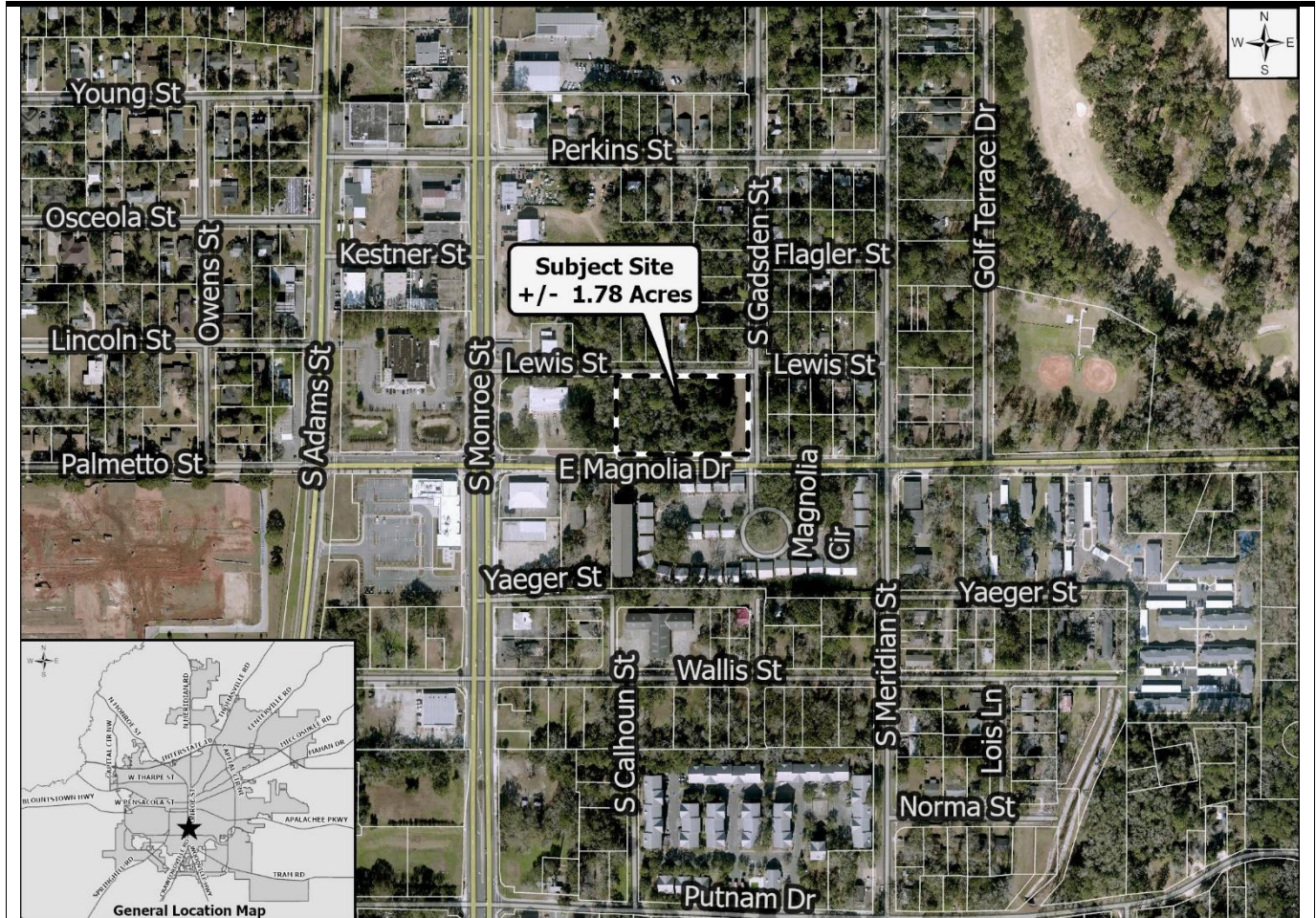




2024 Comprehensive Plan Amendment Cycle
TMA2024010
Magnolia and Gadsden



SUMMARY

Property Owners:	Property Location:	Amendment Type:
Linda G. Paramore	Northwest corner of East Magnolia Drive and South Gadsden Street	City Small Scale Map Amendment
Applicant:		
Linda G. Paramore		
TLCDP Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Oluwaseyi Akinrinde	<u>Future Land Use:</u> Central Urban & Residential Preservation <u>Zoning:</u> CU-45 & RP-2	Approve
Contact Information:	Proposed Future Land Use & Zoning:	Staff Analysis:
oluwaseyi.akinrinde@gmail.com 850-891-6412	<u>Future Land Use:</u> Central Urban <u>Zoning:</u> Central Urban – 45 (CU-45)	Consistent
Date: 10/17/2023	Updated: 02/27/2024	

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A. EXECUTIVE SUMMARY

If approved, this map amendment would merge a split future land use designation into one, thereby increasing the allowable density and expanding the allowable use on a 1.78-acre parcel from low-density residential to medium and high-density residential, mixed-use, and commercial uses. The proposed change would increase the allowable density and uses of approximately 58% of the subject site from zero (0) to six (6) dwelling units per acre to four (4) to forty-five (45) dwelling units per acre.

The subject site includes parcel 4101204740000 at the northwest corner of the intersection of East Magnolia Drive and South Gadsden Street. The applicant, Linda G. Paramore, is requesting a change of Land Use from the split designation of Central Urban and Residential Preservation to Central Urban. The site is within the Urban Services Area and Multimodal Transportation District, and infrastructure is available to support the increased allowable density.

A rezoning application will be processed concurrently with this amendment. A zoning change from Central Urban – 45 (CU-45) and Residential Preservation – 2 (RP-2) to Central Urban – 45 (CU-45) has been requested to implement the proposed amendment to the Future Land Use Map. The proposed zoning provides 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.

Part of the review process determines consistency with the Goals, Objectives, and Policies in the Tallahassee-Leon County Comprehensive Plan and is further detailed in Sections E and F of this report. In reviewing this request, a determination must be made as to whether the present land use designation is appropriate or whether the Future Land Use Map should be amended to re-designate the area as requested. This consideration includes the following: 1) Does the area meet the criteria for designation as Central Urban and Residential Preservation? 2) Does the area better meet the criteria for Central Urban?

The concurrent rezoning determines the allowed uses and the density of up to 45 dwelling units per acre of development on the site. Based on staff analysis, the subject site is in close proximity to the urban core and major universities, and the proposed uses are consistent with the requested zoning of Central Urban-45. Further details are found in Section F of this report. The proposed rezoning is consistent with the emphasis and encouragement of infill development reflected in multiple policies contained in the Land Use and Mobility Elements of the Comprehensive Plan and supporting the Central Urban intent of promoting infill and redevelopment of urban areas with supporting infrastructure, accessibility to services, and proximity to Downtown and Universities.

If the Land Use and Zoning changes are approved, the next step in the development process is site plan review and permitting. The site plan stage of development evaluates a proposed development plan for consistency with City Code requirements for stormwater treatment and attenuation, environmental protection, traffic impacts, concurrency, school impacts, buffers, open space requirements, and all other applicable development standards. This includes neighborhood compatibility standards and other buffering and screening standards intended to protect and promote compatibility with the existing RP neighborhood to the north and east of the subject site.

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The City of Tallahassee Land Development Code defines buffers between parcels of differing land uses based upon compatibility. Applicable development standards may include height step back requirements or tall tree buffers, restrictions on locations of parking lots, loading zones, equipment and trash enclosures, no active recreation within 200 feet of single family residential, additional transparency and façade requirements, and distance requirements for earthwork disturbance. These buffer requirements may be found in *Appendix 3* of this staff report or in the City of Tallahassee Land Development Code Sec. 10-177: Buffer Zones.

B. APPLICANT’S REASON FOR THE REQUESTED CHANGE

The applicant, Linda G. Paramore, stated that they seek this land use change to provide one unified land use and zoning category on the property and to ensure compatibility with the adjacent properties of the subject site.

C. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION

Find that the proposed future land use map amendment is **consistent** with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and **ADOPT** the proposed amendment.

Find that the proposed rezoning is **consistent** with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and **APPROVE** the proposed rezoning.

D. STAFF ANALYSIS

Staff finds that the proposed future land use map amendment is **consistent** with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report.

Find that the proposed rezoning is **consistent** with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report.

E. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The criteria required for consideration of a proposed Future Land Use Map change include consistency with the Tallahassee-Leon County Comprehensive Plan, conformance with the Tallahassee or Leon County Land Development Code, land use compatibility, changed conditions on the site and other matters deemed relevant and appropriate.

The proposed amendment is consistent with the following goals, objectives, and policies of the Tallahassee-Leon County Comprehensive Plan:

- Policy 2.2.8 [L] states that the Central Urban land use category is characterized by older developed portions of the community that are primarily located adjacent to or in close proximity to the urban core and major universities.

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The subject site is in close proximity to Florida A&M University, and a portion of the subject site is within the Downtown Overlay district.

- Policy 2.2.8 [L] states that infill and potential redevelopment and/or rehabilitation activity should be encouraged.

The proposed amendment will encourage infill and potential redevelopment and/or rehabilitation activity on the subject site.

- Objective 11.2 [L] – Investment: Direct collaborative efforts of both the public and private sectors towards an increase of homeownership, diverse development and redevelopment types, business variety, and infrastructure in the Southside Community.

The proposed land use change will activate the currently vacant subject site, allow for a variety of development types more consistent with surrounding uses, and provide economic and housing opportunities to the Southside Community, aligning with the goals of the Southside Action Plan.

F. SUMMARY OF FINDINGS

The criteria required for consideration of a proposed Future Land Use Map change include consistency with the Tallahassee-Leon County Comprehensive Plan, conformance with the Tallahassee or Leon County Zoning Code, land use compatibility, changed conditions on the site and other matters deemed relevant and appropriate.

Staff presents the following findings of fact:

History and Background

The area around East Magnolia Drive between South Monroe Street and South Meridian Street is characterized by retail, warehouse, and office uses to the west and multi-family, two-family, and single-family residential uses to the east.

The subject site is approximately 1.78 acres in size and is currently vacant. An auto parts retail store is located directly to the west of the subject site. The north and east of the subject site comprise low-density residential developments. There is medium-density residential directly to the south of the subject site with Central Urban FLU and Central Urban – 45 zoning, which is the same land use and zoning requested for the subject site.

FLUM History:

- The subject parcel has been designated Central Urban and Residential Preservation since the adoption of the Comprehensive Plan.

Zoning History:

- ***Previous Zoning:*** The western portion of the subject site was zoned CU (Central Urban) prior to 2008. The CU designation allowed a variety of uses, including high-density residential, employment, office, and commercial activities.

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- **Existing Zoning (2008):** The western portion of the subject site was zoned CU – 45 (Central Urban - 45) in 2008, while the eastern portion maintained a Residential Preservation (RP-2) zoning designation.

The site is located within the following locally designated areas:

- Urban Services Area
- Multimodal Transportation District (MMTD)
- Southside Action Plan
- South Monroe Sector
- Downtown Overlay District

Current and Proposed Future Land Use Categories

The Subject Area is currently designated **Central Urban** and **Residential Preservation** on the FLUM. The proposed amendment would change the FLUM designation of the area to **Central Urban**. A summary of the current and proposed FLU categories is below, and a comparison of permitted uses is provided in **Section G**. The complete comprehensive plan policies for **Residential Preservation (Policy 2.2.3 [L])** and **Central Urban (Policy 2.2.8 [L])** are included as Appendix #1.

Central Urban and Residential Preservation (Current)

The subject site is currently designated as Central Urban and Residential Preservation on the Tallahassee-Leon County Future Land Use Map (FLUM). For that portion of the subject site that is Residential Preservation, the intent of the land use category which prohibits commercial, office and industrial uses, is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Future development primarily will consist of infill due to the built-out nature of the areas. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval. The portion of the site that is Central Urban has the same uses and intent as described below.

