



TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT



April 16, 2024

Ms. Donna Harris
Plan Processing Administrator
State Land Planning Agency – Florida Department of Commerce
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399

Re: Adopted Comprehensive Plan Small-Scale Map Amendments

Dear Ms. Harris:

The Tallahassee-Leon County Planning Department hereby submits adopted small-scale map amendments as part of the 2024 Comprehensive Plan Amendment Cycle for the City of Tallahassee and Leon County, amending the joint Tallahassee-Leon County 2030 Comprehensive Plan. These amendments are submitted pursuant to the City Commission adoption public hearing on April 10, 2024.

These adopted amendments are being submitted as small-scale amendments under section 163.3187(1), Florida Statutes.

<u>Amendment</u>	<u>Acres</u>
TMA 2024 005 – Osceola	3.52
TMA 2024 007 – 2600 Plant Street	2.30
TMA 2024 008 – 1726 and 1728 Mahan Drive	1.51
TMA 2024 010 – Magnolia and Gadsden	1.78

The cumulative total number of acres for small-scale amendments approved for the calendar year is approximately 11.01 acres. None of the adopted amendments are within an area of critical state concern. None of the adopted amendments involve a site within a rural area of opportunity.

Enclosed are the following City ordinances adopting the comprehensive plan amendments:

- City of Tallahassee Ordinance 24-O-08 adopted April 10, 2024
- City of Tallahassee Ordinance 24-O-10 adopted April 10, 2024
- City of Tallahassee Ordinance 24-O-11 adopted April 10, 2024
- City of Tallahassee Ordinance 24-O-13 adopted April 10, 2024

The appropriate review agencies are copied on this letter and provided with a complete adopted amendments package in Portable Document Format (PDF).



TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT



If you have any questions concerning the adopted amendments, please contact Susan Poplin at (850) 891-6400; 300 South Adams Street, Tallahassee, FL 32301; FAX: (850) 891-6404; e-mail Susan.Poplin@talgov.com.

Sincerely,

A handwritten signature in black ink that reads "Susan E. Poplin".

Susan Poplin
Acting Administrator of Comprehensive Planning
Tallahassee-Leon County Planning Department

cc:

Department of Agriculture and Consumer Services (w/attachments)
Department of Education (w/attachments)
Department of Environmental Protection (w/attachments)
Department of State (w/attachments)
Florida Fish and Wildlife Conservation Commission (w/attachments)
Department of Transportation, District Three (w/attachments)
Apalachee Regional Planning Council (w/attachments)
Northwest Florida Water Management District (w/attachments)

Emily Bouza (w/o attachments)
Lou Norvell (w/o attachments)

ATTACHMENT #1
SUMMARY CHART

**TALLAHASSEE-LEON COUNTY
MATRIX FOR 2024 CYCLE COMPREHENSIVE PLAN AMENDMENTS**

A = Approve
D = Denial
AM = Approve as Modified

<i>Item #</i>	<i>Amendment To:</i>	<i>Nature of Proposed Amendment</i>	<i>Planning Staff Analysis</i>	<i>LPA Recommendation</i>	<i>Board/Commission Position</i>	<i>Status</i>
LMA 2401 2225 Orange Avenue	SMALL SCALE FUTURE LAND USE MAP	From: Urban Residential 2 and Activity Center To: Activity Center Approximately 1.90 Acres	Consistent	A	A	Adopted Adoption Hearing April 9, 2024
TMA 2024 005 Osceola Street	SMALL SCALE FUTURE LAND USE MAP	From: Residential Preservation To: Neighborhood Boundary Approximately 3.52 acres	Consistent	A	A	Adopted Adoption Hearing April 10, 2024
TMA 2024 007 2600 Plant Street	SMALL SCALE FUTURE LAND USE MAP	From: Government Operational To: Suburban Approximately 2.30 acres	Consistent	A	A	Adopted Adoption Hearing April 10, 2024
TMA 2024 008 1726 & 1728 Mahan Drive	SMALL SCALE FUTURE LAND USE MAP	From: Residential Preservation To: Urban Residential 2 Approximately 1.51 acres	Consistent	A	A	Adopted Adoption Hearing April 10, 2024
TMA 2024 010 Magnolia and Gadsden	SMALL SCALE FUTURE LAND USE MAP	From: Central Urban and Residential Preservation To: Central Urban Approximately 1.78 acres	Consistent	A	A	Adopted Adoption Hearing March 22, 2032

ATTACHMENT #2
EXECUTED ORDINANCES
ADOPTING
SMALL-SCALE PLAN
AMENDMENTS

Small-Scale Map Amendment

TMA 2024 005

Osceola Street

3.52 Acres

From: Residential Preservation

To: Neighborhood Boundary

Staff Analysis for Consistency with the Comprehensive Plan:

Consistent

Local Planning Agency Recommendation:

Approval

City Commission:

Adopted

ORDINANCE NO. 24-O-08

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE NEIGHBORHOOD BOUNDARY LAND USE CATEGORY ALONG OSCEOLA STREET FROM PASCO STREET TO HOLTON STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapters 163 and 166, Florida Statutes, empower the City Commission of the City of Tallahassee to prepare and enforce comprehensive plans for the development of the City; and,

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empower and require the City Commission of the City of Tallahassee to (a) plan for the City's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and,

WHEREAS, pursuant to Section 163.3187, Florida Statutes, the City Commission of the City of Tallahassee has held public work sessions, public meetings and several public hearings with due public notice having been provided, on this amendment to the Comprehensive Plan; and,

WHEREAS, the City Commission of the City of Tallahassee considered all oral and written comments received during public hearings, including the data collection and analyses packages, the recommendations of the Local Planning Agency/Planning Commission; and,

WHEREAS, in exercise of its authority, the City Commission of the City of Tallahassee has determined it necessary and desirable to adopt this amendment to the comprehensive plan to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with

future problems that may result from the use and development of land within the City of Tallahassee, and to meet all requirements of law.

NOW, THEREFORE, BE IT ENACTED by the City Commission of the City of Tallahassee, Florida, as follows, that:

Section 1. Purpose and Intent.

This ordinance is hereby enacted to carry out the purpose and intent of, and exercise the authority set out in, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act.

Section 2. Map Amendment.

The ordinance does hereby adopt the following portion of the text attached hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance therewith, being an amendment to the following Plan element:

Map Amendment TMA2024005 which relates to the Future Land Use Map.

Section 3. Conflict With Other Ordinances and Codes.

All ordinances or parts of ordinances of the Code of Ordinances of the City of Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability.

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

Section 5. Copy on File.

To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public, a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon

2030 Comprehensive Plan and this amendment thereto, shall also be located in the Tallahassee-Leon County Planning Department. The Planning Director shall also make copies available to the public for a reasonable publication charge.

Section 6. Effective Date.

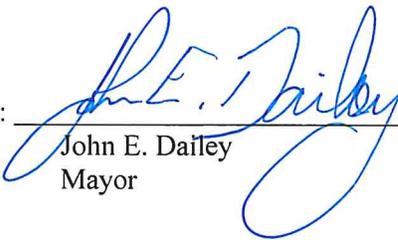
The effective date of this Plan amendment shall be according to law and the applicable statutes and regulations pertaining thereto.

INTRODUCED in the City Commission on the 27th day of March, 2024.

PASSED by the City Commission on the 10th day of April, 2024.



CITY OF TALLAHASSEE

By: 
John E. Dailey
Mayor

ATTEST:

APPROVED AS TO FORM:

By: 
James O. Cooke, IV
City Treasurer-Clerk

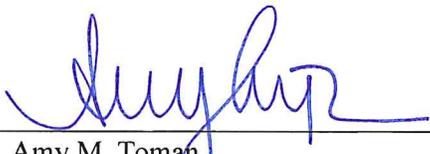
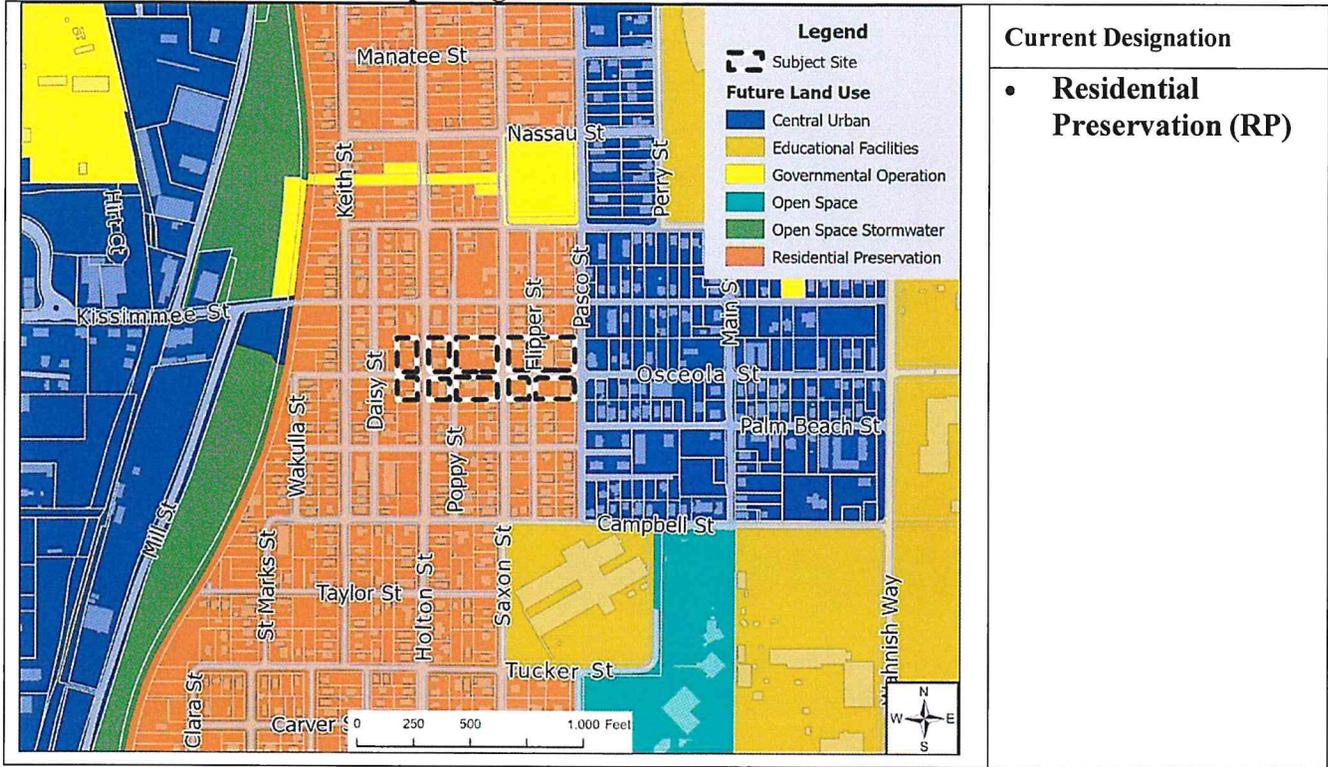
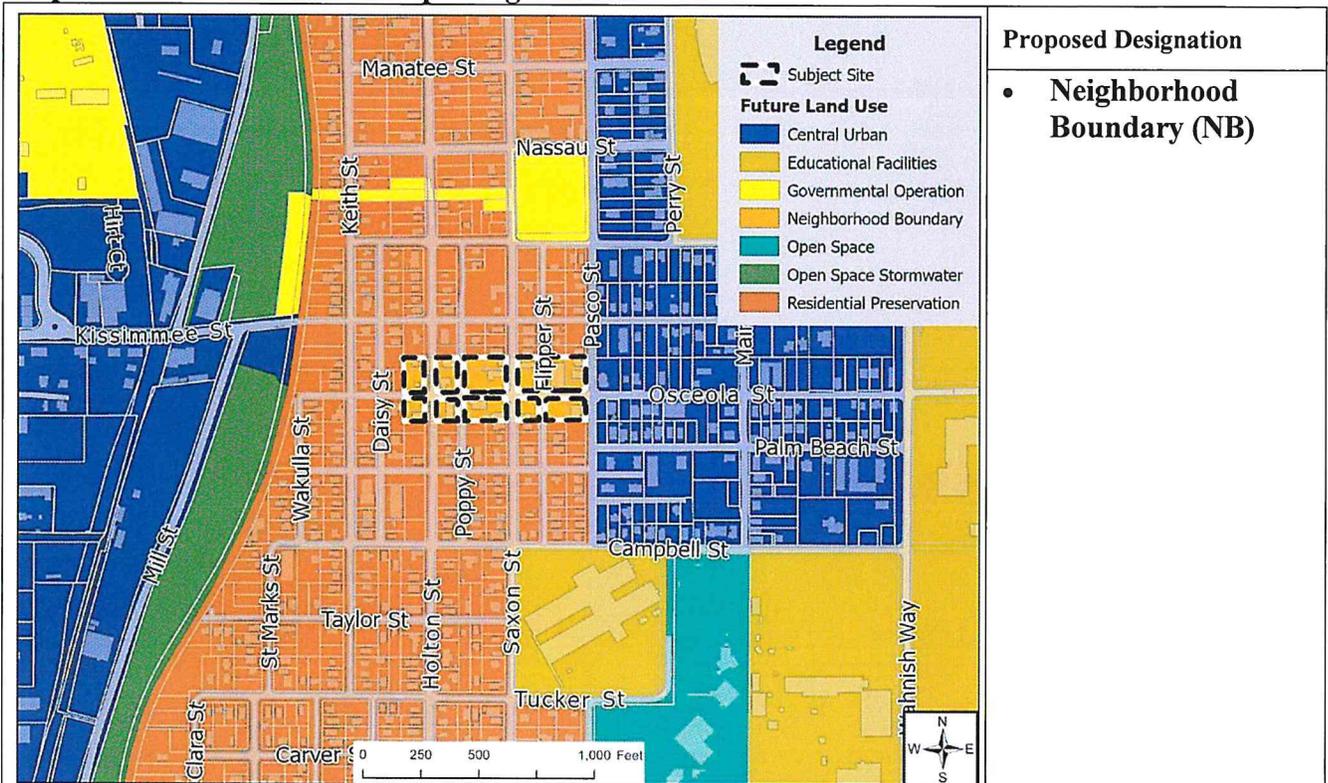
By: 
Amy M. Toman
City Attorney

EXHIBIT A

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



PROOF OF PUBLICATION

Attn Matt Lutz, Box A-31
City Tallahassee - Treasury
300 S Adams St
Tallahassee FL 32301-1721

STATE OF WISCONSIN, COUNTY OF BROWN

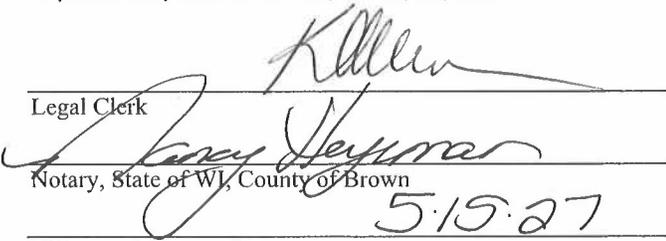
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Tallahassee Democrat, a newspaper published in Tallahassee in Leon County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Main Legal CLEGL, was published on the publicly accessible website of Leon County, Florida, or in a newspaper by print in the issues of, on:

03/29/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/29/2024

Legal Clerk


Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost: \$692.00

Order No: 9995957

of Copies:

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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING

City Commission
Transmittal Public Hearing
Wednesday, April 10, 2024, At 6 PM
City of Tallahassee Commission Chambers –
300 S. Adams St., Tallahassee, Florida 32301

CAPITAL IMPROVEMENTS SCHEDULE UPDATE

NOTICE IS HEREBY GIVEN that the Tallahassee City Commission will conduct public hearings and the public may be heard on April 10, 2024, at 6:00 p.m. at the City of Tallahassee Commission Chambers, 300 S. Adams St., to consider adoption of the following ordinances entitled:

ORDINANCE NO. 24-O-01

AN ORDINANCE OF THE CITY OF TALLAHASSEE UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

MAP AMENDMENT ADOPTION

ORDINANCE NO. 24-O-08

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE NEIGHBORHOOD BOUNDARY LAND USE CATEGORY ALONG OSCEOLA STREET FROM PASCO STREET TO HOLTON STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: Osceola Street from Pasco Street to Holton Street
Reference Number: TMA2024005

Applicant: Tallahassee Leon County Planning Department

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Residential Preservation (RP) to Neighborhood Boundary (NB) totaling approximately 3.52 acres. The parcels are located along Osceola Street in the Bond Neighborhood.

Rezoning Application: A rezoning application will be processed concurrently with this amendment. A zoning change from Residential Preservation 2 (RP-2) to Neighborhood Boundary 1 (NB-1) is requested to implement the proposed amendment to the Future Land Use Map.

ORDINANCE NO. 24-O-10

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE GOVERNMENT OPERATIONAL LAND USE CATEGORY TO THE SUBURBAN LAND USE CATEGORY AT 2600 PLANT STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: 2600 Plant Street
Reference Number: TMA2024007

Applicant: Bannerman Opp Fund, LLC

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Government Operational (GO) to Suburban (SUB) on approximately 2.3 acres. The parcel is located at 2600 Plant Street.

ORDINANCE NO. 24-O-11

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE URBAN RESIDENTIAL 2 LAND USE CATEGORY AT 1726 AND 1728 MAHAN DRIVE; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: 1726 and 1728 Mahan Drive
Reference Number: TMA2024008

Applicant: Anchor School, Inc.

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Residential Preservation (RP) to Urban Residential 2 on approximately 1.51 acres. The parcel is located at 1726 and 1728 Mahan Drive.

Rezoning Application: A rezoning application will be processed concurrently with this amendment. A zoning change from Residential Preservation 2 (RP-2) to Medium Density Residential District (MR) is requested to implement the proposed amendment to the Future Land Use Map.

ORDINANCE NO. 24-O-13

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE CENTRAL URBAN AND RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE CENTRAL URBAN LAND USE CATEGORY AT INTERSECTION OF EAST MAGNOLIA DRIVE, SOUTH GADSDEN STREET AND LEWIS STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: Magnolia and Gadsden
Reference Number: TMA2024010

Applicant: Linda G. Paramore

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Central Urban (CU) and Residential Preservation (RP) to Central Urban (CU) on 1.78 acres. The parcel is located at the northwest corner of E Magnolia Drive and S Gadsden Street.

Rezoning Application: A zoning change from Central Urban – 45 (CU-45) and Residential Preservation – 2 (RP-2) to Central Urban – 45 (CU-45) is requested to implement the proposed amendment to the Future Land Use Map.

REZONINGS

ORDINANCE NO. 24-Z-09

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS NEIGHBORHOOD BOUNDARY 1 (NB-1) ON THE OFFICIAL ZONING MAP FROM RESIDENTIAL PRESERVATION – 2 (RP-2) ALONG OSCEOLA STREET FROM PASCO STREET TO HOLTON STREET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This proposed rezoning implements Comprehensive Plan map amendment TMA2024005, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Residential Preservation-2 (RP-2) to Neighborhood Boundary-1 (NB-1) Zoning District.

ORDINANCE NO. 24-Z-12

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS MEDIUM DENSITY RESIDENTIAL (MR) ON THE OFFICIAL ZONING MAP FROM RESIDENTIAL PRESERVATION-2 (RP-2) AT 1726 AND 1728 MAHAN DRIVE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This proposed rezoning implements Comprehensive Plan map amendment TMA2024008, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Residential Preservation-2 (RP-2) to Medium Density Residential (MR) Zoning District.

ORDINANCE NO. 24-Z-14

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS CENTRAL URBAN (CU-45) ON THE OFFICIAL ZONING MAP FROM CENTRAL URBAN (CU-45) AND RESIDENTIAL PRESERVATION – 2 (RP-2) AT INTERSECTION OF EAST MAGNOLIA DRIVE, SOUTH GADSDEN STREET AND LEWIS STREET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This proposed rezoning implements Comprehensive Plan map amendment TMA2024010, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Central Urban-45 (CU-45) and Residential Preservation-2 (RP-2) to Central Urban-45 (CU-45) Zoning District.

Persons who do not wish to attend the meeting in person may offer “live” comments during the meeting via a weblink or telephone dial-in connection. To register for the weblink or dial-in access, visit www.tal.gov.com/citizeninput. Registration must be received by 9pm the day prior to the meeting.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting, they will need a record of the proceedings and should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Copies of said ordinance(s) may be inspected in the Office of the City Treasurer-Clerk, City Hall, 300 South Adams St, Tallahassee, Florida or by calling (850)891-8130

Small-Scale Map Amendment

TMA 2024 007

2600 Plant Street

2.30 Acres

From: Government Operational

To: Suburban

Staff Analysis for Consistency with the Comprehensive

Plan: *Consistent*

Local Planning Agency Recommendation:

Approval

City Commission:

Adopted

ORDINANCE NO. 24-O-10

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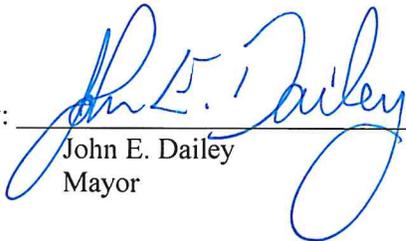
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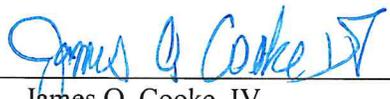


CITY OF TALLAHASSEE

By: 
John E. Dailey
Mayor

ATTEST:

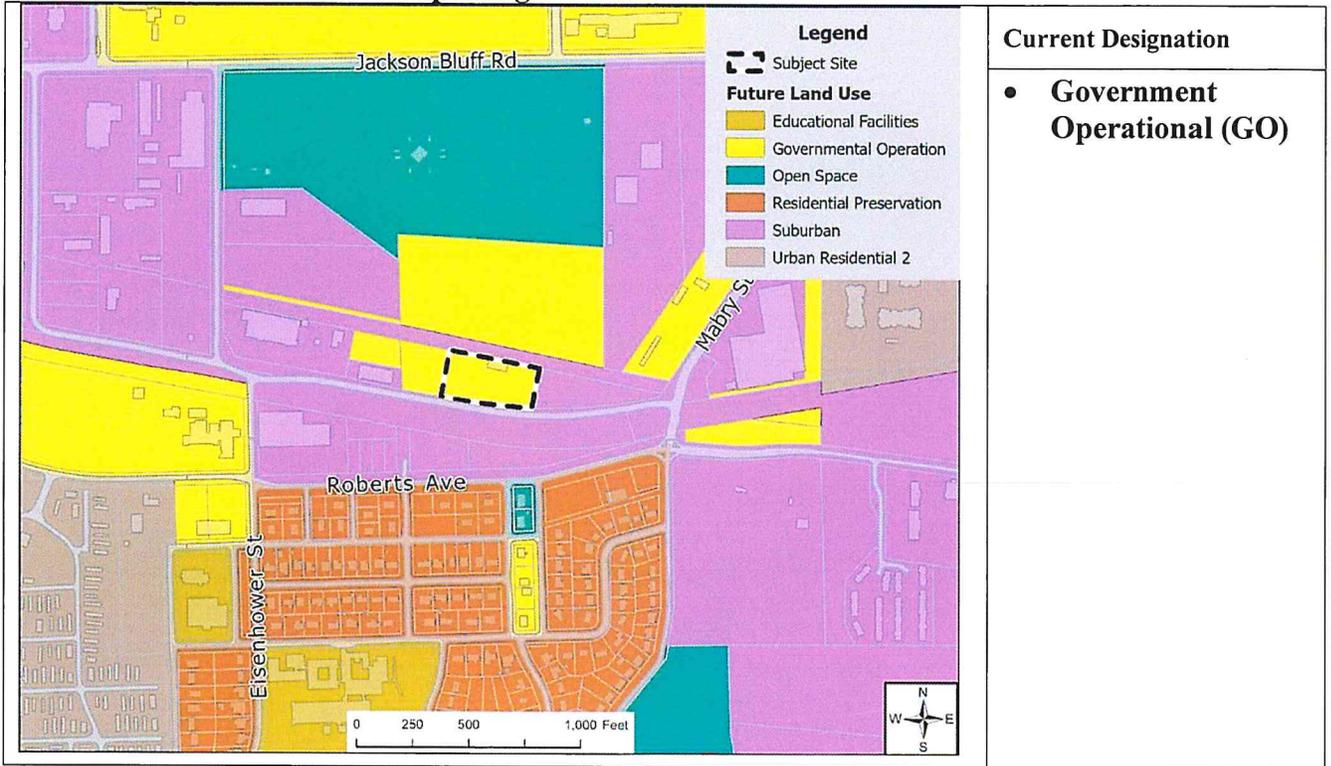
APPROVED AS TO FORM:

By: 
James O. Cooke, IV
City Treasurer-Clerk

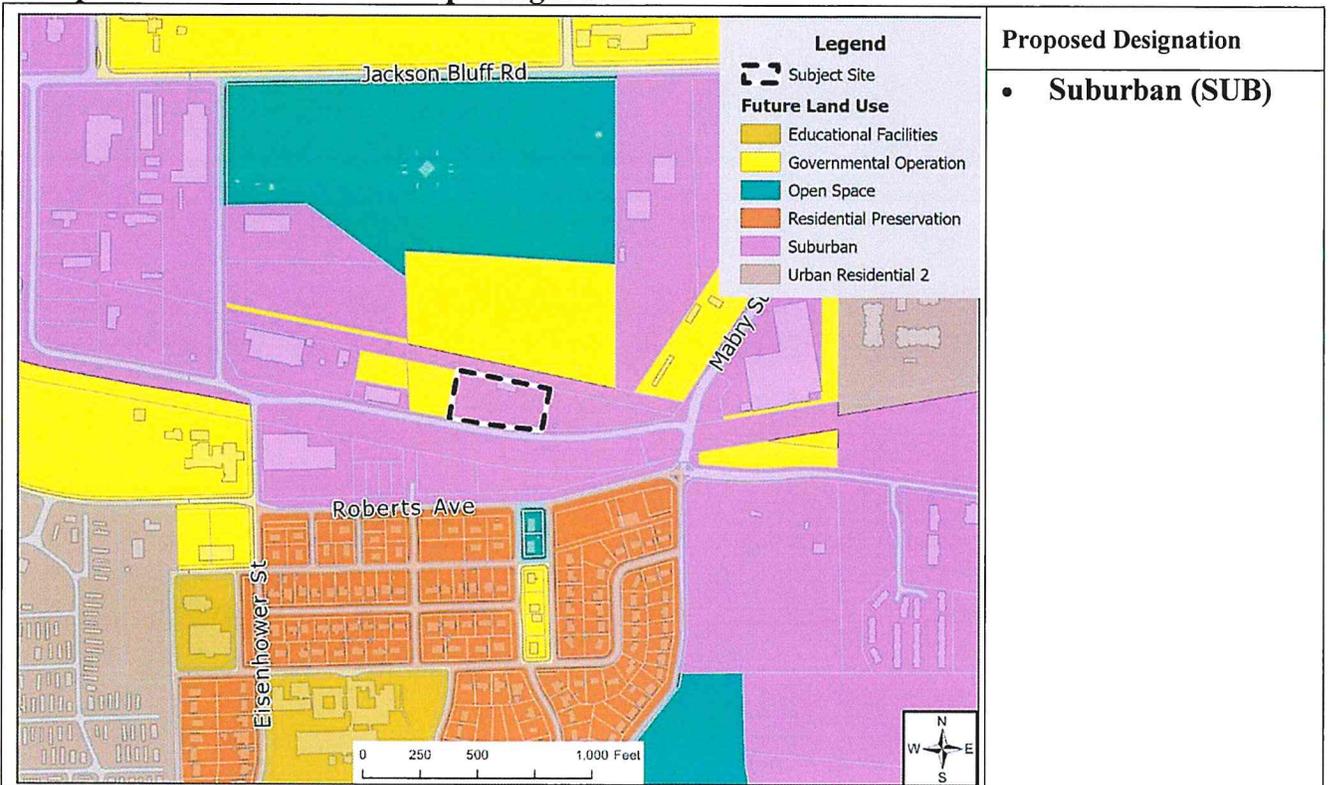
By: 
Amy M. Toman
City Attorney

EXHIBIT A

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



PROOF OF PUBLICATION

Attn Matt Lutz, Box A-31
City Tallahassee - Treasury
300 S Adams St
Tallahassee FL 32301-1721

STATE OF WISCONSIN, COUNTY OF BROWN

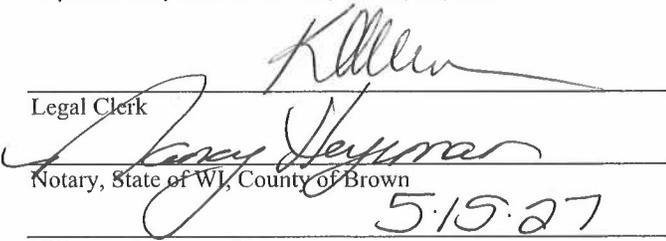
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Tallahassee Democrat, a newspaper published in Tallahassee in Leon County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Main Legal CLEGL, was published on the publicly accessible website of Leon County, Florida, or in a newspaper by print in the issues of, on:

03/29/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/29/2024

Legal Clerk


Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost: \$692.00

Order No: 9995957

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NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING

City Commission
Transmittal Public Hearing
Wednesday, April 10, 2024, At 6 PM
City of Tallahassee Commission Chambers –
300 S. Adams St., Tallahassee, Florida 32301

CAPITAL IMPROVEMENTS SCHEDULE UPDATE

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Applicant: Tallahassee Leon County Planning Department

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Requested Map Amendment: 2600 Plant Street
Reference Number: TMA2024007

Applicant: Bannerman Opp Fund, LLC

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Requested Map Amendment: 1726 and 1728 Mahan Drive
Reference Number: TMA2024008

Applicant: Anchor School, Inc.

