



**City of Gainesville
Department of Doing
Planning Division**

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CITY DEVELOPMENT REVIEW BOARD STAFF REPORT

PUBLIC HEARING DATE: February 26, 2019

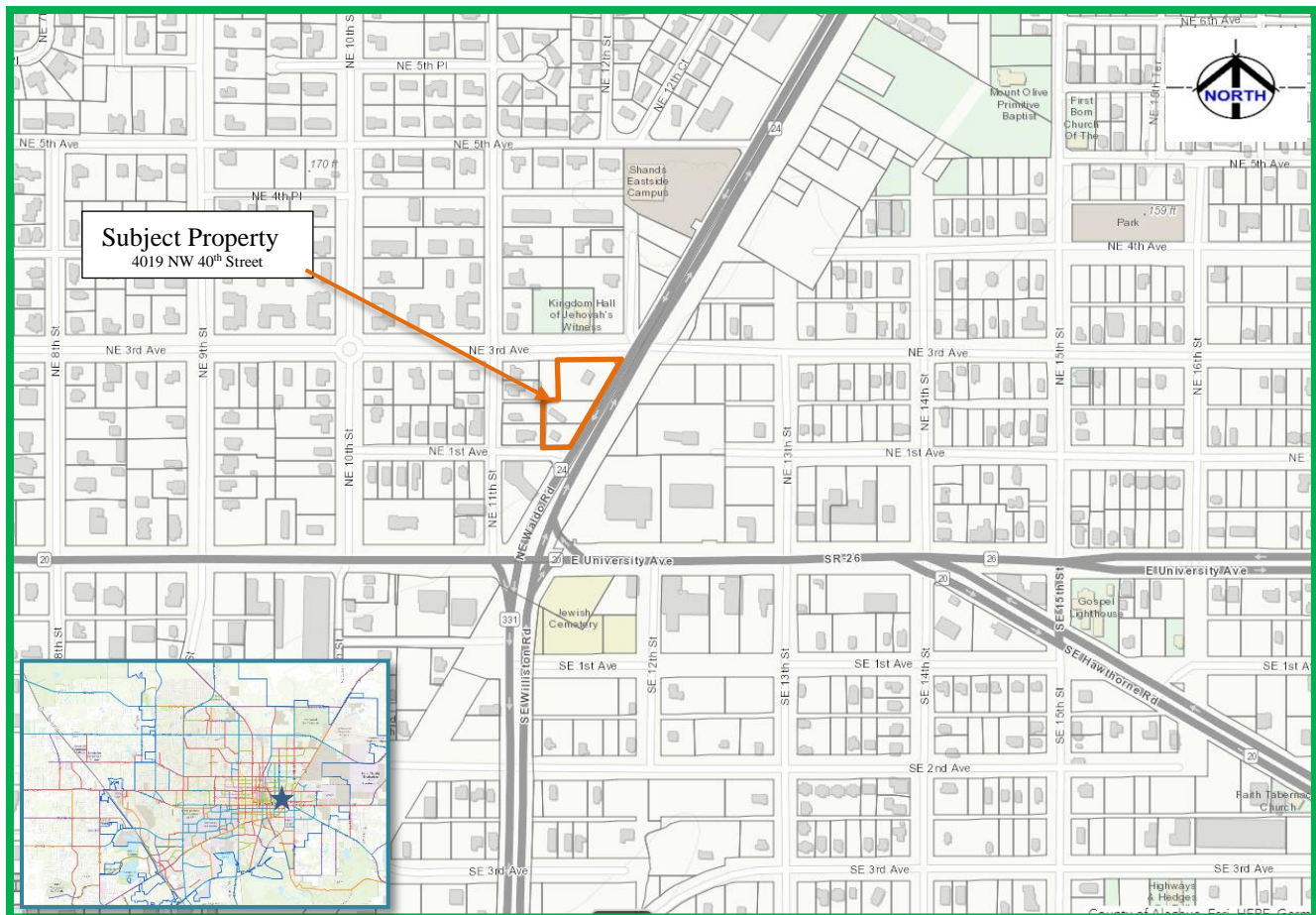
ITEM NO: 1

PROJECT NAME AND NUMBER: 2511 Howell, LLC Variance, Petition DB-19-005 VAR

APPLICATION TYPE: A Variance without Development Plan Review

CITY PROJECT CONTACT: Lawrence Calderon, Planner III

Map 1: General Location Map of 104-204 NE Waldo Road



APPLICATION INFORMATION:

Agent/Applicant: EDA Inc. (Clay Sweger)

Property Owner(s): 2511 Howell, LLC.

Related Petition(s): PB-18-044 SVA

Legislative History: Applied for a right-of-way vacation of an existing alley

Neighborhood Workshop: Not Required

SITE INFORMATION:

Address: 104-204 NE Waldo Road

Parcel Number(s): 11992-000-000, 11996-000-000, 11997-000-000

Acreage: Approximately 0.9 Acres (39,086 sq. ft.)

Existing Use(s): Retail, Restaurant and Used Car Sales Facility

Land Use Designation(s): UMU - Urban Mixed Use

Zoning Designation(s): U-7: Urban 7

Overlay District(s): None

Transportation Mobility Program Area (TMPA): Area "A"

Census Tract:

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

Special Feature(s): Property is bounded by roadways on three sides;

Annexed: 1905

Code Violations: No record of Code Violations

ADJACENT PROPERTY CHARACTERISTICS:

	EXISTING USE(S)	LAND USE	ZONING DESIGNATION(S)
North	Place of Religious Assembly	RM: Residential Medium	RMF-7: Multi-Family
South	Service Station	UMU: Urban Mixed Use	U7:Urban 7
East	Waldo Road/Residential	UMU: Urban Mixed Use	U7:Urban 7
West	Single family dwelling	UMU: Urban Mixed Use	U7:Urban 7

REQUESTED VARIANCES:

The Master Plan depicted in Map 2 illustrates the development proposed for the subject parcels. The property is zoned U7 Transect and is subject to the Building and Form standards, outlined in Table V-2 of the Land Development Code. The U7 Transect requires buildings to be placed within 15 to 20 feet of a local street and 19 to 100 feet from a thoroughfare. It also requires glazing along the front and sides as well as building frontages proportionate to the adjacent street length. The original variance request included modifications to the building placement, parking placement and glazing. However, after working with staff, the development design has been modified to include variances related to building placement along the local streets. The development will comply with all the required standards along Waldo Road, the glazing requirements along the local streets and the placement of off-street parking. The applicant is requesting variances from the building placement requirement along the two local streets, NE 1st and NE 3rd Avenues.

Building Placement Variance:

The applicant is requesting a variance from Sec. 30-4.13 of the Land Development Code to increase the required distance of buildings from the back of curb, from 20 feet to 85 feet along NE 1st Avenue and from 20 feet to a range of 40 to 75 feet along NE 3rd Avenue.

Map 2: Proposed Master Plan Layout 104-204 NE Waldo Road

SITE PLAN ZONING VARIANCE

VARIANCE REQUEST	
NE 1 ST AVE.	INCREASE BUILD-TO LINE FROM 20 FEET TO 85 FEET (65 ADDITIONAL FEET)
NE 3 RD AVE.	INCREASE BUILD-TO LINE FROM 20 FEET TO 40-75 FEET (20-55 ADDITIONAL FEET)

20' FROM
BACK-OF-PAVEMENT

20' FROM
BACK-OF-CURB



BACKGROUND AND EXPLANATION:

Background:

The subject property is located in the northeast quadrant of the City, just north of the intersection of Waldo Road and East University Avenue. East University Avenue and Waldo Road are major east/west and north/south transportation arterials, respectively. Both are lined with a strip of commercial and mixed uses, approximately 150 to 250 feet wide. The subject properties form part of that commercial strip along the west side of Waldo Road. Beyond the commercial strip fronting Waldo Road and University Avenue are established single-and multi-family residential developments.

Both Waldo Road and East University Avenue are major transportation links to local and regional residential, social and economic communities to the east and northeast. Waldo Road accommodates approximately 26,000 to 28,000 trips per day and East University Avenue about 21,000 to 27,500 average trips per day. This type of trip data is encouraging to small and medium size businesses seeking to offer auto oriented services to the area. Due to the long history of existence, the frontage developments are ideal candidates for redevelopment and street frontage improvements. Under a U7 Transect zoning, the property owner is proposing a complete redevelopment of the property to include service and auto-oriented developments using small buildings on relatively large lots.

Map 3. Aerial View of the Subject Property



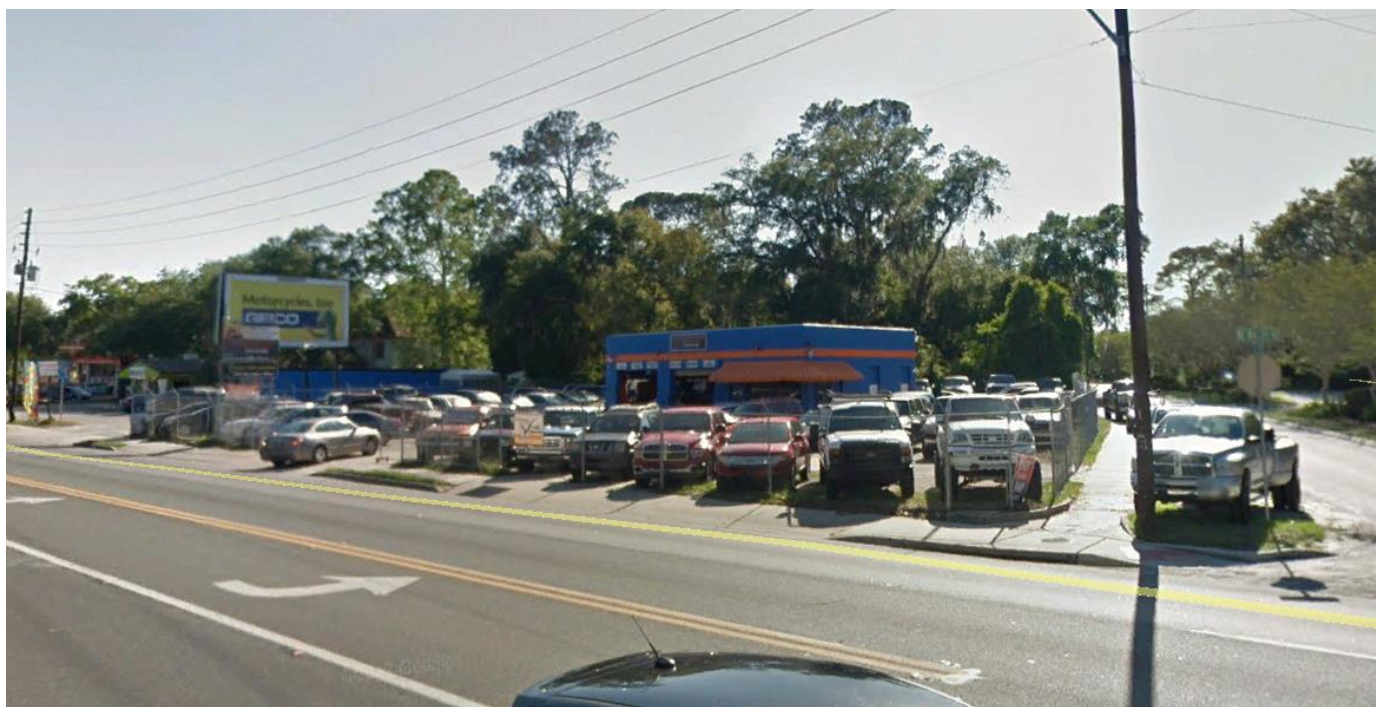
The Transect zoning districts seeks to maximize building frontage along adjacent streets, place buildings in a manner and design that relates to the street and enhance building façades through the use of glazing and architectural relief. The focus is primarily on fostering a compatible relationship between buildings, street frontage and pedestrian circulation. Section 30-4.11 A. lists the intent of the Transect Zone as follows:

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.

The subject property was developed during an auto centric time when the primary objective was servicing clients seeking to quickly access and leave the facility via automobiles. Such is the pattern and characteristic of most developments along Waldo Road.

In addressing the land use patterns, distribution of local and regional traffic and economic stimulus of the area, the City implemented Transect Zoning on most of the properties along Waldo Road, between NE 8th Avenue and University Avenue. The goal is to encourage and attract appropriate development with provisions to allow compatibility of uses, create lively street fronts and foster sustainable urban patterns. The focused is on achieving harmonious improvement of the built environment to accommodate pedestrians, bicyclists, and auto users. A mechanism was also included for considering flexibility and variations in the application of the basic development standards.

Map 4. Existing Development at the North Portion of the Property



Flexibility is addressed through design standards but there are also modifications and variances available to address standards that cannot be met through creative/innovative design on a case by case basis according to its merits. A specific set of standards and criteria are provided to assess development proposals in a manner that would foster and encourage development in needed areas. The criteria also seek to encourage and foster development options that promote pedestrian and bicycle amenities; transportation choices that enhance the rhythm of street frontages; and proposals that improve the quality of life within neighborhoods.

Explanation:

The subject property includes three parcels currently occupied by three separate businesses; a used car sales facility and two restaurants. Each use was improved and permitted separately under the former zoning classification of BUS (Business) and BA (Business Automotive) before the parcels were rezoned to U7 Transect. The three parcels sit along Waldo Road, between 1st and 3rd Avenues; the northern parcel is approximately 21,056 square feet with 205 feet of frontage along NE 3rd Avenue and 133 feet along Waldo Road. The second parcel is 10,509 square feet with 82 feet along Waldo Road and the third parcel is 7,156 sq. ft. with 80 feet along SE 1st Avenue. The depth of parcels from Waldo Road range from 80 to 185 feet.

Each parcel can be occupied with no requirement to make improvements since they are existing non-conforming buildings and uses. To preserve the integrity of each platted lot and to implement small scale developments, the applicant is proposing smaller buildings that would meet the building frontage requirement along Waldo Road. However, the design does not meet the building placement requirement of 20 feet along NE 1st and 3rd Avenues. The applicant is requesting variances to implement the design in anticipation that future development options will enable full compliance with the standards of the U7 Transect. The proposed design includes buildings that are placed approximately 80 feet from the edge of pavement along NE 1st and 3rd Avenues. This design is inconsistent with the U7 Transect requirements for building placement, along local streets. The applicant is requesting variances to address the proposed building placement on both avenues.

Map 4. Existing Development at the South Portion of the Property



STAFF ANALYSIS AND RECOMMENDATION:

Analysis:

Staff has reviewed this petition in the context of **Sec. 30-4.13 and Sec. 30-3.55** of the Land Development Code. These sections of the code set development standards, define a variance and authorize the Board to grant variances from certain provisions of the code. It also places restrictions on granting variances and outlines the general requirement for granting a variance. The Land Development Code is clear in outlining findings needed in order to grant a variance.

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

1. The subject property is located in an area that is ideal for redevelopment.
2. The property is bounded by NE 1st Avenue, NE Waldo Road and NE 3rd Avenue. Additionally, a 15-foot wide alley exists on the southwest side.
3. The property has an unusually large proportion of street frontage to perimeter of property boundaries
4. The property is adjacent to residential development and could have a significant impact on the nearby residential developments.
5. The development has a strong potential to stimulate additional developments within the area.
6. The development will bring in new and up-to-date utilities and technologies that can be a positive contribution to the area.

