Ordinance No. 20-O-__

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING SECTIONS 10-280.2(c) AND 10-411(b), OF THE TALLAHASSEE LAND DEVELOPMENT CODE REGARDING APPLICABILITY OF THE MULTI-MODAL TRANSPORTATION DISTRICT AND ACCESSORY STRUCTURES, RESPECTIVELY, AND CREATING SECTIONS 7-72, 10-177(g), 10-412(6), 10-427(3), AND 10-429 OF THE TALLAHASSEE LAND DEVELOPMENT CODE CONCERNING SIGNS ON LOCAL ROADS, BUFFER ZONES, DRIVE THROUGH FACILITIES, SITE LIGHTING STANDARDS, AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS, RESPECTIVELY, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 7-72 of the Tallahassee Land Development Code is hereby created to read as follows:

Section 7-72. – Signs on Local Roads

For the purposes of this Section, the term "protected residential" means any property developed to a density of less than or equal to eight units per acre, or 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.

This Section applies on a citywide basis. If one or more non-residential uses front a roadway functionally classified as a local road that otherwise provides access to three or more protected residential dwelling units or three or more parcels zoned with a protected residential designation, all of which are located within one quarter mile from the non-residential use, then signage for the non-residential use on the frontage of that local road is limited as follows:

1. Sign allowance. The aggregate surface area of all signs shall not exceed one (1) square foot of area for each foot of building frontage occupied by the business displaying signs, or one-half (0.5) square foot of area for each foot of frontage of property occupied by the building, whichever is greater. Maximum aggregate surface area allowed for each frontage is limited to 100 square feet.

2. Wall signs. One wall mounted sign is allowed per local street frontage.

3. Monument signs. One monument sign is allowed per local street frontage. Monument signs shall be constructed with a base full width to the sign face. The maximum height of monument signs from grade to the top of the sign (including the base) is 6 feet.

4. Illumination. If illuminated, wall and monument signs on local street frontages must be externally illuminated with shielded fixtures.

5. Prohibitions. No roof signs, billboard signs, pole signs, or flashing signs are permitted.

Section 2. Section 10-177(g) of the Tallahassee Land Development Code is hereby created to read as follows:

Sec. 10-177. - Buffer zones.

(g) Additional standards for non-residential or multi-family projects adjacent to existing protected residential dwelling units or zoning districts.

For the purposes of this Section, the terms listed below are defined as follows:

- "Protected residential" means any property developed to a density of less than or equal to eight units per acre, or 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.
- "Multi-family" means a residential building with four or more dwelling units.

This Section applies on a Citywide basis. These additional buffer standards do not apply to non-residential or multi-family projects located across the street from existing protected residential dwelling units or zoning districts.

1. Non-residential or multi-family uses (greater than 2 stories) adjacent to protected residential dwelling units or zoning districts. Sec. 10-177(g)(1), applies to a non-residential or multi-family project which is required to obtain site plan review pursuant to Sec. 9-154 through Sec. 9-157, which is adjacent to three or more contiguous lots with protected residential dwelling units or a protected residential zoning district, and which is greater than 2 stories. The adjacency requirement is met if the proposed non-residential or multi-family 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 Sec. 10-177, TLDC.

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

   a. The buffer identified in Sec. 10-177(a)(4), TLDC if located outside of the MMTD or in Sec. 10-284.3(a)(1) if located inside of the MMTD; and

   b. One of the following:

(i.) Any floor above 2 stories must be stepped back a minimum of 10 feet from the floor below it where adjacent to the protected residential dwelling unit or zoning district; or

(ii.) 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 approximately 60 feet and are known to succeed in an urban landscape. Properties with a code required rear or side yard setback which is not sufficiently wide to support the root zone of any trees in the table titled "Trees with Mature Minimum Height of Approximately 60 Feet" at maturity may not utilize this option but shall instead provide the height step back identified in Sec. 10-177(g)(1)b.i.

Sec. 10-177(g)(1) does not apply to a proposed non-residential or multi-family project that is adjacent to a protected residential dwelling unit with 3 or more floors.

