

ORDINANCE NO. 20-O-28

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER 10, ZONING, OF THE TALLAHASSEE LAND DEVELOPMENT CODE TO ADD SECTION 10-181, NEIGHBORHOOD BOUNDARY 1 ZONING DISTRICT TO DIVISION 1; AMENDING PERMITTED USES, MAXIMUM GROSS SQUARE FOOTAGE AND MINIMUM DEVELOPMENT STANDARDS TO ADD SECTION 10-272, NB-1 NEIGHBORHOOD BOUNDARY DISTRICT TO DIVISION 3; AMENDING DIVISION 4 DOWNTOWN OVERLAY REGULATING PLAN AND MULTI-MODAL TRANSPORTATION DISTRICT (MMTD) STANDARDS OF THE TALLAHASSEE LAND DEVELOPMENT CODE TO ADD NB-1 TO TRANSECT 3; PROVIDING FOR CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.

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

SECTION 1. Chapter 10, Zoning, Article IV, Zoning Districts and Development Standards, Division 1 Generally, Section 10-181 Development Patterns of the City of Tallahassee Land Development Code is added as follows:

Sec. 10-181. – Neighborhood boundary 1 zoning district.

1. *Purpose and intent.* The comprehensive plan establishes development patterns within the Neighborhood Boundary future land use category. The Neighborhood Boundary 1 (NB-1) district is intended to be located in areas designated as Neighborhood Boundary on the Future Land Use Map of the Comprehensive Plan and only within the Multi-Modal Transportation District. NB-1 districts shall either serve as a buffer between residential development and more intensive development, or be used to establish mixed-use corridors, or nodes, with neighborhood-scale, non-residential uses and a variety of residential uses where identified in a City coordinated Placemaking, Sense of Place, Neighborhood, or Sector Plan. The maximum gross density allowed for new residential development in the

NB-1 district is eighteen (18) dwelling units per acre. The maximum gross intensity allowed for new non-residential development is 20,000 square feet per acre. Building footprints for non-residential uses shall be limited to 5,000 gross square feet.

2. Allowable uses. The NB-1 district is designed to allow low- and medium-density residential, and non-residential development scaled to serve the surrounding neighborhood such as limited retail, office, and community services. To prevent negative impacts from increased vehicular traffic, auto-oriented uses, such as gas stations or drive-through facilities are prohibited.
3. List of permitted uses. See schedules of permitted uses, section 10-272. Permitted residential and non-residential activities are indicated in the subsection. The activity or use may be classified as principal, accessory, 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 sets forth the development approval process required for allowable uses.
4. Development standards. All proposed development shall meet the land use development criteria specified in section 10-272; buffer zone standards (section 10-177); and parking and loading requirements (article VI of this chapter).
5. Specific restrictions. If uses are restricted according to the schedule of permitted uses, they must follow the general development guidelines for restricted uses as provided in articles IV and V of this chapter.

SECTION 2. Chapter 10, Zoning, Article IV, Zoning Districts and Development Standards, Division 3 Permitted Uses, Maximum Gross Square Footage and Minimum Development

Standards, Section 10-272, NB-1 Neighborhood Boundary District, of the City of Tallahassee
Land Development Code is amended as follows:

Section 10-272. NB-1 Neighborhood Boundary District

The following applies to the NB-1 Neighborhood Boundary District:

