

ORDINANCE NO. 041058
0-05-73

An ordinance of the City of Gainesville, Florida, creating new zoning district categories in the Land Development Code, called Urban Mixed-Use 1 (UMU-1: up to 75 units/acre) and Urban Mixed-Use 2 (UMU-2: up to 100 units/acre); providing regulations for UMU-1 and UMU-2; allowing up to an additional 25 units per acre with a special use permit; providing directions to the city manager; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

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

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on May 19, 2005; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Commission on June 13, 2005; and

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

WHEREAS, a second advertisement no less than 2 columns wide by 10 inches long was placed in the same newspaper notifying the public of the second Public Hearing to be held at the adoption stage at least 5 days after the day this advertisement was published; and

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

1 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
2 **CITY OF GAINESVILLE, FLORIDA:**

3 **Section 1.** A new section 30-65.1, entitled “Urban mixed-use district 1 (UMU-1),” is
4 created and added to the City of Gainesville Land Development Code to read as follows:

5 **Sec. 30-65.1 Urban mixed-use district 1 (UMU-1).**

6 (a) Purpose. The UMU-1 district is created to promote and encourage redevelopment of
7 urban corridors and neighborhoods in the core of the city and to reflect the character and scale of
8 the existing developments in the neighborhoods. The UMU-1 district is intended to encourage
9 pedestrian access and the combining of trips and is established to allow uses compatible with each
10 other and with surrounding residential areas which are consistent with the land use policies stated
11 in the comprehensive plan. This district will also allow for establishments engaged in
12 conducting research and experimental development in the physical, engineering or life sciences, in
13 order to facilitate technology transfer from institutions of higher learning to the market place.

14 (b) Objectives. The objectives of this district are to:

- 15 (1) Provide a mixture of residential, commercial and office/research uses that are
16 complementary to the residential and mixed-use character of the district;
17 (2) Encourage the renovation of existing structures;
18 (3) Promote the integration of pedestrian traffic and vehicular traffic;
19 (4) Promote retail and office uses that serve the surrounding neighborhoods; and
20 (5) Promote office/research uses to serve the needs of the University and the community.

21 (c) Permitted uses.

22 (1) Uses by right are as follows:

<u>Sic</u>	<u>Uses</u>	<u>Conditions</u>
	<u>Single-family dwellings</u>	
	<u>Row houses</u>	
	<u>Multifamily dwellings</u>	
	<u>Incidental residential accessory uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the developments and their guests.</u>	
	<u>Dormitory</u>	<u>Must not abut property designated single-family on the future land use map</u>
	<u>Rooming houses and Boarding houses</u>	<u>In accordance with article VI</u>
	<u>Consolidated apartment management offices</u>	<u>In accordance with article II</u>
	<u>Bed and breakfast establishment</u>	<u>In accordance with article VI</u>
	<u>Community residential homes with 14 or fewer residents</u>	<u>When part of a permitted single-family or multi-family residential component and in accordance with article VI</u>
	<u>Community residential homes with more than 14 residents</u>	<u>In accordance with article VI</u>
	<u>Adult day care homes</u>	<u>In accordance with article VI</u>
	<u>Family day care homes</u>	<u>In accordance with article VI</u>
	<u>Day care center</u>	<u>In accordance with article VI</u>
	<u>Places of religious assembly</u>	<u>In accordance with article VI</u>
	<u>Public service vehicles</u>	<u>In accordance with article VI</u>
	<u>Outdoor cafes</u>	<u>As defined in article II and in accordance with article VI</u>

