



# MEMORANDUM

Office of the City Attorney

Registrar No. 002469

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

TO: Mayor and City Commission

MARCH 17, 2003  
DATE: ~~February 24, 2003~~  
~~XXXXXXXXXXXX~~

FROM: City Attorney

SECOND READING

SUBJECT: Ordinance No. 0-03-26; Petition No. 21TCH-02PB  
An ordinance of the City of Gainesville, Florida, relating to compatibility of medium and high-density multi-family development with abutting single-family property; amending section 30-53 (multi-family medium density residential districts) providing setback and height requirements; amending subsection 30-55(e) (residential high density districts) providing setback and height requirements; adding and creating subsections (j) and (k) to section 30-56 (general provisions for residential districts) providing additional requirements for medium and high density multi-family developments when abutting single family property or abutting PS or CON zoning that abuts single family property; amending subsection 30-64(c)(1) (mixed use low intensity district) to require certain developments to comply with RMF-6 and section 30-56 regulations; amending subsection 30-64(d)(1) requiring certain developments to comply with RMF-6 and section 30-56 regulations; amending subsection 30-64(e) providing certain developments to comply with section 30-56 regulations; amending subsection 30-65(c) (mixed use medium intensity district) requiring certain developments to comply with section 30-56 regulations; amending subsection 30-65(d)(1) requiring certain developments to comply with RMF-7 and section 30-56 regulations; amending subsection 30-65(e)(2) requiring certain developments to comply with RMF-7 and section 30-56 regulations and include increased buffers; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

There has been increasing concern about the impacts of multi-family development in single-family neighborhoods. In particular, there is the issue of multi-family development compatibility when abutting properties designated single-family on the Future Land Use Map.

Staff proposes several additions to the Land Development Code to enhance compatibility of new multi-family development with abutting single-family properties. The additions will regulate building height and number of stories, setbacks, buffering, uses allowed within setbacks and buffers, and parking.

For the purposes of this petition, it is useful to mention two terms defined by the Land Development Code. These are: "Abut" and "Abutting property." "Abut" means to physically touch or border upon, or to share a common property line. "Abutting property" means property that is immediately adjacent to or contiguous with property regulated by this chapter.

The City Plan Board first reviewed the petition and heard citizen comments on March 21, 2002 and voted 7-0 to continue the petition and requested that staff rework the petition to consider Board concerns. Staff presented a revised version of the petition at the April 18, 2002 Plan Board meeting. The Board heard citizen comment and voted 4-1 to approve the petition with two amendments.

The City Commission heard the petition on July 22, 2002 and voted 4-1 to refer the petition back to the City Plan Board, with no specific recommendations for changes to the petition.

On September 19, 2002, the City Plan Board reconsidered the petition, with recommended additions concerning properties where Public Service or Conservation zoning intervenes between the single-family and medium or high density multi-family parcels. The Plan Board heard citizen comment and continued the petition to their October 17, 2002 meeting.

At the October 17, 2002 City Plan Board meeting, the board approved the petition 4-1 with four recommended amendments, which are listed in the Recommendation.


Public notice was published in the Gainesville Sun on October 1, 2002. The Plan Board held a public hearing October 17, 2002. The City Commission approved the Petition on January 13, 2003.

Fiscal Note. None

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If the Commission adopts the ordinance on first reading, the second and final reading will be held on Monday, March 17, 2003.

Prepared and  
Submitted by:

  
\_\_\_\_\_  
Marion J. Radson,  
City Attorney

MJR:sw

PASSED ON FIRST READING BY A VOTE OF 3-1.

ORDINANCE NO. 0-03-26

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An ordinance of the City of Gainesville, Florida, relating to compatibility of medium and high-density multi-family development with abutting single-family property; amending section 30-53 (multi-family medium density residential districts) providing setback and height requirements; amending subsection 30-55(e) (residential high density districts) providing setback and height requirements; adding and creating subsections (j) and (k) to section 30-56 (general provisions for residential districts) providing additional requirements for medium and high density multi-family developments when abutting single family property or abutting PS or CON zoning that abuts single family property; amending subsection 30-64(c)(1) (mixed use low intensity district) to require certain developments to comply with RMF-6 and section 30-56 regulations; amending subsection 30-64(d)(1) requiring certain developments to comply with RMF-6 and section 30-56 regulations; amending subsection 30-64(e) providing certain developments to comply with section 30-56 regulations; amending subsection 30-65(c) (mixed use medium intensity district) requiring certain developments to comply with section 30-56 regulations; amending subsection 30-65(d)(1) requiring certain developments to comply with RMF-7 and section 30-56 regulations; amending subsection 30-65(e)(2) requiring certain developments to comply with RMF-7 and section 30-56 regulations and include increased buffers; providing directions to the codifier; providing a severability clause; providing a repealing 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 October 17, 2002; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on January 13, 2003; and



