



**2024 Comprehensive Plan Amendment Cycle  
TMA2024008  
Anchor School**



**SUMMARY**

<b>Property Owners:</b>	<b>Property Location:</b>	<b>Amendment Type:</b>
G.W.C. LEE LLC; Diane Roberts	1726 Mahan Drive 1728 Mahan Drive	City Small Scale Map Amendment
<b>Applicant:</b> Anchor School Inc.		
<b>TLCDP Staff:</b>	<b>Current Future Land Use &amp; Zoning:</b>	<b>LPA Recommendation:</b>
Jacob Fortunas	Future Land Use: Residential Preservation Zoning: Residential Preservation 2	Adopt
<b>Contact Information:</b>	<b>Proposed Future Land Use &amp; Zoning:</b>	<b>Staff Analysis:</b>
Jacob.Fortunas@talgov.com 850-891-6418	Future Land Use: Urban Residential 2 Zoning: Medium Density Residential	Consistent with Comprehensive Plan
Date: 11/30/2023	Updated: 03/087/2024	

## A. EXECUTIVE SUMMARY

If approved, this map amendment would change the allowable land uses for two adjacent parcels of land totaling 1.51-acres fronting Mahan Drive east of Marys Drive. The existing Future Land Use Map (FLUM) designation of these parcels is Residential Preservation (RP). The proposed amendment would change the FLUM designation to Urban Residential 2 (UR-2). The UR-2 category allows for multiple residential options including townhouses, single-family detached, two-family and multiple-family dwelling units as well as open space/recreation and community facilities related to residential uses.

A rezoning application will be processed concurrently with this amendment. A zoning change from Residential Preservation 2 (RP-2) to Medium Density Residential (MR) will be processed to implement the proposed FLUM. The proposed zoning allows residential density at a minimum of 6 units per acre and a maximum of 16 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 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.

Included this consideration are the following:

- 1) Does the area meet the criteria for designation as Residential Preservation?
- 2) Does the area better meet the criteria for Urban Residential 2?

Based on staff analysis, the subject properties do not align with the intent of the Residential Preservation FLUM district. The subject properties front Mahan Drive, a principal arterial road, and the traffic is not predominantly local in nature. Building types within the subject area are not homogeneous (nor residential) with surrounding lots, and the subject area is not part of a neighborhood organization.

The concurrent rezoning determines the allowed uses and the density (number of dwelling units per acre) of development on the site. The staff analysis of the rezoning is that the subject site serves as an appropriate transition to residential uses; is located between existing homogenous Residential Preservation districts and a major roadway; is adjacent to public transit stops; and provides for efficient use of public infrastructure, supporting the intents of the land use and zoning district.

If the Land Use and/or 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 or County 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 review includes neighborhood compatibility standards and other buffering and screening standards intended to protect and promote compatibility with the existing nearby RP neighborhood to the north of the subject site.

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 4* 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 states that they seek this land use change for the establishment of a private K-12 educational facility. The existing FLUM designation and zoning do not allow for the applicant’s intended use. *This analysis does not determine suitability of intended uses, but rather consistency of requested FLUM designation and zoning with the Comprehensive Plan.*

## **C. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION**

Based on a 4-1 decision by the LPA on March 5, 2024, the LPA recommends that the City Commission 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 approve the proposed amendment.

Additionally, on March 5, 2024, in a 4-1 decision, the LPA recommends that the City Commission 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.

The Local Planning Agency discussed the amendment at its February 6, 2024 meeting. The LPA voted to continue the item to March 5, 2025 and directed staff to bring back information on the applicant’s intent for the property including whether or not the amendment would be pursued.

Staff ascertained that the applicant intends to continue with the requested future land use map change (and rezoning). The applicant’s intent is to establish a K-12 school at the site.

According to the application, the Anchor Academy is currently operating as a private preschool, daycare facility. The current Residential Preservation land use and zoning allow the existing daycare. The application states the daycare has been at 1726 Mahan Drive for over 20 years. It has operated in the community having preschool, private tutoring, and summer camp services. Due to land use and land development code requirements, the preschool daycare is not able to expand or to become a K-12 facility.

The intent is to establish a private Kindergarten - Twelfth grade school providing educational opportunities to children who benefit from smaller classrooms, small group instruction, and differentiated learning curriculums. The application request states that it will increase the availability of jobs, vocational training, and robust educational opportunities for children, young adults, and families. The applicant indicates that the number of students at the campus

has not yet been determined, and would follow after the successful completion of the future land use map change and the accompanying rezoning. The approval of the future land use map amendment and rezoning would not preclude the applicant from meeting all applicable land development code requirements, including those for a school, during any development review process.

#### **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.

Staff finds 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:

1. Policy 2.2.3 [L] of the Comprehensive Plan define criteria for Residential Preservation including that the “majority of traffic is local in nature.” Given the parcel(s) in question front a principal arterial (Mahan Drive), which primarily carries through traffic, the existing Future Land Use designation is incongruent with the fronting roadways at this location.
2. Policy 2.2.24 [L] states that the land use category (Urban Residential 2) is to be applied within the Urban Services Area (USA). The subject parcels are within the Urban Services Area.
3. Policy 2.2.24 [L] states that the intent of the land use category (Urban Residential 2) is to reduce urban sprawl and maximize the efficiency of infrastructure. Establishment of the land use category should aid in mitigating sprawl by allowing for land uses that can reduce vehicle miles traveled. This reduction may be attributed to decreasing overall distances between residences and services.
4. Policy 2.2.24 [L] states that land use category (Urban Residential 2) may serve as a transition category between lower density residential categories and more intensive development, including major roadways. The subject parcel(s) are located between the established Brandt Hills neighborhood and the principal arterial of Mahan Drive. Additionally, the policy states that this category should be applied where alternative modes of transportation are available. The subject

parcel(s) are within a quarter mile of three separate bus stops (although one of these bus stops is across Mahan Drive with no crosswalks within 1200ft of the subject parcel(s)).

5. Policy 2.2.3 [L] defines criteria for the Residential Preservation land use that should be applied. Section F of this report concludes that the subject parcel(s) are inconsistent with these criteria.

## **F. SUMMARY OF FINDINGS**

Staff presents the following findings of fact:

The subject site includes parcels 1129206030000 and 1129206040000 fronting westbound Mahan Drive between Marys Drive and Blair Stone Road.

### History and Background

1. Historic imagery dating back as far as 1937 show that the subject site was once used as pasture or agriculture with the presence of some structures.
2. The development of the Capital Hills subdivision to the west of the subject area occurred around 1956 while the development of the Brandt Hills subdivision directly to the north of the subject site occurred around 1963. Construction of Marys Drive occurred concurrently with development of Brandt Hills based on historical imagery.
3. Mahan Drive was widened from two lanes to four lanes between 1970 and 1983.

