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sion may extend the special area plan from time to time in accordance with the same standards and procedures as for the original plan.

(Ord. No. 3777, § 1, 6-10-92)

Sec. 30-80.1. Heritage overlay district.

(a) *Purpose.* The heritage overlay district is established as an overlay zoning district designation to maintain, protect, conserve and preserve residential areas with a distinct visual identity by regulating development to ensure compatibility with the existing style, character or identity of the district area. The purpose of this section is to create the process by which property owners can request that the city impose additional regulatory requirements upon their residential area in order to help conserve the design and visual characteristics that give the area a distinct identity and a harmonious appearance.

(b) *Objectives.* The objectives of the heritage overlay district are to promote the economic, educational, aesthetic, cultural and general welfare of the city's residential neighborhoods by:

- (1) Encouraging property owners to participate in the development process within their general geographic areas;
- (2) Encouraging the use of existing buildings through adaptive rehabilitation;
- (3) Enhancing the diversity of the city's housing stock;
- (4) Encouraging construction that will lead to continuation, conservation and improvement that complements the scale and physical character of the original buildings; and
- (5) Protecting neighborhoods' distinct identities.

(c) *Effect of classification / administration.*

- (1) The heritage overlay district classification is an overlay district classification. When the heritage overlay district is applied to any property, the underlying zoning district categories are neither abandoned nor repealed. The existing regulations remain in effect, with further

restrictions on regulated work items as specified in the design standards report, in particular no building permit shall be issued for regulated work items without the approval of the heritage overlay district board. If there is a conflict between the provisions of the heritage overlay district and the underlying zoning district, the heritage overlay district prevails.

- (2) Design standards for regulated work items shall be specified in each ordinance that places the heritage overlay district on an area.
- (3) Whether or not the regulated work item is consistent with standards of the applicable heritage overlay district shall be determined by the heritage overlay district board, based on the adopted ordinance for that particular district.
- (4) The heritage overlay district shall be applied only to residential uses zoned RSF-1, RSF-2, RSF-3, RSF-4, and RC. Changing the zoning of a parcel to a zoning district other than RSF-1, RSF-2, RSF-3, RSF-4, or RC shall also require a simultaneous rezoning to remove the heritage overlay district.
- (5) Fees for petitions to designate an area as a heritage overlay district or to amend an existing district, for verification of petition signatures and for petitions for review of regulated work items shall be paid to the city in accordance with the schedule set out in Appendix A and such payment shall be made at the time of submitting a petition to the planning and development services department.

(d) *Criteria.* An area must meet all of the following criteria to be eligible for designation as a heritage overlay district:

- (1) It shall consist of at least 25 compact and contiguous parcels and shall not cause the creation of an enclave or pocket within the area, as those terms have been defined by Florida Statutes and case law relating to annexations;

- (2) Residences within the area shall consist only of one- and two-family dwellings;
- (3) All land within the area must be zoned RSF-1, RSF-2, RSF-3, RSF-4, or RC;
- (4) Each boundary of the area shall be one of the following identifiable landmarks: a street, alley, publicly owned right-of-way, platted subdivision boundary, or a creek; and
- (5) No area boundaries shall overlap the boundary of an existing heritage overlay district or historic district.

(e) *Additional criteria.* In addition, an area must meet one of the following criteria to be eligible for designation as a heritage overlay district:

- (1) Its visual characteristics give it a distinct identity;
- (2) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials; or
- (3) It has character as a geographically definable area possessing a significant concentration of buildings or structures united by its plan or physical development.

(f) *Procedures.* The procedures for application and designation are as follows:

- (1) *Application and process.* Any owner of property within a proposed heritage overlay district may apply by petition to have that area designated a heritage overlay district and impose special regulations on that area. The process for the imposition of the overlay district shall be as provided in Article X of this chapter for zoning changes. The plan board and the city commission may approve the overlay district boundaries and regulations only with a finding, supported by data and analysis, that the area has unique and identifiable features and characteristics, that those characteristics are or may be threatened by incompatible or inconsistent develop-

ment, and that the proposed regulations are reasonably related to protecting those identified features and characteristics.

