

ORDINANCE NO. 080545
0-08-82

An ordinance of the City of Gainesville, Florida, correcting minor scrivener's errors throughout the Land Development Code, by amending subsection 30-41(a)(4) relating to MU-1 and MU-2 zoning districts; by amending Table 2 of section 30-52 relating to principal structures within the residential low density districts; by amending subsection 30-98(m)(9) relating to wireless communication facilities; by amending subsection 30-112(a)(2) relating to historic preservation/conservation; by amending subsection 30-160(d)(33) relating to preliminary development plans; by amending subsection 30-318(b)(4)b relating to I-75 corridor signs; amending subsection 30-353(d) relating to the City Plan Board; by amending Appendix A, Section 6, relating to the Special Area Plan for University Heights; by amending Appendix A, Section 7 relating to the Special Area Plan for S.W. 13th Street, 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 October 23, 2008; 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 to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, a public hearing was held pursuant to the published and mailed notices described above at which hearing 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. Subsection 30-41(a)(4) of the Land Development Code of the City of

Gainesville is amended as follows:

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

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

(4) *Mixed use districts.*

MU-1: ~~8-10~~-30 units/acre mixed use low intensity.

MU-2: 12 ~~14~~-30 units/acre mixed use medium intensity.

CCD: Up to 150 units/acre central city district.

UMU-1: Up to 75 units/acre urban mixed-use district.

UMU-2: Up to 100 units/acre urban mixed-use district.

Section 2. The portion of Table 2 of section 30-52, relating to principal structures, of the Land Development Code of the City of Gainesville is amended as follows:

Sec. 30-52. Residential low density districts (RMF-5, RC and MH)

TABLE 2. DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL
LOW DENSITY AND RC DISTRICTS
Principal Structures

		MH	RMF-5	RC
	Maximum density	12 du/a	12 du/a	12 du/a
	Minimum lot area: ¹			
	Single-family dwelling unit	3,000 sq. ft.	3,500 sq. ft.	3,000 sq. ft.
	Two-family dwelling unit ⁴	N/A	7,000 sq. ft. ²	6,000 sq. ft. ³
	Three-family dwelling unit	N/A	10,500 sq. ft. ⁷	N/A
	Four-family dwelling unit	N/A	14,000 sq. ft. ⁷	N/A
Minimum lot width at minimum front yard setback:				
	Single-family dwelling unit	N/A	40 ft.	35 ft.
	Two-family dwelling unit	N/A	75 ft. ⁴	70 ft. ⁴

	Three-family dwelling unit	N/A	85 ft. ⁷	N/A
	Four-family dwelling unit	N/A	100 ft. ⁷	N/A
	Five and six-family dwelling unit		120 ft. ²	N/A
Minimum yard setbacks:				
	Front	15 ft.	20 ft.	The average of the actual distance (up to 20 feet) between the street right-of-way and principal structures on the 2 adjoining lots, using 20 feet for any adjoining vacant lot
	Side (interior)	10 ft.	7.5 ft. ⁵	5 ft. ⁶
	Side (street)	N/A	10 ft.	N/A
	Rear	15 ft.	20 ft.	20 ft.
Maximum building height		25 ft.	3 stories	3 stories
Maximum lot coverage		N/A	35%	50%

- 1 ¹ A separate lot does not need to be created for each duplex, triplex, or quadraplex structure, where
2 applicable.
3 ² However, the dwelling may be arranged so that a common wall is located on the property line of
4 adjoining lots with a minimum lot area of 5,000 square feet in the RMF-5 district.
5 ³ However, the dwelling may be arranged so that a common wall is located on the property line of
6 adjoining lots with a minimum of 3,000 square feet in the RC district.
7 ⁴ Except when a common wall is located on the property line of two adjoining lots, in which case the
8 required width is 50 feet for each lot.
9 ⁵ Except where a two-family dwelling is located with a common wall on the property line of two adjoining
10 lots. In such instances, the yard setback for the side of each lot opposite the common wall shall be at least
11 ten feet in the RMF-5 district. No setback for attached rowhouse and townhouse units
12 ⁶ Except where a two-family dwelling is located with a common wall on the property line of two adjoining
13 lots. In such instances, the yard setback for the side of each lot opposite the common wall shall be at least
14 7.5 feet in the RC district.
15 ⁷ Attached rowhouses and townhouses require no minimum lot width; however, such units require a 40-
16 foot lot width maximum when units are on separate lots. In addition, such lots require no minimum lot
17 area.
18