### Previous Commission Consideration

1. 1999 Map Amendment (99-1-M-005): The application requested a change from the FLUM designation of Residential Preservation to Mixed Use B and a concurrent rezoning to Medium Density Residential Office Development Pattern. This request was denied following recommendation from the TLCPD. Staff analysis at the time found that the existing neighborhood was still viable as a low-density residential area. Additionally, the amendment was opposed by the public living in the adjacent Residential Preservation neighborhood(s) due to concerns of higher intensity development adjacent to their homes.
2. 2005 Map Amendment (2005-2-M-009): This application requested a FLUM change from Residential Preservation to Neighborhood Boundary and a concurrent rezoning from Residential Preservation 2 (RP-2) to Neighborhood Boundary Office (NBO). This application included the parcel to the west of the subject site and two parcels to the east of the subject site. Of these, only one parcel (1129206030000) requested the change with redevelopment intentions (office) while the other three parcels did not apply with intention of redevelopment. Staff analysis found the proposed amendment consistent with the Comprehensive Plan and recommended adoption. This application was denied on October 6, 2005 at the Joint City-County

Commission Comprehensive Plan Public Hearings on the Adoption of 2005-2  
Cycle Amendments and Implementing Rezoning Ordinances.

Current and Proposed Future Land Use Categories

The Subject Area is currently designated Residential Preservation on the Future Land Use Map (FLUM). The proposed amendment would change the FLUM designation of the subject parcels to Urban Residential 2. A summary of the current and proposed FLUM 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 Urban Residential 2 (Policy 2.2.24 [L]) are included as Appendix #1.

***Residential Preservation (Current)***

The Comprehensive Plan addresses the Residential Preservation future land use category in Policy 2.2.3, which states, “the primary function [of the Residential Land Use category] is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.” Residential Preservation areas are characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. The Residential Preservation FLUM designation allows for single-family houses, townhomes, and duplexes at a maximum density of six (6) units per acre.

***Urban Residential 2 (Proposed)***

The Urban Residential 2 FLUM category allows for residential uses up to a density of 20 units per acre (the proposed zoning of Medium Density Residential will limit this density to 16 units per acre). The intent of this district is to encourage a range of house types available, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of readily available infrastructure such as utilities, transit, and sidewalks. Urban Residential 2 may serve as a transitional area between lower density residential areas and more intensive land uses and roadways. Community facilities such as schools are allowable uses.

**Determination for Future Land Use Map Amendment**

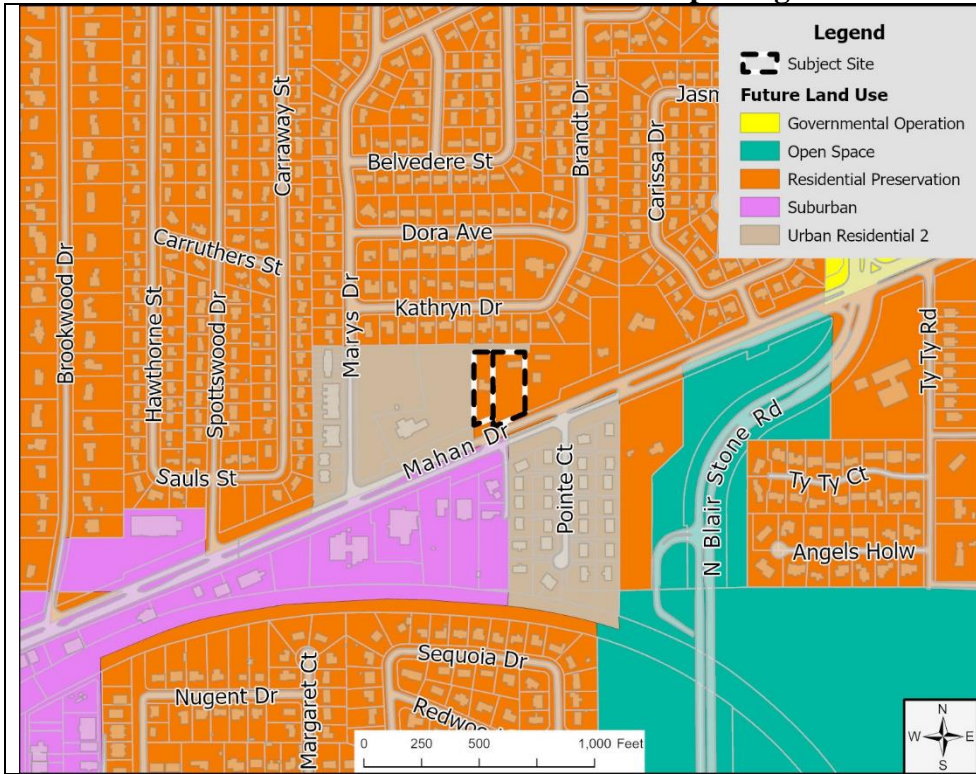
- 1) *Does the area meet the criteria for designation as the current land use designation of Residential Preservation (RP)?*

No. The subject site is located along Mahan Drive, a principal arterial road, and the traffic is not predominantly local in nature, as is expected in the Residential Preservation FLUM categories. Additionally, building types within the subject area are not homogeneous (nor residential) with surrounding lots, and the subject area is not part of a neighborhood organization.

- 2) *Does the area better meet the criteria for the proposed land use designation of Urban Residential 2 (UR-2)?*

Yes. The applicant's parcels are situated between the principal arterial roadway of Mahan Drive and the established single-family detached subdivision of Brandt Hills. Per Policy 2.2.24: [L] Urban Residential 2 areas are appropriate to "serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or *major roadways...*"

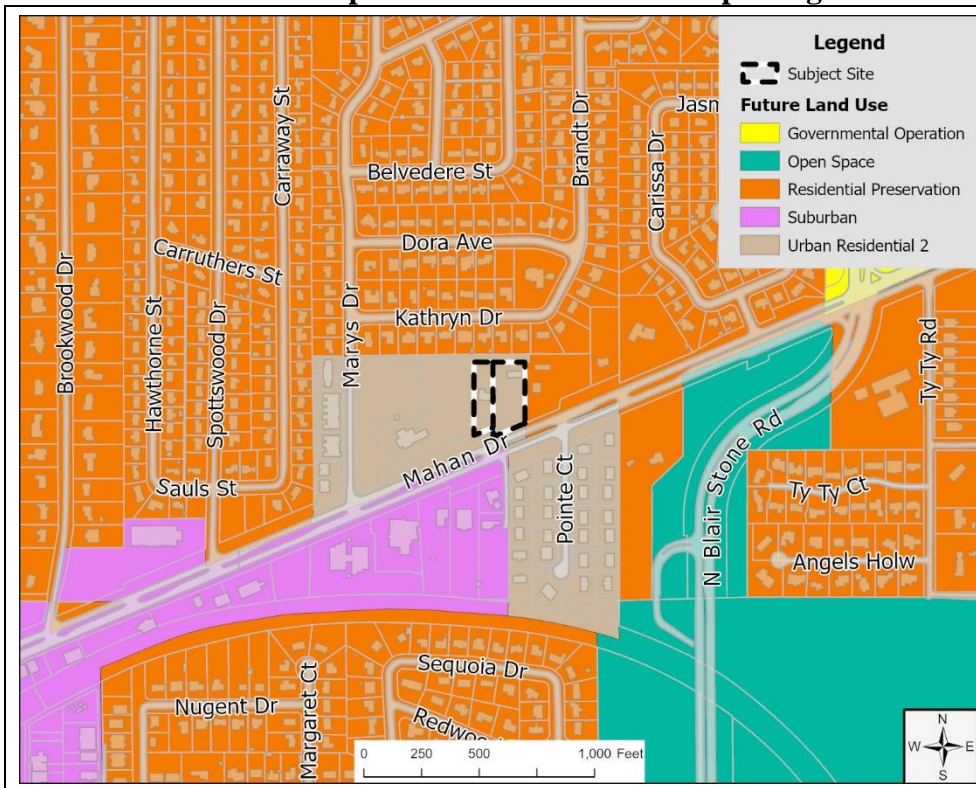
### Current Future Land Use Map Designation



