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Ordinance No. 21-O-__

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA; AMENDING CHAPTERS 1 AND 10 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 1-2 of the Tallahassee Land Development Code is hereby amended to read as follows:

Frontage, principal. The term "principal frontage" means the ~~private~~ frontage that is defined by the front yard and that is designated based on the measure of minimum lot width. Principal frontage generally shall not be a frontage which consists wholly of an entrance drive or is significantly smaller, by 20 percent or more, in linear feet, than that of another street frontage for the same parcel.

Frontage, secondary. The term "secondary frontage" means the ~~private~~ frontage that is defined by the corner yard is not the principal frontage. As it affects the public realm, its first layer is regulated. For properties in the MMTD, See see section 10-285, table 12.

Public Art. The term "public art" means all original works of the visual arts which meet the following criteria: 1.) Shall be permanent; 2.) Shall be publicly accessible; 3.) Shall be visible from publicly accessible space; 4.) Shall result in a physical art asset; 5.) Shall be created in a lasting media with the intention of being staged in publicly accessible space; 6.) Shall be valued at not less than one-half (1/2) of one (1) percent of the capital cost of the structure at which the art is installed; 7.) The valuation shall include the physical art asset plus physical enhancements made to the immediate area for the principal purpose of display, security, and/or viewing the art; 8.) Shall be part of a cohesive design integrated with the site and/or building instead of a stand-alone disparate feature; 9.) Shall be maintained by the property owner or owners of the subject development; and 10.) May be either static or interactive.

Public Notice (1,000 feet). In relation to providing public notice for applications for comprehensive plan amendments, zoning amendments, site plans, subdivisions, variances, deviations, or right-of-way abandonments, the 1,000 foot public notice area is measured from the perimeter of the parcel at which the proposed project is located.

Publicly Accessible Space. For principal and secondary frontages, the term "publicly accessible space" means the area between the back of the curb and the face of the building. For all other frontages on public roads, the term "publicly accessible space" is at least the first 12 feet from the back of the curb.

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45 Rear Property Line. The term “rear property line” means the property line opposite the front
46 property line, or principal frontage. For irregularly shaped lots which are not rectangular, the
47 rear property line shall be determined by the Land Use Administrator and shall be that boundary
48 that forms the rear yard in relation to the proposed building. For properties in the MMTD, see
49 section 10-285, table 12.

50
51 Setback, building. The term "building setback" means the extreme overall dimensions of a
52 building as staked on the ground, including all areas covered by any vertical projections to the
53 ground or overhang of walls, roof, or any other part of a structure, whichever is nearest to the
54 property line, will be considered as building; provided, however, that the roof overhang not
55 exceeding two feet shall not be included in the determination of the building line. Where
56 explicitly permitted certain structural elements may encroach upon the setback. Canopies over
57 gas station pumps in the MMTD shall not count towards meeting maximum front or corner yard
58 setback requirements.

59
60 Section 2. Section 10-161.1 of the Tallahassee Land Development Code is hereby created
61 to read as follows:

62
63 Sec. 10-161.1. - Compensating Enhancements.

64
65 The Neighborhood Compatibility Ordinance (No. 21-O-15), is codified at Sec. 7-72, Sec. 10-
66 177(g), Sec. 10-411(b), Sec. 10-412(6), Sec. 10-427(c)(3), and Sec. 10-429. The Neighborhood
67 Compatibility Ordinance will control in the event of any conflict with the standards listed below.
68

69 (a) Publicly Accessible Space (Outside MMTD)

70
71 (1) Setback – For changes to the front yard setback up to a maximum of 6 feet, a 6-foot
72 planting strip shall be provided at that portion of the lot which is closest to the street,
73 provided all other development standards are met. Street trees shall be at least 3-inch
74 caliper at planting and shall be planted consistent with the planting standards in the tree
75 matrix maintained by the Planning Department’s Urban Forester across the entire front
76 yard.

77
78 (b) Publicly Accessible Space (Inside MMTD)

79
80 (1) Setback – For each 1-foot increase of the front yard setback up to a maximum of 5 feet,
81 provide 1 of the compensating enhancements identified at Section 10-161.1(b)(5)(a).

82
83 (2) Sidewalk width – For each one foot decrease of the sidewalk width up to a maximum of
84 two feet, provide an equal increase to the width of the planter strip plus one of the
85 compensating enhancements identified at Section 10-161.1(b)(5). The tree species
86 should be chosen so that the tree canopy at maturity is at least equal to the width of the
87 planting strip.

88

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- 89 (3) Street trees – If the Land Use Administrator concurs that street trees cannot be planted
90 between the back of curb and the sidewalk, provide three of the compensating
91 enhancements identified at Section 10-161.1(b)(5).
92
- 93 (4) Transparency – For each 10% reduction in the transparency requirement up to a
94 maximum reduction of 30%, provide 1 of the compensating enhancements identified at
95 Section 10-161.1(b)(5)a.1 to 5, or Section 10-161.1(b)(5)b.1.
96
- 97 (5) Compensating enhancement – Each allowable change identified in Sec. 10-161.1(b)(1)
98 through (b)(4) requires compensating enhancements as listed below. If any compensating
99 enhancement is being used to satisfy any other development standard from the City’s
100 Land Development Code, it cannot be double counted for the purposes of this section.
101
- 102 a. Site and Architecture
103
- 104 1. Provide publicly accessible space equal to at least 500 square feet with a
105 minimum depth of 6 feet such as hardscaped outdoor seating, courtyards, or
106 gardens accessible to the public.
107
- 108 2. Provide raised planters with a minimum size of 4 cubic feet, spaced a minimum of
109 every 20 feet along the building frontage.
110
- 111 3. Provide façade articulation so that no street-facing façade shall exceed 35 feet in
112 length without at least a minimum 2 foot change in the depth of the wall plane.
113
- 114 4. Utilize at least 3 materials and 2 colors in the front façade, with each material
115 covering at least 30% of the façade.
116
- 117 5. Create entrances with functional porches with a minimum depth of six feet.
118
- 119 6. Provide a minimum height step back of 10 feet for each floor above two stories;
120
121 7. Roofs and parapets that exceed 50 feet in length along a frontage shall include a
122 minimum two foot change in horizontal variation at least every 25 feet.
123
- 124 8. Provide at least two functional balconies or terraces with a minimum depth of five
125 feet and a minimum width of five feet accessible through operable full-height
126 doors for each 50 feet of building frontage.
127
- 128 9. Create sidewalk coverings, (awnings, canopies, arcades, colonnades, or
129 verandahs) for at least 75% of building frontage.
130
- 131 10. Highlight building corners visible from a frontage with architectural treatments,
132 color, material, recesses, projections, or active ground floor uses.

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11. Provide an additional two to three foot wide landscape strip with tall native grasses and/or groundcover. Within a visibility triangle for public right-of-ways, the maximum height is three feet.

b. Public Art

1. Wall mounted – Wall mounted public art shall meet the following criteria: 1.) Shall be either a mural, mosaic, bas relief, or stained glass; 2.) Shall not include commercial advertisements; 3.) Shall be located on the façade for which the transparency reduction is requested; and 4.) Shall be equal to at least 50% of the area of the transparency reduction.

2. Stand alone – Stand alone public art shall meet the following criteria: 1.) Shall be either a sculpture, statue, or fountain; 2.) Shall not include commercial advertisements; and 3.) Shall be located in publicly accessible space.

Section 3. Section 10-161.2 of the Tallahassee Land Development Code is hereby created to read as follows:

Sec. 10-161.2. – Modified Development Standards for Special Circumstances.

The figures provided in this section are intended to serve as illustrative examples. In the event of a conflict between a figure and the text, the text controls.

