

ORDINANCE NO. 09-O-18

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER 10, ZONING, OF THE TALLAHASSEE LAND DEVELOPMENT CODE; AMENDING SECTIONS TO DELETE ALL REFERENCES TO THE CU CENTRAL URBAN ZONING DISTRICT; AMENDING SECTION 10-174 TO CLARIFY APPLICABILITY; AMENDING SECTION 10-178 TO DELETE NOTES NO LONGER APPLICABLE TO THE CU CENTRAL URBAN ZONING DISTRICTS; REPEALING SECTION 10-239 IN ENTIRETY; AMENDING SECTION 10-239.4 TO ADD USES; AND REPEALING SECTION 10-430 IN ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Now, THEREFORE, BE IT ENACTED by the People of Tallahassee, Florida, as follows:

SECTION 3. Chapter 10, Article IV, Division 1 is amended as follows:

Sec. 10-131. Establishment of zoning districts.

(a) *Purpose.* The purpose of this section is to establish the zoning districts which directly implement the 2010 Comprehensive Plan. Based on the policy and purposes of this chapter, the following districts are consistent with the land use element of the 2010 Comprehensive Plan, as amended.

(b) *List of zoning districts.* For the purpose of this chapter, the city is hereby divided into districts designated as follows:

TABLE INSET:

1.	OA-1	Airport Vicinity District
2.	AC	Activity Center
3.	CU	Central Urban
<u>43.</u>	CU-12	Central Urban-12
<u>54.</u>	CU-18	Central Urban-18
<u>65.</u>	CU-26	Central Urban-26
<u>76.</u>	CU-45	Central Urban-45
<u>87.</u>	CP	Commercial Parkway District
<u>98.</u>	DRI	Development of Regional Impact District
<u>109.</u>	C-2	General Commercial District
<u>110.</u>	I	Industrial
<u>1211.</u>	DI	Institutional/Cultural/University Transition

13 12.	IC	Interchange Commercial
14 13.	LP	Lake Protection
15 14.	M-1	Light Industrial District
16 15.	R-5	Manufactured Home and Single-Family Detached District
17 16.	MH	Manufactured Home Park District
18 17.	CM	Medical Arts Commercial District
19 18.	MR	Medium Density Residential District
20 19.	MR-1	Medium Density Residential District
21 20.	NBO	Neighborhood Boundary Office
22 21.	C-1	Neighborhood Commercial District
23 22.	OR-1	Office Residential District- 1
24 23.	OR-2	Office Residential District- 2
25 24.	OR-3	Office Residential District- 3
26 25.	OS	Open Space District
27 26.	PD	Planned Development
28 27.	PUD	Planned Unit Development District
29 28.	RA	Residential Acre
30 29.	RP-MH	Residential-Manufactured Home
31 30.	RP-1	Residential Preservation-1
32 31.	RP-2	Residential Preservation-2
33 32.	RP-R	Residential-Rural
34 33.	RP-UF	Residential-Urban Fringe
35 34.	R	Rural
36 35.	R-1	Single-Family Detached Residential District
37 36.	R-2	Single-Family Detached Residential District
38 37.	R-3	Single and Two-Family Residential District
39 38.	SCD	Special Character District
40 39.	RO	Targeted Retail/Office Growth Area
41 40.	UT	University Transition
42 41.	UF	Urban Fringe

4342.	UP-1	Urban Pedestrian District- 1
4443.	UP-2	Urban Pedestrian District- 2
4544.	R-4	Urban Residential District
4645.	MRC	Mahan Residential Corridor
4746.	MRCN	Mahan Residential Corridor Node
<i>Design Review Districts:</i>		
4847.	ASN-A	All Saints Neighborhood Infill/Low Intensity
4948.	ASN-B	All Saints Neighborhood Infill/Moderate Intensity
5049.	ASN-C	All Saints Neighborhood Corridor Mixed Use District
5150.	ASN-D	All Saints Neighborhood Civic Center Corridor Mixed Use District
5251.	UV	University Urban Village
5352.	U-PUD	Urban Planned Unit Development District

SECTION 4. Chapter 10, Article IV, Division 1 is amended as follows:

Sec. 10-168. Central urban district.

...

