size of one parking space, shall be located at an average of every ten parking spaces. At no time shall a row of parking have landscape islands greater than 126 feet apart or closer than 36 feet apart. Additionally, terminal landscape islands containing a tree shall enclose each row of parking spaces.
  - b. Each required landscape island shall contain at least one high quality shade tree listed on the Gainesville tree list as a species appropriate for 'lot' planting. Such tree(s) shall be located within the landscaped area of at least 140 square feet to maximize the shading of the pavement.
  - c. Head-to-head parking rows shall contain eight-foot-wide landscape strips between the rows allowing for two-foot vehicle overhangs on each side. Shade trees, shall be planted every 50 feet on average within these landscaped areas, but outside of the two-foot vehicle overhangs. As an alternative, every other row of head-to-head parking may provide a 16-foot-wide curbed landscape strip with shade trees every 35 feet on average. As needed, these wider landscape strips may contain sidewalks.
  - d. The development review board or plan board through development plan review, or staff when only staff review is required, may allow the relocation of interior landscaped areas to preserve existing trees, or where it is determined, upon review and recommendation of the city manager or designee, that the relocation is necessary for the safe maneuvering of vehicles or pedestrians.
  - e. In those vehicular use areas including but not limited to auto dealerships, storage of service or delivery vehicles, or attendant parking where interior landscaping would interfere with the customary storage or display of vehicles, the development review board or plan board through development plan review, or staff, when only staff review is required, may allow some or all of the required interior landscaping to be located near the perimeters of the paved area, including such perimeters which may be adjacent to a building on the site. Such landscaped area would be in addition to required perimeter landscaping in the amount of one square foot of landscaped area for each 60 square feet of paved area. For each 140 square feet of relocated landscaped area, a high quality shade tree shall be provided.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 1, 10-4-93; Ord. No. 990954, § 5, 4-24-00; Ord. No. 090878, § 5, 6-6-13)

Sec. 30-344. - Outdoor lighting.

- (a) Purpose. To provide regulations for outdoor lighting that will:
  - (1) Protect and promote the public health, safety, and welfare;
  - (2) Promote safety and security in vehicular use areas;
  - (3) Protect neighbors, the environment, and the night sky from adverse lighting impacts such as light pollution, light trespass, glare, excessive lighting, and offensive light sources; and
  - (4) Promote energy and resource efficient lighting.
- (b) Applicability. All outdoor lighting uses within the city including, but not limited to, multi-family residential, commercial, industrial, public and private recreational and institutional uses, architectural, and landscape lighting.
- (c) Exemptions.
  - (1) Properties with a single-family or two-family dwelling.
  - (2) Lighting for public rights-of-way, public streets, and approved private streets.
  - (3) Lighting necessary for emergency equipment and work conducted in the interests of law enforcement, fire rescue, storm debris clean-up or other similar public safety efforts.
  - (4) Lighting for construction, renovation, or repair of roads and utilities.
  - (5) Temporary general construction lighting, which shall be regulated in accordance with building construction standards and shall be valid during the active period of a building permit.
  - (6) Holiday decorative lighting.
  - (7) Sign lighting, which is regulated elsewhere in this Land Development Code.
  - (8) Lighting required by federal or state laws or regulations.
- (d) General requirements.
  - (1) Luminaire design and operation.
    - a. For the lighting of predominately horizontal surfaces such as, but not limited to, parking areas, recreational areas, and building entrances, luminaires shall be full-cutoff fixtures and shall be aimed downwards.
    - b. For the lighting of predominately non-horizontal surfaces such as, but not limited to, facades, landscaping, fountains, displays, and statuary, luminaires shall be shielded and shall be installed and aimed so as to not project output past the object being illuminated, skyward, onto a public roadway, or onto adjacent uses.
    - c. Lighting shall be designed, located, aimed, shielded, and maintained so as to minimize light pollution.
    - d. Luminaires shall consist of lighting at least as energy and resource efficient as high performance LED lighting.
    - e. Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automaton system or lighting energy management system, all with battery or similar backup power. Automatic lighting controls are not required for the interior of parking structures.
    - f. Vegetation and landscaping may be required to control glare and light trespass; however, vegetation screens shall be planted and maintained in a manner that does not obstruct security lighting. Where landscaping is used for light screening, it shall be in addition to the

applicable landscaping requirements listed in article VIII of the Land Development Code. During development plan review, the technical review committee shall determine whether existing vegetation is adequate to meet the required screening needs or whether additional light screening vegetation is necessary to supplement the existing standards of article VIII.

