

City of
Gainesville

Inter-Office Communication

Planning Division
X5022, FAX x2282, Station 11

Item No. 2

TO: City Plan Board

DATE: April 18, 2002

FROM: Planning Division Staff

SUBJECT: Petition 21TCH-02PB, City Plan Board. An amendment to the City of Gainesville Land Development Code to add compatibility regulations for new medium and high density multi-family development when abutting properties designated single-family on the Future Land Use map.

Recommendation

Planning Division staff recommends approval of Petition 21TCH-02PB.

Explanation

There has been increasing concern about the impacts of multi-family development in single-family neighborhoods (see attached map). In particular, there is the issue of multi-family development compatibility when abutting properties designated single-family on the Future Land Use Map.

Some of these compatibility issues include: building height and number of stories, ~~issuance of density bonus points to increase multi-family units~~, setbacks, buffering, uses allowed within setbacks and buffers, and parking. These are discussed more fully below.

1. Currently, the RMF-6, RMF-7, RMF-8, RH-1, and RH-2 zoning districts have no specific height limitations or maximum number of stories (the only limitation on height is based on the maximum floor area ratios). This can pose a problem when multi-family buildings abut single-family (generally developed at one or two-story heights).
- ~~2. Density bonus points (to increase the allowable density for a development) can also pose a problem because increased density next to single-family houses can push the neighborhood comfort level and increase problems of noise and congestion.~~
2. In the RMF-6, RMF-7, and RMF-8 zoning districts, the minimum building setback from any property line abutting lands designated single-family land use is 20 feet; or, the height of the building (45-degree angle of light obstruction) if greater. Accessory structures in these zoning districts may be as close as 15 feet in the rear yard. The RH-1 and RH-2 zoning districts only require a 7.5-foot interior side setback and a 20-foot rear setback. These relatively small setbacks can place multi-family structures (especially high density ones) uncomfortably close to abutting single-family properties.

3. The current Land Development Code only requires a minimum nine-foot landscape buffer between multi-family residential uses and single-family properties. There are no requirements for fences or walls between abutting properties.
4. Multi-family residential developments may place car washing, trash/waste disposal facilities (including dumpsters) in the setback areas between abutting multi-family and single-family residential designated properties. Outdoor recreation uses (such as volleyball areas or picnic tables) can also be placed in the setback or buffer areas. All of these uses can produce undesirable noise and disturbance.
5. There are also no limitations on the amount or size of parking areas placed in the setback area between abutting medium or high density multi-family residential and single-family land use. Depending upon the number of cars and time of day, this can have a highly disruptive influence on single-family neighborhoods.
6. There are no specific limitations on the placement of multi-family recreational facilities (such as outdoor pools and basketball/volleyball courts in areas abutting single-family designated properties).

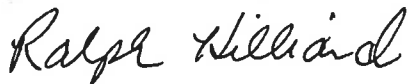
For the purposes of this petition, it is useful to mention two terms defined by the Land Development Code. These are: "Abut" and "Abutting property." "Abut" means to physically touch or border upon, or to share a common property line. "Abutting property" means property that is immediately adjacent to or contiguous with property regulated by this chapter.

Staff proposes several additions to the Land Development Code to enhance compatibility of new multi-family development with abutting single-family properties and to correct the above problems. They are listed in Attachment 1.