(e) *List of permitted uses.* See each schedule of permitted uses in subsections ~~10-239(1). central urban-~~10-239.1.(2) central urban-12, 10-239.2 (2). central urban-18, 10-239.3 (2) central urban-26, and 10-239.4 (2) central urban-45. [In the central urban districts, permitted uses are listed by use type](#) ~~In subsection 10-239(1), the base central urban district, nonresidential uses are itemized according to the Standard Industrial Code (SIC). Each activity or use may be classified as permitted, restricted or permitted through special exception, or not allowed. Restricted and special exception uses must meet the criteria in article VII of this chapter.~~ Chapter 9, article III of this Code sets forth the development approval process required for allowable uses. ~~In the remaining central urban districts, CU-12, CU-18, CU-26 and CU-45, permitted uses are listed by use type.~~

(f) *Development standards.* ~~In section 10-239, the base central urban district, all proposed development shall meet the land use development criteria specified in subsections 10-239(b) and (c); commercial site location standards (article IV, divisions 1 and 2 of this chapter); buffer zone standards (section 10-177); criteria of the land development standards schedule (article IV, division 4 of this chapter); and parking and loading requirements (article VI of this chapter).~~ In the ~~remaining~~ central urban districts, ~~CU-12, CU-18, CU-26 and CU-45,~~ specific development standards are listed within each district.

(g) *Specific restrictions.* ~~In section 10-239, the base central urban district, if uses are restricted according to the schedule of permitted uses, they must follow the general development guidelines for restricted uses as provided in article VII of this chapter.~~ Specific restricted uses are addressed below and in article VII of this chapter.

Eating and drinking establishments (SIC-581): No drive-in or drive-thru facilities are permitted within ~~the~~ central urban districts. However, drive-in facilities are permitted within the Lake Bradford Road commercial corridor as provided in this section. See subsection (b).

Sec. 10-174. Commercial site location standards.

The provisions of this section are not applicable to the following zoning districts: RA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, MR, OR-1, OR-2, OR-3, OA-1, C-1, C-2, CM, CP, all CU districts, UP-1, UP-2, M-1, IC, CPA, TPA, OS, PUD, DRI and UT. Commercial sites are determined through the use of site location standards. The intensity of the commercial use is dependent upon the land use category of the potential site and the classification of the immediate adjacent roads. Individual road classifications are depicted on map 14 of the 2010 Comprehensive Plan. The site location standard is intended to group commercial land use toward intersections to provide access and prevent strip commercialization.

- 10 = Office use permitted if ancillary to industrial use
 - 11 = Intended for lower level of density range
 - 12 = Secondary access only approved in conjunction with site plan, PUD or DRI
 - 13 = Direct access allowed outside urban service area or on previously platted lot
 - 14 = Primary access is canopy road permitted only when alternate access in non-canopy roads unavailable. Primary access shall be restricted to one driveway designed to mitigate impacts. Planned development required for approval.
 - 15 = Commercial restricted to 50,000 sq. ft.
 - 16 = Commercial limited to one quadrant of the intersection.
 - A = An incompatible land use may be permitted with an adequate buffer when its incompatibility with an adjoining land use is along rear property lines. This does not apply to heavy industrial adjoining residential.
 - B = Nonresidential uses permitted on all streets and intersections designated as non-residential streets.
 - C = Applies to the specific environmentally significant area on site and the plan requires site specific assessment of development impact on endangered, threatened, and species of special concern (plants and animals).
 - D = This portion of the matrix does not apply when existing land use is nonconforming.
 - E = May be waived pursuant to comprehensive plan land policy 3.1.5 or if commercial contained within mixed PUD or DRI development.
 - F = See transportation policy 1.6.4.
 - G = Not applicable to properties internal to the activity center district.
 - H = Access for non-residential uses is prohibited to any local street within a recorded or unrecorded residentially platted subdivision in the activity center. Access is permitted to other local streets and all other streets internal to the activity center.
 - ~~I = Up to 12 DU/AC allowed in central urban.~~
 - NA = Not application
 - * = To be used in conjunction with zoning map and applicable standards contained within this Code.
- MATRIX DOES NOT APPLY TO AREAS DESIGNATED BRADFORDVILLE MIXED USE, CENTRAL URBAN, PLANNED DEVELOPMENT, VILLAGE MIXED USE, SUBURBAN, URBAN RESIDENTIAL 2, DOWNTOWN, AND UNIVERSITY TRANSITION ON THE FUTURE LAND USE PLAN MAP.**

SECTION 5. Chapter 10, Article IV, Division 2 is amended as follows:

Sec. 10-200. Urban planned unit development zoning district.

...