Trees with Mature Minimum Height of Approximately 60 Feet			
Scientific Name	Common Name	Mature Height (feet)	Minimum Root Zone Width
Carya illinoensis	Pecan	70-100	To be added.
Carya tomentosa	Mockernut Hickory	60-80	
Fagus grandiflora	American Beech	50-75	
Fraxinus americana	White Ash	50-80	
Fraxinus pennsylvanica	Green Ash	60-70	
Kiriodendron tulipifera	Tulip Poplar	80-100	
Magnolia grandiflora	Southern Magnolia	60-80	
Nyssa sylvatica	Black Tupelo	65-75	
Pinus elliottii	Slash Pine	75-100	
Pinus serotina	Pond Pine	70	
Pinus taeda	Loblolly Pine	50-80	
Pinus palustris	Longleaf Pine	60-80	
Platanus occidentalis	American Sycamore	75-90	
Quercus alba	White Oak	60-100	
Quercus bicolor	Swamp White Oak	50-70	
Quercus coccinea	Scarlet Oak	60-75	
Quercus falcata	Southern Red Oak	60-80	
Quercus nuttallii	Nuttal Oak	60-80	
Quercus phellos	Willow Oak	60-75	
Quercus shumardii	Shumard Oak	55-80	
Quercus virginiana	Live Oak	60-80	
Taxodium distichum	Bald Cypress	60-80	
Ulmus americana	American Elm	70-90	
Washingtonia Robusta	Washington Palm	70-100	

2. Non-residential or multi-family (with site grading) adjacent to protected residential dwelling units or zoning districts. If site is graded to reduce the elevation of the developed portion of site below an adjacent protected residential dwelling unit or zoned parcel, the perimeter landscaping shall be located at the property elevation, as it existed prior to grading, to provide a functional buffer.

   This standard is visually represented by the illustration titled "Perimeter Landscaping at Graded Sites". As shown by that illustration, the perimeter landscaping must be provided at the higher elevation of the existing protected residential homes, not the lower graded elevation of the new non-residential or multi-family development.

3. This section does not apply to proposed non-residential or multi-family developments adjacent to the following: a.) Properties with protected residential zoning that are currently developed and occupied by a legally existing non-conforming use; or b.) Isolated protected residential units comprised of less than 3 protected residential units on less than 3 contiguous lots. For purposes of this section, "isolated" shall mean one or two residential units, which are surrounded by non-residential zoning or uses.