Minimum lot area:				
	Single-family (SF)	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
	Multiple-family	8,700 sq. ft.	7,500 sq. ft.	7,500 sq. ft.
Minimum lot width at minimum front yard setback:				
	Single-family	50'	50'	50'
	Multiple-family	75'	75'	75'
Minimum lot depth		90'	90'	90'
Minimum yard setbacks:				
	(For SF):			
	Front	20'	20'	20'
	Side (interior)	7.5'	7.5'	7.5'
	Side (street)	15'	15'	15'
	Rear	20'	20'	20'
	Multiple-family	See <sup>1</sup>	See <sup>1</sup>	See <sup>1</sup>
Maximum building height (for SF)		35'	35'	35'
Maximum floor area ratio (for SF)		0.40	0.40	0.40
Maximum lot coverage		35%	35%	35%

<sup>1</sup> Angle of light obstruction: 45 degrees. Minimum building setback is 20 25 feet from any property line abutting a street or land which is in an RC, RSF-1, RSF-2, RSF-3 or RSF-4 district, or which is shown for single-family residential use on the future land use ~~element~~ map of the comprehensive plan. Maximum building height for multiple-family buildings within 100 feet of abutting land designated single-family on the Future Land Use Map is 35 ft. (in a maximum of two stories).

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<sup>2</sup> Parcels 0.5 acres or smaller existing on November 13, 1991, are exempt from minimum density requirements.

### Accessory Structures for RMF-6, RMF-7 and RMF-8

Minimum front and side yard setbacks	Same requirements as for the principal structure, excluding fences and walls.
Minimum yard setback, rear	<u>15' or 25' when abutting abutting property designated single-family on the future land use map</u>
Maximum building height	25'
Transmitter towers <sup>1</sup>	80'

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<sup>1</sup> In accordance with Article VI.

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**Section 2.** Subsection 30-55(e) of the Land Development Code is amended to read as

5

follows:

1 **Sec. 30-55. Residential high density districts (RH-1 and RH-2).**

2 (e) *Dimensional requirements for multiple-family and accessory structures.* All  
 3 principal and accessory structures shall be located and constructed in accordance with the  
 4 following requirements:  
 5

### PRINCIPAL STRUCTURES

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	RH-1	RH-2
Allowable density	8-43 du/a	8-100 du/a
Maximum density by right	20 du/a	80 du/a
Allowable density with bonus points	per requirements stated in sec. 30-55(d)	per requirements stated in sec. 30-55(d)
Maximum FAR	per requirements stated in sec. 30-55(d)	per requirements stated in sec. 30-55(d)
Minimum lot area	5,000 sq. ft.	5,000 sq. ft.
Minimum lot width	50 ft.	50 ft.
Minimum lot depth	90 ft.	90 ft.
Minimum yard setbacks		
Front	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.	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.
Side (interior)	<u>7.5 ft., or 25 ft. when abutting property designated single-family on the future land use map</u>	<u>7.5 ft., or 25 ft. when abutting property designated single-family on the future land use map</u>
Side (street)	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.	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.
Rear	<u>20 ft., or 25 ft. when abutting property designated single-family on the future land use map</u>	<u>20 ft., or 25 ft. when abutting property designated single-family on the future land use map</u>
Maximum lot coverage	N/A	N/A
Maximum building height for MF buildings within 100 feet of abutting property designated single-family on the future land use map	35 ft. (in a maximum of two stories)	35 ft. (in a maximum of two stories)

### ACCESSORY STRUCTURES<sup>1</sup>

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	RH-1	RH-2
Minimum setbacks (excluding fences and walls)		
Front	Same requirement as for principal structure	Same requirement as for principal structure
Side (interior)	<u>5 ft., or 25 ft. when abutting property designated single-family on the future land use map</u>	<u>5 ft., or 25 ft. when abutting property designated single-family on the future land use map</u>
Side (street)	5 ft.	5 ft.

