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**TO:** City Plan Board **Item Number:** 12

**FROM:** Planning and Development Services Staff **DATE:** January 24, 2013

**SUBJECT:** Petition PB-12-169 TCH. City of Gainesville. Amend the Land Development Code to allow scooter sales in the MU-2 (12-30 units/acre mixed-use medium intensity) and UMU-2 (10-100 units/acre; and up to an additional 25 units/acre by special use permit urban mixed-use district) zoning districts.

**Recommendation:**

Approve the petition.

**Discussion:**

This is a request to amend the land development code to allow scooter sales as defined below in the MU-2 and UMU-2 zoning districts. On November 15, 2012 the City Commission asked staff to initiate a change to the Land Development code to allow retail motorized scooter sales in the UMU-2 zoning districts and other zones as staff and or Plan Board may recommend. Staff added the MU-2 district at the request of a scooter sale business owner. This petition is a temporary response to a request made to the City Commission, it is staff's opinion that this issue will be more fully addressed with the Formed Based Code update and that the use will be allowed in additional zones as may be appropriate.

It appears that the market segment for scooters is the large student population in the City. The number of motorcycle and scooter decals on the University of Florida campus has increase from 700 in the year 2000 to a peak of 4000 in 2009. Over that last few years the numbers of decals issued have settle around 3600. Given these numbers it seems reasonable that the City would make some accommodations to provide scooter sales and services closer to where the end users are located. Currently city codes only allow scooter sales in those zoning districts that allow motorcycle sales: BA (Automotive Oriented Business District) and I-1 (Limited Industrial District). A few shops have been able to locate on properties that were used in the past as an automotive shop, as a continuation of a nonconforming use. A request was made to the City Commission by a local business to allow scooter sales in the UMU-2 and MU-2 zoning districts to provide the service closer to the student population.

Given that motorcycles and scooters are currently lumped together in the same use category, staff has developed a definition to separate scooters sales from motorcycle sales primarily because of the different impacts they could have on an area (mainly noise). Chapter 316 of Florida Statutes provides the following definitions that are related to this issue:

*Motorcycle- Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor or a moped;*

*Moped - Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels; with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground; and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters; and*

*Motorized Scooter - Any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground.*

In order to distinguish scooters from motorcycles staff developed a definition that separates the two based on engine displacement:

*Scooter - any motor vehicle having a seat or saddle for the rider and designed to travel on not more than three wheels in contact with the ground, with an engine displacement not exceeding 151 cubic centimeters, including mopeds as defined by Florida Statutes.*

With this definition the petition would allow scooter sales as so defined in the UMU-2 and MU-2 district as a use by right with conditions. It is staff's opinion that in order to maintain the character of the UMU-2 and MU-2 areas that the operation of a scooter sales business must comply with the general provision of Section 30-67(g) of the Land Development Code. This section states: "All principal uses in any business or mixed use district shall be contained within completely enclosed buildings, except as otherwise specifically provided as a permitted use. When not so specifically provided, outdoor storage or display of goods and commodities not contained within completely enclosed buildings is prohibited". In addition to the provision of Section 30-67, staff is also proposing a condition on accessory repair facilities that would limit the total gross floor area to 45% of the area for repair.

## Summary

Staff recommends approval of the petition as drafted in Exhibit 1.

Respectfully submitted



Ralph Hilliard  
Planning Manager

Attachment: Exhibit 1- Proposed Amendment