

LEGISLATIVE #

120179A

ORDINANCE NO. 120179

An ordinance of the City of Gainesville, Florida, amending Section 30-65.2 Urban mixed-use district 2 (UMU-2) of the Land Development Code by adding surface parking to the list of permitted uses by special use permit within the University Heights Area and providing regulations for surface parking; providing clarifying amendments related to surface and structured parking; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, notice was given as required by law that the text of the Land Development Code of the City of Gainesville, Florida, be amended and a public hearing was then held by the City Plan Board on June 28, 2012; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days advance notice of the first public hearing to be held in the City Hall Auditorium, First Floor, City Hall, City of Gainesville; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days advance notice of the second public hearing; and

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

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

Section 1. Subsection 30-65.2(c) of the Land Development Code is amended as follows. Except as amended herein, the remainder of Subsection 30-65.2(c) remains in full force and effect.

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

2 (c) *Uses.*

3 (1) Permitted uses by right are as follows:

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SIC	Uses	Conditions
	Compound uses	
	Single-family dwellings	
	Rowhouses	
	Multi-family dwellings	Minimum and maximum densities are set forth in the Dimensional Requirements Table in this section.
	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.	
	Dormitory	Must not abut property designated single-family on the future land use map
	Rooming houses and boarding houses	In accordance with article VI
	Consolidated apartment management offices	
	Bed and breakfast establishment	In accordance with article VI
	Community residential homes with 14 or fewer residents	When part of a permitted single-family or multi-family residential development and in accordance with article VI
	Community residential homes with more than 14 residents	In accordance with article VI
	Adult day care homes	In accordance with article VI
	Family day care homes	In accordance with article VI
	Day care center	In accordance with article VI
	Places of religious assembly	In accordance with article VI
	Public service vehicles	In accordance with article VI
	Outdoor cafes	In accordance with article VI
	Eating places	
	Repair services for household needs	
	Specialty T-shirt production	
	<u>Structured parking</u>	<u>In accordance with subsection (f)(3) below</u>
	Rehabilitation centers	In accordance with article VI
	Research and development in the physical, engineering and life sciences	

	Light assembly, packaging, and manufacturing associated with research and development in the physical, engineering and life sciences	
	Chilled water and steam plants, electric generation, and other energy storage, distribution, and conversion facilities	
GN-074	Veterinary services	Only within enclosed buildings and in accordance with article VI
GN-078	Landscape and horticultural services	
MG-43	U.S. Postal Service	
GN-471	Arrangement of passenger transportation	Offices only, with no operation of passenger tours on site
GN-483	Radio and television broadcasting stations	Accessory transmission, retransmission, and microwave towers up to and including 100 feet in height in accordance with article VI, excluding cellular telephone services
GN-523	Paint, glass, and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply.	
MG-53	General merchandise stores	
MG-54	Food stores	Excluding gasoline pumps
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishing, and equipment stores	
MG-59	Miscellaneous retail	Excluding GN-598 Fuel Dealers
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developer (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI and excluding industrial laundries (IN-7218)
MG-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359)
GN-701	Hotels and motels	
GN-752	Automobile parking	Structured parking only, and not within 100 feet of property designated for single family use on the future land use map
MG-78	Motion picture	

MG-79	Amusement and recreation service	Only within enclosed structures, and excluding go-cart rental and raceway operations and also excluding commercial sports
MG-80	Health services	
MG-81	Legal services	
MG-82	Educational services	
MG-83	Social services	
MG-84	Museums, art galleries, and botanical and zoological gardens	
MG-86	Membership organization	
MG-87	Engineering, accounting, research, management, and related services	

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(2) Permitted uses by special use permit are as follows: ~~Alcoholic beverage establishments, in accordance with article VI.~~

<u>SIC</u>	<u>Uses</u>	<u>Conditions</u>
	<u>Alcoholic beverage establishments</u>	<u>In accordance with article VI</u>
	<u>Surface parking (as a principal use)</u>	<u>Only within the University Heights District and in accordance with subsection (f)(3) below</u>

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(3) Prohibited uses: a.—Single-story, large-scale retail uses (defined as a single retail use with a ground floor footprint exceeding 100,000 square feet) are prohibited in the Urban Village.

b.—~~Surface parking as a principal use.~~

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(4) Drive-through facilities: Drive-through facilities are prohibited in this district except fronting on SW 34th Street in the Urban Village. Access to a drive-through facility fronting on SW 34th Street may be from another street or from an internal system within a mixed use development. A special use permit is required for all drive-through facilities in the Urban Village. Drive-through facilities are defined as facilities that provide services mechanically or personally to customers who do not exit their vehicles, examples include, but are not limited to, banking facilities, payment windows, restaurant, food and/or beverage sales, dry cleaning and express mail services. The following are not considered drive-through facilities: auto fuel pumps and depositories which involve no immediate exchange or dispersal to the customer, such as mail boxes, library book depositories, and recycling facilities.