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Residential Preservation (RP) to Urban Residential 2 on approximately 1.51 acres. The parcel is located at 1726 and 1728 Mahan Drive.

Rezoning Application: A rezoning application will be processed concurrently with this amendment. A zoning change from Residential Preservation 2 (RP-2) to Medium Density Residential District (MR) is requested to implement the proposed amendment to the Future Land Use Map.

ORDINANCE NO. 24-O-13

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE CENTRAL URBAN AND RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE CENTRAL URBAN LAND USE CATEGORY AT INTERSECTION OF EAST MAGNOLIA DRIVE, SOUTH GADSDEN STREET AND LEWIS STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: Magnolia and Gadsden
Reference Number: TMA2024010

Applicant: Linda G. Paramore

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Central Urban (CU) and Residential Preservation (RP) to Central Urban (CU) on 1.78 acres. The parcel is located at the northwest corner of E Magnolia Drive and S Gadsden Street.

Rezoning Application: A zoning change from Central Urban – 45 (CU-45) and Residential Preservation – 2 (RP-2) to Central Urban – 45 (CU-45) is requested to implement the proposed amendment to the Future Land Use Map.

REZONINGS

ORDINANCE NO. 24-Z-09

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS NEIGHBORHOOD BOUNDARY 1 (NB-1) ON THE OFFICIAL ZONING MAP FROM RESIDENTIAL PRESERVATION – 2 (RP-2) ALONG OSCEOLA STREET FROM PASCO STREET TO HOLTON STREET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This proposed rezoning implements Comprehensive Plan map amendment TMA2024005, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Residential Preservation-2 (RP-2) to Neighborhood Boundary-1 (NB-1) Zoning District.

ORDINANCE NO. 24-Z-12

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS MEDIUM DENSITY RESIDENTIAL (MR) ON THE OFFICIAL ZONING MAP FROM RESIDENTIAL PRESERVATION-2 (RP-2) AT 1726 AND 1728 MAHAN DRIVE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This proposed rezoning implements Comprehensive Plan map amendment TMA2024008, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Residential Preservation-2 (RP-2) to Medium Density Residential (MR) Zoning District.

ORDINANCE NO. 24-Z-14

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS CENTRAL URBAN (CU-45) ON THE OFFICIAL ZONING MAP FROM CENTRAL URBAN (CU-45) AND RESIDENTIAL PRESERVATION – 2 (RP-2) AT INTERSECTION OF EAST MAGNOLIA DRIVE, SOUTH GADSDEN STREET AND LEWIS STREET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This proposed rezoning implements Comprehensive Plan map amendment TMA2024010, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Central Urban-45 (CU-45) and Residential Preservation-2 (RP-2) to Central Urban-45 (CU-45) Zoning District.

Persons who do not wish to attend the meeting in person may offer “live” comments during the meeting via a weblink or telephone dial-in connection. To register for the weblink or dial-in access, visit www.tal.gov.com/citizeninput. Registration must be received by 9pm the day prior to the meeting.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting, they will need a record of the proceedings and should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Copies of said ordinance(s) may be inspected in the Office of the City Treasurer-Clerk, City Hall, 300 South Adams St, Tallahassee, Florida or by calling (850)891-8130

Small-Scale Map Amendment

TMA 2024 008

1726 & 1728 Mahan Drive

1.51 Acres

From: Residential Preservation

To: Urban Residential 2

Staff Analysis for Consistency with the Comprehensive Plan:

Consistent

Local Planning Agency Recommendation:

Approval

City Commission:

Adopted

ORDINANCE NO. 24-O-11

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE URBAN RESIDENTIAL 2 LAND USE CATEGORY AT 1726 AND 1728 MAHAN DRIVE; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapters 163 and 166, Florida Statutes, empower the City Commission of the City of Tallahassee to prepare and enforce comprehensive plans for the development of the City; and,

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empower and require the City Commission of the City of Tallahassee to (a) plan for the City's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and,

WHEREAS, pursuant to Section 163.3187, Florida Statutes, the City Commission of the City of Tallahassee has held public work sessions, public meetings and several public hearings with due public notice having been provided, on this amendment to the Comprehensive Plan; and,

WHEREAS, the City Commission of the City of Tallahassee considered all oral and written comments received during public hearings, including the data collection and analyses packages, the recommendations of the Local Planning Agency/Planning Commission; and,

WHEREAS, in exercise of its authority, the City Commission of the City of Tallahassee has determined it necessary and desirable to adopt this amendment to the comprehensive plan to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with

future problems that may result from the use and development of land within the City of Tallahassee, and to meet all requirements of law.

NOW, THEREFORE, BE IT ENACTED by the City Commission of the City of Tallahassee, Florida, as follows, that:

Section 1. Purpose and Intent.

This ordinance is hereby enacted to carry out the purpose and intent of, and exercise the authority set out in, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act.

Section 2. Map Amendment.

The ordinance does hereby adopt the following portion of the text attached hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance therewith, being an amendment to the following Plan element:

Map Amendment TMA2024008 which relates to the Future Land Use Map.

Section 3. Conflict With Other Ordinances and Codes.

All ordinances or parts of ordinances of the Code of Ordinances of the City of Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability.

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

Section 5. Copy on File.

To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public, a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon

2030 Comprehensive Plan and this amendment thereto, shall also be located in the Tallahassee-Leon County Planning Department. The Planning Director shall also make copies available to the public for a reasonable publication charge.

Section 6. Effective Date.

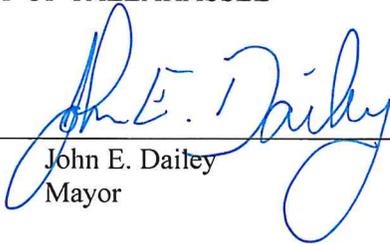
The effective date of this Plan amendment shall be according to law and the applicable statutes and regulations pertaining thereto.

INTRODUCED in the City Commission on the 27th day of March, 2024.

PASSED by the City Commission on the 10th day of April, 2024.

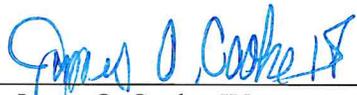


CITY OF TALLAHASSEE

By: 
John E. Dailey
Mayor

ATTEST:

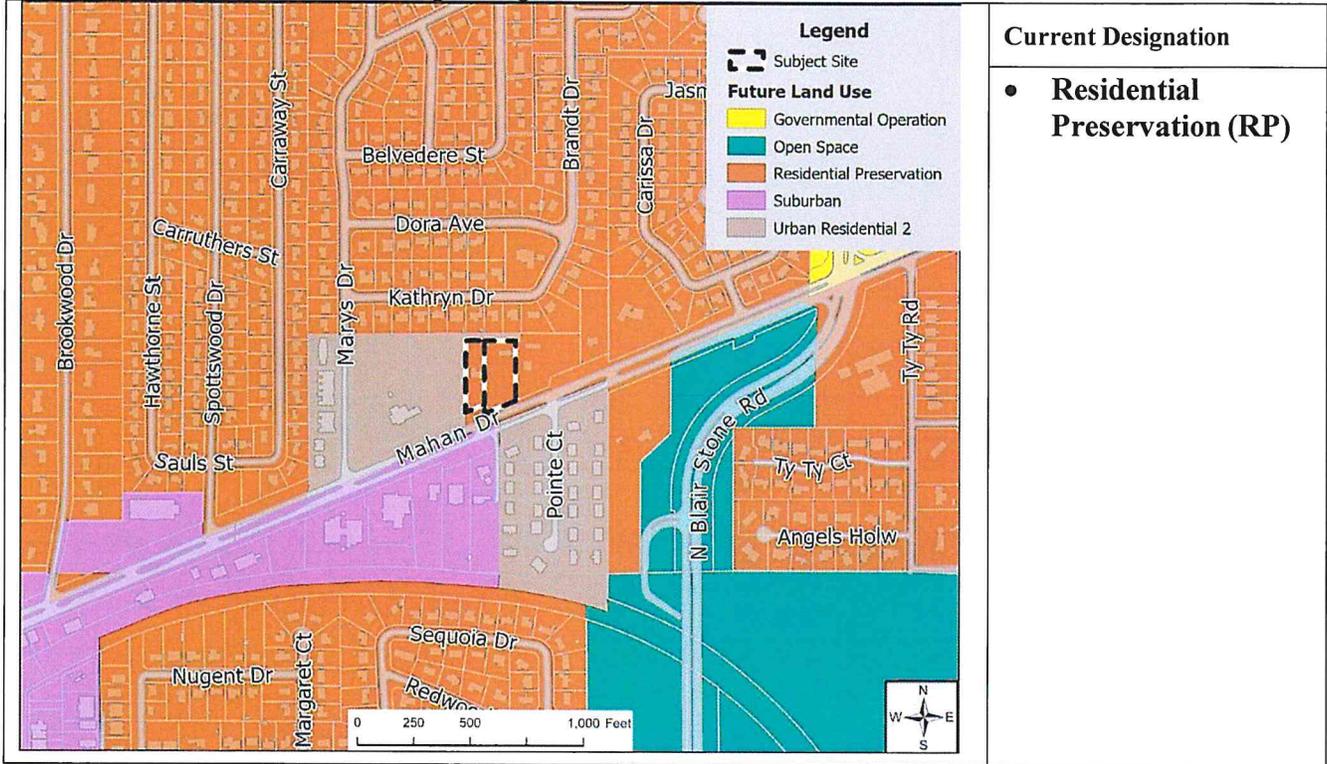
APPROVED AS TO FORM:

By: 
James O. Cooke, IV
City Treasurer-Clerk

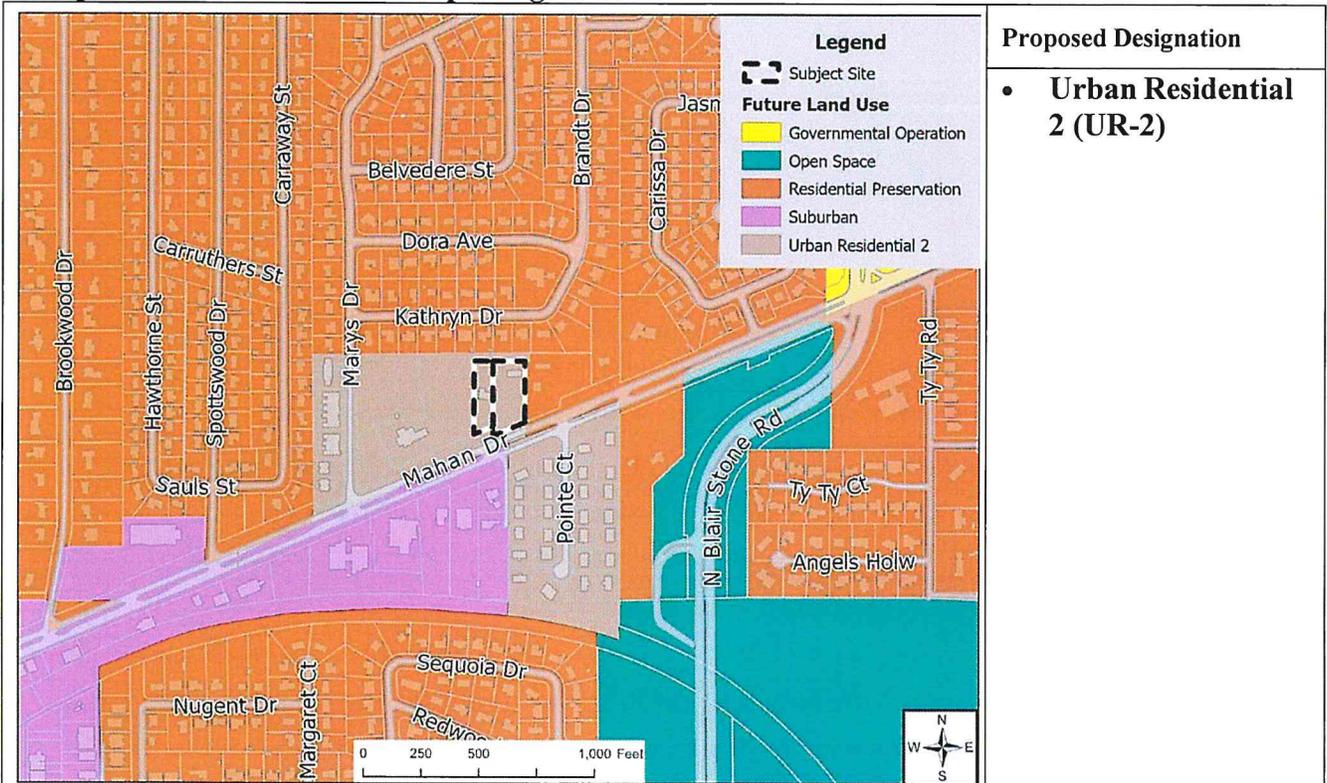
By: 
Amy M. Toman
City Attorney

EXHIBIT A

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



PROOF OF PUBLICATION

Attn Matt Lutz, Box A-31
City Tallahassee - Treasury
300 S Adams St
Tallahassee FL 32301-1721

STATE OF WISCONSIN, COUNTY OF BROWN

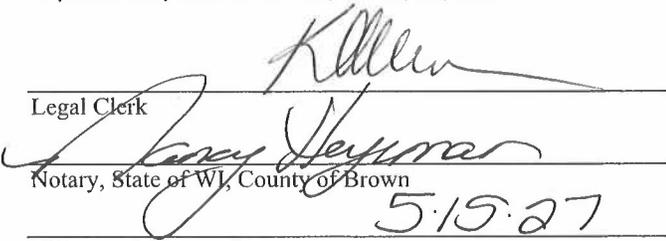
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Tallahassee Democrat, a newspaper published in Tallahassee in Leon County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Main Legal CLEGL, was published on the publicly accessible website of Leon County, Florida, or in a newspaper by print in the issues of, on:

03/29/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/29/2024

Legal Clerk


Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost: \$692.00

Order No: 9995957

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NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING

City Commission
Transmittal Public Hearing
Wednesday, April 10, 2024, At 6 PM
City of Tallahassee Commission Chambers –
300 S. Adams St., Tallahassee, Florida 32301

CAPITAL IMPROVEMENTS SCHEDULE UPDATE

NOTICE IS HEREBY GIVEN that the Tallahassee City Commission will conduct public hearings and the public may be heard on April 10, 2024, at 6:00 p.m. at the City of Tallahassee Commission Chambers, 300 S. Adams St., to consider adoption of the following ordinances entitled:

ORDINANCE NO. 24-O-01

AN ORDINANCE OF THE CITY OF TALLAHASSEE UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

MAP AMENDMENT ADOPTION

ORDINANCE NO. 24-O-08

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE NEIGHBORHOOD BOUNDARY LAND USE CATEGORY ALONG OSCEOLA STREET FROM PASCO STREET TO HOLTON STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: Osceola Street from Pasco Street to Holton Street
Reference Number: TMA2024005

Applicant: Tallahassee Leon County Planning Department

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Residential Preservation (RP) to Neighborhood Boundary (NB) totaling approximately 3.52 acres. The parcels are located along Osceola Street in the Bond Neighborhood.

Rezoning Application: A rezoning application will be processed concurrently with this amendment. A zoning change from Residential Preservation 2 (RP-2) to Neighborhood Boundary 1 (NB-1) is requested to implement the proposed amendment to the Future Land Use Map.

ORDINANCE NO. 24-O-10

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE GOVERNMENT OPERATIONAL LAND USE CATEGORY TO THE SUBURBAN LAND USE CATEGORY AT 2600 PLANT STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: 2600 Plant Street
Reference Number: TMA2024007

Applicant: Bannerman Opp Fund, LLC

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Government Operational (GO) to Suburban (SUB) on approximately 2.3 acres. The parcel is located at 2600 Plant Street.

ORDINANCE NO. 24-O-11

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE URBAN RESIDENTIAL 2 LAND USE CATEGORY AT 1726 AND 1728 MAHAN DRIVE; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: 1726 and 1728 Mahan Drive
Reference Number: TMA2024008

Applicant: Anchor School, Inc.

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Residential Preservation (RP) to Urban Residential 2 on approximately 1.51 acres. The parcel is located at 1726 and 1728 Mahan Drive.

Rezoning Application: A rezoning application will be processed concurrently with this amendment. A zoning change from Residential Preservation 2 (RP-2) to Medium Density Residential District (MR) is requested to implement the proposed amendment to the Future Land Use Map.

ORDINANCE NO. 24-O-13

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE CENTRAL URBAN AND RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE CENTRAL URBAN LAND USE CATEGORY AT INTERSECTION OF EAST MAGNOLIA DRIVE, SOUTH GADSDEN STREET AND LEWIS STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: Magnolia and Gadsden
Reference Number: TMA2024010

Applicant: Linda G. Paramore

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Central Urban (CU) and Residential Preservation (RP) to Central Urban (CU) on 1.78 acres. The parcel is located at the northwest corner of E Magnolia Drive and S Gadsden Street.

Rezoning Application: A zoning change from Central Urban – 45 (CU-45) and Residential Preservation – 2 (RP-2) to Central Urban – 45 (CU-45) is requested to implement the proposed amendment to the Future Land Use Map.

REZONINGS

ORDINANCE NO. 24-Z-09

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS NEIGHBORHOOD BOUNDARY 1 (NB-1) ON THE OFFICIAL ZONING MAP FROM RESIDENTIAL PRESERVATION – 2 (RP-2) ALONG OSCEOLA STREET FROM PASCO STREET TO HOLTON STREET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This proposed rezoning implements Comprehensive Plan map amendment TMA2024005, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Residential Preservation-2 (RP-2) to Neighborhood Boundary-1 (NB-1) Zoning District.

ORDINANCE NO. 24-Z-12

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS MEDIUM DENSITY RESIDENTIAL (MR) ON THE OFFICIAL ZONING MAP FROM RESIDENTIAL PRESERVATION-2 (RP-2) AT 1726 AND 1728 MAHAN DRIVE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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ORDINANCE NO. 24-Z-14

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS CENTRAL URBAN (CU-45) ON THE OFFICIAL ZONING MAP FROM CENTRAL URBAN (CU-45) AND RESIDENTIAL PRESERVATION – 2 (RP-2) AT INTERSECTION OF EAST MAGNOLIA DRIVE, SOUTH GADSDEN STREET AND LEWIS STREET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Small-Scale Map Amendment

TMA 2024 010

Magnolia and Gadsden

1.78 Acres

From: Central Urban and Residential Preservation

To: Central Urban

Staff Analysis for Consistency with the Comprehensive Plan:

Consistent

Local Planning Agency Recommendation:

Approval

City Commission:

Adopted

ORDINANCE NO. 24-O-13

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE CENTRAL URBAN AND RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE CENTRAL URBAN LAND USE CATEGORY AT INTERSECTION OF EAST MAGNOLIA DRIVE, SOUTH GADSDEN STREET AND LEWIS STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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Map Amendment TMA2024010 which relates to the Future Land Use Map.

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Section 5. Copy on File.

To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public, a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon

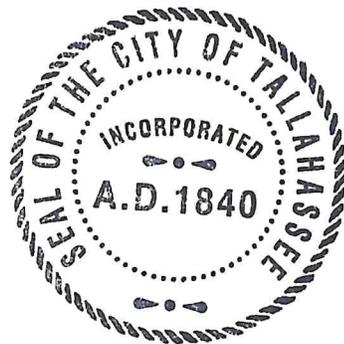
2030 Comprehensive Plan and this amendment thereto, shall also be located in the Tallahassee-Leon County Planning Department. The Planning Director shall also make copies available to the public for a reasonable publication charge.

Section 6. Effective Date.

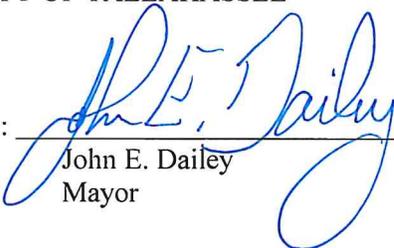
The effective date of this Plan amendment shall be according to law and the applicable statutes and regulations pertaining thereto.

INTRODUCED in the City Commission on the 27th day of March, 2024.

PASSED by the City Commission on the 10th day of April, 2024.

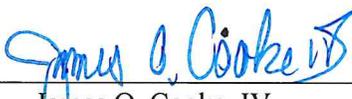


CITY OF TALLAHASSEE

By: 
John E. Dailey
Mayor

ATTEST:

APPROVED AS TO FORM:

By: 
James O. Cooke, IV
City Treasurer-Clerk

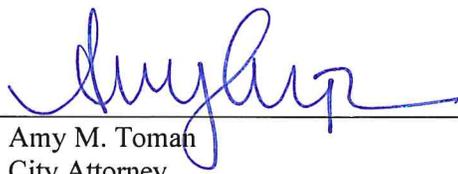
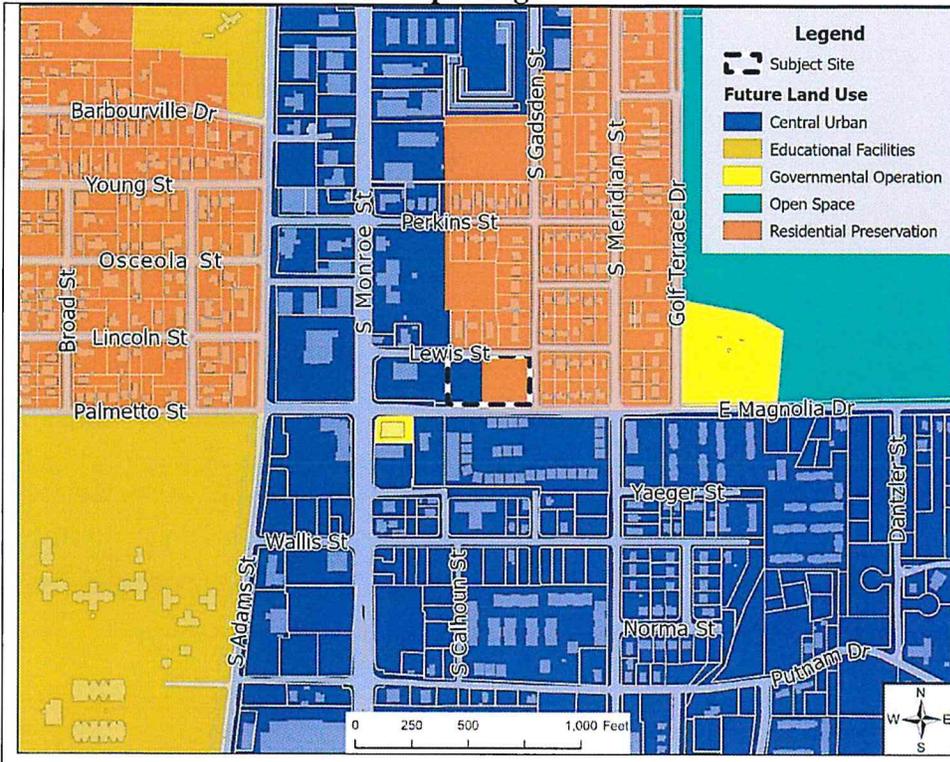
By: 
Amy M. Toman
City Attorney

EXHIBIT A

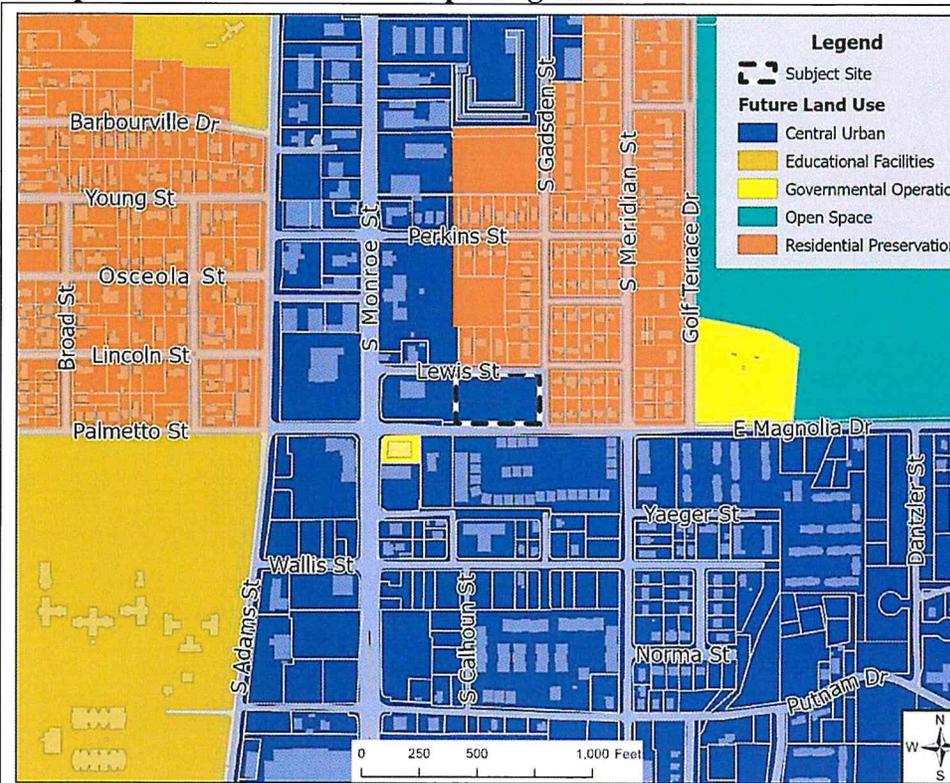
Current Future Land Use Map Designation



Current Designation

- Central Urban (CU) & Residential Preservation (RP)

Proposed Future Land Use Map Designation



Proposed Designation

- Central Urban (CU)

PROOF OF PUBLICATION

Attn Matt Lutz, Box A-31
City Tallahassee - Treasury
300 S Adams St
Tallahassee FL 32301-1721

STATE OF WISCONSIN, COUNTY OF BROWN

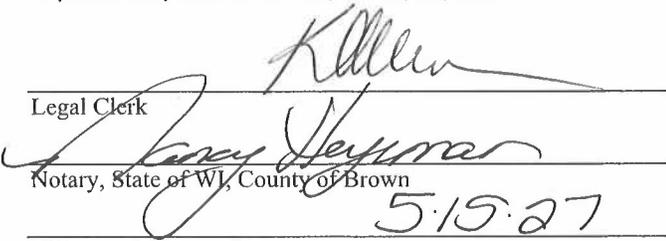
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Tallahassee Democrat, a newspaper published in Tallahassee in Leon County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Main Legal CLEGL, was published on the publicly accessible website of Leon County, Florida, or in a newspaper by print in the issues of, on:

03/29/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/29/2024

Legal Clerk


Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost: \$692.00

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of Copies:

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NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING

City Commission
Transmittal Public Hearing
Wednesday, April 10, 2024, At 6 PM
City of Tallahassee Commission Chambers –
300 S. Adams St., Tallahassee, Florida 32301

CAPITAL IMPROVEMENTS SCHEDULE UPDATE

NOTICE IS HEREBY GIVEN that the Tallahassee City Commission will conduct public hearings and the public may be heard on April 10, 2024, at 6:00 p.m. at the City of Tallahassee Commission Chambers, 300 S. Adams St., to consider adoption of the following ordinances entitled:

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MAP AMENDMENT ADOPTION

ORDINANCE NO. 24-O-08

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE NEIGHBORHOOD BOUNDARY LAND USE CATEGORY ALONG OSCEOLA STREET FROM PASCO STREET TO HOLTON STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: Osceola Street from Pasco Street to Holton Street
Reference Number: TMA2024005

Applicant: Tallahassee Leon County Planning Department

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Residential Preservation (RP) to Neighborhood Boundary (NB) totaling approximately 3.52 acres. The parcels are located along Osceola Street in the Bond Neighborhood.

Rezoning Application: A rezoning application will be processed concurrently with this amendment. A zoning change from Residential Preservation 2 (RP-2) to Neighborhood Boundary 1 (NB-1) is requested to implement the proposed amendment to the Future Land Use Map.

ORDINANCE NO. 24-O-10

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE GOVERNMENT OPERATIONAL LAND USE CATEGORY TO THE SUBURBAN LAND USE CATEGORY AT 2600 PLANT STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: 2600 Plant Street
Reference Number: TMA2024007

Applicant: Bannerman Opp Fund, LLC

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Government Operational (GO) to Suburban (SUB) on approximately 2.3 acres. The parcel is located at 2600 Plant Street.