- (2) *Petition requirements.* In order to impose the heritage overlay district on an area, a petition requesting imposition of the overlay district on that area shall be submitted to the planning and development services department on forms provided by the department. Each petition shall meet the following requirements:

- a. The petitioner shall be an owner of legal title of property located within the proposed overlay district area and shall be the designated contact person responsible for processing the petition with the city;
- b. The petition shall clearly and accurately describe the proposed boundaries of the area and shall include an accurate, reproducible map of the proposed overlay district area depicting all lot divisions, block divisions, roads and the boundaries of the area;
- c. The petition shall include a design standards report, as described in subsection (4) below;
- d. At a minimum, the petition shall contain authentic signatures of a majority of the homestead property owners (as further described in subsection (3) below) within the proposed overlay district area. To be verified by the city, signatures shall be accompanied by the legibly printed name of the signer, the address of the parcel owned by the signer, the parcel number of the parcel owned by the signer, and the date the petition was signed. Signatures dated more than six months prior to the date the petition is filed with the city are not acceptable. For the purpose of the petition, jointly owned parcels are considered owned by a single person, and any co-owner may sign a petition for the parcel. Only one owner of each parcel shall be included in

the majority requirement stated above. If a person owns more than one parcel of property within the proposed district area, that person may sign the petition one time for each parcel owned; and

- e. The petition shall advise each signer of the general type of restrictions that may be imposed on the property if the overlay district is imposed upon the area.

(3) *Petition verification.* When the petition is submitted to the planning and development services department, the department shall verify the names, signatures, and homestead status of the property, and shall determine whether the petition meets the criteria of this section. For a signature and homestead status to be verified, the homestead status of the property and the printed name of the petition signer must be consistent with the current records of the Alachua County Property Appraiser. If an insufficient number of acceptable homestead property owner signatures are submitted, the city shall return the petition and petition fee to the petitioner. However, the city shall retain the verification fee.

(4) *Design standards report.* The petitioner shall submit a proposed design standards report for the proposed heritage overlay district area. If the heritage overlay designation is approved, the design standards report shall be included in the ordinance that imposes the overlay. The report shall include the following:

- a. A map that clearly depicts the boundaries of the proposed area and identifies all lot divisions, block divisions and roads;
- b. Architectural surveys that define the prior, current and likely future character of the area. This shall include a field survey containing written and visual information that documents items such as, but not limited to, distinctive building features, repre-

sented building style, typical building components, finishing materials, siting of buildings, degree of visual continuity, and degree of compatibility of new structures with architectural context;

- c. A clear, decipherable data set of area features that describe the character of individual building types. This set shall define the relationships among features and shall serve as a tool to identify common elements in the area; and

- d. Based on the data, identify important characteristics and features and specify the standards by which those characteristics will be preserved and continued, and specify the regulated work items that will require review by the heritage overlay district board. All design standards regulating a particular work item should be specific and measurable, such as by height, width, amount, spacing or location. Construction, installation, addition, enlargement, relocation or removal, of a regulated work item will be subject to review and approval by the heritage overlay district board as specified in the design standards report. This section does not require that each of the regulated work items listed below be addressed in a design standards report, only those items that are applicable or desirable to preserve the character of the area as determined in the design standards report. Regulated work items are limited to any one or more of the following:

1. Accessory structures;
2. Building heights;
3. Building height-to-width ratio;
4. Building orientation;
5. Building setback and build-to lines;
6. Bulk plane restrictions;

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7. Exterior building materials;
 8. Fences;
 9. Front porches and balconies;
 10. Garage doors;
 11. Lot widths;
 12. Off-street parking design;
 13. Percent of the lot covered by buildings;
 14. Roof lines, shapes and materials;
 15. Screening of mechanical equipment; or
 16. Windows and doors.
- e. A heritage overlay district may not modify the list of permitted uses for its underlying zoning district(s). In addition, the following shall not be regulated in any manner by a heritage overlay district classification:
1. Colors of structures;
 2. Demolitions, in whole or in part;
 3. Interior layout or interior construction;
 4. Power generating solar panels;
 5. Television satellite dishes or antennae; and
 6. Vegetation.

(g) *Amendments to district.* Any property owner within a heritage overlay district may apply for an amendment to the district's design standards report. Any property owner whose land is contiguous to a heritage overlay district may apply for inclusion in the district through extension of the district's boundaries. Any land added to an existing heritage overlay district shall be subject to the adopted ordinance for that heritage overlay district and shall not be required to submit a new or revised design standards report with the petition for extension of the boundaries. All amendments shall be subject to review and consideration according to the applicable terms of this section and shall be processed as a zoning change (if amending the district boundaries) or as a text change (if amending the design standards report) in accordance with Article X of this chapter. The city

commission may amend or repeal any heritage overlay district from time to time in accordance with the same standards and procedures. (Ord. No. 090007, § 1, 4-1-10)

Sec. 30-80.2. Heritage overlay district board.

