

Ordinance No. 21-O-15

b.

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, ENTITLED THE “NEIGHBORHOOD COMPATIBILITY ORDINANCE”; AMENDING SECTION 7-72 OF THE LAND DEVELOPMENT CODE CONCERNING SIGNS ON LOCAL ROADS; AMENDING CHAPTER 10 OF THE LAND DEVELOPMENT CODE CONCERNING DEVELOPMENT REGULATIONS FOR COMMERCIAL AND MULTIFAMILY DEVELOPMENTS WITH PROXIMITY TO RESIDENTIAL PROPERTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA, AS FOLLOWS:

Section 1. Section 7-72 of the Tallahassee Land Development Code is hereby created to read as follows:

Section 7-72. – Signs on Local Roads

For the purposes of Section 7-72, the term “Protected Residential” means any property developed with a single family residence, duplex, or triplex to a density of less than or equal to 8 units per acre, and any vacant property that is zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF, LP, MH, or RA.

If a non-residential use fronts a roadway functionally classified as a local road and is either adjacent to Protected Residential or across a public street from Protected Residential, then signage for the non-residential use on the frontage of that local road is limited as follows:

1. Sign allowance. The aggregate surface area of all signs shall not exceed 1 square foot of area for each foot of building frontage occupied by the business displaying signs, or 0.5 square foot of area for each foot of frontage of property occupied by the building, whichever is greater. Maximum aggregate surface area allowed for each frontage is limited to 100 square feet for buildings with 1 or 2 tenants and 120 square feet for buildings with 3 or more tenants.

2. Sign Placement.

a. Monument Signs. Non-residential uses on local roads may place their monument sign either along the local road frontage of that non-residential use consistent with Section 7-72, TLDC; or along the collector or arterial road frontage of an adjacent non-residential use, subject to the approval of that property owner and consistent with the sign allowance at Section 7-72(1) but not the illumination standard at Section 7-72(5), TLDC.

Wall Signs. Non-residential uses on local roads may place their wall sign either along the local road frontage of that non-residential use consistent with Section 7-72, TLDC, or on a side or rear wall facing a collector or arterial road consistent with the sign allowance at Section 7-

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1 72(1). The illumination standard at Section 7-72(5), TLDC only applies to a wall sign if the  
2 face of the wall sign is at an angle to the local road of less than 90 degrees.

3  
4 3. Wall signs. One wall mounted sign is allowed per local street frontage.

5  
6 4. Monument signs. One monument sign is allowed per local street frontage. Monument signs shall  
7 be constructed with a base full width to the sign face. The maximum height of monument signs  
8 from grade to the top of the sign (including the base) is 6 feet.

9  
10 5. Illumination. If illuminated, wall and monument signs on local street frontages must be externally  
11 illuminated with shielded fixtures.

12  
13 6. Prohibitions. No roof signs, billboard signs, pole signs, or flashing signs are permitted.

14  
15 7. Signs at Corner. A monument sign at an intersection of a collector or arterial road with a local road  
16 is not subject to the standards in Section 7-72(1) through (5), provided: a.) It is located within 20  
17 feet of the edge of the public right-of-way of the collector or arterial road; and b.) It is counted as  
18 the 1 monument sign that is otherwise allowed for the collector or arterial road. The prohibited  
19 signs listed in Section 7-72(6) may not be located in the site's side corner yard.

20  
21 8. Section 7-72, TLDC does not apply to the following:

- 22  
23 a. Proposed non-residential developments adjacent to or across the street from properties which  
24 are Protected Residential that are currently developed and occupied by a legally existing non-  
25 conforming use; or  
26 b. Proposed non-residential developments adjacent to or across the street from isolated properties  
27 which are Protected Residential comprised of less than 3 units on less than 3 contiguous lots.  
28 For purposes of this Section, "isolated" shall mean one or two residential units, which are  
29 surrounded by non-residential zoning or uses.  
30 c. A change of use at an existing non-residential development, provided the change of use does  
31 not result in a more intense use.

32  
33 Section 2. Section 10-177(g) of the Tallahassee Land Development Code is hereby created to  
34 read as follows:

35  
36 Sec. 10-177. - Buffer zones.

- 37  
38 (g) Additional standards for non-residential or Dense Residential projects adjacent to existing  
39 properties which are Protected Residential.

40  
41 For the purposes of Section 10-177(g), the terms listed below are defined as follows:

- 42  
43 ■ “Protected Residential” means any property developed with a single family residence,  
44 duplex, or triplex to a density of less than or equal to 8 units per acre, and any vacant  
45 property that is zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF,  
46 LP, MH, or RA.

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

- “Dense Residential” means a residential building on a parcel larger than ½ acre developed at a density of greater than 14 units per acre.

These additional buffer standards do not apply to non-residential or Dense Residential projects located across the street from properties which are Protected Residential.

1. Non-residential or Dense Residential uses (greater than 2 stories) adjacent to properties which are Protected Residential. Sec. 10-177(g)1, applies to a non-residential or Dense Residential project which is required to obtain site plan review pursuant to Sec. 9-154 through Sec. 9-157, which is adjacent to three or more contiguous lots which are Protected Residential, and which is greater than 2 stories. The adjacency requirement is met if the proposed non-residential or Dense Residential use shares a common property boundary with any portion of one of the three or more contiguous lots. Such projects must meet two buffer requirements, as listed below. The planting density and planting types shall otherwise be consistent with Sec. 10-177, TLDC (if located outside of the MMTD) or in Sec. 10-284.3(a)(1) (if located inside of the MMTD).

Any project subject to the regulations contained in this paragraph shall provide the following:

- a. The buffer identified in Sec. 10-177(a)(4), TLDC if located outside of the MMTD or in Sec. 10-284.3(a)(1) if located inside of the MMTD; and
- b. One of the following:
  - (i.) Height Step Back.

