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TO: City Plan Board **Item Number: 2**

FROM: Planning & Development Services Department **DATE: May 6, 2014**
Staff **(Revised November 24,**
2014)

SUBJECT: Petition PB-14-41 TCH. City Plan Board. Amend the Land Development Regulations to update the Land Development Code to add new zoning districts, a revised list of uses, and associated regulations.

Recommendation

Staff recommends approval of Petition PB-14-41 TCH.

Discussion

This amendment reorganizes, updates, and clarifies many of the existing zoning and development regulations in the Land Development Code. Many of the review and approval processes described within the code will also be streamlined as a part of the amendment. At the same time, this petition proposes to create eight new zoning districts (called transect zones) that are designed to apply within the areas around downtown Gainesville and the University of Florida. These new districts are also designed to replace the existing special area plans that serve as zoning overlays within these areas. Therefore, the proposed amendment will eliminate several existing zoning categories, as well as several special area plans that currently apply to properties within the City.

This petition was initiated at the direction of the City Commission. On May 2, 2011, the City issued a request for proposals for professional services to prepare an update to, and incorporate form-based code principals into, the City's Land Development Code. A consultant was selected and began to negotiate a scope of services and contract terms. On January 5, 2012, the City Commission directed staff to further clarify the initial scope of services to: 1) identify those areas of the City subject to application of a form-based code through provision of a map; 2) identify those Special Area Plans that are recommended to be eliminated and replaced by a form-based code; and, 3) identify areas of the existing Land Development Code that should be integrated with the form-based code in order to ensure the seamlessness of a final product. Staff then provided a map that encompassed: the special area plans around downtown and the University of Florida; the adjacent commercial corridors; the Urban Village area; the commercial center around the intersection of W. University Avenue and 34th Street; and the commercial center at the intersection of NW 23rd Avenue and 13th Street. The City Commission ultimately approved this map as part of the final scope of services and contract with LittleJohn Engineering.

The consultant produced a complete first draft of the new Land Development Code in February of 2013. Since that time, City staff has been reviewing and revising the draft, and meeting with various stakeholders. The Planning and Development Services Department also held

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neighborhood workshops and other meetings with all property owners that would be affected by the associated rezoning to the transect zones. Additionally, 10 meetings were held with the City Plan Board between May 6th and December 3rd to review the proposed code update. As a result of those meetings, additional revisions have been made to the proposed new code.

This text amendment is associated with PB-14-40 CPA, which is an amendment to the Comprehensive Plan to create new land use categories that correspond with the proposed new zoning districts. It is also related to PB-14-42 LUC, which will change the land use designations on some areas of the Future Land Use Map, and PB-14-43 ZON, which will change the zoning districts for many properties within the identified areas. A complete list of all stakeholders meetings and neighborhood workshops, as well as detailed notes from the workshops, is included as an exhibit to the staff report for the associated rezoning.

Summary of Major Revisions

The proposed new code includes elements of form-based code within limited areas of the City, but it is primarily an update and reorganization of the existing zoning districts and development standards. The code is included in its entirety as Exhibit C to this report. It is also accessible on the Land Development Code Update page on the City's website. Outlined and summarized here are some of the major revisions that are included in the proposed new Land Development Code:

- **Reorganization of code.** In order to improve the overall usability of the code, the regulations in have been organized into new chapters, as follows (with a summary of what some chapters contain shown in parentheses):
 - Article I - General Provisions (purpose, objectives, references to other documents, enforcement)
 - Article II - Definitions and Rules of Construction
 - Article III - Vested Rights, Nonconformities, and Concurrency Management
 - Article IV - Review Authority and Procedures (review boards and committees, process for building permits, development review, zoning and land use amendments, special use permits, planned developments, street vacations, process for modification of standards, and appeal procedures)
 - Article V - District Regulations (standards and uses for transect zones, residential zoning districts, non-residential zoning districts, and special districts, as well as the remaining overlay districts)
 - Article VI - Requirements for Specially Regulated Uses (specific requirements for certain principal uses, accessory uses, and temporary uses)

- Article VII - Development and Subdivision Design (general development standards, stormwater management, transportation standards, subdivision design)
- Article VIII - Parking and Loading Regulations (required parking amounts, and design requirements for off-street parking and structured parking)
- Article IX - Resource and Environmental Management (landscaping and tree management, environmental overlays, regulated natural and archaeological resources, historic resource protection)
- Article X - Sign Regulations

On a smaller scale, much of the information contained within the new chapters of the code has been consolidated into table format for easier reference. For example, the allowed uses within all of the non-residential zoning districts are now included in one table, rather than as a separate list of uses for each district. Similarly, the notification requirements for the different types of public hearings are outlined within a single table.

