City of Gainesville
Department of Sustainable Development
Planning Division

PO Box 490, Station 11
Gainesville, FL 32627-0490
306 NE 6th Avenue
P: (352) 334-5022
F: (352) 334-2648

DEVELOPMENT REVIEW BOARD STAFF REPORT

PUBLIC HEARING DATE: April 29, 2021

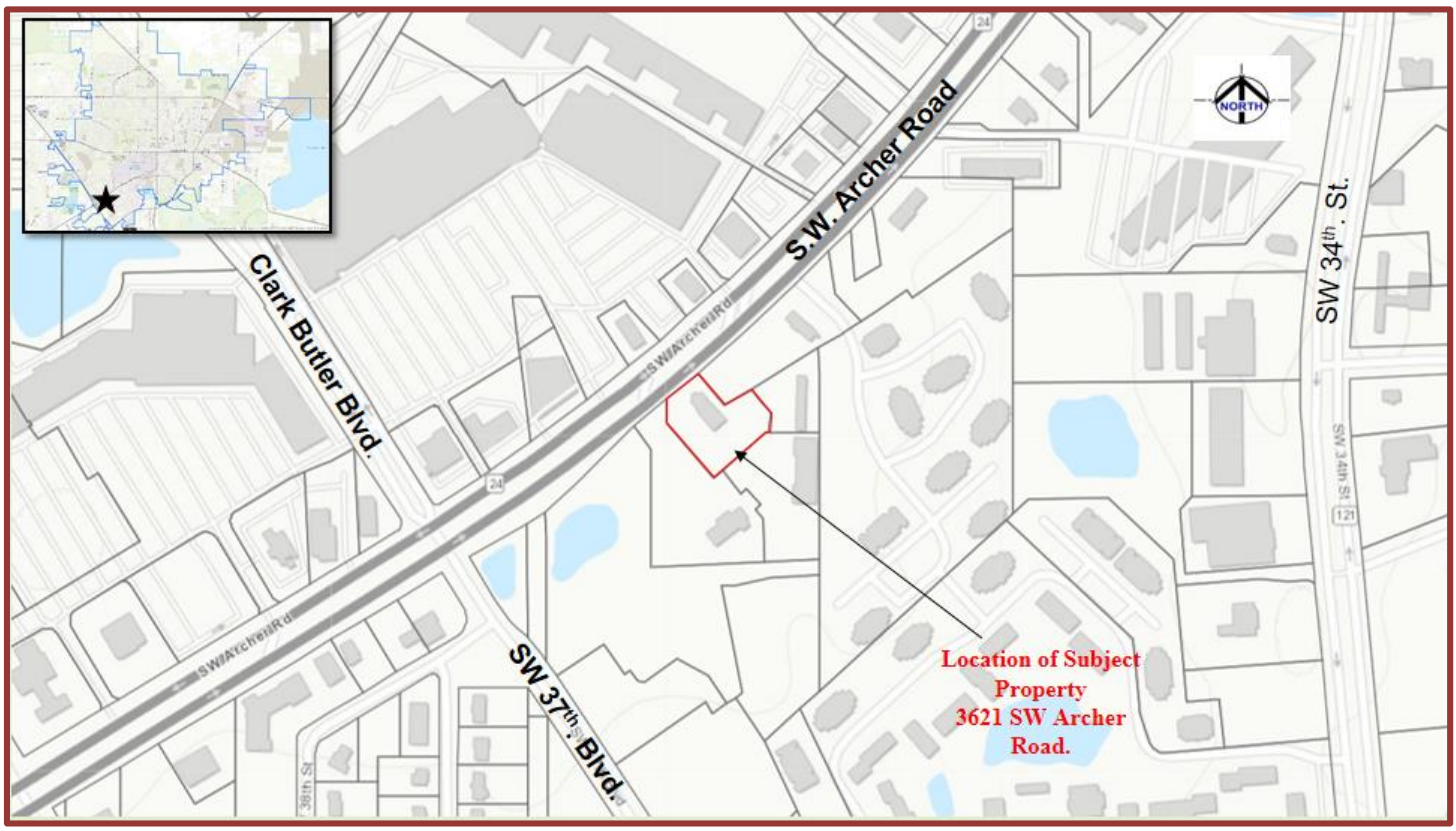
ITEM NO: 1.

PROJECT NAME AND NUMBER: Chick-fil-A, Archer Road Drive-thru, Petition DB-21-28 VAR

APPLICATION TYPE: Variance with no Development Plan

CITY PROJECT CONTACT: Lawrence Calderon, Planner III

Map 1. General Location Map



APPLICATION INFORMATION:

Agent/Applicant: Kendra Lewis, Interplan LLC,

Property Owner(s): Chick-fil-A #531 – Archer Road DTO

Related Petition(s): AD-21-29 SPA (Development Plan for Proposed Remodeling)

Legislative History: None

Neighborhood Workshop: Not Required

SITE INFORMATION:

Address: 3621 SW Archer Road Gainesville, FL 32608

Parcel Number(s): 06804-001-000

Acreage: Approximately 42,155 square feet (0.9677 Acres)

Existing Use(s): Existing Restaurant with drive-thru

Land Use Designation(s): Commercial

Zoning Designation(s): BUS – General Business District

Overlay District(s): None

Transportation Mobility Program Area (TMPA): Area A

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

Special Feature(s): None

Annexed: 2002

Code Violations: No record of Code Violations

BACKGROUND AND EXPLANATION:

Background:

The subject property is located on the south side of Archer Road and is part of a continuous strip of commercial development extending from SW 34th Street to I-75. The applicant indicates that the property was formerly a Chick-fil-A restaurant that was closed several years ago in order to build a newer more efficient location down the street. Chick-fil-A now has the opportunity to re-purpose this building, due to continued increases in drive-thru demand. This restaurant is proposed to be converted to a drive-thru only (DTO) location with no dining room seating for customers. It will solely fulfill drive-thru and curbside pick-up orders as well as an interior space for customers to carry out orders from inside.

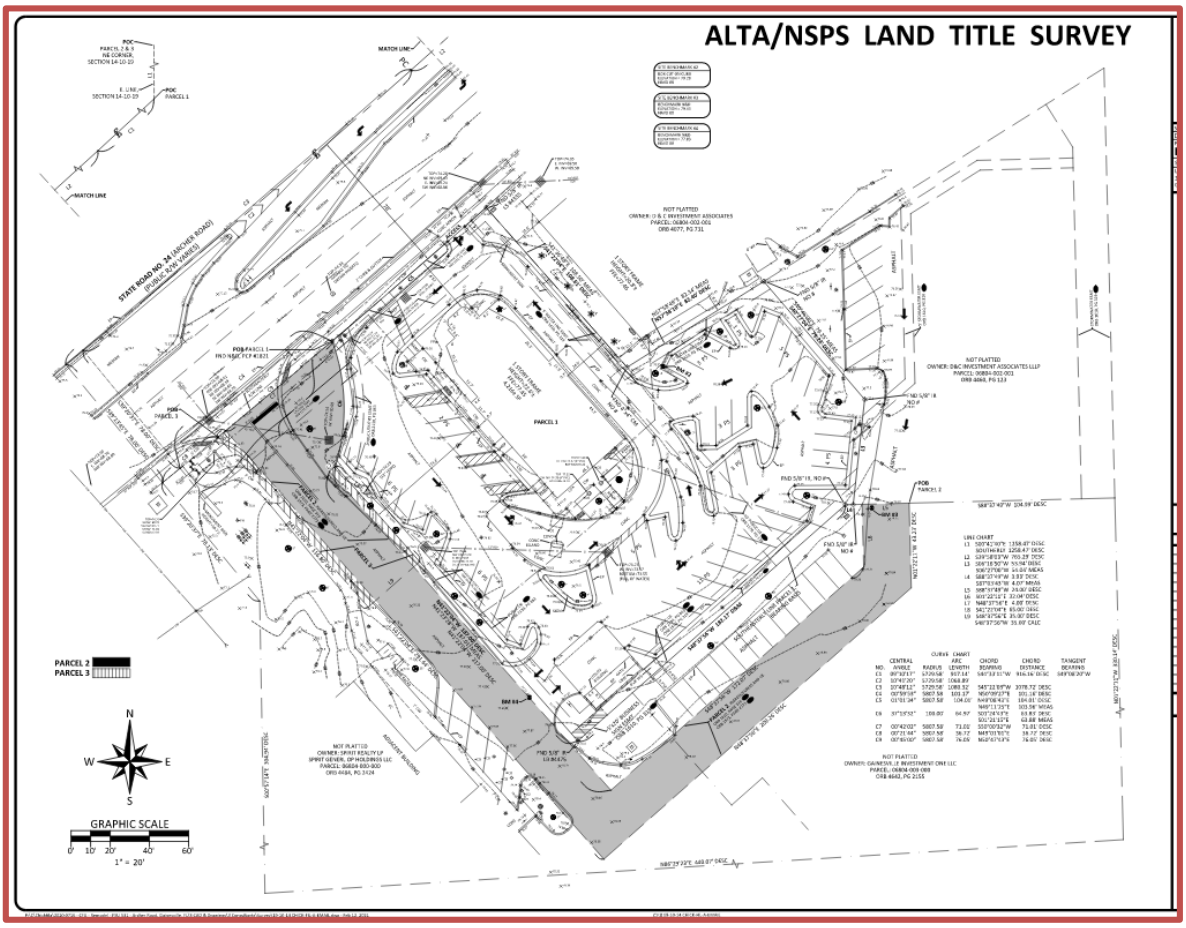
TABLE 1. SURROUNDING PROPERTY LAND USE AND ZONING

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
North	**Restaurant with Drive-thru.**	**Commercial**	**BUS – General Business**
South	**Restaurant**	**Commercial**	**BUS – General Business**
East	**Restaurant with Drive-thru.**	**Commercial**	**BUS – General Business**
West	**Retail**	**Commercial**	**BUS – General Business**

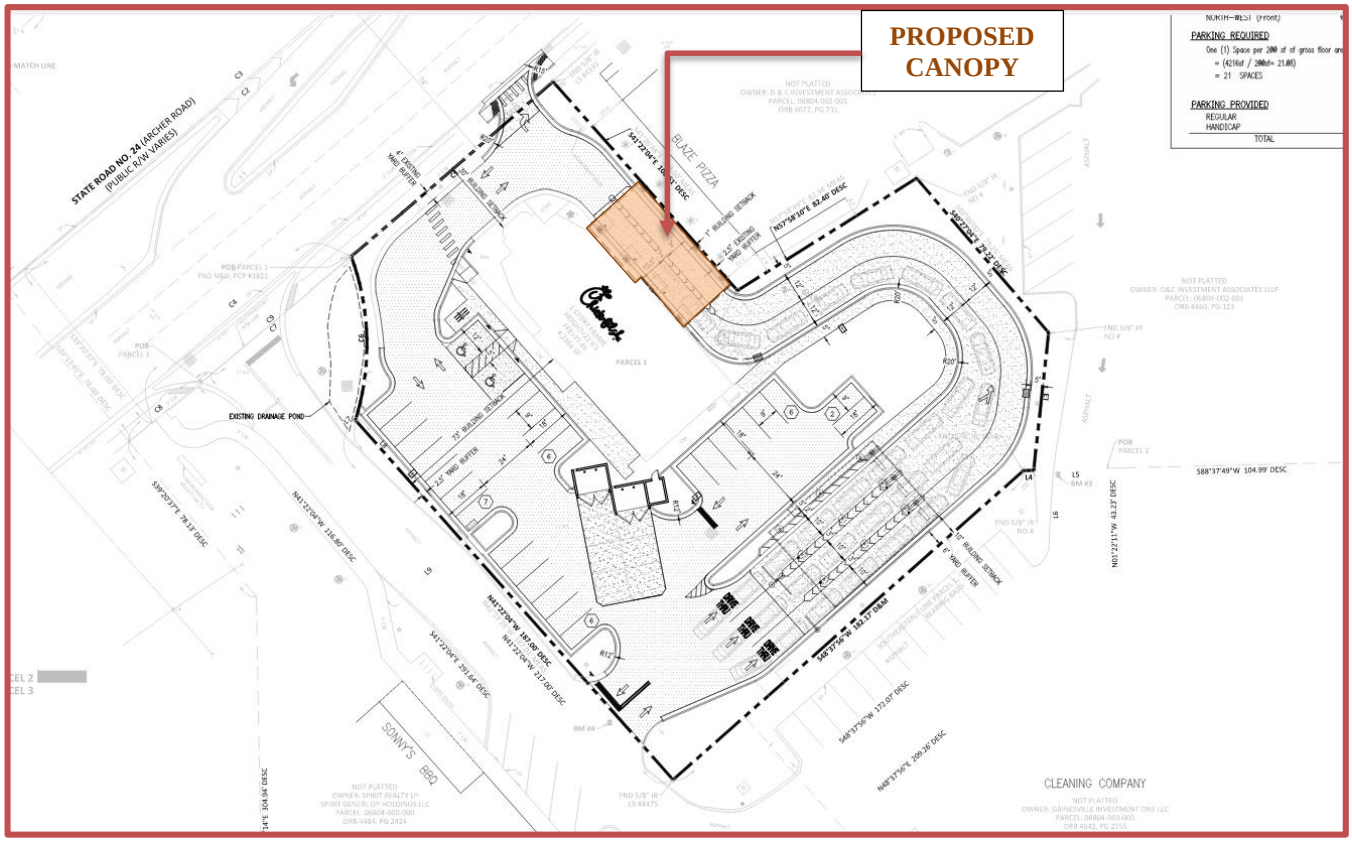
Explanation:

The applicant indicates that as part of the building conversion to a DTO, a variance is being sought for an accessory canopy encroachment into the building setback on the north side of the site between the pick-up window and the property line. The multi-lane drive-thru and canopy system over the ordering points and pick-up window will greatly assist in expediting the flow of traffic. The canopies will provide team members protection from the elements while they are on-site taking and delivering multiple orders at a time. The required side setback is 10 feet, (Sec. 30-4.20. - Dimensional standards.); the applicant is requesting a reduction to one (1) foot.

Map 2: Existing Siteplan and Building Placement



Map 3: Proposed Siteplan and Building Placement



The above drawing illustrates the location of the proposed canopy relative to the boundaries of the subject property. This requested variance is to reduce the side yard setback from 10 feet to 1 foot (See Maps 2. and 3.).

STAFF ANALYSIS:

Staff reviewed this petition in the context of Sec. 30-4.19, Sec. 30-3.55 and Sec. 30-5.9. – Drive-through facilities of the Land Development Code. Those 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 for granting a variance.

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

1. The site does not provide connectivity to surrounding properties. This forces patrons to re-enter the main roadway network to access the site from adjacent developments to the east.
2. The development proposal does not include a by-pass lane which is required per Sec. 30-5.9 2.c.
3. The required side setback is 10 feet. However, given the intensity of developments in the area and full compliance with all development standards, a reduced setback would not have a significantly negative impact on surrounding developments.
4. Most drive-throughs do not have a canopy. While the canopy is a desirable element, the applicant has not provide evidence to demonstrate that absence of the canopy will deprive reasonable use of the facility

5. It appears that there are alternate designs that would allow a canopy with a smaller encroachment into the setback.

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.

