

ORDINANCE NO. 0-08-86

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by creating the “BI: Business Industrial zoning district;” reciting the purpose and objectives; specifying permitted uses; specifying dimensional requirements and additional requirements; 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 on September 6, 2008 and a public hearing was then held by the City Plan Board on September 22, 2008; and

WHEREAS, the City Commission heard and approved this petition at a public hearing on November 6, 2008; 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 of the public hearing to be held in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was published; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the adoption stage at least five (5) days after the day the second advertisement was published;

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; and

1 **WHEREAS**, the City Commission finds that the creation of the Business Industrial
2 zoning district is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

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

5 **Section 1.** Subsection (a)(5) of Section 30-41 of the Land Development Code of the City
6 of Gainesville is amended in its entirety to read as follows:

7 **Sec. 30-41. Establishment of zoning districts and categories.**

8 (a) In order to classify, regulate and restrict the use of land, water, buildings and structures;
9 regulate the height and bulk of buildings; regulate the intensity of land use; implement the
10 comprehensive plan; and promote orderly urban growth within the corporate area of the city, the
11 following zoning districts/categories are established:

12 (5) *Industrial districts.*

13 BI: Business industrial district.

14

15 W: Warehousing and wholesaling district.

16 I-1: Limited industrial district.

17 I-2: General industrial district.

18 **Section 2.** Sec. 30-46 of the Land Development Code of the City of Gainesville is
19 amended in its entirety to read as follows:

20 **Sec. 30-46. Correspondence of zoning districts with future land use categories.**

21 The following table establishes the zoning districts allowable within the future land use
22 categories from the comprehensive plan. Zoning district changes to a new district which fall into
23 a different future land use category shall require a change in the future land use category also.

1 CORRESPONDENCE OF ZONING DISTRICTS WITH FUTURE LAND USE CATEGORIES

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Zoning Districts	Future Land Use Category
RSF-1, RSF-2, RSF-3, RSF-4, RSF-R, CON, PD,PS	Single-family (SF)
RSF-4, RMF-5, MH, RC, PD, CON, PS	Residential—Low (RL)
RMF-6, RMF-7, RMF-8, PD, CON, PS	Residential—Medium (RM)
RH-1, RH-2, PD,CON, PS	Residential—High (RH)
RMU, PD, CON, PS	Mixed use—Residential (MUR)
MU-1, PD,TND,CON	Mixed use—Low (MUL)
MU-2, CP, PD, TND,CON	Mixed use—Medium (MUM)
CCD, PD, TND,CON, PS	Mixed use—High (MUH)
UMU-1, CON, PS, PD	Urban Mixed-Use 1 (UMU-1)
UMU-2, CON, PS, PD	Urban Mixed-Use 2 (UMU-2)
OR, OF, MD, PD, CON, PS	Office (O)
BA, BT, BUS, W, PD, CON, PS	Commercial (C)
<u>BI, PD, CON, PS</u>	<u>Business Industrial (BI)</u>
I-1, I-2, W, PD, <u>BI</u> , CON, PS	Industrial (IND)
ED, PD, CON, PS	Education (E)
PS, PD, CON	Recreation (REC)
CON, PD,PS	Conservation (CON)
AGR, CON, PS	Agriculture (AGR)
AF, PS, PD, CON	Public facilities (PF)
PD, TND, PS or rezoning consistent with the underlying land use designation	Planned Use District (PUD)

3

4 **Section 3.** A new section 30-67.1 is hereby created and added to the Land Development

5 Code of the City of Gainesville to read as follows:

6 **Sec. 30-67.1 Business industrial district (BI).**

7
8 (a) *Purpose.* The BI district is established for the purpose of providing sufficient space in

9 appropriate locations physically suitable for the development of certain office, business and

10 industrial uses in a combined setting. This district will facilitate the development of a business

11 park that will cater to a variety of uses that support and complement each other and reduce

1 external trips for goods and services. This district supports enterprises engaging in light
2 manufacturing, processing or fabrication of products and machinery, research and development
3 operations, business retail, medical uses and wholesale or storage distribution concerns. This
4 district contains uses which generally are not objectionable because of noise, heavy truck traffic
5 or fumes, or uses that can be adequately regulated for mitigation of nuisances by performance
6 standards.

7 (b) Objectives. The provisions of this district are intended to:

8 (1) Provide a business/employment center that allows a variety of uses where
9 employees have access to goods and services without having to leave the business park
10 environment;

11 (2) Accommodate enterprises with functions requiring access to transportation
12 services by providing them with locations that are in close proximity to necessary
13 transportation facilities such as major thoroughfares, railroads or air terminals for the
14 reception and distribution of goods or services;

15 (3) Encourage business park development in appropriate locations throughout the
16 community where public facilities and services exist or are planned.