- **Removal of zoning overlays.** The new code proposes to remove most of the existing special area plans, which currently act as zoning overlays to the base zoning districts of properties. The creation of the new transect zones makes this possible, since most of the existing form-based standards within the special area plans will be incorporated into these new zoning districts. This is the same approach that was utilized when the UMU-2 zoning district was revised several years ago, and removed from the University Heights Special Area Plan. At that time, many form-based standards of University Heights were carried over into the revised UMU-2 base zoning. The standards were also simplified and adjusted in order to meet the goals of the City related to development in the Innovation Square and Urban Village areas. Detailed standards for materials and architectural design were not carried over. A new emphasis was placed on creating an adequate ‘public realm’ along the street, with plenty of room for street trees and wide public sidewalks.

The proposed transect zones follow the previous example of the UMU-2 revisions. They will incorporate common design elements from the special area plans, and will update and standardize the approach to regulating those elements. Those common design elements include: the use of build-to lines rather than front setbacks; location of parking to the side or rear of buildings; no minimum parking or reduced parking requirements; building entrances that face the street; minimum glazing on building fronts; and minimum building articulation. Some of the special area plans also include detailed architectural standards, but those will not be included within the transect zones. The following special area plans will be removed from the code:

- College Park
- University Heights
- Traditional City
- Southeast Gainesville Renaissance Initiative (SEGRI)
- SW 13th Street

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- Central Corridors
 - Corporate Park
 - NW 39th Avenue
- **Creation of new transect zones.** Eight new zoning districts will be created with the proposed revisions to the Land Development Code. These districts are called ‘transect zones’, since they are based on the concept of form-based zoning and the ‘transect’. A transect is simply a transverse section of something that identifies the different characteristics of its different parts. In the same way, zoning should identify the different characteristics (both existing and potential) within different parts of a city. The existing special area plans within the code are actually form-based zoning, and the proposed new transect zones will simply replace those plans with a more unified approach. Form-based zoning districts are usually distinguished by the following:
 - Less focus on separation of land uses (screening, buffering, large setbacks)
 - More focus on the physical form of development (site layout and building design)
 - Emphasis on design of the streetscape (landscaping, sidewalks, building frontage)

The new transect zones include limits on density and intensity, setbacks, and other dimensional standards, but they also address urban design principles such as building and parking location, building orientation, building articulation, and design of the streetscape. The proposed zones are not as detailed as some form-based zoning districts might be. They do not prescribe building typologies, design of architectural components, or use of certain materials. They also do not regulate the design of the actual public street, since standards for street design are covered within other documents and regulated by City of Gainesville Public Works Department and other agencies.

The new transect zones are listed below, with brief snapshot descriptions of each. Tables that list the allowed uses and zoning standards for the transect zones are attached to this report as Exhibit C, and the complete descriptions and standards for these districts are included in Article V of the proposed Land Development Code (included in its entirety as Exhibit C).

T-3 – 3 stories; 8 units/acre residential density; allows single-family development and some civic uses

T-4R – 3 stories; 15 units/acre residential density; allows single-family, attached dwellings, small-scale multiple family, and some civic uses

T-4OR – 3 stories; 20 units/acre residential density; allows single-family, multiple-family, office, some civic uses, schools, and restaurants and personal services by special use permit

T-4M1 – 4 stories (up to 6 with bonuses); 60 units/acre (80 with bonuses); multiple-family, office, retail, restaurants, personal services, most civic uses

T-4C – 4 stories (up to 6 with bonuses); 50 units/acre (60 with SUP); auto-oriented uses, office, retail, multi-family, personal services, restaurants

T-4M2 – 6 stories (up to 8 with bonuses); 100 units/acre (125 with bonuses);

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multiple-family, office, retail, restaurants, personal services, auto-oriented uses, light industrial, civic uses

T-5 – 8 stories (up to 10 with bonuses); 150 units/acre (175 with bonuses); multiple-family, office, retail, restaurants, personal services, light industrial, civic

T-6 – 12 stories (up to 14 with bonuses); 200 units/acre (225 with bonuses); multiple-family, office, retail, restaurants, personal services, light industrial, civic

With the creation of the eight new transect zones, the following nine existing zoning districts will no longer be needed:

- RMU: Up to 75 units/acre residential mixed-use district
- RH-1: 8-43 units/acre residential high-density district
- RH-2: 8-100 units/acre residential high-density district
- OR: 20 units/acre office residential district
- BT: Tourist-oriented business district
- CCD: Up to 150 units/acre central city district
- UMU-1: Up to 75 units/acre urban mixed use district
- UMU-2: Up to 100 units/acre urban mixed use district
- W: Warehousing and wholesaling district

These districts will be removed from the code, since the areas where they apply today will be covered by the transect zones under the proposed new zoning map (see related Petition PB-14-43 ZON).