(c) *Eligibility.* The U-PUD district is designed to allow an applicant to submit a proposal for consideration, for any uses or any mixture of uses that are consistent with the comprehensive plan and subsection (d), and to allow the city commission to approve any proposal which it determines to be in the best interest of the public health, safety, and welfare, and which meets the intent of this section, along with any conditions or requirements or limitations thereon to meet the intent of the comprehensive and downtown plans. The approval of U-PUD rezoning requests rests with the city commission. However, no rezoning to an U-PUD zoning district shall be eligible for approval unless the following minimum conditions are met:

- (1) *Applicability.* A U-PUD may only be approved within areas designated one of the all Central Urban ~~districts~~(~~CU~~), University Transition (UT), Downtown Institutional (DI), Retail/Office (RO), ~~Capital Center Office Institutional (O-I) and Capital Center Office Governmental (O-G) district within the~~ or Capital Center Planning District (CCPD). A U-PUD shall not be allowed within the Gaines Street revitalization area or the Special Character District (SCD). A map of areas eligible for U-PUD is available in the planning department.

SECTION 6. Chapter 10, Article IV, Division 3 is amended as follows:

~~**Sec. 10-239. Central Urban District.**~~

~~The following applies to the Central Urban District:~~

~~(1) Permitted uses—Central Urban District.~~

~~TABLE INSET:~~

P	PERMITTED USE
R	RESTRICTED USE
S	SPECIAL EXCEPTION

~~TABLE INSET:~~

—	—	LEGEND
MC	==	MINOR COMMERCIAL
NC	==	NEIGHBORHOOD COMMERCIAL
CC	==	COMMUNITY COMMERCIAL
HC	==	HIGHWAY COMMERCIAL
MO	==	MINOR OFFICE

MjO	≡	MAJOR OFFICE
OP	≡	OFFICE PARK
LR	≡	LOW DENSITY RESIDENTIAL
MR	≡	MEDIUM DENSITY RESIDENTIAL
HR	≡	HIGH DENSITY RESIDENTIAL
AR	≡	ACTIVE RECREATION
CS	≡	COMMUNITY SERVICES
PS	≡	POST SECONDARY
MI	≡	MINOR LIGHT INDUSTRIAL

SETBACKS (FEET)						
- -	Front Yard	—	—	—	—	—
- -	Building	10	10	10	30	25
- -	Parking	{#4}	{#4}	{#4}	30	40
Corner Yard		—	—	—	—	—
- -	Building	10	10	10	30	25
- -	Parking	{#4}	{#4}	{#4}	30	40
Side Yard		—	—	—	—	—
- -	Building	5	5	5	30	20
- -	Parking	{#4}	{#4}	{#4}	30	20
Rear Yard		—	—	—	—	—
- -	Building	15	15	15	30	30
- -	Parking	{#4}	{#4}	{#4}	30	10
MAXIMUM PERCENT IMPERVIOUS SURFACE AREA		85	85	85	40	65
MAX: HEIGHT BLDG. ENVELOPE PERIMETER		35	{#2}	{#3}	35{#3}	35
MAXIMUM HEIGHT PER ADDITIONAL SETBACK		1/1	1/1	1/1	1/1	1/1

TOTAL, MAXIMUM HEIGHT—	45—	45—	45—	45—	45—
MIN.—LOT AREA (ACRES)—	0.125—	0.05—	0.05—	2.0—	—
MINIMUM LOT FRONTAGE—	15—	15—	15—	100—	—
MAX.—BULK GROSS—SQ. FT. INDIVIDUAL BLDG.—SIZE—	—	—	{#3}—	{#3}—	—

* This number applies to the perimeter setback only.

** Minimum percent previous of developable portion of site.

*** This height applies to habitable portion of an industrial structure.

TABLE INSET:

- NOTES:- -	
#1—	Privately owned active recreation uses available to the public on a fee basis shall comply with the commercial development type standards set forth for this district.—
#2—	If the non low density residential structure is located within 200 feet of a low density residential structure and is adjacent to the low density structure (not separated from that structure by a structure not utilized for low density residential purposes), then the total maximum height shall be limited to 25 feet unless the closest low density residential structure is 25 feet in height or taller, in which case the non residential structure shall be limited to 35 feet in height.—
#3—	If the office or light industrial district use is located within 200 feet of a low density structure or property subdivided for low density residential use and is adjacent to the low density structure or subdivision (not separated from that structure by a structure not utilized for low density purposes), then the total maximum individual building size shall be no greater than 10,000 gross feet floor area; in other instances, individual building size shall be no greater than 20,000.00.—
#4—	Where parking standards are not defined refer to subsection 5-85(k).—

Sec. 10-239.4. CU-45 Central Urban District

See the following chart for district intent, permitted uses, dimensional requirements, and notes for the CU-45 Central Urban District:

