

**LEGISLATIVE #**  
**140818A-6**

## ARTICLE IV. ZONING

### DIVISION 1. GENERALLY

#### Section 30-4.1. Establishment of Zoning Districts.

The following zoning districts are established to implement the Comprehensive Plan, to promote orderly urban growth, and to classify and regulate the use of land, water, buildings and structures within the city.

Transects	
U1	Urban 1
U2	Urban 2
U3	Urban 3
U4	Urban 4
U5	Urban 5
U6	Urban 6
U7	Urban 7
U8	Urban 8
U9	Urban 9
DT	Downtown
Residential	
RSF-1 to 4	Single-Family
RC	Residential Conservation
MH	Mobile Home
RMF-5	Single/Multi-Family
RMF-6 to 8	Multi-Family
Mixed-Use and Nonresidential	
MU-1	Mixed-Use Low-Intensity
MU-2	Mixed-Use Medium-Intensity
OR	Office Residential
OF	General Office
CP	Corporate Park
BUS	General Business
BA	Automotive-Oriented Business
BT	Tourist-Oriented Business
BI	Business Industrial
W	Warehousing and Wholesaling
I-1	Limited Industrial
I-2	General Industrial
Special Districts	
AGR	Agriculture
AF	Airport Facility
CON	Conservation

ED	Educational Services
MD	Medical Services
PD	Planned Development
PS	Public Services and Operations
Airport Hazard Zoning Overlay	
Heritage Overlay	
Historic Preservation/Conservation Overlay	

#### Section 30-4.2. Correspondence with Future Land Use Categories.

The following table establishes the zoning districts allowable within the future land use categories from the Comprehensive Plan.

Future Land Use Category	Zoning Districts	Special Districts
Single-Family (SF)	U1, RSF-1 to 4, RSF-R	PD, CON, PS
Residential Low-Density (RL)	U2, RSF-4, RMF-5, MH, RC	PD, CON, PS
Residential Medium-Density (RM)	RMF-6 to 8	PD, CON, PS
Residential High-Density (RH)	N/A	PD, CON, PS
Mixed-Use Residential (MUR)	U5	PD, CON, PS
Mixed-Use Office/Residential (MOR)	U4, U3	PD, CON, PS
Mixed-Use Low-Intensity (MUL)	MU-1	PD, CON, PS
Mixed-Use Medium-Intensity (MUM)	MU-2, CP	PD, CON, PS
Urban Mixed-Use (UMU)	U6, U7, U8	PD, CON, PS
Urban Mixed-Use High-Intensity (UMUH)	U9	PD, CON, PS
Urban Core (UC)	DT	PD, CON, PS
Office (O)	OR, OF, CP	PD, CON, PS, MD
Commercial (C)	W, BA, BT, BUS, BI	PD, CON, PS
Business Industrial (BI)	BI, CP	PD, CON, PS
Industrial (IND)	W, I-1, I-2, BI	PD, CON, PS
Education (E)	N/A	PD, CON, PS, ED
Recreation (REC)	N/A	PD, CON, PS
Conservation (CON)	N/A	PD, CON, PS
Agriculture (AGR)	N/A	PD, CON, PS, AGR
Public and Institutional Facilities (PF)	N/A	PD, CON, PS, AF
Planned Use District (PUD)	N/A	PD

### Section 30-4.3. Zoning Map.

- A. *Zoning map adopted.* The zoning map of the city, as adopted and amended from time to time by ordinance, shall establish and identify a particular zoning district on all real property in the city. Such map is hereby made a part of this chapter, and shall be maintained by the city.
- B. *Effect.* The regulations of this chapter concerning the use of land within particular zoning districts shall apply within the boundaries of each zoning district as shown on the zoning map.
- C. *Rules for interpretation of district boundaries.* When uncertainty exists as to the boundaries of the various districts on the zoning map, the following rules shall apply:
1. *Centerlines.* Boundaries indicated as approximately following streets shall be construed to follow the centerlines of such streets.
  2. *Lot and section lines.* Boundaries indicated as approximately following platted lot lines or section lines shall be construed as following such lines.
  3. *Municipal boundaries.* Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
  4. *Railroad lines.* Boundaries indicated as following railroad lines shall be construed as following the right-of-way centerlines for such railroad lines.
  5. *Water lines.* Boundaries indicated as approximately following the centerlines of streams, creeks, canals or other bodies of water shall be construed to follow such centerlines.
  6. *Parallel lines.* Boundaries that are approximately parallel to the centerlines of alleys or the centerlines or right-of-way lines of streets or any other line shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning maps. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.
  7. *Bisecting lines.* Boundaries that approximately bisect a block, lot or tract shall be construed to follow the median lines of such blocks as indicated by rear property lines or as measured between the centerlines of boundary streets in the absence of rear property lines or, in the absence of both of the above, by use of the scale appearing on the zoning map.
- D. *Parcels divided by district boundaries.* Where any parcel of land is divided into two or more zoning districts or transects, the regulations of each individual district shall apply to that part of the parcel so zoned, except that, when a parcel is divided into two or more of the RMF-6, RMF-7, and RMF-8 residential districts, the permitted density of development may be averaged over the entire parcel.
- E. *Unzoned property generally.* If property in newly annexed territory is unzoned; or if the zoning of any property is vacated or invalidated for any reason, either judicially or legislatively, then the classification of any of such properties shall be deemed to be conservation district (CON), unless and until a different zoning is provided for such property by ordinance amending the zoning map; and, until such amendment is provided for, no use may be made of any such property except in accordance with the regulations for the CON district.

### Section 30-4.4. Annexed Territory.

When lands are annexed into the city, such lands shall be rezoned in accordance with this chapter to an appropriate city zoning district(s). The county zoning district and applicable regulations shall apply prior to rezoning to a city zoning district.

**Section 30-4.5. Interpretation of Uses.**

Any use that is not permitted by right, special use permit, or as an accessory use in a zoning district shall be prohibited in such district. In any case where the City Manager or designee interprets whether a particular proposed or existing use is in fact a use that is permitted by right, special use permit, or as an accessory use in a particular zoning district, the City Manager or designee may consider factors including but not limited to the following:

- A. Hours of operation (including hours for service and deliveries);
- B. Building and site arrangement relative to the neighboring permitted uses;
- C. Types of vehicles used and parking requirements;
- D. The number of vehicle trips generated; and
- E. Whether the activity is likely to be found independent of the other activities on the site.

**Section 30-4.6. Utility Uses.**

The following utility uses shall be allowed as permitted uses in all zoning districts:

A. *Electric, cable, or fiber optic facilities.*

- 1. All underground transmission facilities;
- 2. All overhead utility transmission facilities not exceeding three feet in diameter and 75 feet in height;
- 3. All transformers, meters and associated appurtenances; and
- 4. Any electric structure or facility that is sited on property 10,000 square feet or less and no more than 20 feet in height (utility poles, light poles and telemetry towers shall not be considered a structure).

B. *Water facilities.* All water mains, valves, hydrants, services, backflow preventers or any other appurtenances required to distribute and deliver potable water and to satisfy fire safety requirements.

C. *Wastewater facilities.*

- 1. All underground wastewater collection facilities including gravity sewers, force mains, service laterals, manholes, valves or other appurtenances required to collect wastewater; and
- 2. Any lift station or similar structure that is sited on property 10,000 square feet or less with a structure height of 20 feet or less.

D. *Gas facilities.*

- 1. All gas distribution facilities including gas mains, valves, services, meters or any other appurtenances required to distribute and deliver natural or LP gas; and
- 2. Any gate station, regulator station or similar structure that is sited on property 5,625 square feet or less with a structure height of 20 feet or less.

E. *Chilled water.*

- 1. All distribution facilities including mains, valves, services, meters or any other appurtenances required to distribute and deliver chilled water; and

2. Chiller plants consistent with the screening and design requirements of **Article VI**.
- F. Utility uses exceeding the above requirements shall require PS zoning and special use permit approval.

#### **Section 30-4.7. Phasing.**

Development phases shall be required to meet code independently from other phases. No phase shall be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including but not limited to setbacks, building frontage, and building placement, configuration, function and design. The required landscaping and parking improvements shall be provided within each phase.

#### **Section 30-4.8. Development Compatibility.**

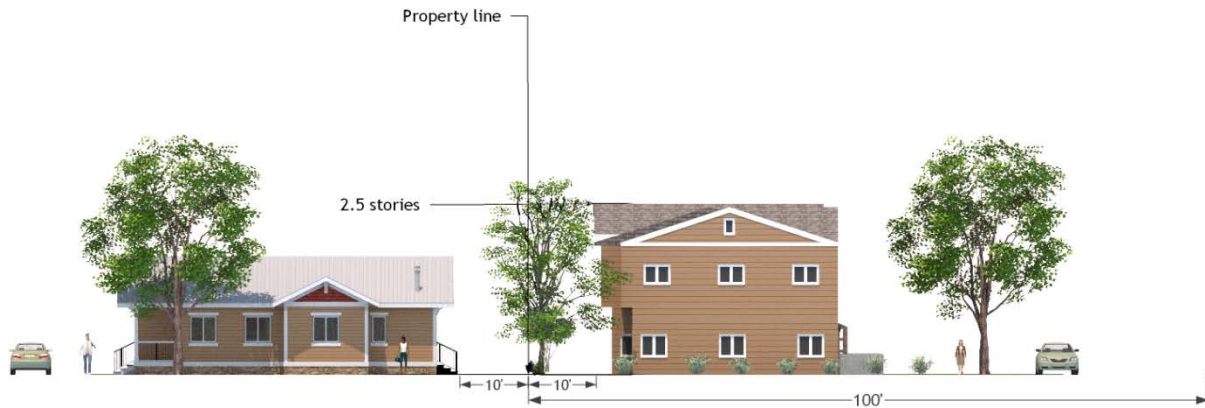
##### **A. Setbacks.**

1. Whenever a zero foot setback is allowed in a zoning district, it may only be used if the abutting property is within a district that allows the same setback.
2. The minimum required side and rear setback for nonresidential and multi-family buildings located on property abutting a single-family zoning district or the U1 district shall be the same as the setback required on the adjacent residential lot or as determined by the required buffer, whichever is greater.

B. *Limitations on uses.* All industrial or commercial activity and uses, except storage of equipment and parking, shall be conducted within completely enclosed buildings when located within 300 feet of any property that is in a single-family zoning district or the U1 district.

##### **C. Building height and massing.**

<b>Within 100' of the Following Districts:</b>	<b>Max Building Height</b>	
Single-Family Zoning	3 stories and 36' <ul style="list-style-type: none"> <li>Measured to the roof peak with a hip, gable, mansard or similar roof where the 3<sup>rd</sup> floor is above the roof line, or</li> <li>Measured to the top plate of the 3<sup>rd</sup> floor with a flat or similar roof.</li> </ul>	Building facades shall not exceed 60' unless a substantial volume break is provided, such as a volume recess with a minimum 10' depth.
U1		
Historic District (except University Heights-South)		
University Heights-South Historic District	4 stories and 60' <ul style="list-style-type: none"> <li>Measured to the top plate of the 4<sup>th</sup> floor.</li> </ul>	
<b>Within the Following Districts:</b>	<b>Max Building Height</b>	
Pleasant Street Historic District	3 stories and 36'	
Power District	6 stories, but 3 stories when adjacent to residential zoning, with a step-back of 15' per additional building story up to max permitted.	



**Figure 1: Height Compatibility Pitched Roof Example**

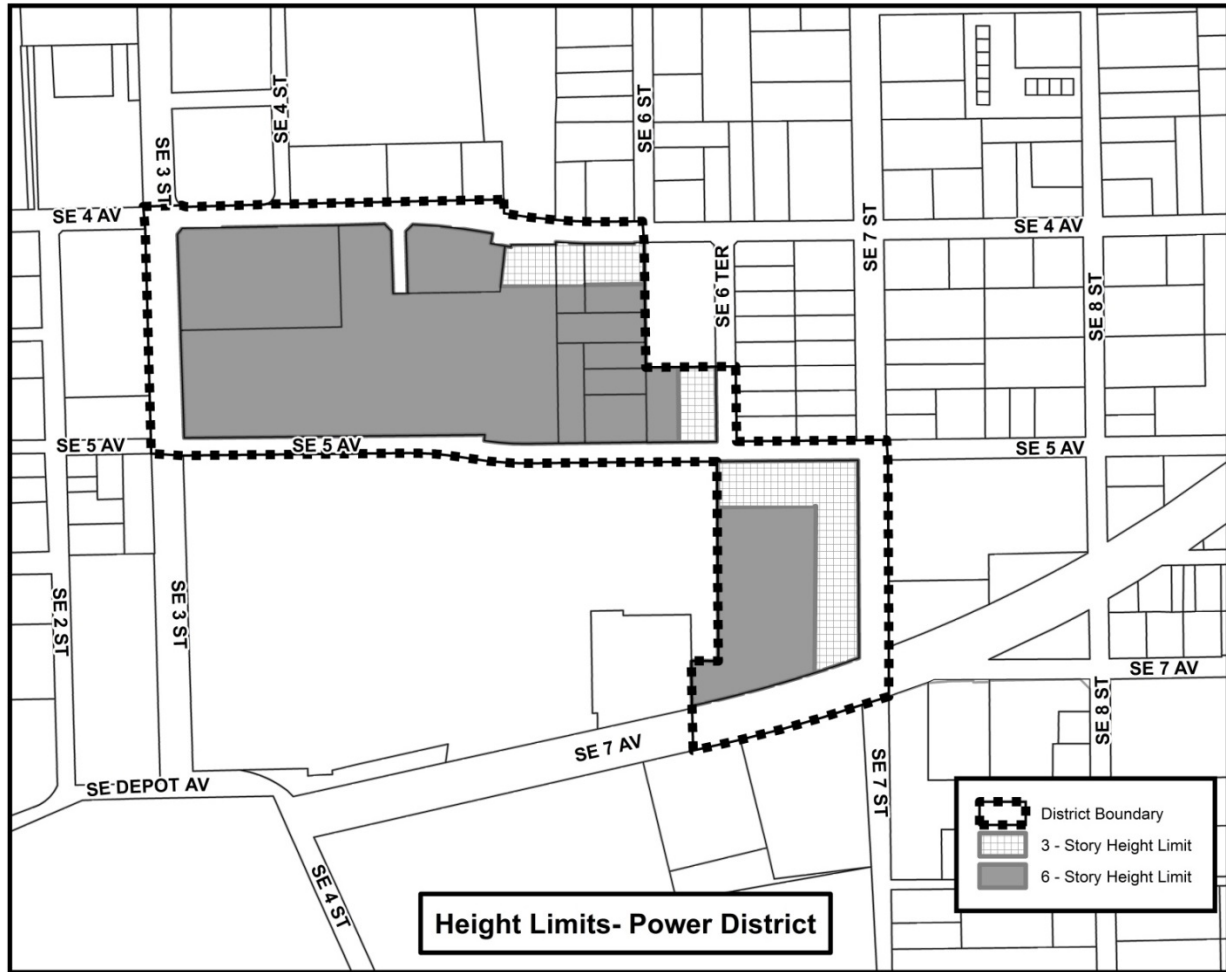


**Figure 2: Height Compatibility Flat Roof Example**



**Figure 3: Height Compatibility University Heights**





D. *Multi-family developments.*

1. *Generally.* Multi-family development shall contain no more than six dwelling units per building and shall be in the form of single-family dwellings, attached dwellings, or small-scale multi-family when located within 100 feet of any property that is in a single-family zoning district, the U1 district, or a designated historic district.
2. *Abutting single-family property.* All new multi-family projects, whether stand alone or part of a mixed-use project, abutting property in a residential district or a planned development district with predominantly residential uses shall comply with the following regulations:
  - a. There shall be no outdoor recreation areas or uses allowed within any required building setback area or landscape buffer between abutting multi-family development and single-family designated properties.
  - b. Active recreation areas (including swimming pools, tennis courts, basketball and volleyball courts) shall be located away from abutting single-family designated properties and shall be oriented in the development to minimize noise impacts on single-family designated properties.

- 1 c. There shall be no car washing areas, dumpsters, recycling bins, or other trash/waste  
2 disposal facilities placed in the required setback area between multi-family development  
3 and properties zoned for single-family use.
- 4 d. Parking lots and driveways located in the area between multi-family and abutting single-  
5 family designated properties shall be limited to a single-loaded row of parking and a two-  
6 way driveway.
- 7 e. A decorative masonry wall (or equivalent material in noise attenuation and visual screening)  
8 with a minimum height of six feet and a maximum height of eight feet plus a Type B  
9 landscape buffer shall separate multi-family residential development from properties  
10 designated single-family residential. However, driveways, emergency vehicle access, or  
11 pedestrian/bicycle access may interrupt a continuous wall. If, in the professional judgment  
12 of city staff or other professional experts, masonry wall construction would damage or  
13 endanger significant trees or other natural features, the appropriate reviewing authority  
14 may authorize the use of a fence and/or additional landscape buffer area to substitute for  
15 the required masonry wall. There shall be no requirement for a masonry wall or equivalent if  
16 buildings are 200 or more feet from abutting single-family properties. In addition, the  
17 appropriate reviewing authority may allow an increased vegetative buffer and tree  
18 requirement to substitute for the required masonry wall.
- 19 f. The primary driveway access shall be on a collector or arterial street, if available. Secondary  
20 ingress/egress and emergency access may be on or from local streets.
- 21 3. *Bedroom limit.* Maximum number of bedrooms in multi-family developments located within the  
22 University of Florida Context Area.
- 23 a. Multi-family developments shall be limited to a maximum number of bedrooms based on  
24 the development's maximum residential density allowed by the zoning district multiplied by  
25 a 2.75 multiplier.
- 26 b. If additional density is approved through a Special Use Permit, then the multiplier is applied  
27 to the total approved density inclusive of any additional units approved by Special Use  
28 Permit.
- 29 c. In the case of decimal places, the maximum bedrooms shall be rounded down to the next  
30 whole number.
- 31 d. The bedroom mix in the development (i.e., the number of units with a specific number of  
32 bedrooms) is not regulated by these provisions.
- 33 e. Developments with Planned Development (PD) zoning are not subject to the bedroom  
34 multiplier provisions.

#### 35 **Section 30-4.9. Building Height Bonus System.**

- 36 A. *Eligible improvements.* Development projects within transects may be eligible to construct  
37 additional building stories and allow for the corresponding increase in overall building height up to  
38 the limit allowed with bonuses as specified for the zoning district in Table V-3, T-Zone Development  
39 Standards. The bonus may be approved based on the provision of certain development  
40 improvements that exceed the minimum standards of this article, as follows:
- 41 1. *Usable Open Space.* If a development provides onsite usable open space that is accessible to the  
42 public (minimum size of 20'x 20'), additional building square footage above the number of

stories allowed by right (and up to the maximum allowed by bonus) may be provided according to the following formula:

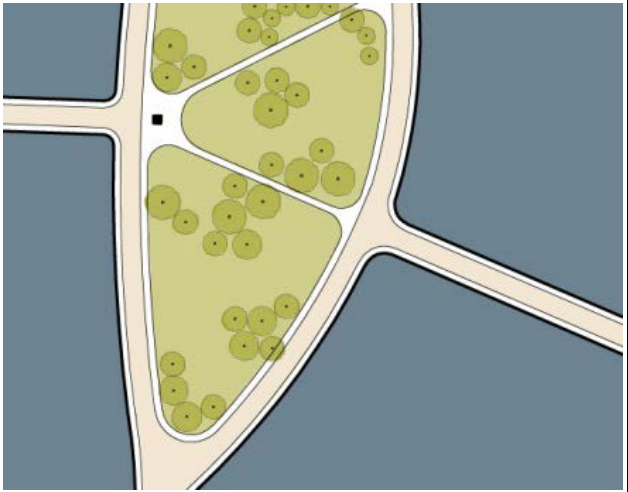
Square feet of public open space X number of stories allowed by right = additional square feet. If the total additional square feet meets or exceeds 20% of the total development site, one additional story is available. If the total additional square feet meets or exceeds 30% of the total development site, two stories are available.

Developments receiving a height bonus shall provide at least one form of open space from the figures and associated standards below:

**Green**

A green is an open space for unstructured recreation. Greens consist of lawns, trees, paths, benches, and open shelters, all informally arranged.

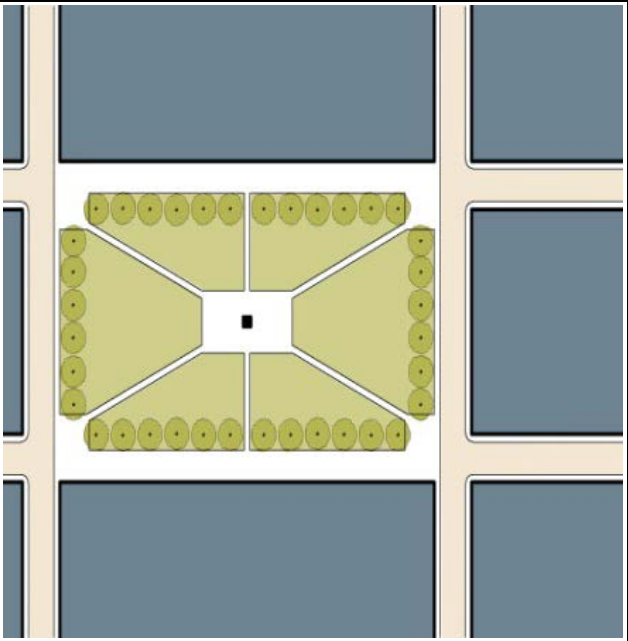
- 1. Greens may be spatially defined by landscaping rather than building frontages.
- 2. Greens must front on at least two streets.

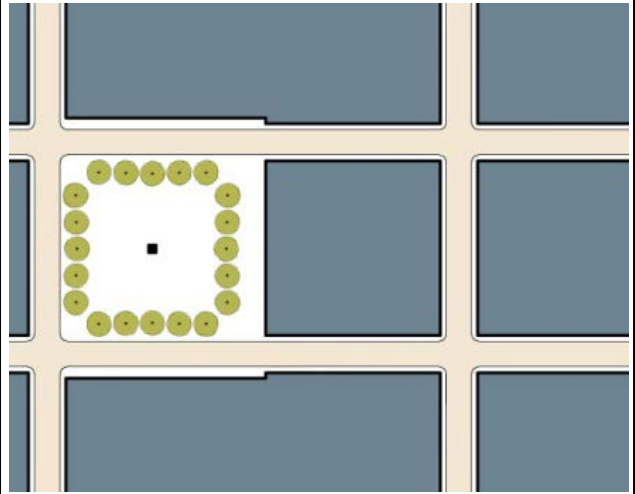
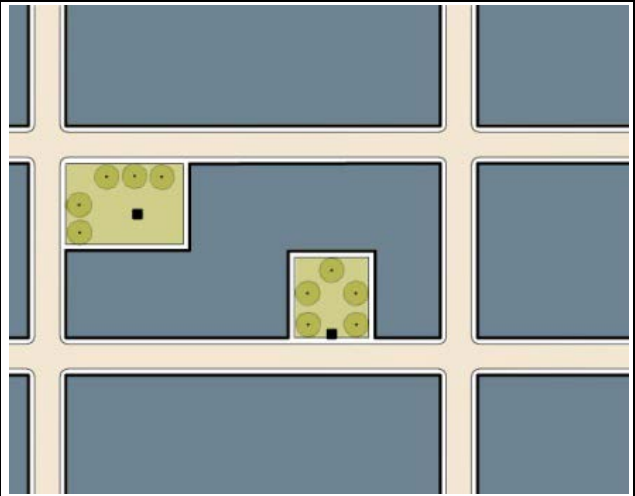
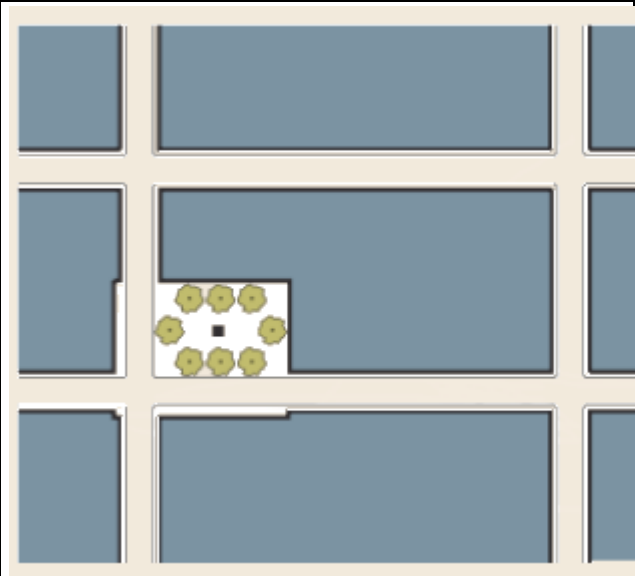


**Square**

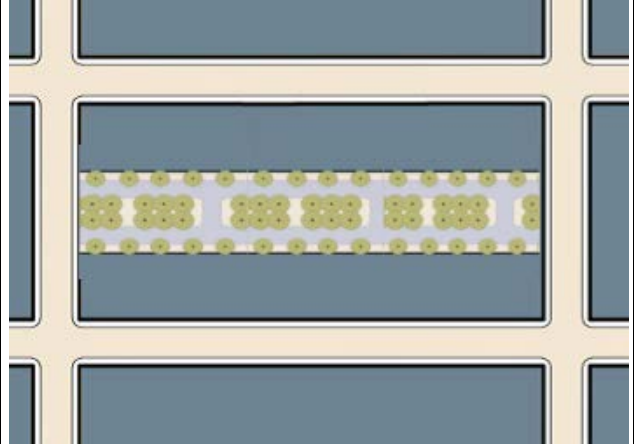
A square is an open space for recreation and civic purposes consisting of paths, lawns, and trees, all formally arranged. A square is spatially defined by abutting streets and building frontages.