19 **Section 3.** Subsection 30-98(m)(9) of the Land Development Code of the City of

20 Gainesville is amended as follows:

1 **Sec. 30-98. Wireless communication facilities and antenna regulations.**

2 (m) *Submittal requirements.* In addition to the requirements of article VII, division 1, an
3 application for a new wireless communication facility shall contain the following
4 information:

5
6 (9) A bond or irrevocable letter of credit in an amount determined by the city
7 manager or designee, and subject to the approval of the city attorney as to form and
8 legality, to ensure that if the tower is abandoned pursuant to subsection 30-98(~~lm~~),
9 cost to the city for removal of the tower shall be guaranteed to the city.

10
11 **Section 4.** Subsection 30-112(a)(2) of the Land Development Code of the City of
12 Gainesville is amended as follows:

13
14 **Sec. 30-112. Historic preservation/conservation.**

15
16 (a) *Findings.* The city commission hereby finds as follows:

17
18 (2) In recognition of these assets, the city has recently adopted the 2000-2010 ~~1991-~~
19 ~~2001-~~Comprehensive Plan which includes a historic preservation element;

20
21 **Section 5.** Subsection 30-160(d)(33) of the Land Development Code of the City of

22 Gainesville is amended as follows:

23 **Sec. 30-160. Submittal requirements.**

24
25 (d) *Preliminary development plan.* Each preliminary development plan shall include the
26 following:

27
28 (33) A photometric plan. For all development plans requiring development plan
29 review by a reviewing board, the plan shall be certified by a registered architect or
30 engineer, or lighting professional holding a current LC (lighting certification) from
31 the National Council on Qualifications for the Lighting Profession (NCQLP), as
32 providing illumination in accordance with the applicable standards set forth in
33 sections 30-330(a)(4) and 30-345(b)(8) and ~~(9)(a)(9) and (10)~~. For development
34 plans requiring staff review only, the city manager or designee shall determine
35 whether such a lighting plan is required. Plans shall indicate the location, height and
36 types of lights (manufacturer's catalog cut, including make and model numbers and
37 glare reduction/control devices), footcandle grid to illustrate light levels required,
38 uniformity ratio, lamp wattage, shades, deflectors, beam direction, luminous area for
39 each source of light and a statement of the proposed hours when the luminaries will
40 be on and when they will be extinguished.
41

1 **Section 6.** Subsection 30-318(b)(4)b of the Land Development Code of the City of

2 Gainesville is amended as follows:

3 **Sec. 30-318. Permanent signs.**

4
5 (b) *Ground-mounted signs for single- and multiple-occupancy developments.*

6
7 (4) *I-75 corridor signs.*

8
9 b. An applicant for this additional ground-mounted sign may apply for a
10 special use permit for an I-75 corridor sign which allows a maximum height
11 above 18 feet. The plan board shall review sign height and the overall site
12 design in order to make the appropriate findings in accordance with article
13 VII and the following special considerations. Under no circumstances may a
14 special use permit be granted for any sign exceeding 90 feet in height. The
15 burden shall be on the applicant to prove by clear and convincing evidence
16 that all ~~conditions~~ requirements of article VII, division 5-4, are met and that
17 no on-site sign of a height of 18 feet or less can be seen by motorists on I-75
18 at a distance of 1/4 mile from the nearest exit ramp and that the sign
19 requested is of the minimum height and orientation necessary to achieve such
20 visibility due to special conditions and circumstances relative to topography,
21 vegetation or the built environment. Applicants for the special use permit
22 must include certification by a registered engineer or other reliable
23 documentary evidence of the factual and methodological basis that no on-site
24 ground-mounted or roof-mounted sign of a height of 18 feet or less could be
25 seen as specified above and that the requested sign is of the minimum height
26 and orientation required to establish the clear view-shed above visual
27 obstacles such as topographical conditions, vegetation or built environment.
28 If the applicant cannot prove that such visibility will be achieved within the 90
29 feet height, then no special use permit shall be issued. In addition, no special
30 use permit for an I-75 corridor sign shall be granted unless the applicant can
31 prove that the special conditions and circumstances do not result from actions
32 of the applicant.