17 (4) Allow a mixed of uses that are compatible with airport operations in appropriate
18 areas near the Gainesville Regional Airport;

19 (5) Encourage such future development to occur on vacant land where the natural
20 characteristics of such land are suitable for this type of development; and

21 (6) Encourage the infill and/or redevelopment of existing areas that would benefit
22 from the opportunity to combine business and industrial uses.

23 (c) Permitted uses.

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1 (1) Uses by right.

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<u>SIC</u>	<u>Uses</u>	<u>Conditions</u>
	<u>Corporate offices</u>	
	<u>Day care centers</u>	<u>In accordance with article VI</u>
	<u>Eating Places</u>	
	<u>Places of religious assembly</u>	<u>In accordance with article VI</u>
	<u>Professional schools</u>	<u>As defined in article II</u>
	<u>Sales offices</u>	
	<u>Rehabilitation Centers</u>	
	<u>Exercise Studio</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>Outdoor storage</u>	<u>In accordance with article VI</u>
	<u>Research, development and manufacturing of renewable energy including biofuels, solar and wind power products.</u>	
	<u>Facilities on premises for security personnel.</u>	
<u>GN 074</u>	<u>Veterinary services</u>	<u>Within fully enclosed structures and in accordance with article VI</u>
<u>IN 0752</u>	<u>Animal Specialty Services</u>	
<u>GN 076</u>	<u>Farm Labor and Management</u>	

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	<u>Services</u>	
<u>GN 078</u>	<u>Landscape and Horticultural Services</u>	
<u>MG 15</u>	<u>Building Construction</u>	
<u>MG 41</u>	<u>Local and Suburban Transit and Interurban Highway Passenger Transportation</u>	
<u>MG 42</u>	<u>Motor Freight Transportation And Warehousing</u>	
<u>MG 43</u>	<u>United States Postal Service</u>	
<u>MG 45</u>	<u>Transportation By Air</u>	
<u>MG 47</u>	<u>Transportation Services</u>	
<u>MG 48</u>	<u>Communications</u>	
<u>IN 7011</u>	<u>Hotels and Motels</u>	
<u>MG 72</u>	<u>Personal Services</u>	
<u>MG 73</u>	<u>Business Services</u>	
<u>MG 75</u>	<u>Automotive Repair, Services and Parking</u>	
<u>MG 76</u>	<u>Miscellaneous Repair services</u>	
<u>MG 78</u>	<u>Motion Pictures</u>	
<u>MG 79</u>	<u>Miscellaneous Amusement and Recreation Services</u>	
<u>MG 80</u>	<u>Health Services</u>	
<u>MG 81</u>	<u>Legal Services</u>	
<u>MG 86</u>	<u>Membership Organizations</u>	
<u>MG 87</u>	<u>Engineering, Accounting, Research, Management and Related Services</u>	
<u>Division G</u>	<u>Retail Trade</u>	
<u>Division H</u>	<u>Finance, insurance and real estate</u>	
<u>SIC-8999</u>	<u>Services, Not Elsewhere Classified</u>	<u>Within enclosed buildings</u>
<u>Division F</u>	<u>Wholesale excluding the following: scrap and waste materials (IN-5093); construction and mining machinery and equipment (IN-5082); transportation equipment and supplies, except motor vehicles (IN-5088); and petroleum and petroleum products (GN-</u>	

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	<u>517).</u>	
<u>Division C</u>	<u>Construction, excluding heavy construction other than building construction contractors (MG-16).</u>	
<u>MG 20</u>	<u>Food and kindred products (excluding the following: wet corn milling (IN-2046), raw cane sugar (IN-2061), and beet sugar (IN-2063).</u>	
<u>MG 22</u>	<u>Textile mill products, excluding cotton finishing plants (IN-2261).</u>	
<u>MG 23</u>	<u>Apparel and other finished products made from fabrics and similar materials</u>	
<u>GN-243</u>	<u>Millwork, veneer, plywood and structural wood members</u>	
<u>GN 244</u>	<u>Wood containers</u>	
<u>MG 25</u>	<u>Furniture and fixtures</u>	
<u>GN 267</u>	<u>Converted paper and paperboard products, except containers and boxes, excluding coated and laminated paper packaging (IN-2671).</u>	
<u>GN 265</u>	<u>Paperboard containers and boxes</u>	
<u>MG 27</u>	<u>Printing, Publishing and Allied Industries, excluding Gravure (IN 2754)</u>	
<u>GN 283</u>	<u>Drugs excluding medicinals and botanicals (IN 2833).</u>	
<u>GN 284</u>	<u>Soap, detergents and cleaning preparations, perfumes, cosmetics and other toilet preparations</u>	
<u>MG 31</u>	<u>Leather and leather products</u>	
<u>GN 323.</u>	<u>Glass products, made of purchased glass</u>	

<u>GN 328</u>	<u>Cut stone and stone products</u>	
<u>IN 3444</u>	<u>Sheet metal work</u>	
<u>MG 352</u>	<u>Farm and garden machinery and equipment</u>	
<u>MG 36</u>	<u>Electronic and other electrical equipment and components, except computer equipment</u>	
<u>MG 38</u>	<u>Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks</u>	
<u>MG 39</u>	<u>Miscellaneous manufacturing industries</u>	
<u>GN 833</u>	<u>Job training and vocational rehabilitation services</u>	
<u>Division J</u>	<u>Public Administration</u>	

1
 2 (d) Dimensional requirements. All principal and accessory structures shall be located and
 3 constructed in accordance with the following requirements:

4 (1) Required yard setbacks:

5 a. Front setback from an arterial street or collector street: 25 feet minimum,
 6 60 feet maximum.