| <u>1. District Intent</u> | <u>PERMITTED AND PROHIBITED USES</u> | | |
|--|---|--|--|
| | <u>2. Principal Uses</u> | <u>3. Prohibited Uses</u> | <u>4. Accessory Uses</u> |
| <p>The Neighborhood Boundary 1 (NB-1) district is intended to be located in areas designated as Neighborhood Boundary on the Future Land Use Map of the Comprehensive Plan and only within the Multi-Modal Transportation District. NB-1 districts shall either serve as a buffer between residential development and more intensive development, or be used to establish mixed-use corridors, or nodes, with neighborhood-scale, non-residential uses and a variety of residential uses where identified in a City coordinated Placemaking, Sense of Place, Neighborhood, or Sector Plan.</p> <p>The NB-1 district is designed to allow low- and medium-density residential, and non-residential development scaled to serve the surrounding neighborhood such as limited retail, office, and community services. To prevent negative impacts from increased vehicular traffic, auto-oriented uses, such as gas stations or drive-through facilities are prohibited.</p> <p>The maximum gross density allowed for new residential development in the NB-1 district is eighteen (18) dwelling units per acre. The maximum gross intensity allowed for new non-residential development is 20,000 square feet per acre. Building footprints for non-residential uses shall be limited to 5,000 gross square feet.</p> <p><u>Development within the NB-1 zoning district</u></p> | <ol style="list-style-type: none"> 1. <u>Offices, except those expressly prohibited.</u> 2. <u>Limited retail and service – the below uses are permitted:</u> <ol style="list-style-type: none"> a. <u>Antique shops</u> b. <u>Laundromats, laundry and dry-cleaning pick-up stations</u> c. <u>Mailing services</u> d. <u>Personal services (barber shops, fitness clubs, etc.)</u> e. <u>Repair services, non-automotive</u> f. <u>Restaurants without drive-through facilities</u> g. <u>Retail bakeries, drug stores, florists, food and grocery, home/garden supply/hardware without outdoor storage, newsstand/books/greeting cards</u> h. <u>Studios for photography, music, art, drama, and voice</u> i. <u>Tailoring</u> 3. <u>Banks and other financial institutions, without drive-through facilities</u> 4. <u>Community facilities related</u> | <p>The following uses are prohibited in this zoning district:</p> <ol style="list-style-type: none"> 1. <u>Cocktail lounges, night/dance clubs, and bars</u> 2. <u>Retail package liquor</u> 3. <u>Bail bond agencies/offices</u> 4. <u>Warehouses, mini-warehouses, and self-storage</u> 5. <u>Heavy industrial and light industrial uses</u> 6. <u>Crematoriums</u> 7. <u>Commercial dog kennels</u> 8. <u>Pawn shops</u> 9. <u>Firing ranges</u> 10. <u>Drive-through facilities</u> 11. <u>Rooming houses</u> 12. <u>Motor vehicle fuel sales</u> 13. <u>Pet daycare centers</u> 14. <u>Veterinary services</u> 15. <u>Payday loan offices</u> 16. <u>Automotive repair</u> 17. <u>Car wash</u> 18. <u>Privately owned off-street parking as the</u> | <p>(1) <u>A 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 principle use or structure, as determined by the Land Use Administrator.</u></p> <p>(2) <u>Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.</u></p> |

| | | | |
|--|--|--|--|
| <p><u>shall comply with all standards applicable to Transect 3 (T3) of the MMTD Code and the additional Development Standards contained in note 5 herein.</u></p> | <p><u>to the permitted principal uses including libraries, religious facilities, and police/fire stations. Other community facilities may be allowed in accordance with Section 10-413 of these regulations.</u></p> <p>5. <u>Residential:</u></p> <p>a. <u>Single-family attached dwellings, not to exceed four attached units</u></p> <p>b. <u>Single-family detached dwellings</u></p> <p>c. <u>Two-family dwellings</u></p> <p>d. <u>Triplexes</u></p> <p>e. <u>Fourplexes</u></p> <p>f. <u>Live-work</u></p> <p>6. <u>Daycare centers</u></p> <p>7. <u>Recreational clubs and lodges, including assembly halls</u></p> <p>8. <u>Passive and active recreation facilities</u></p> <p>9. <u>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. Noise and lighting impacts shall be considered when determining the eligibility of additional land uses.</u></p> | <p><u>sole use</u></p> <p>19. <u>Outdoor storage</u></p> | |
|--|--|--|--|

5. Development Standards in addition to the MMTD

1. Setback and Alternate Non-residential Setback:

a. The default front setback in T3 is a minimum of 15 feet from the property line. If the criteria listed below are met, an alternate front setback of 15 feet from the back of the curb is allowed for new non-residential development (see Figures a and b):

1. The space between the back of the landscape strip and the face of the building is a continuously paved area with a consistent sidewalk pattern that includes two components. First, it has a minimum 6, 8, or 10-foot sidewalk between the landscape strip and the property line, depending on whether the adjoining road is functionally classified as a local, a collector, or an arterial road, respectively. Second, it has an adjacent 3-foot paved area between the property line and the face of the building.

b. Sites with multiple frontages do not require a front setback deviation for additional frontages if the primary frontage meets the required front setback. This exemption does not apply to corner lots.

