


EXHIBIT

tabbles

A-1



AERIAL PHOTOGRAPH

Name	Petition Request	Petition Number
 No Scale	Major development plan review to allow the construction of a five-story, mixed-use building with 172 units and and a five-story 125-unit building	DB-16-38 SPL

EXHIBIT

A-2

Tables

City of Gainesville Land Use Categories


R-L Residential Low-Density (up to 12 units per acre)
MU-H Mixed-Use High Intensity (up to 150 units per acre)

Area
under petition
consideration

Division line between two land use categories



EXISTING LAND USE

Name	Petition Request	Petition Number
 No Scale	Major development plan review to allow the construction of a five-story, mixed-use residential building with 172 units and a five-story 125-unit residential building	DB-16-38 SPL

EXHIBIT

A-3

City of Gainesville Zoning Districts

RC 12 units/acre Residential Conservation
CCD Up to 150 units/acre Central City



Area
under petition
consideration

Division line between two zoning districts

EXISTING ZONING

Name

Chen Moore and Associates (Christobal Betancourt), agent for 238 Development LLC, Owner

Petition Request

Major development plan review to allow the construction of a five-story, mixed-use residential building with 172 units and a five-story 125-unit residential building

Petition Number

DB-16-38 SPL



No Scale

238 University



Technical Review Committee:

Planning Comments (Approvable with conditions)

Andrew Persons, 334-5023

1. Please submit a detailed list of requested exceptions to the Traditional City Special Area Plan requirements and an explanation of how the project meets the exception standards listed below. Any requested exceptions will be considered by the Development Review Board in accordance with the following:

(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:

*The proposed construction is consistent with the overall intent of these minimum development standards; or

*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 if the proposed construction includes an existing structure which has been designated as an [a] historic property, or has historic significance because it is potentially eligible for listing on the national or local register, and maintaining a view of the existing historic structure is in the public interest.

2. Please request exceptions to the build to line where either the building is closer than Traditional City SAP allows or where the build-to line is greater than 20' such as along NW 2nd Avenue.

3. An exception is needed where the first floor structured parking deck abuts the W University Avenue, NW 1st Avenue, NW 3rd Street and NW 2nd Street frontages. The Special Area Plan requires retail, office or residential uses on the first floor abutting all public streets and sidewalks to be placed in front of any structured parking facilities.

4. An exception is needed where the proposed surface parking lot exceeds 70' along NW 2nd Ave. The applicant has provided a screening wall as shown on the plans. The wall must be broken to allow pedestrian access every 50' unless an exception is granted by the board.

5. Per the Traditional City requirements, multifamily projects must provide 7' of sidewalk width along arterial and collector roadways (University Ave, NW 3rd St. and NW 2nd St) and 6' along local roads (NW 1st Ave and NW 2nd Ave). An exception is required along

the north side of NW 1st Ave where the unobstructed width is below 5'.

6. Please request an exception to the glazing requirement along NW 1st Avenue.

7. Final development approval cannot occur until the proposed vacation of NW 1st Avenue has been approved by the City Commission consistent with the vacation of right-of-way process outlined in the City's Land Development Code and Comprehensive Plan.

8. Reductions in the number of required street trees will require a waiver from the DRB. Please include this in the list referenced in the first comment.

9. A waiver is needed to the City's photometric requirements to allow light levels along NW 1st Ave to exceed 1.0 footcandles.

10. Final development plan approval cannot be issued without a Utility Construction Permit (UCP) from GRU for the project.

**Public Works Review (Approvable subject to comments)
352-334-5070**

Roadway and Site Design:

1. Appropriate striping and signage is required for the proposed on-street parking along the east side of NW 3rd St. south of NW 1st Ave. Please discuss with appropriate Public Works staff.

Stormwater Management:

1 - What is the flow rate / impact of the condensate that will be discharged into the stormwater system? This will affect the effectiveness of the system.

2 - It appears that the groundwater will mound during storm events. The soil directly beneath the proposed facilities does not have enough volume for vertical infiltration to be the only means for recovery the WQTV as the SHWT is only 2.5 feet below the proposed facilities (eg. SMF1 - $3,200 \text{ sf} \times 2.5 \text{ ft} = 8,000 \text{ cf} \times 0.20 \text{ porosity} = 1,600 \text{ cf}$).

3 - Sheet C3.02, Stormbrixx Storage Chamber Detail Section calls out "impermeable geotextile fabric entire perimeter of tank" and is pointing to the bottom of the facility. The depiction of the system provided in the stormwater report indicates that this would be utilized in a detention system. This is a proposed retention system.

4 - Clarify the elevations for the proposed StormBrixx system. Based on the WQTV calculations, the bottom elevation is 169.50 and top elevation is 173.50. It appears from the ICPR information for the node North_Site_Prop, the top elevation extends to 176.00. Also, the peak stages shown on page 6 of the report have all of the elevations above

the 173.50. It is unclear how the volume can be maintained above the 173.50 with sand, subgrade, base, and asphalt being what is above the StormBrixx system.

5 - The City of Gainesville Engineering Design and Construction Manual (EDCM) Table 4.2 requires six inches of freeboard. EDCM Sec. 4.4 provides direction for this requirement for underground systems. The proposed design does not appear to currently meet this criteria.

6 - Provide the location of the inspection ports.

7 - Provide details for the PRB and IPRB or the structures these are placed in.

8 - The information provided about the StormBrixx indicates that there is a sediment forebay option and the following statement, "Sediment can be removed either before water enters the StormBrixx or as water enters the system via a sediment forebay." Is the PRB meant to provide the sediment removal prior to the runoff entering the system or is a forebay provided.