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

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

The requested variances contain several elements which are unique to the land, structure or buildings. The development site is bounded by three roadways and an alley, NE 1st Ave, NE Waldo road and NE 3rd Avenue. The development has a significantly higher percentage of street frontage to property boundaries. The perimeter of the site is 909 feet and the amount of right-of-way frontage is 783 feet, 86% of the total perimeter of the site. This compares to other sites with a 20 to 30% ratio of street frontage to site perimeter.

The applicant claims that while the proposed development does not comply exactly with the letter of the U7 Transect zoning standards, the proposed redevelopment will have a similar development pattern as the existing development and will reflect a significant redevelopment improvement over what currently exists on the site and in the immediate surrounding neighborhoods. It should also be noted that the requested variances relate to the sides and not to the primary frontage area along the Waldo Road thoroughfare.

The property has frontage along a major thoroughfare which forces building front setbacks to be pushed back away from the thoroughfare, 19 to 100 feet; this requirement impacts the layout of buildings and other amenities on the site. This building frontage setback has a significant impact on the design given that the depth of the parcels, 85 to 185 feet, which significantly limits spatial distribution of required amenities such as driveways, parking, buildings and sidewalks. The use of a drive-through to accommodate automobiles and circulation of larger vehicles,

creates the need for more space between the buildings and the street edge thus forcing the buildings beyond the required 20-foot build-to line.

The major thoroughfare on which the property is located, (Waldo Road, SR 24), is a State facility. The development is therefore subject to the access regulations of the Florida Department of Transportation. Only one access points is allowed off Waldo Road; this standard impacts the internal circulation, the design and placement of site amenities. The business model includes a drive-through which is placed at the rear of the building in order to comply with code requirements for placement of a drive-through. In order to comply with the traffic circulation standards, the access point from NE 3rd is required to be placed away from the intersection with Waldo Road. This requirement contributes to placement of the building beyond the required 20-foot setback along the side avenues.

The development site is a result of aggregating three separate parcels with existing improvements which were approved under the former conventional zoning of BUS – General Business and BA – Business Automotive. Under the current zoning, those improvements can continue to exist and undergo significant improvements without fully complying with the standards of the U7 Transect. As examples, significant interior modifications, roof changes, façade alterations and parking improvements can be made without having to comply with the building placement, building frontage and glazing requirements. Considering the wear and tear of existing structures and site deterioration from years of use, the applicant wishes to undertake a more substantial and comprehensive redevelopment approach instead of the piecemeal band aid approach of patching and repairs of existing structures and site conditions.

The applicant claims that while the proposed development does not comply exactly with the letter of the U7 Transect zoning standards, the proposed redevelopment will have a similar development pattern as the existing development but will reflect a significant redevelopment improvement over what currently exists on the site and in the immediate surrounding neighborhoods. It should also be noted that the requested variances relate to the sides and not to the primary frontage area along the major Waldo Road thoroughfare which has the greatest exposure and visibility.

As illustrated above, the site contains numerous features and circumstances that are peculiar and unique to the land, structure and building proposed on the site.

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

The main factors resulting in the need for the variance are the location of the property, the unique site factors, special standards applicable to the subject site and the impact of external regulations. To a large extent, these factors do not result from the actions of the applicant. However, the uses proposed for the site and the business model are directly related to the actions of the applicant. Considering the site, its location, its market area, the adjacent major thoroughfare and its Average Daily Trip volume of 28,000 trips per day, it appears that the properties are most suited to offering the business services proposed. Therefore, despite the claim that the applicant's choice of a business type is a self-created hardship, one is left to ponder whether implementation of any of the most successful uses would result in the need for some degree of variance from the building placement along the local streets.

The standards of the U7 Transect zoning are significantly different from those of the previous zoning. The new standards were imposed on the subject property through a City-wide land use and zoning

change and were not initiated by the property owners. The number and length of streets surrounding the development is not directly attributable to the owners of the property; those elements exist over a number of years and did not rise to the need for variances until the zoning was changed. The new standards applicable to the site is not self-created, they were imposed by the City. However, one may claim that the current owners were aware of the land use and zoning changes prior to purchasing the properties. Since development rights run with the land, the courts have determined that conditions occurring prior to ownership transfer can be considered in reviewing variance requests.

A case can be made that the property owners have the option of repairing and maintain the existing structures and implement a development comprising the re-use of existing structures. Therefore the option to pursue a complete redevelopment of the site is a self-created hardship. While this may be true, the overall benefits of redevelopment to the local neighborhood and the overall City far outweighs the benefits of a band-aid, patch work undertaking with a lower potential for stimulating growth and interest for other development potential within the neighborhood.

Although the need for urban stimulus in the neighborhood is primarily a policy objective and may be marginal to the variance request, the results and impacts of the proposed development can be considered in terms of neighborhood compatibility. The decision makers should consider whether the variance will result in a development that is in harmony with the intent and purpose of the regulations and whether such variances will be injurious to abutting lands.

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

The Board's review of the variance must be based on the findings of fact listed in the Land Development Code (LDC) in order to avoid any appearance of conferring special privileges. In reaching a decision on the requested variance, the Board must consider the material facts and competent and substantial evidence presented at the public hearing. The applicant has provided documentation illustrating reasons for the requested variance and the circumstances resulting in the need for such a variance. Staff has provided an analysis of the request based on the findings of fact listed in the Land Development Code. The board should also consider evidence presented by neighborhood residents and additional information presented at the public hearing. A decision on the variance request based on the merits of the information is considered a sound decision and not one that is based on conferring special privilege.

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

Although non-conforming, the property is currently improved and the owners enjoy the development rights afforded under the current zoning. The property can also be developed in alternate ways that would comply with the standards of the U7 Transect. A major element of the development resulting from the need for variance on the north side is the use of a drive-through facility. The absence of such a facility may result in a different outcome. However, the applicant states that the purpose of the variance process is to provide flexibility to strict application of the regulations, which is the situation in this case. Given a positive consideration of the variance, the overall comprehensive redevelopment will have a more positive impact on the area. However, strict application and literal enforcement of the provisions of the Land Development Code or Building Chapters will not deprive the applicant of rights typically enjoyed by most property owners. Nonetheless, the Board is authorized to limit the extent of property

improvements that over-reach the standards established to ensure the overall health, welfare and safety of the community.

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

This criteria departs from the point that there are unique aspects of the lot worthy of consideration for a variance. It seeks to answer whether the requested variance is the minimum necessary to facilitate “reasonable use” of the land, buildings or structures involved. Given the raw parcel/s of land and the proposed design, the property can be developed with one or several of the uses allowed within the U7 Transect without a reduction in the build-to line on both streets. However, the proposed design illustrates legitimate reasons based on hardships that necessitates granting the variance on both avenues. In the case of the NE 3rd Avenue request, moving the building to the 20-foot setback or closer is not workable; the drive-thru and vehicle circulation will be difficult or prohibitive. In the NE 1st Avenue situation, the existence of the alley and the width of the southern boundary present unique hardships worthy of a variance consideration. These elements control the location of the NE 1st Avenue access point which forces the building beyond the 20-foot setback; moving the building to the 20-foot setback is not workable. However, options exist that would facilitate a build-to line closer than the requested 85 feet. The applicant claims that shifting the building closer would disrupt the traffic circulation and impact the parking provided.

Considering the 1st Avenue variance request, the requested variance is not the minimum necessary to make possible the proposed use of the property. The applicant has provided documentation stating why the proposed design is the minimum variance required to make possible the reasonable use of the land, building or structure.

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

The intent of the variance procedure is to provide relief to property owners who have demonstrated hardships in pursuing development in strict compliance with the Land Development Code without being injurious and in disharmony within the overall characteristics of the neighborhood. The applicant has presented a number of factors which are unique to the subject property and not typical of other sites. Prime examples are the number of streets fronting the subject property, the length of street frontage relative to the perimeter of the property, the shape of the parcel, its location along a major thoroughfare, the depth of the parcel and the proposed use which seems to be ideal for the geographic area.

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

Staff finds that the U7 Transect zoning poses a high bar of compliance for redevelopment in the area but given innovative design options and the variance process, the site can be used in a reasonable manner consistent with the standards of the U7 Transect zoning. The intended use is

also appropriate in terms of scale, type of uses typically found along major transportation routes, the anticipated demand, and the overall characteristics of the service area. The intent of the standards is to establish compatible developments that will encourage a more efficient and sustainable urban form with the surrounding neighborhoods. Staff finds that the proposed development achieves the objectives of U7 Transect.

If granted, the requested variance will not impact the density and intensity of developments on the site in a negative manner. In fact the potential is to stimulate implementation of the U7 Transect zoning and providing examples of how the standards can be applied to other areas with similar characteristics. The development will also have a positive catalytic effect in stimulating additional developments in the area, increasing property values and creating new visions of possibilities. New developments have been documented as having a catalytic effect in stimulating other developments in the area, increasing property values and creating new visions of possibilities.

Todd Litman, in an article called “Gentrification for Better or Worst” states the following in support of neighborhood improvements:

“... Urban redevelopment can improve residents' economic opportunity by increasing local employment options and reducing poverty concentration. Urban neighborhoods have much better job access than suburbs, particularly for non-drivers. Urban redevelopment increases neighborhood business activity, which increases local economic development and employment. This can increase the number and variety of businesses in a neighborhood, for example, supporting a grocery or hardware store, that benefits existing residents. This is particularly beneficial to lower-income residents who rely on walking, cycling, and public transit, and so depend on neighborhood services.”

The greatest impact of the variance will be along NE 1st Avenue to the south and NE 3rd Avenue to the north. In order to minimize the impacts, a condition can be placed to require additional landscape buffers, garden walls, streetscape improvements and façade treatment that would minimize potential negative impact on the adjacent streets and immediate neighborhoods. The applicant has included some of those improvements.

However, the very purpose of the variance process is to consider such disparities and to determine the most appropriate decision in balancing the letter of the zoning standards against the overall needs of surrounding neighborhoods and the City. Staff finds that granting the variance will lead to advancing the intent and objectives of the U7 Transect zone and will be in harmony with the Land Development Code. Redevelopment of the site will have a positive impact on the neighborhood, the east side and the City as a whole.

In an article titled, “Variance Standards: What is hardship? And when is it unnecessary?” Professor Adam Lovelady states the following:

“... Variance Standards: What is hardship? And when is it unnecessary? Making decisions about variances is a hard job. How much hardship is enough hardship? Is justice being served? Does the variance preserve the spirit of the ordinance? Rarely are there clear answers for these questions. Seeking those answers is the hard task of the board of adjustment. The applicant must present competent, material, and substantial evidence that they meet all of the standards. And the board must consider the issues on a case-by-case basis; they must weigh the evidence, apply the required statutory standards, and decide if a variance is warranted. ...”

Adam Lovelady (2014, May 27). Variance Standards: What is hardship? And when is it unnecessary? Retrieved from <https://canons.sog.unc.edu/variance-standards-what-is-hardship-and-when-is-it-unnecessary/>

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

RECOMMENDATION:

Review the application, Petition DB-19-05 VAR, for compliance with the criteria for granting a variance.

POST-APPROVAL REQUIREMENTS:

If approved the applicant has six months to implement the variance; failing implementation of the variance, the approval becomes null and void and will require a new application.

LIST OF ATTACHMENTS:

Attachment A: Application and Supporting Documents.

Attachment B: Applicant's Justification Report Full

Attachment C: Some Relevant Land Development Code References

Attachment A:
Application and Supporting Documents

JAN 11 2019

PETITION TO THE BOARD OF ADJUSTMENT
Planning & Development Services Department

OFFICE USE ONLY	
Petition No. DB-19-00005	Fee: \$ 317.00
Hearing Date: _____	EZ Fee: \$ 158.50
Account No. 001-660-6680-3401 []	
Account No. 001-660-6680-1124 (Enterprise Zone) <input checked="" type="checkbox"/>	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) <input checked="" type="checkbox"/>	

CHECK ONE:

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

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

Owner(s) of Record (please print)		Agent Authorized to Act on Owner Behalf	
Name: 2511 Howell, LLC		Name: eda engineers-surveyors-planners, inc.	
Address: 6441 S. Chickasaw Trail #334		Address: 2404 NW 43rd St	
Orlando, FL 32829		Gainesville, FL 32606	
524 Carnation Drive, Winter Park, FL 32792			
E-mail Address: contact agent		E-mail Address: csweger@edafl.com	
Phone: contact agent		Phone: 352-373-3541	
Fax: N/A		Fax: 352-373-7249	
PROPERTY INFORMATION:			
Street address: 104-204 NE Waldo Road			
Tax parcel no(s): 11997, 11996, & 11992			
Legal description (may be attached): See attached			
Existing Zoning: U7		Lot size: 0.9 +/- acres	
Present use: Restaurants, Used Car Sales & Repair		Proposed use: Restaurant with drive-thru	
Historic District or Landmark?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Present structures (type) and improvements upon the land:			
3 existing buildings & parking (to be removed)			
SURROUNDING PROPERTY INFORMATION: (List all uses surrounding the subject property under "Existing use." Staff is available to supply zoning and land use information.)			
	Zoning	Land Use	Existing Use
North	RMF7	RM	Single-family & Place of religious assembly
South	U7	UMU	Gas station
East	PS & U7	PF & UMU	Waldo Road Rail Trail & Vacant
West	U7	UMU	Multi-family, Single-family & Vacant

Certified Cashier's Receipt:

SIGNATURE PAGE

1. (a) I hereby attest to the fact that the above supplied parcel number(s) and legal description(s) is (are) the true and proper identification of the area of this petition.
(b) I authorize staff from the Planning and Development Services Department to enter onto the property in question during regular city business hours in order to take photos which will be placed in the permanent file.
2. I/We understand that this petition becomes a part of the permanent records of the Board of Adjustment. I/We hereby certify that the above statements and the statements or showings made in any document or plans submitted herewith are true and correct to the best of my/our knowledge.

Property Owner Signature:

Clay Sweger
AGENT FOR OWNER

Date:

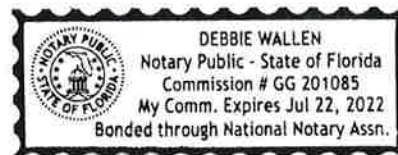
1/11/19

STATE OF FLORIDA
COUNTY OF Alachua

Sworn to and subscribed before me this 11th day of January, 2019,
by (Name) Clay Sweger

Debbie Wallen
Signature – Notary Public

Personally Known X OR Produced Identification ____ (Type) _____



VARIANCE

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

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

Code source:	<input checked="" type="checkbox"/> Land Development Code	<input type="checkbox"/> Fire Code	<input type="checkbox"/> Building Code
Section:	30-4.13, Table V-2		

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

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

See justification report

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

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

See justification report

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

No- See justification report

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

See justification report

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

Please continue on additional pages as needed

(Variance, continued)

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

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

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

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


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

A variance may not be granted for the following reasons:

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

PROPERTY OWNER AFFIDAVIT

Owner Name:			
Address:		Phone:	
Agent Name: eda engineers - surveyors - planners, inc.			
Address: 2404 NW 43rd Street Gainesville, FL 32606		Phone: 352-373-3541	
Parcel No.: 11997, 11996, and 11992			
Acreage: 0.9 acres M.O.L	S: 04	T: 10	R: 20
Requested Action: Variance and Site Plan Submittal			
I hereby certify that: I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.			
Property owner signature: <u>[Signature]</u>			
Printed name: <u>Timothy Cloe</u>			
Date: <u>1-8-19</u>			
The foregoing affidavit is acknowledged before me this <u>8</u> day of <u>January</u> , 20 <u>19</u> , by <u>Timothy Cloe</u> , who is/are personally known to me, or who has/have produced _____ as identification.			
NOTARY SEAL <u>[Signature]</u>			
Signature of Notary Public, State of <u>Florida</u>			



RACHEL L. GARRETT
Notary Public - State of Florida
Commission # FF 211742
My Comm. Expires Mar 19, 2019
Bonded through National Notary Assn.

