



MEMORANDUM

Office of the City Attorney

Registar No. 000230

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: November 13, 2000
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-114; Petition No. 119TCH-00PB

An ordinance of the City of Gainesville, Florida; related to the Traditional City Special Area Plan and overlay district; amending the Special Area Plan for Traditional City; providing minimum lot widths; regulating drive-throughs; applying build-to line standard along side streets of buildings; regulating the placement of stormwater basins; requiring screening walls along parking lots; prohibiting certain types of fencing; requiring bicycle parking spaces; clarifying grandfathering of surface parking lots; disallowing convenience stores with gasoline pumps; requiring windows on the sides of buildings; revising standards for parking structures; providing that there is no maximum building coverage; revising the building orientation standard; amending section 30-332 to require bicycle parking; amending section 30-341 to allow the AASHTO standard to apply to vision triangles; removing College Park and University Heights from the Traditional City Special Area Plan; adopting a revised map of the Traditional City Special Area; adopting a map of "A" Streets as defined and regulated in the Special Area Plan; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

Over the past year, as a part of implementing the ordinances, staff has discovered corrections that should be made to the language to clarify and correct the intent and requirements of the ordinances and suggests a few other changes to the ordinances. The most significant changes involve minimum lot widths, drive-through businesses, stormwater basins, prohibition of convenience stores with gasoline pumps, and glazing requirement for the sides of buildings.

The Plan Board reviewed the petition and asked staff to review issues related to the build-to line and scenic features and to clarify with the Building official the glazing requirements for buildings located close to property lines. The Plan Board recommended approval of the petition.

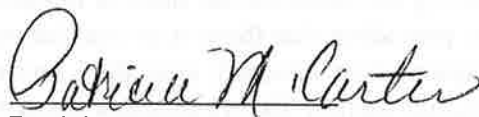
Public notice was published in the Gainesville Sun on August 1, 2000. The Plan Board held a public hearing August 17, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 119TCH-00 PB. Plan Board vote 4-1.

Fiscal Note
None

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. The Commission passed this ordinance on first reading on October 9, 2000. The Commission continued the second and final reading of the ordinance at its October 23, 2000 meeting to November 13, 2000.

Prepared by:



Patricia M. Carter
Sr. Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson
City Attorney

MJR:PMC:sw

ORDINANCE NO. 000230
0-00-114

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3
4 **An ordinance of the City of Gainesville, Florida; related to the Traditional**
5 **City Special Area Plan and overlay district; amending the Special Area Plan**
6 **for Traditional City; providing minimum lot widths; regulating drive-**
7 **throughs; applying build-to line standard along side streets of buildings;**
8 **regulating the placement of stormwater basins; requiring screening walls**
9 **along parking lots; prohibiting certain types of fencing; requiring bicycle**
10 **parking spaces; clarifying grandfathering of surface parking lots; amending**
11 **requirements for solid waste, recycling, yard trash and grease containers;**
12 **disallowing convenience stores with gasoline pumps; requiring windows on**
13 **the sides of buildings; revising standards for parking structures; providing**
14 **that there is no maximum building coverage; revising the building**
15 **orientation standard; amending section 30-332 to require bicycle parking;**
16 **amending section 30-341 to allow the AASHTO standard to apply to vision**
17 **triangles; removing College Park and University Heights from the**
18 **Traditional City Special Area Plan; adopting a revised map of the**
19 **Traditional City Special Area; adopting a map of "A" Streets as defined and**
20 **regulated in the Special Area Plan; providing directions to the codifier;**
21 **providing a severability clause; providing a repealing clause; and providing**
22 **an immediate effective date.**

23
24 **WHEREAS**, the City Plan Board authorized the publication of notice of a Public Hearing
25 that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

26 **WHEREAS**, notice was given and publication made as required by law and a Public
27 Hearing was then held by the City Plan Board on August 17, 2000; and

28 **WHEREAS**, notice was given and publication made of a Public Hearing which was then
29 held by the City Commission on October 9, 2000; and