- 1. Squares shall be located at the intersections of important thoroughfares.
- 2. Squares must front on at least 3 streets.
- 3. Façades facing the square should have at least 40% of their first floor's primary façade in transparent windows.



<p><b>Plaza</b></p> <p>An open space for commercial and civic purposes consisting primarily of paved surfaces. A plaza is spatially defined by building frontages.</p> <ol style="list-style-type: none"> <li>1. Plazas should be located at the intersection of important streets.</li> <li>2. Plazas must front on at least one street.</li> <li>3. Façades facing the plaza should have at least 40% of their first floor's primary façade in transparent windows.</li> </ol>	
<p><b>Playground</b></p> <p>A fenced open space designed and equipped for the recreation of children.</p> <ol style="list-style-type: none"> <li>1. Playgrounds shall be located within ¼ mil surrounding neighborhoods.</li> <li>2. Playgrounds may be freestanding or located within parks and greens.</li> </ol>	
<p><b>Pocket Plaza</b></p> <p>A formal open space available for civic purposes and commercial activities. Pocket Plazas are typically hardscaped and include landscaping in lawns or permanent planters.</p> <ol style="list-style-type: none"> <li>1. Pocket plazas should be located on side streets.</li> <li>2. Pocket Plazas must front on at least one street.</li> <li>3. Pocket Plazas may be used to provide seating for outdoor cafes or similar publicly accessible gathering space.</li> </ol>	

1  
2  
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Promenade	
<p>A linear pedestrian open space between streets that extends through successive blocks. The space largely hardscaped and lined with trees at the edges.</p> <ol style="list-style-type: none"> <li>Promenades must be a minimum of 16' wide.</li> <li>Promenades may include outdoor seating or other similar public amenities.</li> </ol>	

- Preservation of heritage trees.* If a development dedicates an area onsite to preserve one or more heritage trees, the additional building square footage above the number of stories allowed by right (and up to the maximum allowed by bonus) may be provided according to the following formula:

Square feet of tree preservation area X number of stories allowed by right = additional square feet. If the total additional square feet meets or exceeds 20% of the total development site, one additional story is available. If the total additional square feet meets or exceeds 30% of the total development site, two stories are available.
- Structured parking.* If a development provides structured parking, the maximum number of bonus stories is available. Additionally, within U9 and DT, up to two levels of parking that are constructed within a habitable building are not counted as stories for the purposes of calculating the total number of stories, provided the footprint of the parking structure falls within 75% to 100% of the footprint of the habitable floors directly above the parking levels.
- Transit support facilities.* If a development provides onsite facilities, beyond what otherwise is required, to serve existing or planned public transit, including but not limited to bus bays, super bus stops, bus stations, bus lanes, and park and ride lots, one bonus story is available.
- Undergrounding/relocating utility lines.* If a development undergrounds overhead utility lines beyond what otherwise is required, or relocates existing underground lines in order to facilitate the appropriate placement of street trees or buildings along streets, up to two stories are available for every street segment completed (from intersection to intersection); one story is available for the undergrounding/relocation of utilities along the street frontage of the development.
- Provision of affordable housing.* One story is available for providing at least 5% of the total development units (total calculated including the additional units achieved with height bonus) as affordable housing units reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 80% of the Alachua County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30% of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners dues).

Two stories are available for either providing: 1) 10% of the total development units as affordable housing units reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 80% of the Alachua County median household income, adjusted for household size, as determined by HUD, and no more than 30% of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners dues); or 2) 5% of the total development units as affordable housing units reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 50% of the Alachua County median household income, adjusted for household size, as determined by HUD, and no more than 30% of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners dues).

- B. *Review and approval.* Each request for a height bonus shall be subject to the approval of the City Manager or designee. Approval of the request shall be based on the criteria outlined above in this section, the criteria used to review special use permits, and the following criteria:
1. The improvement proposed by the applicant provides a significant public benefit in light of the bonus requested; and
  2. The proposed design, intensity, and any mix of uses relating to the requested bonus will meet the intent of the transect and will be compatible with the surrounding neighborhood.

#### **Section 30-4.10. Occupancy Limitation.**


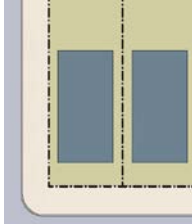
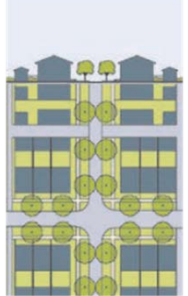
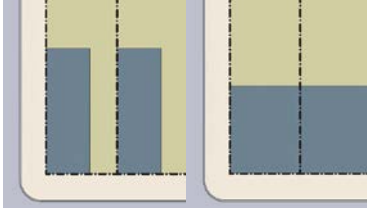
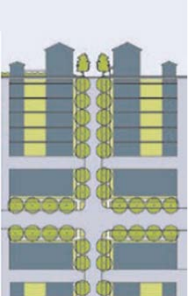
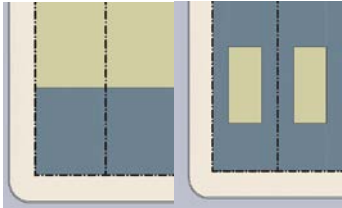
In certain districts, an increase in the number of persons occupying a dwelling beyond one family, as defined in this chapter, is detrimental to the health, welfare, safety, and morals of the citizens of this community, and is a public nuisance that causes deterioration of the surrounding property values.

- A. *Applicable districts.* The following zoning districts shall be subject to this section: RSF-1; RSF-2; RSF-3; RSF-4; RC; all PDs designed for residential use at a density of no more than eight dwelling units per acre; and all other PDs as may be specified in the rezoning ordinance.
- B. *Unlawful acts.* No owner or landlord shall enter into any agreement, contract, lease, or sublease that allows the occupancy of any dwelling unit in a designated district by more than one family, as defined in this chapter. Any agreement, contract, lease, or sublease that allows such occupancy by more than one family is unlawful and is hereby declared to be contrary to public policy.
- C. *Enforcement.* In addition to any other remedy provided for herein, the City Manager or designee, upon reasonable cause to believe that this section is being violated, may request the City Attorney to take any appropriate action to correct the violation.
- D. *Public nuisance.* Any person who violates this section shall be deemed guilty of maintaining a nuisance, and may result in abatement or enjoinder as provided in Sections 60.05(1) and 60.06, Florida Statutes.

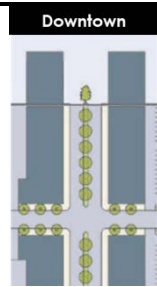
## DIVISION 2. TRANSECTS

### Section 30-4.11. Generally.

- A. *Intent.* The intent of this division is to establish development standards that will encourage a more efficient and sustainable urban form by allowing a range of housing, employment, shopping and recreation choices and opportunities in a compact, pedestrian-friendly environment.
- B. *Transects.* A transect is a geographical cross-section of a region that reveals a sequence of environments that ranges from rural to urban. Using the transect to regulate development ensures that a community offers a full diversity of development types, and that each has appropriate characteristics for its location. There are typically six transects organizing the components of place-making: Natural Zone, Rural Zone, Urban Neighborhood Zone, General Urban Zone, Urban Center Zone, and Urban Core. This code assigns transects that are tailored to the unique character of the City of Gainesville. The allowable uses, dimensional standards, and development requirements for these zones are described within this division.

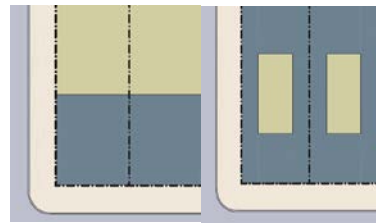
	ZONE DESCRIPTION	INTENDED SITE LAYOUT
<b>Urban Zone 1</b> 	<b>Urban Zone 1</b> Consists of predominantly low to medium density residential areas, adjacent to higher intensity zones where neighborhood services and mixed use are permitted.	 <i>Edge</i> Buildings typically occupy the center of the lot with setbacks on all sides. The front yard is intended to be visually continuous with the yards of adjacent buildings.
<b>Urban Zones 2-5</b> 	<b>Urban Zones 2 - 5</b> Consists of a wide range of residential building types. Higher number zones provide for the integration of offices and neighborhood services within an increasingly urban fabric. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.	 <i>Side</i> <i>Front</i> Buildings typically occupy one side of the lot leaving a setback to the other side to allow for access or privacy. In many instances, the building occupies the entire lot frontage. A shallow frontage setback defines a more urban condition.
<b>Urban Zones 6-9</b> 	<b>Urban Zones 6 - 9</b> Consists of higher density mixed use buildings that accommodate retail, offices, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.	 <i>Front</i> <i>Courtyard</i> The building typically occupies the full frontage, leaving the rear of the lot as the sole yard. The continuous facade steadily defines the public street. In its residential form, this type is the attached dwelling. The rear yard can accommodate substantial parking.





### Downtown

Consists of the highest density and height development, with the greatest variety of uses, and civic buildings of regional importance. Streets have steady street tree planting and buildings are set close to wide sidewalks.



Front

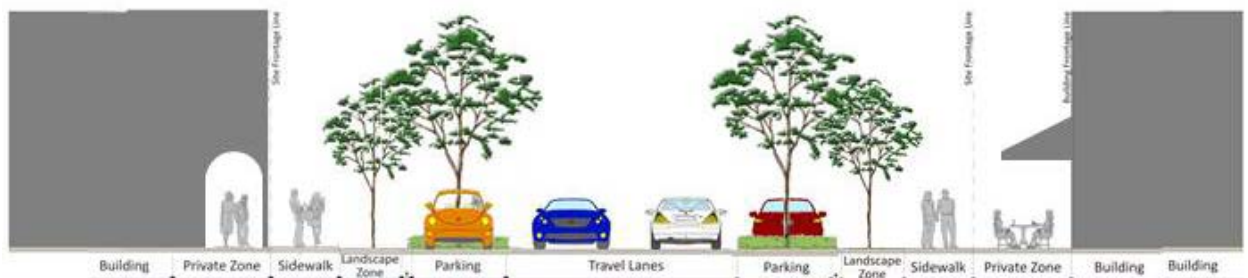
Courtyard

The building occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public street.

- C. *Streets*. Within the transects, new developments shall connect to the existing street network. Where the existing street network is deficient with respect to gridded connectivity, the development shall provide new street connections to meet the block perimeter requirements.

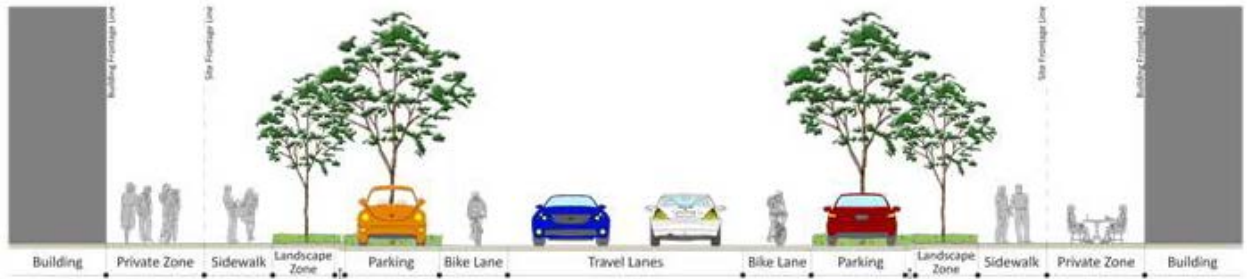
The zoning map identifies a hierarchy of street types that determine the relationship of buildings to the street and the standards for the design of street landscaping and sidewalks. Street types include: Storefront, Principal, Thoroughfare, and Local Streets. All undesignated existing streets are assumed to be Local Streets. Below is a detailed description of the general function, character, and elements of each street type. Final street design for new development shall be in accordance with this article and the Design Manual, subject to review and approval by the City Manager or designee in the development review process. In the event of a conflict between the standards in this article and the Design Manual, the Design Manual shall govern.

- a. *Storefront*. Storefront streets are designed to encourage a high level of pedestrian activity. Higher intensity and density uses front this street type. Due to the level of pedestrian activity on this street type, first floor residential development requires a 1.5 foot elevation above grade (3 feet recommended) for the privacy and comfort of residents. Building front entrances shall be oriented to this street type when there are multiple street frontages for the property.

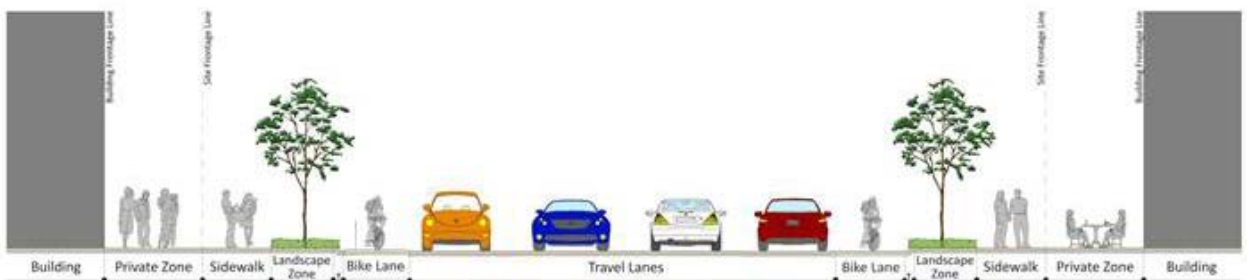


- b. *Principal*. Principal streets include lower levels of pedestrian activity compared to storefront streets. This street type is located in mixed-use areas where the traffic volume is anticipated to be higher than on local streets. This street type allows for some auto-oriented uses with a special use permit.





- c. *Throughfares*. Throughfares are streets that carry high volumes of through traffic at higher speeds with less pedestrian activity and higher vehicular speeds than other street types. These streets are often fronted by larger scale commercial development and are usually 4-lane or 6-lane streets.



- d. *Local*. Local Streets are intended to have slow speeds and provide for connections within neighborhoods and between residential areas and commercial areas. Local Streets are not identified on the zoning map, but make up the vast majority of the street types within the transects. Any street that is not identified as a Storefront, Principal, or Throughfare street should be assumed to be a Local Street.



- e. *Urban Walkways*. Urban Walkways are pedestrian/bicycle pathways that serve to improve pedestrian/bicycle connectivity, delineate blocks and provide for expanded pedestrian space. These may be established as alternatives to new streets in some locations.



- f. *Alleys.* Alleys are narrower streets that are primarily used for service access to developments, or vehicular access to rear parking areas. Alleys are encouraged to be preserved, improved, or established in conjunction with development.



#### Section 30-4.12. Permitted Uses.

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section shall be allowed.

**Table V - 1: Permitted Uses within Transects.**

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
<b>RESIDENTIAL</b>											
Single-family house		P	P	P	P	P	P	P	P	P	P
Attached dwellings (up to 6 attached units)		-	P	P	P	P	P	P	P	P	P
Multi-family, small-scale (2-4 units per building)		-	P	P	P	P	P	P	P	P	P
Multi-family dwelling		-	-	P	P	P	P	P	P	P	P
Accessory dwelling unit	30-5.33	-	P	P	P	P	P	P	P	-	-
Adult day care home	30-5.2	P	P	P	P	P	P	P	P	P	P
Community residential homes (up to 6 residents)	30-5.6	P	P	P	P	P	P	P	P	-	-
Community residential homes (more than 6 residents)	30-5.6	-	-	P	P	P	P	P	P	P	-
Dormitory (small)	30-5.8	-	P	P	P	P	P	P	P	P	P
Dormitory (large)	30-5.8	-	-	P	P	P	P	P	P	P	P
Family child care home	30-5.10	P	P	P	P	P	P	P	P	P	-
<b>NONRESIDENTIAL</b>											
Alcoholic beverage establishment	30-5.3	-	-	-	-	-	-	P	P	P	P
Assisted living facility		-	-	-	P	-	P	P	P	P	P
Bed & Breakfast establishments	30-5.4	-	S	P	P	P	P	P	P	P	P
Business services		-	-	-	P	-	P	P	P	P	P
Car wash facilities	30-5.5	-	-	-	-	-	-	P	P	-	-
Civic, social & fraternal organizations		S	P	P	P	P	P	P	P	P	P

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
Day care center	30-5.7	-	S	S	P	P	P	P	P	P	P
Drive-through facility	30-5.9	-	-	-	-	-	P	P	P	P	P
Emergency shelter		-	-	-	-	P	P	P	P	P	P
Equipment rental and leasing, light		-	-	-	-	-	-	P	P	P	P
Exercise studios		-	-	-	P	-	P	P	P	P	P
Farmers market	30-5.11	-	-	-	-	-	P	P	P	P	P
Food distribution for the needy	30-5.12	-	-	-	-	-	-	-	S	S	S
Food truck	30-5.35	-	-	-	A	-	P	P	P	P	P
Funeral homes and crematories		-	-	-	-	-	P	P	P	P	P
Gasoline/alternative fuel station	30-5.13	-	-	-	-	-	S <sup>1</sup>	P	P	-	-
Hotel		-	-	-	-	-	-	P	P	P	P
Laboratory, medical & dental		-	-	-	P	-	P	P	P	P	P
Library		-	-	-	-	S	P	P	P	P	P
Light assembly, fabrication and processing	30-5.16	-	-	-	-	-	P	P	P	P	P
Microbrewery Microwinery Microdistillery <sup>2</sup>	30-5.17	-	-	-	-	-	S	P	P	P	P
Mini-warehouse/self-storage	30-5.18	-	-	-	-	-	-	-	P	P	-
Museums and art galleries		-	-	-	P	S	P	P	P	P	P
Office		-	-	-	P	P <sup>3</sup> / S <sup>4</sup>	P	P	P	P	P
Office- medical, dental, & other health related services		-	-	-	P	-	P	P	P	P	P
Parking, surface (principal use)	30-5.20	-	-	-	-	-	-	-	-	S	S
Parking, structured (principal use)		-	-	-	-	-	-	P	P	P	P
Passenger transit station		-	-	-	-	-	-	-	P	P	P
Personal services		-	-	-	S	-	P	P	P	P	P
Places of religious assembly	30-5.21	S	P	P	P	P	P	P	P	P	P
Professional school		-	-	-	P	P	P	P	P	P	P
Public administration buildings		-	-	-	S	S	S	P	P	P	P
Public parks		P	P	P	P	P	P	P	P	P	P
Recreation, indoor <sup>2</sup>		-	-	-	-	-	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	-	P	P	P	-

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
Research development & testing facilities		-	-	-	-	-	-	P	P	P	P
Residences for destitute people	30-5.22	-	-	-	-	-	-	-	S	S	S
Restaurant		-	-	-	S	-	P	P	P	P	P
Retail sales		-	-	-	-	-	P	P	P	P	P
School, elementary, middle & high (public & private)		S	S	S	P	P	P	P	P	P	P
Scooter and electric golf cart sales		-	-	-	-	-	-	P	P	P	-
Simulated gambling establishments		-	-	-	-	-	-	-	-	-	-
Social service facilities	30-5.25	-	-	-	-	-	-	-	P	P	P
Skilled nursing facility		-	-	-	P	-	P	P	P	P	P
Vehicle sales and rental (no outdoor display)		-	-	-	-	-	-	P	P	P	P
Vehicle services	30-5.28	-	-	-	-	-	-	P	P	-	-
Vehicle repair	30-5.28	-	-	-	-	-	-	P	-	-	-
Veterinary services	30-5.29	-	-	-	P	-	P	P	P	P	P
Vocational/Trade school		-	-	-	-	-	S	P	P	P	P
Wireless communication services	See 30-5.30										

- 1 **LEGEND:**
- 2 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.
- 3 1 = When located along a Principal Street.
- 4 2 = Prohibited where adjacent to single-family zoned property.
- 5 3 = Office uses as a home occupation.
- 6 4 = Office uses up to 20% of the building square footage and shall be secondary to a principal residential
- 7 use. No outdoor storage allowed.

## Section 30-4.13. Building Form Standards.

This section contains the building form standards that determine the location, scale and massing of all buildings within the transects.

**Table V - 2: Building Form Standards within Transects.**

TRANSECT	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
A. BLOCK STANDARDS										
Block perimeter (max feet)	2,600'								2,000'	1,600'
B. LOT CONFIGURATION										
Lot width (min feet)	34'	18'							18'	18'
C. DEVELOPMENT INTENSITY										
Nonresidential building coverage (max)	60%	80%							90%	100%
Residential density by right/with SUP* (max units per acre)	8	15	20	20	75	50/60	50/60	60/80	100/125	150/175
D. BUILDING FRONTAGE										
Primary frontage (min)	50%	60%							70%	80%
Secondary frontage (min)	30%	40%							50%	60%
E. BUILDING PLACEMENT										
(min-max from curb)**										
(min landscape/min sidewalk/min building frontage)										
Storefront Street	15' - 20' (5'/5'/5' )	15' - 20' (5'/5'/5')							16' - 21' (5'/6'/5')	15' - 20' (4'/6'/5' )
Principal Street	17' - 37' (6'/6'/5' )	17' - 27' (6'/6'/5')							17' - 27' (6'/6'/5')	17' - 27' (6'/6'/5' )
Thoroughfare Street	19' - 100' (6'/6'/5' )	19' - 100' (8'/6'/5')							19' - 100' (8'/6'/5')	19' - 100' (8'/6'/5' )

Local Street	15' - 35' (5'/5'/5' )	15' - 20' (5'/5'/5')							16' - 21' (5'/6'/5')	15' - 20' (4'/6'/5' )
F. BUILDING SETBACKS										
Side interior setback (min)	5'	5'	5'	5'	5'	5'	5'	0'	0'	0'
Rear setback (min)	15'	3' (alley) 10' (no alley)							3' (alley) 5' (no alley)	3' (alley) 0' (no alley)

\* See **Section 30-5.8** for Development Compatibility standards and **Section 30-5.7 E** for landscape zone

and sidewalk requirements.