#### Current Designation

- **Residential Preservation (RP)**

### Proposed Future Land Use Map Designation



#### Proposed Designation

- **Urban Residential 2 (UR-2)**



### Current and Proposed Zoning

The Subject Area is currently zoned Residential Preservation 2 (RP-2). The proposed rezoning would change the zoning designation to Medium Density Residential (MR). 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 (sec. 10-241) and Medium Density Residential (sec. 10-250) zoning are included as Appendix #2.

#### ***Residential Preservation 2 (RP-2) (Current)***

The current zoning for the subject site, Residential Preservation 2, 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 6 dwelling units per acre.

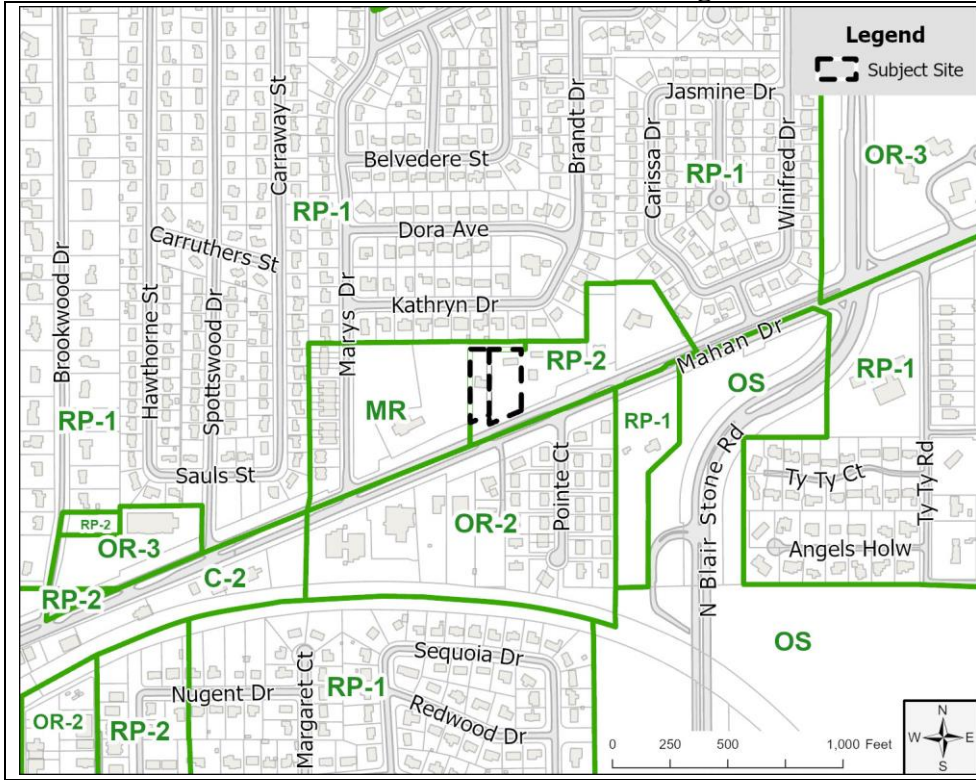
#### ***Medium Density Residential District (MR) (Proposed)***

The MR zoning district is intended to be located in areas designated Urban Residential or Suburban on the FLUM, in close proximity to more intensive non-residential uses, including commercial and office uses; and to residential compatible public facilities such as schools, parks, higher intensity roadways, and public transit. The MR district is intended to achieve densities consistent with urban development, use of public transit, and efficient use of public infrastructure. The proposed zoning allows for a maximum gross density of 16 dwelling units per acre, while the minimum gross density allowed is 6 dwelling units per acre. Certain community and recreational facilities related to residential uses are also permitted.

#### **Determination for Concurrent Rezoning**

Provided the requested Future Land Use Map amendment is approved, the proposed Medium Density Residential District zoning district implements the Urban Residential 2 land use category and conforms to the land development requirements of the MR zoning district. The subject properties are located between existing homogenous Residential Preservation districts and major roadways, are adjacent to public transit stops, and provide for efficient use of public infrastructure.

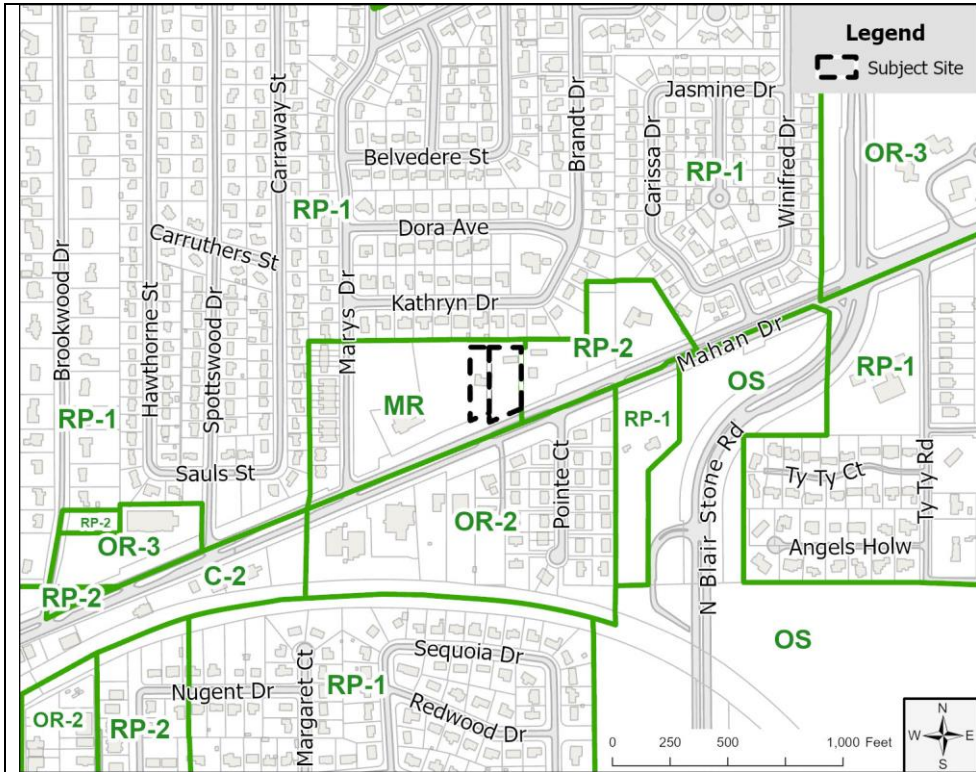
### Current Zoning



#### Current District

- **Residential Preservation 2 (RP-2)**

### Proposed Zoning



#### Proposed District

- **Medium Density Residential (MR)**

Compatibility with Adjacent and Surrounding Uses

The proposed Urban Residential 2 FLUM designation is intended to create an environment for a range of medium density residential housing types and supporting facilities. The UR-2 category is also identified as a suitable transition category between RP categories and major roadways. The proposed MR zoning district is intended to be located in close proximity to more intensive non-residential uses, including commercial and office uses; and to residentially compatible public facilities such as schools, parks, and transit facilities. The subject site is bordered by residential land uses on the north side of Mahan Drive, with primarily office and multi-family uses south of Mahan Drive. Retail, medical, and commercial uses are in close proximity directly to the west of the subject area along Mahan Drive. The subject area is located in close proximity to the Blair Stone Road multi-use trail as well as Governors Park to the east and southeast.

