

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.

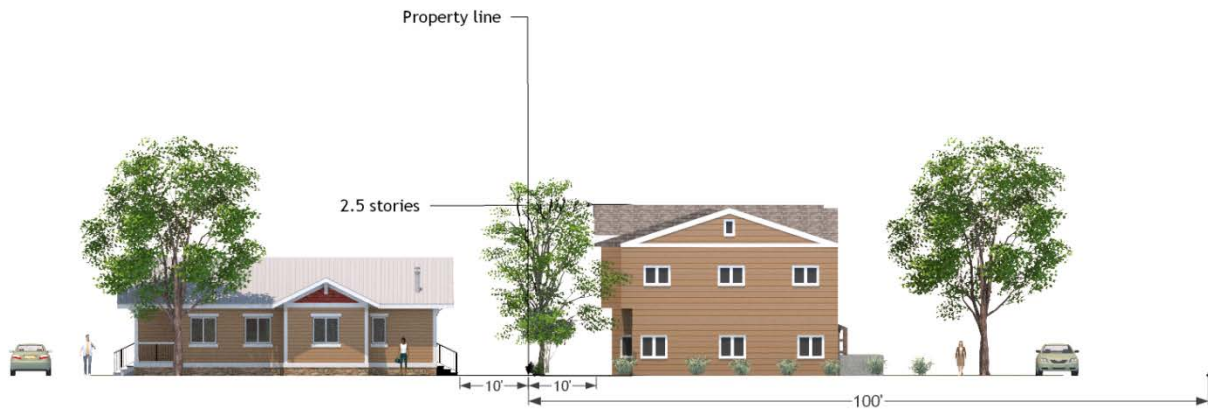
1. Whenever a zero foot setback is allowed in a zoning district, it may only be used if the abutting property is within a district that allows the same setback.
2. The minimum required side and rear setback for nonresidential and multi-family buildings located on property abutting a single-family zoning 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.

Within 100' of the Following Districts:	Max Building Height	
Single-Family Zoning	<div>3 stories and 36'</div> <ul style="list-style-type: none">Measured to the roof peak with a hip, gable, mansard or similar roof where the 3rd floor is above the roof line, orMeasured to the top plate of the 3rd floor with a flat or similar roof.	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	<div>4 stories and 60'</div> <ul style="list-style-type: none">Measured to the top plate of the 4th floor.	
Within the Following Districts:	Max Building Height	
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.	

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



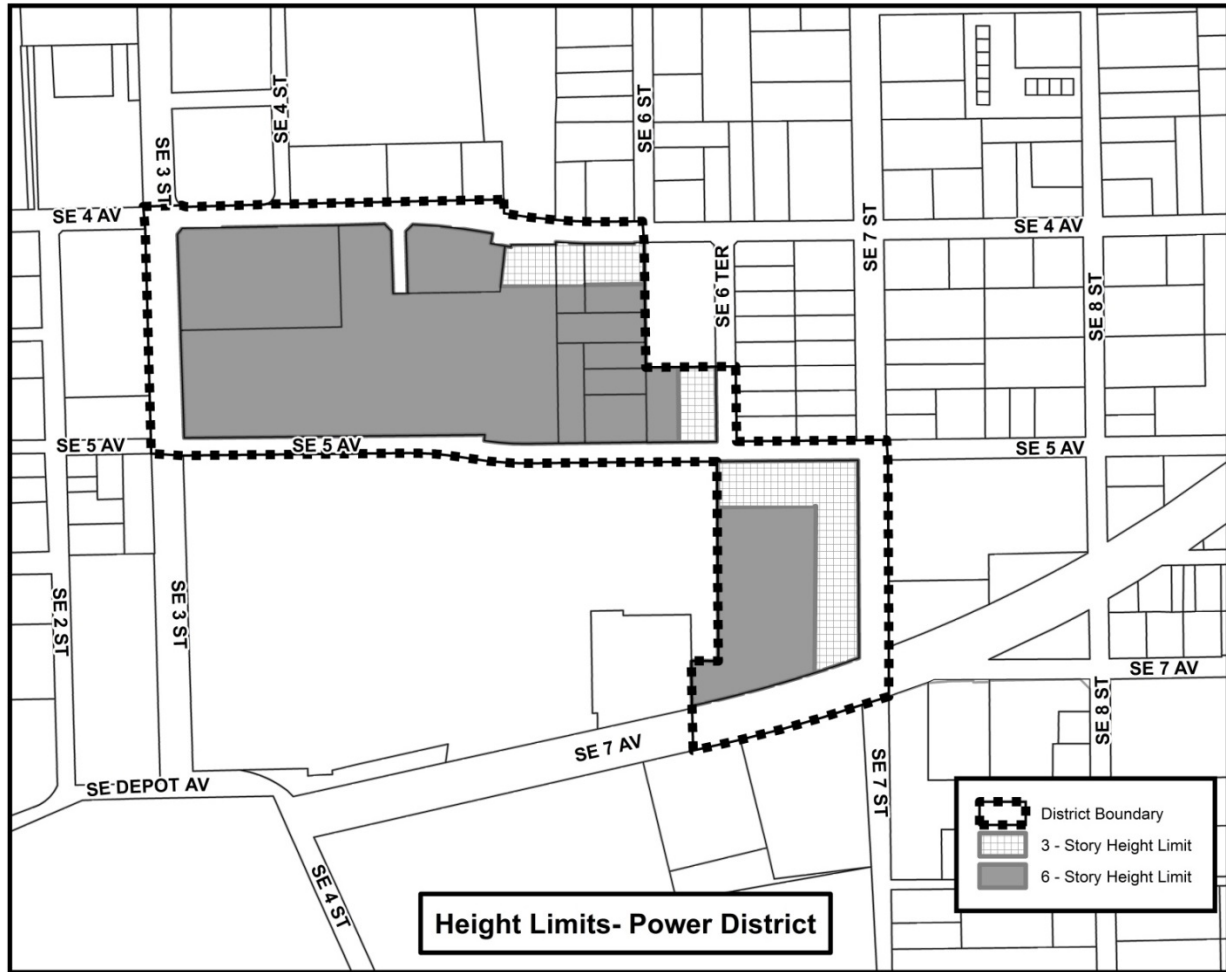
2
3 **Figure 2: Height Compatibility Flat Roof Example**



4
5

1 **Figure 2: 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.

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

36 A. *Eligible improvements.* Development projects may be eligible to construct additional building
37 stories and allow for the corresponding increase in overall building height up to the limit allowed
38 with bonuses as specified for the applicable zoning district. The bonus may be approved based on
39 the provision of certain development improvements that exceed the minimum standards of this
40 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 footage meets or exceeds 20% of the total development site, one additional story is available. If the total additional square footage 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.

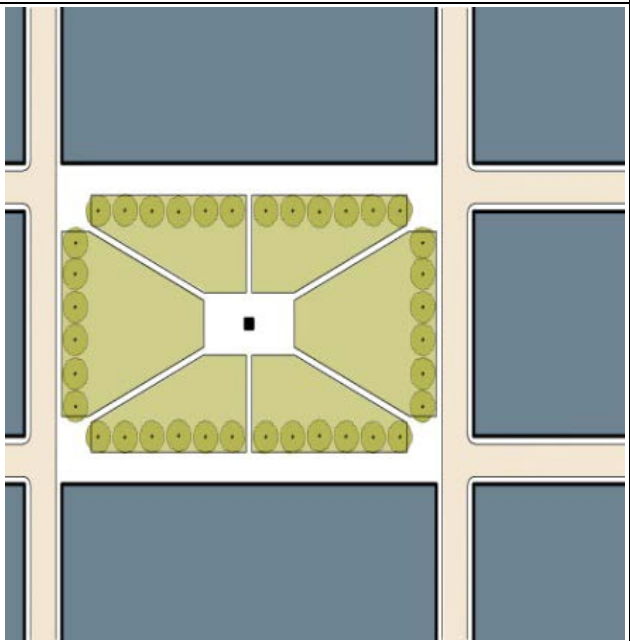
- 1. Greens may be spatially defined by landscaping rather than building frontages.
- 2. Greens must front on at least two streets.

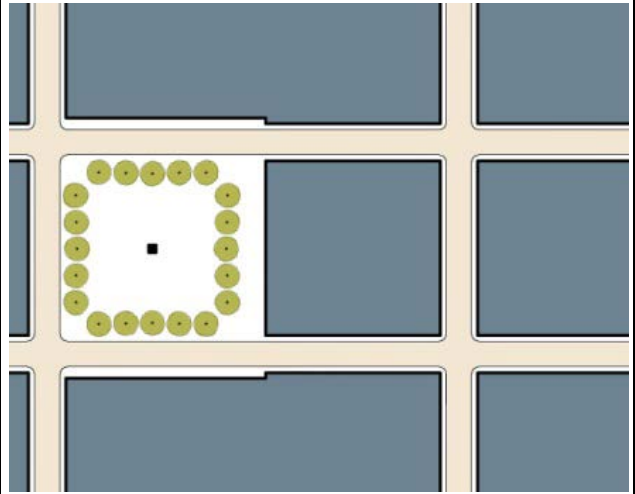
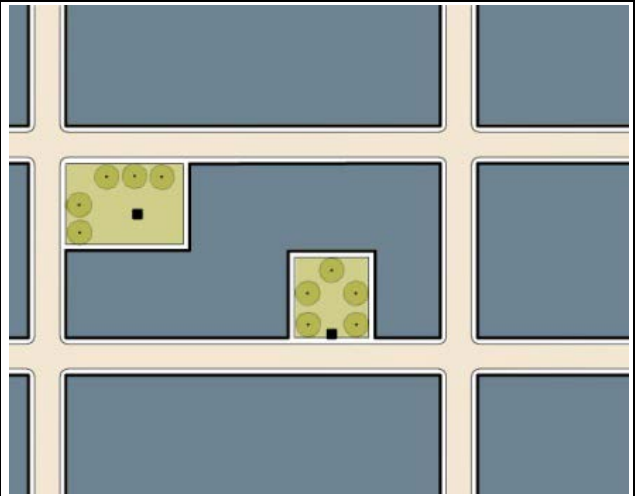
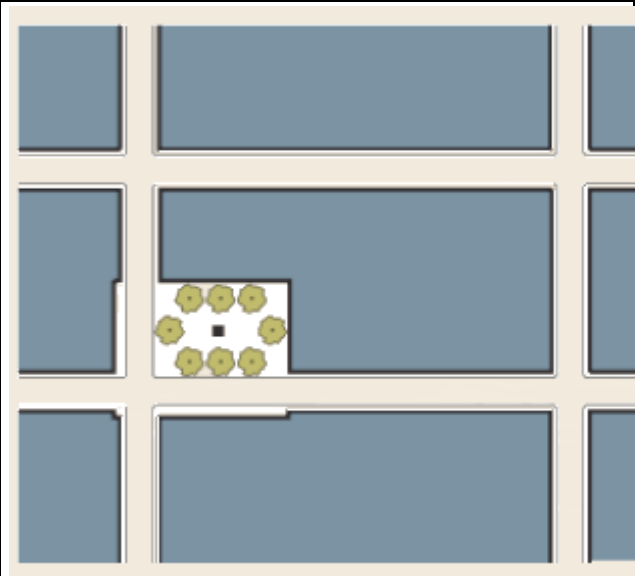


Square

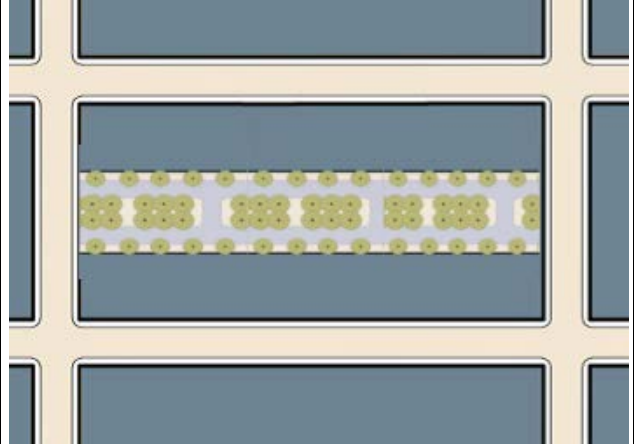
A square is an open space for recreation and civic purposes consisting of paths, lawns, and trees, all formally arranged. A square is spatially defined by abutting streets and building frontages.