7 b. Front setback from roads internal to the BI district: zero feet minimum, 20
 8 feet maximum.

9 c. Side, interior: 10 feet.

10 Except where the side yard abuts property which is in a residential district
 11 or which is shown for residential use on the future land use map of the
 12 comprehensive plan: 50 feet.

1 d. Side, street: 20 feet.

2 e. Rear: 20 feet.

3 Except where the rear yard abuts property which is in a residential district
4 or which is shown for residential use on the future land use map of the
5 comprehensive plan: 50 feet.

6 f. Maximum Building Height:

7 When not located within an airport zone of influence: 5 stories

8 When located within an airport zone of influence: in accordance with the
9 Airport Hazard Zoning Regulations

10 g. Maximum Floor Area Ratio: 4.0.

11 h. Maximum lot coverage: 80 percent

12 (2) Within three hundred (300) feet of any property which is in a residential district
13 or which is shown for residential use on the future land use map of the comprehensive
14 plan, all activity and uses, except storage of equipment and parking, shall be conducted
15 within completely enclosed buildings.

16 (e) Additional requirements.

17 (1) General conditions. Master planned (phased) developments and subdivisions of
18 three and one half acre or larger shall meet the following standards:

19 a. Perimeter landscaping shall be provided averaging 25 feet in width, but
20 not less than 15 feet in width at any given point. Such landscaped area shall be
21 developed to attain opacity of 75 percent within three years. The design of such
22 landscaped area may include berms, decorative masonry and shrubs; however, at
23 a minimum shade trees from the Gainesville Tree List shall be planted

1 approximately every 50 feet. At least 50 percent of the landscaped area must be
2 devoted to living plant materials, and the stormwater management, drainage and
3 parking uses shall not encroach upon the landscaped area. Heritage and Champion
4 trees preserved on site may be used to meet this requirement with the approval of
5 the appropriate reviewing board and if the intent of this provision is being met.

6 b. The development shall be designed to provide safe and convenient access
7 from public transit routes, sidewalks and bikeways to uses within the
8 development. Sidewalks are required for both sides of internal streets (public or
9 private) and external public streets abutting the development.

10 c. Services areas and mechanical equipment shall be sited so as to minimize
11 visibility from the perimeter of the development and shall be designed and
12 situated so as to minimize impacts on adjacent properties.

13 d. Access shall be designed, insofar as possible, to promote shared use of
14 driveways between adjacent lots and to local streets.

15 e. Stormwater management systems shall be designed to maximize an
16 integrated design among the various lots or tracts within the development. The
17 aesthetic treatment of retention/detention facilities through the use of contour,
18 landscaping and the incorporation of water features shall be encouraged.

19 (2) Standards for manufacturing uses. All permitted manufacturing uses (classified as
20 MG-20 through MG-39 of the Standard Industrial Classification Manual) shall conform
21 to the following additional standards:

1 a. The manufacturing use shall be limited to the fabrication, manufacture,
2 assembly or processing of materials which are, for the most part, already in
3 processed form.

4 b. All activity and uses except storage, loading and unloading operations,
5 and parking shall be conducted within completely enclosed buildings.

6 c. Night operations, including loading and unloading, are prohibited within
7 300 feet of the property line of any residential zoning district or area which is
8 shown for residential use on the future land use map of the comprehensive plan,
9 unless conducted within a completely enclosed building which has no openings
10 other than stationary windows or required fire exits. Night operations are those
11 conducted between the hours of 9:00 p.m. and 6:00 a.m. This prohibition shall not
12 apply to security personnel or other security operations. The appropriate
13 reviewing board may grant a wavier to this prohibition if the board finds that the
14 noise attenuation and screening being provided is sufficient to mitigate the
15 adverse impacts of the night operations on properties within 300 feet.

16 (4) Airport Operations. Developments and uses located in the airport zones of
17 influence must comply with and may be restricted or prohibited by the City of
18 Gainesville Airport Hazard Zoning Regulations.

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

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

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

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

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1 **PASSED AND ADOPTED** this ____ day of _____, 2009.

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PEGEEN HANRAHAN,
MAYOR

9 ATTEST: Approved as to form and legality

10
11

12 _____
13 KURT M. LANNON
14 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

15
16 This Ordinance passed on first reading this ____ day of _____, 2009.

17 This Ordinance passed on second reading this ____ day of _____, 2009.