9 - How is the water collected from the building and then conveyed to the underground systems? Only the receiving manhole for the southern is shown (with a condensate line) and a trench drain and condensate line for the north on the plans.

10 - Currently there are no grades for the work within NW 1st Avenue. Private streets still need to be designed to meet public standards. It cannot be determined with the information provided if this criteria can be met.

11 - The system has proposed weirs set at 173.50 in the ICPR model. This is confusing as it appears this is also the top of the proposed StormBrixx system (see comment 4 above). It is not clear in the plans where these weirs are to be constructed.

12 - Provide a summary table similar to what is shown at the bottom of page 6 of the report for the pre and post-developed discharge rates.

13 - It appears that the storm structure Catch Basin #2 is the outfall from the northern system. The outlet pipe (15" pipe) has an invert of 174.90 so it is unclear how this will function with the proposed design.

14 - According to the geotechnical report, the provided soil parameters can be utilized if the following is also completed. "GSE recommended a mass undercut at the site to compact surficial very loose to loose sandy soils so that the structures can be supported by shallow foundations. During that mass excavation, caution should be taken such that the soils directly beneath stormwater vaults are not compacted to the point that the permeability values are reduced." How is this address with the provided design?

15 - Based on the numerous comments above, the stormwater design appears to have major issues. Additional issues beyond those provided above may still be present.

Therefore, additional comments may be provided with future submittals.

Transit Review:

1. Please provide auto-turn analysis as requested by Public Works.

Solid Waste:

1. Unable to determine from the plans - is one chute in each building now directed to a recycling container, or are both chutes in each building going into trash containers?

**Concurrency Comments (Approvable subject to below)
Jason Simmons, Concurrency Planning, 334-5022**

1. Please note that due to the location of the property within the University of Florida Context Area, this development must comply with the provisions of Transportation Mobility Element Policy 10.1.14, concerning new multi-family residential development funding capital transit costs associated with transit service needs. Payments shall be based on a proportionate share contribution toward the additional transit service enhancements needed to serve the proposed development in the RTS a.m. and p.m. peak hours to maintain existing service levels (frequencies). The payment will be based on the expected mode split of all development trips that will use transit.
2. The trip generation calculations for apartments within the UF context area of the City of Gainesville, are based on the number of bedrooms or persons, using the Average Vehicle Trip Ends vs: Persons, on a "weekday," the "peak hour of adjacent street traffic, one hour between 7 and 9 a.m.," and the "peak hour of adjacent street traffic, one hour between 4 and 6 p.m." Please revise the trip generation information by re-calculating the trip generation for the residential uses using ITE 220, Apartments as the use and persons (bedrooms) as the standard.
3. It is unclear how the trip generation numbers in Table 1 were calculated. The rate for ITE 220 Apartments is 3.31 for average daily trips, 0.28 for AM peak hour of adjacent street traffic and 0.40 for PM peak hour of adjacent street traffic. These rates multiplied by 441 persons do not equal what is shown in the table.
4. The equations utilized in the trip generation as shown below Table 1 on page 2 of the traffic study indicate ITE Code 221, which is Low-Rise Apartment, which is not applicable to the proposed development.
5. Please provide a concurrency/TMPA certification form with a revised traffic generation memorandum that indicates the proposed trip generation for this development based on number of bedrooms. I did not see this item attached with the submittal.
6. Please provide a Public School Student Generation Calculation form so that school concurrency can be determined for this development. I did not see this item attached with the submittal.
7. Please submit a completed water/wastewater deferral form. I did not see the referenced folder.
8. Please add a note near the trip generation table on sheet C2.01 indicating that this

development is within Zone A of the Transportation Mobility Program Area will comply with Policies 10.1.4 and 10.1.14 of the Transportation Mobility Element.

Urban Forestry Comments (Approvable with conditions)

Earline Luhrman, Urban Forestry Inspector, 393-8188

5/26/16

1. Please provide a total dollar amount for the tree appraised value trees and the deficit trees in a chart form with a total at the bottom.

2. Please replace the seven (7) Dahoon (IC) trees with Cathedral Live oak trees along West University Avenue.

3. Along NW 3rd Street place shade trees (in the cut-out between the balconies (A few suggestions are Podocarpus macrophyllus or Podocarpus nagi or Pyrus calleryana or Quercus robur or Tulip-Poplar) and proposed Cabbage palms as street trees along NW 3rd street.

4. The protected 30" high quality heritage Live oak tree root plate cannot be impacted no closer than 10 feet on all sides of the tree. No more than 25% of the living crown may be removed from this protected tree also.

5. The Live oak trees in the rights-of ways shall be mitigated at a 2:1 replacement.

6. Please add these two notes under the landscape specifications. 1. Call the Urban Forestry Inspector at 352-393-8188 for a tree barricade inspection before clearing and grubbing work begins. 2. Call the Urban Forestry Inspector at 352-393-8188 for a pre-site visit before purchasing any plant materials. (Sheet L2.03)

Fire and Life Safety Services (Approvable with comment)

Tom Burgett, Fire Inspector, 334-5065

1. All new buildings meeting any one of the criteria listed below require a standpipe system, and therefore a fire hydrant must be provided within 100 feet of the fire department connection.

