

LEGISLATIVE #

170831A

1 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
2 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
3 to Section 163.3174, Florida Statutes, held a public hearing on February 22, 2018, and voted to
4 recommend the City Commission approve this text change to the Land Development Code; and

5 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of
6 general circulation notifying the public of this proposed ordinance and of public hearings in the
7 City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

8 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
9 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

10 **WHEREAS**, the City Commission finds that the Land Development Code text amendment
11 described herein is consistent with the City of Gainesville Comprehensive Plan.

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

14 **SECTION 1. Section 30-3.36. Minor Subdivisions** of the Land Development Code is amended as
15 follows. Except as amended herein, the remainder of Section 30-3.36 remains in full force and
16 effect.

17 **Section 30-3.36. Minor Subdivisions.**

- 18 A. *Minor subdivision standards.*
- 19 1. Each proposed lot shall conform to the provisions of this chapter.
 - 20 2. All existing principal and accessory structures on each lot shall conform to the use and
21 development standards of this chapter.
 - 22 3. All lots have city water and sewer services available and constructed to the lot line of at least
23 one lot, with appropriate easements granted to allow future water and sewer connections to
24 each of the lots at the time each lot is developed.

- 1 4. If the proposed minor subdivision abuts a public right-of-way that does not conform to the
2 provisions of Section 30-6.6 B, as further specified in the Design Manual, the owner may be
3 required to dedicate, at no cost to the city, one-half of the right-of-way width necessary to meet
4 the minimum design requirements. If the proposed minor subdivision abuts both sides of a
5 substandard street, one-half of the right-of-way width necessary to meet those minimum design
6 requirements may be required from each side. The dedication of this right-of-way or any
7 easements necessary shall be accomplished by a separate document. The applicant shall provide
8 the city with legal descriptions of all easements or rights-of-way to be dedicated, and the city
9 shall prepare and record the necessary documents as part of the approval process.
- 10 5. Each lot in the minor subdivision shall front for the entire required minimum lot width on a
11 public street or an approved private street. Where there is no minimum lot width requirement,
12 each lot shall abut a public street or approved private street for a width equivalent to the
13 maximum driveway width required in Section 30-6.20, plus any required turning radii area.
14 Notwithstanding the above, the length of street frontage may be modified during minor
15 subdivision review by the City Manager or designee, based on the need to achieve the most
16 efficient lot layout, access to and from the minor subdivision, operational needs of service
17 vehicles, vehicular circulation and the health, welfare, and safety of the public.
- 18 6. The minor subdivision shall create vehicular and pedestrian access to serve the minor
19 subdivision and improve gridded connectivity by connecting to surrounding existing streets and
20 by including new streets within the minor subdivision so that the resulting blocks will not exceed
21 a maximum block perimeter of 2,000 feet. Modifications to this requirement may be granted by
22 the City Manager or designee where the construction of a street is limited by existing conditions
23 such as, but not limited to:
- 24 a. Access management standards;
25 b. Regulated environmental features; or
26 c. Public facilities, such as, but not limited to, stormwater facilities, parks, or schools.
- 27 Alternatively, where the Technical Review Committee determines that it is not possible to
28 construct the streets that would be required to meet the block perimeter standard, the block
29 perimeter shall be completed with the provision of pedestrian and bicycle paths or multi-use
30 paths. The required streets or paths shall be constructed at the expense of the applicant
31 according to the appropriate city standards as determined through the minor subdivision review
32 process, but may be sited and configured in a manner so that the streets provide the most
33 appropriate access to the minor subdivision and connectivity to the surrounding street network.
34 Where a street or path is planned to provide a future connection to a street or path beyond the
35 extent of the minor subdivision, the applicant shall provide for the connection of the street by
36 stubbing out the road improvements as close as practicable to the boundary of the minor
37 subdivision.
- 38 7. Each approved private street shall meet the following requirements in addition to the
39 requirements in Section 30-6.8:
- 40 a. An approved private street shall be paved to a minimum width of 12 feet wide for one-
41 directional traffic flow and 18 feet wide for two-directional traffic flow. Alternatively, a
42 determination shall be made by the city public works department, the city fire rescue

- 1 department, and city solid waste department that the approved private street is adequate
2 to support service vehicles as necessary to provide municipal services.
- 3 b. The structure and sub-base of the approved private street shall meet the standards set forth
4 in the Design Manual.
- 5 c. Each approved private street shall be connected directly to a public street or to another
6 approved private street. The method and type of connection shall be subject to approval by
7 the city public works department in accordance with the standards set forth in the Design
8 Manual. The private street serving the minor subdivision shall have a maximum length of
9 1,000 feet (measured by traversing the length of the approved private street from its
10 farthest extent to the nearest public street). At the point the private street reaches 1,000
11 feet in length, the applicant shall provide one of the following, as determined by the city fire
12 rescue department: appropriate emergency connection to the nearest public road, if such a
13 connection can be made on property within the minor subdivision; or a turnaround sized to
14 accommodate fire and rescue vehicles.
- 15 d. The owners of each approved private street shall provide necessary easements to the city
16 for the purpose of providing municipal services. Alternatively, if the city finds the street
17 serves a valid public purpose, the owners may gratuitously dedicate an approved private
18 street for purposes of public right-of-way.
- 19 e. Lots created on an approved private street shall be designed to minimize the number of
20 curb cuts onto the street. Shared driveway access shall be required of adjoining lots, except
21 where an odd number of lots are created, in which case, one lot, as determined by the city
22 public works department, may be allowed to have a separate driveway.
- 23 ~~f. Approved private streets shall provide a sidewalk having a minimum width of five feet. The~~
24 ~~sidewalk shall be provided on one side of the street in accordance with standards of the~~
25 ~~Design Manual. Where five feet of pavement is not possible due to a natural or permanent~~
26 ~~man-made obstruction, the pavement width may be decreased to a minimum of three feet~~
27 ~~as necessary to avoid the obstruction. If paving is not possible due to natural conditions, a~~
28 ~~minimum three-foot wide stabilized pedestrian trail shall be constructed.~~
- 29 8. All proposed minor subdivisions shall meet the level of service standards in the Comprehensive
30 Plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency
31 exemption, certificate of preliminary concurrency or certificate of conditional concurrency
32 reservation. The approval of a nonresidential minor subdivision in no way reserves capacity for
33 the purposes of concurrency.
- 34 B. *Review.*
- 35 1. *Application.* After a mandatory pre-application conference with staff, an application shall be
36 completed on a form prescribed by the city and submitted together with the following:
- 37 a. A map of boundary survey and minor subdivision certified by a professional land surveyor
38 registered in the state according to Chapter 472, Florida Statutes. The survey shall be drawn
39 on a 24-inch by 36-inch linen or stable base film with a three-inch margin on the left for
40 binding, and a one-half-inch margin on the other three sides. Additional information to be
41 shown on the survey shall include but not be limited to:
- 42 i. The lot lines, dimensions, legal descriptions and acreages for each lot being created.

- 1 ii. The acreage of the total tract.
- 2 iii. A vicinity map showing the location of the survey in relationship to major thoroughfares.
- 3 iv. A note stating, "THIS IS NOT A RECORD PLAT."
- 4 v. A municipal approval statement, to be signed by the director of planning and
5 development services, director of public works and general manager for Gainesville
6 Regional Utilities or their designee, certifying that the minor subdivision conforms to all
7 applicable ordinances and regulations of the city.
- 8 vi. A statement to be signed by the clerk of the court, stating, "Received and filed as an
9 unrecorded map in accordance with Section 177.132, Florida Statutes."
- 10 vii. The minor subdivision book and page where the survey is to be filed.
- 11 viii. The exact location of all existing principal and accessory structures on each lot. If the
12 existing structures obscure the alignment of the proposed lots they may be left off the
13 map of minor subdivision and be submitted separately on a boundary survey of the
14 parent parcel. Any shared use of said structures shall be clearly stated and shown as
15 easements on the minor subdivision.
- 16 b. A statement indicating the location where water or sanitary sewer service is available to the
17 property, and a statement indicating that all utility service shall be installed beneath the
18 surface of the ground in accordance with Section 30-8.2, and a statement indicating where
19 stormwater management facilities are available to accommodate stormwater runoff of the
20 proposed development.
- 21 c. If located on an approved private street, a signed consent (on the form provided by the city)
22 from the owners of each approved private street that serves the minor subdivision.
- 23 d. Payment of fees as required by Appendix A.
- 24 2. Upon receipt of a completed application, the several departments of the city shall review and
25 provide comment.
- 26 3. Minor subdivisions that require any street, sidewalk, bikeway, bridge, drainage facility,
27 screening wall or any other improvement required under this chapter may receive conditional
28 approval but will not receive final approval or be filed with the clerk of the circuit court until all
29 required improvements are fully constructed and approved by the city. No building permits may
30 be issued for any of the lots until final approval is granted and the minor subdivision is filed.
- 31 4. If the proposed minor subdivision meets the conditions of this section and otherwise complies
32 with all applicable laws and ordinances, the Technical Review Committee shall approve the
33 minor subdivision by affixing their signatures to the original document.
- 34 5. Upon approval of the minor subdivision, the original linen or stable base film drawing of the
35 survey and any covenants, deed restrictions or other required documents shall be filed with the
36 clerk of the circuit court as an unrecorded map, in accordance with Section 177.132, Florida
37 Statutes. It shall be filed by the subdivider with all fees paid by the subdivider. Upon filing of the
38 approved minor subdivision, copies of the filed minor subdivision and any required documents
39 shall be submitted to the city, in the form prescribed by the city.