- g. The use of search lights, lasers, lighting or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited. No exceptions or waivers shall be permitted.

(2) Pole height.

- a. Except as otherwise regulated by this section, the height of luminaires shall not exceed 30 feet.
- b. During approval of a development plan, building permit or special use permit, the appropriate reviewing board, city manager or designee may permit by special exception pole heights up to 50 feet provided the following conditions are met:
  - 1. The development for which the special exception is requested has a total floor area of 100,000 square feet or greater;
  - 2. Any property adjacent to the property for which a special exception is requested has a zoning that allows a similar use; and
  - 3. The special exception is requested for an area that is greater than 75 feet from any adjacent property that either contains a residential dwelling or that has a residential zoning district classification as established by section 30-41.

In granting the special exception, the city may impose any reasonable conditions, restrictions or limitations to preserve and promote the purpose and intent of this section.

(3) Illumination standards.

- a. Lighting shall have illuminances, uniformities and glare control in accordance with the published standards of the Illuminating Engineering Society of North America (IESNA).
- b. Except as follows, light trespass onto adjacent property shall not exceed 1.0 footcandles measured line-of-sight from any point on the receiving property.
  - 1. Residential property. Light trespass onto any adjacent property that either contains a residential dwelling or that has a residential zoning district classification as established by section 30-41 shall not exceed 0.5 footcandles measured line-of-sight from any point on the receiving property.
  - 2. Nature parks. Light trespass onto any adjacent nature park shall not exceed 0.4 footcandles measured line-of-sight from any point on the receiving nature park.

- (e) Specific requirements. In addition to the general requirements applicable to all outdoor lighting uses, this subsection outlines additional requirements for the following specific outdoor lighting uses or areas. If provisions in this subsection conflict with any of the general requirements, the provisions in this subsection shall prevail.

- (1) Recreational lighting. Lighting for outdoor recreational uses (including pole heights) may be designed in accordance with the published standards of the Illuminating Engineering Society of North America (IESNA).
- (2) Nature parks. Buildings shall not be externally illuminated on any vertical faces fronting a nature park.
- (3) Building exteriors. Lighting provided for the general security of areas such as, but not limited to, building entrances, stairways, ramps and main walkways shall not exceed an average horizontal illuminance of five footcandles at ground level, a uniformity ratio of 6:1, a maximum uniformity ratio of 10:1, and an average vertical illuminance of 0.2 footcandles measured five feet above the height of the luminaire.

(4) Parking lots.

- a. Lighting shall be uniform throughout the parking lot, with no dark patches or pockets, for safety and identification of features.
- b. Luminaire locations shall not be in conflict with existing and proposed landscaping.
- c. Except as provided in the next subsection, lighting shall maintain a minimum horizontal illuminance of 0.5 footcandles at ground level and shall not exceed an average horizontal illuminance of 2.5 footcandles, a uniformity ratio of 5:1, and a maximum uniformity ratio of 15:1.
- d. Parking lots within 75 feet of any adjacent property that either contains a residential dwelling or that has a residential zoning district classification as established by section 30-41 shall meet the following requirements:
  1. Luminaires shall be full-cutoff fixtures from which no light is emitted at or above an angle of 80 degrees from the pole;
  2. The height of luminaires shall not exceed 15 feet; and
  3. Lighting shall maintain a minimum horizontal illuminance of 0.2 footcandles at ground level and shall not exceed an average horizontal illuminance of 1.0 footcandles, a uniformity ratio of 5:1, a maximum uniformity ratio of 10:1, and an average vertical illuminance of 0.1 footcandles measured five feet above the height of the luminaire.
- e. Multiple-family residential developments shall have additional lighting at the entrance and exit points of parking lots sufficient to light the area for pedestrians entering and exiting the parking area. Lighting levels at entrances and exits shall maintain a minimum horizontal illuminance of 1.0 footcandles at ground level.
- f. Lighting shall be provided in accordance with this section throughout the nighttime hours of operation and/or use by the public of a business or facility. However, lighting shall be automatically extinguished no later than one hour after the close of business or facility operation and/or use by the public. After-hours security lighting may be permitted when such lighting does not exceed 50 percent of the number of luminaires or the illumination level required or permitted during regular nighttime operation hours.

(5) Parking structures.