(a) Modified Standards to Encourage Tree Preservation

(1) Sidewalks

a. Existing sidewalks with adjacent trees – If a site currently has existing sidewalks with an adjacent dogwood tree of 4 inches DBH or greater, or a hardwood tree or long leaf pine tree of 12 inches DBH or greater, or any other non-invasive tree of 18 inches DBH or greater, then that existing sidewalk satisfies the project’s sidewalk requirement. The preservation of existing trees is prioritized over the widening of the sidewalk. However, if the width of the critical protection zone of all protected trees along a frontage is less than 50% of the linear distance of that frontage, then the existing sidewalk width only fulfills the sidewalk requirement within the critical protection zone of the protected trees (see Figure 1, scenario A). Furthermore, if the combined width of the critical protection zone is greater than or equal to 50%, then the existing sidewalk width fulfills the sidewalk requirement for the entire frontage (see Figure 1, scenario B).

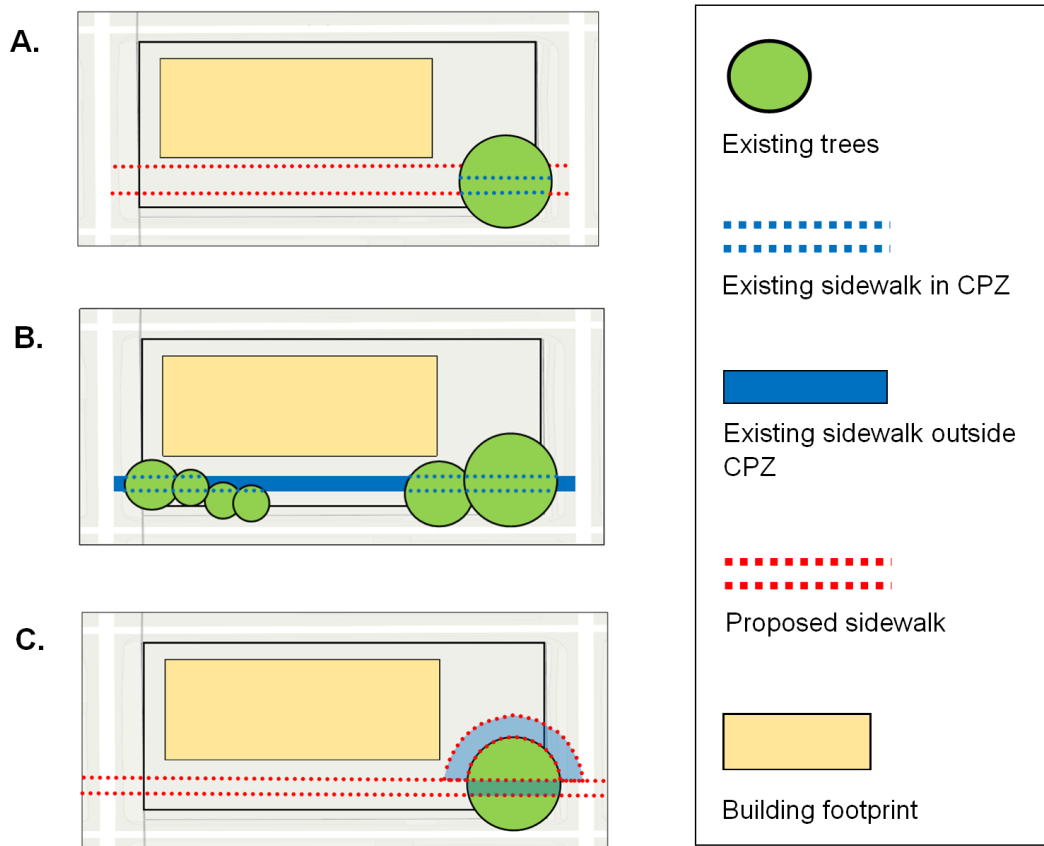
b. Sites with no existing sidewalks but with trees in the intended sidewalk path – If the site of a proposed project currently has no sidewalks but does have a dogwood tree of 4 inches DBH or greater, or a hardwood tree or long leaf pine tree of 12 inches DBH

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177 or greater, or any other non-invasive tree of 18 inches DBH or greater, then a 5-foot
178 wide on grade sidewalk within the critical protection zone of preserved trees is
179 required, or the sidewalk shall be detoured around the protected critical protection
180 zone (see Figure 1, scenario C).

181
182 In order to utilize this option, all of the conditions listed at Sec. 10-161.2(a)(6), TLDC must
183 be met.
184

Figure 1



185
186 (2) Building Height
187 Two additional stories may be allowed for preserved trees. The intent of this section is to
188 allow for potential increases to density or intensity to encourage tree preservation. The
189 number of allowable additional stories, up to a maximum of two, shall be calculated
190 using either of two options. Option 1 allows 1 additional story for each preserved non-
191 invasive tree with a minimum 36-inch DBH that is located within the buildable envelope
192 of a site (after all development standards are met). Option 2 multiplies the square footage
193 of the critical protection zone of trees that will be preserved by the maximum building
194 height allowed by the zoning district. Eligible trees for Option 2 include dogwood trees

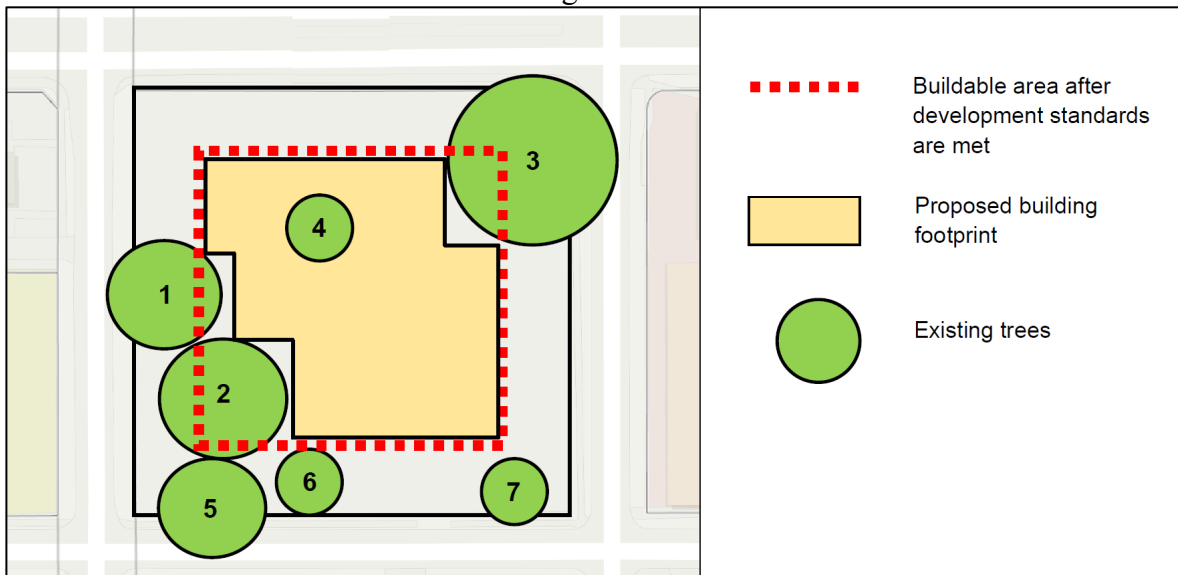
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195 of 4 inches DBH or greater, or hardwood trees or long leaf pine trees of 12 inches DBH
196 or greater, or any other non-invasive tree of 18 inches DBH or greater. Such trees shall
197 be located within the buildable area of the site that remains after all development
198 standards are met. If the resulting eligible square footage divided by the proposed
199 building footprint is greater than or equal to 0.5 but less than 1.5, then 1 additional floor
200 is allowed. If that ratio is greater than 1.5, then two additional floors are allowed. Trees
201 preserved through options 1 or 2 must also meet all conditions listed at Sec. 10-
202 161.2(a)(6), TLDC.

203
204 Figure 2 provides an example of how option 2 would be implemented. The area within
205 the red dashed line is the buildable portion of the lot that remains after all development
206 standards are met. The proposed building footprint in Figure 2 totals 25,000 square feet.
207 Because tree numbers 1, 2, and 3 are within that buildable area, they count as eligible
208 square footage if they are protected. Tree number 4 would be removed, and tree numbers
209 5, 6, and 7 are outside the buildable area. The combined critical protection zones of tree
210 numbers 1, 2, and 3 is 5,000 square feet. The zoning at this site allows 4 stories.
211 Therefore, the critical protection zone area multiplied by the allowable height results in
212 20,000 eligible square feet. Finally, 20,000 eligible square feet divided by 25,000 square
213 feet from the building footprint equals 0.8, so one additional floor would be allowed.