ORDINANCE NO. 24-O-11

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE URBAN RESIDENTIAL 2 LAND USE CATEGORY AT 1726 AND 1728 MAHAN DRIVE; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: 1726 and 1728 Mahan Drive
Reference Number: TMA2024008

Applicant: Anchor School, Inc.

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Residential Preservation (RP) to Urban Residential 2 on approximately 1.51 acres. The parcel is located at 1726 and 1728 Mahan Drive.

Rezoning Application: A rezoning application will be processed concurrently with this amendment. A zoning change from Residential Preservation 2 (RP-2) to Medium Density Residential District (MR) is requested to implement the proposed amendment to the Future Land Use Map.

ORDINANCE NO. 24-O-13

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A SMALL-SCALE AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM THE CENTRAL URBAN AND RESIDENTIAL PRESERVATION LAND USE CATEGORY TO THE CENTRAL URBAN LAND USE CATEGORY AT INTERSECTION OF EAST MAGNOLIA DRIVE, SOUTH GADSDEN STREET AND LEWIS STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Requested Map Amendment: Magnolia and Gadsden
Reference Number: TMA2024010

Applicant: Linda G. Paramore

Small Scale Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Central Urban (CU) and Residential Preservation (RP) to Central Urban (CU) on 1.78 acres. The parcel is located at the northwest corner of E Magnolia Drive and S Gadsden Street.

Rezoning Application: A zoning change from Central Urban – 45 (CU-45) and Residential Preservation – 2 (RP-2) to Central Urban – 45 (CU-45) is requested to implement the proposed amendment to the Future Land Use Map.

REZONINGS

ORDINANCE NO. 24-Z-09

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS NEIGHBORHOOD BOUNDARY 1 (NB-1) ON THE OFFICIAL ZONING MAP FROM RESIDENTIAL PRESERVATION – 2 (RP-2) ALONG OSCEOLA STREET FROM PASCO STREET TO HOLTON STREET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This proposed rezoning implements Comprehensive Plan map amendment TMA2024005, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Residential Preservation-2 (RP-2) to Neighborhood Boundary-1 (NB-1) Zoning District.

ORDINANCE NO. 24-Z-12

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS MEDIUM DENSITY RESIDENTIAL (MR) ON THE OFFICIAL ZONING MAP FROM RESIDENTIAL PRESERVATION-2 (RP-2) AT 1726 AND 1728 MAHAN DRIVE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This proposed rezoning implements Comprehensive Plan map amendment TMA2024008, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Residential Preservation-2 (RP-2) to Medium Density Residential (MR) Zoning District.

ORDINANCE NO. 24-Z-14

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING LAND AS CENTRAL URBAN (CU-45) ON THE OFFICIAL ZONING MAP FROM CENTRAL URBAN (CU-45) AND RESIDENTIAL PRESERVATION – 2 (RP-2) AT INTERSECTION OF EAST MAGNOLIA DRIVE, SOUTH GADSDEN STREET AND LEWIS STREET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

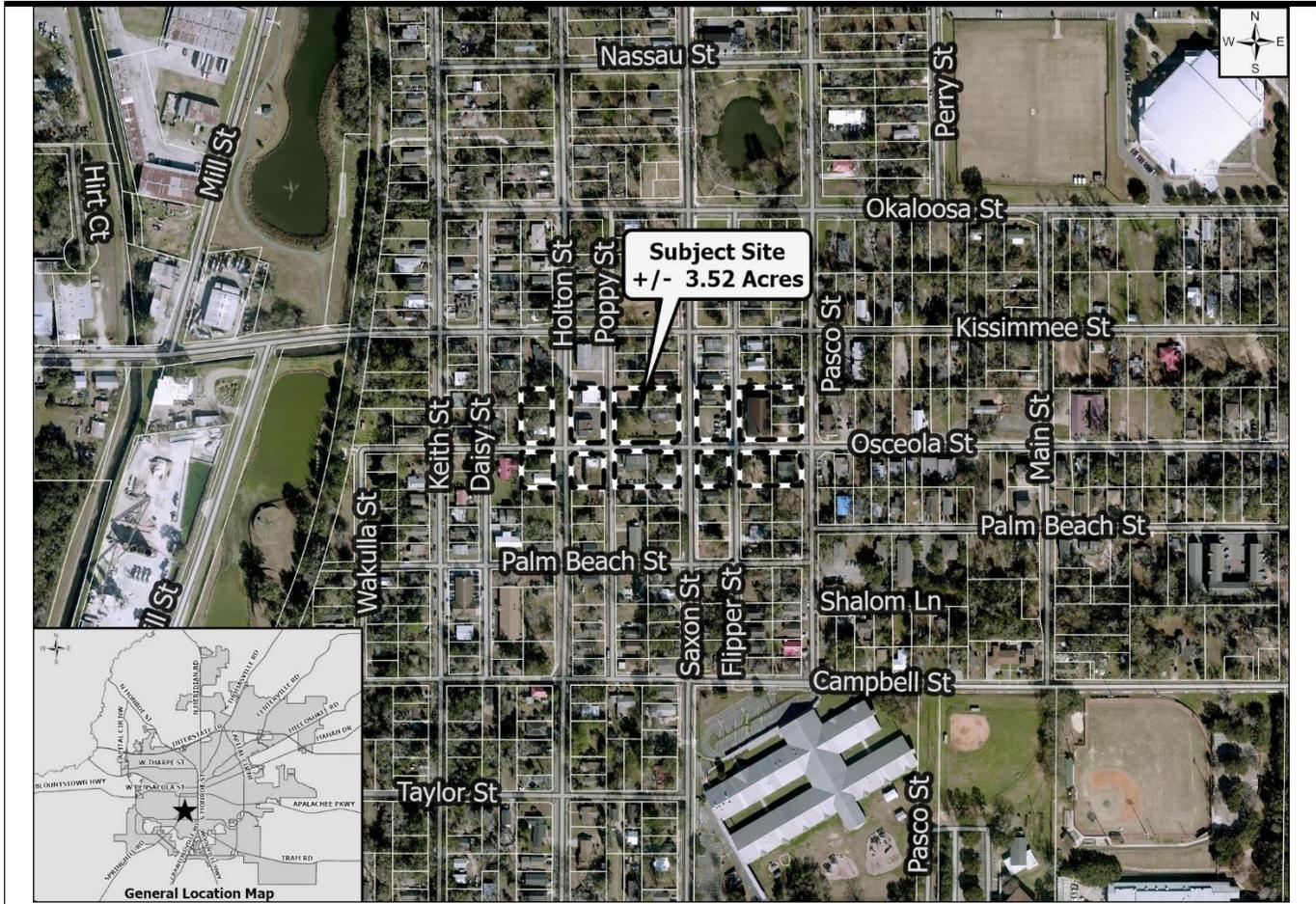
This proposed rezoning implements Comprehensive Plan map amendment TMA2024010, which is proposed for adoption on April 10, 2024. The rezoning requests a change to the Official Zoning Map from Central Urban-45 (CU-45) and Residential Preservation-2 (RP-2) to Central Urban-45 (CU-45) Zoning District.

Persons who do not wish to attend the meeting in person may offer “live” comments during the meeting via a weblink or telephone dial-in connection. To register for the weblink or dial-in access, visit www.tal.gov.com/citizeninput. Registration must be received by 9pm the day prior to the meeting.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting, they will need a record of the proceedings and should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Copies of said ordinance(s) may be inspected in the Office of the City Treasurer-Clerk, City Hall, 300 South Adams St, Tallahassee, Florida or by calling (850)891-8130

ATTACHMENT #3

**OTHER SUPPORTING
INFORMATION**



SUMMARY

Property Owners:	Property Location:	Amendment Type:
Various	Osceola Street from Pasco Street to Holton Street, see maps	City Small-Scale Map Amendment
Applicant: Tallahassee-Leon County Planning Dept.		
TLCPD Staff: Stephen Hodges	Current Future Land Use & Zoning: Future Land Use: Residential Preservation Zoning: Residential Preservation 2	LPA Recommendation: Approve
Contact Information: Stephen.Hodges@talgov.com	Proposed Future Land Use & Zoning: Future Land Use: Neighborhood Boundary Zoning: Neighborhood Boundary 1	Staff Analysis: Consistent
Date:	Updated: 2/27/24	

A. EXECUTIVE SUMMARY

If approved, this map amendment would change the allowable land uses for a 3.52-acre area from low-density single family residential to low- and medium-density residential and non-residential development. The subject area is within the Multi-Modal Transportation District and the Urban Services Area. The current Future Land Use designation for this area is Residential Preservation. The proposed Neighborhood Boundary Future Land Use category is intended to create a transition area between residential development and more intensive development with neighborhood scale residential and non-residential development. The allowable density would increase from the current six (6) units per acre to 18 units per acre and 20,000 square feet of gross building floor per acre. This amendment is intended to implement recommendations from the Greater Bond Neighborhood First Plan to pursue zoning adjustments that allow for residential, commercial, and light industrial uses while preserving the character of the neighborhood in select areas, including Osceola Street.

A rezoning application will be processed concurrently with this amendment. A zoning change from Residential Preservation 2 (RP-2) to Neighborhood Boundary 1 (NB-1) will implement the proposed amendment to the Future Land Use Map (FLUM).

Part of the review process determines consistency with the Goals, Objectives, and Policies in the Tallahassee-Leon County Comprehensive Plan and is detailed in Section 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 Neighborhood Boundary. Based on staff analysis, the proposed amendment would bring several non-conforming properties into conformity with the comprehensive plan and the land development code. The proposed amendment is consistent with the Comprehensive Plan and would allow this area to become a mixed-use corridor with neighborhood scale, non-residential uses and a variety of residential uses, and would implement recommendations in the Greater Bond Neighborhood First Plan.

The concurrent rezoning determines the allowed uses and the density (number of dwelling units per acre) of development on the site. The proposed rezoning results in a maximum gross density allowed of eighteen (18) dwelling units per acre and a maximum gross intensity 20,000 square feet per acre. Staff analysis of the proposed rezoning is that the proposed NB-1 district implements the Neighborhood Boundary FLU category and conforms to the NB-1 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 Code requirements for stormwater treatment and attenuation, environmental protection, traffic impacts, concurrency, school impacts, buffers, open space requirements, and all other applicable development standards. This includes neighborhood compatibility standards and other buffering and screening standards intended to protect and promote compatibility with the existing RP neighborhood.

B. APPLICANT’S REASON FOR THE REQUESTED CHANGE

The proposed change implements recommendations in the Greater Bond Neighborhood First Plan and related planning efforts by the Greater Bond Community Action Team. This would allow the subject area, as identified by the Action Team, to become a mixed-use corridor with neighborhood-scale, non-

residential uses and a variety of residential uses. This change of land use and its associated zoning will bring several non-conforming properties into conformity, and those properties that currently conform to the existing land use and zoning designations would also conform under the proposed land use and zoning designations.

C. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION

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

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

D. STAFF ANALYSIS

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

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

- Policy 2.2.3 [L] prohibits commercial land uses within the Residential Preservation land use category. A number of properties along Osceola Street are currently commercial uses and have been for many years. This designation is not appropriate for these properties in light of the neighborhood requests for increased commercial opportunities, and their historic land use and zoning regulations.
- Policy 2.2.21 [L] indicates that the Neighborhood Boundary FLU category is intended to create a transition area between residential development and more intensive development, such as higher intensity multi-family and higher intensity non-residential development. The subject area would create a section of NB adjacent to an area of the neighborhood that is designated Central Urban with CU-18 zoning, which allows a minimum of 4 and a maximum of 18 dwelling units per acre and similarly intense non-residential development. Applying the NB FLU category on the subject area would allow for a transition from CU to RP and would require additional development standards that promote compatibility with the surrounding neighborhood.
- Policy 2.2.21 [L] allows low-density residential uses including duplexes, townhomes, triplexes, and quadplexes. There are currently a number of properties in the subject areas that are considered non-conforming under Residential Preservation. These uses are consistent with the allowable uses under Policy 2.2.21 [L].

- Policy 2.2.21 [L] allows limited retail uses, among other non-residential uses. There are a number of properties in the subject area that are neighborhood-scale retail uses that are currently non-conforming uses under Residential Preservation. These uses would be consistent with Policy 2.2.21 [L].

F. SUMMARY OF FINDINGS

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

History and Background

This map amendment would apply the Neighborhood Boundary FLU category on the Osceola Street corridor in the Greater Bond Neighborhood (Bond) to implement action items in the Greater Bond Neighborhood First Plan.

The Greater Bond Neighborhood traces its roots back to the late 1920s with the donation of a significant portion of what is now the Bond neighborhood to Benjamin J. Bond and Letitia J. Bond. Over the years this land was subdivided and sold to African American community members and the neighborhood was developed to include a mixture of residential and non-residential uses. Historically, along Osceola Street there were a number of commercial businesses including grocery stores, office uses, and warehouses. Today, several of these properties continue to have commercial uses.

With the adoption of the Tallahassee-Leon County Comprehensive Plan in the early 1990s, the zoning and land use of the properties fronting Osceola Street changed substantially. Properties that were previously zoned for Residential Mixed Use, Commercial, and Industrial uses throughout much of Bond were redesignated and rezoned to Residential Preservation, creating many non-conformities throughout the neighborhood and, especially, along Osceola Street. This application of Residential Preservation also prevented any new neighborhood-scale commercial opportunities from being developed in the majority of the Bond neighborhood.

On September 24, 2018, the Greater Bond Neighborhood Association (GBNA), after working with the City of Tallahassee Neighborhood Public Safety Initiative, adopted a Neighborhood First Plan. The plan addresses four priority areas: Community Beautification, Economic Development and Residential Empowerment, Land Use, and Neighborhood Safety and Crime Prevention. The plan identifies zoning adjustments to allow for residential, commercial, and light industrial uses while preserving the character of the neighborhood, including retaining some historic uses, as one desired outcome. The plan also indicates the neighborhood's desire to have commercial corridors, and specifically identifies Osceola Street as a street appropriate for such a corridor. This plan was adopted by the Greater Frenchtown/Southside Community Redevelopment Agency on December 13, 2018.

Current and Proposed Future Land Use Categories

The Subject Area is currently designated Residential Preservation on the FLUM. The proposed amendment would change the FLUM designation of the area to Neighborhood Boundary. A summary of the current and proposed FLU categories is below, and a comparison of permitted uses is provided in **Section G**. The complete comprehensive plan policies for Residential Preservation (Policy 2.2.3 [L]) and Neighborhood Boundary (Policy 2.2.21 [L]) are included as Appendix #1.

Residential Preservation (RP) (Current)

The Residential Preservation category is 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. Commercial and nearly all other non-residential land uses are prohibited.

Neighborhood Boundary (NB) (Proposed)

The proposed Neighborhood Boundary category is intended to create a transition area between residential development and more intensive development such as higher density multi-family and higher intensity non-residential development with neighborhood-scale, mixed-use corridors including non-residential uses and a variety of residential uses where identified in a City or County coordinated placemaking, sense of place, neighborhood, or sector plan.

Determination for Future Land Use Map Amendment

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

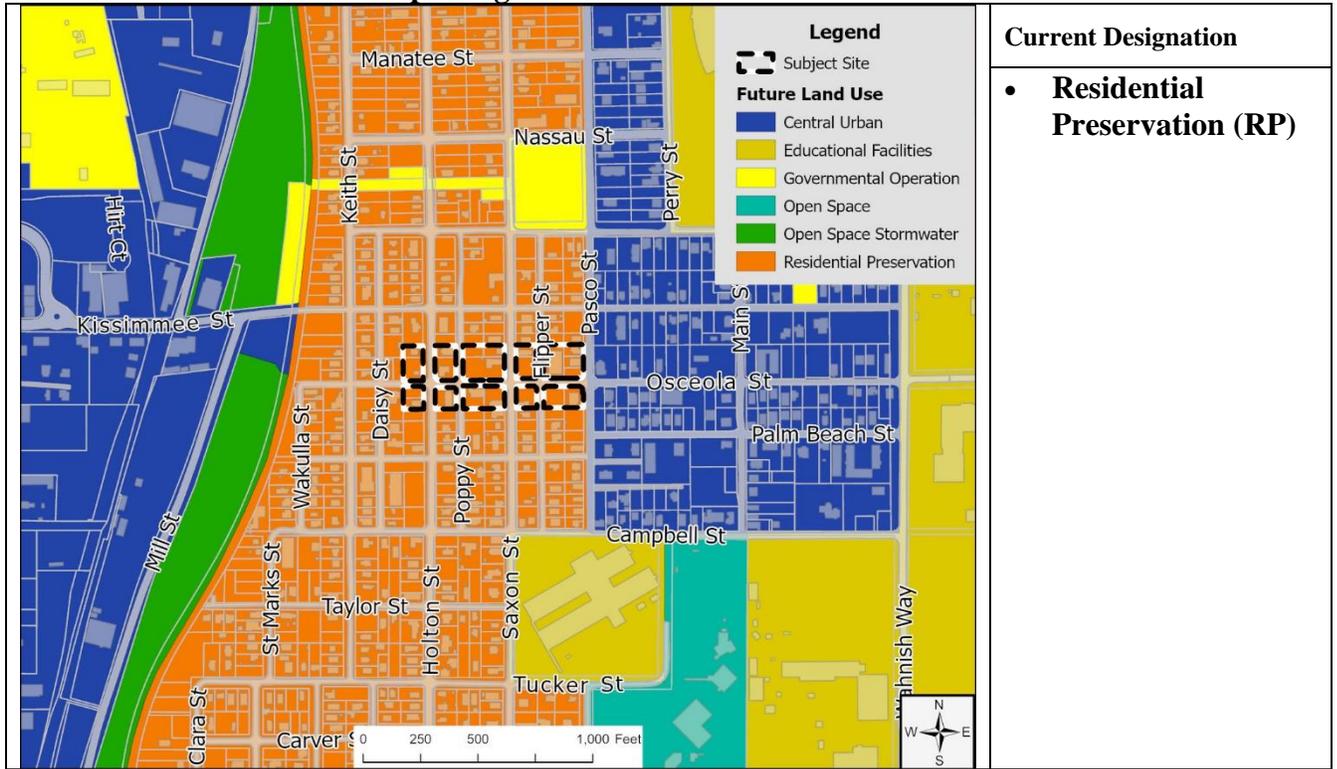
No. The Residential Preservation future land use category prohibits commercial land uses. Several properties in the subject area are currently commercial uses and have been for many years. This designation is not appropriate for these properties in light of neighborhood requests for increased commercial opportunities and their historic land use and zoning regulations.

- 2) Does the area better meet the criteria for the proposed land use designation of Neighborhood Boundary?

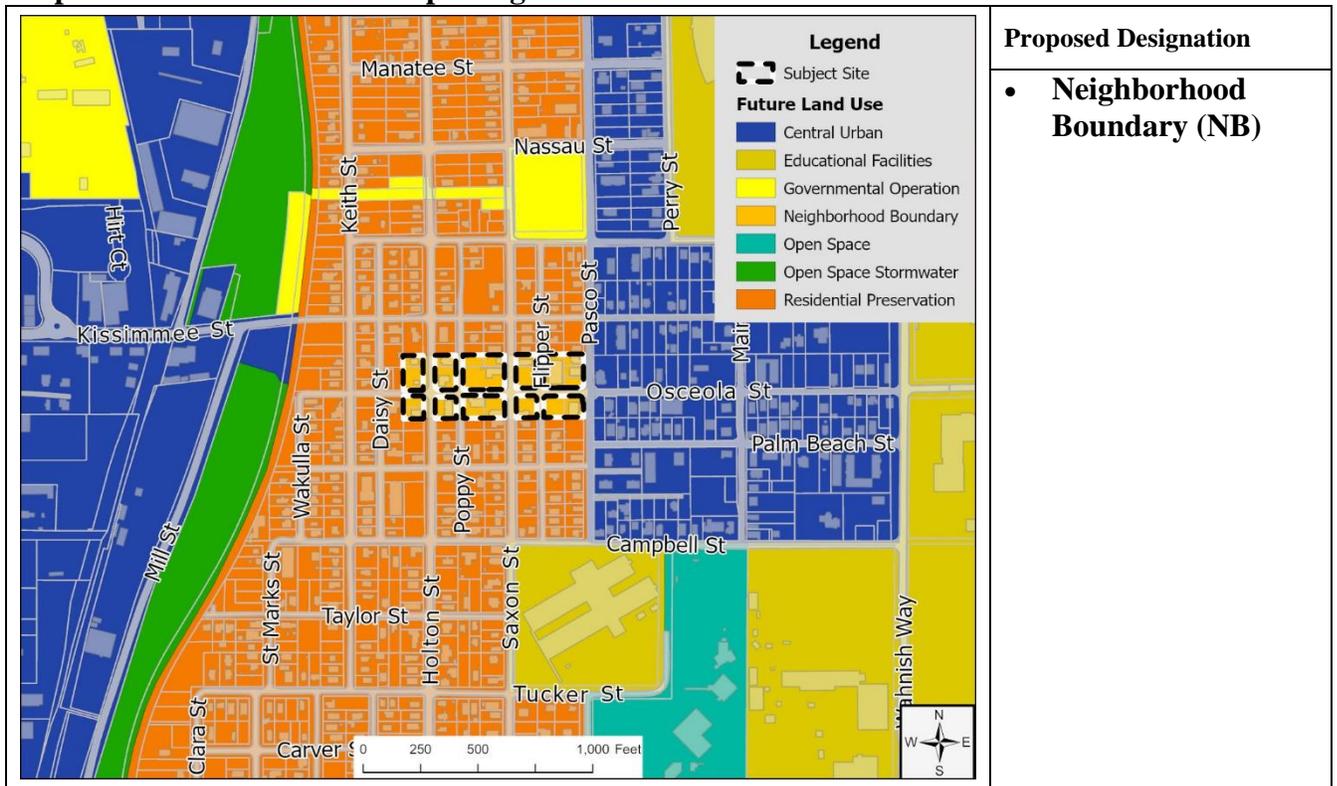
Yes. The subject property is currently located adjacent to higher-density residential and non-residential development to the east. Several properties that are currently operating as commercial land uses would become consistent with the Comprehensive Plan and would implement recommendations in the Greater Bond Neighborhood Action Plan.

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

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



Current and Proposed Zoning

The Subject Area is currently zoned Residential Preservation 2 (RP-2). The proposed rezoning would change the zoning designation to Neighborhood Boundary 1 (NB-1) to implement the proposed underlying land use category. A summary of the current and proposed zoning categories is below, and a comparison of permitted uses is provided in **Section G**. The Land Development Code sections for Residential Preservation 2 (RP-2) and Neighborhood Boundary 1 (NB-1) 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.

Neighborhood Boundary 1 (NB-1) (Proposed)

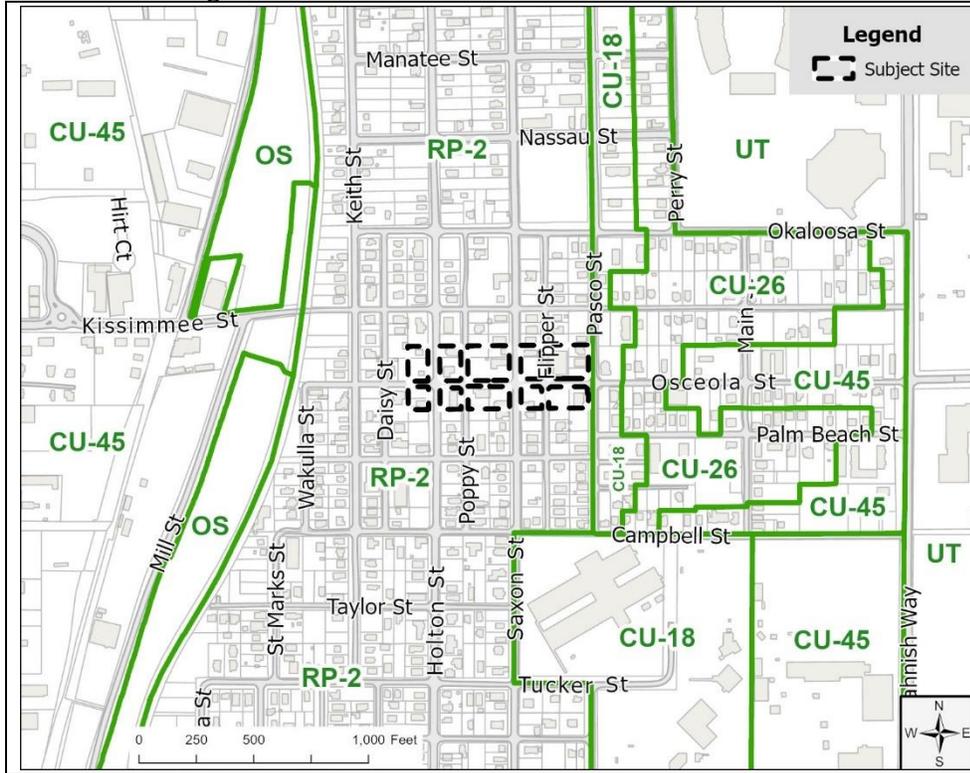
The proposed zoning is intended to be located in areas designated as Neighborhood Boundary on the FLUM and within the Multi-Modal Transportation District. The NB-1 district is designed to allow low- and medium-density residential, and non-residential development scaled to serve the surrounding neighborhood such as limited retail, office, and community services. To prevent negative impacts from increased vehicular traffic, auto-oriented uses, such as gas stations or drive-through facilities are prohibited. The maximum gross density allowed for new residential development in the NB-1 district is eighteen (18) dwelling units per acre. The maximum gross intensity allowed for new non-residential development is 20,000 square feet per acre.

Determination for Concurrent Rezoning

Provided the requested Future Land Use Map amendment is approved, the proposed NB-1 district implements the Neighborhood Boundary FLU category and conforms to the NB-1 zoning district. The NB-1 zoning will establish mixed-use corridors or nodes with neighborhood scale, non-residential uses and a variety of residential uses where identified in a City coordinated Placement, Sense of Place, Neighborhood, or Sector Plan.