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1 **Section 2.** Subsection 30-65.2(f)(3) of the Land Development Code is amended as
2 follows. Except as amended herein, the remainder of Subsection 30-65.2(f) remains in full force
3 and effect.

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

5 (f) *Additional requirements.*

6 (3) *Parking.* Other than as required by the Americans with Disabilities Act (ADA)
7 and Florida Accessibility Code (FAC) or other state or federal requirements, there shall
8 be no minimum vehicular parking requirement in University Heights and Archer
9 Triangle. In the Urban Village, the minimum vehicular parking requirement is 1 space
10 per residential unit and one-half of the required parking for non-residential uses as
11 provided in the land development code. Scooter parking shall be provided for residential
12 uses at a rate of 1 space for every four residential units.

13 a. ~~*Vehicular surface parking.*~~ *Surface parking (as an accessory use).*

14 1. There shall be a maximum vehicular surface parking allowance of
15 one parking space per 400 square feet of gross floor area for non-
16 residential uses. There shall be a maximum of 1 surface parking
17 space per unit for multi-family in the Urban Village. However,
18 there shall be no limit on the number of parking spaces provided in
19 the form of structured parking for residential or non-residential
20 uses.

21 2. Surface parking shall be located in the rear or interior side of the
22 building.

23 3. Surface parking adjacent to streets shall meet the standards
24 depicted in Figure 5.0, Parking Exhibit. Surface parking adjacent
25 to primary frontage streets in the Urban Village shall meet the
26 standard for principal streets. All other streets in the Urban Village
27 shall meet the standard for local streets.

28 4. Surface parking lots shall comply with the landscaping
29 requirements in article VIII of the land development code.

30 b. *Surface parking (as a principal use).*

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32 In addition to the special use permit regulations found in Article VII, Division 5. –
33 Special Use Permit, this subsection provides additional regulations for surface
34 parking as a principal use within the University Heights Area. If provisions in this
35 subsection conflict with the provisions in Article VII, Division 5., the provisions
36 in this subsection shall prevail.
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- 1. Surface parking shall be permitted only when the surface parking will be replaced with either a building or structured parking in accordance with an approved master plan.
- 2. Surface parking shall be paved.
- 3. Surface parking shall have either perimeter landscaping in accordance with the landscape regulations as provided in this land development code or perimeter garden walls that create a visual buffer, are at least 25% opaque, and do not exceed a height of 72 inches.
- 4. Surface parking shall be in compliance with all lighting and stormwater regulations in this land development code.
- 5. Any special use permit approved pursuant to this subsection shall be valid for a period not to exceed 5 years. The city plan board may extend a special use permit approved under this section for an additional period not to exceed 5 years if the applicant demonstrates that development in accordance with the approved master plan has commenced.

b.c. ~~Structured parking facilities.~~ Structured parking.

- 1. Shall not be located within 100 feet of property designated for single-family use on the future land use map.
- 2. Structured parking shall provide architectural detailing on the first and second stories, such as, but not limited to, variations in materials, framing of wall openings, vertical or horizontal expression lines, pilasters, arches, or railings.
- 3. Automobiles shall be screened from street view by wall, fence or vegetative matter.
- 4. Structured parking adjacent to streets shall meet the standards depicted in Figure 5.0, Parking Exhibit. Within the Urban Village, structured parking on primary frontage streets shall meet the standard for principal streets as depicted in Figure 5.0 including the provision of a minimum of 20 feet of active uses on the first floor.

e.d. Bicycle parking.

- 1. The owner/developer shall provide a minimum of one space per 1,500 square feet of gross floor area for nonresidential uses and one space per two bedrooms for residential uses for bicycle parking.

1 2. A minimum of 20 percent of the provided bicycle parking shall be
2 located within the landscape zone or sidewalk zone. The remainder
3 shall be located a maximum distance of 100 feet from a building
4 entrance and shall be covered from inclement weather or located
5 within an accessory parking structure.

6 d.e. *Vehicular access.* Developments may have one curb cut located on each
7 street frontage, except that curb cuts shall not be permitted on storefront or
8 principal streets when access may be provided from a local street or alley.

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10 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1
11 and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the City of
12 Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered
13 or relettered in order to accomplish such intentions.

14 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
15 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
16 finding shall not affect the other provisions or applications of this ordinance that can be given
17 effect without the invalid or unconstitutional provision or application, and to this end the
18 provisions of this ordinance are declared severable.

19 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
20 such conflict hereby repealed.

21 **Section 6.** This ordinance shall become effective immediately upon final adoption.

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23 **PASSED AND ADOPTED** this ____ day of _____, 2013.

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CRAIG LOWE
MAYOR

ATTEST:

Approved as to form and legality

1 _____
2 KURT M. LANNON
3 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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5 This ordinance passed on first reading this ___ day of _____, 2013.

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7 This ordinance passed on second reading this ___ day of _____, 2013.