Impact on Affordable Housing

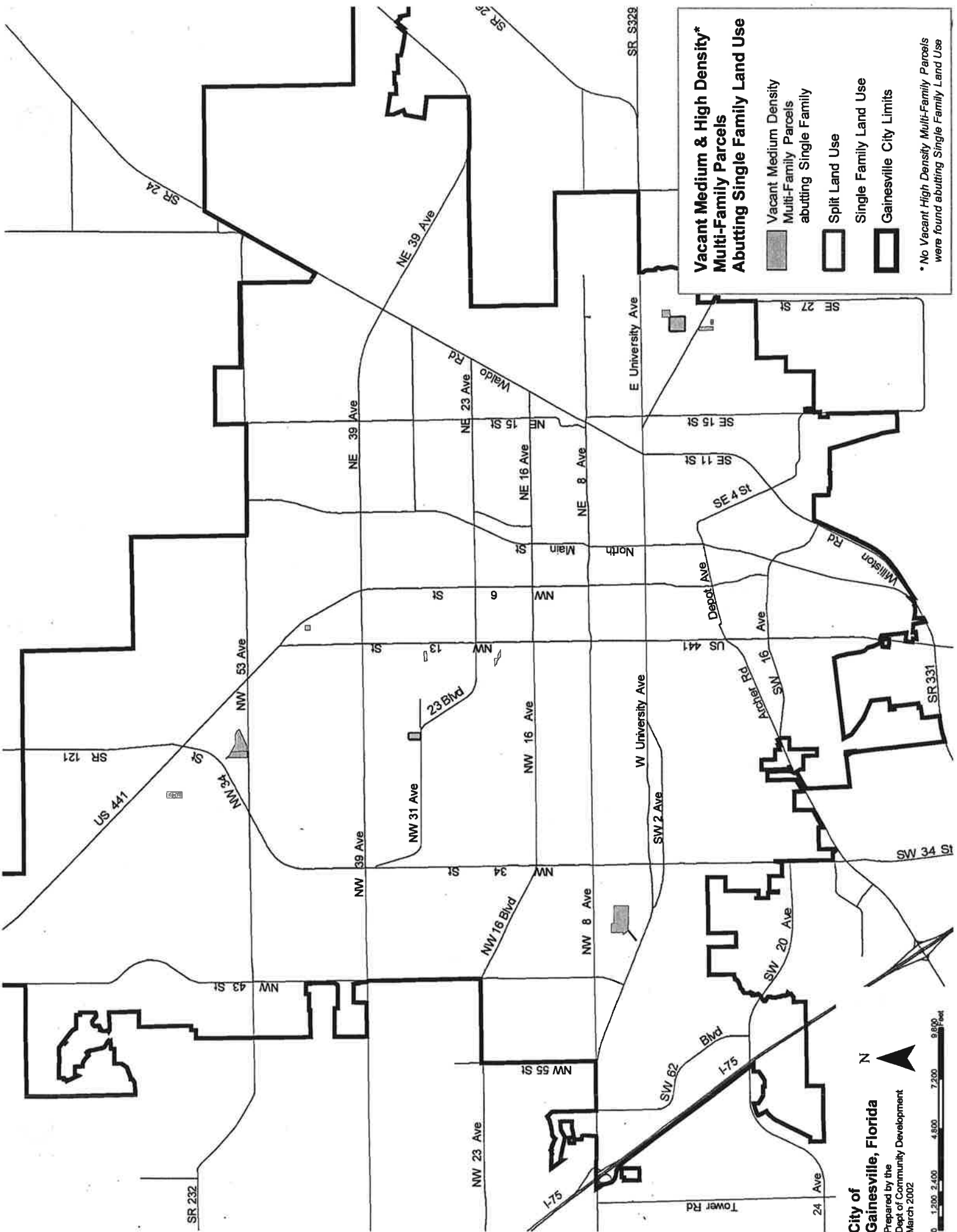
If densities are reduced due to the proposed compatibility regulations, it could reduce the total number of multi-family units available on the market. This could, in turn, result in higher housing costs and create pressures on affordable housing. However, given the limited number of parcels these regulations would involve, the impact should be minimal.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH:ORL



**Vacant Medium & High Density*
Multi-Family Parcels
Abutting Single Family Land Use**

- Vacant Medium Density Multi-Family Parcels abutting Single Family
- Split Land Use
- Single Family Land Use
- Gainesville City Limits

* No Vacant High Density Multi-Family Parcels were found abutting Single Family Land Use

City of Gainesville, Florida
 Prepared by the
 Dept of Community Development
 March 2002

N

0 1,200 2,400 4,800 7,200 9,600 feet

Attachment 1

Proposed Amendments to the Land Development Code

ARTICLE IV. USE REGULATIONS

Sec. 30-53. Multiple-family medium density residential districts (RMF-6, RMF-7 and RMF-8). Add the following language:

(d)(2) *Permitted intensity using density bonus points.* Development criteria, as described in the density bonus points manual, which, when met, shall allow increases in development intensity based upon the limits in this section. These increases in intensity shall be allowed should a developer propose to undertake a project which will result in a development sensitive to the unique environmental and developmental needs of the area. ~~No density bonus points shall be awarded to any RMF 6, RMF 7, or RMF 8 multi-family development if it abuts land designated for single family on the Future Land Use map.~~ For each criterion met by the developer, certain points shall be credited to the project. Those points, calculated in accordance with the Density Bonus Points Manual, shall determine the maximum allowable density.

Amend Table 3. DIMENSIONAL REQUIREMENTS FOR RMF DISTRICTS, as follows:

Alter footnote 1 related to Minimum yard setbacks for Multiple Family as follows:

¹Angle of light obstruction: 45 degrees. Minimum building setback is ~~20~~ 25 feet from any property line abutting a street or land which is in an RC, RSF-2, RSF-2, RSF-3 or RSF-4 district, or which is shown for single-family residential use on the future land use element of the comprehensive plan.

Add:

Maximum building height for MF abutting land designated single-family on the Future Land Use map—35 ft. (in a maximum of two stories)²

²If the multi-family designated site is two or more acres in size, the two-story limit only shall apply to any buildings within 100 feet of abutting single-family designated properties.

Add to the Minimum yard setback, rear for Accessory Structures as follows:

Minimum yard setback, rear 15' or 25' when abutting single-family designated property

Sec. 30-55. Residential high density districts (RH-1 and RH-2). Add the following language.

(d)(2) *Permitted intensity using density bonus points.* Development criteria, as described in the density bonus points manual, which, when met, shall allow increases in development intensity based upon the limits in this section. These increases in intensity shall be allowed should a developer propose to undertake a project which will result in a development sensitive to the unique environmental and developmental needs of the area. No density bonus points shall be awarded to any RH-1 or RH-2 multi-family development if it abuts land designated for single-family on the Future Land Use map. For each criterion met by the developer, certain points shall be credited to the project. Those points, calculated in accordance with the density bonus points manual, shall determine the maximum allowable density.