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

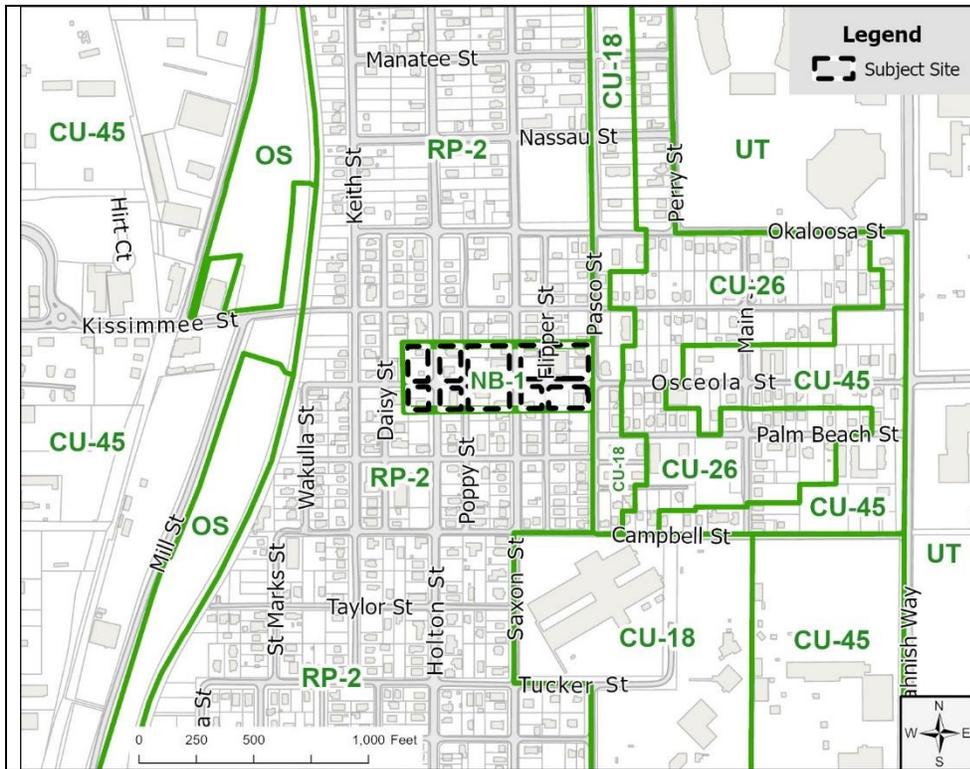
Current Zoning



Current District

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

Proposed Zoning



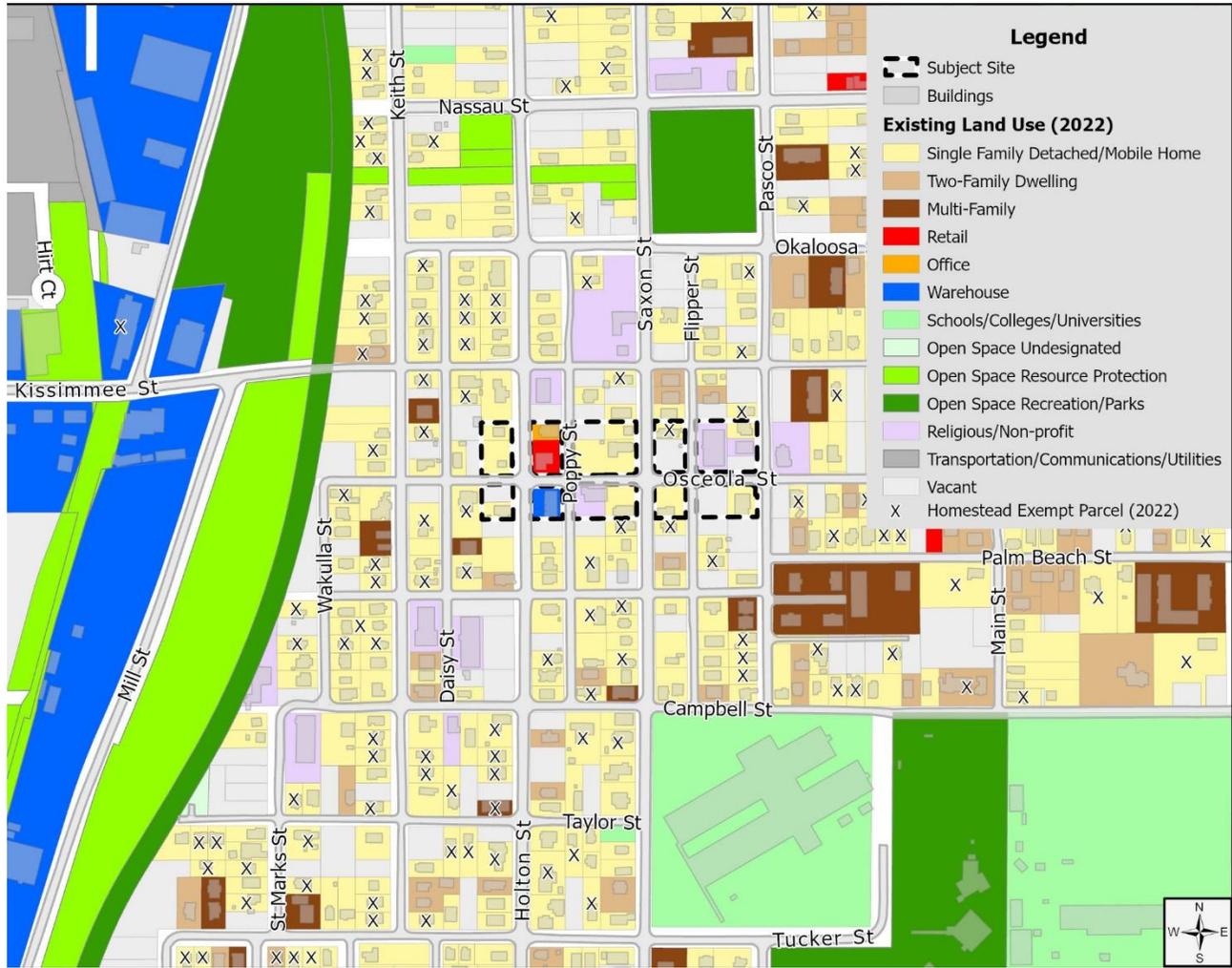
Proposed District

- **Neighborhood Boundary 1 (NB-1)**

Compatibility with Adjacent and Surrounding Uses

As indicated in the following map, the existing land uses on the 21 parcels comprising approximately 3.52 acres in the Bond Neighborhood are varied. Ten parcels are residential, three (3) are commercial, three (3) are religious/non-profit, and five (5) parcels are vacant.

Existing Land Use Map



Residential Preservation Analysis

Policy 2.2.3 of the Land Use Element includes a set of criteria that properties should generally meet to be included in the Residential Preservation Land Use Category.

A) Existing land use within the area is predominantly residential.

Analysis: The land use within the subject area is predominantly residential, with 10 of 21 parcels identified with residential uses. Only one parcel is identified as owner occupied. There are a number of non-residential properties as well as vacant properties within the subject area. To the east of the subject area, allowed density increases from 18 DU/acre to 26 DU/acre, to 45 DU/acre.

B) Majority of traffic is local in nature.

i) Predominance of residential uses front on local streets.

Analysis: The subject area contains residential uses that front on Osceola Street, a minor collector, as well as local streets. The majority of residential uses front on local streets. Non-residential uses front on minor collectors.

ii) Relatively safe internal mobility.

Analysis: Osceola Street has a back of curb sidewalk on the north side of the street in the subject area. The local streets are mixed, some with segments of sidewalk and some without. Painted crosswalks exist at some intersections. Several segments of other streets in the Some facilities exist, but safety improvements are needed.

C) Densities within the area generally are six (6) units per acre or less.

Analysis: The average density for the ten residential properties in the subject area is 5.81 units per acre.

D) Existing residential type and density exhibits relatively homogeneous patterns.

Analysis: The residential properties in subject area are within the allowable density, but the area does not exhibit relatively homogenous patterns. Of the 21 parcels included in the subject area, 10 are residential uses, while the other 11 are commercial, warehouse, religion/non-profit, or vacant.

E) Assessment of stability of the residential area, including but not limited to:

I) Degree of home ownership.

Analysis: Homestead exemptions are a strong indicator of home ownership. There are 21 parcels in the subject area, and ten parcels are currently in residential land use. Only one of those parcels is identified as homestead exempt.

ii) Existence of neighborhood organizations.

Analysis: The Bond neighborhood has an active neighborhood association which has undertaken neighborhood planning efforts. This amendment would implement the planning efforts by this neighborhood associations.

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

Infrastructure Analysis

Water/Sewer

The subject area is served by City of Tallahassee potable water and sewer.

Schools

The Subject Area is zoned for Bond Elementary School, R. Frank Nims Middle School, and Leon High School. School capacity issues were not identified for the proposed land use map amendment and concurrent rezoning. 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 area is served by Wahnish Way and Orange Ave, both major collectors, and Osceola, Holton, and Saxon Streets, all minor collectors. Transportation system issues were not identified for the proposed land use map and concurrent rezoning.

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

Pedestrian and Bicycle Network

The majority of the street segments in the subject area in Bond do not have sidewalks. Osceola Street has sidewalk facilities on the north side of the road. Several segments of other streets in the subject area have sidewalks, but many do not. Holton Street, Saxon Street, and Osceola Street are rated “Medium Comfort” by the Bike Tallahassee Network. No other streets in the subject area are rated.

Transit Network

The subject area is served by the Moss StarMetro Route during the week and on Saturdays. The route runs every 30 minutes during the week during peak times, and every 60 minutes during off-peak times and on Saturdays and Sundays. There are numerous stops throughout the subject area.

Environmental Analysis

The subject area is located within the Lake Munson Basin. There are no sensitive environmental features in the subject area. Any future redevelopment of the area would follow the site plan review process. This process includes an analysis of environmental features and cultural resources.

G. COMPARISON OF EXISTING AND PROPOSED ALLOWED USES

The Future Land Use Map provides a general pattern for the location, distribution, and character of land uses. The zoning 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.

Permitted Uses- Future Land Use	Current Residential Preservation	Proposed Neighborhood Boundary
Residential	6 units/acre	18 units/acre
Single-Family Detached	X	X
Single-Family Attached	X	X
Two-Family Dwellings	X	X
Multi-Family Dwellings		X
Community and Recreational Facilities	X	X
Commercial Goods and Services		X
Mixed-Use Development		X
Office		X

Permitted Uses- Zoning (See Zoning Charts in Appendix #2 for detailed uses)	Current Residential Preservation 2 (RP-2)	Proposed Neighborhood Boundary 1 (NB-1)
Residential	6 units/acre	18 units/acre
Low Density Residential (single, two family, or manufactured home)	X	X
Single-Family Detached, Attached	X	X
Two-Family Dwellings	X	X
Multi-Family Dwellings		X

Permitted Uses- Zoning (See Zoning Charts in Appendix #2 for detailed uses)	Current Residential Preservation 2 (RP-2)	Proposed Neighborhood Boundary 1 (NB-1)
Community facilities related to residential uses including religious facilities, police/fire stations, and elementary, middle, vocational, and exceptional student education schools	X	X
Daycare Centers		X
Passive and Active recreational facilities	X	X
Limited Retail and Service		X
Banks and other financial institutions- drive through facilities prohibited		X
Offices, with some restrictions		X

H. PUBLIC OUTREACH AND NOTIFICATION

An initial mailing was sent to 640 property owners within 1,000 feet of Subject Site.

Public Outreach	Date Completed
X Applications posted to Planning Website	November 1, 2023
X Notices Mailed to Property Owners, Renters, and Homeowners Associations within 1000 feet	November 10, 2023
X Signs providing details of proposed land use posted on subject site	November 16, 2023
X Public Open House	December 7, 2023
X Staff Reports Available Online (hyperlink)	February 1, 2024
X Email Subscription Notice sent to all users of service	4/7/23 8/29/23 10/27/23
X Legal Ads posted	December 29, 2023 January 16, 2024

Public Open House – A public open house for the 2024 Comprehensive Plan Amendment Cycle was held on December 7, 2023 from 5:30 p.m. to 7:00 p.m. in the 2nd Floor Conference Room at the Renaissance Center. There were several citizens who had questions for staff on this amendment. Their major concerns included the genesis of the amendment, the potential impacts of the proposed

amendment on existing land uses in the subject area, and the potential for investors and developers to change these land uses if the amendment is adopted.

I. STAFF REPORT UPDATE

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

Cycle Meetings		Date Completed
X	Local Planning Agency Workshop	January 17, 2024
X	Local Planning Agency Public Hearing	2/6/24
	City Commission Adoption and Transmittal Hearing	4/10/24

Local Planning Agency Workshop – A Local Planning Agency workshop for the 2024 Comprehensive Plan Amendment Cycle was held on January 17, 2024 from 9:00 a.m. to 10:00 a.m. in the 1st Floor Growth Management Conference Room at the Renaissance Center. The Local Planning Agency discussed the effect of the change on existing uses such as churches and the masonic lodge, non-conforming uses, potential for multi-family development, potential for affordable housing, and the potential for community uses, like a Bond neighborhood resource center, that support nearby residents. Staff indicated that the amendment would not impact churches or the masonic lodge and would not render any uses non-conforming. Housing types allowed would include single-family attached and detached, two-family dwellings, triplexes, and quadraplexes. Future uses that are allowed, such as multi-family residential and community uses, would require further consideration through the City’s development review process in Growth Management.

Local Planning Agency Public Hearing – A Local Planning Agency public hearing for the 2024 Comprehensive Plan Amendment Cycle was held on February 6, 2024 from 6:00 p.m. to 8:00 p.m. in the 2nd Floor Development Support and Environmental Management Conference Room at the Renaissance Center. Three citizens spoke to the Commission concerning this agenda item. They expressed questions about the allowable uses if the amendment and rezoning are approved, and when department would review any development plans and issue permits.

J. 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

Appendix #3: Photos of signs providing details of proposed land use and zoning changes posted on subject site

APPENDIX 1 - Comprehensive Plan policies relevant to the proposed amendment

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

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

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

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

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

transitional development areas. The land development regulations shall specify development thresholds for the implementation of transitional development areas.

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

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

The design 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:

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

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

Policy 2.2.21: [L]

NEIGHBORHOOD BOUNDARY (EFF. 7/25/03; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 11/26/20)

Intent: This future land use category is intended to create a transition area between residential development and more intensive development such as higher density multi-family and higher intensity non-residential development while still preserving roadway capacity through access management practices. Where identified in a City or County coordinated placemaking, sense of place, neighborhood, or sector plan, this future land use category may also be used to establish mixed-use corridors, or nodes, with neighborhood-scale, non-residential uses and a variety of residential uses.

Allowable Uses: Low-density residential including duplexes, townhomes, triplexes, and quadplexes; and non-residential development scaled to serve the surrounding neighborhood such as limited retail, offices, bed and breakfast inns and community services. The implementing zoning district(s) within the land development regulations shall further specify the allowable uses. The use must not cause excessive traffic, noise, light, odor, or dust impacts. Auto-oriented uses, such as gas stations or any other use having driven-through facilities, are not allowed in order to protect neighborhoods from any negative impacts associated with increased vehicular traffic.

Intensity/Density: Density and intensity standards for residential and non-residential development shall be established within the implementing zoning district's development standards. In no case shall the maximum density established exceed eighteen (18) dwelling units per acre. Non-residential structures are permitted up to a maximum of 20,000 square feet of gross building floor area per acre.

Design Standards: The land development regulations shall establish design standards to promote compatibility with adjacent residential development.

Location and Orientation: The location of this land use category shall either serve as a buffer between residential development and more intensive development or to establish mixed-use corridors, or nodes, with neighborhood-scale, non-residential uses and a variety of residential uses where identified in a City or County coordinated placemaking, sense of place, neighborhood, or sector plan. Those properties currently within the Lake Protection land use category may not be amended to the Neighborhood Boundary land use category.

Access Management: The land development regulations shall specify specific vehicular access management requirements that will serve to mitigate possible negative impacts to roadways associated with the implementation of this category

APPENDIX 2 - Land Development Code sections relevant to the proposed amendment and/or rezoning

Tallahassee Land Development Regulations

Sec. 10-170. Residential Preservation District

- (a) *Purpose and Intent.*
 - (1) The district is characterized by existing homogeneous residential areas within the community which are predominantly accessible predominantly by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office and industrial activities are prohibited (Certain non-residential 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 within a range of zero (0) to six (6) 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 non-vested development in residential preservation area shall be consistent with the underlying land use category: no more than one (1) unit per ten (10) acres in the Rural category; no more than one (1) dwelling unit per acre (clustered) or one (1) dwelling unit per three (3) acres (not clustered) in the Urban Fringe category. The Residential Preservation land use category is divided into five (5) 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 three and six-tenths (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 (6.0) 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 (6.0) 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 three and six-tenths (3.6) dwelling units per acre in platted subdivisions, one (1.0) dwelling unit per acre (net) for clustered developments on unplatted lots, or one (1.0) unit per three (3) 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 three and six-tenths (3.6) dwelling units per acre in platted subdivisions, or one (1.0) dwelling unit per ten (10) 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).

SECTION 10-241 RESIDENTIAL PRESERVATION

ALLOWABLE USES: APPROPRIATE PERMIT LEVEL AND APPLICABLE DEVELOPMENT AND LOCATIONAL STANDARDS

- P PERMITTED USE
- S SPECIAL EXCEPTION
- R RESTRICTED USE

SIC CODE	RESIDENTIAL PRESERVATION - 2 NAME OF USE	LAND USE TYPE				
		LR	PR	AR	CS	LI
	RESIDENTIAL					
	Dwelling, One-Family	P				
	Dwelling, Two-Family (Rooming Houses are prohibited)	P				
	Dwelling, 2-UnitTownhouses	P				
	SERVICES					
821	Elementary and secondary schools				S	
866	Religious Organizations				S	
	RECREATION					
	Hiking and Nature Trails		P			
	Picnicking		P			
	Canoe Trails		P			
	Bicycle Trails		P			
	Horseback Riding Trails		P			
	Tot Lots			P		
	Court Sports			R		
	Field Sports			R		
	PUBLIC ADMINISTRATION					
	Police Protection				S	
	Fire Protection				S	
	Public Order and Safety				S	

LEGEND	
LR	= LOW DENSITY RESIDENTIAL
PR	= PASSIVE RECREATION
AR	= ACTIVE RECREATION
CS	= COMMUNITY SERVICES
LI	= LIGHT INFRASTRUCTURE

RESIDENTIAL PRESERVATION-2	DEVELOPMENT TYPE			
	SINGLE FAMILY & 2 UNIT-TOWNHOUSE RESIDENTIAL UNITS NON-CLUSTERED	SINGLE FAMILY RESIDENTIAL UNITS CLUSTERED	DUPLEX RESIDENTIAL UNIT NON-CLUSTERED	COMM. SERVICES; ACTIVE REC.; PUBLIC, PRIMARY & SECONDARY SCHOOLS
MINIMUM SETBACKS (FT)				
Front Yard		Perimeter Setback		
Building	15	25	20	25
Parking	-	-	-	20
Corner Yard		Perimeter Setback		
Building	15	25	20	25
Parking	-	-	-	20
Interior Side Yard		Perimeter Setback		
Building*	7.5	15	7.5	20
Parking	-	-	-	20
Rear Yard		Perimeter Setback		
Building	25	25	25	25
Parking	-	-	-	10
MAXIMUM % OF IMPERVIOUS SURFACE AREA	40	40 (of net area)	40	40
MAX. HEIGHT FEET	35	35	35	35
MIN. LOT AREA (ACRES)	7,260 SQ. FT. AVG OF ALL LOTS CREATED WITH A MINIMUM LOT SIZE OF NO LESS THAN 6,000 SQ. FT.	THE NET DENSITY OF THE PROJECT SITE (CLUSTERED) DEVELOPMENT AND REQUIRED OPEN SPACE) MAY BE NO GREATER THAN 3.6 UNITS PER ACRE	14,520 SQ. FT AVG OF ALL LOTS CREATED WITH A MINIMUM LOT SIZE OF NO LESS THAN 7,500 SQ. FT.	1/2 ACRE
MINIMUM LOT FRONTAGE (FEET)	15	15	15	-

* Zero-lot line construction permitted along common wall of townhouse dwelling units.

NB-1 Neighborhood Boundary 1

1. District Intent	PERMITTED AND PROHIBITED USES		
	2. Principal Uses	3. Prohibited Uses	4. Accessory Uses
<p>The Neighborhood Boundary 1 (NB-1) district is intended to be located in areas designated as Neighborhood Boundary on the Future Land Use Map of the Comprehensive Plan and only within the Multi-Modal Transportation District. NB-1 districts shall either serve as a buffer between residential development and more intensive development, or be used to establish mixed-use corridors, or nodes, with neighborhood-scale, non-residential uses and a variety of residential uses where identified in a City coordinated Placemaking, Sense of Place, Neighborhood, or Sector Plan.</p> <p>The NB-1 district is designed to allow low- and medium-density residential, and non-residential development scaled to serve the surrounding neighborhood such as limited retail, office, and community services. To prevent negative impacts from increased vehicular traffic, auto-oriented uses, such as gas stations or drive-through facilities are prohibited.</p> <p>The maximum gross density allowed for new residential development in the NB-1 district is eighteen (18) dwelling units per acre. The maximum gross intensity allowed for new non-residential development is 20,000 square feet per acre. Building footprints for non-residential uses shall be limited to 5,000 gross square feet.</p> <p>Development within the NB-1 zoning district shall comply with all standards applicable to Transect 3 (T3) of the MMTD Code and the additional Development Standards contained in note 5 herein.</p>	<ol style="list-style-type: none"> 1. Offices, except those expressly prohibited. 2. Limited retail and service – the below uses are permitted: <ol style="list-style-type: none"> a. Antique shops b. Laundromats, laundry and dry-cleaning pick-up stations c. Mailing services d. Personal services (barber shops, fitness clubs, etc.) e. Repair services, non-automotive f. Restaurants without drive-through facilities g. Retail bakeries, drug stores, florists, food and grocery, home/garden supply/hardware without outdoor storage, newsstand/books/greeting cards h. Studios for photography, music, art, drama, and voice i. Tailoring 3. Banks and other financial institutions, without drive-through facilities 4. Community facilities related to the permitted principal uses including libraries, religious facilities, and police/fire stations. Other community facilities may be allowed in accordance with Section 10-413 of these regulations. 5. Residential: <ol style="list-style-type: none"> a. Single-family attached dwellings, not to exceed four attached units b. Single-family detached dwellings c. Two-family dwellings d. Triplexes e. Fourplexes f. Live-work 6. Daycare centers 7. Recreational clubs and lodges, including assembly halls 8. Passive and active recreation facilities 9. Other uses which, in the opinion of the Land Use Administrator, are of a similar and compatible nature to those uses described in this district. Noise and lighting impacts shall be considered when determining the eligibility of additional land uses. 	<p>The following uses are prohibited in this zoning district:</p> <ol style="list-style-type: none"> 1. Cocktail lounges, night/dance clubs, and bars 2. Retail package liquor 3. Bail bond agencies/offices 4. Warehouses, mini-warehouses, and self-storage 5. Heavy industrial and light industrial uses 6. Crematoriums 7. Commercial dog kennels 8. Pawn shops 9. Firing ranges 10. Drive-through facilities 11. Rooming houses 12. Motor vehicle fuel sales 13. Pet daycare centers 14. Veterinary services 15. Payday loan offices 16. Automotive repair 17. Car wash 18. Privately owned off-street parking as the sole use 19. Outdoor storage 	<ol style="list-style-type: none"> (1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more that 33 percent of the floor area or cubic volume of the principle use or structure, as determined by the Land Use Administrator. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.
<p>5. Development Standards in addition to the MMTD</p> <ol style="list-style-type: none"> 1. <i>Setback and Alternate Non-residential Setback:</i> <ol style="list-style-type: none"> a. The default front setback in T3 is a minimum of 15 feet from the property line. If the criteria listed below are met, an alternate front setback of 15 feet from the back of the curb is allowed for new non- 			

residential development (see Figures a and b):

1. The space between the back of the landscape strip and the face of the building is a continuously paved area with a consistent sidewalk pattern that includes two components. First, it has a minimum 6, 8, or 10-foot sidewalk between the landscape strip and the property line, depending on whether the adjoining road is functionally classified as a local, a collector, or an arterial road, respectively. Second, it has an adjacent 3-foot paved area between the property line and the face of the building.
- b. Sites with multiple frontages do not require a front setback deviation for additional frontages if the primary frontage meets the required front setback. This exemption does not apply to corner lots.

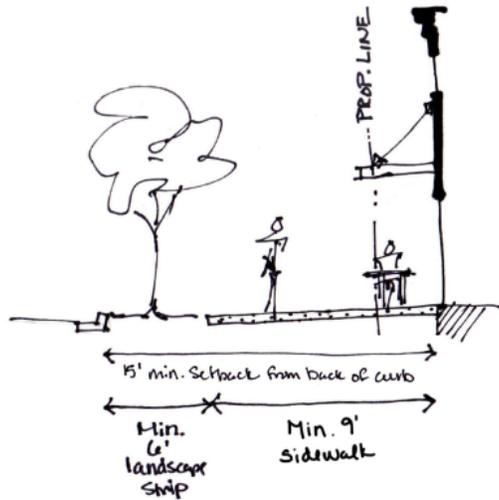


Figure a.

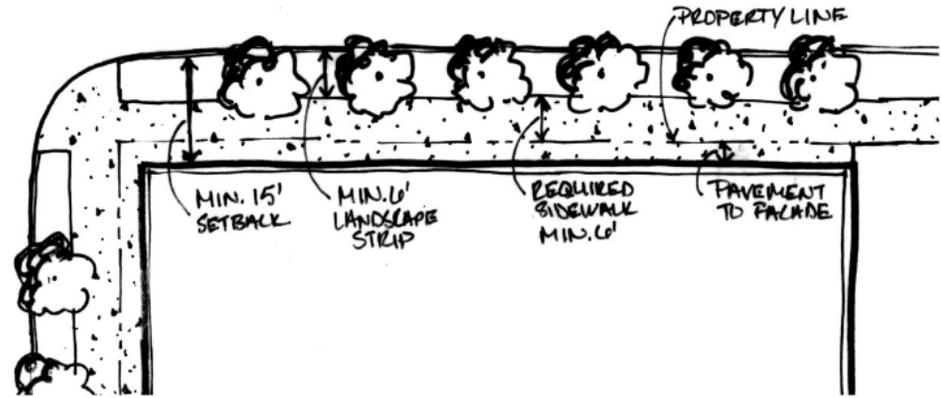


Figure b.

2. Entryways:

- a. At least one entryway shall be located on the front façade, parallel to the street. Street-facing entries for dwelling units in a duplex, triplex, or fourplex shall be clustered or shared (see Figure C). A dedicated and direct pedestrian path shall be provided from the front entrance to the public sidewalk or street where there is no sidewalk (see Figure d). Driveways do not qualify as a direct pedestrian connection.

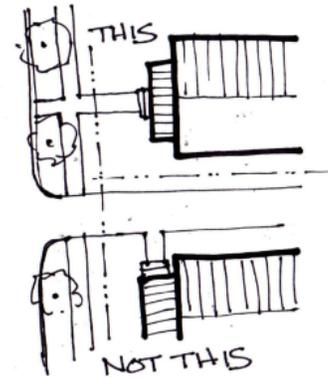
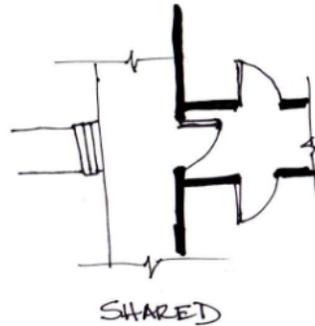
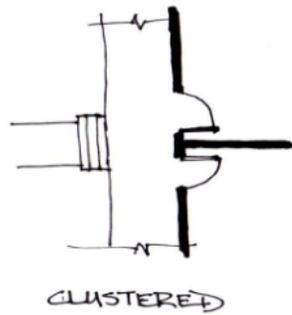


Figure c.

Figure d.

3. *Lighting Criteria:*

Exterior lighting shall include any light source outside a building whether freestanding or on its own pole, attached to a structure, or underneath a roof of an open-sided building and shall meet the following criteria:

- a. For natural quality, lighting elements shall provide full spectrum light to prevent color distortion.
- b. Light overspill onto adjacent properties shall be minimized by a combination of placement of light fixtures, mounting height, natural or artificial barriers on the fixture owner's property, shielding of the light source to direct light onto the surface to receive illumination, and other fixture design features. When abutting existing residential uses, lighting shall not exceed zero point five (0.5) footcandles as measured at the property line six (6) feet above grade.
- c. Motion detector activated lights are permitted and are required to cycle off after five (5) minutes.
- d. Fixtures shall provide evenly zero point five (0.5) foot-candles at street level and at walkways, bike paths and parks. The light level at parking lots shall be no less than zero point four (0.4) foot-candles and no greater than one (1) foot-candle.
- e. Light fixtures in parking lots shall be a maximum of 18 feet in height. Light fixtures along pedestrian walkways shall be a maximum of 12 feet in height.
- f. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.
- g. The use of internally illuminated awnings or canopies, and wall and roof mounted floodlights or spot-lights used for general grounds illumination, is prohibited.
- h. Up lighting is prohibited except when used to accent landscaping.
- i. All exterior lighting shall be full cutoff type (i.e., directed downward and capped), shall be recessed and shielded to conceal the light source, and shall be either LED or metal halide lamps.
- j. Emergency lighting and traffic control lighting are exempt from these standards.
- k. Applications for non-residential and multi-family developments shall be accompanied by a photometric plan and manufacturer's cut sheets to demonstrate compliance with these standards.

4. *Access Management and Parking Location:*

- a. For non-residential properties on corner lots or with multiple frontages, vehicular access shall be limited to the secondary frontage unless the vehicular access along the primary frontage is shared by multiple properties.
- b. New development of multiple lots shall require shared driveway access and provide access easements to adjacent properties. If there is an existing access easement with the adjacent property, the development shall utilize the easement.
- c. Driveways serving single-family homes and duplexes shall not exceed ten (10) feet in width (not including the driveway apron – see Figure e).
- d. Walls of residential garages and carports shall be setback from the principal façade at least four (4) feet. Porches do not qualify as the principal façade (see Figure e).
- e. Residential front-loading garages and carports shall be setback a minimum of 20 feet from the front property line (see Figure e).

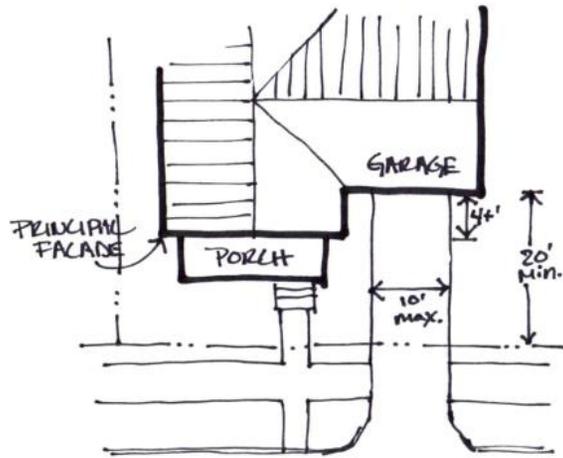


Figure e.

5. *Fencing and Perimeter Walls, Buffering and Screening Requirements:*

- a. Prohibitions. Barbed wire, razor wire, and electric fencing are prohibited. Chain link fencing is not permitted for non-residential uses within view of the public right-of-way.
- b. Height. Fences and perimeter walls shall not exceed six (6) feet in height. Fences within the first layer shall not exceed four (4) feet in height.
- c. Required Screening. Non-residential uses shall provide an opaque six (6)-foot fence at the property line shared with any residential use, except that the fence shall not be located any closer than 15 feet to the front or street side property line. The finished side of the fence shall face the residential property.