Central Urban (Proposed)

The intent of the Central Urban land use category is to provide a variety of residential types (up to 45 DU/AC), employment (includes light manufacturing), office and commercial activities. Infill and potential redevelopment and/or rehabilitation activity should be encouraged. Actual siting of land uses within the category are dependent on implementing zoning districts. Roadway access standards are determined by application of land development regulations. Land use intensity is intended to be higher (up to 20,000 sq. ft. for minor commercial uses; up to 100,000 sq. ft. for neighborhood commercial uses; and up to 200,000 sq. ft. for community commercial uses) due to the presence of requisite capital infrastructure and location of employment and activity centers.

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Determination for Future Land Use Map Amendment

1) Does the area meet the criteria for designation as the current land use designation of Residential Preservation (RP)?

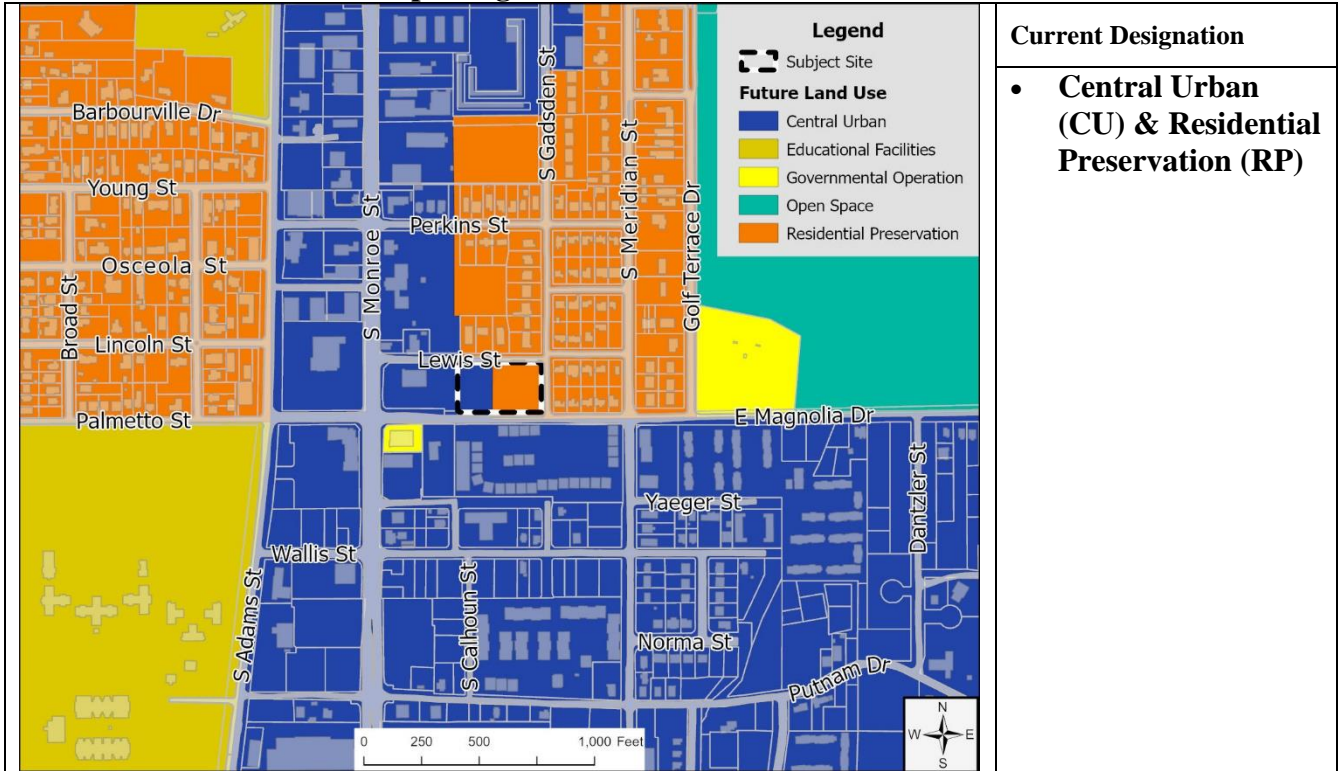
No. The western portion of the subject parcel is designated as Central Urban on the Future Land Use Map, which is intended for uses prohibited in the Residential Preservation category. Additionally, the subject site is located along East Magnolia Drive, a major collector roadway, and the traffic volume is not predominantly low in nature, as is expected in the Residential Preservation FLUM category.

2) Does the area better meet the criteria for the proposed land use designation of Central Urban (CU)?

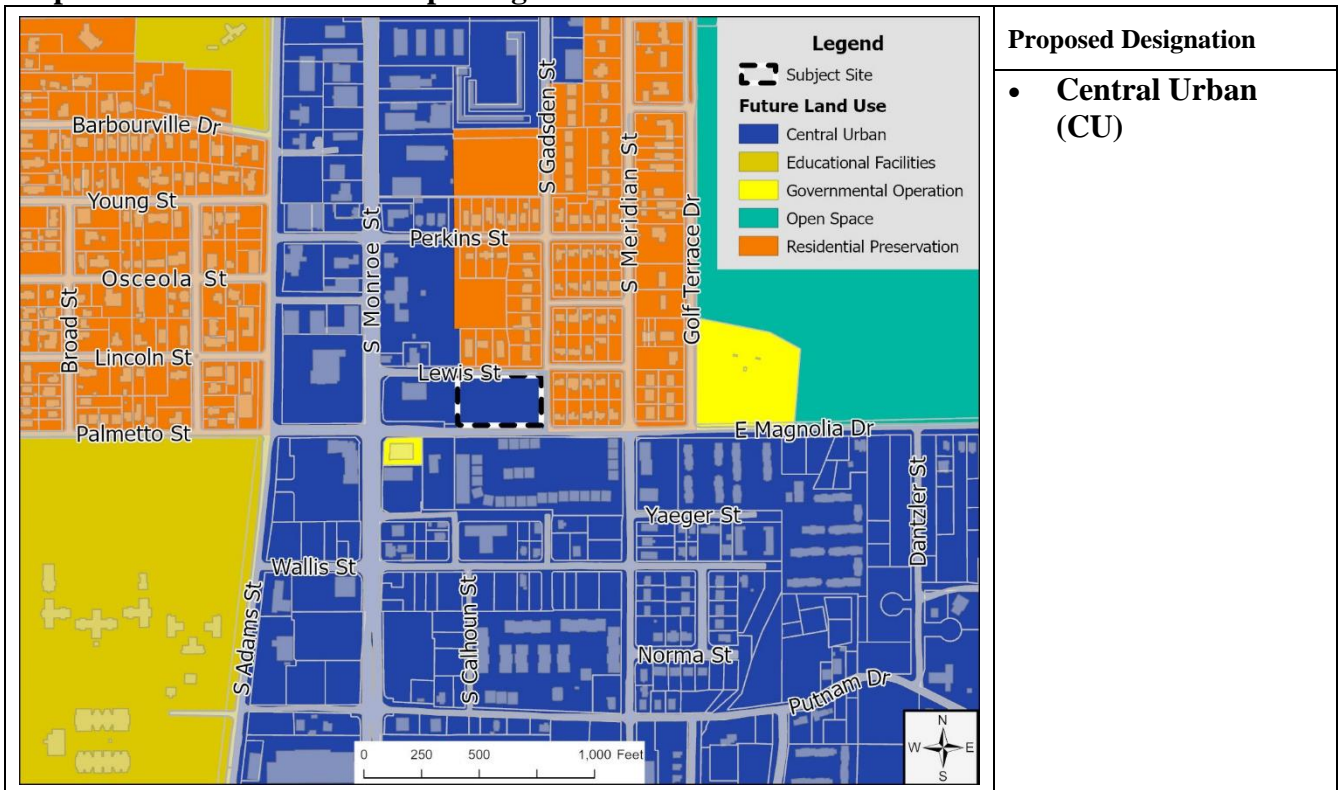
Yes. The subject site more closely resembles the description of the Central Urban land use category. The subject site is within the Downtown Overlay District, and the western portion of the site is currently designated Central Urban Future Land Use. The proposed amendment is consistent with the emphasis and encouragement of infill development reflected in the Central Urban land use policy and other Land Use Element policies.

The following maps illustrate the current and proposed FLUM designations for the Subject Area.

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



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Current and Proposed Zoning

The Subject Area is currently zoned **Central Urban - 45 and Residential Preservation - 2**. The proposed rezoning would change the zoning designation to **Central Urban - 45** to implement the proposed underlying land use category. A summary of the current and proposed zoning categories is below, and a comparison of permitted uses is provided in **Section G**. The Land Development Code sections for *Residential Preservation - 2 (sec. 10-170)* and *Central Urban - 45 (sec. 10-239.4)* are included as Appendix #2.

Residential Preservation – 2 (RP-2) (Current)

The Residential Preservation – 2 (RP-2) zoning district is intended to apply to residential development in areas designated “Residential Preservation” on the Future Land Use Map, preserving the low density residential character of single-family, two-unit townhouse, and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of six (6.0) dwelling units per acre.

Central Urban - 45 (CU-45) (Current and Proposed)

The current and proposed zoning for the subject site, Central Urban - 45, is intended to:

- 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 businesses 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.

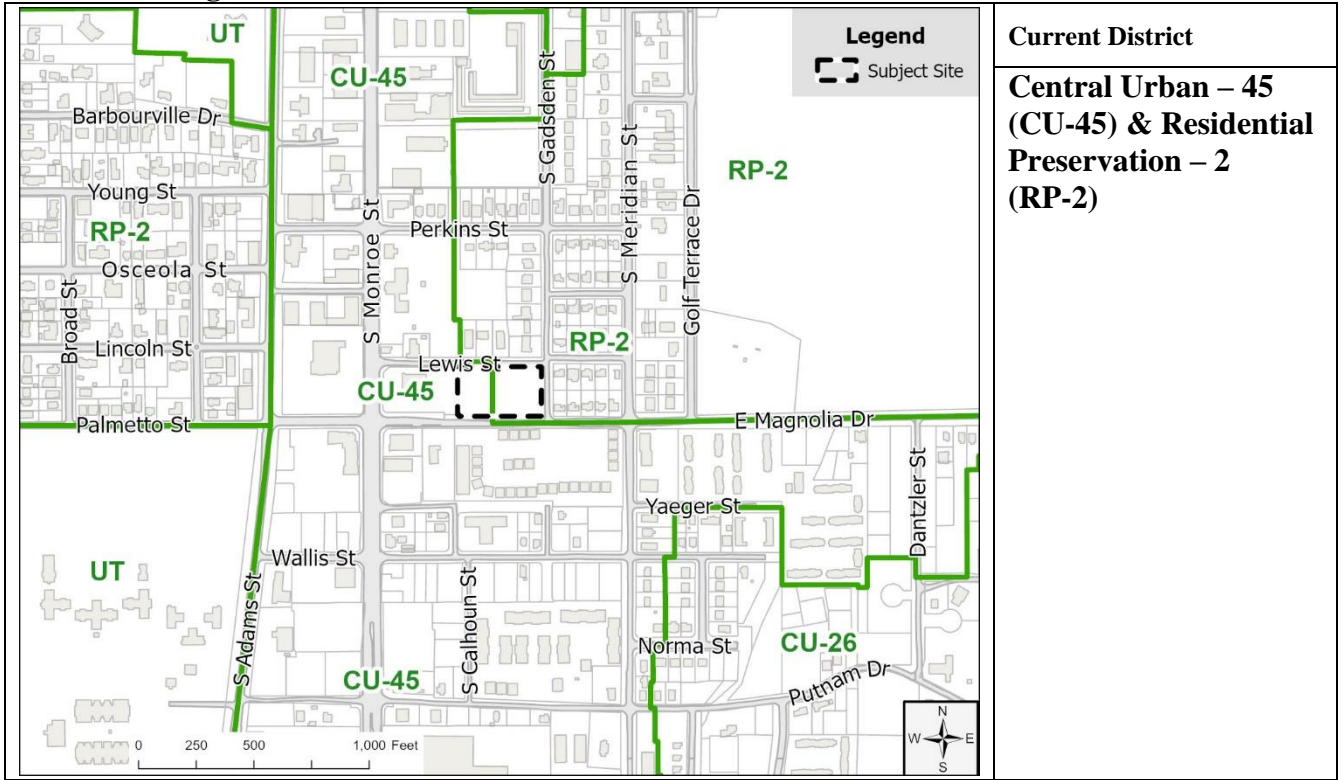
Determination for Concurrent Rezoning

Provided the requested Future Land Use Map amendment is approved, the proposed CU-45 zoning district is intended to be located in areas designated as Central Urban on the Future Land Use Map of the comprehensive plan, which contain or are anticipated to contain a wide range of residential uses.