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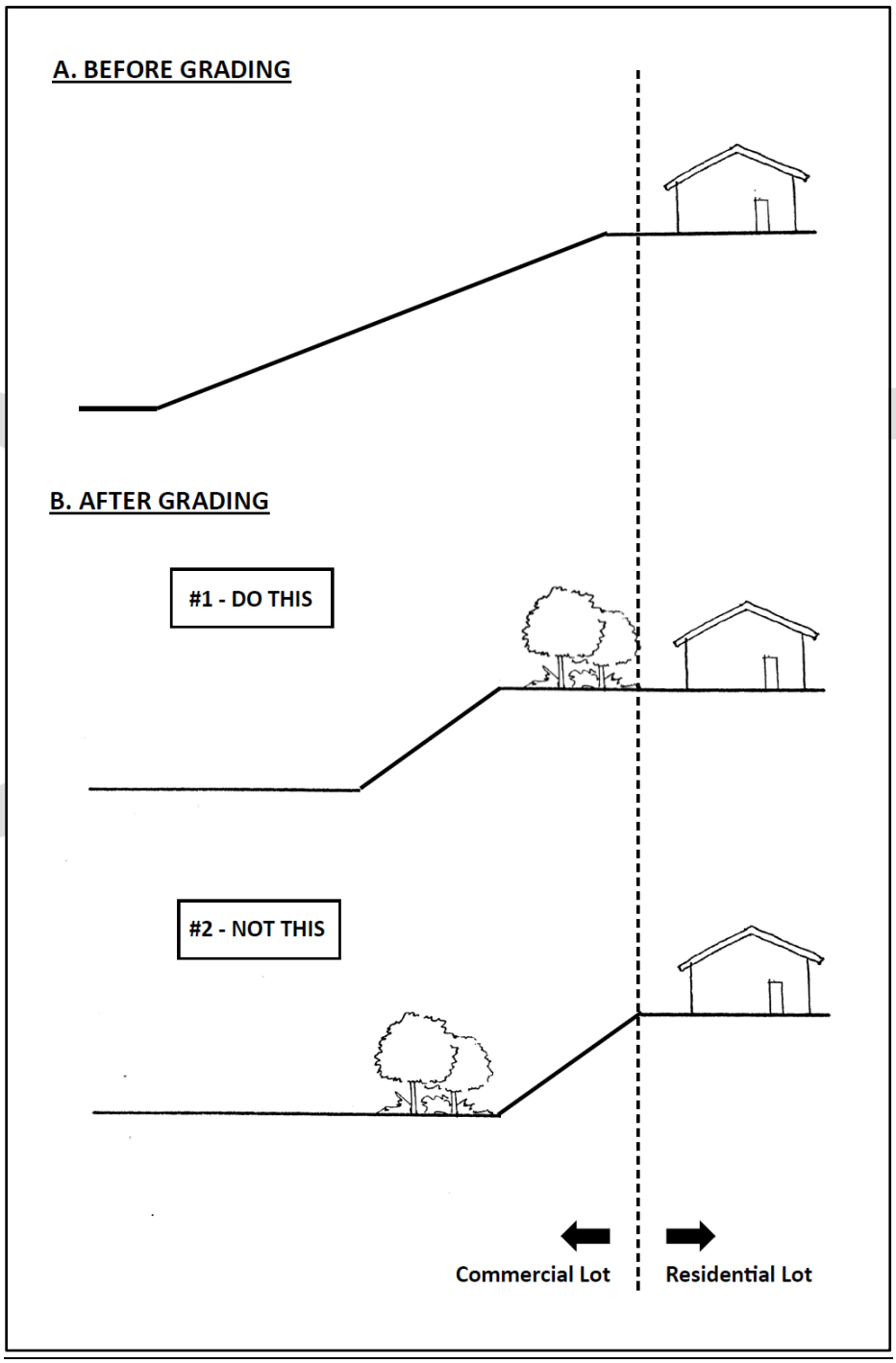
Perimeter Landscaping at Graded Sites



Section 3. Section 10-280.2(c) of the Tallahassee Land Development Code is hereby amended to read as follows:

Sec. 10-280.2(c) – Applicability.

(c) Notwithstanding the provisions of Chapter 1, Section 1-2, Definitions and Rules of Construction, the provisions of this Division shall take precedence over those of development regulations found in Chapters 9 and 10 of the land development code, regardless of whether more or less restrictive, except the local health and safety codes. In the event the MMTD does not provide a standard, then the applicable general standard shall take precedence. Despite the foregoing, sections 7-72 (relating to signs on local roads), 10-177(g) (relating to buffer zones), 10-411(b)(3) (relating to accessory structures), 10-412(6) (relating to drive-thru facilities), 10-427(c)(3) (relating to site lighting standards), and 10-429 (relating to multi-family residential uses next to protected residential dwelling units or zoning districts) will also apply in the MMTD.

Section 4. Section 10-411(b) of the Tallahassee Land Development Code is hereby amended to read as follows:

Sec. 10-411. – Accessory structures.

(b) *Storage buildings, utility buildings, ~~greenhouses~~ equipment, and infrastructure.*

(1) No accessory buildings used for industrial storage of hazardous, incendiary, noxious or deadly materials shall be located nearer than 100 feet from any property line.

(2) Vehicles, including travel trailers, recreational vehicles, manufactured housing and mobile homes/manufactured homes, shall not be used as storage buildings, utility buildings or other such uses.

(3) Utilities, equipment, and infrastructure

This Section applies on a Citywide basis.

a. New Development. No exterior utility accessories used for service loading entries, parking for commercial vehicles with cargo volumes greater than ten cubic yards (referred to below as "loading zones"), solid waste facilities with capacities greater than one cubic yard (referred to below as "trash enclosures"), nonresidential air conditioning compressors greater than ten tons, air compressors, electrical generators, or overhead electrical transformers shall be located nearer than ten feet from any property line or 200 feet from any property line adjoining a low-density residential ~~dwelling unit or~~ zoning district.

b. Lot Configuration Does Not Permit Attainment of 200-Foot Buffer.