(1) More than three stories above grade where the building is protected by an approved automatic fire sprinkler system

(2) More than two stories above grade where the building is not protected by an approved automatic fire sprinkler system

(3) More than 50 feet (15m) above grade and containing intermediate stories or balconies

(4) More than one story below grade

(5) More than 20 ft. (6.1m) below grade

[Gainesville Fire Prevention and Protection Code Section 10-9 (NFPA 1-13.2.2 & NFPA 14-6.4.5.4)]

The FDC on the south tower is greater than 100ft from the hydrant and I do not see the FDC for the north tower

2. Please indicate the approximate location of the features of fire protection, including:
--Fire department connection: Fire department connections shall be located at the nearest point of fire department apparatus accessibility or at a location approved by the authority having jurisdiction. (NFPA 13- 8.17.2.4.6)
-- Post Indicator Valve and/or Backflow Preventer for each building: Every connection from the private fire service main to a building shall be provided with a listed indicating valve located so as to control all sources of water supply. The post indicator valve shall be located not less than 40 ft. from the building, or as close to 40 ft. as is possible considering site limitations. (NFPA 24- 6.2)
--Fire Sprinkler and/or Standpipe main
--Sprinkler Room
[Gainesville Land Development Code Section 30-157(d) (15)]

I don't see an FDC for the north tower or PIV/OS&Y shut off for either tower

3. Please add note indicating a Knox Box will be provided to ensure emergency access to the "restricted access occupancy". Restricted access occupancy means; any multiple residential occupancy with interior corridors that lead to individual residential units, to which general public access is restricted. [Gainesville Fire Prevention and Protection Code Section 10-16 (b)]

GRU Comments for 5/25/2016 submittal (Design not approved)
Neal Beery, GRU New Services, 352-393-1413, newservices@gru.com

GRU comments are being provided to the applicant in the form of redline markups of the plans.

This link has all redlines and mark-ups applicable to this review:
<https://www.dropbox.com/sh/fqnte96ba8l2nez/AADQTM6gtcrxeC2ZyXEVonV5a?dl=0>

GRU Water/Wastewater: (Not approved)

Please see this link for comments and mark-ups:
<https://www.dropbox.com/sh/e45eyhiso0fk1eh/AAATOJdxT4t11KAcLkzRxCOAa?dl=0>

GRU Real Estate: (Not approved)
Please see this link for comments and mark-ups:
<https://www.dropbox.com/sh/xq1gxa6y4reoch6/AABicAFeJjlehCpe4vdK7wUEa?dl=0>

GRU Electric: (Not approved)
See first link above for comments.

GRU Gas: (Not approved) See first link above for comments.

GRUCom: (Approved design)



SECTION 4. - SPECIAL AREA PLAN FOR TRADITIONAL CITY

ORDINANCE NO. 970452

0-98-61

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, IMPOSING THE SPECIAL AREA PLAN OVERLAY ZONING DISTRICT FOR THE "TRADITIONAL CITY" ON CERTAIN PROPERTY LOCATED GENERALLY SOUTH OF N. 8TH AVENUE, WEST OF E. 11TH STREET, NORTH OF DEPOT AVENUE AND W. UNIVERSITY AVENUE, AND EAST OF W. 27TH TERRACE; 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 generally south of N. 8th Avenue, west of E. 11th Street, north of Depot Avenue and W. University Avenue, and east of W. 27th Terrace, 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 Traditional City (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 Traditional City 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 the 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.

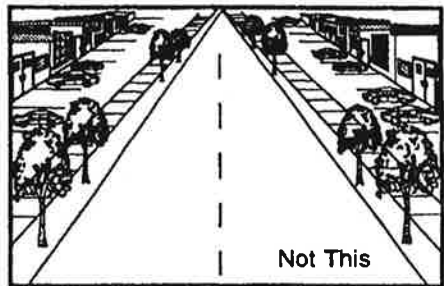
Exhibit B. Special Area Plan for the Traditional City Area
Minimum Development Standards

- (a) *Purpose.* The Traditional City is 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 ambiance 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. (see figures 1 and 1A). The standards are designed to make Gainesville a more vibrant, livable place, and increase citizen pride in its development and downtown. 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.



#1 The Traditional City

Exh. B - Special Plan - Trad. City #1



#1A The Traditional City

Exh. B - Special Plan - Trad. City #1A

- (b) *Effect of Classification.* The Traditional City 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 Traditional City standards. If provisions of the Traditional City standards conflict with the underlying zoning, the provisions of the Traditional City 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 these minimum development 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 if the proposed construction includes an existing structure which has been designated as an [a] historic property, or has historic significance because it is potentially eligible for listing on the national or local register, and maintaining a view of the existing historic structure is in the public interest.

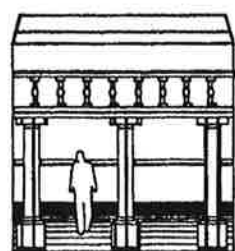
(e) *Right to Appeal.*

- 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 the decision by the appropriate reviewing board, city manager or designee is reduced to writing and served by certified 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 Planning and Development Services Department. 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 consider evidence and testimony placed before it, and shall render its decision promptly. The City Commission may affirm, amend or reverse the decision of the appropriate reviewing board, city manager or designee, based on competent, substantial evidence. 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.

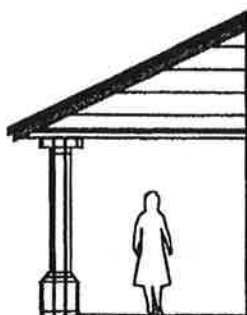
(f) *Definitions.*

"A" street. A street that is designed with, or otherwise characterized by or planned to include, features that promote the safety, comfort, and convenience of pedestrians, and that does so in a relatively exceptional way, as determined by the city manager or designee. Such streets typically feature sidewalks at least 5 feet wide, narrow streets, buildings pulled up close to the street, no front yard off-street parking, pedestrian-scaled lighting, on-street parking, landscaped medians, articulated building walls, aligned building facades, a building entrance on the street, modest turning radii, trash receptacles remote from the sidewalk, and outdoor mechanical equipment on the side, rear or roof of buildings.