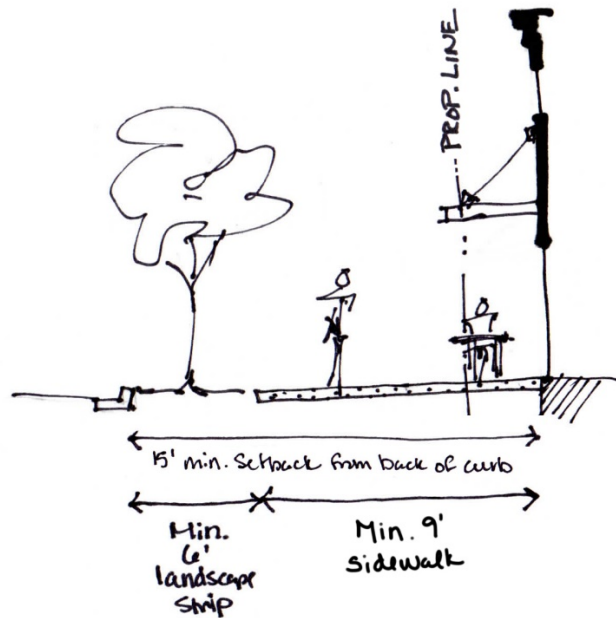
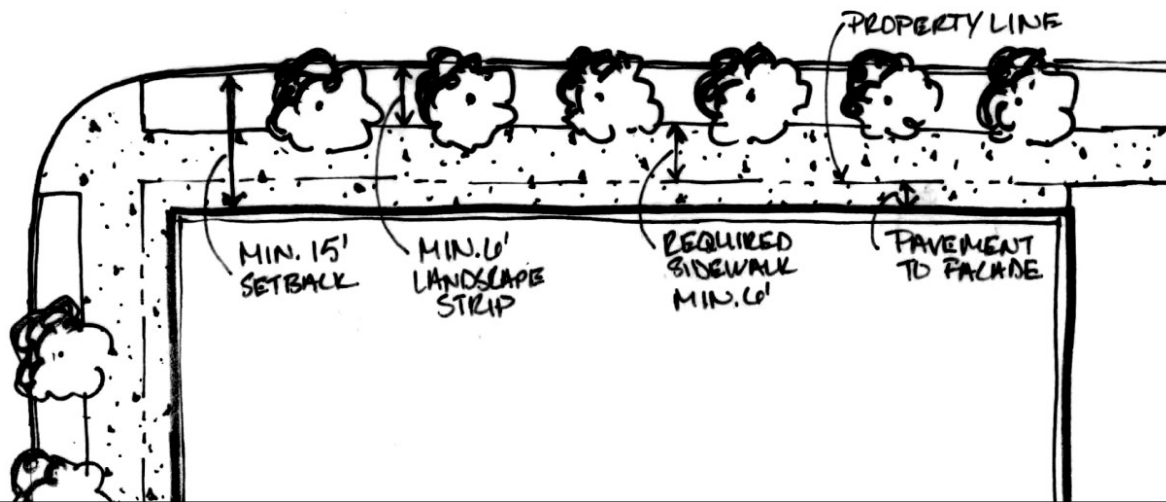


Figure a.

Figure b.



2. Entryways:

a. At least one entryway shall be located on the front façade, parallel to the street. Street-facing entries for dwelling units in a duplex, triplex, or fourplex shall be clustered or shared (see Figure C).

A dedicated and direct pedestrian path shall be provided from the front entrance to the public sidewalk or street where there is no sidewalk (see Figure d). Driveways do not qualify as a direct pedestrian connection.