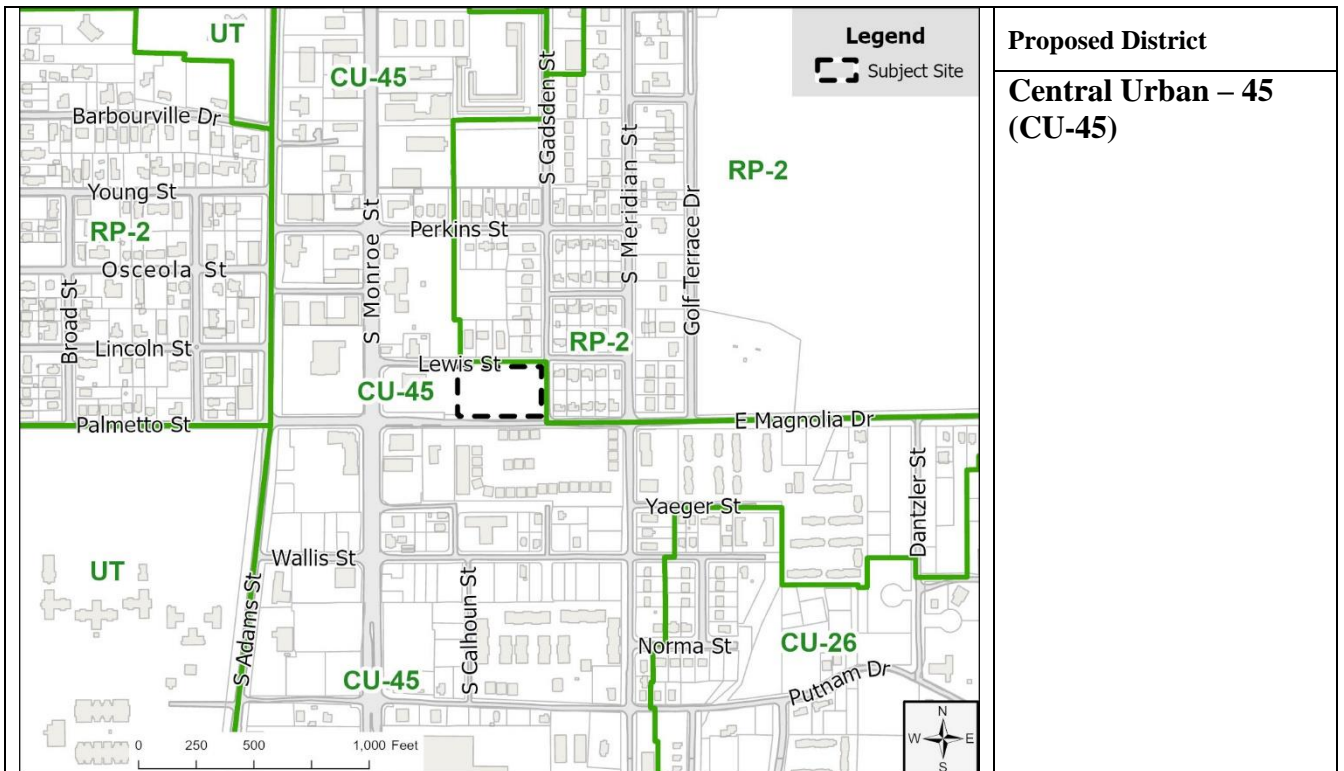
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The following maps illustrate the current and proposed zoning for the Subject Site.

Current Zoning



Proposed Zoning



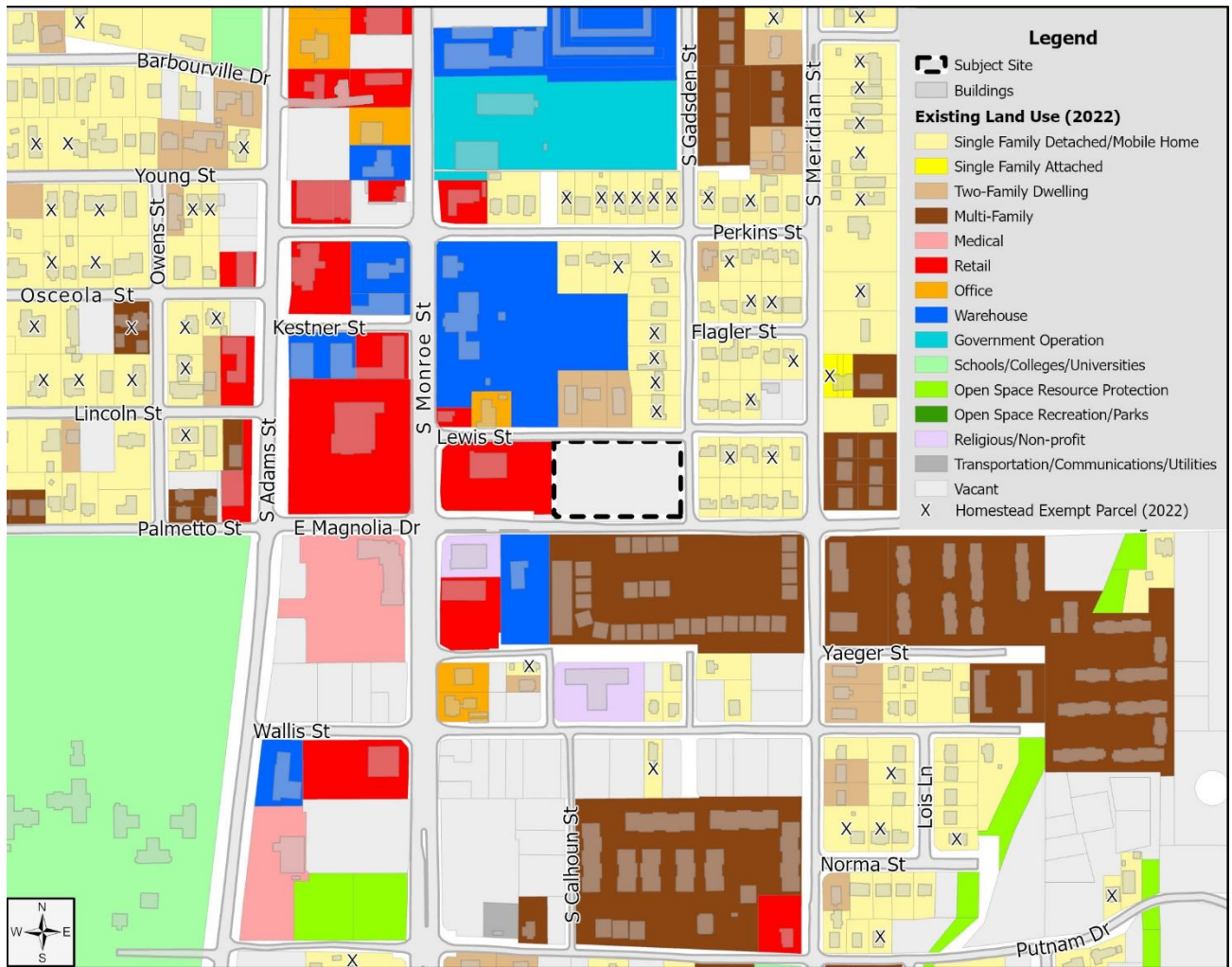
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Compatibility with Adjacent and Surrounding Uses

The subject site is a parcel of approximately 1.78 acres and is currently vacant. The western portion of the subject site is currently designated in the proposed land use and zoning category. An auto parts retail store is located directly to the west of the subject site. The north and east of the subject site comprise low-density residential developments. There is medium-density residential directly to the south of the subject site with Central Urban FLU and Central Urban – 45, which is the same land use and zoning requested for the subject site. The subject site is located near a principal arterial roadway with employment, educational, and retail opportunities.

The Land Development Code (Sec. 10-429) describes requirements for buffering and neighborhood compatibility for dense residential uses next to protected residential properties. Applicable development standards may include height step-back requirements or tall tree buffers, restrictions on locations of parking lots, loading zones, equipment, and trash enclosures, no active recreation within 200 feet of single-family residential, additional transparency and façade requirements, and distance requirements for earthwork disturbance.

Existing Land Use Map



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Residential Preservation Analysis

The following analysis evaluates whether the subject site is consistent with the characteristics of the Residential Preservation land use category. While some characteristics of the subject site are consistent with Residential Preservation, there are multiple characteristics where the subject site is not consistent with the description of Residential Preservation included in Policy 2.2.3 [L].

- (1) Existing land use within the area is predominantly residential.
Analysis: The present land usage within the subject site is vacant. Approximately 58 percent is designated for residential use, while the rest of the site is designated for a variety of uses.
- (2) Majority of traffic is local in nature.
 - i. Predominance of residential uses front on local streets.
Analysis: The subject parcel fronts two streets designated local to the east and north. Lewis Street and South Gadsden Street are designated as local street. However, East Magnolia Drive to the south of the subject site is classified as a major collector roadway.
 - ii. Relatively safe internal mobility.
Analysis: Safety and intermobility of the subject area would be rated standard due to the balance of its presence along two local streets and a major collector. The streets are well interconnected to the surrounding neighborhood(s). The subject area provides a safe crossing of East Magnolia Drive and Lewis Street. There is a presence of a sidewalk on East Magnolia Drive and Gadsden Street.
- (3) Densities within the area generally are six (6) units per acre or less.
Analysis: The allowable density for the applicant's parcel is currently six units per acre to the east and forty-five units per acre to the west, although the site is vacant.
- (4) Existing residential type and density exhibits relatively homogeneous patterns.
Analysis: Residential types within the subject area are not homogeneous given the presence of town homes and multi-family developments on East Magnolia Drive. Lot sizes, building types, and lot layouts are inconsistent with surrounding RP areas.
- (5) Assessment of stability of the residential area, including but not limited to:
 - i. Degree of home ownership.
Analysis: As a proxy for home ownership, homestead exemption status was reviewed. As of the 2022 tax year, none of the residential developments on East Magnolia Drive between South Monroe and South Meridian had a homestead exemption. The multi-family to the south of the subject site did not (as expected). Four of the twelve residential developments on Lewis Street have a homestead exemption. The applicant's site is not homestead exempt.
 - ii. Existence of neighborhood organizations.
Analysis: The site is part of the Myers Park Neighborhood Association.

Conclusion: The subject site is adjacent to residential preservation areas but does not meet the criteria for residential preservation itself.

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Infrastructure Analysis

Water/Sewer

The City of Tallahassee owns and maintains the water and sewer serving the subject site.

Schools

The Subject Area is zoned for **Hartsfield** Elementary School, **Cobb** Middle School, and **Rickards** High School.

All attendance zones in which the property is located have the capacity for this project. Currently, Hartsfield Elementary has a capacity of 440, with post development capacity of 431. Cobb Middle School has a capacity of 717, with post development capacity of 713. Rickards High School has a capacity of 456, with post development capacity of 453.

Roadway Network

The subject site is located along three roadways: East Magnolia Drive to the south, Lewis Street to the north, and South Gadsden Street to the east of the subject site. East Magnolia Drive is classified as a major collector roadway and is maintained by Leon County. East Magnolia Drive is a two-lane roadway with one travel lane in each direction. Lewis Street and South Gadsden Street are classified as local streets and maintained by the City of Tallahassee. The two roadways are shared-lane roadways, with one travel lane for both directions.

The subject site is located within the Multimodal Transportation District (MMTD). The goal of the MMTD is to facilitate the use of multiple modes of transportation, leading to a reduction in automobile use and vehicle miles traveled.