Arcade. An exterior covered passageway along a building facade open to the street frontage. (see



#2 Arcade
front view



#2A Arcade
side view

figures 2 and 2A)

Arcade - Front and Side - #2 and #2A

Build-to line. The line at which construction of a building facade is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even (or more or less even) building facade line on a street.

Civic or civic use. Administrative and legislative government offices, schools, postal facilities, cultural facilities (such as libraries and museums), places of religious assembly, meeting halls, child care centers, clubhouses, bandshells, pavilions, and the like.

Facade. The principal face, front elevation, or vertical surface of a building which is set along a frontage.

Formal landscaping. Street trees or shrubs, sometimes placed in tree grates, brick-paved sidewalks, planters, or distinctive screening walls, that form an aligned street wall parallel to the street. This tree arrangement forms an intimate, comfortable, dignified public place along a corridor. The arrangement is often useful to visually "narrow down" a corridor when facing buildings on a street are set too far apart or

are of insufficient height to establish the preferred street width to building height ratio of 1:1 to 3:1. (see

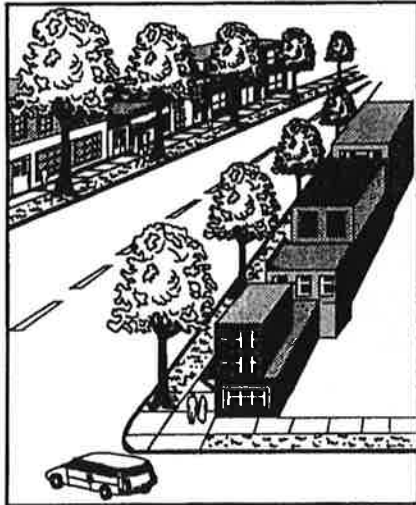


Figure 3) #3 Formal landscaping

Formal landscaping

Freestanding retail. A retail building in which the entire building is used by a single retailer. A single-[use] rather than mixed-use retail building. Retail shall not include entertainment activities.

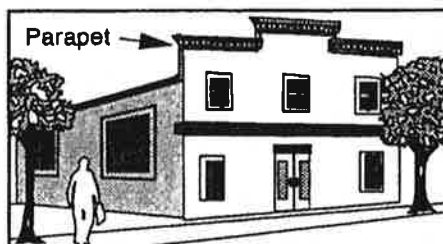
Frontage. That side of a lot abutting a street right-of-way. When a lot abuts more than one street, it is that side that abuts the more primary street or the street designed for the highest pedestrian volume. For a corner lot, all sides abutting a street shall be considered frontage.

Glazed area. Combined geometric surface area of fixed or operable window units, storefront windows and glass doors. Glazed area does not include glass block.

Main entrance. That entrance of the building which is most architecturally prominent and contains operable doors.

Mechanical equipment. A heating, ventilation, or air conditioning unit placed outside of a building.

Parapet. A low, solid, protective screening or decorative wall; often used around a balcony or



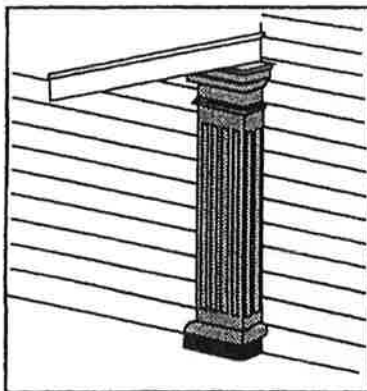
balconet, or along the edge of a roof. (see Figure 4) #4 Parapet

Parapet #4

Parking structure. A multi-story structure containing vehicle parking. Does not include a single-level parking area, commonly known as a "surface parking lot."

Pedestrian-style/scale or people-scaled. The establishment of appropriate proportions for building mass and features in relation to pedestrians and the surrounding context.

Pilaster. A rectangular or round column or shallow pier attached to a wall constructed to coordinate



with the style of the building. (see Figure 5) #5 Pilaster

Pilaster #5

Rhythm. Regularly recurring facade elements, features, or building masses.

Screening wall. A wall made of fieldstone, brick, stucco, wrought-iron (or equivalent to wrought-iron), or a combination of these materials, excluding round industrial railing and chain link. The wall shall create a visual buffer and shall be at least 25 percent solid.

Setback. The required minimum horizontal distance from a building structure to a street or property line within which a structure may not be erected.

Street edge. The vertical face formed by building facades, street trees, and screening walls which is aligned along a street, forming a comfortable people-scaled space.

Notes: • Above-defined terms are italicized in the text for convenience. • Drawings are illustrative only. They do not represent required designs.

(g) *Delineation of Traditional City Overlay District.* Properties adjacent on both sides of streets along the borders of the area in the Traditional City overlay district are within the Traditional City. Distances from the Traditional City to structures outside the Traditional City shall be measured from the outer curb or edge of pavement along the Traditional City border.

(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."

(1) *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.