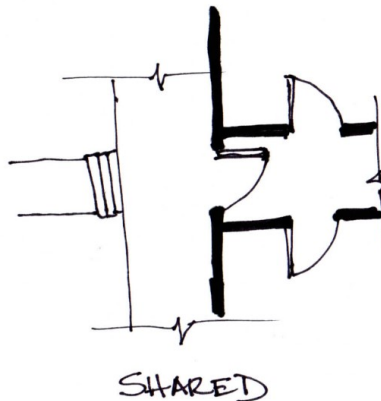
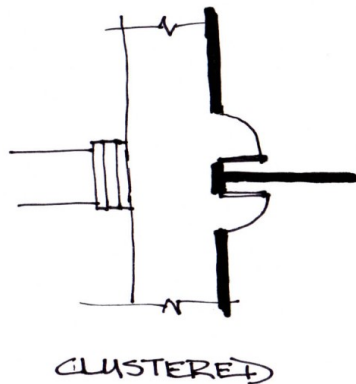
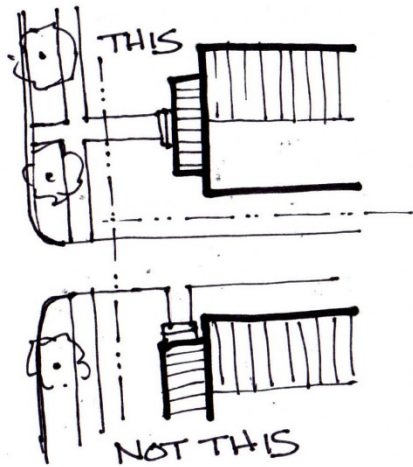


Figure c.

Figure d.



3. Lighting Criteria:

Exterior lighting shall include any light source outside a building whether freestanding or on its own pole, attached to a structure, or underneath a roof of an open-sided building and shall meet the following criteria:

- a. For natural quality, lighting elements shall provide full spectrum light to prevent color distortion.
- b. Light overspill onto adjacent properties shall be minimized by a combination of placement of light fixtures, mounting height, natural or artificial barriers on the fixture owner's property, shielding of the light source to direct light onto the surface to receive illumination, and other fixture design features. When abutting existing residential uses, lighting shall not exceed zero point five (0.5) footcandles as measured at the property line six (6) feet above grade.
- c. Motion detector activated lights are permitted and are required to cycle off after five (5) minutes.
- d. Fixtures shall provide evenly zero point five (0.5) foot-candles at street level and at walkways, bike paths and parks. The light level at parking lots shall be no less than zero point four (0.4) foot-candles and no greater than one (1) foot-candle.
- e. Light fixtures in parking lots shall be a maximum of 18 feet in height. Light fixtures along pedestrian walkways shall be a maximum of 12 feet in height.
- f. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.
- g. The use of internally illuminated awnings or canopies, and wall and roof mounted floodlights or spot-lights used for general grounds illumination, is prohibited.
- h. Up lighting is prohibited except when used to accent landscaping.
- i. All exterior lighting shall be full cutoff type (i.e., directed downward and capped), shall be recessed and shielded to conceal the light source, and shall be either LED or metal halide lamps.
- j. Emergency lighting and traffic control lighting are exempt from these standards.

k. Applications for non-residential and multi-family developments shall be accompanied by a photometric plan and manufacturer's cut sheets to demonstrate compliance with these standards.

4. Access Management and Parking Location:

- a. For non-residential properties on corner lots or with multiple frontages, vehicular access shall be limited to the secondary frontage unless the vehicular access along the primary frontage is shared by multiple properties.
- b. New development of multiple lots shall require shared driveway access and provide access easements to adjacent properties. If there is an existing access easement with the adjacent property, the development shall utilize the easement.
- c. Driveways serving single-family homes and duplexes shall not exceed ten (10) feet in width (not including the driveway apron – see Figure e).
- d. Walls of residential garages and carports shall be setback from the principal façade at least four (4) feet. Porches do not qualify as the principal façade (see Figure e).
- e. Residential front-loading garages and carports shall be setback a minimum of 20 feet from the front property line (see Figure e).

