



MEMORANDUM

Office of the City Attorney

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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.

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.