- a. Applicability. These standards for parking structures shall apply to any multilevel parking structure and any floor of a building, including but not limited to the first floor and/or basement level, used for parking or storage of vehicles. However, when either the top floor of a building used for parking or storage of vehicles or the top floor of a multilevel parking structure is uncovered and open to the sky, said floor shall be regulated in accordance with the standards for parking lots but shall have luminaires that do not exceed a height of 15 feet.
- b. Luminaires shall be full-cutoff, semi-cutoff and/or refractor high intensity discharge (HID) fixtures. The exact type, configuration and placement of luminaires shall be designed to prevent glare, cavern effect and to facilitate vertical illumination of the floor so that drivers are able to discern objects within the facility. Designs shall attain a cutoff angle of 24 degrees to 38 degrees on driver approach and 60 degrees to 75 degrees on driver retreat as shown in Figure 1.
- c. Lighting intensities for all floors, ramps, entrance/exit areas, and stairways shall be as listed in Table 1.

Figure 1. Transverse Lighting Coverage  
Transverse Coverage and Cutoff based on Eight-Foot Mounting Height



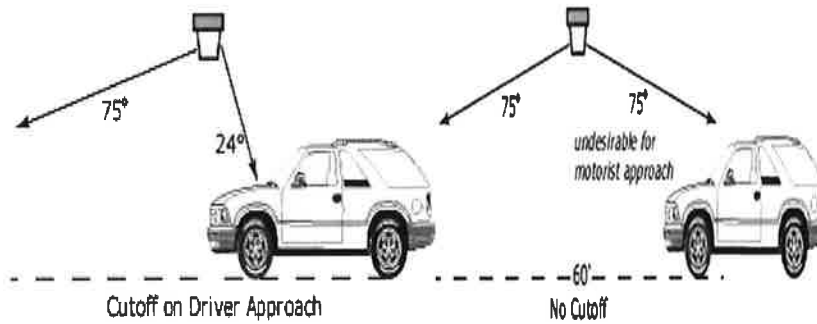


Table 1

	Minimum Horizontal Illuminance (footcandles)	Maximum Uniformity Ratio	Minimum Vertical Illuminance* (footcandles)
Basic per floor	1	10:1	.5
Ramps day	2	10:1	1
Ramps night	1	10:1	.5
Entrance areas day	50	—	25
Entrance areas night	1	10:1	.5
Stairways	2	—	1

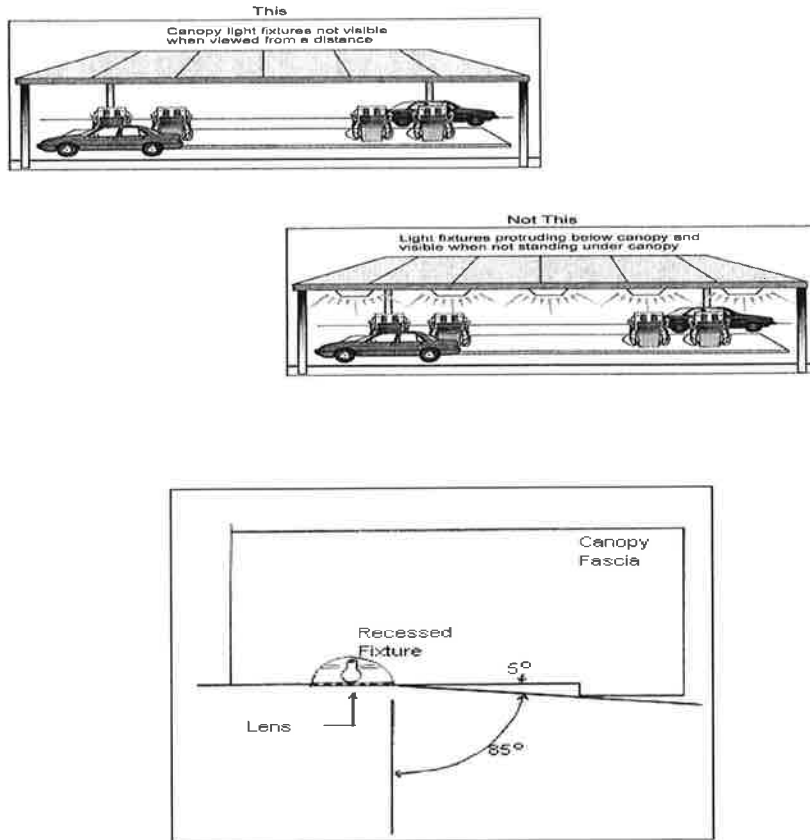
\*Measured facing the drive aisle at five feet above the parking surface at the point of the lowest horizontal illuminance.