40

1 **SECTION 2. Section 30-3.37. Subdivisions** of the Land Development Code is amended as
2 follows. Except as amended herein, the remainder of Section 30-3.37 remains in full force and
3 effect.

4 **Section 30-3.37. Subdivisions.**

- 5 A. *Requirements.* To effectuate the purpose of this article, every subdivision of land within the city
6 shall be made in accordance with the requirements specified in this article. Such requirements
7 include a pre-application conference; obtaining design plat approval; obtaining construction plan
8 approval; obtaining final plat approval; constructing required public improvements; and supplying
9 security for the construction and maintenance of such improvements. Proposed residential
10 subdivisions shall meet the level of service standards adopted in the Comprehensive Plan. Proof of
11 meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate
12 of preliminary or final concurrency (as applicable at the particular review stage), or certificate of
13 conditional concurrency reservation.
- 14 B. *Pre-application conference.*
- 15 1. *Required.* Prior to the preparation of a design plat, the subdivider shall seek the advice of city
16 staff to become familiar with the subdivision requirements, city policies and provisions of the
17 Comprehensive Plan. The subdivider is encouraged to bring plans and data specified in this
18 section so as to clearly show existing conditions of the site and its vicinity and the proposed
19 layout of the subdivision. It is intended that the procedure will assist the subdivider in preparing
20 a plat that will meet the requirements of this article. This procedure does not require a formal
21 application or fee.
- 22 2. *Prohibited or discouraged designs or improvements.* As indicated in this article and further
23 referenced in the Design Manual, certain practices, designs or improvements are discouraged or
24 prohibited. If prohibited, a modification will be required in order for the same to be allowed. If
25 discouraged, the same may be allowed by the City Commission depending on a proper showing
26 of necessity and the infeasibility of requiring the preferred practices, designs or improvements
27 when applied to the particular circumstances involved.
- 28 3. *Concept review (Sketch drawing).* The applicant may submit an application for the optional
29 concept subdivision review by city staff, with a sketch that contains the following:
- 30 a. Approximate tract boundaries.
- 31 b. Approximate location with respect to section lines.
- 32 c. Streets on and adjacent to the tract.
- 33 d. Proposed general street layout.
- 34 e. Environmental features including but not limited to significant topographical and physical
35 features, regulated surface waters and wetlands, regulated natural and archaeological
36 resources, creeks, uplands, lakes, wetlands, FEMA and community determined flood plains,
37 and heritage trees.

- 1 f. Generalized existing vegetation, including areas of native forest where the land shows no
2 evidence of prior use for agriculture.
- 3 g. Proposed general lot layout and the total number of lots.
- 4 h. Existing buildings on the property.
- 5 i. Land use and zoning designation of the subject property.
- 6 j. Generalized stormwater management plan.

7 The review schedule for concept subdivision plans shall follow the same submittal and review
8 schedule for development plans. As far as may be practicable on the basis of a sketch, the
9 reviewer will, without prejudice to the city, advise the subdivider of the extent to which the
10 proposed subdivision conforms to the standards of this chapter and other applicable ordinances
11 or statutes, and will discuss possible plat modifications necessary to secure compliance and
12 whether a traffic study will be required.

13 C. *Design plat.*

- 14 1. *Generally.* Prior to the recording of an approved final plat, or prior to the conditional approval
15 of a final plat, clearing and grubbing of land, tree removal, and the construction of
16 improvements is expressly prohibited. Following a pre-application conference, the requirements
17 of this section become applicable and supersede any other regulation on tree removal.
- 18 2. *Application.* After a mandatory pre-application conference with staff, an application shall be
19 completed on a form prescribed by the city and submitted together with the applicable fee.
20 Each application shall include multiple copies of the design plat as necessary to facilitate the
21 review process, prepared in accordance with the standards specified in this chapter and
22 including all of the specifications set forth in this section. Proposed residential subdivisions shall
23 meet the level of service standards adopted in the Comprehensive Plan. Proof of meeting these
24 standards shall exist in the form of a certificate of concurrency exemption, certificate of
25 preliminary concurrency or certificate of conditional concurrency reservation.
- 26 3. *Fees.* The fee required with an application for design plat approval shall be as set forth in
27 Appendix A. Such fees are required to defray the cost of filing the application, notifying
28 interested parties, conducting investigations, and holding hearings on the design plat and final
29 plat.
- 30 4. *Developments of regional impact.* For any subdivision that is presumed to be a development of
31 regional impact as provided in Chapter 380, Florida Statutes and Chapter 27F, Florida
32 Administrative Code, additional copies of the design plat and a completed application for
33 development approval shall be submitted for filing with the regional planning agency and the
34 state land planning agency.
- 35 5. *Specifications.*
 - 36 a. The design plat shall be drawn clearly and legibly at a scale of at least one inch equals 100
37 feet on linen or stable base film, using a sheet size of 24 inches by 36 inches, reserving a
38 three-inch binding margin on the left side and a one-inch margin on the other three sides. If
39 more than one sheet is required, an index map relating each sheet to the entire subdivision
40 shall be shown on the first sheet. The design plat shall be prepared by a land surveyor,
41 signed and sealed before review, and shall contain the following information:

- 1 i. Proposed name of the subdivision.
- 2 ii. Name and registration number of surveyor.
- 3 iii. Date of survey approval, north point with bearing or azimuth reference clearly stated in
- 4 the notes or legend, graphic and written scale, and space for revision dates.
- 5 iv. Vicinity map showing location with respect to major roads and acreage of the
- 6 subdivision.
- 7 v. Boundary line of the tract by bearings and distances.
- 8 vi. Legal description of the tract to be subdivided.
- 9 vii. Preliminary layout including streets, alleys and easements with dimensions and
- 10 proposed street names, lot lines with approximate dimensions, land to be reserved or
- 11 dedicated for public uses, and designation of any land to be used for purposes other
- 12 than single-family dwellings.
- 13 viii. Total number of lots.
- 14 ix. The front building setback line for each lot.
- 15 x. An inscription stating "NOT FOR FINAL RECORDING."
- 16 xi. Sidewalks, on all streets, on both sides, and at least five feet wide. ~~Sidewalks not~~
- 17 ~~required on cul-de-sac or dead-end or loop less than 100 feet long. Sidewalk required on~~
- 18 ~~at least one side of street on cul-de-sac or dead-end or loop from 100 to 250 feet long,~~
- 19 ~~and for a project in which the closest lots to a connecting street on a cul-de-sac or dead-~~
- 20 ~~end are at least 1,000 feet from the street it stems from. Sidewalks on both sides on cul-~~
- 21 ~~de-sac or dead-end or loop greater than 250 feet long.~~


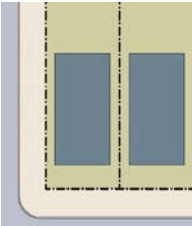
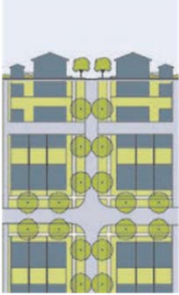
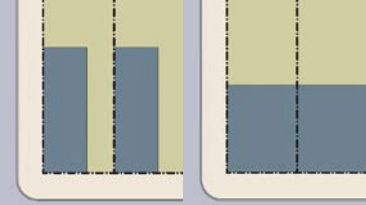
22
23

24 **SECTION 3. Section 30-4.11. Generally** of the Land Development Code is amended as follows.
25 Except as amended herein, the remainder of Section 30-4.11 remains in full force and effect.