Information from the applicant points to the unusual and narrow shape of the northern portion of the site as the special conditions and circumstances, unique to the parcel. While those features limit a preferred operational designs, they do not prohibit operation of a drive-through. The property has operated as a drive-through for many years and undergone several modifications since 1994. This establishes the ability to operate as a drive-through within the standards of the Land Development Code. The applicant lists the following:

> *Chick-fil-A has the opportunity to repurpose this existing building that would otherwise sit vacant. The location of the existing building, specifically the area on the north side of the site between the pick-up window and the property line, necessitates this variance in order to allow the canopy encroachment into the building setback. The canopy at the pick-up window is critical to protect team members as they deliver meals in order to expedite traffic in the drive-thru.*

Staff acknowledges the impacts of recent incidents, the resulting changes to community lifestyles and the need to re-evaluate how a drive-through operates. Those circumstances are valid and in the context of the development pattern in the immediate areas, the requested variance has merit. However, consideration must be given to safety of the general public, the potential to comply with required development standards and the degree of encroachment that would result in an overall positive benefit to the site and the community.

Those elements listed above are unique to the property and are not typical of other lands, structures and buildings in the same zoning district.

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

The conditions and circumstances listed above are directly due to the actions of the applicant. However, the applicant claims that "… multi-lane drive-thru and canopy system over the ordering points and pick-up window will greatly assist in expediting the flow of traffic. The canopies will provide team members protection from the elements while they are on-site taking and delivering multiple orders at a time, which will provide additional efficiency during peak hours. Furthermore, developing this site will help to alleviate drive-thru traffic at the existing restaurant down the street… ". The need for a canopy and thus the setback encroachment is directly due to the actions of the applicant.

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 criteria and findings of fact necessary to grant a variance. A decision based on the required criteria will not be viewed as conferring special privileges on the applicant that are denied to other land, structures, or buildings in the same district. In reaching a

decision on the requested variance, the board must consider the material facts and competent substantial evidence presented at the meeting. The applicant has provided documentation illustrating reasons for the requested variance and the circumstances resulting in the need for such a variance. A variance based on the listed criteria establishes a sound basis for deviating from the zoning standards and is not considered a 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.***

The property was developed in the early 1990s, and was annexed into the City in 2002. The property operated as a restaurant with a drive-through since its initial construction without a canopy. Records from Alachua County, Table 2 below, show periodic improvements since 1994. The property is therefore able and has enjoyed rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or Building Code. Denial of this variance will not deprive the applicant of such rights but would limit the scope of the proposed drive-through modifications.

TABLE 2.

PERMIT HISTORY OF SUBJECT PROPERTY

Permits

Columns

Permit Number	Type	Primary	Active	Issue Date	Value
14-07067	ROOFING	Yes	No	12/23/2014	$40,000
12-01180	MECHANICAL	Yes	No	3/13/2012	$0
11-05081	COMM REMODEL PERMIT	Yes	No	10/18/2011	$2,250
11-02518	COMM REMODEL PERMIT	Yes	No	7/20/2011	$10,000
2000070028	SIGN PERMIT	Yes	No	8/21/2000	$21,000
2000040285	STORES & CUSTOMER SVC.	Yes	No	4/25/2000	$500,000
2000040286	DEMOLITION OF A STRUCTURE	Yes	No	4/25/2000	$1,000
95050229	COMMERCIAL MECHANICAL	Yes	No	5/23/1995	$2,700
000080159	MISCELLANEOUS	Yes	No	7/25/1994	$300
000080165	MISCELLANEOUS	Yes	No	7/25/1994	$8,800
000078215	MISCELLANEOUS	Yes	No	12/16/1993	$1,200
000077581	ON-SITE SIGN	Yes	No	9/28/1993	$9,000
000077433	REMODEL RESTAURANT	Yes	No	9/9/1993	$75,000
000072531	ON-SITE SIGN	Yes	No	2/17/1992	$2,000
000072339	RL RES	Yes	No	1/27/1992	$21,500

Our permitting information is pulled from the Alachua County Permitting Offices. Permitting information shown here is all the Property Appraiser has on file for this property. Any detailed questions about permits should be directed to the Permitting Offices.

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

The encroachment is for an open canopy that would extend nine (9) feet into the setback, leaving only a one foot separation between the structure and the eastern property boundary. The width of the canopy can be reduced, the canopy can be extended as an overhung or can be designed with alternate supports that would reduce the amount of encroachment. The applicant indicates that the canopy at the pick-up window is critical to protecting team members as they deliver meals via an expedited and controlled traffic circulation system. However, no evidence is provided to show that the request is the minimum possible to facilitate the proposed renovation.

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 regulations, but in harmony with the characteristics of the neighborhood and without being injurious to that neighborhood. Due to the intensity and compact nature of the development in the area, reasonable encroachment into the setback can be achieved without negative impacts to the area. The area between the proposed canopy and the adjacent building is occupied by planted vegetation and does not serve as an active functional space.

The existing development is not fully consistent with all applicable standards of the Land Development Code, such as connectivity to adjacent properties. This renovation offers an opportunity to correct those deficiencies, but are not offered. Additionally, the drive-through facility as proposed would be in violation of Sec. 30-5.9 2.c., pertaining to the need for a by-pass lane for all drive-throughs. Providing a by-pass lane and a more compatible relationship with surrounding development would be a positive step in improving the manner in which the facility will operate. Given those improvements, a reasonable encroachment will not be injurious to the abutting properties or the general neighborhood.

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

POST-APPROVAL REQUIREMENTS:

If approved the variance will become immediately effective unless there is an appeal of the board's decision.

LIST OF ATTACHMENTS:

Attachment A: Application and Supporting Documents.

Attachment B: Some Relevant Comp Plan and Land Development Code References.

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ATTACHMENTS

Petition DB-21-28 VAR

April 29, 2021

1. **Attachment A – Application and Supporting Documents**
2. **Attachment B – Some Relevant Comprehensive Plan And LDR References**

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ATTACHMENT A

Petition DB-21-28 VAR

April 29, 2021

1. **Attachment A – Application and Supporting Documents**
2. **Attachment B – Some Relevant Comprehensive Plan And LDR References**

CITY OF GAINESVILLE
every path starts with passion
FLORIDA

PETITION TO THE BOARD OF ADJUSTMENT
Planning & Development Services Department

OFFICE USE ONLY

Petition No. _____ Fee: $_____

Hearing Date: _____ EZ Fee: $_____

Account No. 001-660-6680-3401 [ ]

Account No. 001-660-6680-1124 (Enterprise Zone) [ ]

Account No. 001-660-6680-1125 (Enterprise Zone Credit [ ]

CHECK ONE:

[X] 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: Quincey Linda C Trustee	Name: Kendra Lewis c/o Interplan LLC
Address: 1934 NW 32nd Ter	Address: 604 Courtland Street, Suite 100
Gaineville, FL 32605	Orlando, FL 32804
E-mail Address:	E-mail Address: klewis@interplanllc.com
Phone:	Phone: 407-645-5008
Fax:	Fax: 407-629-9124

PROPERTY INFORMATION:

Street address: 3621 SW Archer Road, Gainesville, FL	
Tax parcel no(s): 06804-001-000	
Legal description (may be attached): See Attached Legal Description	
Existing Zoning: BUS: General Business District	Lot size: 0.9677 acres and 42,155 sqft.
Present use: Restaurant with Drive-thru	Proposed use: Restaurant, Drive-thru only
Historic District or Landmark?	[ ] Yes [X] No
Present structures (type) and improvements upon the land: Existing Restaurant with drive thru	

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	General Business	commercial	restaraunt with drive-thru
South	General Business	commercial	restaraunt
East	Planned Development	commercial	restaraunt with drive-thru
West	General Business	commercial	retail

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.

Agent for
Property Owner Signature: Kenehee Lewis Date: 2/10/21
(per attached Property Owner Affidavit)

STATE OF FLORIDA
COUNTY OF orange

Sworn to and subscribed before me this 10th day of February 2021,
by (Name) Kendra Lewis.

Signature – Notary Public

Personally Known ✓ OR Produced Identification ___ (Type) _____

Notary Public State of Florida
Monica Danielle Pomroy
My Commission GG 080877
Expires 03/08/2021

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: x Land Development Code Fire Code Building Code

Section: 30-4.20 Dimensional Standards, Table V-8

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?

Chick-fil-A has the opportunity to repurpose this existing building that would otherwise sit vacant.The location of the existing building, specifically the area on the north side of the site between the pick up window and the property line, necessitates this variance in order to allow the canopy encroachment into the building setback. The canopy at the pick-up window is critical to protect team members as they deliver meals in order to expedite traffic in the drive-thru.

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

This is a unique situation where a traditional fast-food restaurant with dining is being converted to a drive-thru only facility.

(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.

Chick-fil-A typically generates substantially more business in their drive-thru than other drive-thru restauarnts. The COVID-19 pandemic has only increased the demand of drive-thru and curbside pick-up as dining rooms have been closed. This location will be solely for drive-thru and curbside pick-up orders, which is a different concept than other drive-thru restaurants in this district. Furthermore, developing this site will help to alleviate drive-thru traffic at the existing restaurant down the street.

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

No, this vacant Chick-fil-A was closed several years ago in order to build a new location down the street on a larger site that could accomodate increased business. Chick-fil-A now has the opportunity to re-develop this site into a drive-thru only location with no dining room seating. With the drive-thru generating all of the business, the dual-lanes and canopies over the ordering points and meal delivery window will be critical in expediting the flow of traffic on and off of this site.

(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.

Other drive-through restaurants typically do not have team members outside in the elements. The proposed canopies will help to keep the team members protected from the sun and rain while still being able to take multiple orders at a time and deliver meals to multiple cars at a time. Customers will be served quickly and efficiently and traffic will flow smoothly.

(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)*

_____ (a) That the applicant has met the requirements set forth in section 30-354(d)(3) of the Land Development Code

_____ (b) That the reasons set forth in the application justify granting the variance

_____ (c) That the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building

_____ (d) That granting the variance will be in harmony with the general intent and purpose of the land development code or building chapters

_____ (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:

[X] 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.

[X] Reduced images or digital submission for oversized paper documents (greater than 11x17)

[X] Legal description, if not entered on front page

[X] Any other supporting materials you wish to provide
- project narrative
- photo of a similar Order Meal Delivery (OMD) canopy from another location

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

INTERPLAN LLC
Over 40 years and 40,000 projects

604 COURTLAND STREET
SUITE 100
ORLANDO, FL 32804

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fx: 407.629.9124
AA 003420 | CA 8660
www.interplanllc.com

February 16, 2021

City of Gainesville
Planning and Development Services Department
306 NE 6th Avenue
Gainesville, FL 32627

Reference: Project Narrative
IP # 2020.0716.90
Chick-fil-A #531 – Archer Road DTO
3621 SW Archer Road Gainesville, FL 32608

To Whom It May Concern:

The existing building at the above-referenced address was formerly a Chick-fil-A restaurant that was closed several years ago in order to build a newer more efficient location down the street. At that time, the new, larger site was able to better accommodate increased business demands. Chick-fil-A now has the opportunity to repurpose this building that would otherwise sit vacant. Due to continued increases in drive-thru demand, which has only been exacerbated by COVID-19, this restaurant is proposed to be converted to a drive-thru only (DTO) location with no dining room seating for customers. It will solely fulfill drive-thru and curbside pick-up orders as well as an interior space for customers to carry out orders from inside.

As part of the building conversion to a DTO, a variance is being sought for an accessory canopy encroachment into the building setback on the north side of the site between the pick-up window and the property line. The multi-lane drive-thru and canopy system over the ordering points and pick-up window will greatly assist in expediting the flow of traffic. The canopies will provide team members protection from the elements while they are on-site taking and delivering multiple orders at a time, which will provide additional efficiency during peak hours. Furthermore, developing this site will help to alleviate drive-thru traffic at the existing restaurant down the street.

The justification for this variance request, which is also included in the Variance Application, has been provided on the following page.

(1) What special conditions and circumstances peculiar or unique to this land, structure or building exist that necessitate the variance? Chick-fil-A has the opportunity to repurpose this existing building that would otherwise sit vacant. The location of the existing building, specifically the area on the north side of the site between the pick-up window and the property line, necessitates this variance in order to allow the canopy encroachment into the building setback. The canopy at the pick-up window is critical to protect team members as they deliver meals in order to expedite traffic in the drive-thru.

(2) Are these special conditions or circumstances applicable to other lands, structures, or buildings in the same district? No, this is a unique situation where a traditional fast-food restaurant with dining is being converted to a drive-thru only facility.

(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. Chick-fil-A typically generates substantially more business in their drive-thru than other drive-thru restaurants. The COVID-19 pandemic has only increased the demand of drive-thru and curbside pick-up as dining rooms have been closed. This location will be solely for drive-thru and curbside pick-up orders, which is a different concept than other drive-thru restaurants in this district. Furthermore, developing this site will help to alleviate drive-thru traffic at the existing restaurant down the street.

(4) Were these special conditions or circumstances described in (1), above, the result of your actions? No, this vacant Chick-fil-A was closed several years ago in order to build a new location down the street on a larger site that could accommodate increased business. Chick-fil-A now has the opportunity to re-develop this site into a drive-thru only location with no dining room seating. With the drive-thru generating all of the business, the dual-lanes and canopies over the ordering points and meal delivery window will be critical in expediting the flow of traffic on and off of this site.

(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. Other drive-through restaurants typically do not have team members outside in the elements. The proposed canopies will help to keep the team members protected from the sun and rain while still being able to take multiple orders at a time and deliver meals to multiple cars at a time. Customers will be served quickly and efficiently and traffic will flow smoothly.

(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. No.

Sincerely,
INTERPLAN LLC

Kendra Lewis

Kendra Lewis
Permit Manager

cc: Stuart Anderson / Sean Hickman / Tan Vu, Interplan LLC

PROPERTY OWNER AFFIDAVIT

Owner Name: Quincey Linda C Trustee			
Address:	Phone:		
Agent Name: Kendra Lewis, Interplan LLC			
Address: 604 Courtland Street, #100 Orlando, FL 32804	Phone: (407)645-5008		
Parcel No.: 06804-001-000			
Acreage: 0.9677	S: 14	T: 10	R: 19
Requested Action: Authorization for Interplan LLC to submit for a Variance, Development Order, Site, Building & any other permits that may be required as part of Chick-fil-A's redevelopment of this site.			

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:_____

Printed name:_____

Date:_____

The foregoing affidavit is acknowledged before me this _____ day of _____, 20__, by _____, who is/are personally known to me, or who has/have produced _____ as identification.

NOTARY SEAL _____

Signature of Notary Public, State of _____

February 12, 2021

Reference: Chick-fil-A #531 – Archer Road DTO
3621 SW Archer Road
Gainesville, FL 32608
Letter of Authorization

To Whom It May Concern:

Please accept this letter as authorization for Interplan LLC, to act as agent in correspondence and representation of all approval and permitting matters required for Chick-fil-A at the location referenced above.

If you have any questions, please contact me at 717-877-5939.

Sincerely,

Douglas L. Wolfe
Strategic Reinvestment, Existing Restaurants
Chick-fil-A, Inc.

Subscribed and sworn to before me this 15 day of February, 2021.