(e) *Dimensional requirements for multiple-family and accessory structures.* Add to the Side (interior) and Rear setbacks as follows:

Side (interior)	7.5 ft., or 25 ft. when abutting single-family designated property
Rear	20 ft., or 25 ft. when abutting single-family designated property

Add a Maximum building height when abutting single-family designated property as follows:

<u>Maximum building height for MF abutting land designated single-family on the Future Land Use Map</u>	<u>35 ft. (in a maximum of two stories) if the multi-family designated site is two or more acres in size, the two-story limit only shall apply to any buildings within 100 ft. of abutting single-family designated properties.</u>
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Add to the ACCESSORY STRUCTURES section for Side (interior) and Rear setbacks as follows:

Side (interior)	5 ft., or 25 ft. when abutting single-family designated property
Rear	5 ft., or 25 ft. when abutting single-family designated property

Sec. 30-56. General provisions for residential districts.

Add a new (j) as follows:

(j) *Additional requirements for new medium and high density multi-family developments when abutting properties designated single family on the future land use map.* All new multi-family projects being developed under the regulations for the RMF-6, RMF-7, RMF-8, RH-1, and RH-2 zoning districts shall comply with the following regulations when abutting single-family designated properties.

(1) There shall be no outdoor recreation areas or uses allowed within any required building setback area and/or landscape buffer between abutting medium and/or high density multi-family development and single-family designated properties.

(2) There shall be no car washing areas, dumpsters, recycling bins, or other trash/waste disposal facilities placed in the required setback area between medium and/or high density multi-family development and properties designated single family on the future land use map.

(3) Only a driveway, or a driveway plus a single-loaded row of parking may be placed in the setback area between abutting medium and/or high density multi-family uses and properties designated single family on the future land use map.

(4) A decorative masonry wall (or equivalent material in noise attenuation and visual screening) with a minimum height of 6 feet and a maximum height of 8 feet plus a ~~and~~ minimum nine-foot landscape buffer shall separate any new medium or high density residential development from properties designated single-family residential. However, driveways, emergency vehicle access, or pedestrian/bicycle access may interrupt a continuous wall. If, in the professional judgment of City staff or other professional experts, masonry wall construction would damage or endanger significant trees or other natural features, the appropriate reviewing board or staff, when only staff review is required, may authorize the use of a fence and/or additional landscape buffer area to substitute for the required masonry wall.

~~*(5) — The massing of multi-family buildings shall provide variations in wall and roof planes to reduce the appearance of the size and bulk of buildings in a manner appropriate to the context and character of nearby residential buildings.~~

~~*(6) — Building articulation shall include the periodic placement of windows or other design features or breaks in wall planes, appropriate to the context and character of nearby residential buildings~~

~~*Note: The determination as to whether the building massing and articulation is appropriate/compatible with the context and character of nearby residential buildings shall be made by the appropriate reviewing board or the City Manager or designee when only staff review is required.~~

(5) The primary driveway access shall be on a collector or arterial street, if available. Secondary ingress/egress and emergency access may be on or from local streets.

(6) Active recreation areas (including, but not limited to, swimming pools, tennis courts, basketball and volleyball courts) shall be located away from abutting single-family designated properties and shall be oriented in the development to minimize noise impacts on single-family designated properties.

(7) All mechanical equipment (including heating and air conditioning units) shall be oriented away from abutting single-family residential designated properties.

(8) Second-story balconies/porches shall not overlook abutting single-family residential designated properties.

(9) Buildings within 100 feet of single-family residential shall contain no more than four dwelling units and shall be in the form of single-family dwellings, rowhouses, townhouses, or garden apartments (as defined and illustrated in the University Heights Special Area Plan). Staff and/or the appropriate reviewing board shall have the authority to establish the building form as it relates to the desirable context and character of surrounding single-family designated properties. These buildings shall have gabled, hipped, or shed style roofs.

(10) Elevations for buildings within 100 feet of single-family residential shall show specific building materials, colors, window treatment, roof type, and building articulation. Any changes to these elevations shall require a new review before the appropriate reviewing board, or by staff, if only staff review is required.

Amend Sec. 30-64. Mixed use low intensity district (MU-1) as follows:

Sec. 30-64 (c) *Development requirements for sites of three acres or less.*

(c) (1) a. *Specific conditions for residential uses.* If MU-1 zoning abuts a single-family residential zoning district, then the residential portion of the mixed use development shall be limited to RMF-6 in the area within 100 feet of the property line, plus the required buffers for the single-family residential zoning district. In addition, the multi-family development shall comply with all the regulations in the RMF-6 district and the requirements of Sec. 30-56.

Sec. 30-64 (d) *Development requirements for sites of more than three acres.*

(d)(1) c. Other residential development shall conform to the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts. If MU-1 zoning abuts a single-family residential zoning district, then the residential portion of the mixed use development shall be limited to RMF-6 within 100 feet of the property line, plus the required buffers for that single-family residential zoning district. In addition, the multi-family development shall comply with all the regulations in the RMF-6 district and the requirements of Sec. 30-56.

Amend 30-64 (e) *Permitted uses.* as follows:

Residential (Ten to 30 dwelling units per acre)	In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of this section, <u>and the requirements of Sec. 30-56.</u>
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Amend Sec. 30-65. Mixed use medium intensity district (MU-2). as follows:

Add the following to Sec. 30-65 (c) *Permitted uses*.