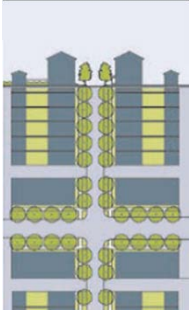
1 **Section 30-4.11. Generally.**

2 A. *Intent.* The intent of this division is to establish development standards that will encourage a more
 3 efficient and sustainable urban form by allowing a range of housing, employment, shopping and
 4 recreation choices and opportunities in a compact, pedestrian-friendly environment.

5 B. *Transects.* A transect is a geographical cross-section of a region that reveals a sequence of
 6 environments that ranges from rural to urban. Using the transect to regulate development ensures
 7 that a community offers a full diversity of development types, and that each has appropriate
 8 characteristics for its location. There are typically six transects organizing the components of place-
 9 making: Natural Zone, Rural Zone, Urban Neighborhood Zone, General Urban Zone, Urban Center
 10 Zone, and Urban Core. This code assigns transects that are tailored to the unique character of the
 11 City of Gainesville. The allowable uses, dimensional standards, and development requirements for
 12 these zones are described within this division.

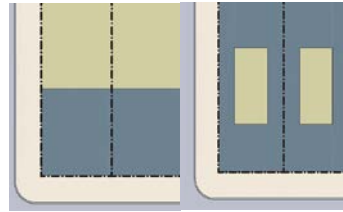
	ZONE DESCRIPTION	INTENDED SITE LAYOUT
<p>Urban Zone 1</p> 	<p>Urban Zone 1 Consists of predominantly low to medium density residential areas, adjacent to higher intensity zones where neighborhood services and mixed use are permitted.</p>	 <p><i>Edge</i></p> <p>Buildings typically occupy the center of the lot with setbacks on all sides. The front yard is intended to be visually continuous with the yards of adjacent buildings.</p>
<p>Urban Zones 2-5</p> 	<p>Urban Zones 2 - 5 Consists of a wide range of residential building types. Higher number zones provide for the integration of offices and neighborhood services within an increasingly urban fabric. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.</p>	 <p><i>Side</i> <i>Front</i></p> <p>Buildings typically occupy one side of the lot leaving a setback to the other side to allow for access or privacy. In many instances, the building occupies the entire lot frontage. A shallow frontage setback defines a more urban condition.</p>

Urban Zones 6-9



Urban Zones 6 - 9

Consists of higher density mixed use buildings that accommodate retail, offices, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

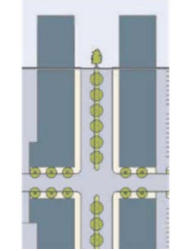


Front

Courtyard

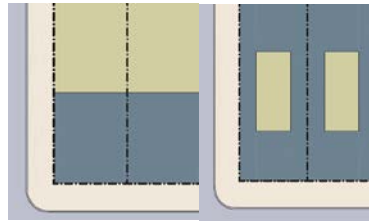
The building typically occupies the full frontage, leaving the rear of the lot as the sole yard. The continuous facade steadily defines the public street. In its residential form, this type is the attached dwelling. The rear yard can accommodate substantial parking.

Downtown



Downtown

Consists of the highest density and height development, with the greatest variety of uses, and civic buildings of regional importance. Streets have steady street tree planting and buildings are set close to wide sidewalks.



Front

Courtyard

The building occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public street.

- 1 C. *Streets*. Within the transects, new developments shall connect to the existing street network.
- 2 Where the existing street network is deficient with respect to gridded connectivity, the
- 3 development shall provide new street connections to meet the block perimeter requirements.
- 4 The zoning map identifies a hierarchy of street types that determine the relationship of buildings to
- 5 the street and the standards for the design of street landscaping and sidewalks. Street types
- 6 include: Storefront, Principal, Thoroughfare, and Local Streets. All undesignated existing streets are
- 7 assumed to be Local Streets. Below is a detailed description of the general function, character, and
- 8 elements of each street type. Final street design for new development shall be in accordance with
- 9 this article and the Design Manual, subject to review and approval by the City Manager or designee
- 10 in the development review process. In the event of a conflict between the standards in this article
- 11 and the Design Manual, the Design Manual shall govern.
- 12 a. *Storefront*. Storefront streets are designed to encourage a high level of pedestrian activity.
- 13 Higher intensity and density uses front this street type. Due to the level of pedestrian activity
- 14 on this street type, minimum sidewalk widths are increased and first floor residential
- 15 development requires a 1.5 foot elevation above grade (3 feet recommended) for the privacy
- 16 and comfort of residents. Building front entrances shall be oriented to this street type when
- 17 there are multiple street frontages for the property.



1

2
3
4
5

b. *Principal*. Principal streets include lower levels of pedestrian activity compared to storefront streets. This street type is located in mixed-use areas where the traffic volume is anticipated to be higher than on local streets. This street type allows for some auto-oriented uses with a special use permit.



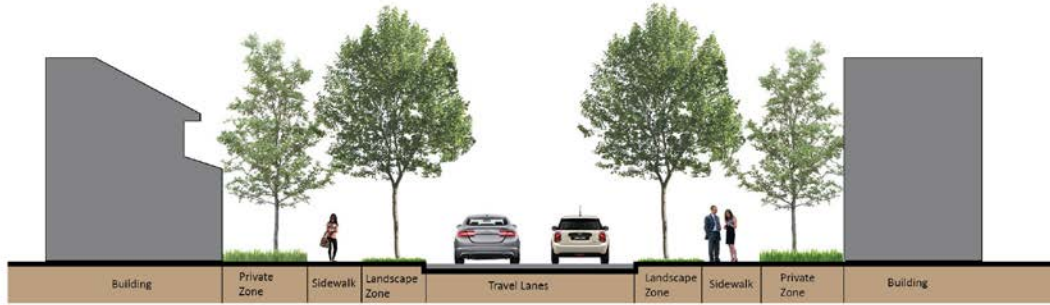
6
7
8
9
10

c. *Thoroughfares*. Thoroughfares are streets that carry high volumes of through traffic at higher speeds with less pedestrian activity and higher vehicular speeds than other street types. These streets are often fronted by larger scale commercial development and are usually 4-lane or 6-lane streets.



11
12
13
14
15
16

d. *Local*. Local Streets are intended to have slow speeds and provide for connections within neighborhoods and between residential areas and commercial areas. Local Streets are not identified on the zoning map, but make up the vast majority of the street types within the transects. Any street that is not identified as a Storefront, Principal, or Thoroughfare street should be assumed to be a Local Street.



1

2

3

4

- e. *Urban Walkways*. Urban Walkways are pedestrian/bicycle pathways that serve to improve pedestrian/bicycle connectivity, delineate blocks and provide for expanded pedestrian space. These may be established as alternatives to new streets in some locations.



5

6

7

8

- f. *Alleys*. Alleys are narrower streets that are primarily used for service access to developments, or vehicular access to rear parking areas. Alleys are encouraged to be preserved, improved, or established in conjunction with development.



9

10

11

SECTION 4. Section 30-4.13. Building Form Standards of the Land Development Code is

amended as follows. Except as amended herein, the remainder of Section 30-4.13 remains in

full force and effect.

15

Section 30-4.13. Building Form Standards.

This section contains the building form standards that determine the location, scale and massing of all buildings within the transects.

Table V - 1: Building Form Standards within Transects.