30 **WHEREAS**, pursuant to law, an advertisement no less than 2 columns by 10 inches long
31 was placed in a newspaper of general circulation notifying the public of this proposed ordinance
32 and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville at least 7 days
33 after the day the advertisement was published; and

34 **WHEREAS**, a second advertisement no less than 2 columns by 10 inches long was

1 placed in the same newspaper notifying the public of this proposed ordinance and of a Public
2 Hearing to be held at the adoption stage in the Auditorium of City Hall in the City of Gainesville
3 at least 5 days after the day the advertisement was published; and

4 **WHEREAS**, the Public Hearings were held pursuant to the published notice described at
5 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
6 heard;

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** Section (f) of Exhibit B of section 4 of Appendix A of the Land Development Code,
10 titled “Special Area Plan for the Traditional City Area Minimum Development Standards” is
11 amended as follows:

12 (f) *Definitions.*

13 “A” Street. A street that is designed with, or otherwise characterized by or planned to
14 include, features that promote the safety, comfort, and convenience of pedestrians, and
15 that does so in a relatively exceptional way, as determined by the city manager or
16 designee. Such streets typically feature sidewalks at least 5 feet wide, narrow streets,
17 buildings pulled up close to the street, no front yard off-street parking, pedestrian-scaled
18 lighting, on-street parking, landscaped medians, articulated building walls, aligned
19 building facades, a building entrance on the street, modest turning radii, trash receptacles
20 remote from the sidewalk, and outdoor mechanical equipment on the side, rear or roof of
21 buildings.

22 **Section 2.** The first paragraph of section (i)(2) of Exhibit B of section 4 of Appendix A of the
23 Land Development Code, titled “Special Area Plan for the Traditional City Area Minimum

1 Development Standards” is amended as follows. The remainder of section (i)(2) remains
2 unchanged.

3 (i) *Build-to line.*

4 (2) *Standard.* The *build-to line* (see Figure 9) shall be that which achieves the above-
5 stated intent, as determined by the appropriate reviewing board, city manager or designee,
6 and shall apply even if the *façade* faces a street outside of the overlay affected area.

7 Building walls along a street that are not within the overlay affected area that are entirely
8 more than 250 feet from the Traditional City shall be exempt from the *build-to line*
9 standard. If a portion of the wall along a street is within 250 feet, all of the wall is
10 affected by the standard. In most cases, the *build-to line* shall be 20 feet from the curb or
11 edge of pavement for at least 70 percent of the building *façade*. The *build-to line* shall
12 apply to the building *façade* even along street sides (except rear) not facing the more
13 primary street. Factors to be considered for variations to this *build-to line* shall be as
14 follows:

15 **Section 3.** Section (j)(2) of Exhibit B of section 4 of Appendix A of the Land Development
16 Code, titled “Special Area Plan for the Traditional City Area Minimum Development Standards”
17 is amended as follows:

18 (j) *Parking.*

19 (2) *Standard.*

20 a. No motor vehicle parking is required. All motor vehicle parking, except
21 for single-family dwellings, shall be located in the rear or interior side of the
22 building, or both (see figures 11, 11A, 11B and 14). No parking for motor
23 vehicles is allowed between the *build-to line* and the front property line, ~~except~~

1 that structured parking may be allowed in front if retail or office uses are provided
2 on the first floor abutting all public streets and sidewalks. (see Figure 12)

3 However, driveway entrances and exits to parking areas for motor vehicles shall
4 be allowed on the front side of the building. No parking lot areas shall extend for
5 a width of more than 70 feet along any street *frontage*, without a building, outdoor
6 café, or other vertically prominent and articulated pedestrian scale amenities
7 interrupting the parking streetscape. Parking areas for motor vehicles shall not
8 abut the more primary street intersection (see Figure 13) or occupy lots which
9 terminate a street vista. Structured parking may be allowed in front if retail, office
10 or residential uses are provided on the first floor abutting all public streets and
11 sidewalks. (see Figure 12). Parking for motor vehicles shall not be incorporated
12 into the first floor *façade* so that the first floor building space facing the *frontage*
13 consists of parking. In addition, stormwater basins shall not abut the more primary
14 street intersection.