The Land Development Code describes requirements for buffering and neighborhood 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. Buffer information is found in Appendix 4.

**Existing Land Use Map**



### Residential Preservation Analysis

The following analysis evaluates whether the subject site is consistent with the characteristics of the Residential Preservation land use category. Policy 2.2.3 [L] sets the following criteria:

1. Existing land use within the area is predominantly residential.  
*Analysis:* The present land usage within the subject area is a day care, not residential.
2. Majority of traffic is local in nature.
  - a. Predominance of residential uses front on local streets.  
*Analysis:* Neither of the parcels of the subject area front streets designated as “local”. Mahan Drive is designated as a principal arterial.
  - b. Relatively safe internal mobility.  
*Analysis:* Safety and intermobility of the subject area would subjectively be rated as substandard due to its presence along a principal arterial (Mahan Drive) as well as a lack of interconnects to the surrounding neighborhood(s). The subject area does not provide for a safe crossing of Mahan Drive for pedestrians. The nearest crosswalks are over 2000’ to the east and west at Blair Stone Road and Magnolia Drive respectively.
3. Densities within the area generally are six (6) units per acre or less.  
*Analysis:* This criterion is non-applicable given the existing land use is non-residential.
4. Existing residential type and density exhibits relatively homogeneous patterns.  
*Analysis:* Building types within the subject area are not homogeneous (nor residential) with surrounding lots. 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:
  - a. Degree of home ownership.  
*Analysis:* As a proxy for home ownership, homestead exemption status was reviewed. As of the 2022 tax year, the west parcel of the applicant is non-homestead exempt while the east parcel (duplex) is homestead exempt. Homes within Brandt Hills are largely homestead exempt, though no other adjacent parcels fronting Mahan Drive are homestead exempt.
  - b. Existence of neighborhood organizations.  
*Analysis:* The subject area is not part of a neighborhood organization. The Greater Brant Hills Neighborhood Association and Capital Hills Neighborhood Association are located directly to the north and west of the subject area respectively.

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

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## Infrastructure Analysis

### *Water/Sewer*

City of Tallahassee water and sewer services are available to be provided to the site.

### *Schools*

The Subject Area is zoned for Kate Sullivan Elementary School, Cobb Middle School, and Leon High School. As of November 2023, the present capacity of these schools are as follows:

1. Kate Sullivan Elementary School: 405 students
2. Cobb Middle School: 719 students
3. Leon High School: 274 students

Any future redevelopment of the area would follow the site plan review process. This process includes a school concurrency impact analysis.

### *Roadway Network*

The subject site is accessible to the south by Mahan Drive (US Hwy 90; State Road 10). Mahan Drive is functionally classified as a principal arterial.

There is available capacity on Mahan Drive between Magnolia Drive and Blair Stone Road. It is not anticipated that capacity will be exceeded on either roadway in the short term through redevelopment associated with this Comprehensive Plan amendment and concurrent rezoning.

Consistent with City of Tallahassee development procedure, transportation traffic impacts and concurrency calculations will be conducted when a site plan for proposed development is submitted. The traffic impacts and concurrency review will be calculated at the time of site plan review.

### *Pedestrian and Bicycle Network*

The subject site is fronted by sidewalks on Mahan Drive. Sidewalks on Marys Drive can provide further access to the bike lanes and sidewalks of Miccosukee Road. The Goose Pond Trail along Blair Stone Road is approximately 2000ft to the east of the subject site.

### *Transit Network*

Star Metro's Azalea bus route directly services the subject site via a bus stop located at the northeast corner of Mahan Drive and Marys Drive. The Azalea line runs along US90 between the Commonwealth Business Centre at Capital Circle NW and the Fallschase Shopping Center at Buck Lake Road. Monday through Friday services is available between 6am and 7:30pm at 30 minute intervals (60min off-peak for the route's east side) and Saturdays between 6:45am and 7:30pm at 60 minute intervals.

Environmental Analysis

The site plan phase of development would require any redevelopment to meet the environmental regulations in the Land development code, including the applicable requirements for a natural features inventory. Redevelopment of the subject sites is not expected to have significant impact to environmental resources. Significant and severe slopes are present on the south and southwest portions of the subject site, but these features are not regulated within the Urban Services Area. No wetlands are present, and the subject site and expansion area are outside of the 500-year floodplain. Based on historical aerial imagery, the subject site and expansion area were clear-cut dating back to 1937.

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 category 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.

<b>Permitted Uses- Future Land Use</b>	<b>Current: Residential Preservation</b>	<b>Proposed: Urban Residential 2</b>
Residential	6 units/acre	20 units/acre
Single-Family Detached	X	X
Single-Family Attached	X	X
Two-Family Dwellings		X
Community and Recreational Facilities	*	X
Day care centers		
Commercial Goods and Services		
Mixed-Use Development		
Office		

*\*Only allowed by special exception*

<b>Permitted Uses- Zoning</b> (See Zoning Charts in Appendix #2 for detailed uses)	<b>Current: Residential Preservation 2</b>	<b>Proposed: Medium Density Residential</b>
Residential	6 units/acre	6-16 units/acre
Low Density Residential (single, two family, or manufactured home)	X	X
Single-Family Detached, Attached	X	X
Two-Family Dwellings	X	X

<b>Permitted Uses- Zoning</b> (See Zoning Charts in Appendix #2 for detailed uses)	<b>Current: Residential Preservation 2</b>	<b>Proposed: Medium Density Residential</b>
Multiple-Family Dwellings		X
Community facilities related to residential uses, including religious facilities, police/fire stations, and elementary, middle, and high schools. Libraries or vocational schools are prohibited. Other community facilities may be allowed in accordance with section 10-413 of these regulations.		X
Nursing homes and other residential care facilities		X
Day care centers		X
Golf Courses		X
Passive recreational facilities	X	X
Active recreational facilities	X	X

**G. PUBLIC OUTREACH AND NOTIFICATION**

An initial mailing was sent to 322 property owners within 1,000 feet of Subject Site.