6. *Solid Waste Restrictions:*

For new non-residential uses, roll out solid waste containers are required and shall not be placed within the first or second layer or within 30 feet of an adjoining existing residential use. Roll out solid waste containers shall be screened from view from any adjacent right-of-way. Dumpsters shall be prohibited.

7. *Neighborhood Character and Architectural Design*

- a. All roofs for principal structures in residential development shall be hipped or gabled (see Figure f).

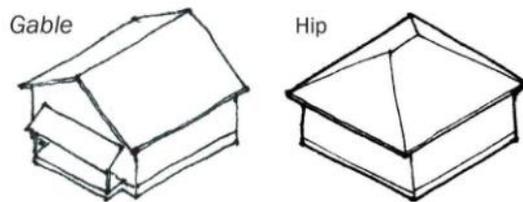


Figure f.

APPENDIX 3 - Photos of signs providing details of proposed land use and zoning changes posted on subject site











SUMMARY

Property Owners:	Property Location:	Amendment Type:
BANNERMAN OPP FUND, LLC	2600 Plant Street	City Small Scale Map Amendment
Applicant:		
BANNERMAN OPP FUND, LLC		
TLCPD Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Jacob Fortunas	Future Land Use: Government Operational Zoning: Light Industrial (M-1)	Approve
Contact Information:	Proposed Future Land Use & Zoning:	Staff Analysis:
Jacob.Fortunas@talgov.com 850-891-6418	Future Land Use: Suburban Zoning: Light Industrial (M-1) (no change)	Consistent
Date: 11/30/2023	Updated: 02/27/2024	

A. EXECUTIVE SUMMARY

If approved, this map amendment would change the allowable land uses for a parcel of land totaling 2.3 acres at 2600 Plant Street. The existing Future Land Use Map (FLUM) designation of this parcel is Government Operational. The proposed amendment would change the FLUM designation to Suburban (SUB)

Part of the review process determines consistency with the Goals, Objectives, and Policies in the Tallahassee-Leon County Comprehensive Plan. 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 in this consideration are the following:

- 1) Does the area meet the criteria for designation as Government Operational?
- 2) Does the area better meet the criteria for Suburban?

If the Land Use 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 includes neighborhood compatibility standards and other buffering and screening standards.

B. APPLICANT’S REASON FOR THE REQUESTED CHANGE

The applicant states that they seek this land use change to implement uses consistent with surrounding light industrial uses, as allowed by the current zoning, but disallowed by the existing FLUM designation. This amendment follows the applicant’s August 2022 acquisition of the property from the Leon County School Board resulting in publicly owned property becoming privately owned.

C. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION

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

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

D. STAFF ANALYSIS

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

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. The Suburban Land Use Category defined by Policy 2.2.5 [L] can be implemented through the existing zoning category of Light Industrial (M-1). This zoning category is congruent with existing adjacent land uses.
2. Policy 2.2.16 [L] states that the Government Operational category contains facilities which include those defined on the Land Use Development Matrix as Community Services, Light Infrastructure, Heavy Infrastructure and Post-Secondary, that provide for the operation of and provision of services of properties owned by local, state and federal government.

Local, state, and federal governments do not own or operate the property; therefore, the current land use does not meet the intended application to public lands as prescribed in Policy 2.2.16 [L].

F. SUMMARY OF FINDINGS

Staff presents the following findings of fact:

History and Background

1. The subject property was acquired by the applicant in August 2022 from the Leon County School Board.
2. Historic imagery shows that the subject site was first developed between 1937 and 1941. Imagery shows that the subject site appeared to be actively utilized for warehousing and stockpiling up until approximately 2019, when the majority of the site’s structures appeared to have been removed.
3. The applicant states that the subject property was part of the former Dale Mabry Field military base that was transitioned to a combination of warehouse, light industrial, and governmental facilities.

Current and Proposed Future Land Use Categories

The Subject Area is currently designated Government Operational on the Future Land Use Map (FLUM). The proposed amendment would change the FLUM designation of the subject parcels to Suburban. A summary of the current and proposed FLUE categories is below, and a comparison of permitted uses is provided in **Section G**. The complete comprehensive plan policies for Government Operational (Policy 2.2.16: [L]) and Suburban (Policy 2.2.5 [L]) are included as Appendix #1.

Government Operational (Current)

The Comprehensive Plan addresses the Government Operational future land use category in Policy 2.2.16, which states that the designation is intended for community services, light infrastructure, heavy infrastructure, and post-secondary, that provide for the operation of and provision of services on property owned or operated by local, state and federal government.

Suburban (Proposed)

The Suburban FLUM category allows for a variety of low-medium density residential, commercial, and mixed uses. The intent of this district is to provide convenient goods and services to residential areas and employment areas.

Determination for Future Land Use Map Amendment

- 1) *Does the area meet the criteria for designation as the current land use designation of Government Operational (GO)?*

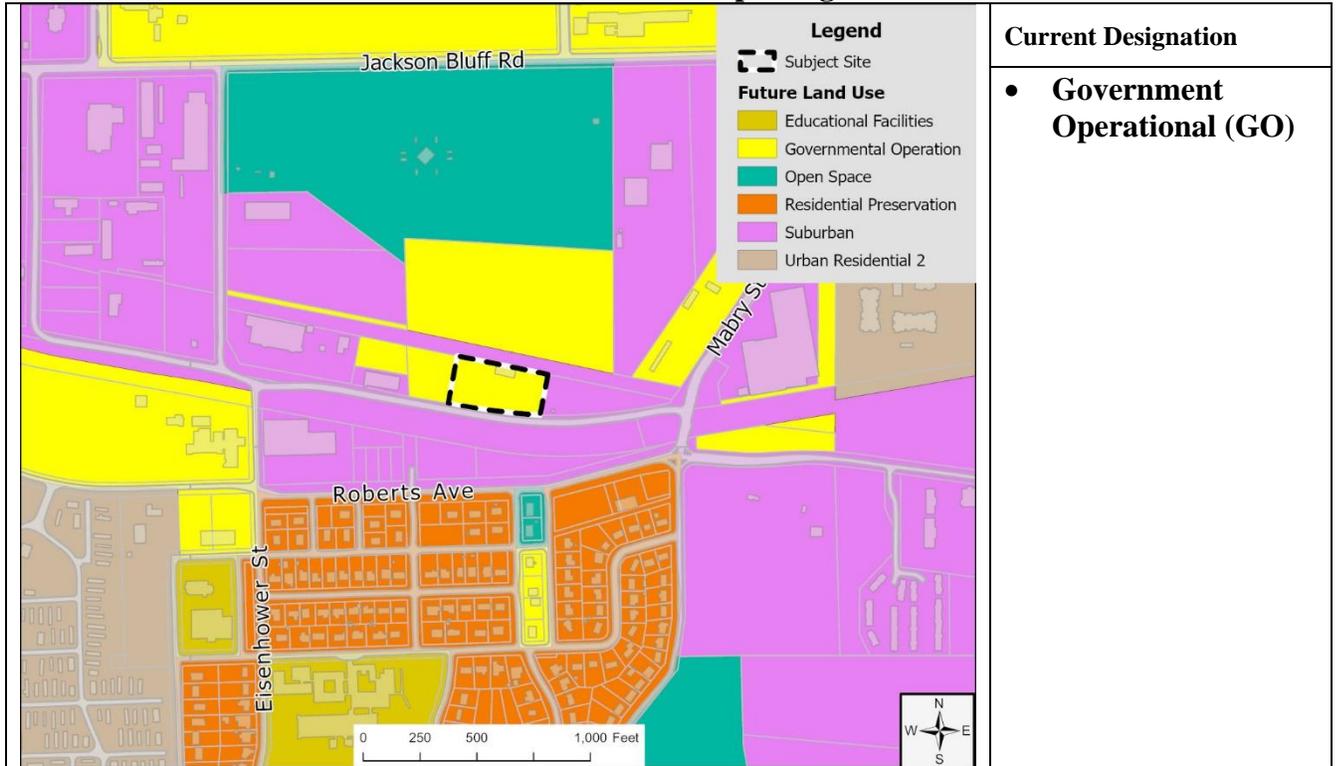
No. Government Operational is intended to be implemented on local, state, and federal government lands.

- 2) *Does the area better meet the criteria for the proposed land use designation of Suburban (SUB)?*

Yes. The now privately owned parcel may retain its current zoning (Light Industrial; M-1), which complements adjacent M-1 land uses while being situated between municipal complexes to the north and residential areas to the south. The parcel in question is bordered by parcels with the designated Suburban (see map below).

The following maps illustrate the current and proposed FLUM designations for the subject area:

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation

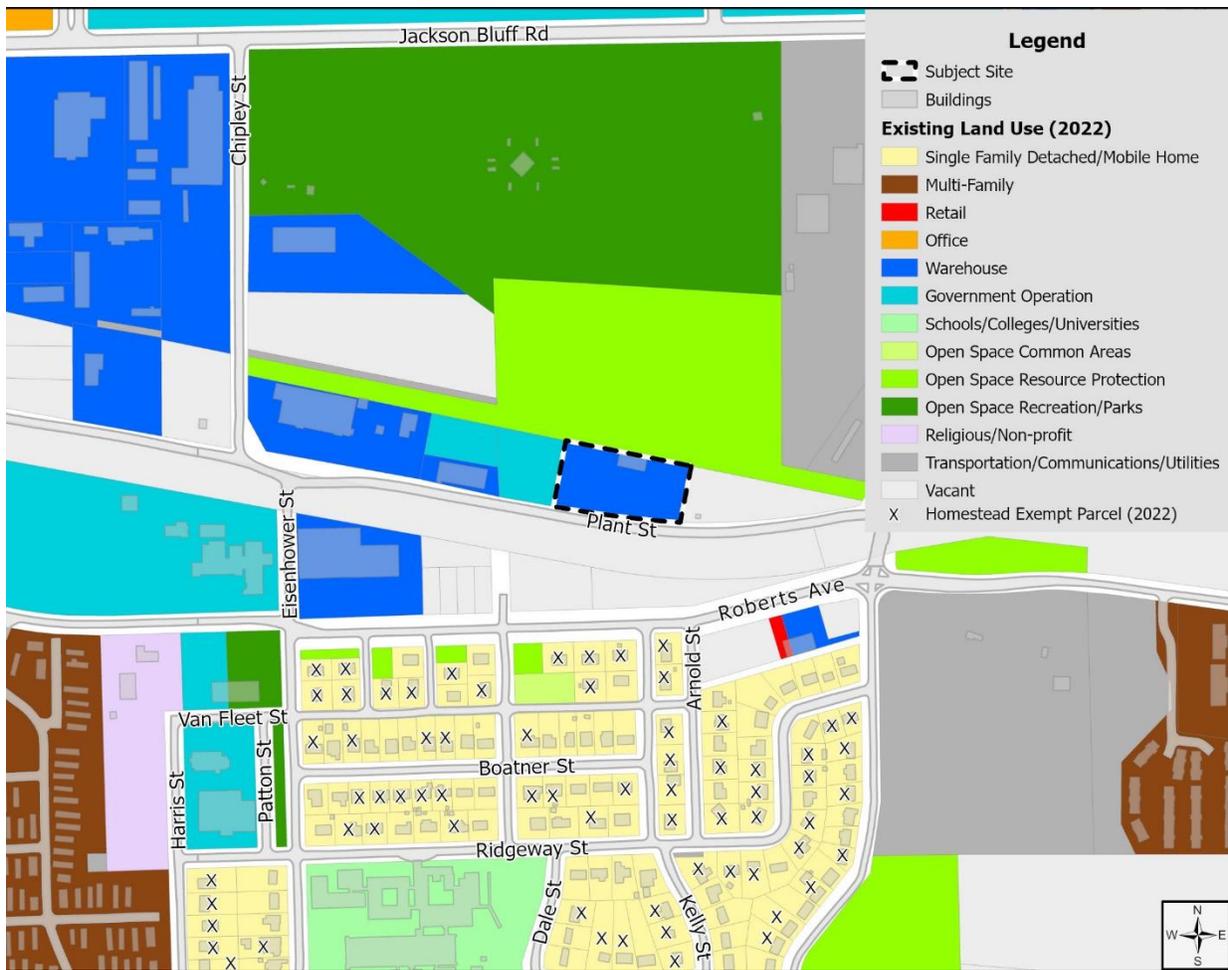


Compatibility with Adjacent and Surrounding Uses

The proposed Suburban FLUM complements surrounding land uses as seen in the map above. As intended by Policy 2.2.5 [L], this area is located in close proximity to residential areas to the south and east, as well as established employment centers to the north, northwest, and southwest. The parcel is surrounded by other Suburban land uses.

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.

Existing Land Use Map



Infrastructure Analysis

Water/Sewer

City of Tallahassee water and sewer services are available to be provided to the subject 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. Sabal Palm Elementary School: 322 students
2. Nims Middle School: 526 students
3. Rickards High School: 456 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 Plant Street, an unclassified, or local, roadway. Plant Street is accessible from the east by Mabry Street and to the west by Eisenhower Street/Chipley Street.

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 not served by sidewalks nor bike lanes. Sidewalks and bike lanes are present approximately 1000ft to the east of the subject site along Mabry Street.

Transit Network

StarMetro's Live Oak Route is accessible within a quarter mile of the subject site. Star Metro's Forest route is accessible within approximately half a mile of the subject site.

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. The subject site is located within the FEMA 100-year floodway. The subject site is bordered by the Munson Slough on its northern boundary.

Comparison of Existing and Proposed Allowed Uses

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

Permitted Uses- Future Land Use	Current: Government Operational	Proposed: Suburban
Residential	0 units/acre	0 to 20 units/acre
Single-Family Detached		X
Single-Family Attached		X
Two-Family Dwellings		X
Community and Recreational Facilities	X	X
Day care centers		X
Commercial Goods and Services		X
Mixed-Use Development		X
Office	X	X
Medical Facilities	X	X
Post-Secondary Schools		X
Cemeteries		X
Light Industrial/Manufacturing	X	X
Heavy Industrial/Mining	X	
Sanitary Facilities	X	
Warehouse	X	X

G. PUBLIC OUTREACH AND NOTIFICATION

An initial mailing was sent to 122 property owners within 1,000 feet of Subject Site.

	Public Outreach	Date Completed
X	Applications posted to Planning Website	10/27/23
X	Notices Mailed to Property Owners, Renters, and Homeowners Associations within 1000 feet	11/3/23
X	Signs providing details of proposed land use posted on subject site	11/16/23
X	Public Open House	12/7/23
	Staff Reports Available Online	Feb 2024
X	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 01/16/2024

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:

	Cycle Meetings	Date Completed
X	Local Planning Agency Workshop	1/17/24
X	Local Planning Agency Public Hearing	2/06/24
	City Adoption Public Hearing	4/10/24

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

Local Planning Agency Public Hearing – The public hearing was held on February 6, 2024, to vote on the proposed amendment. Staff provided overview of the application received and the amendment being requested. The LPA found the proposed future land use map amendment consistent with the Tallahassee Leon-County Comprehensive Plan, based on the findings, and other information contained in this staff report, and recommended adoption of the proposed amendment. There were no public comments on the proposed amendment.

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
- Appendix #3: Photo of signs providing details of proposed land use and zoning changes posted on subject site

APPENDIX 1

Comprehensive Plan Sections

I. Land Use

Policy 2.2.16: [L]

GOVERNMENT OPERATIONAL (EFF. 8/17/92; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 12/24/10)

Contains facilities, which include those defined on the Land Use Development Matrix as Community Services, Light Infrastructure, Heavy Infrastructure, and Post-Secondary, that provide for the operation of and provision of services on property owned or operated by local, state and federal government. The government facilities may include services and uses provided by private entities operating on property owned by the local, state, or federal government. These facilities shall include, but are not limited to:

- Airports*
- Correctional Facilities
- Courts
- Electric Generating Facilities
- Electric Sub-Stations
- Health Clinics
- Libraries
- Incinerators
- Materials Recovery Facilities
- Museums
- Postal Facilities
- Offices
- Outdoor Storage Facilities
- Police/Fire Stations
- Sanitary Sewer Percolation Ponds
- Sanitary Sewer Pump Stations
- Sanitary Sewer Sprayfields
- Vehicle Maintenance Facilities
- Waste to Energy
- Water Tanks
- Water Treatment Plants
- Water Wells

*Includes services and uses provided by private entities that are commonly located at commercial service airports.

I. Land Use

which much of Tallahassee-Leon County has developed since the 1940s. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.

To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, commercial goods and services should be located nearby. To reduce automobile dependency of residents and employers alike, mass transit stops should be located at large commercial centers and appropriate street and pedestrian connections established between commercial and residential areas. Except within mixed use centers, larger scale commercial development should be buffered from adjacent residential neighborhoods.

Development shall comply with the Suburban Intensity Guidelines. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

Policy 2.2.5: [L]

SUBURBAN

(EFF. 3/14/07)

To create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, if possible within walking distance. This category recognizes the manner in

I. Land Use

Suburban Intensity Guidelines (EFF. 3/14/07; REV. EFF. 7/14/14;
REV. EFF. 5/31/18)

Table 4: Suburban Intensity Guidelines

Development Patterns	Allowed Land Uses	Gross Residential Density UNITS/ ACRE (4)	Non-Res Intensity SQ.FT/ACRE	Percent- age Mix of Uses
Low Density Residential	Residential, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ ACRE (4)	10,000 SQ.FT/ACRE	65-80%
Low Density Residential Office	Residential, Office, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ ACRE (4)	10,000 SQ.FT/ACRE (5)	
Medium Density Residential	Residential, Recreation, Light Infrastructure & Community Service	8 to 16 UNITS/ ACRE	20,000 SQ.FT/ACRE	
Medium Density Residential Office	Residential, Office, Ancillary 1 st Floor Commercial, Recreation, Light Infrastructure, Community Service & Post-Secondary Schools	8 to 20 UNITS/ ACRE	20,000 SQ.FT/ACRE(6)	
Village Center	Residential, Office, Commercial up to 50,000 sq ft, maximum business size. Centers shall not be located closer than ¼ mile to another village center or commercial development including more than 20,000 sq ft of floor area.	8 to 16 UNITS/ ACRE	12,500 SQ.FT/ACRE per parcel for center	
Urban Pedestrian Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 16 UNITS/ ACRE (3)	Up to 20,000 sq FT/ACRE (3)	35-50%
Suburban Corridor	Residential, Office, Commercial, Recreation, Light & Heavy Infrastructure & Community Service	Up to 16 UNITS/ ACRE	Up to 25,000 sq FT/ACRE (3)	

Development Patterns	Allowed Land Uses	Gross Residential Density UNITS/ ACRE (1)	Non-Res Intensity FT/ACRE (2)	Percent- age Mix of Uses
Medical Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 20 UNITS/ ACRE (1)	80,000 sq FT/ACRE (2)	
Business Park	Office, Residential and Commercial	Up to 16 UNITS/ ACRE	20,000 sq FT/ACRE	5-10%

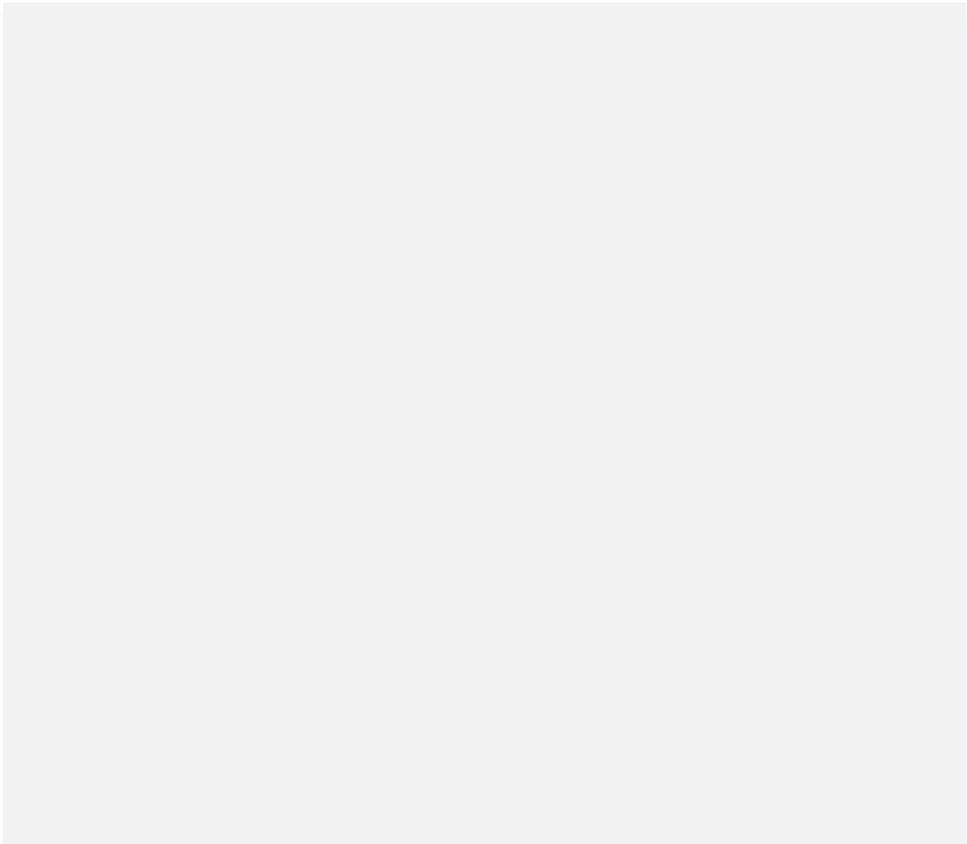
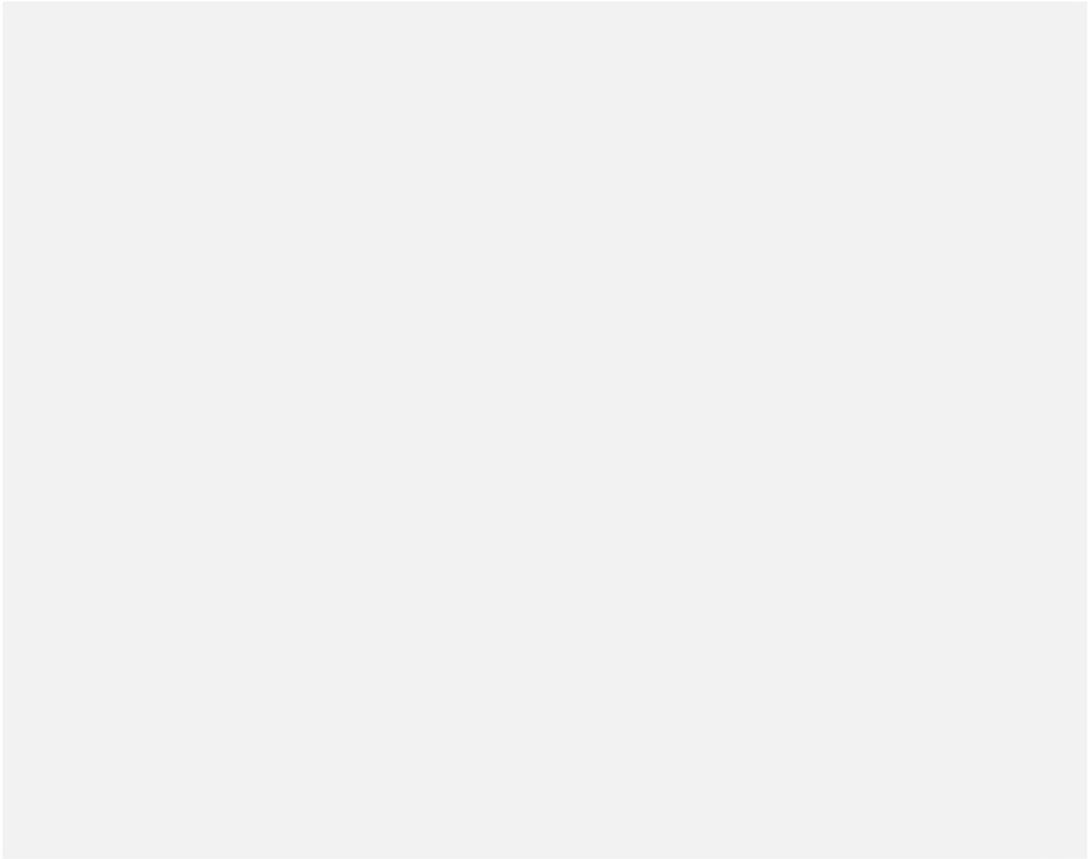
Notes:

- (1) 8 units/acre minimum for exclusively residential;
- (2) Hospitals up 176,000 sq ft/acre;
- (3) 20 units/acre and 40,000 sq ft/acre for multiple use development; Combined residential and non-residential development may have up to 40,000 SF and up to a six story building. Residential use, office use and commercial use is allowed.
- (4) Low Density Residential and Residential Office development patterns can have a minimum of 1 unit per acre if water and sewer are not available.
- (5) The maximum square footage is increased to 12,500 SF if the project is a mixed-use development.
- (6) The maximum square footage increases to 40,000 SF per acre and maximum height increases to six stories if 50% of parking is structured. This provision only applies to areas previously designated as Mixed Use C
- (7) 250,000 SF of total development permitted on 20 to 30 acre centers.
- (8) Storage areas may be 50,000 SF per acre. Office and Retail is allowed.

While mixed land uses are encouraged in the Suburban Future Land Use Category, the more prevalent pattern will be a compatibly integrated mix of single-use developments that include low and medium density residential, office, and retail development. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change

I. Land Use

of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.



APPENDIX 2

Section 10-260 M-1 Light Industrial

PERMITTED USES		3. Accessory Uses				
2. Principal Uses		6. Maximum Building Restrictions				
<p>I. District Intent</p> <p>The M-1 district is intended to be located in areas designated Suburban on the Future Land Use Map of the Comprehensive Plan and shall apply to urban areas with convenient access to transportation facilities, where light manufacturing, processing, storage, community and recreational facilities and other activities compatible with light industrial operations are permitted. The district is not intended to accommodate heavy industrial operations or to accommodate commercial or residential development which would restrict the principal light industrial operations.</p>	<p>(1) Armored truck services.</p> <p>(2) Assembly of apparel and accessories.</p> <p>(3) Automotive service and repair, including car wash.</p> <p>(4) Bottling plants.</p> <p>(5) Broadcasting studios.</p> <p>(6) Building contractors and related services.</p> <p>(7) Cemeteries.</p> <p>(8) Communications and utilities.</p> <p>(9) Vocational schools and police/fire stations.</p> <p>(10) Crematoriums.</p> <p>(11) Distribution facilities.</p> <p>(12) Dry cleaning plants.</p> <p>(13) Food processing, excluding slaughter.</p> <p>(14) Golf courses.</p> <p>(15) Gun firing ranges (indoor).</p> <p>(16) Heavy infrastructure (maintenance yards, motor pools, airports, land fills, sewage treatment plants, etc.).</p> <p>(17) Laboratories; research and development activities.</p> <p>(18) Lawn and tree removal services.</p> <p>(19) Manufacturing (consistent with the definition of light industrial).</p>	<p>(20) Non-medical offices and services, including business and government offices and services.</p> <p>(21) Off-street parking facilities.</p> <p>(22) Passive and active recreational activities.</p> <p>(23) Pest control services.</p> <p>(24) Pet Day Care Centers</p> <p>(25) Printing and publishing.</p> <p>(26) Repair services, non-automotive.</p> <p>(27) Towing, wrecking, and recovery services.</p> <p>(28) Transportation and freight handling activities.</p> <p>(29) Warehouses, mini-warehouses, or self-storage facilities.</p> <p>(30) Waste tires and disposal</p> <p>(31) Welding and machine shops.</p> <p>(32) Wholesale activities.</p> <p>(33) Wholesale building supplies.</p> <p>(34) Other uses, which in the opinion of the Land Use Administrator, are of a similar and compatible nature to those uses described in this district.</p>	<p>(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the Land Use Administrator. The 33 percent limitation does not apply to outdoor storage that is accessory to a permitted principal use.</p> <p>(2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.</p> <p>(3) Residential use (intended for watchman or guard not to exceed 1 dwelling unit per industrial use).</p> <p>(4) Outdoor storage (without the 33 percent limitation), provided it complies with Section 7 below.</p>			
	<p>DEVELOPMENT STANDARDS (continued on page 2 of 2)</p>		<p>5. Minimum Building Setbacks</p>			
<p>Use Category</p> <p>Permitted Principal Commercial Uses Numbers (3), (21), (25)</p> <p>All Other Permitted Principal Non-Residential Uses</p>	<p>a. Lot or Site Area</p> <p>none</p>	<p>a. Front</p> <p>25 feet</p>	<p>c. Side-Corner Lot</p> <p>25 feet</p>	<p>d. Rear</p> <p>10 feet</p>	<p>a. Building Size (excluding gross building floor area used for parking)</p> <p>10,000 square feet of gross building floor area per parcel</p>	<p>b. Building Height (excluding stories used for parking)</p> <p>3 stories</p>
	<p>b. Lot Width</p> <p>none</p>	<p>b. Side-Interior Lot</p> <p>none</p>	<p>c. Lot Depth</p> <p>none</p>	<p>25 feet</p>	<p>10 feet</p>	<p>20,000 square feet of gross building floor area per acre. 50,000 square feet of gross building floor area per acre for storage areas within buildings or warehousing as a principal use.</p>

DEVELOPMENT STANDARDS (continued from page 1 of 2)
<p>7. Criteria for Outdoor Storage: Outdoor storage is permitted as an accessory use to a permitted principal use (without the 33 percent limitation) if the outdoor storage area is screened with an opaque material (an opaque material may include vegetation). The opacity requirements are as follows: 100 percent along any property line that adjoins an existing residential use; 80 percent along any property line that adjoins any other type of use other than residential (commercial, office, etc.) or a street right-of-way. The determination of the adequacy of the opaque material will be evaluated at the time of permitting.</p> <p>9. Street Vehicular Access Restrictions: Properties in the M-1 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from non-residential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: R-A, R-1, R-2, R-3, R-4, R-5, MH, MR-1, RP-1, RP-2, RP-MH, RP-UF, and RP-R.</p> <p>10. Additional Criteria and Restrictions for Pet Day Centers: Outside boarding and unsupervised outside activity are prohibited. In the event that a pet day care center abuts a residential property, the center shall not exceed an L10 noise level of 60 as measured on the property line abutting the Center. Hours of operation for Pet Day Care Centers shall be 6:00 A.M. to 9:00 P.M. Indoor overnight boarding of pets is permitted.</p>

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 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.