15 b. When a parking area for motor vehicles is adjacent to a street, it shall be
16 buffered with a *screening wall* 3 feet to 4 feet in height in order to enclose the
17 portion of the parking exposed ~~at the front yard.~~ (see Figure 15) Alternatively,
18 landscaping 3 to 4 feet high may be used if it adequately defines the street corridor
19 and screens the parking area with a least 75 percent opacity. However, such walls
20 or landscaping must be broken up at intervals no greater than 50 feet to allow
21 pedestrian access. ~~Chain link fences are not permitted along a parking area or~~
22 ~~between buildings.~~

1 c. No parking area shall be larger than 1.5 acres in first floor area unless
divided by a street or building. In no case shall parking areas use more than 50
3 percent of the site. The minimum number of motor vehicle parking spaces
4 required by section 30-332 is the maximum number allowed. However, there
5 shall be no limit on the number of parking spaces in *parking structures*.

6 d. The Central City District Parking Exempt Area shall not apply to bicycle
7 parking in the Traditional City. Instead, bicycle parking spaces shall be installed
8 as called for by section 30-332(a) - (d). Such parking may encroach into the
9 public right-of-way or beyond the *build-to line* as long as at least 5 feet of
10 unobstructed sidewalk width and any required tree strip is retained. Bicycle
11 parking requirements may be waived if public bicycle parking exists to serve the
12 use. There is no maximum number of bicycle parking spaces that may be
13 provided.

14 **Section 4.** Section (k) of Exhibit B of section 4 of Appendix A of the Land Development Code,
15 titled "Special Area Plan for the Traditional City Area Minimum Development Standards" is
16 amended as follows:

17 (k) *Trash and recycling receptacles, and loading docks.*

18 (1) *Intent.* Trash and recycling receptacles, grease containers, and loading docks
19 typically provide an unsightly appearance and odor problem. Improperly located and
20 screened receptacles and docks can cause noise problems for nearby land uses when
21 receptacles and packages are being loaded or unloaded. Therefore, they should be located
22 as far from public sidewalks as possible and screened from view.

1 (2) *Standard.* If stored outside of the building, and if the building is not residential
2 only, all solid waste, recycling, and yard trash containers (except litter containers), and
3 grease containers, and loading docks shall be placed at the side or the rear of the building
4 and attached to that building with a enclosing wall, so that it is not visible from the street.
5 The enclosing wall shall not exceed 7 feet in height, and shall be finished or painted with
6 the same material as is used on the building. The enclosing wall shall be fitted with an
7 opaque sliding or hinged door and working latch. Loading docks shall be placed at the
8 side or rear of the building, and shall be screened from the street. If the building is
9 residential only, such containers shall be located in parking areas or in a location remote
10 from the streetside sidewalk. When in a parking area, solid waste, recycling, and yard
11 trash containers (except litter containers), and grease containers, ~~and loading docks~~ shall
12 be located in that portion of the parking area furthest from the streetside sidewalk, or at
13 least 20 feet from a streetside sidewalk. ~~(see figures 16 & 16A)~~ Such containers ~~Solid~~
14 ~~waste, recycling, and yard trash containers (except litter containers), grease containers,~~
15 ~~and loading docks~~ shall be screened to minimize sound to and visibility from abutting
16 streets or residences. “Trash Shacks,” a sealed and cooled self-compacting container,
17 may be used.

18 **Section 5.** Section (m)(2) of Exhibit B of section 4 of Appendix A of the Land Development
19 Code, titled “Special Area Plan for the Traditional City Area Minimum Development Standards”
20 is amended as follows:

21 (m) *Building orientation.*

22 (2) *Standard.* The *main entrance* of buildings shall be on the first floor on the more
23 primary street, even if the more primary street is outside of the overlay affected area. If

1 there is a prominent, publicly-accessible, scenic feature that is or will eventually be
2 regularly used by the public, as determined by the city manager or designee, on the side
3 opposite the street that the building must face, the building shall also face this feature
4 with a *main entrance*. The Building Orientation standard applies if a portion of the wall
5 along the more primary street outside of the overlay affected area is within 250 feet of the
6 overlay affected area. The *main entrance* shall not be oriented toward a parking lot.
7 Direct access to the building shall be provided from the street (see Figure 17). Buildings
8 on a corner lot or a lot fronting on two streets shall place the *main entrance* on the more
9 primary street, even if the more primary street is outside of the overlay affected area
10 (either street if they are similar) or at the corner of the intersection. This standard does
11 not preclude additional rear or side entrances facing parking areas.