Notary Public Michelle Gilbert
Seal

My Commission Expires:
11-09-2021

MICHELLE GILBERT
MY COMMISSION EXPIRES
NOTARY
PUBLIC
NOVEMBER 09, 2021
COWETA COUNTY, GEORGIA

CHICK-FIL-A, INC • 5200 BUFFINGTON ROAD • ATLANTA, GA 30349

Parcel: 06804-001-000

Search Date: 9/3/2020 at 10:14:20 AM

Taxpayer:	QUINCEY LINDA C TRUSTEE
Mailing:	1934 NW 32ND TER GAINESVILLE, FL 32605-3723
Location:	3621 SW ARCHER RD GAINESVILLE
Sec-Twn-Rng:	14-10-19
Property Use:	02200 - REST DRIVE-IN
Tax Jurisdiction:	GAINESVILLE - 3600
Area:	BUTLER PLAZA/ARCHER RD
Subdivision:	N/A

Legal: COM NE COR SEC S 1258.47 FT SWLY ALG CURVE 917.14 FT S 39 DEG 58 MIN 03 SEC W 765.29 FT SWLY ALONG CURVE 1068.89 FT S 39 DEG E 20 MIN 37 SEC E 78 FT NELY ALG CURVE 101.17 FT POB NELY ALG CURVE 104.01 FT S 41 DEG 22 MIN 04 SEC E 108.61 FT N 57 DEG 58 MIN 10 SEC E 82.40 FT S 40 DEG 27 MIN 04 SEC E 79.22 FT S 06 DEG 16 MIN 50 SEC W 53.94 FT S 88 DEG 37 MIN 49 SEC W 3.93 FT S 48 DEG 37 MIN 56 SEC W 182.17 N 41 DEG 22 MIN 04 SEC W 187 FT NLY ALG CURVE 64.97 FT POB OR 1839/2729 & OR 4245/0319 & OR 4485/1243

Year	Property Use	Land Value	Classified Land Value	Improvement Value	Total Just Value	Deferred Value	County Assessed	School Assessed	County Exempt	School Exempt	County Taxable	School Taxable
2019	REST DRIVE-IN	1475425	0	596598	2072023	134908	1937115	2072023	0	0	1937115	2072023
2018	REST DRIVE-IN	1475400	0	328100	1803500	41630	1761870	1803500	0	0	1761870	1803500
2017	Rest Drive-In	1264700	0	337000	1601700	0	1601700	1601700	0	0	1601700	1601700
2016	Rest Drive-In	1053900	0	341400	1395300	203330	1191970	1395300	0	0	1191970	1395300
2015	Rest Drive-In	758800	0	348500	1107300	23690	1083610	1107300	0	23690	1083610	1083610
2014	Rest Drive-In	632300	0	352800	985100	0	985100	985100	0	0	985100	985100

Land

Land Use	Land Use Desc	Zoning Type	Zoning Desc	Lots	Acres	Sq Feet	Land Type
2200	RESTAURANT DRIVE-IN	BUS	GENERAL BUSINESS	1	0.9677	42155	SF

Improvements

Improvement Type	Improvement Desc	Actual Year Built	Effective Year Built	Htd Square Feet	Stories
5700	REST FAST FOOD	2000	2000	4207	1

Improvement Details

Imprv Detail Type	Description	SqFt/Unit	Quality	Qual Desc	Bldg Use	BUse Desc
BAS	BASE AREA	4207	4	Above Average	5700	REST FAST FOOD

Improvement Attributes

Attribute	Attribute Desc	Units
Bath Fixtures	Num Extra Fixtures	14
Exterior Wall	17-CB STUCCO	50
Exterior Wall	20-FACE BRICK	50
Floor Cov	11-CLAY TILE	100
Frame	03-MASONRY	100
HC&V	04-FORCED AIR	100
Heat System	04-ELECTRIC	100
HEAT/AC	01 - PACKAGED HVAC	1
HVAC	04-ROOF TOP AIR	100
Interior Wall	05-DRYWALL	100
Num Res Units	Num Res Units	100
Roof Type	09-RIGID FR/JOIST	100
Roofing	04-TAR & GRAVEL	100
Total Rooms	7-Rooms	1

Improvements

Improvement Type	Improvement Desc	Actual Year Built	Effective Year Built	Htd Square Feet	Stories
SOHM	SOH MISC				

Improvement Details

Imprv Detail Type	Description	SqFt/Unit	Quality	Qual Desc	Bldg Use	BUse Desc
4682	PAVING 2	14990			C1	COMM
3800	DRIVE/WALK	1720			C1	COMM

Improvement Attributes

Attribute	Attribute Desc	Units
-- N/A --		

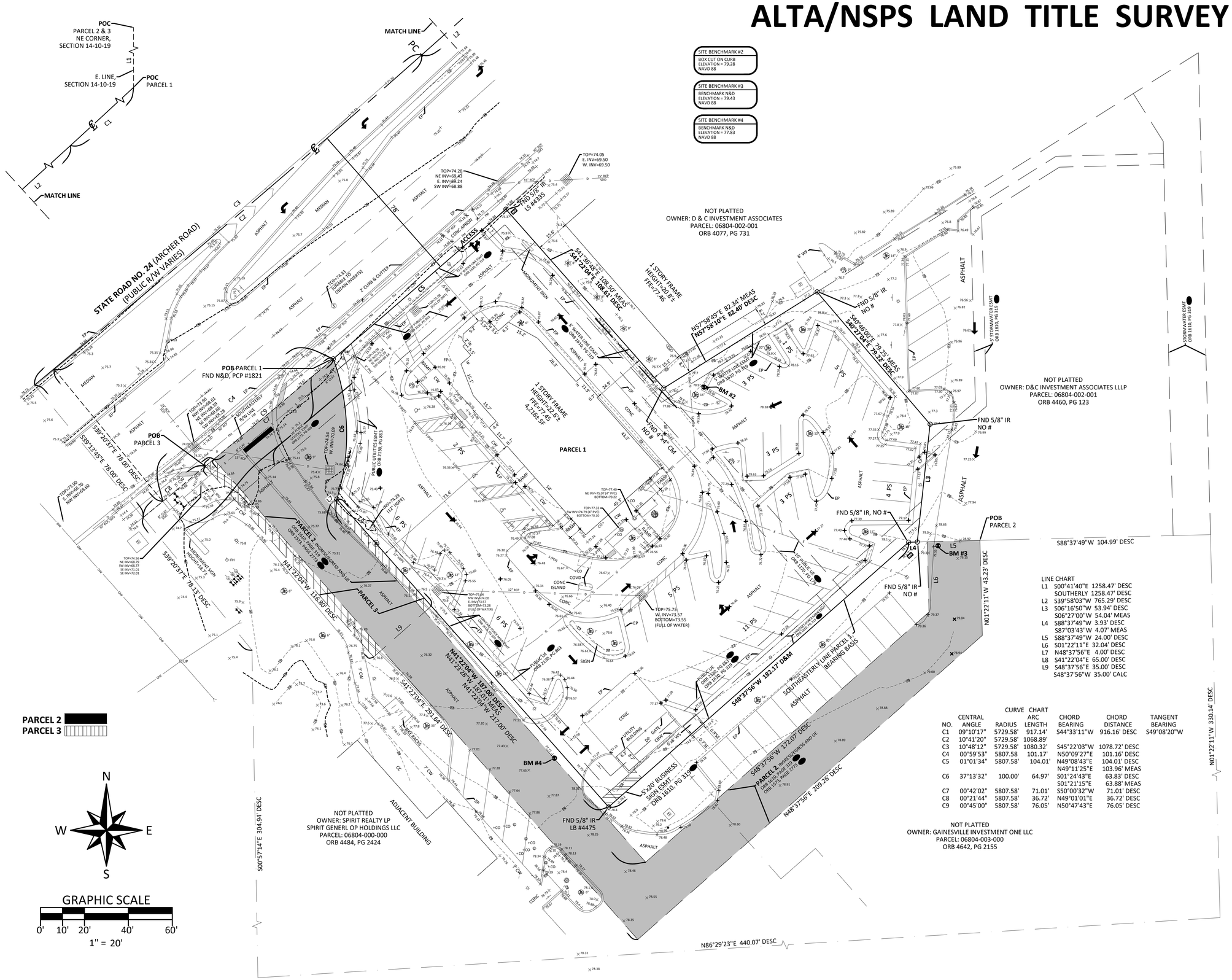
5080	SLAB	240			C1	COMM
3882	FENCE CB	384			C1	COMM
4420	LIGHTS	2			C1	COMM

Sales

Date	Price	Vac/Imp	Qualified	OR Book	OR Page	Instrument
2016-12-29	100	No	11-Corrective Deed	4485	1243	WD
2013-12-05	100	No	11-Corrective Deed	4245	319	WD
1991-12-31	475000	No	U-UNQUALIFIED	1839	2729	MS
1986-11-01	20000	Vac	U-UNQUALIFIED	1642	2769	WD
1986-11-01	450000	No	U-UNQUALIFIED	1642	2767	WD
1984-09-01	80000	Vac	Q-QUALIFIED	1573	2773	WD
1981-07-01	100	No	U-UNQUALIFIED	1382	352	WD
1981-06-01	113000	No	U-UNQUALIFIED	1353	586	WD

by places
Florida State Road 24
SW Archer Rd
SW Ar
Blaze Pizza
Takeout • Delivery
Sonny's BBQ
Takeout • Delivery
Google
Imagery ©2020 Google, Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020

ALTA/NSPS LAND TITLE SURVEY



ACCURIGHT

ACCURIGHT SURVEYS OF ORLANDO INC., LB 4475
2012 E. Robinson Street, Orlando, Florida 32803
www.AccurightSurveys.net
ACCU@AccurightSurveys.net
PHONE: (407) 894-6314

SCALE: 1" = 20' | JOB #53273 | SHEET SURVEY OF 2

DRAWN BY: ANT

PREPARED FOR:

INTERPLAN, LLC

SUBDIVISION NAME: SECTION 14-10-19

LOCATION:
3621 SW ARCHER ROAD
GAINESVILLE, FL 32608

LEGEND

BB - BOTTOM OF BANK
BC - BACK OF CURB
- BACK FLOW PREVENTER
- BENCHMARK
- BOLLARD
-E- - BURIED ELECTRIC
BWF - BARBED WIRE FENCE
- CABLE TV RISER
-C- - BURIED CABLE TV
CALC - CALCULATED
C&M - CALCULATED & MEASURED
Δ - CENTRAL ANGLE
CBW - CONCRETE BLOCK WALL
CC - COVERED CONCRETE
CF - CONCRETE FLUME
CHW - CONCRETE HEAD WALL
CLF - CHAIN LINK FENCE
- CENTERLINE
CM - CONCRETE MONUMENT
CMP - CORRUGATED METAL PIPE
●CO - CLEAN OUT
CONC - CONCRETE
COVD - COVERED
CP - CONCRETE PAD
CW - CONCRETE WALKWAY
D&M - DEED/DESC & MEASURED
DE - DRAINAGE EASEMENT
DESC - DESCRIPTION
- DOT INLET
DOC # - DOCUMENT #
DP - DUMPSTER PAD
DW - DRIVEWAY
- EASEMENT NUMBER
- ELECTRIC METER
- ELECTRICAL BOX
EL - ELEVATION
ESMT - EASEMENT
EP - EDGE OF PAVEMENT
FDC - FIRE DEPARTMENT CONNECTION
FIRM - FLOOD INSURANCE RATE MAP
FFE - FINISHED FLOOR ELEVATION
●FH - FIRE HYDRANT
- FM - FORCE MAIN
FND - FOUND
FO - FIBER OPTIC BOX
-FO- - FIBER OPTIC LINE
-G- - GAS LINE
- GAS METER
- GUY WIRE ANCHOR
- HANDICAP PARKING
HDPE - HIGH DENSITY POLYETHYLENE
INV - INVERT ELEVATION
IP - IRON PIPE
IR - IRON ROD
- IRRIGATION VALVE
L - ARC LENGTH
LB - LICENSED BUSINESS
- LIGHT POLE
LSA - LANDSCAPE AREA
LS - LICENSE SURVEYOR
MEAS - MEASURED
MF - METAL FENCE
ML - METAL LID
MS - METAL SHED
- MITERED END SECTION
- MONITORING WELL
N&D - NAIL & DISK
NAVD - NORTH AMERICAN VERTICAL DATUM
NGVD - NATIONAL GEODETIC VERTICAL DATUM
NT - NON-TANGENT
NTS - NOT TO SCALE
OHE - OVERHEAD ELECTRIC
ORB - OFFICIAL RECORDS BOOK
-OW- - OVERHEAD WIRE
PB - PLAT BOOK
PC - POINT OF CURVATURE
PEP - PER ENGINEERING PLANS
PF - PLASTIC FENCE
PG - PAGE
PI - POINT OF INTERSECTION
P&M - PLAT & MEASURED
POB - POINT OF BEGINNING
POC - POINT OF COMMENCEMENT
PRC - POINT OF REVERSE CURVATURE
PS - PARKING SPACES
PSM - PROFESSIONAL SURVEYOR AND MAPPER
PT - POINT OF TANGENCY
PVC - PLASTIC PIPE
R - CURVE RADIUS
RCP - REINFORCED CONCRETE PIPE
R/W - RIGHT OF WAY
- SANITARY MANHOLE
-S- - SANITARY LINE
SDO - SHOWN FOR DIRECTION ONLY
SF - SQUARE FEET
SWF - STOCK WIRE FENCE
x00.00 - SPOT ELEVATION
-D- - STORM/DRAIN LINE
- SEWER VALVE
- STORM MANHOLE
- UNDERGROUND TELEPHONE
- STORM INLET
TB - TOP OF BANK
TP - TRAFFIC POLE
- TRAFFIC SIGN
- TRANSFORMER/JUNCTION BOX
- TELEPHONE RISER
- TRAFFIC SIGNAL BOX
TYP - TYPICAL
UE - UTILITY EASEMENT
- UTILITY POLE
-W- - WATER LINE
WF - WOOD FENCE
WS - WOOD SHED
- WATER VALVE
- WATER METER
- YARD DRAIN

LINE CHART

L1	S00°41'40"E 1258.47' DESC
	SOUTHERLY 1258.47' DESC
L2	S39°58'03"W 765.29' DESC
L3	S06°16'50"W 53.94' DESC
	S06°27'00"W 54.04' MEAS
L4	S88°37'49"W 3.93' DESC
	S87°03'43"W 4.07' MEAS
L5	S88°37'49"W 24.00' DESC
L6	S01°22'11"E 32.04' DESC
L7	N48°37'56"E 4.00' DESC
L8	S41°22'04"E 65.00' DESC
L9	S48°37'56"E 35.00' DESC
	S48°37'56"W 35.00' CALC

CURVE CHART

NO.	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE	TANGENT BEARING
C1	09°10'17"	5729.58'	917.14'	S44°33'11"W	916.16' DESC	S49°08'20"W
C2	10°41'20"	5729.58'	1068.89'			
C3	10°48'12"	5729.58'	1080.32'	S45°22'03"W	1078.72' DESC	
C4	00°59'53"	5807.58	101.17'	N50°09'27"E	101.16' DESC	
C5	01°01'34"	5807.58'	104.01'	N49°08'43"E	104.01' DESC	
				N49°11'25"E	103.96' MEAS	
C6	37°13'32"	100.00'	64.97'	S01°24'43"E	63.83' DESC	
				S01°21'15"E	63.88' MEAS	
C7	00°42'02"	5807.58'	71.01'	S50°00'32"W	71.01' DESC	
C8	00°21'44"	5807.58'	36.72'	N49°01'01"E	36.72' DESC	
C9	00°45'00"	5807.58'	76.05'	N50°47'43"E	76.05' DESC	

SURVEY DATE: 10/6/20

DATE:	JOB #	REVISION	BY:

BOUNDARY, TOPOGRAPHIC AND TREE SURVEY

RONALD K. SMITH, PSM 5797

"THE DATE OF SIGNATURE DOES NOT REVISE OR SUPERSEDE THE BOUNDARY SURVEY DATE OR REVISION DATE."

THIS SURVEY MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

"NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER." -OR-
THE DIGITAL SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RONALD K. SMITH, PSM 5797.