PERMITTED USES*		3. Accessory Uses
<p>1. District Intent</p> <p>The CU-45 district is intended to:</p> <ul style="list-style-type: none"> Provide for medium and high density residential development with densities ranging from a minimum of 4 dwelling units per acre to a maximum of 45 dwelling units per acre; Provide for office development (up to 60,000 square feet per acre); Provide access to major shopping and business opportunities (up to 60,000 square feet per acre); Promote infill and redevelopment of urban areas with sufficient supporting infrastructure, accessibility to services, and proximity to the Downtown and Universities; Promote compatibility with adjacent land uses through limitations on development intensity and use of development and design standards; Allow residential development at the densities necessary to support the use of public transit and Promote pedestrian and bicycle mobility through design requirements. <p>The CU-45 district may only be utilized in the Central Urban Comprehensive Plan Category. The CU-45 zoning district is not subject to the Tallahassee Land Use Development Matrix found in Section I-16 of the Tallahassee/Leon County Comprehensive Plan. Minimum density requirements do not apply to mixed-use projects. The provisions of this district are intended to facilitate co-</p>	<p>2. Principal Uses</p> <ol style="list-style-type: none"> Active and passive recreational activities. Antique shops. Automotive service and repair, including car wash. Automotive: retail parts, accessories, tires, etc. Bait and tackle shops. Banks and other financial institutions. Bed and breakfast inns; as governed by Section 10-412. Camera and photographic stores. Cocktail lounges and bars. Community facilities related to the permitted principal uses, including libraries, religious facilities, police/fire stations, and middle, high, and vocational high schools. Other community facilities may be allowed in accordance with Section 10-413 of these regulations. Day care centers. Gift, novelty, and souvenir shops. Government offices and services. Hotels, motels, inns, SRO hotels, boarding houses. Indoor amusements (bowling, billiards, skating, etc.). Indoor theaters (including amphitheaters). Laundromats, laundry and dry cleaning pick-up stations. Live-work units. Medical and dental offices, services, laboratories, and clinics. Mortuaries. Motor vehicle fuel sales. Non-medical offices and services, including business Non-store retailers. Nursing homes and other residential care facilities. Personal Services. Pet day care. Photocopying and duplicating services. Rental of tools, small equipment, or party supplies. Repair services, non-automotive. Residential – any unit type Restaurants, without drive-in facilities. Retail bakeries Retail computer, video, record, and other electronics. 	<p>3. Accessory Uses</p> <ol style="list-style-type: none"> Use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the Land Use Administrator. Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.
	<ol style="list-style-type: none"> Active and passive recreational activities. Antique shops. Automotive service and repair, including car wash. Automotive: retail parts, accessories, tires, etc. Bait and tackle shops. Banks and other financial institutions. Bed and breakfast inns; as governed by Section 10-412. Camera and photographic stores. Cocktail lounges and bars. Community facilities related to the permitted principal uses, including libraries, religious facilities, police/fire stations, and middle, high, and vocational high schools. Other community facilities may be allowed in accordance with Section 10-413 of these regulations. Day care centers. Gift, novelty, and souvenir shops. Government offices and services. Hotels, motels, inns, SRO hotels, boarding houses. Indoor amusements (bowling, billiards, skating, etc.). Indoor theaters (including amphitheaters). Laundromats, laundry and dry cleaning pick-up stations. Live-work units. Medical and dental offices, services, laboratories, and clinics. Mortuaries. Motor vehicle fuel sales. Non-medical offices and services, including business Non-store retailers. Nursing homes and other residential care facilities. Personal Services. Pet day care. Photocopying and duplicating services. Rental of tools, small equipment, or party supplies. Repair services, non-automotive. Residential – any unit type Restaurants, without drive-in facilities. Retail bakeries Retail computer, video, record, and other electronics. 	<p>33) Retail department, apparel, and accessory stores.</p> <p>34) Retail drug store.</p> <p>35) Retail florist.</p> <p>36) Retail food and grocery.</p> <p>37) Retail furniture, home appliances, accessories.</p> <p>38) Retail home/garden supply, hardware and nurseries.</p> <p>39) Retail jewelry store.</p> <p>40) Retail needlework shops and instruction.</p> <p>41) Retail newsstand, books, greeting cards.</p> <p>42) Retail office supplies.</p> <p>43) Retail optical and medical supplies.</p> <p>44) Retail package liquors.</p> <p>45) Retail pet stores.</p> <p>46) Retail picture framing.</p> <p>47) Retail sporting goods, toys.</p> <p>48) Retail trophy store.</p> <p>49) Social, fraternal and recreational clubs and lodges, including assembly halls.</p> <p>50) Structured parking, when combined with a principal use.</p> <p>51) Studios for photography, music, art, dance, and voice.</p> <p>52) Tailoring.</p> <p>53) Veterinary services, including veterinary hospitals.</p> <p>54) Warehouses, mini-warehouses, and self-storage; legally established and in existence on 11-25-2008.</p> <p>55) Other uses, which in the opinion of the Land Use Administrator, are of a similar and compatible nature to those uses described in this district.</p> <p>* NOTE: Additional requirements for properties in Providence Neighborhood Overlay (See Section 10-168 (c))</p>