12 **Section 6.** Section (n)(2)c. of Exhibit B of section 4 of Appendix A of the Land Development
13 Code, titled “Special Area Plan for the Traditional City Area Minimum Development Standards”
14 is amended as follows:

15 (n) *Building wall articulation.*

16 (2) *Standard.*

17 c. Front and side bBuilding walls ~~facing the more primary street~~ shall have
18 non-reflective, transparent windows or *glazed area* ~~covering at least 30 percent of~~
19 ~~the surface~~ at pedestrian level (between 3 feet above grade and 8 feet above grade)
20 on the first floor, even if the wall faces a street outside of the overlay affected
21 area. For front building walls, windows shall cover at least 30 percent of this
22 area. For side walls, windows shall cover at least 10 percent of this area.
23 However, side wall glazing is only required if the building is set back at least 3

1 feet from the side property line. Operable entrance doors shall be excluded from
2 the calculation of total *façade* surface area. Windows or *glazed areas* facing a
3 sidewalk on the first story of a commercial building shall use glass which is at least
4 80 percent transparent. Building walls along a street that is not within the overlay
5 affected area and that are entirely more than 250 feet from the Traditional City
6 shall be exempt from the Building Wall Articulation standard. If a portion of the
7 wall along a street is within 250 feet, all of the wall is affected by the standard.

8 **Section 7.** Section (p)(2)c. is created and added to Exhibit B of section 4 of Appendix A of the
9 Land Development Code, titled “Special Area Plan for the Traditional City Area Minimum
10 Development Standards” to read as follows:

11 (p) *Landscaping.*

12 (2) *Standard.*

13 c. Chain link fences, barbed wire, line-voltage electrified wire, and razor
14 wire fences are prohibited. The city manager or designee may waive the
15 prohibition on barbed wire or electrified fences due to public safety concerns.

16 **Section 8.** Section (r)(2) of Exhibit B of section 4 of Appendix A of the Land Development
17 Code, titled “Special Area Plan for the Traditional City Area Minimum Development Standards”
18 is amended as follows:

19 (r) *Prohibited uses.*

20 (2) *Standard.* The following uses are prohibited:

- 21 • Auto Dealers, Auto Service and Limited Auto Service (IN-5511, MG-753)
- 22 • Carwashes (IN-7542)
- 23 • Gas Service Stations (IN-5441)

- 1 • Parking Lots as the principal use, other than structured parking (IN-7521).

2 Any existing surface parking lot, whether currently a principal or accessory

3 use, may continue, and any existing accessory surface parking lot may be

4 converted to principal use.

- 5 • Outdoor Storage as the ~~principle~~ principal use
- 6 • *Freestanding retail* greater than 30,000 square feet in first floor area
- 7 • Gasoline pumps when accessory to a Food Store (MG-54)

8 **Section 9.** Section (s) is created and added to Exhibit B of section 4 of Appendix A of the Land
9 Development Code, titled “Special Area Plan for the Traditional City Area Minimum
10 Development Standards” to read as follows:

11 (s) *Specially regulated uses.*

12 (1) *Intent.* Certain uses decrease sidewalk vitality, and are so exclusively oriented
13 toward or designed to attract motor vehicles, that they tend to contribute to visual blight
14 and a lack of human scale for a traditional area. Such uses require special review within
15 the Traditional City area.

16 (2) *Standard.* The following uses are allowed by special use permit.

- 17 • Drive-throughs. In addition to conforming to the provisions of the
18 Transportation Concurrency Exception Area, drive-throughs
19 a. shall not have an entrance or exit onto an “A” street;
20 b. shall have only one drive-through lane; and
21 c. shall be located at the rear or side of the building.