<b>Public Outreach</b>		<b>Date Completed</b>
<b>X</b>	Applications posted to Planning Website	10/27/23
<b>X</b>	Notices Mailed to Property Owners, Renters, and Homeowners Associations within 1000 feet	11/3/23
<b>X</b>	Signs providing details of proposed land use posted on subject site	11/27/2023
<b>X</b>	Public Open House	12/7/23
<b>X</b>	Staff Reports Available Online	Feb 2024
<b>X</b>	Email Subscription Notice sent to all users of service	4/7/23 8/29/23 10/27/23 1/5/24
	Legal Ads posted	12/29/23 01/16/24

**H. 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:

<b>Cycle Meetings</b>		<b>Date Completed</b>
X	Local Planning Agency Workshop	1/17/24
X	Local Planning Agency Public Hearing	2/06/24
X	Local Planning Agency Public Hearing	3/05/24
	<b>Adoption Public Hearing</b>	<b>4/10/24</b>

**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 – A public hearing was held on February 6, 2024, to vote on the proposed amendment. Staff provided overview of the application received and the amendment and rezoning being requested. Four citizens spoke in opposition to the amendment based on impacts of traffic on Mahan Drive and based on potential compatibility issues from noise as well as the existing code compliance issue. The Local Planning Agency continued the item to its 03/05/2024 meeting with direction to staff to bring information on the applicant’s intent for development of the property.**

A second public hearing was held on March 5, 2024, where staff presented requested information pertaining to applicant intent for the parcel(s). No citizens spoke at this meeting. In a 4-1 decision, the LPA voted to recommend approval of the FLUM and zoning change to the City Commission at the Adoption Public Hearing on April 10, 2024.

**City Small-Scale Map Amendment Adoption Public Hearing – To be held on April 10, 2024.**

**I. APPENDICES**

- Appendix #1: Comprehensive Plan policies relevant to the proposed amendment
- Appendix #2: Land Development Code sections relevant to the proposed amendment and/or rezoning



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- Appendix #3: Photo of signs providing details of proposed land use and zoning changes posted on subject site
- Appendix #4: City of Tallahassee Land Development Code Sec. 10-177: Buffer Zones

## **APPENDIX 1**

### ***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.

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
  6. Predominance of residential uses front on local street
  7. 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:
  1. Degree of home ownership
  2. 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 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 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:

<b>Existing land use character of the subdivision</b>	<b>Gross residential density</b>
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.

***Policy 2.2.5: [L]***

**URBAN RESIDENTIAL 2**

(REV. EFF. 7/26/06; REV. EFF. 3/14/07; REV. EFF. 1/22/16)

The primary intent of the Urban Residential 2 land use category, which is to be applied only within the Urban Services Area, is to encourage a range of density (20 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The implementing zoning district(s) shall contain design standards as well as locational criteria in order to accomplish these goals. The Urban Residential 2 category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as open space/recreation and community facilities related to residential uses. The implementing zoning district(s) within the land development regulations shall further specify the allowable uses. Urban Residential 2 may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities. The category is not intended to be applied within the interior of an existing designated residential preservation area, unless to correct, legal non-conforming uses and/or densities. The maximum residential density within the Urban Residential 2 category is 20 units per acre.

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## APPENDIX 2

### 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 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 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. 10-267. MR Medium Density Residential District.

MR Medium Density Residential District

	PERMITTED USES	
1. District Intent	2. Principal Uses	3. Accessory Uses
The MR district is intended to be located in areas designated	(1) Community facilities related to residential uses, including religious facilities, libraries, police/fire stations, and elementary,	(1) A use or structure on the same lot with, and of a nature

<p>Urban Residential or Suburban on the Future Land Use Map of the Comprehensive Plan, in close proximity to more intensive non-residential uses, including commercial and office uses; and to residentially compatible public facilities such as schools, parks, and transit facilities. The MR district is intended to achieve densities consistent with urban development, use of public transit, and efficient use of public infrastructure. Off-street parking facilities in the MR district shall be located and designed to promote convenient access to pedestrian and mass transit facilities. The MR district shall provide for a wide range of residential housing types. The maximum gross density allowed for new residential development in the MR district is 16 dwelling units per acre, while the minimum gross density allowed is 6 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities. Certain community and recreational facilities related to residential uses and day care centers are also permitted.</p> <p><b>Development standards for properties located within the MMTD are established within Division 4 of this Code.</b></p>	<p>middle, and high schools. Vocational schools are prohibited. Other community facilities may be allowed in accordance with Section 18.1 of these regulations.</p> <p>(2) Day care centers.  (3) Golf courses.  (4) Multiple-family dwellings.  (5) Nursing homes and other residential care facilities.  (6) Passive and active recreational facilities.  (7) Rooming Houses.  (8) Single-family attached dwellings.  (9) Single-family detached dwellings.  (10) Two-family dwellings.  (11) Zero-lot line single-family detached dwellings.</p>	<p>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>
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DEVELOPMENT STANDARDS									
Use Category	4. Minimum Lot or Site Size			5. Minimum or Maximum Building Setbacks				6. Maximum Building Restrictions	
	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area used for parking)	b. Building Height (excluding stories used for parking)
Single-Family Detached Dwellings	5,000 square feet	50 feet	100 feet	15 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15	15 feet	25 feet	not applicable	3 stories

					feet, provided that no such setback shall be less than 5 feet				
Zero-Lot Line Single-Family Detached Dwellings	3,750 square feet	30 feet interior lot: 40 feet corner lot	100 feet	20 feet	0 feet one side; 5 feet other side	15 feet	25 feet	not applicable	3 stories
Two-Family Dwellings	7,000 square feet	70 feet	100 feet	15 feet	Same as single-family dwellings above	15 feet	25 feet	not applicable	3 stories
Single-Family Attached Dwellings	1,600 square feet minimum; average of 2,000 square feet	16 feet	none	20 feet	none	15 feet	25 feet	maximum length: 8 units	3 stories
Rooming Houses	5,000 square feet	50 feet	100 feet	15 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet	15 feet	25 feet	not applicable	3 stories
Multiple-Family Dwellings	10,000 square feet	80 feet	100 feet	15 feet	15 feet on each side	15 feet	25 feet	not applicable	3 stories
Any Permitted Principal Non-Residential Use	12,000 square feet	80 feet	100 feet	15 feet	15 feet on each side	15 feet	25 feet	20,000 square feet of gross building floor area per acre	3 stories

General Notes:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Refer to chapter 5, environmental management for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to chapter 4, concurrency management ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
4. For cluster development standards, refer to section 10-426.