- 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>Plaza</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"> 1. Plazas should be located at the intersection of important streets. 2. Plazas must front on at least one street. 3. Façades facing the plaza should have at least 40% of their first floor's primary façade in transparent windows. 	
<p>Playground</p> <p>A fenced open space designed and equipped for the recreation of children.</p> <ol style="list-style-type: none"> 1. Playgrounds shall be located within ¼ mil surrounding neighborhoods. 2. Playgrounds may be freestanding or located within parks and greens. 	
<p>Pocket Plaza</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"> 1. Pocket plazas should be located on side streets. 2. Pocket Plazas must front on at least one street. 3. Pocket Plazas may be used to provide seating for outdoor cafes or similar publicly accessible gathering space. 	

1
2
3

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"> Promenades must be a minimum of 16' wide. Promenades may include outdoor seating or other similar public amenities. 	

- 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 footage 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.


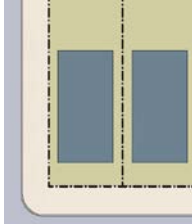
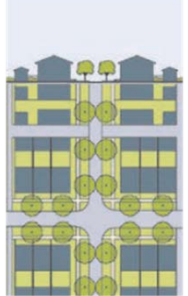
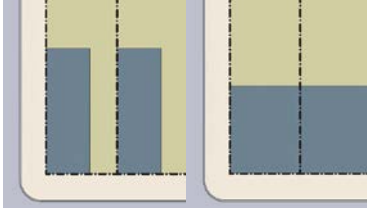
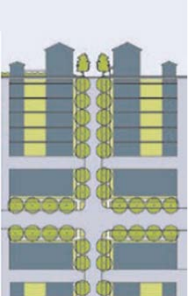
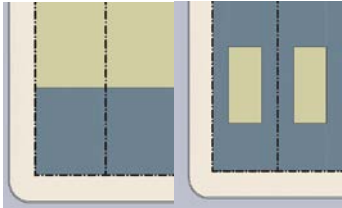
In certain districts, an increase in the number of persons occupying a dwelling beyond one family, as defined in this chapter, is detrimental to the health, welfare, safety, and morals of the citizens of this community, and is a public nuisance that causes deterioration of the surrounding property values.

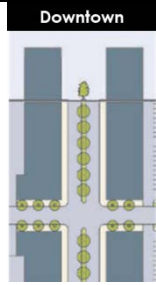
- A. *Applicable districts.* The following zoning districts shall be subject to this section: RSF-1; RSF-2; RSF-3; RSF-4; RC; all PDs designed for residential use at a density of no more than eight dwelling units per acre; and all other PDs as may be specified in the rezoning ordinance.
- B. *Unlawful 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.

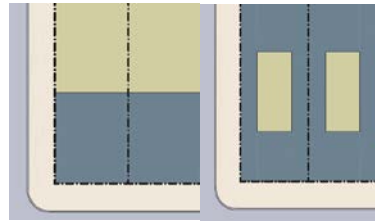
- A. *Intent.* The intent of this division is to establish development standards that will encourage a more efficient and sustainable urban form by allowing a range of housing, employment, shopping and recreation choices and opportunities in a compact, pedestrian-friendly environment.
- B. *Transects.* 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
Urban Zone 1 	Urban Zone 1 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.
Urban Zones 2-5 	Urban Zones 2 - 5 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.
Urban Zones 6-9 	Urban Zones 6 - 9 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.



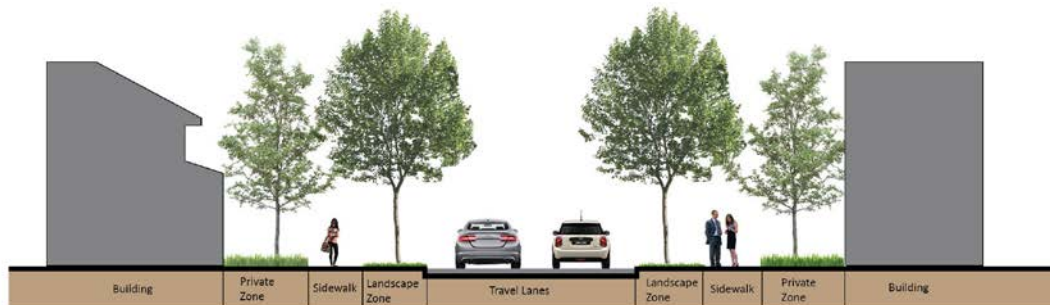
- b. *Principal*. Principal streets include lower levels of pedestrian activity compared to storefront streets. This street type is located in mixed-use areas where the traffic volume is anticipated to be higher than on local streets. This street type allows for some auto-oriented uses with a special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



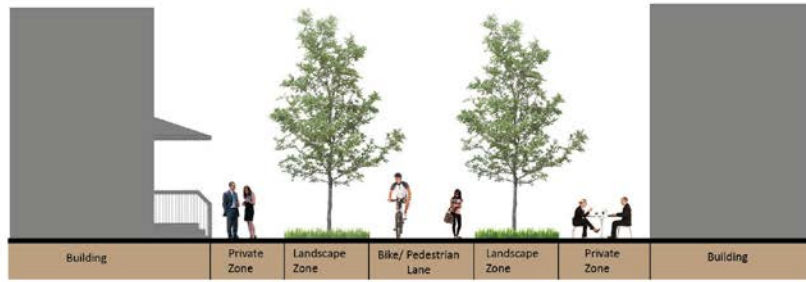
- c. *Thoroughfares*. Thoroughfares are streets that carry high volumes of through traffic at higher speeds with less pedestrian activity and higher vehicular speeds than other street types. These streets are often fronted by larger scale commercial development and are usually 4-lane or 6-lane streets.



- 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 Thoroughfare 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
RESIDENTIAL											
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

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
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	-
NONRESIDENTIAL											
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
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 ¹	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
Medical marijuana dispensaries		-	-	-	-	-	-	-	P	P	P
Microbrewery Microwinery Microdistillery ²	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 ³ / S ⁴	P	P	P	P	P
Office- medical, dental, & other health related services		-	-	-	P	-	P	P	P	P	P

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
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 ²		-	-	-	-	-	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	-	P	P	P	-
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 ¹ (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'

1 **LEGEND:**
2 1 = See Section 30-4.8 for development compatibility standards.
3

Composite Exhibit A
Article IV
Page **21** of **82**

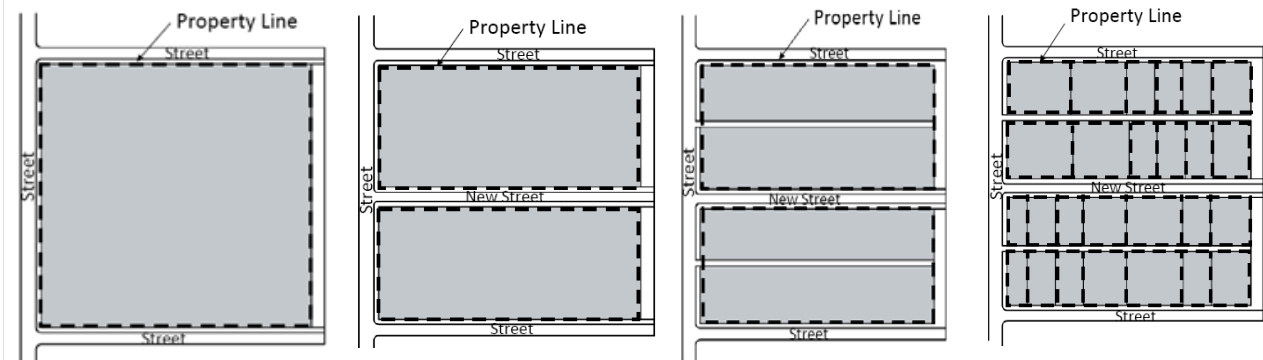
tial				
Min first floor - multi-family	-	30%		
Min upper floors - nonresidential and multi-family	-	15%		

- 1 **LEGEND:**
- 2 1 = See development compatibility standards in Section 30-4.8.
- 3 2 = See bonus system requirements in Section 30-4.9.

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.

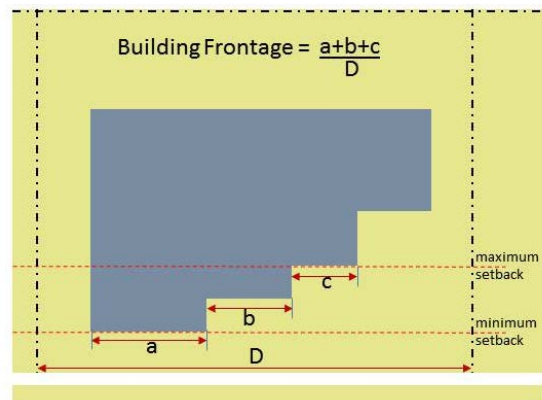
2. *Construction of new streets.*

- 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, lobbies or dining areas for hotels or multi-family residential buildings, and hotel rooms or multi-family residential units with street facing entrances.

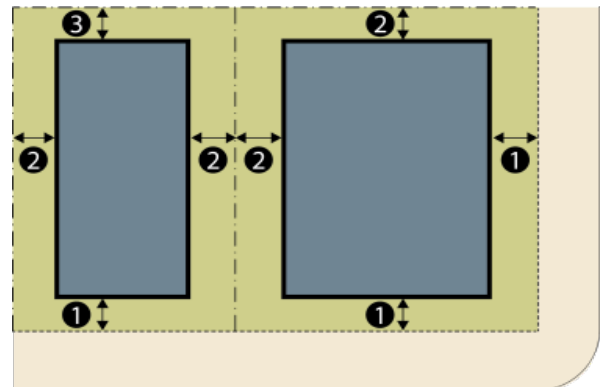
Figure V - 4: Example of Gateway



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.

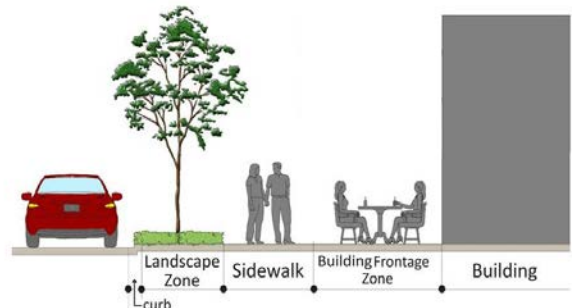
Figure V - 5: Building Setbacks



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

2. Building placement requirements shall be comprised of a landscape zone, a public sidewalk zone and a building frontage zone. Figure V-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 30-4.13 D contains additional standards for the design of the building frontage zone.