Residential uses (14 to 30 dwelling units per acre)	Residential development shall conform to the requirements of the RMF-7 or RMF-8 zoning districts, <u>the requirements of Sec. 30-56</u> , and the additional requirements of this section.
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Amend (d) *Requirements for sites of less than three acres*. as follows:

(d) (1) b. Where the side or rear yard abuts property which is in a residential zoning district or is shown for residential use on the future land use map of the comprehensive plan, the minimum setback shall be 25 feet or the distance created by the 45-degree angle of light obstruction, whichever is greater. If MU-2 zoning abuts a single-family residential zoning district, then the residential portion of the mixed use development shall be limited to RMF-7 in the area within 100 feet of the property line, plus the required buffers for the single-family residential zoning district. In addition, the multi-family development shall comply with all the regulations in the RMF-7 district and the requirements of Sec. 30-56.

Amend (e) *Requirements for sites of three acres or more*. as follows:

(e) (2) c.2. *Between different districts*. Where the side or rear yard abuts property which is in a residential district, or is shown on the future land use map of the comprehensive plan for residential use, the minimum setback shall be 100 feet or the distance created by a 45-degree angle of light obstruction, whichever is greater. If MU-2 zoning abuts a single-family residential zoning district, then the residential portion of the mixed use development shall be limited to RMF-7 in the area within 100 feet of the property line, plus the required buffers for the single-family residential zoning district. In addition, the multi-family development shall comply with all the regulations in the RMF-7 district and the requirements of Sec. 30-56.

Responses to 3/18/02 Plan Board and Citizen Questions about the proposed Multi-family Compatibility Regulations

1. Why was the RMF-5 zoning district not included in the regulations?

The RMF-5 zoning district falls within the Residential Low land use category. As currently regulated by the Land Development Code, multi-family buildings in this district cannot be more intense in form than 4-family dwelling units. This limits the bulk and scale of buildings in the district to being lower in impact than the building types allowed in the Medium and High Density Multi-family districts.

In addition, the RMF-5 zoning district contains a height limit (unlike the medium and high density multi-family districts) that sets a maximum building height of 35 feet, which is identical to the building height maximum in the single-family zoning districts.

There is also no provision for density bonus points in this zoning district, which means that neighboring properties know the precise density that will be built in this district.

As stated in Sec. 30-52 of the Land Development Code (Residential low density districts). "The residential low density districts are established for the purpose of providing suitable areas for low density residential development with various dwelling unit types compatible with single-family dwellings. These districts are characterized by one-, two-, three-, and four-family residential structures designed and located so as to provide a desirable residential environment and transition between differing intensities of land use."

2. Why are the regulations for developments abutting single-family residential as opposed to including cases that fall across the street?

The proposed regulations were written to better buffer and protect single-family designated properties abutting (physically touching or sharing a common property line) medium and high density residential lands. As proposed, the regulations are oriented to protection from noise, intrusion, and incompatible activities (such as recreational uses, car washing, dumpsters, etc.)

Intervening streets form a buffer (separation) between uses. The larger the road (4-lane, 6-lane, arterial, etc.) the greater the barrier created between single-family and multi-family uses. Regulations that would apply for situations across a street must be more design-oriented than buffer-oriented and should apply only on local streets. Regulations should also be tailored to the type of relationship across an intervening street. Front-to-front facing uses should have different design criteria than front-to back or front-to side relationships.

The City Commission is in the process of reviewing and analyzing options for dealing with design issues. A recent Commission workshop was held on April 4 where a variety of ideas were explored. As decisions are made concerning whether to deal with the design issue in a prescriptive fashion (codifying specific regulations) or with a specific design review process established, staff will respond to specific design considerations for cases where multi-family buildings are located across the street from single-family designated property.

3. **Which single-family neighborhoods have lots abutting medium or high density residential properties?**

Attached is a list (p. 3) of the multi-family properties that abut single-family designated lands. The names of the residential subdivisions associated with each property are in numerical order below.