	<u>Eating Places</u>	
	<u>Repair services for household needs</u>	<u>As defined in article II</u>
	<u>Specialty T-shirt production</u>	<u>As defined in article II</u>
	<u>Limited Automotive Services</u>	<u>In accordance with article VI</u>
	<u>Rehabilitation Centers</u>	<u>In accordance with article VI</u>
	<u>Research and Development in the Physical, Engineering and Life Sciences.</u>	<u>Research and Development in the Physical, Engineering and Life Sciences, defined as establishments primarily engaged in conducting research and experimental development in the physical, engineering, or life sciences, such as agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forest, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects (NAICS 2002- 541710).</u>
<u>GN-074</u>	<u>Veterinary services</u>	<u>Only within enclosed buildings and in accordance with article VI</u>
<u>GN-078</u>	<u>Landscape and horticultural services</u>	
<u>MG-43</u>	<u>U. S. Postal Service</u>	
<u>GN-471</u>	<u>Arrangement of passenger transportation</u>	<u>Offices only, with not operation of passenger tours on site.</u>
<u>GN-483</u>	<u>Radio and television broadcasting stations</u>	<u>Accessory transmission, re-transmission, and microwave towers up to and including 100 feet in height in accordance with article VI, excluding cellular telephone services.</u>
<u>GN-523</u>	<u>Paint, Glass, and Wallpaper Stores</u>	
<u>GN-525</u>	<u>Hardware Stores</u>	

<u>GN-526</u>	<u>Retail Nurseries, Lawn and Garden Supply.</u>	
<u>MG-53</u>	<u>General Merchandise Stores</u>	
<u>MG-54</u>	<u>Food Stores</u>	
<u>MG-56</u>	<u>Apparel and Accessory Stores</u>	
<u>MG-57</u>	<u>Home Furniture, Furnishing, and Equipment Stores</u>	
<u>MG-59</u>	<u>Miscellaneous Retail</u>	<u>Excluding GN598 Fuel Dealers</u>
<u>Div. H</u>	<u>Finance, insurance and real estate</u>	<u>Excluding cemetery subdividers and developer (IN-6553)</u>
<u>MG-72</u>	<u>Personal services</u>	<u>Including funeral services and crematories in accordance with article VI and excluding industrial laundries (IN-7218)</u>
<u>MG-73</u>	<u>Business services</u>	<u>Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN7353), and equipment rental and leasing, not elsewhere classified (IN-7359)</u>
<u>GN-701</u>	<u>Hotels and Motels</u>	
<u>GN-752</u>	<u>Automobile Parking</u>	<u>Structured parking only, and not within 100 feet of property designated for single-family use</u>
<u>MG-78</u>	<u>Motion Picture</u>	
<u>MG-79</u>	<u>Amusement and Recreation Service</u>	<u>Only within enclosed structures, and excluding go-cart rental and raceway operations and also excluding commercial sports</u>
<u>MG-80</u>	<u>Health Services</u>	
<u>MG-81</u>	<u>Legal Services</u>	
<u>MG-82</u>	<u>Educational Services</u>	

<u>MG-83</u>	<u>Social Services</u>	
<u>MG-84</u>	<u>Museums, Art Galleries, And Botanical and Zoological Gardens</u>	
<u>MG-86</u>	<u>Membership Organization</u>	
<u>MG-87</u>	<u>Engineering, Accounting, Research, Management, and Related Services</u>	

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(2) Use by special use permit:

	<u>Alcoholic beverage establishments in accordance Article VI.</u>	
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(d) Dimensional requirements. All principal and accessory structures shall be located and constructed in accordance with the following requirements:

(1) Nonresidential and vertically mixed-use buildings.

<u>Minimum lot area</u>	<u>5,000 sq. ft.</u>
<u>Minimum lot width</u>	<u>50 sq. ft.</u>
<u>Minimum lot depth</u>	<u>90 ft.</u>
<u>Minimum yard setbacks:</u>	
<u>Front</u>	<u>The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.</u>
<u>Side (interior)</u>	<u>7.5 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land use map.</u>
<u>Side (street)</u>	<u>The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.</u>
<u>Rear</u>	<u>20ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land use map.</u>

Maximum lot coverage	None
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(2) Single-family dwellings. These structures shall be located on lots meeting the minimum dimensions as shown below. This section is specifically designed to allow for zero lot line housing and other unique single-family designs, as well as conventional single-family housing. It allows for smaller, relatively narrow lots, as compared to other districts permitting single-family use, and provides for flexibility in design concepts, which are compatible with existing uses in the area.

a. Minimum lot area: 3,600 square feet.

b. Minimum lot depth: 90 feet.

c. Minimum yard setbacks

1. Side: 5 feet (except that, where adjoining lots are developed at the same time under single ownership, one side of each lot may have no yard setback if the setback for the adjoining yard is at least ten feet).