(6) Canopy lighting.

- a. Luminaires mounted on or under canopies shall be full-cutoff fixtures, or recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy as demonstrated in Figure 2. Lighting may also be shielded by fixtures or the edge of the canopy so that light is restrained to 85 degrees or less from vertical as shown in Figure 2.
- b. Lighting within six feet of the canopy shall maintain a minimum horizontal illuminance of 2.0 footcandles at ground level and shall not exceed an average horizontal illuminance of ten footcandles, a uniformity ratio of 5:1, and a maximum uniformity ratio of 6:1.

- c. Indirect lighting where light is aimed upward at the underside of the canopy and reflected back down from the underside of the canopy may be used when luminaires are shielded so that all direct illumination is focused exclusively on the underside of the canopy and when the average vertical illuminance does not exceed 0.5 footcandles at five feet above the canopy level.
- d. Luminaires shall not be mounted on the top or sides (fascias) of the canopy when not part of a permitted sign. The sides (fascias) of the canopy shall not be illuminated in a manner other than that prescribed under the section of the Land Development Code regulating signs.
- e. Lighting shall be provided in accordance with this section throughout the nighttime hours of operation and/or use by the public of a business or facility. However, lighting shall be automatically extinguished no later than one hour after the close of business or facility operation and/or use by the public. After-hours security lighting may be permitted when such lighting does not exceed 50 percent of the number of luminaires or the illumination level required or permitted during regular nighttime operation hours.

Figure 2. Canopy Lighting



- (f) Lighting plan submission. Lighting plans demonstrating compliance with the requirements of this section shall be submitted to the technical review committee for review and approval for development plan review, a building permit, and special use permit applications. Lighting plans shall be certified by a registered architect, engineer, or lighting professional holding a current lighting certification (LC) from the National Council on Qualifications for the Lighting Profession (NCQLP) as providing illumination in accordance with the applicable standards of this section and shall include the following information:

- (1) A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting.
- (2) A statement of the proposed hours when the luminaires will be on and when they will be extinguished.
- (3) A layout of all existing and proposed luminaires by type, location, mounting height, aiming direction, orientation, lamp, and photometry.
- (4) Description of the proposed equipment, including luminaire catalog cuts, glare reduction devices, lamps, lamp color temperature, on/off control devices, mounting heights, mounting methods, pole foundation details, and pole protection means.
- (5) Manufacturer specification sheets, cut-sheets or other manufacturer-provided information for all existing and proposed luminaires, including designation as full-cutoff fixtures if applicable and/or required.
- (6) Photometric data and drawings to illustrate how light sources are shielded to prevent spillover lighting and how the aiming of lights will prevent light trespass and glare to drivers, pedestrians, adjacent properties, and the night sky.
- (7) An illustration showing lighting levels (illuminance in footcandles), uniformity ratios, lamp wattages, shades, deflectors, beam directions, and luminous areas for each source of light.
- (8) A photometric grid showing footcandle readings every ten feet within the property or site, and 25 feet beyond the property lines, plotted out to 0.0 footcandles. The map or grid shall be drawn to a scale acceptable to the city manager or designee, but in no instance to a scale smaller than one inch equals 100 feet. Iso-footcandle contour line style plans are also acceptable.
- (9) Landscaping information demonstrating that the site lighting and existing and proposed landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- (10) A description of adjacent properties that may be adversely impacted by the lighting. The lighting plan may require the inclusion of illuminance values on specific adjacent properties (e.g. adjacent properties with residential dwellings).
- (11) For parking structures, the lighting plan shall include the following additional information:
  - a. Minimum horizontal and vertical lighting intensities for each floor, floor ramps, entrance areas and stairways. Data may be requested for certain daylight periods.
  - b. Uniformity ratios and maximum uniformity ratios for each floor, floor ramps, entrance areas and stairways. Data may be requested for certain daylight periods.
  - c. The cutoff angles on driver approach and retreat.
  - d. Any cavern effects from light shielding.
- (g) Waivers. During approval of a development plan, building permit or special use permit, the appropriate reviewing board, city manager or designee may permit a waiver for one or more of the requirements of this section. An applicant requesting a waiver shall submit a lighting plan as described in this section and the appropriate reviewing board, city manager or designee may have the request and lighting plan reviewed, at the applicant's expense, by a registered architect, engineer, or lighting professional holding a current lighting certification (LC) from the National Council on Qualifications for the Lighting Profession (NCQLP). The appropriate reviewing board, city manager or designee may permit a waiver only when an applicant demonstrates that:
  - (1) The requested waiver is consistent with and promotes the purpose and intent of this section;
  - (2) The applicant otherwise meets the requirements of this section;
  - (3) A unique situation or hardship exists as a result of conditions peculiar to the property and not due to the actions of the applicant; and

- (4) The requested waiver is necessary to ensure compatibility and consistency with the surrounding properties.