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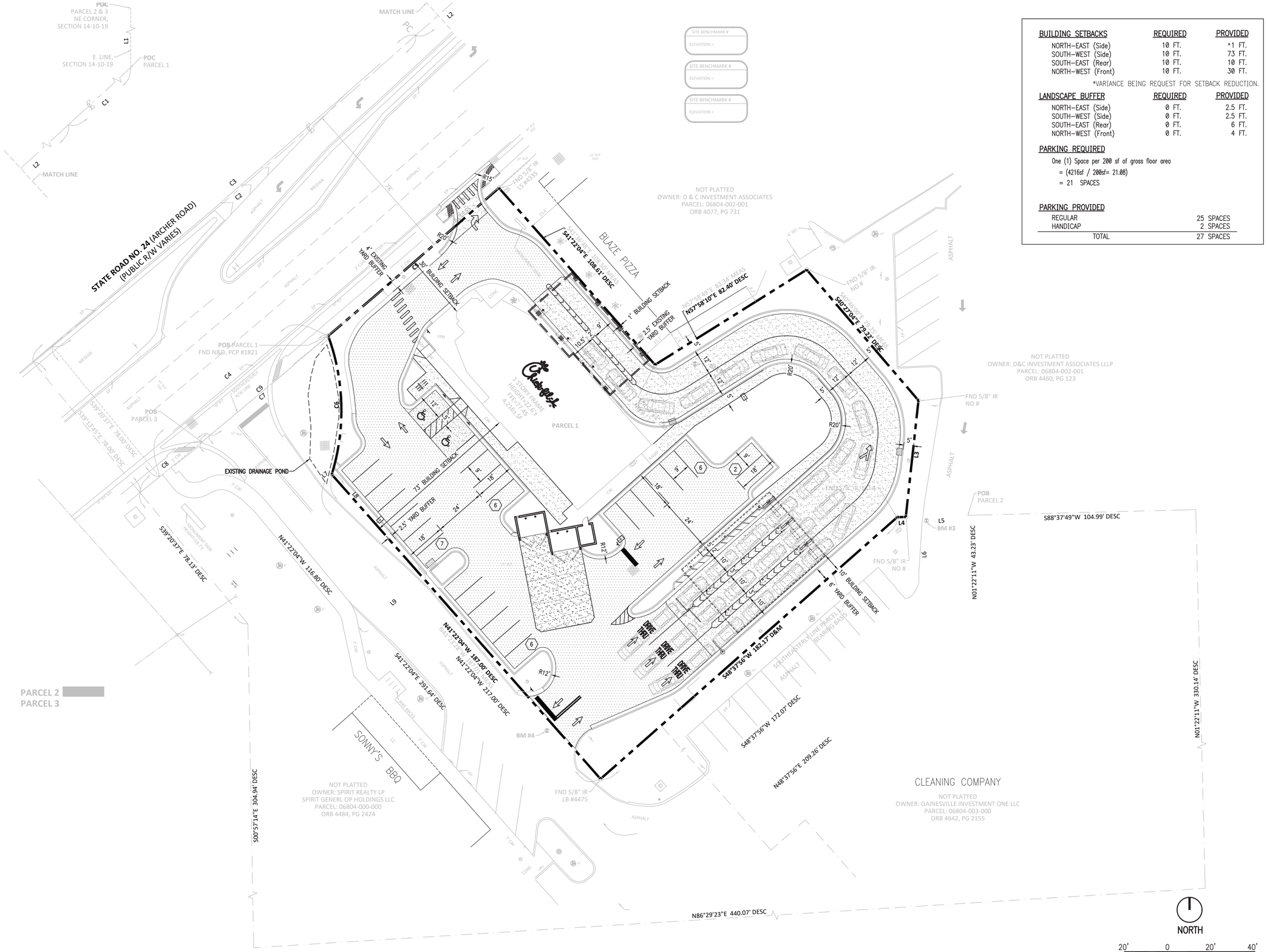

BUILDING SETBACKS	REQUIRED	PROVIDED
NORTH–EAST (Side)	10 FT.	*1 FT.
SOUTH–WEST (Side)	10 FT.	73 FT.
SOUTH–EAST (Rear)	10 FT.	10 FT.
NORTH–WEST (Front)	10 FT.	30 FT.

*VARIANCE BEING REQUEST FOR SETBACK REDUCTION.

LANDSCAPE BUFFER	REQUIRED	PROVIDED
NORTH–EAST (Side)	0 FT.	2.5 FT.
SOUTH–WEST (Side)	0 FT.	2.5 FT.
SOUTH–EAST (Rear)	0 FT.	6 FT.
NORTH–WEST (Front)	0 FT.	4 FT.

PARKING REQUIRED

One (1) Space per 200 sf of gross floor area
= (4216sf / 200sf= 21.08)
= 21 SPACES

PARKING PROVIDED

REGULAR	25 SPACES
HANDICAP	2 SPACES
TOTAL	27 SPACES

SITE DIMENSION PLAN

1" = 20'

Chick-fil-A

5200 Buffington Rd.
Atlanta Georgia,
30349–2998

Revisions:

Mark	Date	By

STUART A. ANDERSON
LICENSE
No. 60848
STATE OF FLORIDA
PROFESSIONAL ENGINEER

FL REG.# 60848

This item has been digitally signed and sealed by Stuart Anderson on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

INTERPLAN

ARCHITECTURE
ENGINEERING
INTERIOR DESIGN
PROJECT MANAGEMENT

AR0011595
CA 8660

604 COURTLAND STREET
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ORLANDO, FLORIDA 32804
PH 407.645.5008
FX 407.629.9124

STORE
ARCHER ROAD
FSU 531
S97–120

3621 SW ARCHER RD
GAINESVILLE, FL
32608

SHEET TITLE
SITE DIMENSION PLAN

VERSION: XX.XXX
ISSUE DATE: 00–0000

Job No. : 20.0716
Store : 0531
Date : 12.2020
Drawn By : RKS
Checked By: SA

Sheet

EX-1.0

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ATTACHMENT B

Petition DB-21-28 VAR

April 29, 2021

1. **Attachment A – Application and Supporting Documents**
2. **Attachment B – Some Relevant Comprehensive Plan And LDR References**

LAND DEVELOPMENT CODE REFERENCES

DIVISION 11. MODIFICATIONS AND VARIANCES

Sec. 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.	1. 10% increase above required 1st floor glazing.
Reduction in required glazing percentages up to 10%.	2. Increase of 2 feet above required sidewalk width.
Reduction in required building frontage percentages up to 10%.	3. 10% increase above required building frontage.
Reduction in required landscape zones up to 2 feet; however, in no case shall a landscape area be less than 4 feet in depth.	4. Increase of 4 feet above min. 1st floor height.
	5. Increase of 2 feet above min. landscape zone.

Sec. 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.

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

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

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

DIVISION 4. MIXED-USE AND NONRESIDENTIAL

Sec. 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 are allowed.

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

	Use Stan	MIL-1	MIL-2	OR	OF	CP	BIL	BA	BT	BI	W	I-1	I-2
RESIDENTIAL													
Single-family dwelling		P	-	P	P	-	-	-	-	-	P	-	-
Attached dwelling		P	P	P	P	-	-	-	-	-	-	-	-
Multi-family dwelling		P	P	P	P	S	-	-	-	-	P	-	-
Accessory dwelling unit	30-5.35	A	A	A	A	A	A	-	-	A	A	-	-
Adult day care home	30-5.2	P	P	P	P	P	P	-	-	P	-	-	-
Community residential home (up to 6 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Community residential home (more than 14 residents)	30-5.6	-	P	P	P	-	-	-	-	-	P	-	-
Community residential home (7 to 14 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Family child care home	30-5.10	P	-	P	P	-	-	-	-	-	P	-	-
Single room occupancy residence	30-5.8	P	P	P	P	-	-	-	-	-	P	-	-
NONRESIDENTIAL													

Alcoholic beverage establishment	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 establishment	30-5.4	P	P	S	S	-	P	-	P	-	-	-	-
Business services		P	P	-	P	P	P	P	P	P	P	P	P
Carwash	30-5.5	S	S	-	-	-	P	P	S	P	P	P	P
Civic, social, or fraternal organization		P	P	-	-	-	P	P	P	P	-	-	-
Day care 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 shelter		P	P	P	P	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy		-	-	-	-	-	-	-	-	-	-	P	P
Equipment 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, not located within a food truck park	30-5.37	P	P	A	A	P	P	P	P	P	P	P	P
Food truck park (less than 6 pads)	30-5.13	P	P	-	P	P	P	P	P	P	P	P	P
Food truck park (6 or more pads)[4]	30-5.13	S	S	-	S	S	S	S	S	S	S	S	S
Gasoline or alternative fuel station	30-5.14	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	-	-
Hotel or motel		S	S	-	-	S	P	-	P	P	S	-	-
Ice manufacturing/vending machines	30-5.40	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	30-5.15	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard or salvage yard	30-5.16	-	-	-	-	-	-	-	-	-	-	S	P
Laboratory, medical or dental		P	P	P	P	P	P	-	-	P	P	P	P
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
Library		-	P	-	-	P	-	-	-	-	P	-	-

Light assembly, fabrication and processing	30-5.17	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, or microdistillery[3]	30-5.18	S	P	-	-	-	P	-	P	P	P	P	P
Mini-warehouse or self-storage facility	30-5.19	-	-	-	-	-	-	-	-	P	P	P	P
Museum or art gallery		P	P	P	P	P	P	-	P	P	P	-	-
Office		P	P	P	P	P	P	P	P	P	P	P	P
Office (medical, dental, or other health-related service)		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage (principal use)	30-5.20	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (principal use)	30-5.21	-	S	-	-	-	S	P	-	P	P	-	-
Passenger transit or rail station		S	S	-	-	P	P	P	P	P	P	P	-
Personal services		P	P	P	P	P	P	P	P	P	P	P	P
Place of religious assembly	30-5.22	P	P	P	P	P	P	P	P	P	P	-	-
Public administration building		P	P	P	P	P	P	P	P	P	P	P	-
Public maintenance or storage facility		-	-	-	-	-	-	-	-	P	P	P	P
Public park		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
Recreational vehicle park	30-5.23	-	-	-	-	-	-	P	P	P	-	P	-
Recycling center		-	S	-	-	-	S	-	-	-	S	S	P
Rehabilitation center		S	S	S	S	-	S		-	S	-	S	
Research development or testing facility		-	-	-	-	P	P	-	-	P	P	P	P
Residence for destitute people	30-5.24	S	S	S	S	-	S	-	S	-	-	-	-
Restaurant		P	P	-	S	P	P	P	P	P	P	P	P
Retail nursery, lawn, or garden supply store		P	P	-	-	-	P	P	-	P	P	P	-
Retail sales (not elsewhere classified)		P	P	-	-	S	P	P	P	P	P	S	S
School (elementary, middle, or high - public or private)		P	P	S	S	-	P	-	-	-	P	-	-
School, professional		P	P	P	P	P	P	P	-	P	P	P	P
School, vocational or trade		-	P	P	P	-	P	P	-	P	P	P	P

Scooter or electric golf cart sales		P	P	-	-	-	P	P	-	P	-	P	-
Sexually-oriented cabaret	30-5.25	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented motion picture theater	30-5.25	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented retail store	30-5.25	-	-	-	-	-	P	-	P	-	-	-	P
Simulated gambling establishment		-	-	-	-	-	-	-	-	-	-	-	-
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-
Social service facility	30-5.27	S	S	S	S	-	-	-	-	-	P	S	S
Solar generation station	30-5.29	-	-	-	-	-	-	-	-	P	-	P	P
Truck or bus terminal or maintenance facility		-	-	-	-	-	-	P	P	P	P	P	P
Vehicle repair	30-5.30	-	-	-	-	-	-	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	30-5.30	S	S	-	-	-	P	P	P	P	S	P	P
Veterinary services	30-5.31	P	P	P	P	P	P	P	P	P	P	P	P
Warehouse or distribution facility (less than 100,000 sf)		-	-	-	-	-	-	-	-	P	P	P	P
Warehouse or distribution facility (100,000 sf or greater)		-	-	-	-	-	-	-	-	P	P	P	P
Waste management facility		-	-	-	-	-	-	-	-	S	-	P	P
Wholesale trade		-	-	-	-	-	-	S	-	P	P	P	P
Wireless communication facility or antenna	See 30-5.32												

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 percent of the gross floor area of the building.

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

4 = Special use permit required for any proposed food truck park with six or more food truck pads when the food truck park's boundaries would be less than 300 feet from the boundary of any single-family zoned property or property that is developed with a single-family dwelling; otherwise, such food truck park is allowed by right.

(Ord. No. 160685 , § 3, 3-15-18; Ord. No. 170975 , § 3, 2-21-19; Ord. No. 190082 , § 1, 10-17-19; Ord. No. 190292 , § 4, 2-20-20; Ord. No. 190714 , § 4, 6-4-20; Ord. No. 190988 , § 4, 9-3-20; Ord. No. 191128 , § 4, 9-17-20)

Sec. 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	-	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.

(Ord. No. 170974 , § 8, 2-21-19)

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Sec. 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 percent 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 five 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 two feet less than the required sidewalk width, as long as at least five feet of unobstructed width is retained. At transit stops, the minimum width is eight 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 percent of their surface at pedestrian level (between three feet and eight 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.

(Ord. No. 170831 , § 5, 4-5-18)

Sec. 30-5.9. Drive-through facilities.

A. *Standards for all drive-through facilities.*

1. The maximum number of drive-through lanes shall be based on the operating conditions of the impacted public streets and operational and safety concerns at the site. Drive-through uses that propose four or more drive-through lanes shall require special use permit approval, unless they are located within a shopping center or a mixed-use center, having a minimum of 20,000 square feet of gross floor area, and providing centralized motorized vehicle access.

2. Adequate queuing space shall be provided for drive-through windows and order stations in compliance with the following minimum specifications:

   a. An adequate number of queuing spaces for service windows, receiving windows, drive-up or drive-through windows or order stations shall be required, so that there will be no back-up of traffic onto adjacent roadways. The number of spaces required will be based on a determination of traffic volume by the city manager or designee using the latest edition of the ITE Trip Generation Manual. This determination shall consider the nature of the use, its intensity, size, location of driveways, other parking facilities provided and other traffic generating characteristics;

   b. Queuing spaces dimensions and the configuration of the drive-through lane shall be in accordance with the specifications in the design manual; and

   c. Sufficient driveway area or a by-pass lane shall be provided so that vehicles may circulate freely around the site.

3. The number of access points to public streets shall be minimized. This may be accomplished through the provision of joint driveway access from the street between adjacent uses, or by providing access through a shopping center or mixed-use development.

4. Vehicular cross access or paved stub-outs shall be provided with any abutting non-residential and multi-family developments.

5. Safe pedestrian and bicycle routes shall be provided which connect to the street sidewalk and adjacent developments and do not cross drive-through lanes.

6. Drive-through lanes shall be located along the side or rear of buildings, away from street frontages.

7. The visibility of drive-through lanes shall be minimized from the street and adjacent properties through the use of vegetative buffers, garden walls, berms or other screening.

B. *Additional standards for drive-through facilities in the transect zones.* In addition to the above standards, drive-through facilities in the transect zones shall not directly access a principal or storefront street, and shall meet one of the following:

1. The drive-through facility shall be limited to one drive-through lane only;

2. Drive through lanes and windows shall be designed so that they integrated into a building (see Figure V-1); or

3. The drive-through facility shall be located within a shopping center or a mixed-use center. Mixed-use centers shall be defined as developments regulated by a unified development plan, having a minimum of 20,000 square feet of gross floor area, and providing centralized motorized vehicle access.

Sec. 30-3.57. - Administrative decisions.

A. *Authority of hearing officer.* The hearing officer has authority to hear and decide appeals where it is alleged a city administrative official charged with the administration and enforcement of the provisions of the Land Development Code or building chapter (chapter 6 of the Code of Ordinances) erred in issuing or denying a final decision, order, requirement, interpretation, determination, or action. The hearing officer is not authorized to hear appeals based on the following:

1. Any order, requirement, decision, or determination made regarding code enforcement, including notice of violations and civil citations.