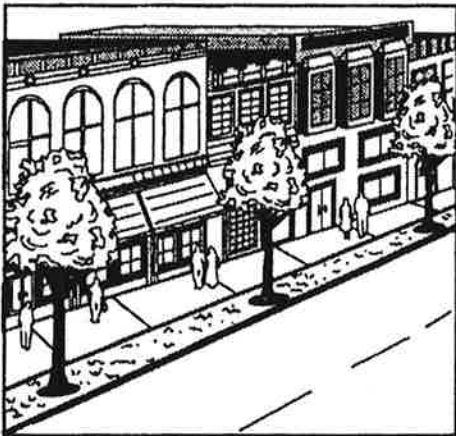
(2) *Non-conforming uses and buildings:*

a. *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.

b. *Expanding existing non-conforming uses.* A special use permit may be issued for expansion of uses made non-conforming by these traditional city standards when the city plan board makes findings that the proposed expansion is in compliance with article VII, division 4, special use permit. 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 traditional city 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.
- c. *Change of use.* A non-conforming use may only be changed to a conforming use.
- d. *Development, enlargement, or modification of a non-conforming building.* A non-conforming building may be modified without requiring conformance with this overlay if the change would not increase the degree of non-conformity with the following standards: build-to line, parking, trash and recycling receptacles and loading docks, sidewalks, building orientation, building wall articulation, mechanical equipment, landscaping or lighting.

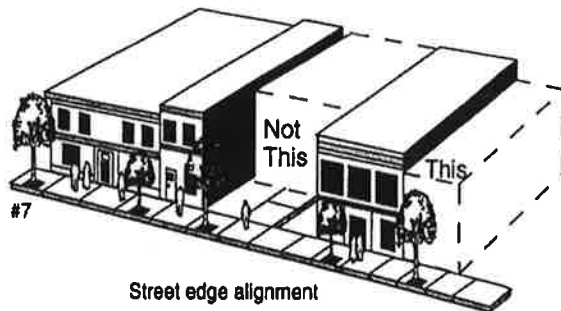


#6 Building facades pulled up to sidewalk

Building facades pulled up to sidewalk #6

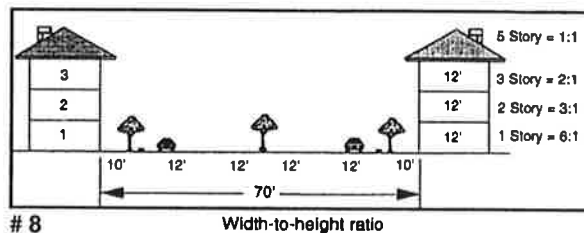
- (i) *Build-to line.*
- (1) *Intent.* The intent of a *build-to line* is to pull the building *facade* close to the street and streetside sidewalk. By doing so, building *facades* along a block face will be aligned to form a *street edge*

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. (see figures 6 and 7) The *street edge* shapes the public realm to provide a sense of comfort and security for the public space. The *build-to line* prevents overly large *setbacks*. Overly large *setbacks* are inconvenient and unpleasant for pedestrians. They 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 and 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 create shade and shield the pedestrian from wet weather.



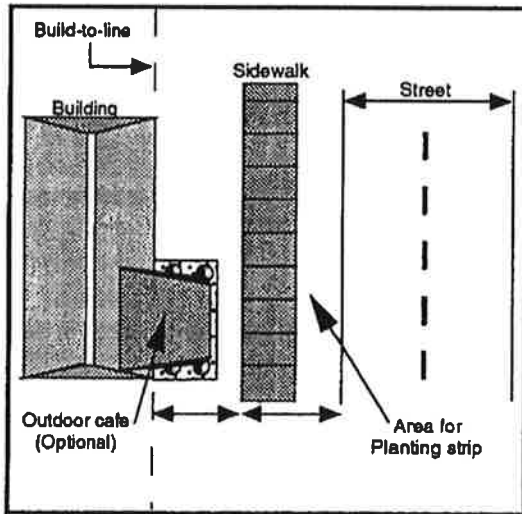
Street edge alignment

In general, the goal of a commercial *build-to line* should be that the width of the street corridor (as measured by opposing building *facades*) and the height of the buildings shall be at least a ratio of 1:1 to 3:1. (The width should be no more than three times the height. See Figure 8.) When the building across the street is not properly pulled up to the street, the desired ratio is 1.5:1 as measured from the street centerline.



Width-to-height ratio

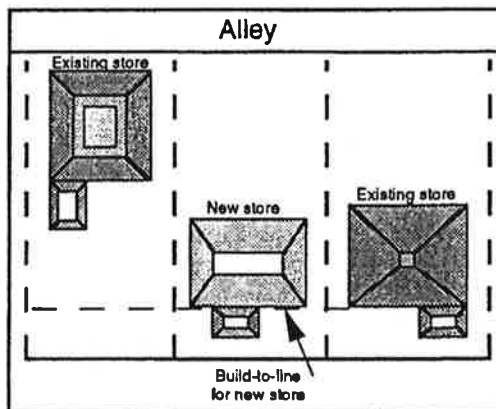
- (2) *Standard.* The *build-to line* (see Figure 9) shall be that which achieves the above-stated intent, as determined by the appropriate reviewing board, city manager or designee, and shall apply even if the *facade* faces a street outside of the overlay affected area. Building walls along a street that are not within the overlay affected area that are entirely more than 250 feet from the traditional city 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 20 feet from the curb or edge of pavement for at least 70 percent of the building *facade*. The *build-to line* shall apply to the building *facade* even along street sides (except rear) not facing the more primary street. Factors to be considered for variations to this *build-to line* shall be as follows:



#9 Build-to-line

Build-to Line

- 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 and tree strips (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 at the 20-foot *build-to line*, whichever is closer to the street. (see Figure 10)