214

Figure 2



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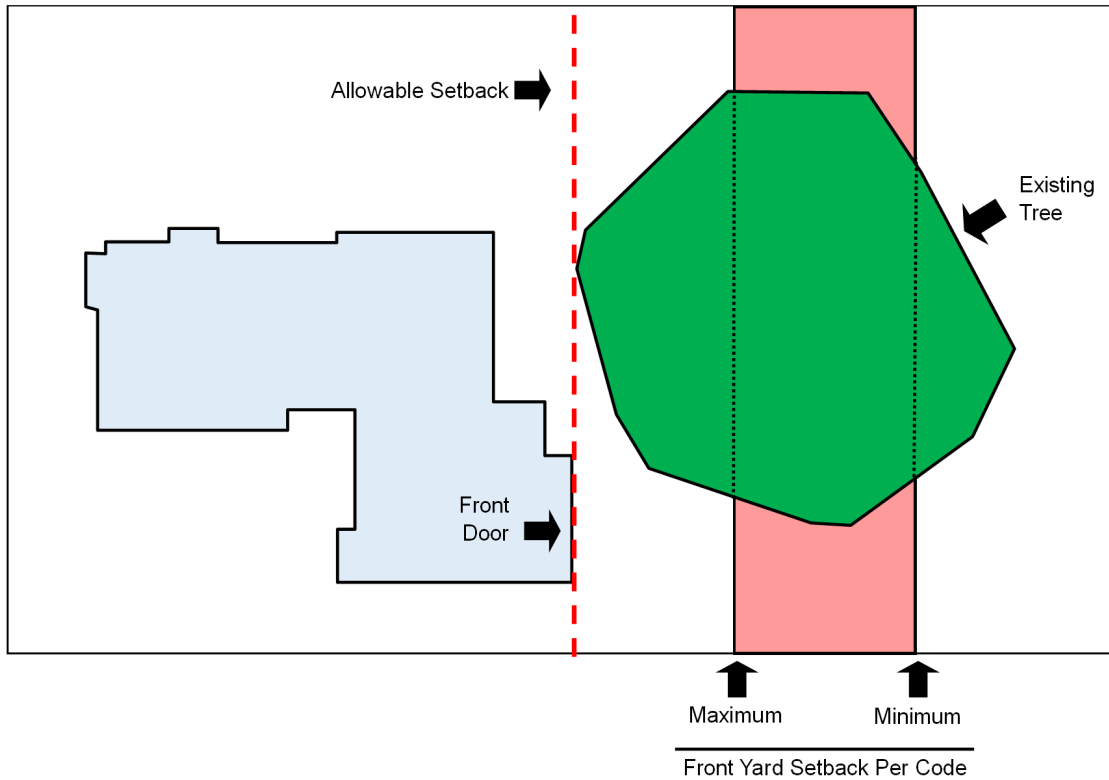
216 (3) Setbacks

217 A setback may be increased or reduced to the degree necessary to avoid a tree's critical
218 protection zone. Eligible trees include dogwood trees of 4 inches DBH or greater, or
219 hardwood trees or long leaf pine trees of 12 inches DBH or greater, or any other non-
220 invasive tree of 18 inches DBH or greater. Such trees shall be located within the
221 buildable envelope of a site (after all development standards are met). In order to utilize

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222 an adjusted setback, all of the conditions listed at Sec. 10-161.2(a)(6), TLDC must be
 223 met. The property in the example below has a minimum and maximum allowable
 224 setback. If the building had been sited within that range, the tree’s critical protection
 225 zone would have been adversely impacted, and the tree would have been removed. In
 226 this case, the building was located with a larger front yard setback, thereby saving the
 227 tree.

Figure 3



228 (4) Monument Signs
 229 If a lot is narrow and a two sided monument sign cannot be located more than 30 feet
 230 from the trunk of a non-invasive street tree with a diameter at breast height of at least 18
 231 inches, then the two sided monument sign may be developed as two externally
 232 illuminated one sided signs located on either side of the tree. In order to utilize this
 233 option, all of the conditions listed at Sec. 10-161.2(a)(6), TLDC must be met. In the
 234 example below from Mid-Town, a mature street tree would block the view of one side of
 235 a two sided monument sign. By allowing two 1-sided monument signs (see red dashed
 236 circles), the property owner is allowed signage comparable to their neighbors in a manner
 237 that preserves the tree.
 238

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Figure 4

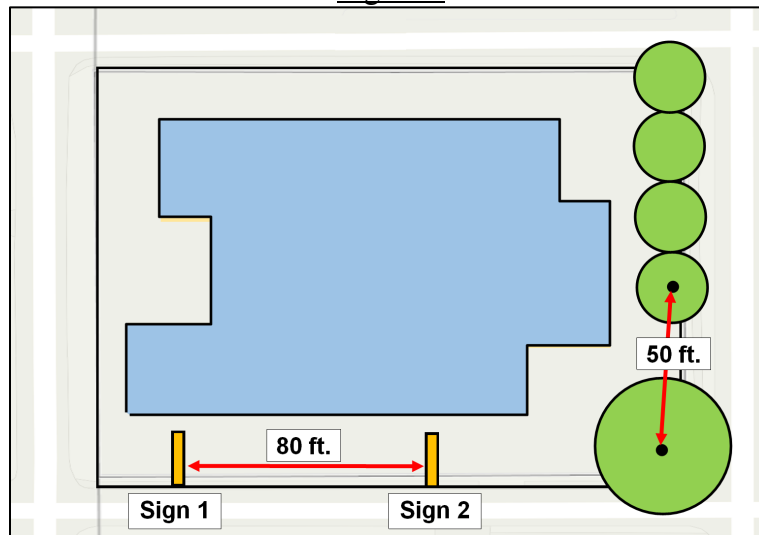


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(5) Multiple Frontages

If a parcel has two frontages, and if a monument sign on one of the frontages cannot be located more than 30 feet from the trunk of a non-invasive street tree with a diameter at breast height of at least 18 inches, then the monument sign may be moved to the second frontage. In order to utilize this option, all of the conditions listed at Sec. 10-161.2(a)(6), TLDC must be met. Also, the two monument signs on the single frontage must be separated by at least 50 feet. Figure 5 illustrates this provision.

Figure 5



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(6) Conditions for Tree Preservation

The following conditions apply to Sec. 10-161.2(a)(1) through (a)(5):