TRANSECT	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
A. BLOCK STANDARDS										
Block perimeter (max feet)	2,600'								2,000'	1,600'
B. LOT CONFIGURATION										
Lot width (min feet)	34'	18'							18'	18'
C. DEVELOPMENT INTENSITY										
Nonresidential building coverage (max)	60%	80%							90%	100%
Residential density by right/with SUP ¹ (max units per acre)	8	15	20	20	75	50/60	50/60	60/80	100/125	150/175
D. BUILDING FRONTAGE										
Primary frontage (min)	50%	60%							70%	80%
Secondary frontage (min)	30%	40%							50%	60%
E. BUILDING PLACEMENT										
min-max from curb										
min landscape/min sidewalk/min building frontage										
Storefront Street	<u>15'-20'</u> <u>20'-25'</u> <u>5'/5'/5'</u> <u>5'/10'/5'</u>				<u>15'-20'</u> <u>20'-25'</u> <u>5'/5'/5'</u> <u>5'/10'/5'</u>				<u>16'-21'</u> <u>20'-25'</u> <u>5'/6'/5'</u> <u>5'/10'/5'</u>	<u>15'-20'</u> <u>20'-25'</u> <u>4'/6'/5'</u> <u>4'/10'/5'</u>
Principal Street	17'-37' 6'/6'/5'				17'-27' 6'/6'/5'				17'-27' 6'/6'/5'	17'-27' 6'/6'/5'
Thoroughfare Street	19'-100' 6'/6'/5'				19'-100' 8'/6'/5'				19'-100' 8'/6'/5'	19'-100' 8'/6'/5'
Local Street	15'-35' 5'/5'/5'				15'-20' 5'/5'/5'				16'-21' 5'/6'/5'	15'-20' 4'/6'/5'
F. BUILDING SETBACKS										

Side interior setback (min)	5'	5'	5'	5'	5'	5'	5'	0'	0'	0'
Rear setback (min)	15'	3' (alley) 10' (no alley)							3' (alley) 5' (no alley)	3' (alley) 0' (no alley)

- 1 **LEGEND:**
 2 1 = See Section 30-4.8 for development compatibility standards.
 3

TRANSECT	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT

G. BUILDING HEIGHT										
Min feet	NA	NA	NA	NA	NA	NA	18	18	18	18
Max stories (by right ¹ /with bonus ²)	3	3	3	3	4	4/5	4/6	5/6	6/8	12/14
Max feet (by right ¹ /with bonus ²)	36	36	36	42	60	60/74	60/88	74/88	88/116	172/200
H. FLOOR HEIGHT										
Min first floor height (residential / nonresidential)	NA/10'	NA/12'	NA/12'	NA/12'	NA/12'	NA/12'	12'/12'	12'/15'	12'/15'	12'/15'
Min first floor elevation (residential only)	-	-	-	-	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.
I. GLAZING										

Min first floor - nonresidential	-	30%	50%	65%
Min first floor - multi-family	-	30%		
Min upper floors - nonresidential and multi-family	-	15%		

1 **LEGEND:**

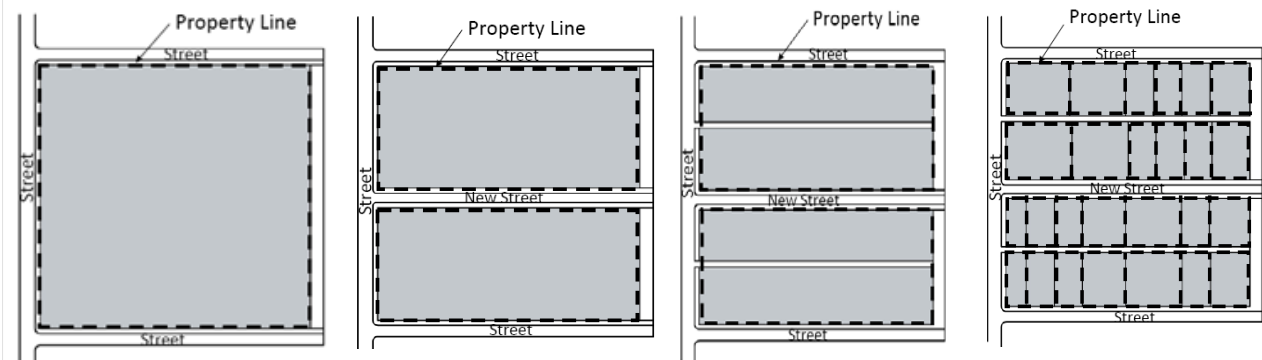
2 1 = See development compatibility standards in Section 30-4.8.

3 2 = See bonus system requirements in Section 30-4.9.

4 A. *Block standards.*

- 5 1. *Maximum block perimeter.* Maximum block perimeters are defined Table V-2 for each transect.
6 When development cumulatively includes 50% or more of the total project area, it shall be
7 required to include new local streets or urban walkways and the resulting block(s) shall not
8 exceed the prescribed maximum block perimeter. Figure V-1 below depicts a recommended
9 approach to breaking down large blocks to provide a new street grid on a large site.

10 **Figure V - 1: Creating Blocks**



11
12 Step 1-original site; Step 2-introduce streets; Step 3-introduce alleys; Step 4-introduce lots.
13

14 2. *Construction of new streets.*

- 15 a. The required local streets or urban walkways shall be constructed at the expense of the
16 owner/developer as part of the development review process and shall be constructed
17 according to the appropriate city standards, but may be sited and configured in a manner so
18 that they provide the most appropriate access to the development. Where a street is

1 planned to continue beyond the extent of a development, the development shall provide for
2 the continuation of the street by stubbing out the improvements as close as is practicable to
3 edge of the property boundary.

4 b. The required local streets, multi-use paths or urban walkways shall provide for public access
5 and may be dedicated for public right-of-way after construction, if the city desires to accept
6 same for maintenance.

7 c. Notwithstanding any other provision in this chapter, a development may receive final
8 approval prior to construction of the required local streets or urban walkways if the city,
9 upon approval of the City Commission, has executed a binding agreement with the
10 owner/developer that:

11 i. Requires the city and/or the Community Redevelopment Agency to construct the
12 required local streets as public streets within two years of final approval; and

13 ii. Provides for the conveyance or dedication of the associated right-of-way from the
14 property owner to the city, at no cost to the city.

15 The city may enter into such an agreement only when the city determines that doing so
16 would be in the public interest and when the city and/or the Community Redevelopment
17 Agency has budgeted legally available funds for the construction of the required local
18 streets. The form and content of the agreement shall be provided by and acceptable to the
19 city in its sole discretion.

20 d. Board modifications from the requirement to construct new streets may be granted in
21 accordance with the procedures and criteria for a variance, with specific consideration given
22 to situations where the construction of a street is limited by: access management standards,
23 regulated environmental features, regulated natural or archeological resources, public
24 stormwater facilities, existing utility facilities, contamination sites, inconsistencies with plans
25 for a future city street network, parks, or schools. Where a variance from these
26 requirements is approved, the block perimeter shall be completed with the provision of
27 sidewalk and bicycle connections, and multi-use paths or urban walkways, subject to
28 approval by the city.

29 3. *Urban walkways.* When required new streets or urban walkways are constructed as part of a
30 subdivision or development, their design and construction shall conform to the following
31 standards and applicable design manual standards:

32 a. New streets or urban walkways shall connect to existing streets on abutting properties, or
33 be constructed in alignment with planned public streets on abutting properties.

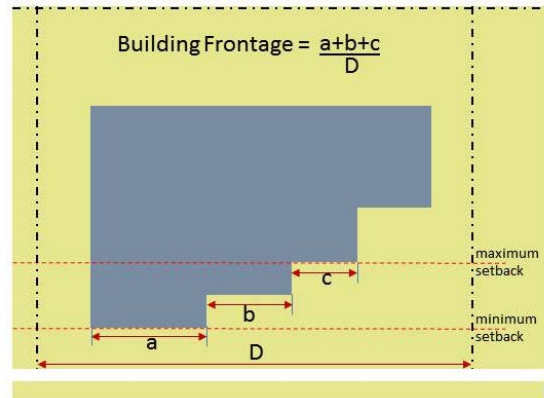
34 b. Where a portion of a new street or urban walkway is newly constructed, it shall be designed
35 to be extended to abutting property. Stub-outs shall extend to the property line.

36 c. Urban walkways shall be a minimum of 26 feet wide and may be designed with a single or
37 divided paved pathway. The pathway(s) shall be at least 10 feet wide in total width and shall
38 provide for both bicycles and pedestrians. An urban walkway shall be landscaped with
39 shade trees on minimum 50-foot centers on both sides of the paved path. Unpaved areas
40 may also contain stormwater facilities. Urban walkways may contain benches, fountains,
41 outdoor cafes or other outdoor uses as long as a minimum sidewalk width as specified
42 above is maintained.