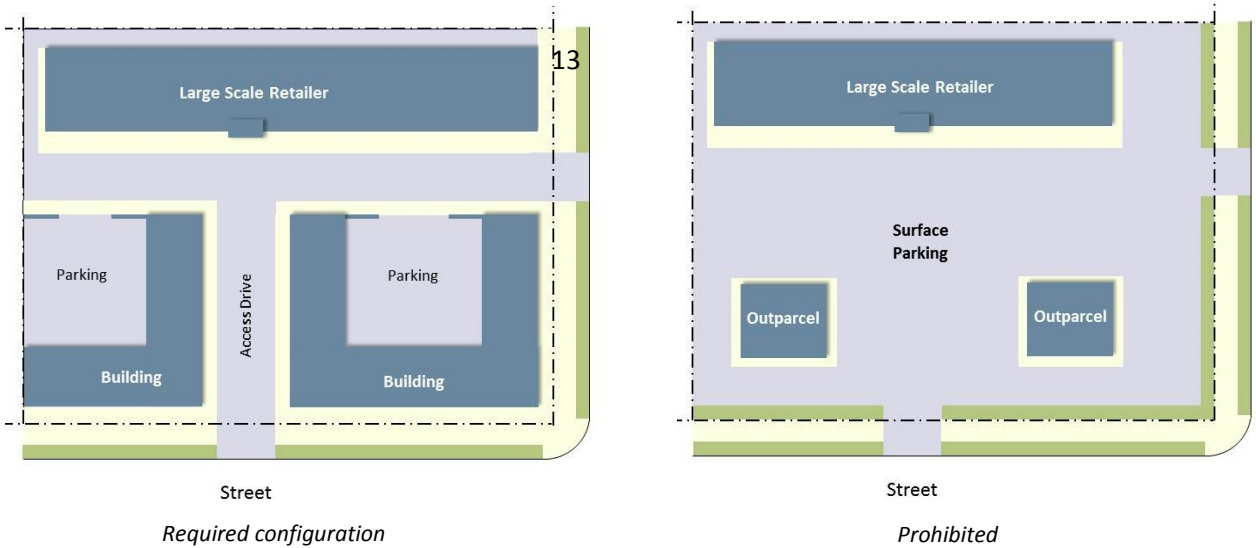
Figure V - 6: Public Realm Zones



3. Side and rear setbacks are minimums and shall be measured from shared property lines.

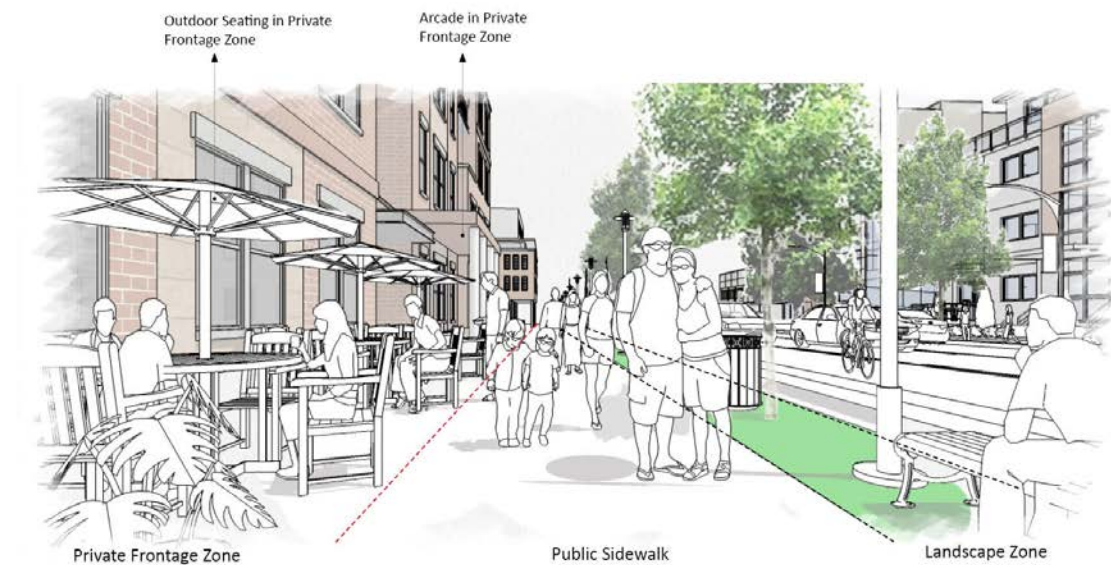
4. Street furniture such as benches, trash receptacles and bicycle racks shall not be located within the public sidewalk zone.
5. Where multiple buildings are proposed within a development, the placement of buildings at the rear of a site is allowed as long as one or more buildings are placed along the front of the site meeting the building placement and setback and building frontage requirements of this division. Figure V-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

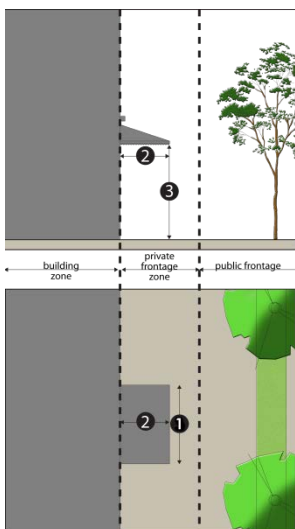
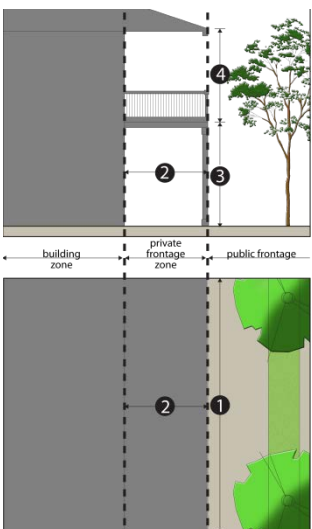
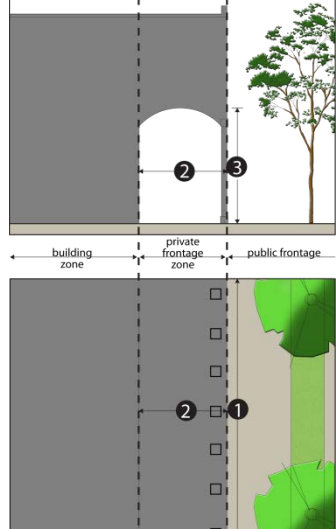
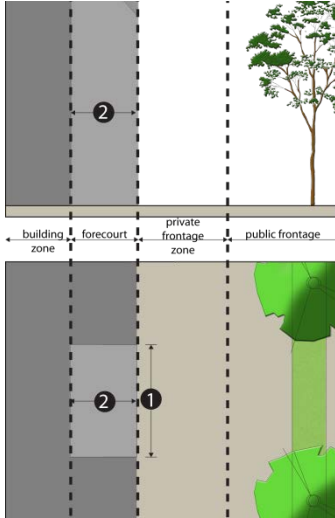
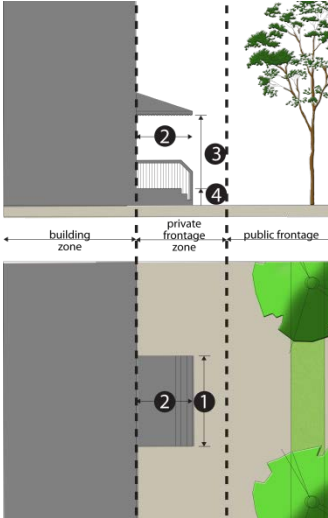
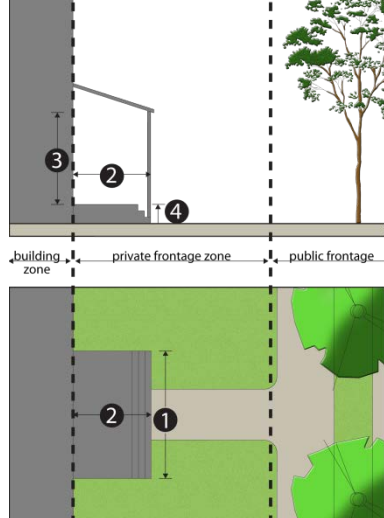


Building Frontage Zone used for outdoor seating



Private frontage zone with landscaping to buffer residential uses

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>

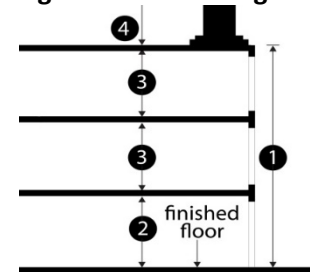
2 Note: See Article II for definitions of frontages.

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

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

3 a. Roof structures above eave line can vary in height up to a maximum of 15 feet above eave
4 line.

5 b. Trellises may extend above the maximum height up to 8 feet.

6 F. *Floor height.*

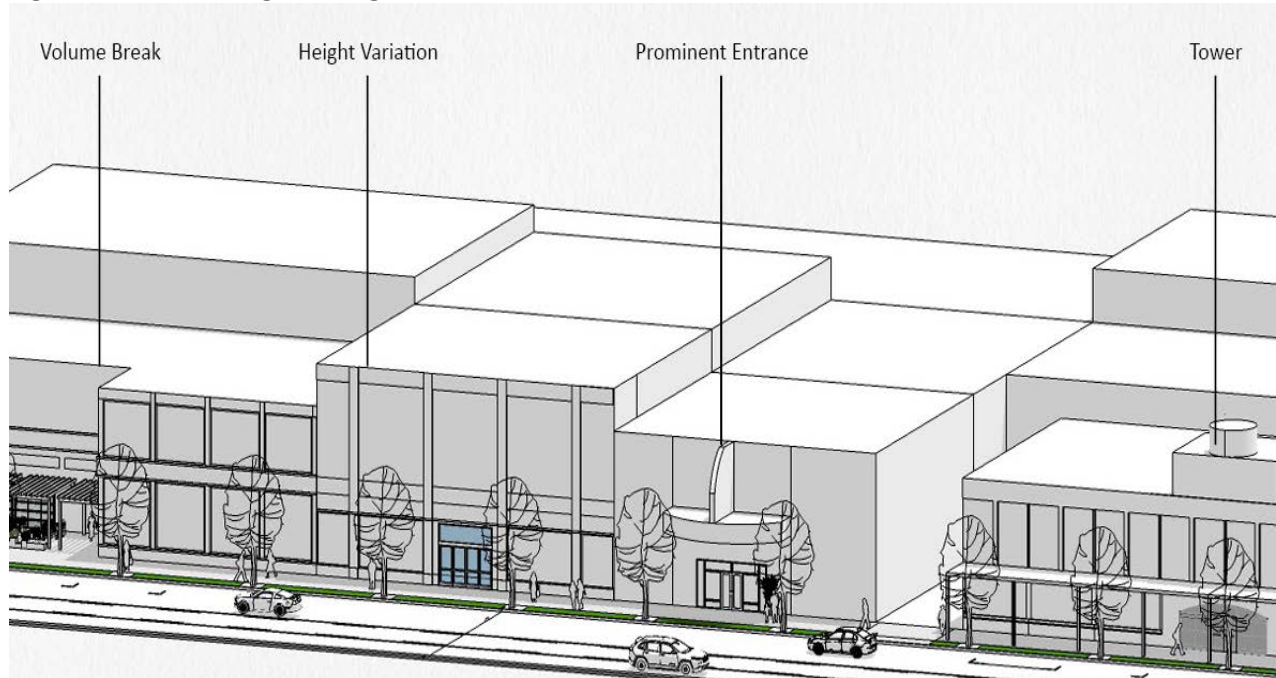
7 1. Floor height shall be measured as provided in the Florida Building Code.