The proposed land use amendment and rezoning do not create identified transportation service issues. Proposed development may require capacity improvements to the transportation network to accommodate added traffic demand and access on East Magnolia Drive. The actual traffic impacts and concurrency will be calculated during the site plan review.

Consistent with the requirements in the Leon County and/or City of Tallahassee Land Development Code, final transportation concurrency calculations will be conducted when a site plan for proposed development is submitted. The actual traffic impacts and concurrency will be calculated at the time of site plan review.

Pedestrian and Bicycle Network

The site is accessible via sidewalk on South Gadsden Street. There is a multi-use trail on East Magnolia Drive.

Transit Network

The subject site is a 2-minute walk from Stop 797 at S Meridian Street and E Magnolia Drive and a 4-minute walk from Stop 2549 at S Monroe Street and E Magnolia Drive. StarMetro's Big Bend route and night bus route 2 serve both locations.

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Environmental Analysis

The subject site is in the Urban Services Area and the Multimodal Transportation District. Any future redevelopment of the area would follow the site plan review process. This process includes an analysis of environmental features and cultural resources.

The site is not in a flood zone.

G. COMPARISON OF EXISTING AND PROPOSED ALLOWED USES

The Future Land Use Map provides a general pattern for the location, distribution, and character of land uses. The zoning district implements the underlying land use category and further regulates allowed and prohibited uses, building densities and intensity of uses, and site design specifics such as setbacks, parking requirements, infrastructure, and other land development issues.

Permitted Uses- Future Land Use	Current Residential Preservation	Proposed Central Urban
Residential	6 units/acres	45 units/acre
Single-Family Detached	X	X
Single-Family Attached	X	X
Two-Family Dwellings	X	X
Community and Recreational Facilities	X	X
Cultural Activities		X
Commercial Goods and Services		X
Mixed-Use Development		X
Office		X

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Permitted Uses- Zoning (See Zoning Charts in Appendix #2 for detailed uses)	Current (RP-2)	Proposed CU-45
Residential	6 units/acres	45 units/acre
Low Density Residential (single, two family, or manufactured home)	X	X
Single-Family Detached, Attached	X	X
Two-Family Dwellings	X	X
Community facilities related to residential uses including religious facilities, police/fire stations, and elementary, middle, vocational, and exceptional student education schools	X	X
Community facilities including libraries and high schools		X
Passive recreational facilities	X	X
Active recreational facilities		X
Commercial		X
Retail		X
Office		X

H. PUBLIC OUTREACH AND NOTIFICATION

An initial mailing was sent to **372** property owners within 1,000 feet of Subject Site.

Public Outreach		Date Completed
X	Applications posted to Planning Website	11/02/2023
X	Notices Mailed to Property Owners, Renters, and Homeowners Associations within 1000 feet	11/10/2023
X	Signs providing details of proposed land use posted on subject site	11/15/2023
X	Public Open House	12/07/2023
X	Staff Reports Available Online (hyperlink)	01/16/2024
	Email Subscription Notice sent to all users of service	(all dates to be listed)
X	Legal Ads posted	01/16/2024

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Public Open House –The public open house was held on December 7, 2023, at the Renaissance Building. There were 14 people in attendance. Staff provided overview of the application received and the amendment being requested. There were questions and concerns raised by the neighbors and property owner around the subject site. Staff provided answers to some of the questions by the property owners.

I. STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle Meetings		Date Completed
X	Local Planning Agency Workshop	01/17/2024
X	Local Planning Agency Public Hearing	02/06/2024
	Adoption Public Hearing	04/10/2024

Local Planning Agency Workshop – A workshop was held on January 17, 2024, at the Renaissance Building. Staff provided overview of the application received and the amendment being requested. There were no questions from the LPA that resulted in updates to this staff report.

Local Planning Agency Public Hearing – The public hearing was held on February 6, 2024, to vote on the proposed amendment. Staff provided overview of the application received and the amendment being requested. The LPA found the proposed future land use map amendment consistent with the Tallahassee Leon-County Comprehensive Plan, based on the findings, and other information contained in this staff report, and recommended adoption of the proposed amendment. They also found that the proposed rezoning is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and recommend approval of the proposed rezoning. There was a public comment on the application with concerns about traffic and commercial encroachment. Staff provided information about traffic impact analysis which is a requirement at the site plan stage.

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J. APPENDICES

- Appendix #1: Comprehensive Plan Policies for Central Urban (2.2.8: [L]) and Residential Preservation (2.2.3: [L])
- Appendix #2: Land Development Codes for Central Urban (Sec. 10-239.4), Residential Preservation (Sec. 10-170), Development Standards for Dense Residential Uses next to Properties which are Protected Residential (Sec. 10-429) and Buffer Zones (Sec. 10-177).
- Appendix #3: Photo of signs providing details of proposed land use and zoning changes posted on subject site.

APPENDIX 1

Comprehensive Plan policies

Policy 2.2.8: [L]

CENTRAL URBAN

(REV. EFF. 6/07/01; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 6/6/08)

Characterized by older developed portions of the community that are primarily located adjacent to or in close proximity to the urban core and major universities. Intended to provide a variety of residential types (up to 45 DU/AC), employment (includes light manufacturing), office and commercial activities. Infill and potential redevelopment and/or rehabilitation activity should be encouraged. Actual siting of land uses within the category are dependent on implementing zoning districts. Roadway access standards are determined by application of land development regulations. Land use intensity is intended to be higher (up to 20,000 sq. ft. for minor commercial uses; up to 100,000 sq. ft. for neighborhood commercial uses; and up to 200,000 sq. ft. for community commercial uses) due to the presence of requisite capital infrastructure and location of employment and activity centers.

Policy 2.2.3: [L]

RESIDENTIAL PRESERVATION

(EFF. 7/16/90; REV. EFF. 7/26/06; REV. EFF. 4/10/09; REV. EFF. 5/31/18)

Characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Future development primarily will consist of infill due to the built out nature of the areas. Commercial, including office as well as any industrial land uses, are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval.

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For Residential Preservation areas outside the Urban Service area the density of the residential preservation area shall be consistent with the underlying land use category.

The Residential Preservation category shall be based on the following general criteria. For inclusion, a residential area should meet most, but not necessarily all of these criteria.

- 1) Existing land use within the area is predominantly residential
- 2) Majority of traffic is local in nature
 - a) Predominance of residential uses front on local street
 - b) Relatively safe internal pedestrian mobility
- 3) Densities within the area generally of six units per acre or less
- 4) Existing residential type and density exhibits relatively homogeneous patterns
- 5) Assessment of stability of the residential area, including but not limited to:
 - a) Degree of home ownership
 - b) Existence of neighborhood organizations

In order to preserve existing stable and viable residential neighborhoods within the Residential Preservation land use category, development and redevelopment activities in and adjoining Residential Preservation areas shall be guided by the following principles:

- a) The creation of transitional development area (TDA) for low density residential developments.

Higher density residential developments proposed for areas adjoining an established neighborhood within the residential preservation land use category shall provide a transitional development area along the shared property line in the higher density residential development. The development density in the transitional development area shall be the maximum density allowed in the Residential Preservation land use category. Development within the transitional development area shall be designed, sized and scaled to be compatible with the adjoining residential preservation area.

Transitional development areas shall be non-mapped areas and shall be approved at the time of site plan approval. The factors cited in paragraph (e) below shall be considered when determining the size of transitional development areas. The land development regulations shall specify development thresholds for the implementation of transitional development areas.

- b) Limitation on future commercial intensities adjoining low density residential preservation neighborhoods.

New or redeveloped commercial uses adjoining residential preservation designated areas shall mitigate potential impacts by providing a transitional development area between the commercial uses and residential preservation uses and only those commercial activities which are compatible with low density residential development in terms of size and appearance shall be allowed. The factors cited in paragraph (e) below shall be used when determining the compatibility, design techniques and the size of transitional development areas. The design

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and layout of adjoining commercial uses shall be oriented to place the section of the development with the least potential negative impacts next to the residential preservation area.

c) Limitations on existing light industry adjoining residential preservation neighborhoods.

Expanding or redeveloped light industrial uses adjoining low density residential areas within the residential preservation land use category shall mitigate potential negative impacts and provide screening, buffering, or a transitional development area between the light industrial uses and the low and medium density residential uses. The factors cited in paragraph (e) below shall be considered when determining compatibility, design techniques and the size of the transitional development area.

The design and layout of expanding or redeveloping light industrial uses and adjoining residential preservation areas shall be oriented to place the section of the development with the least potential negative impacts in the area next to the existing and/or future low density residential area in the residential preservation land use category. New light industrial uses shall prevent or mitigate off-site impacts in accordance with the Research and Innovation Land Use category or the Industry and Mining Land Use category and applicable Land Development Regulations.

d) Additional development requirements for allowed community facilities when adjoining low density residential areas, except for cemeteries or religious facilities to be used solely for religious functions. Such development requirements will also apply to ancillary facilities when proposed in conjunction with religious facilities, and are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the community facilities and the adjoining residential preservation area.

e) Land use compatibility with low density residential preservation neighborhoods.

A number of factors shall be considered when determining a land use compatible with the residential preservation land use category. At a minimum, the following factors shall be considered to determine whether a proposed development is compatible with existing or proposed low density residential uses and with the intensity, density, and scale of surrounding development within residential preservation areas: proposed use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/ configuration; architecture; screening; buffers, including vegetative buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; and odor. These factors shall also be used to determine the size of transitional development areas.

f) Limitations on Planned Unit Developments in the Residential Preservation land use category.

Planned Unit Developments proposed within the interior of a Residential Preservation designated recorded or unrecorded subdivisions shall be generally consistent with the density of the existing residential development in the recorded or unrecorded subdivision. Parcels

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abutting arterial roadways and/or major collectors may be permitted to achieve six dwelling units per acre.

The existing predominant development density patterns in Residential Preservation are listed in paragraph (g) below. Within 18 months of adoption, the PUD regulations shall be amended to include provisions addressing the preservation of established residential preservation designated areas. Said provisions shall address any proposed increase in density and the factors cited in paragraph (e) above.

g) Limitations on resubdivision of lots within established Residential Preservation designated areas.

To protect established single family neighborhoods from density intrusions, consistency within the recorded or unrecorded subdivision shall be the primary factor in granting approval for development applications. Consistency for the purposes of this paragraph shall mean that parcels proposed for residential development shall develop consistent with the lot size and density of the recorded or unrecorded subdivision.

1. Guidance on the resubdivision of lots in recorded and unrecorded single-family subdivisions shall be provided in the Land Development Code.
2. Parcels proposed for residential development shall develop at densities generally consistent with the density of existing residential development in the recorded or unrecorded subdivision with the exception of parcels abutting arterial and/or major collector roadways which may be permitted up to six dwelling units per acre.

There may be two distinct density patterns in the Residential Preservation land use category as shown below:

<u>Existing land use character of the subdivision</u>	<u>Gross residential density</u>
Homogenous, very low density single family detached units (City Only)	0-3.6 dwelling units per acre (generally consistent with density of the subdivision)
Low density single family detached and/or non-single family detached units (including but not limited to townhomes and duplexes)	0-6.0 dwelling units per acre (generally consistent with density of the subdivision)

This section shall not be construed as to restrict the development of building types allowed by the applicable zoning district.