(a) There is hereby created the City of Gainesville heritage overlay district board to review regulated work items submitted for its review pursuant to the provisions of section 30.80.1. The board has no authority or duty other than that which is specifically described in this section and section 30.80.1.

(b) The board shall consist of five members appointed by the city commission. At least three members shall reside in a heritage overlay district and, if more than one heritage overlay district exists, at least one member shall reside in each existing district; however, if it is not possible to meet the foregoing requirements in making appointments, the city commission may appoint any resident of the city to the board. If a member of the board ceases to be a resident of the city, that member shall be automatically disqualified, removed from the board and the city commission shall appoint a new member to fill the remainder of the unexpired term.

(c) Initially, three members will be appointed to two-year terms, and two members will be appointed to one-year terms; thereafter, all terms shall be two years. The board shall be subject to the requirements of Chapter 2, Article V, Division 1 of the City Code of Ordinances.

(d) The board shall adopt rules of procedure for the conduct of its meetings, which shall be effective upon review and approval by the city commission.

(e) The members of the board shall annually elect a chair and vice-chair from among its members. Three members must be present to establish a quorum. A majority of the quorum is required for approval. Petitions on the agenda, but not heard due to a lack of quorum, are continued to the next meeting one time. If the board fails to reach a quorum a second consecutive time, the petition is deemed approved. The board shall meet once each calendar month, as necessary to

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consider any petitions timely filed for that meeting. A meeting may be cancelled by the board or its chair as specified in the board rules of procedure.

(f) Subsequent to receiving a complete petition (on the form provided by the city) for a regulated work item requiring board review and payment of the petition fee, city staff shall provide a notice sign to the applicant at least 13 days prior to the meeting. The applicant shall post the sign on the subject property in a location visible from the public road right-of-way, at least ten days prior to the meeting. Additionally, written notice of the time and place of the meeting, and the location of the subject property, shall be sent by regular mail to the applicant and all property owners within the district at least ten days prior to the meeting.

(g) The board can approve, approve with conditions, deny or continue to a date certain a petition for a regulated work item. The board may continue a petition only once. At the second hearing on a continued petition, the board shall render a decision or the petition shall be deemed approved.

(h) At board meetings, the board deliberation and public comment shall be limited to whether or not the regulated work item is consistent with the district's regulations, as set forth in the ordinance for that district, including the design standards report.

(i) The board and each board meeting shall be staffed by city staff.

(j) The decision of the board on a petition shall be the final decision of the city.
(Ord. No. 090007, § 2, 4-1-10)

ARTICLE VI. REQUIREMENTS FOR SPECIALLY REGULATED USES

Sec. 30-81. Applicability.

(a) The requirements of this article shall be applicable to each specific use identified herein, regardless of the zoning district in which the use is located, regardless of whether the use is permitted as of right or by special use permit, and regardless of any less restrictive requirements

generally applicable to the district in which the use is located. However, when any particular requirement or limitation generally applicable in any zoning district, or when any requirement or limitation imposed by the plan board as a condition of a special use permit approval, is additional to or more restrictive than the requirements and limitations contained in this article, the additional and more restrictive requirements or limitations shall apply.

(b) In any district where a use is permitted as a special use permit and the dimensional requirements for such use are not specified, any dimensional limitation shall be as required by the plan board. Such dimensional limitations shall be established in consideration of the general requirements for the particular zoning district and the general limitations on uses permitted by special use permit, but in no event shall they be less restrictive than any particular dimensional limitation specified in this article.

(Ord. No. 3777, § 1, 6-10-92)

Sec. 30-82. Day care centers.

(a) *Dimensional requirements.* All principal and accessory structures for day care centers shall be located and constructed in accordance with the following requirements. Minimum yard setbacks are as follows:

- (1) Front: Twenty-five (25) feet.
- (2) Rear: Twenty (20) feet.
- (3) Side:
 - a. Interior: Ten (10) feet.
 - b. Street: Fifteen (15) feet.

(b) *Fencing.* There shall be a fence or wall six (6) feet in height surrounding all play areas. Such fence or wall shall be continuous, with latching gates at exit and entrance points. The fence or wall shall be of masonry construction, chain link, wrought iron or wood.

(c) *Minimum outdoor play area.* Requirements of the state and the county for minimum outdoor play area shall be met. Such play area shall be provided on the same lot as the principal building, or on an adjacent lot, and shall not be located in the front yard of the principal building.