001-660-1124 (EZ zone) \$ 317.00

JAN 11 2019

Operator: Michael Hoge

001-660-1125 (EZ credit) \$ 158.50

Receipt no: 81839

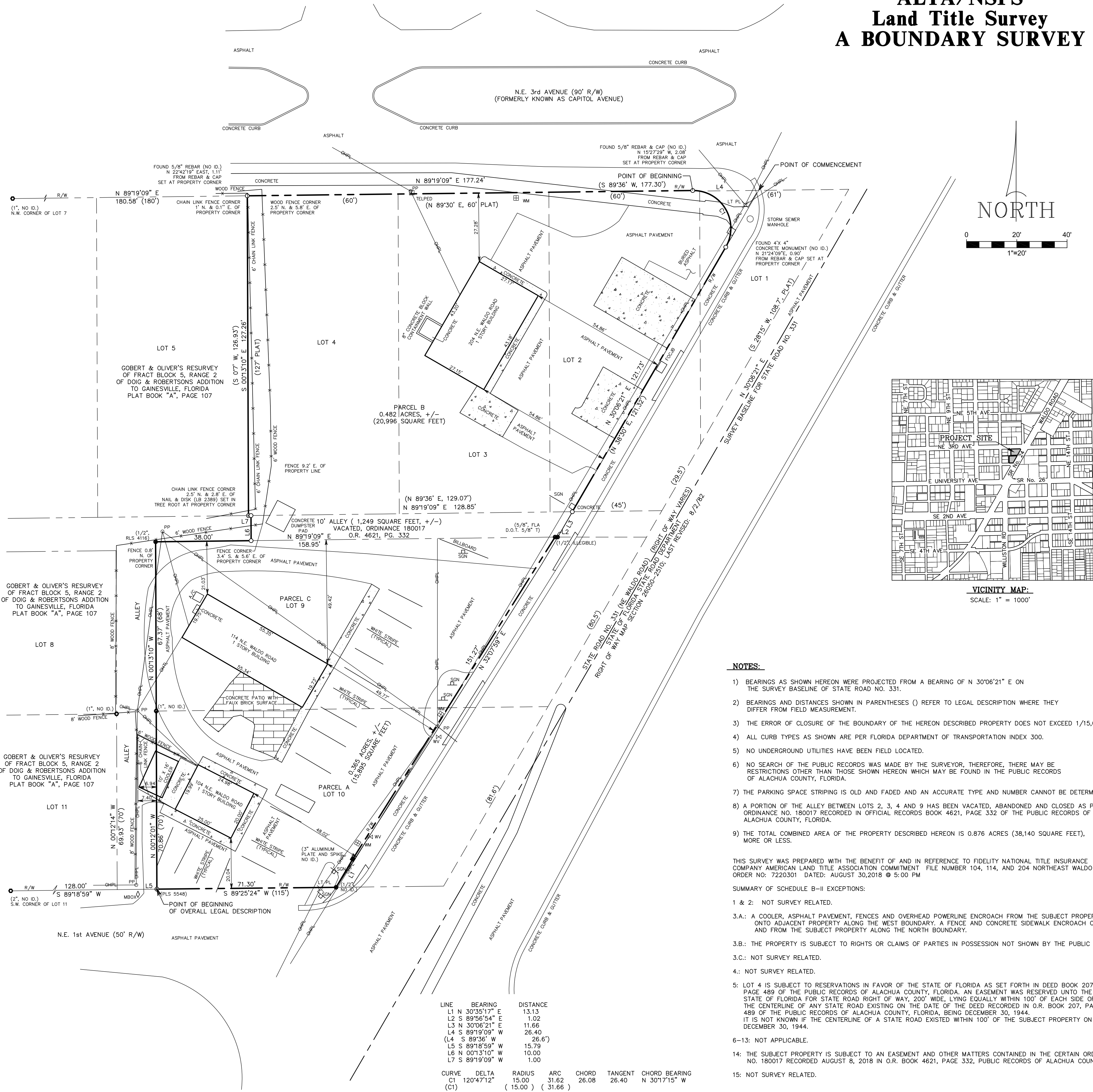
Item	Description	Account No	Payment	Payment Reference	Paid
BA-19-00001 00204 WALDO RD Waldo Rd Restaurant Variance	Variance Special Except Non-conform Use Permit-EZ	001-660-6680-1124	CHECK	4671	\$158.50
Total:					\$158.50

Transaction Date: 01/11/2019

Time: 15:15:17 EST



ALTA/NSPS
Land Title Survey
A BOUNDARY SURVEY



LEGAL DESCRIPTION

PARCEL 2

PARCEL A (TAX PARCEL NO. 11997-000-000)

LOT TEN (10), GOBERT AND OLIVER'S RESURVEY of fractional Block five (5), Range two (2), DOIG AND ROBERTSON'S ADDITION TO GAINESVILLE, according to the map or plat thereof as recorded in Plat Book "A", Page 107, Public Records of Alachua County, Florida, LESS and EXCEPT that portion conveyed to the State of Florida for road right of way recorded in O.R. Book 793, Page 708, Public Records of Alachua County, Florida.

PARCEL B (TAX PARCEL NO. 11992-000-000)

A part of lots one (1) and two (2), and all of lots three (3) and four (4) of Gobert's and Oliver's subdivision according to the Plat thereof as recorded in Plat Book "A", Page 107 of the Public Records of Alachua County, Florida, being more particularly described as follows:

Commence at a point where the Northwestly right of way line of State Highway No. 24 intersects with the South right of way line of N.E. 3rd Avenue and running south 89 degrees 36 minutes West, a distance of 26.6 feet to a point of beginning; thence South 89 degrees 36 minutes West, a distance of 177.30 feet to a point; thence South 0 degrees 7 minutes West a distance of 126.93 feet to a point; thence North 89 degrees 36 minutes East, a distance of 129.07 feet to a point on the Northwestly right of way line of State Highway No. 24; thence North 38 degrees 30 minutes East along the Northwestly right of way line of State Highway No. 24, a distance of 121.32 feet to a point; thence along on arc having a radius of 15 feet, a distance of 31.66 feet to a point of beginning.

PARCEL C (TAX PARCEL NO. 11996-000-000)

LOT NINE (9), GOBERT AND OLIVER'S RESURVEY of fractional Block five (5), Range two (2), DOIG AND ROBERTSON'S ADDITION TO GAINESVILLE, according to the map or plat thereof as recorded in Plat Book "A", Page 107, Public Records of Alachua County, Florida, LESS and EXCEPT that portion conveyed to the State of Florida for road right of way recorded in O.R. Book 793, Page 708, Public Records of Alachua County, Florida.

TOGETHER WITH A PORTION OF THE TEN (10) FOOT ALLEY LYING ADJACENT TO AND BETWEEN PARCEL B AND PARCEL C, DESCRIBED AS FOLLOWS:

That portion of that 10' Alley lying South of Lots 2, 3 and 4 of Gobert & Oliver's Resurvey of Fractional Block 5, Range 2 of Doig & Robertsons Addition to Gainesville, Florida as per plat thereof, recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida, lying North of Lot 9 of said Gobert & Oliver's Resurvey of Fractional Block 5, Range 2 of Doig & Robertsons Addition to Gainesville, Florida, lying East of the southerly extension of the west line of said Lot 4 and lying West of the northwesterly Right of Way line of State Road No. 331 (NE Waldo Road, Right of Way varies); being more particularly described as follows:

Commence at the southwest corner of Lot 4 of Gobert & Oliver's Resurvey of Fractional Block 5, Range 2 of Doig & Robertsons Addition to Gainesville, Florida as per plat thereof, recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida and run thence North 89°19'09" East, along the south line of said Lot 4 and along the north line of a 10 foot alley, a distance of 1.00 feet to the Point of Beginning; thence North 89°19'09" East, along said south line, and along the south line of Lots 3 and 2 of said Gobert & Oliver's Resurvey and along the north line of said 10 foot alley a distance of 127.85 feet to a point on the northwesterly Right of Way line of State Road No. 331 (NE Waldo Road, Right of Way varies); thence South 30°06'21" West, along said Right of Way line, 11.66 feet; thence North 89°56'54" West, along said Right of Way line, 1.02 feet to a point on the south line of said 10 foot alley and to a point on the north line of said Lot 9 of said Gobert & Oliver's Resurvey; thence South 89°19'09" West, along the south line of said 10 foot alley and along the north line of said Lot 9, a distance of 120.95 feet; thence North 00°13'10" West, 10.00 feet to the Point of Beginning.

Containing 1,249 Square Feet, more or less.

ALL OF PARCELS A, B AND C, AND A PORTION OF THE TEN (10) FOOT ALLEY DESCRIBED ABOVE ALSO BEING DESCRIBED AS FOLLOWS:

Lots 3 and 4 and a portion of Lots 1, 2, 9 and 10 and a portion of the 10' alley lying southerly of said Lots 2, 3 and 4 and northerly of said Lot 9 of Gobert and Oliver's Resurvey of fractional Block five (5), Range two (2), Doig and Robertson's Addition to Gainesville, according to the map or plat thereof as recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida; being more particularly described as follows:

Begin at a nail and disk (PLS 5548) found at the southwest corner of Lot 10 of Gobert and Oliver's Resurvey of fractional Block five (5), Range two (2), Doig and Robertson's Addition to Gainesville, according to the map or plat thereof as recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida; and run thence North 00°12'01" West, 70.86 feet to a 1" iron pipe (no id.) found at the northwest corner of said Lot 10 and the southwest corner of Lot 9 of said Gobert and Oliver's Resurvey; thence North 00°13'10" West, 67.37 feet to a 1/2" rebar and cap (RLS 4116) found at the northwest corner of said Lot 9; thence North 89°19'09" East, along the north line of said Lot 9 and along the south line of a 10' alley, 38.00 feet; thence North 00°13'10" West, 10.00 feet to a point on the north line of said 10' alley and to a point on the south line of Lot 4 of said Gobert and Oliver's Resurvey; thence South 89°19'09" West, 1.00 feet to the southwest corner of said Lot 4; thence North 00°13'10" West, 127.26 feet to a 1/2" rebar and cap (LB 2389), at the northwest corner of said Lot 4 and to a point on the south right of way line of N.E. 3rd Avenue (formerly known as Capital Avenue, 90' Right of Way); thence North 89°19'09" East, along the north line of said Lot 4, along said south right of way line and along the north lines of Lots 3 and 2 of said Gobert and Oliver's Resurvey, 177.24 feet to a 5/8" rebar and cap (LB 2389), and to the beginning of a curve, concave southerly, having a radius of 15.00 feet; thence southerly, along said south right of way line and along the arc of said curve, through a central angle of 120°47'12", on arc distance of 31.62 feet to the end of said curve, and to a 5/8" rebar and cap (LB 2389) on the northwesterly right of way line of State Road No. 331 (N.E. Waldo Road); said arc being subtended by a chord having a bearing and distance of South 30°17'15" East, 26.08 feet; thence South 30°06'21" West, along said northwesterly right of way line, 121.73 feet to a 5/8" rebar and cap (LB 2389) on the south line of said Lot 2; thence continue South 30°06'21" West, along said northwesterly right of way line, 11.66 feet to a 1/2" rebar and cap (legible); thence North 89°56'54" West, along said northwesterly right of way line, 1.02 feet to a 5/8" rebar and cap (RLA DOT 5-8" T); thence South 32°07'59" West, along said northwesterly right of way line, 151.27 feet to a 3" Aluminum Plate and spike (no id.); thence South 30°35'17" West, along said northwesterly right of way line, 13.13 feet to a 1/2" rebar (no id.) on the south line of said Lot 10 and to a point on the north right of way line of N.E. 1st Avenue (50' Right of Way); thence South 89°25'24" West, along the said south line of Lot 10 and along said north right of way line, 71.30 feet to the Point of Beginning.

Containing 0.876 Acres (38,140 Square Feet), more or less.

LEGEND OF SYMBOLS & ABBREVIATIONS:

AC = AIR CONDITIONER COMPRESSOR PAD
FOCIB = FIBER OPTIC CABLE JUNCTION BOX
F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
No. = NUMBER
O.R. = OFFICIAL RECORDS BOOK
PGS. = PAGES
R/W = RIGHT OF WAY LINE
● = FOUND IRON PIPE (size, ID)
○ = FOUND REBAR & CAP (size, ID)
X LT PL = LIGHT POLE
○ MBOX = MAIL BOX
○ PP = MANHOLE
○ PP = POWER POLE
○ = SET 5/8" REBAR & CAP (LB 2389)
○ = FOUND NAIL & DISC (ID.)
SIGN = SIGN
TELPEL = TELEPHONE PEDESTAL
WM = WATER METER
WV = WATER VALVE
FENCE LINE = FENCE LINE
OHPWL = OVERHEAD POWER LINE
OHTL = OVERHEAD TELEPHONE LINE

ALTA/NSPS Certification:

To TD BANK, NA, FIDELITY NATIONAL TITLE INSURANCE COMPANY, INC., AKERMAN, LLP, SOUTHERN STAR RESTAURANT MANAGEMENT, INC., AND 2511 HOWELL, LLC:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys," jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, AND 9 of Table A thereof. The fieldwork was completed on 8/15/2018.

Date of Map: 10/15/2018.

eda engineers - surveyors - planners, inc.
Corporate Authorization No. 2389
By: Robert W. Graver PSM 4239

FLOOD INSURANCE RATE MAP STATEMENT

THE REAL PROPERTY SHOWN HEREON LIES WITHIN ZONE(S) "X" (UNSHADED) AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP NUMBER 12902CQ318. COMMUNITY NUMBER: 12902. PANEL: 0318D. EFFECTIVE DATE: JUNE 16, 2006. SAID MAP DESCRIBES ZONE(S) "X" (UNSHADED) AS BEING "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

Project No. 2018-14-S04
Drawn By: ROBERT W. GRAVER
Checked By: ROBERT W. GRAVER
P.S.M. 4239
P.S.M. 4239
THIS SURVEY MEETS THE REQUIREMENTS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 45-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2018), FLORIDA STATUTES. THIS SURVEY DEPICTS THE SITE CONDITIONS AS OF 8/15/2018.