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APPENDIX 2

Land Development Code sections

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:

CU-45 Central Urban District

	PERMITTED USES*		
1. District Intent	2. Principal Uses		3. Accessory Uses
<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 businesses 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 	<p>1. Active and passive recreational activities.</p> <p>2. Antique shops.</p> <p>3. Automotive rental (limited to passenger vehicles).</p> <p>4. Automotive service and repair, excluding automated car wash.</p> <p>5. Automotive: retail parts, accessories, tires, etc.</p> <p>6. Bait and tackle shops.</p> <p>7. Banks and other financial institutions without drive through facilities.</p> <p>8. Banks and other financial institutions with drive-through facilities (only allowed on parcels fronting West Tennessee Street between Buena Vista Drive and 166 feet east of its intersection with Wadsworth Street and on parcels fronting South Monroe Street between Orange Avenue and 125 feet south of its intersection with East Magnolia Drive).</p> <p>9. Bed and breakfast inns; as governed by Section 10-412.</p> <p>10. Camera and photographic stores.</p> <p>11. Cocktail lounges</p>	<p>20. Laundromats, laundry and dry cleaning pick-up stations with drive-through facilities (only allowed on parcels fronting West Tennessee Street between Buena Vista Drive and 166 feet east of its intersection with Wadsworth Street and on parcels fronting South Monroe Street between Orange Avenue and 125 feet south of its intersection with East Magnolia Drive).</p> <p>21. Live-work units.</p> <p>22. Medical and dental offices, services, laboratories, and clinics.</p> <p>23. Mortuaries.</p> <p>24. Motor vehicle fuel sales.</p> <p>25. Non-medical offices and services, including business Non-store retailers.</p> <p>26. Nursing homes and other residential care facilities.</p> <p>27. Personal Services.</p> <p>28. Pet day care.</p> <p>29. Photocopying and duplicating services.</p> <p>30. Rental of tools, small equipment, or party supplies.</p>	<p>(1) 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.</p> <p>(2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.</p> <p><i>4. Special Exception Use</i></p> <p>Off-street parking facilities (applicable to properties in the Downtown Overlay).</p>

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<p>through design requirements. 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.</p>	<p>and bars. 12. Community facilities related to the permitted principal uses, including libraries, religious facilities, police/fire stations, and elementary, middle, high, and vocational schools. Other community facilities may be allowed in accordance with Section 10-413 of these regulations. 13. Day care centers. 14. Gift, novelty, and souvenir shops. 15. Government offices and services. 16. Hotels, motels, inns, SRO hotels, boarding houses. 17. Indoor amusements (bowling, billiards, skating, etc.). 18. Indoor theaters (including amphitheaters). 19. Laundromats, laundry and dry cleaning pick-up stations without drive through facilities.</p>	<p>31. Repair services, non-automotive. 32. Residential - any unit type. 33. Restaurants, without drive through facilities. 34. Restaurants with drive-through facilities (only allowed on parcels fronting West Tennessee Street between Buena Vista Drive and 166 feet east of its intersection with Wadsworth Street and on parcels fronting on South Monroe Street between Orange Avenue and 125 feet south of its intersection with East Magnolia Drive). 35. Retail bakeries. 36. Retail computer, video, record, and other electronics.</p>	
<p>The provisions of this district are intended to facilitate co-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</p>	<p>37. Retail department, apparel, and accessory stores. 38. Retail drug store without drive-through facilities. 39. Retail drug store with drive-through facilities (only allowed on parcels fronting West Tennessee Street between Buena Vista Drive and 166 feet east of its intersection with Wadsworth Street and on parcels fronting South Monroe Street</p>	<p>53. Retail trophy store. 54. Social, fraternal and recreational clubs and lodges, including assembly halls. 55. Structured parking, when combined with a principal use. 56. Studios for photography, music, art, dance, and voice. 57. Tailoring. 58. Veterinary services, including veterinary hospitals. 59. Warehouses, mini-warehouses, and self-</p>	

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<p>Neighborhood Overlay. To encourage pedestrian-oriented redevelopment, innovative parking strategies, mixed use development, and other urban design features within the Downtown Overlay, a 25 percent density bonus is available subject to the provisions of Sec. 10-280.7 of the Code. A 35 percent bonus is available with an Urban Planned Unit Development as found in Sec. 10-200.</p> <p>Development Standards for this zoning district are established within Division 4 applicable to the MMTD.</p>	<p>between Orange Avenue and 125 feet south of its intersection with East Magnolia Drive).</p> <p>40. Retail florist. 41. Retail food and grocery. 42. Retail furniture, home appliances, accessories. 43. Retail home/garden supply, hardware and nurseries. 44. Retail jewelry store. 45. Retail needlework shops and instruction. 46. Retail newsstand, books, greeting cards. 47. Retail office supplies. 48. Retail optical and medical supplies. 49. Retail package liquors. 50. Retail pet stores. 51. Retail picture framing. 52. Retail sporting goods, toys.</p>	<p>storage; legally established and in existence on 11-25-2008.</p> <p>60. 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 Lake Bradford Road & Providence Neighborhood Overlays (See Section 10-168)</p>	
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(Ord. No. 06-O-04AA, § 4, 2-22-2006; Ord. No. 08-O-19AA, § 3, 7-9-2008; Ord. No. 08-O-42AA, § 1(Exh. C), 11-25-2008; Ord. No. 09-O-18, § 4, 5-27-2009; Ord. No. 10-O-14AA, § 6, 2-23-2011; Ord. No. 13-O-03, § 13, 8-28-2013; Ord. No. 14-O-46AA, § 1, 1-28-2015; Ord. No. 15-O-17AA, § 8(Exh. C), 8-26-2015; Ord. No. 16-O-05, § 2(Exh. A), 5-18-2016; Ord. No. 16-O-26, § 2(Exh. A), 10-26-2016; Ord. No. 18-O-25, § 1, 1-30-2019)

Sec. 10-170. Residential preservation district.

(a) *Purpose and intent.*

(1) The residential preservation district is characterized by existing homogeneous residential areas within the community which are predominantly accessible predominantly by local streets. The primary function of the residential preservation district is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office and industrial activities are prohibited in the residential preservation district (certain nonresidential activities may be permitted as home occupations—see article VII of this chapter, supplementary regulations). Single-family, duplex residences, mobile home and cluster housing may be permitted in the residential preservation district within a range of zero to six units per acre. Compatibility with surrounding residential type and density shall be a major factor in the authorization of

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development approval and in the determination of the permissible density. No development in the residential preservation district shall be permitted which violates the provisions of policy 2.1.1 of the future land use element of the 2010 Comprehensive Plan.

- (2) For residential preservation areas outside the urban service area the density of the nonvested development in residential preservation area shall be consistent with the underlying land use category: no more than one unit per ten acres in the rural category; no more than one dwelling unit per acre (clustered) or one dwelling unit per three acres (not clustered) in the urban fringe category. The residential preservation land use category is divided into five zoning districts based upon existing development patterns and service provision:
 - a. RP-1;
 - b. RP-2;
 - c. RP-MH;
 - d. RP-UF; and
 - e. RPR.
- (3) The intent of the districts listed in subsections (2)a. through e. of this section are as follows:
 - a. The RP-1 district is intended to apply to residential development in areas designated "residential preservation" on the future land use map, preserving single-family residential character, protecting from incompatible land uses, and prohibiting densities in excess of 3.6 dwelling units per acre.
 - b. The RP-2 district is intended to apply to residential development in areas designated "residential preservation" on the future land use map, preserving the low density residential character of single-family, two-unit townhouse and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of six dwelling units per acre.
 - c. The RP-MH district is intended to apply to residential development in areas designated "residential preservation" on the future land use map, preserving the low density residential character of manufactured home, mobile home, and conventional single-family and duplex residential development, providing protection from incompatible land uses and intensities, and prohibiting densities in excess of six dwelling units per acre.
 - d. The RP-UF district is intended to apply to residential development in areas designated as both "urban fringe" and "residential preservation" on the future land use map, preserving the low intensity residential character of conventional single-family residential and manufactured home, mobile home, development, protecting from incompatible land uses and intensities, preventing the premature development of land at intensities not supportable by existing infrastructure or services, and prohibiting densities in excess of 3.6 dwelling units per acre in platted subdivisions, one dwelling unit per acre (net) for clustered developments on unplatted lots, or one unit per three acres, for all other developments.
 - e. The RP-R district is intended to apply to residential development in areas designated as both "rural" and "residential preservation" on the future land use map, preserving the very low density rural residential character of conventional single-family residential and manufactured home, mobile home, development, protecting from incompatible land uses and intensities, preventing inefficient development patterns, and prohibiting

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- densities in excess of 3.6 dwelling units per acre in platted subdivisions, or one dwelling unit per ten acres on unplatted lots.
- (4) Applications for rezoning to any and all of the residential preservation districts shall include review to ensure compatibility with existing and surrounding residential type and density.
- (b) *Allowable uses.* For the purpose of this chapter, the following land use types are allowable in the RP-1, RP-2, RP-MH, RP-UF and RP-R zoning districts and are controlled by the land use development standards of this chapter, the comprehensive plan and schedules of permitted uses.
- (1) Low density residential.
 - (2) Passive recreation.
 - (3) Active recreation.
 - (4) Community services.
 - (5) Light infrastructure.
- (c) *List of permitted uses.* See schedules of permitted uses, subsections 10-241(a) and (b). Some of the uses on these schedules are itemized according to the standard industrial code (SIC). Proposed activities and uses are indicated in the schedules. The 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.
- (d) *Development standards.* All proposed development shall meet the land use development criteria specified in subsection 10-241(b); commercial site location standards (section 10-174); 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).
- (Code 1984, ch. 27, § 10.3(J); Ord. No. 95-O-0025AA, 9-13-1995; Ord. No. 96-O-0033AA, § 7, 12-11-1996; Ord. No. 97-O-0027AA, §§ 6—12, 7-8-1997; Ord. No. 02-O-88AA, § 2, 10-23-2002)

Sec. 10-429. Development Standards for Dense Residential Uses next to Properties which are Protected Residential.

- (a) *Applicability.* For the purposes of section 10-429, the terms listed below are defined as follows:
- (1) *Protected residential* means any property developed with a single-family residence, duplex, or triplex to a density of less than or equal to eight 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.
 - (2) *Dense residential* means a residential building on a parcel larger than one-half acre developed at a density of greater than 14 units per acre.
- (b) *Standards.* All new dense residential projects which require a Type A or Type B site plan review pursuant to section 9-154 or section 9-155, which are adjacent to or across the street from a property which is protected residential shall meet the following regulations:
- (1) *Transparency.* Reflective glass (which provides for less than 70 percent light transmission) is prohibited. Transparency must be provided as indicated in the table below titled "Transparency Standard for Dense Residential". Properties in the MMTD design review districts are subject to a separate transparency standard in article IV, division 4 of this

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chapter (Downtown overlay regulating plan and multi-modal transportation district standards).

Transparency Standard for Dense Residential

		Dense Residential Units in:	
		Single Use Buildings Citywide	Mixed Use Buildings Citywide
1	Elevations with frontage on a public roadway	30% at eye level ¹	60% at eye level ¹
2	Elevations at an angle to a public roadway	15% at eye level ¹	30% at eye level ¹
3	Each floor above the first floor in rows 1 and 2 above	15%	15%
¹ Eye level is between 3 and 8 feet above the finished grade.			

(2) *Facade articulation.* No street-facing facade shall exceed 50 feet in length without at least a minimum two-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 two-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 article IV, 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 section 10-177.