2. Rear: 20 feet.

d. Minimum yard setbacks for accessory structures: 5 feet for rear; same as principal building for sides.

(3) Two-family dwellings and Rowhouses.

	<u>Rowhouses</u>	<u>Two-Family Dwellings</u>
<u>1. Minimum lot depth</u>	<u>90ft.</u>	<u>90ft.</u>
<u>2. Minimum lot area</u>	<u>1,800sq. ft. per unit</u>	<u>3, 150 sq.ft.</u>
<u>3. Minimum yard setbacks:</u>		

i. Side	10ft. on ends of row	
ii. Rear	15ft.	20ft.
4. Minimum yard setbacks for accessory structures	5 ft. for rear; same as principal building for sides	5 ft. for rear; same as principal building for sides

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(4) Multi-family dwellings.

<u>Allowable density</u>	Up to 75 units per acre; an additional 25 units may be added by special use permit.
<u>Maximum density by right</u>	75du/acre; an additional 25 units may be added by special use Permit.
<u>Minimum lot area</u>	5,000 sq. ft.
<u>Minimum Lot width</u>	50 sq. ft.
<u>Minimum lot depth</u>	90ft.
<u>Minimum yard setbacks:</u>	
<u>Front</u>	The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.
<u>Side (interior)</u>	7.5 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land use map.
<u>Side (street)</u>	The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.
<u>Rear</u>	20 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land use map.
<u>Maximum lot coverage</u>	80%
<u>Building height</u>	Minimum: 2 stories. Maximum: 6 stories; up to 8 stories by special use permit.

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Accessory Structures

<u>Minimum setbacks (excluding walls and fences):</u>	
<u>Front</u>	Same requirement as for principal structure
<u>Side (interior)</u>	5 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land use map.
<u>Side (street)</u>	5ft.

Rear	5 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land use map.
Maximum building height	35ft.

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(5) Building height. A minimum of 2 stories. A maximum of 8 Stories;

however, the height of buildings located within 50 feet of property designated Single-Family or Residential Low-Density on the future land use map shall not exceed 6 stories.

A special use permit is required for any height over 6 stories. In addition to the criteria listed at Section 30-233, a special use permit for buildings over 6 stories shall meet the following criteria:

a. No more than 150 ft. of horizontal first story facade will be allowed without an entrance, which is defined to be an operable door;

b. Sidewalks along the street edge shall be at least 10 ft. wide;

c. There is at least 80% building lot frontage;

d. The first story is at least 10 ft. in floor to ceiling height; and

e. The first story contains only retail, service, and/or restaurant uses when the first story fronts an "A" street or other primary street or streets as determined by the City Manager or designee or appropriate reviewing board.

(e) Additional requirements.

(1) General conditions. All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-67 and Article IX.

(2) When the development is located in a Special Area Plan Overlay District. If the provisions of the Special Area Plan conflict with the underlying zoning, the provisions of the

1 Special Area Plan shall govern and prevail. The effect of the classification is that the Special area
2 Plan is the applicable set of regulations. The underlying zoning and provisions of the Land
3 Development Code shall apply when the Special Area Plan does not address a requirement.

4 (3) *Projections over right-of-way.* Projections may project over any public right-of-way used
5 for sidewalks or other pedestrian walkways when in conformance with the Florida
6 Building Code and when permitted by the public entity responsible for the right-of-way by the
7 granting of an easement or other appropriate property right.

8 (f) *General requirements.* All structures and uses within this district shall also comply with the
9 applicable requirements and conditions of section 30-67 and Article IX.

10 **Section 2.** A new section 30-65.2, entitled “Urban mixed-use district 2 (UMU-2)”, is created
11 and added to the City of Gainesville Land Development Code to read as follows:

12 **Sec. 30-65.2. Urban mixed-use district 2 (UMU-2).**

13 (a) *Purpose.* The UMU-2 district is created to promote and encourage redevelopment of urban
14 corridors and neighborhoods in the core of the city and to reflect the character and scale of the existing
15 developments in the neighborhoods. The UMU-2 district is intended to encourage pedestrian access and
16 the combining of trips and is established to allow uses compatible with each other and with surrounding
17 residential areas which are consistent with the land use policies of the comprehensive plan. This
18 district will also allow for establishments engaged in conducting research and experimental
19 development in the physical, engineering or life sciences, in order to facilitate technology transfer from
20 institutions of higher learning to the market place.