971 Feedback Survey Date 8/15/2018 10/9/2018
14-17 Page 8/15/2018 10/9/2018
PREPARED FOR: See ALTA/NSPS Certification

Sheet No.:

V-001

PROPERTY OWNER AFFIDAVIT

Owner Name: 2511 Howell, LLC			
Address: 524 Carnation Drive Winter Park, FL 32792		Phone:	
Agent Name: eda engineers - surveyors - planners, inc.			
Address: 2404 NW 43rd Street Gainesville, FL 32606		Phone: 352-373-3541	
Parcel No.: 11997, 11996, and 11992			
Acreage: 0.9 acres M.O.L		S: 04	T: 10 R: 20
Requested Action: Variance and Site Plan Submittal			

I hereby certify that: I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.

Property owner signature: [Signature]

Printed name: Timothy Cloe

Date: 1-8-19

The foregoing affidavit is acknowledged before me this 8 day of January, 2019, by Timothy Cloe, who is/are personally known to me, or who has/have produced _____ as identification.

NOTARY SEAL

[Signature]

Signature of Notary Public, State of Florida



Consideration: \$905,000.00

Prepared by and return to:

David E. Menet, Esq.

Attorney at Law

Dell Salter, P.A.

3940 NW 16th Blvd., Bldg. B

Gainesville, FL 32605-5811

352-416-0090

File Number: 17-1144.7 GJ

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made on **August 23, 2018** between **Bum Joon Kwak and OK-Chin Kim Kwak, husband and wife** whose post office address is **9218 SW 21st Avenue, Gainesville, FL 32607**, grantor, and **2511 Howell, LLC, a Florida limited liability company** whose post office address is **6441 S. Chickasaw Trail, #334, Orlando, FL 32829**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Alachua County, Florida** to-wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Parcel Identification Number(s): 11992-000-000; 11996-000-000 and 11997-000-000

Subject to covenants, conditions, restrictions, easements, reservations, and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2017**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: Gwendolyn D. Jones

[Signature] (Seal)
Bum Joon Kwak

[Signature]
Witness Name: DAVID E. MENET

[Signature] (Seal)
OK-Chin Kim Kwak

State of Florida
County of Alachua

The foregoing instrument was acknowledged before me this 21 day of August, 2018 by Bum Joon Kwak and OK-Chin Kim Kwak, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]



DAVID E. MENET
Commission # GG 169830
Expires January 20, 2022
Bonded Thru Budget Notary Services

[Signature]
Notary Public

Printed Name: _____

My Commission Expires: _____

Exhibit A

PARCEL 1 (TPN: 11997-000-000)

LOT TEN (10), GOBERT AND OLIVER'S RESURVEY of fractional Block five (5), Range two (2), DOIG AND ROBERTSON'S ADDITION TO GAINESVILLE, according the map or plat thereof as recorded in Plat Book "A", Page 107, Public Records of Alachua County, Florida. LESS and EXCEPT that portion deed to the State of Florida for road right of way recorded in O.R. Book 793, Page 708, Public Records of Alachua County, Florida.

PARCEL 2 (TPN: 11992-000-000)

A part of lots one (1) and two (2) and all of lots three (3) and four (4) of Gobert's and Oliver's subdivision according to the Plat thereof as recorded in Plat Book "A", Page 107 of the Public Records of Alachua County, Florida, being more particularly described as follows:

Commence at a point where the Northwesterly right of way line of State Highway No. 24 intersects with the South right of way line of N.E. 3rd Avenue and running south 89 degrees 36 minutes West, a distance of 26.6 feet to a point of beginning; thence South 89 degrees 36 minutes West, a distance of 177.30 feet to a point; thence South 0 degrees 7 minutes West a distance of 126.93 feet to a point; thence North 89 degrees 36 minutes East, a distance of 129.07 feet to a point on the Northwesterly right of way line of State Highway No. 24; thence North 38 degrees 30 minutes East along the Northwesterly right of way line of State Highway No. 24, a distance of 121.32 feet to a point; thence along an arc having a radius of 15 feet, a distance of 31.66 feet to point of beginning.

PARCEL 3 (TPN: 11996-000-000)

LOT NINE (9), GOBERT AND OLIVER'S RESURVEY of fractional Block five (5), Range two (2), DOIG AND ROBERTSON'S ADDITION TO GAINESVILLE, according the map or plat thereof as recorded in Plat Book "A", Page 107, Public Records of Alachua County, Florida. LESS and EXCEPT that portion deed to the State of Florida for road right of way recorded in O.R. Book 793, Page 708, Public Records of Alachua County, Florida.

TOGETHER WITH A PORTION OF THE TEN (10) FOOT ALLEY LYING ADJACENT TO AND BETWEEN PARCEL 2 AND PARCEL 3, DESCRIBED AS FOLLOWS:

That portion of that 10' Alley lying South of Lots 2, 3 and 4 of Gobert & Oliver's Resurvey of Fract Block 5, Range 2 of Doig & Robertsons Addition to Gainesville, Florida as per plat thereof, recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida, lying North of Lot 9 of said Gobert & Oliver's Resurvey of Fract Block 5, Range 2 of Doig & Robertsons Addition to Gainesville, Florida, lying 1.00 foot East of the southerly extension of the west line of said Lot 4 and lying West of the northwesterly Right of Way line of State Road No. 331 (NE Waldo Road, Right of Way varies); being more particularly described as follows:

Exhibit A

(Continued)

Commence at the southwest corner of Lot 4 of Gobert & Oliver's Resurvey of Fract Block 5, Range 2 of Doig & Robertsons Addition to Gainesville, Florida as per plat thereof, recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida and run thence North 89°19'09" East, along the south line of said Lot 4 and along the north line of a 10 foot alley, a distance of 1.00 feet to the Point of Beginning; thence continue North 89°19'09" East, along said south line and along the south line of Lots 3 and 2 of said Gobert & Oliver's Resurvey and along the north line of said 10 foot alley a distance of 127.85 feet to a point on the northwesterly Right of Way line of State Road No. 331 (NE Waldo Road, Right of Way varies); thence South 30°06'21" West, along said Right of Way line, 11.66 feet; thence North 89°56'54" West, along said Right of Way line, 1.02 feet to a point on the south line of said 10 foot alley and to a point on the north line of Lot 9 of said Gobert & Oliver's Resurvey; thence South 89°19'09" West, along the south line of said 10 foot alley and along the north line of said Lot 9, a distance of 120.95 feet; thence North 00°13'10" West, 10.00 feet to the Point of Beginning.

ALL OF PARCEL 1, PARCEL 2, PARCEL 3, AND PORTION OF THE TEN (10) FOOT ALLEY DESCRIBED ABOVE BEING ALSO DESCRIBED AS FOLLOWS:

Lots 3 and 4 and a portion of Lots 1, 2, 9 and 10 and a portion of the 10' alley lying southerly of said Lots 2, 3 and 4 and northerly of said Lot 9 of Gobert and Oliver's Resurvey of fractional Block five (5), Range two (2), Doig and Robertson's Addition to Gainesville, according to the map or plat thereof as recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida; being more particularly described as follows:

Begin at a nail and disk (PLS 5548) found at the southwest corner of Lot 10 of Gobert and Oliver's Resurvey of fractional Block five (5), Range two (2), Doig and Robertson's Addition to Gainesville, according to the map or plat thereof as recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida, and run thence North 00°12'01" West, 70.86 feet to a 1" iron pipe (no id.) found at the northwest corner of said Lot 10 and the southwest corner of Lot 9 of said Gobert and Oliver's Resurvey; thence North 00°13'10" West, 67.37 feet to a 1/2" rebar and cap (RLS 4116) found at the northwest corner of said Lot 9; thence North 89°19'09" East, along the north line of said Lot 9 and along the south line of a 10' alley, 38.00 feet; thence North 00°13'10" West, 10.00 feet to a point on the north line of said 10' alley and to a point on the south line of Lot 4 of said Gobert and Oliver's Resurvey; thence South 89°19'09" West, 1.00 feet to the southwest corner of said Lot 4; thence North 00°13'10" West, 127.26 feet to a 5/8" rebar and cap (LB 2389), at the northwest corner of said Lot 4 and to a point on the south right of way line of N.E. 3rd Avenue (formerly known as Capitol Avenue, 90' Right of Way); thence North 89°19'09" East, along the north line of said Lot 4, along said south right of way line and along the north lines of Lots 3 and 2 of said Gobert and Oliver's Resurvey, 177.24 feet to a 5/8" rebar and cap (LB 2389), and to the beginning of a curve, concave southwesterly, having a radius of 15.00 feet; thence southeasterly, along said south right of way line and along the arc of said curve, through a central angle of 120°47'12", an arc distance of 31.62 feet to the end of said curve, and to a 5/8" rebar and cap (LB 2389) on the northwesterly right of way line of State Road No. 331 (N.E. Waldo Road) said arc being subtended by a chord having a bearing and

Exhibit A

(Continued)

distance of South 30°17'15" East, 26.08 feet; thence South 30°06'21" West, along said northwesterly right of way line, 121.73 feet to a 5/8" rebar and cap (LB 2389) on the south line of said Lot 2; thence continue South 30°06'21" West, along said northwesterly right of way line, 11.66 feet to a 1/2" rebar and cap (illegible); thence North 89°56'54" West, along said northwesterly right of way line, 1.02 feet to a 5/8" rebar and cap (FLA DOT 5/8" T); thence South 32°07'59" West, along said northwesterly right of way line, 151.27 feet to a 3" Aluminum Plate and spike (no id.); thence South 30°35'17" West, along said northwesterly right of way line, 13.13 feet to a 1/2" rebar (no id.) on the south line of said Lot 10 and to a point on the north right of way line of N.E. 1st Avenue (50' Right of Way); thence South 89°25'24" West, along the said south line of Lot 10 and along said north right of way line, 71.30 feet to the Point of Beginning.





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company
2511 HOWELL, LLC

Filing Information

Document Number L13000132865
FEI/EIN Number 46-3726126
Date Filed 09/19/2013
State FL
Status ACTIVE

Principal Address

524 CARNATION DR
WINTER PARK, FL 32792

Mailing Address

524 CARNATION DR
WINTER PARK, FL 32792

Registered Agent Name & Address

CLOE, TIMOTHY
524 CARNATION DR
WINTER PARK, FL 32792

Authorized Person(s) Detail

Name & Address

Title MGRM

CLOE, TIMOTHY
524 CARNATION DR
WINTER PARK, FL 32792

Annual Reports

Report Year	Filed Date
2016	04/14/2016
2017	04/07/2017
2018	04/07/2018

Document Images

04/07/2018 -- ANNUAL REPORT	View image in PDF format
04/07/2017 -- ANNUAL REPORT	View image in PDF format
04/14/2016 -- ANNUAL REPORT	View image in PDF format
05/01/2015 -- ANNUAL REPORT	View image in PDF format
04/04/2014 -- ANNUAL REPORT	View image in PDF format
09/19/2013 -- Florida Limited Liability	View image in PDF format

Attachment B:
Applicant's Justification Report

VARIANCE REQUEST	
NE 1 ST AVE.	INCREASE BUILD-TO LINE FROM 20 FEET TO 85 FEET (65 ADDITIONAL FEET)
NE 3 RD AVE.	INCREASE BUILD-TO LINE FROM 20 FEET TO 40-75 FEET (20-55 ADDITIONAL FEET)

20' FROM
BACK-OF-PAVEMENT

20' FROM
BACK-OF-CURB



NE 1st AVE.

NE 3rd AVE.

NE WALDO ROAD

Variance Request

104 - 204 NE Waldo Road

Justification Report



Request:

**Variance from certain Building Form Standards within
Transects prescribed in Sec. 30-4.13, Table V-2.**

Agents for:

2511 Howell, LLC

Submittal Date:

January 17, 2019; Revised 2/13/19; Revised February 21, 2019

Prepared By:

eda engineers – surveyors – planners, inc.

Request

This application is a request for variances to certain building form standards within transects as prescribed in LDC Sec. 30-4.13, Table V-2, specifically related to building placement requirements for a site located at 104-204 NE Waldo Road. The site consists of 3 developed tax parcels (11992-000-000, 11996-000-000, and 11997-000-000) that are approximately 0.9 acres in size. The subject property has been developed with multiple commercial properties for decades and the site is being proposed to be redeveloped. The variances are necessary to facilitate redevelopment of the site due to multiple factors, including the unique configuration of the parcels (long, shallow configuration with angles) and adjacency to right-of-way on three sides (which triggers the frontage design requirements on each of these sides).

The specific variance requests are as follows (related to standards for multiple sides of development fronting right-of-way) and are indicated on the attached exhibits:

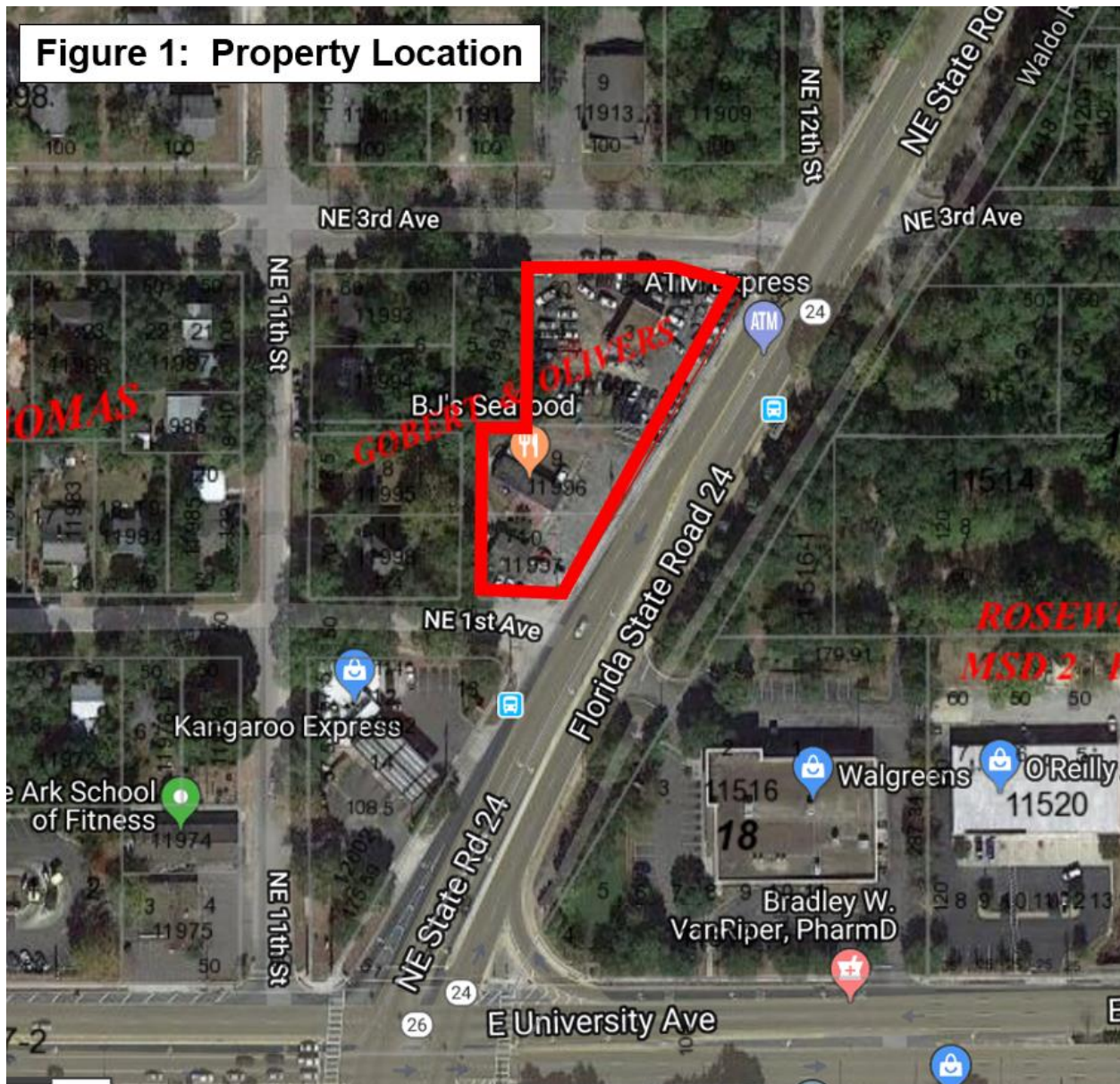
Building Placement:*

- Increase in building placement maximum from 20' from edge of pavement to 40' to 75' on the north side (abutting NE 3rd Avenue)
- Increase in building placement maximum from 20' to 85' from the back of curb on the south side (abutting NE 1st Avenue).