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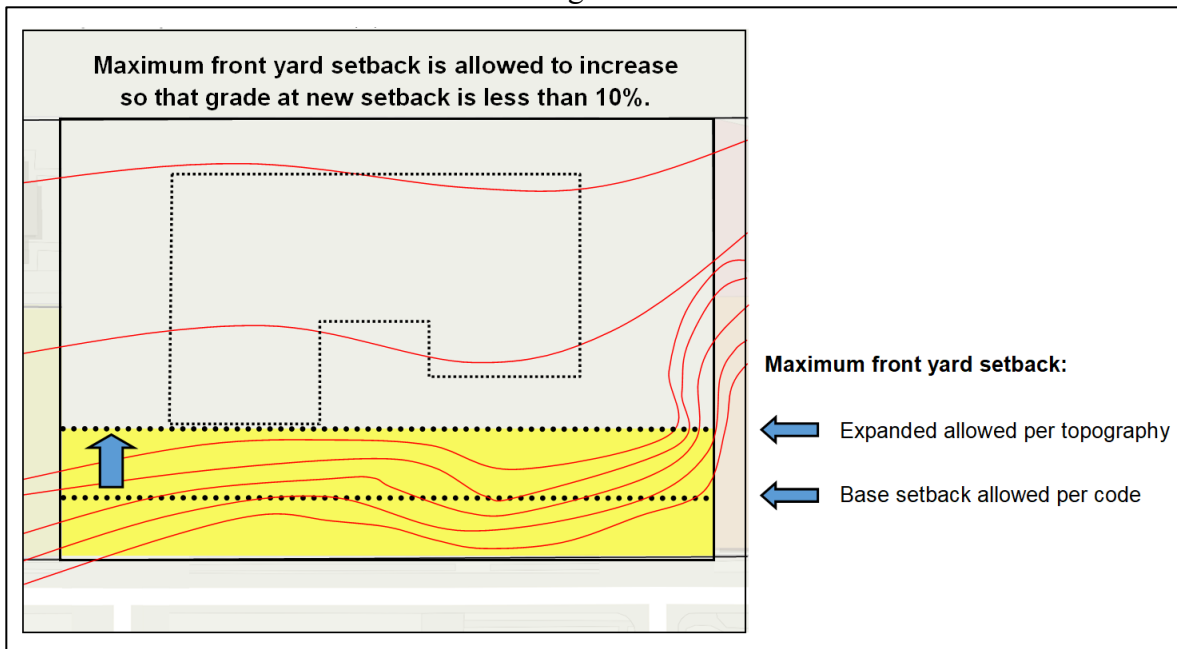
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- a. Such trees will be preserved so that no new impervious surface is created within the critical protection zone of the tree, except for incidental, minor pervious surfaces designed for public use per the direction of an arborist to protect the long term health of the tree; and
- b. An area containing the critical protection zone as it existed at the time of development is placed in a permanent conservation easement; and
- c. If the tree dies or must be removed, it must be replaced with the same species or suitable substitute that has the potential to achieve mature canopy coverage equivalent to the previously preserved tree; and
- d. An arborist determines that the tree is healthy and will be viable with the proposed development. The arborist shall also create a management plan for the long-term health of the tree; and
- e. The parcel is not adjacent or across the street from Protected Residential. The term “Protected Residential” means any property developed with a single family residence, duplex, or triplex to a density of less than or equal to 8 units per acre, and any vacant property that is zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF, LP, MH, or RA.

(b) Setbacks - Topography

Sec. 5-87, TLDC, defines “significant grade” as a 10% to 20% slope. If the natural grade at any setback is greater than or equal to 10%, the setback may shift to a point on the property at which the natural grade is less than 10%, provided all other development standards are met. See Figure 6.

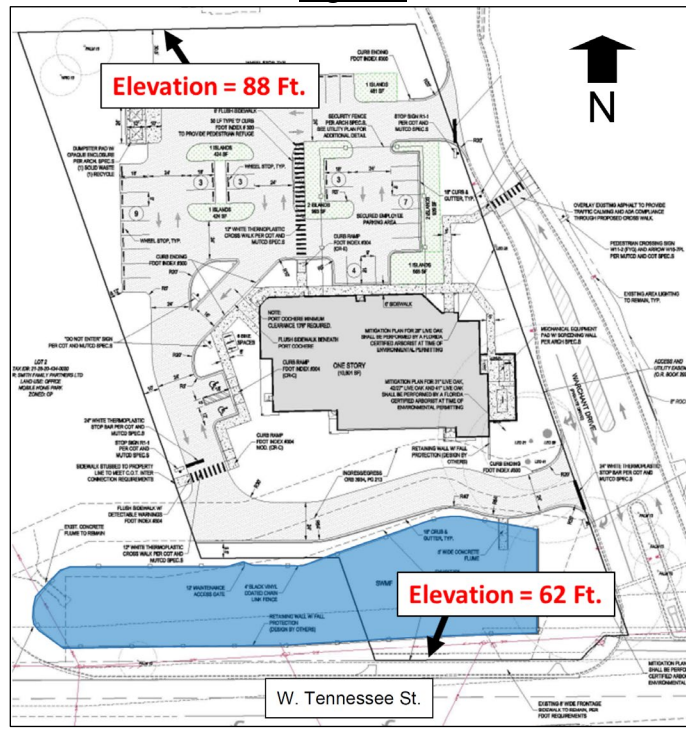
Figure 6



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276 (c) Setbacks – Stormwater Management Facility
 277 If the siting of a stormwater management facility at the front of a parcel causes a setback to
 278 not be met, then that setback may be changed to accommodate the stormwater facility. If
 279 fencing is required, it may not be chain link. If fencing is not required, then some form of
 280 hardscape improvement must be provided, such as a paved walking path, seating, or gazebo.
 281 Landscaping of the stormwater management facility is required at a planting density of 2.4 canopy trees
 282 per 100 feet, .8 understory trees per 100 feet, and 8 shrubs per 100 feet. The property in the
 283 example below has an elevation change of 26 feet from north to south. The maximum front
 284 yard setback per the Zoning Code is 20 feet. However, the actual front yard setback was 80
 285 feet due to the need to place the stormwater facility at the front of the site.
 286

Figure 7

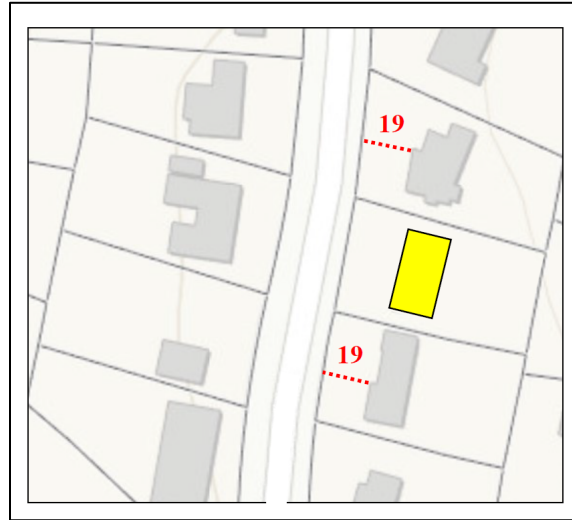


287
 288 (d) Setbacks – Infill
 289 If a lot is vacant and if the actual setback at the two adjacent lots on each side are non-
 290 conforming, then the corresponding setback at the vacant lot may vary by up to 20% of the
 291 standard. The new setback may not be less than the setbacks at the two adjacent lots. The
 292 determination of whether the adjacent setbacks are nonconforming shall be based on field
 293 inspection, aerial photography, historic building permit records, or similar resources. The
 294 final determination of whether an existing setback is non-conforming shall be made by the
 295 Land Use Administrator. This principle is illustrated in Figure 8. The example
 296 neighborhood in Figure 8 is zoned RP-1 and has a front setback of 25 feet. However, the
 297 adjacent front setbacks are 19 feet. The non-conformity is greater than 20% of the standard.

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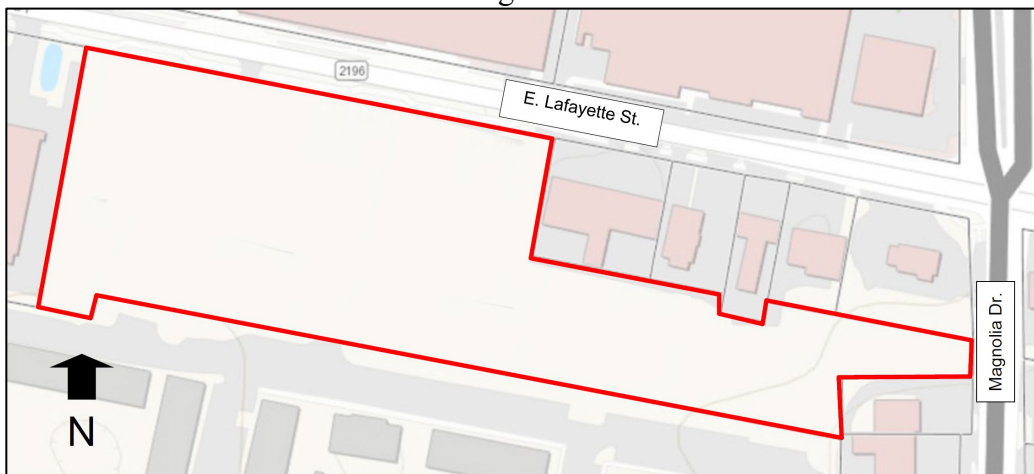
298 The new house would be allowed a front yard setback of 20 feet (20% of the RP-1 standard),
299 thereby maintaining the existing development pattern.
300