In granting a waiver, the appropriate reviewing board, city manager or designee may impose any reasonable conditions, restrictions or limitations to preserve and promote the purpose and intent of this section.

- (h) Nonconforming luminaires and lighting. Any luminaire or lighting installation lawfully existing on December 20, 2012, that does not conform with the requirements of this section shall be deemed legally nonconforming.
  - (1) A nonconforming luminaire or lighting installation shall be made to conform with the requirements of this section when:
    - a. Minor corrective action, such as re-aiming or shielding, can achieve conformity with the applicable requirements of this section;
    - b. Fifty percent or more of the existing luminaires on a property are replaced;
    - c. The number of existing luminaires on a property is increased by 50 percent or more; or
    - d. The city manager or designee deems the nonconforming luminaire or lighting installation a safety hazard.
  - (2) A development that becomes nonconforming with this section due to a change in operational hours from daytime only to include nighttime operation shall be required to comply with these regulations within 90 days of the effective date of the change.

(Ord. No. 120023, § 7, 12-20-12)

**Editor's note**— Prior to the reenactment of § 30-344 by Ord. No. 120023, Ord. No. 040238, § 1, adopted Sept. 27, 2004, repealed said section in its entirety. The former § 30-344 pertained to storage of flammable liquids and derived from Ord. No. 3777, § 1, adopted June 10, 1992.



May 24, 2016

Ms. Bedez Massey  
City of Gainesville Planning Department  
Thomas Center, Building "B"  
306 NE 6<sup>th</sup> Avenue  
Gainesville, FL 32601

RE: **Palm Garden of Gainesville – DB-16-37 SPA**  
**Letter of Request**  
**Kimley-Horn Project No. 142350001**

Dear: Ms. Massey,

On behalf of our client, this letter shall serve as a Board Approval waiver request for the proposed Palm Garden of Gainesville building expansion, Petition No. DB-16-37 SPA. In our professional opinion, we feel that these requests to waive the project from the ordinances below are in compliance with the intent of the Land Development code.

The Palm Gardens facility has been a member of the Gainesville business community for over 20 years. They provide a valuable service as a convalescent nursing facility and are currently at capacity. They propose to add a 30-bed expansion to serve the growing needs of the community. The expansion is planned on the only remaining viable portion of their property. As is typical in these situations, there are some portions of the standards and regulations that they cannot comply with due to site constraints. Fortunately, The City of Gainesville's codes allow for flexibility in these situations. Through very careful design and planning there are only two waivers that need to be requested.

**Policy 10.3.1 – The City shall use the Central Corridors Overlay District design standards in the Land Development Code for development/redevelopment projects within the TMPA.**  
**Section 5 – Special Area Plan for Central Corridors, Exhibit B(k)(2) – In most instances, the build-to line shall be 80 feet from the curb or edge of pavement for at least 70 percent of the building façade.**

*Palm Gardens cannot comply with the build-to line section of this policy. The original building was constructed approximately 175 feet from the edge of pavement of 62<sup>nd</sup> Boulevard. There are significant utilities and infrastructure as well as existing drainage retention between the existing building and the road. In addition, there are numerous large oaks in this area as well. The area between the existing building and the road has a shady park-like setting that is highly valued by the residents at Palm Gardens; which is proposed to be further enhanced by this application. It is not possible to construct an expansion in this area.*

*Palm Gardens requests an exception to the Special Area Plan for Central Corridors build to line requirement. Per Section 5-Exhibit B-(j)(4), "A non-conforming building may be*

*developed, enlarged, or modified without requiring conformance with this overlay if the change would not increase the degree of non-conformity with the standards in this overlay."*

**Section 30-252(1)d.3. - Modification of perimeter landscaping in vehicular use areas: On redevelopment sites where the conflict between existing utility line separation distances and the shade trees required within the perimeter landscaped area cannot be resolved through the practices listed in section 30-251(1)(b), then the area shall be planted with shrubs and understory trees acceptable to the utility company.**