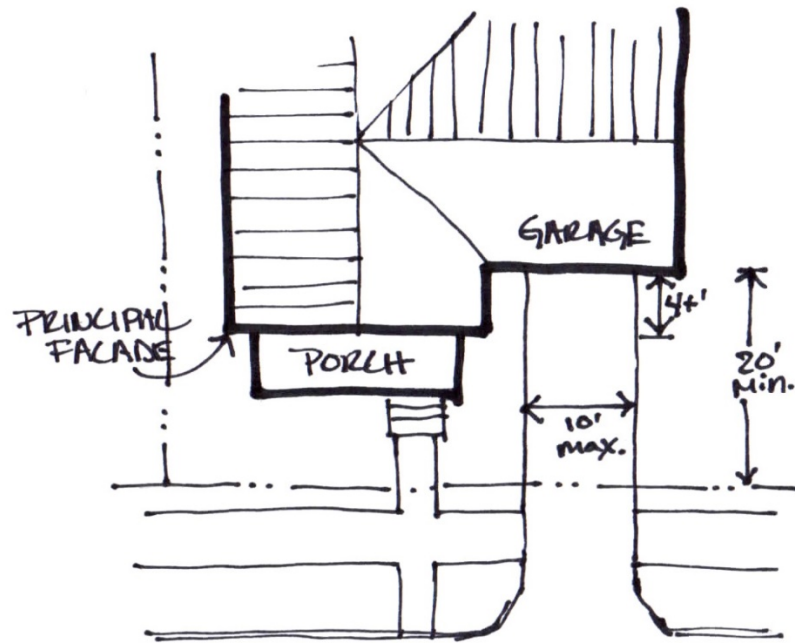


Figure e.

5. Fencing and Perimeter Walls, Buffering and Screening Requirements:

- a. Prohibitions. Barbed wire, razor wire, and electric fencing are prohibited. Chain link fencing is not permitted for non-residential uses within view of the public right-of-way.
- b. Height. Fences and perimeter walls shall not exceed six (6) feet in height. Fences within the first layer shall not exceed four (4) feet in height.
- c. Required Screening. Non-residential uses shall provide an opaque six (6)-foot fence at the property line shared with any residential use, except that the fence shall not be located any closer than 15 feet to the front or street side property line. The finished side of the fence shall face the residential property.

6. Solid Waste Restrictions:

For new non-residential uses, roll out solid waste containers are required and shall not be placed within the first or second layer or within 30 feet of an adjoining existing residential use. Roll out solid waste containers shall be screened from view from any adjacent right-of-way. Dumpsters shall be prohibited.

7. Neighborhood Character and Architectural Design

- a. All roofs for principal structures in residential development shall be hipped or gabled (see Figure f).

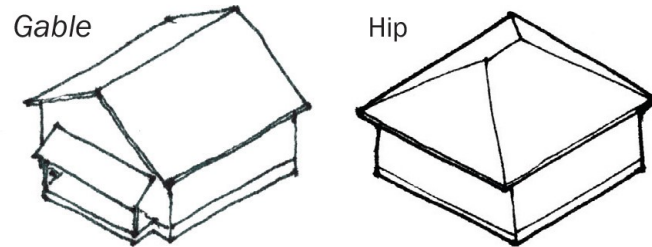
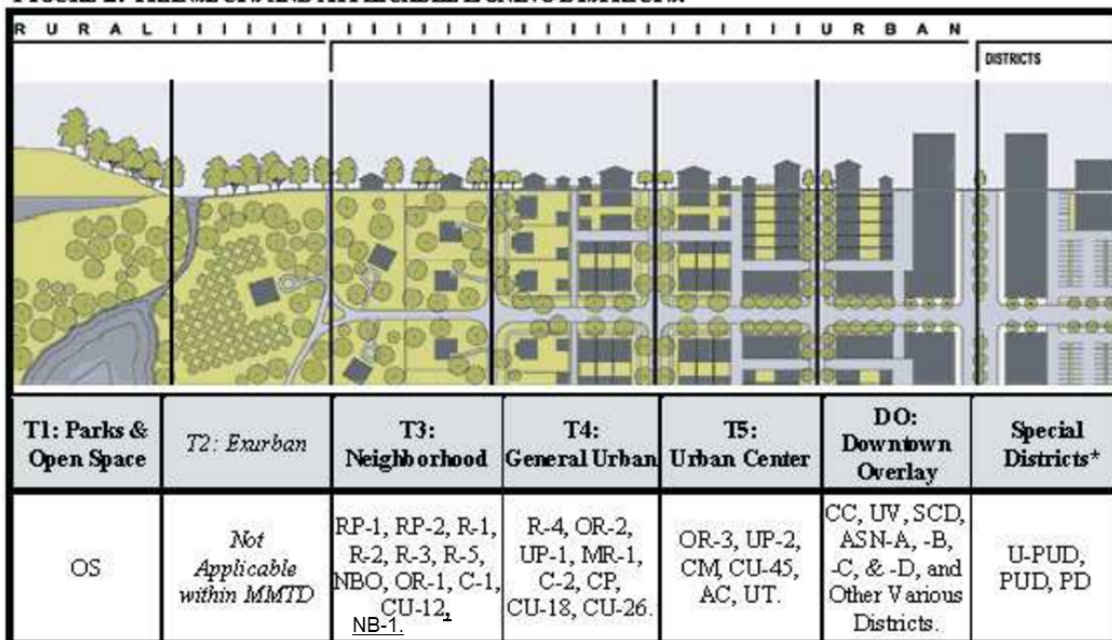


Figure f.