#10 Build-to-line with adjacent buildings

Build-to-Line - Adjacent Buildings

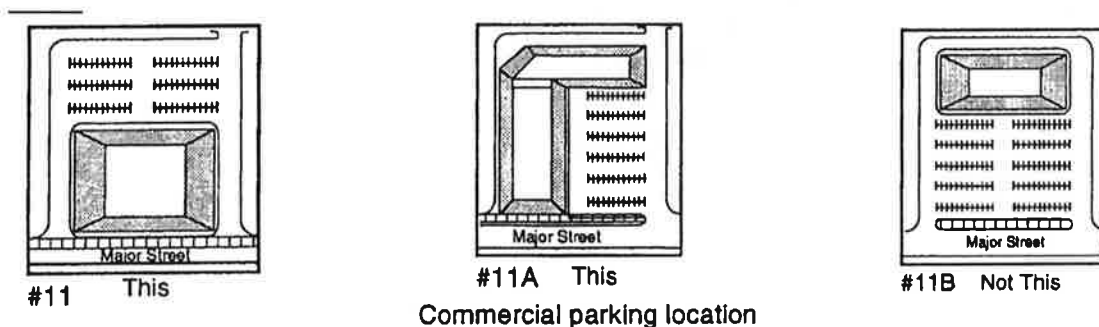
- The appropriate reviewing board, city manager or designee can approve a *facade* closer to the curb or edge of pavement than the previously listed distances so that a consistent *street edge* of *adjacent* buildings can be maintained.
- Buildings on corner lots or buildings on more than one street *frontage* shall, in most instances, have the 20-foot *build-to line* requirement on the more primary street *frontage* area.

- Buildings may have a *build-to line* that exceeds (is deeper than) the above requirement in order to create a courtyard or outdoor sidewalk cafe, if a *screening wall* three feet to four feet in height is provided at the required *build-to line*.
- Places of religious assembly and other *civic* buildings may have a build-to line up to 60 feet to allow congregational/assembly/open space, as long as at least 50 percent of the building *facade* is built at the required 20-foot *build-to line*.
- 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 five feet of unobstructed sidewalk width and room for any required tree strip must be retained.

(j) *Parking.*

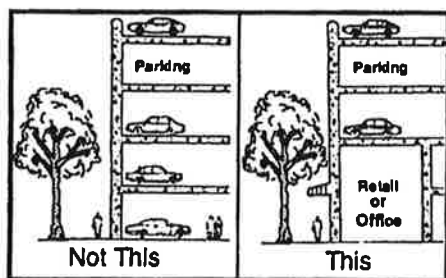
- (1) *Intent.* Parking is one component of the successful commercial area, but should not dominate the streetscape, degrade the public realm, or excessively inconvenience pedestrians or transit users in the traditional city. A good pedestrian environment is important competitive leverage for the traditional city over other commercial areas. 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, prevent the pedestrian on the public sidewalk from enjoying building details and activity within the building, and increase safety problems since pedestrians must dodge cars in the parking area. In addition, they prevent the building from contributing to an intimate, comfortable *street edge*. Buildings pulled up to the street without intervening parking area 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.



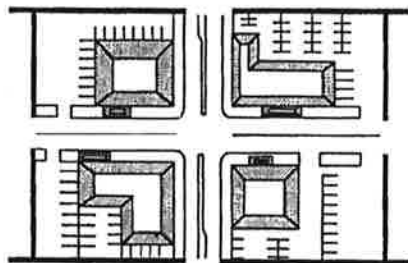
Commercial Parking Location

(2) *Standard.*

- a. No motor vehicle parking is required. All motor vehicle parking, except for single-family dwellings, shall be located in the rear or interior side of the building, or both (see figures 11, 11A, 11B and 14). No parking for motor vehicles is allowed between the facade and the front property line. However, driveway entrances and exits to parking areas for motor vehicles shall be allowed on the front side of the building. No parking lot areas shall extend for a width of more than 70 feet along any street *frontage*, without a building, outdoor cafe, or other vertically prominent and articulated *pedestrian scale* amenities interrupting the parking streetscape. Parking areas for motor vehicles shall not abut the more primary street intersection (see Figure 13) or occupy lots which terminate a street vista. Structured parking may be allowed in front if retail, office or residential uses are provided on the first floor abutting all public streets and sidewalks (see Figure 12). Parking for motor vehicles shall not be incorporated into the first floor *facade* so that the first floor building space facing the *frontage* consists of parking. In addition, stormwater basins shall not abut the more primary street intersection.



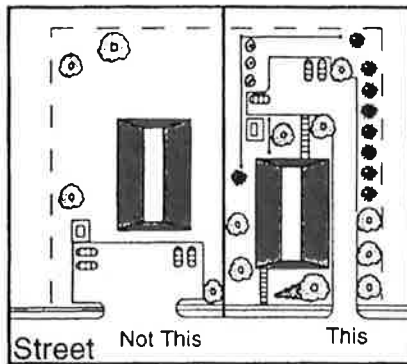
#12 Structured Parking



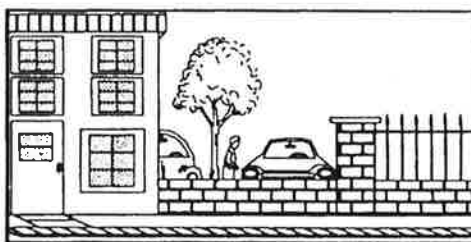
#13 Buildings, not parking
abut intersection

Parking #12 and #13

- b. When a parking area for motor vehicles is adjacent to a street, it shall be buffered with a *screening wall* 3 feet to 4 feet in height in order to enclose the portion of the parking exposed (see Figure 15). Alternatively, landscaping 3 to 4 feet high may be used if it adequately defines the street corridor and screens the parking area with a least 75 percent opacity. However, such walls or landscaping must be broken up at intervals no greater than 50 feet to allow pedestrian access.