A height step back is required and shall vary based on the first floor elevation of the non-residential or Dense Residential use in relation to the first floor elevation of the Protected Residential use as follows:

<u>1<sup>st</sup> Floor Elevation of Protected Residential versus Non-Residential or Dense Residential Use</u>		<u>Height Step Back Begins At</u>
<u>A.</u>	<u>Protected Residential &gt; 10 ft. above</u>	<u>3<sup>rd</sup> floor plus 1 additional floor per 10 ft. of elevation difference</u>
<u>B.</u>	<u>Protected Residential &lt; or equal to 10 ft. above or below</u>	<u>3<sup>rd</sup> floor</u>
<u>C.</u>	<u>Protected Residential &gt; 10 ft. below</u>	<u>3<sup>rd</sup> floor less 1 additional floor per 10 ft. of elevation difference</u>

The floors identified in the table above, and each successive floor, must be each stepped back a minimum of 10 feet from the floor below it where adjacent to a property which is Protected Residential. If other building elevations face non-residential uses, one additional floor is permitted along the non-residential uses to compensate for the density and/or intensity not permitted due to the building step

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1  
2  
3

back along the protected residential elevation. This standard is visually represented by the illustration titled “Height Step Back”.



4

(ii.) Tall Tree Buffer.

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

The project must provide an enhanced landscape buffer with trees chosen from the list in the table below (in lieu of trees otherwise required) that commonly grow to a minimum height of at least 50 feet and are known to succeed in an urban landscape. The trees from the list below comprise the shade tree portion of the buffer that is otherwise defined by Sec. 10-177(a)(4), TLDC (if located outside of the MMTD) or in Sec. 10-284.3(a)(1) (if located inside of the MMTD). Understory trees and shrubs are also required by the noted citations.

To be eligible for the tall tree buffer option, projects must provide a minimum 15 foot separation at the time of planting between the tall tree and all buildings and a minimum soil volume of 2,400 cubic feet per tree. The maximum allowable depth for calculating soil volume is 3 feet. The landscape plan submitted with the site plan must show the planned location of each tall tree, the 15 foot separation, and the undeveloped area committed to the soil volume requirement.

If a property owner opts to satisfy this buffer requirement by utilizing one or more of the tall trees listed in this Section, they shall maintain the tall trees so they do not present an imminent risk to human health or property. Projects that are not able to provide the minimum distance between trees and buildings and the minimum soil volume shall instead provide the height step back identified in Sec. 10-177(g)(1)b.i.

Trees with Mature Minimum Height of at Least 50 Feet <sup>1</sup>		
<u>Scientific Name</u>	<u>Common Name</u>	<u>Mature Height (feet)</u>
<u>Carya illinoensis</u>	<u>Pecan</u>	<u>70-100</u>
<u>Carya tomentosa</u>	<u>Mockernut Hickory</u>	<u>60-80</u>
<u>Fagus grandiflora</u>	<u>American Beech</u>	<u>50-75</u>
<u>Fraxinus Americana</u>	<u>White Ash</u>	<u>50-80</u>
<u>Fraxinus pennsylvanica</u>	<u>Green Ash</u>	<u>60-70</u>
<u>Liriodendron tulipifera</u>	<u>Tulip Poplar</u>	<u>80-100</u>
<u>Magnolia grandiflora</u>	<u>Southern Magnolia</u>	<u>60-80</u>
<u>Nyssa sylvatica</u>	<u>Black Tupelo</u>	<u>65-75</u>
<u>Pinus elliottii</u>	<u>Slash Pine</u>	<u>75-100</u>
<u>Pinus serotina</u>	<u>Pond Pine</u>	<u>70</u>
<u>Pinus taeda</u>	<u>Loblolly Pine</u>	<u>50-80</u>
<u>Pinus palustris</u>	<u>Longleaf Pine</u>	<u>60-80</u>
<u>Platanus occidentalis</u>	<u>American Sycamore</u>	<u>75-90</u>
<u>Quercus alba</u>	<u>White Oak</u>	<u>60-100</u>
<u>Quercus bicolor</u>	<u>Swamp White Oak</u>	<u>50-70</u>
<u>Quercus coccinea</u>	<u>Scarlet Oak</u>	<u>60-75</u>
<u>Quercus falcata</u>	<u>Southern Red Oak</u>	<u>60-80</u>
<u>Quercus nuttallii</u>	<u>Nuttal Oak</u>	<u>60-80</u>
<u>Quercus phellos</u>	<u>Willow Oak</u>	<u>60-75</u>

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

Trees with Mature Minimum Height of at Least 50 Feet <sup>1</sup>		
<u>Scientific Name</u>	<u>Common Name</u>	<u>Mature Height (feet)</u>
<u>Quercus shumardii</u>	<u>Shumard Oak</u>	<u>55-80</u>
<u>Quercus virginiana</u>	<u>Live Oak</u>	<u>60-80</u>
<u>Taxodium distichum</u>	<u>Bald Cypress</u>	<u>60-80</u>
<u>Ulmus Americana</u>	<u>American Elm</u>	<u>70-90</u>
<u>Washingtonia Robusta</u>	<u>Washington Palm</u>	<u>70-100</u>
<sup>1</sup> <u>The minimum planting size is a 2 inch caliper tree, measured 6 inches above the soil line.</u>		