(Ord. No. 05-O-40AA, § 7, 7-13-2005; Ord. No. 15-O-32, § 1, 11-24-2015)



**APPENDIX 3**



## APPENDIX 4

### City of Tallahassee Land Development Code 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 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	B	C*	B	C*	C*	D	B	A	B	A	A	C*	C*	D*	D*	
7	Two-unit townhouse	NR	NR	D*	NR	NR	B	NR	B	B	B	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	

Cont. on next page

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**

**KEY:**

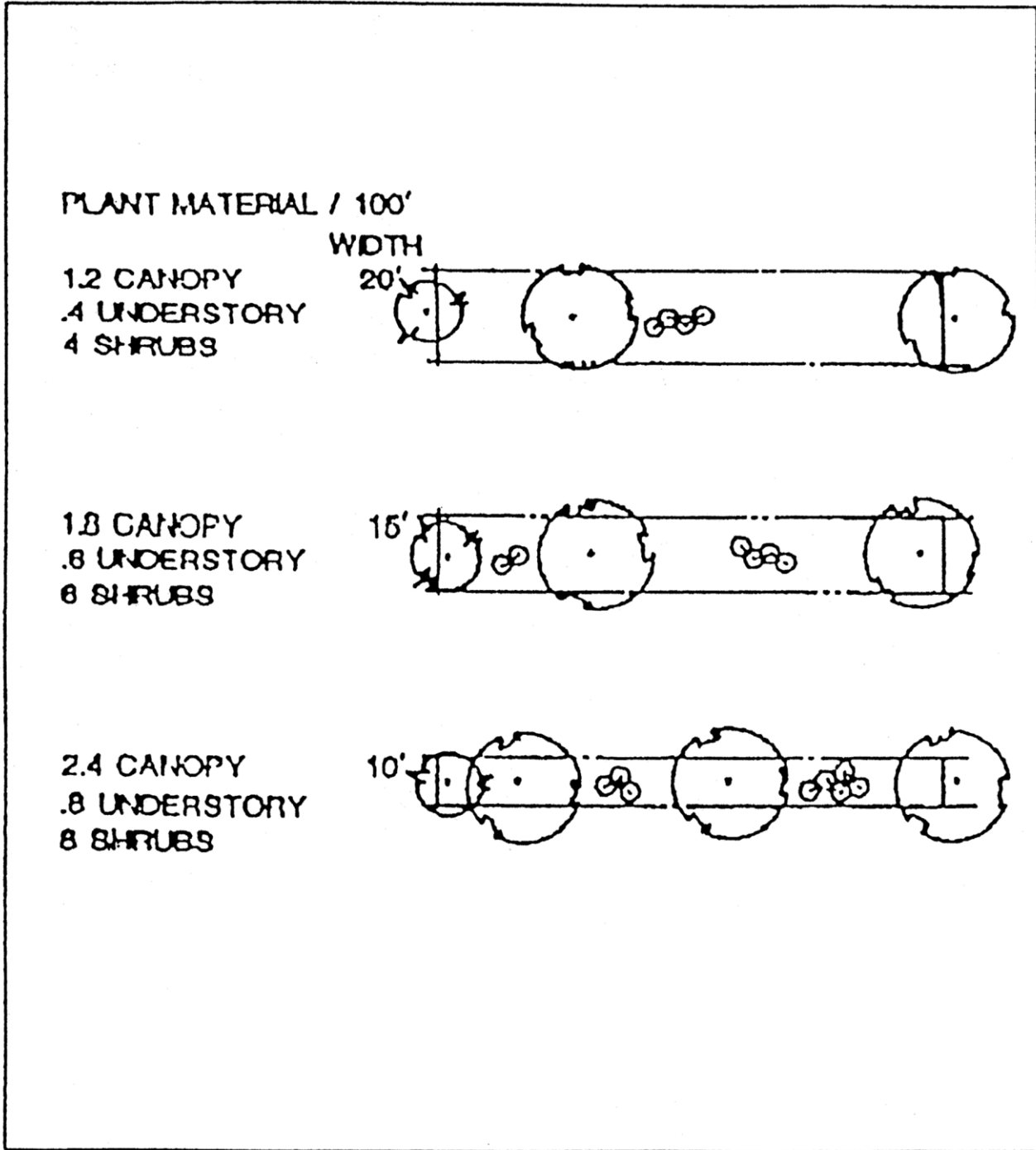
A, B, C, and D indicate accompanying landscape standards that must be used.

NR indicates that no buffering is required.

**NOTES: To determine the required buffer:**

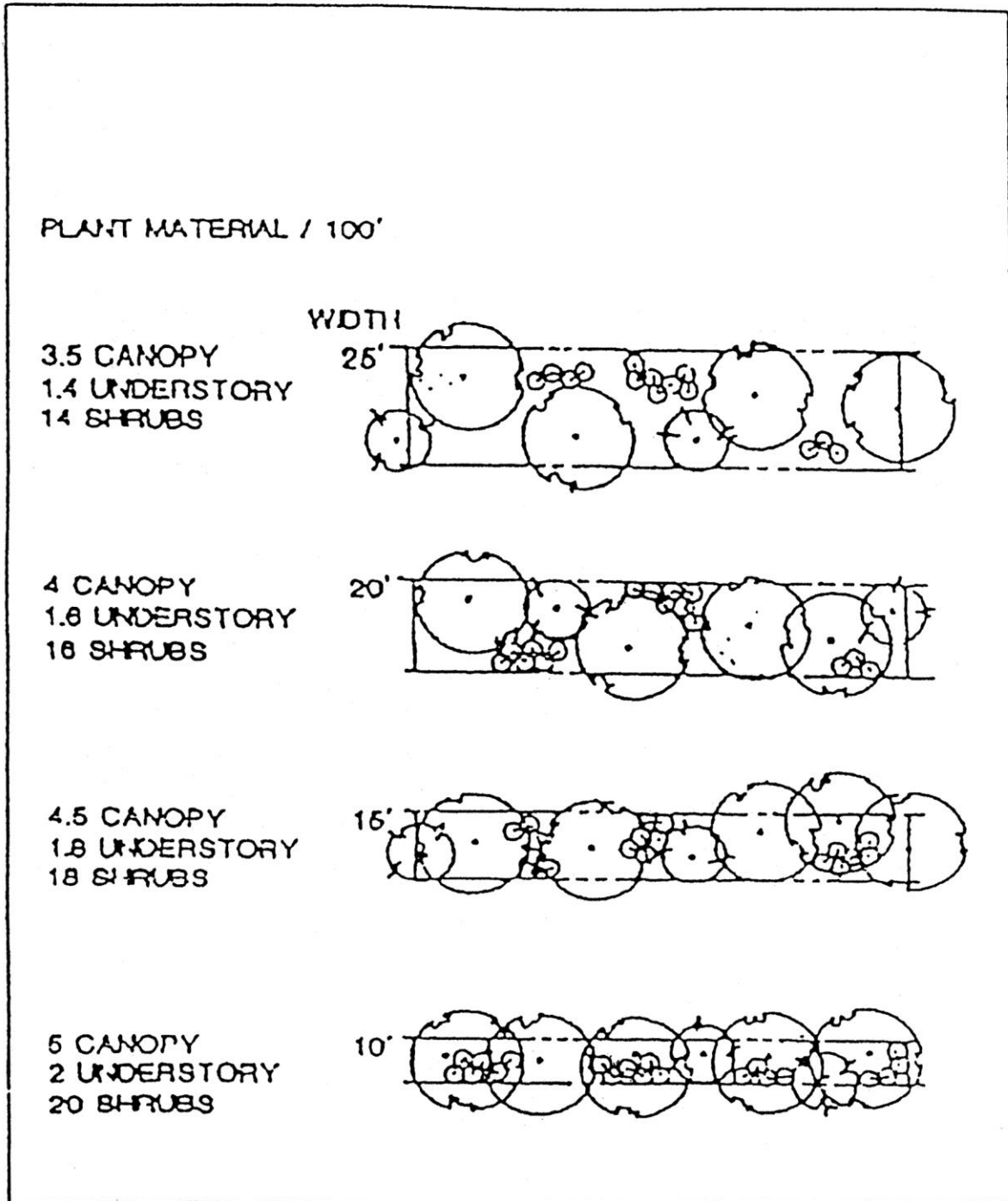
- (1) Locate/Existing adjacent use on left side of table;
- (2) Locate "Land Use Code Number" of proposed use at top of table;
- (3) Read Down in row of Existing Adjacent Use in final buffer requirements.
- (4) \* A buffer fence shall be provided when a Type C buffer or a 30-foot Type D buffer is required.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

