

ORDINANCE NO. 14-O-46

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA AMENDING THE TALLAHASSEE LAND DEVELOPMENT CODE TO ALLOW DRIVE THROUGH FACILITIES AS A PERMITTED USE IN SPECIFIED AREAS OF THE UNIVERSITY TRANSITION AND CENTRAL URBAN-45 ZONING DISTRICTS; AMENDING SECTION 10-284 TO ADD DESIGN STANDARDS FOR DRIVE-THROUGH FACILITIES IN THE MULTI-MODAL TRANSPORTATION DISTRICT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Now, THEREFORE, BE IT ENACTED by the People of Tallahassee, Florida, as follows:

SECTION 1: Chapter 10, Zoning, Article IV, Zoning Districts and Development Standards, Division 3. Permitted Uses, Maximum Gross Square Footage and Minimum Development Standards, Sections 10-242 University Transition and 10-239.4 Central Urban-45 of the City of Tallahassee Land Development Code are amended as follows:

PERMITTED USES		
1. District Intent	2. Principal Uses	3. Accessory Uses
<p>University Transition is intended to;</p> <ul style="list-style-type: none"> be a compact land use category that provides higher density residential opportunities and student oriented services near the campuses; protect existing residential neighborhoods located away from the campuses from student housing encroachment; and transition industrial and lower density residential uses to vibrant urban areas. <p>Higher density residential development of up to 50 du/ac to provide housing opportunities for students and downtown professionals. Smaller scale retail commercial shall provide essential services to immediate residents and ancillary needs of universities. Pedestrian pathways, trails, and transit facilities shall be designed to connect universities, downtown, civic/arts center, and residential and commercial areas to reduce automobile dependence. Pedestrian oriented design controls shall be employed to provide land use compatibility. The University Transition zoning district is allowed in the UT Future Land Use Map area, located generally within the rectangle created by the Florida State Univ. main campus, Florida A&M Univ., Tallahassee Community College/ Lively Technical Institute campuses, and Innovation Park. The Gaines Street Revitalization Plan study area is excluded from this area.</p> <p>To encourage pedestrian-oriented redevelopment, innovative parking strategies, mixed use development, and other urban design features within the Central Core (defined in Comprehensive Plan), a 25% density bonus is available subject to the provisions of Sec. 10-289 of this code.</p> <p>Development standards for this zoning district are established within Division 4 applicable to the MMTD.</p>	<ol style="list-style-type: none"> 1) Advertising agencies. 2) Antique shops 3) Beauty & barber shops. 4) Book & stationary stores. 5) Banks, credit unions, financial institutions without drive through facilities. 5)6) <u>Banks, credit unions, financial institutions with drive-through facilities (only allowed on parcels fronting West Pensacola St. between Cactus Drive and Lipona Road).</u> 6)7) Camera & photographic supply stores. 7)8) Civic & social associations. 8)9) Colleges & universities – educational facilities, administrative offices, athletic & intramural fields and stadiums. 9)10) Commercial art & graphic design. 10)11) Community facilities related to residential uses, including religious facilities, police/fire stations, elementary and secondary schools, and, libraries. Other community facilities may be allowed in accordance with Section 10-413 of these regulations. 11)12) Computer & data processing services. 12)13) Dance studio, schools, halls. 13)14) Day care centers. 14)15) Employment agencies. 15)16) Gift, novelty, souvenir shops. 16)17) Hobby, toy, game stores. 17)18) Hotels, motels, bed & breakfasts. 18)19) Indoor amusements (bowling, billiards, arcades). 20) Laundromats, laundry, & dry cleaning services without drive through facilities. 19)21) <u>Laundromats, laundry, & dry cleaning services with drive-through facilities (Only allowed on parcels fronting West Pensacola St. between Cactus Drive and Lipona Road).</u> 20)22) Live-work units. 21)23) Mailing and postal services. 22)24) Medical & dental offices, clinics, laboratories. 23)25) Mortgage brokers. 24)26) Movie theaters and amphitheaters. 25)27) Museums & art galleries. 26)28) Musical instrument stores. 27)29) News dealers and newsstands. 28)30) Non-medical offices & services, including business, insurance, real estate, and governmental. 29)31) Non-store retail. 30)32) Optical goods stores. 31)33) Passive and active recreation. 32)34) Personal services (barber, spa, etc.) 33)35) Photocopying & duplicating services. 	<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 than 33 percent of the floor area or cubic volume of the principal 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>4. Special Exception Uses</p> <ol style="list-style-type: none"> 1) Automotive rentals, parking, repairs, & service. 2) Commercial sports. 3) Taxicab operations. <p>(Section 10-422 applies)</p>