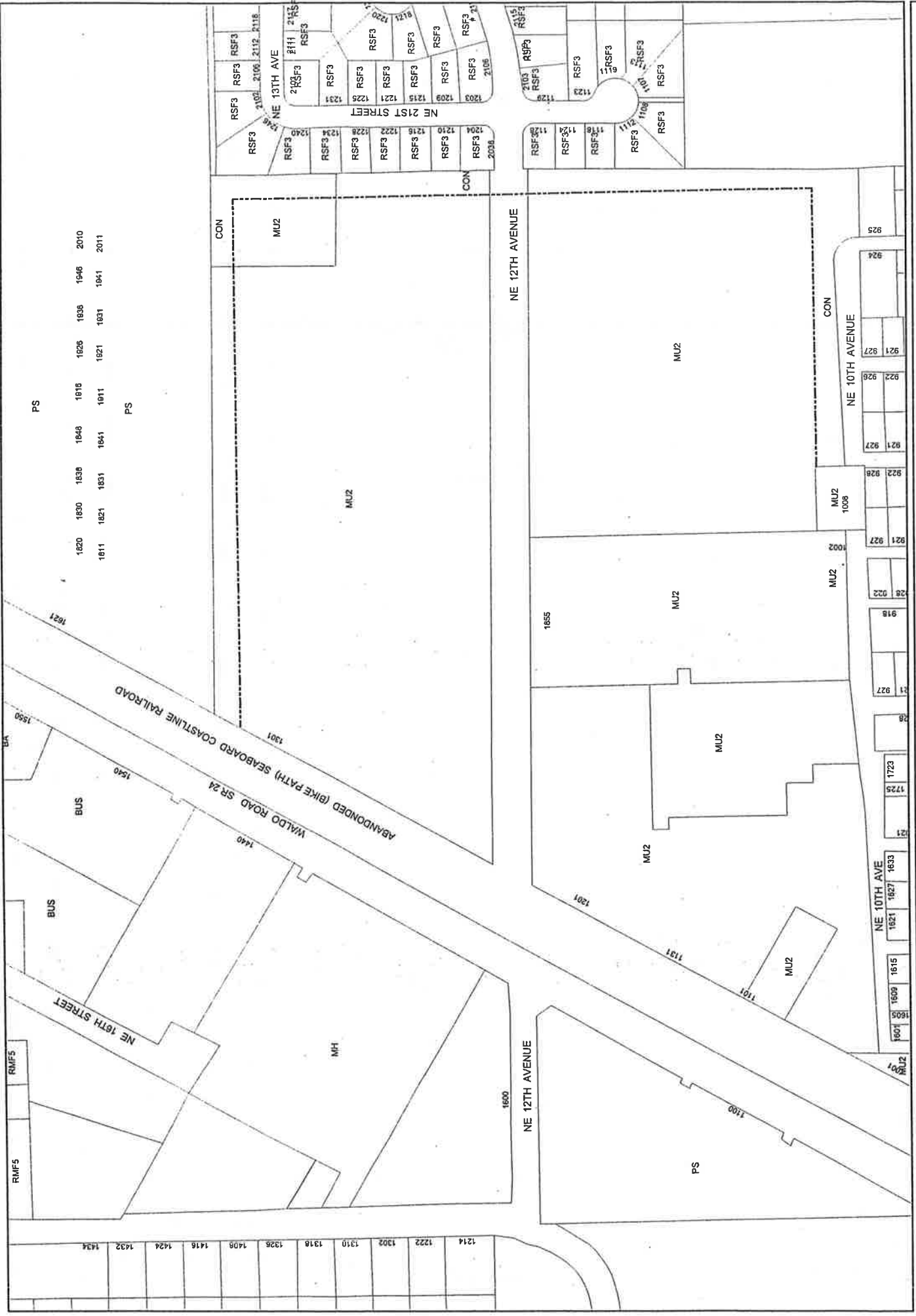
1. Northwood Pines Unit 5
2. Northwood Pines Unit 3 & 4
3. Golf Club Manor
4. Northwood Pines Unit 5
5. Magnolia Heights
6. Magnolia Park
7. Ridgeview
8. Walter Baynard Unit 1
9. None, abuts a Place of Religious Assembly
10. None, Vacant land
11. None, Vacant land
12. The Oak
13. The Oak
14. The Oak & Woodland Park

4. **Why was a piece of RMF-6 property located on NE 2nd Street not included on the map illustrating vacant medium and high density residential land abutting single-family designated properties?**

The property in question, 2001 NE 2nd Street (see illustration page 4), does not abut single-family residential. A 60 foot Public Service-zoned strip owned by the City of Gainesville separates the single-family property from the multi-family designated property.

See also another example of where property could be developed as multi-family (under the Mixed Use -2 zoning) that abuts a 50-foot Conservation buffer strip (see page 5).

Number	ID	LASTNAME	FIRSTNAME	ADDRESS	MP ACRES	MP IMPROVE	MAP NUMBER	MP NLUP1	MP NLUP2	ZONE 1	ZONE 2
1	07879-005-006	BKT ENTERPRISES		0000 NW 55TH BLVD	10	N	3248	R-M		RMF7	
2	06014-001-093	HOLY TRINITY EPISCOPAL	FOUNDATION INC	0	5	N	3147	R-M		RMF7	
3	06496-000-000	HENDERSON	R L JR TRUSTEE	0301 NW 39TH RD	23	N	3944	R-M		RMF7	
4	07879-008-000	BKT ENTERPRISES LP		0000 NW 55TH BLVD	5	N	3248	R-M		RMF7	
5	08096-001-000	LEWIS	F H	1113 NW 45TH AVE	1	N	3450	R-M		RMF6	
6	08975-000-000	BURCH	E W JR	3042 NW 14TH ST	1	N	3649	R-M		RMF6	
7	08997-000-000	BURNS	JERRY A	2140 NW 31ST AVE	3	N	3548	SF	R-M	RSF1	RMF7
8	09013-002-000	BARBAN INC		1694 NW 19TH LN	2	N	3749	R-M		RMF6	
9	10902-003-000	SANCTIFIED HOLINESS CHURCH OF GOD		0	0.23	N	3955	R-M		RMF6	
10	11284-000-000	THOMAS	JEANNE B	0	3	N	4055	R-M		RMF6	
11	11288-000-000	SUPER 50 THEATER CORP		0411 SE 24TH ST	10	N	4055	MULTI		MULTI	
12	16077-005-000	STEVENS	TIMOTHY	2501 SE 9TH PL	0.25	N	4155	R-M		RMF6	
13	16077-006-000	PAQUET	JEANNE M	2539 SE 9TH PL	0.25	N	4155	R-M		RMF6	
14	16079-000-000	RAINES	MENIA	2339 SE HAWTHORNE RD	3	N	4155	R-M		RMF6	



PS
 1820 1830 1836 1846 1816 1828 1836 1946 2010
 1811 1821 1831 1841 1811 1821 1831 1841 2011
 PS

All Properties Zoned:
 RC
 pt as Noted

City of Gainesville
 Gainesville, Florida
 Department of Community Deve
 April 2002



1. **Petition 21TCH-02 PB** City Plan Board. An amendment to the City of Gainesville Land Development Code to add compatibility regulations for new medium and high density multi-family development when abutting properties designated single-family on the Future Land Use map.