#14 Parking lot location

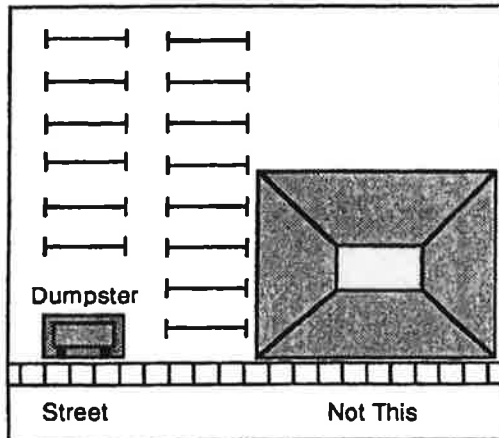


#15 Screening wall

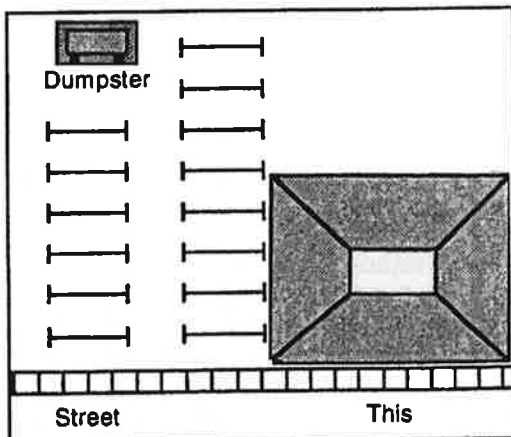
Parking #14, Screening #15

- c. No parking area shall be larger than 1.5 acres in first floor area unless divided by a street or building. In no case shall parking areas use more than 50 percent of the site. The minimum number of motor vehicle parking spaces required by section 30-332 is the maximum number allowed. However, there shall be no limit on the number of parking spaces in *parking structures*.
 - d. The Central City District Parking Exempt Area shall not apply to bicycle parking in the Traditional City. Instead, bicycle parking spaces shall be installed as called for by section 30-332 (a)—(d). Such parking may encroach into the public right-of-way or beyond the *build-to line* as long as 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. There is no maximum number of bicycle parking spaces that may be provided.
- (k) *Trash and recycling receptacles, and loading docks.*
- (1) *Intent.* Trash and recycling receptacles, grease containers, and loading docks typically provide an unsightly appearance and odor problem. Improperly located and screened receptacles and docks can cause noise problems for nearby land uses when receptacles and packages are being loaded or unloaded. Therefore, they should be located as far from public sidewalks as possible and screened from view.
 - (2) *Standard.* If stored outside of the building, and if the building is not residential only, all solid waste, recycling, yard trash containers (except litter containers), and grease containers, shall be placed at the side or the rear of the building and attached to that building with an enclosing wall, so that it is not visible from the street. The enclosing wall shall not exceed 7 feet in height, and shall be finished or painted with the same material as is used on the building. The enclosing wall shall be fitted with an opaque sliding or hinged door and working latch. Loading docks shall be placed at the side or rear of the building, and shall be screened from the street. If the

building is residential only, such containers shall be located in parking areas or in a location remote from the streetside sidewalk. When in a parking area, solid waste, recycling, and yard trash containers (except litter containers), and grease containers, shall be located in that portion of the parking area furthest from the streetside sidewalk, or at least 20 feet from a streetside sidewalk. Such containers shall be screened to minimize sound to and visibility from abutting streets or residences. "Trash Shacks," a sealed and cooled self-compacting container, may be used.



#16 Dumpster location



#16A Dumpster location

Dumpster Location

(I) Sidewalks.

- (1) *Intent.* Sidewalks, when properly designed and maintained, provide the pedestrian with a pleasant, safe, and convenient place to walk, and mitigate traffic impacts by making the area more walkable. They are therefore an important public space in the Traditional City. Sidewalks which are too narrow are inconvenient, especially in areas with large volumes of pedestrians, for pedestrians walking side-by-side (which requires a minimum sidewalk width of 5 feet unobstructed), and for people using wheelchairs. In addition, sidewalks that are too curvilinear or that wrap around large block faces are an impediment to pedestrian convenience.
- (2) *Standard.*

- a. All buildings or developments must provide sidewalks along the *street edge(s)* of their property. Sidewalks shall be placed to align with existing sidewalks. Sidewalk connections from the principal building to the public sidewalk must be provided, and be aligned to minimize walking distance. Curvilinear sidewalks are not allowed unless they are necessary to avoid significant trees, stormwater basins, or topography, as determined by the appropriate reviewing board, city manager or designee.
- b. The maximum length of a block face shall be 480 feet, unless shortened with cross-access sidewalks, *arcades* or alleys, so that the face is no more than 480 feet.
- c. 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.

- d. 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.

(m) *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 shall be on the first floor on the more primary street, even if the more primary street is outside of the overlay affected area. If there is a prominent, publicly-accessible, scenic feature that is or will eventually be regularly used by the public, as determined by the city manager or designee, on the side opposite the street that the building must face, the building shall also face this feature with a *main entrance*. 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. The *main entrance* shall not be oriented toward a parking lot. Direct access to the building shall be provided from the street (see Figure 17). Buildings on a corner lot or a lot fronting on two streets shall place the *main entrance* on the more primary street, even if the more primary street is outside of the overlay affected area (either street if they are similar) or at the corner of the intersection. This standard does not preclude additional rear or side entrances facing parking areas.



#17 Main entrance orientation

Main Entrance Orientation

(n) Building wall articulation.