21 (b) *Objectives.* The objectives of this district are to:

22 (1) Provide a mixture of residential, commercial and office/research uses that are
23 complementary to the residential and mixed-use character of the district;

- 1 (2) Encourage the renovation of existing structures;
- 2 (3) Promote the integration of pedestrian traffic and vehicular traffic;
- 3 (4) Promote retail and office uses that serve the surrounding neighborhoods; and
- 4 (5) Promote office/research uses that serve the needs of the University and the community.
- 5 (c) Permitted uses.
- 6 (1) Uses by right are as follows:

<u>Sic</u>	<u>Uses</u>	<u>Conditions</u>
	<u>Single-family dwellings</u>	
	<u>Row houses</u>	
	<u>Multifamily dwellings(up to 100 units per acre).</u>	
	<u>Incidental residential accessory uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the developments and their guests.</u>	
	<u>Dormitory</u>	<u>Must not abut property designated single-family on the future land use map</u>
	<u>Rooming houses and Boarding houses</u>	<u>In accordance with article VI</u>
	<u>Consolidated apartment management offices</u>	<u>In accordance with article II</u>
	<u>Bed and breakfast establishment</u>	<u>In accordance with article VI</u>
	<u>Community residential homes with 14 or fewer residents</u>	<u>When part of a permitted single-family or multi-family residential component and in accordance with article VI</u>
	<u>Community residential homes with more than 14 residents</u>	<u>In accordance with article VI</u>
	<u>Adult day care homes</u>	<u>In accordance with article VI</u>
	<u>Family day care homes</u>	<u>In accordance with article VI</u>
	<u>Day care center</u>	<u>In accordance with article VI</u>
	<u>Places of religious assembly</u>	<u>In accordance with article VI</u>
	<u>Public service vehicles</u>	<u>In accordance with article VI</u>
	<u>Outdoor cafes</u>	<u>As defined in article II and in accordance with article VI</u>
	<u>Eating Places</u>	
	<u>Repair services for household needs</u>	<u>As defined in article II</u>

	<u>Specialty T-shirt production</u>	<u>As defined in article II</u>
	<u>Limited Automotive Services</u>	<u>In accordance with article VI</u>
	<u>Rehabilitation Centers</u>	<u>In accordance with article VI</u>
	<u>Research and Development in the Physical, Engineering and Life Sciences.</u>	<u>Research and Development in the Physical, Engineering and Life Sciences, defined as establishments primarily engaged in conducting research and experimental development in the physical, engineering, or life sciences, such as agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forest, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects (NAICS 1997- 541710).</u>
<u>GN-074</u>	<u>Veterinary services</u>	<u>Only within enclosed buildings and in accordance with article VI</u>
<u>GN-078</u>	<u>Landscape and horticultural services</u>	
<u>MG-43</u>	<u>U. S. Postal Service</u>	
<u>GN-471</u>	<u>Arrangement of passenger transportation</u>	<u>Offices only, with not operation of passenger tours on site.</u>
<u>GN-483</u>	<u>Radio and television broadcasting stations</u>	<u>Accessory transmission, re-transmission, and microwave towers up to and including 100 feet in height in accordance with article VI, excluding cellular telephone services.</u>
<u>GN-523</u>	<u>Paint, Glass, and Wallpaper Stores</u>	
<u>GN-525</u>	<u>Hardware Stores</u>	
<u>GN-526</u>	<u>Retail Nurseries, Lawn and Garden Supply.</u>	
<u>MG-53</u>	<u>General Merchandise Stores</u>	
<u>MG-54</u>	<u>Food Stores</u>	
<u>MG-56</u>	<u>Apparel and Accessory Stores</u>	
<u>MG-57</u>	<u>Home Furniture, Furnishing, and Equipment</u>	