Ms. Onelia Lazzari was recognized. Ms. Lazzari noted that the board's packets contained responses to questions raised at the last meeting. She reviewed the revisions to the text of the proposed amendment in detail. She offered to answer any questions from the board.

Mr. Pearce noted that building height was limited to two stories within 100 feet of abutting single-family designated properties, unless the site was less than two acres, in which case, the height was limited to two stories for the entire site. He indicated that he did not believe that it was appropriate to limit the building height over an entire two acre or less property past the 100-foot distance required for larger properties. Ms. Lazzari explained that parcels smaller than two acres were closer to single-family designated property and were also the most infill oriented. She noted that some of the parcels were very small, one-half acre or less, and staff believed the entire site should be limited in order to be compatible with the neighborhood. She indicated that staff recognized the inequities, but the smaller parcels were the most likely to be fitted into a neighborhood situation.

Mr. Pearce noted that accessory structures were required to be set back 25 feet from single-family property. He indicated that he believed the 25-foot distance to be inappropriate and unnecessary. He agreed that accessory structures could be used for things that might be nuisances to adjacent properties, but he noted that provisions had been made to require that active recreation areas be moved away from abutting single-family properties and were to be oriented in a way that minimized their impact.

Ms. Lazzari pointed out that accessory structures could be a laundry room, which was not a recreation use. She noted that accessory structures could include uses such as lawn and garden equipment storage.

Mr. Pearce pointed out that a duplex was a multi-family dwelling, as opposed to a larger structure.

Ms. Lazzari explained that most duplex, triplex, and quadraplex units were in the residential low districts, which included the RMF-5 Zoning District, and the ordinance would not apply to the residential low districts. She indicated that staff could write a variance procedure to allow for hardships based upon the size and shape of the lot.

Mr. Pearce indicated that he had an aversion to masonry walls and would prefer to see increased landscaping and natural open space. He explained that he would prefer to eliminate the requirement for a wall. He described the current landscape requirements and suggested that if an increased amount of screening and buffering was necessary, the landscaping requirement could be doubled rather than require a wall or fence. Regarding the requirement that second-story balconies/porches not overlook abutting single-family residential designated properties, Mr. Pearce indicated that he believed it also to be an inappropriate restriction.

Mr. Lazzari explained that the requirement was not a prohibition on second-floor balconies and porches, but a prohibition on an orientation overlooking single-family residences.

Mr. Pearce noted that Section 30-56(9), listed types of roofs allowed. He asked if the text was to eliminate flat roofs, and if a mansard type roof could be allowed.

Ms. Lazzari indicated that the requirement was to prohibit flat roofs and make the roof structures more compatible with the types of roof structures usually found in single-family dwellings. She agreed that mansard type roofs could be added to the list.

Mr. Pearce asked if it would not be simpler to prohibit flat roofs.

Ms. Lazzari explained that roof types were very specific architecturally, and staff preferred the exact language. She indicated that it made the ordinance more enforceable.

Mr. Guy noted that Sections 30-56(9) and (10) seemed to overlap. He asked if there could be some consolidation of the two items. Regarding (10), he asked if a petition would be denied because of façade treatment. He also asked if the purpose of the requirement was to allow for neighborhood review or aesthetic perception. He asked what the requirement would mean in terms of approval or disapproval.

Ms. Lazzari explained that the proposed text would require that the plans a developer presented for staff and board review would be what was constructed, in terms of specific materials, roof type, building articulation etc. She indicated that there was a real problem with the design elevations changing after the petition went through board and staff review. She explained that there was a false sense of security created at a public hearing, neighborhood meeting or staff review, in terms of the initial design presented, and what was ultimately constructed. She indicated that, if an elevation was presented to staff or the board, any changes in that elevation would require another staff or board review, whichever was most appropriate. Ms. Lazzari explained that the requirement allowed more negotiation in terms of the aesthetics of the building, which was not allowed except in the Special Area Plans, where there were very specific design requirements. She noted that people attending neighborhood meetings would have a better idea of what would actually be constructed in terms of materials, design and style much earlier in the process.

Mr. Guy asked what negotiation would be involved.

Ms. Lazzari explained that currently, the elevations did not require that specific building materials be stated. She pointed out that an elevation indicating brick could become stucco when actual construction was completed. She indicated that the requirement allowed staff and the board to work with a developer on the styles and materials.

Mr. Guy asked if a petition could be denied because it did not have brick or any other specific building material.

Mr. Ralph Hilliard was recognized. Mr. Hilliard explained a petition would not be denied because it did not have a specific building material. He indicated that staff wanted to be sure that, whatever plans a developer presented to the board for approval was what was actually built. He noted that a developer could present plans for a beautiful brick building to staff and the board, then after receiving approval based upon those plans, construct something totally different. He explained that the language did not require specific materials or building type, but once plans were presented, a developer would have to return to staff or the board for changes to the building type or materials.