2. Acts of administrative officials pursuant to the orders, resolutions, or directives of the city commission.

3. Zoning verification letters.

4. Challenges to a development order controlled by F.S. § 163.3215.

5. Appeals that circumvent procedures required by this chapter, including those that are more appropriately addressed in an application for a modification, variance, or rezoning.

B. *Standing to appeal.*

1. *Decisions of general applicability.* Any resident, landowner, or person having a contractual interest in land in the city shall have standing to appeal an administrative decision that is of general applicability and that is not specifically related to a particular parcel of real property or project.

2. *Decisions relating to particular property.* The following persons shall have standing to appeal an administrative decision that is not of general applicability and that is specifically related to a particular project or parcel of real property:

a. An applicant who is adversely affected by the decision.

b. A property owner whose property is the subject of the decision.

c. All owners of real property that lies within 400 feet of the property that is the subject of the decision.

d. Any resident, landowner, or person having a contractual interest in land in the city who demonstrates a direct adverse impact from the decision that exceeds in degree the general interest in community good shared by all persons.

C. *Appeal procedures.*

1. A notice of appeal of an administrative decision, together with the applicable fee as set forth in appendix A and any submittal requirements established by the city, shall be filed with the city within 30 calendar days of the date the administrator signed the decision at issue or the decision is otherwise rendered in writing. The notice of appeal shall set forth a detailed basis for the appeal.

2. *Stay during appeal.* The filing of a timely notice of appeal shall stay all proceedings in furtherance of the decision being appealed, including the issuance of any building permit or development order, until the appeal has been concluded in accordance with this division. The applicant may file applications, plans, or other information with the city pending the outcome of the review, but the filing of such shall create no rights to any related approval by the city.

3. Within 20 calendar days of the filing of a notice of appeal pursuant to this section, any person with standing may intervene and become a party to the appeal by filing a notice of appeal in accordance with this section.

4. The matter shall be set for a public hearing within 50 calendar days of the date of the notice of appeal. This period may be extended by agreement of the city and all parties appealing the decision.

5. The hearing shall be limited to the record on appeal and shall consist of oral argument by city staff and parties with standing, each of whom may be represented by legal counsel, and the party challenging the administrative decision shall have the burden of proof. The hearing shall be conducted in accordance with established Florida law for quasi-judicial hearings.

6. *Record on appeal.*

a. The record on appeal shall consist of the following: 1) the application and accompanying information; and 2) the written decision of the administrative official and accompanying information.

b. All parties may freely refer to provisions from the following:

i. The Comprehensive Plan, Land Development Code, and any other City of Gainesville ordinance, resolution, or rule; and

ii. Any federal or state statute, rule, or decision.

c. If any party desires to admit any additional evidence, the additional evidence shall be disclosed to the other parties and the hearing officer not less than five calendar days before the hearing. At the beginning of the hearing, the hearing officer shall rule on whether such additional evidence may be presented and shall freely allow the evidence when such evidence is relevant to the issue on appeal.

7. The hearing officer shall make a decision based on the appeal criteria provided in this section, and may affirm, reverse, or modify the decision or action of the administrative official. In making a decision, the hearing officer may take any action that the administrative official was authorized to take.

8. The decision of the hearing officer shall be rendered in writing not later than seven calendar days after the date of the hearing's conclusion, and shall include findings of fact, if any, and conclusions of law.

9. The decision of the hearing officer shall be final, and may be subject to judicial review as provided in law.

D. *Appeal criteria.* The hearing officer shall give deference to the administrative official's final decision, order, requirement, interpretation, determination, or action, and may only reverse or modify such when the hearing officer finds that the administrative official's final decision, order, requirement, interpretation, determination, or action:

1. Was clearly erroneous or patently unreasonable and will result in a miscarriage of justice;
2. Has no foundation in reason, meaning the absence of a situation where reasonable minds could disagree, and is a mere arbitrary or irrational exercise of power having no substantial relation to the public health, morals, safety, or welfare; or
3. Was an ultra vires act, meaning the administrative official clearly lacked the authority to take the action under statute or the City of Gainesville Charter Laws or Code of Ordinances.

The hearing officer shall use binding, and may use persuasive, Florida case law as it relates to this standard of review.

Sec. 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.

Comprehensive Plan References: Transportation Mobility

Policy 3.1.4 Development and redevelopment projects shall be encouraged to provide bicycle and pedestrian access to adjacent properties. Connectivity or stub-outs for future connections shall be included in development and redevelopment plans.

GOAL 10 IMPLEMENT A TRANSPORTATION MOBILITY PROGRAM THAT PROMOTES AND ENHANCES:
o. Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.
k. Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.

Definitions:
Abut means to physically touch or border upon, or to share a common property line.
Accessory structure means a subordinate structure (not exceeding 50 percent of the building square footage of the principal structure), the use of which is incidental to that of the principal structure on the same lot.

Accessory use means an activity, or function that is incidental to, and on the same lots as, a principal use.

Adjacent means when two properties, uses or objects are not abutting but are separated only by a right-of-way, street, pathway or similar minimum separation.

Applicant means a landowner, developer, builder or other person who files a petition for a development order and/or a development permit.

Application for development permit means an application submitted to the city requesting the issuance of a development permit.

Area means a clear or open space of land or right-of-way, or the enclosed space or location on which a building stood, stands, or could stand, a definitely bounded part or section of a district, site, building, structure or object set aside for a specific purpose.

Area lighting means *lighting* of predominately horizontal surfaces, including parking areas, recreational areas and building entrance walkways.

Arterial or arterial street means any street:

A. Designated as arterial on the roadway map on file in the public works department;

B. Functionally classified by the state department of transportation as an urban principal arterial street or an urban minor arterial street; or

C. Designated by the city commission as an arterial street based on its physical design, moderately long trip length, and existing or anticipated traffic characteristics.

Awning means a *light* roof-like structure, supported entirely from the exterior wall of a building. Awnings extend over doors, windows, and/or show windows with the purpose of providing protection from sun and rain and/or embellishment of the façade.

Awning sign. See "marquee sign."

Bicycle lane means a dedicated lane for cycling within a street, demarcated by striping.

Bikeway means any road, street, path or way that in some manner is specifically designated as being open to bicycle travel, regardless of whether the facility is designed for the exclusive use of bicycles or is to be shared with other transportation modes.

Buffer matrix means a matrix showing the required width of a buffer strip and amount of plant material to be located in a buffer strip based on the proposed relationship between land uses.

Buffer strip means the area reserved along the boundary of a parcel in which landscaping and/or walls, fences or berms provide a separation for uses of differing type and intensity as well as providing an attractive boundary between parcels, particularly ensuring landscaping between multiple-family complexes.

Buffering means the use of any man-made or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.

Building means any structure, either temporary or permanent, except a fence or as otherwise provided in this definition, used or built for the enclosure or shelter of persons, vehicles, goods, merchandise, equipment, materials or property generally. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, jails, barns or vehicles serving in any way the function of a building as described herein. This definition shall not include individual doll houses, play houses, and animal or bird houses.

Building envelope means the outermost surfaces forming the complete enclosure of a building.

Building frontage means the total length in linear feet of a building façade(s) within a development that fronts directly on a required street or urban walkway. Building frontage is regulated as a required percentage of the total length of the development frontage along the street or urban walkway. For corner lots, the building frontage calculation shall exclude the widths of the required landscape zone, sidewalk zone and building frontage areas.

Building frontage zone means the area between the edge of the sidewalk opposite to the travel lane and the building façade.

Building height means the vertical distance measured from the average elevation of the proposed finished grade to the top plate of the highest story.

Building official means the person designated as building official by the city manager.

Building permit means an official document or certificate issued by the building official, as provided for in the Standard Building Code as adopted in chapter 6 of the City of Gainesville Code of Ordinances, authorizing performance of construction or alteration of a building or structure.

Building setback line means a line, established at the minimum setback line as set forth by the applicable zoning district, within a lot or other parcel of land so designated on the plat.

Business service means a business where the provision of services is focused on support to professional office establishments, including copy, printing and binding centers, secretarial services, and computer rental-repair services.

Camouflaged facility means any wireless communication facility that is designed to blend into the surrounding environment or that camouflages or conceals the presence of the wireless communication facility. Examples of camouflaged towers include, but are not limited to, man-made trees, clock towers, bell steeples, flag poles, *light* poles, and similar alternative-design mounting structures. Examples of camouflaged antennas include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and antennas integrated into architectural elements.

Canopy (in reference to landscaping) means the uppermost layer of vegetation in a forest consisting of the tops of trees forming a kind of ceiling.

Canopy (in reference to buildings) means a covered structure open for pedestrian and/or vehicular access. This definition shall include, but shall not be limited to, canopies associated with drive-throughs of retail and financial establishments and fueling stations.

Canopy sign. See "marquee sign."

Capacity means the maximum lawful level of designed use of any structure, or part thereof, as determined by the city's adopted building code and expressed in terms of occupants, seats, persons, employees or other units specified by the building code.

Certificate of occupancy means certification by the city manager or designee that any development or change of use of any building, lands, water or portion thereof has been found to meet the requirements of this Code and the applicable final development order pertaining to development of the lot, parcel or tract of land.

Champion tree means those trees that are the largest of their species as listed in the Florida Champion Tree Register maintained by the State of Florida Division of Forestry.

Change of use means a change in the activity, function or purpose to which or for which a lot or building is put from one category to another category as listed herein and described in the Standard Building Code: assembly, business, educational, hazardous, factory-industrial, institutional, mercantile, residential and storage.

City tree mitigation fund means a separate city fund that holds funds collected as tree mitigation pursuant to this.

Civic means not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, or municipal parking.

Clearing or grubbing means any grading of land, cutting of trees, or removal or relocation of existing vegetation or other existing site features for the purpose of installing or laying out site improvements. The term does not include sight trails necessary for the surveying of the subject parcel.

Crown means the foliated portion of a tree, from the lowest branch to the treetop; synonymous with canopy.

Crown spread means the measurement of the outermost tips of a tree's branches as they form a circle. It is calculated by averaging the diameters of two circles - the distance across the narrowest point and at the widest point.

Cul-de-sac means a street that terminates at one end with vehicle turnaround facilities at the end.

Curb or curbline means the inside vertical face of a masonry curb, the centerline of a valley gutter, or the edge of the pavement where no curb or gutter exists.

De minimis development means a development of such low intensity as to have a de minimis effect, if any, on the level of service standards adopted in the Comprehensive Plan. De minimis development includes one single-family dwelling or one two-family dwelling on a lot of record as of the effective date of adoption of this chapter. It also includes additions to or the erection of structures smaller than 200 square feet. De minimis development shall be eligible for a certificate of concurrency exemption.

Degrade or degraded means to cause a feature or area to suffer an adverse impact. A degraded feature or area is one that has suffered an adverse impact from which full restoration to historic natural functioning has not yet been attained.

Demolition means the tearing down or razing of 25 percent or more of a structure's existing external walls.

Density means the extent of development of residential uses, expressed in dwelling units per acre of land.

Design manual means a manual prepared and updated by the city manager or designee and on file in the public works department that provides design guidelines and illustrations to be used in the design and construction of physical improvements within the city.

Developed area means the area within an imaginary line formed by the outer perimeter of all structures, parking lots, and other paving and manmade alterations to the natural condition of any lot or parcel of land, except for sidewalks in public rights-of-way and driveways, the perimeters to be adjusted to the closest geometric shape for which an area may be reasonably easily calculated.

Developer means any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development or development activity means any of the following activities:

A. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil or vegetation of a site.

B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface or water management system, and including the long term storage of materials.

C. The erection, placement, alteration, remodeling or reconstruction of any building on any land or the authorization of any improvements on any land to facilitate the use of such land.

D. Subdividing land into two or more parcels.

E. A tree removal for which authorization is required under this Code of Ordinances.

F. Erection of a permanent sign unless expressly exempted by this Code of Ordinances.

G. Alteration of a historic property for which authorization is required under this Code of Ordinances.

H. Changing the use of a site so that the need for parking is increased.

I. Construction, elimination or alteration of a driveway onto a public street.

J. For the purpose of vested rights, development has the meaning given to it in F.S. § 380.04 as amended.

Development agreement means an agreement entered into between the city and a developer for the purpose of assuring the city that the developer shall provide required public facility capacity. Development agreements

include, but are not limited to, agreements authorized pursuant to F.S. § 163.3220 and F.S. § 380.01, et seq., both as amended from time to time.

Development order means any order granting, denying or granting with conditions an application for approval of a development project or activity.

Development permit means any official city document that authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical and so forth, in addition to the building permit itself), grading and clearing permits, tree removal permits, sign permits, etc.

Development plan means a plan indicating the permitted design and extent of development of a parcel of land, approved under and pursuant to this chapter.

Diameter breast height (DBH) means the diameter of the main stem of a tree as measured 4.5 feet above the natural grade at the base. The diameter of a multi-stemmed tree is measured at the narrowest point below the lowest branch.

Directional sign or directory sign means any sign that exclusively contains information providing direction to pedestrian and vehicular traffic to any object, place, or area. The term includes, but is not limited to, a sign indicating an avenue of ingress or egress and a sign listing the occupants of a property and their office or suite numbers.

Director means the director of the department designated by the city manager to administer these regulations.

Disability glare means glare resulting in reduced visual performance and visibility, often accompanied by discomfort.

Disposition means the placement of a building on its lot.

District (for the purpose of historic preservation) means a geographically definable area, urban or rural, possessing a significant concentration, linkage or continuity of sites, buildings, structures, objects or areas, which are united by past events or aesthetically by plan or physical development. A district also may be comprised of individual resources that are separated geographically but are linked by association or history.

District or zoning district means an area or areas of the city designated on the zoning map as being subject to the uniform regulations and requirements of a particular zoning category established in this chapter.

Documentation means photographs, slides, drawings, plans, factual written descriptions or legal records.

Dripline means the minimum rooting volume of a tree necessary to sustain the tree's life, generally defined by the tree's crown spread or a radius of every 1.25 feet for every one inch DBH, whichever is greater, and from the surface to a depth of three feet.

Drive-through facilities mean establishments that provide services or sales that are extended mechanically or personally to customers who do not exit their motorized vehicle. Such facilities include banking facilities, restaurants, food and/or beverage sales, dry cleaning, drug stores, retail sales, express mail services and other services. Not included in this definition are auto fuel pumps and depositories that involve no immediate exchange or dispersal to the customer, such as mailboxes, library book depositories and recycling facilities.

Driveway means the improved area between a public street and private property intended to provide ingress and/or egress of vehicular traffic from the public or private street to a definite area of private property.

Driveway permit means a written approval issued by a permitting authority, subject to conditions stated therein, authorizing construction, reconstruction or removal of any improvements connected to a public street. The permit shall be for a specific location and for a specific type and intensity of property use.

Driveway, width (W) means the narrowest width of the driveway measured parallel with the edge of the street or roadway at the street right-of-way line.

Dwelling means any building used primarily for human habitation. The term "dwelling" shall not include a hotel, motel, tourist court or other building for transients, but shall include group housing.

Dwelling unit means a room or rooms in a dwelling, other than a dormitory, comprising the essential elements of a single housekeeping unit. Each area with one address for billing, one electric meter, and/or one full kitchen shall be considered a separate dwelling unit.

Easement means an interest in land granted for a specific purpose or purposes but not conveying fee simple title to real property.

Eaves means the lowest horizontal line of a sloping roof.