Figure 8



301
302 (e) Setbacks – Unusual Shape
303 If one or more setbacks cannot be met due to a parcel’s unusual shape, then an alternate
304 setback may be used to accommodate a pattern of development comparable to other parcels
305 in the same zoning district. The Land Use Administrator shall determine whether a parcel has
306 an unusual shape, as determined by the ratio of its width to its depth, by the number of sides,
307 by whether it is rectangular or non-rectangular, and similar factors. This principle is
308 illustrated in Figure 9. In the example below, the parcel has an extremely narrow frontage on
309 Magnolia Drive, and the setbacks on that frontage cannot be met. The far eastern portion of
310 the parcel is too narrow to develop.
311

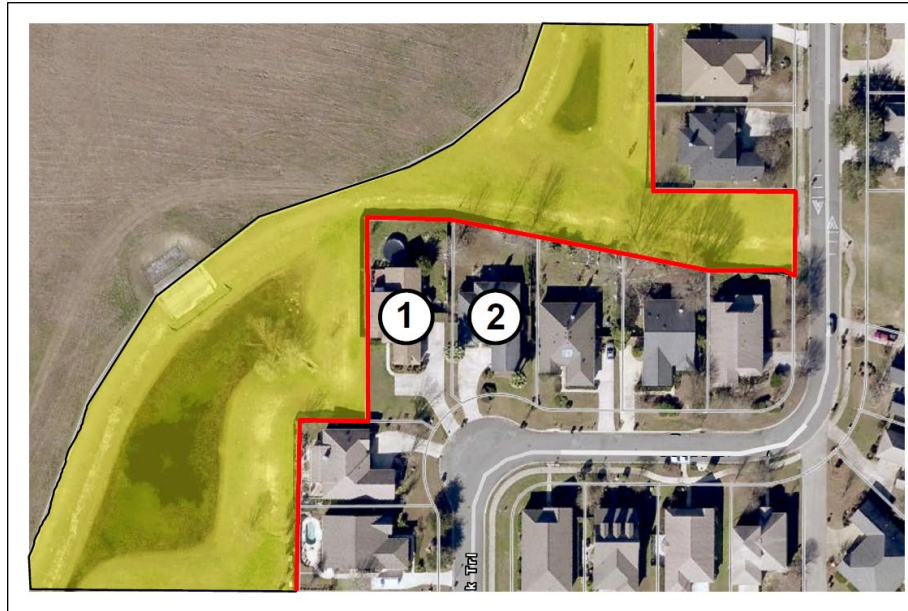
Figure 9



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312 (f) Setbacks – Easement or Site Feature
313 If a parcel is adjacent to an easement that results in open space and the grantee of the
314 easement is either the City of Tallahassee or the homeowner’s association or if a parcel is
315 adjacent to a site feature that is required by a development standard, then the side or rear yard
316 setback may be reduced by up to 20% of the adopted setback. In the example below, the
317 neighborhood is adjacent to a large drainage easement (yellow highlight) with the
318 homeowner’s association listed as the grantee. The red line indicates those yards that are
319 eligible for a 20% setback encroachment. For example, lot #1 could encroach 20% into the
320 west side yard and the rear yard, but lot #2 could only encroach 20% into the rear yard.

Figure 10

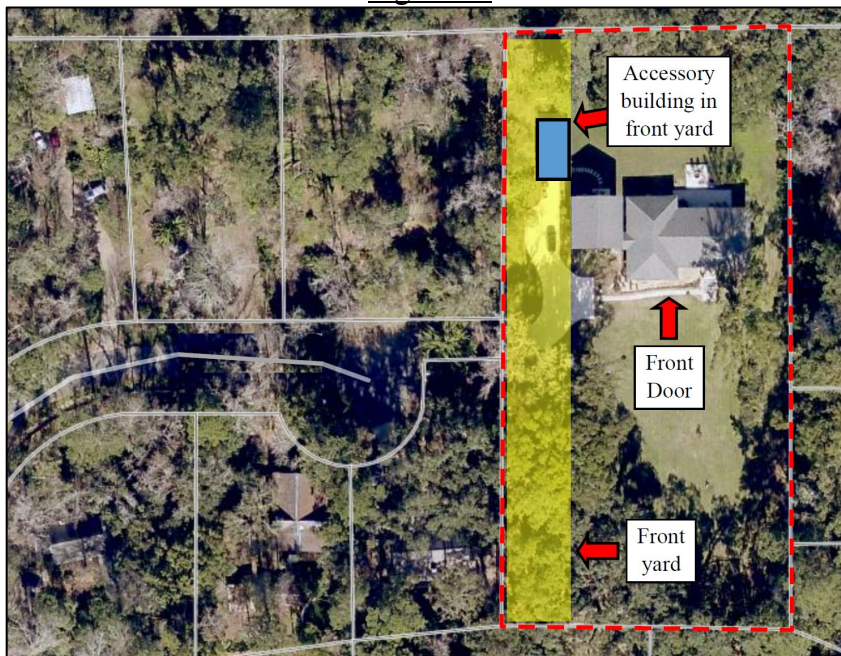


321
322 (g) Setbacks – Generators
323 Sec. 10-411(b)(3) requires generators to be located at least 10 feet from any property line or
324 200 feet from any property line adjoining a low-density residential zoning district. If an
325 existing medical facility, a retirement home, an assisted living facility, a gas station, a
326 grocery store, or any other land use that is critical to the community’s recovery from a local
327 emergency, as determined by the Land Use Administrator, does not have sufficient space to
328 site a generator as defined by Sec. 10-411(b)(3), then the setback for the generator may be
329 reduced to 50 feet for such uses, provided the following criteria are met: 1.) The generator is
330 enclosed on all sides by a masonry wall with an opaque gate which is either 6 feet tall or
331 equal to the mounted height of the generator (whichever is higher), with the gate facing away
332 from the low density residential uses; 2.) The masonry enclosure is surrounded by a
333 minimum 4-foot wide landscape strip, with at least one understory tree per side and a
334 minimum total of one understory tree for each 10 linear feet measured around the perimeter
335 of the enclosure; and 3.) The generator is used only during emergencies and for periodic
336 testing consistent with the manufacturer’s recommendation.

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- 337 (h) Signs – Two Wall Signs on One Frontage
 338 Up to two wall signs shall be allowed on one frontage if the total square footage of both wall
 339 signs is not more than 80% of what would otherwise be allowed for a single wall sign under
 340 Chapter 7 of the Tallahassee Land Development Code.
 341
- 342 (i) Signs – Rear Wall
 343 Outside of the Multi-Modal Transportation District, a wall sign may be located on a rear wall
 344 facing a parking lot behind a building if: a.) The total square footage of all wall signs is not
 345 more than 80% of what would otherwise be allowed for a single wall sign under Chapter 7 of the
 346 Tallahassee Land Development Code; and b.) The rear facing wall does not abut a
 347 Protected Residential use, defined as any property developed with a single family residence,
 348 duplex, or triplex to a density of less than or equal to 8 units per acre, and any vacant
 349 property that is zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF,
 350 LP, MH, or RA.
 351
- 352 (j) Accessory Uses – In Front Yard
 353 If a lot’s configuration is such that the front yard (as defined by the Tallahassee Land
 354 Development Code) functions as a side or rear yard based on the lot configuration and
 355 building orientation relative to the public right-of-way, then an accessory structure may be
 356 located in the front yard. In the example below, the relationship of this residential lot to the
 357 street is such that the front yard as defined by the Zoning Code actually functions as a side
 358 yard. Accordingly, an accessory shed was allowed in the front yard (as it is defined by the
 359 Zoning Code), but which functions in Figure 11 as a side yard based on the building’s
 360 orientation relative to the public right-of-way.
 361