\*\* Minimum landscape zone and public sidewalk widths shown in parentheses, respectively. In addition to the landscape zone and public sidewalk, a minimum 5-foot wide building frontage zone is required for all T-zones and street types.

TRANSECT	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT

<b>G. BUILDING HEIGHT</b>										
Min feet	NA	NA	NA	NA	NA	NA	18	18	18	18
Max stories (by right <sup>1</sup> /with bonus <sup>2</sup> )	3	3	3	3	4	4/5	4/6	5/6	6/8	12/14
Max feet (by right/with bonus <sup>2</sup> )	36	36	36	42	60	60/74	60/88	88/116	88/116	172/200
<b>H. FLOOR HEIGHT</b>										
Min first floor height (residential/nonresidential)	NA/10'	NA/12'	NA/12'	NA/12'	NA/12'	NA/12'	12'/12'	12'/15'	12'/15'	12'/15'

Min first floor elevation (residential only)	-	-	-	-	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.
I. GLAZING										
Min first floor - nonresidential	-	30%			50%				65%	
Min first floor - multi-family	-	30%								
Min upper floors - nonresidential and multi-family	-	15%								

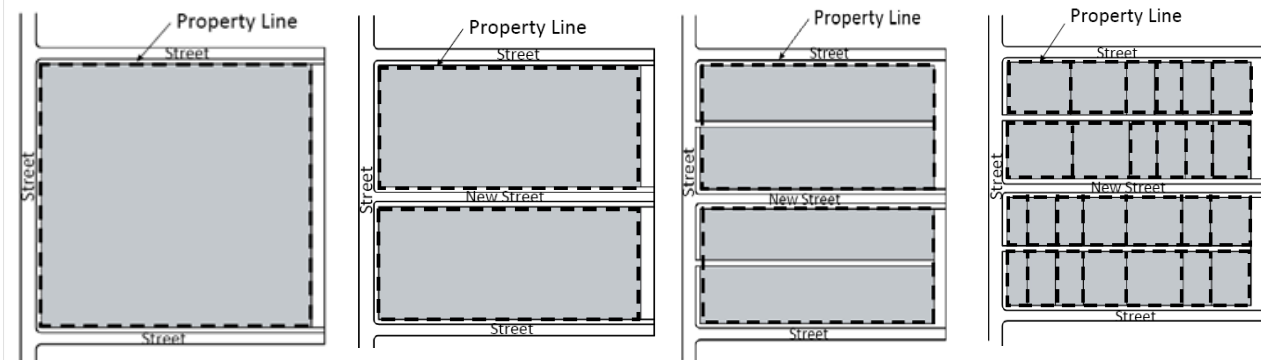
1 <sup>1</sup>See development compatibility standards in **Section 30-5.8**.

2 <sup>2</sup>See bonus system requirements in **Section 30-5.9**.

A. *Block standards.*

1. *Maximum block perimeter.* Maximum block perimeters are defined Table V-2 for each transect. When development cumulatively includes 50% or more of the total project area, it shall be required to include new local streets or urban walkways and the resulting block(s) shall not exceed the prescribed maximum block perimeter. Figure V-1 below depicts a recommended approach to breaking down large blocks to provide a new street grid on a large site.

**Figure V - 1: Creating Blocks**



Step 1-original site; Step 2-introduce streets; Step 3-introduce alleys; Step 4-introduce lots.

2. *Construction of new streets.*

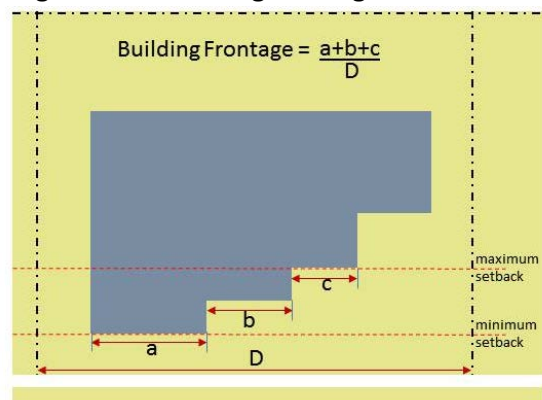
- a. The required local streets or urban walkways shall be constructed at the expense of the owner/developer as part of the development review process and shall be constructed according to the appropriate city standards, but may be sited and configured in a manner so that they provide the most appropriate access to the development. Where a street is planned to continue beyond the extent of a development, the development shall provide for the continuation of the street by stubbing out the improvements as close as is practicable to edge of the property boundary.
- b. The required local streets, multi-use paths or urban walkways shall provide for public access and may be dedicated for public right-of-way after construction, if the city desires to accept same for maintenance.
- c. Notwithstanding any other provision in this chapter, a development may receive final approval prior to construction of the required local streets or urban walkways if the city, upon approval of the City Commission, has executed a binding agreement with the owner/developer that:
  - i. Requires the city and/or the Community Redevelopment Agency to construct the required local streets as public streets within two years of final approval; and
  - ii. Provides for the conveyance or dedication of the associated right-of-way from the property owner to the city, at no cost to the city.

The city may enter into such an agreement only when the city determines that doing so would be in the public interest and when the city and/or the Community Redevelopment Agency has budgeted legally available funds for the construction of the required local



- streets. The form and content of the agreement shall be provided by and acceptable to the city in its sole discretion.
- d. Board modifications from the requirement to construct new streets may be granted in accordance with the procedures and criteria for a variance, with specific consideration given to situations where the construction of a street is limited by: access management standards, regulated environmental features, regulated natural or archeological resources, public stormwater facilities, existing utility facilities, contamination sites, inconsistencies with plans for a future city street network, parks, or schools. Where a variance from these requirements is approved, the block perimeter shall be completed with the provision of sidewalk and bicycle connections, and multi-use paths or urban walkways, subject to approval by the city.
3. *Urban walkways.* When required new streets or urban walkways are constructed as part of a subdivision or development, their design and construction shall conform to the following standards and applicable design manual standards:
- New streets or urban walkways shall connect to existing streets on abutting properties, or be constructed in alignment with planned public streets on abutting properties.
  - Where a portion of a new street or urban walkway is newly constructed, it shall be designed to be extended to abutting property. Stub-outs shall extend to the property line.
  - Urban walkways shall be a minimum of 26 feet wide and may be designed with a single or divided paved pathway. The pathway(s) shall be at least 10 feet wide in total width and shall provide for both bicycles and pedestrians. An urban walkway shall be landscaped with shade trees on minimum 50-foot centers on both sides of the paved path. Unpaved areas may also contain stormwater facilities. Urban walkways may contain benches, fountains, outdoor cafes or other outdoor uses as long as a minimum sidewalk width as specified above is maintained.
- B. *Building frontage.* Building frontage requirements shall create a continuous building presence along streets.
- The building frontage standards are a proportion of the building length relative to the width of the development site measured at the site frontage line, (see Figure V - 3).
  - Frontage hierarchy.*
    - Where a development has frontage along multiple street types that do not include a thoroughfare, the urban street (Storefront or Principal, in that order of hierarchy) shall be considered the primary street for the front face of the building.
    - Where a development has frontage on a thoroughfare and any other street type, the thoroughfare shall be considered the primary street.

**Figure V - 3: Building Frontage**



c. Where a development has frontage on two streets of equal type, then the City Manager or designee shall make a determination as to which street frontage shall be considered primary.

3. In the case where the required building frontage cannot be met due to the need to provide vehicular access from the primary frontage, a gateway, arch or similar feature may be provided to preserve the block continuity and may be counted toward meeting the building frontage requirement, (see Figure V - 4).

4. The ground floor along the street frontages shall contain active uses oriented to the street. Active uses may include, but are not limited to, display or floor areas for retail uses, waiting and seating areas for restaurants, atriums or lobbies for offices, and lobbies or dining areas for hotels or multi-family residential buildings.

**Figure V - 4: Example of Gateway**

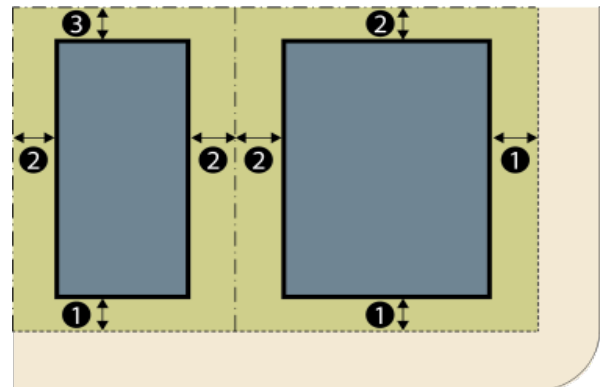


*Floor above gateway not required*

C. **Building placement and setbacks.** The placement of a building on a site is critical to creating a vital and coherent public realm. The building placement and setback standards shall shape the public realm and strengthen the physical and functional character of the area. Figure V-5 depicts the types of setbacks.

1. Building placement requirements shall be measured from the back of curb instead of the front property line, with the following exceptions:
  - a. In the absence of curbs, shall be measured from the edge of pavement.
  - b. Where the required building placement falls within a public right-of-way, it shall be shifted to the property line instead.

**Figure V - 5: Building Setbacks**



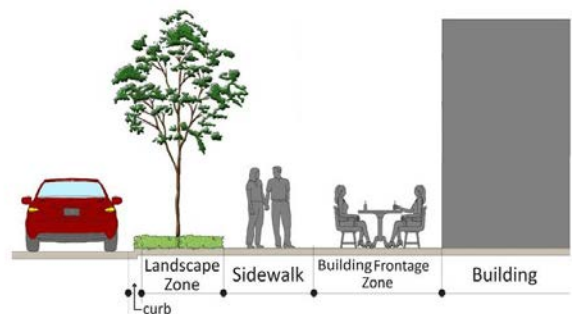
2. Building placement requirements shall be comprised of a landscape zone, a public sidewalk zone and a building frontage zone.

**Error! Reference source not found.**6 depicts the required configuration of these zones in relation to the street curb and building. The required minimum widths for the landscape and sidewalks zones are listed within Table V - 2. The building frontage zone shall be a minimum of 5 feet in all locations.

**Section 30-5.17.F** contains additional standards for the design of the building frontage zone.

- ① Street Setback
- ② Side Setback
- ③ Rear Setback

**Figure V - 6: Public Realm Zones**

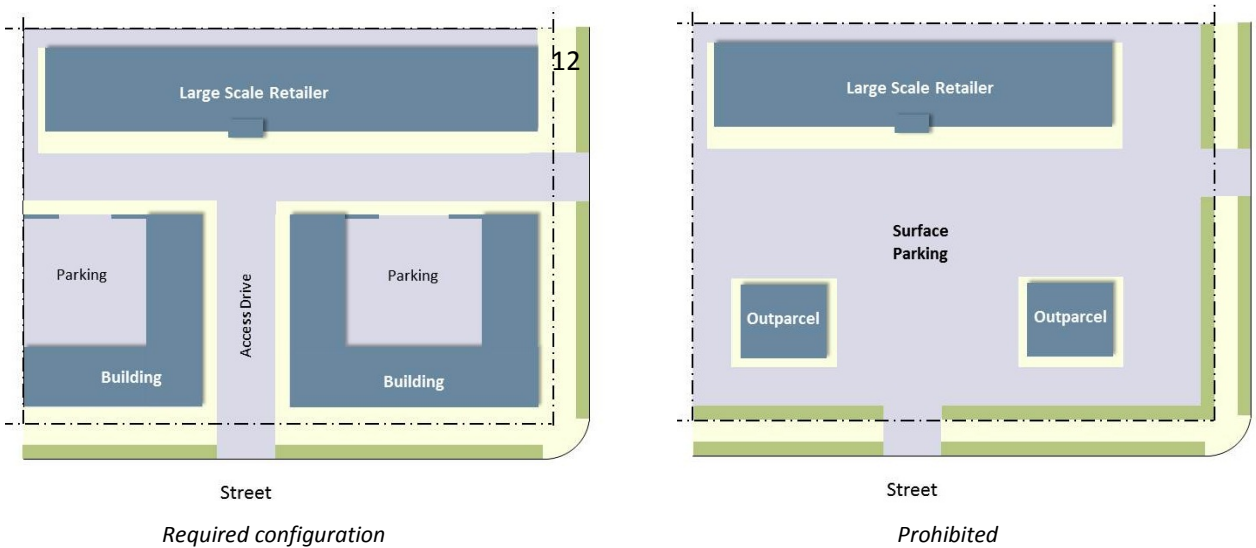


3. Side and rear setbacks are minimums and shall be measured from shared property lines.
4. Street furniture such as benches, trash receptacles and bicycle racks shall not be

located within the public sidewalk zone.

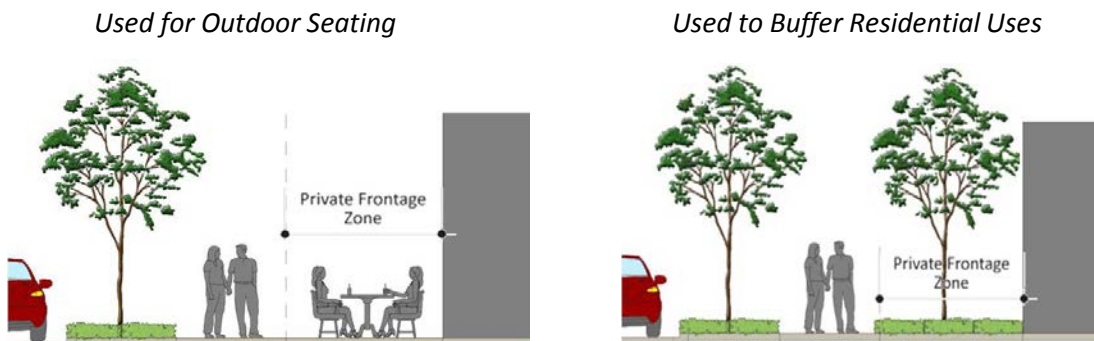
5. Where multiple buildings are proposed within a development, the placement of buildings at the rear of a site is allowed as long as one or more buildings are placed along the front of the site meeting the building placement and setback and building frontage requirements of this division. **Error! Reference source not found.**7 depicts the required configuration of multiple buildings on a site, such as within a shopping center. Streets or access drives shall be incorporated into the site to break it down into smaller lots/blocks (platting will not be required). The primary access drive shall be centered on the anchor building and shall be lined with buildings, which shall meet the required frontage standards along the street and access drive.

**Figure V - 7: Multiple Buildings on a Site**

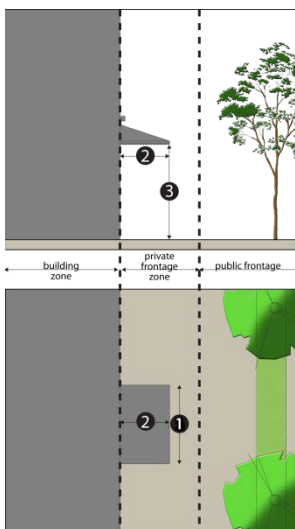
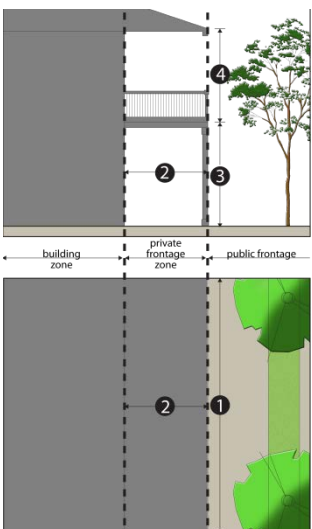
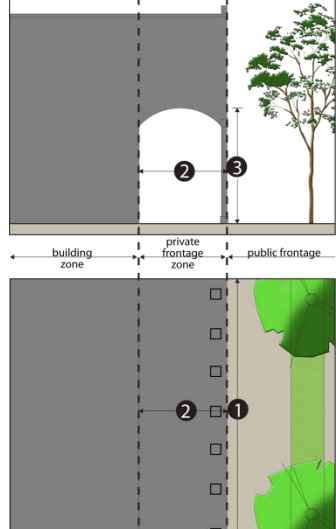
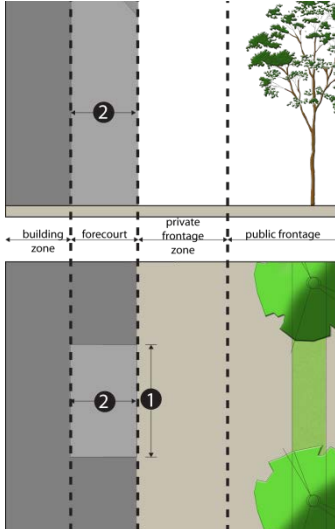
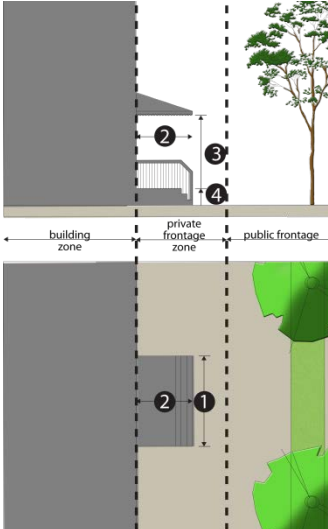
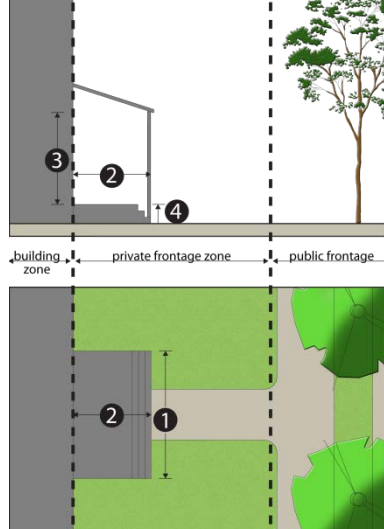


- D. **Building frontage zone requirements.** All development shall provide a minimum 5-foot wide building frontage zone behind the public sidewalk, and buildings shall have at least one type of building frontage incorporated into its design. Table V-3 contains the dimensional requirements for the various types of building frontages allowed. The intent of the building frontage zone is to provide a transition between the public street/sidewalk and the building. The type of activity conducted in the private frontage zone depends on the nature of the proposed use (Figure V-8). For a commercial building, the intent of the private frontage zone is to attract customers into the business. For a residential site, the intent of the private frontage zone is to provide for a private outdoor space and establish a separation from the public sidewalk for the ground floor rooms.

**Figure V - 8: Examples of Building Frontage Zone Activity**



1 **Table V - 3: Building Frontage Dimensional Standards**

Storefront	Gallery	Arcade
		
<p>1. Width: 25% of façade width min. 2. Depth: 5' min. 3. Clear Height: 8' min.</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>
Courtyard	Stoop	Porch
		
<p>1. Width: 10' min. to 50% of façade width max. 2. Depth: 10' min./20' max. 3. Elevation: 18" max. above grade.</p>	<p>1. Width: 5' min. to 16' max. 2. Depth: 5' to 8' 3. Clear Height: 8' 4. Elevation: 21" min. above grade.</p>	<p>1. Width: 12' min. 2. Depth: 8' min. 3. Clear Height: 8' min. 4. Elevation: 21" min. above grade.</p>

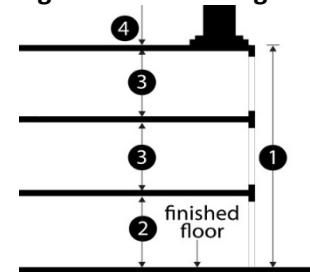
2 **Note:** See **Article II** for definitions of frontages.

1. *Building frontage standards, general.*
  - a. In addition to the encroachments shown in Table V-3, cantilevered balconies, bay windows and roof overhangs are allowed to encroach into the building frontage zone.
  - b. Street furniture such as benches, trash receptacles, or bicycle racks may be installed within the building frontage zone.
2. *Standards for storefronts, awnings and canopies.*
  - a. Storefront doors shall not be recessed more than 5 feet from the front façade. Recessed doors shall have angled walls leading to the door to promote the visibility of the entrance.
  - b. Awnings and canopies shall not cover building architectural elements including but not limited to cornices or ornamental features.
  - c. High gloss or plasticized fabrics and aluminum are not allowed for awnings.
  - d. Backlit awnings are not permitted.
  - e. Awning shall match the width of the window or door opening and shall enhance the architectural features of the building.
3. *Standards for galleries and arcades.*
  - a. Along urban Storefront streets, gallery/arcade openings shall align with storefront entrances.
  - b. Galleries may be one or two stories.
  - c. Arcades and galleries shall have consistent depth along a frontage.
4. *Standards for courtyards.*
  - a. Courtyards shall be paved and a minimum of 20% of the total courtyard area shall be enhanced with either above-ground or in-ground landscaping.
5. *Standards for stoops and porches.*
  - a. Stoops shall align directly with the building entry.
  - b. Porches may be one or two stories.
  - c. Porches may encroach into the building frontage zone.

E. *Building height.*

1. The heights of parking structures shall be limited in accordance with the maximum feet within each district, but shall not be limited to the maximum number of stories.
2. Mezzanines that meet the definition and requirements of the Florida Building Code shall not be counted as an additional story.
3. The building height limitations contained in Table V - 2 do not apply to spires, belfries, cupolas, antennas, water tanks,

**Figure V - 9: Building Height**



- 1 Building height
- 2 Floor height (ground floor)
- 3 Floor height (upper floors)
- 4 Exceptions to maximum height

ventilators, chimneys or other appurtenances required to be placed on the roof and not intended for human occupancy. Other exceptions include:

- a. Roof structures above eave line can vary in height up to a maximum of 15 feet above eave line.
- b. Trellises may extend above the maximum height up to 8 feet.

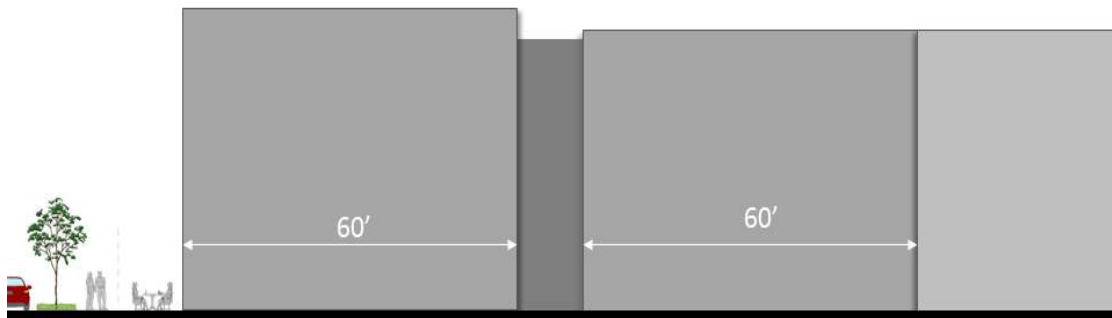
F. *Floor height.*

1. Floor height shall be measured as provided in the Florida Building Code.
2. Parking garages are exempt from the minimum floor height requirements.

**Section 30-4.14. Building Design Standards.**

- A. *Building massing.* Large building volumes shall be divided to appear as smaller volumes grouped together. Volume breaks may be achieved by volume projections and recesses, and varying heights and roof lines. Therefore, building facades shall not exceed 60 feet along a street frontage without providing a substantial volume break such as a volume projection or recess, a tower or bay, or an architecturally prominent public entrance. The recesses and projections shall have a minimum depth and width of 10 feet.