- **Process improvements.** There are several process changes covered within the proposed code that are designed to reduce the time and expense required for review and approval, without sacrificing the end results. The most significant is that the Board of Adjustment will be eliminated, and its current roles will be assigned to the Development Review Board (DRB). This will mean that variances from setbacks for single-family homes will be considered by the DRB. This should be a natural transition, since the approval criteria for variances are similar to those for modifications for development plans, which the DRB currently reviews and approves.

Efforts have been made in the code to reduce the need for special use permits where they are not necessary, since this is an additional expense and review process for applicants. In some of these instances where special use permits are no longer required, specific standards have been included in the code that must be met in lieu of the more subjective special use permit criteria. For example, drive-through facilities will be regulated in terms of preferred site design and limitations on the number of lanes. When these specific standards are met, there is no reason to require the additional time, scrutiny and expense that is involved with a special use permit.

Within the transect zones, the ability to grant modifications (Article IV) will allow some flexibility is allowed for creative design that still meets the intent of the code. These modifications are similar to the various waivers and exceptions that may be granted within the special area plans today, but with a more consolidated approach to review and approval. They may be approved by staff when they are minor, but more significant

modifications must be approved by the reviewing board. Standard criteria in the code provide a basis for approval for all such modifications.

Also within the transect zones, the size thresholds for board review for developments have been removed (Article IV). The thresholds that rely on number of residential units or amount of building square footage will be replaced by a more qualitative approach to determining when board review is necessary. If all of the design and compatibility standards within the transect zone are met, then a development may proceed with an administrative approval. If there is a request to vary from the specific requirements of the code, then a board approval may be required. The code specifies which modifications can be approved by staff and which will require a development to obtain a board approval.

- **Simplified regulation of uses.** One major goal of the new code is to remove reliance on the Standard Industrial Classification (SIC) system of regulating uses, by grouping uses into broader categories and defining them within the Land Development Code. Currently, the regulation of uses in the City of Gainesville relies upon a separate SIC Manual from 1987. This manual is out of date and is unnecessarily complex in terms of identifying and classifying uses. The proposed code will group uses into categories, such as “retail sales” or “office”. Uses that are different in terms of potential impacts or compatibility are broken out from the larger category and regulated separately (e.g. “medical office”, which has a greater traffic impact and higher parking requirement than most other types of offices). This new approach will eliminate the need to cross-reference a separate document, will simplify the review process for zoning compliance and should reduce instances where a use is inadvertently prohibited within a district. In addition, consolidated tables are included with the new code (Article V) that show the allowed uses within multiple districts, so that comparisons between the districts can be made.
- **Standardized regulatory approaches.** Currently within the Land Development Code there are similar requirements that have slightly different approaches for regulation, and the new code will seek to standardize those. For example, in some cases the current code requires a minimum amount of glazing on buildings, but there are at least three different ways to measure the required percentage of glazing on a building face. Similarly, buildings are required to be placed at build-to lines in several different special area plans or zoning districts, but the build-to line is sometimes measured from the street curb and sometimes measured from the front property line. This leads to confusion between applicants, reviewers, and the public with regards to implementation of these standards.
- **More clarity and flexibility for auto-oriented uses.** Currently, some auto-oriented uses are prohibited or restricted within the special area plans around downtown and the university, and there are also review and design criteria for these uses contained within the Comprehensive Plan. For example, gas stations are prohibited in College Park, University Heights, Traditional City and SEGRI special area plans, and are allowed but limited in size within Central Corridors. To complicate matters further, there are design criteria for gas stations within the Transportation Mobility Element in the Comprehensive

Plan. The new code proposes to relocate these design standards from the Comprehensive Plan and incorporate them into the specially regulated use sections for these auto-oriented uses (Article VI). This way all standards related to the design or scale of the use will be located in one place. Within some transect zones, certain auto-oriented uses will still be prohibited - gas stations are not permitted in T-5 or T-6. However, within other transect zones, they will be allowed in locations where they were previously prohibited, provided that they can be designed correctly and proposed at an appropriate scale. For example, within T-4M2, new gas stations are permitted to have up to four fueling positions, as long as they are designed with the fueling canopy located behind the main building. Within other zoning districts where gas stations are permitted, they may have up to six fueling positions by right. Finally, up to 12 fueling positions may be allowed within any non-transect district through the special use permit process or within a planned development. These options provide flexibility for these auto-oriented uses throughout the City, while ensuring that they are designed and scaled according to their context.