*Palm Gardens complies with the intent of this requirement. After much discussion with staff, including the TRC meeting on March 30<sup>th</sup>, GRU will not allow trees to be planted along a portion of the buffer that would be in conflict with the sanitary sewer and overhead power lines on the eastern property line. Per the request of GRU and the Urban Forestry Department, and in conjunction with Section 30-251(1)(b), the perimeter landscaping was modified by relocating the River Birch (*Betula Nigra*) to the nearest adjacent interior island, while keeping the Sweet Viburnum (*Viburnum Odoratissimum*) shrubs. Palm Gardens is still in compliance with all other landscaping and tree mitigation requirements.*

Sincerely,

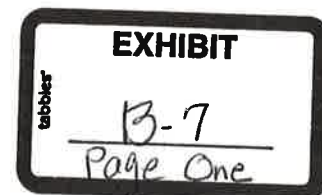


Richard V. Busche, P.E., CFM  
Senior Vice President

RVB/eyw

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May 13, 2016

Ms. Bedez Massey  
City of Gainesville Planning Department  
Thomas Center, Building "B"  
306 NE 6<sup>th</sup> Avenue  
Gainesville, FL 32601

MAY 16 2016

Re: Palm Garden of Gainesville – DB-16-37-SPA  
Waiver Request Letter  
Kimley- Horn Project No. 142350001  
TLC –Project No. 815102

Dear: Ms. Massey

On behalf of our client, this letter shall serve as a Board Approval waiver request for the proposed Palm Garden of Gainesville building expansion, Petition No. DB-16-37 SPA. In our professional opinion, we feel that these request to waive the project from the ordinances below are in compliance with the intent of Outdoor lighting code and are supported by City review staff.

**Section 30-344 (h) (1) c. Outdoor Lighting – Nonconforming luminaires and lighting. Any luminaire or lighting installation lawfully existing on December 20, 2012, that does not conform with the requirement of this section shall be deemed legally nonconforming.**

- (1) A nonconforming luminaire or lighting installation shall be made to conform with the requirement of this section when:**
- c. The number of existing luminaire on a property is increase by 50 percent or more;**

Palm Garden cannot comply with the nonconforming lighting installation of this policy. The quantities of light fixtures are being increase by more than 50 percent of the existing lighting installation in order to comply with sections (d) (2)a. Pole height, (d)(3)(b)(3) Building exteriors and section (d)(4)(d)(3) Parking lots. The maximum average foot candles requirements, along with the height limitations, necessitate the use of multiple light fixtures that will increase the total quantities of luminaires on the property by more than 50 percent of the existing luminaires.

**Section 30-344 (d)(4)(d)(3) Parking lots – Parking lots within 75 feet of any adjacent property that either contains a residential dwelling or that has a residential zoning district classification as established by section 30-41 shall be meet the following requirements:**

- (3) Lighting shall maintain a minimum horizontal illuminance of 0.2 foot-candles at ground level and shall not exceed an average horizontal illuminance of 1.0 foot-candles, a uniformity ratio of 5:1 a maximum uniformity ratio of 10:1, and an average vertical illuminance of 0.1 foot-candles measured five feet above the height of the luminaire.

Palm Garden cannot comply with the maximum average horizontal illuminance of 1.0 foot-candles while maintaining the minimum at 0.2 foot-candles and keeping the uniformity ration of 10:1 without excessively increasing the quantities of light fixtures.

Palm Garden is proposing using a combination of wall mounted light fixtures and light poles that will maintain the minimum horizontal illuminance of 0.2 foot-candles at ground level, a uniformity ration of 5:1, a maximum uniformity ratio of 10:1, an average vertical illuminance of 0.1 foot-candles measured five feet above the height of the luminaire and **will not exceed an average horizontal illuminance of 2.00 foot candles.** The above proposal will provide zero light trespass at the adjacent property. The light poles will be kept under 15 foot (full cutoff) and the wall sconces will be full cutoff mounted at 8 feet above finish grade. This set up will minimize if not eliminate the visibility of the light source from the adjacent property due to the existing barriers, buffer zones.

Please keep in mind that the only way of maintaining an average of 1.0 foot candles and a minimum of 0.2 is through the use of bollards. This will place a bigger monetary burden to the project and cause a burden to the environment as more light fixtures need to be used.

Sincerely,

MAY 14 2015