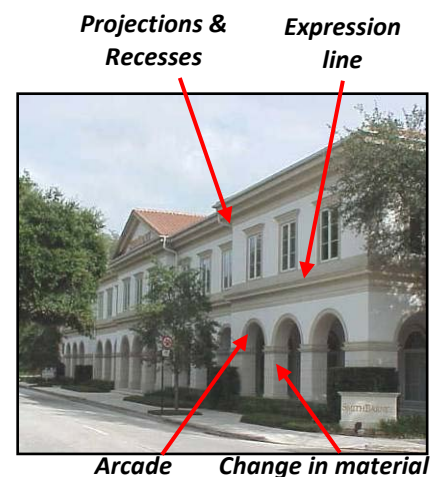
**Figure V - 16: Building Massing**



- B. *Facade articulation.* The standards contained in this section apply to multi-family, nonresidential and mixed-use buildings. Building facades along streets shall maintain a pedestrian scale by integrating the following architectural elements:

1. Façades shall not exceed 20 horizontal feet without including at least one of the following elements:
  - a. A window or door.
  - b. Awning, canopy or marquee.
  - c. An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six inches.
  - d. Arcade, gallery or stoop.
  - e. Complementary changes in façade materials or texture.

**Figure V - 18: Façade Elements**



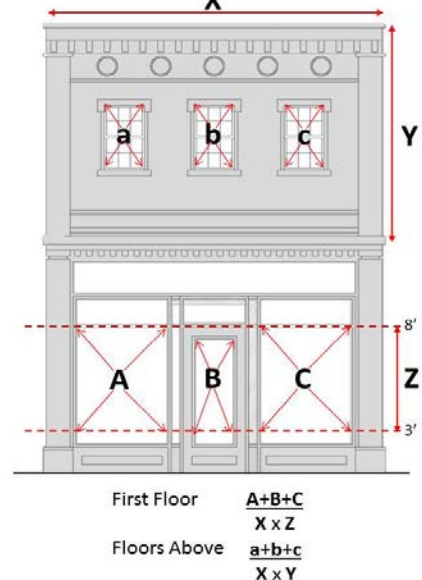


2. An expression line shall be provided between the first and second stories delineating the transition between ground and upper floors.
3. Architectural treatments on the façade, such as cornices or expression lines, shall be continued around the sides of the building visible from a street.
4. All building elevations (including secondary/interior side façades) shall use similar materials and appearance as the front/street façade.

C. *Glazing requirements.*

1. Glazing percentages shall be calculated as follows:
  - a. Nonresidential First Floor: The area of glass between 3 feet and 8 feet above finished floor, divided by the area of the building façade also between 3 feet and 8 feet above finished floor.
  - b. Nonresidential above First Floor: The combined area of glass on all floors above the first divided by the total area of the building façade for those floors.
  - c. Residential: The area of glass divided by the area of the façade.
2. The approving authority may allow reduced glazing and/or glass transmittance for places of religious assembly and schools.
3. There is no maximum limit on how much glazing may be provided. However, if glass walls are used, an architectural feature, such as a canopy/marquee, overhang, or a horizontal change in plane shall be provided between the first and second floors to ensure pedestrian scale at the sidewalk level.
4. Windows and glass doors shall be glazed in clear glass with 80% minimum transmittance. The use of reflective glass and reflective film is prohibited on the ground floor of all buildings.

**Figure V - 17: Non-Residential Glazing**



D. *Building entrances.*

1. Each building shall provide a primary public entrance oriented toward the public right-of-way, and may be located at the building corner facing the intersection of two streets. Additional entrances may be provided on other sides of the building.
2. Primary public entrances shall be operable, clearly-defined and highly-visible. In order to emphasize entrances they shall be accented by a change in materials around the door, recessed into the façade (alcove), or accented by an overhang, awning, canopy, or marquee.
3. Building frontages along the street shall have functional entrances at least every 150 feet.

## Section 30-4.15. Parking Requirements.

### A. Parking amounts.

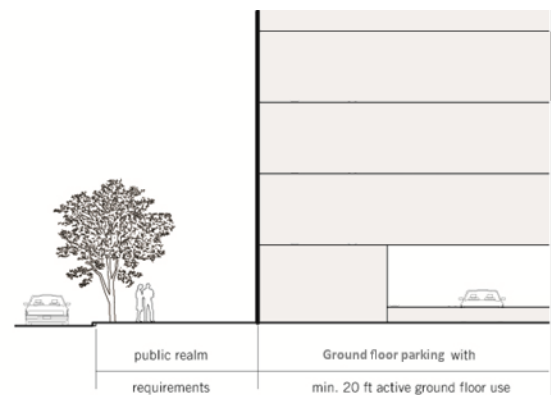
Transect	Min Vehicle Spaces		Min Bicycle Spaces		Min Scooter Spaces
	Nonresidential Use	Residential Use	Nonresidential Use	Residential Use	
DT	-	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U9	-	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U8	-	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U7	-	1 per 3 bedrooms	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U6	-	1 per 3 bedrooms	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U5	-	1 per 3 bedrooms	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	-
U4	Per parking code				
U3					
U2					
U1					

### B. Location of parking facilities.

- Surface parking lots shall be located to the rear or side of buildings, but no more than 50% of the total parking area may be located to the side of buildings.

- Surface parking in the form of a single level of ground floor parking located within the building footprint (see Figure V-10) shall provide a minimum of 25 feet of active ground floor commercial, residential, or office uses along Storefront or Principal streets, and shall provide on all street frontages decorative screening walls, perimeter parking landscaping per **Article IX**, or a combination thereof.

**Figure V - 10: Ground-Floor Parking under Building**



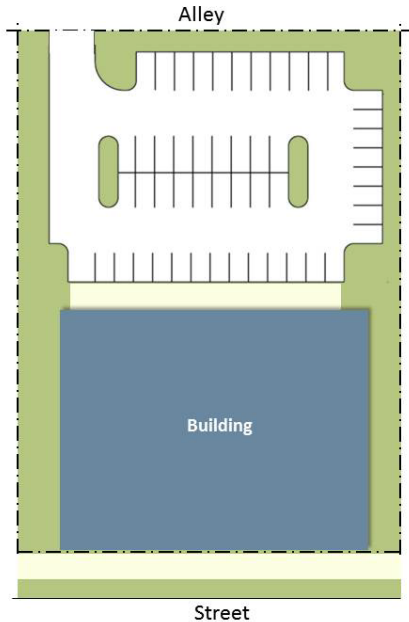
- Surface and structured parking areas shall be accessed from rear alleys or rear lanes where available (see Figure V-11), from an adjacent property (see **Error! Reference source not found.12**), or from local streets, in that order of hierarchy. Vehicular access from other street types shall only be allowed in the absence of these options.
- Within the DT district, any surface parking areas abutting a public street or urban walkway shall be screened from street view by a masonry garden wall with a height between 3 and 5 feet. In



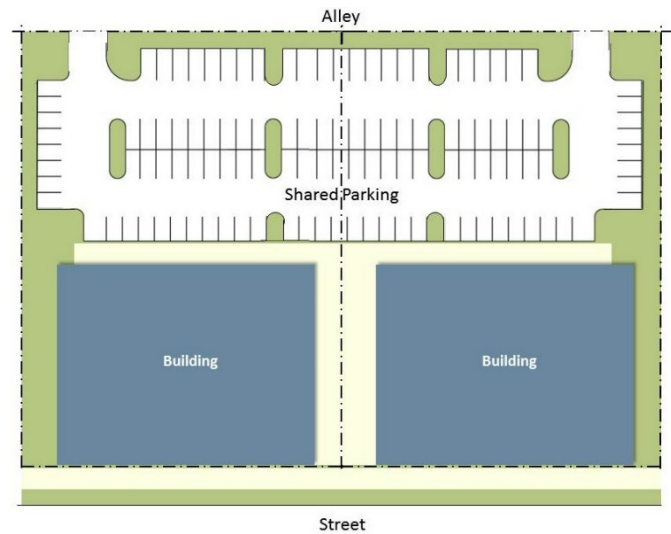
the other T-zones, the parking lot may be screened in accordance with the perimeter parking landscaping standards per **Article IX**.

5. A minimum of 10% of the provided bicycle parking shall be located between the building and the street.

**Figure V - 11: Parking Access from Alley**



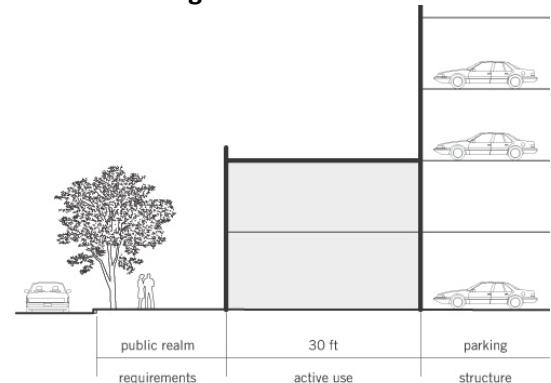
**Figure V - 12: Parking Access from Adjacent Property**



**C. Design of parking structures.**

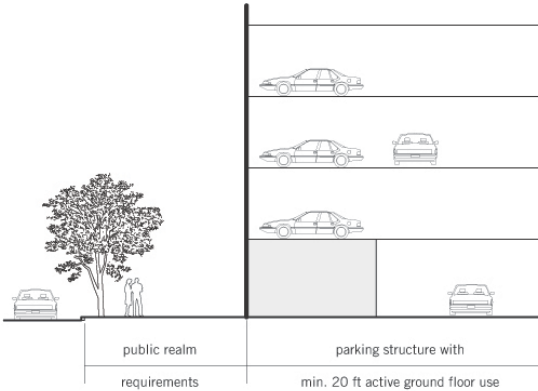
1. Parking structures located along Storefront streets shall be concealed by liner buildings, which may be attached or detached from the parking structure (see 13). The liner building shall have a minimum of two stories and a minimum height of 30 feet and a minimum depth of 25 feet along the entire length of the parking structure.

**Figure V - 13: Parking Structures on Storefront Streets**

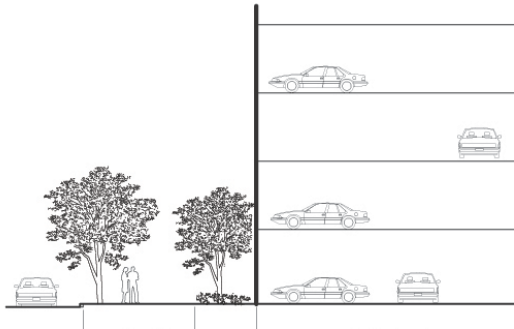


2. Parking structures located along Principal streets shall be required to provide ground floor commercial or office space along the street frontage (see Figure V-14).

**Figure V - 14: Parking Structures on Principal Streets**



**Figure V - 15: Parking Structures on Other Streets**



### DIVISION 3. RESIDENTIAL

#### Section 30-4.16. Permitted Uses.

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section shall be allowed.

**Table V - 4: Permitted Uses in Residential Districts.**

USES	Use Standards	RSF-1 to 4	RC	MH	RMF-5	RMF-6 to 8
Accessory dwelling units	30-5.33	-	A	A	A	A
Adult day care homes	30-5.2	P	P	P	P	P
Assisted living facilities		-	-	-	P	P
Attached dwellings (up to 6 attached units)		-	-	-	P	P
Bed and breakfast establishments	30-5.4	S	P	P	P	P
Community residential homes (up to 6 residents)	30-5.6	P	P	P	P	P
Community residential homes (7 to 14 residents)	30-5.6	-	-	-	-	P

USES	Use Standards	RSF-1 to 4	RC	MH	RMF-5	RMF-6 to 8
Community residential homes (over 14 residents)	30-5.6	-	-	-	-	P
Day care centers	30-5.7	-	P	P	P	P
Dormitory, small	30-5.8	-	-	-	-	P
Dormitory, large	30-5.8	-	-	-	-	S
Emergency shelters		-	-	-	-	P
Family child care homes	30-5.10	P	P	P	P	P
Fowl or livestock (as an accessory use)	30-5.36	-	-	-	-	-
Mobile homes		-	-	P	-	-
Multi-family dwellings		-	-	-	P	P
Multi-family, small-scale (2-4 units per building)		-	P <sup>1</sup>	-	P	P
Places of religious assembly	30-5.21	S	P	P	P	P
Libraries		-	S	S	S	S
Public parks		P	P	P	P	P
Schools (elementary, middle and high)		S	P	P	P	P
Single-family dwellings		P	P	P	P	P
Skilled nursing facility		-	-	-	-	S
Social service homes/halfway houses	30-5.26	-	-	-	-	S

**LEGEND:**

P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

1 = No more than 2 dwellings units per building are permitted in the RC district.

## Section 30-4.17. Dimensional Standards.

The following tables contain the dimensional standards for the various uses allowed in each district.

Table V - 5: Residential Districts Dimensional Standards.

	RSF -1	RSF -2	RSF -3	RSF -4	RC	MH	RMF- 5	RMF- 6	RMF- 7	RMF- 8
<b>DENSITY/INTENSITY</b>										
Residential density (units/acre)										
Min	None	None	None	None	None	None	None	8 <sup>1</sup>	8 <sup>1</sup>	8 <sup>1</sup>
Max by right	3.5	4.6	5.8	8	12	12	12	10	14	20
With density bonus points	-	-	-	-	-	-	-	See Table V-6	See Table V-6	See Table V-6
Nonresidential building coverage	35%	35%	40%	40%	50%	50%	50%	50%	50%	50%
<b>LOT STANDARDS</b>										
Min lot area (sq. ft.)	8,500	7,500	6,000	4,300	3,000	3,000	3500	None	None	None
Min lot width (ft.)										
Single-family	85	75	60	50	35	35	40	40	40	40
Two-family <sup>2</sup>	NA	NA	NA	NA	70	NA	75	75	75	75
Other uses	85	75	60	50	35	35	85	85	85	85
Min lot depth (ft.)	90 <sup>3</sup>	90 <sup>3</sup>	90 <sup>3</sup>	80 <sup>3</sup>	None	None	90	90	90	90
<b>MIN SETBACKS (ft.)</b>										
Front	20 <sup>3</sup>	20 <sup>3</sup>	20 <sup>3</sup>	20 <sup>3</sup>	10 <sup>4</sup>	15	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max
Side (street)	10	10	7.5	7.5	NA	NA	15	15	15	15
Side (interior) <sup>5,6</sup>	7.5	7.5	7.5	7.5	5	5	10	10	10	10
Rear <sup>6,7</sup>	20	20	15	10	20	15	10	10	10	10
Rear, accessory	7.5	7.5	5	5	5	5	5	5	5	5
<b>MAXIMUM BUILDING HEIGHT (stories)</b>										
By right	3	3	3	3	3	3	3	3	3	3
With building height bonus	NA	NA	NA	NA	NA	NA	NA	5	5	5

<sup>1</sup> Parcels 0.5 acres or smaller existing on November 13, 1991, are exempt from minimum density requirements.

<sup>2</sup> Assumes both units on one lot. Lot may not be split, unless each individual lot meets minimum lot width requirement for single-family.

<sup>3</sup> Lots abutting a collector or arterial street shall have a minimum depth of 150 feet and a minimum building setback of 50 feet along that street.

- 1     <sup>4</sup> Attached stoops or porches meeting the standards for **Section 30-5.17** are permitted to encroach up  
2     to 5 feet into the minimum front yard setback.
- 3     <sup>5</sup> Except where the units are separated by a common wall on the property line of two adjoining lots. In  
4     such instances, only the side yard setback for the end unit is required.
- 5     <sup>6</sup> Accessory pre-engineered or pre-manufactured structures of 100 square feet or less and one story in  
6     height may be erected in the rear or side yard as long as the structure has a minimum yard setback of  
7     three feet from the rear or side property line, is properly anchored to the ground, and is separated  
8     from neighboring properties by a fence or wall that is at least 75% opaque.
- 9     <sup>7</sup> Accessory screened enclosure structures, whether or not attached to the principal structure, may be  
10    erected in the rear yard as long as the enclosure has a minimum yard setback of three feet from the  
11    rear property line. The maximum height of the enclosure at the setback line shall not exceed eight  
12    feet. The roof and all sides of the enclosure not attached to the principal structure shall be made of  
13    screening material.

## Section 30-4.18. Density Bonus Points.

Development criteria described in the density bonus points manual, when met, shall allow increases in development intensity based upon the limits in this section. These increases in intensity shall be allowed should a developer propose to undertake a project that will result in a development sensitive to the unique environmental and developmental needs of the area. For each criterion met by the developer, certain points shall be credited to the project. Those points, calculated in accordance with the Density Bonus Points Manual, shall determine the maximum allowable density.

**Table V - 6: Permitted Density Using Density Bonus Points**

RMF-6		RMF-7		RMF-8	
Points	Max residential density (du/ac)	Points	Max residential density (du/ac)	Points	Max residential density (du/ac)
0	10	0	14	0	20
26	11	20	15	16	21
52	12	39	16	30	22
79	13	59	17	46	23
108	14	79	18	59	24
138+	15	98	19	75	25

## DIVISION 4. MIXED-USE AND NONRESIDENTIAL

### Section 30-4.19. Permitted Uses.

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section shall be allowed.

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

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
<b>RESIDENTIAL</b>													
Single-family house		P	-	P	P	-	-	-	-	-	P	-	-
Attached dwellings		P	P	P	P	-	-	-	-	-	-	-	-
Multi-family dwellings		P	P	P	P	S	-	-	-	-	P	-	-
Accessory dwelling units	30-5.33	A	A	A	A	-	-	-	-	-	P	-	-
Adult day care homes	30-5.2	P	P	P	P	P	P	-	-	P	-	-	-
Community residential homes (up to 6 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Community residential homes (more than 14 residents)	30-5.6	-	P	P	P	-	-	-	-	-	P	-	-
Community residential homes (7 to 14 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Dormitory, large	30-5.8	-	-	-	S	-	-	-	-	-	-	-	-
Dormitory, small	30-5.8	S	S	S	P	-	S	-	-	-	-	-	-
Family child care homes	30-5.10	P	-	P	P	-	-	-	-	-	P	-	-
<b>NONRESIDENTIAL</b>													
Alcoholic beverage establishments	30-5.3	S	S	-	-	-	P	-	P	P	-	P	P
Assisted living facility		P	P	-	P	-	-	-	-	-	P	-	-
Bed and breakfast establishments	30-5.4	P	P	S	S	-	P	-	P	-	-	-	-
Business services		P	P	-	P	P	P	P	P	P	P	P	P
Car wash facilities	30-5.5	S	S	-	-	-	P	P	S	P	P	P	P
Civic, social & fraternal organizations		P	P	-	-	-	P	P	P	P	-	-	-
Daycare center	30-5.7	P	P	P	P	P	P	-	-	P	P	-	-
Drive-through facility	30-5.9	P	P	-	-	-	P	P	P	P	P	P	P
Emergency shelters		P	P	P	P	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy		-	-	-	-	-	-	-	-	-	-	P	P
Equipment sales, rental and leasing, light		-	P	P	P	-	P	P	-	P	P	P	P
Food distribution center for the needy	30-5.12	-	-	-	-	-	S	-	S	S	-	-	-
Food truck	30-5.35	P	P	A	A	P	P	P	P	P	P	P	P
Fuel dealers		S	S	-	-	-	S	P	-	-	-	P	P
Funeral homes and crematories		P	P	P	P	-	P	P	-	-	-	-	-
Gasoline/alternative fuel stations	30-5.13	S	S	-	-	-	P	P	P	S	P	S	S
Go-cart raceway and rentals (indoor and outdoor)		-	-	-	-	-	-	-	-	-	-	S	S
Health services		P	P	P	P	P	-	-	-	-	P	-	-
Hotels and motels		S	S	-	-	S	P	-	P	P	S	-	-
Ice manufacturing/vending machines	30-5.38	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	30-5.14	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard/Salvage Yard	30-5.15	-	-	-	-	-	-	-	-	-	-	S	P
Laboratories, medical and dental		P	P	P	P	P	P	-	-	P	P	P	P
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Libraries		-	P	-	-	P	-	-	-	-	P	-	-
Light assembly, fabrication, and processing	30-5.16	P	P	-	S	S	S	P	-	P	P	P	P
Liquor stores		P	P	-	-	-	P	P	P	-	P	-	-
Mini-warehouses, self-storage		-	-	-	-	-	-	-	-	P	P	P	P
Museums and art galleries		P	P	P	P	P	P	-	P	P	P	-	-
Offices		P	P	P	P	P	P	P	P	P	P	P	P
Offices, medical and dental		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage, principal use	30-5.19	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (as a principal use)	30-5.20	-	S	-	-	-	S	P	-	P	P	-	-
Passenger transit or rail stations		S	S	-	-	P	P	P	P	P	P	P	-
Personal services		P	P	P	P	P	P	P	P	P	P	P	P
Places of religious assembly	30-5.21	P	P	P	P	P	P	P	P	P	P	-	-
Public administration buildings		P	P	P	P	P	P	P	P	P	P	P	-
Public maintenance and storage facilities		-	-	-	-	-	-	-	-	P	P	P	P
Public parks		S	S	S	S	P	P	P	P	P	P	P	P
Recreation, indoor		P	P	P	P	P	P	P	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	S	P	P	S	-	P	P
Recycling centers		-	S	-	-	-	S	-	-	-	S	S	P
Rehabilitation centers	30-5.24	S	S	S	S	-	S		-	S	-	S	
Research, development and testing facilities		-	-	-	-	P	P	-	-	P	P	P	P
Residences for destitute people	30-5.22	S	S	S	S	-	S	-	S	-	-	-	-
Restaurants		P	P	-	S	P	P	P	P	P	P	P	P
Retail nurseries, lawn and garden supply stores		P	P	-	-	-	P	P	-	P	P	P	-
Retail sales (not elsewhere classified)		P	P	-	-	S	P	P	P	P	P	S	S
Schools, elementary, middle & high (public & private)		P	P	S	S	-	P	-	-	-	P	-	-
Schools, professional		P	P	P	P	P	P	P	-	P	P	P	P
Schools, vocational and trade		-	P	P	P	-	P	P	-	P	P	P	P
Scooter or electric golf cart sales		P	P	-	-	-	P	P	-	P	-	P	-
Sexually-oriented cabarets	30-5.23	-	-	-	-	-	-	-	P	-	-	-	P



	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Sexually-oriented motion picture theaters	30-5.23	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented retail store	30-5.23	-	-	-	-	-	P	-	P	-	-	-	P
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-
Social service facility	30-5.25	S	S	S	S	-	-	-	-	-	P	S	S
Solar generation station	30-5.27	-	-	-	-	-	-	-	-	P	-	P	P
Truck or bus terminal/maintenance facilities		-	-	-	-	-	-	P	P	P	P	P	P
Vehicle repair	30-5.28	-	-	-	-	-	-	P	P	P	-	P	P
Vehicle rental		-	-	-	-	-	P	P	P	P	P	P	-
Vehicle sales (no outdoor display)		-	-	-	-	-	P	P	P	P	-	P	-
Vehicle sales (with outdoor display)		-	-	-	-	-	-	P	-	P	-	P	P
Vehicle services	30-5.28	S	S	-	-	-	P	P	P	P	S	P	P
Veterinary services	30-5.29	P	P	P	P	P	P	-	P	P	P	P	P
Warehouse/distribution facilities (<100,000 SF)		-	-	-	-	-	-	-	-	P	P	P	P
Warehouse/distribution facilities (>100,000 SF)		-	-	-	-	-	-	-	-	P	P	P	P
Waste management facilities		-	-	-	-	-	-	-	-	S	-	P	P
Wholesale trade		-	-	-	-	-	-	S	-	P	P	P	P
Wireless communication facilities	30-5.30												

1 **LEGEND:**

2 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

## Section 30-4.20. Dimensional Standards.

The following tables contain the dimensional standards for the various uses allowed in each district.