- **Parking standards.** The proposed code requires no minimum parking within the T-6, T-5, T-4M2, T-4M1, and T-4OR districts. Within the T-4C district, the minimum parking is set at 25% of the required parking amounts contained in Article VIII. This is consistent with the special area plan requirements within University Heights, Traditional City, and Central Corridors. The College Park Special Area Plan currently requires no minimum parking for non-residential uses, but it does require one parking space per 2 residential bedrooms. The proposed code requires that standard parking be provided within the T-4R and T-3 zoning districts, since these are most likely to be adjacent to single-family residential districts.
- **Development compatibility standard.** There are areas around downtown that are appropriate for higher density and intensity development, and this is reflected by the existing zoning and by the proposed new transect zones. At the same time, there are many nearby single-family neighborhoods and historic districts that should continue to be protected by the City's land use, zoning and development regulations. Therefore, compatibility between these neighborhoods and adjacent high-density and intensity development needs to be addressed within the new Land Development Code. One of the primary concerns from neighborhoods is the presence of much taller buildings adjacent to their one- or two-story single-family dwellings. The existing code includes a variety of compatibility provisions, but does not provide a standard approach to limiting building heights adjacent to single-family zoning or historic districts. The UMU-2 district does include a height limits map and standard that limits building heights where they are adjacent to the University Heights North or South Historic Districts. The new Land Development Code proposes a similar approach to building height compatibility, by restricting new development to a maximum of three or four stories in some areas where it is within 100' of single-family zoning or historic districts (see general provisions in Article V). Within the Power District, the maximum height is set at 3 stories where adjacent to the Southeast Historic District. The heights would then step back 15' each subsequent story up till the maximum height of 6 stories allowed within the Power District.

- **Height bonus system.** The existing code allows for increases in building heights within some districts. The new code proposes to incentivize certain components of development through a bonus system, which will allow for additional stories (Article V). The bonuses may be granted for the provision of usable open space, preservation of heritage trees, inclusion of structured parking in the development, provision of transit support facilities, provision of affordable housing, or with the voluntary undergrounding or relocation of utility lines. This system should help encourage developments to provide improvements with development that will benefit the public and help meet the goals of the Comprehensive Plan. Another benefit of this system is that it will provide a standard of measurement for allowing for height increases, rather than granting height bonuses on a case-by-case basis through the fairly subjective special use permit criteria. Height bonuses will not be permitted in locations where height compatibility restrictions apply.
- **Non-conforming uses.** Within the transect and non-transect areas of the City, non-conforming uses exist today. The current code significantly limits the ability of non-conforming uses to make improvements to the property or buildings associated with that use. A special provision has been written into the proposed code (Article III) that addresses this issue, by allowing for expansion of existing non-conforming uses within the transect and non-transect zones where these uses are located on major roadways, through the special use permit process. This process will allow for viable non-conforming uses to continue to grow, while ensuring that they do not increase negative impacts on surrounding development.
- **Removal of redundant regulations.** Some requirements in the Land Development Code that are covered by other regulatory documents are proposed to be removed. For example, Section 30-338(5) in the existing Land Development Code specifies building separation requirements for different zoning districts, while the Florida Building Code has its own requirements for separation between buildings based on construction type and access and other considerations. The City of Gainesville Engineering, Design and Construction Manual, enforced by the Public Works Department, includes many technical criteria related to development. Therefore, some development standards (particularly for parking, access, and stormwater) have been removed from the proposed new code, since they are covered by the Engineering, Design and Construction Manual.

Impact on Affordable Housing

The proposed text amendment will create several new zoning districts that will allow for relatively high-density residential and a mixture of housing types, which should increase opportunities to provide affordable housing wherever these new districts are applied.

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Respectfully submitted,



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Prepared by:



Andrew Persons

List of Attachments:

- Exhibit A Application for Text Amendment to the LDC**
- Exhibit B Transect Zone Uses and Standards**
- Exhibit C Complete Proposed Land Development Code**