Rear	5 ft., or 25 ft. when abutting property designated single-family on the future land use map	5 ft., or 25 ft. when abutting property designated single-family on the future land use map
Maximum building height	25 ft.	25 ft.
Transmitter towers <sup>2</sup>	80 ft. <sup>2</sup>	80 ft. <sup>2</sup>

<sup>1</sup> Accessory structures can be used as residential dwellings in the RH-1 and RH-2 districts. Accessory structures shall have a smaller total floor area than the principal structure on the lot. A maximum of one accessory residential unit is allowed.

<sup>2</sup> Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.

**Section 3.** Subsections (j) and (k) are created and added to Section 30-56 of the Land

Development Code to read as follows:

**Sec. 30-56. General provisions for residential districts.**

(j) Additional requirements for new medium and high density multi-family developments when abutting properties designated single family on the future land use map. All new multi-family projects being developed under the regulations for the RMF-6, RMF-7, RMF-8, RH-1, and RH-2 zoning districts shall comply with the following regulations when abutting single-family designated properties.

(1) There shall be no outdoor recreation areas or uses allowed within any required building setback area and/or landscape buffer between abutting medium and/or high density multi-family development and single-family designated properties.

(2) There shall be no car washing areas, dumpsters, recycling bins, or other trash/waste disposal facilities placed in the required setback area between medium and/or high density multi-family development and properties designated single family on the future land use map.

(3) Parking lots and driveways located in the area between medium or high density multi-family and abutting single-family designated properties shall be limited to a single-loaded row of parking and a two-way driveway.

(4) A decorative masonry wall (or equivalent material in noise attenuation and visual screening) with a minimum height of 6 feet and a maximum height of 8 feet plus a minimum nine-foot landscape buffer shall separate any new medium or high density residential development from properties designated single-family residential. However, driveways, emergency vehicle access, or pedestrian/bicycle access may interrupt a continuous wall. If, in the professional judgment of City staff or other professional experts, masonry wall construction would damage or

1 endanger significant trees or other natural features, the appropriate reviewing  
2 board or staff, when only staff review is required, may authorize the use of a  
3 fence and/or additional landscape buffer area to substitute for the required  
4 masonry wall. There shall be no requirement for a masonry wall or equivalent if  
5 buildings are 200 or more feet from abutting single-family properties. In addition,  
6 the appropriate reviewing board or staff, when only staff review is required, may  
7 allow an increased vegetative buffer and tree requirement to substitute for the  
8 required masonry wall.

9  
10 (5) The primary driveway access shall be on a collector or arterial street, if  
11 available. Secondary ingress/egress and emergency access may be on or from  
12 local streets.

13  
14 (6) Active recreation areas (including, but not limited to, swimming pools,  
15 tennis courts, basketball and volleyball courts) shall be located away from  
16 abutting single-family designated properties and shall be oriented in the  
17 development to minimize noise impacts on single-family designated properties.

18  
19 (7) Mechanical equipment (as defined in the Traditional City portion of the  
20 Land Development Code) shall be placed such that noise and visual impacts are  
21 minimized for abutting single-family designated properties.

22  
23 (8) Buildings within 100 feet of single-family residential shall contain no  
24 more than six dwelling units and shall be in the form of single-family dwellings,  
25 rowhouses, townhouses, or garden apartments (as defined and illustrated in the  
26 University Heights Special Area Plan). Staff and/or the appropriate reviewing  
27 board shall have the authority to establish the building form as it relates to the  
28 desirable context and character of surrounding single-family designated  
29 properties. These buildings shall have architecturally interesting roof types,  
30 including gabled, hipped, shed, mansard, arched or flat, as appropriate.

31  
32 (9) Elevations for buildings within 100 feet of single-family residential shall  
33 show specific building materials, colors, window treatment, roof type, and  
34 building articulation. Any changes to these elevations shall require a new review  
35 before the appropriate reviewing board, or by staff, if only staff review is  
36 required.

