

Attachment 2 contains proposed new language for the cases where either a split-zoning or intervening parcel with either a Conservation or Public Service designation separates Single Family parcels from Medium or High Density Residential properties.

Medium and High Density Residential abutting Single Family designated parcels

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. 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 areas and/or 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 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.

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.

Medium and High Density Residential development when either a split-zoning or intervening parcel with either a Conservation or Public Service designation separates Single Family parcels from Medium or High Density Residential

In a few cases, medium or high density multi-family residential properties have an intervening zoning between abutting single family designated parcels. The cases being examined in this petition concern Conservation and/or Public Service zoning.

The intervening zoning could as a result of split zoning (i.e., the multi-family property has a portion of the parcel designated either Conservation (CON) or Public Service (PS) and the CON or PS abuts a single family designated parcel. This case is illustrated in Example 2 on the next page.

The other situation involves a separate parcel of land with intervening CON or PS zoning between the single family and multi-family designated parcels (in all likelihood, the intervening parcel in this case is in separate ownership from either the SF or multi-family parcels). Example 3 on the next page shows this case.

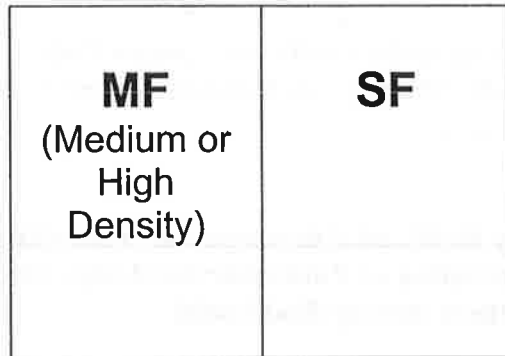
Citizen comment before both the Plan Board and City Commission has indicated there is a concern that the buffering provided by either split zoning or intervening CON or PS does not provide adequate protection for abutting single family designated properties (in both cases, the split zoning or intervening parcel separates the single family from the multi-family).

It is important to note that, under the existing situation in the Code, parcels with either intervening split zoning or an entirely separate parcel with CON or PS zoning offer far more buffering and protection to the single family designated parcels than the abutting multi-family/single family situation.

Staff has provided language for the Plan Board to consider for the cases of intervening CON or PS split zoning or a separate parcel with CON or PS between single family and medium or high density multi-family. See Attachment 2 for some suggested Code language that could be implemented.

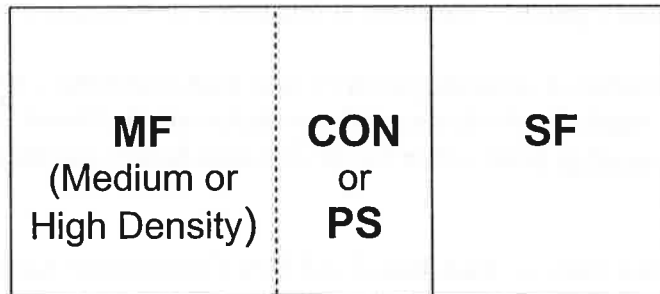
As shown in Attachment 2, staff recommends that cases of intervening zoning be treated differently when two factors are involved: 1.) the intervening zoned area is 25 feet or wider; and, 2.) the intervening area is to be maintained as vegetated in the long term.

Example 1



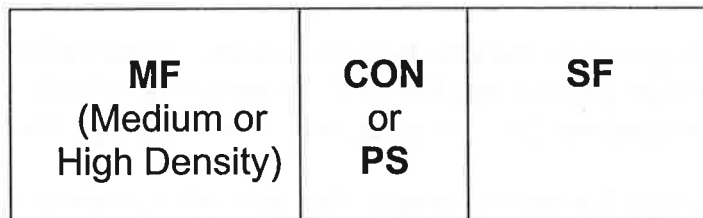
Medium or high density
multi-family abutting Single-family

Example 2



Property zoned medium or high density
Multi-family and Conservation or Public Service.
Single-family abuts Conservation or Public Service zoning.

Example 3



Medium or high density multi-family parcel
With intervening Public service or Conservation zoned parcel
abutting Single-family parcel.

City Plan Board
Petition 21TCH-02 PB
October 17, 2002

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.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ralph Hilliard".

Ralph Hilliard
Planning Manager

RH:ORL

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).

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~~ map of the comprehensive plan.

Add:

Maximum building height for MF buildings within 100 feet of abutting land designated single-family on the Future Land Use map—35 ft. (in a maximum of two stories).