	<u>Stores</u>	
<u>MG-59</u>	<u>Miscellaneous Retail</u>	<u>Excluding GN598 Fuel Dealers</u>
<u>Div. H</u>	<u>Finance, insurance and real estate</u>	<u>Excluding cemetery subdividers and developer (IN-6553)</u>
<u>MG-72</u>	<u>Personal services</u>	<u>Including funeral services and crematories in accordance with article VI and excluding industrial laundries (IN-7218)</u>
<u>MG-73</u>	<u>Business services</u>	<u>Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN7353), and equipment rental and leasing, not elsewhere classified (IN-7359)</u>
<u>GN-701</u>	<u>Hotels and Motels</u>	
<u>GN-752</u>	<u>Automobile Parking</u>	<u>Structured parking only, and not within 100 feet of property designated for single-family use</u>
<u>MG-78</u>	<u>Motion Picture</u>	
<u>MG-79</u>	<u>Amusement and Recreation Service</u>	<u>Only within enclosed structures, and excluding go-cart rental and raceway operations and also excluding commercial sports</u>
<u>MG-80</u>	<u>Health Services</u>	
<u>MG-81</u>	<u>Legal Services</u>	
<u>MG-82</u>	<u>Educational Services</u>	
<u>MG-83</u>	<u>Social Services</u>	
<u>MG-84</u>	<u>Museums, Art Galleries, And Botanical and Zoological Gardens</u>	
<u>MG-86</u>	<u>Membership Organization</u>	
<u>MG-87</u>	<u>Engineering, Accounting, Research, Management, and Related Services</u>	

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(2) Use by special use permit:

	<u>Alcoholic beverage establishments in</u>	
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	accordance with Article VI.	
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(d) Dimensional requirements. All principal and accessory structures shall be located and constructed in accordance with the following requirements:

(1) Nonresidential and vertically mixed-use buildings.

<u>Minimum lot area</u>	<u>5,000 sq. ft.</u>
<u>Minimum lot width</u>	<u>50 sq. ft.</u>
<u>Minimum lot depth</u>	<u>90 ft.</u>
<u>Minimum yard setbacks:</u>	
<u>Front</u>	<u>The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.</u>
<u>Side (interior)</u>	<u>7.5 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land use map.</u>
<u>Side (street)</u>	<u>The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.</u>
<u>Rear</u>	<u>20 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land use map.</u>
<u>Maximum lot coverage</u>	<u>N/A</u>

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(2) Single-family dwellings. These structures shall be located on lots meeting the minimum dimensions as shown below. This section is specifically designed to allow for zero lot line housing and other unique single-family designs, as well as conventional single-family housing. It allows for smaller, relatively narrow lots, as compared to other districts permitting single-family use, and provides for flexibility in design concepts, which are compatible with existing uses in the area.

a. Minimum lot area: 3,600 square feet.

1 b. Minimum lot depth: 90 feet.

2 c. Minimum yard setbacks

3 1. Side: 5 feet (except that, where adjoining lots are developed at the
4 same time under single ownership, one side of each lot may have no yard
5 setback if the setback for the adjoining yard is at least ten feet).

6 2. Rear: 20 feet.

7 d. Minimum yard setbacks for accessory structures: 5 feet for rear; same as
8 principal building for sides.

9 (3) Two-family dwellings and Rowhouses.

	<u>Rowhouses</u>	<u>Two-Family Dwellings</u>
<u>1. Minimum lot depth</u>	<u>90ft.</u>	<u>90ft.</u>
<u>2. Minimum lot area</u>	<u>1,800sq. ft. per unit</u>	<u>3, 150 sq.ft.</u>
<u>3. Minimum yard setbacks:</u>		
<u>i. Side</u>	<u>10ft. on ends of row</u>	
<u>ii. Rear</u>	<u>15ft.</u>	<u>20ft.</u>
<u>4. Minimum yard setbacks for accessory structures</u>	<u>5 ft. for rear; same as principal building for sides</u>	<u>5 ft. for rear; same as principal building for sides</u>

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(4) Multi-family dwellings.