8 2. Parking garages are exempt from the minimum floor height requirements.

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

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

16 **Figure V - 16: Building Massing**



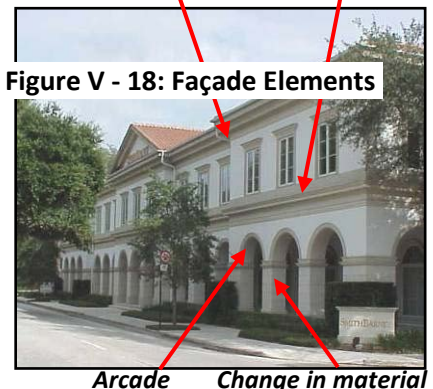
18 B. *Facade articulation.* The standards contained in this section apply
19 to multi-family, nonresidential and mixed-use buildings. Building
20 facades along streets shall maintain a pedestrian scale by
21 integrating the following architectural elements:

22 1. Façades shall not exceed 20 horizontal feet without including
23 at least one of the following elements:

24 a. A window or door.

Projections & Recesses **Expression line**

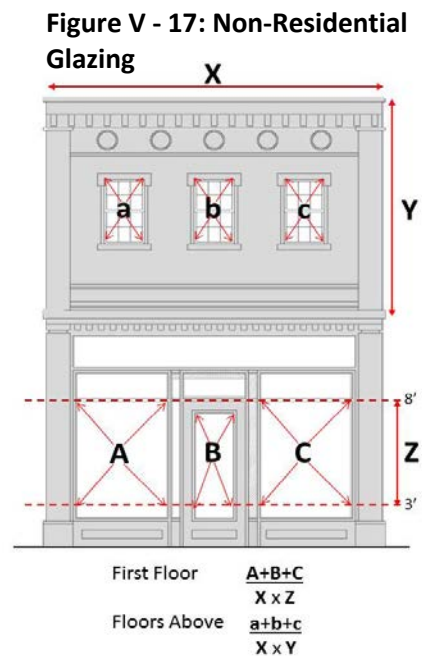
Figure V - 18: Façade Elements



- 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.
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 facade.

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.



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.

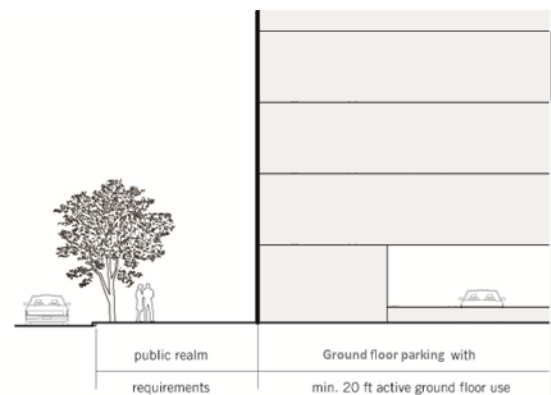
Transect	Min Vehicle Spaces		Min Bicycle Spaces		Min Scooter Spaces
	Nonresidential Use	Residential Use	Nonresidential Use	Residential Use	
DT	-	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U9	-	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U8	-	-	1 per 2000 sq.ft. of GFA	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 VII, 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 Figure V-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 VII.

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

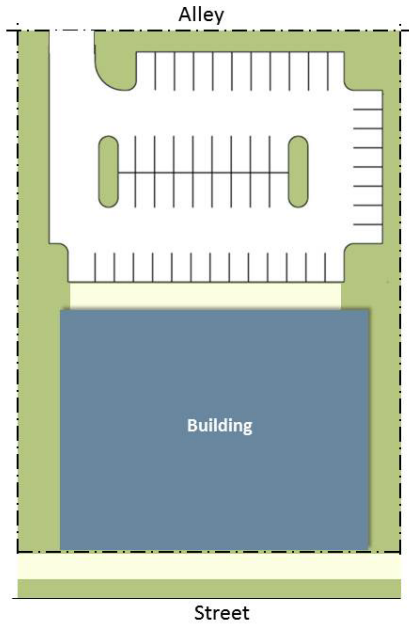
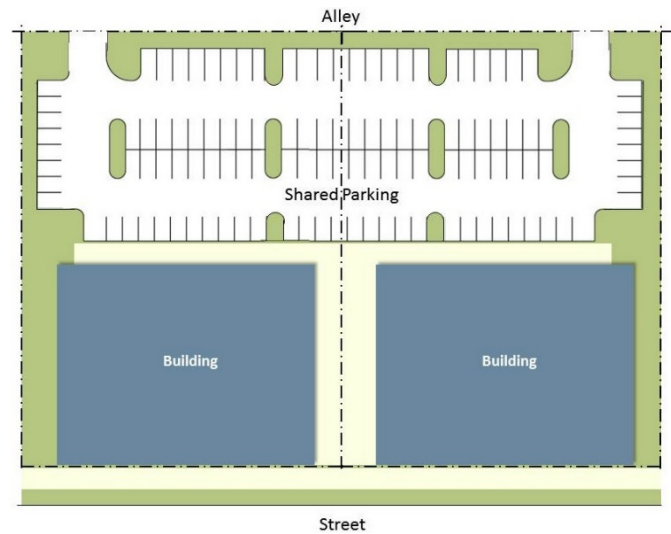


Figure V - 12: Parking Access from Adjacent Property



C. Design of parking structures.

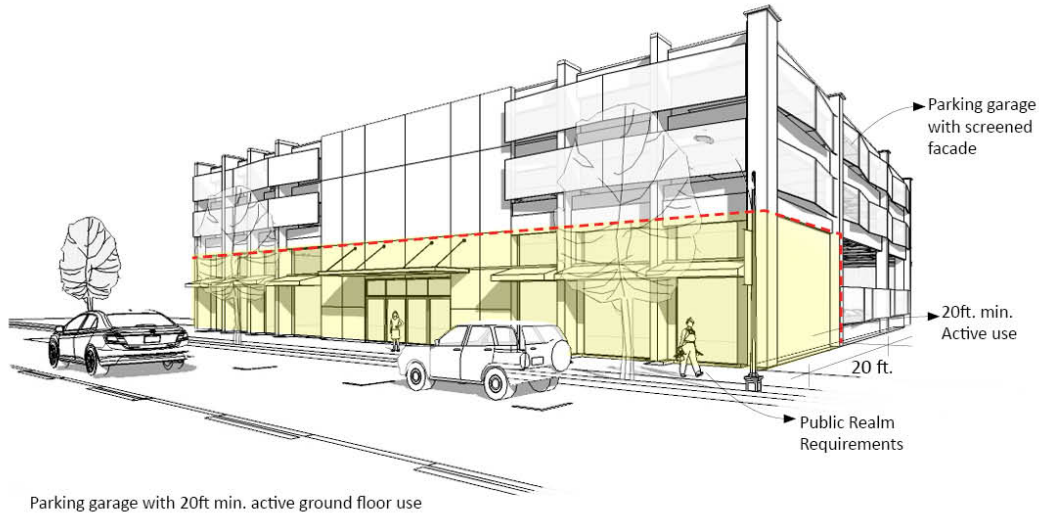
1. Parking structures located along Storefront streets shall be concealed by liner buildings, which may be attached or detached from the parking structure (see 13). The liner building shall have a minimum of two stories and a minimum height of 30 feet and a minimum depth of 25 feet along the entire length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

Figure V - 13: Parking Structures on Storefront Streets



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

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



- 4
5 3. On all other streets, any structured parking that is not concealed behind a liner building or
6 ground floor commercial or office space shall have decorative screening walls, perimeter parking
7 landscaping per Article VII, or a combination thereof to screen ground floor parking (see Figure
8 V-15).

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



- 10 4. Parking structures shall meet setback, height, and façade articulation standards applicable to
11 the transect, but are exempt from the minimum floor-to-ceiling height requirement and the
12 building frontage zone requirement.

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
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 ¹	-	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
DENSITY/INTENSITY										
Residential density (units/acre)										
Min	None	None	None	None	None	None	None	8 ¹	8 ¹	8 ¹
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%
LOT STANDARDS										
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 ²	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 ³	90 ³	90 ³	80 ³	None	None	90	90	90	90
MIN SETBACKS (ft.)										
Front	20 ³	20 ³	20 ³	20 ³	10 ⁴	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) ^{5,6}	7.5	7.5	7.5	7.5	5	5	10	10	10	10
Rear ^{6,7}	20	20	15	10	20	15	10	10	10	10
Rear, accessory	7.5	7.5	5	5	5	5	5	5	5	5
MAXIMUM BUILDING HEIGHT (stories)										
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

LEGEND:

1 = Parcels 0.5 acres or smaller existing on November 13, 1991, are exempt from minimum density requirements.

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

3 = 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 4 = Attached stoops or porches meeting the standards in Sections 30-4.13 and 30-4.14 are permitted to
2 encroach up to 5 feet into the minimum front yard setback.
- 3 5 = 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 6 = 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
7 of three feet from the rear or side property line, is properly anchored to the ground, and is
8 separated from neighboring properties by a fence or wall that is at least 75% opaque.
- 9 7 = 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
RESIDENTIAL													
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	-	-
NONRESIDENTIAL													
Alcoholic beverage establishments	30-5.3	S	S	-	-	-	P	-	P	P	-	P	P
Assisted living facility		P	P	-	P	-	-	-	-	-	P	-	-
Armor systems manufacturing and assembly	30-5.16	P	-	-	-	-	-	-	-	-	-	-	-
Bed and breakfast 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

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Laboratories, medical and dental		P	P	P	P	P	P	-	-	P	P	P	P
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
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	-	-
Medical marijuana dispensaries		P	P	A ¹	A ¹	A ²	P	-	-	-	-	-	-
Microbrewery Microwinery Microdistillery ³	30-5.17	S	P	-	-	-	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

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
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
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	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												

LEGEND:

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

1 = Only when accessory to and in the same building as health services or offices of physicians, dentists, and other health practitioners.

2 = Accessory to and in the same building as health services and comprising less than 25% of the gross floor area of the building.

3 = Prohibited where adjacent to single-family zoned property.

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	OR	OF	CP	BUS	BA	BT	W	BI	I-1	I-2
DENSITY/INTENSITY												
Residential density (units/acre)												
Min ¹	8	12	None	None	10	None	None	None	8	None	None	None
Max	30	30	20	20	30	None	None	None	30	None	None	None
Nonresidential building coverage	60%	75%	40%	50%	50%	None	None	None	None	None	None	None
Nonresidential GLA (max)	100,000 ²	None ²	None	None	None	None	None	None	None	None	None	None
LOT STANDARDS												
Min lot area (sq. ft.)	None	None	6,000	6,000	None	None	None	6,000	None	None	None	None
Min lot width (ft.)	None	None	60	60	None	None	None	60	None	None	None	None
Min lot depth (ft.)	None	None	90	90	None	None	None	90	None	None	None	None
SETBACKS (ft.)												
Front	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	15 min	10 min 100 max	25 min	25 min	25 min	25 min
Side-street (min)	15	15	10	10	10	10	15	10	25	20	25	25
Side-interior (min)	10	10	10	10	10	10	10	10	10 ⁴	10	10 ⁴	20 ⁴
Rear (min)	10	10	10	10	10	10	15	10	10 ⁴	20	10 ⁴	10 ⁴
MAXIMUM BUILDING HEIGHT (stories)												
By right	5	5	3	3	5	5	5	5	5	5	5	5
With building height bonus	8	8	-	-	8	8	-	8	-	-	-	-

LEGEND:

1 = Lots that existed on November 13, 1991, as recorded in the city and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.