**Table V - 8: Mixed-Use and Nonresidential Districts Dimensional Standards.**

	MU-1	MU-2	OF	CP	BUS	BA	BI	I-1	I-2
<b>DENSITY/INTENSITY</b>									
Residential density (units/ acre)									
Min <sup>1</sup>	8	12	None	10	None	None	None	None	None
Max	30	30	20	30	None	None	None	None	None
Nonresidential building coverage	60%	75%	50%	50%	None	None	None	None	None
Nonresidential GLA (max)	100,000 <sup>2</sup>	None <sup>2</sup>	None	None	None	None	None	None	None
<b>LOT STANDARDS</b>									
Min lot area (sq. ft.)	None	None	6,000	None	None	None	None	None	None
Min lot width (ft.)	None	None	60	None	None	None	None	None	None
Min lot depth (ft.)	None	None	90	None	None	None	None	None	None
<b>SETBACKS (ft.)</b>									
Front	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	15 min	25 min	25 min	25 min
Side-street (min)	15	15	10	10	10	15	20	25	25
Side-interior (min)	10	10	10	10	10	10	10	10 <sup>4</sup>	20 <sup>4</sup>
Rear (min)	10	10	10	10	10	15	20	10 <sup>4</sup>	10 <sup>4</sup>
<b>MAXIMUM BUILDING HEIGHT (stories)</b>									
By right	5	5	3	5	5	5	5	5	5
With building height bonus	8	8	8	8	8	-	-	-	-

- 1 Lots that existed on November 13, 1991, as recorded in the city and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.
- 2 Developments of 50,000 sq. ft. or more of gross leasable area shall be located along arterials or collectors, as defined in the official roadway map.
- 3 Where the yard abuts and is used for access to a railroad siding, the minimum setback shall be zero feet.
- 4 Where the rear or side yard abuts U1 or single-family residential zoning or a historic district, Section 30-5.8. Development Compatibility standards shall apply.

**Section 30-4.21. Design Standards.**

**A. Parking.**

1. Motor vehicle parking is required in accordance with **Article VIII**. All motor vehicle parking except a double-loaded row of parking shall be located in the rear and/or interior side of the building, unless such a location is prevented by topography, stormwater retention or significant trees, as determined by the appropriate reviewing board, City Manager or designee. In no case shall more than 50% of the parking be located between the front facade and the primary abutting street, unless modified by the appropriate reviewing board, City Manager or designee. However, driveway entrances and exits to parking areas shall be allowed on the front side of the building. The number of motor vehicle parking spaces required by **Section 30-8.6** is the maximum allowed. However, there shall be no limit on the number of parking spaces in parking structures.
2. Bicycle parking spaces shall be installed as called for by **Section 30-8.6**. Such parking may encroach into the public right-of-way or beyond the setback 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.

**B. Sidewalks.**

1. All developments, unless provided otherwise in this chapter, shall provide sidewalks along all street frontage. All developments shall provide pedestrian connections from the public sidewalk to the principal building. Entrance sidewalks shall be a minimum of 5 feet of clear width.
2. *Minimum sidewalk widths.*

Multi-Family Residential/Industrial	Commercial/Institutional/Office/Mixed-Use
7 feet	8 feet

The minimum unobstructed width shall be 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. In areas where a sidewalk pattern as to materials and width has been adopted, the appropriate reviewing board, City Manager or designee may 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.

**C. Building orientation.** The main entrance of buildings or units shall be located on the first floor on the more primary street.

**D. Glazing.** Building walls facing the more primary street shall have non-reflective, transparent windows or glazed area covering at least 25% of their surface at pedestrian level (between 3 feet and 8 feet above grade) on the first floor. Operable transparent entrance doors may be included in the calculation of total facade surface area.

**E. Mechanical equipment.** All mechanical equipment shall be placed on the roof, in the rear or side of the building, and shall be screened with parapets or other types of visual screening.

## DIVISION 5. SPECIAL DISTRICTS

### Section 30-4.22. Purpose and Standards.

#### A. Agriculture (AGR).

1. *Purpose.* The AGR district is established for the purpose of providing for a diversity of agricultural activities, including limited processing and sale of agricultural products raised on the premises and including some agricultural activities that may be objectionable if conducted in close proximity to residential developments.
2. *Objectives.* The provisions of the AGR district are intended to:
  - a. Protect watersheds, wilderness and scenic areas and conserve wildlife, as well as preserve open space.
  - b. Promote forestry, the growing of crops and grazing.
  - c. Provide for spacious developments.
  - d. Encourage the orderly expansion of urban development.

#### B. Airport Facility (AF). See **Section 30-5.28.**

#### C. Conservation (CON).

1. *Purpose.* The CON district is established for the purpose of conserving, restoring and protecting environmentally significant lands within the city and for establishing natural buffers between incompatible uses. It is intended that this district shall protect, restore and preserve natural features and open space so that the present and future residents of the city shall be able to enjoy the benefits of the natural environment of the city.
2. *Objectives.* The provisions of the CON district are intended to:
  - a. Conserve parks, recreational areas, open space, floodplains and unique natural features.
  - b. Protect and restore the natural features of the city, environmentally significant lands along creeks, wetlands, uplands and lakes, areas subject to detrimental erosion, and areas subject to noise disturbance due to aircraft-generated sound levels in close proximity to an airport or under a flight path.
  - c. Restrict the development of lands upon which a more intensive development would cause adverse environmental impact.
  - d. Provide the assurance of natural buffering between incompatible land uses.

#### D. Educational Services (ED).

1. *Purpose.* The ED district is established to identify and locate public educational facilities at appropriate locations throughout the community.
2. *Objectives.* The provisions of the ED district are intended to locate such uses so as to provide easy accessibility and convenience to the users.

#### E. Medical Services (MD).

1. *Purpose.* The MD district is established to provide adequate space in appropriate locations suitable for accommodating the health and related medical needs of the community.

2. *Objectives.* The provisions of the MD district are intended to:
  - a. Encourage such development to locate in close proximity to the community's major transportation arteries so as to provide maximum accessibility for emergency vehicles and the general public.
  - b. Discourage encroachment by unrelated retail and office activities and other incompatible uses.
  - c. Ensure through development plan review that development is undertaken in a manner compatible with less intense uses of land or buildings in the area.
- F. *Planned Development (PD).* See **Article III.**
- G. *Public Services and Operations (PS).*
  1. *Purpose.* The Public Services and Operations (PS) district is established for the purpose of identifying and providing suitable locations for the necessary public and private utility, public-private partnerships or other legal arrangements where the land title is vested in a government and the use(s) serves a public purpose, and recreation activities that serve and are used directly by the public for their own benefit and are necessary to the normal conduct of the community's activities. This district may be isolated and surrounded by any other zoning district compatible with the intended use of the facility.
  2. *Objectives.* The provisions of the PS district are intended to:
    - a. Accommodate utilities, recreation and public facilities, at appropriate locations, necessary to serve the public.
    - b. Ensure public awareness of the location of existing or potential utilities, recreation and public facilities.
    - c. Ensure, by requiring development plan review where necessary, that such uses are designed to minimize negative impacts on surrounding properties.
  3. *Additional requirements.* The following criteria shall apply to all uses within the PS district:
    - a. *Site design.*
      - i. Building scale and massing shall relate to that of adjacent buildings to the extent practical.
      - ii. Public developments shall be exemplary in their use of signage and landscaping and in the preservation of existing trees.
      - iii. Pedestrian areas shall be separated from vehicular areas wherever possible. Traffic circulation should be safe, convenient and designed according to sound engineering practices.
      - iv. The design of the site and facilities shall promote energy conservation through proper solar access, shading and other measures, where appropriate.
      - v. Appropriate access for emergency vehicles, garbage trucks and other service vehicles shall be provided.
      - vi. All site elements shall be designed to protect natural and community resources, such as wildlife habitats, historic structures and ecologically sensitive areas.

b. *External compatibility.*

- i. Buffering and screening of public service facilities shall be provided commensurate with the facility's degree of impact and incompatibility with surrounding developments.
- ii. Electrical transformers and other utility equipment shall be screened from public view.
- iii. Site illumination and public address systems, particularly for recreation areas, shall be designed so as to create no interference with the privacy of adjoining properties.
- iv. Adverse impacts on adjacent properties, such as noise, smoke, glare and odor, shall be mitigated through site design. Where necessary, building construction methods or mechanical equipment should also be used to mitigate these adverse impacts.

- c. *Preliminary development plan in conjunction with rezoning.* When a property is rezoned to the PS district, the plan board shall recommend to the City Commission whether a preliminary development plan is required before the property is rezoned or the uses permitted on the property are changed. The City Commission may require such development plan, or those specific items or portions of a preliminary development plan that the City Commission deems necessary, to be included as part of any petition to rezone property to this classification or to change the permitted uses on the property if the newly permitted use has not been previously approved. Should the City Commission deem a preliminary development plan is needed to judge whether the proposed use can be accommodated on the site without detriment to the health, safety and general welfare of surrounding properties, the development plan shall meet the requirements of this chapter.

A preliminary development plan is intended to help further the purpose of this district by providing the plan board and City Commission with additional information on site-specific conditions that will assist the City Plan Board and City Commission in their decision-making process relating to the accommodation of the proposed use(s) at appropriate locations necessary to serve the public; the assurance of public awareness of the proposed location of potential public facilities, utilities and recreation; and the assurance that the conditions placed upon the rezoning are designed to minimize any potential negative impacts on surrounding properties.

**Section 30-4.23. Permitted Uses.**

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section shall be allowed.

**Table V - 9: Permitted Uses in Special Districts.**

Use	Use Standards	AGR	AF	CON	ED	MD	PS*
Agricultural, forestry and fishing uses		P	-	-	-	-	-
Airports		-	S	-	-	-	-
Animal specialty services		P	-	-	-	-	P
Arboreta and botanical or zoological gardens		-	-	P	-	-	P
Assisted living facility		-	-	-	-	P	-

Use	Use Standards	AGR	AF	CON	ED	MD	PS*
Business services		-	P	-	-	P	P
Campgrounds		P	-	-	-	-	P
Cemeteries		-	-	-	-	-	P
Community residential homes (up to 6 residents)	30-5.6	P	-	P	-	-	-
Correctional institutions		-	-	-	-	-	P
Day care center	30-5.7	-	-	-	-	P	P
Drive-through facilities	30-5.9	-	P	-	-	-	-
Emergency shelters		-	-	P	P	P	P
Equipment rental and leasing, heavy		P	P	-	-	P	-
Equipment rental and leasing, light		P	P	-	P	P	-
Farmers markets		P	-	-	-	-	P
Food distribution center for the needy	30-5.12	-	-	-	-	P	P
Food truck	30-5.35		P				A
Fuel dealers		-	P	-	-	-	-
Funeral service and crematories		S	-	-	-	P	-
Gasoline/alternative fuel stations	30-5.13	-	S	-	-	-	P
Golf courses		P	P	-	-	-	P
Health services		-	-	-	-	P	P
Heliports		-	P	-	-	S	-
Hospitals		-	-	-	-	P	-
Hotels and motels		-	P	-	-	P	-
Libraries		-	-	-	-	-	P
Light assembly, fabrication and processing		-	P	-	-	-	-
Medical and dental laboratories		-	P	-	-	P	-
Membership sports and recreation clubs		P	P	-	-	-	P
Mini-warehouses, self-storage		-	P	-	-	-	-
Museums and art galleries		-	-	-	P	-	P
Offices		-	P	-	-	P	P
Offices, medical and dental		-	-	-	-	P	-
Outdoor storage, principal use	30-5.19	S	S	-	-	-	-
Parking, surface (as a principal use)	30-5.20	-	S	-	-	-	P
Pet services		P	-	-	-	-	P
Places of religious assembly	30-5.21	-	-	-	P	-	-
Public administration buildings		-	P	-	P	-	P
Public maintenance and storage facilities		-	P	-	-	-	P
Public parks and recreational facilities		P	P	P	P	P	P
Recreation, indoor		P	P	-	P	-	P
Recreation, outdoor		-	P	-	P	-	P
Recreational vehicle parks and campsites		-	-	-	-	-	P
Rehabilitation centers	30-5.24	-	-	-	-	P	P
Research, development and testing service		-	-	-	-	P	-

Use	Use Standards	AGR	AF	CON	ED	MD	PS*
Residences for destitute people	30-5.22	-	-	-	-	P	P
Restaurants		-	P	-	-	P	-
Retail nurseries, lawn and garden supply stores		S	-	-	-	-	-
Retail sales		-	S	-	-	A	-
Sale of agricultural products		A	-	-	-	-	P
Schools, elementary, middle & high (public & private)		-	-	-	P	-	-
Schools, professional		-	P	-	P	-	-
Shooting ranges, outdoor	30-5.24	S	-	-	-	-	-
Single-family dwellings		P	-	P	-	-	-
Skilled nursing facility		-	-	-	-	P	-
Social service facilities (not elsewhere classified)	30-5.25	-	-	-	-	P	-
Solar generation station	30-5.27	P	P	-	-	-	P
Stadiums and athletic/sports arenas		-	-	-	P	-	P
Theaters, drive-in		-	S	-	-	-	-
Truck, train or bus terminal/maintenance facilities		-	S	-	-	-	P
Utilities							P
Vehicle repair	30-5.28	-	P	-	-	-	P
Vehicles sales and rental		-	P	-	-	-	-
Veterinary services	30-5.29	P	-	-	-	-	-
Warehouse/distribution facilities ( $\leq 50,000$ SF)		-	P	-	-	-	-
Warehouse/distribution facilities ( $> 50,000$ SF)		-	P	-	-	-	-
Waste management facilities		-	-	-	-	-	S
Water conservation areas, water reservoirs and control structures, drainage wells and water wells.		-	-	P	-	-	P
Wholesale trade		-	P	-	-	-	-
Wireless communication facilities	See 30-5.30						

1 **LEGEND:**

2 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

3 \* = Other uses may be allowed as designated by the ordinance rezoning a property to PS.



## Section 30-4.24. Dimensional Standards.

The following table contains the dimensional standards for the various uses allowed in each special district.

**Table V - 10: Dimensional Standards for Special Districts.**

	AGR	AF	CON	ED	MD	PS <sup>5</sup>
<b>DENSITY/INTENSITY</b>						
Max density (units/acre)	0.2		0.2			
Max lot coverage	20%	None	10% <sup>1</sup>	None	40% <sup>2</sup>	
<b>LOT STANDARDS</b>						
Min lot area	5 acres	None	5 acres	None	6,000 sq. ft.	
Min lot width (ft.)	300	None	None	None	60	
Min lot depth (ft.)	300	None	None	None	None	
<b>MIN SETBACKS (ft.)</b>						
Front	50 <sup>4</sup>	25	50	25 <sup>7</sup>	20	
Side-street	50 <sup>4</sup>	<sup>6</sup>	50	25 <sup>7</sup>	15	
Side-interior	25 <sup>4</sup>	<sup>6</sup>	25	15 <sup>7</sup>	15	
Rear	50 <sup>4</sup>	<sup>6</sup>	50	50	15	
<b>BUILDING HEIGHT (stories)</b>						
Max	3	None	3	None	5	
With SUP	NA	NA	NA	NA	14 <sup>8</sup>	

<sup>1</sup> By impervious cover of any kind.

<sup>2</sup> 50% when a minimum of 75% of parking is accommodated within a parking structure.

<sup>3</sup> Intensive recreation uses such as fairgrounds, stadia, community assembly buildings, performing arts halls, arenas, etc.

<sup>4</sup> Hog raising operations, buildings for commercial poultry raising, dog kennels and open runs or cages, and stables shall be located a minimum of 200 feet from any property line.

<sup>5</sup> Development standards to be determined at the time of rezoning.

<sup>6</sup> Per FAA and airport regulations.

<sup>7</sup> If the development abuts land shown as SF or RL on the Future Land Use Map, the setback along that property line shall be 50 ft. plus an additional 10-ft. setback per every floor above the second.

<sup>8</sup> Building heights may be increased through the special use permit process only for hospitals and large-scale medical office facilities.

1 **Section 30-4.25. Airport Facility (AF).**

- 2 A. *Purpose.* The Airport Facility (AF) district is established for the purpose of assuring the proper and  
3 safe operation of the Gainesville Regional Airport, to protect the public investment in the airport,  
4 and to protect and promote the public utility of the airport. Recognizing the unique conditions  
5 pertaining to the airport, this district provides a means of balancing conformance to applicable state  
6 and federal regulations with local concerns.
- 7 B. *Objectives.* The provisions of the AF district are intended to:
- 8 1. Ensure public health, safety and welfare by adherence to all applicable local, state and federal  
9 standards and regulations.
- 10 2. Protect the public investment through development plan review, where applicable, to  
11 accommodate efficient and harmonious use of the facility.
- 12 3. Be consistent with the Comprehensive Plan and be compatible with surrounding land uses  
13 through adoption and implementation of the airport facility zoning map.
- 14 C. *Additional requirements.*
- 15 1. *Airport facility zoning map.* The airport facility zoning map shall be adopted and amended by  
16 ordinance, and shall be processed in the same manner as an application for rezoning.
- 17 2. *Rezoning.*
- 18 a. Applications for rezoning to the AF district shall be accompanied by an airport facility zoning  
19 map as described herein, which shall become and be made a part of the ordinance rezoning  
20 the property. Additionally, the Gainesville-Alachua County Regional Airport Authority  
21 (GACRAA) or City Commission may require a development plan to be included as part of any  
22 petition to rezone property to this classification, provided GACRAA or City Commission find  
23 that such a plan is essential to the orderly development of the airport and necessary to  
24 protect the health, safety and general welfare of the flying public and surrounding  
25 properties.
- 26 b. The petition shall be initially reviewed by GACRAA, and shall be primarily in the context of:  
27 the relationship of the proposed rezoning to the adopted airport master plan, the  
28 relationship and effect of the proposed rezoning to or on any existing land use on the  
29 airport, and the impact of the proposed rezoning on the airport. After such review, which  
30 shall be made within 60 calendar days of the filing of the application for rezoning, GACRAA  
31 shall submit a written recommendation to the City Plan Board as a permanent part of the  
32 public record. The application shall then continue to be processed as any other zoning map  
33 amendment petition under the procedures set forth in this Land Development Code. If a  
34 written recommendation is not made within the time provided, then the City Plan Board  
35 may act on the application.
- 36 c. The airport facility zoning map shall include, at a minimum, the following:
- 37 i. Scale, date, north arrow and general location map showing the boundaries of the area  
38 for rezoning.
- 39 ii. Within the site and within 300 feet of the surrounding area, the location of all existing or  
40 proposed runways.
- 41 iii. All areas proposed for exemption from the parking and/or landscaping requirements.

- 1                   iv. The airport development area, airfield infrastructure area, and non-development area
- 2                   designated as sub-areas. Limitations on the types of development, infrastructure or
- 3                   facility that may occur within these sub-areas are as provided in this section.
- 4       3. *Sub areas.*
- 5       a. *Airport development area.*

Airport Uses	Existing Development	Proposed Development	Defined Uses
Passenger terminal	54,000 sq. ft.	200,000 sq. ft.	Local suburban and interurban highway passenger transportation
			Transportation by air
			Communications
			Automobile parking
Air Cargo	2,000 sq. ft.	150,000 sq. ft.	Transportation by air
Air Traffic Control Tower	3,000 sq. ft.	15,000 sq. ft.	Transportation by air
Rental Car Service Center	1,900 sq. ft.	40,000 sq. ft.	Automotive rental and leasing, without drivers
			Automobile parking
			Automotive repair shops
Airport Maintenance	10,000 sq. ft.	40,000 sq. ft.	Transportation by air
Aircraft Hangars	303,000 sq. ft.	700,000 sq. ft.	Aircraft and parts
			Transportation by air
Fuel Storage	80,000 gallons	350,000 gallons	Petroleum and petroleum products wholesalers, except bulk stations and terminals
Aviation Related	85,000 sq. ft.	325,000 sq. ft.	Transportation by air
			Transportation services
			Vocational schools
			Schools and educational services, not elsewhere classified
			Fire protection
Misc. Development	1,000 sq. ft.	10,000 sq. ft.	Memberships sports and recreation clubs
			Public golf courses
			In accordance with <b>Article VI</b>
			Public lands designated for open space or conservation
			Search, detection, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment
Revenue Support (Office Development)	N/A	200,000 sq. ft.	Finance, insurance and real estate (excluding cemetery subdividers and developers)
			Business services
			Health services
			Engineering, accounting, research, management, and related services
Revenue Support (Retail, Service and Wholesale Development)	N/A	200,000 sq. ft.	Restaurants, alcohol beverage establishments, gasoline service stations, in accordance with <b>Article VI</b> . Pet boarding, only within enclosed buildings
			Miscellaneous retail
Revenue Support (Limited Industrial)	N/A	150 acres	Motor freight transportation and warehousing Electronic and other electrical equipment and components, except computer equipment
			Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches

Airport Uses	Existing Development	Proposed Development	Defined Uses
			and clocks
			Miscellaneous manufacturing industries
			Engineering, accounting, research, management, and related services
Revenue Support (Hotel)	N/A	200 Rooms	Hotels and motels
Solar generation station, as defined in <b>Article II</b>		150 acres	In accordance with <b>Article VI</b>
For all Airport Uses, See NOTE			

- 1 Conditions for airport development area:
- 2
- 3 i. The airport development area summarizes vertical development only and does not
- 4 include pavement or other similar horizontal accessory infrastructure.
- 5
- 6 ii. All development shall be built in general conformance with the adopted airport facility
- 7 zoning map and the uses permitted in Table V - 9: Permitted Uses in Special Districts.
- 8
- 9 iii. Aviation-related is defined as a use or development that supports aviation activity.
- 10 Typical buildings and uses include fixed based operators, flight training schools. NAVAID
- 11 structures, corporate flight departments, airport rescue and firefighting (ARFF)
- 12 buildings, electrical vaults, FAA operated buildings, and similar related uses.
- iv. Revenue support includes developments with long-term leases with the airport that
- help generate revenue to support the continued operations of the airport. Some typical
- uses include hotels/motels, office, limited industrial and retail development.

- 1       b. *Airfield infrastructure area.* Development within the airfield infrastructure area means  
2       development, such as NAVAIDS, equipment shelters, pavements and other related items  
3       that support aviation operations. Solar generation station, as defined in **Article II**, and in  
4       accordance with **Article VI**, is a permitted use in this area.
- 5       c. *Non-development area.* Non-development area means internal access roads, fencing, storm  
6       water management. NAVAIDS, and other security related items necessary to support  
7       aviation operations. Solar generation station, as defined in Article II, and in accordance with  
8       **Article VI**, is a permitted use in this area.
- 9       4. *Development plan approval.* Development plan approval in accord with article VII shall be  
10      required for all development, except that GACRAA shall review any preliminary development  
11      plans within the AF district, excluding wireless communications facilities, which in accord with  
12      **Article VI** are subject to review and approval by the Development Review Board or by the City  
13      Plan Board. Wireless communications facilities used exclusively for aeronautical purposes to  
14      serve the airport are subject to preliminary development plan approval by GACRAA. GACRAA  
15      shall specify any objections to the preliminary development plans that are subject to review by  
16      the Development Review Board or City Plan Board as provided herein, and may make  
17      recommendations for modifications. In addition to the requirements of **Article VII**, GACRAA shall  
18      also review the development plan in the context of: the relationship and effect of the proposed  
19      development plan to or on the adopted airport master plan; the relationship and effect of the  
20      proposed development plan to or on any standard, rule, regulation or applicable contractual  
21      agreements on the airport; and the impact of the proposed use on the airport. Upon completion  
22      of its review of a preliminary development plan, GACRAA shall either:
- 23      a. Find that all requirements have been met and issue a preliminary development order; or  
24      b. Find that all requirements can be met with reasonable modifications that the developer  
25      proffers at the hearing and issue a preliminary development order; or  
26      c. Refuse to issue a preliminary development order because the plan as presented fails to  
27      meet the requirements of this chapter, the Comprehensive Plan, or other federal, state or  
28      regional laws and regulations as applicable.
- 29      5. *Parking.* Any development within the AF district shall comply with the parking requirements as  
30      set forth in **Article IX**, except, in development plan review, if GACRAA finds that the necessity or  
31      desirability of such parking is inappropriate due to the unique nature of the proposed use or the  
32      location upon the airport, it may waive or modify the off-street parking requirements.
- 33      6. *Landscaping.* Any development within the AF district shall comply with the landscaping  
34      requirements as set forth in **Article IX**, except, in development plan review, if GACRAA finds that  
35      such landscaping is in conflict with Federal Aviation Administration safety requirements, it may  
36      waive or modify the landscaping requirements.
- 37      D. *Development of regional impact.* This section does not permit or allow any development within the  
38      airport development area that exceeds the thresholds of a development of regional impact (DRI) as  
39      defined in Chapter 380, Florida Statutes, unless application is made to local, regional, or/and state  
40      agencies for development that would exceed DRI thresholds. All future applications for  
41      development plan approval at the Gainesville Regional Airport shall include a statement by GACRAA,  
42      accompanied by supporting documentation that the proposed development either does or does not  
43      exceed any threshold that requires the proposed development to undergo DRI review.

