

LEGISLATIVE #

110598A

ORDINANCE NO. 110598

An ordinance of the City of Gainesville, Florida, amending Section 30-65.1 Urban mixed-use district 1 (UMU-1) of the Land Development Code; by amending the density requirements and the building height requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a public hearing was given 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 December 5, 2011; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, City Hall, City of Gainesville; and

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.

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

Section 1. Subsections (c) and (d) of Section 30-65.1 of the Land Development Code are amended to read as follows:

Sec. 30-65.1. - Urban mixed-use district 1 (UMU-1).

(a) Purpose. The UMU-1 district is created to promote and encourage redevelopment of urban corridors and neighborhoods in the core of the city and to reflect the character and scale of the existing developments in the neighborhoods. The UMU-1 district is intended to encourage pedestrian access and the combining of trips and is established to allow uses compatible with each other and with surrounding residential areas which are consistent with the land use policies stated in the comprehensive plan. This district will also allow for establishments engaged in

1 conducting research and experimental development in the physical, engineering or life sciences,
 2 in order to facilitate technology transfer from institutions of higher learning to the market place.

3 (b) *Objectives.* The objectives of this district are to:

- 4 (1) Provide a mixture of residential, commercial and office/research uses that are
 5 complementary to the residential and mixed-use character of the district;
- 6 (2) Encourage the renovation of existing structures;
- 7 (3) Promote the integration of pedestrian traffic and vehicular traffic;
- 8 (4) Promote retail and office uses that serve the surrounding neighborhoods; and
- 9 (5) Promote office/research uses to serve the needs of the University and the community.

10 (c) *Permitted uses.*

11 (1) Uses by right are as follows:

Sic	Uses	Conditions
	Single-family dwellings	
	Row houses	
	Multi-family dwellings (up to 8 to 75 units per acre)	<u>Lots that existed on November 13, 1991 as recorded in the Planning and Development Services Department and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.</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.	
	Dormitory	Must not abut property designated single-family on the future land use map
	Rooming houses and boarding houses	In accordance with article VI
	Consolidated apartment management offices	In accordance with article II
	Bed and breakfast establishment	In accordance with article VI
	Community residential homes with 14 or fewer residents	When part of a permitted single-family or multi-family residential component and in accordance with article VI
	Community residential homes with more than 14 residents	In accordance with article VI
	Adult day care homes	In accordance with article VI

	Family day care homes	In accordance with article VI
	Day care center	In accordance with article VI
	Places of religious assembly	In accordance with article VI
	Public service vehicles	In accordance with article VI
	Outdoor cafes	As defined in article II and in accordance with article VI
	Eating places	
	Repair services for household needs	As defined in article II
	Specialty T-shirt production	As defined in article II
	Limited automotive services	In accordance with article VI
	Rehabilitation centers	In accordance with article VI
	Research and Development in the Physical, Engineering and Life Sciences	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).
GN-074	Veterinary services	Only within enclosed buildings and in accordance with article VI
GN-078	Landscape and horticultural services	
MG-43	U. S. Postal Service	
GN-471	Arrangement of passenger transportation	Offices only, with no operation of passenger tours on site.
GN-483	Radio and television broadcasting stations	Accessory transmission, retransmission, and microwave towers up to and including 100 feet in height in accordance with article VI, excluding cellular telephone services.
GN-523	Paint, glass, and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply.	
MG-53	General merchandise stores	
MG-54	Food stores	
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishing, and equipment stores	

MG-59	Miscellaneous retail	Excluding GN598 Fuel Dealers
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI and excluding industrial laundries (IN-7218)
MG-73	Business services	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)
GN-701	Hotels and motels	
GN-752	Automobile parking	Structured parking only, and not within 100 feet of property designated for single-family use
MG-78	Motion picture	
MG-79	Amusement and recreation service	Only within enclosed structures, and excluding go-cart rental and raceway operations and also excluding commercial sports
MG-80	Health services	
MG-81	Legal services	
MG-82	Educational services	
MG-83	Social services	
MG-84	Museums, art galleries, and botanical and zoological gardens	
MG-86	Membership organization	
MG-87	Engineering, accounting, research, management, and related services	