*It should be noted that the proposed site redevelopment design complies with the building placement standard along the predominant road frontage (Waldo Road), which serves as the “front” of the development site.

Background Information

Figure 1 below illustrates the location of the 3 parcels on the west side of NE Waldo Road between NE 1st and 3rd Avenues:

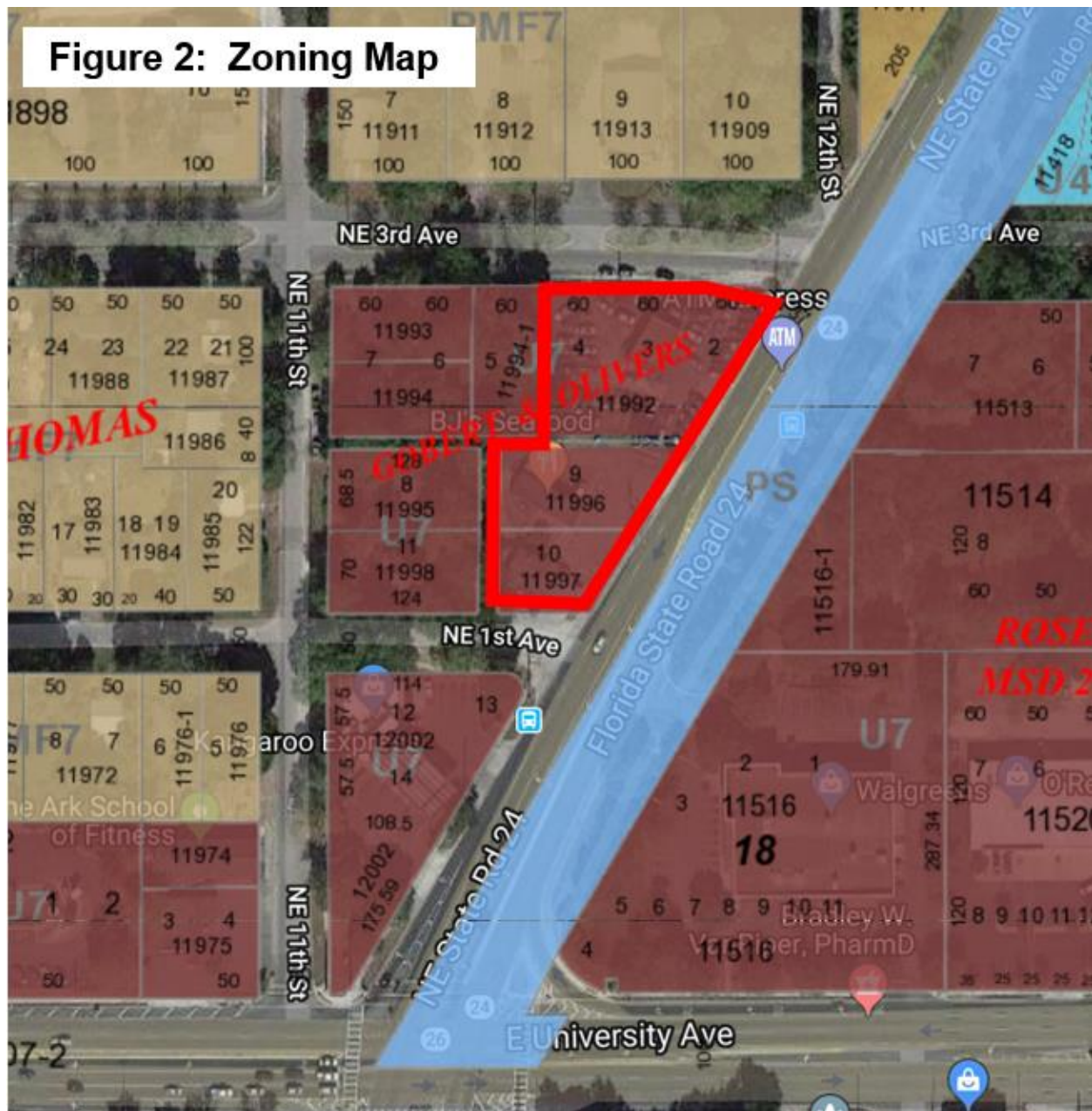


The property is currently developed with two unoccupied restaurants and an unoccupied used car sales and repair facility (and associated parking lots). As can be noted, the property has frontage on two local streets (NE 1st Avenue and NE 3rd Avenue) and along a principal arterial (NE Waldo Road / State Road 24). The properties are not located within an historic district and none of the structures on the properties are listed on the historic register.

All of the parcels included within this rezoning application are now located in the City's new Transect Zoning area. The properties were part of a large-scale rezoning that was adopted by the City Commission in July 2017 in association with the major update of the City's Land Development Code. At that time, the U7 (Urban 7) transect zoning was placed on the properties.

Waldo Road in this area was designated as a Thoroughfare Street for its Urban Zone Street Type. Prior to this recent administrative zoning change, the property had a more traditional commercial zoning designation, which did not require the same building form standards as currently required.

Figure 2 below illustrates the zoning of the parcels and the surrounding properties:



The table below illustrates the surrounding property characteristics.

	Future Land Use	Zoning	Existing Use
North	Residential Medium	RMF7	NE 3 rd Ave. & SF & Place of religious assembly
South	Urban Mixed Use (UMU)	U7	Gas station
East	Public Facilities & UMU	PS & U7	Waldo Road, Rail Trail, & Vacant
West	Urban Mixed Use	U7	Multi-family, single family, & Vacant

The parcels are all located in the Downtown Community Redevelopment Area (CRA), the Enterprise Zone, Transportation Mobility Program Area (TMPA) Zone A, and the Opportunity Zone. All of these designations prioritize and encourage redevelopment of sites along the Waldo Road corridor.

The photos below illustrate the existing streetscape on the subject properties and the desirability of site redevelopment:

Existing Use Car Sales & Repair Facility



Aerial View of Waldo Road Frontage



On August 2, 2018, the City Commission approved a right-of-way vacation (see Ordinance 180017; Petition PB-18-44 SVA) on second reading for an unimproved alley separating parcels at 114 and 204 NE Waldo Road. The ROW vacation was to facilitate redevelopment of the site. The Staff Report for that ROW vacation stated:

“Vacation of this right-of-way will facilitate the redevelopment of the adjoining properties on either side of the alley. The applicants intend to combine the parcels, and redevelop them into a unified commercial/retail development.”

After the ROW vacation was approved, the applicant began the site design and engineering process for a new development on the site with the three parcels combined. At that point, it was discovered that the unique configuration of the property (due to narrowness of the property, unique property lines / angles and the three abutting roads (NE 1st Avenue, NE 3rd Avenue and NE Waldo Road)) created major obstacles to site redevelopment. Discussions with City staff led to an improved site design which complies with a vast majority of the required design standards. These improvements came as a result of these discussions with City staff and the applicant via significant redesign of the project.

For the two remaining design issues, City staff’s recommendation was to seek variances (to the minimum extent possible) from these Land Development Code requirements for Transect Zones to enable property redevelopment consistent with the City’s redevelopment goals for East Gainesville. These redevelopment goals include economic development, improved streetscaping, increased property values, job creation and neighborhood-serving commercial development.

Criteria for Variances

Land Development Code Section 30-3.55(c) establishes the criteria for review of a variance application. These criteria are listed in the following section of the report with responses to each of the criteria.

Variance Review Criteria (Land Development Code Sec. 30-3.55(c))

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

Response: The proposed site design is well-planned and appropriate for the proposed uses (which are permitted by right in the zoning district). However, special conditions and circumstances exist in several forms that are peculiar to this site that necessitate the requested variances.

The property is bounded by streets on three sides which trigger design requirements that essentially require the site to be developed as if there are three ‘front’ sides. For each of these street frontages, there are more strict build-to lines (which are appropriate for one ‘front’ side of a property, but not on a majority of sides), which cannot all feasibly be met. Two of those streets (NE 1st Ave. and NE 3rd Ave.) are of a minimal width/frontage and are set at an angle that create problems for proposing a site layout that can meet the building placement requirements (on all road frontages) in the U7 transect zoning district and still provide appropriate internal circulation.

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

Response: The applicant purchased the property with these existing configuration problems. The applicant did not change any lot lines that resulted in these circumstances. In fact, the applicant took a proactive measure to vacate an unutilized alley that bisected the site in order to allow the property to be developed in a unified manner (which facilitates a better redevelopment design). Approval of the requested variances will allow for the redevelopment of the site with uses permitted by right in the U7 zoning district.

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

Response: Due to the unique lot configuration of this site and associated constraints as described in items 1 & 2 above, granting the required variances will not confer on the applicant any special privilege that is denied by the Code to other lands, structures, or buildings in the same district. The unique site / property

configuration and multiple road frontages are unique to the site and do not apply to other lands.

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

Response: **Literal enforcement of the U7 Land Development Code building placement requirements on all three sides of the project would preclude redevelopment of this particular site. Other properties with a more rectangular configuration with only one road frontage (as typically seen) would be able to develop within the requirements of the Code.**

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

Response: **The requested variances are the minimum required to make possible the redevelopment of these parcels. The building placement increase along NE 1st Avenue and NE 3rd Avenue are the minimum required to allow for the development of the site with the proposed commercial uses that are permitted by right in the U7 zoning district.**

Specifically, the increase in distance in building placement along NE 1st Avenue and NE 3rd Avenue is necessary to facilitate the required internal vehicular circulation and external connectivity necessary to properly serve the development.

It should also be noted that the proposed design meets the building placement standard along Waldo Road without a variance needed, which serves as the primary street and the true ‘front’ of the project, thus demonstrating that the project has been designed to an urban standard to the greatest degree possible.

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

Response: **Since both of the variance requests relate to portions of the property abutting public ROW, there will be no injurious impacts to abutting lands. In addition, the variances are in harmony with the intent of the Land Development Code’s implementation of the Comprehensive Plan policies related to redevelopment. Specifically, the City Comprehensive Plan and Code encourage the redevelopment of the Waldo Road corridor, which is accomplished with this proposed development. The project is also designed in such a manner that the primary frontage (Waldo Road) will comply with the building form standards prescribed in the Land Development Code. Only the secondary street frontages are sought for relief from the building placement standard to the minimum degree necessary.**

Conclusion

The requested variances are the minimum necessary to reasonably redevelop the site. The applicant has worked extensively with City staff to redesign and improve the project design to meet the design requirements to the greatest extent feasible. The design changes resulted in an improved design that meets the intent of the design criteria, which includes compliance with all the applicable building form regulations along the primary frontage street (Waldo Road). Variances are limited to only the secondary side street frontages.

In addition, the redevelopment of this site from a dilapidated commercial site to a newly constructed and enhanced commercial site is consistent with provisions in the Comprehensive Plan and adopted Plan East Gainesville report which promote economic development and job creation along the Waldo Road corridor.

Attachment C:
Some Relevant Land Development Code References

Section 30-3.53. Certificate of Occupancy.

No land, water, building, or any part thereof shall be used and no existing use of land, water, or building shall be changed unless a certificate of occupancy has been issued for such land, water, building, or part thereof.

DIVISION 11. MODIFICATIONS AND VARIANCES

Section 30-3.54. Modifications.

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

REQUESTED MODIFICATION	MIN COMPENSATING ENHANCEMENT OF PUBLIC REALM
Variation in required street setback up to 3 feet.	<ol style="list-style-type: none">1. 10% increase above required 1st floor glazing.2. Increase of 2 feet above required sidewalk width.3. 10% increase above required building frontage.4. Increase of 4 feet above min 1st floor height.5. Increase of 2 feet above min landscape zone.
Reduction in required glazing percentages up to 10%.	
Reduction in required building frontage percentages up to 10%.	
Reduction in required landscape zones up to 2 feet; however, in no case shall a landscape area be less than 4 feet in depth.	

Section 30-3.55. Variances.

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

1 4. *Board hearing.* The appropriate reviewing board shall hold a public hearing to consider the
2 request according to the review criteria provided in this section.

3 F. *Conditions and limitations.* In granting any variance, the board may prescribe appropriate
4 conditions and safeguards in conformity with the Land Development Code or building chapters.
5 Violation of such conditions and safeguards, when made a part of the terms under which the
6 variance is granted, shall be deemed a violation of this chapter and punishable according to
7 applicable law. If a variance request is denied, the same variance may not be considered for the
8 property for a period of two years from the date of denial.

9 G. *Expiration.* Any variance granted shall expire one year after the date of variance approval, unless a
10 building permit based upon and incorporating the variance is issued within the aforesaid one-year
11 period and construction has begun thereunder.

13 **DIVISION 12. APPEALS**

14 **Section 30-3.56. Land Use Hearing Officer.**

15 A. *Establishment and purpose.* There is hereby created the position of City of Gainesville Land Use
16 Hearing Officer (Hearing Officer), which shall have the purpose of providing an administrative
17 process for appealing certain decisions regarding the administration and enforcement of the Land
18 Development Code, as provided in this division. No party shall be deemed to have exhausted his or
19 her administrative remedies for the purpose of seeking judicial review unless the party first obtains
20 review by a Hearing Officer as provided in this division.

21 B. *Appointment and removal.*

22 1. The City Commission shall appoint one or more Hearing Officers, who shall be compensated as
23 determined by the City Commission.

24 2. Each Hearing Officer shall be appointed for a definite term of office, not to exceed four years,
25 and may be reappointed at the conclusion of any term.

26 3. A Hearing Officer shall be removed only for cause by the City Commission. Cause for removal of
27 a Hearing Officer shall include, but not be limited to, violations of the standards set forth in the
28 Code of Judicial Conduct adopted by the Florida Supreme Court or the State of Florida Code of
29 Ethics for Public Officers and Employees in Chapter 112, Florida Statutes.

30 C. *Minimum qualifications.* Hearing Officers shall meet the following minimum qualifications:

31 1. A licensed attorney who is an active member of the Florida Bar in good standing.

32 2. At least three years of professional experience in land use or local government law.

33 3. Not an employee of or office holder with the city.

