



MEMORANDUM
Office of the City Attorney

Registar No. 041058

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

TO: Mayor and City Commission

DATE: November 14, 2005
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-73; Petition 35TCH-05 PB
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.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

This is a request to add a new zoning district category to the City's Land Development Code Plan. The concept for this new category was developed after a city government fact-finding trip to Norfolk, Va. and New Haven, Conn. After the trip the City Commission formed the Urban Master Planning Committee. The committee recommended that the City adopt a flexible urban mixed-use land use and zoning district, allowing increased heights and densities, and allowing mixed uses including "tech transfer" uses.

The petition is related to 34CPA-05PB and proposes the zoning district that will be used to implement the Urban Mixed-Use land use category. The Urban mixed-use district (UMU) zoning district provides the detail listing of the uses allowed. The district is very similar to the other mixed-use categories with the exception that it allows Research and Development in the Physical, Engineering and Life Sciences ("tech transfer"), the full range of medical and health related facilities and, hotels and motels. The district will also allow a variety of residential units up to 75 units per acre without density bonus points.

The City Plan Board heard the petition and recommended approval with the condition that staff meet with developers of the College Park/University Height's area about the density prior to the City Commission hearing.

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City Staff is also recommending that Alcoholic beverage establishments be added to the list of permitted uses in accordance with article VI of the Land Development Code to accommodate existing businesses located in the new zone.

Public notice was published in the Gainesville Sun on May 3, 2005. Letters were mailed to property owners and surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005.

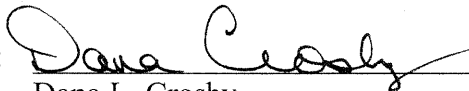
CITY ATTORNEY MEMORANDUM

The City Commission considered Petition 35 TCH-05 PB on June 13, 2005. During this hearing, the City Commission moved to create two urban mixed-use zoning categories (one up to 75 dwelling units per acre and the other up to 100 dwelling units per acre, each with up to 25 additional units per acre with Special Use permit) and established a 2-story minimum height throughout the urban mixed use land use categories. As well, alcoholic beverage establishments are added as a permitted use in the district by special use permit. The proposed ordinance reflects these changes.


This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, November 28, 2005.

Fiscal Note: None

Prepared by:


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Assistant City Attorney II

Approved and
Submitted by:


Marion J. Reason,
City Attorney

MJR:DLC:sw

ORDINANCE NO. 0-05-73

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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:

D R A F T

10-3-05

| <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> |

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10-3-05

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| | <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> | |

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| <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> | |

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| <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:

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| | <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.

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| <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> |

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| 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.

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

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b. Minimum lot depth: 90 feet.

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c. Minimum yard setbacks

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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).

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2. Rear: 20 feet.

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

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(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> | | |

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| i. <u>Side</u> | 10ft. on ends of row | |
| ii. <u>Rear</u> | 15ft. | 20ft. |
| 4. <u>Minimum yard setbacks for accessory structures</u> | 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.

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| <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

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| <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. |