Ecological integrity means the condition of an ecosystem whereby its natural communities and physical environments remain substantially intact, and key ecosystem processes such as nutrient cycles, succession, water levels and flow patterns, and the dynamics of sediment erosion and deposition, are functioning properly within the natural range of variability.

Ecological value means the value of functions performed by an ecosystem. These functions provide the habitat requirements for living organisms, support biological populations, and sustain species diversity.

Ecosystem means a dynamic complex of plant, animal, and micro-organism communities and their non-living environment that interacts as a functional unit.

Effective date means the adoption date of an ordinance or the date specified in the ordinance as being the effective date.

Electronic sign means any sign, or portions of a sign, where any *light* source, including but not limited to incandescent bulbs or *light*-emitting diodes (LED), constitute the sign text or image. This type of sign includes, but is not limited to, electronic message boards, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, other types of electric and electronic display boards and screens, and holographic displays. Electronic signs include projected images or messages onto buildings or other objects. Signs that are illuminated by *light* sources only for the purpose of internal or external illumination are not considered electronic signs, nor are non-animated neon signs.

Emergency shelter means any facility licensed by the state as an emergency shelter providing temporary room and board, protection and pre-placement screening or counseling for a maximum of 15 abused persons, for a one-time stay not to exceed 30 consecutive days per person in any consecutive three-month period; provided that such abused persons are not related to the owner of the premises by law, blood, marriage or adoption; provided, further, that the services rendered on site shall not include intensive treatment or therapy; and provided further that this shelter shall not house dangerous persons.

Encroach means to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public or private frontage zone, or above a height limit.

Encroachment means any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public or private frontage zone, or above a height limit.

Enforcing officer means the city employee authorized by the city manager to enforce particular sections of this chapter or the Code of Ordinances.

Engineer means a professional engineer registered to practice engineering by the State of Florida.

Environmental (or environmentally significant) feature (or natural area) means natural features prone to damage due to development and necessary for: 1) the protection of public health, safety and welfare; or 2) the conservation of the natural environment. A natural area is anything needed by an organism, population or ecosystem, and excluding areas and features disturbed or created by humans, such as buildings or parking lots, but including areas defined as open space. Features and areas typically include one or more of the following: wetlands, lakes, creeks, special protection species habitat, floodplains, uplands and major tree groupings.

Equipment rental and leasing, heavy means establishments primarily engaged in renting or leasing medical and/or construction equipment, industrial trucks, portable toilets.

Equipment rental and leasing, light means establishments primarily engaged in renting or leasing computers, electronic equipment, appliances, party supplies, pianos, plants, vending machines, and furniture.

Erect means to build, construct, attach, hang, place, suspend or affix a sign, structure or building.

Establish or establishment (in reference to planted trees) means the period of care that shall be provided to a young tree after planting, which is a minimum of one year and additional time as needed to ensure the survivability of the trees. If after three years, a young tree had developed a strong trunk, roots, branches and foliage, it is considered established and can be expected to survive without supplemental watering, with the exception of severe drought and shall be maintained up to a five year period.

Excess parking means vehicular parking that exceeds the amount required by this chapter by more than ten spaces or more than ten percent, whichever is greater.

Exercise studio means establishments primarily engaged in operating health clubs, spas, and similar facilities featuring exercise and other active physical fitness conditioning. This includes establishments providing dance and exercise classes.

Express or parcel delivery distribution center means a facility that accepts from customers, sends, and receives parcels, packages, or mail, and distributes and picks up parcels, packages, and mail to and from individuals and commercial accounts.

Expression line means a molding or cornice extending or offset a minimum of three inches from the surface plane of the building wall. Expression lines delineate the transition between the story levels.

Fence means a barrier constructed of materials other than masonry, erected for the purpose of protection, confinement, enclosure or privacy. The term "fence" does not include natural barriers, such as, but not limited to, trees, hedges or shrubs.

Final development order means the final approval of a development plan, planned development, special use permit or final plat. This approval shall be granted prior to the issuance of a development permit as defined in this chapter.

Final development order for purposes of concurrency means the final approval of a development project, the approval of which shall be granted prior to issuance of a development permit as defined in this chapter. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping and the like.) For purposes of this chapter the final development plan approval is the final development order.

Final development order for purposes of vesting. The following unexpired development orders shall be considered final development orders for the purposes of a determination of vested rights in a development approved prior to the effective date of the ordinance from which this chapter is derived:

A. Building permit;

B. Final development plan approval; and

C. Final plat approval.

Footcandle means a unit of measure expressing the quantity of *light* received on a surface (assumed to be a horizontal plane unless otherwise specified), and measurable with an illuminance meter (i.e., *light* meter).
Freestanding sign means any sign that is mounted on or supported by uprights or braces in or upon the ground, a sign structure, a fence, or a wall of an accessory structure.

Front open space means the area enclosed by the side lot lines, the street right-of-way line in the front of the property and the established line of setback. The established line of setback shall be the line, drawn parallel to the street in front of the property, extending from the point at which the principal building is closest to the street outward to the lot lines. All area directly in front of any part of the principal building shall also be considered to be in front of the established line of setback.

Frontage means the length of the property line of a lot or tract of land abutting a public or private street, road, highway or other right-of-way.

Full-cutoff fixture means a luminaire from which no *light* is emitted at or above a horizontal plane drawn through the lowest *light*-emitting portion of the luminaire and no more than ten percent of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, is also "fully shielded."

Full development means the estimated maximum intensity of development for a particular service area based on full compliance with the Comprehensive Plan.

Fully shielded means a *lighting* fixture constructed and installed in such a manner that all *light* emitted by the fixture, either directly from the lamp or through a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or

certified by the manufacturer. Any structural part of the *light* fixture providing this shielding shall be permanently affixed.

Gainesville tree list means the list of trees provided in Article VIII of this chapter.

Gallery means a private frontage conventional for retail use wherein the façade is aligned close to the sidewalk with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

Garden wall means a freestanding wall built along the site frontage line, or coplanar with the façade. It may mask a parking lot from the street and/or strengthen the spatial definition of the public realm.

Glare means the effect by a *light* source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Glazing means the design and placement of windows and entrances with clear glass in a building facade. Glazing percentages are calculated by measuring the area of glazing between three feet and eight feet above grade, and dividing it by the total area of the building facade between three feet and eight feet above grade. Required glazing shall be at least 80 percent transparent and shall not utilize painted glass, reflective glass or other similarly treated windows. Glazed areas on entrances may be counted towards meeting the minimum glazing requirements.

Grade means the inclination from the horizontal of a road, unimproved land, etc., which is generally expressed by the vertical rise or fall as a percentage of the horizontal distance.
Gross floor area means the sum of the horizontal areas of the floors of a building or buildings on a given land area, measured from the exterior faces of exterior walls. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven feet, floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included shall be the floor area of garages, carports, patios, porches, elevators and stairwells.

Gross leasable area means the total floor area designed for tenants' exclusive use, including basements, mezzanines and upper floors. Gross leasable area does not include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, either open or enclosed.

Ground cover means low-growing plants planted in such a manner as to form a continuous cover over the ground, such as liriope, low-growing varieties of honeysuckle, sod, low growing varieties of junipers, or like plants.

Ground-mounted sign means any sign that is mounted on or supported by an upright, uprights or braces in or upon the ground, any sign structure, or a fence or a wall of an accessory building or structure.

Half or partial street means a street, generally parallel with and adjacent to the boundary line of a tract, having a lesser right-of-way width than required for a full width of the type involved.

Heritage trees means trees that are larger than 20 inches diameter breast height; except for Water Oaks (quercus nigra), Laurel Oaks (Quercus hemispherica), Sweetgums (Liquidambar styraciflua), Loblolly Pine (Pinus taeda) and Slash Pine (Pinus elliottii), which become heritage trees only when they are larger than 30 inches diameter breast height.

High quality trees means any trees of the following species: Live Oak (Quercus virginiana), Sand Live Oak (O. geminata), Bluff Oak (Q. austrina), Basket Oak (Q. michauxii), Southern Red Oak (Q, falcata), Southern Magnolia (Magnolia grandiflora), Florida Maple (Acer barbatum), Longleaf Pine (Pinus palustris), Spruce Pine (P. glabra), Cedar Elm (Ulmus crassifolia), Winged Elm (U. alata), Florida Elm (U. floridana), Bald Cypress (Taxodium distichum), Pond Cypress (T. ascendens), Tupelo (Nyssa sylvatica), Mockernut Hickory (Caiya tomentosa/Pignut Hickory (C. glabra, Pecan (C. illinoensis), Persimmon (Diospyros virginiana), Basswood (Tilia Americana), Tulip Poplar (Liriodendron tulipifera), White Ash (Fraxinus Americana), Green Ash (F. pensylvanica) and Yaupon, Dahoon, and American Holly species (Ilex vomitoria, I, cassine, and I. opaca).

High quality heritage trees means heritage trees of the species identified in the definition of high quality trees.

High quality shade trees means trees of the native species listed in the definition of high quality trees that are identified on the Gainesville tree list in the category "high quality shade."

Identification sign means any sign with a message than includes only the name of a subdivision, neighborhood, or residential development.

Illuminance means a quantity of incident *light*, measured in footcandles.

Illuminated sign means any sign that is illuminated by artificial *light*, either from an interior or exterior source, including reflective or phosphorescent *light*.

Illuminating Engineering Society of North America (IESNA) means the recognized technical authority on illumination, whose mission is to advance knowledge and disseminate information for the improvement of the *lighted* environment to the benefit of society.

Impervious means material incapable of being penetrated, as by moisture, such as concrete or asphalt.

Impervious ground coverage means an area of ground covered by any part of a building, street, parking lot or any other structure, improvement, facility or material that is incapable of being penetrated, as by moisture.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Improved street means those streets where physical improvements such as clearing, grading, curb and gutter, stormwater management facilities, pavement, sidewalks and bicycle facilities are constructed as required by the standards of this chapter and the code of ordinances.

Improvements means physical changes made to raw land and structures placed on or under the land surface, in order to make the land more usable. Typical improvements would be clearing and grubbing, grading, street pavements, sidewalks, bicycle facilities, curb and gutter, drainage ditches, required trees, storm and sanitary sewers, streetlights, fire hydrants, street name signs, permanent control points (PCP's), etc.

Infill means the use of vacant or underutilized land within a built-up area for further construction or development.

Intensity of development or intensity of use means the extent of development of any land, expressed as building coverage and/or building height.

Intersecting roadways means the intersection of roadways of public rights-of-way or the intersection of a public street and a private driveway or a private roadway of a significant traffic generator.

Invasive, nonnative vegetation means any plant not indigenous to Florida, which exhibits, or has the potential to exhibit, uncontrolled growth and invasion or alteration of the natural qualities and functions of any native habitat.

Land surveyor means a land surveyor registered under F.S. Ch. 472, who is in good standing with the board of professional land surveyors.

Land use element means the future land use element of the Comprehensive Plan, and relates to permissible planned uses of land.

Land use plan means the future land use element of the most recent city Comprehensive Plan adopted pursuant to F.S. Ch. 163, and all amendments thereto.

Land use regulation means any ordinance or resolution controlling the use, development, maintenance or transfer of real property.

Landlord means any person, owner, agent, individual, firm or corporation or any combination thereof who leases, sublets, rents or allows the occupancy of any single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, group housing or other dwelling unit to or by another person or persons not members of his/her family in designated districts whether or not for consideration.

Landscape materials means improvements such as living trees, shrubs, vines, grasses, ground covers and other plants, sand, wood mulch, and other materials that do not require soil compaction for their installation.

Landscape zone means the portion of the area between the curb and the sidewalk designated for required street landscaping.

Large scale retail means a retail or wholesale user that occupies at least 100,000 square feet of ground floor area, and has a regional sales market. Large scale retailers include, but are not limited to, membership warehouse clubs that emphasize bulk sales, and discount, home improvement, sports equipment, furniture and department stores. Retail uses that do not meet these criteria are classified as retail sales, unless otherwise noted in this code.

Light assembly, fabrication, and processing means a use with a principal purpose that includes the assembly, fabrication, processing, or packaging of components or products that are derived from previously prepared materials. Also included in this definition are research and development laboratories, printing and publishing plants, industrial type cleaning and laundry services, and specialty t-shirt production uses. This use is distinguished from industrial uses based on: the size and scope of the operation, the absence of heavy manufacturing processes, the absence of *outdoor* storage, and the ability to conduct all operations within a fully enclosed structure. See personal services and business services for repair of household appliances and office equipment, respectively.

Light pollution means any adverse effect of artificial *light* including, but not limited to, glare, *light* trespass, skyglow, energy waste, and impacts on the nocturnal environment.

Light trespass means *light* emitted by a luminaire that is cast beyond the boundaries of the property on which the luminaire is sited.

Local register means a means by which to identify and classify various sites, buildings, structures, objects, areas and districts as historic and/or architecturally significant.

Local street means any street that is not designated as a collector or arterial on the roadway map on file in the public works department, is not functionally classified by the state department of transportation, and, by nature of its physical design, the local nature of trip purposes and the existing and anticipated traffic characteristics, is not suited to carry more than 1,200 average daily trips.

Lot means a parcel of land contained within property lines of a specific area, including land within easements and building setback lines of the area, but excluding any land within street right-of-way. The word "lot" includes the words "plot," "unit," "parcel" and "tract."

A.

Corner lot means a lot located at the intersection of two streets and abutting such streets on two adjacent sides of the lot, or a lot with two adjacent sides abutting adjoining and deflected right-of-way lines of the same street that form an interior angle of less than 135 degrees.

B.

Double-frontage lot means a lot other than a corner lot having frontage on two or more streets or two portions of the same street.

C.

Interior lot means a lot other than a corner lot having frontage only on one street.

D.

Reverse-frontage lot means a lot extending between and having frontage on a collector or arterial street and a local street and shall include double-frontage lots.

Lot area means the total horizontal area included within lot lines.

Lot coverage means the maximum combined area occupied by all principal and accessory buildings or structures expressed as a percentage, measured from the exterior walls that are roofed or otherwise covered.

Lot depth means the mean horizontal distance between the front and rear lot lines.

Lot line or property line means the boundary line of a lot.

A.

Front lot line means that property line that abuts a public street. If a lot abuts on two or more streets, the front lot line shall be that property line abutting a street that has been so designated by the owner at the time of an application for a building permit, provided such lot is not thereby made nonconforming.

B.

Side lot line means any property line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

C.

Rear lot line means that property line that is most distant from and is, or is most nearly, parallel to the front lot line.

Lot of record means, for the purposes of determining vested rights, a designated parcel, tract or area of land established by plat, lot split, metes and bounds description, or otherwise permitted by law, to be used, developed or built upon as a unit and which existed in the records of the county property appraiser on November 16, 1992.

Lot split means the division of a single tract of land into two lots or parcels, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this chapter.

Lot width means the shortest horizontal distance between side lot lines, measured along any line that intersects the minimum required front yard setback line.

Luminaire means a complete *lighting* unit (i.e., fixture), consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the *light* (e.g., reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Maintain means to preserve from decline, keep in an existing state, or retain in possession or control.

Marquee means a permanent roof-like structure supported entirely from an exterior wall of a building and intended for providing protection from sun and rain or embellishment of the facade. The sides of a marquee are typically used for the display of signs.

Marquee sign means a building-mounted sign that is attached to an architectural feature that projects from a building, such as a marquee of the sort typically associated with a theater, a solid structural canopy, or an awning that extends over the entrance of a building.

Maximum uniformity ratio means the maximum level of illuminance in relation to the minimum level of illuminance for a given area. For example, a maximum uniformity ratio of 10:1 means that for a given area, the minimum level of illuminance shall be no less than ten percent of the maximum level of illuminance.