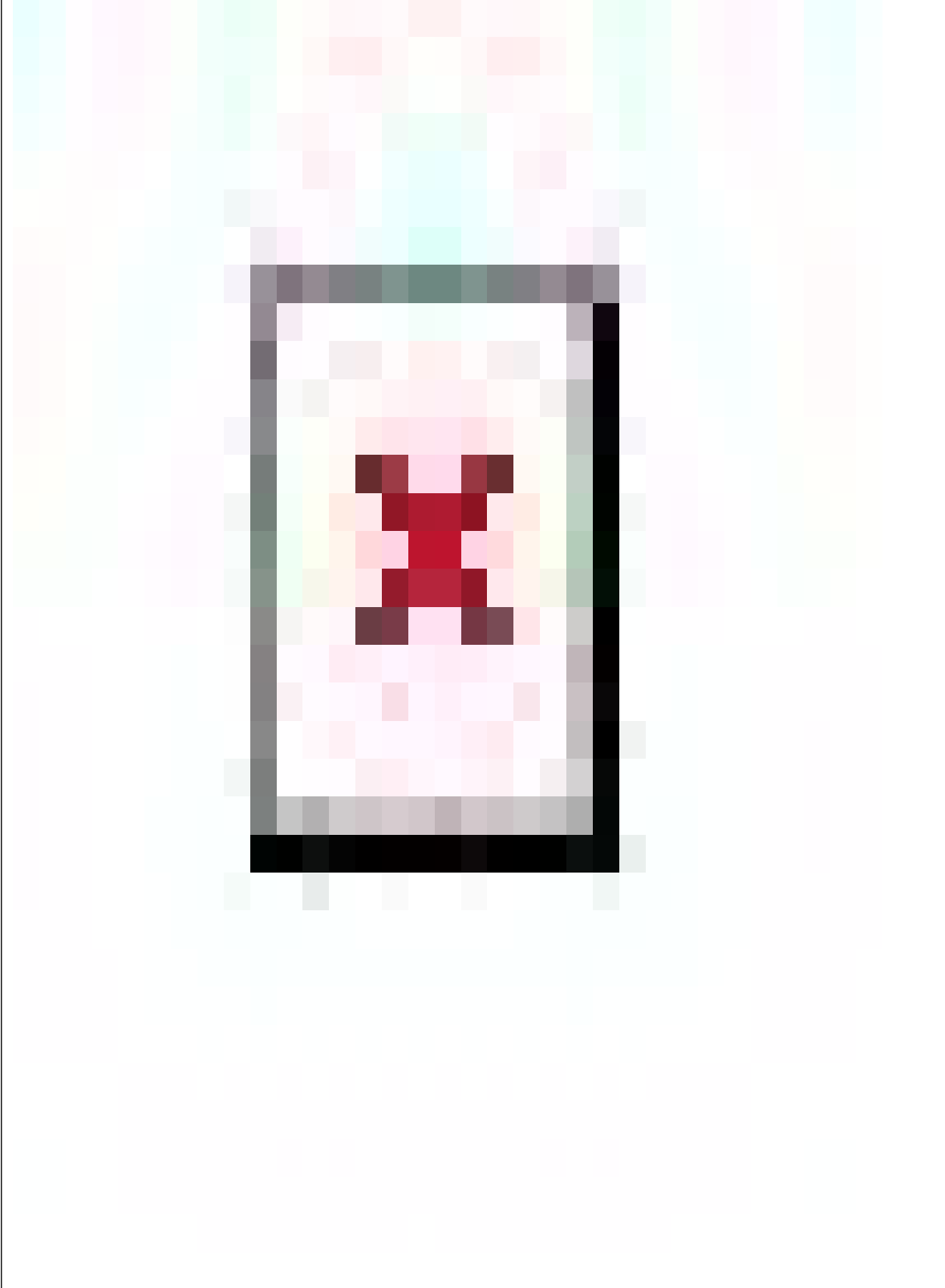
- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14
2. Site Grading. If a non-residential or a Dense Residential site is graded to reduce the elevation of the developed portion of site below an adjacent property which is Protected Residential, the perimeter landscaping shall be located as follows:
    - a. The perimeter landscape buffer may be provided at the higher, pre-grading elevation; or
    - b. If an arborist certifies in writing that the degree of the slope, the type of soil, and the drainage patterns do not cause this option to adversely impact the viability of the buffer, the perimeter landscape buffer may start at top of the slope, with all shade trees planted at the higher, pre-grading elevation and understory trees and shrubs planted on the slope; or
    - c. The perimeter landscape buffer may be provided at the lower, post-grading elevation, provided it is a tall tree buffer as defined by Section 10-177(g)1.b(ii), TLDC.

15 This standard is visually represented by the illustration titled “Perimeter Landscaping at  
16 Graded Sites”.

- 17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30
3. Section 10-177(g), TLDC does not apply to the following:
    - a. Proposed non-residential or Dense Residential developments adjacent to properties which are Protected Residential that are currently developed and occupied by a legally existing non-conforming use; or
    - b. Proposed non-residential or Dense Residential developments adjacent to isolated properties which are Protected Residential comprised of less than 3 units on less than 3 contiguous lots. For purposes of this Section, “isolated” shall mean one or two residential units, which are surrounded by non-residential zoning or uses.
    - c. A change of use at an existing non-residential or Dense Residential development, provided the change of use does not result in a more intense use that is otherwise regulated by Section 10-177(g), TLDC.

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

Perimeter Landscaping at Graded Sites



CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1 Section 3. Section 10-280.2(c) of the Tallahassee Land Development Code is hereby amended  
2 to read as follows:

3  
4 Sec. 10-280.2(c) – Applicability.

5  
6 (c) Notwithstanding the provisions of Chapter 1, Section 1-2, Definitions and Rules of Construction,  
7 the provisions of this Division shall take precedence over those of development regulations found  
8 in Chapters 9 and 10 of the land development code, regardless of whether more or less restrictive,  
9 except the local health and safety codes. In the event the MMTD does not provide a standard,  
10 then the applicable general standard shall take precedence. Despite the foregoing, Sections 7-72  
11 (relating to signs on local roads), 10-177(g) (relating to buffer zones), 10-411(b)(3) (relating to  
12 accessory structures), 10-412(6) (relating to drive-thru facilities), 10-427(c)(3) (relating to site  
13 lighting standards), and 10-429 (relating to Dense Residential uses next to properties which are  
14 Protected Residential) will also apply in the MMTD.