2 = Developments of 50,000 sq. ft. or more of gross leasable area shall be located along arterials or collectors, as defined in the official roadway map.

3 = Where the yard abuts and is used for access to a railroad siding, the minimum setback shall be zero feet.

4 = Where the rear or side yard abuts U1 or single-family residential zoning or a historic district, Section 30-4.8 development compatibility standards shall apply.

Section 30-4.21. Design Standards.

A. Parking.

1. Motor vehicle parking is required in accordance with Article VII. All motor vehicle parking except a double-loaded row of parking shall be located in the rear and/or interior side of the building, unless such a location is prevented by topography, stormwater retention or significant trees, as determined by the appropriate reviewing board, City Manager or designee. In no case shall more than 50% of the parking be located between the front facade and the primary abutting street, unless modified by the appropriate reviewing board, City Manager or designee. However, driveway entrances and exits to parking areas shall be allowed on the front side of the building. There shall be no limit on the number of parking spaces in parking structures.
2. Bicycle parking spaces shall be installed as required by Article VII. Such parking may encroach into the public right-of-way 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 30-4.25.

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
Armor systems manufacturing and assembly		-	P	-	-	-	-

Use	Use Standards	AGR	AF	CON	ED	MD	PS*
Assisted living facility		-	-	-	-	P	-
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 trucks	30-5.35	-	P	-	P	P	A
Fuel dealers		-	P	-	-	-	-
Funeral service and crematories		S	-	-	-	P	-
Gasoline/alternative fuel stations	30-5.13	-	P	-	-	-	P
Golf courses		P	P	-	-	-	P
Health services		-	P	-	-	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	-
Medical marijuana dispensaries		-	-	-	-	A	-
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	-	-	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	-	-	-	P
Places of religious assembly	30-5.21	-	P	-	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

Use	Use Standards	AGR	AF	CON	ED	MD	PS*
Rehabilitation centers	30-5.24	-	-	-	-	P	P
Research, development and testing service		-	P	-	-	P	-
Residences for destitute people	30-5.22	-	-	-	-	P	P
Restaurants		-	P	-	-	P	-
Retail nurseries, lawn and garden supply stores		S	P	-	-	-	-
Retail sales		-	P	-	-	A	-
Sale of agricultural products		A	-	-	-	-	P
Schools, elementary, middle & high (public & private)		-	-	-	P	-	-
Schools, professional		-	P	-	P	-	-
Schools, vocational and trade		-	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		-	P	-	-	-	P
Utilities		-	-	-	-	-	P
Vehicle repair	30-5.28	-	P	-	-	-	P
Vehicles sales and rental		-	P	-	-	-	-
Veterinary services	30-5.29	P	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 ⁵
DENSITY/INTENSITY						
Max density (units/acre)	0.2		0.2			
Max lot coverage	20%	None	10% ¹	None	40% ²	
LOT STANDARDS						
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	
MIN SETBACKS (ft.)						
Front	50 ⁴	25	50	25 ⁷	20	
Side-street	50 ⁴	⁶	50	25 ⁷	15	
Side-interior	25 ⁴	⁶	25	15 ⁷	15	
Rear	50 ⁴	⁶	50	50	15	
BUILDING HEIGHT (stories)						
Max	3	None	3	None	5	
With SUP	NA	NA	NA	NA	14 ⁸	

LEGEND:

1 = By impervious cover of any kind.

2 = 50% when a minimum of 75% of parking is accommodated within a parking structure.

3 = Intensive recreation uses such as fairgrounds, stadia, community assembly buildings, performing arts halls, arenas, etc.

4 = 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.

5 = Development standards to be determined at the time of rezoning.

6 = Per FAA and airport regulations.

7 = 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.

8 = 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 to ensure the proper and safe operation of
3 the Gainesville Regional Airport, to protect the public investment in the airport, and to protect and
4 promote the public utility of the airport. Recognizing the unique conditions pertaining to the airport,
5 this district provides a means of balancing local concerns with conformance to applicable state and
6 federal regulations.
- 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 or landscaping requirements.

- 1 3. *Development plan approval.* Development plan approval pursuant to this chapter shall be
2 required for all development, except that GACRAA shall review any development plans within
3 the AF district, excluding wireless communications facilities. Wireless communications facilities
4 used exclusively for aeronautical purposes to serve the airport are subject to development plan
5 approval by GACRAA. GACRAA shall specify any objections to the development plans and may
6 make recommendations for modifications. In addition to the development plan review
7 requirements of this chapter, GACRAA shall also review the development plan in the context of:
8 the relationship and effect of the proposed development plan to or on the adopted airport
9 master plan; the relationship and effect of the proposed development plan to or on any
10 standard, rule, regulation, or applicable contractual agreements on the airport; and the impact
11 of the proposed use on the airport. Upon completion of its review of a development plan,
12 GACRAA shall either:
- 13 a. Find that all requirements have been met and issue a preliminary development order; or
14 b. Find that all requirements can be met with reasonable modifications that the developer
15 proffers at the hearing and issue a preliminary development order; or
16 c. Refuse to issue a preliminary development order because the plan as presented fails to
17 meet the requirements of this chapter, the Comprehensive Plan, or other federal, state, or
18 regional laws and regulations as applicable.
- 19 4. *Parking.* Any development within the AF district shall comply with the parking requirements as
20 set forth in this chapter, except GACRAA may waive or modify the off-street parking
21 requirements during development plan review if GACRAA finds that the necessity or desirability
22 of such parking is inappropriate due to the unique nature of the proposed use or the location
23 upon the airport.
- 24 5. *Landscaping.* Any development within the AF district shall comply with the landscaping
25 requirements as set forth in this chapter, except GACRAA may waive or modify the off-street
26 parking requirements during development plan review if GACRAA finds that such landscaping is
27 in conflict with Federal Aviation Administration safety requirements.

Section 30-4.26. Airport Zoning Overlay.

- A. *Purpose.* The purpose of these airport 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 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; 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 Chapter 333, Florida Statutes. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also, if of the obstruction type, reduces the size of areas available for the taking off, maneuvering, or landing of aircraft, thus impairing or destroying the utility of the airport and the public investment therein. It is further found that certain activities and uses of land in the immediate vicinity of airports, as enumerated in Section 333.03(2), Florida Statutes, are not compatible with normal airport operations and may, if not regulated, endanger the lives of the participants, adversely affect their health, or otherwise limit the accomplishment of normal activities. Accordingly, it is declared that:
1. The creation 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.
 2. It is therefore necessary in 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 creation 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.
 5. The prevention of the creation of airport hazards and incompatible land uses, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards, are public purposes for which the political subdivision may raise and expend public funds and acquire land or interests in land or air rights thereover.

C. *Definitions.* Throughout these regulations, the following words and phrases shall have the meanings indicated unless the text of the ordinance clearly indicates otherwise:

Aeronautical study means a Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C, and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.

Aircraft means any motor vehicle or contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

Airport means any areas of land or water designed or set aside for the landing and taking-off of aircraft, and used or to be used in the interest of the public for such purpose.

Airport authority means the Gainesville-Alachua County Regional Airport Authority.

Airport hazard means an obstruction to air navigation that affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.

Airport hazard area means any area of land or water upon which an airport hazard might be established.

Airport land use compatibility zoning means airport zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of airports.

Airport layout plan means a set of scaled drawings that provides a graphic representation of the existing and future development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport.

Airport master plan means a comprehensive plan of an airport that typically describes current and future plans for airport development designed to support existing and future aviation demand.

Airport protection zoning regulations means airport zoning regulations governing airport hazards.

Airport reference point means the approximate geometric center of the runways of an airport, expressed by its latitude and longitude, as shown on the approved airport layout plan of the Gainesville Regional Airport, and identified as the "future airport reference point."

Approach, transitional, horizontal and conical zones means zones that apply to the area under the approach, transitional, horizontal and conical surfaces defined in Part 77 of the Federal Aviation Regulations (FAR).

Avigation easement means the permanent grant of airspace rights over and above the surface of property in order to permit airport operations and operation of aircraft, despite the associated nuisance effects on the underlying surface property, such as but not limited to, noise, vibration, fumes, and fuel particles.

Day Night Average Sound Level (DNL) means the sound exposure level generated by aircraft operations, as defined in Federal Aviation Regulation Part 150 entitled "Airport Noise Compatibility Planning" (FAR Part 150) codified under 14 C.F.R. Part 150, estimated using the Federal Aviation Administration (FAA) Integrated Noise Model (INM) in a manner that complies with the requirements set forth in Part 150.

1 **Decision Height (or Decision Altitude)** means the lowest AMSL altitude to which descent is
2 authorized on final approach in execution of a standard precision instrument approach where
3 electronic glide slope is provided.

4 **Department** means the Department of Transportation as created under Section 20.23, Florida
5 Statutes.

6 **Educational facility** means any structure, land, or use that includes a public or private kindergarten
7 through 12th grade school, charter school, magnet school, college campus, or university campus.
8 The term does not include space used for educational purposes within a multitenant building.

9 **Landfill** has the same meaning as provided in Section 403.703, Florida Statutes.

10 **Minimum Descent Altitude (MDA)** means the lowest AMSL altitude to which descent is authorized
11 on final approach or during circling-to-land maneuvering in execution of a standard instrument
12 approach procedure where electronic glide slope is not provided.

13 **Noise Exposure Map** means documentation identifying aircraft-related noise exposure around an
14 airport that is developed in a manner that FAA finds compliant with the requirements set forth in
15 FAR Part 150.

16 **Noise Level Reduction (NLR)** means a measurement standard for the reduction in sound level
17 transmission between the exterior and interior of a structure. NLR standards are used to evaluate
18 the effectiveness or establish requirements of techniques to limit sound transmission in order to
19 prevent or mitigate adverse noise impacts through incorporation of noise attenuation into the
20 design and construction of a structure.

21 **Nonconforming use, airport** means any preexisting structure, object of natural growth, or use of
22 land that was in compliance with the provisions of this chapter that were in effect when the
23 structure, object, or use was established, but which no longer conforms to one or more of the
24 provisions of this chapter or an amendment thereto.

25 **Nonprecision instrument runway** means any runway having an existing instrument approach
26 procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation
27 equipment, for which a straight-in nonprecision instrument approach procedure has been approved
28 or planned, or for which no precision approach facilities are planned.

29 **Object of natural growth** means any organism of the plant kingdom, including trees.

30 **Obstruction** means any existing or proposed object, terrain, or structure construction or alteration
31 that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C, or,
32 regardless of height, may otherwise be hazardous to or interfere with the taking off, maneuvering,
33 or landing of aircraft. The term includes:

- 34 1. Any tree or object of natural growth or terrain;
- 35 2. Permanent or temporary construction or alteration, including equipment or materials used and
36 any permanent or temporary apparatus; or
- 37 3. Alteration of any permanent or temporary existing structure by a change in the structure's
38 height, including appurtenances, lateral dimensions, and equipment or materials used in the
39 structure.

1 **Occupied rooms** means rooms within enclosed structures that are, or may reasonably be expected
2 to be, used for human activities including, but not limited to, sound communications, education or
3 instruction, sleeping, eating, entertainment, or the use of telephones and other audio devices.

4 **Occupied structure** means a structure with at least one occupied room. See "Occupied Rooms."

5 **Other-than-utility runway** means any existing or planned runway that is constructed for, and
6 intended to be used by, all types of aircraft, including those having gross weights greater than
7 12,500 pounds.

8 **Person** means individual, firm, partnership, corporation, company, association, joint stock
9 association, or political body, including the trustee, receiver, assignee, administrator, executor,
10 guardian, or other similar representative.