1 B. *Building frontage*. Building frontage requirements shall create a continuous building presence along
 2 streets.

3 1. The building frontage standards are a proportion
 4 of the building length relative to the width of
 5 the development site measured at the site
 6 frontage line, (see Figure V - 3).

Figure V - 3: Building Frontage



7 2. *Frontage hierarchy*.

8 a. Where a development has frontage along
 9 multiple street types that do not include a
 10 thoroughfare, the urban street (Storefront
 11 or Principal, in that order of hierarchy) shall
 12 be considered the primary street for the
 13 front face of the building.

14 b. Where a development has frontage on a
 15 thoroughfare and any other street type, the thoroughfare shall be considered the primary
 16 street.

17 c. Where a development has frontage on two streets of equal type, then the City Manager or
 18 designee shall make a determination as to which street frontage shall be considered
 19 primary.

20 3. In the case where the required building frontage cannot be met
 21 due to the need to provide vehicular access from the primary
 22 frontage, a gateway, arch or similar feature may be provided to
 23 preserve the block continuity and may be counted toward
 24 meeting the building frontage requirement, (see Figure V - 4).

Figure V - 4: Example of Gateway

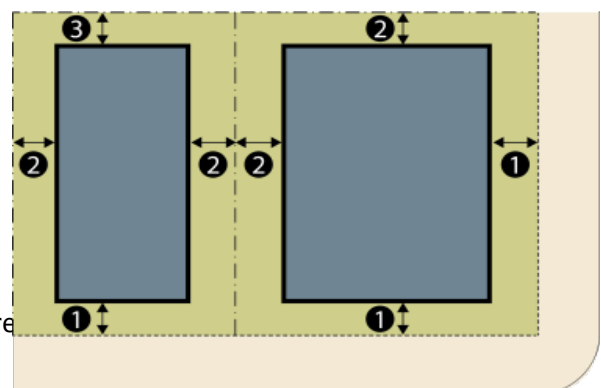


25 4. The ground floor along the street frontages shall contain active
 26 uses oriented to the street. Active uses may include, but are not
 27 limited to, display or floor areas for retail uses, waiting and
 28 seating areas for restaurants, atriums or lobbies for offices,
 29 lobbies or dining areas for hotels or multi-family residential
 30 buildings, and hotel rooms or multi-family residential units with
 31 street facing entrances.

32 C. *Building placement and setbacks*. The placement of a building on a site is critical to creating a vital
 33 and coherent public realm. The building placement and setback standards shall shape the public
 34 realm and strengthen the physical and functional character of the area. Figure V-5 depicts the types
 35 of setbacks.

36 1. Building placement requirements shall be
 37 measured from the back of curb instead of the
 38 front property line, with the following
 39 exceptions:

Figure V - 5: Building Setbacks



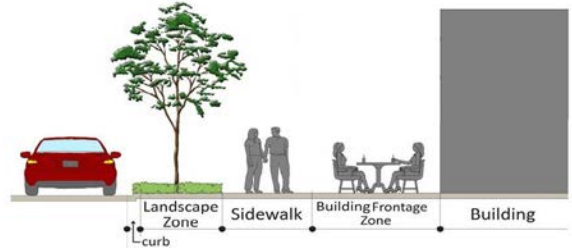
40 a. In the absence of curbs, shall be measured
 41 from the edge of pavement.

- ① Street Setback
- ② Side Setback
- ③ Rear Setback

1 b. Where the required building placement falls within a public right-
 2 of-way, it shall be shifted to the property line instead.

3 2. Building placement requirements shall be
 4 comprised of a landscape zone, a public sidewalk
 5 zone and a building frontage zone. Figure V-6
 6 depicts the required configuration of these
 7 zones in relation to the street curb and
 8 building. The required minimum widths for
 9 the landscape and sidewalk zones are listed
 10 within Table V - 2. The building frontage zone
 11 shall be a minimum of 5 feet in all locations.
 12 Section 30-4.13 D contains additional
 13 standards for the design of the building
 14 frontage zone.

Figure V - 6: Public Realm Zones

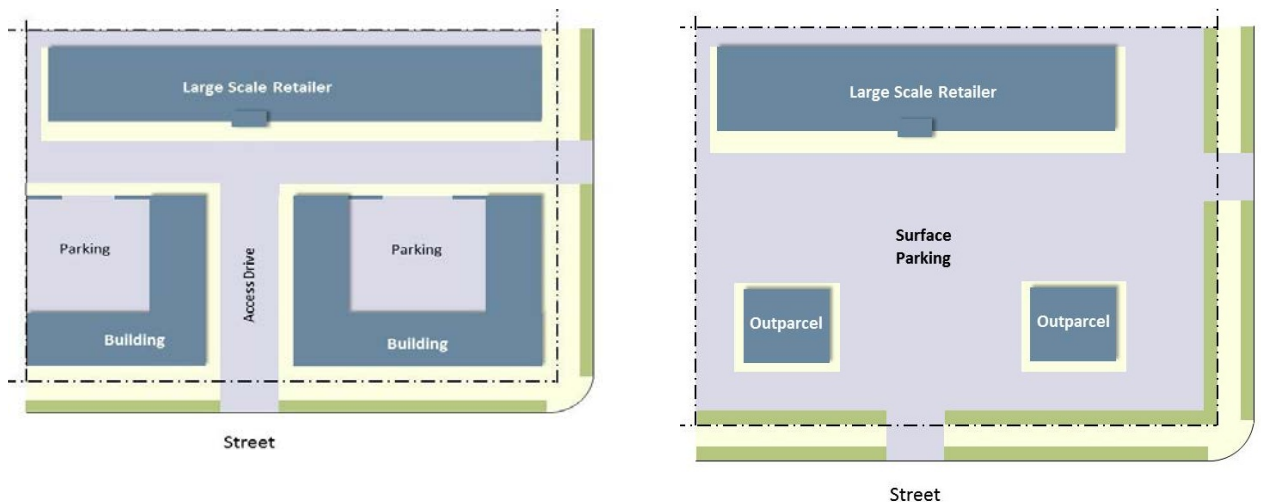


15 3. Side and rear setbacks are minimums and shall be measured from shared property lines.

16 4. ~~Street furniture such as benches, trash receptacles and bicycle racks shall not be located within~~
 17 ~~the public sidewalk zone. The following shall not be located within the public sidewalk zone:~~
 18 utility poles including electrical transmission and distribution poles; light poles; mechanical
 19 equipment as defined in Section 30-6.10; signs included in Section 30-9.2A; and street furniture
 20 including benches, trash receptacles, and bicycle racks.

21 5. Where multiple buildings are proposed within a development, the placement of buildings at the
 22 rear of a site is allowed as long as one or more buildings are placed along the front of the site
 23 meeting the building placement and setback and building frontage requirements of this division.
 24 Figure V-7 depicts the required configuration of multiple buildings on a site, such as within a
 25 shopping center. Streets or access drives shall be incorporated into the site to break it down into
 26 smaller lots/blocks (platting will not be required). The primary access drive shall be centered on
 27 the anchor building and shall be lined with buildings, which shall meet the required frontage
 28 standards along the street and access drive.

Figure V - 7: Multiple Buildings on a Site



1

2 D. *Building frontage zone requirements.* All development shall provide a minimum 5-foot wide building
 3 frontage zone behind the public sidewalk, and buildings shall have at least one type of building
 4 frontage incorporated into its design. Table V-3 contains the dimensional requirements for the
 5 various types of building frontages allowed. The intent of the building frontage zone is to provide a
 6 transition between the public street/sidewalk and the building. The type of activity conducted in the
 7 private frontage zone depends on the nature of the proposed use (Figure V-8). For a commercial
 8 building, the intent of the private frontage zone is to attract customers into the business. For a
 9 residential site, the intent of the private frontage zone is to provide for a private outdoor space and
 10 establish a separation from the public sidewalk for the ground floor rooms.