15  
16 Section 4. Section 10-411(b) of the Tallahassee Land Development Code is hereby amended to  
17 read as follows:

18  
19 Sec. 10-411. – Accessory structures.

20  
21 (b) *Storage buildings, utility buildings, ~~greenhouses~~ equipment, and infrastructure.*

22  
23 . . . .

24  
25 (3) Utilities, equipment, and infrastructure

26  
27 a. New Development. No exterior utility accessories used for service loading entries, parking  
28 for commercial vehicles with cargo volumes greater than ten cubic yards (referred to below  
29 as “loading zones”), solid waste facilities with capacities greater than one cubic yard  
30 (referred to below as “trash enclosures”), nonresidential air conditioning compressors  
31 greater than ten tons, air compressors, electrical generators, or overhead electrical  
32 transformers shall be located nearer than 10 ~~ten~~ feet from any property line or 200 feet from  
33 any property line adjoining a low-density residential zoning district.

34  
35 b. Lot Configuration Does Not Permit Attainment of 200 Foot Buffer.

36  
37 For the purposes of Section 10-411(b)(3)b. and e., the term “Protected Residential”  
38 includes any property that is zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2,  
39 R-3, R-5, UF, LP, MH, or RA.

40  
41 1. Loading Zone. If the distance between the back of a building and the rear property line  
42 is less than 220 feet, then the project may locate the loading zone to within 50 feet of  
43 the boundary of the adjoining property which is Protected Residential provided it is  
44 buffered from the property which is Protected Residential with a minimum of a 10  
45 foot wide landscape strip along its full length between the loading zone and the nearest

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1 Protected Residential. The landscape strip must include at least two trees from the list  
2 at Sec. 10-285, Table 4, TLDC.

3  
4 2. Trash Enclosure. If the distance between the back of a building and the rear property  
5 line is less than 220 feet, then the project may locate the trash enclosure to within 50  
6 feet of the boundary of the adjoining property which is Protected Residential provided  
7 it is buffered from the property which is Protected Residential by a 6 foot opaque wall  
8 of finished masonry or wood on three sides, with a gated door accessible to service  
9 vehicles. If a wall of a trash enclosure is generally parallel to Protected Residential,  
10 then a 10 foot wide landscape strip shall be adjacent to the trash enclosure along the  
11 full width of the side(s) facing the property which is Protected Residential. If a corner  
12 of a trash enclosure is adjacent to Protected Residential, then the 10 foot wide  
13 landscape strip shall be adjacent to one of the trash enclosure walls that form that  
14 corner. The landscape strip must include at least one tree from the list at Sec. 10-285,  
15 Table 4, TLDC.

16  
17 3. Lots with Multiple Frontages. For sites with multiple street frontages, the front yard is  
18 the principal frontage as defined by Sec. 1-2, TLDC. Loading zones and trash  
19 enclosures shall be sited in the rear yard of such properties. If the distance between  
20 the back of a building and the rear property line is less than 220 feet, then the loading  
21 zone or trash enclosure shall meet the following criteria: a.) Be a minimum of 50 feet  
22 from any property boundary that is adjacent to Protected Residential; b.) Be a  
23 minimum of 50 feet from any property boundary that is across a street from Protected  
24 Residential, provided the street has 3 or fewer travel lanes (including on street parking,  
25 merge, and turn lanes); and c.) Provide the buffer wall or fence, landscaping, and trees  
26 noted in Sec. 10-411(b)(3)b, TLDC.

27  
28 c. Redevelopment. Redevelopment projects that propose a solid waste facility with a capacity  
29 greater than one cubic yard that is enclosed with ~~an~~ a 6 foot opaque wall of finished  
30 masonry, wood, or natural plant material on three sides, with a ~~an appropriate~~ gated door  
31 accessible to service vehicles, are not required to comply with the 10 foot ~~ten-foot~~ or 200  
32 foot ~~200-foot~~ setbacks set forth in this Section ~~section~~. Solid waste facilities for  
33 redevelopment projects are required ~~encouraged~~ to be located behind buildings or other  
34 structures so as to screen them from public rights-of-way to the greatest extent possible that  
35 ~~is reasonable and feasible~~.

36  
37 d. Earthwork Disturbances. No earthwork disturbances for stormwater swales, detention  
38 ponds or retention ponds shall be located nearer than 30 feet from any (existing) property  
39 line adjoining a low-density residential zoning district. This does not include earthwork  
40 disturbances for underground stormwater facilities, stormwater swales centered on  
41 (proposed) property lines with a common utility easement, or perpendicular crossings of  
42 property lines by stormwater swales. Redevelopment projects are exempt from complying  
43 with the 30-foot distance requirement set forth in this subsection (b)4 for earthwork  
44 disturbances associated with stormwater swales. Earthwork disturbances associated with  
45 stormwater retention or detention ponds for redevelopment projects must comply with a

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1 15-foot distance requirement from any (existing) property line adjoining a low-density  
2 residential zoning district.

3  
4 e. Section 10-411(b)(3) does not apply to the following:

- 5  
6 1. Proposed non-residential or Dense Residential developments adjacent to properties  
7 which are Protected Residential that are currently developed and occupied by a legally  
8 existing non-conforming use; or  
9 2. Proposed non-residential or Dense Residential developments adjacent to isolated  
10 properties which are Protected Residential comprised of less than 3 units on less than  
11 3 contiguous lots. For purposes of this Section, “isolated” shall mean one or two  
12 residential units, which are surrounded by non-residential zoning or uses.  
13 3. A change of use at an existing non-residential or Dense Residential development,  
14 provided the change of use does not result in a more intense use that is otherwise  
15 regulated by Section 10-411(b)(3), TLDC.  
16

17 Section 5. Section 10-412(6) of the Tallahassee Land Development Code is hereby created to  
18 read as follows:

19  
20 Sec. 10-412. – Accessory uses.