(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

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

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If any of the above location criteria are met, a height step back is required and shall vary based on the first floor elevation of the dense residential use in relation to the first floor elevation of the protected residential use as follows:

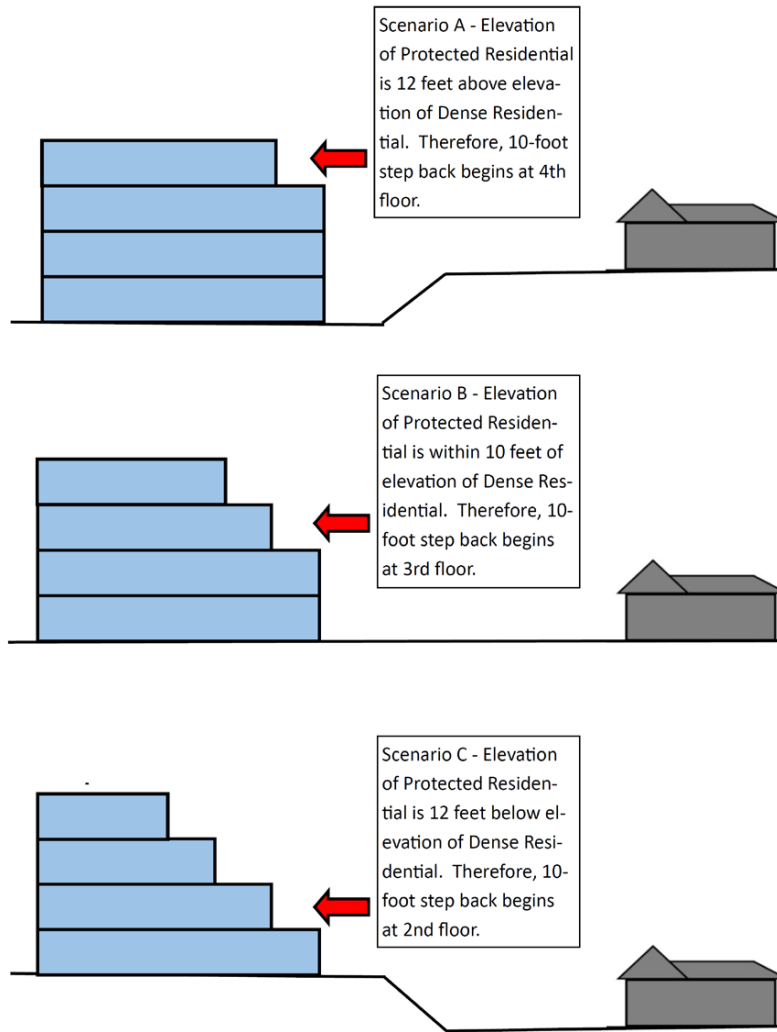
1 st Floor Elevation of Protected Residential versus Dense Residential Use		Height Step Back Begins At
A.	Protected Residential > 10 ft. above	3 rd floor plus 1 additional floor per 10 ft. of elevation difference
B.	Protected Residential < or equal to 10 ft. above or below	3 rd floor
C.	Protected Residential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

The floors identified in the table above, and each successive floor, must be each stepped back a minimum of ten feet from the floor below it where adjacent to or across the street from 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 not permitted due to the building step back along the protected residential elevation. This standard is visually represented by the illustration titled "Height Step Back".

- (7) *Outdoor uses.* There shall be no active recreation uses allowed within 200 feet of any property which is protected residential.
 - (8) *Access.* If a dense residential driveway exit is located on a local street across from a property which is protected residential, it shall be sited across from the shared property boundary of the individual protected residential lots to minimize the extent to which automobile headlights shine into the windows of residences.
- (c) Section 10-429 does not apply to the following:
- (1) Proposed dense residential developments adjacent to or across the street from properties which are protected residential that are currently developed and occupied by a legally existing non-conforming use; or
 - (2) Proposed dense residential developments adjacent to or across the street from isolated properties which are protected residential comprised of less than three units on less than three 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 dense residential development, provided the change of use does not result in a more intense use that is otherwise regulated by section 10-429.

Height Step Back

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(Ord. No. 21-O-15 , § 7, 6-16-2021)

Editor's note(s)—Prior to the reenactment of section 10-429 by Ord. No. 21-O-15 , § 7, adopted June 16, 2021, Ord. No. 15-O-04, § 13, adopted May 27, 2005, repealed the former section 10-429 in its entirety, which pertained to interim development and redevelopment standards and review process for the Capitol Center and Cascades Greenway Districts within the Gaines Street Urban Infill and Redevelopment Area, and derived from Ord. No. 05-O-55AA, § 1, adopted November 22, 2005.

Sec. 10-177. Buffer zones.

- (a) *Standards.* The following buffering standards are intended to implement the provisions of the adopted land use development matrix and applicable policies of the comprehensive plan. Should there be a conflict between the provisions of this chapter and those of the comprehensive plan and chapter 5 of this Code, the most restrictive or that imposing the higher standard shall govern.
 - (1) A buffer zone is a landscaped strip along parcel boundaries that serve a buffering and screening function between uses and zoning districts, provides an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted

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to mean that parcels within a planned mixed use development must meet these requirements.

- (2) The width and degree of vegetation required depends on the nature of the adjoining uses. The standards specified below prescribe the required width and landscaping of all buffer zones.
- (3) The standards for buffer zones are set out in the following illustrations that specify the number of plants required per 100 linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by 100 and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer.
- (4) The standards of subsections (a)(1) through (a)(3) of this section shall be applied between abutting parcels as follows:

BUFFERING AND SCREENING REQUIREMENTS

EXISTING DEVELOPMENT		PROPOSED DEVELOPMENT Land Use Code Number NONURBAN			RESIDENTIAL						COMMERCIAL					OFFICE				HEAVY COMMERCIAL/ INDUSTRIAL					
L/U Code Number	Land Use Activity	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
	NONURBAN LAND USES																								
1	Agriculture	NR	NR	NR	A	A	A	A	A	A	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	
2	Commercial forestry	NR	NR	NR	A	A	A	A	A	A	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	
3	Mining	NR	NR	NR	D*	D*	D*	D*	D*	D*	B	B	B	B	B	C*	C*	C*	C*	B	B	C*	NR	B	
	RESIDENTIAL LAND USES																								
4	One-family	NR	NR	D*	NR	NR	D*	NR	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	
5	Two-family	NR	NR	D*	NR	NR	B	NR	B	B	B	C*	C*	D*	B	A	B	A	A	C	C*	D*	D*	D*	
6	Townhouse	NR	NR	D*	B	B	NR	B	B	C*	B	C*	C*	D*	B	A	B	A	A	C*	C*	D*	D*	D*	
7	Two-unit townhouse	NR	NR	D*	NR	NR	B	NR	B	B	C*	C*	C*	D	B	A	B	A	A	C*	C*	D*	D*	D*	
8	Multi-family	NR	NR	D*	B	B	B	B	NR	C*	B	B	C*	C*	B	A	B	A	A	C*	C*	D*	D*	D*	
9	Mobile Home Park	NR	NR	D*	B	B	B	B	C*	NR	B	B	C*	C*	B	A	B	A	B	C*	C*	D*	D*	D*	
	COMMERCIAL LAND USES																								
	Shopping Centers																								
10	<20,000 sf	NR	NR	B	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	A	NR	NR	B	B	B	C*	B	
11	20,000-100,000 sf	NR	NR	B	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	B	NR	NR	B	B	B	C	B	
12	100,000-200,000 sf	NR	NR	B	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	B	NR	NR	B	B	B	C*	B	
13	200,000-1,000,000 sf	NR	NR	B	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	C*	NR	NR	B	B	B	C*	B	
14	Highway Commercial	NR	NR	B	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	B	NR	NR	B	B	B	C*	B	
	OFFICE LAND USES																								
15	Minor offices	NR	NR	B	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	B	B	B	C*	B
16	Office park/office buildings	NR	NR	B	B	B	B	B	B	B	A	B	B	C*	B	NR	NR	NR	NR	B	B	B	C*	B	
17	Minor	NR	NR	B	A	A	A	A	A	A	NR	NR	NR	NR	NR	NR	NR	NR	NR	A	A	A	C*	A	
18	Major	NR	NR	B	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	NR	NR	A	A	B	C*	B	
	HEAVY COMMERCIAL/INDUSTRIAL LAND USES																								
19	Warehousing/distribution	NR	NR	B	D*	D*	B	D*	D*	D*	B	B	B	B	B	B	B	A	A	NR	NR	A	C*	A	
20	Retail w/outside storage	NR	NR	B	D*	D*	B	D*	D*	D*	B	B	B	B	B	B	B	A	A	NR	NR	A	C*	A	
21	Light manufacturing	NR	NE	C*	D*	D*	D*	D*	D*	D*	B	B	B	B	B	B	B	A	B	A	A	NR	C*	A	
22	Heavy manufacturing	NR	NR	NR	D*	D*	D*	D*	D*	D*	C*	C*	C*	C*	C*	D*	D*	B	C*	B	B	C*	NR	B	
23	Transportation/utilities	NR	NR	B	D*	D*	D*	D*	D*	D*	B	B	B	B	B	B	B	A	B	A	A	C*	B	NR	

	COMMUNITY SERVICES																								
24	All elementary and/or secondary schools subject to Type "C" site plan (middle or high)	NR	NR	NR	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**	D**

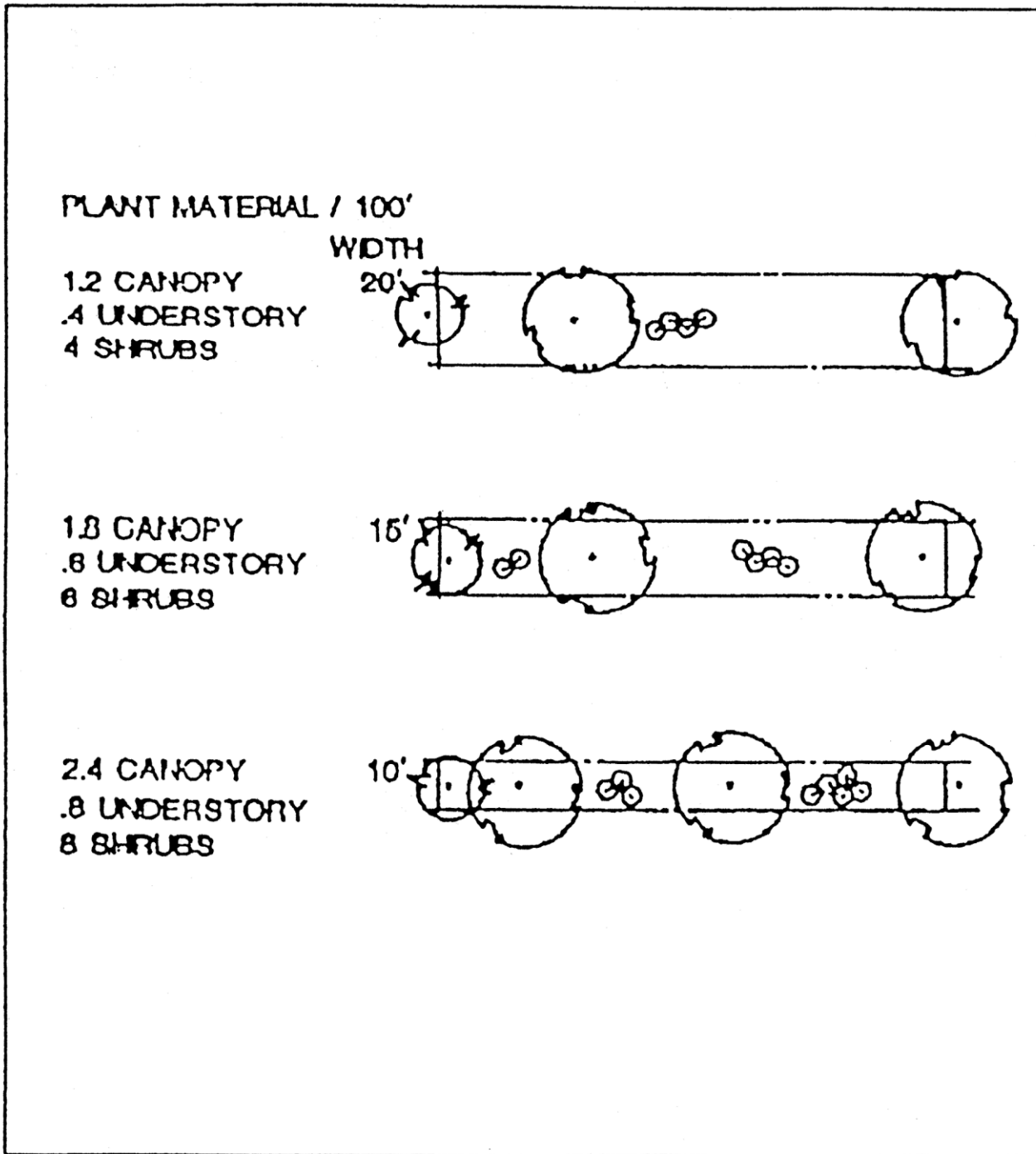
KEY:

A, B, C, and D indicate accompanying landscape standards that must be used.
NR indicates that no buffering is required.