Message-board sign means a sign, no greater than six square feet in area that is mounted on the wall, door, or window of a business. The board may be mounted in a protective frame having a maximum depth of six inches. Chalk boards and bulletin boards are two types of message board signs.

Minor subdivision means the subdivision of a tract of land into five or fewer lots in accordance with the requirements set forth in this chapter and where the resultant lots comply with all the standards of these regulations.

Mitigation means compensatory actions taken before, during or after development to preserve, replace, enhance, create, or restore various environmental functions or features of a natural area, or to buffer or protect nearby land uses from adverse impacts of the development, or protect other significant local resources.

Monument sign means a freestanding sign with a base, either a solid structural base or a non-structural base that gives the appearance of a solid structural base that is at least 75 percent of the length of the sign face.

Mounting height means the distance between the average grade and the bottom of the luminous opening of a luminaire.

Multiple occupancy means a building or development with two or more separate and distinct businesses and/or organizations.

Native means those plants and animals, including commonized vegetation, and especially vegetation known to have existed locally when Ponce de Leon arrived in Florida, which are appropriate to the ecological setting, have noninvasive growth habits, are tolerant of the hydrologic conditions of the site, and require little maintenance upon maturity.

Native plants means all plant life that persists and reproduces in Florida without the influence of humans and that are thought to have been present in the region prior to A.D. 1500 (year of first documented European contact).

Natural vegetation means vegetation existing prior to development of a site that includes understory vegetation and typically includes a wooded area, of generally native species.

Natural community means a distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally associated with each other and their physical environment. For the purposes of this Code, classification and nomenclature for natural communities shall follow the FNAI Guide. Natural communities do not include altered landcover types that are listed in Appendix 2 of the FNAI Guide.

Natural resources means the biological, physical, geological and hydrological components of the environment in the City of Gainesville.

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

Nonconforming lot means any lot that does not meet the requirements for minimum lot area, lot depth or lot width, for any use, for the zoning district in which such lot is located.

Nonconforming structure means any building or structure that does not meet the applicable zoning district's regulations for dimensions and location, site improvements or development standards.

Nonconforming use means the use of any building or land for anything other than a use specifically permitted in the zoning district in which such building or land is located.

Nonpresumptive vested rights means those instances where presumptive vested rights cannot be shown, but in which the property owner proves the following: upon some act or omission of the city, a property owner, relying in good faith, has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired, and that development has commenced and is continuing in good faith.

Occupancy means the use of a dwelling unit for residential purposes, not necessarily absolutely continuously, but as a place of usual return (except as otherwise defined in articles of this chapter).

Occupant (occupancy) means a legal occupant of a building or premises licensed to engage in a business, occupation or profession, or exempt from license due to governmental, educational, religious or other privileged status.

Occupied structure means a structure with at least one occupied room. See "Occupied Rooms."
Official roadway map means a map maintained by the public works department showing the official designation of all existing and proposed arterial and collector streets, as adopted by ordinance of the city commission after review and recommendation by the city plan board, and showing all other streets for informational purposes.

Off-premises sign means any sign (with the exception of vehicle signs) with a commercial message that directs attention to a specific business, product, service, entertainment event or activity, or any other type of event, activity or thing that is not provided, sold, produced, manufactured, furnished, conducted, or located at the property upon which the sign is located.

Ordinary maintenance means work that does not require a building permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or any part thereof by restoring the building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration or decay.

Original appearance means that appearance (except for specific color) that, to the satisfaction of the city manager or designee, closely resembles the appearance of either:

A.

The feature on the building as it was originally built or was likely to have been built; or

B.

The feature on the building as it presently exists so long as the present appearance is appropriate, in the opinion of the city manager or designee, to the style and materials of the building.

Outdoor activity means any service or activity conducted or provided outside of the principal structure on a regular or recurring basis, approved as part of a development plan.

Outdoor café means a seating area, located outside of the public right-of-way, that is adjacent to, operated by, and an accessory use to a restaurant, alcoholic beverage establishment, microbrewery, microdistillery, or microwinery.

Outdoor storage means the storage or display, outside of a completely enclosed building, of merchandise offered for sale as a permitted use or of equipment, machinery and materials used in the ordinary course of a permitted use, or the storage of inoperable motor vehicles, or the storage of used materials or items whether for sale or not. This term expressly does not include junk or junkyards as defined in this section.

Outdoor work space means an area, delineated on the development plan of a limited automotive service, which meets the requirements for use for the provision of services and repairs outside an enclosed building. This term does not include junkyards or *outdoor* storage.

Outparcel means a separate tract of land, platted or otherwise created, which was included as an integral part of a unified development that was approved by the city through the development plan, subdivision and/or planned development review process. The outparcel shall have unified landscaping and buffers, shared parking, and traffic access and circulation and stormwater management systems integrated with the remainder of the development. The outparcel may or may not be a recorded parcel. For the purpose of development review and permitting, an outparcel may not be considered as an independent parcel unless it and the remainder of the parcels in the unified development can independently meet all of the applicable code requirements.

Owner means a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his/her lease for the maintenance of the property.

Parapet means a low wall projecting upward from the outside edge of a roof.

Parcel means a unit of land within legally established property lines. Legally established property lines means those lines created by a recorded plat, minor plat or lot split, those units of land recognized as lots formed prior to 1961 as recorded on a map kept by the building division, and those lots recognized by the county code enforcement department at the time of any annexation.

Parking means a temporary, transient storage of private passenger motor vehicles used for personal transportation while the operators of such vehicles are engaged in other activities. The term shall not include storage of new or used cars for sale, service, rental or any other purpose except as specified herein.

Parking, interior means all parking spaces not located along the perimeter of the parking area.

Parking, perimeter means parking spaces located along the edge of the paved parking surface.

Parking space means an area adjacent to a driveway or other vehicular access, designed to be used for the parking of a motor vehicle.

Parking garage. See "structured parking."

Paved area means an improved area consisting of asphaltic concrete, concrete, brick or similar material that is intended or designated for parking, maneuvering and/or vehicular movement, and including pedestrian accessways immediately adjacent to such areas.

Pedestal-type sign means a permanent ground-mounted sign, no greater than one and one-half feet by one and one-half feet in size and up to five feet in height, which advertises products or services provided on the premises.

Pennant means a piece of cloth, plastic, paper or similar material that is attached to any staff, cord, or wire, either singularly or in a series.

Permanent sign means any sign that an enforcing official determines is intended to be used for an indefinite duration of time because it is constructed and attached to a building, structure, or the ground in a manner that resists environmental loads such as wind, precludes ready removal or movement of the sign, and meets any applicable Florida Building Code standards.

Person means any individual, group of persons, firm, corporation, association, company, organization, business trust, estate trust and any governmental agency or their representatives, except that the words "natural person" shall mean only a single human being.

Planned development layout plan means an unexpired development plan submitted for a proposed planned development that has been approved and adopted by ordinance by the city commission.

Planning parcel means a land area within city limits made up of the parcel on which development or alteration is proposed and all contiguous parcels within city limits under common ownership or control as of the date

of application submittal. Common ownership or control means the contiguous parcels that are owned by the owner/applicant or by entities owned or controlled by the owner/applicant.

Pole height means the vertical distance measured from the average grade level on the ground to the base of the luminaire.

Pollution or pollutants means adverse impacts to the physical, chemical or biological characteristics of the air, water or soil, which can be harmful to humans, animals, vegetation or structures. Pollutants are agents that cause pollution.

Porch means a covered area adjoining the entrance to a building. Porches may be "engaged" (with two sides partially or fully enclosed by walls and roof), "integral" (part of the overall massing and roof form of the building), or "projecting" (open on three sides with a roof that is separate from the main building roof).

Preliminary development order means any preliminary approval that does not authorize actual construction, mining or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, and may include approvals with conditions where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For the purposes of this chapter preliminary development orders include preliminary development plan approval, approval of rezoning to planned development, residential design plat approval, residential minor subdivisions, approval of a special use permit, approval of an amendment to a planned development ordinance, change of use permit approval, application for a building permit where vested rights have expired, and development on state and federal properties.

Presumptive vested rights means those instances where there are reasonable grounds to believe that vested rights exist as determined by the director by virtue of the possession of a valid, unexpired final development order issued by the city prior to the effective date of the vested rights review ordinance.

Primary frontage means the site frontage facing the primary street.

Primary street means the street that a property for development fronts. At street intersections, the larger, more important street shall be recognized as the primary street.

Principal structure means a structure in which is conducted the principal use of the lot on which it is situated, including any attached carport, shed, garage or any other structure that is a part of the principal building and structurally dependent, totally or in part, on the principal building. In a residential district any dwelling shall be deemed to be the principal structure on the lot on which the same is situated.

Principal use means the use that constitutes the primary activity, function or purpose of a parcel of land or building.

Private street, approved means any privately-owned accessway that has been determined by the city manager or designee to meet the access and construction standards set forth in this code. For purposes of lot split or minor subdivision, "existing" approved private street means an approved private street that exists on the date of filing the application for the minor subdivision or lot split. "New" approved private street means a new street is being approved as part of the minor subdivision or lot split process.

Project means a single development as designated by the applicant, but two or more purportedly separate developments shall be considered one project if the city manager or designee determines that three or more of the following criteria exist:

A. The purportedly separate developments are located within 250 feet of each other;

B. The same person has an ownership interest or an option to obtain an ownership interest of more than 50% of the legal title to each purportedly separate development;

C. There is a unified development plan for the purportedly separate developments;

D. The purportedly separate developments voluntarily do or shall share private infrastructure; or

E. There is or will be a common management or advertising scheme for the purportedly separate developments.

Projecting sign means any sign that is affixed to any building wall or structure and extends more than 12 inches horizontally from the plane of the building wall.

Public administration buildings means federal, state, and local government facilities, including administrative offices, fire and police stations, tax collection, supervisor of elections, post office, and similar establishments. Public facilities that involve *outdoor* storage, vehicle repair, manufacturing and similar activities are classified as public maintenance and storage facilities.

Public facilities means transportation facilities (including roads, transit, sidewalks, and bicycle/trails), wastewater facilities, solid waste facilities, stormwater management facilities, potable water facilities, water supply, public school facilities and recreation facilities.

Public park means properties and facilities owned and operated by any governmental agency that are open to the general public for recreational purposes.

Public use means the use of any land, water or building by a governmental agency for a public service or purpose.

Public utility means a utility owned, operated and maintained by a public or governmental entity or a publicly-regulated utility company, including but not limited to stormwater, drainage, water, wastewater, reclaimed water, chilled water, natural gas, electric or telecommunications facilities.

Public utility easement (PUE) means a non-possessory, non-exclusive interest in the land of another and the right to use the property for the purpose of installing, operating and maintaining public utility facilities.

Qualitative tree survey. See "tree survey, qualitative."

Radius return (R) means the curved arc between intersecting street pavements.

Rear lane means a vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. The streetscape consists of gravel or landscaped edges. Rear lanes have no raised curb, and are drained by percolation. (See Alley definition).

Recreational area or recreation area means any common area or dedicated public area, including open space or buildings, but not including streets or off-street parking or loading areas, which is usable for either passive or active recreational activities. Passive recreational activities are those that involve mere observation or only a small amount of activity to derive relaxation or pleasure, and they include such pursuits as sightseeing, bird watching, picnicking, fishing and the like. Active recreational activities are those that require a certain degree of physical exertion in order to obtain exercise or a release of energy, and they include both team sports and individual sports, playground activities, exercise facilities and the like.

Recreation, indoor means an indoor public or private establishment designed and equipped for the conduct of sports and leisure time activities. Some examples include bowling alleys, theaters, gymnasiums, fitness facilities, pool halls, laser tag, and skating rinks. This category does not include sexually-oriented motion picture theaters, stadium/sports arenas, or any public recreation facilities.

Recreation, outdoor means any premises where the principal use is the provision of *outdoor* amusements, sports, games, athletic facilities, or other *outdoor* recreational facilities and/or services. This term includes golf driving ranges, miniature golf, paintball facilities, and water slides; but does not include golf courses, shooting ranges, drive-in theaters, stadiums/sports arenas, or any public parks.

Regulated natural or archaeological resource means any of the following: significant natural communities, listed species, strategic ecosystems, Floridan aquifer high recharge areas, significant archaeological resources, and significant geological resource features. Surface waters and wetlands, and regulated trees, including champion and heritage trees, are specifically excluded as they are regulated under separate provisions of this Code.

Regulated trees means trees of eight inches or greater in diameter breast height or any tree that was planted in compliance with an approved development order or to mitigate the removal of a regulated tree. Slash and Loblolly Pines are not regulated until they reach 20 inches in diameter, except those that were preserved during development in order to meet a landscaping requirement, which are considered regulated regardless of size.

Rehabilitation center means a facility providing professional care, nonresident only, for those requiring therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse, social disorders, physical disabilities, intellectual disabilities or similar problems.

Relocatable structure means a building or portion of a building made up of prefabricated units able to be disassembled and reassembled frequently; a single unit of construction consisting of walls, roof and floor that is movable as a unit, either on wheels or by truck. The terms "mobile," "demountable," "divisible" and "portable" connote types of relocatable buildings. A relocatable structure shall meet all code requirements for its particular use.

Required tree means trees planted to meet a specific landscaping requirement such as trees in buffers, landscape islands, and stormwater management areas.

Restaurant means any use located in any structure or building or portion thereof where the use primarily involves the retail sale of food and beverages, which may include alcoholic beverages for consumption on the

premises and where at least 51 percent of the monthly gross revenues derived from such use are attributable to the sale of food and nonalcoholic beverages. This use may include caterers and industrial and institutional food service establishments.

Restoration means the revival or rehabilitation of structures, natural areas or features to a condition in which the structure, area or feature functions in a relatively self-maintaining, historically natural condition.

Right-of-way means land dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purposes by the public.

Roof sign means any building-mounted sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. Signs on parapet walls or mansards are not considered roof signs.

Roofline means the highest continuous horizontal line of a roof. On a sloping roof the roofline is the principal ridge line, or the highest line common to one or more principal slopes of the roof. On a flat roof the roofline is the highest continuous line of the roof or parapet, whichever is higher.

Root zone means the allotted area of soil that is provided for the growth of tree roots.

Root zone media means the appropriate soil structure and texture to accommodate healthy root growth for required landscaping. The minimum components of rootzone media are uncompacted soil (bulk density less than 1.50 g/cc in loam. 1.70 g/cc sand, or 1.40 g/cc clay soil) devoid of seeds of invasive exotic species and of pH 5.5 to 6.5, composted leaf mold or peat moss, and well-graded, medium angular sand (0.50 to 0.25 mm). The natural topsoil of the site qualifies if the above qualities exist. The maximum depth for structural soil used as root zone media shall be 36 inches, the maximum depth for root zone media used with structural root box cells shall be 45 inches.

Root zone volume means a measurement of the net soil volume not including structural components such as stone. The root zone can include soil within the tree opening or soil under pavement, as long as the soil volumes are compacted to no more than 85 percent dry density. Structural soils are exempt from this compaction requirement. A variety of techniques are suitable for under pavement locations, including but not limited to structural root box cells, structural soil, tree wells, root paths and soil trenches. The soil volumes shall be accessible to the tree roots to be considered part of the root zone volume. Rooting space should be composed of soil defined in the ordinance as root zone media. The depth of root zone, for purposes of calculating the volume, shall not exceed four feet.

Secondary frontage means that frontage facing the secondary street.

Secondary street means any street fronting a development that is not identified as the primary street.

Service area entrance means an external door opening into an enclosed building that contains one or more service bays.

Service provider means any individual, company, firm or other entity that provides telecommunications service over telecommunications facilities.