21  
22 (6) For the purposes of Section 10-412(6), the term “Protected Residential” includes any  
23 property developed with a single family residence, duplex, or triplex to a density of less  
24 than or equal to 8 units per acre, and any vacant property that is zoned either RP-1, RP-2,  
25 RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF, LP, MH, or RA.  
26

27 If allowed as a permitted principal use in a zoning district and if adjacent to a property  
28 which is Protected Residential, businesses with drive through facilities must meet the  
29 following development standards:

30  
31 a. Option 1

- 32  
33 1. Businesses with drive through facilities must provide a landscape buffer and fence  
34 as defined by Sec. 10-177 (for areas outside the MMTD) and Sec. 10-284.3 (for  
35 areas inside the MMTD).  
36 2. Drive through speakers, order boards, and windows must be located a minimum of  
37 100 feet from the nearest adjacent boundary of any property which is Protected  
38 Residential.  
39 3. That portion of the drive through lane between the order board and the point 75 feet  
40 before the order board must be located a minimum of 50 feet from the nearest  
41 adjacent boundary of any property which is Protected Residential.

42  
43 b. Option 2

44  
45 Businesses with drive through facilities (both inside and outside of the MMTD) must  
46 provide a landscape buffer which achieves the following:

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1. The 60-foot Type D planting standard at Section 10-177, TLDC;
2. All canopy trees and understory trees within the buffer are 4 inch caliper at the time of planting;
3. All trees are evergreen species to provide year round screening; and
4. A 6-foot wood stockade fence with no spacing between the pickets is built adjacent to all Protected Residential property lines.

c. Section 10-412(6) does not apply to the following:

1. Proposed drive through facilities adjacent to properties which are Protected Residential that are currently developed and occupied by a legally existing non-conforming use; or
2. Proposed drive through facilities adjacent to isolated properties which are Protected Residential comprised of less than 3 units on less than 3 contiguous lots. For purposes of this Section, “isolated” shall mean one or two residential units, which are surrounded by non-residential zoning or uses.
3. A change of use at an existing drive through, provided the change of use does not result in a more intense use that is otherwise regulated by Section 10-412(6), TLDC. However, if a new drive through lane is proposed, it must meet the standards in Section 10-412(6), TLDC.

d. Properties in the Multi-Modal Transportation District must also meet the additional drive through standards set forth in Division 4, Downtown Overlay Regulating Plan and Multi-Modal Transportation District (MMTD) Standards.

Section 6. Section 10-427(c)(3) of the Tallahassee Land Development Code is hereby created to read as follows:

Sec. 10-427. - Site lighting standards.

....

(c) *Specific guidelines.*

Paragraphs (c)(1) and (c)(2) establish lighting development standards for specific geographic areas, while paragraph (c)(3) establishes citywide lighting development standards based on proximity to properties that are Protected Residential.

....

(3)For the purposes of Section 10-427(c)(3), the terms listed below are defined as follows:

- “Protected Residential” means any property developed with a single family residence, duplex, or triplex to a density` of less than or equal to 8 units per acre, and any vacant property that is zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF, LP, MH, or RA.
- “Dense Residential” means a residential building on a parcel larger than ½ acre developed at a density of greater than 14 units per acre.

The following lighting standards apply when a non-residential or Dense Residential land use is adjacent or across a public street from a property which is Protected Residential. In the event of

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

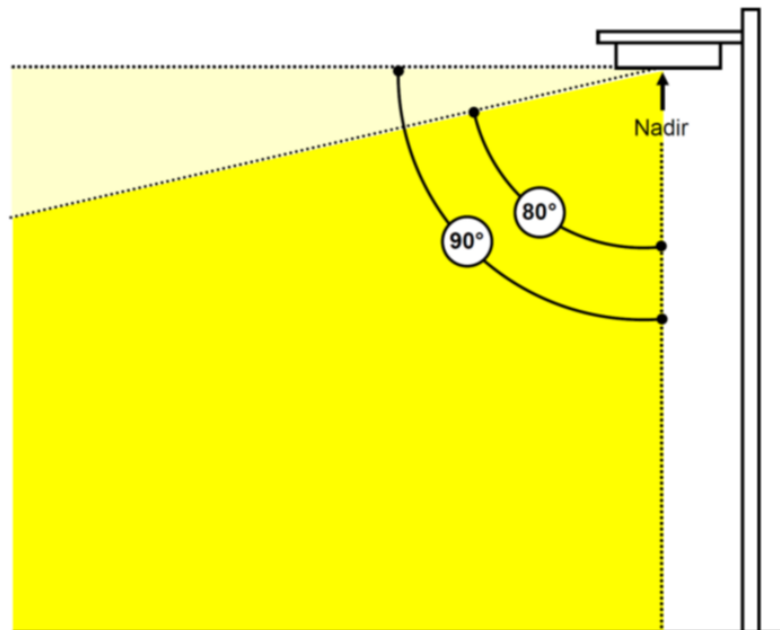
1 any conflict between this Subsection and any other lighting standard in this Section, this  
2 Subsection shall control.

3  
4 a. Definitions.

- 5  
6 1. Candela. A measurement of luminous intensity.  
7  
8 2. Footcandle (FC). A quantitative unit measuring the amount of light (illumination) falling  
9 onto a given point. One footcandle equals one lumen per square foot.  
10  
11 3. Full cutoff. Luminaire light distribution where zero candela intensity occurs at or above an  
12 angle of 90° above nadir. Additionally, the candela per 1,000 lamp lumens does not  
13 numerically exceed 100 (ten percent) at or above a vertical angle of 80° above nadir. This  
14 applies to all lateral angles around the luminaire.

