

Sec. 10-200. Urban Planned Unit Development (U-PUD) Zoning District.

(a) *Purpose and Intent of District.* An Urban Planned Unit Development (U-PUD) zoning district is intended to provide a method by which proposals for high-quality urban developments, which are not provided for or allowed in the zoning districts may be evaluated. The procedures of this district retain the city commission's authority to establish appropriate limitations and regulations to protect the public health, safety, and general welfare, and promote the goals and objectives of the downtown plan and central core. The U-PUD district is intended to:

- (1) Encourage infill and rehabilitation of existing urban areas with readily available services and infrastructure.
- (2) Promote more efficient and economic uses of land, while respecting historic context and landscape features.
- (3) Encourage land uses that reduce transportation needs and that conserve energy and natural resources to the maximum extent possible. Emphasis shall be placed on the integration of mass-transit with new projects.
- (4) Encourage a pedestrian-friendly environment. Emphasis is placed on street level commercial and/or cultural activity along streets where there is heavy pedestrian activity or such activity can be created through appropriate urban design, land use mixture, and transportation facility design. To emphasize the pedestrian oriented character of the district, project entrances will open on to public streets and public walkways.
- (5) Encourage institutional, cultural, office, residential and retail uses in mixed-use development, capable of supporting 18-hour activity in a lively urban setting. Emphasis is placed on the allowance of such complementary activities as high-density residential, neighborhood commercial, and entertainment. The location of such uses in close proximity of each other maximizes opportunities for pedestrian, transit, and bicycle traffic, reducing the need for automobile dependency and the demand for parking.
- (6) Preserve to the greatest extent possible, and utilize in a harmonious fashion, mature trees on the site.
- (7) In addition to the above, adjacent to special character districts (SCD) or properties listed on the national register of historic places, protect the existing scale and architectural character of historic buildings and streets, maintaining in new, compatible buildings, the scale and architectural context of the district and/or surrounding historic properties. A list of properties on the national and local registers of historic places can be obtained from the Tallahassee Trust for Historic Preservation. Consideration of existing scale and architectural context shall be given to properties determined eligible for listing on the national and/or local register of historic places by the Tallahassee-Leon County Architectural Review Board.

(b) *Review criteria.* In addition to the above, projects proposed for U-PUD, zoning shall be evaluated by the following criteria. The application narrative shall describe how the concept plan addresses these six criteria:

- (1) Building design shall contribute to making and perceiving downtown and surrounding central core areas as a pattern of spaces and structures rather than a series of unrelated buildings and streets. Projects shall continue an appropriate urban pattern where one is in place; where a pattern is not apparent or inappropriate to an urban setting, projects shall establish high-quality precedent and urban context for future development to follow.
- (2) Height shall be evaluated on a parcel-by-parcel basis, considering the context of the surrounding development and plans and studies for the downtown and central core that have been approved by the city commission.
- (3) Buildings shall replicate the setbacks of existing buildings to create a consistently developed edge, to reinforce the established pattern of development, and to enhance pedestrian orientation. Where existing setbacks coincide with the right-of-way line, active street-level uses shall open into the pedestrian zone.
- (4) On-site parking for nonresidential uses shall be minimized. Use of joint parking facilities for residential and nonresidential uses is encouraged. On-site parking, loading areas, and utilities shall not impair the overall character of the streetscape or pedestrian orientation; and shall meet the design and architectural standards of this chapter. Public parking facilities may be considered under this subsection if it is determined that the overall character of the streetscape is not impaired by such a use and if the facility meets the design and architectural standards of this subsection, including the requirement for active, non-residential street level uses.
- (5) Vehicular access shall not impede pedestrian safety or comfort. Use of alleys and joint drives is encouraged. Projects requiring new street access shall demonstrate why existing access is insufficient and shall also demonstrate how the new access will ensure pedestrian safety and comfort.
- (6) When located within areas designated downtown on the future land use map, project design shall contribute to the area's visual context in a manner that is consistent with the downtown plan. In areas designated Central Urban and University Transition, project design shall promote an attractive pedestrian-oriented urban center that facilitates development of a mixture of compatible medium and high density and intensity land uses.
- (7) Character elements and amenities that shall be considered in determining whether the project design contributes to the public realm include the following:
 - a. Use of high quality natural materials, authenticity, and craftsmanship.
 - b. Relation to the existing context in building materials, color, massing of building forms, spacing between buildings, and relative proportions of facade openings.
 - c. Creates building mass that relates to the scale of the street and steps down to the elevation of streets, enlivens the sidewalk environment and avoids the use of retaining walls (except where historic retaining walls currently exist).
 - d. Sculpts and light the tops of towers to reduce the effect of a row of flat-topped high-rises on the skyline. Fluorescent lighting is prohibited on building facades.