NOTES: To determine the required buffer:

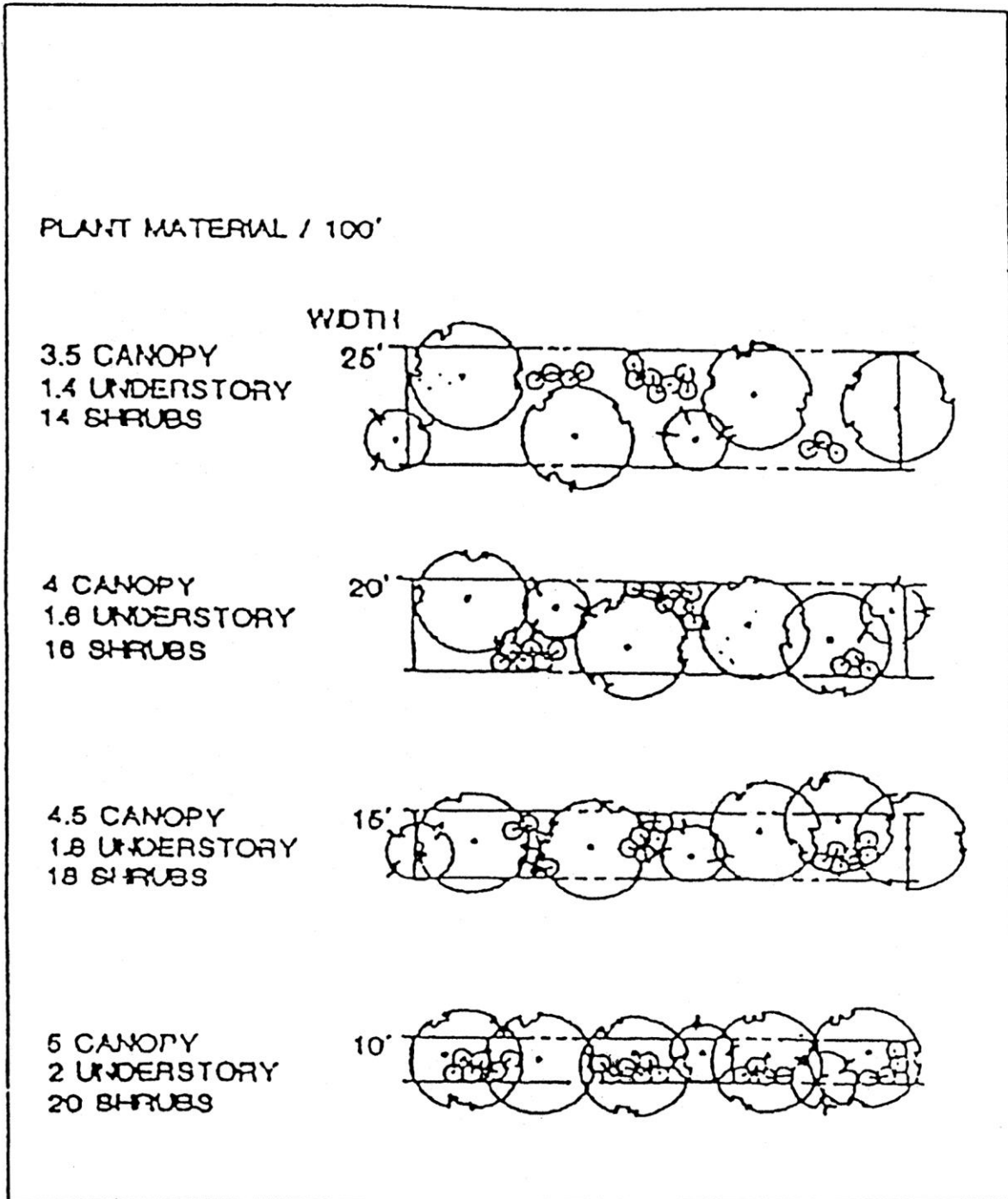
- (1) Locate/Existing adjacent use on left side of table;
- (2) Locate "Land Use Code Number" of proposed use at top of table;
- (3) Read Down in row of Existing Adjacent Use in final buffer requirements.
- (4) * A buffer fence shall be provided when a Type C buffer or a 30-foot Type D buffer is required.
- (5) ** A Type 2 Urban Buffer as specified in §10-285, Table 11 may be substituted for a Type D Buffer.

Landscape Standard "A"



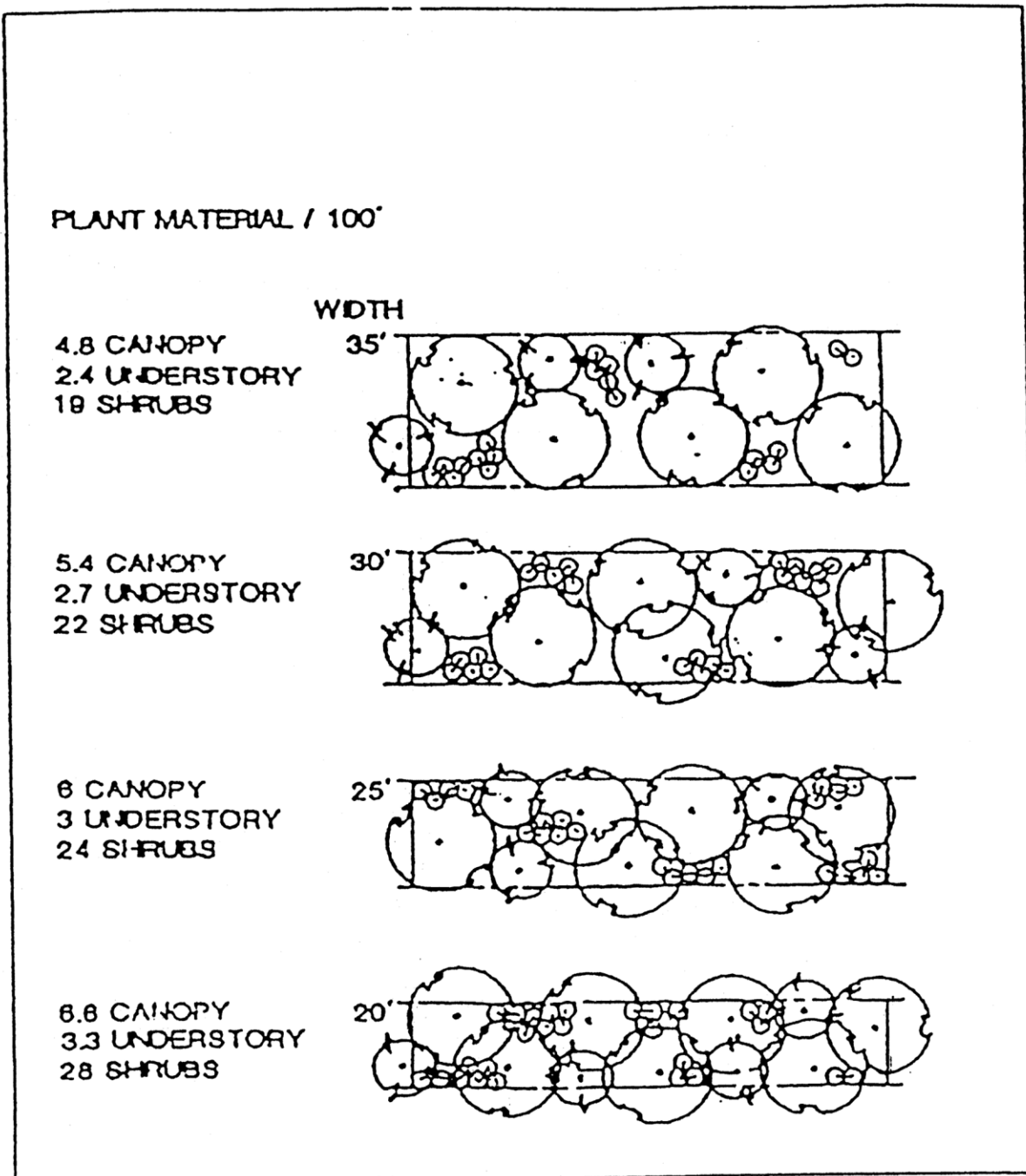
Landscape Standard "A"

Landscape Standard "B"



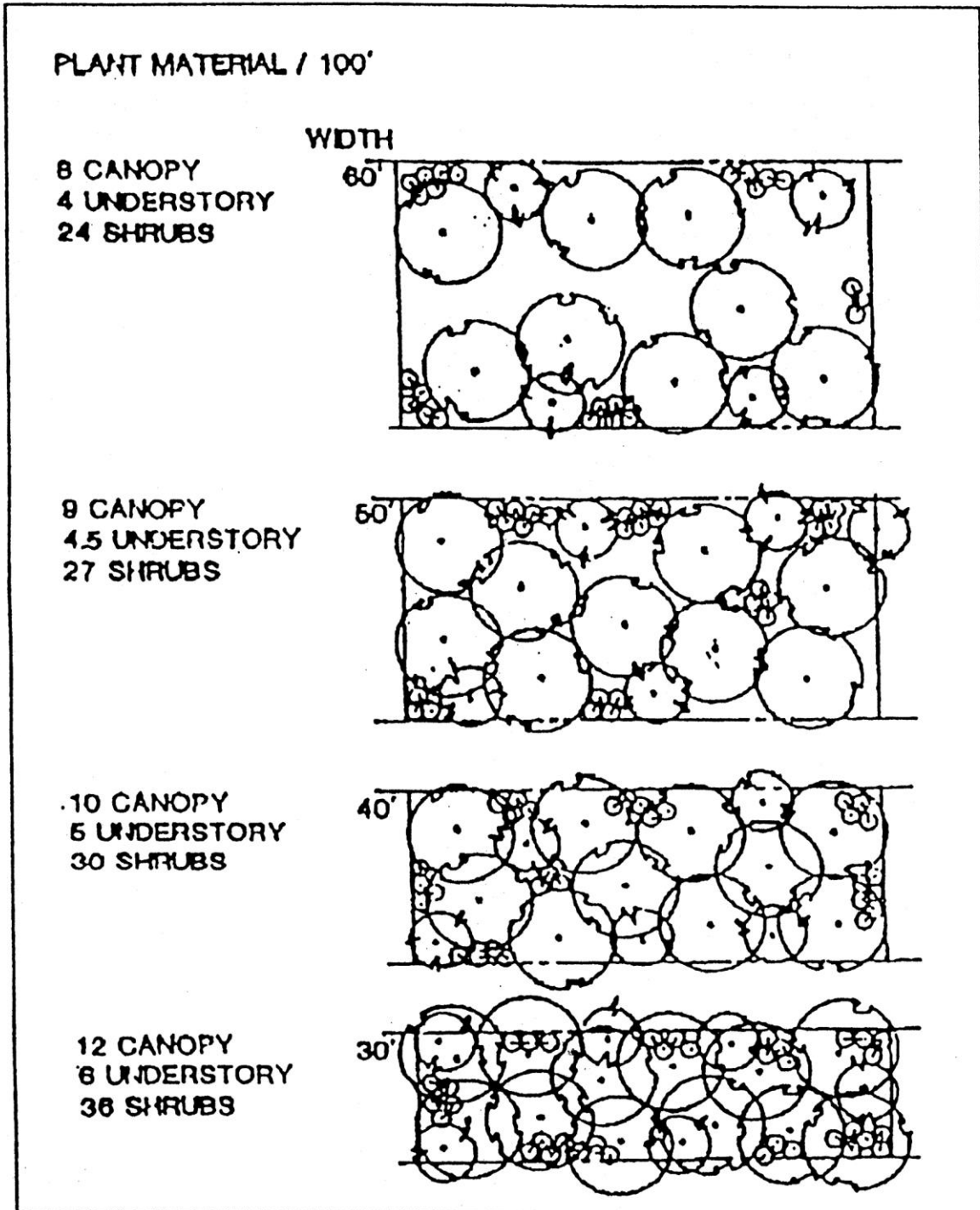
Landscape Standard "B"

Landscape Standard "C"



Landscape Standard "C"

Landscape Standard "D"



Landscape Standard "D"

- (5) Buffering for mixed use developments shall be based on the more intense use in the building or cluster of buildings.