1 If any proposed airport runway or airport runway extension, or any proposed development at  
2 Gainesville Regional Airport exceeds DRI thresholds as defined in Chapter 380, Florida Statutes,  
3 GACRAA may either submit an application for development approval (ADA) of a DRI, or submit an  
4 amendment to the city's Comprehensive Plan that, pursuant to Section 163.3177(3)(k). Florida  
5 Statutes, would allow for the development or the expansion of the airport consistent with the  
6 adopted airport master plan that would be incorporated into the local Comprehensive Plan in  
7 compliance with Section 163.3177(3)(k), Florida Statutes, and not be a development of regional  
8 impact.

**Section 30-4.26. Airport Hazard Zoning Overlay.**

- A. *Purpose.* The purpose of the Airport Hazard Zoning regulations is to provide both airspace protection and land use compatibility in relation to the normal operation of public-use airports located within the city. These regulations attempt to promote:
1. The maximum safety of residents and property within the areas surrounding the airport;
  2. The maximum safety of aircraft arriving at and departing from the Gainesville Regional Airport and all public-use airports;
  3. The full utility of the public-use airport;
  4. Compatible development standards for land uses within the prescribed Airport Zones of Influence associated with the normal operation of the airport;
  5. Building/structure height standards for use within the Airport Zones of Influence and other zones prescribed in the Federal Aviation Regulations through the use of variance procedures in cases of justifiable hardship; and
  6. Proper enforcement of these regulations in compliance with state and federal laws in a manner that provides the greatest degree of safety, comfort, and well-being to both the users of the airport facility and the property owners within the vicinity of the airport.
- B. *Findings.* The regulations set forth herein are adopted pursuant to the authority conferred by Section 333.03, Florida Statutes. It is hereby found that an airport hazard has the potential for being hazardous to aircraft operations as well as to persons and property on the ground in the vicinity of the hazard. A hazard may affect land use in its vicinity and may reduce the size of areas available for the taking off, maneuvering and landing of aircraft, thus tending to impair or destroy the utility of the airport and the public investment therein. In addition, it is found that certain activities and uses of land in the immediate vicinity of airports are not compatible with normal airport operations, and may if not regulated negatively impact airport operations, as well as endanger the safety of residents and their property, adversely affect the health of residents, or otherwise limit the accomplishment of the residents normal activities. It is hereby found that excessive aircraft noise may be an annoyance or may be objectionable to residents in the city. Accordingly, it is declared that:
1. The creating or establishment of an airport hazard that reduces the size of the areas available for such operations, or that inhibits the safe and efficient use of airspace or the airport, creates a public nuisance and injury to the city and no variance by the city shall be granted to authorize any such obstruction.
  2. It is the interest of the public health, safety and welfare that the creation of airport hazards and incompatible use of land within the airport overlay district or the airport noise zones be prevented.
  3. The creating or establishment of anything affecting the safety of aircraft or pilots or passengers, or that inhibits the safe operation of aircraft operating to or from the airport shall be prevented.
  4. The prevention of these hazards and incompatible land uses is desirable and should be accomplished, to the extent legally possible, by exercise of the police power, without compensation, in accordance with Chapter 333, Florida Statutes.



1 5. The prevention of the creation of airport hazards and incompatible land uses, and the  
2 elimination, removal, alteration, mitigation or marking and lighting of existing airport  
3 obstructions, are public purposes for which the political subdivision may raise and expend public  
4 funds and acquire land or interests in land.

5 C. *Administration of the Airport Regulations.* All airport zoning regulations shall be administered and  
6 enforced by the City Manager or designee.

7 D. *Airport Zones of Influence.* The City of Gainesville hereby adopts three airport zones of influence.  
8 These zones are established to regulate land development in relation to the Gainesville Regional  
9 Airport as licensed for public use. The location of these airport zones of influence, and restrictions  
10 on the use of land within said zones, are hereby established by these regulations. The boundaries of  
11 said zones, and restrictions on the use of land within said zones, shall be changed only through the  
12 amendment of these regulations by the City Commission of the City of Gainesville. Any application  
13 for land development within these airport zones of influence shall comply with these regulations,  
14 any applicable state or federal regulations, and any applicable requirements of the land  
15 development regulations of the City of Gainesville. The airport zones of influence established in  
16 these regulations include the following: 1) Airport Height Notification Zone; 2) Airport Runway Clear  
17 Zone; and 3) Airport Noise Zone.

18 1. *Airport Height Notification Zone.*

19 a. *Establishment of Zone.* The Airport Height Notification Zone is hereby established as an  
20 overly zone on the adopted city zoning map. The Airport Height Notification Zone is  
21 established to regulate the height of structures and objects of natural growth in areas  
22 around the Gainesville Regional Airport. The Airport Height Notification Zone consists of two  
23 subzones, defined as follows:

24 i. *Airport Height Notification Subzone 1:* The area surrounding the Gainesville Regional  
25 Airport extending outward 20,000 feet from the ends and each side of all active  
26 runways.

27 ii. *Airport Height Notification Subzone 2:* The area within the city limits not within Airport  
28 Height Notification Subzone 1.

29 For the Gainesville Regional Airport, the boundary of the Airport Height Notification Zone  
30 established in these regulations is based on the runway configuration that is planned and  
31 documented as such in its approved airport layout plan.

32 The Airport Height Notification Zone map shall be adopted by ordinance. When future  
33 Airport Height Notification Zone maps are prepared, the City shall consider revisions to the  
34 boundary of the Airport Height Notification Zone and to these regulations. Any such  
35 revisions shall not be operative or effective for purposes of these regulations, until adopted  
36 by ordinance of the City.

37 In the event of a discrepancy between an Airport Height Notification Zone boundary as  
38 depicted on the map and as located by application of the definition of said boundary as set  
39 forth in these regulations, the boundary as prescribed by the latter shall prevail.

40 b. *Airport Height Notification Zone Regulations.*

41 i. All development proposals for land lying within an Airport Height Notification Zone shall  
42 be reviewed for conformance with the federal obstruction standards contained in Title  
43 14 of the Code of Federal Regulations (CFR), Part 77, for civil airports.

1 ii. A proposed development shall be considered a "potential airport obstruction," if the  
2 proposed development would result in a structure or object of natural growth having a  
3 height that would exceed: 1) an imaginary surface extending outward and upward from  
4 the ends and sides of a runway at a slope of one foot vertically for every 100 feet  
5 horizontally, for a distance of 20,000 feet, in Airport Height Notification Subzone 1; or 2)  
6 200 feet above ground level in Airport Height Notification Subzone 2.

7 iii. The applicant for any land development proposal determined to result in a structure or  
8 object of natural growth that constitutes a "potential airport obstruction" shall be  
9 issued a city Notice of Potential Airport Obstruction during the development review  
10 process. No land development proposal determined to result in a structure or object of  
11 natural growth that constitutes a potential airport obstruction shall be approved for  
12 construction unless: 1) an Airport Obstruction Permit is issued by the City Manager or  
13 designee; or 2) the Development Review Board grants an Airport Obstruction Variance,  
14 if applicable. Any land development proposal that has been determined to include no  
15 "potential airport obstruction" is exempt from any Airport Height Notification Zone  
16 permitting and variance requirements contained herein.

17 c. *Airport Obstruction Permit Procedures and Criteria for Approval.* Any applicant receiving a  
18 Notice of Potential Airport Obstruction may apply to the city for an Airport Obstruction  
19 Permit. The applicant shall submit a completed Airport Obstruction Permit application, as  
20 provided by City, and shall provide documentation that the required Notice of Proposed  
21 Construction or Alteration has been filed with the Federal Aviation Administration (FAA).  
22 The City Manager or designee may consider permit requests concurrent with the  
23 development plan approval consideration.

24 Prior to any such permit request being scheduled for consideration by the City Manager or  
25 designee, the applicant shall submit a copy of the final written Determination, as issued by  
26 the FAA based on its review of the applicant's Notice of Proposed Construction or  
27 Alteration, in accordance with the provisions of 14 CFR Part 77.

28 The criteria for granting an Airport Obstruction Permit is as follows:

29 i. If the FAA has reviewed a proposed land development and determined it would not  
30 exceed any federal obstruction standard contained in 14 CFR Part 77, the City Manager  
31 or designee shall grant an Airport Obstruction Permit for the proposed development.  
32 The permit shall include conditions to ensure the installation, operation, and  
33 maintenance of appropriate obstruction marking, lighting, and/or flagging, if such  
34 obstruction marking, lighting, and/or flagging is required by either Chapter 333, Florida  
35 Statutes, Chapter 14-60, Florida Administrative Code, or by the FAA in its written  
36 Determination. No Airport Obstruction Permit shall be issued after the expiration date  
37 indicated on the FAA's written Determination. Each Airport Obstruction Permit issued  
38 shall specify a reasonable expiration date as a condition.

39 ii. Where the FAA has reviewed a proposed land development and determined it would  
40 exceed the federal obstruction standards contained in 14 CFR Part 77, no Airport  
41 Obstruction Permit shall be granted by the City Manager or designee. In order for the  
42 proposed land development to proceed, an applicant shall apply for and obtain an  
43 Airport Obstruction Variance from the Development Review Board of the City of  
44 Gainesville.

1 d. *Airport Obstruction Variance Procedures and Criteria for Approval.* The applicant shall  
2 submit to the city a completed Airport Obstruction Variance application, as provided by the  
3 City. At the time of filing an Airport Obstruction Variance application, the applicant shall  
4 provide proof to the city that a copy of said application has been forwarded by certified  
5 mail, return receipt requested, to the Florida Department of Transportation (FDOT) Central  
6 Aviation Office in Tallahassee, Florida. The FDOT shall have 45 calendar days from the  
7 receipt of the application to provide comments to the Development Review Board, after  
8 which time its right is waived. The board may approve, deny or approve the application with  
9 conditions.

10 Prior to the variance request being scheduled for consideration by the board, comments  
11 shall be received from the FDOT or the applicant shall submit a copy of the return receipt  
12 showing that the FDOT has waived its right to comment. In addition, the applicant shall  
13 submit to the city the following: 1) a copy of the notice of proposed construction form  
14 submitted to the FAA; and 2) a copy of the final written Determination issued by the FAA,  
15 based on its review of the applicant's Notice of Proposed Construction or Alteration, in  
16 accordance with the provisions of 14 CFR Part 77.

17 The Development Review Board shall consider the criteria enumerated in Section  
18 333.025(6), Florida Statutes, and Chapter 14-60, Florida Administrative Code, in its  
19 consideration of an Airport Obstruction Variance request. The board may grant an Airport  
20 Obstruction Variance if it determines that:

- 21 i. a literal application or enforcement of these regulations would result in practical  
22 difficulty or unnecessary hardship and that the relief granted would not be contrary to  
23 the public interest but would do substantial justice and be in accordance with the spirit  
24 of these regulations, and Chapter 333, Florida Statutes, and Chapter 14-60, Florida  
25 Administrative Code, and  
26 ii. the proposed development can be accommodated in navigable airspace without  
27 adverse impact to Gainesville Regional Airport aviation operations.

28 In granting an Airport Obstruction Variance, the board may prescribe appropriate  
29 conditions, requirements and safeguards in conformity with these regulations and the intent  
30 hereof, including avigation easements if deemed necessary and shall require the owner of  
31 the structure or tree in question to install, operate, and maintain thereon, at his or her own  
32 expense, such marking and lighting as may be necessary to indicated to the aircraft pilots  
33 the presence of an obstruction. Such marking and lighting shall conform to the specific  
34 standards established by Chapter 333, Florida Statutes, and Chapter 14-60, Florida  
35 Administrative Code.

36 2. *Airport Runway Clear Zone.*

- 37 a. *Establishment of Zone.* There is hereby established the Airport Runway Clear Zone as an  
38 airport zone of influence. The Airport Runway Clear Zone is established to regulate the uses  
39 of land lying in specified areas above which aircraft shall routinely operate at low altitudes  
40 and climb from or descend to the runways of the Gainesville Regional Airport. Within the  
41 Airport Runway Clear Zone, certain land uses are restricted or prohibited due to land use  
42 characteristics which could result in further death, injury, and property damage in the event  
43 of an aircraft accident, as such areas are more likely, statistically, to be exposed to accidents  
44 involving aircraft climbing from, or descending to, the runway at low altitudes.

1 The Airport Runway Clear Zone includes the area over which aircraft routinely operate at  
2 altitudes of 50 feet or less above the runway end elevation, and is defined as follows: that  
3 portion of the Approach Surface, as defined by 14 CFR Part 77.25, that extends outward  
4 from, and perpendicular to, its common boundary with the Primary Surface, as defined in 14  
5 CFR Part 77.25, for a horizontal distance of: 1) 1,000 feet for utility/visual runways, 2) 1,700  
6 feet for nonprecision instrument/other-than-utility runways, and 3) 2,500 feet for precision  
7 instrument runways.

8 The Airport Runway Clear Zone map shall be adopted by ordinance.

9 In the event a discrepancy arises between an Airport Runway Clear Zone boundary as  
10 depicted on the map and an Airport Runway Clear Zone boundary located by application of  
11 the definition of said boundary as set forth in these regulations, the boundary as prescribed  
12 by the latter shall prevail.

13 b. *Airport Runway Clear Zone Regulations.* The following types of land uses shall be prohibited  
14 within the established Airport Runway Clear Zone:

- 15 i. educational facilities (including all types of schools, pre-schools, and child-care facilities);
- 16 ii. hospitals, medical and health-related facilities;
- 17 iii. places of religious assembly;
- 18 iv. hotels and motels (including transient lodging, recreational vehicle and mobile home  
19 parks); and
- 20 v. other similar land uses wherein or whereabouts persons are concentrated or  
21 assembled;

22 Any use that is not prohibited in an Airport Runway Clear Zone is allowable within such  
23 zone, subject to compliance with applicable Airport Noise and Height Notification Zone and  
24 zoning district regulations.

25 3. *Airport Noise Zone.*

26 a. *Establishment of Zone.* There is hereby established the Airport Noise Zone as an airport  
27 zone of influence. The Airport Noise Zone is established around the Gainesville Regional  
28 Airport to regulate land uses sensitive to sound levels generated by the routine operation of  
29 the Airport. Within the Airport Noise Zone, land use restrictions and special construction  
30 standards are established to minimize impacts of airport-generated noise. The Airport Noise  
31 Zone consists of three subzones, defined as follows:

- 32 i. *Airport Noise Subzone A:* The area commencing at the airport reference point and  
33 extending outward therefrom to that boundary which approximates a Day Night  
34 Average Sound Level of 65 dB DNL.
- 35 ii. *Airport Noise Subzone B:* The area commencing at the airport reference point and  
36 extending outward therefrom to that boundary which approximates a Day Night  
37 Average Sound Level of 60 dB DNL, excluding Subzone A.
- 38 iii. *Airport Noise Subzone C:* The area commencing at the airport reference point and  
39 extending outward therefrom to that boundary which approximates a Day Night  
40 Average Sound Level of 55 dB DNL, excluding Subzones A and B.

For the Gainesville Regional Airport, the boundary of the Airport Noise Zone established in these regulations is based on the forecast of Day Night Average Sound Level noise contours documented in the 2012 Noise Exposure Map prepared for the Gainesville Regional Airport by RS&H and determined compliant by the FAA on April 20, 2009.

The Airport Noise Zone Map shall be adopted by ordinance. When future Noise Exposure Maps are prepared and determined compliant by the FAA, the City shall consider revisions to the boundary of the Airport Noise Zones and to these regulations. Any such revisions shall not be operative or effective for purposes of these regulations, until adopted by ordinance of the City.

b. *Airport Noise Zone Land Use Regulations.* The provisions of this section shall apply to the construction, expansion, alteration, moving, repair, replacement, use, and changes of use or occupancy of any occupied structure located within any Airport Noise Zone defined by these regulations and to any structure that is moved into or within any Airport Noise Zone, and those proposed to be constructed within any Airport Noise Zone.

i. *Existing Structures.* Structures located within any Airport Noise Zone at the time of the adoption of these regulations to which additions, expansions, alterations, repairs, replacement, and changes of use or occupancy are made shall comply with the requirements of these regulations, except for structures for which the cost of such additions, expansions, alterations, or repairs made within any five-year period does not exceed 50% of the value of such structures.

ii. *Moved Structures.* Structures moved into or within any Airport Noise Zone defined by these regulations shall comply with requirements of these regulations before permanent occupancy is permitted.

iii. *New Structures.* New structures proposed within any Airport Noise Zone defined by these regulations shall comply with the requirements of these regulations before permanent occupancy is permitted.

iv. *Regulated Uses within the Airport Noise Zone.*

**Table V - 11: Airport Land Use Regulation Chart.**

Subzones	A 65 dB DNL	B 65-60 dB DNL	C 60-55 dB DNL
Dwelling, intended for residential occupancy (excluding hotels, motels, and similar short-term transient occupancies)	Prohibited	Restricted (1)	Permitted (2)
Places of religious assembly, auditoriums, concert halls, libraries and similar assembly uses (primarily indoor uses)	Prohibited	Restricted (1)	Permitted (2)
Hospital	Prohibited	Prohibited	Permitted (2)
Correctional institution	Prohibited	Restricted (1)	Permitted (2)
Nursing homes, assisted living facilities, social service facilities and halfway houses	Prohibited	Restricted (1)	Permitted (2)
Public and private school, daycare centers, and other educational facilities (excluding aviation-related schools)	Prohibited	Restricted (1)	Permitted (2)

Outdoor Sports Arenas, amphitheaters and similar uses (primarily outdoor uses)	Prohibited	Permitted (2)	Permitted (2)
(1) Development shall be allowed only on isolated lots within neighborhoods or developments that were constructed prior to December 3, 2009 (i.e., "infill development lots.") Any such development that is allowed shall provide a minimum of 25 dB of exterior-to-interior noise level reduction and the property owner shall provide the City and the Gainesville Regional Airport with a permanent avigation easement in accordance with (g) below.			
(2) All development shall provide a minimum of 25 dB of exterior-to-interior noise level reduction and the property owner shall provide the City and the Gainesville Regional Airport with a permanent avigation easement in accordance with vii below.			

Uses that are not specified in Table V-6 may be allowed in the Airport Noise Zone if permitted by the underlying zoning and other applicable Land Development regulations, provided all development shall provide a minimum of 25 dB of exterior-to-interior noise level reduction and the property owner shall provide the City and the Gainesville Regional Airport with a permanent avigation easement in accordance with **(g)** below.

v. *Variances.* Any property owner desiring to erect a structure or otherwise use his/her/its property in violation of these regulations may apply to the Development Review Board for a variance from the airport noise zone regulation in question. All such requests to the Development Review Board shall be filed, reviewed, and heard in a manner consistent with Section 333.07, Florida Statutes.

vi. *Avigation Easements.* Property owners required or choosing to provide an avigation easement shall grant said easement to the City of Gainesville and to the Gainesville-Alachua County Regional Airport Authority, and to their respective successors and/or assigns. The easement shall be in the form provided by the City Attorney and Airport Authority and shall be executed by the property owner and recorded by the property owner in the Public Records of Alachua County, prior to the earliest occurrence of the following: 1) release of a development site plan; 2) recording of a lot split, minor subdivision or final plat; or 3) issuance of a building permit, as applicable. The property owner shall provide a copy of the recorded easement to the city and to the Airport Authority.

E. *Special Requirements.* Notwithstanding any of the provisions of this section, no use of land, air or water shall be made in such a manner to interfere with the operation of any airborne aircraft or aircraft operation at the Gainesville Regional Airport. The following special requirements shall apply to proposed developments.

1. *Aircraft Bird Strike Hazard.* No land use shall be permitted to store, handle, or process organic or any other materials that foster or harbor the growth of insects, rodents, amphibians, or other similar organisms, in such a way as to significantly increase the potential for aircraft bird strike hazard to aircraft operations at the Gainesville Regional Airport:

- a. within 10,000 feet of the nearest point of any runway used or planned to be used by turbine powered aircraft;
- b. within 5,000 feet of the nearest point of any runway used or planned to be used only by conventional piston engine powered aircraft;
- c. within the lateral limits of the airport imaginary surfaces defined in 14 CFR Part 77.25; or

d. in locations where the passage of a significant volume of bird traffic originating from or destined to bird feeding, watering, or roosting areas is induced across any Primary Surface or Approach Surface, as defined in 14 CFR Part 77.25, of the airport.

2. *In-Flight Visual or Electronic Interference.* No land use shall produce smoke, steam, glare, or other visual impairment within three statute miles of any runway of the Gainesville Regional Airport. Furthermore, no land use shall:

- a. produce electronic interference with navigation signals or radio communications of any airborne aircraft or aircraft operations at the airport;
- b. use high energy beam devices that interfere with aircraft operations at the airport, and for which such energy transmission is not fully contained within a structure, or absorbing or masking vessel; or
- c. use lights or illumination arranged or operated in such manner that either misleads or obscures the vision of pilots during take-off and landing stages of aircraft operations at the airport.

Proposed developments that produce light or illumination, smoke, glare or other visual hazards, or produce electronic interference with airport/airplane navigation signals are subject to the standards specified in the FAA Procedures Manual 7400-2C, consistent with Chapter 333.03(3), Fla. Stat., as may be applied and enforced by the state and/or federal governments.

3. *Restrictions on the Educational Facilities of Public and Private Schools.*

a. *Educational Facilities Restricted.* The construction of any educational facility of a public or private school, with the exception of aviation school facilities, is prohibited within an area that extends five miles out from either end of any runway, along the extended runway centerline, and which has a width measuring one-half the length of the longest runway of the Gainesville Regional Airport. The Restrictions on the Educational Facilities of Public and Private Schools map shall be adopted by ordinance. When future Restrictions on the Educational Facilities of Public and Private Schools maps are prepared, the City shall consider revisions to the boundary of the Restrictions on the Educational Facilities of Public and Private Schools and to these regulations. Any such revisions shall not be operative or effective for purposes of these regulations, until adopted by ordinance of the City.

b. *Existing Educational Facilities.* These restrictions shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any non-conforming educational structure or site, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in Section 1013.36, Florida Statutes.

- i. *Exceptions.* Exceptions approving construction of an educational facility within the delineated area(s) shall only be granted when the Development Review Board makes specific findings detailing how public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.

The Development Review Board shall consider, at a minimum, the following criteria in determining whether or not to grant exceptions approving construction of educational facilities within the delineated area(s):

- 1) Physical attributes of the proposed site, including the nature of the terrain and topography, and the density of planned/existing land uses;

- 2) Situation of the proposed site relative to other geographic features, either natural or man-made, and other planned/existing land uses and activities;
- 3) Public and private interests and investments;
- 4) Safety of persons on the ground and in the air;
- 5) Any other applicable airport zoning restrictions;
- 6) Availability of alternate sites;
- 7) Any unique attributes of the proposed site;
- 8) Planned approach type of the runway: either precision instrument, nonprecision instrument, or visual;
- 9) Type(s) of aircraft using the runway, including the number and type of engine(s) used by, and gross weight of, aircraft; and
- 10) Inbound approach or outbound departure bearing relative to the extended runway centerline.