11 **Political subdivision** means the local government of any county, municipality, town, village, or other
12 subdivision or agency thereof, or any district or special district, port commission, port authority, or
13 other such agency authorized to establish or operate airports in the state.

14 **Precision instrument runway** means a runway having an existing instrument approach procedure
15 utilizing an Instrument Landing System, Microwave Landing System, or a Precision Approach Radar
16 or other approach procedure defined by FAA as "Precision" whereby vertical guidance information
17 is provided, or any runway for which a precision approach system is planned.

18 **Primary surface** means a surface longitudinally centered on a runway extending 200 feet beyond
19 each end of that runway's prepared surface. The width of the primary surface of a runway will be
20 that width prescribed in FAR Part 77 for the most precise approach existing or planned for either
21 end of that runway. The elevation of any point on the primary surface is the same as the elevation of
22 the nearest point on the runway centerline.

23 **Public-use airport** means an airport, publicly or privately owned, licensed by the state, which is open
24 for use by the public.

25 **Runways** means those existing or planned portions of the airport prepared for the landing and take-
26 off of aircraft, as shown on the approved airport layout plan of the Gainesville Regional Airport, or
27 those portions of each privately-owned airport prepared for the landing and take-off of aircraft, and
28 identified as such by the Florida Department of Transportation.

29 **Runway end elevation** means the elevation at each runway end centerline, expressed in "feet
30 Above Mean Sea Level (AMSL)," as shown on the approved airport layout plan of the Gainesville
31 Regional Airport. For each airport runway, the runway end elevation is that value reported by the
32 Florida Department of Transportation for each respective runway.

33 **Runway Protection Zone (RPZ) (formerly known as the Runway Clear Zone)** means an area at
34 ground level beyond the runway end to enhance the safety and protection of people and property
35 on the ground. The lateral dimensions of the RPZ are as defined in the most current FAA Airport
36 Design Circular or the most recent FAA-approved Airport Layout Plan. Where there is a conflict, the
37 more stringent standard shall apply.

38 **Sound level** means the quantity, in decibels, measured by an instrument satisfying the requirements
39 of the American Standard Specification for Type I sound level meters. The sound level is the
40 frequency-weighted sound pressure level obtained with the frequency weighting "A" and the
41 standardized dynamic characteristic "SLOW."

42 **Statute mile** means a distance of 5,280 feet.

1 **Structure (for the purpose of airport zoning regulations)** means any object constructed erected,
2 altered, or installed, including but not limited to, antennae, buildings, cranes, towers, smoke stacks,
3 power generation equipment, utility poles and overhead transmission lines.

4 **Substantial modification** means any repair, reconstruction, rehabilitation, or improvement of a
5 structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the
6 structure equals or exceeds 50% of the market value of the structure.

7 **Utility runway** means a runway that is constructed for and intended to be used by only propeller
8 driven aircraft of 12,500 pounds maximum gross weights and less.

9 **Visual runway** means a runway intended solely for the operation of aircraft using visual approach
10 procedures with no straight-in instrument approach procedure and no instrument designation
11 indicated on an FAA airport layout plan, or by any planning document submitted to the FAA by
12 competent authority.

13 D. **Administration.** All airport zoning regulations shall be administered and enforced by the City
14 Manager or designee. Per Section 333.04, Florida Statutes, in the event of conflict between the
15 airport zoning regulations adopted herein and any other regulations applicable to the same area,
16 whether the conflict be with respect to the height of structures or vegetation, the use of land, or any
17 other matter, and whether such regulations were adopted by the City or by some other political
18 subdivision having jurisdiction, the more stringent limitation or requirement shall govern and
19 prevail.

20 E. **Airport Zones of Influence.** The City of Gainesville hereby adopts three airport zones of influence.
21 The location of these airport zones of influence and their associated regulations are hereby
22 established to protect the public safety and interest and ensure conformance with Code of Federal
23 Regulations 14 CFR Part 77 and Florida Statutes Chapter 333. Unless otherwise provided for herein,
24 the boundaries of said zones and their associated regulations may only be amended by the City
25 Commission of the City of Gainesville. Any application for land development within these airport
26 zones of influence shall comply with these regulations, any applicable state or federal regulations,
27 and any applicable requirements of the land development regulations of the City of Gainesville. The
28 airport zones of influence established in these regulations include the following: 1) Airport Height
29 Notification Zone; 2) Airport Runway Protection Zone; and 3) Airport Noise Zone.

30 1. **Airport Height Notification Zone.**

31 a. **Establishment.** The Airport Height Notification Zone is hereby established as an overlay
32 zone on the adopted city zoning map. The Airport Height Notification Zone is established to
33 regulate the height of structures and objects of natural growth in areas around the
34 Gainesville Regional Airport. The Airport Height Notification Zone consists of two subzones,
35 defined as follows:

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

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

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

1 The Airport Height Notification Zone map shall be adopted by ordinance. When future
2 Airport Height Notification Zone maps are prepared, the City shall consider revisions to the
3 boundary of the Airport Height Notification Zone and to these regulations. Any such
4 revisions shall not be operative or effective for purposes of these regulations, until adopted
5 by ordinance of the City.

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

9 b. *Regulations.*

10 i. *Airport Obstruction Permit required.* Any person proposing to construct, alter, or allow
11 an airport obstruction within an Airport Height Notification Zone or who receives a
12 Notice of Potential Airport Obstruction as described in this section shall apply for an
13 Airport Obstruction Permit.

14 1) *Airport hazard.* A permit may not be issued if it would allow the establishment or
15 creation of an airport hazard.

16 2) *Nonconforming obstruction.* A permit may not be issued if it would permit a
17 nonconforming obstruction to become a greater hazard to air navigation than it was
18 when the applicable airport zoning regulation was adopted that allowed the
19 establishment or creation of the obstruction, or than it is when the application for a
20 permit is made.

21 ii. *Notice of Potential Airport Obstruction.* During the city's development review process,
22 the City Manager or designee shall issue a Notice of Potential Airport Obstruction to all
23 applicants for development that the City Manager or designee determines includes a
24 "potential airport obstruction" and such applicants shall apply for an Airport
25 Obstruction Permit. For purposes of this section, development proposals shall be
26 considered a "potential airport obstruction" if it would result in the construction or
27 alteration of a structure or object of natural growth having a height that would exceed:

28 1) An imaginary surface extending outward and upward from the ends and sides of a
29 runway at a slope of one foot vertically for every 100 feet horizontally, for a distance
30 of 20,000 feet, in Airport Height Notification Subzone 1; or

31 2) 200 feet above ground level in Airport Height Notification Subzone 2.

32 iii. *Permit procedures.*

33 1) An Airport Obstruction Permit applicant shall submit a completed application, as
34 provided by the City, together with documentation showing both compliance with
35 the federal requirement for notification of proposed construction or alteration and
36 a valid aeronautical study.

37 2) Prior to any such permit request being scheduled for consideration by the City
38 Manager or designee, the applicant shall submit a copy of the final written
39 determination, as issued by the Federal Aviation Administration (FAA) based on its
40 review of the applicant's Notice of Proposed Construction or Alteration, in
41 accordance with the provisions of 14 CFR Part 77.

- 1 3) Upon receipt of a complete application, the City shall provide a copy of the
2 application to the Florida Department of Transportation's aviation office by certified
3 mail, return receipt requested.

4 iv. *Permit criteria.*

- 5 1) *No airport obstruction.* If the FAA has reviewed a proposed development and
6 determined it would not exceed any federal obstruction standard contained in 14
7 CFR Part 77, the City Manager or designee shall grant an Airport Obstruction Permit
8 for the proposed development.
- 9 2) *Airport obstruction is an airport hazard.* If the FAA has reviewed a proposed
10 development and determined that it includes an airport obstruction that constitutes
11 an airport hazard, then no Airport Obstruction Permit shall be granted by the City
12 Manager or designee.
- 13 3) *Airport obstruction is not an airport hazard.* If the FAA has reviewed a proposed
14 land development and determined that it includes an airport obstruction that is not
15 an airport hazard, then the City Manager or designee shall not grant a permit based
16 solely on such FAA determination but shall grant or deny an Airport Obstruction
17 Permit after considering the following criteria and in accordance with Section
18 333.07, Florida Statutes:
- 19 (a) The safety of persons on the ground and in the air.
- 20 (b) The safe and efficient use of navigable airspace.
- 21 (c) The nature of the terrain and height of existing structures.
- 22 (d) The effect of the construction or alteration of an obstruction on the state
23 licensing standards for a public-use airport contained in Chapter 330, Florida
24 Statutes, and rules adopted thereunder.
- 25 (e) The character of existing and planned flight operations and development at
26 public use airports within the city.
- 27 (f) Federal airways, visual flight rules, flyways and corridors, and instrument
28 approaches as designated by the Federal Aviation Administration.
- 29 (g) The effect of the construction or alteration of an obstruction on the minimum
30 descent altitude or the decision height at the affected airport.
- 31 (h) The cumulative effects on navigable airspace of all existing obstructions and all
32 known proposed obstructions in the area.
- 33 (i) Any comments received from the Florida Department of Transportation.
- 34 4) *Permit conditions.* Any permit granted under this section shall include conditions
35 that require the owner of the obstruction to install, operate, and maintain, at the
36 owner's expense, marking, lighting and/or flagging as required by Chapter 333,
37 Florida Statutes, Chapter 14-60, Florida Administrative Code, or by the FAA in its
38 written determination. No Airport Obstruction Permit shall be issued after the
39 expiration date indicated on the FAA's written determination. Each Airport
40 Obstruction Permit issued shall specify a reasonable expiration date as a condition.

1 2. *Airport Runway Protection Zone.*

- 2 a. *Establishment.* There is hereby established the Airport Runway Protection Zone as an
3 airport zone of influence. The Airport Runway Protection Zone is established to regulate the
4 uses of land lying in specified areas above which aircraft shall routinely operate at low
5 altitudes and climb from or descend to the runways of the Gainesville Regional Airport.
6 Within the Airport Runway Protection Zone, certain land uses are restricted or prohibited
7 due to land use characteristics which could result in further death, injury, and property
8 damage in the event of an aircraft accident, as such areas are more likely, statistically, to be
9 exposed to accidents involving aircraft climbing from, or descending to, the runway at low
10 altitudes.

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

18 The Airport Runway Protection Zone map shall be adopted by ordinance. In the event a
19 discrepancy arises between an Airport Runway Protection Zone boundary as depicted on the
20 map and an Airport Runway Protection Zone boundary located by application of the
21 definition of said boundary as set forth in these regulations, the boundary as prescribed by
22 the latter shall prevail.

- 23 b. *Regulations.* The following types of land uses shall be prohibited within the established
24 Airport Runway Protection Zone:
- 25 i. Educational facilities (including all types of schools, pre-schools, and child-care facilities).
 - 26 ii. Hospitals, medical, and health-related facilities.
 - 27 iii. Places of religious assembly.
 - 28 iv. Hotels and motels (including transient lodging, recreational vehicle, and mobile home
29 parks).
 - 30 v. Other similar land uses wherein or whereabouts persons are assembled.

31 Any use that is not prohibited in an Airport Runway Protection Zone, or otherwise deemed
32 by the FAA as incompatible or a danger to persons on the ground, is allowable within such
33 zone, subject to compliance with applicable Airport Noise and Height Notification Zone and
34 zoning district regulations.