- e. Organizes facades into clearly defined base and upper stories with strong horizontal elements separating the two.
- f. Maintains ground floor transparency appropriate to use. All ground floor uses should open to the pedestrian zone in ways appropriate to use. Blank walls or rows of parking facing the street are not allowed.
- g. Utilizes sidewalk coverings in the form of awnings, canopies, galleries, or other similar treatments.
- h. Creates through-block connections via exterior or interior plazas, publicly accessible pedestrian walkways, lobbies, and atria.
- i. Incorporates streetscape, including a regular pattern of street trees and grates, patterned paving, lighting, fountains, sculpture, and seating. The highest quality street furniture and streetscape reasonably affordable should be used.
- j. Provides covered mass-transit stops may be required at the discretion of the Taltran director or their designee. The design of transit stops shall be reviewed with the proposed U-PUD.

(c) *Eligibility.* The U-PUD district is designed to allow an applicant to submit a proposal for consideration, for any uses or any mixture of uses that are consistent with the comprehensive plan and subsection (d), and to allow the city commission to approve any proposal which it determines to be in the best interest of the public health, safety, and welfare, and which meets the intent of this section, along with any conditions or requirements or limitations thereon to meet the intent of the comprehensive and downtown plans. The approval of U-PUD rezoning requests rests with the city commission. However, no rezoning to an U-PUD zoning district shall be eligible for approval unless the following minimum conditions are met:

(1) *Applicability.* A U-PUD may only be approved within areas designated all Central Urban (CU), University Transition (UT), Downtown Institutional (DI), Retail/Office (RO), Capital Center Office Institutional (O-I) and Capital Center Office Governmental (O-G) district within the Capital Center Planning District (CCPD). A U-PUD shall not be allowed within the Gaines Street revitalization area or the Special Character District. A map of areas eligible for U-PUD is available in the planning department.

(2) *Configuration of the U-PUD zoning district.* The tract(s) of land that may be rezoned to U-PUD shall be contiguous, and shall have sufficient width and depth to accommodate the proposed use.

(3) *Unified control/ownership.* All land included for the purpose of development within a U-PUD district shall be owned by or be under the complete control of the applicant for such zoning designation, whether the applicant be an individual, partnership, corporation, other entity, group, or agency. The applicant shall provide the city all of the necessary documents and information that may be required by the city attorney to assure the city that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the requirements of this section have been fully met.

(4) *Minimum size.* There are no minimum size requirements for a U-PUD district.

(d) *Permitted uses.* U-PUDs within the Central Core may allow any use that is consistent with the Future Land Use category and district intent, including, but not limited to:

(1) Residential: All types of residential uses shall be allowed.

(2) Manufacturing (permitted only as an accessory use for a permitted commercial use):

- 25 Furniture and fixtures
- 27 Printing and publishing
- 283 Drugs
- 342 Cutlery, hand tools, and hardware
- 365 Household audio and video equipment
- 381 Search and navigation equipment
- 382 Measuring and controlling devices
- 384 Medical instruments and supplies
- 385 Ophthalmic goods
- 386 Photographic equipment and supplies
- 387 Watches, clocks, watchcases and parts
- 391 Jewelry, silverware, and plated ware
- 393 Musical instruments
- 394 Toys and sporting goods
- 395 Pens, pencils, office and art supplies
- 396 Costume jewelry and notions

(3) Community facilities related to residential uses, including religious facilities, police/fire stations, post offices, libraries and elementary, middle and high schools, are allowed. Other community facilities may be allowed in accordance with section 10-413.