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).

(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:

Maximum building height for MF buildings within 100 feet of abutting land designated single-family on the Future Land Use Map 35 ft. (in a maximum of two stories)

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) Parking lots and driveways located in the area between medium or high density multi-family and abutting single-family designated properties shall be limited to a single-loaded row of parking and a two-way driveway.

(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 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. There shall be no requirement for a masonry wall or equivalent if buildings are 200 or more feet from abutting single-family properties. In addition, the appropriate reviewing board or staff, when only staff review is required, may allow an increased vegetative buffer and tree requirement to substitute for the required masonry wall.

(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) Mechanical equipment (as defined in the Traditional City portion of the Land Development Code) shall be placed such that noise and visual impacts are minimized for abutting single-family designated properties.

(8) Buildings within 100 feet of single-family residential shall contain no more than six 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 architecturally interesting roof types, including gabled, hipped, shed, mansard, arched or flat, as appropriate.

(9) 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.

Attachment 2

Proposed Amendments to the Land Development Code

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

Add a new (k) as follows:

(k) Additional requirements for new medium and high density multi-family developments when there is PS or CON zoning intervening between 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 separated from single-family designated properties by intervening PS or CON zoning.

(1) In the case of new development of medium or high density multi-family development with an intervening split zoning or parcel designated PS or CON abutting single family designated single family, the provisions of Sec. 30-56 (j) (1), (2), (4), (6), (7), (8), and (9) shall apply if the intervening area is less than 25 feet wide. However, the measurement of the 100 feet as described in Sec. 30-56 (j) (9) and (10) shall be from the single family property line abutting the PS or CON zoned area. The appropriate reviewing board may grant an exception to the requirement for a wall (as shown in Sec. 30-56 (j) (4) based on the quality of long-term buffering provided by vegetation in the intervening area.

(2) In the case of new development of medium or high density multi-family development with an intervening split zoning or parcel designated PS or CON abutting single family designated single family, the provisions of Sec. 30-56 (j) (6), (8), and (9) shall apply if the intervening area is 25 or more feet wide and the area is expected to remain significantly vegetated and will provide a buffer over the long term. The measurement of the 100 feet as described in Sec. 30-56 (j) (8) and (9) shall be from the single family property line abutting the PS or CON zoned area.

(3) In the case of new development of medium or high density multi-family development with an intervening split zoning or parcel designated PS or CON abutting single family designated single family, the provisions of Sec. 30-56 (j) (1), (2), (4), (6), (7), (8), and (9) shall apply if the intervening area is 25 or more feet wide, but the area is not significantly vegetated or expected to remain significantly vegetated to provide a buffer over the long term. The measurement of the 100 feet as described in Sec. 30-56 (j) (8) and (9) shall be from the single family property line abutting the PS or CON zoned area. The appropriate reviewing board may grant an exception to the requirement for a wall (as shown in Sec. 30-56 (j) (4) based on the width of the intervening area exceeding 50 feet.

2. **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 locating near properties designated single-family on the Future Land Use map.

Ms. Onelia Lazzari was recognized. Ms. Lazzari indicated that she would review the changes since the last meeting, and not the entire petition. She reviewed the changes, which included regulations for driveways, parking, and mechanical equipment. She offered to answer any questions or comments from the board.

Mr. Andrews indicated that he believed the proposed ordinance added to the complexity of multi-family development. He explained that the only part of the language he agreed with was the limitation on the height of the buildings where multi-family abutted single-family. He suggested that the balance of the language seemed to be punishment for multi-family housing. He indicated that he believed that the existing land use regulations and Comprehensive Plan covered the transition between single and multi-family.

Mr. Pearce indicated that he agreed with Mr. Andrews. He explained that he believed the heart of the ordinance was limiting the building height to two stories within a hundred feet of single-family and limiting the building form to four dwelling units per building. He stated that he believed limiting the building height to two stories beyond 100 feet would increase the number of buildings on a lot and the amount of impervious surface area and decrease the amount of open space. Mr. Pearce read a statement into the record:

I believe a masonry wall is not necessary. I think increasing the vegetative buffer and increasing the tree requirement would significantly increase more desirable effects. A masonry wall not only decreases the existing natural vegetation and wildlife habitat. They negatively impact contiguous natural open space, they partition natural vegetative and wildlife habitat, they partition human habitat and association and I think it is more a socio-economic discrimination than it is a protection for single-family neighborhoods. Lastly, I think is unnecessary to prohibit balconies on these four unit buildings when they are adjacent to single-family neighborhoods. I think that's unnecessary, mean spirited and, again, I think it is as much a socio-economic discrimination than protecting single-family neighborhoods.