11 **Figure V - 8: Examples of Building Frontage Zone Activity**

12

13



1



Private frontage zone with landscaping to buffer residential uses

2 Table V - 3: Building Frontage Dimensional Standards

Storefront	Gallery	Arcade
<p>1. Width: 25% of façade width min. 2. Depth: 5' min. 3. Clear Height: 8' min.</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>
Courtyard	Stoop	Porch

<p>1. Width: 10' min to 50% of façade width max. 2. Depth: 10' min/20' max. 3. Elevation: 18" max above grade.</p>	<p>1. Width: 5' min to 16' max. 2. Depth: 5' to 8' 3. Clear Height: 8' 4. Elevation: 21" min above grade.</p>	<p>1. Width: 12' min. 2. Depth: 8' min. 3. Clear Height: 8' min. 4. Elevation: 21" min above grade.</p>

1 Note: See Article II for definitions of frontages.

2 1. *Building frontage standards, general.*

- 3 a. In addition to the encroachments shown in Table V-3, cantilevered balconies, bay windows
4 and roof overhangs are allowed to encroach into the building frontage zone.
5 b. Street furniture such as benches, trash receptacles, or bicycle racks may be installed within
6 the building frontage zone; however, permanent fencing is prohibited.

7 2. *Standards for storefronts, awnings and canopies.*

- 8 a. Storefront doors shall not be recessed more than 5 feet from the front façade. Recessed
9 doors shall have angled walls leading to the door to promote the visibility of the entrance.
10 b. Awnings and canopies shall not cover building architectural elements including but not
11 limited to cornices or ornamental features.
12 c. High gloss or plasticized fabrics and aluminum are not allowed for awnings.
13 d. Backlit awnings are not permitted.
14 e. Awning shall match the width of the window or door opening and shall enhance the
15 architectural features of the building.

16 3. *Standards for galleries and arcades.*

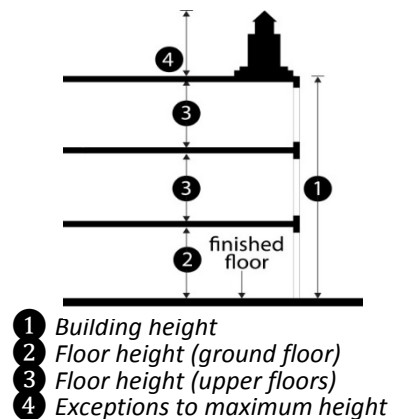
- 17 a. Along urban Storefront streets, gallery/arcade openings shall align with storefront
18 entrances.
19 b. Galleries may be one or two stories.
20 c. Arcades and galleries shall have consistent depth along a frontage.

- 1 4. *Standards for courtyards.*
- 2 a. Courtyards shall be paved and a minimum of 20% of the total courtyard area shall be
- 3 enhanced with either above-ground or in-ground landscaping.
- 4 5. *Standards for stoops and porches.*
- 5 a. Stoops shall align directly with the building entry.
- 6 b. Porches may be one or two stories.
- 7 c. Porches may encroach into the building frontage zone.

8 E. *Building height.*

- 9 1. The heights of parking structures shall be limited in accordance
- 10 with the maximum feet within each district, but shall not be
- 11 limited to the maximum number of stories.
- 12 2. Mezzanines that meet the definition and requirements
- 13 of the Florida Building Code shall not be counted as an
- 14 additional story.
- 15 3. The building height limitations contained in Table V - 1
- 16 do not apply to spires, belfries, cupolas, antennas,
- 17 water tanks, ventilators,
- 18 chimneys or other
- 19 appurtenances required to be placed on the roof and
- 20 be placed on the roof and not intended for human
- 21 not intended for human occupancy. Other exceptions
- 22 occupancy. Other exceptions include:
- 23 exceptions include:
- 24 a. Roof structures above eave line can vary in height up to a maximum of 15 feet above eave
- 25 line.
- 26 b. Trellises may extend above the maximum height up to 8 feet.

Figure V - 9: Building Height



27 F. *Floor height.*

- 28 1. Floor height shall be measured as provided in the Florida Building Code.
- 29 2. Parking garages are exempt from the minimum floor height requirements.

31 **SECTION 5. Section 30-4.21. Design Standards** of the Land Development Code is amended as
 32 follows. Except as amended herein, the remainder of Section 30-4.21 remains in full force and
 33 effect.

Section 30-4.21. Design Standards.

A. Parking.

- 1. Motor vehicle parking is required in accordance with Article VII. All motor vehicle parking except a double-loaded row of parking shall be located in the rear and/or interior side of the building, unless such a location is prevented by topography, stormwater retention or significant trees, as determined by the appropriate reviewing board, City Manager or designee. In no case shall more than 50% of the parking be located between the front facade and the primary abutting street, unless modified by the appropriate reviewing board, City Manager or designee. However, driveway entrances and exits to parking areas shall be allowed on the front side of the building. There shall be no limit on the number of parking spaces in parking structures.
- 2. Bicycle parking spaces shall be installed as required by Article VII. Such parking may encroach into the public right-of-way and may be located or beyond the setback line provided that at least 5 feet of unobstructed sidewalk width and any required tree strip is retained within the building frontage and/or landscape zones. Bicycle parking requirements may be waived if public bicycle parking exists to serve the use.

B. Sidewalks.

- 1. All developments, unless provided otherwise in this chapter, shall provide sidewalks along all street frontage. All developments shall provide pedestrian connections from the public sidewalk to the principal building. Entrance sidewalks shall be a minimum of 5 feet of clear width.
- 2. *Minimum sidewalk widths.*

Multi-Family Residential/Industrial	Commercial/Institutional/Office/Mixed-Use
7 feet	8 feet

The minimum unobstructed width shall be 2 feet less than the required sidewalk width, as long as at least 5 feet of unobstructed width is retained. At transit stops, the minimum width is 8 feet of unobstructed width. ~~In areas where a sidewalk pattern as to materials and width has been adopted, the appropriate reviewing board, City Manager or designee may allow the pattern to be continued by each new development. If the sidewalks installed are less than the minimums provided above, sufficient space shall be provided in order for these minimum sidewalk widths to be added in the future.~~

C. *Building orientation.* The main entrance of buildings or units shall be located on the first floor on the more primary street.

D. *Glazing.* Building walls facing the more primary street shall have non-reflective, transparent windows or glazed area covering at least 25% of their surface at pedestrian level (between 3 feet and 8 feet above grade) on the first floor. Operable transparent entrance doors may be included in the calculation of total facade surface area.

E. *Mechanical equipment.* All mechanical equipment shall be placed on the roof, in the rear or side of the building, and shall be screened with parapets or other types of visual screening.

1 **SECTION 6. Section 30-6.3. Level of Service Standards** of the Land Development Code is
2 amended as follows. Except as amended herein, the remainder of Section 30-6.3 remains in full
3 force and effect.

4 **Section 30-6.3. Level of Service Standards.**

5 The following level of service (LOS) standards shall be used to implement the concurrency management
6 system and the transportation mobility program.

7 *A. Transportation mobility.*

8 1. Roadway LOS:

- 9 a. The LOS for all roadways in city limits shall be LOS E, except for I-75 and roadways operating
10 as backlogged or constrained.
- 11 b. The LOS for I-75 segments that fall within city limits shall be maintained at LOS D to
12 the extent feasible, recognizing that I-75 serves land areas and traffic outside city
13 limits.
- 14 c. The city shall attempt to maintain the 2012 operating LOS on all backlogged and
15 constrained roadways in city limits.

16 2. Transit LOS:

- 17 a. The city shall strive to provide fixed-route transit service within one-fourth mile of
18 80% of all medium and high density residential areas identified on the future land
19 use map, and within the RTS service area.
- 20 b. The city shall strive to provide peak hour frequencies of 20 minutes or less within
21 one-fourth mile of all high density residential and UMU-1 and UMU-2 land use areas
22 in city limits.
- 23 c. The city shall strive to provide and maintain fixed-route transit service to all existing
24 transit hubs and transit-supportive areas (as mapped in the Transportation Mobility
25 Element Map Series) with peak hour frequencies of 30 minutes or less.
- 26 d. The city shall strive to operate 80% of fixed-route transit routes for at least 14 hours
27 per day.

28 3. Pedestrian LOS:

- 29 a. The city shall install at least one linear mile of sidewalk annually to retrofit existing
30 areas without sidewalks.
- 31 b. Sidewalk construction shall be required for all new development, ~~except in areas~~
32 ~~designated with the industrial and use category.~~
- 33 c. New streets shall be designed and constructed to include sidewalks.