APPENDIX 3

Sign posted on site





SUMMARY

Property Owners:	Property Location:	Amendment Type:
G.W.C. LEE LLC; Diane Roberts	1726 Mahan Drive 1728 Mahan Drive	City Small Scale Map Amendment
Applicant: Anchor School Inc.		
TLCDP Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Jacob Fortunas	<u>Future Land Use:</u> Residential Preservation <u>Zoning:</u> Residential Preservation 2	Adopt
Contact Information:	Proposed Future Land Use & Zoning:	Staff Analysis:
Jacob.Fortunas@talgov.com 850-891-6418	<u>Future Land Use:</u> Urban Residential 2 <u>Zoning:</u> 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...*"

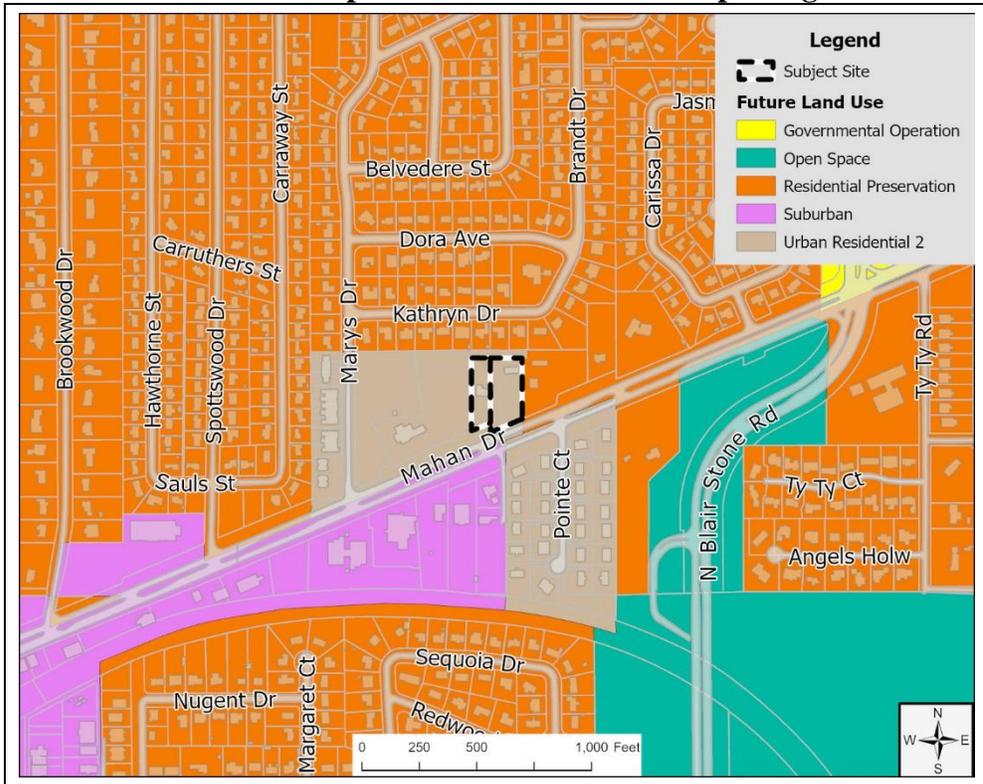
Current Future Land Use Map Designation



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.

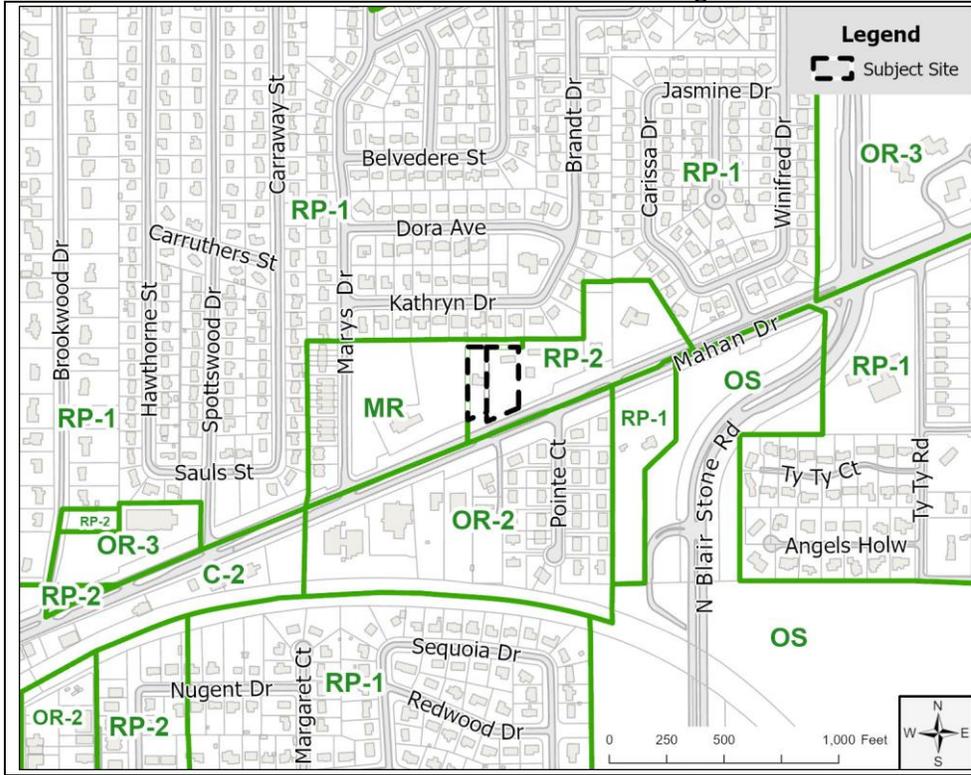
Medium Density Residential District (MR) (Proposed)

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.

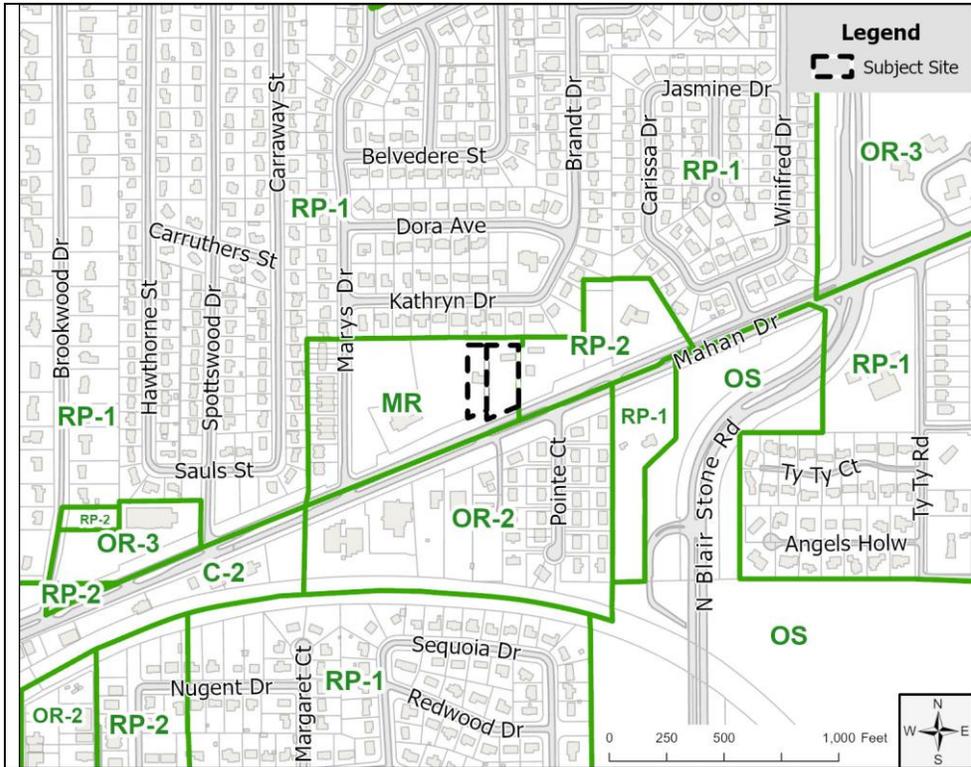
Current Zoning



Current District

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

Proposed Zoning



Proposed District

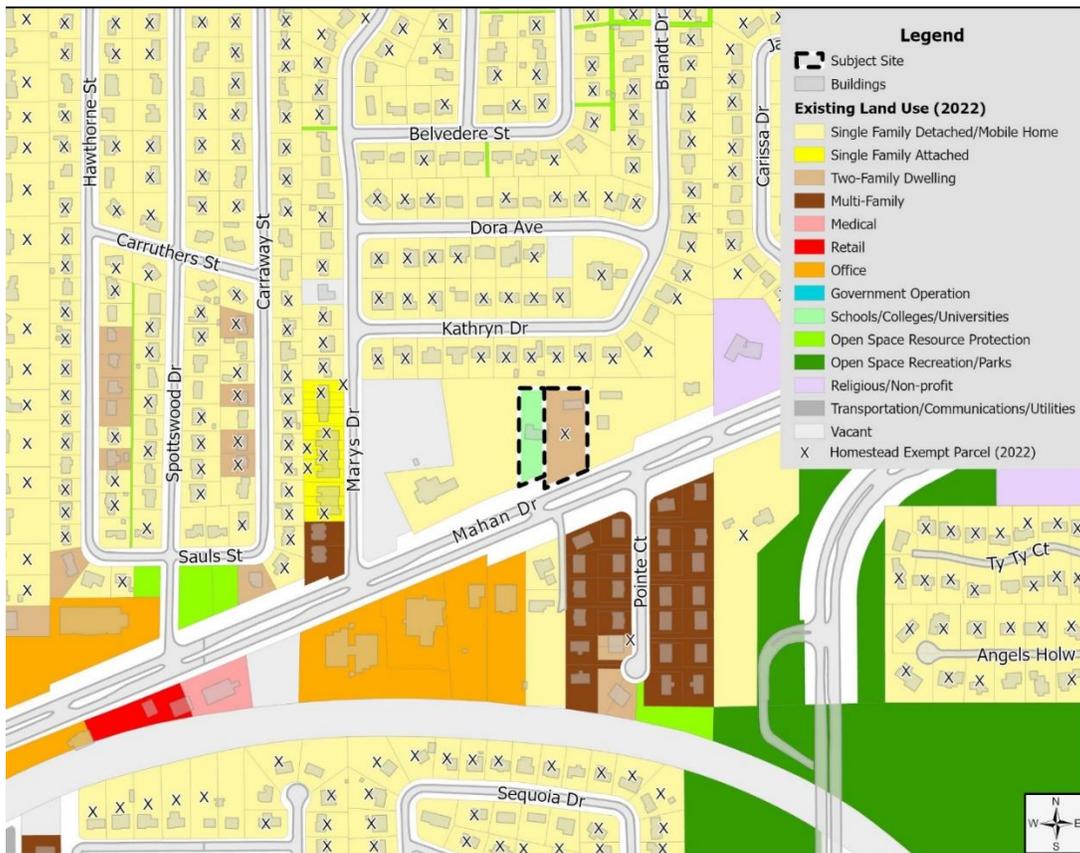
- **Medium Density Residential (MR)**

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.

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.

Permitted Uses- Future Land Use	Current: Residential Preservation	Proposed: Urban Residential 2
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*

Permitted Uses- Zoning (See Zoning Charts in Appendix #2 for detailed uses)	Current: Residential Preservation 2	Proposed: Medium Density Residential
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

Permitted Uses- Zoning (See Zoning Charts in Appendix #2 for detailed uses)	Current: Residential Preservation 2	Proposed: Medium Density Residential
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.

	Public Outreach	Date Completed
X	Applications posted to Planning Website	10/27/23
X	Notices Mailed to Property Owners, Renters, and Homeowners Associations within 1000 feet	11/3/23
X	Signs providing details of proposed land use posted on subject site	11/27/2023
X	Public Open House	12/7/23
X	Staff Reports Available Online	Feb 2024
X	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:

	Cycle Meetings	Date Completed
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
	Adoption Public Hearing	4/10/24

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:

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

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

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.

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.
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- 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>Development standards for properties located within the MMTD are established within Division 4 of this Code.</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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<i>DEVELOPMENT STANDARDS</i>									
Use Category	<i>4. Minimum Lot or Site Size</i>			<i>5. Minimum or Maximum Building Setbacks</i>				<i>6. Maximum Building Restrictions</i>	
	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**																			

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.

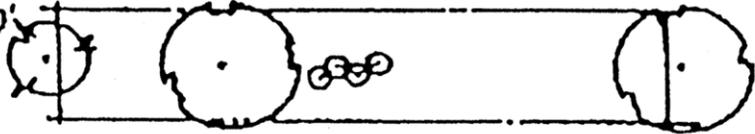
Landscape Standard "A"

PLANT MATERIAL / 100'

1.2 CANOPY
.4 UNDERSTORY
4 SHRUBS

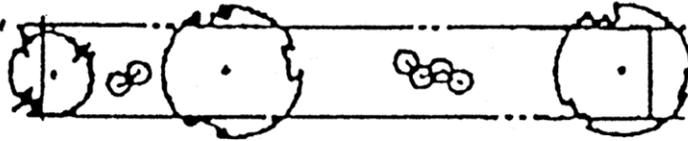
WIDTH

20'



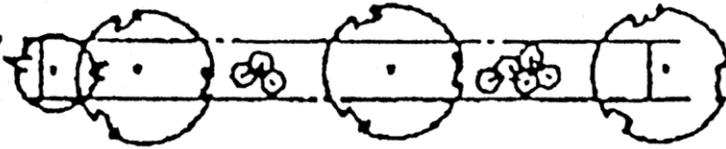
1.8 CANOPY
.8 UNDERSTORY
6 SHRUBS

15'

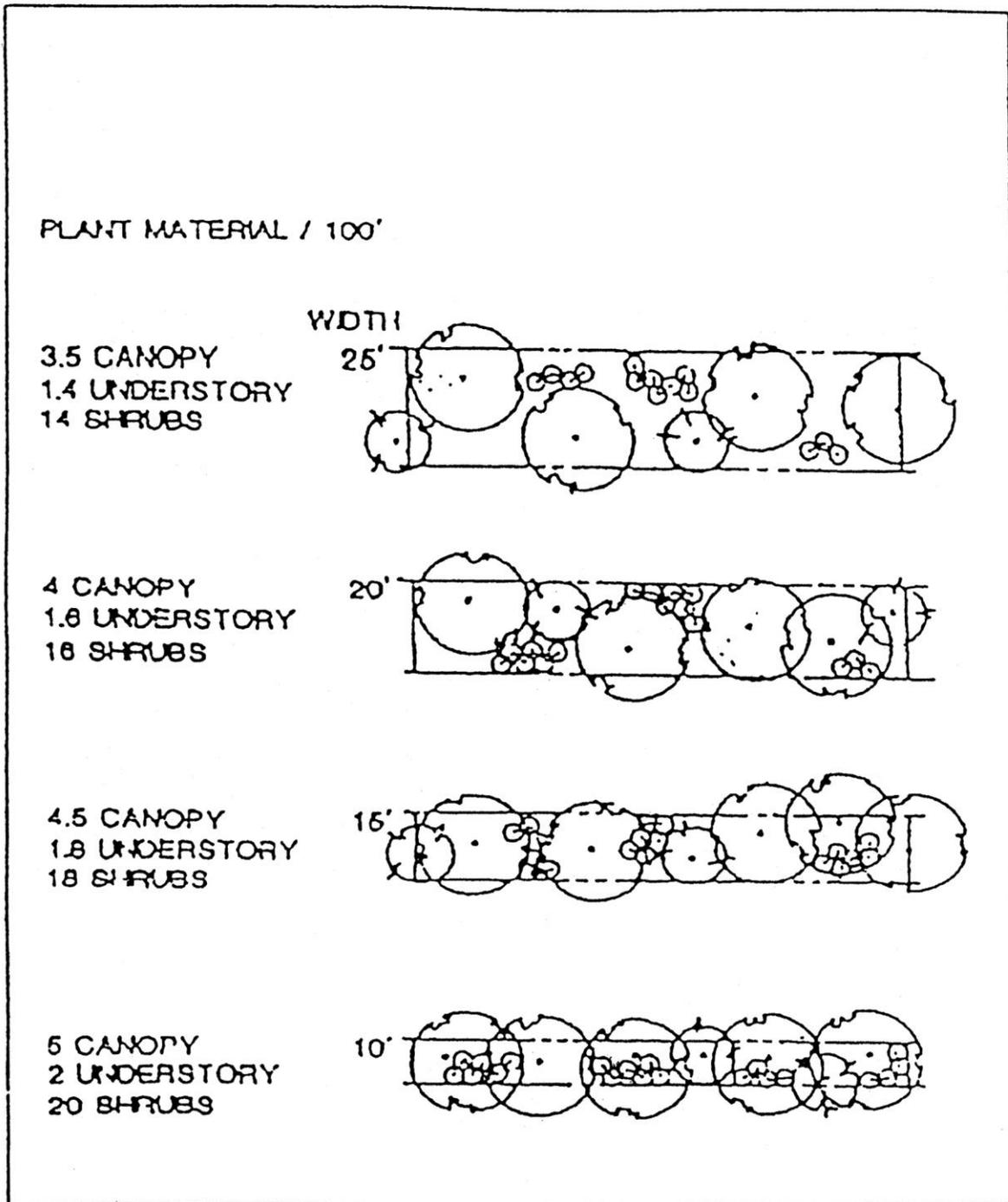


2.4 CANOPY
.8 UNDERSTORY
8 SHRUBS

10'

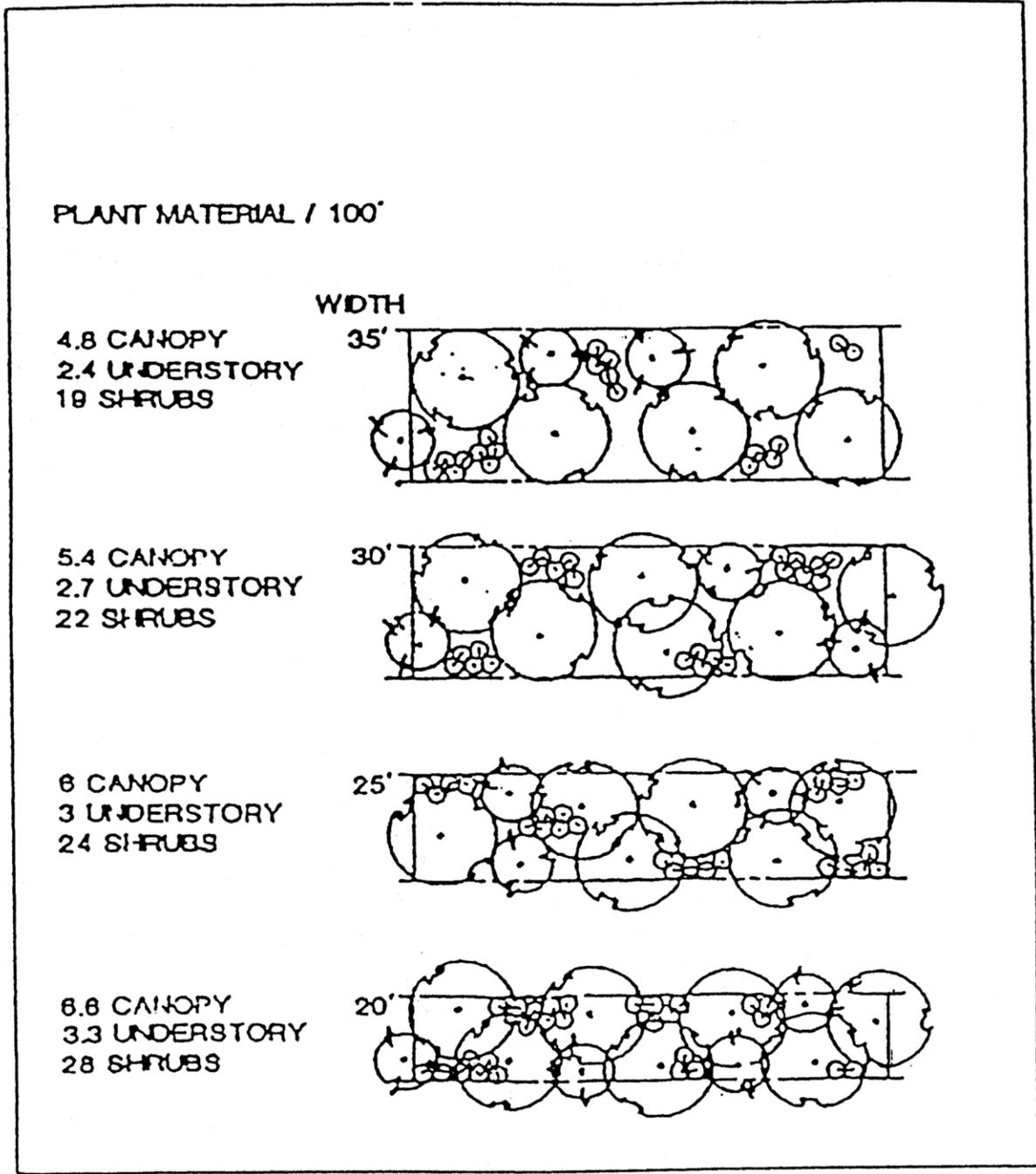


Landscape Standard "B"

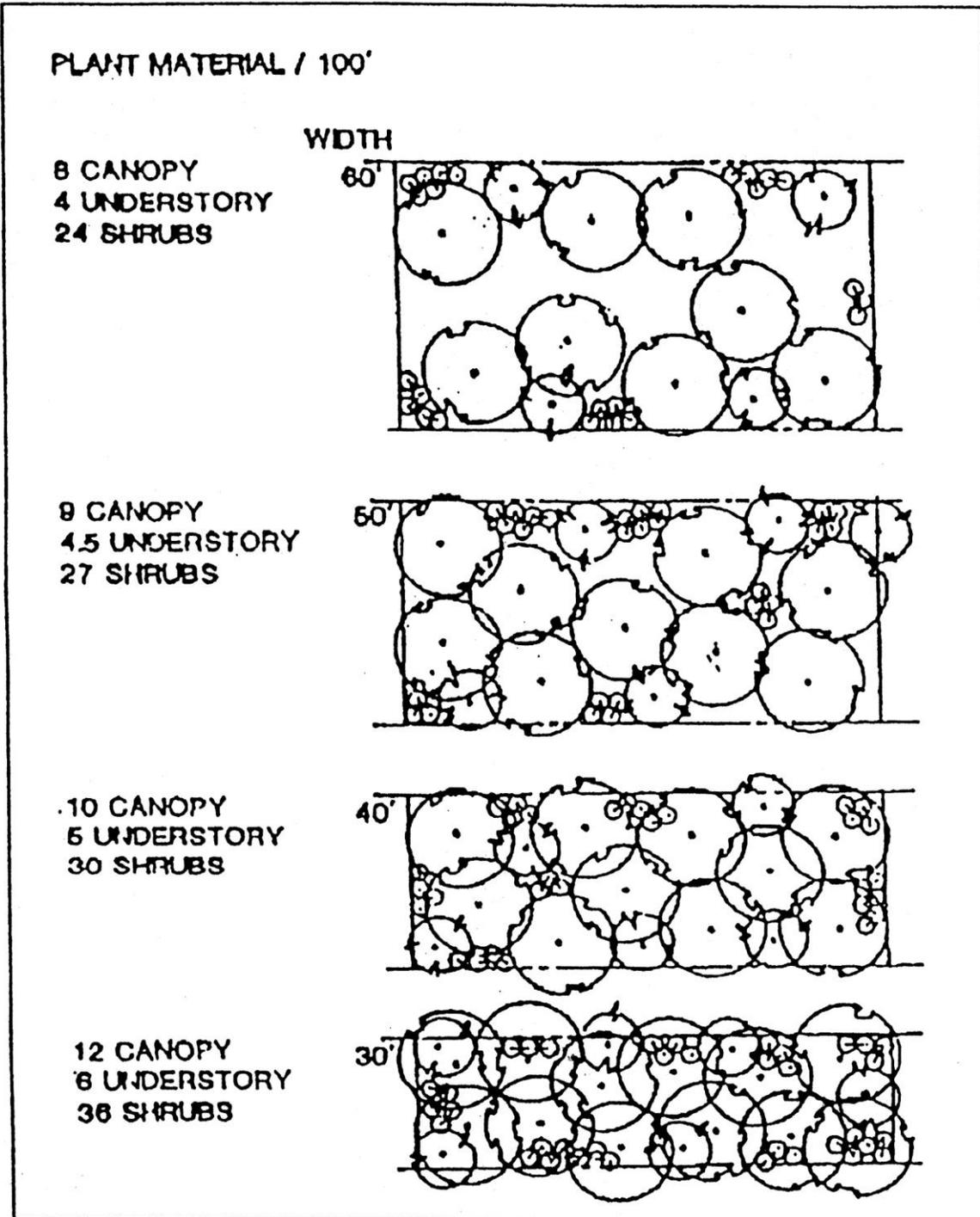


Landscape Standard "B"

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.

- (3) The buffer fence shall be solid opaque, constructed of durable materials consistent with the materials of surrounding neighborhoods and shall include provisions for access to all landscape material.
- (4) The side of a fence facing the less intensive use shall have a finished appearance.
- (5) When residential uses buffer against other uses, the planting materials shall be located on the outside of the fence. When non-residential uses buffer against residential uses, the planting materials shall be located on the inside of the fence.
- (6) Fencing shall be maintained in perpetuity.
- (g) *Additional standards for non-residential or dense residential projects adjacent to existing properties which are protected residential.* For the purposes of subsection (g), the terms listed below are defined as follows:

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

Protected residential means any property developed with a single-family residence, duplex, or triplex to a density of less than or equal to eight units per acre, and any vacant property that is zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF, LP, MH, or RA.

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

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

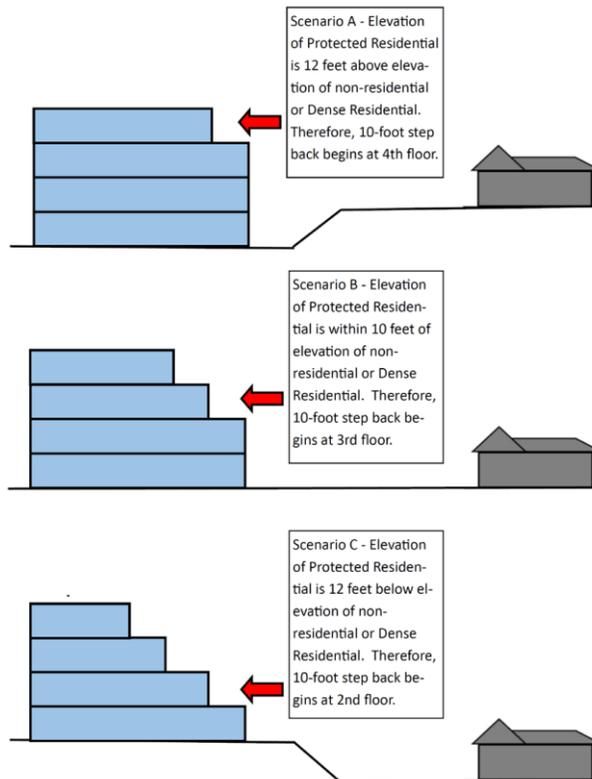
Any project subject to the regulations contained in this paragraph shall provide the following:

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

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

The floors identified in the table above, and each successive floor, must be each stepped back a minimum of ten feet from the floor below it where adjacent to a property which is protected residential. If other building elevations face non-residential uses, one additional floor is permitted along the non-residential uses to compensate for the density and/or intensity not permitted due to the building step back along the protected residential elevation. This standard is visually represented by the illustration titled "Height Step Back".