SECTION 3. Chapter 10, Zoning, Article IV, Zoning Districts and Development Standards, Division 4 Downtown Overlay Regulating Plan and Multimodal Transportation District (MMTD) Standards are amended as follows:

FIGURE 2: TRANSECTS AND APPLICABLE ZONING DISTRICTS.



Sec. 10-285. Graphic standards and tables.

The standards and tables of Section 10-285 are an integral part of this code and are requirements. However, the diagrams and illustrations that accompany them should be considered guidelines. Should there be discrepancies between the general text and tables, the tables shall be used for detail on applicable standards.

TABLE 1: Transect Zone Descriptions. This table provides general descriptions of the character of each transect zone.



T-3 NEIGHBORHOOD (RP-1, RP-2, R-1, R-2, R-3, R-5, NBO, CU-12 OR-1, C-1, NB-1)

T-3 Neighborhood consists of primarily low-density residential areas and some medium-density residential adjacent to higher zones that include some mixed use. Home occupations are allowed. Planting is naturalistic and setbacks are deeper. Blocks may be larger and roads irregular to accommodate natural conditions.

General Character:

Lawns, and landscaped yards surrounding single-family houses and townhouses; casual pedestrian traffic, and small scale commercial or retail activity

Building Placement:

Relatively large and variable front and side yard setbacks.

Frontage Types:

Porches, lawns, small shopfronts, naturalistic tree planting.

Typical Building Height:

1- to 2-Story is common, with some 3-Story.

Type of Civic Space:

Parks, greenways



T-4 GENERAL URBAN (R-4, UP-1, MR-1, OR-2, C-2, CP, CU-18, CU-26)

T-4 General Urban consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single family, side yard houses (Charleston-style), and townhouses. Setbacks are smaller and landscaping is variable. Streets with curbs and sidewalks define medium-sized blocks, and on-street parking with formal street trees are common.

General Character:

Mix of houses, townhouses & small apartment buildings, with scattered commercial activity; balance between landscape and buildings; trees and planting strip within the public right-of-way; increased presence of pedestrians

Building Placement:

Shallow front and side yard setbacks

Frontage Types:

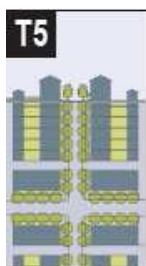
Porches, stoops and terraces, shopfronts

Typical Building Height:

2- to 3-story with a few taller 4-story mixed use buildings

Type of Civic Space:

Squares, greens, street trees



T-5 URBAN CENTER (UP-2, OR-3, CM, CU-45, UT, AC)

T-5 Urban Center consists of higher density, mixed use buildings that accommodate retail, offices, row-houses, and apartments. It has a tight network of streets, with wide sidewalks, formal street tree planting, and buildings set close to the sidewalks

General Character:

Shops mixed with townhouses, larger apartment-houses, offices, and civic buildings; predominantly attached buildings; tree wells within the public right-of-way; substantial pedestrian activity

Building Placement:

Shallow setbacks or none; buildings oriented to street defining a street wall

Frontage Types:

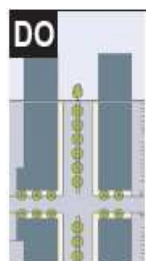
Stoops, shopfronts, galleries

Typical Building Height:

3- to 5-story with some variation

Type of Civic Space:

Parks, plazas and squares, street trees and median landscaping



DO DOWNTOWN OVERLAY (CC, UV, SCD, ASN-A, -B, -C & -D, AND OTHER DISTRICTS)

DO Downtown Overlay consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings are set close to wide sidewalks. (See Section 10-282.1 Downtown Regulating Plan)

General Character:

Medium to high-density mixed use buildings, entertainment, Civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity

Building Placement:

Shallow setbacks or none; buildings oriented to street, defining a street wall

Frontage Types:

Stoops, shopfronts, galleries, and arcades

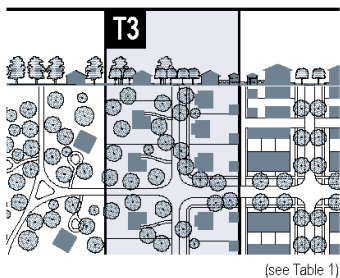
Typical Building Height:

4-plus story with a few shorter buildings

Type of Civic Space:

Parks, plazas and squares; median landscaping

TABLE 10A: Development standards for Transect 3 (RP-1, RP-2, R-1, R-2, R-3, R-5, NBO, OR-1, C-1, CU-12, NB-1)



a. BUILDING CONFIGURATION (see Table 6)

Principal Building 3 stories max.

Accessory Building 2 stories max.

b. LOT OCCUPATION

Lot Width 15 ft. min 300 ft. max

Lot Depth 70 ft. min

Lot Coverage 60% max +

c. BUILDING DISPOSITION (see Table 7)

Edgeyard permitted

Sidyard not permitted

Rearyard permitted

Courtyard not permitted

d. SETBACKS - PRINCIPAL BUILDING (see Table 12)

(d.1) Front Setback Principal 15 ft. min.**

(d.2) Side Corner Setback 10 ft. min.

(d.3) Side Setback 15 ft. min.

(d.4) Rear Setback 15 ft. min.*

e. SETBACKS - ACCESSORY BUILDING (see Table 12)

(e.1) Front Setback 20 ft. min. + bldg setback

(e.2) Side Setback 15 ft. or 10 ft. at corner

(e.3) Rear Setback 10 ft. min*

f. PRIVATE FRONTAGES (see Table 5)

Porch & Lawn permitted

Terrace permitted

Forecourt permitted

Stoop permitted

Shopfront permitted

Gallery & Arcade not permitted

PARKING PROVISIONS

See Tables 8A & 8C

* or 15 ft. from center line of alley

+ See Sec. 10-281 Environmental Standards and Sec. 5-83 and 5-85 Environmental Management

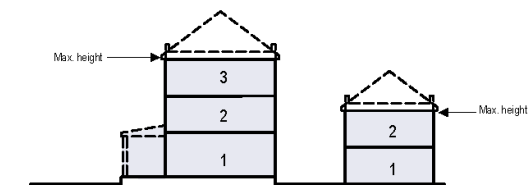
** Residential uses shall be setback no more than 50 feet and non-residential uses shall be setback no more than 25 feet.

BUILDING CONFIGURATION

1. Building height shall be measured in number of stories, excluding attics and raised basements.

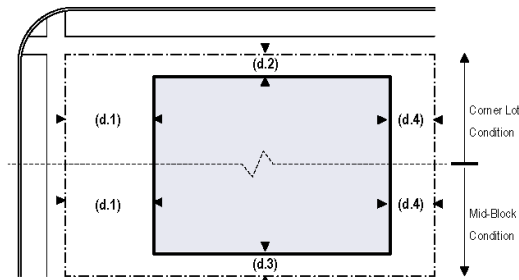
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial function which must be a minimum of 12 ft with a maximum of 25 feet.

3. Height shall be measured to the eave or roof deck as specified in Table 6.



SETBACKS - PRINCIPAL BLDG

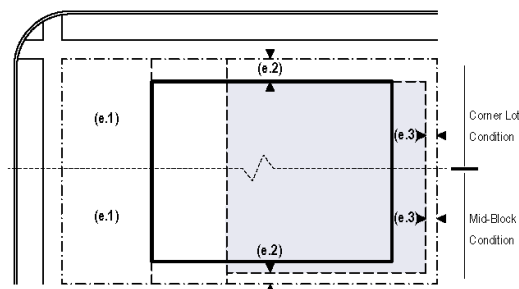
1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.



SETBACKS-ACCESSORY BUILDING

1. The elevation of the accessory building shall be distanced from the lot lines as shown.

2. Not permitted in 1st layer



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the second and third layer as shown in the diagram (see Table 12).