F. *Determination of Boundaries.* In determining the location of airport zone of influence boundaries, the following rules shall apply:

1. Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys shall be the airport zone boundary;
2. Where boundaries are shown to enter or cross platted lots, property lines of the lots shall be the airport zone boundary;
3. Notwithstanding the above, where boundaries are shown on any platted lot, provisions of the more restrictive airport zone that crosses the platted lot shall apply to the entire platted lot;
4. Where boundaries are shown to enter or cross unsubdivided property of less than five acres in area, property lines of the unsubdivided parcel shall be the airport zone boundary;
5. Notwithstanding the above, where boundaries are shown on unsubdivided property of less than five acres in area, provisions of the more restrictive airport zone that crosses the unsubdivided parcel shall apply to the entire unsubdivided parcel; and
6. Where boundaries are shown on unsubdivided property of five or more acres in area, the location shall be determined by the Airport Noise Zone boundary shown in Attachment 3, or the Airport Height Notification Zone or Airport Runway Clear Zone boundary located by application of the definition of said zone boundaries set forth in these regulations.

G. *Nonconforming Uses.* No use of land, structure or development may be permitted in any airport zone of influence unless it conforms to the specific limitations set forth in these regulations. The requirements of these regulations shall not be construed to necessitate the removal, lowering, alteration, or other change of any nonconforming use. Any nonconforming use that is an object of natural growth shall not be allowed to exceed the height of said object as it was on May 10, 1999, unless permitted by the City Manager or designee. Nothing in these regulations should be construed to require sound conditioning or other alteration of any nonconforming use.

The provisions of Section 333.07, Florida Statutes, and **Article III, Division 2** of the land development regulations (to the extent not in conflict or inconsistent with Section 333.07, Florida Statutes) also apply to non-conformities.



- 1 H. *Future Uses*. No change shall be made in the use of land, and no structure shall be altered or  
2 otherwise established in any airport zone of influence created by these regulations except in  
3 conformance with the requirements of this section. Land use and zoning changes that would allow a  
4 prohibited use within an airport zone of influence shall be prohibited.
- 5 Properties with an incompatible land use and zoning map designation may be changed to a  
6 compatible land use and zoning by ordinance, Planned Use District (PUD) land use and Planned  
7 Development (PD) zoning may be used to designate new uses of properties within airport noise  
8 zones.
- 9 I. *Appeals*. Any person aggrieved, or taxpayer affected, by any decision of the City Manager, or  
10 designee, made in the administration of these airport hazard zoning regulations; or any governing  
11 body of a political subdivision, or the Department of Transportation, or any joint airport zoning  
12 board, which is of the opinion that a decision of the City Manager, or designee, is an improper  
13 application of airport hazard zoning regulations of concern to such governing body or board, may  
14 appeal to the reviewing authority authorized to hear and decide appeals from the decisions of the  
15 City Manager or designee. All such appeals shall be filed, reviewed, and heard in a manner  
16 consistent with Sections 333.08 and 333.10, Florida Statutes.
- 17 J. *Judicial Review*. Aggrieved parties may seek judicial review in Circuit Court as provided by Section  
18 333.11, Florida Statutes.
- 19 K. *Conflicting Regulations*. Where there exists a conflict between any of the requirements or  
20 limitations prescribed in these regulations and any other requirements, regulations or zoning  
21 applicable to the same area, whether the conflict be with respect to the height of structures or  
22 objects of natural growth, the use of land, or any other matter, the more stringent limitation or  
23 requirement shall govern and prevail. The variance to or waive of any such more stringent limitation  
24 or requirement shall not constitute automatic variance or waiver of the less stringent limitations or  
25 requirements of these regulations.
- 26 L. *Severability*. If any of the provisions of these regulations or the application thereof to any person or  
27 circumstances is held invalid, such invalidity shall not affect other provisions or applications of these  
28 regulations that can be given effect without the invalid provisions or applications, and to this end  
29 the provisions of these regulations are declared to be severable.
- 30 M. *Penalties*. In addition to other remedies for violation of these regulations provided in the Land  
31 Development Code, the City may institute in any court of competent jurisdiction an action to  
32 prevent, restrain, correct, or abate any violation of chapter 333, Fla. Stat., these regulations, or any  
33 order or ruling made in connection with their administration or enforcement. The court shall  
34 adjudge to the City such relief, by way of injunction (which may be mandatory) or otherwise, as may  
35 be proper under all the facts and circumstances of the case in order to fully effectuate the purposes  
36 of Ch. 333, Fla. Stat. and of these regulations, and the orders and rulings made pursuant thereto.

## Section 30-4.27. Heritage Overlay.

- A. *Purpose.* The heritage overlay district is established as an overlay zoning district to maintain, protect, conserve and preserve residential areas with a distinct visual identity by regulating development to ensure compatibility with the existing style, character or identity of the district area. The purpose of this section is to create the process by which property owners can request that the city impose additional regulatory requirements upon their residential area in order to help conserve the design and visual characteristics that give the area a distinct identity and a harmonious appearance.
- B. *Objectives.* The objectives of the heritage overlay district are to promote the economic, educational, aesthetic, cultural and general welfare of the city's residential neighborhoods by:
1. Encouraging property owners to participate in the development process within their general geographic areas;
  2. Encouraging the use of existing buildings through adaptive rehabilitation;
  3. Enhancing the diversity of the city's housing stock;
  4. Encouraging construction that will lead to continuation, conservation and improvement that complements the scale and physical character of the original buildings; and
  5. Protecting neighborhoods' distinct identities.
- C. *Effect.*
1. The heritage overlay district classification is an overlay district classification. When the heritage overlay district is applied to any property, the underlying zoning district categories are neither abandoned nor repealed. The existing regulations remain in effect, with further restrictions on regulated work items as specified in the design standards report, and no building permit shall be issued for regulated work items without the approval of the heritage overlay district board. If there is a conflict between the provisions of the heritage overlay district and the underlying zoning district, the heritage overlay district prevails.
  2. Design standards for regulated work items shall be specified in each ordinance that places the heritage overlay district on an area.
  3. Whether or not the regulated work item is consistent with standards of the applicable heritage overlay district shall be determined by the heritage overlay district board, based on the adopted ordinance for that particular district.
  4. The heritage overlay district shall be applied only to residential uses zoned RSF-1, RSF-2, RSF-3, RSF-4, and RC. Changing the zoning of a parcel to a zoning district other than RSF-1, RSF-2, RSF-3, RSF-4, or RC shall also require a simultaneous rezoning to remove the heritage overlay district.
  5. Fees for petitions to designate an area as a heritage overlay district or to amend an existing district, for verification of petition signatures and for petitions for review of regulated work items shall be paid to the city in accordance with the schedule set out in Appendix A and such payment shall be made at the time of submitting a petition to the city.
- D. *Criteria.* An area shall meet all of the following criteria to be eligible for designation as a heritage overlay district:

1. It shall consist of at least 25 compact and contiguous parcels and shall not cause the creation of an enclave or pocket within the area, as those terms have been defined by Florida Statutes and case law relating to annexations;
  2. Residences within the area shall consist only of one- and two-family dwellings;
  3. All land within the area shall be zoned RSF-1, RSF-2, RSF-3, RSF-4, or RC;
  4. Each boundary of the area shall be one of the following identifiable landmarks: a street, alley, publicly owned right-of-way, platted subdivision boundary, or a creek; and
  5. No area boundaries shall overlap the boundary of an existing heritage overlay district or historic district.
- E. *Additional criteria.* In addition, an area shall meet one of the following criteria to be eligible for designation as a heritage overlay district:
1. Its visual characteristics give it a distinct identity;
  2. It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials; or
  3. It has character as a geographically definable area possessing a significant concentration of buildings or structures united by its plan or physical development.
- F. *Procedures.* The procedures for application and designation are as follows:
1. *Application and process.* Any owner of property within a proposed heritage overlay district may apply by petition to have that area designated a heritage overlay district and impose special regulations on that area. The process for the imposition of the overlay district shall be as provided in **Article IV** of this chapter for zoning changes. The plan board and the City Commission may approve the overlay district boundaries and regulations only with a finding, supported by data and analysis, that the area has unique and identifiable features and characteristics, that those characteristics are or may be threatened by incompatible or inconsistent development, and that the proposed regulations are reasonably related to protecting those identified features and characteristics.
  2. *Petition requirements.* In order to impose the heritage overlay district on an area, a petition requesting imposition of the overlay district on that area shall be submitted to the city on forms provided by the city. Each petition shall meet all of the following requirements:
    - a. The petitioner shall be an owner of legal title of property located within the proposed overlay district area and shall be the designated contact person responsible for processing the petition with the city;
    - b. The petition shall clearly and accurately describe the proposed boundaries of the area and shall include an accurate, reproducible map of the proposed overlay district area depicting all lot divisions, block divisions, roads and the boundaries of the area;
    - c. The petition shall include a design standards report, as described in Subsection 4 below;

- 1 d. At a minimum, the petition shall contain authentic signatures of a majority of the  
2 homestead property owners (as further described in Subsection 3 below) within the  
3 proposed overlay district area. To be verified by the city, signatures shall be accompanied by  
4 the legibly printed name of the signer, the address of the parcel owned by the signer, the  
5 parcel number of the parcel owned by the signer, and the date the petition was signed.  
6 Signatures dated more than six months prior to the date the petition is filed with the city are  
7 not acceptable. For the purpose of the petition, jointly owned parcels are considered owned  
8 by a single person, and any co-owner may sign a petition for the parcel. Only one owner of  
9 each parcel shall be included in the majority requirement stated above. If a person owns  
10 more than one parcel of property within the proposed district area, that person may sign  
11 the petition one time for each parcel owned; and
- 12 e. The petition shall advise each signer of the general type of restrictions that may be imposed  
13 on the property if the overlay district is imposed upon the area.
- 14 3. *Petition verification.* When the petition is submitted to the city, the City Manager or designee  
15 shall verify the names, signatures, and homestead status of the property, and shall determine  
16 whether the petition meets the criteria of this section. For a signature and homestead status to  
17 be verified, the homestead status of the property and the printed name of the petition signer  
18 shall be consistent with the current records of the Alachua County Property Appraiser. If an  
19 insufficient number of acceptable homestead property owner signatures are submitted, the city  
20 shall return the petition and petition fee to the petitioner. However, the city shall retain the  
21 verification fee.
- 22 4. *Design standards report.* The petitioner shall submit a proposed design standards report for the  
23 proposed heritage overlay district area. If the heritage overlay designation is approved, the  
24 design standards report shall be included in the ordinance that imposes the overlay. The report  
25 shall include the following:
- 26 a. A map that clearly depicts the boundaries of the proposed area and identifies all lot  
27 divisions, block divisions and roads;
- 28 b. Architectural surveys that define the prior, current and likely future character of the area.  
29 This shall include a field survey containing written and visual information that documents  
30 items such as, but not limited to, distinctive building features, represented building style,  
31 typical building components, finishing materials, siting of buildings, degree of visual  
32 continuity, and degree of compatibility of new structures with architectural context;
- 33 c. A clear, decipherable data set of area features that describe the character of individual  
34 building types. This set shall define the relationships among features and shall serve as a  
35 tool to identify common elements in the area; and

- 1 d. Based on the data, identify important characteristics and features and specify the standards  
2 by which those characteristics will be preserved and continued, and specify the regulated  
3 work items that will require review by the heritage overlay district board. All design  
4 standards regulating a particular work item should be specific and measurable, such as by  
5 height, width, amount, spacing or location. Construction, installation, addition,  
6 enlargement, relocation or removal, of a regulated work item will be subject to review and  
7 approval by the heritage overlay district board as specified in the design standards report.  
8 This section does not require that each of the regulated work items listed below be  
9 addressed in a design standards report, only those items that are applicable or desirable to  
10 preserve the character of the area as determined in the design standards report. Regulated  
11 work items are limited to any one or more of the following:
- 12 i. Accessory structures;
  - 13 ii. Building heights;
  - 14 iii. Building height-to-width ratio;
  - 15 iv. Building orientation;
  - 16 v. Building setback and build-to lines;
  - 17 vi. Bulk plane restrictions;
  - 18 vii. Exterior building materials;
  - 19 viii. Fences;
  - 20 ix. Front porches and balconies;
  - 21 x. Garage doors;
  - 22 xi. Lot widths;
  - 23 xii. Off-street parking design;
  - 24 xiii. Percent of the lot covered by buildings;
  - 25 xiv. Roof lines, shapes and materials;
  - 26 xv. Screening of mechanical equipment; or
  - 27 xvi. Windows and doors.
- 28 e. A heritage overlay district may not modify the list of permitted uses for its underlying zoning  
29 district(s). In addition, the following shall not be regulated in any manner by a heritage  
30 overlay district classification:
- 31 i. Colors of structures;
  - 32 ii. Demolitions, in whole or in part;
  - 33 iii. Interior layout or interior construction;
  - 34 iv. Power generating solar panels;
  - 35 v. Television satellite dishes or antennae; and
  - 36 vi. Vegetation.

- 1        5. *Amendments to district.* Any property owner within a heritage overlay district may apply for an  
2        amendment to the district's design standards report. Any property owner whose land is  
3        contiguous to a heritage overlay district may apply for inclusion in the district through extension  
4        of the district's boundaries. Any land added to an existing heritage overlay district shall be  
5        subject to the adopted ordinance for that heritage overlay district and shall not be required to  
6        submit a new or revised design standards report with the petition for extension of the  
7        boundaries. All amendments shall be subject to review and consideration according to the  
8        applicable terms of this section and shall be processed as a zoning change (if amending the  
9        district boundaries) or as a text change (if amending the design standards report) in accordance  
10       with **Article IV** of this chapter. The City Commission may amend or repeal any heritage overlay  
11       district from time to time in accordance with the same standards and procedures.

12       **Section 30-4.28. Historic Preservation/Conservation Overlay.**

13       A. *Findings.* The City Commission hereby finds as follows:

- 14       1. There are located within the city districts, sites, buildings, structures, objects and areas, both  
15       public and private, which are reminders of past eras, events and persons important in local,  
16       state or national history, or which provide significant examples of architectural styles of the  
17       past, or which are unique and irreplaceable assets to the city and its neighborhoods, or which  
18       provide for this and future generations examples of the physical surroundings in which past  
19       generations lived;
- 20       2. In recognition of these assets, the city has adopted the Comprehensive Plan historic  
21       preservation element;
- 22       3. The historic preservation element of the Comprehensive Plan by reference includes a survey of  
23       historic and cultural resources which has been adopted;
- 24       4. Through this and other dedicated efforts of local public and private groups and individuals, the  
25       value of a district and several sites, buildings, structures, objects and areas, both public and  
26       private, has been recognized by their inclusion in the National Register of Historic Places, the  
27       state inventory maintained by the division of archives, history and records management,  
28       department of state, the city's survey of cultural resources, and/or the county architectural  
29       survey; however, many other resources remain unidentified;
- 30       5. The recognition, protection, enhancement and use of such resources is a public purpose and is  
31       essential to the health, safety, morals and economic, educational, cultural and general welfare  
32       of the public, since these efforts result in the enhancement of property values, the stabilization  
33       of neighborhoods and areas of the city, the increase of economic benefits to the city and its  
34       inhabitants, the promotion of local interest, the enrichment of human life in its educational and  
35       cultural dimensions, serving spiritual as well as material needs, and the fostering of civic pride in  
36       the beauty and noble accomplishments of the past;
- 37       6. It is the policy of the city to encourage beautification and general improvement of and  
38       cleanliness within the city by requiring the installation of appropriate landscaping which will  
39       enhance the community's ecological, environmental and aesthetic qualities and which will  
40       preserve the value of the property;
- 41       7. The city has for many years exerted efforts in an attempt to encourage redevelopment of the  
42       original center of the city and continues to do so;

- 1 8. The City Commission desires to take advantage of all available state and federal laws and  
2 programs that may assist in the development of the city;
- 3 9. The federal government has established a program of matching grants-in-aid for projects having  
4 as their purpose the preservation for public benefit of properties that are significant in American  
5 history and architecture;
- 6 10. There are other federal programs providing monies for projects involving the rehabilitation of  
7 existing districts, sites, buildings, structures, objects and areas;
- 8 11. The policy of the city is to conserve the existing housing stock and extend the economic life of  
9 each housing unit through the rehabilitation of such units under housing and neighborhood  
10 development programs in selected areas;
- 11 12. The city, in applying for block grant funds under the Housing and Community Development Act  
12 of 1974, shall comply with the requirements of several federal laws relating to the protection of  
13 historical, architectural, archaeological and cultural resources as part of the environmental  
14 review process;
- 15 13. Inherent in the enactment and implementation of these federal mandates is the policy of the  
16 United States government that the spirit and direction of the nation are founded upon and  
17 reflected in its historic past; that the historical and cultural foundations of the nation should be  
18 preserved as a living part of our community life and development in order to give a sense of  
19 orientation to the American people; that in the face of the ever-increasing extensions of urban  
20 centers, highways, and residential, commercial and industrial developments, the present  
21 governmental and nongovernmental programs and activities are inadequate to ensure future  
22 generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation;
- 23 14. It is the will of the people of the state as expressed in Article II, Section 7 of the 1968  
24 Constitution, that the state's natural resources and scenic beauty be conserved and protected;  
25 and
- 26 15. It is the will of the state legislature, as expressed in Chapter 267, Florida Statutes, that the  
27 state's historic sites and properties, buildings, artifacts, treasure troves and objects of antiquity,  
28 which have scientific or historical value, or are of interest to the public, be protected and  
29 preserved.
- 30 B. *Purpose.* In recognition of these findings, the purpose of this section is to promote the health,  
31 morals, economic, educational, aesthetic, cultural and general welfare of the public through:
  - 32 1. The identification, protection, enhancement, perpetuation and use of districts, sites, buildings,  
33 structures, objects and areas that are reminders of past eras, events and persons important in  
34 local, state or national history, or which provide significant examples of architectural styles of  
35 the past, or which are unique and irreplaceable assets to the city and its neighborhoods, or  
36 which provide this and future generations examples of the physical surroundings in which past  
37 generations lived;
  - 38 2. The enhancement of property values, the stabilization of neighborhoods and business centers of  
39 the city, the increase of economic and financial benefits to the city and its inhabitants, and the  
40 promotion of local interests;
  - 41 3. The preservation and enhancement of varied architectural styles, reflecting the city's cultural,  
42 social, economic, political and architectural history; and

1 4. The enrichment of human life in its educational and cultural dimensions in order to serve  
2 spiritual as well as material needs by fostering knowledge of the living heritage of the past.

3 C. *Creation of local register of historic places.* A local register of historic places is hereby created as a  
4 means of identifying, classifying and protecting various sites, buildings, structures, objects and  
5 districts as historic and/or architecturally significant. The local register will be kept by the City  
6 Manager or designee.

7 D. *Placement on local register.* Placement of sites, buildings, structures, objects or districts on the local  
8 register may be initiated by the owner of the site, building, structure, object or area; or, in the case  
9 of a district, by the owner of a site, building, structure, object or area within the proposed district.  
10 In addition, placement may be initiated by the City Commission or the Historic Preservation Board.  
11 Nominations of individually listed properties to the local register of historic places by the City  
12 Commission or the Historic Preservation Board shall have the consent of the property owner, or  
13 shall be approved with a six-sevenths vote of the City Commission and a six-ninths vote of the  
14 Historic Preservation Board in accordance with the procedure below.

15 E. *Procedure for placement on local register.* The following procedure shall be followed for placement  
16 of sites, buildings, structures, objects, areas and districts on the local register. Application may be  
17 made for the removal of a property from the local register, and the same procedure shall be  
18 employed as in the placement of a property or properties under this section. A property may be  
19 removed if the board makes a new and negative evaluation of the reasons for its original  
20 recommendation or for any other valid reason approved by the board.

21 1. An appropriate nomination form provided by the city shall be completed by the applicant and  
22 returned to the city.

23 2. Upon receipt of a completed nomination form, including necessary documentation, the City  
24 Manager or designee shall place the nomination on the agenda of the next regularly scheduled  
25 meeting of the Historic Preservation Board. If the next regularly scheduled meeting of the board  
26 is too close in time to allow for the required notice to be given, the nomination shall be placed  
27 on the agenda of the succeeding regularly scheduled meeting.

28 3. Adequate notice of the board's consideration of the nomination shall be provided to the public  
29 at large, and to the owners of the nominated property(ies), at least 15 calendar days in advance  
30 of the meeting at which the nomination will be considered by the board.

31 4. The Historic Preservation Board shall, within 90 calendar days from the date of the meeting at  
32 which the nomination is first on the board's agenda, review the nomination and write a  
33 recommendation thereon. The recommendation shall include specific findings and conclusions  
34 as to why the nomination does or does not meet the appropriate criteria for listing on the local  
35 register. The recommendation shall also include any owner's objection to the listing. If the  
36 nomination is of a district, the recommendation shall also clearly specify, through the use of  
37 maps, lists or other means, those buildings, objects or structures which are classified as  
38 contributing to the historical significance of the district.

39 5. The nomination form and the board's recommendation shall be sent to the City Plan Board. The  
40 nomination shall then be handled as any other rezoning and the procedure for amendments to  
41 the Land Development Code set forth in this chapter shall be followed. From the date the board  
42 recommends the nomination to the City Plan Board until the City Commission either approves or  
43 denies the amendment to the Land Development Code, or until one year has elapsed, whichever  
44 shall occur first, no permit for the demolition or relocation of a structure nominated for



individual listing on the local register or of a structure classified as contributing to the character of a district nominated for listing on the local register shall be issued unless the board follows the procedures and requirements for a certificate of appropriateness set forth in this section and finds that such a permit may be issued.

6. In order to be listed on the local register, a site, building, object, structure, or district shall be determined to be significant and to possess integrity. To be significant, a building, object, structure, or district shall meet at least three of the criteria listed below, or if approved by at least six members of the Historic Preservation Board at least one of the criteria listed below. A site, building, object, structure, or district shall possess integrity as defined by the National Park Service in National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation. The quality of significance in American history, architecture, archaeology, engineering, and culture is present in a district, site, building, structure, or object when the district, site, building, structure, or object:
  - a. Is associated with events that are significant to our local, state, or national history;
  - b. Embodies the distinctive characteristics of a type, period, or method of construction;
  - c. Represents the work of a master;
  - d. Possesses high artistic values; or
  - e. Represents a significant and distinguishable entity whose components may lack individual distinction.
7. Upon placement of a property or properties on the local register, the board shall cause this designation to be recorded in the official record books of the county.
8. The City Manager or designee shall issue an official certificate of historic significance to the owner of properties listed individually on the local register or judged as contributing to the character of a district listed on the local register. The City Manager or designee is additionally authorized to issue and place official signs denoting the geographic boundaries of each district listed on the local register.

F. *Effect.*

1. *Modification of existing zoning requirements.* Placement of sites, buildings, structures, objects or districts on the local register of historic places is an overlay district classification, and the underlying zoning district categories are neither abandoned nor repealed. The existing regulations remain in effect and are modified only to the extent provided for in this section.
2. *Modification of dimensional requirements.* To facilitate new construction, redevelopment, rehabilitation, or relocation of buildings or structures in historic districts or individually listed on the local register, the City Manager or designated department head or the appropriate board within the development review process may determine dimensional requirements such as front, side and rear setbacks, building height, separation between buildings, floor area ratios, and maximum lot coverage for buildings and structures based on historic development patterns. Any change shall be based on competent demonstration by the petitioner of the following:
  - a. The proposed development will not affect the public safety, health, or welfare of abutting property owners or the district;

- b. The proposed change is consistent with historic development, design patterns or themes in the historic district. Such patterns may include reduced front, rear and side yard setbacks, maximum lot coverage and large floor area ratios;
- c. The proposal reflects a particular theme or design pattern that will advance the development pattern of the historic district; and
- d. The proposed complies with utility, stormwater, access requirements and other requirements related to site design in the Land Development Code.