Landscape Standard "A"



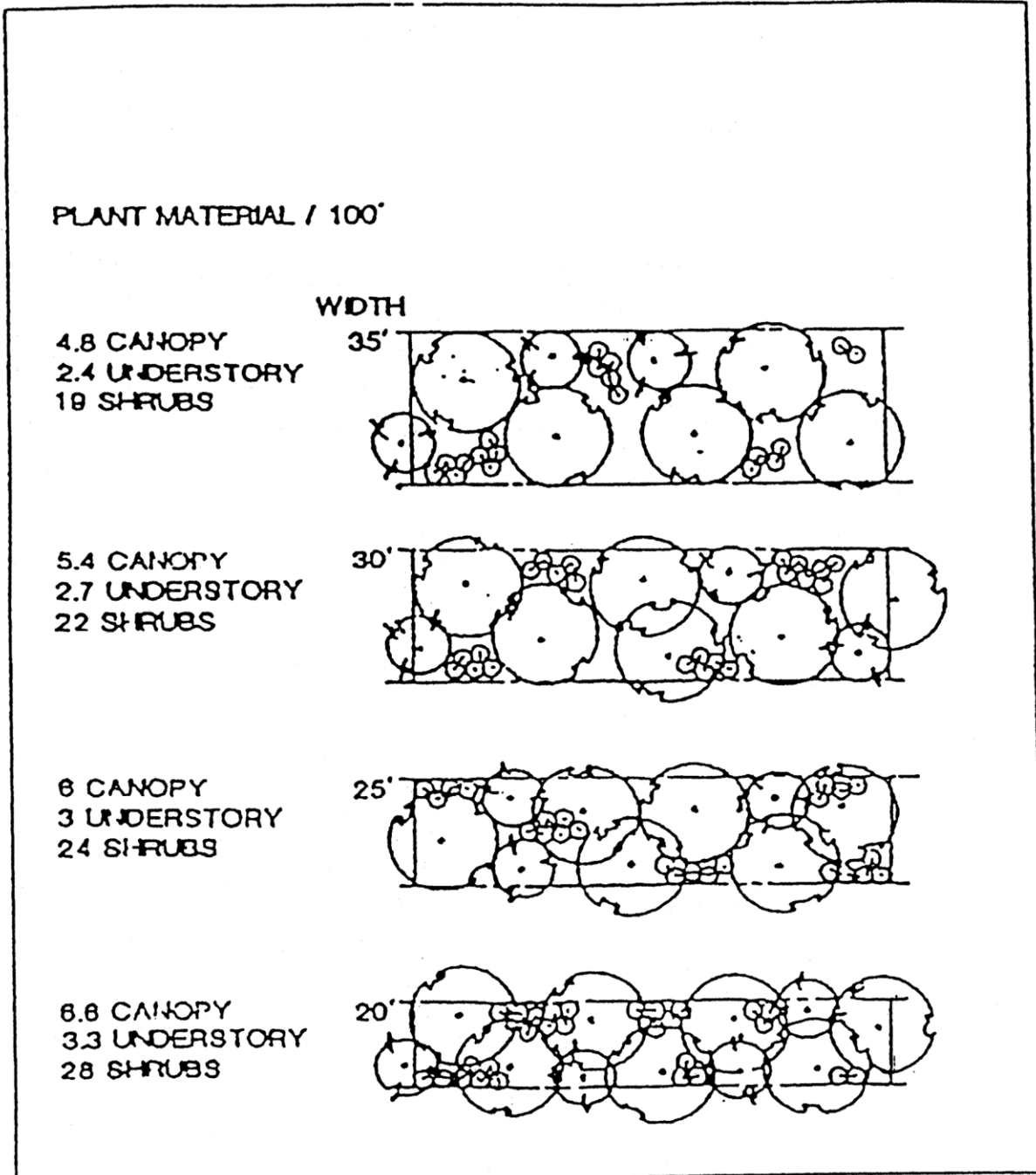
Landscape Standard "A"

Landscape Standard "B"



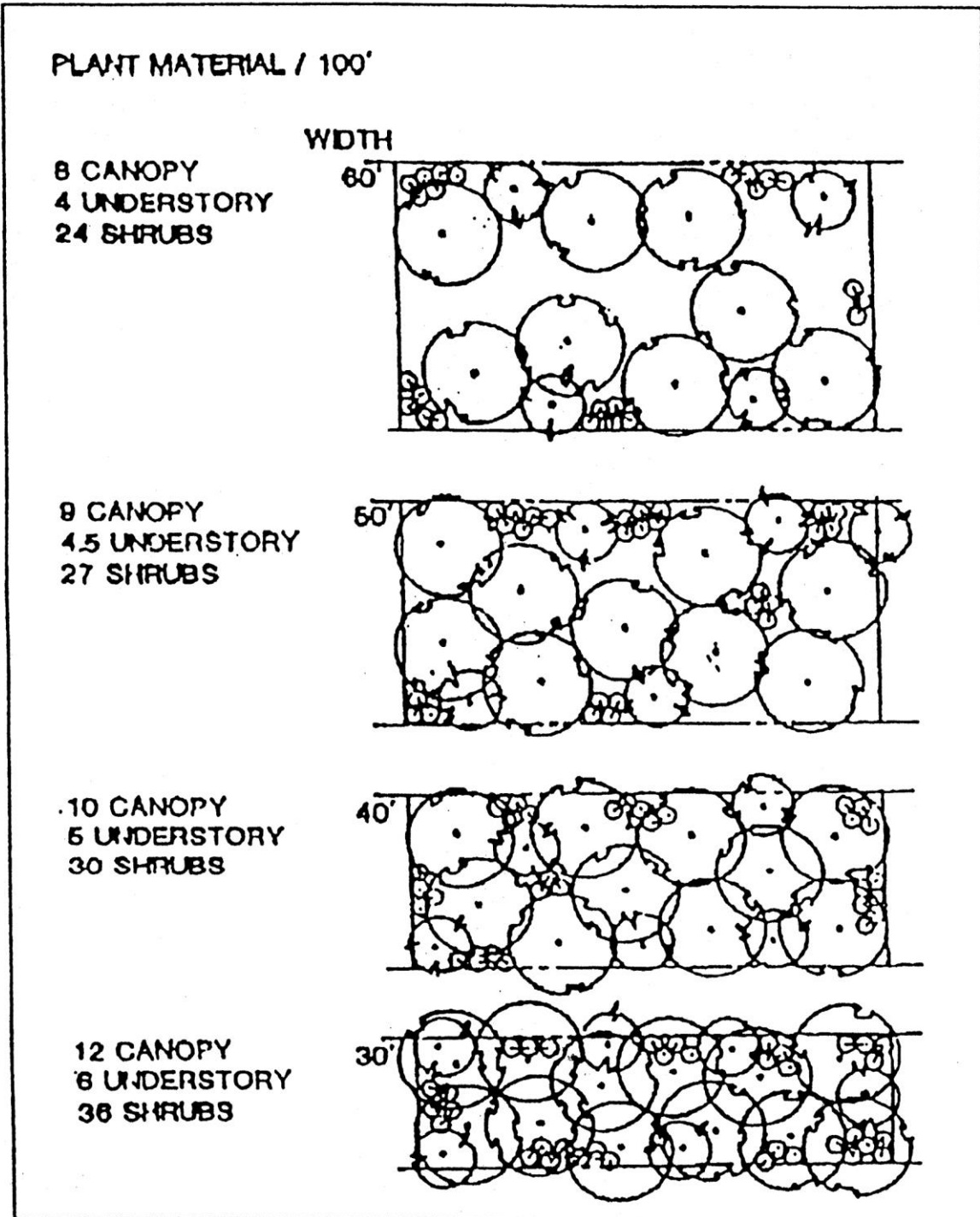
Landscape Standard "B"