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- (6) The use of existing native vegetation in buffer zones is preferred. If a developer proposes to landscape a buffer zone with existing native vegetation, the staff forester may recommend, and the development review committee may allow, a waiver from the strict planting requirements of this section if:
 - a. The waiver is necessary to prevent harm to the existing native vegetation; and
 - b. The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the waiver.
- (7) The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, the lower standards will be tolerated until the nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this chapter. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.
- (8) Buffer alternative for conversions of existing structures and additions to existing structures. As an alternative to providing the landscape buffers required in subsection (a)(4) of this section, proposed conversions of existing structures (with no additions) and proposed additions to existing structures (up to a maximum of 50 percent increase from the size of the existing structure) may choose to install an opaque fence that is a minimum of six feet in height along the entire length of the property line adjoining the affected land use only if the affected adjoining site is in the same or a more intensive zoning district than the subject property. The fence shall be of a finished masonry, wood or natural plant material. For the purposes of this subsection, the relative intensity of zoning districts shall be based on the number and type of permitted uses and the maximum density/intensity allowed in a zoning district. If a question arises as to the relative intensity of zoning districts, the land use administrator shall make the final decision. If the owner of the affected adjoining site and the applicant both agree that a fence is not a desirable alternative, then a fence shall not be provided and the landscape buffer that must be provided is to the greatest extent possible that is reasonable and feasible. In order to enact this provision, written confirmation from both the owner of the adjoining site and the applicant shall be provided to the land use administrator in a form that is acceptable to the city attorney.
- (b) *Use of buffer areas.* No accessory structures, garbage or trash collection points or receptacles, parking or any other functional use contrary to the intent and purpose of this chapter shall be permitted in a required buffer area. This does not prohibit the combining of compatible functions such as landscaping, drainage facilities, passive recreation areas and preservation areas into an effective and beneficial multiple use of the subject land resource.
- (c) *Use of native plants.* Forty percent of the total number of individual plants selected from each of the categories of the list of approved species (canopy, understory, shrub, groundcover) and used to satisfy the requirements of this chapter shall be selected from the list of native species in the category.
- (d) *Environmental management ordinance.* All development must be consistent with chapter 5 of this Code.
- (e) *Determination.* Determination of applicable buffering standards shall be made at the time of final disposition of the application by the entity with authority to approve the plan of development as specified in chapter 9, article IV of this Code.
- (f) *Buffer fence standards.* The following standards shall apply:

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- (1) Whenever a buffer fence is required it shall be a minimum of eight feet in height, unless the applicant can demonstrate that the intent of this chapter will be met by a fence of lesser height under the particular circumstances.
- (2) The buffer fence installation shall be incorporated as early as possible in the sequence of construction.
- (3) The buffer fence shall be solid opaque, constructed of durable materials consistent with the materials of surrounding neighborhoods and shall include provisions for access to all landscape material.
- (4) The side of a fence facing the less intensive use shall have a finished appearance.
- (5) When residential uses buffer against other uses, the planting materials shall be located on the outside of the fence. When non-residential uses buffer against residential uses, the planting materials shall be located on the inside of the fence.
- (6) Fencing shall be maintained in perpetuity.

(g) *Additional standards for non-residential or dense residential projects adjacent to existing properties which are protected residential.* For the purposes of subsection (g), the terms listed below are defined as follows:

Dense residential means a residential building on a parcel larger than one-half acre developed at a density of greater than 14 units per acre.

Protected residential means any property developed with a single-family residence, duplex, or triplex to a density of less than or equal to eight 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.

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 two stories) adjacent to properties which are protected residential. Subsection (g)(1), applies to a non-residential or dense residential project which is required to obtain site plan review pursuant to sections 9-154—9-157, which is adjacent to three or more contiguous lots which are protected residential, and which is greater than two 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 section 10-177, (if located outside of the MMTD) or in subsection 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:

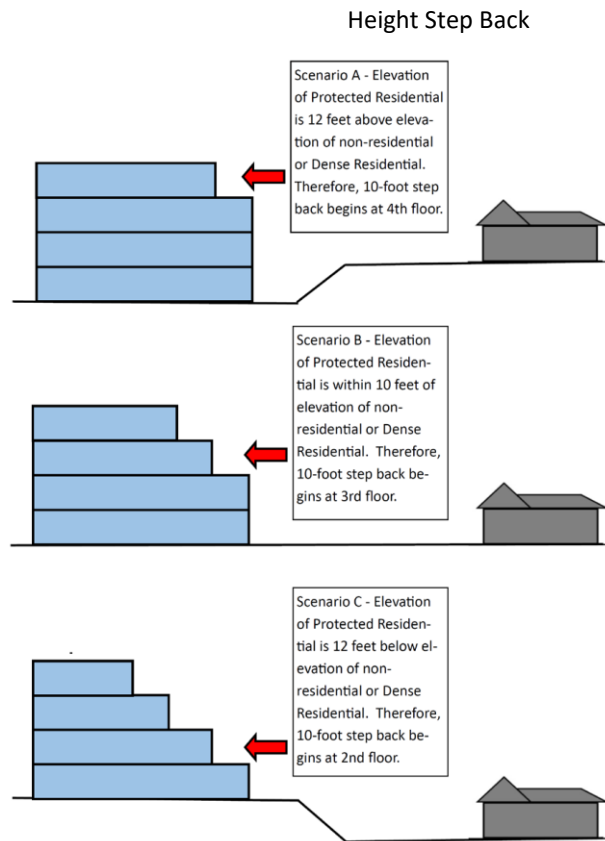
- a. The buffer identified in subsection 10-177(a)(4), if located outside of the MMTD or in subsection 10-284.3(a)(1) if located inside of the MMTD; and
- b. One of the following:
 - (i.) *Height step back.* A height step back is required and shall vary based on the first floor elevation of the non-residential or dense residential use in relation to the first floor elevation of the protected residential use as follows:

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

The floors identified in the table above, and each successive floor, must be each stepped back a minimum of ten 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 back along the protected residential elevation. This standard is visually represented by the illustration titled "Height Step Back".



(ii.) *Tall tree buffer.* 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 subsection (a)(4) (if located outside of the MMTD) or in subsection 10-284.3(a)(1) (if located inside of the MMTD). Understory trees and shrubs are also required by the noted citations.

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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 three 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 subsection (g)(1)b.i.

Trees with Mature Minimum Height of at Least 50 Feet¹

Scientific Name	Common Name	Mature Height (feet)
<i>Carya illinoensis</i>	Pecan	70—100
<i>Carya tomentosa</i>	Mockernut Hickory	60—80
<i>Fagus grandiflora</i>	American Beech	50—75
<i>Fraxinus Americana</i>	White Ash	50—80
<i>Fraxinus pennsylvanica</i>	Green Ash	60—70
<i>Liriodendron tulipifera</i>	Tulip Poplar	80—100
<i>Magnolia grandiflora</i>	Southern Magnolia	60—80
<i>Nyssa sylvatica</i>	Black Tupelo	65—75
<i>Pinus elliottii</i>	Slash Pine	75—100
<i>Pinus serotina</i>	Pond Pine	70
<i>Pinus taeda</i>	Loblolly Pine	50—80
<i>Pinus palustris</i>	Longleaf Pine	60—80
<i>Platanus occidentalis</i>	American Sycamore	75—90
<i>Quercus alba</i>	White Oak	60—100
<i>Quercus bicolor</i>	Swamp White Oak	50—70
<i>Quercus coccinea</i>	Scarlet Oak	60—75
<i>Quercus falcata</i>	Southern Red Oak	60—80
<i>Quercus nuttallii</i>	Nuttal Oak	60—80
<i>Quercus phellos</i>	Willow Oak	60—75
<i>Quercus shumardii</i>	Shumard Oak	55—80
<i>Quercus virginiana</i>	Live Oak	60—80
<i>Taxodium distichum</i>	Bald Cypress	60—80
<i>Ulmus Americana</i>	American Elm	70—90
<i>Washingtonia Robusta</i>	Washington Palm	70—100

¹ The minimum planting size is a two-inch caliper tree, measured six inches above the soil line.

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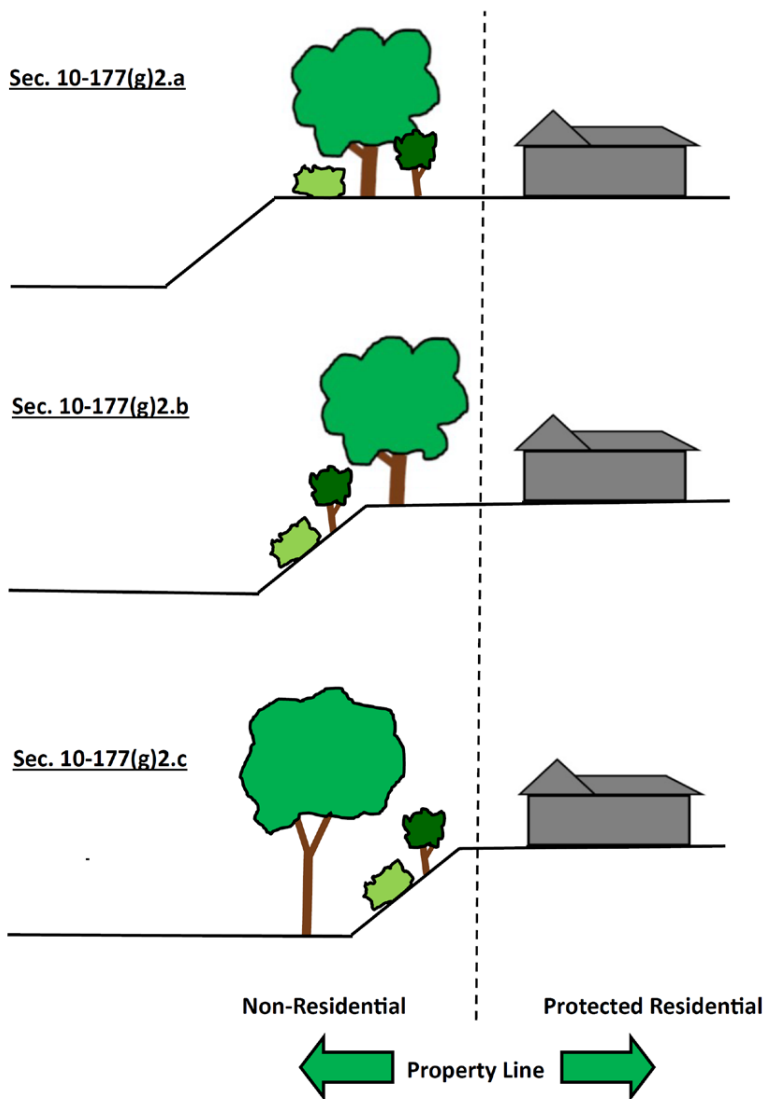
- (2) Site grading. If a non-residential or a dense residential site is graded to reduce the elevation of the developed portion of site below an adjacent property which is protected residential, the perimeter landscaping shall be located as follows:
- a. The perimeter landscape buffer may be provided at the higher, pre-grading elevation;
 - 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 subsection (g)(1)b.(ii.).

This standard is visually represented by the illustration titled "Perimeter Landscaping at Graded Sites".

- (3) Subsection (g) 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 three units on less than three 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 subsection (g).

Perimeter Landscaping at Graded Sites

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(Code 1984, ch. 27, §§ 13.1—13.5; Ord. No. 95-O-0025AA, 9-13-1995; Ord. No. 99-O-0058AA, § 5, 1-26-2000; Ord. No. 02-O-88AA, § 5, 10-23-2002; Ord. No. 06-O-43, § 5, 7-12-2006; Ord. No. 15-O-17AA, § 3, 8-26-2015; Ord. No. 21-O-15, § 2, 6-16-2021)

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APPENDIX 3

Photos of public notice signage