15  
16 As shown by the illustration titled “Full Cutoff Lighting Fixture”, a full cutoff fixture does  
17 not allow any light above a horizontal line at the bottom of the light source (i.e. at or above  
18 an angle of 90° above nadir), and limited light at an angle of 80° to 90° above nadir.  
19

20 Full Cutoff Lighting Fixture  
21



- 22  
23 4. Fully shielded. A light fixture constructed, installed and maintained in such a manner that  
24 all light emitted from the fixture, either directly from the lamp or a diffusing element, or  
25 indirectly by reflection or refraction from any part of the fixture, is projected below the  
26 horizontal plane through the fixture’s lowest light emitting part.  
27

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

- 5. Glare. The effect produced 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.
- 6. Light trespass. Unwanted light spilling onto an adjacent property.
- 7. Lumen. A quantitative unit used to identify the amount of light emitted by a light source. A lamp is generally rated in lumens.
- 8. Nadir. The point directly below the luminaire.
- 9. Shield. A device that is attached onto or inserted into a luminaire to alter the direction of light being emitted. A luminaire that has a shield attached or inserted is considered to be "shielded."
- 10. Lighting plan. The lighting plan shall include the following: (a) site plan showing the area to be illuminated; (b) the number, type, location, and mounting heights of all pole mounted and building mounted fixtures; and (c) specifications and manufacturer cut sheets for all fixtures including full cutoff classification and shielding information. Lighting plans shall contain the signature and seal of a registered architect, engineer, or lighting professional and shall certify that the illumination on the plan is in accordance with the standards contained in Section 10-427(c)(3).

b. Standards.

The standards listed in the table titled "Lighting Standards" shall apply to a non-residential or Dense Residential land use either (a) adjacent to property which is Protected Residential or (b) across a public roadway from property which is Protected Residential.

<u>Lighting Standards</u>		
	<u>Adjacent to property which is Protected Residential</u>	<u>Across a public roadway from property which is Protected Residential</u>
<u>Trespass. Light trespass shall not exceed 0.5 footcandles, as measured at 6 feet above ground level at the property line.</u>	<u>X</u>	
<u>Shielding. Light sources within 10 feet of the boundary of the property which is Protected Residential shall be aimed away from the boundary and shall be shielded on the side closest to the boundary.</u>	<u>X</u>	

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

<u>Lighting Standards</u>		
	<u>Adjacent to property which is Protected Residential</u>	<u>Across a public roadway from property which is Protected Residential</u>
<u>Photometric Plan. As a condition of approval of the final site plan, a point-by-point photometric analysis of the anticipated illumination levels shall be provided on a grid at a maximum of every 10 feet. The final site plan will not be issued by the City until a photometric plan is provided that demonstrates that no more than 0.5 footcandles will occur at the property line (measured at 6 feet above ground level). The photometric plan shall contain the signature and seal of a registered architect, engineer, or lighting professional and shall certify that the illumination on the plan is in accordance with the standards contained in Section 10-427(c)(3).</u>	<u>X</u>	
<u>Lighting Plans. A lighting plan must be provided.</u>	<u>X</u>	<u>X</u>
<u>Full Cutoff. All outdoor lighting fixtures (including security lighting) shall be full cutoff.</u>	<u>X</u>	<u>X</u>
<u>Parallel Installation. Lighting fixtures shall be installed and maintained parallel to the ground, without a tilted angle.</u>	<u>X</u>	<u>X</u>
<u>Mounting Height. The mounting height of outdoor lighting shall not exceed 18 feet in parking lots and 12 feet along pedestrian walkways, except for lighting in the Mahan Corridor Ring (MCR), Mahan Corridor Node (MCN), Office Residential 1 (OR-1), and Neighborhood Boundary Office (NBO) zoning districts, which have lower mounting height standards.</u>	<u>X</u>	<u>X</u>
<u>Change in Elevation. Where the non-residential or Dense Residential site is at a higher elevation than a property which is Protected Residential, lighting fixtures must be shielded, aimed, located, and mounted to minimize the impact caused by the change in elevation.</u>	<u>X</u>	<u>X</u>
<u>Ornamental and Building Lighting. All ornamental and building lighting mounted on a structure shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building façade or the ground immediately below the fixture.</u>	<u>X</u>	<u>X</u>

1 c. Prohibitions

2  
3 The following outdoor lighting fixtures and applications are prohibited:

- 4  
5 1. Any lamp which blinks, flashes, moves, revolves, flickers, or changes intensity or color;  
6 2. Any upward oriented lighting;  
7 3. Searchlights, beacons, and laser source light fixtures;  
8 4. Unshielded accent building mounted luminous tube (such as neon, LED, fluorescent or  
9 other similar technology);  
10 5. Flood lights;  
11 6. Internally illuminated wall panels; and  
12 7. Lighting of any angled building surface (i.e. roof pitch).

13  
14 d. Exemptions

15  
16 The following outdoor lighting fixtures and applications are exempt from the standards in this  
17 Subsection 10-427(c)(3):

- 18  
19 1. Low voltage, low wattage ornamental lighting fixtures, provided the lighting is shielded to  
20 eliminate glare and light trespass;  
21 2. A building mounted fixture that delivers a maximum of 1,000 lumens output (equivalent to  
22 a 60-watt incandescent bulb) and utilizes a translucent lens covering the light source;  
23 3. Fixtures that turn on only during an emergency or power outage;  
24 4. Construction or emergency lighting provided that such lighting is temporary and is  
25 discontinued immediately upon completion of construction work or abatement of the  
26 emergency;  
27 5. Lighting of temporary uses and special events permitted by the City; and  
28 6. Athletic fields and outdoor recreation facilities operated by the City or the Leon County  
29 School Board.

30  
31 e. Final Inspection.

32  
33 Prior to determining that a building passes final inspection, or prior to the issuance of a  
34 certificate of occupancy, the City Land Use and Environmental Services inspector shall  
35 confirm that the outdoor lighting as installed complies with the approved lighting plan and the  
36 requirements of this Sub-section.

37  
38 f. Previously Developed Sites.