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For the purposes of Section 10-411(b)(3)b. and f., the term "protected residential" includes any 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.

1. Loading Zone. If the distance between the back of a building and the rear property line is less than 200 feet, then the project may locate the loading zone to within 50 feet of the boundary of the adjoining protected residential ~~dwelling unit or~~ zoning district provided it is buffered from the protected residential ~~dwelling unit or~~ zoning district by a 6-foot masonry wall with a minimum of a 10 foot wide landscape strip along its full width on the residential side of the wall. The landscape strip must include at least two trees from the list at Sec. 10-285, Table 4, TLDC.

2. Trash Enclosure. If the distance between the back of a building and the rear property line is less than 200 feet, then the project may locate the trash enclosure to within 50 feet of the adjoining protected residential ~~dwelling unit or~~ zoning district provided it is buffered from the protected residential ~~dwelling unit or~~ zoning district by ~~an~~ a 6-foot opaque wall of finished masonry or wood on three sides, with a gated door accessible to service vehicles. A 10-foot wide landscape strip shall be adjacent to the trash enclosure along the full width of the side(s) facing the protected residential ~~dwelling unit or~~ zoning district. The landscape strip must include at least one tree from the list at Sec. 10-285, Table 4, TLDC.

c. Redevelopment. Redevelopment projects that propose a solid waste facility with a capacity greater than one cubic yard that is enclosed with ~~an~~ a 6-foot opaque wall of finished masonry, wood, or natural plant material on three sides, with a ~~an appropriate~~ gated door accessible to service vehicles, are not required to comply with the ten-foot or 200-foot setbacks set forth in this section. Solid waste facilities for redevelopment projects are required ~~encouraged~~ to be located behind buildings or other structures so as to screen them from public rights-of-way ~~to the greatest extent possible that is reasonable and feasible~~.

d. Lots with Multiple Frontages. For all vacant and redeveloped sites with multiple frontages, the front yard is the frontage on which the property is addressed. Loading zones and trash enclosures shall be sited in the rear yard of such properties and shall provide the setbacks, buffer walls, and buffer landscaping identified in Sec. 10-411(b)(3)b, TLDC. The buffer walls and buffer landscaping shall be oriented to the street.

e. Stormwater Facilities. No earthwork disturbances for stormwater swales, detention ponds or retention ponds shall be located nearer than 30 feet from any (existing) property line adjoining a low-density residential zoning district. This does not include earthwork disturbances for underground stormwater facilities, stormwater swales centered on (proposed) property lines with a common utility easement, or perpendicular crossings of property lines by stormwater swales. Redevelopment projects are exempt from complying with the 30-foot distance requirement set forth in this subsection (b)4 for earthwork

disturbances associated with stormwater swales. Earthwork disturbances associated with stormwater retention or detention ponds for redevelopment projects must comply with a 15-foot distance requirement from any (existing) property line adjoining a low-density residential zoning district.

f. This section does not apply to proposed non-residential or multi-family developments adjacent to the following: a.) Properties with protected residential zoning that are currently developed and occupied by a legally existing non-conforming use; or b.) Isolated protected residential units comprised of less than 3 protected residential units on less than 3 contiguous lots. For purposes of this section, "isolated" shall mean one or two residential units, which are surrounded by non-residential zoning or uses.

Section 5. Section 10-412(6) of the Tallahassee Land Development Code is hereby created to read as follows:

Sec. 10-412. – Accessory uses.

(6) For the purposes of this Section, the term "protected residential" includes any property developed to a density of less than or equal to eight units per acre, or 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.