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 Feet¹

Scientific Name	Common Name	Mature Height (feet)
<i>Carya illinoensis</i>	Pecan	70—100
<i>Carya tomentosa</i>	Mockernut Hickory	60—80
<i>Fagus grandiflora</i>	American Beech	50—75
<i>Fraxinus Americana</i>	White Ash	50—80
<i>Fraxinus pennsylvanica</i>	Green Ash	60—70
<i>Liriodendron tulipifera</i>	Tulip Poplar	80—100
<i>Magnolia grandiflora</i>	Southern Magnolia	60—80
<i>Nyssa sylvatica</i>	Black Tupelo	65—75
<i>Pinus 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

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

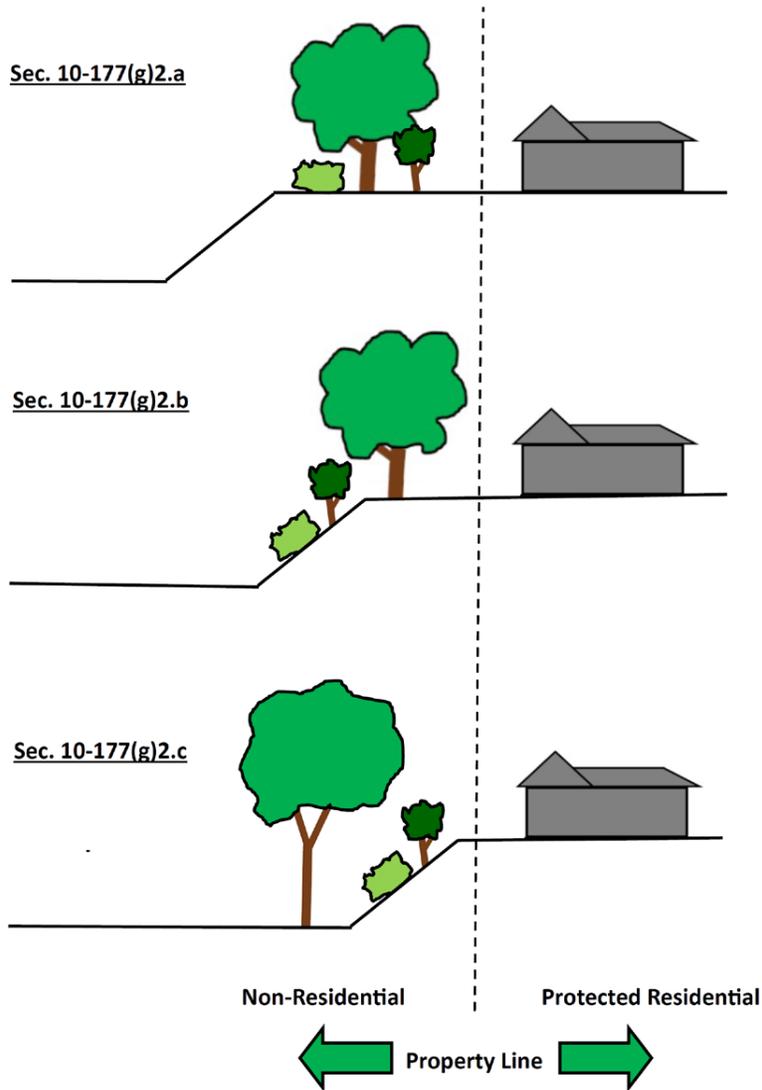
- (2) Site grading. If a non-residential or a dense residential site is graded to reduce the elevation of the developed portion of site below an adjacent property which is protected residential, the perimeter landscaping shall be located as follows:
- a. The perimeter landscape buffer may be provided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

Amendment Number: Amendment Name



(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)



SUMMARY

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

A. EXECUTIVE SUMMARY

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

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

A rezoning application will be processed concurrently with this amendment. A zoning change from Central Urban – 45 (CU-45) and Residential Preservation – 2 (RP-2) to Central Urban – 45 (CU-45) has been requested to implement the proposed amendment to the Future Land Use Map. The proposed zoning provides for medium and high-density residential development with densities ranging from a minimum of 4 dwelling units per acre to a maximum of 45 dwelling units per acre.

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

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

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

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

B. APPLICANT’S REASON FOR THE REQUESTED CHANGE

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

C. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION

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

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

D. STAFF ANALYSIS

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

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

E. CONSISTENCY WITH THE COMPREHENSIVE PLAN

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

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

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

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

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

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

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

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

F. SUMMARY OF FINDINGS

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

Staff presents the following findings of fact:

History and Background

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

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

FLUM History:

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

Zoning History:

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

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

The site is located within the following locally designated areas:

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

Current and Proposed Future Land Use Categories

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

Central Urban and Residential Preservation (Current)

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

Central Urban (Proposed)

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

Determination for Future Land Use Map Amendment

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

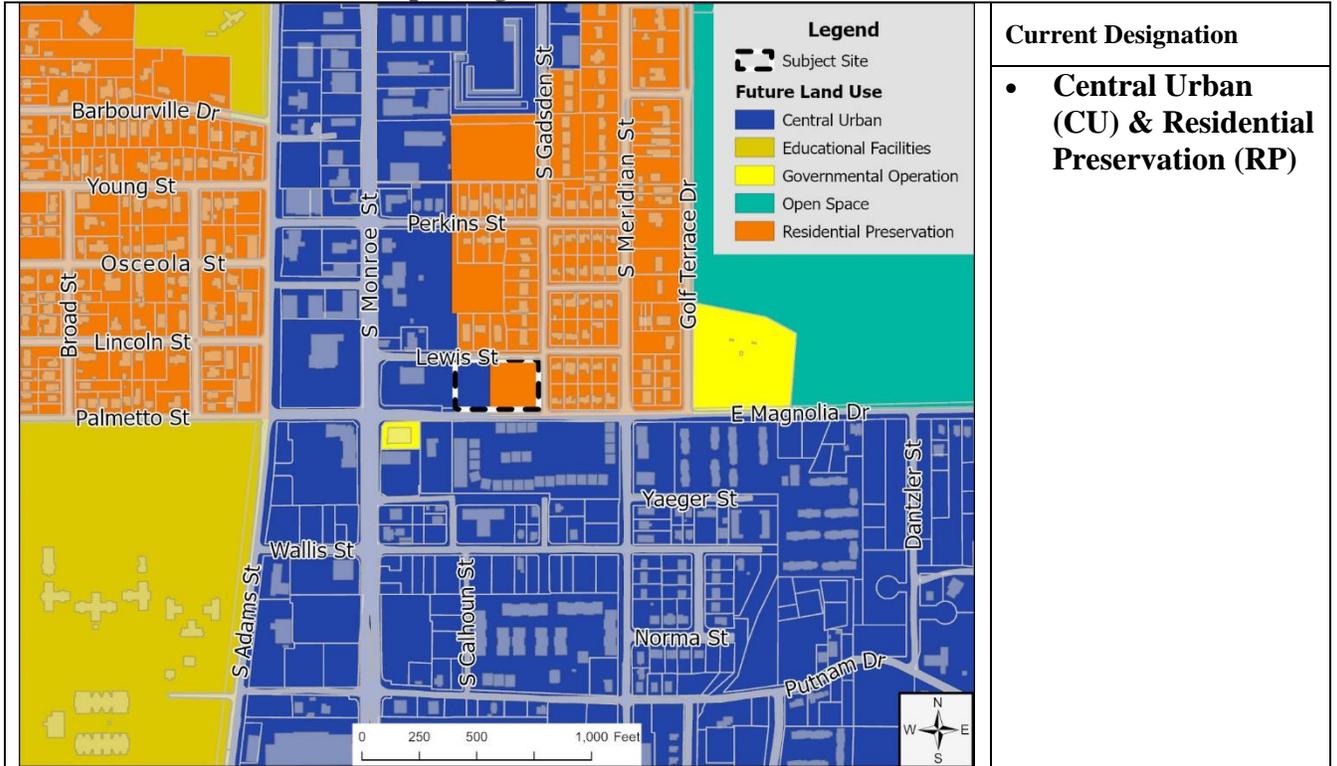
No. The western portion of the subject parcel is designated as Central Urban on the Future Land Use Map, which is intended for uses prohibited in the Residential Preservation category. Additionally, the subject site is located along East Magnolia Drive, a major collector roadway, and the traffic volume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

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

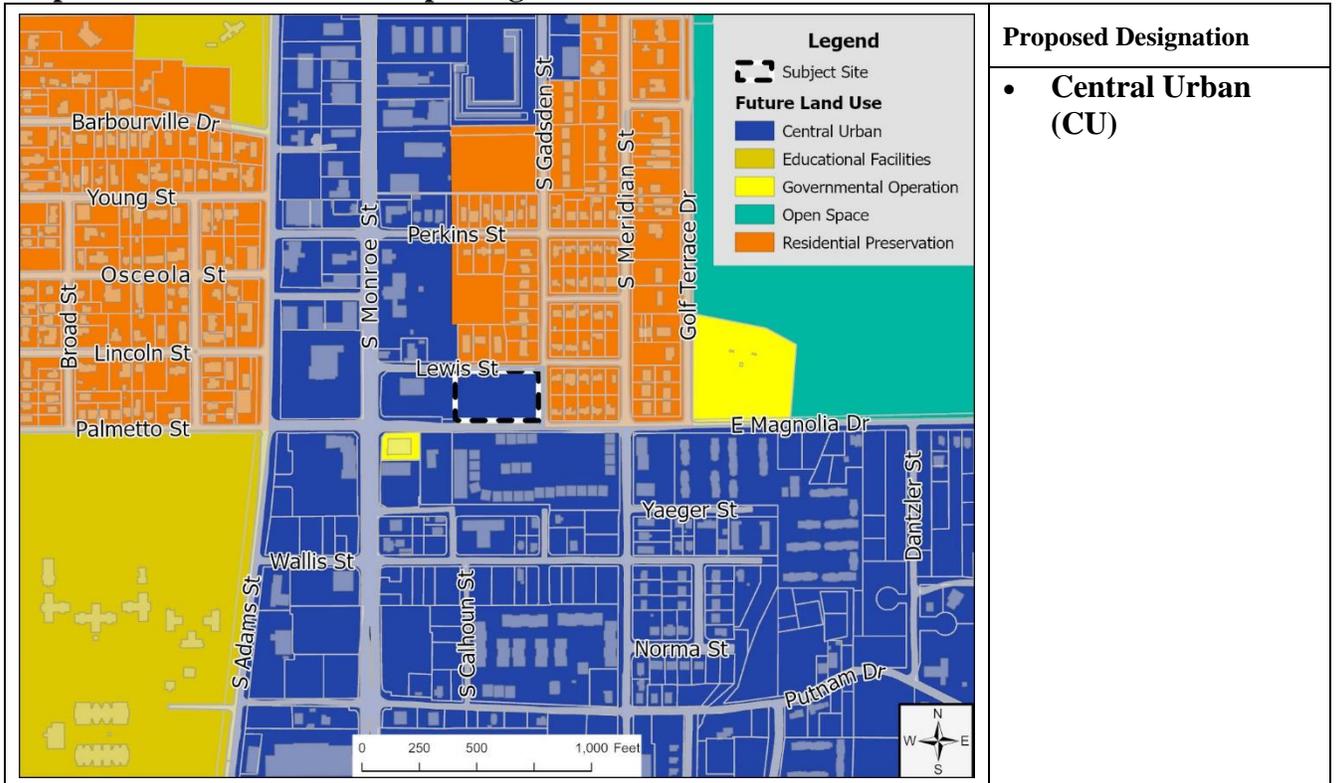
Yes. The subject site more closely resembles the description of the Central Urban land use category. The subject site is within the Downtown Overlay District, and the western portion of the site is currently designated Central Urban Future Land Use. The proposed amendment is consistent with the emphasis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

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

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



Current and Proposed Zoning

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

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

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

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

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

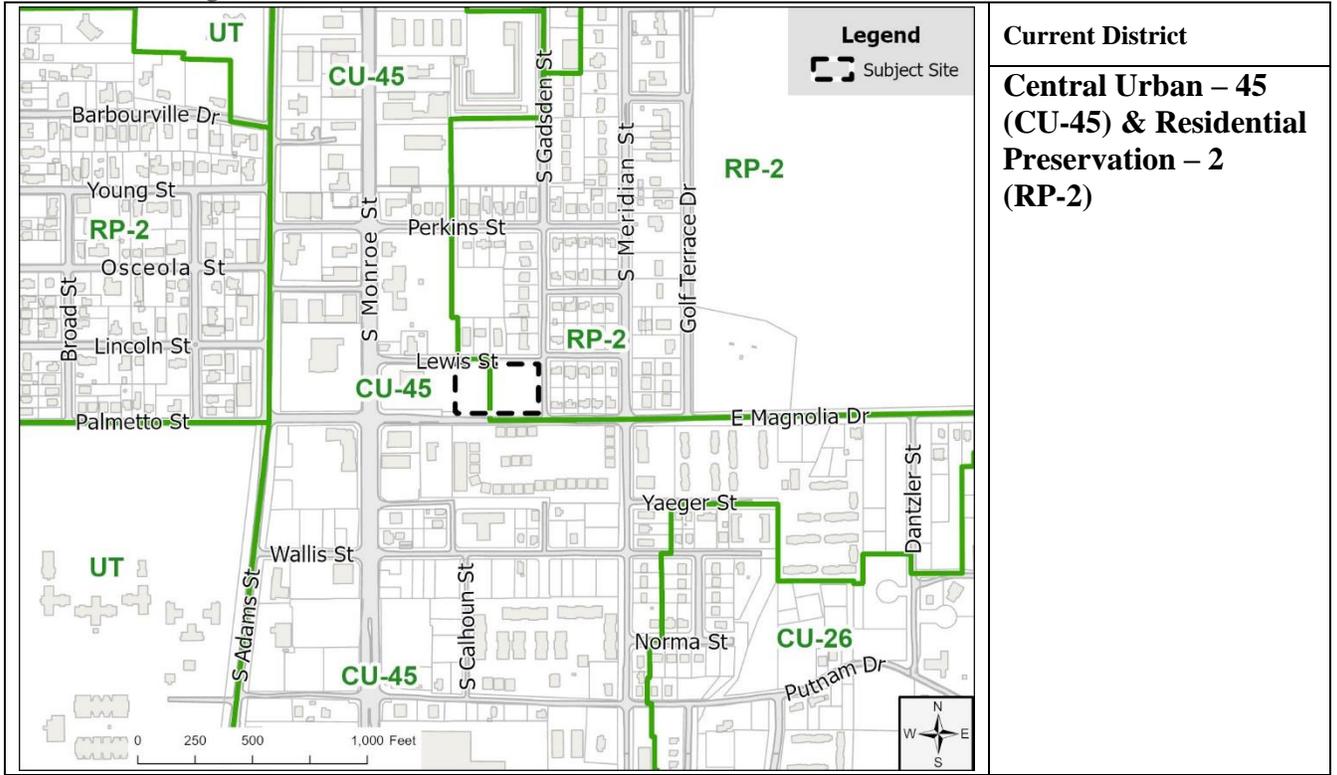
- provide for medium and high density residential development with densities ranging from a minimum of 4 dwelling units per acre to a maximum of 45 dwelling units per acre;
- Provide for office development (up to 60,000 square feet per acre);
- Provide access to major shopping and businesses opportunities (up to 60,000 square feet per acre);
- Promote infill and redevelopment of urban areas with sufficient supporting infrastructure, accessibility to services, and proximity to the Downtown and Universities;
- Promote compatibility with adjacent land uses through limitations on development intensity and use of development and design standards;
- Allow residential development at the densities necessary to support the use of public transit and
- Promote pedestrian and bicycle mobility through design requirements.

Determination for Concurrent Rezoning

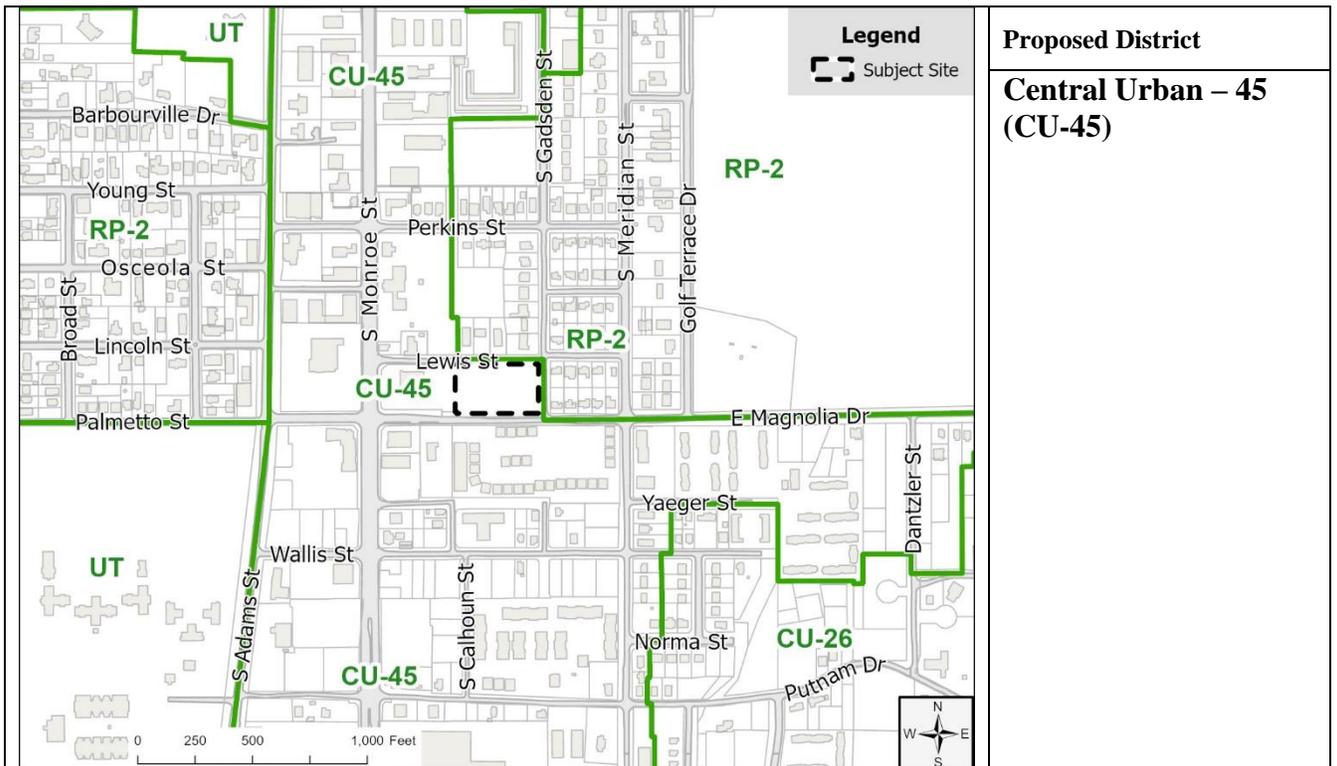
Provided the requested Future Land Use Map amendment is approved, the proposed CU-45 zoning district is intended to be located in areas designated as Central Urban on the Future Land Use Map of the comprehensive plan, which contain or are anticipated to contain a wide range of residential uses.

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

Current Zoning



Proposed Zoning

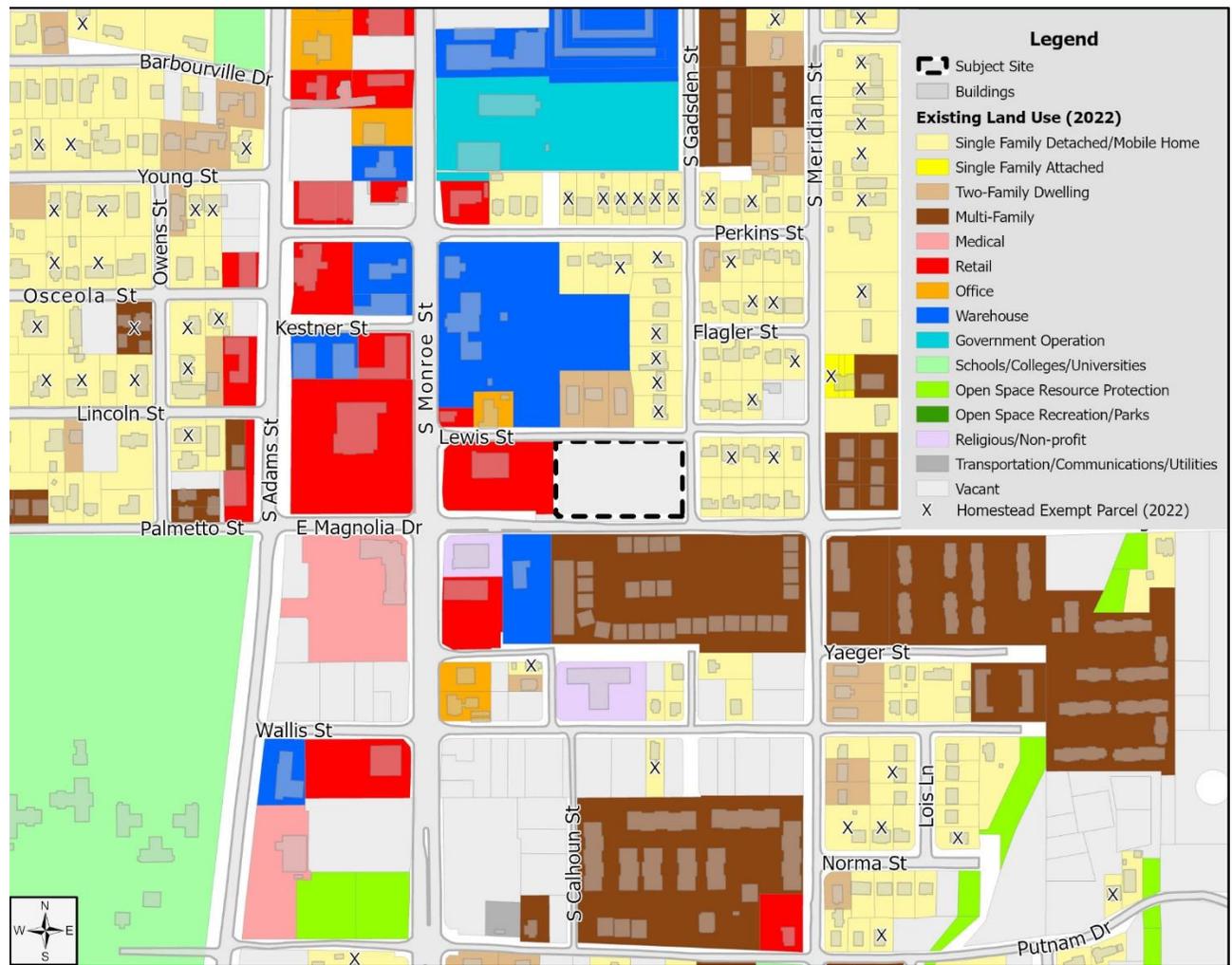


Compatibility with Adjacent and Surrounding Uses

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

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

Existing Land Use Map



Residential Preservation Analysis

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

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

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

Infrastructure Analysis

Water/Sewer

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

Schools

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

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

Roadway Network

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

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

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

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

Pedestrian and Bicycle Network

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

Transit Network

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

Environmental Analysis

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

The site is not in a flood zone.

G. COMPARISON OF EXISTING AND PROPOSED ALLOWED USES

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

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

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

H. PUBLIC OUTREACH AND NOTIFICATION

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

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

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

I. STAFF REPORT UPDATE

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

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

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

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

J. APPENDICES

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

APPENDIX 1

Comprehensive Plan policies

Policy 2.2.8: [L]

CENTRAL URBAN

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

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

Policy 2.2.3: [L]

RESIDENTIAL PRESERVATION

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

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

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

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

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

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

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

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

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

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

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

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:

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

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

APPENDIX 2

Land Development Code sections

Sec. 10-239.4. CU-45 Central Urban District.

See the following chart for district intent, permitted uses, dimensional requirements, and notes for the CU-45 Central Urban District:

CU-45 Central Urban District

	PERMITTED USES*		
1. District Intent	2. Principal Uses		3. Accessory Uses
<p>The CU-45 district is intended to:</p> <ul style="list-style-type: none"> •Provide for medium and high density residential development with densities ranging from a minimum of 4 dwelling units per acre to a maximum of 45 dwelling units per acre; •Provide for office development (up to 60,000 square feet per acre); •Provide access to major shopping and businesses opportunities (up to 60,000 square feet per acre); •Promote infill and redevelopment of urban areas with sufficient supporting infrastructure, accessibility to services, and proximity to the Downtown and Universities; •Promote compatibility with adjacent land uses through limitations on development intensity and use of development and design standards; •Allow residential development at the densities necessary to support the use of public transit; and •Promote pedestrian and bicycle mobility 	<p>1. Active and passive recreational activities.</p> <p>2. Antique shops.</p> <p>3. Automotive rental (limited to passenger vehicles).</p> <p>4. Automotive service and repair, excluding automated car wash.</p> <p>5. Automotive: retail parts, accessories, tires, etc.</p> <p>6. Bait and tackle shops.</p> <p>7. Banks and other financial institutions without drive through facilities.</p> <p>8. Banks and other financial institutions with drive-through facilities (only allowed on parcels fronting West Tennessee Street between Buena Vista Drive and 166 feet east of its intersection with Wadsworth Street and on parcels fronting South Monroe Street between Orange Avenue and 125 feet south of its intersection with East Magnolia Drive).</p> <p>9. Bed and breakfast inns; as governed by Section 10-412.</p> <p>10. Camera and photographic stores.</p> <p>11. Cocktail lounges</p>	<p>20. Laundromats, laundry and dry cleaning pick-up stations with drive-through facilities (only allowed on parcels fronting West Tennessee Street between Buena Vista Drive and 166 feet east of its intersection with Wadsworth Street and on parcels fronting South Monroe Street between Orange Avenue and 125 feet south of its intersection with East Magnolia Drive).</p> <p>21. Live-work units.</p> <p>22. Medical and dental offices, services, laboratories, and clinics.</p> <p>23. Mortuaries.</p> <p>24. Motor vehicle fuel sales.</p> <p>25. Non-medical offices and services, including business Non-store retailers.</p> <p>26. Nursing homes and other residential care facilities.</p> <p>27. Personal Services.</p> <p>28. Pet day care.</p> <p>29. Photocopying and duplicating services.</p> <p>30. Rental of tools, small equipment, or party supplies.</p>	<p>(1) Use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the Land Use Administrator.</p> <p>(2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.</p> <p><i>4. Special Exception Use</i></p> <p>Off-street parking facilities (applicable to properties in the Downtown Overlay).</p>

TMA2024010: Magnolia and Gadsden

<p>through design requirements. The CU-45 district may only be utilized in the Central Urban Comprehensive Plan Category. The CU-45 zoning district is not subject to the Tallahassee Land Use Development Matrix found in Section I-16 of the Tallahassee/Leon County Comprehensive Plan. Minimum density requirements do not apply to mixed-use projects.</p>	<p>and bars. 12. Community facilities related to the permitted principal uses, including libraries, religious facilities, police/fire stations, and elementary, middle, high, and vocational schools. Other community facilities may be allowed in accordance with Section 10-413 of these regulations. 13. Day care centers. 14. Gift, novelty, and souvenir shops. 15. Government offices and services. 16. Hotels, motels, inns, SRO hotels, boarding houses. 17. Indoor amusements (bowling, billiards, skating, etc.). 18. Indoor theaters (including amphitheaters). 19. Laundromats, laundry and dry cleaning pick-up stations without drive through facilities.</p>	<p>31. Repair services, non-automotive. 32. Residential - any unit type. 33. Restaurants, without drive through facilities. 34. Restaurants with drive-through facilities (only allowed on parcels fronting West Tennessee Street between Buena Vista Drive and 166 feet east of its intersection with Wadsworth Street and on parcels fronting on South Monroe Street between Orange Avenue and 125 feet south of its intersection with East Magnolia Drive). 35. Retail bakeries. 36. Retail computer, video, record, and other electronics.</p>	
<p>The provisions of this district are intended to facilitate co-location of residential, office, and commercial land uses within the same development or close proximity, with an emphasis on compatible scale and design. This district is not intended to be located adjacent to areas designated Residential Preservation on the Future Land Use Map except at rear lot lines in the Providence</p>	<p>37. Retail department, apparel, and accessory stores. 38. Retail drug store without drive-through facilities. 39. Retail drug store with drive-through facilities (only allowed on parcels fronting West Tennessee Street between Buena Vista Drive and 166 feet east of its intersection with Wadsworth Street and on parcels fronting South Monroe Street</p>	<p>53. Retail trophy store. 54. Social, fraternal and recreational clubs and lodges, including assembly halls. 55. Structured parking, when combined with a principal use. 56. Studios for photography, music, art, dance, and voice. 57. Tailoring. 58. Veterinary services, including veterinary hospitals. 59. Warehouses, mini-warehouses, and self-</p>	

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

Sec. 10-170. Residential preservation district.