Setback or setback line means a line determined by measurement, parallel to a lot line, creating an area between the lot line and the setback line in which all structures (unless otherwise limited) may not be erected.

Setback, street means a line determined by measurement, parallel to the street curb (on all sides of the lot facing a street), creating an area between the street curb and building façade.

Shielded fixture means a luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, visor, or baffle to reduce direct view of the lamp.

Shrub means a woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

Sidewalk means an area on public or private property where pedestrians walk or stand, generally parallel to the edge of a street, roadway or curb.

Sidewalk café means a seating area within the public right-of-way that is adjacent to, operated by, and an accessory use to a restaurant, alcoholic beverage establishment, microbrewery, microdistillery, or microwinery.

Sight distance means the continuous section of roadway visible to the driver of a vehicle from any particular point on the roadway.

Sign means any letter, number, symbol, figure, character, mark, plane, design, pictorial, stroke, stripe, trademark or combination of these so placed, attached, painted, erected, fastened, or installed for the purpose of attracting the attention of and communicating a message to members of the public, either pedestrians and/or motorists, and that can be seen from a public or private street.

Sign area means the total surface area contained within any common geometric figure (e.g., parallelogram, circle, triangle, trapezoid, hexagon, ellipse, etc.), whether real or imaginary as applicable, that encloses all the elements or copy of the sign message as provided in the definition of a sign.

Sign band means a permanent architectural feature integrated into the façade of a building intended for the placement of a sign(s).

Sign structure means any accessory structure or device the primary purpose of which is to be or to display a sign.

Site, historic means the location of a significant event, activity, building, structure or archaeological resource where the significance of the location and any archaeological remains outweighs the significance of any existing structures.

Site plan. See "development plan."

Snipe sign means any temporary sign that is attached to any object, including but not limited to a tree, utility, pole, or fence post, that is either located on public property or located on private property without the owner's consent.

Social service facility or halfway house means an establishment providing professional care, resident or nonresident, for those requiring therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse, social disorders, physical disabilities, intellectual disabilities or similar problems.

Soil bulk density means a measure of soil compaction expressed as the mass of soil per unit of volume.

Soil compaction means compression of the soil resulting in a reduction of the total pore space, especially the macropores (air-filled spaces between soil particles) and micropores (which fill with water).

Soil stabilization means measures, strategies, practices or systems used to protect soil from raindrop impact and flowing water. Typical measures include vegetative establishment and mulching.

Soil trenches means trenches under reinforced structural slabs filled with root zone media compacted to a maximum 80 percent proctor, which are used to guide roots out of confined planting areas.

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

Special event means a temporary meeting, activity, gathering, or group of persons or vehicles, or a combination thereof, having a common purpose, design, or goal that will affect or impact the ordinary and normal use by the general public upon any public or private facility, street, sidewalk, alley, public or private area, or building where the event substantially inhibits the usual flow of pedestrian or vehicular traffic, and is not the type approved for, or customarily associated with, the site upon which the event is located.

Special protection species means plant and animal species listed as threatened, endangered or of special concern. Refer to the "Special Protection Species of Alachua County" table in the city Comprehensive Plan.

Special use permit means a permit by which a use or activity that is not permitted by right may be allowed after careful consideration by the city plan board.

State highway system means roads that have been functionally classified by the state department of transportation as being part of the state highway system.

Steep slope means any ground surface having a slope greater than or equal to five percent.

Stoop means a small platform, entrance stairway at a building entrance covered by a secondary roof or awning.

Storefront means a building frontage conventional for retail use, with substantial glazing and awning or canopy, wherein the façade is aligned close to the sidewalk with the building entrance at sidewalk grade.

Stormwater means the flow of water that results from, and which occurs during and immediately following, a rainfall event.

Story means a habitable level within a building, excluding an attic or raised basement if they do not exceed five and one-half feet.

Street means any publicly dedicated accessway such as a street, road, highway, boulevard, parkway, circle, court or cul-de-sac, and shall include all of the land lying between any right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, except those accessways such as easements and rights-of-way intended solely for utilities and similar facilities and easements of ingress and egress.

Street banner means a flexible sign generally suspended along or across a street.

Street centerline means the surveyed and prescribed centerline of a street established by the state department of transportation or city public works department or, if no centerline has been so established, the line midway between the existing or proposed street right-of-way lines.

Street right-of-way means a strip or area of land dedicated or deeded for use of and by the public as a public street.

Street right-of-way line means that line denoting the edge of the right-of-way of the street and being identical with the property lines of persons owning property fronting on the streets. For the purposes of establishing the vision triangle as described in the Engineering Design and Construction Manual, the street right-of-way line for a private driveway or private roadway shall be set as a parallel line 10 feet from the face of the curb, edge of pavement or edge of the driving surface.

Structural root box cells means fiberglass-reinforced polypropylene structures including frames and decks designed to support pavement loads and hold root zone media for the purpose of supporting tree growth.

Structural soil means a designed medium that can meet or exceed pavement design and installation requirements while remaining root penetrable and supportive of tree growth.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, and having a height of four inches or more, except for patios, ground-level parking and loading facilities, fences and individual doll houses, play houses, and animal or bird houses that are neither to be used for human habitation, i.e., a place of permanent or temporary residence, nor storage as a principal use.

Structured parking means a building or structure consisting of two or more vertical levels that is used to park motor vehicles. Structured parking can either be: a stand-alone building with two or more vertical levels of parking; or, part of a multi-story building that may contain a mix of uses where the parking is on a separate level and at least one level of parking is above grade (such as the third floor of a three-story building). Structured parking specifically excludes individual garages accessory to a dwelling unit or non-residential unit, whether attached to or detached from the unit.

Subdivider means the owner, or the agent of the owner, of any tract or parcel of land, who divides or subdivides or resubdivides the tract or parcel of land into three or more lots, building sites or other divisions, for the purpose of transferring an ownership interest therein, or any person who performs any clearing and grubbing on any land incidental to or preparatory to the construction or laying out of improvements on the site to facilitate a subdivision of the property, or any owner of property or the agent of the owner who develops or improves property in accordance with a subdivision plat approved pursuant to this chapter.

Subdivision means any division or resubdivision of a tract or parcel of land into three or more lots, building sites or other divisions; provided, however, that the following shall not be included within this definition nor be subject to the provisions of this chapter except as specifically set forth in this chapter:

A.

Conversion of a building into individual units for the purpose of transferring an ownership interest therein.

B.

The public acquisition of strips of land for widening or opening streets, or for drainage or public utilities improvements.

Substandard lot means a nonconforming lot that meets any one of the following criteria:

A. Has less than 5,000 square feet of lot area in a district where the minimum required lot area is 5,000 feet or greater;

B. Has less than 80% of the minimum required lot area in a district where the minimum required lot area is less than 5,000 square feet; or

C. Has a lot width or lot depth that is less than 50 percent of the minimum required lot width or lot depth in the specific district.

Substantial development means the point in development when all the required permits necessary to continue the development have been obtained and the actual construction of water and sewer lines, or streets, or the stormwater management system, on such portion of the development is complete or is progressing in a manner that significantly moves the entire development toward completion.

Surface parking means a single level of parking at grade, whether covered or uncovered; or attached or detached from a building. Surface parking is also defined as a single level of ground floor parking within the footprint of a building. Individual garages that are accessory to a dwelling unit or non-residential unit, whether attached to or detached from the unit are surface parking.

Surface waters means all waters on the surface of the earth, contained in bounds created naturally or artificially, including, the lakes, ponds, impoundments, rivers, streams, springs, creeks, branches, sloughs, tributaries and other watercourses.

Technical review committee means a committee created by article III of this chapter.

Temporary sign means any sign that an enforcing official determines is not intended to be used for a permanent duration of time because it does not meet the definition of permanent sign. Temporary signs include, but are not limited to, banners, pennants, posters, and signs made of paper, cloth, canvas, plastic sheets, cardboard, or similar materials.

Transect means a geographical cross-section of a region used to reveal a sequence of environments. This cross section can be used to identify environments that vary by their level and intensity of urban character, a continuum that ranges from rural to urban.

Transmitter tower means a structure designed, constructed or used for the purpose of supporting an antenna used for transmitting and/or receiving any form of radio, television, radar or other type of wave, impulse or other electromagnetic signal. Antennas mounted on poles that are less than three inches in diameter and are no more than 20 feet above the highest point of the roof are secondary towers and shall not be considered transmitter towers. This definition also does not include structures supporting antennas constructed and/or used by public utilities and governmental agencies.

Tree appraised value means the dollar value to the city of a tree on private or public property used for the purpose of calculating cash recompense for removal or destruction. This payment shall be made at the time of the site work permits are provided to the developer. The tree appraised value shall be calculated as follows:

(3.14) × (½ diameter breast height) ^{2} = trunk area

(trunk area) × (unit factor for square inch price, as determined annually by the tree advisory board in consultation with the city manager or designee) = square inch value

(square inch value) × (55% diminution rating) = tree appraised value

Example calculation: 20" Live Oak in fair or better condition:

(3.14) × (½ × 20)2 = 314 square inches of trunk area

(314 sq in) × ($40) = $12,560 square inch value

($12,560) × (.55) = $6,908 tree appraised value

Tree means any living self-supporting perennial plant whose one main stem attains at least a diameter of three inches (nine inches in circumference) at four and one-half feet above ground level and a height of 15 feet at maturity.

Tree grouping or major tree grouping means an assemblage of closely spaced trees that encompass an area of at least 400 square feet and that provide coverage of at least 50 percent of that area.

Tree lawn means a pervious area between the back-of-curb and sidewalk or along the street edge intended for the planting of street trees.

Tree root plate means the below-ground area adjacent to the trunk where the major buttress roots and support roots occur, generally a circular area with a radius of four times the diameter of the tree trunk at ground level. For example, a two-foot diameter trunk has a root plate radius of eight feet outside the trunk on all sides.

Tree survey means a map that depicts the geographic location of regulated trees with their scientific names (both genus and species) and indicates the diameter of each regulated tree measured at four and one-half feet above the natural grade at the base.

Tree survey, qualitative means an alternative to the tree survey. A qualitative tree survey shall be prepared by and executed by a certified arborist with current credentials from the International Society of Arboriculture or by a licensed landscape architect. The report shall show the surveyed location, diameter, genus and species of all Heritage trees, all regulated trees of high quality shade tree species, other trees worthy of protection, and existing trees planted to comply with earlier approved development plans. On-site meetings with the city manager or designee will confirm which trees shall be included in the survey and to confirm that the survey meets code requirements. The survey shall also cover matters identified as significant relative to the urban forest based on site conditions.

Tree well means a complete or partial enclosure below ground, filled with rootzone media, where a tree is planted. Apertures at the surface are provided to conduit air and water to the tree roots.

T-zone. See "transect zone."

Under-canopy sign means a sign suspended beneath a canopy, marquee, awning, or other roof projection.

Understory means the complex of woody, fibrous, herbaceous and grass and sedge plant species typically associated with a forested community.

Understory trees means trees that average less than 40 feet in height at maturity, whether or not the tree is found in an understory habitat.

Uniformity ratio means the average level of illuminance in relation to the minimum level of illuminance for a given area. For example, a uniformity ratio of 4:1 means that for a given area, the minimum level of illuminance shall be no less than 25 percent of the average level of illuminance.

Uplands means all land areas that are neither wetlands nor surface waters.

Urban forest means the sum total of all vegetation growing within the city limits, whether on public or private property.

Usable open space means that part of the ground, roof, balcony or a porch that is devoted to *outdoor* living or recreation. Such space shall be provided as a common area conveniently located and readily accessible from all living units located on the building site and shall have no dimension less than 20 feet. Such space shall not include private roadways open to vehicular traffic, off-street parking area, loading space or required minimum front yard area.

Use means any activity, function or purpose to which or for which a parcel of land or building is put, used, arranged or occupied, for any purpose, including any residential, office, business, industrial, public or any other purpose or use.

Variance means a relaxation from strict compliance with the requirements of this chapter or building chapters, in accordance with the criteria of this chapter.

Variances for improvements on roadways means a relaxation of the terms of chapter 23 of the City of Gainesville Code of Ordinances, where the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, or his/her predecessors, a literal enforcement of this chapter would result in unnecessary and undue hardship. As further defined for the purpose of this chapter, a variance is authorized only for driveway widths, street line corner clearances, and property line edge clearances. No variances shall be granted for roads on the state highway system or county-maintained streets without prior written permission from the state department of transportation or the county to authorize the activity requested in the variance application.

Vehicle means any self-propelled conveyance designed or used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance, including passenger cars, trucks, buses, golf carts, motorcycles and scooters, but not including tractors, construction equipment, machinery or any device used in performing a job other than transportation.

Vehicle repair means any vehicle repair and service establishments that do not meet the definition of vehicle services.

Vehicle services means the provision of any of the following services: automobile stereo sales and installation; auto detailing that may include washing, waxing and polishing by hand; pinstriping, window tinting, interior cleaning and carpet shampooing; rustproofing; sales and installation of car accessories such as car covers, car masks, sunroofs and louvers; automobile batteries, tires and brakes, sales and installation; automotive

lubrication and fluid change operations that may include the replacement of engine oil, brake and transmission fluids, and filters; and diagnostic automotive center (tune-up clinics), which may include the testing, adjustment and replacement of spark plugs, points, condensers, coils, carburetors, fuel injectors, distributor caps, voltage regulators, fan belts and water hoses.

Vehicle sign means any sign that has a total sign area in excess of ten square feet and that is on or affixed to a transportation vehicle, including but not limited to automobiles, trucks, boats, trailers, and campers.

Vehicular canopy means a roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of a service.

Vehicular use area means all paved and unpaved areas intended for the use of vehicles, including off-street parking, vehicular storage, driveways and/or accessways.

Vested rights certificate means a certificate issued by the city indicating the possession of vested rights to development, the extent of these vested rights and the time period during which these vested rights remain valid.

Wall sign means any building-mounted sign mounted on and approximately parallel to the face of a principal building wall and projecting not more than 12 inches from the plane of the wall.

Warehouse/distribution facilities mean any premises where the principal use is the storage of goods and materials.

Waste management facility means a facility that collects, transports, processes or disposes, manages and monitors waste materials. Uses found under this classification include but are not limited to hazardous materials, recycling, junkyard and salvage yards and recycling centers.

Watercourse means any channel, drain, drainage creek, ditch, drainageway, dry run, spring, stream or canal, but not including a lake, pond or pool without outlet under normal circumstances.

Wet detention means a stormwater management facility in which a design water pool is normally maintained and that has the extended capacity to provide detention for the required stormwater treatment volume. Water quality treatment is enhanced by nutrient uptake through the use of water-tolerant vegetation, and by settling and absorption by soils.

Wetland function means the values of a wetland for: water quality protection and enhancement; attenuation of flood damage; aesthetic, scenic and open space values; recreation; habitat for fish, wildlife and native plant communities; historic and archeological heritage; groundwater recharge; contributions to the base flow of streams; scientific investigation and education; or as a type of place that is rare or unique in the area.

Wetlands mean those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and

strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Window sign means a building-mounted sign painted, mounted and/or attached to the inside or outside of a window.

Xeriscape means the use of innovative design to achieve a landscape needing relatively little water, fertilizer, pesticides and maintenance.

Yard means the space on any lot between the lot lines and the minimum required setback line for principal structures.

A.

Front yard means the area between the front lot line and the minimum required front yard setback.

B.

Rear yard means the area between the rear lot line and the minimum required rear yard setback.

C.

Side yard means the area between the side lot line and the minimum required side yard setback, not including any part of the front or rear yard.

Zoning map atlas (zoning map) means the official map adopted by this chapter, showing the zoning districts and transect zones applicable to all lands within the city, and all amendments thereto.