39  
40 In the event of construction or redevelopment of an existing site with outdoor lighting which  
41 does not conform to this Subsection and which otherwise requires a Type A or Type B site plan  
42 review pursuant to Sec. 9-154 or Sec. 9-155, TLDC, any modification of the outdoor lighting at  
43 the site must conform to this Subsection.  
44

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1 g. Section 10-427(c)(3) does not apply to the following:

- 2
- 3 1. Proposed non-residential or Dense Residential developments adjacent to or across the street
- 4 from properties which are Protected Residential that are currently developed and occupied
- 5 by a legally existing non-conforming use; or
- 6 2. Proposed non-residential or Dense Residential developments adjacent to or across the street
- 7 from isolated properties which are Protected Residential comprised of less than 3 units on
- 8 less than 3 contiguous lots. For purposes of this Section, “isolated” shall mean one or two
- 9 residential units, which are surrounded by non-residential zoning or uses.
- 10 3. A change of use at an existing non-residential or Dense Residential development, provided
- 11 the change of use does not result in a more intense use that is otherwise regulated by
- 12 Section 10-427(c)(3), TLDC. However, if new or replacement outdoor lighting is
- 13 proposed, it must meet the standards in Section 10-427(c)(3), TLDC.
- 14

15 Section 7. Section 10-429 of the Tallahassee Land Development Code is hereby created to read

16 as follows:

17

18 Sec. 10-429. – Development Standards for Dense Residential Uses Next to Properties which Are

19 Protected Residential.

20

21 (a) Applicability.

22 For the purposes of Section 10-429, the terms listed below are defined as follows:

23

- 24 (1) “Protected Residential” means any property developed with a single family residence, duplex,
- 25 or triplex to a density of less than or equal to 8 units per acre, and any vacant property that is
- 26 zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF, LP, MH, or RA.
- 27 (2) “Dense Residential” means a residential building on a parcel larger than ½ acre developed at a
- 28 density of greater than 14 units per acre.
- 29

30 (b) Standards.

31 All new Dense Residential projects which require a Type A or Type B site plan review pursuant to

32 Sec. 9-154 or Sec. 9-155, TLDC, which are adjacent to or across the street from a property which is

33 Protected Residential shall meet the following regulations:

34

- 35 (1) Transparency. Reflective glass (which provides for less than 70 percent light transmission) is
- 36 prohibited. Transparency must be provided as indicated in the table below titled “Transparency
- 37 Standard for Dense Residential”. Properties in the MMTD design review districts are subject
- 38 to a separate transparency standard in Division 4 of the Tallahassee Land Development Code
- 39 (Downtown Overlay Regulating Plan and Multi-Modal Transportation District Standards).
- 40

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

<u>Transparency Standard for Dense Residential</u>			
		<u>Dense Residential Units in:</u>	
		<u>Single Use Buildings Citywide</u>	<u>Mixed Use Buildings Citywide</u>
<u>1</u>	<u>Elevations with frontage on a public roadway</u>	<u>30% at eye level<sup>1</sup></u>	<u>60% at eye level<sup>1</sup></u>
<u>2</u>	<u>Elevations at an angle to a public roadway</u>	<u>15% at eye level<sup>1</sup></u>	<u>30% at eye level<sup>1</sup></u>
<u>3</u>	<u>Each floor above the first floor in rows 1 and 2 above</u>	<u>15%</u>	<u>15%</u>

<sup>1</sup>Eye level is between 3 and 8 feet above the finished grade.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

- (2) Façade Articulation. No street-facing façade shall exceed 50 feet in length without at least a minimum 2 foot change in the depth of the wall plane.
- (3) Roofs. Street-facing roofs that exceed 50 feet in length shall meet the following standards:
  - a. Sloped roofs shall provide one or more of the following: 1.) A minimum 2 foot horizontal variation in the roofline, or 2.) A roof element, that includes one of the following: dormer, cupola, gable, hip detail, or roof projections.
  - b. Flat roofs shall provide either a cornice or other decorative band to serve as a building cap for the entire roof. If building equipment or utilities are located on a flat roof, a parapet wall is required to shield the equipment or utilities.
- (4) Parking. Parking shall be provided as follows:
  - a. In the Multi-Modal Transportation District, parking lots shall meet the development standards listed in Division 4, Downtown Overlay Regulating Plan and Multi-Modal Transportation District (MMTD) Standards.
  - b. Outside of the Multi-Modal Transportation District, parking lots shall meet the following standards:
    - 1. Parking shall be provided to the side or rear and not closer to the street than the street-facing facade of the structure.
    - 2. Parking lots with more than four spaces shall be screened when adjacent to a property which is Protected Residential. Screening shall include a Type A landscape buffer consistent with Sec. 10-177, TLDC.
- (5) Orientation. The front of the structure shall be oriented to face the primary access street.
- (6) Height Step Back. This standard applies to any Dense Residential building elevation which meets any of the following criteria:
  - a. Abuts a property which is Protected Residential; or
  - b. Is located across a local street from a property which is Protected Residential; or

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1 c. Is located across any collector or arterial roadway (which include three or fewer  
2 travel lanes) from a property which is Protected Residential. Striped on-street  
3 parking, middle merge lanes, and middle turn lanes shall count as one lane.  
4

5 If any of the above location criteria are met, a height step back is required and shall vary based  
6 on the first floor elevation of the Dense Residential use in relation to the first floor elevation of  
7 the Protected Residential use as follows:  
8

<u>1<sup>st</sup> Floor Elevation of Protected Residential versus Dense Residential Use</u>		<u>Height Step Back Begins At</u>
<u>A.</u>	<u>Protected Residential &gt; 10 ft. above</u>	<u>3<sup>rd</sup> floor plus 1 additional floor per 10 ft. of elevation difference</u>
<u>B.</u>	<u>Protected Residential &lt; or equal to 10 ft. above or below</u>	<u>3<sup>rd</sup> floor</u>
<u>C.</u>	<u>Protected Residential &gt; 10 ft. below</u>	<u>3<sup>rd</sup> floor less 1 additional floor per 10 ft. of elevation difference</u>