	<ol style="list-style-type: none"> 34)36) Photographic studios, portrait. 35)37) Physical fitness, gyms. 36)38) Public community center/meeting building (non-commercial use only). 37)39) Radio and Television broadcasting. 38)40) Rental and sales of home movies & games. 39)41) Repair services, non-automotive. 40)42) Residential – any type. 43) Restaurants and drinking establishments without drive through facilities 41)44) <u>Restaurants with drive-through facilities (Only allowed on parcels fronting West Pensacola St. between Cactus Drive and Lipona Road).</u> 42)45) Retail establishments – bakeries, computer, clothing & accessories, video, records/ compact discs, electronics, drug store <u>without drive-through facilities, drug store with drive-through facilities. (Only allowed on parcels fronting West Pensacola St. between Cactus Drive and Lipona Road).</u> 43)46) Security & commodity brokers. 44)47) Sewing & needlework goods. 45)48) Shoe repair, shoe shine parlors. 46)49) Sporting goods and bicycle shops. 47)50) Social, fraternal, recreational clubs/assemblies. 48)51) Structured parking, with active uses located along a minimum of 75 percent of all walls adjacent to public streets and pedestrian areas. 49)52) Studios: photography, music, art, drama, voice. 50)53) Tailoring. 51)54) Travel agencies. 52)55) Veterinary services. 53)56) Vocational schools. 54)57) Watch, clock, jewelry repair. 55)58) Existing drive-through uses and existing motor vehicle fuel sales which were legally established and in existence on 11-20-2007. 56)59) Other uses, which in the opinion of the Land Use Administrator, are of a similar or compatible nature to the uses and intent described in this 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 through design requirements. <p>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. 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 Neighborhood Overlay.</p> <p>To encourage pedestrian-oriented redevelopment, innovative parking strategies, mixed use development, and other urban design features within the Central Core, a 25 percent density bonus</p>	<ol style="list-style-type: none"> 1) Active and passive recreational activities. 2) Antique shops. 3) Automotive service and repair, including car wash. 4) Automotive: retail parts, accessories, tires, etc. 5) Bait and tackle shops. 6) <u>6) Banks and other financial institutions without drive through facilities.</u> 7) <u>7) 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 all parcels fronting its intersection with East Magnolia Drive).</u> 7) <u>8) Bed and breakfast inns; as governed by Section 10-412.</u> 8) <u>9) Camera and photographic stores.</u> 9) <u>10) Cocktail lounges and bars.</u> 10) <u>11) Community facilities related to the permitted principal uses, including libraries, religious facilities, police/fire stations, and middle, high, and vocational schools. Other community facilities may be allowed in accordance with Section 10-413 of these regulations.</u> 11) <u>12) Day care centers.</u> 12) <u>13) Gift, novelty, and souvenir shops.</u> 13) <u>14) Government offices and services.</u> 14) <u>15) Hotels, motels, inns, SRO hotels, boarding houses.</u> 15) <u>16) Indoor amusements (bowling, billiards, skating, etc.).</u> 16) <u>17) Indoor theaters (including amphitheaters).</u> <u>18) Laundromats, laundry and dry cleaning pick-up stations without drive through facilities.</u> 17) <u>19) 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 all parcels fronting its intersection with East Magnolia Drive).</u> 18) <u>20) Live-work units.</u> 19) <u>21) Medical and dental offices, services, laboratories, and clinics.</u> 20) <u>22) Mortuaries.</u> 21) <u>23) Motor vehicle fuel sales.</u> 22) <u>24) Non-medical offices and services, including business Non-store retailers.</u> 23) <u>25) Nursing homes and other residential care facilities.</u> 24) <u>26) Personal Services.</u> 25) <u>27) Pet day care.</u> 26) <u>28) Photocopying and duplicating services.</u> 27) <u>29) Rental of tools, small equipment, or party supplies.</u> 28) <u>30) Repair services, non-automotive.</u> 	<ol style="list-style-type: none"> 33) <u>36) Retail department, apparel, and accessory stores.</u> <u>37) Retail drug store without drive-through facilities.</u> 34) <u>38) 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 between Orange Avenue and all parcels fronting its intersection with East Magnolia Drive).</u> 35) <u>39) Retail florist.</u> 36) <u>40) Retail food and grocery.</u> 37) <u>41) Retail furniture, home appliances, accessories.</u> 38) <u>42) Retail home/garden supply, hardware and nurseries.</u> 39) <u>43) Retail jewelry store.</u> 40) <u>44) Retail needlework shops and instruction.</u> 41) <u>45) Retail newsstand, books, greeting cards.</u> 42) <u>46) Retail office supplies.</u> 43) <u>47) Retail optical and medical supplies.</u> 44) <u>48) Retail package liquors.</u> 45) <u>49) Retail pet stores.</u> 46) <u>50) Retail picture framing.</u> 47) <u>51) Retail sporting goods, toys.</u> 48) <u>52) Retail trophy store.</u> 49) <u>53) Social, fraternal and recreational clubs and lodges, including assembly halls.</u> 50) <u>54) Structured parking, when combined with a principal use.</u> 51) <u>55) Studios for photography, music, art, dance, and voice.</u> 52) <u>56) Tailoring.</u> 53) <u>57) Veterinary services, including veterinary hospitals.</u> 54) <u>58) Warehouses, mini-warehouses, and self-storage; legally established and in existence on 11-25-2008.</u> 55) <u>59) 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.</u> <p>* NOTE: Additional requirements for properties in Providence Neighborhood Overlay (See Section 10-168 (c))</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>