This Section applies on a Citywide basis. If allowed as a permitted principal use in a zoning district and if adjacent to a protected residential dwelling unit or zoning district, businesses with drive through facilities must meet the following development standards:

a. Businesses with drive through facilities must provide a landscape buffer and fence as defined by Sec. 10-177 (for areas outside the MMTD) and Sec. 10-284.3 (for areas inside the MMTD).

b. Drive through speakers, order boards, and windows must be located a minimum of 100 feet from the nearest adjacent property boundary of any protected residential dwelling unit or zoning district.

c. That portion of the drive through lane between the order board and the point 75 feet before the order board must be located a minimum of 50 feet from the nearest adjacent property boundary of any protected residential dwelling unit or zoning district.

d. This section does not apply to proposed drive throughs adjacent to the following: a.) Properties with protected residential zoning that are currently developed and occupied by a legally existing non-conforming use; or b.) Isolated protected residential units comprised of less than 3 protected residential units on less than 3 contiguous lots. For

purposes of this section, "isolated" shall mean one or two residential units, which are surrounded by non-residential zoning or uses.

e. Properties in the Multi-Modal Transportation District must also meet the additional drive through standards set forth in Division 4, Downtown Overlay Regulating Plan and Multi-Modal Transportation District (MMTD) Standards.

Section 6. Section 10-427(c)(3) of the Tallahassee Land Development Code is hereby created to read as follows:

Sec. 10-427. - Site lighting standards.

(a) *Application.* Site lighting standards shall apply to those zoning districts specifically listed in this section. 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.
(b) *Exemptions.* Emergency lighting and traffic control lighting are exempt from these standards.
(c) *Specific guidelines.*
Paragraphs (c)(1) and (c)(2) establish lighting development standards for specific geographic areas, while paragraph (c)(3) establishes citywide lighting development standards based on adjacency to existing protected residential dwelling units or zoning districts. The more restrictive standard applies.

. . . .

(3)For the purposes of this Section, the terms listed below are defined as follows:

- "Protected residential" means any property developed to a density` of less than or equal to eight units per acre, or 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.
- "Multi-family" means a residential building with four or more dwelling units.

This Section applies on a citywide basis. The following lighting standards apply when a non-residential or multi-family land use is adjacent or across a public street from a property with a protected residential dwelling unit or zoning district. In the event of any conflict between this subsection and any other lighting standard in this section, this subsection shall control.

a. Definitions.

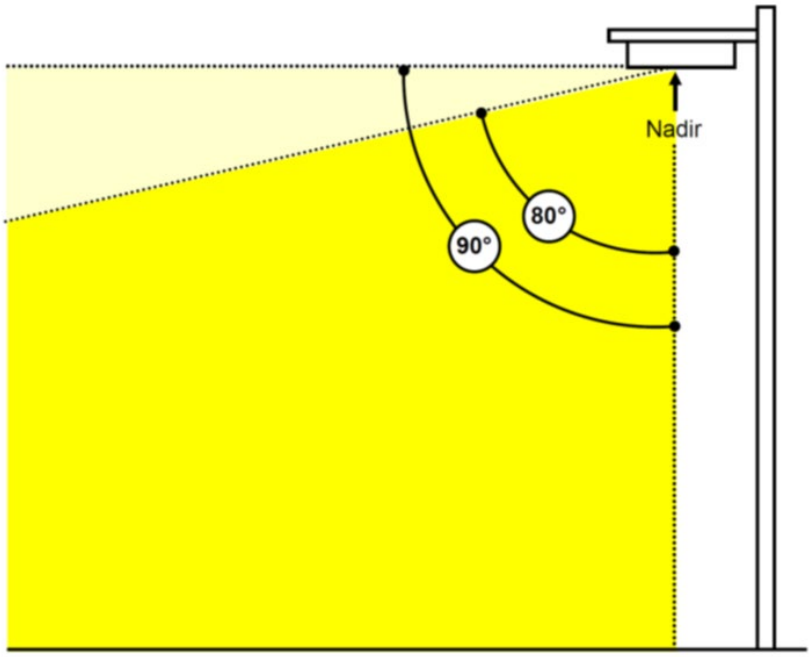
1. Candela. A measurement of luminous intensity.

2. Footcandle (FC). A quantitative unit measuring the amount of light (illumination) falling onto a given point. One footcandle equals one lumen per square foot.

3. Full cutoff. Luminaire light distribution where zero candela intensity occurs at or above an angle of 90° above nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (ten percent) at or above a vertical angle of 80° above nadir. This applies to all lateral angles around the luminaire.

   As shown by the illustration titled "Full Cutoff Lighting Fixture", a full cutoff fixture does not allow any light above a horizontal line at the bottom of the light source (i.e. at or above an angle of 90° above nadir), and limited light at an angle of 80° to 90° above nadir.