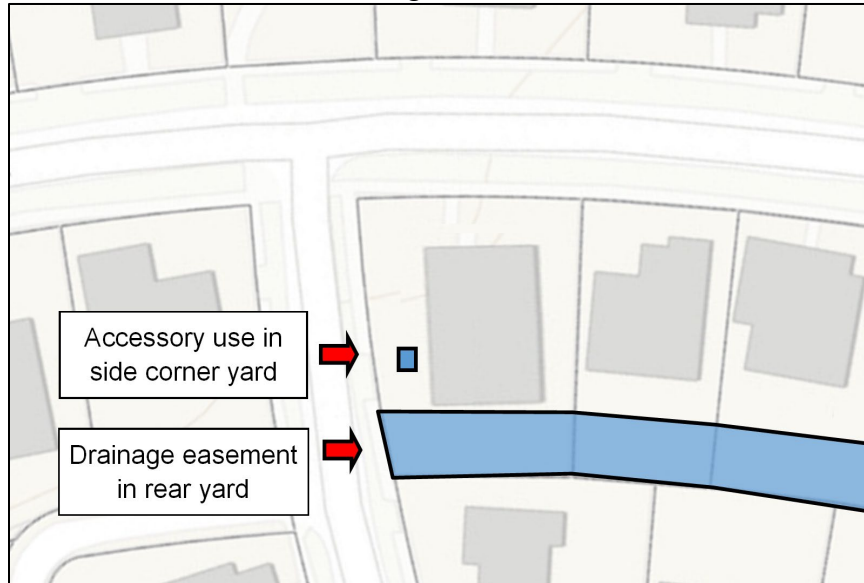
Figure 11



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362 (k) Accessory Uses – Side Corner Yard
363 If an easement for a public utility is located in a rear yard, if that easement prohibits
364 construction within its boundaries, and if the presence of the easement makes it not possible
365 to site an accessory building in the rear yard, such accessory building may be located in the
366 side corner yard. As depicted in Figure 12, a public utility easement occupies the entire rear
367 yard.
368

Figure 12



369 Section 4. Chapter 10, Article IV, Division 4 of the Tallahassee Land Development Code
370 (the Multi-Modal Transportation District) is hereby amended to read as follows:
371
372

373 Sec. 10-280.2(c) – Applicability.
374 (l) Notwithstanding the provisions of Chapter 1, Section 1-2, Definitions and Rules of
375 Construction, the provisions of this Division shall take precedence over those of
376 development regulations found in Chapters 9 and 10 of the land development code,
377 regardless of whether more or less restrictive, except the local health and safety codes. In
378 the event the MMTD does not provide a standard, then the applicable general standard
379 shall take precedence. Despite the foregoing, Sections 7-72 (relating to signs on local
380 roads), 10-161.1 (relating to compensating enhancements), 10-161.2 (relating to modified
381 development standards for special circumstances) 10-177(g) (relating to buffer zones),
382 10-411(b)(3) (relating to accessory structures), 10-412(6) (relating to drive-thru
383 facilities), 10-427(c)(3) (relating to site lighting standards), and 10-429 (relating to Dense
384 Residential uses next to properties which are Protected Residential) will also apply in the
385 MMTD.
386

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387 Sec. 10-280.2(h) – Applicability.

388 (h) Notwithstanding any other provision of the Multi-Modal Transportation District, an
389 applicant may utilize the flexibility permitted by Sec. 10-161.1 and Sec. 10-161.2, TLDC.
390

391 Sec. 10-281(f)(1)

392 (1) Parking lots shall be masked from the public right-of-way by a liner building or
393 streetscreen. The streetscreen shall include vegetative or structural elements, such as
394 shade trees, shrubs or groundcover, knee walls, decorative fencing, or the preserved walls
395 of former buildings consistent with Section 5-85, and shall include one tree (min. 2-3
396 inch caliper shade tree), not to conflict with overhead utilities or sight distance triangle,
397 for each 20 linear feet of parking lot, loading area, or drive aisles along the frontage.
398 Along the public right-of-way, the streetscreen shall maintain a minimum of 50 percent
399 transparency, thereby preserving natural surveillance. ~~Shrubs or groundcover~~ shall be
400 spaced between 3 and 6 feet on center. Consistent with Sec. 5-12, groundcover shall be
401 installed to form a continuous cover over the ground.
402

403 Sec. 10-282.3(c)(1)

404 (1) Retail and office building walls along sidewalks shall have non-reflective, transparent
405 areas covering at least seventy-five ~~75~~ percent of the first floor facade surface area at
406 pedestrian eye level (between three feet and eight feet above finished floor elevation
407 ~~grade~~). For each linear foot of finished floor elevation more than three feet above grade,
408 one or more of the following shall be provided:
409

- 410 (a) A three foot wide planting strip with shrubs, tall grasses, and similar plantings to
411 cover at least 75% of the vertical distance between grade and finished floor at
412 maturity.
413 (b) Publicly accessible space equal to at least 500 square feet and a minimum depth of 6
414 feet, such as hardscaped outdoor seating, courtyards, or gardens accessible to the
415 public.
416 (c) Raised planters with a minimum size of 4 cubic feet, spaced a minimum of every 20
417 feet along the building frontage.
418 (d) Façade articulation so that no street-facing façade shall exceed 35 feet in length
419 without at least a minimum 2 foot change in the depth of the wall plane.
420 (e) Utilize at least 3 materials and 2 colors in the front façade, with each material
421 covering at least 30% of the façade.
422

423 All glazing shall be of a type that permits view of human activities and spaces within.
424 Enclosed security areas, if any, shall be of the mesh type that pedestrians can see through
425 and shall be located behind storefront displays. The area of operable entrance doors and
426 each facade shall be calculated separately.
427

428 Sec. 10-283.3(a)(2)

429 (2) Street trees shall be provided along all public road right-of-way in accordance with the
430 requirements of Section 10-285, Tables 3, 4, 10A, 10B and 12, and shall be located with

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431 the priority listed below. The Land Use Administrator shall make the final determination
432 of the appropriate planting location where conflicts are present, such as right-of-way
433 constraints, utilities, topography, or site distance triangle.

- 434
- 435 a. First priority shall be between the back of the curb and the sidewalk. Trees placed
436 within the right-of-way may be subject to maintenance agreements as determined by
437 public works. If trees are planted at one of the alternate locations identified below,
438 then Sec. 10-161.1(b), TLDC, requires compensating enhancement.
 - 439 b. Second priority shall be between the sidewalk and façade (in the first layer) if right-
440 of-way constraints or utility conflicts prohibit placement of trees between the back of
441 the curb and the sidewalk.
 - 442 c. Third priority shall be elsewhere on the project site. To ensure the long term viability
443 of such trees, an alternate on-site location must be approved in advance.
 - 444 d. Fourth priority shall be at an off-site location. To ensure the long term viability of
445 such trees, an off-site location must be approved in advance.
 - 446 e. Fifth priority shall be the payment of a fee in lieu equivalent to the number of debits
447 for the trees that would otherwise be required.

448

449 ~~Where right-of-way constraints or utility conflicts prohibit placement of trees, they shall~~
450 ~~be placed, if possible, between the sidewalk and façade (in the first layer) or off site as~~
451 ~~approved by the City.~~

452

453 Sec. 10-283.4(b)(1)

454 (b) Bicycle Circulation: General to Zones T3, T4, T5 and Downtown Overlay.

455 (1) Bicycle and pedestrian routes shall be preserved, maintained, or provided adjacent to
456 or through sites as identified in the adopted ~~Prioritization System for Planned Multimodal~~
457 ~~Projects list~~ Capital Region Transportation Planning Agency's Bicycle and Pedestrian
458 Master Plan and Greenways Master Plan.

459

460 Sec. 10-284.1(a)(6)

461 (6) Front, side, side-corner, and rear setbacks for principal and accessory structures shall be
462 as shown in Section 10-285, Tables 10A, 10B, and 10C. Setbacks may be adjusted by
463 deviation with the following exceptions:

- 464
- 465 a. Properties within the Canopy Road Protection Zone having no viable alternative
466 access to a road other than a canopy road shall not be subject to a deviation for the
467 front setback along the canopy road.
 - 468 b. An addition of up to 10 feet to the ~~principal frontage~~ setback along any public
469 roadway shall be allowed, as necessary, for public safety to accommodate existing
470 utility lines or for other right-of-way constraints.
- 471

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472 The ~~front frontage~~ setbacks shall apply to the ~~all~~ principal ~~and double~~ frontage. Side-
 473 corner setbacks shall apply to the Secondary Frontage. Rear setbacks shall apply to the
 474 parcel boundary opposite the principal frontage.