34 4. Bicycle and trail LOS:

1 a. The city shall add an average of at least one mile of bicycle facilities annually,
2 including multi-modal trails.

3 b. New streets shall be designed and constructed to include bicycle facilities.

4 B. *Stormwater management.*

5 1. The LOS standard for all stormwater management facilities shall be the 100-year critical
6 duration storm. The LOS standard for water quality treatment shall be treatment of first one
7 inch of runoff; and compliance with the stormwater management facility design and
8 performance standards established by the applicable water management district to ensure
9 that the receiving water quality standards of Chapter 62-302, Florida Administrative Code are
10 met and to ensure that receiving surface waters maintain their classifications as established in
11 Chapter 62-302 Florida Administrative Code.

12 2. These standards shall apply to all new development and redevelopment. Any exemptions,
13 exceptions or thresholds in the Florida Administrative Code citations are not applicable.

14 C. *Potable water/wastewater and water supply.*

15 1. Potable water.

16 a. Maximum day (peak) design flow: Two hundred gallons per capita per day.

17 b. Storage capacity: One-half of peak day volume in gallons.

18 c. Pressure: The system shall be designed for a minimum pressure of 40 psig under forecasted
19 peak hourly demands to assure 20 psig under extreme and unforeseen conditions.

20 2. Wastewater.

21 a. Average day standard: One hundred six gallons daily flow per capita.

22 3. Water supply. Average daily flow of 147 gallons per capita per day.

23 D. *Recreation.*

24 1. Level of service standards for parks.

Park	Adopted LOS Standard ¹	Existing LOS ²
Neighborhood park	0.80 acres	1.33 acres
Community park	2.00 acres	2.13 acres
Local nature/conservation	6.00 acres	15.71 acres
Total acres per 1,000 people	8.80 acres	19.73 acres

25 ¹ Park standards are in acres per 1,000 people.

26 ² Existing LOS is based on 2011 city population estimate and available facilities.

27 E. *Public schools facilities.* The uniform, district-wide LOS standards for elementary, middle and high
28 schools shall be 100% of program capacity as annually adjusted by the school board. This LOS
29 standard shall apply to all school concurrency services areas (SCSAs) (within Gainesville's city limits)

1 as adopted in the interlocal agreement. For combination schools, the school board shall separately
2 determine the capacity of each school to accommodate elementary, middle and high school
3 students, and shall apply the LOS standard prescribed above for elementary, middle and high school
4 levels respectively.

- 5 F. *Solid waste*. The following LOS standard for disposal and collection capacity shall be established:
6 0.655 tons of solid waste per capita per year disposed (3.6 pounds of solid waste per capita per day
7 disposed).

8
9 **SECTION 7. Section 30-6.18. Sidewalks and Shared-Use Bicycle Paths** of the Land Development

10 Code is amended as follows. Except as amended herein, the remainder of Section 30-6.18
11 remains in full force and effect.

12 **Section 30-6.18. Sidewalks and Shared-Use Bicycle Paths.**

13 A. *Intent*. The intent of this section is to enable pedestrian activity throughout the city, especially as a
14 means to promote pedestrian and transit trips, pedestrian safety and accessibility. Sidewalks are
15 required in conjunction with development orders in every zoning district, ~~except zoning districts that~~
16 ~~implement the industrial land use category or as otherwise provided herein.~~ This shall apply to all
17 ~~development orders issued after September 11, 2000, in every zoning district (except as otherwise~~
18 ~~provided herein), and on any parcel or lot where a roadway is existing adjacent to the proposed~~
19 development or where there is a reasonable likelihood of mass transit service or a pedestrian need
20 for sidewalks. Sidewalk(s) are required on both sides of all public and private streets, ~~on both sides,~~
21 ~~except as specifically excluded or modified by this section.~~

22 B. *Schools*. Public and private schools shall meet the design guidelines of Safe Routes to School.
23 Sidewalks and bikeways adjacent to the site shall be extended to appropriate walkways around
24 buildings and bicycle storage areas.

25 C. Sidewalks are required on both sides of all streets at least five feet in width, ~~except that subdivisions~~
26 ~~in the agriculture, conservation, airport services and public services zoning districts are only required~~
27 ~~to provide sidewalks on arterial and collector streets, as designated by the City Manager.~~ Whenever
28 a sidewalk intersects with a curbed street, ramps shall be installed to facilitate access to the
29 sidewalks by wheelchairs.

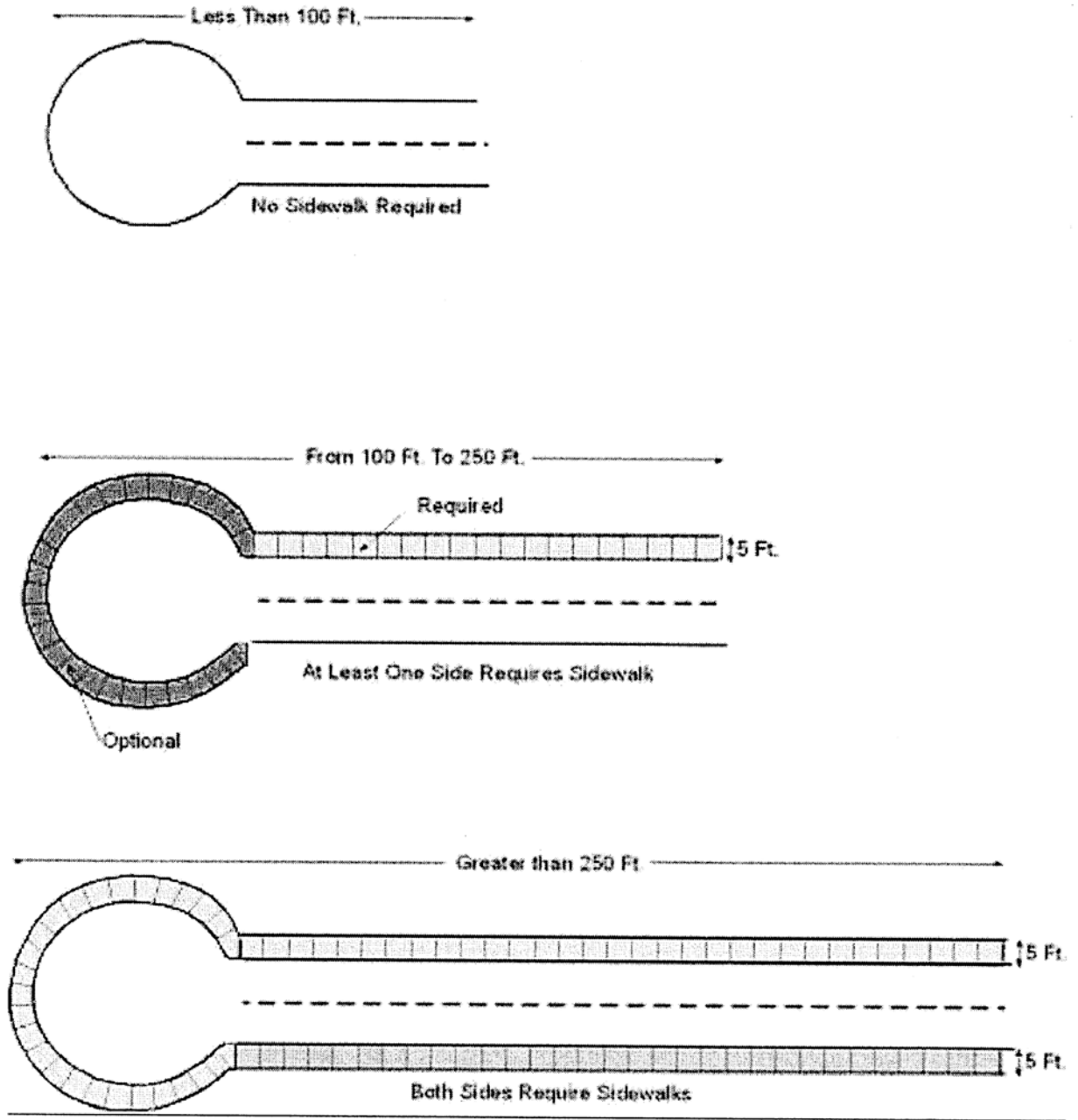
30 ~~1. Where sidewalks are continuous, except for isolated lots or plots, in connection with the~~
31 ~~approval of subdivisions or development plans, the city shall require an owner of an isolated lot~~
32 ~~or plot to provide sidewalks along street frontages, except as follows:~~