Full Cutoff Lighting Fixture



4. Fully shielded. A light fixture constructed, installed and maintained in such a manner that all light emitted from the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light emitting part.

5. Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

6. Light trespass. Unwanted light spilling onto an adjacent property.

7. Lumen. A quantitative unit used to identify the amount of light emitted by a light source. A lamp is generally rated in lumens.

8. Nadir. The point directly below the luminaire.

9. Shield. A device that is attached onto or inserted into a luminaire to alter the direction of light being emitted. A luminaire that has a shield attached or inserted is considered to be "shielded."

10. Lighting plan. The lighting plan shall include the following: (a) site plan showing the area to be illuminated; (b) the number, type, location, and mounting heights of all pole mounted and building mounted fixtures; and (c) specifications and manufacturer cut sheets for all fixtures including full cutoff classification and shielding information. Lighting plans shall contain the signature and seal of a registered architect, engineer, or lighting professional and shall certify that the illumination on the plan is in accordance with the standards contained in this section.

b. Standards.

The standards listed in the table titled "Lighting Standards" shall apply to a non-residential or multi-family land use either (a) adjacent to property with a protected residential zoning district or dwelling unit or (b) across a public roadway from property with a protected residential zoning district or dwelling unit.

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Lighting Standards		
	Adjacent to property with a protected residential zoning district or dwelling unit	Across a public roadway from property with a protected residential zoning district or dwelling unit
Trespass. Light trespass shall not exceed one-half (0.5) footcandles, as measured at 6 feet above ground level at the property line.	X	
Shielding. Light sources within 10 feet of the boundary of the property with a protected residential zoning district or dwelling unit shall be aimed away from the boundary and shall be shielded on the side closest to the boundary.	X	
Photometric Plan. A point-by-point photometric analysis of the anticipated illumination levels shall be provided on a grid at a maximum of every ten feet.	X	
Lighting Plans. A lighting plan must be provided.	X	X
Full Cutoff. All outdoor lighting fixtures (including security lighting) shall be full cutoff.	X	X
Parallel Installation. Lighting fixtures shall be installed and maintained parallel to the ground, without a tilted angle.	X	X
Mounting Height. The mounting height of outdoor lighting shall not exceed 18 ~~20~~ feet, except for lighting in the Mahan Corridor Ring (MCR) and Mahan Corridor Node (MCN) zoning districts which shall not exceed 10 feet, as listed in Sec. 10-427(c)(2), TLDC.	X	X
Change in Elevation. Where the non-residential or multi-family site is at a higher elevation than a protected residential dwelling unit or zone, lighting fixtures must be shielded, aimed, located, and mounted to minimize the impact caused by the change in elevation.	X	X

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Lighting Standards		
	Adjacent to property with a protected residential zoning district or dwelling unit	Across a public roadway from property with a protected residential zoning district or dwelling unit
Ornamental and Building Lighting. All ornamental and building lighting mounted on a structure shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building façade or the ground immediately below the fixture.	X	X

c. Prohibitions

The following outdoor lighting fixtures and applications are prohibited:

1. Any lamp which blinks, flashes, moves, revolves, flickers, or changes intensity or color;
2. Any upward oriented lighting;
3. Searchlights, beacons, and laser source light fixtures;
4. Unshielded accent building mounted luminous tube (such as neon, LED, fluorescent or other similar technology);
5. Flood lights;
6. Internally illuminated wall panels; and
7. Lighting of any angled building surface (i.e. roof pitch).

d. Exemptions

The following outdoor lighting fixtures and applications are exempt from the standards in this subsection 10-427(c)(3):

1. Low voltage, low wattage ornamental lighting fixtures, provided the lighting is shielded to eliminate glare and light trespass;
2. A building mounted fixture that delivers a maximum of 1,000 lumens output (equivalent to a 60-watt incandescent bulb) and utilizes a translucent lens covering the light source;
3. Fixtures that turn on only during an emergency or power outage;
4. Construction or emergency lighting provided that such lighting is temporary and is discontinued immediately upon completion of construction work or abatement of the emergency;
5. Lighting of temporary uses and special events permitted by the City; and
6. Athletic fields and outdoor recreation facilities operated by the City or the Leon County School Board.

e. Final Inspection.