Chair Polshek suggested that the building permit should determine if the plans were constructed as presented.

Ms. Lazzari agreed, but noted that the changes would occur after board approval, and before the plans were submitted to the Building Department. She explained that a developer could present a plan with brick siding to staff and the board and then submit the same building with aluminum siding to the Building Department. She noted that, at the present time, the Building Department could not deny a permit based upon an elevation different from one approved by the board. She agreed that staff also could not deny a petition based upon the elevation, but if that elevation changed after board or staff approval, it would have to come back to staff or the board for review of those changes. Ms. Lazzari explained that a beautiful design could be drafted and presented, but the actual construction could be very different.

Mr. Guy noted that outdoor recreation was prohibited in the buffers. He asked if a path or nature trail would also be prohibited.

Ms. Lazzari indicated that they would be prohibited. She pointed out that the regulations would only apply to the portion of the property abutting single-family. She noted that, in general, only one side of a lot would be abutting single-family. She noted that the wall could be interrupted for pedestrian, bicycle, driveways or emergency vehicle access.

Mr. Guy suggested that distance as a substitute for a wall might achieve the goal of buffering.

Ms. Lazzari explained that the requirement was for a wall and a nine-foot landscape buffer. She pointed out that there was the option of increasing the buffer should trees or some other environmental feature need to be preserved. She indicated that, in staff's experience, nothing buffered noise as well as a masonry wall and additional landscaping would not provide the same noise attenuation.

Mr. Guy noted that earth could be used to buffer noise. He suggested that the performance was the issue.

Ms. Lazzari noted that language had been added to the petition to allow "equivalent material in noise attenuation and visual screening."

Mr. Rwebyogo indicated that he supported Section 30-56(10) requiring that changes in plans be reviewed.

Ms. Lazzari indicated that staff was not dictating the design, but requiring that the design not be changed without review after approval.

Mr. Gold indicated that he agreed with Mr. Pearce that the requirements for two-story buildings on sites of less than two acres needed work.

Chair Polshek pointed out that, at the present, there were very few parcels where the two-acre or less requirements would be applicable. He agreed with the 25-foot setback for accessory structures. Regarding the two-acre, two-story height issue, he agreed that the smaller parcels were likely to be in a built-up area and it made sense to limit those buildings. Chair Polshek asked if there were any exceptions to the required masonry wall.

Ms. Lazzari explained that an exception could be made only in the case of significant trees or environmental features. She noted that the board would make the determination. She suggested that staff could add the term, "or natural berm," to the language.

Chair Polshek asked if a very large buffer could preclude construction of a masonry wall.

Ms. Lazzari reiterated that, it was staff's experience that masonry walls were the best in terms of noise and visual screening.

Chair Polshek noted that there were many single-family homes that did have flat roofs. He suggested that the prohibition on flat roofs was arbitrary.

Ms. Lazzari explained that the design should be in the neighborhood context and the board had previously commented on the possibility of an undesirable neighborhood context. She pointed out that the building forms listed in the regulation were preferred architectural standards. She noted that the restriction would only apply to buildings within the first 100 feet of the property line.

Chair Polshek suggested that, the language of Section 30-56(10), was restrictive, because of the process.

Ms. Lazzari reiterated that the number of buildings under consideration was limited to those in the first 100 feet from the property line and was narrowly focused.

Chair Polshek suggested that the language be worded to require that the plan that came before the board would be the plan that went to the Building Department. He further suggested that the problem be addressed across all possible situations.

Ms. Lazzari indicated that staff was working on revisions to the Land Development Code to address the problem and the restriction would be codified for all building types.

Chair Polshek opened the floor to public comment.

Ms. Dian Deevey was recognized. Ms. Deevey suggested that the situation of multi-family abutting single-family would occur more often along activity centers and transit routes. She cited a concern about the requirements for a 45-degree angle of light obstruction. She presented photographs of an apartment complex with three story buildings. She requested that the board not act on the petition.

Ms. Sara Poll was recognized. Ms. Poll cited a concern about the noise levels at sixty feet. She noted that the parcel behind her house was not included in the discussions and was not considered abutting because of the sixty-foot GRU easement separating the properties.

Chair Polshek closed the floor to public comment. He requested that a member of staff address Ms. Poll's comments.

Mr. Hilliard called the board's attention to maps in their packets that illustrated situations like Ms. Poll's. He pointed out that there was a 60-foot strip of land zoned PS that separated the multi-family zoned property from her single-family parcel. He noted that those types of situations did exist and the board could determine if there should be additional buffer requirements. He called the board's attention to a parcel in the

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northeast, which had a 50-foot conservation buffer around the property, where the new standards also would not apply.

Ms. Lazzari explained that there was a specific definition in the Code for abutting properties, which meant two properties physically touching each other. She noted that the petition was advertised with language indicating that it dealt with abutting and not adjacent properties. She recommended that the issue be dealt with in a separate petition for advertising and legal purposes.

Mr. Pearce pointed out that any development larger than a triplex had to go before the Development Review Board and a site plan would have to be approved. He suggested that, if there were unusual circumstances, those issues could be taken up at that DRB hearing.