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2 (2) *Use by special use permit:*

	Alcoholic beverage establishments in accordance article VI.	
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4 (d) *Dimensional requirements.* All principal and accessory structures shall be located and
 5 constructed in accordance with the following requirements:

6 (1) *Nonresidential and vertically mixed-use buildings.*

Minimum lot area	5,000 sq. ft.
Minimum lot width	50 sq. ft.
Minimum lot depth	90 ft.
Minimum yard setbacks:	

Front	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.
Side (interior)	7.5 ft., or 25 ft. when abutting property designated single-family or residential low-density on the future land use map.
Side (street)	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.
Rear	20 ft., or 25 ft. when abutting property designated single-family or residential low-density on the future land use map.
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.

- a. *Minimum lot area:* 3,600 square feet.
- b. *Minimum lot depth:* 90 feet.
- c. *Minimum yard setbacks:*
 - 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).
 - 2. *Rear:* 20 feet.
- d. *Minimum yard setbacks for accessory structures:* 5 feet for rear; same as principal building for sides.

(3) *Two-family dwellings and rowhouses.*

	<i>Rowhouses</i>	<i>Two-Family Dwellings</i>
1. Minimum lot depth	90 ft.	90 ft.
2. Minimum lot area	1,800 sq. ft. per unit	3, 150 sq. ft.
3. Minimum yard setbacks:		

i. Side	10 ft. on ends of row	
ii. Rear	15 ft.	20 ft.
4. Minimum yard setbacks for accessory structures	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.*

Allowable density	<u>8</u> Up to 75 units per acre; an additional 25 units per acre may be added by special use permit. <u>Lots that existed on November 13, 1991 as recorded in the Planning and Development Services Department and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.</u>
Minimum lot area	5,000 sq. ft.
Minimum lot width	50 sq. ft.
Minimum lot depth	90 ft.
Minimum yard setbacks:	
Front	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.
Side (interior)	7.5 ft., or 25 ft. when abutting property designated single-family or residential low-density on the future land use map.
Side (street)	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.
Rear	20 ft., or 25 ft. when abutting property designated single-family or residential low-density on the future land use map.
Maximum lot coverage	80%

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(5) *Accessory Structures*

Minimum setbacks (excluding walls and fences):	
Front	Same requirement as for principal structure
Side (interior)	5 ft., or 25 ft. when abutting property designated single-family or residential low-density on the future land use map.
Side (street)	5 ft.
Rear	5 ft., or 25 ft. when abutting property designated single-family or residential low-density on the future land use map.
Maximum building height	35 ft.

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~~(6)(5)~~ *Building height.* All principal buildings shall have a maximum height of 78 feet consisting of a minimum height of two stories, and a maximum

1 height of six stories. All new non-single-family principal buildings shall have a minimum
2 height of 24 feet.

3 (e) *Additional requirements.*

4 (1) *General conditions.* All structures and uses within this district shall also comply with
5 the applicable requirements and conditions of section 30-67 and article IX.

6 (2) *When the development is located in a special area plan overlay district.* If the
7 provisions of the special area plan conflict with the underlying zoning, the provisions of the
8 special area plan shall govern and prevail. The effect of the classification is that the special
9 area plan is the applicable set of regulations. The underlying zoning and provisions of the
10 land development code shall apply when the special area plan does not address a
11 requirement.

12 (3) *Projections over right-of-way.* Projections may project over any public right-of-way
13 used for sidewalks or other pedestrian walkways when in conformance with the Florida
14 Building Code and when permitted by the public entity responsible for the right-of-way by
15 the granting of an easement or other appropriate property right.

16 (f) *General requirements.* All structures and uses within this district shall also comply with the
17 applicable requirements and conditions of section 30-67 and article IX.

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19 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
20 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.

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

28 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
29 such conflict hereby repealed.

1 **Section 5.** This ordinance shall become effective immediately upon final adoption.

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3 **PASSED AND ADOPTED** this ____ day of _____, 2012.

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CRAIG LOWE
MAYOR

9 ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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16 This Ordinance passed on first reading this ____ day of _____, 2012.

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18 This Ordinance passed on second reading this ____ day of _____, 2012.