

LEGISLATIVE #

121118A

ORDINANCE NO. 121118

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 increasing the maximum block perimeter in the University Heights area; by amending the timing requirement for the construction of new local streets; by amending the bicycle parking requirements; by deleting Figure 2.1 Proposed Local Streets – University Heights; 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 public hearings were then held by the City Plan Board on April 25, 2013, and by the City Commission on June 6, 2013; and

WHEREAS, at least ten (10) days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the notice 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(e)(3) of the Land Development Code is amended as follows.

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

(e) Public realm requirements.

(3) New streets/blocks.

- a. Within the University Heights area, subdivisions, minor subdivisions, lot splits, and development that requires development plan review shall be required to include ~~any~~ of the proposed new local streets ~~depicted in Figure 2.1 that are located within the~~

~~boundaries of the subdivision, minor subdivision, lot split or development. These new local streets shall be located~~ so that the resulting block(s) will not exceed a maximum block perimeter of ~~1,800~~ 2,000 feet.

b. Within the Archer Triangle area, subdivisions, minor subdivisions, lot splits, and development on sites greater than two acres which propose new development on more than 50 percent of the site shall be required to include new local streets within the subdivision, minor subdivision, lot split or development so that the resulting block(s) will not exceed a maximum block perimeter of 2,600 feet.

c. Within the Urban Village area, subdivisions, minor subdivisions, lot splits, and development on sites greater than two acres which propose new development on more than 50 percent of the site shall be required to include new local streets within the subdivision, minor subdivision, lot split or development so that the resulting block(s) will not exceed a maximum block perimeter of 2,000 feet.

d. Within the Urban Village area, an urban walkway may be used to meet the block perimeter requirements, subject to city approval. An urban walkway is a pedestrian/bicycle pathway that is either: a minimum width of 30 feet with a single contiguous paved area of at least ten feet or a minimum width of 31 feet with a separated (boulevard style) paved area with a minimum contiguous paved area of eight feet on one side and five feet on the other side. Urban walkways must provide a minimum eight-foot landscape zone area on each side of the paved area. Unpaved areas in an urban walkway must be landscaped and may contain stormwater facilities. Urban walkways may contain benches, fountains, outdoor cafes or other outdoor uses as long as a minimum sidewalk width as specified above is maintained. Cross-sections for urban walkways must be submitted as part of a required circulation plan or as part of a development plan when a circulation plan is not required. The cross-section must illustrate paved area, landscape zone, build-to line and any outdoor uses. An urban walkway may be used as an interim/temporary method for retaining the required area for a future street when an abutting development/redevelopment occurs. In this case, the total width may be reduced to 25 feet, while maintaining a contiguous minimum paved width of ten feet. The width and cross-section of the urban walkway is subject to review and approval by the city to ensure that future street construction can occur in the area provided. If the urban walkway will be a permanent area, it may be used to count toward meeting open space requirements even if it is later dedicated as a public urban walkway. Notwithstanding the foregoing, in the case where an urban walkway provides access for fire and rescue vehicles, stormwater management, utilities or other public facilities and services, the urban walkway shall be sized and designed to meet the requirements for those facilities and services.

e. The required local streets, multi-use paths or urban walkways shall be constructed at the expense of the owner/developer as part of the subdivision, minor subdivision, lot split or development, to serve the subdivision, minor subdivision, lot split or development, and shall be constructed according to the appropriate city standards as determined through the development review, subdivision, minor subdivision or lot

split process, but may be sited and configured in a manner so that they provide the most appropriate access to the development, subdivision, minor subdivision or lot split. Where a street is planned to continue beyond the extent of a development, subdivision, minor subdivision or lot split, the development shall provide for the continuation of the street by stubbing out the improvements as close as is practicable to edge of the property boundary.

f. The required local streets or multi-use paths or urban walkways may be dedicated for public right-of-way after construction, if the city desires to accept same for maintenance, or may be privately owned streets, multi-use paths or urban walkways provided the streets, multi-use paths or urban walkways remain open for public ingress and egress.

f. Notwithstanding any other provision in this chapter, a subdivision, minor subdivision, lot split, or development may receive final approval prior to construction of the required local streets if the city, upon approval of the city commission, has executed a binding agreement with the owner/developer that:

1. requires the city and/or the gainesville community redevelopment agency to construct the required local streets as public streets within two years of final approval; and

2. provides for the conveyance or dedication of the associated right-of-way from the property owner to the city, at no cost to the city.

The city may enter into such an agreement only when the city determines that doing so would be in the public interest and when the city and/or the gainesville community redevelopment agency has budgeted legally available funds for the construction of the required local streets. The form and content of the agreement shall be provided by and acceptable to the city in its sole discretion.

g. Board modifications may be granted in accordance with section 30-65.2(b)(2)a., with specific consideration given to situations where the construction of a street is limited by: access management standards, regulated environmental features, regulated natural or archeological resources, public stormwater facilities, existing utility facilities, contamination sites, inconsistencies with plans for a future city street network, parks, or schools. Where it is determined that it is not possible to construct the streets that would be required to meet block perimeter standards, the block perimeter shall be completed with the provision of sidewalk and bicycle connections or multi-use paths or urban walkways, subject to approval by the city.

Section 2. Subsection 30-65.2(f)(3)d. of the Land Development Code is amended as follows.

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

(f) *Additional requirements.*

1 (3) *Parking.*

2 d. *Bicycle parking.*

3 1. The owner/developer shall provide a minimum of one space per ~~1,500~~ 2,000
4 square feet of gross floor area for nonresidential uses and one space per ~~two~~
5 three bedrooms for residential uses for bicycle parking.

6 2. A minimum of ~~20~~ 10 percent of the provided bicycle parking shall be located
7 between the building and the street. ~~within the landscape zone or sidewalk~~
8 ~~zone.~~ The remainder shall be located a maximum distance of 100 feet from a
9 building entrance and shall be covered from inclement weather or located
10 within an accessory parking structure.

11
12 **Section 3.** Figure 2.1 Proposed Local Streets – University Heights in Section 30-65.2 of
13 the Land Development Code is deleted.

14 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1
15 through 3 of this ordinance shall become and be made a part of the Code of Ordinances of the
16 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be
17 renumbered or relettered in order to accomplish such intentions.

18 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
19 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
20 finding shall not affect the other provisions or applications of this ordinance that can be given
21 effect without the invalid or unconstitutional provision or application, and to this end the
22 provisions of this ordinance are declared severable.

23 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of
24 such conflict hereby repealed.

25 **Section 7.** This ordinance shall become effective immediately upon adoption.

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1 PASSED AND ADOPTED this ____ day of _____, 2014.

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EDWARD B. BRADDY
MAYOR

7 Attest:

Approved as to form and legality:

8
9

10 _____
11 KURT M. LANNON
12 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

13

14 This ordinance passed on first reading this ____ day of _____, 2014.

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16 This ordinance passed on second reading this ____ day of _____, 2014.