(a) *Purpose and intent.*

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

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

- (a) *Applicability.* For the purposes of section 10-429, the terms listed below are defined as follows:
- (1) *Protected residential* means any property developed with a single-family residence, duplex, or triplex to a density of less than or equal to eight units per acre, and any vacant property that is zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF, LP, MH, or RA.
 - (2) *Dense residential* means a residential building on a parcel larger than one-half acre developed at a density of greater than 14 units per acre.
- (b) *Standards.* All new dense residential projects which require a Type A or Type B site plan review pursuant to section 9-154 or section 9-155, which are adjacent to or across the street from a property which is protected residential shall meet the following regulations:
- (1) *Transparency.* Reflective glass (which provides for less than 70 percent light transmission) is prohibited. Transparency must be provided as indicated in the table below titled "Transparency Standard for Dense Residential". Properties in the MMTD design review districts are subject to a separate transparency standard in article IV, division 4 of this

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

Transparency Standard for Dense Residential

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

(2) *Facade articulation.* No street-facing facade shall exceed 50 feet in length without at least a minimum two-foot change in the depth of the wall plane.

(3) *Roofs.* Street-facing roofs that exceed 50 feet in length shall meet the following standards:

- a. Sloped roofs shall provide one or more of the following:
 - 1. A minimum two-foot horizontal variation in the roofline, or
 - 2. A roof element, that includes one of the following: dormer, cupola, gable, hip detail, or roof projections.
- b. Flat roofs shall provide either a cornice or other decorative band to serve as a building cap for the entire roof. If building equipment or utilities are located on a flat roof, a parapet wall is required to shield the equipment or utilities.

(4) *Parking.* Parking shall be provided as follows:

- a. In the multi-modal transportation district, parking lots shall meet the development standards listed in article IV, division 4, Downtown overlay regulating plan and multi-modal transportation district (MMTD) standards.
- b. Outside of the multi-modal transportation district, parking lots shall meet the following standards:
 - 1. Parking shall be provided to the side or rear and not closer to the street than the street-facing facade of the structure.
 - 2. Parking lots with more than four spaces shall be screened when adjacent to a property which is protected residential. Screening shall include a Type A landscape buffer consistent with section 10-177.

(5) *Orientation.* The front of the structure shall be oriented to face the primary access street.

(6) *Height step back.* This standard applies to any dense residential building elevation which meets any of the following criteria:

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

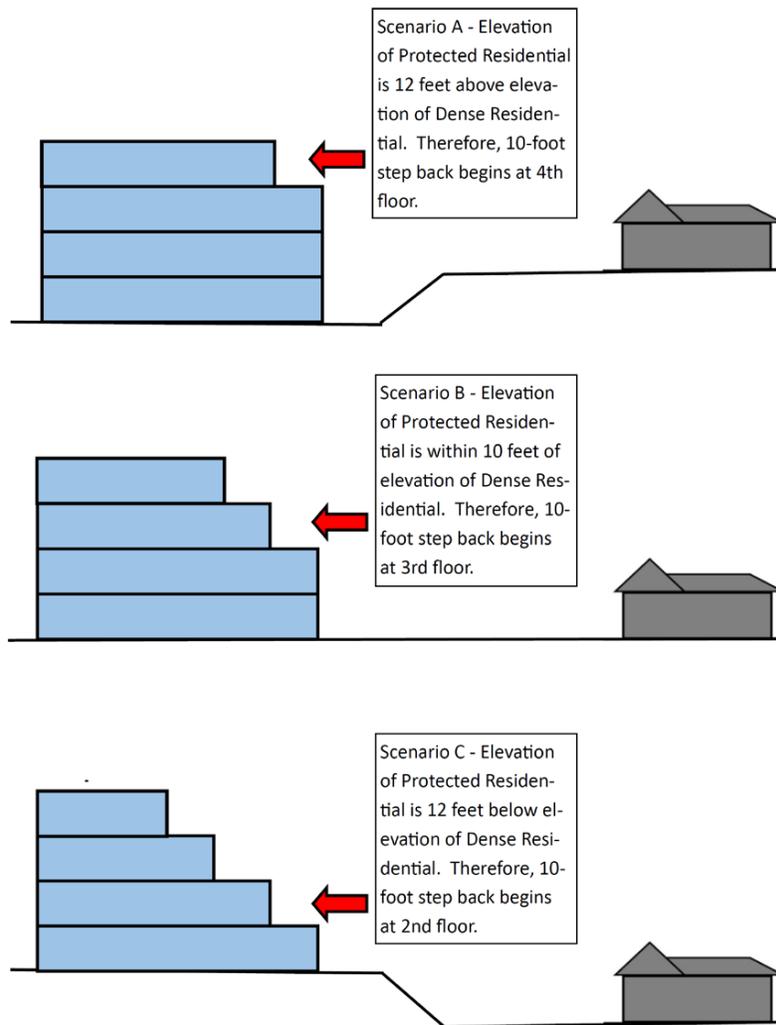
If any of the above location criteria are met, a height step back is required and shall vary based on the first floor elevation of the dense residential use in relation to the first floor elevation of the protected residential use as follows:

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

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

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

Height Step Back



(Ord. No. 21-O-15 , § 7, 6-16-2021)

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

Sec. 10-177. Buffer zones.

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

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

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

BUFFERING AND SCREENING REQUIREMENTS

EXISTING DEVELOPMENT		PROPOSED DEVELOPMENT Land Use Code Number NONURBAN			RESIDENTIAL						COMMERCIAL					OFFICE				HEAVY COMMERCIAL/ INDUSTRIAL					
L/U Code Number	Land Use Activity	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
	NONURBAN LAND USES																								
1	Agriculture	NR	NR	NR	A	A	A	A	A	A	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	
2	Commercial forestry	NR	NR	NR	A	A	A	A	A	A	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	
3	Mining	NR	NR	NR	D*	D*	D*	D*	D*	D*	B	B	B	B	B	C*	C*	C*	C*	B	B	C*	NR	B	
	RESIDENTIAL LAND USES																								
4	One-family	NR	NR	D*	NR	NR	D*	NR	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	D*	
5	Two-family	NR	NR	D*	NR	NR	B	NR	B	B	B	C*	C*	D*	B	A	B	A	A	C	C*	D*	D*	D*	
6	Townhouse	NR	NR	D*	B	B	NR	B	B	C*	B	C*	C*	D*	B	A	B	A	A	C*	C*	D*	D*	D*	
7	Two-unit townhouse	NR	NR	D*	NR	NR	B	NR	B	B	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	
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**																				

KEY:

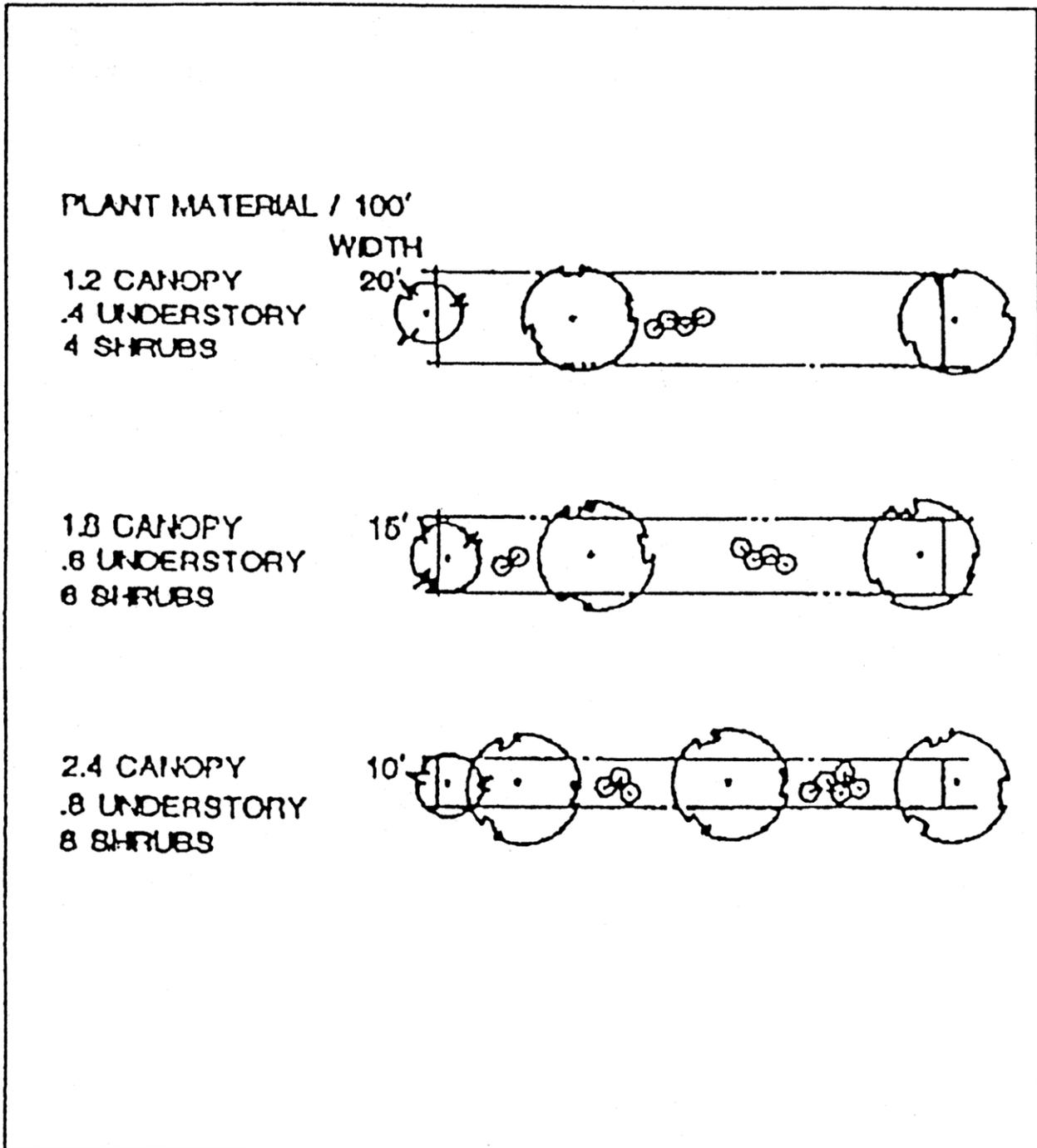
A, B, C, and D indicate accompanying landscape standards that must be used.

NR indicates that no buffering is required.

NOTES: To determine the required buffer:

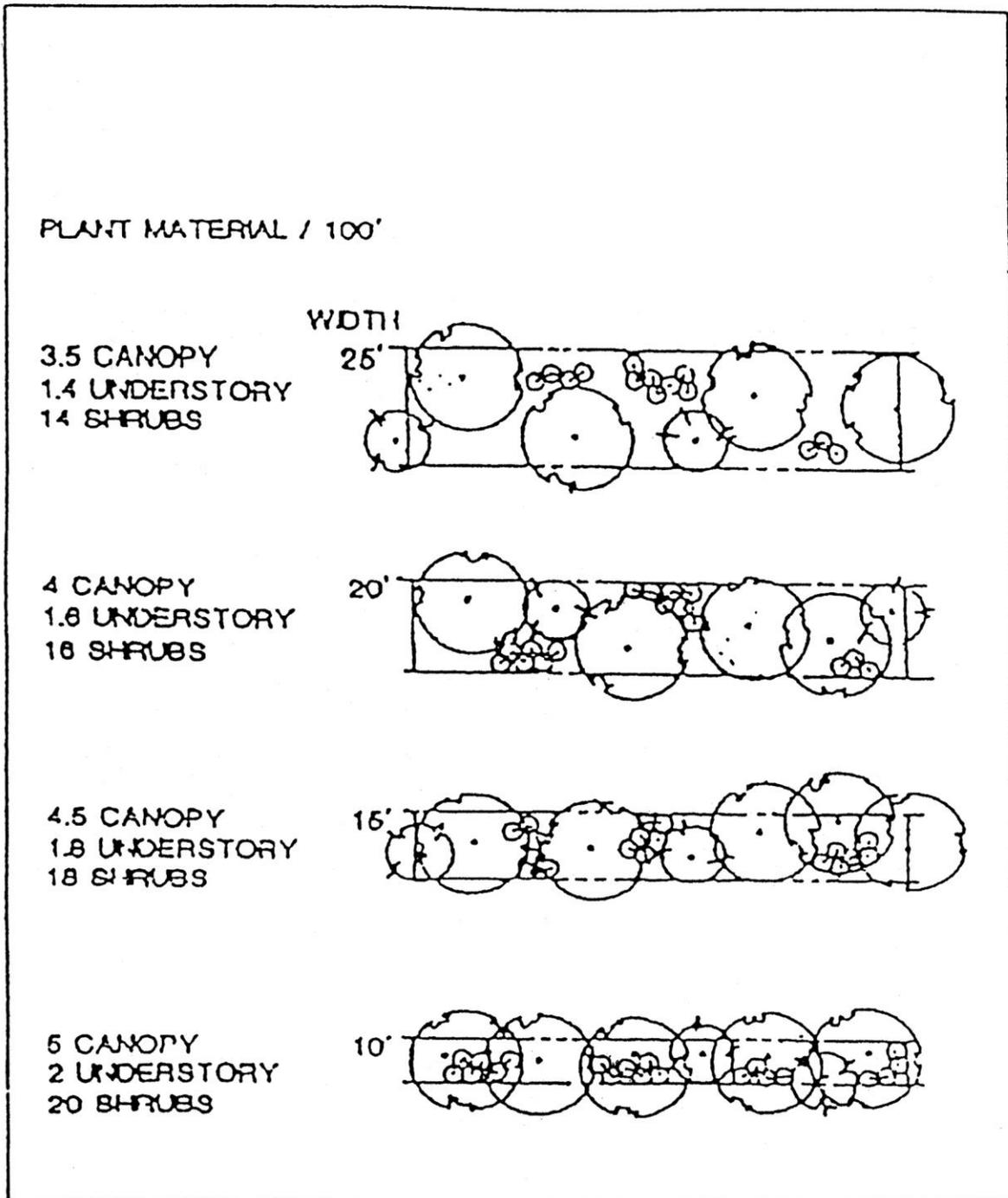
- (1) Locate/Existing adjacent use on left side of table;
- (2) Locate "Land Use Code Number" of proposed use at top of table;
- (3) Read Down in row of Existing Adjacent Use in final buffer requirements.
- (4) * A buffer fence shall be provided when a Type C buffer or a 30-foot Type D buffer is required.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

Landscape Standard "A"



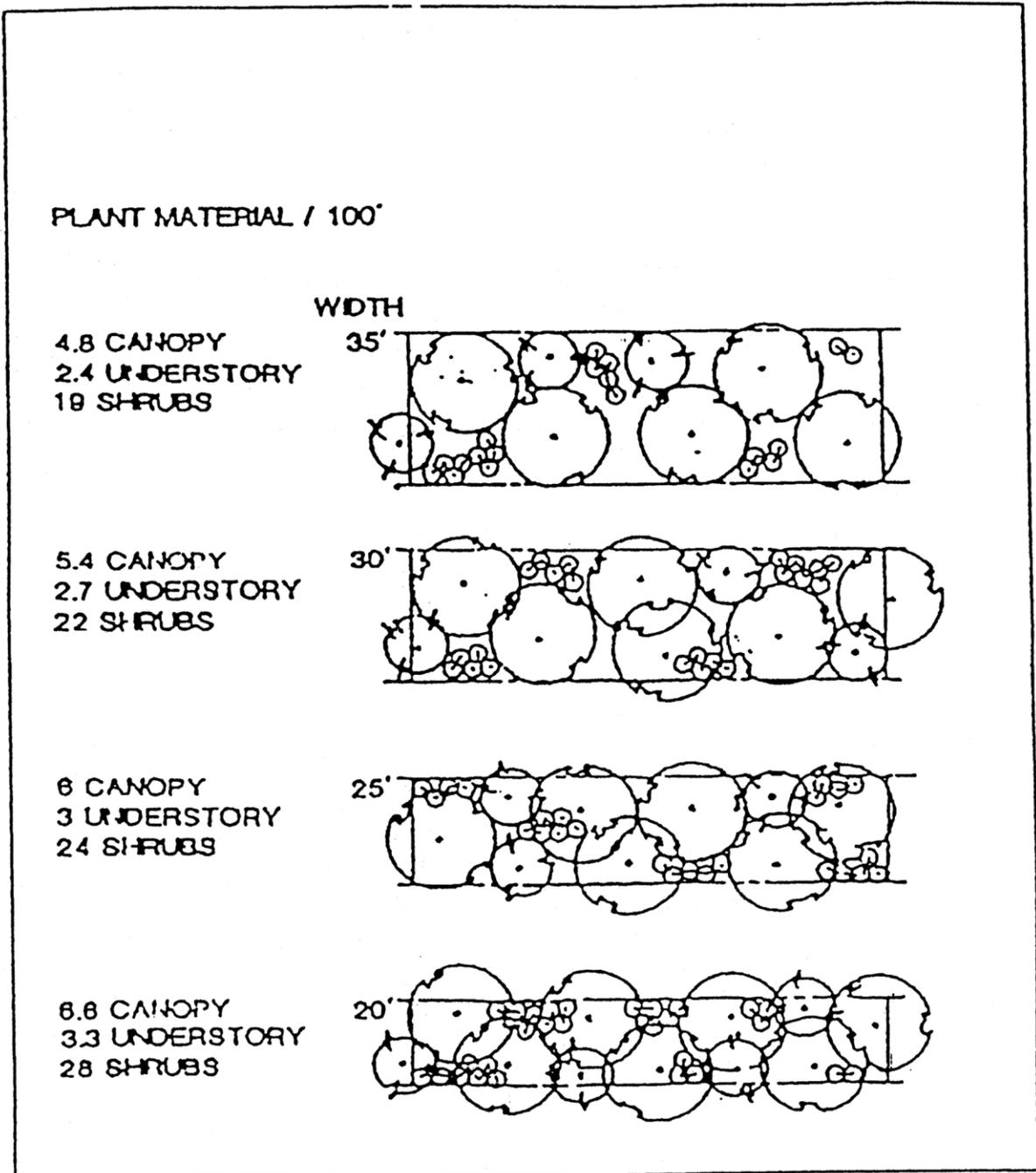
Landscape Standard "A"

Landscape Standard "B"



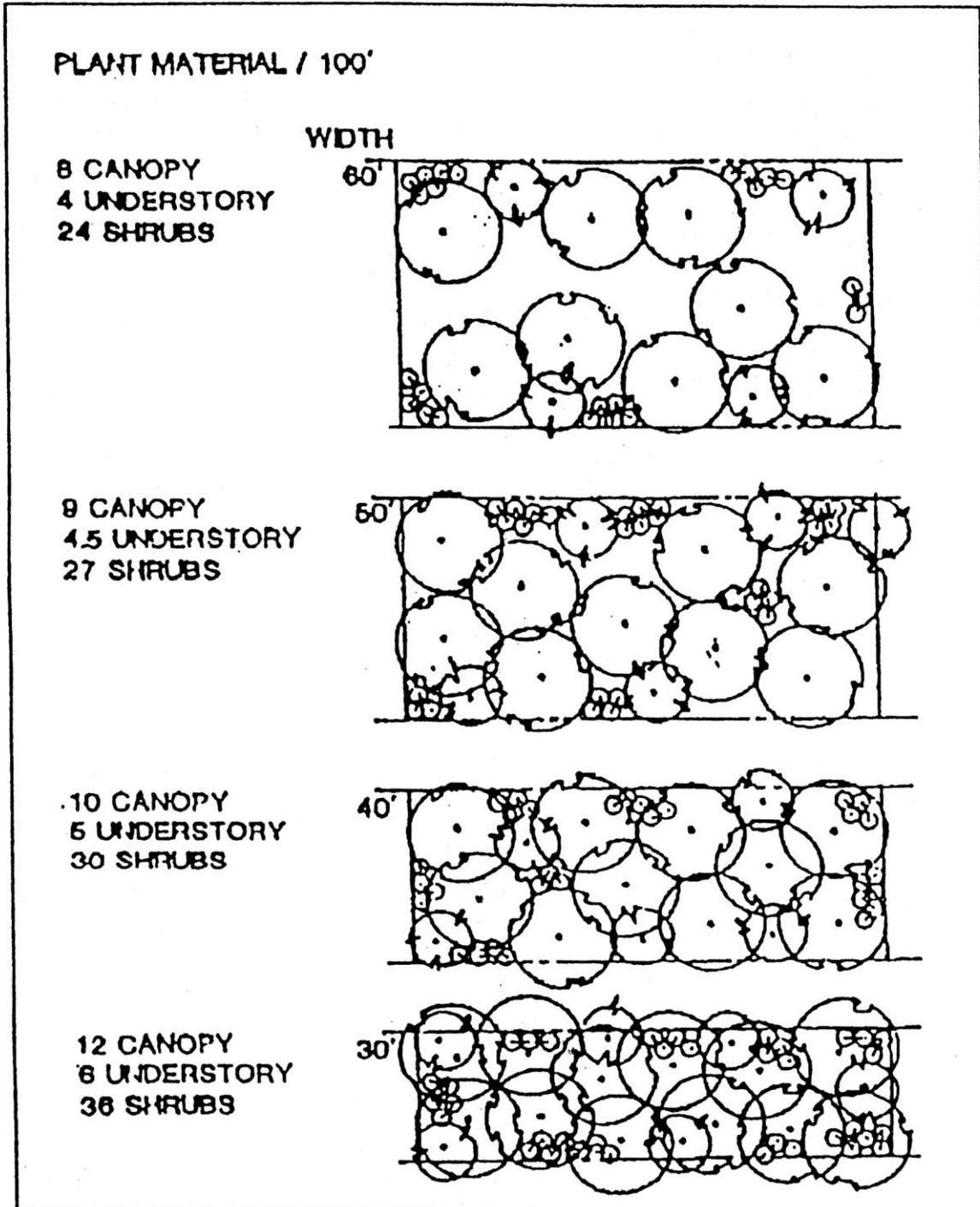
Landscape Standard "B"

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.
- (3) The buffer fence shall be solid opaque, constructed of durable materials consistent with the materials of surrounding neighborhoods and shall include provisions for access to all landscape material.
- (4) The side of a fence facing the less intensive use shall have a finished appearance.
- (5) When residential uses buffer against other uses, the planting materials shall be located on the outside of the fence. When non-residential uses buffer against residential uses, the planting materials shall be located on the inside of the fence.
- (6) Fencing shall be maintained in perpetuity.

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

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

Protected residential means any property developed with a single-family residence, duplex, or triplex to a density of less than or equal to eight units per acre, and any vacant property that is zoned either RP-1, RP-2, RP-MH, RP-R, RP-UF, R-1, R-2, R-3, R-5, UF, LP, MH, or RA.

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

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

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

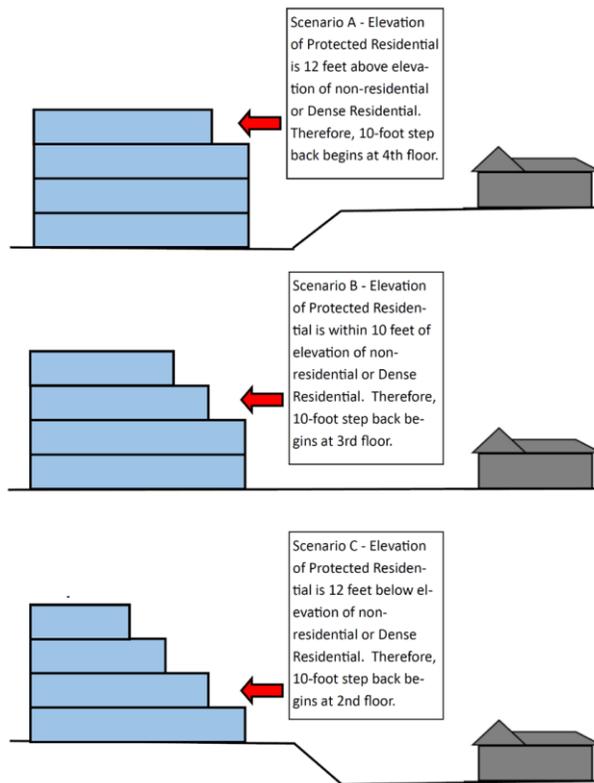
- a. The buffer identified in subsection 10-177(a)(4), if located outside of the MMTD or in subsection 10-284.3(a)(1) if located inside of the MMTD; and
- b. One of the following:
 - (i.) *Height step back.* A height step back is required and shall vary based on the first floor elevation of the non-residential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

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

The floors identified in the table above, and each successive floor, must be each stepped back a minimum of ten feet from the floor below it where adjacent to a property which is protected residential. If other building elevations face non-residential uses, one additional floor is permitted along the non-residential uses to compensate for the density and/or intensity not permitted due to the building step back along the protected residential elevation. This standard is visually represented by the illustration titled "Height Step Back".

Height Step Back



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

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

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

Trees with Mature Minimum Height of at Least 50 Feet¹

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

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

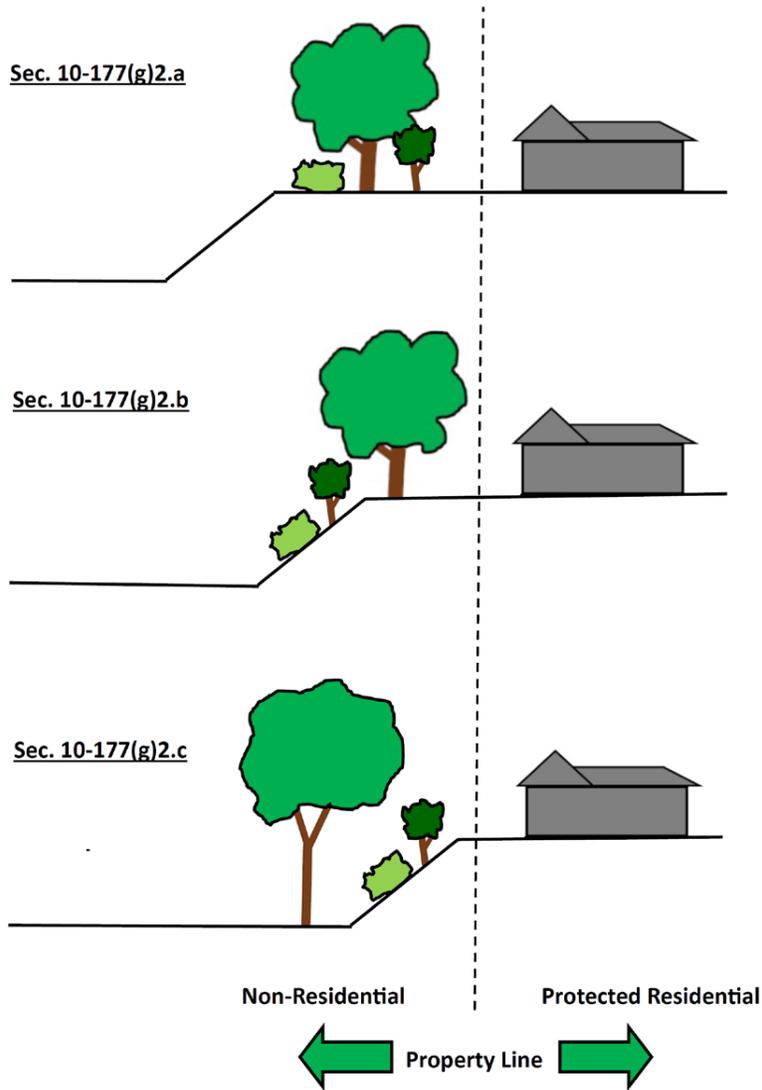
- (2) Site grading. If a non-residential or a dense residential site is graded to reduce the elevation of the developed portion of site below an adjacent property which is protected residential, the perimeter landscaping shall be located as follows:
- a. The perimeter landscape buffer may be provided at the higher, pre-grading elevation;
 - b. If an arborist certifies in writing that the degree of the slope, the type of soil, and the drainage patterns do not cause this option to adversely impact the viability of the buffer, the perimeter landscape buffer may start at top of the slope, with all shade trees planted at the higher, pre-grading elevation and understory trees and shrubs planted on the slope; or
 - c. The perimeter landscape buffer may be provided at the lower, post-grading elevation, provided it is a tall tree buffer as defined by subsection (g)(1)b.(ii.).

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

- (3) Subsection (g) does not apply to the following:
- a. Proposed non-residential or dense residential developments adjacent to properties which are protected residential that are currently developed and occupied by a legally existing non-conforming use; or
 - b. Proposed non-residential or dense residential developments adjacent to isolated properties which are protected residential comprised of less than three units on less than three contiguous lots. For purposes of this section, "isolated" shall mean one or two residential units, which are surrounded by non-residential zoning or uses.
 - c. A change of use at an existing non-residential or dense residential development, provided the change of use does not result in a more intense use that is otherwise regulated by subsection (g).

Perimeter Landscaping at Graded Sites

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

APPENDIX 3

Photos of public notice signage