475
 476 Sec. 10-284.1(a)(9)
 477 The application of development standards to sites with multiple frontages shall be as follows:
 478

<u>Roadway Frontage</u>	<u>Setbacks</u>	<u>Other Standards</u>
<ul style="list-style-type: none"> ▪ <u>Principal (front)</u> ▪ <u>Secondary (side corner)¹</u> ▪ <u>Rear (with multiple buildings)</u> 	<u>See front yard setbacks at Section 10-285, Tables 10A, 10B, and 10C.</u>	<u>MMTD front yard standards (i.e. transparency, landscaping, street scaping, sidewalks, etc.)</u>
<u>Rear, with single building</u>	<u>The rear setback applies to the rear frontage of a single building on a double frontage lot.</u>	<ul style="list-style-type: none"> ▪ <u>MMTD front yard standards apply for landscaping, street scaping, and sidewalks.</u> ▪ <u>MMTD transparency standards do not apply.</u> ▪ <u>Parking lots and trash containment devices may be located between the building and the rear frontage if all streetscreen requirements are met.</u>
<u>Notes:</u> <u>¹ A full block development would have two side corner yards, and the front yard standards would be applicable to both side corners.</u>		

479
 480 Sec. 10-284.2(a)(2)
 481 (2) All buildings shall have at least one entrance facing the principal frontage, which shall be
 482 connected to the right-of-way by a direct pedestrian connection which does not cross a
 483 vehicle use area. All outdoor seating areas shall also be connected to the primary entrance
 484 by a direct pedestrian connection which does not cross a vehicle use area. The rear
 485 property line of a double frontage lot also requires a direct pedestrian connection between
 486 the entrance and the public right-of-way which may cross vehicle use areas. ~~A direct~~
 487 ~~pedestrian connection shall be provided from the front façade to the public right-of-way.~~
 488

489 Sec. 10-284.2(a)(3)
 490 (3) Building heights and stepbacks shall adhere to Section 10-285, Table 6, Tables 10A, 10B,
 491 10C, and 10D, and Table 11 if applicable. However, the requirement for a first floor
 492 commercial function with a height of 12 to 25 feet from finished floor to finished ceiling

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493 does not apply to mini-storage, laundry services, funeral services, medical services,
494 religious facilities, or similar uses as may be determined by the Land Use Administrator.
495

496 Sec. 10-284.2(a)(8)

497 (8) Transparency. Except as specified in Section 10-282.3, for University Village District, all
498 building elevations adjacent to public right-of-way or required pedestrian ways (except
499 for detached single-family dwellings) shall provide transparency at eye level — between
500 three (3) and eight (8) feet above finished floor elevation ~~grade~~ — in accordance with the
501 following minimum percentages.

- 502
- 503 a. Non-Residential or Mixed-Use.
 - 504 1. Frontage: 60%
 - 505 2. Corner side elevations: 30%.
 - 506 b. Residential (Single-family detached units exempt.)
 - 507 1. Frontage: 30%
 - 508 2. Corner side elevations: 15%.
 - 509 c. In all structures, a minimum of 15 percent transparency shall be provided above the
510 first story of facades adjacent to the public right of way.
 - 511 d. Reflective glass is prohibited.
 - 512 e. Solid rear walls above the first story are prohibited when properties adjoin the Special
513 Character District.
- 514

515 For each linear foot of finished floor elevation more than three feet above grade, one or
516 more of the following shall be provided:
517

- 518 (a) A three foot wide planting strip with shrubs, tall grasses, and similar plantings to
519 cover at least 75% of the vertical distance between grade and finished floor at
520 maturity.
 - 521 (b) Publicly accessible space equal to at least 500 square feet and a minimum depth of 6
522 feet, such as hardscaped outdoor seating, courtyards, or gardens accessible to the
523 public.
 - 524 (c) Raised planters with a minimum size of 4 cubic feet, spaced a minimum of every 20
525 feet along the building frontage.
 - 526 (d) Façade articulation so that no street-facing façade shall exceed 35 feet in length
527 without at least a minimum 2 foot change in the depth of the wall plane.
 - 528 (e) Utilize at least 3 materials and 2 colors in the front façade, with each material
529 covering at least 30% of the façade.
- 530

531 Sec. 10-284.3(a)(3)b.

532 (3)b. All mechanical equipment and trash containment devices, including compactors and
533 dumpsters, shall be screened from public right of way and placed in the second (2nd) or
534 third (3rd) layer from the principal frontage and secondary (side-corner) frontage.
535 Mechanical equipment and trash containment devices can be located between the

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536 building and the rear (property line opposite the principal frontage) but must be screened
537 from the right-of-way to meet 100% opacity standards and must meet buffering
538 requirements if adjacent to Protected Residential uses, which includes any property
539 developed with a single family residence, duplex, or triplex to a density of less than or
540 equal to 8 units per acre, and any vacant property that is zoned either RP-1, RP-2, RP-
541 MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF, LP, MH, or RA. Screening can be
542 vegetative or structural.

543
544 Sec. 10-284.4(a)(2)

545
546 Outside the Central Core, parking shall be provided within the ranges listed below. Requests to
547 vary from the stated requirements, excluding the 25% potential increase for redevelopment
548 projects, must be submitted to the Parking Standards Committee, as per Sec. 10-332.

- 549
550 a. Downtown Overlay (except Central Core): ~~and~~ Developments shall provide parking at a rate
551 of between 100 and 50 percent of that required by Section 10-285, Table 8A.
552 b. Transect 5: Developments shall provide parking at a rate of between 100 and 65 percent of
553 that required by Section 10-285, Table 8A.
554 c. Transect 4: Developments in Transect 4 shall provide parking at a rate of between 100 and 75
555 percent of that required by Section 10-285, Table 8A.
556 d. Transect 3: Developments in Transect 3 shall provide parking at a rate of between 100 and 85
557 percent of that required by Section 10-285, Table 8A.
558 e. Redevelopment shall have the right to provide parking at a rate of 25 percent less or 25
559 percent more of the required parking from Section 10-285, Table 8A if all of the parking is
560 provided within a parking structure ~~than that required in Section 10-285, Table 8A;~~ for those
561 categories with parking ratio ranges, the calculations will presume reduction or increase from
562 the number of existing spaces on the site. Requests to vary from the stated requirements must
563 be submitted to the Parking Standards Committee, as per Section 10-332.

564
565 Sec. 10-284.5(a)(2)

566 (a)(2) Parking lots shall be located in the third layer (or interior/internal to the site) from the
567 principal frontage and secondary (side-corner) frontage, and shall not be located between
568 the building facade and the principal or secondary frontages ~~all public street frontage.~~
569 Parking lots may be located between the building and the rear (property line opposite the
570 principal frontage), but shall provide screening as defined by Sec. 10-281(f). See also
571 Sec. 10-285, Tables 10A, 10B, 10C, and 10D.

572
573 Sec. 10-284.5(c)(1)

574 (c)(1) Liner Buildings. When located along public right-of-ways or public open space, parking
575 garages shall provide at least one of the features listed below.

- 576
577 a. A ~~a~~ minimum of 50 percent of the ground level of parking garages shall be wrapped
578 by retail, office, or other active uses.