34
35 **Section 7.** Subsection 30-353(d) of the Land Development Code of the City of

36 Gainesville is amended as follows:

37 **Sec. 30-353. City plan board.**

38
39 (d) Rules of procedure. The city plan board shall adopt rules of procedure to carry out
40 its purposes. All rules must conform to this article, the Code of Ordinances and state law.

1 (1) The city plan board shall conduct hearings in accordance with Article
2 XVIII, Division 1, of this chapter.

3
4 (2) The city plan board shall meet at least once each calendar month,
5 unless cancelled by the board or its chair, and more often at the call of the
6 chair or the city commission.

7
8 (3) The city plan board shall keep minutes of its proceedings, indicating
9 the attendance of each member, and the decision on every question.

10
11 (4) The board shall adopt rules setting the number of members needed to
12 establish a quorum.

13
14 (5) Each decision of a the board must be approved by a majority vote of
15 the regular members present at a meeting in which a quorum is in attendance
16 and voting.

17
18 **Section 8.** The text, and not the graphic examples, relating to Garden Apartment
19 Building within Appendix A, Section 6, Exhibit A. IV., V, Special Area Plan for University
20 Heights of the Land Development Code of the City of Gainesville is amended as follows:

22 **SECTION 6. SPECIAL AREA PLAN FOR UNIVERSITY HEIGHTS**

23
24 IV. *General Provisions*

25 Exhibit A. Special Area Plan
26 for University Heights

27
28 V. *Building Types:* New buildings under this Special Area Plan are regulated by
29 building type. They are mandatory for the University Heights Neighborhood as
30 delineated in the map at the end of subsection V.

31
32 On the following pages, diagrammatic examples are used to illustrate intended,
33 advisory building locations, configurations and dimensions. The accompanying
34 numbers and text are rules. Architectural style is not regulated; the graphics are
35 illustrative only.

36
37 Building types can be built within the appropriate Land Use Category.

38
39 The following building types are described in this code:

- 40
41 • Main Street Shopfront Building
42 • Office Building
43 • Rowhouse

- Garden Apartment
- Large House or Apartment Building
- House
- Outbuilding
- Civic Building

Garden Apartment Building

A garden apartment building shares a central stair core for 2 bays. The building is placed towards the front of the lot and does not share common walls with its neighboring units. Entry is typically through a covered stoop. A backyard or "garden" is shared behind the building.

<i>Building Placement:</i>	
Building Frontage	65% minimum to 85% maximum lot frontage
Build-to line locations	<i>Corner Lots:</i>
	5--15 ft. from the property line (see note 5 below)
	0--15 ft. from the side street property line (see note 5 below)
	<i>Interior Lots:</i>
	10--20 ft. from the property line
Side Setback	8 ft. from the side property line
Rear Setback	Twenty-foot minimum from the rear property line, except that the setback may be reduced to five feet if approved by the appropriate reviewing board to accommodate special site features.
Building Coverage	60% maximum
Height:	
Maximum Height	48 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply.
Minimum Height	2 stories at least 27 ft. above grade. Dormers are not considered stories.
First Story Elevation	1.5 ft. above grade, minimum (4 ft. recommended). When building is below grade of street, building design shall elevate windows or use other strategies to maintain privacy.

Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have either a stoop or front porch.
3. An expression line is encouraged between the first and second story.
4. A cornice line is required on Garden Apartment Buildings.
5. The City Manager, designee or appropriate reviewing board will set build-to line location to accommodate sidewalks and street trees.