(4) Retail uses:

- 523 Paint, glass and wallpaper
- 525 Hardware stores
- 526 Retail nurseries, lawn and garden supply stores
- 531 Department stores
- 533 Variety stores
- 539 Miscellaneous general merchandise
- 541 Grocery stores
- 542 Meat and fish markets
- 543 Fruit and vegetable markets
- 544 Candy, nut and confectionary stores
- 545 Dairy products stores
- 546 Retail bakeries

549 Miscellaneous food stores
553 Auto and home supply
56 Apparel and accessory stores
561-566, 569 Apparel, shoes and accessories
571 Home furniture and furnishings
572 Household appliances
573 Radio, television consumer electronics (including computers and software) and music stores
5736 Musical instrument stores
581 Eating and drinking places
591 Drug stores
592 Liquor stores
593 Used merchandise stores
594 Miscellaneous retail including sporting goods, books, stationery, jewelry, toys, cameras, gifts, luggage, needlework, piece goods
5961 Catalog and mail-order houses
599 Other retail stores (florists, newsstand, tobacco, optical goods, art, etc.), except gravestones, tombstones, swimming pools, hot tubs

(5) General office, including banks/credit unions (without drive thru), doctors/dentists offices, and governmental offices shall be allowed.

(6) Personal services:

701 Hotels and motels
721 Laundry, cleaning, and garment services (except cleaning and repair plants, which are industrial land uses)
722 Photographic studios, portrait
723 Beauty shops
724 Barber shops
725 Shoe repair and shoeshine parlors
729 Miscellaneous personal services
731 Advertising
733 Mailing, reproduction and commercial art
734 Services to dwellings and other buildings
736 Personnel supply services
737 Computer and data processing services
738 Miscellaneous business services
752 Automobile parking (lots and structures) (which comply with the intent of the DPUD language)
762 Electrical repair
763 Watch, clock, and jewelry
764 Reupholstery and furniture repair
769 Miscellaneous repair, except welding, septic tank cleaning, farm machinery
781 Motion picture production
782 Motion picture distribution
783 Motion picture theaters

784 Videotape rental
791 Dance studios
792 Theatrical productions
793 Bowling centers
794 Commercial sports, except track operations
799 Miscellaneous amusement and recreation services, except golf courses and amusements parks
805 Nursing and personal care facilities
808 Home health care services
809 Miscellaneous health and allied services
832 Individual and family social services
833 Job training
835 Child day care services
836 Residential care
839 Miscellaneous social services
841 Museums and art galleries
842 Botanical and zoological gardens
864 Civic, social, and fraternal associations
873 Research and testing services
874 Management and public relations
074 Veterinary services
0781 Landscape counseling and planning

(e) *Prohibited uses.* Billboards, communication towers, and drive-thrus shall not be allowed within a U-PUD.

(f) *Density and intensity bonus.* Up to 35 percent additional density/intensity may be permitted, subject to requirements of section 10-289.

(g) *Accessory uses and structures.* Accessory uses and structures shall be governed by sections 10-411 and 10-412 of this Code.

(h) *Landscaping and urban forest standards.* As part of a U-PUD application in the Central Core area, the applicant shall propose a set of landscaping and urban forest standards unique to the U-PUD. The planning commission shall review the specific amount of landscaping and urban forest proposed by the applicant on a case-by-case basis for consistency with the Comprehensive Plan. If the proposed landscape plan falls below the minimum landscaping and/or urban forest requirements as found in section 5-85, the applicant shall be required to pay a fee-in-lieu for the differential.

(i) *Submittal requirements.* An application for an urban planned unit development (U-PUD) zoning district shall be the equivalent of a final planned unit development (PUD) plan. A U-PUD application shall include all information currently required for both Concept and Final PUD applications as found in section 10-165 and chapter 9, article III. Color site plans and elevations or renderings, accurately depicting the site design, scale, building design, massing, and project enhancements shall be submitted and reviewed

with the application. Such drawings shall be adopted as a binding attachment to the U-PUD.

(j) *Review process.* The U-PUD plan is subject to the review process outlined below:

(1) *Pre-application or post-application conference.* An optional application for a pre-application or post-application conference may be submitted to the city in accordance with established policies and procedures.

(2) *Urban design commission.* Applications for a U-PUD, located in the downtown area, shall be submitted to the Urban Design Commission (UDC) for review. UDC review shall be limited to factors, criteria and requirements as found in sections 180-187. Following their review, the UDC shall forward a recommendation for approval, denial, or approval with conditions to the development review committee. U-PUD applications located outside the Downtown area are not subject to this requirement.