<u>Allowable density</u>	<u>Up to 100 units per acre; an additional 25 units per acre may be added by special use permit</u>
<u>Maximum density by right</u>	<u>100du/acre; an additional 25 units may be added by special use permit.</u>
<u>Minimum lot area</u>	<u>5,000 sq. ft.</u>
<u>Minimum Lot width</u>	<u>50 sq. ft.</u>
<u>Minimum lot depth</u>	<u>90ft.</u>
<u>Minimum yard setbacks:</u>	

<u>Front</u>	<u>The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.</u>
<u>Side (interior)</u>	<u>7.5 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future</u>
<u>Side (street)</u>	<u>The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.</u>
<u>Rear</u>	<u>20 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future</u>
<u>Maximum lot coverage</u>	<u>80%</u>
<u>Building height</u>	<u>Minimum: 2 stories. Maximum: 6 stories; up to 8 stories by special use permit.</u>

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Accessory Structures

<u>Minimum setbacks (excluding walls and fences):</u>	
<u>Front</u>	<u>Same requirement as for principal structure</u>
<u>Side (interior)</u>	<u>5 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land</u>
<u>Side (street)</u>	<u>5ft.</u>
<u>Rear</u>	<u>5 ft., or 25 ft. when abutting property designated Single-Family or Residential Low-Density on the future land</u>
<u>Maximum building height</u>	<u>35ft.</u>

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5 (5) Building height. A minimum of 2 stories. A maximum of 8 Stories; however, the
6 height of buildings located within 50 feet of property designated Single-Family or
7 Residential Low-Density on the future land use map shall not exceed 6 stories. A special
8 use permit is required for any height over 6 stories. In addition to the criteria listed at
9 Section 30-233, a special use permit for buildings over 6 stories shall meet the following
10 criteria:

- 1 a. No more than 150 ft. of horizontal first story façade will be allowed without an
2 entrance, which is defined to be an operable door;
- 3 b. Sidewalks along the street edge shall be at least 10 ft. wide;
- 4 c. There is at least 80% building lot frontage;
- 5 d. The first story is at least 10 ft. in floor to ceiling height; and
- 6 e. The first story contains only retail, service, and/or restaurant uses when the first story
7 fronts an "A" street or other primary street or streets as determined by the City Manager
8 or designee or appropriate reviewing board.

9 (e) *Additional requirements.*

10 (1) *General conditions.* All structures and uses within this district shall also comply with the
11 applicable requirements and conditions of section 30-67 and Article IX.

12 (2) *When the development is located in a Special Area Plan Overlay District.* If the
13 provisions of the Special Area Plan conflict with the underlying zoning, the provisions of the
14 Special Area Plan shall govern and prevail. The effect of the classification is that the Special area
15 Plan is the applicable set of regulations. The underlying zoning and provisions of the Land
16 Development Code shall apply when the Special Area Plan does not address a requirement.

17 (3) *Projections over right-of-way.* Projections may project over any public right-of-way used
18 for sidewalks or other pedestrian walkways when in conformance with the Florida
19 Building Code and, when permitted by the public entity responsible for the right-of-way by the
20 granting of an easement or other appropriate property right.

21 (f) *General requirements.* All structures and uses within this district shall also comply with the
22 applicable requirements and conditions of section 30-67 and Article IX.

23

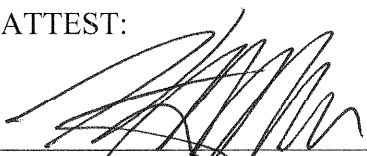
1 **Section 3.** It is the intention of the City Commission that the provisions of Section 1 and
2 Section 2 shall become and be made a part of Land Development Code of the City of
3 Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be renumbered
4 or relettered in order to accomplish such intentions.


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

8 **Section 5.** This ordinance shall become effective immediately upon final adoption.

9
10 **PASSED AND ADOPTED** this 28th day of November, 2005.
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12
13

14 
15 _____
16 PEGEEN HANRAHAN
17 MAYOR

18
19 ATTEST:
20 
21 _____
22 KURT M. LANNON
23 CLERK OF THE COMMISSION
24

Approved as to form and legality
25 
26 _____
27 MARION J. RADSON
28 CITY ATTORNEY
NOV 29 2005

25 This Ordinance passed on first reading this 14th day of November, 2005.

26 This Ordinance passed on second reading this 28th day of November, 2005.