34 D. *General authority.* The Hearing Officer shall have all powers necessary to perform the functions
35 prescribed by this division, including the power to interpret and administer this division, the power
36 to dispose of procedural requests or similar matters, the power to issue notices of hearings and
37 subpoenas requiring attendance, and the power to administer oaths.

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.

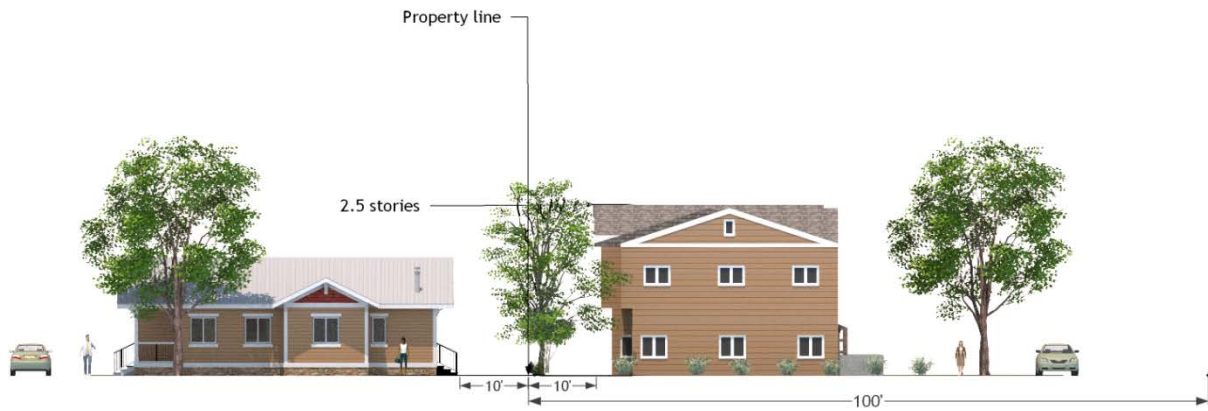
1. Whenever a zero foot setback is allowed in a zoning district, it may only be used if the abutting property is within a district that allows the same setback.
2. The minimum required side and rear setback for nonresidential and multi-family buildings located on property abutting a single-family zoning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

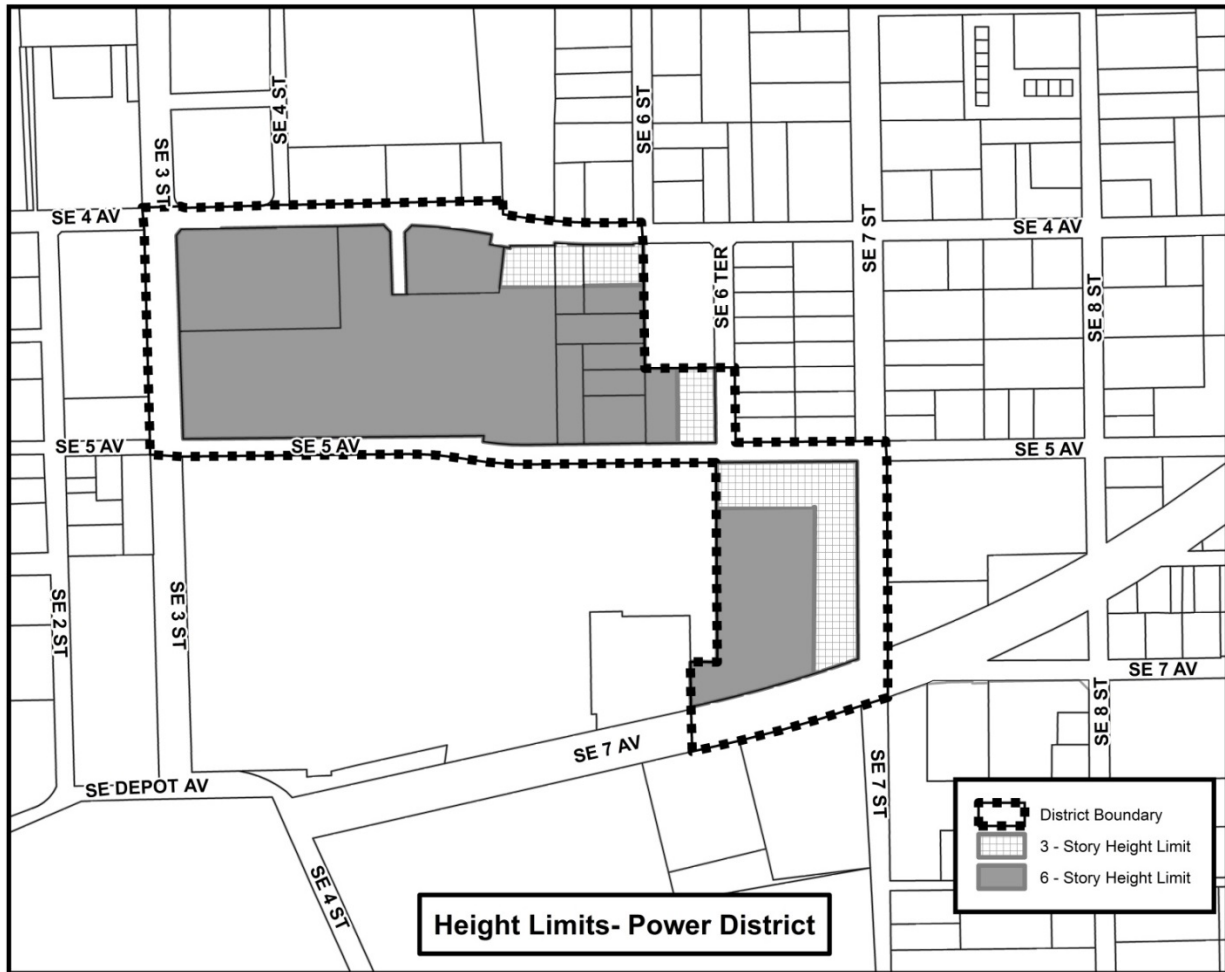


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1 **Figure 2: Height Compatibility University Heights**



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1 D. *Multi-family developments.*

- 2 1. *Generally.* Multi-family development shall contain no more than six dwelling units per building
3 and shall be in the form of single-family dwellings, attached dwellings, or small-scale multi-
4 family when located within 100 feet of any property that is in a single-family zoning district, the
5 U1 district, or a designated historic district.
- 6 2. *Abutting single-family property.* All new multi-family projects, whether stand alone or part of a
7 mixed-use project, abutting property in a residential district or a planned development district
8 with predominantly residential uses shall comply with the following regulations:
- 9 a. There shall be no outdoor recreation areas or uses allowed within any required building
10 setback area or landscape buffer between abutting multi-family development and single-
11 family designated properties.
- 12 b. Active recreation areas (including swimming pools, tennis courts, basketball, and volleyball
13 courts) shall be located away from abutting single-family designated properties and shall be
14 oriented in the development to minimize noise impacts on single-family designated
15 properties.
- 16 c. There shall be no car washing areas, dumpsters, recycling bins, or other trash/waste
17 disposal facilities placed in the required setback area between multi-family development
18 and properties zoned for single-family use.
- 19 d. Parking lots and driveways located in the area between multi-family and abutting single-
20 family designated properties shall be limited to a single-loaded row of parking and a two-
21 way driveway.
- 22 e. A decorative masonry wall (or equivalent material in noise attenuation and visual screening)
23 with a minimum height of six feet and a maximum height of eight feet plus a Type B
24 landscape buffer shall separate multi-family residential development from properties
25 designated single-family residential. However, driveways, emergency vehicle access, or
26 pedestrian/bicycle access may interrupt a continuous wall. If, in the professional judgment
27 of city staff or other professional experts, masonry wall construction would damage or
28 endanger significant trees or other natural features, the appropriate reviewing authority
29 may authorize the use of a fence and/or additional landscape buffer area to substitute for
30 the required masonry wall. There shall be no requirement for a masonry wall or equivalent if
31 buildings are 200 or more feet from abutting single-family properties. In addition, the
32 appropriate reviewing authority may allow an increased vegetative buffer and tree
33 requirement to substitute for the required masonry wall.
- 34 f. The primary driveway access shall be on a collector or arterial street, if available. Secondary
35 ingress/egress and emergency access may be on or from local streets.
- 36 3. *Bedroom limit.* Maximum number of bedrooms in multi-family developments located within the
37 University of Florida Context Area.
- 38 a. Multi-family developments shall be limited to a maximum number of bedrooms based on
39 the development's maximum residential density allowed by the zoning district multiplied by
40 a 2.75 multiplier.
- 41 b. If additional density is approved through a Special Use Permit, then the multiplier is applied
42 to the total approved density inclusive of any additional units approved by Special Use
43 Permit.

- c. In the case of decimal places, the maximum bedrooms shall be rounded down to the next whole number.
- d. The bedroom mix in the development (i.e., the number of units with a specific number of bedrooms) is not regulated by these provisions.
- e. Developments with Planned Development (PD) zoning are not subject to the bedroom multiplier.


Section 30-4.9. Building Height Bonus System.

A. *Eligible improvements.* Development projects may be eligible to construct additional building stories and allow for the corresponding increase in overall building height up to the limit allowed with bonuses as specified for the applicable zoning district. The bonus may be approved based on the provision of certain development improvements that exceed the minimum standards of this article, as follows:

1. *Usable Open Space.* If a development provides onsite usable open space that is accessible to the 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	
<p>A green is an open space for unstructured recreation. Greens consist of lawns, trees, paths, benches, and open shelters, all informally arranged.</p> <ol style="list-style-type: none">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.

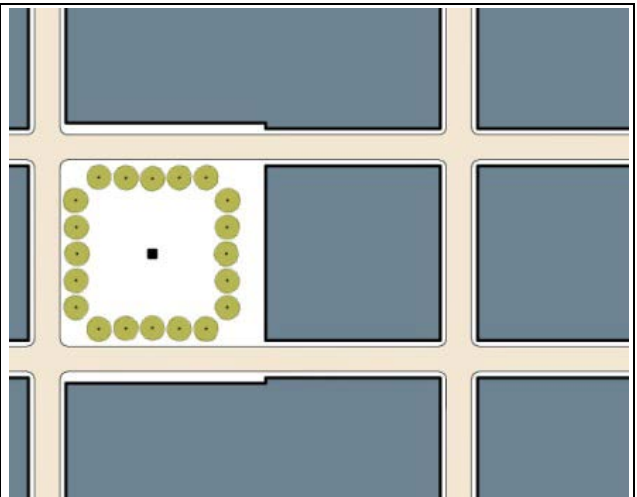
1. Squares shall be located at the intersections of important thoroughfares.
2. Squares must front on at least 3 streets.
3. Façades facing the square should have at least 40% of their first floor's primary façade in transparent windows.

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Plaza

An open space for commercial and civic purposes consisting primarily of paved surfaces. A plaza is spatially defined by building frontages.

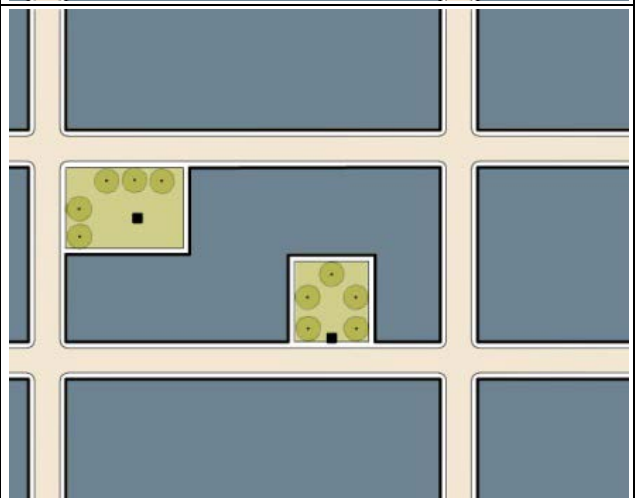
1. Plazas should be located at the intersection of important streets.
2. Plazas must front on at least one street.
3. Façades facing the plaza should have at least 40% of their first floor's primary façade in transparent windows.



Playground

A fenced open space designed and equipped for the recreation of children.

1. Playgrounds shall be located within ¼ mil surrounding neighborhoods.
2. Playgrounds may be freestanding or located within parks and greens.



Pocket Plaza



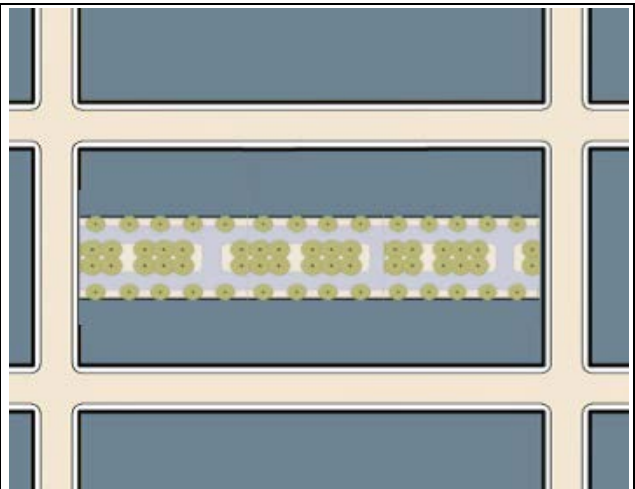
A formal open space available for civic purposes and commercial activities. Pocket Plazas are typically hardscaped and include landscaping in lawns or permanent planters.

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.

Promenade

A linear pedestrian open space between streets that extends through successive blocks. The space largely hardscaped and lined with trees at the edges.

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



2. *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.

3. *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.
4. *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.

5. *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.

6. *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.


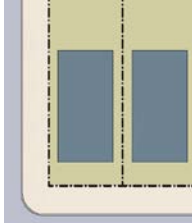
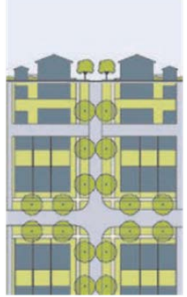
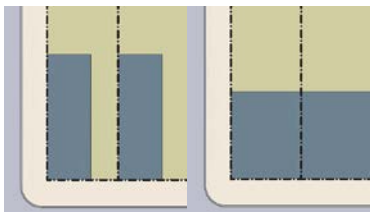
D. *Public nuisance.* Any person who violates this section shall be deemed guilty of maintaining a nuisance, and may result in abatement or enjoinder as provided in Sections 60.05(1) and 60.06, Florida Statutes.

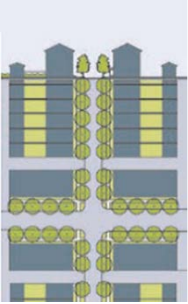
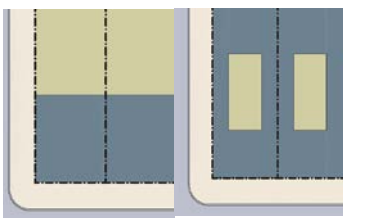
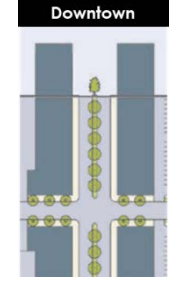
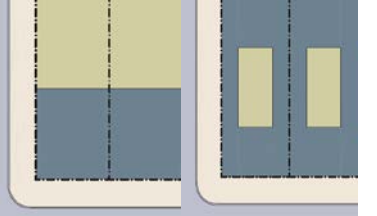
DIVISION 2. TRANSECTS

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.