9  
10 The floors identified in the table above, and each successive floor, must be each stepped back a  
11 minimum of 10 feet from the floor below it where adjacent to or across the street from a  
12 property which is Protected Residential. If other building elevations face non-residential uses,  
13 one additional floor is permitted along the non-residential uses to compensate for the density  
14 not permitted due to the building step back along the Protected Residential elevation. This  
15 standard is visually represented by the illustration titled “Height Step Back”.  
16

17 (7) Outdoor Uses. There shall be no active recreation uses allowed within 200 feet of any  
18 property which is Protected Residential.  
19

20 (8) Access. If a Dense Residential driveway exit is located on a local street across from a  
21 property which is Protected Residential, it shall be sited across from the shared property  
22 boundary of the individual Protected Residential lots to minimize the extent to which  
23 automobile headlights shine into the windows of residences.  
24

25 (c) Section 10-429 does not apply to the following:  
26

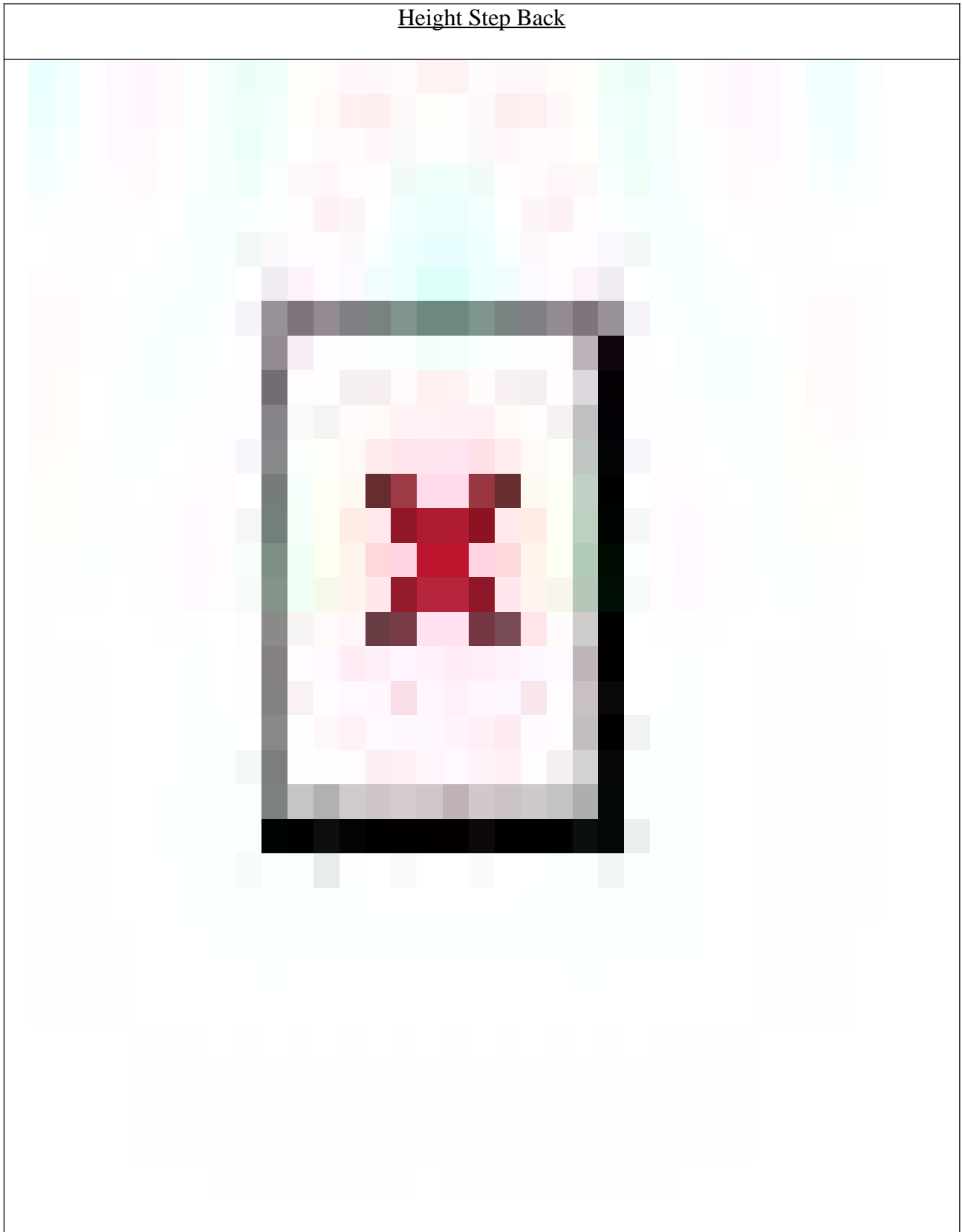
27 (1) Proposed Dense Residential developments adjacent to or across the street from properties  
28 which are Protected Residential that are currently developed and occupied by a legally existing  
29 non-conforming use; or

30 (2) Proposed Dense Residential developments adjacent to or across the street from isolated  
31 properties which are Protected Residential comprised of less than 3 units on less than 3  
32 contiguous lots. For purposes of this Section, “isolated” shall mean one or two residential  
33 units, which are surrounded by non-residential zoning or uses.

34 (3) A change of use at an existing Dense Residential development, provided the change of use does  
35 not result in a more intense use that is otherwise regulated by Section 10-429, TLDC.  
36

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

Height Step Back



CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

Section 8. Conflicts. All ordinances and parts of ordinances of the City of Tallahassee Code in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 9. Severability. 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 10. Effective Date. This ordinance shall become effective 90 calendar days after the date it is adopted by the City Commission.

INTRODUCED in the City Commission on the 12<sup>th</sup> day of May, 2021.

PASSED by the City Commission on the 16<sup>th</sup> day of June, 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

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.