Prior to determining that a building passes final inspection, or prior to the issuance of a certificate of occupancy, the City Land Use and Environmental Services inspector shall confirm that the outdoor lighting as installed complies with the approved lighting plan and the requirements of this sub-section.

f. Previously Developed Sites.

In the event of construction or redevelopment of an existing site with outdoor lighting which does not conform to this subsection and which otherwise requires a Type A or Type B site plan review pursuant to Sec. 9-154 or Sec. 9-155, TLDC, any modification of the outdoor lighting at the site must conform to this sub-section.

g. This section does not apply to proposed non-residential or multi-family developments adjacent to the following: a.) Properties with protected residential zoning that are currently developed and occupied by a legally existing non-conforming use; or b.) Isolated protected residential units comprised of less than 3 protected residential units on less than 3 contiguous lots. For purposes of this section, "isolated" shall mean one or two residential units, which are surrounded by non-residential zoning or uses.

Section 7. Section 10-429 of the Tallahassee Land Development Code is hereby created to read as follows:

Sec. 10-429. – Development Standards for Multi-Family Residential Uses Next to Protected Residential Dwelling Units or Zoning District.

(a) Applicability.
For the purposes of this Section, the terms listed below are defined as follows:

(1) "Protected Residential" means any property developed to a density of less than or equal to eight units per acre, or 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) "Multi-family" means a residential building with four or more dwelling units.

This Section applies on a citywide basis. All new multi-family projects which require a Type A or Type B site plan review pursuant to Sec. 9-154 or Sec. 9-155, TLDC, which are adjacent to or across the street from a protected residential dwelling unit or zoning district 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. Properties in the

MMTD design review districts are subject to a separate transparency standard in Division 4 of the Tallahassee Land Development Code (Downtown Overlay Regulating Plan and Multi-Modal Transportation District Standards).

		Multi-Family 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) Façade Articulation. No street-facing façade shall exceed 50 feet in length without at least a 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 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 a cornice or other decorative band to serve as a building cap for the entire roof.

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

a. In the Multi-Modal Transportation District, parking lots shall meet the development standards listed in 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 protected residential dwelling unit or zoning district. Screening shall include a Type A landscape buffer consistent with Sec. 10-177, TLDC.

(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 multi-family residential building elevation which meets any of the following criteria:

a. Abuts a protected residential dwelling unit or zoning district; or
b. Is located across a local street from a protected residential dwelling unit or zoning district; or
c. Is located across any collector or arterial roadway (which include three or fewer travel lanes) from a protected residential dwelling unit or zoning district. 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, then any multi-family residential floor above 3 stories must be stepped back a minimum of 15 feet from the floor below it. 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.

(7) Outdoor Uses. There shall be no active recreation uses allowed within 200 feet of any protected residential dwelling unit or zoning district.

(8) Access. ~~The primary driveway access shall be on a collector or arterial street, if available. Secondary ingress/egress and emergency access may be on or from local streets.~~ If a driveway is located on a local street across from existing low-density residential dwelling units or zoning districts, it shall be sited across from the shared property boundary of the individual lots to minimize the extent to which automobile headlights shine into the windows of residences.

(b) This section does not apply to proposed multi-family developments adjacent to the following: a.) Properties with protected residential zoning that are currently developed and occupied by a legally existing non-conforming use; or b.) Isolated protected residential units comprised of less than 3 protected residential units on less than 3 contiguous lots. For purposes of this section, "isolated" shall mean one or two residential units, which are surrounded by non-residential zoning or uses.

Section 8. Conflicts. All ordinances and parts of ordinances of the City of Tallahassee Code in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 9. 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 10. Effective Date. This ordinance shall become effective _____, 2020.

INTRODUCED in the City Commission on the _____ day of _____, 2020.

PASSED by the City Commission on the _____ day of _____, 2020.

CITY OF TALLAHASSEE

By: _____
John E. Dailey
Mayor

ATTEST:

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

APPROVED AS TO FORM:

By: _____
Cassandra K. Jackson
City Attorney

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