33 ~~a. Additions or renovations to or new construction of single family homes on lots platted prior~~
34 ~~to January 1, 2003, unless a new single family home is proposed to be built on a lot where~~
35 ~~there is a sidewalk on the adjacent lot frontages.~~

36 ~~b. The addition or new construction of 500 square feet or less of gross floor area on any~~
37 ~~property or any paving of fewer than five parking spaces or equivalent area.~~

- 1 c. ~~On alleys providing a secondary access to a lot of record.~~
- 2 d. ~~Any lot on land designated as industrial on the future land use map of the city.~~
- 3 2. ~~Cul-de-sac or dead-end loop street(s) requirements. A sidewalk is required on at least one side~~
4 ~~of a street on a cul-de-sac or dead-end loop street(s) from 100 to 250 feet long, except~~
5 ~~sidewalks are not required on a cul-de-sac or dead-end or loop street(s) less than 100 feet long.~~
6 ~~Sidewalks are required on both sides on cul-de-sac or dead-end or loop street(s) greater than~~
7 ~~250 feet long. For a project in which the closest lots to a connecting street are at least 1,000 feet~~
8 ~~from the street it stems from, sidewalks are required on at least one side of the street up to the~~
9 ~~lot nearest the connecting street. Illustrations are shown below.~~
- 10

1 Cul-De-Sacs



2
3
4
5

NOTE TO CODIFIER: THIS ABOVE GRAPHIC IS DELETED.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

3.1. A shared-use bicycle path shall be provided in a subdivision wherever designated on the officially adopted trail network plan for the city. Also, subdivisions containing a proposed trail network corridor shall provide a shared-use bicycle path and sidewalk system that integrates or links the subdivision with the trail network.

D. *Responsibility for construction.* The installation of sidewalks is the responsibility of the developer/owner and the sidewalks shall be installed prior to the issuance of a certificate of occupancy by the city. For a phased development, sidewalk(s) shall be completed to serve any area for which a certificate of occupancy or any temporary occupancy is required. The developer/owner shall only be responsible for the sidewalk on the same side of the street(s) on which the approved plan is adjacent, except as specifically modified in this section.

E. *Design standard.* Sidewalk(s) and ramp(s) shall be constructed in accordance with the Design Manual.

F. *Dedication.* In conjunction with the owner/developer’s installation of any required sidewalk(s) along a street, the sidewalk shall be constructed within existing right-of-way or, if insufficient space exists within the right-of-way, the sidewalk area shall be dedicated to public use in a form acceptable to the City Attorney. ~~When an amendment to an existing developed area requires the installation of a sidewalk and inadequate right-of-way exists to such extent that a developer/owner cannot install a sidewalk, the city shall require the developer/owner to dedicate sufficient right-of-way to install proper sidewalk areas along all boundaries of the proposed development abutting public streets, or provide an easement to the homeowners association or condominium, as applicable, for additional common area for the sidewalk. The dedication of sufficient right of way for sidewalk improvements shall be necessary to serve the development or reduce the impact of the development on the city's transportation system, and shall in all instances meet the "essential nexus" and "rough proportionality" requirements established in case law.~~

G. *Modifications.* The appropriate reviewing authority may approve modifications from the terms of this section as follows:

- 1. The appropriate reviewing authority shall require the petitioner to provide information in the form of reports, maps, diagrams, and similar material to support their request for modification.
- 2. The appropriate reviewing authority may determine the appropriate location or termination of sidewalks, ~~determine that dedication of right of way meets the required obligation, or determine that a portion of a sidewalk may be narrowed to the minimum extent necessary to meet the requirements of this section, if consistent with state accessibility requirements, or any combination of the above.~~
- 3. The applicant shall demonstrate that conditions and circumstances, which do not result from the actions of the developer, warrant modification of the sidewalk requirements. In reaching its decision, the appropriate reviewing authority shall consider the following:
 - a. ~~The need to relocate utilities that shall be moved solely in order to facilitate the construction of sidewalk;~~
 - b. ~~Construction or redesign of stormwater management facilities;~~
 - c. ~~Insufficient building setbacks;~~

- 1 ~~d. A substantial lack of right of way;~~
- 2 ~~e.a. Protection of heritage and champion trees; and~~
- 3 ~~f.b. Excessive slope or other topographic or geological features;~~
- 4 ~~g. Existing and expected future isolation of the subject parcel; and~~
- 5 ~~h. Sidewalks are not permitted by state or local agencies with jurisdiction over the subject~~
- 6 ~~right of way.~~

7

8 **SECTION 8. Section 30-6.19. Access Management** of the Land Development Code is amended

9 as follows. Except as amended herein, the remainder of Section 30-6.19 remains in full force

10 and effect.

11 **Section 30-6.19. Access Management.**

- 12 A. *Access to residentially zoned properties.*
 - 13 1. No residentially zoned land shall be used for driveway, walkway or access purposes to any land
 - 14 that is non-residentially zoned or that is used for any purpose not permitted in a residential
 - 15 district or that is shown on the future land use map of the Comprehensive Plan for solely non-
 - 16 residential use, except for ingress and egress to a use that was existing on October 26, 1981, on
 - 17 land that does not abut a public street.
 - 18 2. Entrances to dwelling units in the RMF-5, RMF-6, RMF-7, RMF-8 districts shall be 15 feet or
 - 19 greater from any access road or driveway.
 - 20 3. Minor improvements, such as ramps and landings, that are intended to provide access for a
 - 21 handicapped resident shall be permitted by right within the required yard of any existing single-
 - 22 family dwelling, two-family dwelling and three-family dwelling.
- 23 B. *Access to non-residential uses.*
 - 24 1. Where a parcel of property used for nonresidential use in any business, office, industrial or
 - 25 mixed-use district abuts more than one street, access from either street to such property shall
 - 26 be permitted only if no property in any RSF-1, RSF-2, RSF-3, RSF-4 or RC residential district or
 - 27 shown for single-family residential use on the future land use map of the Comprehensive Plan
 - 28 lies immediately across such street from such office-zoned property; provided, however, access
 - 29 may be permitted from any major collector or arterial as shown on the official roadway map;
 - 30 and provided, further, that one point of access shall be permitted in any case, notwithstanding
 - 31 other provisions of this subsection.
 - 32 2. Access to shopping centers shall be in accordance with the provisions of this article, Chapter 23
 - 33 of the Code of Ordinances, and the Design Manual. Areas used by motor vehicles shall be
 - 34 physically separated from public streets by landscaped buffer areas.
- 35 C. *Bicycle, greenway and pedestrian access.* Provisions shall be made to safely incorporate travel ways
- 36 for bicycle and pedestrian usage into development and redevelopment projects extending to

Petition No. PB-18-15 TCH
CODE: Words underlined are additions; words ~~stricken~~ are deletions.

1 adjacent properties. Where bikeways, greenways or sidewalks are presently adjoining the property,
2 provisions shall be made to safely link the internal bicycle and pedestrian system with adjoining
3 facilities. During development plan review, the ~~Development Review Board~~ appropriate reviewing
4 authority shall also review the relationship of the mixed-use development to adjoining properties
5 and may require appropriate access for bicycles or pedestrians at locations where vehicular access is
6 prohibited.

7
8 **SECTION 9.** It is the intent of the City Commission that the provisions of Sections 1 through 8 of
9 this ordinance shall become and be made a part of the Code of Ordinances of the City of
10 Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may be
11 renumbered or relettered in order to accomplish such intent.

12 **SECTION 10.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
13 the application hereof to any person or circumstance is held invalid or unconstitutional, such
14 finding shall not affect the other provisions or applications of this ordinance that can be given
15 effect without the invalid or unconstitutional provision or application, and to this end the
16 provisions of this ordinance are declared severable.

17 **SECTION 11.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
18 conflict hereby repealed.

19 **SECTION 12.** This ordinance shall become effective immediately upon adoption.

20
21 **PASSED AND ADOPTED** this ____ day of _____, 2018.

22
23
24
25 _____
26 LAUREN POE
27 MAYOR

28 Attest: Approved as to form and legality:

1
2
3
4
5
6
7
8
9

OMICHELE GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2018.

This ordinance passed on second reading this _____ day of _____, 2018.