Where the proposed modification would encroach into a side or rear yard setback that adjoins an existing lot, notice will be provided to the adjacent property owner. Staff or the appropriate reviewing board will document the basis for its decision. If staff makes the decision, it will provide a written determination on the complete modification request within 21 calendar days of receiving the request. If the adjacent property owner objects to the encroachment in writing within 16 calendar days of the date from which the notice was mailed, the request shall be referred to the Development Review Board, which shall review the request using the same standards in this section used by staff. If the decision is to be made by a board, the board shall hear the objection of the adjacent property owner as part of its public hearing. The remainder of the requirements, regulations and procedures set forth in this chapter shall remain applicable.

3. *Modification of building code requirements.* Structures and buildings listed individually on the local register or judged as contributing to the character of a district listed on the local register shall be deemed historic and entitled to modified enforcement of the standard codes where appropriate.
4. *Certificate of appropriateness.* A certificate of appropriateness is required in accordance with this section for any sites, buildings, structures, objects or districts on the local register of historic places. No final approval of development plans shall be granted for any development that includes any of the actions specified in this section without the issuance of a certificate of appropriateness from the Historic Preservation Board. No building or demolition permit shall be issued for any of the actions specified in this section without the issuance of a certificate of appropriateness from the Historic Preservation Board, or a written statement from the board to the building official stating that no certificate of appropriateness is required. If the board issues a certificate of appropriateness for demolition in conjunction with new construction, the applicant shall file a development plan or apply for a building permit prior to receiving a demolition permit.

A certificate of appropriateness is effective for one year from the date of approval. After one year, the applicant shall reapply for a new certificate of appropriateness and will be subject to any changes in the Historic Preservation Board's design guidelines that took effect during the intervening period.
5. *Ad valorem tax exemption for historic properties.* Historic properties may be eligible for an exemption from ad valorem taxes resulting from an increase in value as specified by the provisions of **Section 25-61 et seq.**
6. *Demolition by neglect.* The intent of this section is to stop the continuing deterioration of historic properties and neighborhoods through application of **Chapters 13 and 16.**

- a. The Historic Preservation Board may, on its own initiative, file a formal complaint with the codes enforcement division requesting repair or correction of defects to any designated structure so that it is preserved and protected.
- b. The code enforcement division shall provide written notice to the staff member assigned to the Historic Preservation Board of any minor or major housing code violation for a building or structure that is either listed on the national or local historic register or is a contributing structure to either a nationally or locally designated historic district.
- c. The code enforcement office shall provide written notice to the staff member assigned to the Historic Preservation Board of a determination that a building or structure that is either listed on the national or local historic register or is a contributing structure to either a nationally or locally designated historic district is "dangerous," as defined by **Section 16-17**.
- d. Upon receipt of this notice, the City Manager or designee is authorized to access these properties accompanied by a code enforcement officer to assess the damage that formed the basis for the decision to find the building "dangerous." The assessment will be presented to the Historic Preservation Board, which shall be allowed to appeal the determination to the Development Review Board pursuant to **Section 16-27** and present evidence against the determination that the building is "dangerous."

G. *Certificate of appropriateness required.*

1. A property owner/agent shall obtain a certificate of appropriateness before: 1) performing any of the following external regulated work items on a structure listed individually on the local register or designated as contributing to a district listed on the local register, or 2) taking any of the actions listed in Subsection 3 below. However, ordinary maintenance, as defined in this chapter, may be performed without first receiving a certificate of appropriateness
  - a. *Abrasive cleaning.* Cleaning of exterior walls by blasting with abrasive materials.
  - b. *Awnings or canopies.* Installation or removal of wood or metal awnings or wood or metal canopies.
  - c. *Decks.* Installation of all decks above the first-floor level and/or on the front of the structure.
  - d. *Exterior doors and door frames.* Installation of an exterior door or door frame, or the infill of an existing door opening.
  - e. *Exterior walls.* Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area.
  - f. *Fencing.* The installation or relocation of wood, chainlink, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.
  - g. *Fire escapes, exterior stairs and ramps for the handicapped.* The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped.
  - h. *Painting.* Painting unpainted masonry, including stone, brick, terracotta and concrete.
  - i. *Porch fixtures.* Installation or removal of railings or other wood, wrought iron or masonry detailing.
  - j. *Roofs.* Installation of new materials, or removal of existing materials.

- 1 k. *Security grilles*. Installation or removal of security grilles, except that in no case shall  
2 permission to install such grilles be completely denied.
- 3 l. *Siding*. Installation of new materials, or removal of existing materials.
- 4 m. *Skylights*. Installation or removal of skylights.
- 5 n. *Screen windows and doors*. Installation of screen windows or screen doors.
- 6 o. *Windows and window frames*. Installation of a window or window frame or the infill of an  
7 existing window opening.
- 8 p. *Rooftop solar*. Installation of a rooftop solar photovoltaic power system.
- 9 2. *Staff approval*. The City Manager or designee may issue a certificate of appropriateness if the  
10 work will either result in the original appearance of the structure, as defined in this chapter,  
11 or will meet the city's Historic Preservation Rehabilitation and Design Guidelines on file with  
12 the city. For the installation of a rooftop solar photovoltaic power system, as defined in this  
13 chapter, the City Manager or designee may issue a certificate of appropriateness if the  
14 system: 1) will not be seen from any street frontage, 2) will meet the city's Historic  
15 Preservation Rehabilitation and Design Guidelines, and 3) will meet the following additional  
16 design criteria as applicable:
- 17 a. The system will be installed on a non-contributing accessory structure, such as a shed or  
18 garage, to a contributing or individually listed structure, or on a non-historic portion of a  
19 contributing or individually listed structure;
- 20 b. The system will be located in a manner such that it does not affect the primary roof façade  
21 elevations;
- 22 c. Installation will not result in the permanent loss of significant character-defining features  
23 of a historic resource, such as existing roof lines or dormers;
- 24 d. Installation will not result in the removal or permanent alteration of historic fabric and is  
25 reversible;
- 26 e. The system will be flush to the roof or low profile, to the extent feasible;
- 27 f. On flat roofs, the system will be set back from the edge. If there is a parapet, the system  
28 will be located behind the parapet walls; and
- 29 g. The system will blend into the surrounding features of the historic resource.
- 30 3. *Historic Preservation Board approval*. A property owner/agent shall obtain a certificate of  
31 appropriateness from the Historic Preservation Board before: 1) performing any external  
32 regulated work items on a structure listed individually on the local register or designated as  
33 contributing to a district listed on the local register that cannot be approved by the City  
34 Manager or designee pursuant to Subsection b. above, or 2) taking any of the following  
35 actions:
- 36 a. Erecting a new building, structure, or parking lot within a district listed on the local  
37 register.
- 38 b. Erecting a new auxiliary structure within a district listed on the local register when the  
39 action does not meet the guidelines for staff approval established in the city's Historic  
40 Preservation Rehabilitation and Design Guidelines.

- c. Demolishing a building, structure or object listed individually on the local register or designated as contributing to a district listed on the local register.
- d. Relocating a building, structure or object listed individually on the local register or designated as contributing to a district listed on the local register.
- e. Increasing the size of either a contributing or noncontributing structure within a district listed in the local register by constructing an addition, adding an additional floor, or enclosing one or more porches, carports or any other architectural features that will increase the size of the structure or change the roof form, when the action does not meet the guidelines for staff approval established in the city's Historic Preservation Rehabilitation and Design Guidelines.

H. *Criteria for certificates of appropriateness.*

1. *Generally.* The decision on all certificates of appropriateness, except those for demolition or relocation, shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the following visual compatibility standards:
  - a. *Height.* Height shall be visually compatible with adjacent buildings.
  - b. *Proportion of building, structure or object's front facade.* The width of building, structure or object to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.
  - c. *Proportion of openings within the facility.* The relationship of the width of the windows in a building, structure or object shall be visually compatible with buildings and places to which the building, structure or object is visually related.
  - d. *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front facade of a building, structure or object shall be visually compatible with buildings and places to which it is visually related.
  - e. *Rhythm of buildings, structures, objects or parking lots on streets.* The relationship of the buildings, structures, objects or parking lots to open space between it and adjoining buildings and places shall be visually compatible to the buildings and places to which it is visually related.
  - f. *Rhythm of entrance and porch projection.* The relationship of entrances and projections to sidewalks of a building, structure, object or parking lot shall be visually compatible to the buildings and places to which it is visually related.
  - g. *Relationship of materials, texture and color.* The relationship of materials, texture and color of a parking lot or of the facade of a building, structure or object shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
  - h. *Roof shapes.* The roof shape of the building, structure or object shall be visually compatible with the buildings to which it is visually related.
  - i. *Walls of continuity.* Appurtenances of a building, structure, object or parking lot such as walls, fences and landscape masses shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building, structure, object or parking lot to the building and places to which it is visually related.

- 1 j. *Scale of building.* The size of the building, structure, object or parking lot; the building mass  
2 of the building, structure, object or parking lot in relation to open space; and the windows,  
3 door openings, porches and balconies shall be visually compatible with the buildings and  
4 places to which it is visually related.
- 5 k. *Directional expression of front elevation.* A building, structure, object or parking lot shall be  
6 visually compatible with the buildings and places to which it is visually related in its  
7 directional character.
- 8 2. *Criteria for relocations.* In addition to the guidelines provided in Subsection 3 below concerning  
9 demolition, issuance of certificates of appropriateness for relocations shall be guided by the  
10 following factors:
- 11 a. The historic character and aesthetic interest the building, structure or object contributes to  
12 its present setting;
- 13 b. Whether there are definite plans for the area to be vacated and what the effect of those  
14 plans on the character of the surrounding areas will be;
- 15 c. Whether the building, structure or object can be moved without significant damage to its  
16 physical integrity; and
- 17 d. Whether the proposed relocation area is compatible with the historical and architectural  
18 character of the building, structure or object.
- 19 3. *Demolition.* A decision by the Historic Preservation Board approving or denying a certificate of  
20 appropriateness for the demolition of buildings, structures or objects other than those in the  
21 Pleasant Street Historic District shall be guided by:
- 22 a. The historic or architectural significance of the building, structure or object;
- 23 b. The importance of the building, structure or object to the ambience of a district;
- 24 c. The difficulty or the impossibility of reproducing such a building, structure or object because  
25 of its design, texture, material, detail or unique location;
- 26 d. Whether the building, structure or object is one of the last remaining examples of its kind in  
27 the neighborhood, the county or the region;
- 28 e. Whether there are definite plans for reuse of the property if the proposed demolition is  
29 carried out, and what the effect of those plans on the character of the surrounding area  
30 would be;
- 31 f. Whether reasonable measures can be taken to save the building, structure or object from  
32 collapse; and
- 33 g. Whether the building, structure or object is capable of earning reasonable economic return  
34 on its value.
- 35 4. *Demolition in Pleasant Street Historic District.* A decision by the Historic Preservation Board  
36 approving or denying a certificate of appropriateness for the demolition of buildings, structures,  
37 or objects in the Pleasant Street Historic District shall be guided by:
- 38 a. *The significance of the property.* Significance concerns historic or architectural aspects of the  
39 building, structure, or object. A property shall be considered to be significant if it meets one  
40 the following criteria:

- 1 i. The property is located on an important street and within a cluster of historic buildings.  
2 Cluster of historic buildings is defined by the presence of three historic buildings  
3 adjacent to each other on the same block as the property proposed for demolition,  
4 either on the same side of the street, across the street, or on adjacent side street of the  
5 block containing the property. Important streets is defined as NW 2nd, 3rd, or 4th  
6 Street, NW 2nd, 3rd, or 4th Avenue, NW 4th or 6th Place, the 200—600 block of NW 1st  
7 Street, the 200—400 block of NW 7th Avenue, and the 300 block of NW 5th Avenue.
- 8 ii. The property is located on an important street or within a cluster of historic buildings,  
9 and meets one of the following criteria: 1) It maintains its basic plan and additions, if  
10 any, were made to nonprominent elevations and porches were not enclosed; 2) Its  
11 features are unique and there are few remaining occupied buildings of its type in the  
12 neighborhood, or 3) It is associated with an important person based on original  
13 ownership documentation contained in the nomination of Pleasant Street to the  
14 National Register of Historic Places.
- 15 iii. The property is not on an important street and not within a cluster of historic buildings,  
16 but it has been evaluated for its architectural quality and structural condition and merits  
17 preservation.
- 18 b. *Plans for redevelopment.* Demolition of historic building without definitive plans for  
19 redevelopment is discouraged. This factor evaluates the proposed reuse of the property if  
20 the proposed demolition is carried out, and what the effect of those plans on the character  
21 of the surrounding area would be.
- 22 c. *Condition of the building.* The Historic Preservation Board will evaluate the structural  
23 integrity, weathertightness and the economic feasibility of rehabilitation based on the  
24 condition of the roof, foundation and walls as well as the cost of replicating features and  
25 details on the historic building in any proposal for new development, and will determine if  
26 reasonable measures can be taken to save the building, structure, or object from collapse.  
27 The applicant shall allow the City Manager or designee to inspect the structure with  
28 reasonable notice.
- 29 5. *Consideration of economic impact on property owner.* If an owner claims that the decision of the  
30 Historic Preservation Board will cause economic hardship, he or she may petition the board for a  
31 hearing to consider relevant evidence of hardship. The owner shall submit all evidence to the  
32 City Manager or designee within 60 calendar days of the board's original decision. The hearing  
33 shall then be held at the next regular board meeting taking place at least 24 calendar days after  
34 the evidence is submitted.

35 The Historic Preservation Board shall review all the evidence presented at the public hearing and  
36 make a determination no later than 30 calendar days after the hearing. The applicant shall show  
37 by competent substantial evidence that the denial or conditional approval of the certificate of  
38 appropriateness or demolition permit has caused or will cause an economic hardship. If the  
39 board determines that the applicant has proved economic hardship, it shall consider whether  
40 relief is available that will not result in economic hardship and will provide minimal adverse  
41 effect to the historic building or structure. If found, the board may grant this relief, or grant the  
42 relief requested with conditions that ensure the minimum adverse effect and does not result in  
43 unreasonable economic hardship.

44 Relevant evidence includes the following:

- 1 a. A written estimate from a licensed engineer, contractor or architect with experience in  
2 rehabilitation of the cost of the proposed construction, or alteration, and a written estimate  
3 of any additional cost that would be incurred in order to comply with the recommendation  
4 of the Historic Preservation Board. "Experience in rehabilitation" means work on certified  
5 rehabilitation projects where federal tax credits for historic preservation were received, or  
6 work on a building or structure in Florida which required a local certificate of  
7 appropriateness;
- 8 b. A written report from a licensed engineer, contractor or architect with experience in  
9 rehabilitation as to the structural soundness of the subject structure and its suitability for  
10 rehabilitation. The report shall include detailed documentation (including scope of work,  
11 and cost of materials and labor) of the cost of complying with the recommendation of the  
12 Historic Preservation Board;
- 13 c. An independent written appraisal by an appraiser with competent credentials of the  
14 estimated market value of the property in its current condition; after completion of the  
15 proposed construction, alteration, demolition, or removal; after any changes recommended  
16 by the Historic Preservation Board; and, in the case of a proposed demolition, both after  
17 renovation of the existing property for continued use and after demolition and new  
18 construction (an appraiser shall at least have a state license to be considered competent).
- 19 d. In the case of a proposed demolition, an estimate from a licensed architect, contractor,  
20 certified appraiser or other professional experienced in rehabilitation as to the economic  
21 feasibility of rehabilitation or reuse of the existing structure on the property. Estimates of  
22 the proposed construction cost shall include the cost of replacing the historic structure with  
23 one of similar design and character-defining interior and exterior features; and
- 24 e. The amount paid for the property, the date of purchase and the party from whom  
25 purchased, including a description of the relationship, if any, between the owner of record  
26 or applicant and the person from whom the property was purchased, and any terms of  
27 financing between the seller and buyer.

28 If the property is income-producing the Historic Preservation Board may also consider the  
29 following information in determining economic hardship:

- 30 f. The annual gross income from the property for the previous two years; itemized operating  
31 and maintenance expenses for the previous two years; and depreciation deduction and  
32 annual cash flow before and after debt service, if any, during the same period.
- 33 g. All appraisals performed by a certified appraiser within the previous two years for the  
34 owner or applicant in connection with the purchase, financing or ownership of the property.
- 35 h. Any listing of the property for sale or rent, price asked, and offers received, if any, within the  
36 previous two years.
- 37 i. The assessed value of the property according to the two most recent assessments.
- 38 j. The real estate taxes for the previous two years.
- 39 k. The form of ownership or operation of the property, whether sole proprietorship, for profit  
40 or not-for-profit corporation, limited partnership, joint venture or other.
- 41 l. Any other information, including the income tax bracket of the owner, applicant or principal  
42 investors in the property, considered necessary by the preservation board to a



1 determination as to whether the property does yield or may yield a reasonable return to the  
2 owners.

3 I. *Certificate of appropriateness procedure.*

4 1. *Application.* A person wishing to undertake any of the actions specified in this section as  
5 requiring a certificate of appropriateness shall file an application for a certificate of  
6 appropriateness.

7 2. *Pre-application conference(s).*

8 a. The prospective applicant shall confer with the City Manager or designee concerning the  
9 nature of the proposed action and requirements related to it. The City Manager or designee  
10 shall advise the applicant of the nature and detail of the plans, designs, photographs,  
11 reports or other exhibits required to be submitted with the application. Such advice shall  
12 not preclude the Historic Preservation Board from requiring additional material prior to  
13 making its determination in the case.

14 b. Following the conference with the City Manager or designee, a pre-application conference  
15 shall be held with the Historic Preservation Board if requested by the applicant.

16 3. *Referral to Historic Preservation Board.* Upon receipt of a completed application and all required  
17 submittals and fees, the City Manager or designee shall place the application on the next  
18 regularly scheduled meeting of the Historic Preservation Board allowing for notice as required  
19 herein. Applications for certificates of appropriateness may be heard at specially called meetings  
20 of the Historic Preservation Board provided all notice requirements are met. Upon mutual  
21 agreement between the applicant and the City Manager or designee, the application may be set  
22 for hearing at a public meeting later than the next regularly scheduled meeting.

23 4. *Notice.* The City Manager or designee shall give reasonable notice by placing a sign on the  
24 property at least 10 calendar days prior to the meeting at which the application is to be heard in  
25 a manner which complies with the public notice laws of the state. Written notice of the time and  
26 place of the meeting shall also be sent to the applicant and all persons or organizations filing  
27 written requests with the city.

28 5. *Hearing(s).*

29 a. The hearing shall be held at the time and place indicated in the notice. All parties shall be  
30 given the opportunity to present evidence through documents, exhibits, testimony, or other  
31 means. All parties shall be given the opportunity to rebut evidence through cross-  
32 examination or other means.

33 b. The decision of the Historic Preservation Board shall be made at the hearing, or no later  
34 than 45 calendar days after said hearing. The time period for reaching a decision may be  
35 extended by mutual written agreement between the applicant and the Historic Preservation  
36 Board. Such agreement may be made at any time within the 45-day period indicated, and  
37 may be subsequently extended. The Historic Preservation Board shall make written findings  
38 and conclusions that specifically relate the criteria for granting certificates of  
39 appropriateness.

40 c. The city shall record and keep records of all meetings. The records shall include the vote,  
41 absence, or abstention of each member upon each question, all official actions of the  
42 Historic Preservation Board, and the findings and conclusions of the Historic Preservation  
43 Board. All records shall be filed with the city.

- 1 6. *Decision-making authority.* The Historic Preservation Board shall use the criteria set forth in this  
2 section to review the completed application and accompanying submittals. After completing the  
3 review of the application and fulfilling the public notice and hearing requirements set forth  
4 above, the Historic Preservation Board shall take one of the following actions:
- 5 a. Grant the certificate of appropriateness with an immediate effective date;  
6 b. Grant the certificate of appropriateness with special modifications and conditions;  
7 c. Grant the certificate of appropriateness with a deferred effective date, which date shall not  
8 exceed one year from the date of issuance;  
9 d. Deny the certificate of appropriateness; or  
10 e. Grant the certificate of appropriateness if the Historic Preservation Board finds that the  
11 property cannot be put to a reasonable beneficial use without the approval of the proposed  
12 work; in the case of income-producing property, the Historic Preservation Board shall,  
13 before making its decision, determine whether the applicant can obtain a reasonable return  
14 from the property without the approval of the proposed work.
- 15 7. *Action on denial or deferral.* Where the certificate is denied or issued with a deferred effective  
16 date, the Historic Preservation Board shall take or promote the taking of an action desirable for  
17 the conservation or preservation of the structure, building, object or area. Such action shall  
18 include impressing the desirability of preservation and/or conservation upon the property  
19 owner and recommending to him various alternatives that would make the project acceptable.
- 20 8. *Effect of failure to decide within time limit.* Failure of the Historic Preservation Board to act  
21 within the time limits established shall be deemed an approval of the application, and, upon  
22 request of the applicant, the building official shall issue any permit dependent upon the  
23 issuance of a certificate of appropriateness.
- 24 9. *Appeals.* Any person aggrieved by a decision rendered by the Historic Preservation Board may  
25 appeal the decision to the appeals reviewing authority as provided in this chapter.
- 26 10. *Posting requirement.* No work for which a certificate of appropriateness is required may be  
27 undertaken unless a certificate of appropriateness authorizing the work is conspicuously posted  
28 on the property with appropriate building permits where the work is to be performed.
- 29 J. *Emergency issuance of certificates of appropriateness.* The following procedure shall be used when  
30 the building official or designee determines that a building or structure listed on the Local Register  
31 of Historic Places or located within a district on the Local Register of Historic Places is in imminent  
32 danger of structural failure or collapse due to an event or events outside the control of the owner of  
33 the structure.
- 34 1. The building official or designee shall convene a meeting of an emergency committee which  
35 shall consist of the building official or designee, the City Manager or designee and a member of  
36 the Historic Preservation Board who is an architect, engineer or building contractor. Every  
37 reasonable measure shall be taken to notify the owner of the structure, as determined by the  
38 records of the Alachua County Property Appraiser. In addition, the property on which the  
39 structure is located shall immediately be posted with the time and place of the emergency  
40 meeting.

- 1        2. At the meeting, the building official or designee shall present evidence of the imminent danger  
2        of structural failure or collapse. The owner and members of the public shall be given the  
3        opportunity to present evidence.
- 4        3. If the majority of the emergency committee finds that the structure is in imminent danger of  
5        structural failure or collapse due to an event or events outside the control of the owner, it shall  
6        issue a certificate of appropriateness for work to secure the structure in an economically  
7        efficient manner that causes the least impact to the historic and architectural integrity of the  
8        building.
- 9        4. Actions taken by the emergency committee to preserve a structure in an emergency situation  
10       that deviate from the standards or practice of the Historic Preservation Board shall not be  
11       considered a precedent for future actions of the board.
- 12    K. *Violations; penalties; stop work orders.* Any person failing to comply with any of the provisions of  
13       this section shall be subject to punishment as provided **in Section 1-9**. In addition, a stop work order  
14       shall be issued by the code enforcement official in any case where work has commenced, or  
15       preparation for work has commenced, which requires a certificate of appropriateness under this  
16       section and where no such certificate has been obtained. The stop work order shall be issued to the  
17       property owner, the occupant or any person, company or corporation commencing work or  
18       preparation for work in violation of this section. The stop work order shall remain in full force and  
19       effect until a certificate of appropriateness has been obtained and posted on the property, or it has  
20       been determined by the Historic Preservation Board that no certificate of appropriateness is  
21       required.