(1) *Intent.* All buildings and development 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. Like the *build-to line*, windows put "eyes on the street," which establishes citizen surveillance of the streetside sidewalk. Buildings without relief and interest tend to create a "massive scale," and make the public realm impersonal.

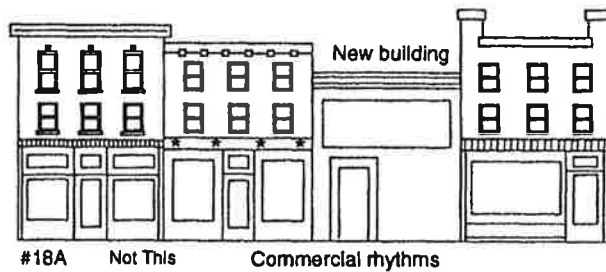
(2) *Standard.*

- a. No more than 20 feet of horizontal distance of wall shall be provided without articulation or architectural relief for building walls facing the street, even if the building wall faces a street outside of the overlay affected area, but only if this street is more primary. Building walls along a street that is not within the overlay affected area and that are entirely more than 250 feet from the Traditional City 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. Walls along rear or side service areas or parking may be exempted by the appropriate reviewing board, city manager or designee. Building wall articulation or architectural relief can include, but is not limited to, *pilasters*, windows, pedestrian entrances, *arcades*, awnings, shutters and canopies, or other types of building massing that modulates the building mass or surface texture. Building wall articulation shall maintain a distinction between the street-level story and upper stories.
- b. Development shall generally maintain the *rhythm* established by the repetition of *facade* elements. The relationship of the new building's width to its height, particularly in lower floor bays, should be similar, if possible, to buildings in the same block face. (see figures 18 and 18A) Traditional, established breaks that occur between buildings, such as alleys, should not be eliminated.



#18 This Commercial rhythms

Commercial Rhythms - This



Commercial Rhythms - Not This

- c. Front and side building walls shall have non-reflective, transparent windows or *glazed area* 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. For front building walls, windows shall cover at least 30 percent of this area. For side walls, windows shall cover at least 10 percent of this area. However, side wall glazing is only required if the building is set back at least 3 feet from the side property line. Operable entrance doors shall be excluded from the calculation of total *facade* surface area. Windows or *glazed areas* facing a sidewalk or the first story of a commercial building shall use glass which is at least 80 percent transparent. Building walls along a street that is not within the overlay affected area and that are entirely more than 250 feet from the Traditional City 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.
- (o) *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)*. (see Figure 19) *Mechanical equipment* on the roof shall be screened from abutting streets with *parapets* or other types of visual screening.



#19 Inappropriate front location for mechanical equipment

- (p) *Fences.* Chain link fences, barbed wire, line-voltage electrified wire, and razor wire fences are prohibited. The city manager or designee may waive the prohibition on barbed wire or electrified fences due to public safety concerns.
- (q) *Reserved.*
- (r) *Prohibited Uses.*
- (1) *Intent.* Certain uses decrease streetfront vitality, and are so exclusively oriented toward or designed to attract motor vehicles, that they contribute to visual blight, and lack of human scale for a traditional area. As a result, such uses are not compatible with the Traditional City area.
 - (2) *Standard.* The following uses are prohibited:
 - Auto Dealers, Auto Service and Limited Auto Service (IN-5511, MG-753).
 - Carwashes (IN-7542).
 - Gas Service Stations (IN-5441).
 - Parking lots as the principal use, other than structured parking (IN-7521). Any existing surface parking lot, whether currently a principal or accessory use, may continue, and any existing accessory surface parking lot may be converted to principal use.
 - Outdoor storage as the principal use.
 - *Freestanding retail* greater than 30,000 square feet in first floor area.
 - Gasoline pumps when accessory to a food store (MG-54).
- (s) *Specially regulated uses.*
- (1) *Intent.* Certain uses decrease sidewalk vitality, and are so exclusively oriented toward or designed to attract motor vehicles, that they tend to contribute to visual blight and a lack of human scale for a traditional area. Such uses require special review within the traditional city area.
 - (2) *Standard.* The following uses are allowed by special use permit.
 - Drive-throughs. In addition to conforming to the provisions of the Transportation Mobility Program Area (TMPA), drive-throughs:
 - a. shall not have an entrance or exit onto an "A" street;
 - b. shall have only one drive-through lane; and
 - c. shall be located at the rear or side of the building.
- (t) *Minimum lot width.*
- (1) *Intent.* Relatively narrow lots enhance the comfort and convenience of pedestrians by reducing walking distance and increasing interest and activity along the sidewalk.
 - (2) *Standard.* The minimum lot width at the *build-to line* shall be:
 - 18 feet for lots with alley access;
 - 36 feet for lots without alley access; and
 - 24 feet for lots with a shared driveway.
- (u) *Building coverage.*
- (1) *Intent.* Without a minimum parking requirement, a maximum building coverage creates an incentive for informal, undesirable and unsanctioned off-street parking. Landscape, stormwater and setback rules already provide sufficient limitations on building coverage. In addition, the

lack of a minimum parking requirement provides an added incentive and opportunity to construct more building square footage, which is beneficial for transit and walking.

(2) *Standard.* There shall be no maximum building coverage in the traditional city.

(Ord. No. 000230, §§ 1—11, 14, 15, 11-13-00; Ord. No. 060496, § 1, 3-12-07; Ord. No. 120023, § 10, 12-20-12; Ord. No. 090878, § 14, 6-6-13; Ord. No. 140023, § 8, 3-19-15)

Map A. Arterials, Collectors and Local Streets