37  
38 (k) Additional requirements for new medium and high density multi-family  
39 developments when there is PS or CON zoning intervening between properties  
40 designated single family on the future land use map. All new multi-family projects being  
41 developed under the regulations for the RMF-6, RMF-7, RMF-8, RH-1, and RH-2 zoning  
42 districts shall comply with the following regulations when separated from single-family  
43 designated properties by intervening PS or CON zoning.  
44



1       (1) In the case of new development of medium or high density multi-family  
 2 development with an intervening split zoning or parcel designated PS or CON  
 3 abutting single family designated property, the provisions of Sec. 30-56 (j) (1),  
 4 (2), (4), (6), (7), (8), and (9) shall apply if the intervening area is less than 25 feet  
 5 wide. However, the measurement of the 100 feet as described in Sec. 30-56 (j)  
 6 (8) and (9) shall be from the single family property line abutting the PS or CON  
 7 zoned area. The appropriate reviewing board may grant an exception to the  
 8 requirement for a wall (as shown in Sec. 30-56 (j) (4) based on the quality of  
 9 long-term buffering provided by vegetation in the intervening area.

10  
 11       (2) In the case of new development of medium or high density multi-family  
 12 development with an intervening split zoning or parcel designated PS or CON  
 13 abutting single family designated property, the provisions of Sec. 30-56 (j) (6),  
 14 (8), and (9) shall apply if the intervening area is 25 or more feet wide and the area  
 15 is expected to remain significantly vegetated and will provide a buffer over the  
 16 long term. The measurement of the 100 feet as described in Sec. 30-56 (j) (8) and  
 17 (9) shall be from the single family property line abutting the PS or CON zoned  
 18 area.

19  
 20       (3) In the case of new development of medium or high density multi-family  
 21 development with an intervening split zoning or parcel designated PS or CON  
 22 abutting single family designated property, the provisions of Sec. 30-56(j) (1), (2),  
 23 (4), (6), (7), (8), and (9) shall apply if the intervening area is 25 or more feet wide,  
 24 but the area is not significantly vegetated or expected to remain significantly  
 25 vegetated to provide a buffer over the long term. The measurement of the 100  
 26 feet as described in Sec. 30-56 (j) (8) and (9) shall be from the single family  
 27 property line abutting the PS or CON zoned area. The appropriate reviewing  
 28 board may grant an exception to the requirement for a wall (as shown in Sec. 30-  
 29 56(j)(4) based on the width of the intervening area exceeding 50 feet.

30  
 31 **Section 4.** Subsection 30-64(c)(1) of the Land Development Code is amended to read as  
 32 follows:

33 **Sec. 30-64. Mixed use low intensity district (MU-1).**

34 (c) *Development requirements for sites of three acres or less.*

35  
 36 (1) *Permitted uses.* See permitted uses listed in subsection (e) of this section  
 37 pertaining to permitted uses.

38  
 39 a. *Specific conditions for residential uses.* If MU-1 zoning abuts a  
 40 single-family residential zoning district, then the residential portion of the mixed  
 41 use development shall be limited to RMF-6 in the area within 100 feet of the  
 42 property line, plus the required buffers for that single-family residential zoning

1 district. In addition, the multi-family development shall comply with all the  
2 regulations in the RMF-6 district and the requirements of Section 30-56.

3  
4 b. *Specific conditions for single-family compound uses.* 25 percent of  
5 the total floor area up to 1,000 square feet may be used for commercial or office  
6 uses. Such uses shall require a minimum lot size of 6,000 square feet and a lot  
7 width of 70 feet and shall have direct or shared access to a collector or arterial  
8 roadway.

9  
10 **Section 5.** Subsection 30-64(d)(1) of the Land Development Code is amended to read as  
11 follows:

12  
13 **Sec. 30-64. Mixed use low intensity district (MU-1).**

14  
15 (d) *Development requirements for sites of more than three acres.*

16  
17 (1) *District residential and compound use requirements.*

18  
19 a. Single-family compound uses: 25 percent of the total floor area up  
20 to 1,000 square feet may be used for commercial or office uses. Such uses shall  
21 require a minimum lot size of 6,000 square feet and a lot width of 70 feet and  
22 shall have direct or shared access to a collector or arterial roadway.

23  
24 b. Parking for compound uses shall meet the nonresidential parking  
25 requirement for the use anticipated, plus one space for each 600 square feet of  
26 residential use, and shall be in the back or side yard, meeting all screening and  
27 buffering requirements for commercial or office uses in Article VIII.

28  
29 c. Other residential development shall conform to the requirements  
30 of the RMF-6, RMF-7 or RMF-8 zoning districts. If MU-1 zoning abuts a single-  
31 family residential zoning district, then the residential portion of the mixed use  
32 development shall be limited to RMF-6 within 100 feet of the property line, plus  
33 the required buffers for that single-family residential zoning district. In addition,  
34 the multi-family development shall comply with all the regulations in the RMF-6  
35 district and the requirements of Section 30-56.