is available subject to the provisions of Sec. 10-289 of the Code. A 35 percent bonus is available with an Urban Planned Unit Development as found in Sec. 10-200.

Development standards for this zoning district are established within Division 4 applicable to the MMTD.

- ~~29)~~31) Residential – any unit type
- ~~30)~~32) Restaurants without drive-~~in~~ through facilities.
- ~~30)~~33) 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 all parcels fronting its intersection with East Magnolia Drive).
- ~~31)~~34) Retail bakeries
- ~~32)~~35) Retail computer, video, record, and other electronics.

SECTION 2: Chapter 10, Zoning, Article IV, Zoning Districts and Development Standards, Division 4. Downtown Overlay Regulating Plan and Multi-Modal Transportation District (MMTD) Standards, Section 10-284 Building Scale Standards of the City of Tallahassee Land Development Code is amended as follows:

Section 10-284.8 Design Standards for Drive-through Facilities

- (a) *Applicability.* Areas where drive through facilities are allowed in the Multi-Modal Transportation District.
- (b) *Purpose and intent.* To provide design standards and site design requirements applicable to drive-through facilities and their associated vehicle stacking and parking areas. These provisions will provide direction during the pre-submittal and site plan approval process to promote, properly assess, and achieve appropriate forms of drive-through development. Furthermore, they will assist in regulating the layout, built form, and appearance of drive-through facilities as well as assist in mitigating any adverse impacts. The intent of these provisions is to promote:
- Compatible development that minimizes impacts on adjacent uses;
 - Functional and safe traffic, pedestrian, and bicycle movement;
 - Safe stacking lane and site access location;
 - Safe and accessible pedestrian connections to the building from both the private and public realms;
 - A high quality, pedestrian-supportive urban streetscape.
- (c) *Standards*
1. The site shall be accessed from an arterial street or major collector street.
 2. Adequate space shall exist within the lot for vehicles to queue prior to using the drive-through window, as determined by the City Public Works Director, or designee.
 3. Each drive-through window and queuing lane shall be visually screened from adjacent streets through placement of the building on the site or through the use of vegetation and/or fencing.
 4. Facilities with a drive-through window shall be sited to prioritize pedestrian traffic. Sidewalks on the site shall provide pedestrian access to the facility and connect to adjacent sidewalks and walkways connecting to the public sidewalk system.
 5. For any restaurant which is constructed with a drive-through window, there shall be a minimum floor area of eighteen hundred (1,800) square feet and interior seating constructed as part of the restaurant.
 6. No more than one driveway curb cut shall be provided per street except where shared driveways are used.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, as of the effective date of this ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

SECTION 4: If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of the ordinance.

SECTION 5: This ordinance shall become effective upon adoption.

INTRODUCED to the City Commission on the ____ of _____ 2014.

PASSED by the City Commission on the ___ of _____ 2014.

CITY OF TALLAHASSEE

By: _____
John R. Marks, III
Mayor

ATTEST:

APPROVED AS TO FORM:

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

By: _____
Lewis E. Shelley
City Attorney