

LEGISLATIVE #
211359A

ORDINANCE NO. 211359

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to provide flexibility for the development and use of neighborhood-scale multi-family dwellings, as more specifically described in this ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the city; and

WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of Ordinances); and

WHEREAS, this ordinance, which was noticed as required by law, will amend the text of the Land Development Code as described herein; and

WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant

to Section 163.3174, Florida Statutes, held a public hearing on June 6 and 23, 2022, and voted to make a recommendation to the City Commission regarding the subject of this ordinance; and

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

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

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

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

SECTION 1. Section 30-2.1 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-2.1 remains in full force and effect.

Sec. 30-2.1. Definitions.

Lot split means the division of a single tract of land into two lots or parcels, ~~where there are no roadway, drainage or other required improvements,~~ and where the resultant lots comply with the standards of this chapter.

SECTION 2. Section 30-3.34 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-3.34 remains in full force and effect.

Sec. 30-3.34. Lot splits and lot line adjustments.

A. *Lot splits.* Lot splits shall be processed as follows:

1. *Lot split restrictions.*

- 1 a. Lots created through a lot split must conform to the standards below. ~~Lot splits are not~~
2 ~~permitted in minor subdivisions approved in accordance with the provisions of this~~
3 ~~chapter.~~
- 4 b. ~~No further division of an approved lot split is permitted, unless a minor subdivision or~~
5 ~~record plat is prepared and submitted in accordance with this chapter.~~
- 6 c. ~~Only those lot splits that do not require any street, sidewalk, bikeway, bridge, drainage~~
7 ~~facility, screening wall or any other improvement required under this chapter may be~~
8 ~~processed under this section.~~

9 2. *Lot split standards.*

- 10 a. Each proposed lot shall conform to the provisions of ~~this chapter~~ the land development
11 code and the associated zoning district.
- 12 b. Each lot shall front a public street or approved private street for the required minimum
13 lot width for the zoning district where the lots are located, except as provided in section
14 30-3.34(a)(1)(c) and 30-6.8.
- 15 c. If any lot abuts a public right-of-way that does not conform to the design specifications
16 provided in section 30-6.6 B., as further specified in the Design Manual, the owner may
17 be required to dedicate, at no cost to the city, one-half of the right-of-way width
18 necessary to meet the minimum design requirements.
- 19 d. A lot split shall be allowed only where water, sewer, fire and solid waste services are
20 available to service the proposed lots. ~~Alternatively, in~~
- 21 i. In the event city water or sewer is not available at any lot line, the lot may be
22 served by a well or septic tank; provided the lot is a minimum size of one acre and
23 the well or septic tank is permitted and approved by the governmental agencies
24 with jurisdiction. Based on the review by the governmental permitting agencies, a
25 well or septic tank may not be allowed be prohibited within the wellfield districts,
26 special environmental concern areas or areas with the presence of hazardous
27 materials or known environmental contamination, due to health and safety
28 concerns.
- 29 ii. Lots created pursuant to this section and served by a well or septic tank must
30 connect to city water or sewer, at the property owner's sole expense. Further, at
31 the time city water or sewer become available at the lot line, the property owner
32 shall, at its sole expense, connect to city water or sewer. This connection
33 requirement shall run with the land and shall be evidenced in a written document
34 executed by the property owner and recorded in the public records of Alachua
35 County, Florida, at the time of approval of the lot split. In the case of a vacant lot,
36 the connection shall be required at the time of application for development. In the
37 case of existing development (other than single-family or two-family), the
38 connection shall be required at the time of application for development plan review
39 at the rapid review level or higher. In the case of single-family or two-family
40 development, the connection shall be required at the time of application for a
41 permit for an additional bathroom or for any structure equal to or greater than 25
42 percent of the square footage of the existing principal structure.

43 3. *Review.*

- 44 a. Pre-application. A pre-application meeting with staff is required.
- 45 b. ~~a. Application.~~ After a mandatory pre-application conference with staff, an An
46 application shall be completed on a form prescribed by the city and submitted
47 together with the following:

- i. A boundary survey and lot split for the proposed division prepared by a professional land surveyor registered in the state according to F.S. Ch. 472. The proposed lot split shall show the intended division, legal descriptions, and acreage for the parent parcel and proposed lots.
 - ii. A statement indicating the location where water or sanitary sewer service is available to the property, and a statement indicating that all utility service shall be installed beneath the surface of the ground in accordance with section 30-8.2.
 - c. ~~b.~~ Upon receipt of a completed application, the several departments of the city shall review and provide comment.
 - d. ~~e.~~ If the proposed lot split meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the city manager or designee shall approve the lot split ~~by affixing his or her signature to the application form.~~
 - e. ~~d.~~ Upon approval of the lot split, the city shall record the split on the appropriate maps and documents in the city. In addition, the applicant shall file lot splits with the Alachua County Property Appraiser's office and in the public records of Alachua County.
- B. *Lot line adjustments.* The lot lines of lots within an existing minor subdivision or existing lot split may be altered in accordance with the following requirements.
1. A lot line adjustment shall only be used to adjust the lot lines of existing lots that were created by minor subdivision or lot split and shall not be used to further subdivide existing lots or create new lots.
 2. ~~4.~~ An application for a lot line adjustment, signed by the owners of all lots that will be adjusted, shall be completed on a form prescribed by the city and submitted together with a surveyor's affidavit prepared by a professional land surveyor registered in the state that describes and depicts the adjustment in the lot lines and references the filing or recording information for the associated minor subdivision or lot split.
 3. ~~2.~~ The applicant shall pay the same fee as for a lot split as specified in appendix A.
 4. 3. The application shall be reviewed by city staff to verify that the requested adjustment, if approved, will not create any nonconformity or violations of this chapter. ~~If same are created, the application shall be denied.~~
 5. ~~4.~~ The lot line adjustment, if approved by the city manager or designee, shall not be effective until the applicant records the surveyor's affidavit in the public records of Alachua County.