2. Covered parking shall be provided within the third layer as shown in the diagram (see Table 12). Side- or rear-entry garages may be allowed in the first or second layer by deviation.

3. Trash containers should be stored within the third layer.

4. A single parking space may be located in the 1st layer of single family and duplex residences.

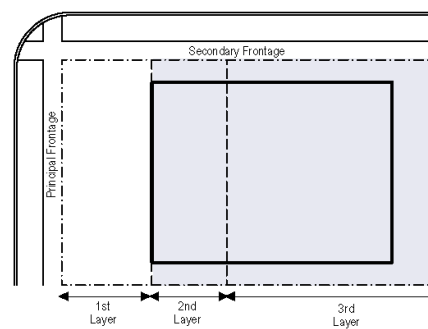


TABLE 10E: Density and Intensity Standards. The table lists density and intensity standards applicable to the various districts within Transects.

| Transect | Zoning Districts | Intensity (s.f. per acre) | Additional Intensity Limitations | Footprint | Density (DU/acre) ¹ |
|----------|------------------|---|----------------------------------|--------------------------------|---|
| DO | CC | NA | NA | NA | 150 |
| | UV | NA | NA | NA | 16-100 |
| | SCD | NA | NA | NA | 50 |
| | ASN-A | NA | NA | NA | 8-50 |
| | ASN-B | NA | NA | NA | 16-50 |
| | ASN-C | NA | NA | NA | 16-75 |
| | ASN-D | NA | NA | NA | 16-100 |
| T5 | AC | See 10-238 | | NA | 45 |
| | UT | NA | NA | 25,000 | 50 |
| | CU-45 | 60,000 | NA | 25,000 | 45 |
| | CM | 80,000, not to exceed 200,000 per parcel. | 176,000 for hospitals. | NA | 6-20 |
| | OR-3 | 20,000 | NA | NA | 8-20 |
| | UP-2 | 20,000, not to exceed 200,000 per parcel. (Non-residential only) 40,000, not to exceed 200,000 per parcel. (Mixed Use: 1 dwelling per 3,000 s.f. of non-res. space, or 1,000 s.f. of non-res. space per 3 dwellings.) | NA | NA | Residential-only: 6-16 Mixed-use: 8-20 |
| T4 | CU-26 | 30,000 | NA | 8,000 | 26 |
| | CU-18 | 20,000 | NA | 5,000 | 18 |
| | CP | 25,000; not to exceed 200,000 per parcel. | 50,000 for warehousing uses | NA | 6-16 |
| | C-2 | 12,500; Not to exceed 200,000 per 20 acre district or 250,000 for districts between 20-30 acres. | 50,000 per individual bldg. | NA | 8-16 |
| | OR-2 | 20,000 | NA | NA | 8-16 |
| | MR-1 | 20,000 | NA | NA | 8-16 |
| | UP-1 | 20,000; not to exceed 200,000 per parcel. | NA | NA | 6-16 |
| | R-4 | 10,000 | NA | NA | 4-10 |
| T3 | RP-1 | NA | NA | NA | 3.6 |
| | RP-2 | NA | NA | NA | 6 |
| | R-1 | NA | NA | NA | 3.63 |
| | R-2 | NA | NA | NA | 4.84 |
| | R-3 | NA | NA | NA | 8 |
| | R-5 | 10,000 | NA | NA | 8 |
| | NBO | 5,000 per parcel, 10,000 per acre | NA | NA | 8 |
| | NB-1 | 20,000 per acre for non-residential uses | NA | 5,000 for non-residential uses | 18 |
| | OR-1 | 10,000 | 12,500 for mixed use. | NA | 8 |
| | C-1 | 12,500; Not to exceed 200,000 per parcel. | 50,000 per individual bldg. | NA | 8-16 |
| | CU-12 | 16,000 | NA | 3,000 | 12 |

General Notes:

1. Minimum densities do not apply to mixed-use projects.

SECTION 4: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5: If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 6: This ordinance shall become effective immediately upon its passage.

INTRODUCED in the City Commission on the 9th day of December, 2020.

PASSED by the City Commission on the 24th day of February, 2021.

CITY OF TALLAHASSEE

By: _____
John E. Dailey
Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
James O. Cooke, IV
City Treasurer-Clerk

By: _____
Cassandra K. Jackson
City Attorney