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.



- (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:
    - (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.

**Amendment Number: Amendment Name**  
Page 34 of 38

- (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.

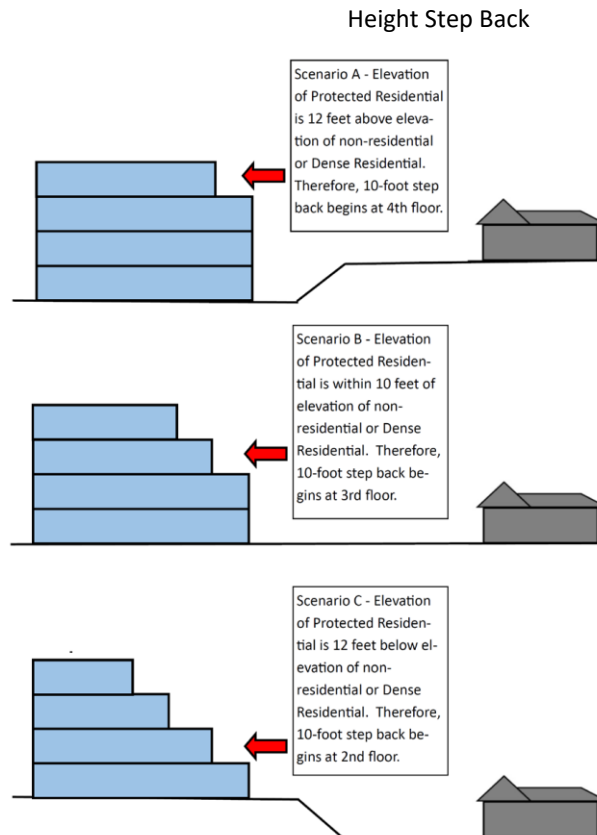
- (1) Non-residential or dense residential uses (greater than two stories) adjacent to properties which are protected residential. Subsection (g)(1), applies to a non-residential or dense residential project which is required to obtain site plan review pursuant to sections 9-154—9-157, which is adjacent 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 <sup>st</sup> Floor Elevation of Protected Residential versus Non-Residential or Dense Residential Use		Height Step Back Begins At
A.	Protected Residential > 10 ft. above	3 <sup>rd</sup> floor plus 1 additional floor per 10 ft. of elevation difference
B.	Protected Residential < or equal to 10 ft. above or below	3 <sup>rd</sup> floor
C.	Protected Residential > 10 ft. below	3 <sup>rd</sup> 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.

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 Feet<sup>1</sup>

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 elliotii</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

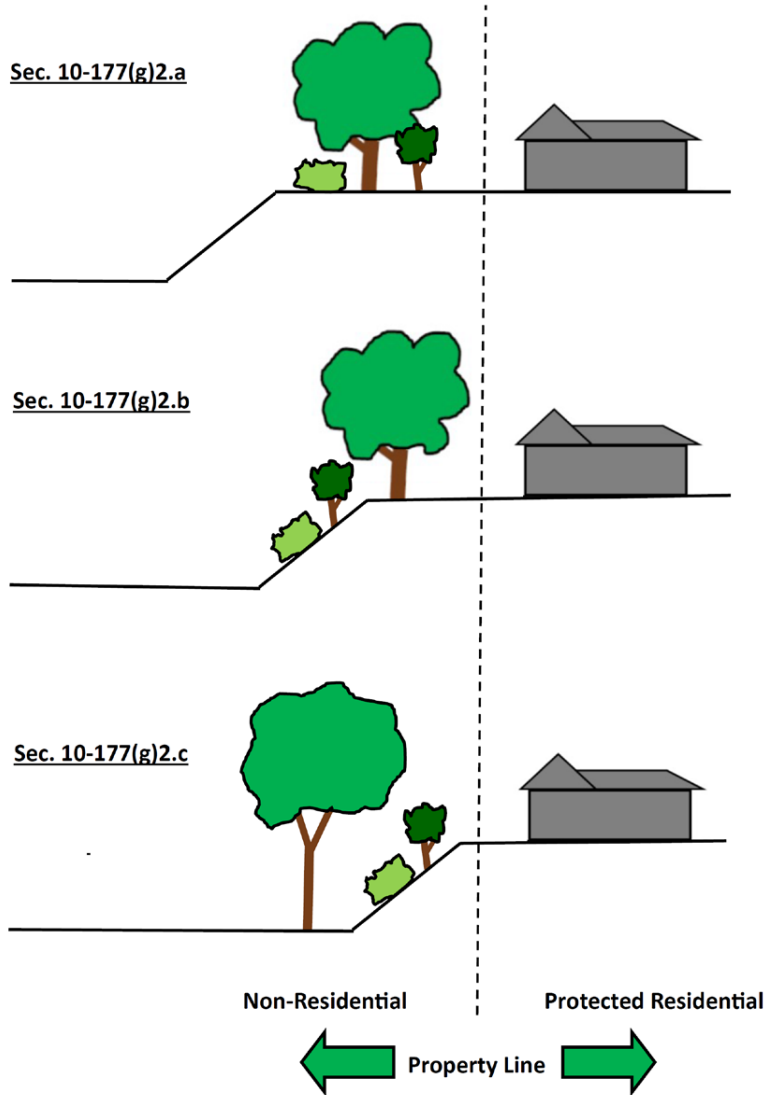
<sup>1</sup> The minimum planting size is a two-inch caliper tree, measured six inches above the soil line.

- (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



(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)