Mr. Rwebyogo asked if Ms. Poll could suggest a solution to the problem.

Ms. Poll indicated that she believed the language should state that abutting did include PS and Conservation zoning.

Chair Polshak pointed out that noise occurred in single-family neighborhoods and he believed the impact of multi-family on single-family was overstated. He noted that there was a broad array of issues to be addressed. He stated that he believed the 45-degree angle of light issue was adequately dealt with in the petition.

Mr. Gold requested that staff address the issue of properties across the street.

Chair Polshak pointed out that the City was not a rural environment everyone made sacrifices when they chose to live in the City Limits.

Ms. Lazzari indicated that the issue of properties across the street was addressed in staff's response to questions from the last meeting. She pointed out that there were different relationships across a street and it involved design issues.

Mr. Pearce requested that specific changes be made to the document.

Mr. Guy suggested that Section 30-56(5), read, "primary driveway access shall be," instead of "primary driveway access should be," and include language on not diminishing connectivity. He indicated that if the idea was to move multi-family away from single-family, a 200-foot undisturbed buffer would be adequate in place of a masonry wall.

There was discussion of the use of accessory structures and the possible nuisance to neighborhoods.

Chair Polshak agreed that if a building were 100 or 150 feet from an abutting property, a masonry wall should not be required. He agreed with the prohibition on second floor balconies and porches and disagreed with the prohibition of flat roofs.

Mr. Pearce made a motion to approve Petition 21TCH-02 PB, amending Section 30-53 Table 3 of the dimensional requirements for the RMF Districts striking the language "If the multi-family designated site is two or more acres in size." Amending Section 30-55, modifying the accessory structure setbacks from five feet to ten feet rather than 25 as proposed. Amending Section 30-56(4) to include the language "or the

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landscape buffer requirements as listed in Chart B of the buffer type matrix including the minimum width shall be doubled.” Strike paragraph (8) of Section 30-56 regarding second story balconies. Amend Section 30 -56(9) to include mansard style roofs.

There was no second to the motion.

Mr. Hilliard suggested that each board member state which portion of Mr. Pearce’s motion they did not agree with. He suggested that a motion be made on each of Mr. Pearce’s points and they could be voted up or down.

Chair Polshek agreed.

<u>Motion By:</u> Mr. Pearce	<u>Seconded By:</u> Mr. Gold
<u>Moved to:</u> Amend the language of Section 30-53 Table 3 of the dimensional requirements for the RMF Districts striking the language “If the multi-family designated site is two or more acres in size.”	<u>Upon Vote:</u> Motion failed 3 - 2 Ayes: Pearce, Gold Nays: Guy, Rwebyogo, Polshek

<u>Motion By:</u> Mr. Pearce	<u>Seconded By:</u> Mr. Rwebyogo
<u>Moved to:</u> Amend Section 30-55, modifying the existing accessory structure setbacks from five feet to ten feet, rather than 25 as proposed.	<u>Upon Vote:</u> Motion failed 4 - 1 Ayes: Pearce Nays: Gold, Guy, Rwebyogo, Polshek

<u>Motion By:</u> Mr. Pearce	<u>Seconded By:</u> Mr. Rwebyogo
<u>Moved to:</u> Amending Section 30-56 (4) amending the language to read, “a decorative masonry wall or equivalent material in noise attenuation and visual screening with a minimum height of six feet and a maximum height of eight feet plus a minimum nine-foot landscape buffer shall any new medium or high density residential development from properties designated single family residential, or the landscape buffer requirements may as listed in Chart B of the buffer type matrix including the minimum width shall be doubled.”	<u>Upon Vote:</u> Motion failed 4 - 1 Ayes: Pearce Nays: Gold, Guy, Rwebyogo, Polshek

<u>Motion By:</u> Mr. Pearce	<u>Seconded By:</u> Mr. Guy
<u>Moved to:</u> Strike paragraph (8) of Section 30-56 regarding second story balconies.	<u>Upon Vote:</u> Motion failed 3 - 2 Ayes: Pearce, Guy Nays: Gold, Rwebyogo, Polshek

<u>Motion By:</u> Mr. Pearce	<u>Seconded By:</u> Mr. Rwebyogo
<u>Moved to:</u> Amend Section 30 -56 (9) to include mansard style roofs.	<u>Upon Vote:</u> Motion failed 4 - 1 Ayes: Pearce Nays: Gold, Guy, Rwebyogo, Polshek

Chair Polshek called for another motion.

<u>Motion By:</u> Mr. Guy	<u>Seconded By:</u> Mr. Rwebyogo
<u>Moved to:</u> Approve Petition 21TCH-02 PB Amending Section 30-56 (4) adding a provision to remove the requirement for the masonry wall if buildings are 200 or more feet from abutting single-family properties. Amend Section 30-55 (9) to read, "shall have architecturally interesting roof types, including gabled, hipped, shed, mansard, arched or flat, as appropriate."	<u>Upon Vote:</u> Motion Carried 4 - 1 Ayes: Gold, Guy, Rwebyogo, Polshek Nays: Pearce

Mr. Guy noted that the text stated that the appropriate reviewing board shall have the authority to establish building form as it relates to desired context and character.

Ms. Lazzari noted that the language on the building form dealt with single-family dwellings, row houses, town houses, or garden apartments, and did not deal with the roof.