Mr. Pearce indicated that he would vote against the petition.

Mr. Guy indicated that he agreed that it was appropriate to limit height to two stories within 100 feet, but not beyond. He stated that he also agreed with allowing a vegetative buffer instead of a masonry wall. He explained that he did not understand the prohibitions for outdoor recreation, car wash areas, dumpsters etc.. He indicated that he did not think balconies should be prohibited on buildings abutting single-family development. He suggested that the limit on dwelling units should be six units rather than four.

Chair Polshak noted that the board spent many hours working on the petition and he asked if there were any modifications that could be made to make it approvable by a majority. He suggested that wildlife habit within the City was not an issue. He pointed out that the petition was developed based upon citizen's requests, and the board needed to address citizen's needs as much as developer's needs.

Ms. Lazzari noted that there were provisions in Sec. 30-56 (j.) (4), that provided for exceptions to the masonry wall. She explained that those exceptions included damage to significant trees and natural features.

Mr. Guy stated that he would withdraw his objections to the masonry wall language.

Chair Polshek stated that, in terms of increasing the complexity and challenge of a developer to get a multiple use project completed, what developers see as regulatory challenges, others might consider means to protect their interests. He indicated that he did not believe the proposed ordinance added to the complexity of development. He explained that design could address the issue of second story balconies on buildings abutting single-family zoning. He indicated that he would support the petition. He reiterated that the proposal was brought forward because of public request on the issue, and he did not believe it would squelch multi-family development in the City.

Mr. Pearce asked under what circumstances would a masonry wall be considered not to damage significant trees or other natural features.

Ms. Lazzari explained that there could be a development site that consisted of impervious area or a vacant property. She suggested that there could be a number of situations where there would be no natural features or trees.

Mr. Pearce indicated that he would like to see an increased vegetative buffer and tree requirement in place of a masonry wall requirement.

Mr. Rwebyogo indicated that he had difficulty accepting the proposed ordinance because it seemed one-sided, trying to protect single-family properties by assuming that multi-family is injurious.

Chair Polshek pointed out that, if there were ten people or ten families living on one side of a line and one family on the other side, there would be more noise, more activity and more waste generated.

Mr. Hilliard stated that the petition was written to deal with the impact of different types of development on other development, the impact of multi-family on single-family. He agreed that when single-family abutted multi-family, the multi-family development would have ten, fifteen or twenty times more noise and traffic impact in an area than single-family. He noted that the impact was especially difficult when the multi-family was placed on a vacant parcel of land that abutted single-family homes.

Chair Polshek agreed, and reiterated that the petition was generated by public concern and not by staff.

Mr. Andrews cited a concern about the uncertainties faced by a person wanting to develop multi-family property. He also cited a concern about the proposed design stipulations in a zoning ordinance.

Chair Polshek opened the floor to public comment.

Ms. Sara Poll was recognized. Ms. Poll suggested that the board should speak to the owners of single-family homes abutting large multi-family development. She indicated that, if there was no protection for single-family homes, the area would become blighted and slum areas would increase. She stated that the ordinance was needed to protect people and their homes.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville.

Mr. Harold Saive was recognized. Mr. Saive noted he had studied the Hidden Lakes Apartments project where a large multi-family development was placed in a single-family neighborhood. He explained that, when a large multi-family project does not have sufficient buffers or adequate design, it overwhelmed single-family properties, and those single-family homes transitioned to rentals with absentee landlords. He indicated that such a situation encouraged urban blight within the City.

Chair Polshek closed the floor to public comment.

Mr. Guy made a motion to approve the petition

<u>Motion By:</u> Mr. Guy	<u>Seconded By:</u> Mr. Pearce
<u>Moved to:</u> Approve Petition 21TCH-02 PB, removing the proposed text regarding multi-family sites two or more acres in size, remove the prohibition on second story balconies and porches (30-56, (j) (8), change the language to allow 6 dwelling units rather than 4 (30-56, (j) (9), and add language to allow an increased vegetation and tree requirement to be substituted for the required masonry wall, as determined by the appropriate reviewing board (30-56, (j.) (4).	<u>Upon Vote:</u> Motion Carried 4 - 1 Ayes: Pearce, Rwebyogo, Guy, Polshek Nay: Andrews