<p>location of residential, office, and commercial land uses within the same development or close proximity, with an emphasis on compatible scale and design. This district is not intended to be located adjacent to areas designated Residential Preservation on the Future Land Use Map except at rear lot lines in the Providence Neighborhood Overlay.</p> <p>To encourage pedestrian-oriented redevelopment, innovative parking strategies, mixed use development, and other urban design features within the Central Core, a 25 percent density bonus is available subject to the provisions of Sec. 10-289 of the Code. A 35 percent bonus is available with an Urban Planned Unit Development as found in Sec. 10-200.</p>			
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SECTION 7. Chapter 10, Article VII is amended as follows:

~~Sec. 10-430. Interim development and redevelopment standards and review process for the South Monroe Sector Area.~~

~~(a) Application.~~

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- ~~(1) This section shall apply to the South Monroe Sector area which includes all property south of the CSX railroad, east of Adams Street (including properties fronting both sides of Adams Street), north of Orange Avenue (including properties fronting both sides of Orange Avenue) and west of Monroe Street (including properties fronting both sides of Monroe Street).~~
- ~~(2) This section shall provide for interim review of development and redevelopment within the area identified in subsection (a)(1), referred to hereinafter as the South Monroe Sector area, until such time that it is repealed by another ordinance establishing standards for the above district.~~
- ~~(3) Any site plan within the South Monroe Sector area submitted to the growth management department for review and action shall not be approved if it is not consistent with this section.~~

~~(b) Process.~~

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- ~~(1) It is the intent of this section to clarify interim development review procedures in the South Monroe Sector area.~~
- ~~(2) Two copies of applications for development or redevelopment in the South Monroe Sector area pursuant to article III of chapter 9 of this Code and subject to the review processes established by this Section shall be submitted to the planning department prior to formal site plan submittal.~~
- ~~(3) Following receipt of presubmittal review comments and prior to a required pre-application review with planning department staff, applicants shall provide the planning department with two copies of applications for development or redevelopment, including review materials listed in subsection 10-430(b)(4).~~
- ~~(4) Materials to be submitted prior to the required pre-application review with planning department staff shall include the following:
 - ~~a. Site plan, including an off-street parking and loading plan.~~
 - ~~b. Landscape plan as required in subsection 9-152(b)5.~~~~
- ~~(5) Upon receipt of pre-application review comments from planning department staff, and at the discretion of the planning department, applicants shall:
 - ~~a. Proceed with formal application for site plan, or~~
 - ~~b. Redesign the site plan or landscape plan, incorporating comments and recommendations by planning department staff. Two copies of the revised applications shall be submitted to the planning department.~~~~
- ~~(6) The planning department shall forward its comments and recommendations to the growth management department once the formal application has been submitted to the growth management department.~~
- ~~(7) The formal site plan submittal shall be made to the growth management department. The growth management department shall review the application for completeness and schedule~~

~~it for action in accordance with the provisions of article III of chapter 9 pertaining to procedures for review and approval of site plans.~~

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- ~~(c) *Applicable design principles.* The following general design principles from the South Monroe Sector Plan shall be construed as standards in making determinations of consistency with the plan. Specifically the following:~~
- ~~(1) Buildings shall be oriented to the street. If it is not feasible for the building to be placed along the street then landscaping shall be placed along the street to buffer the parking from the street.~~
 - ~~(2) Place landscaping along the street, for purposes of providing much needed shade and enhancing an area's attractiveness.~~
 - ~~(3) Place parking at the rear or side of buildings. If it is not feasible to place parking at the side or rear, then sufficient landscaping shall be used to visually buffer the parking lot from the street.~~

SECTION 8: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, as of the effective date of this ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

SECTION 9: If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of the ordinance.

SECTION 10: This ordinance shall become effective upon adoption.

INTRODUCED to the City Commission on the 7th of April 2009.

PASSED by the City Commission on the ___ of _____ 2009.

CITY OF TALLAHASSEE

By: _____
John Marks, III, MAYOR

ATTEST:

APPROVED AS TO FORM

By: _____
Gary Herndon
Treasurer-Clerk

James R. English
City Attorney