(3) *Development review committee.* All applications for U-PUD shall be submitted to the development review committee for review and comment. Please note that U-PUD applications for projects located in the downtown area must be reviewed by the urban design commission prior to submittal to the development review committee. The development review committee shall review all U-PUD applications at a regularly scheduled meeting to determine if the application complies with the comprehensive plan and other applicable land development regulations as adopted by the city. The development review committee shall prepare an itemized list of written findings of fact, which support a recommendation of approval, approval with conditions, or denial of the U-PUD plan. The written findings of the development review committee shall be forwarded to the planning commission. Meetings of the development review committee shall be conducted in accordance with established policies and procedures.

(4) *Public notification.* Public notice of the development review committee shall be given at least five calendar days in advance of the development review committee meeting by publication in a newspaper of regular and general circulation in the city and the county. In addition, written notice shall be mailed at least five calendar days in advance of the development review committee meeting to the current address (based on records of the county property appraiser's office) of each property owner within 500 feet of the project and to registered neighborhood associations. Due notice shall be given of the planning commission and city commission public hearings at least 15 calendar days in advance of the hearing by publication in a newspaper of regular and general circulation in the city and the county. In cases in which formal proceedings are conducted under chapter 2, article III, division 2, subdivision II, of this Code, the notice for the public hearing held by the planning commission shall apply only to the public hearing on the recommended order from the administrative law judge.

(5) *Planning commission review.* The planning commission shall review all U-PUD applications and the written findings of fact of the development review committee, and conduct a public hearing in order to formulate a recommendation to the city commission to approve, approve with conditions, or deny the development plan. The recommendation of the planning commission shall be supported by written findings of fact. Meetings of the planning commission shall be conducted in accordance with established policies and procedures. Formal proceedings before the planning commission may be requested in accordance with section 2-134.

(6) *City commission review.* The city commission shall review all U-PUD applications, the recommendation and written findings of the development review committee and the planning commission, and conduct a public hearing. The city commission will then approve, approve with conditions, or deny the development plan. The decisions of the city commission shall be final and shall be supported by written findings. Meetings of the city commission shall be conducted in accordance with established policies and procedures. A U-PUD zoning district is established when a the U-PUD plan is approved by the city commission.

(k) *Revisions to urban planned unit developments.* The applicant shall have 90 days from the date of the city commission meeting when final action is taken to submit a revised U-PUD to include any conditions of approval for the development plan imposed by the city commission. Any such changes shall be reviewed for acceptance by the development review committee members or their designees within ten days of receipt and shall bear the signature of the development review committee members or their designees before the U-PUD can be accepted as the approved plan. Upon written request from the applicant, one 90-day extension may be granted by the planning department director for submittal of the revised plan. Failure by the applicant to submit a revised site plan within the time frames specified in this section shall deem the U-PUD null and void.

(l) *Amendments to approved urban planned unit developments.*

(1) *Major and minor U-PUD amendments.* Any significant amendment to an approved U-PUD shall be reviewed as a new U-PUD. Notwithstanding this provision, the growth management director or their designee may approve minor amendments to the U-PUD if the growth management department determines that such amendments are substantially minor in nature and do not affect the overall character or intensity of the development. The criteria that the growth management department shall use to determine if the proposed changes affect the overall character of the U-PUD include, but are not limited to:

- a. A five percent or greater increase in the overall number of residential dwelling units or nonresidential building square feet;
- b. A five percent or greater decrease in the amount of acres devoted to common open space and/or natural area, or:

c. A substantial change in the general location of the proposed land uses, including the common open space and/or natural areas.

(2) *Design or architectural changes to an approved U-PUD located in the Downtown area.* All changes to approved U-PUDs located in the Downtown area shall be submitted to the planning department for review and comment. If such changes are deemed to differ significantly from the site plans, the elevations or renderings approved with the original U-PUD application, then the proposed changes shall be forwarded to the urban design committee for review and approval. Significant changes may include, but are not limited to:

- a. Deletion, addition, or redesign of major architectural elements;
- b. Revisions to building style or exterior finishes;
- c. Relocation of major site or building features such as parking areas, building entrances, public plazas, etc.

Exemptions from design review are found in section 9-182.

(3) *Design or architectural changes to an approved U-PUD located outside the Downtown area.* All changes to approved U-PUDs located outside the Downtown area shall be reviewed and approved by the city commission.

(Code 1984, § 10.3(0)(3)4; Ord. No. 02-O-43AA, §§ 2, 3, 7-10-2002; Ord. No. 05-O-57, § 3, 10-26-2005)