1 **Section 10.** Section (t) is created and added to Exhibit B of section 4 of Appendix A of the Land
2 Development Code, titled “Special Area Plan for the Traditional City Area Minimum
3 Development Standards” to read as follows:

4 (t) Minimum lot width.

5 (1) Intent. Relatively narrow lots enhance the comfort and convenience of
6 pedestrians by reducing walking distance and increasing interest and activity along the
7 sidewalk.

8 (2) Standard. The minimum lot width at the build-to line shall be

9 18 feet for lots with alley access;

10 36 feet for lots without alley access; and

11 24 feet for lots with a shared driveway.

12 **Section 11.** Section (u) is created and added to Exhibit B of section 4 of Appendix A of the Land
13 Development Code, titled “Special Area Plan for the Traditional City Area Minimum
14 Development Standards” to read as follows:

15 (u) Building coverage.

16 (1) Intent. Without a minimum parking requirement, a maximum building coverage
17 creates an incentive for informal, undesirable and unsanctioned off-street parking.

18 Landscape, stormwater and setback rules already provide sufficient limitations on
19 building coverage. In addition, the lack of a minimum parking requirement provides an
20 added incentive and opportunity to construct more building square footage, which is
21 beneficial for transit and walking.

22 (2) Standard. There shall be no maximum building coverage in the Traditional City.

23 **Section 12.** Section 30-332(e)(3) of the Land Development Code is amended to read as follows:

1 **Sec. 30-332. Required number of parking spaces.**

(e) *Central City District (CCD):*

	<i>Use</i>	<i>Number of vehicle spaces</i>	<i>Number of bicycle spaces</i>
3	(3) Exempt area: See map included as Appendix C of this Chapter. Development of property within this area shall be undertaken so as not to reduce the number of existing parking spaces.		<u>10 percent of number of vehicle parking spaces. Requirement waived if city manager or designee determines there is insufficient sidewalk or lot space to install bicycle parking. There is no maximum number of bicycle spaces.</u>

14 **Section 13.** The initial paragraph of section 30-341(a) of the Land Development Code is amended to
15 read as follows. The remainder of section 30-341(a) remains unchanged.

16 **Sec. 30-341. Vision triangle.**

17 (a) In all zoning districts, with the exception of the Traditional City where the AASHTO standard is
18 acceptable, it shall be unlawful to construct, erect, place, grow, maintain, or allow to be constructed,
19 erected, placed, grown or maintained any building, structure, fence, wall, sign, canopy, vegetation or
20 obstruction of any kind within the vision triangle on any property which is located at the corner of
21 intersecting roadways, which is described as follows:

22 **Section 14.** The Special Area Plan for Traditional City overlay district is removed from certain property
23 commonly known as College Park and University Heights. The map attached as Exhibit A is adopted as
24 the map of the Traditional City Area.

25 **Section 15.** The map attached as Exhibit B is adopted to show the streets designated as “A” Streets, as
26 defined and regulated by the Special Area Plan of the Traditional City.

27 **Section 16.** It is the intention of the City Commission that the provisions of Sections 1 through
28 13 and the maps adopted in sections 14 and 15 of this ordinance shall become and be made a part

1 of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and
2 Paragraphs of this ordinance may be renumbered or relettered in order to accomplish such
3 intentions.

4 **Section 17.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
5 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
6 the validity of the remaining portions of this ordinance.

7 **Section 18.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
8 conflict hereby repealed.

9 **Section 19.** This ordinance shall become effective immediately upon final adoption.

10 **PASSED AND ADOPTED** this _____ day of _____, 2000.

11
12
13 _____
14 PAULA M. DeLANEY
15 MAYOR

16 ATTEST:

Approved as to form and legality

17
18
19 _____
20 KURT M. LANNON
21 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

22 This Ordinance passed on first reading this 9th day of October, 2000.

23 This Ordinance passed on second reading this 23rd day of October, 2000.

24
25 carter:ordinances:119TCH-00PB