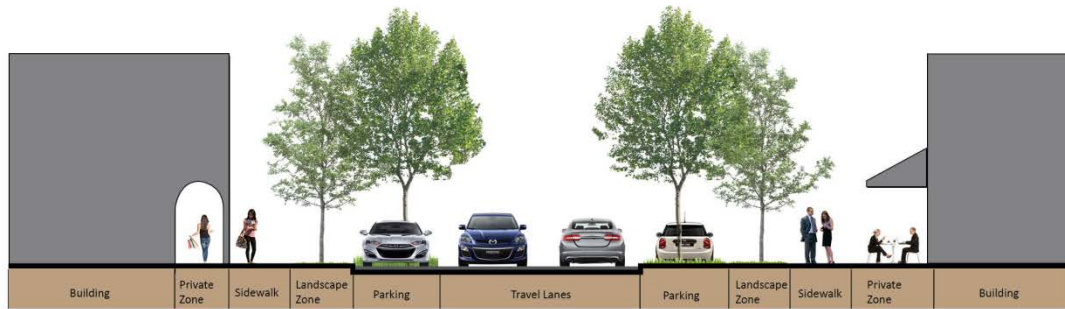
	ZONE DESCRIPTION	INTENDED SITE LAYOUT	
Urban Zone 1 	Urban Zone 1 Consists of predominantly low to medium density residential areas, adjacent to higher intensity zones where neighborhood services and mixed use are permitted.		Buildings typically occupy the center of the lot with setbacks on all sides. 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.		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.

	<p>Urban Zones 6 - 9</p> <p>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.</p>	 <p>Front Courtyard</p>	<p>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.</p>
	<p>Downtown</p> <p>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.</p>	 <p>Front Courtyard</p>	<p>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.</p>

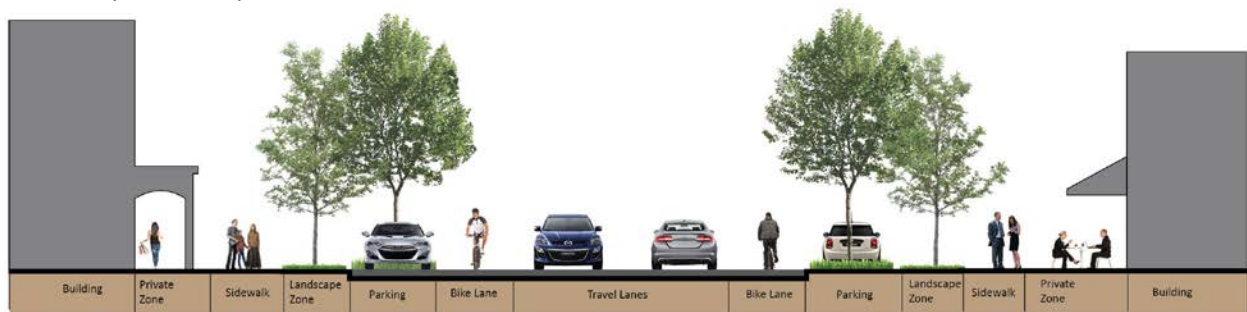
- C. *Streets*. Within the transects, new developments shall connect to the existing street network. Where the existing street network is deficient with respect to gridded connectivity, the development shall provide new street connections to meet the block perimeter requirements.

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, minimum sidewalk widths are increased and 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.



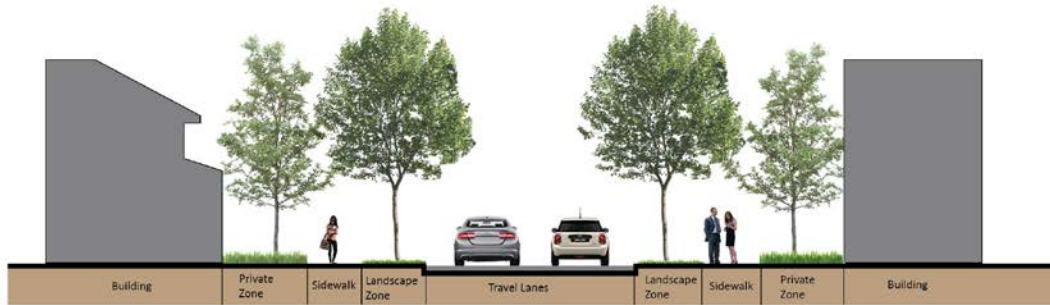
- b. *Principal*. Principal streets include lower levels of pedestrian activity compared to storefront streets. This street type is located in mixed-use areas where the traffic volume is anticipated to be higher than on local streets. This street type allows for some auto-oriented uses with a special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



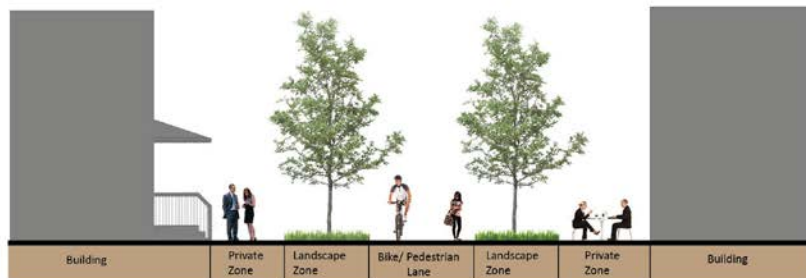
- c. *Thoroughfares*. Thoroughfares are streets that carry high volumes of through traffic at higher speeds with less pedestrian activity and higher vehicular speeds than other street types. These streets are often fronted by larger scale commercial development and are usually 4-lane or 6-lane streets.



- 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

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
Multi-family, small-scale (2-4 units per building)		-	P	P	P	P	P	P	P	P	P
Multi-family dwelling		-	-	P	P	P	P	P	P	P	P
Accessory dwelling unit	30-5.33	-	P	P	P	P	P	P	P	-	-
Adult day care home	30-5.2	P	P	P	P	P	P	P	P	P	P
Community residential homes (up to 6 residents)	30-5.6	P	P	P	P	P	P	P	P	-	-
Community residential homes (more than 6 residents)	30-5.6	-	-	P	P	P	P	P	P	P	-
Dormitory (small)	30-5.8	-	P	P	P	P	P	P	P	P	P
Dormitory (large)	30-5.8	-	-	P	P	P	P	P	P	P	P
Family child care home	30-5.10	P	P	P	P	P	P	P	P	P	-
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		-	-	-	-	-	P	P	P	P	P

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
dispensing facility											
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
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

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
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	20'-25' 5'/10'/5'	20'-25' 5'/10'/5'							20'-25' 5'/10'/5'	20'-25' 4'/10'/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

Article IV. Zoning
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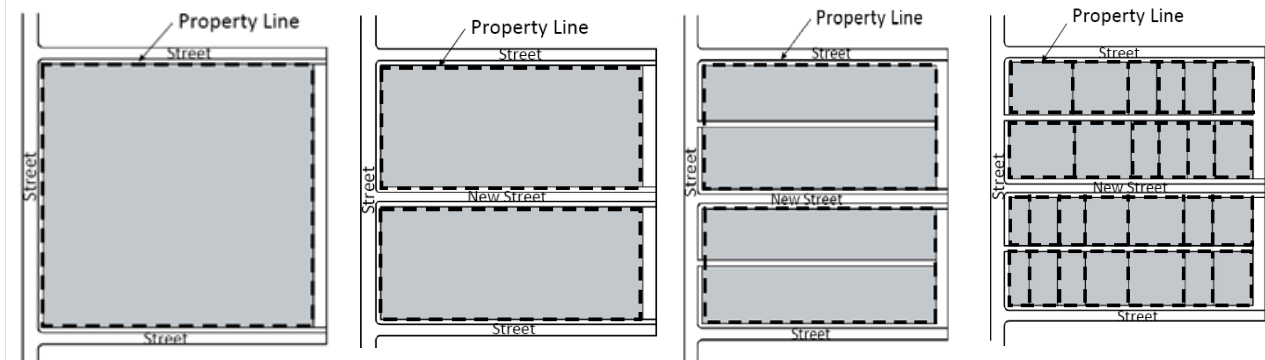
Min first floor - multi-family	-	30%
Min upper floors - nonresidential and multi-family	-	15%

- 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.

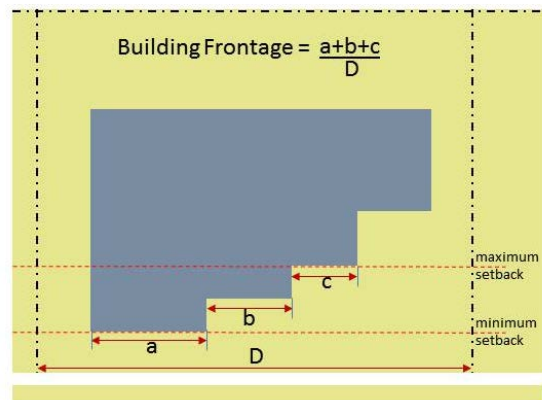
2. *Construction of new streets.*

- 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:
 - a. 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.
 - b. 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.
 - c. 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.
 1. 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).
 2. *Frontage hierarchy.*
 - a. 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.
 - b. 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.

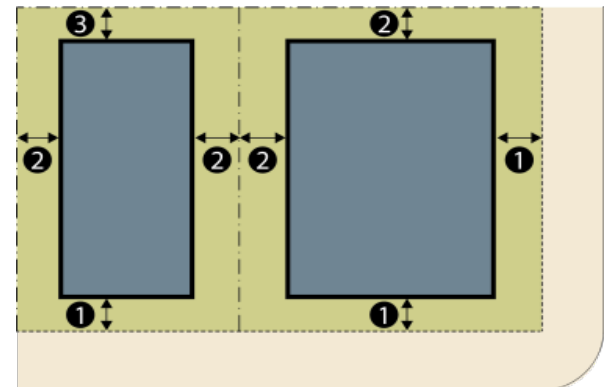
Figure V - 4: Example of Gateway



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.

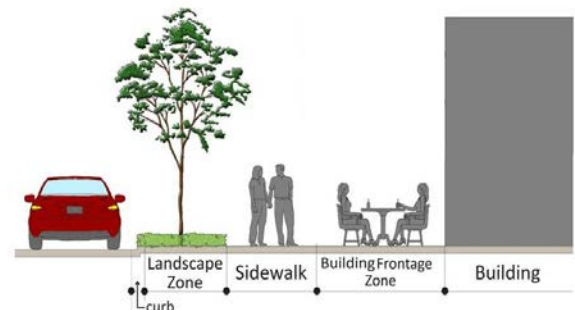
Figure V - 5: Building Setbacks



- 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 sidewalk 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

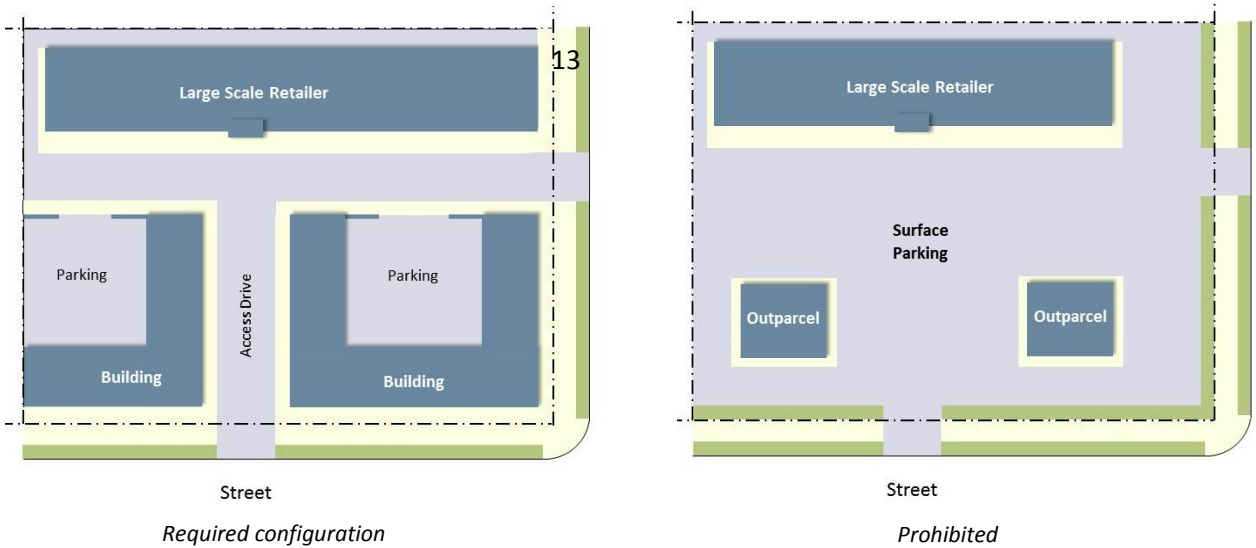


3. Side and rear setbacks are minimums and shall be measured from shared property lines.
4. The following shall not be located within the public sidewalk zone: utility poles including electrical transmission and distribution poles;

light poles; mechanical equipment as defined in Section 30-6.10; signs included in Section 30-9.2A; and street furniture including benches, trash receptacles, and bicycle racks.