36  
37 **Section 6.** The indicated "Use By Right" in subsection 30-64(e) of the Land  
38 Development Code is amended to read as follows. All other uses and conditions remain  
39 unchanged.

40  
41 **Sec. 30-64. Mixed use low intensity district (MU-1).**

42 (e) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Residential (Ten to 30 dwelling units per acre)	In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of this section, and the requirements of Section 30-56.

1  
2 **Section 7.** The indicated "Use By Right" in subsection 30-65(c) of the Land  
3 Development Code is amended to read as follows. All other uses and conditions remain  
4 unchanged.

5 **Sec. 30-65. Mixed use low intensity district (MU-2).**

6 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Residential uses (14 to 30 dwelling units per acre)	Residential development shall conform to the requirements of the RMF-7 or RMF-8 zoning districts, the requirements of Section 30-56, and the additional requirements of this section

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8 **Section 8.** Subsection 30-65(d)(1) of the Land Development Code is amended to read as  
9 follows:

10  
11 **Sec. 30-65. Mixed use medium intensity district (MU-2).**

12  
13 (d) *Requirements for sites of less than three acres.*

14  
15 (1) Yard setbacks.

16  
17 a. Front: The maximum setback shall be the average setback of  
18 existing development in the same face block face; however, when there is no  
19 existing development in the same block face, the maximum setback shall be ten  
20 feet.

21  
22 b. Where the side or rear yard abuts property which is in a residential  
23 zoning district or is shown for residential use on the future land use map of the  
24 comprehensive plan, the minimum setback shall be 25 feet or the distance created  
25 by the 45-degree angle of light obstruction, whichever is greater. If MU-2 zoning  
26 abuts a single-family residential zoning district, then the residential portion of the  
27 mixed use development shall be limited to RMF-7 in the area within 100 feet of

1 the property line, plus the required buffers for the single-family residential zoning  
2 district. In addition, the multi-family development shall comply with all the  
3 regulations in the RMF-7 district and the requirements of Section 30-56.

4  
5 (2) Maximum floor area ratio: 1.50 (excluding residential).

6  
7 (3) Maximum lot coverage: 50 percent.

8  
9 (4) Access: Access shall be designed to integrate all aspects of the  
10 development and shall meet all requirements of article IX and chapter 23. Driveways  
11 shall be coordinated or shared insofar as possible.

12  
13 **Section 9.** Subsection 30-65(e)(2) of the Land Development Code is amended to read as  
14 follows:

15  
16 **Sec. 30-65. Mixed use medium intensity district (MU-2).**

17  
18 (e) *Requirements for sites of three acres or more.* These requirements generally  
19 apply to developments with over 50,000 square feet of gross leasable area, and areas that  
20 can be characterized as a community level shopping center.

21  
22 (2) *Dimensional requirements.* All principal and accessory structures shall be  
23 located and constructed in accordance with the following requirements:

24  
25 a. Minimum lot area: Three acres.

26  
27 b. Minimum lot width at minimum front yard setback: 300 feet.

28  
29 c. Minimum yard setbacks:

30  
31 1. Internal to the district. Where there are separate residential  
32 uses and nonresidential uses within the MU-2 district, such uses shall have  
33 an angle of light obstruction for all principal and accessory structures of  
34 60 degrees.

35  
36 2. Between different districts. Where the side or rear yard  
37 abuts property which is in a residential district, or is shown on the future  
38 land use map of the comprehensive plan for residential use, the minimum  
39 setback shall be 100 feet or the distance created by a 45-degree angle of  
40 light obstruction, whichever is greater. If MU-2 zoning abuts a single-  
41 family residential zoning district, then the residential portion of the mixed  
42 use development shall be limited to RMF-7 in the area within 100 feet of  
43 the property line, plus the required buffers for the single-family residential  
44 zoning district. In addition, the multi-family development shall comply

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with all the regulations in the RMF-7 district and the requirements of Section 30-56.

d. Maximum lot coverage: 50 percent.

e. Maximum floor area ratio for principal structures: 2.00 (excluding residential development).

**Section 10.** It is the intention of the City Commission that the provisions of Sections 1 through 9 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

**Section 11.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**Section 12.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

**Section 13.** This ordinance shall become effective immediately upon final adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
THOMAS D. BUSSING, MAYOR

ATTEST:

Approved as to form and legality

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2003.

This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2003.