35 3. *Airport Noise Zone.*

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

- i. *Airport Noise Subzone A:* The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a Day Night Average Sound Level of 65 dB DNL.
- ii. *Airport Noise Subzone B:* The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a Day Night Average Sound Level of 60 dB DNL, excluding Subzone A.
- iii. *Airport Noise Subzone C:* The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a Day Night 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. *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. *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.

- v. *Regulated Uses within the Airport Noise Zone.* Uses that are not specified in the following table 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 aviation easement in accordance with this section.

Table V - 11: Airport Noise Zone Land Use Regulation.

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 aviation easement.			
(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 aviation easement.			

F. *Special Requirements.* Notwithstanding any of the provisions of this section, no landfill shall be established or expanded and 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 aircraft;

- b. Within 5,000 feet of the nearest point of any runway used or planned to be used only by non-turbine aircraft;
 - c. Within the lateral limits of the airport imaginary surfaces defined in 14 CFR Part 77.19;
 - 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 77.19, of the airport; and
 - e. Where any landfill is located and constructed so that it attracts or sustains hazardous bird movements from feeding, water, or roosting areas into or across the runways or approach and departure patterns of aircraft, the operator of such a landfill shall be required to incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.
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.
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.

G. *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 Protection Zone boundary located by application of the definition of said zone boundaries set forth in these regulations.

H. *Nonconforming Uses.* No use of land, structure, development, or object of natural growth is allowable in any airport zone of influence unless it conforms to the specific limitations set forth in these regulations. The general nonconformity provisions in the Land Development Code shall apply to nonconformities with the airport zoning regulations to the extent they are not in conflict with this

1 section. If there is a conflict between the nonconformity provisions of this section and the general
2 provisions of the Land Development Code, the provisions of this section shall govern.

3 Except as otherwise stated in this section, any legal nonconformity that was allowable or permitted
4 by the airport zoning regulations in existence at the time of its establishment shall be allowed to
5 continue, and nothing herein shall be construed to require the removal, lowering, change or
6 alteration, or otherwise interfere with the continuance of any legal nonconformity. However, legal
7 nonconformities shall not be allowed to exceed the height of said object at the time it was
8 established as a legal nonconformity or to otherwise become a greater hazard to air navigation than
9 it was at the time it was established as a legal nonconformity, unless an Airport Obstruction Permit
10 is issued by the City Manager or designee in accordance with these airport zoning regulations.

11 1. If the City Manager or designee determines that a nonconforming obstruction has been
12 abandoned or is more than 80% torn down, destroyed, deteriorated, or decayed, then the
13 following shall apply:

14 a. An Airport Obstruction Permit may not be granted if it would allow the obstruction to
15 exceed the applicable height limit or otherwise deviate from the airport zoning regulations
16 in place at the time of permit application; and

17 b. The City Manager or designee may require the owner of the nonconforming obstruction, at
18 his or her own expense, to lower, remove, reconstruct, alter, or equip such obstruction as
19 may be necessary to conform to the current airport zoning regulations. If the owner of the
20 nonconforming obstruction neglects or refuses to comply with such requirement for 10
21 calendar days after notice, the City may proceed to have the obstruction so lowered,
22 removed, reconstructed, altered, or equipped and assess the cost and expense thereof upon
23 the owner of the obstruction or the land whereon it is or was located.

24 I. *Future Uses.* No change shall be made in the use of land, and no structure shall be altered or
25 otherwise established in any airport zone of influence created by these regulations except in
26 conformance with the requirements of this section. Land use and zoning changes that would allow a
27 prohibited use within an airport zone of influence shall be prohibited.

28 Properties with an incompatible land use and zoning map designation may be changed to a
29 compatible land use and zoning by ordinance, Planned Use District (PUD) land use and Planned
30 Development (PD) zoning may be used to designate new uses of properties within airport noise
31 zones.

32 J. *Conflicting Regulations.* Where there exists a conflict between any of the requirements or
33 limitations prescribed in these regulations and any other requirements, regulations or zoning
34 applicable to the same area, whether the conflict be with respect to the height of structures or
35 objects of natural growth, the use of land, or any other matter, the more stringent limitation or
36 requirement shall govern and prevail.

37 K. *Penalties.* In addition to other remedies for violation of these regulations provided in the Land
38 Development Code, the City may institute in any court of competent jurisdiction an action to
39 prevent, restrain, correct, or abate any violation of Chapter 333, Florida Statutes, these regulations,
40 or any order or ruling made in connection with their administration or enforcement. The court shall
41 adjudge to the City such relief, by way of injunction (which may be mandatory) or otherwise, as may
42 be proper under all the facts and circumstances of the case in order to fully effectuate the purposes
43 of Chapter 333, Florida Statutes, and of these regulations, and the orders and rulings made pursuant
44 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 III of this chapter for zoning changes. The City 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 b. 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 III 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

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

C. *Local register of historic places.*

1. *Creation.* A local register of historic places is hereby created as a means of identifying, classifying and protecting various sites, buildings, structures, objects, and districts as historic or architecturally significant.

2. *Process.*

- a. *Nomination.* The City Commission, the Historic Preservation Board, or the owner of a site, building, structure, or object may nominate such for placement on the local register by submitting a form provided by the city. Nominations of individually listed properties by the City Commission or the Historic Preservation Board shall have the consent of the property owner, or shall be approved with a six-sevenths vote of the City Commission and a six-ninths vote of the Historic Preservation Board.
- b. *Removal.* Application may be made for the removal of a property from the local register, and the same procedure shall be employed as in the placement of a property on the local register. A property may be removed if the board makes a new and negative evaluation of the reasons for its original recommendation or for any other valid reason approved by the board.
- c. Upon receipt of a completed nomination form, including necessary documentation, the City Manager or designee shall place the nomination on the agenda of the next regularly scheduled meeting of the Historic Preservation Board. If the next regularly scheduled meeting of the board is too close in time to allow for the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.
- d. The Historic Preservation Board shall, within 90 calendar days from the date of the meeting at which the nomination is first on the board's agenda, review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria for listing on the local register. The recommendation shall also include any owner's objection to the listing. If the nomination is of a district, the recommendation shall also clearly specify, through the use of maps, lists, or other means, those buildings, objects, or structures that are classified as contributing to the historical significance of the district.
- e. The nomination form and the board's recommendation shall be sent to the City Plan Board. The nomination shall then be handled as any other rezoning and the procedure for amendments to the Land Development Code set forth in this chapter shall be followed. From the date the board recommends the nomination to the City Plan Board until the City Commission either approves or denies the amendment to the Land Development Code, or until one year has elapsed, whichever 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.

1 3. *Review criteria.* In order to be listed on the local register, a site, building, object, structure, or
2 district shall be determined to be significant and to possess integrity. To be significant, a
3 building, object, structure, or district shall meet at least three of the criteria listed below, or if
4 approved by at least six members of the Historic Preservation Board at least one of the criteria
5 listed below. A site, building, object, structure, or district shall possess integrity as defined by
6 the National Park Service in National Register Bulletin #15: How to Apply the National Register
7 Criteria for Evaluation. The quality of significance in American history, architecture, archaeology,
8 engineering, and culture is present in a district, site, building, structure, or object when the
9 district, site, building, structure, or object:

- 10 a. Is associated with events that are significant to our local, state, or national history;
11 b. Embodies the distinctive characteristics of a type, period, or method of construction;
12 c. Represents the work of a master;
13 d. Possesses high artistic values; or
14 e. Represents a significant and distinguishable entity whose components may lack individual
15 distinction.

16 4. *Recording.* Upon placement of a property or properties on the local register, the board shall
17 cause this designation to be recorded in the official record books of the county.

18 5. *Certificate and signs.* The City Manager or designee shall issue an official certificate of historic
19 significance to the owner of properties listed individually on the local register or judged as
20 contributing to the character of a district listed on the local register. The City Manager or
21 designee is additionally authorized to issue and place official signs denoting the geographic
22 boundaries of each district listed on the local register.

23 D. *Effect.*

24 1. *Modification of existing zoning requirements.* Placement of sites, buildings, structures, objects,
25 or districts on the local register of historic places is an overlay district classification, and the
26 underlying zoning district categories are neither abandoned nor repealed. The existing
27 regulations remain in effect and are modified only to the extent provided for in this section.

28 2. *Modification of dimensional requirements.* To facilitate new construction, redevelopment,
29 rehabilitation, or relocation of buildings or structures in historic districts or individually listed on
30 the local register, the City Manager or designee or the appropriate board within the
31 development review process may determine dimensional requirements such as front, side, and
32 rear setbacks, building height, separation between buildings, floor area ratios, and maximum lot
33 coverage for buildings and structures based on historic development patterns. Any change shall
34 be based on competent demonstration by the petitioner of the following:

- 35 a. The proposed development will not affect the public safety, health, or welfare of abutting
36 property owners or the district;
37 b. The proposed change is consistent with historic development, design patterns or themes in
38 the historic district. Such patterns may include reduced front, rear, and side yard setbacks,
39 maximum lot coverage and large floor area ratios;
40 c. The proposal reflects a particular theme or design pattern that will advance the
41 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 deemed 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. *Ad valorem tax exemption.* Historic properties may be eligible for an exemption from ad valorem taxes resulting from an increase in value as specified by the provisions of Chapter 25, Article IV of the Code of Ordinances.

5. *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 of the Code of Ordinances.

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 when 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 deemed:

i. As having a minor or major housing code violation, or

ii. "Dangerous," as defined by Chapter 16 of the Code of Ordinances.

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 of the Code of Ordinances and present evidence against the determination that the building is "dangerous."

E. *Certificate of appropriateness.*

1. *Required.* 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 and no building or demolition permit shall be granted for any development that includes any of the actions specified in this section without the issuance of a certificate of appropriateness. If a certificate of appropriateness is issued for demolition in

1 conjunction with new construction, the applicant shall file a development plan or apply for a
2 building permit prior to receiving a demolition permit.

3 2. *Effective term.* A certificate of appropriateness is effective for one year from the date of
4 approval. After one year, the applicant shall reapply for a new certificate of appropriateness and
5 shall be subject to any changes in the Historic Preservation Rehabilitation and Design
6 Guidelines that took effect during the intervening period.

7 3. *Applicability.* A property owner/agent shall obtain a certificate of appropriateness before: 1)
8 performing any of the following external work items on a structure listed individually on the
9 local register or designated as contributing to a district listed on the local register, 2)
10 performing work regarding fencing or additions to a lot or structure designated as
11 noncontributing to a district listed on the local register, or 3) taking any of the actions listed in
12 Subsection 5 below. However, ordinary maintenance, as defined in this chapter, may be
13 performed without first receiving a certificate of appropriateness.

14 a. *Abrasive cleaning.* Cleaning of exterior walls with high-pressure wash or blasting with
15 abrasive materials.

16 b. *Additions.* New additions to structures or alterations that change the three-dimensional
17 outline of a structure.

18 c. *Appurtenances.* Installation of air conditioning units, mechanical equipment, satellite
19 dishes, solar collectors, and pool filtration systems.

20 d. *Auxiliary structures.* Installation of new auxiliary structure such as shed or pool enclosure.

21 e. *Awnings or canopies.* Installation, alteration or removal of awnings or canopies.

22 f. *Decks.* Installation of all decks or modification to existing decks.

23 g. *Exterior doors and door frames.* Installation or alteration of an exterior door or door
24 frame, or the creation or infill of a door opening.

25 h. *Exterior walls.* Installation, alteration, or removal of any exterior wall or exterior wall
26 material, including foundations and the enclosure of any porch or other outdoor area.

27 i. *Fencing.* Installation, relocation, or removal of fencing or garden walls.