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- 579 b. Publicly accessible space equal to at least 1,000 square feet with a minimum depth of
580 6 feet, such as hardscaped outdoor seating, courtyards, or gardens accessible to the
581 public.
582 c. At least 3 materials and 2 colors in the façade facing the public right-of-way or public
583 open space, with each material covering at least 30% of the façade.
584 d. A mural covering at least 50% of the façade facing the public right-of-way or public
585 open space.
586 e. Façade articulation so that no street-facing façade shall exceed 35 feet in length
587 without at least a minimum 2 foot change in the depth of the wall plane.
588

589 Sec. 10-284.5(c)(3)a.

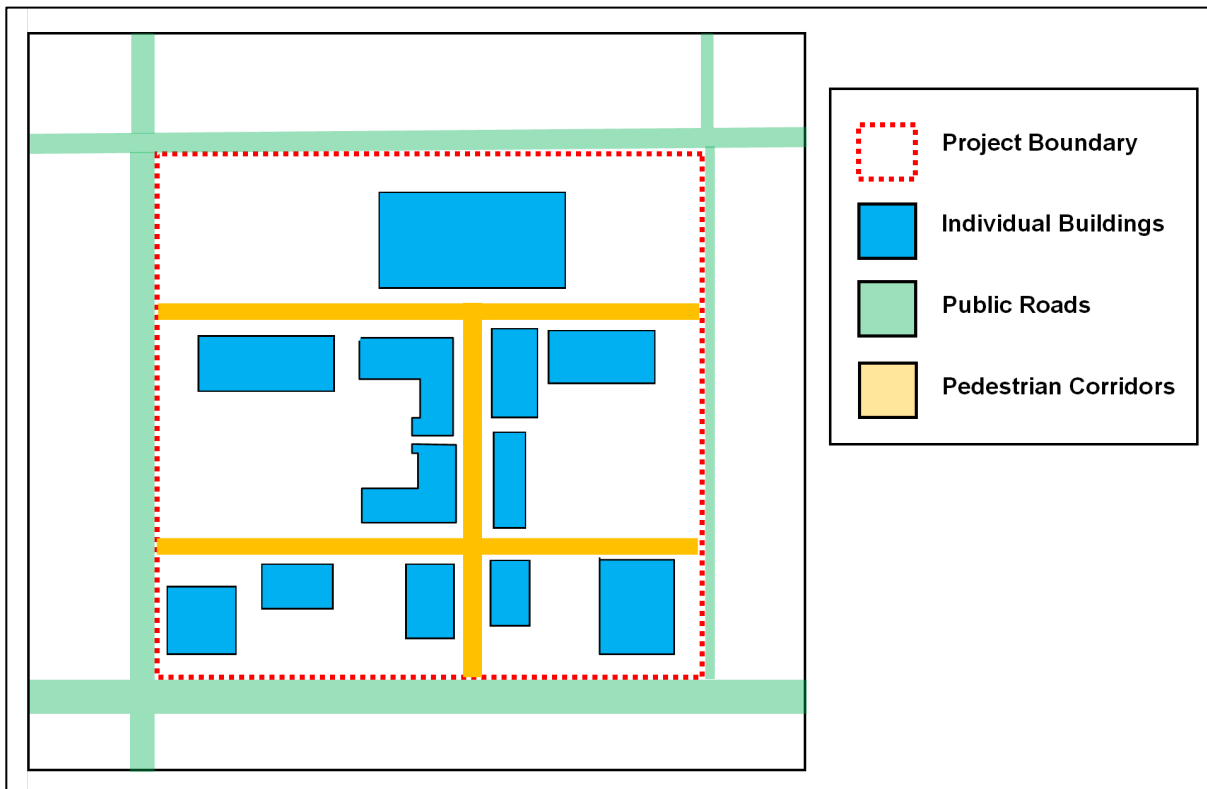
- 590 (3)a. Pedestrian entries shall be clearly visible and provide at least one entrance facing the
591 principal ~~direct connection to the~~ public frontages, except for underground levels, for
592 which entries and exits may be directly into a building.
593

594 Sec. 10-284.9

595 Multi-Building Developments

596 A multi-building development totaling at least 90,000 square feet and at least six buildings
597 located in the Multi-Modal Transportation District outside of the Downtown Overlay may
598 develop utilizing a pedestrian corridor instead of a public right-of-way as the principle frontage.
599 At a minimum, this pattern of development must provide at least two intersecting pedestrian
600 corridors, and buildings must be separated by either open pedestrian alleys or by enclosed
601 pedestrian passageways. Pedestrian passageways must provide a 12-foot height clearance and
602 upper floors above it. An example project developed with a focus on an internal pedestrian
603 corridor is provided below. All internal pedestrian circulation corridors shall remain open to the
604 public in perpetuity with an access easement. As shown in the example below, this pattern of
605 development results in parking located between the buildings and the public right-of-way, and
606 the buildings front an internal pedestrian network. This pattern shall be encouraged in the Multi-
607 Modal Transportation District outside of the Downtown Overlay.
608

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- 609
- 610 Sec. 10-285 (Each table will be amended as described below and included in the draft.)
- 611
- 612 ■ Table 2A: Delete footnote #4.
 - 613 ■ Table 3: The provision of trees, planters, or street furniture shall ~~not~~ result in a pedestrian
 - 614 clear zone of at least ~~less than~~ six (6) 5-feet in width.
 - 615 ■ Table 8A (at T5 column and the restaurant–dine in row): ~~6/1000 3/1000~~ s.f.
 - 616 ■ Table 8C (at Downtown Overlay & Transect 5 column and Non-Residential row): 20%
 - 617 ~~320%~~ of required automobile spaces
 - 618 ■ Tables 10B and 10C: The footnotes will be amended as follows:
 - 619 ~~“The maximum setback may be exceeded where it is unachievable due to parcel~~
 - 620 ~~configuration or due to required infrastructure or other setbacks, that affect its application.”~~
 - 621 ■ Table 10E (at the Density column and the CU-45 row): 4-45 du/acre
 - 622 ■ Table 12: Delete note at bottom as follows:
 - 623 ~~Double Frontage parcels shall apply those standards for Principal Frontage including but not~~
 - 624 ~~limited to setbacks, transparency, landscaping and streetscaping, and sidewalks.~~

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625 Section 5. Section 10-429(b)(1) of the Tallahassee Land Development Code is hereby
626 amended to read as follows:

627
628 Section 10-429(b)(1)

629
630 (1) Transparency. Reflective glass (which provides for less than 70 percent light transmission) is
631 prohibited. Transparency must be provided as indicated in the table below titled
632 “Transparency Standard for Dense Residential”. Properties in the MMTD design review
633 districts are subject to a separate transparency standard in Division 4 of the Tallahassee Land
634 Development Code (Downtown Overlay Regulating Plan and Multi-Modal Transportation
635 District Standards).

636

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%

¹Eye level is between 3 and 8 feet above the finished ~~floor elevation~~ grade. For each linear foot of finished floor elevation more than three feet above grade, one or more of the following shall be provided:

- (a) A three foot wide planting strip with shrubs, tall grasses, and similar plantings to cover at least 75% of the vertical distance between grade and finished floor at maturity.
- (b) Publicly accessible space equal to at least 500 square feet and a minimum depth of 6 feet, such as hardscaped outdoor seating, courtyards, or gardens accessible to the public.
- (c) Raised planters with a minimum size of 4 cubic feet, spaced a minimum of every 20 feet along the building frontage.
- (d) Façade articulation so that no street-facing façade shall exceed 35 feet in length without at least a minimum 2 foot change in the depth of the wall plane.
- (e) Utilize at least 3 materials and 2 colors in the front façade, with each material covering at least 30% of the façade.

637
638 Section 6. Conflicts. All ordinances and parts of ordinances of the City of Tallahassee
639 Code in conflict with the provisions of this ordinance are hereby repealed to the extent of such
640 conflict.

641

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642 Section 7. Severability. If any provision or portion of this ordinance is declared by any
643 court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
644 provisions and portions of this ordinance shall remain in full force and effect.
645

646 Section 8. Effective Date. This ordinance shall become effective on the date it is
647 adopted by the City Commission.
648

649
650 INTRODUCED in the City Commission on the _____ day of _____, 2021.
651

652 PASSED by the City Commission on the _____ day of _____, 2021.
653

654
655 CITY OF TALLAHASSEE
656

657
658 By: _____
659 John E. Dailey
660 Mayor
661

662
663 ATTEST: APPROVED AS TO FORM:
664

665
666 By: _____
667 James O. Cooke, IV
668 City Treasurer-Clerk

665
666 By: _____
667 Cassandra K. Jackson
668 City Attorney

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