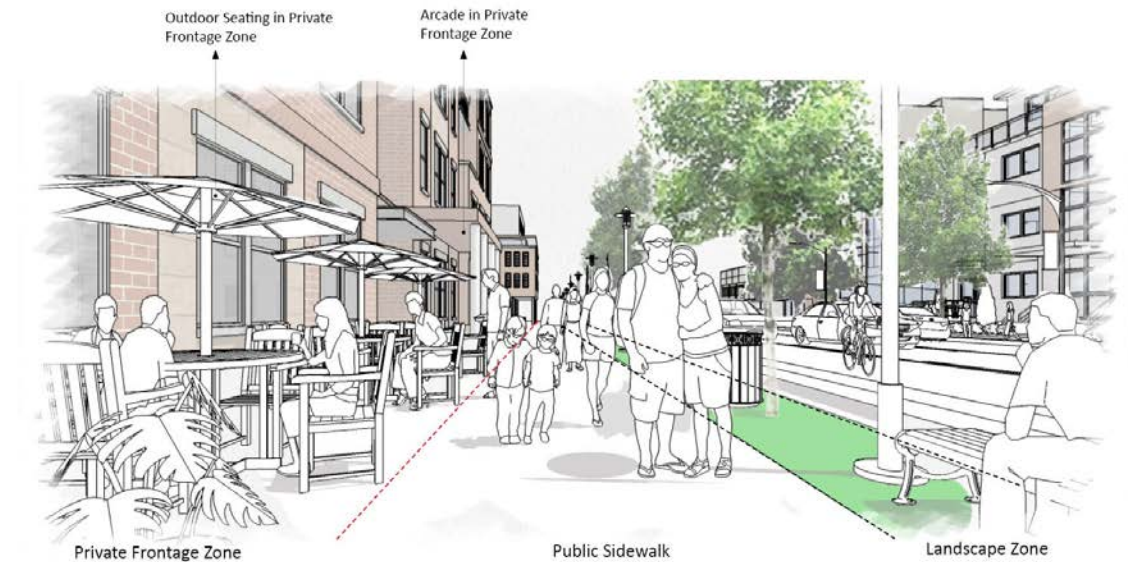
5. Where multiple buildings are proposed within a development, the placement of buildings at the rear of a site is allowed as long as one or more buildings are placed along the front of the site meeting the building placement and setback and building frontage requirements of this division. Figure V-7 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

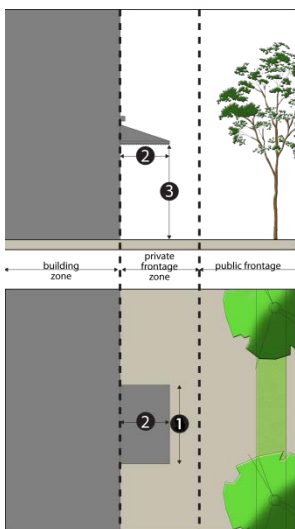
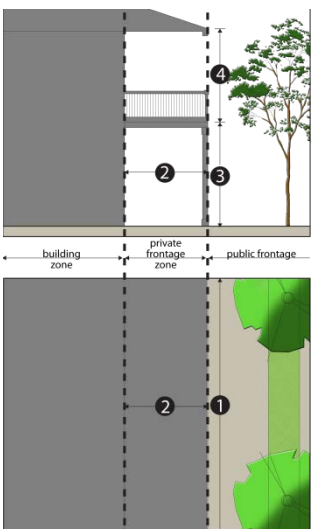
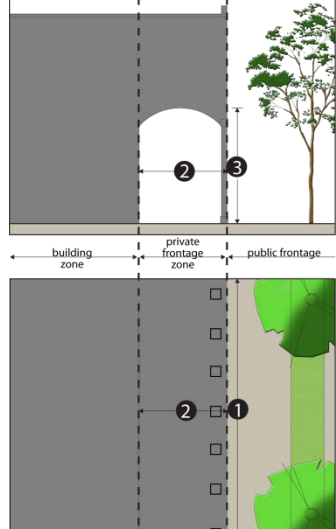
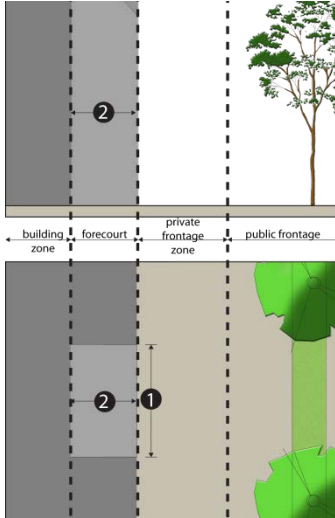
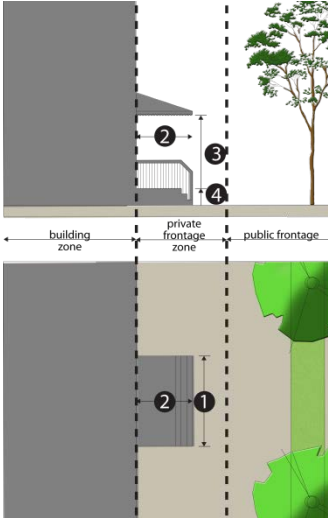
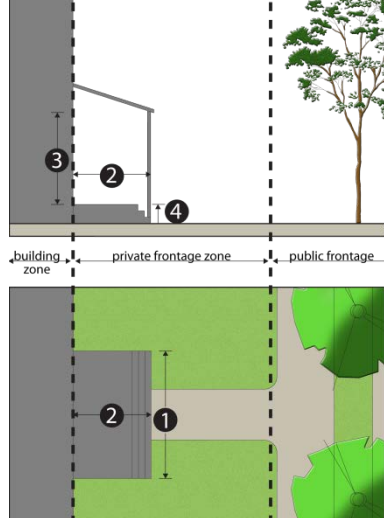


Building Frontage Zone used for outdoor seating



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.

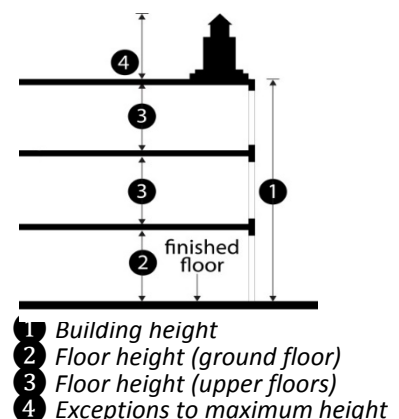
3 1. *Building frontage standards, general.*

- 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; however, permanent fencing is prohibited.
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, ventilators, chimneys or other appurtenances required to be placed on the roof and not intended for human occupancy. Other exceptions include:
 - a. Roof structures above eave line can vary in height up to a

Figure V - 9: Building Height



maximum of 15 feet above eave line.

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

F. *Floor height.*

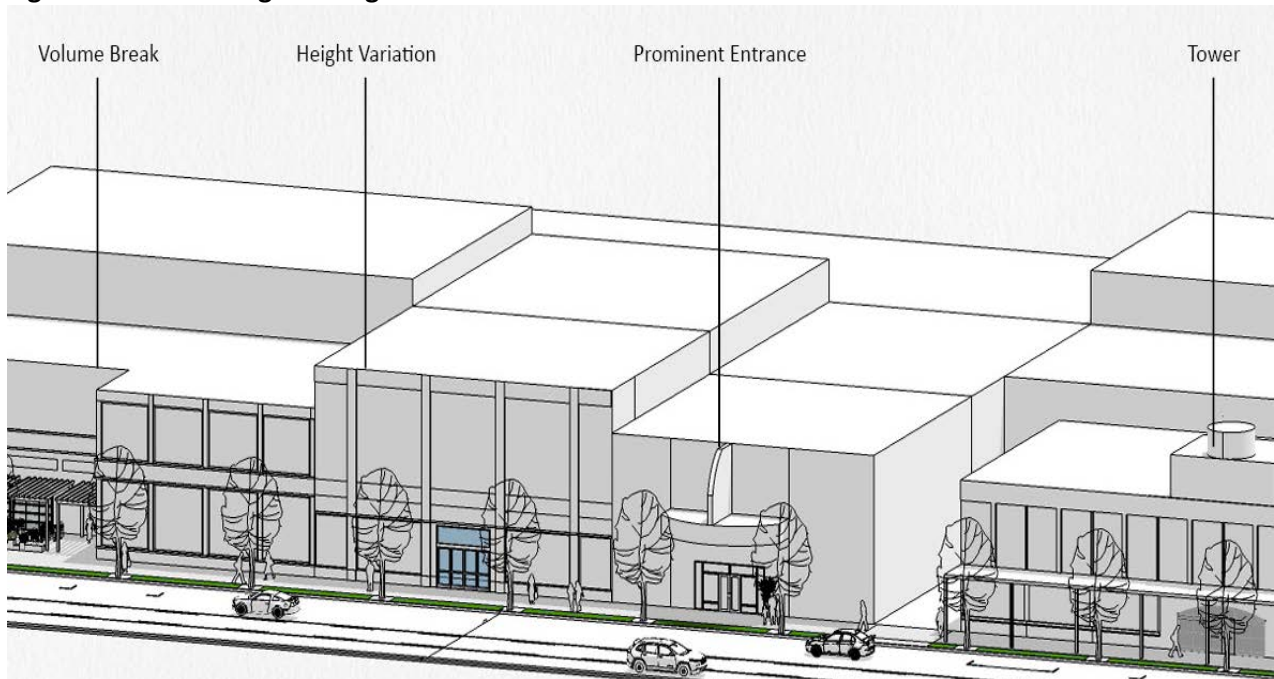
1. Floor height shall be measured as provided in the Florida Building Code.

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

Section 30-4.14. Building Design Standards.

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

Figure V - 16: Building Massing

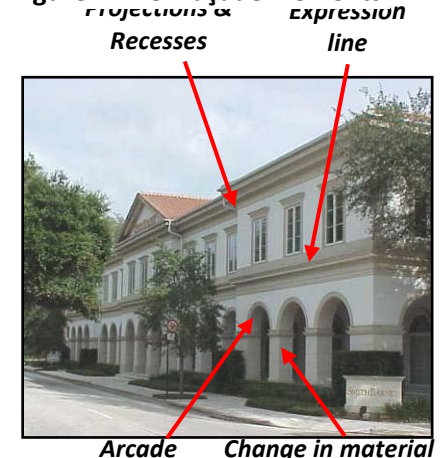


B. *Facade articulation.* The standards contained in this section apply to multi-family, nonresidential and mixed-use buildings. Building facades along streets shall maintain a pedestrian scale by integrating the following architectural elements:

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

- A window or door.
- Awning, canopy or marquee.
- An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six inches.

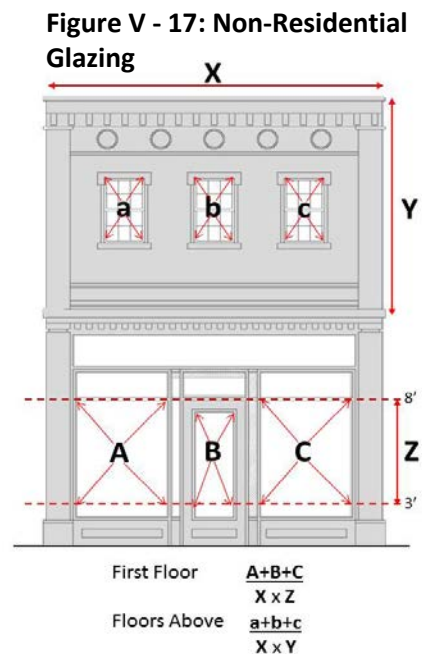
Figure V - 18: Façade Elements



- 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 façade.

C. *Glazing requirements.*

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



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.

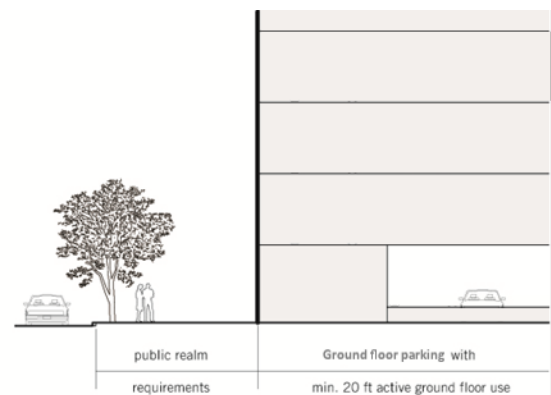
Transect	Min Vehicle Spaces		Min Bicycle Spaces		Min Scooter Spaces
	Nonresidential Use	Residential Use	Nonresidential Use	Residential Use	
DT	-	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U9	-	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U8	-	-	1 per 2000 sq.ft. of GFA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

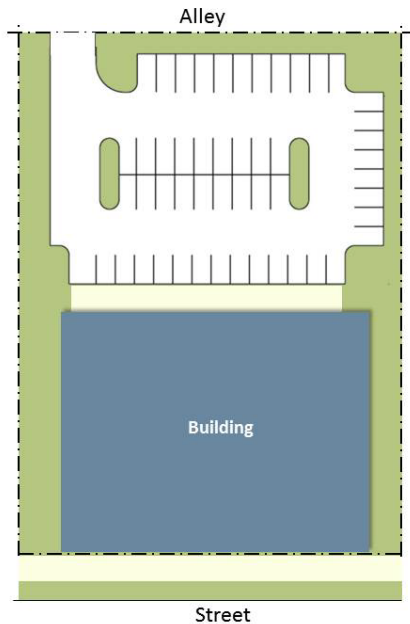
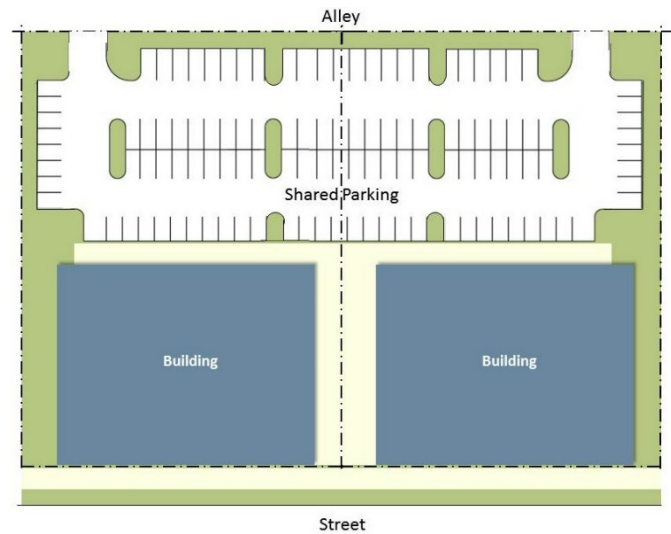


Figure V - 12: Parking Access from Adjacent Property



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.

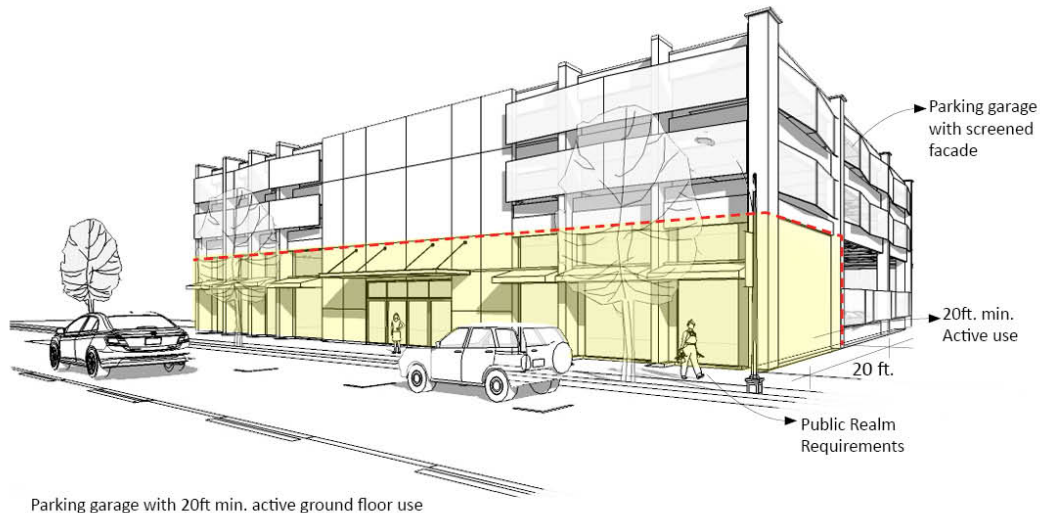
Figure V - 13: Parking Structures on Storefront Streets

2. Parking structures located along Principal streets shall be required to provide ground floor



commercial or office space along the street frontage (see Figure V-14).

Figure V - 14: Parking Structures on Principal Streets



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

Figure V - 15: Parking Structures on Other Streets



- 4.
- Parking structures shall meet setback, height, and façade articulation standards applicable to the transect, but are exempt from the minimum floor-to-ceiling height requirement and the 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
Laboratories, medical and dental		P	P	P	P	P	P	-	-	P	P	P	P

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
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 dispensing facility		P	P	A ¹	A ¹	S	P	P	P	P	P	S	S
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
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

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
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 and may be located within the building frontage and/or landscape zones. Bicycle parking requirements may be waived if public bicycle parking exists to serve the use.

B. Sidewalks.

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

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.