28 j. *Fire escapes, exterior stairs, and ramps.* Installation, alteration, or removal of all fire
29 escapes, exterior stairs or ramps, including those for disabled accessibility.

30 k. *Landscape structures.* Installation of swimming pools, garden structures, gazebos, and
31 greenhouses.

32 l. *Painting.* Painting unpainted masonry, including stone, brick, terracotta, and concrete.
33 Alteration to existing historic paint on decorative exterior building artwork such as
34 stenciling, graining, trompe l'oeil, and glazing.

35 m. *Porches, entry stairs, and balconies.* Installation, alteration, or removal of porch and
36 balcony fixtures, such as railings, columns, brackets, balustrades, screens, materials, and
37 decorative elements.

38 n. *Roofs and chimneys.* Installation of new materials, or removal of existing materials.
39 Installation of antennae and satellite dishes on the roof.

- 1 o. *Security grilles*. Installation or removal of security grilles, except that in no case shall
2 permission to install such grilles be completely denied.
- 3 p. *Setting/landscape features*. Removal of features around a building that reflect a
4 property's history and development, such as distinctive plantings, parks or gardens, site
5 lighting, signs, benches, or historic paving materials.
- 6 q. *Sidewalks and walkways*. Installation, alteration, or removal of sidewalk, walkways, and
7 their materials.
- 8 r. *Siding*. Installation of new materials, or removal of existing materials.
- 9 s. *Skylights*. Installation or removal of skylights.
- 10 t. *Screen windows and doors*. Installation of screen windows or screen doors.
- 11 u. *Windows and window frames*. Installation of a window or window frame, or the creation
12 or infill of a window opening. Replacement or alteration of window, frame, or opening,
13 including shutters, exterior screens, and louvers.
- 14 v. *Rooftop solar*. Installation of a rooftop solar photovoltaic power system.
- 15 4. *Staff approval*. The City Manager or designee may issue a certificate of appropriateness if the
16 work will either result in the original appearance of the structure, as defined in this chapter,
17 or will meet the city's Historic Preservation Rehabilitation and Design Guidelines on file with
18 the city. The City Manager or designee shall refer the application to the Historic Preservation
19 Board if the work cannot be approved pursuant to this subsection.
- 20 a. *Rooftop solar photovoltaic power systems*. For the installation of a rooftop solar
21 photovoltaic power system, as defined in this chapter, the City Manager or designee may
22 issue a certificate of appropriateness if the system: 1) will not be seen from any street
23 frontage, 2) will meet the city's Historic Preservation Rehabilitation and Design Guidelines,
24 and 3) will meet the following additional design criteria as applicable:
- 25 i. The system will be installed on a non-contributing accessory structure, such as a shed
26 or garage, to a contributing or individually listed structure, or on a non-historic portion
27 of a contributing or individually listed structure;
- 28 ii. The system will be located in a manner such that it does not affect the primary roof
29 façade elevations;
- 30 iii. Installation will not result in the permanent loss of significant character-defining
31 features of a historic resource, such as existing roof lines or dormers;
- 32 iv. Installation will not result in the removal or permanent alteration of historic fabric and
33 is reversible;
- 34 v. The system will be flush to the roof or low profile, to the extent feasible;
- 35 vi. On flat roofs, the system will be set back from the edge. If there is a parapet, the
36 system will be located behind the parapet walls; and
- 37 vii. The system will blend into the surrounding features of the historic resource.
- 38 5. *Historic Preservation Board approval*. A property owner/agent shall obtain a certificate of
39 appropriateness from the Historic Preservation Board before: 1) performing any work items

1 that cannot be approved by the City Manager or designee pursuant to Subsection 4 above, or
2 2) taking any of the following actions:

- 3 a. Erecting a new building, structure, or parking lot within a district listed on the local
4 register.
- 5 b. Erecting a new auxiliary structure within a district listed on the local register when the
6 action does not meet the guidelines for staff approval established in the city's Historic
7 Preservation Rehabilitation and Design Guidelines.
- 8 c. Demolishing a building, structure or object listed individually on the local register or
9 designated as contributing to a district listed on the local register.
- 10 d. Relocating a building, structure or object listed individually on the local register or
11 designated as contributing to a district listed on the local register.
- 12 e. Increasing the size of either a contributing or noncontributing structure within a district
13 listed in the local register by constructing an addition, adding an additional floor, or
14 enclosing one or more porches, carports or any other architectural features that will
15 increase the size of the structure or change the roof form, when the action does not meet
16 the guidelines for staff approval established in the city's Historic Preservation
17 Rehabilitation and Design Guidelines.

18 F. *Review criteria for certificates of appropriateness.*

- 19 1. *Generally.* The decision on all certificates of appropriateness, except those for demolition or
20 relocation, shall be guided by the Secretary of the Interior's Standards for Rehabilitation and
21 Guidelines for Rehabilitating Historic Buildings and the following visual compatibility standards:
 - 22 a. *Height.* Height shall be visually compatible with adjacent buildings.
 - 23 b. *Proportion of building, structure or object's front facade.* The width of building, structure or
24 object to the height of the front elevation shall be visually compatible to buildings and
25 places to which it is visually related.
 - 26 c. *Proportion of openings within the facility.* The relationship of the width of the windows in a
27 building, structure or object shall be visually compatible with buildings and places to which
28 the building, structure or object is visually related.
 - 29 d. *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front
30 facade of a building, structure or object shall be visually compatible with buildings and
31 places to which it is visually related.
 - 32 e. *Rhythm of buildings, structures, objects or parking lots on streets.* The relationship of the
33 buildings, structures, objects or parking lots to open space between it and adjoining
34 buildings and places shall be visually compatible to the buildings and places to which it is
35 visually related.
 - 36 f. *Rhythm of entrance and porch projection.* The relationship of entrances and projections to
37 sidewalks of a building, structure, object or parking lot shall be visually compatible to the
38 buildings and places to which it is visually related.
 - 39 g. *Relationship of materials, texture and color.* The relationship of materials, texture and color
40 of a parking lot or of the facade of a building, structure or object shall be visually compatible
41 with the predominant materials used in the buildings to which it is visually related.

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

- 1 4. *Review criteria for demolitions in Pleasant Street Historic District.* A decision by the Historic
2 Preservation Board approving or denying a certificate of appropriateness for the demolition of
3 buildings, structures, or objects in the Pleasant Street Historic District shall be guided by:
- 4 a. *The significance of the property.* Significance concerns historic or architectural aspects of the
5 building, structure, or object. A property shall be considered to be significant if it meets one
6 the following criteria:
- 7 i. The property is located on an important street and within a cluster of historic buildings.
8 Cluster of historic buildings is defined by the presence of three historic buildings
9 adjacent to each other on the same block as the property proposed for demolition,
10 either on the same side of the street, across the street, or on adjacent side street of the
11 block containing the property. Important streets is defined as NW 2nd, 3rd, or 4th
12 Street, NW 2nd, 3rd, or 4th Avenue, NW 4th or 6th Place, the 200—600 block of NW 1st
13 Street, the 200—400 block of NW 7th Avenue, and the 300 block of NW 5th Avenue.
- 14 ii. The property is located on an important street or within a cluster of historic buildings,
15 and meets one of the following criteria: 1) It maintains its basic plan and additions, if
16 any, were made to nonprominent elevations and porches were not enclosed; 2) Its
17 features are unique and there are few remaining occupied buildings of its type in the
18 neighborhood, or 3) It is associated with an important person based on original
19 ownership documentation contained in the nomination of Pleasant Street to the
20 National Register of Historic Places.
- 21 iii. The property is not on an important street and not within a cluster of historic buildings,
22 but it has been evaluated for its architectural quality and structural condition and merits
23 preservation.
- 24 b. *Plans for redevelopment.* Demolition of historic building without definitive plans for
25 redevelopment is discouraged. This factor evaluates the proposed reuse of the property if
26 the proposed demolition is carried out, and what the effect of those plans on the character
27 of the surrounding area would be.
- 28 c. *Condition of the building.* The Historic Preservation Board will evaluate the structural
29 integrity, weathertightness and the economic feasibility of rehabilitation based on the
30 condition of the roof, foundation and walls as well as the cost of replicating features and
31 details on the historic building in any proposal for new development, and will determine if
32 reasonable measures can be taken to save the building, structure, or object from collapse.
33 The applicant shall allow the City Manager or designee to inspect the structure with
34 reasonable notice.
- 35 5. *Consideration of economic impact on property owner.* If an owner claims that the decision of the
36 Historic Preservation Board will cause economic hardship, he or she may petition the board for a
37 hearing to consider relevant evidence of hardship. The owner shall submit all evidence to the
38 City Manager or designee within 60 calendar days of the board's original decision. The hearing
39 shall then be held at the next regular board meeting taking place at least 24 calendar days after
40 the evidence is submitted.
- 41 The Historic Preservation Board shall review all the evidence presented at the public hearing and
42 make a determination no later than 30 calendar days after the hearing. The applicant shall show
43 by competent substantial evidence that the denial or conditional approval of the certificate of
44 appropriateness or demolition permit has caused or will cause an economic hardship. If the

board determines that the applicant has proved economic hardship, it shall consider whether relief is available that will not result in economic hardship and will provide minimal adverse effect to the historic building or structure. If found, the board may grant this relief, or grant the relief requested with conditions that ensure the minimum adverse effect and does not result in unreasonable economic hardship.

Relevant evidence includes the following:

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

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

- f. The annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- g. All appraisals performed by a certified appraiser within the previous two years for the owner or applicant in connection with the purchase, financing or ownership of the property.
- h. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.
- i. The assessed value of the property according to the two most recent assessments.

- j. The real estate taxes for the previous two years.
 - k. The form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
 - l. Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, considered necessary by the preservation board to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- G. *Review procedure for certificates of appropriateness.*
1. *Application.* A person wishing to undertake any of the actions specified in this section as requiring a certificate of appropriateness shall file an application on a form provided by the city.
 2. *Pre-application conference.*
 - a. The prospective applicant shall confer with the City Manager or designee concerning the nature of the proposed action and requirements related to it. The City Manager or designee shall advise the applicant of the nature and detail of the plans, designs, photographs, reports, or other exhibits required to be submitted with the application. Such advice shall not preclude the Historic Preservation Board from requiring additional material prior to making its determination in the case.
 - b. Following the conference with the City Manager or designee, a pre-application conference shall be held with the Historic Preservation Board if requested by the applicant.
 3. *Referral to Historic Preservation Board.* Upon receipt of a completed application and all required submittals and fees, the City Manager or designee shall place the application on the next regularly scheduled meeting of the Historic Preservation Board, as applicable, allowing for notice as required herein. Applications for certificates of appropriateness may be heard at specially called meetings of the Historic Preservation Board provided all notice requirements are met. Upon mutual agreement between the applicant and the City Manager or designee, the application may be set for hearing at a public meeting later than the next regularly scheduled meeting.
 4. *Hearings.*
 - a. The hearing shall be held at the time and place indicated in the notice. All parties shall be given the opportunity to present evidence through documents, exhibits, testimony, or other means. All parties shall be given the opportunity to rebut evidence through cross-examination or other means.
 - b. The decision of the Historic Preservation Board shall be made at the hearing, or no later than 45 calendar days after said hearing. The time period for reaching a decision may be extended by mutual written agreement between the applicant and the Historic Preservation Board. Such agreement may be made at any time within the 45-day period indicated, and may be subsequently extended. The Historic Preservation Board shall make written findings and conclusions that specifically relate the criteria for granting certificates of appropriateness.
 - c. The city shall record and keep records of all meetings. The records shall include the vote, absence, or abstention of each member upon each question, all official actions of the

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