SECTION 3. Section 30-3.36 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-3.36 remains in full force and effect.

Sec. 30-3.36. Minor subdivisions.

A. Minor subdivision standards.

1. Each proposed lot shall conform to the provisions of this chapter.
2. All existing principal and accessory structures on each lot must conform to the use and development standards of this chapter.
3. All lots have city water and sewer services available and constructed to the lot line of at least one lot, with appropriate easements granted to allow future water and sewer connections to each of the lots at the time each lot is developed.
4. If the proposed minor subdivision abuts a public right-of-way that does not conform to the provisions of section 30-6.6 B., as further specified in the Design Manual, the owner may be required to dedicate, at no cost to the city, one-half of the right-of-way width necessary to meet the minimum design requirements. If the proposed minor subdivision abuts both sides of a substandard street, one-half of the right-of-way width necessary to meet those minimum design requirements may be required from each side. The dedication of this right-of-way or any easements necessary must be accomplished by a separate document. The applicant shall provide the city with legal descriptions of all easements or rights-of-way to be dedicated, and the city shall prepare and record the necessary documents as part of the approval process.
5. Each lot in the minor subdivision must front for the entire required minimum lot width on a public street or an approved private street. Where there is no minimum lot width requirement, each lot must abut a public street or approved private street for a width equivalent to the maximum driveway width required in section 30-6.20, plus any required turning radii area. Notwithstanding the above, the length of street frontage may be modified during minor subdivision review by the city manager or designee, based on the need to achieve the most efficient lot layout, access to and from the minor subdivision, operational needs of service vehicles, vehicular circulation and the health, welfare, and safety of the public.
6. The minor subdivision must create vehicular and pedestrian access to serve the minor subdivision and improve gridded connectivity by connecting to surrounding existing streets and by including new streets within the minor subdivision so that the resulting blocks will not exceed a maximum block perimeter of 2,000 feet or the maximum perimeter set by the zoning district, whichever is less. Modifications to this requirement may be granted by the city manager or designee where the construction of a street is limited by existing conditions such as, but not limited to:
 - a. Access management standards;
 - b. Regulated environmental features; or
 - c. Public facilities, such as, but not limited to, stormwater facilities, parks, or schools.Alternatively, where the development review director determines that it is not possible to construct the streets that would be required to meet the block perimeter standard, the block perimeter must be completed with the provision of pedestrian and bicycle paths or multi-use paths. ~~The applicant shall, at the expense of the applicant, construct the required streets or paths according to the appropriate city standards as determined through the minor subdivision review process, but may be sited and configured in a manner so that the streets provide the most appropriate access to the minor subdivision and connectivity to the surrounding street network.~~ Where a street or path is planned to provide a future connection to a street or path beyond the extent of the minor subdivision, the applicant shall provide for the connection of the street ~~by stubbing out the road improvements as close as practicable to the boundary of the~~ providing a stub out to the boundary of the minor subdivision.

- 1 7. Each approved private street must meet the following requirements in addition to the
2 requirements in section 30-6.8:
- 3 a. An approved private street must be ~~paved~~ to a minimum width of 12 feet wide for one-
4 directional traffic flow and 18 feet wide for two-directional traffic flow. Alternatively, a
5 determination must be made by the city public works department, the city fire rescue
6 department, and city solid waste department that the approved private street is
7 adequate to support service vehicles as necessary to provide municipal services.
- 8 b. The structure and sub-base of the approved private street must meet the standards set
9 forth in the Design Manual.
- 10 c. Each approved private street must be connected directly to a public street or to another
11 approved private street. The method and type of connection will be subject to approval
12 by the city public works department in accordance with the standards set forth in the
13 Design Manual. The private street serving the minor subdivision must have a maximum
14 length of 1,000 feet (measured by traversing the length of the approved private street
15 from its farthest extent to the nearest public street). At the point the private street
16 reaches 1,000 feet in length, the applicant shall provide one of the following, as
17 determined by the city fire rescue department: appropriate emergency connection to
18 the nearest public road, if such a connection can be made on property within the minor
19 subdivision; or a turnaround sized to accommodate fire and rescue vehicles.
- 20 d. The owners of each approved private street shall provide necessary easements to the
21 city for the purpose of providing municipal services. Alternatively, if the city finds the
22 street serves a valid public purpose, the owners may gratuitously dedicate an approved
23 private street for purposes of public right-of-way.
- 24 e. Lots created on an approved private street must be designed to minimize the number
25 of curb cuts onto the street. Shared driveway access is required of adjoining lots,
26 except where an odd number of lots are created, in which case, one lot, as determined
27 by the city public works department, may be allowed to have a separate driveway.
- 28 8. All proposed minor subdivisions must meet the level of service standards in the
29 Comprehensive Plan. Proof of meeting these standards shall exist in the form of a
30 certificate of concurrency exemption, certificate of preliminary concurrency or certificate of
31 conditional concurrency reservation. The approval of a nonresidential minor subdivision in
32 no way reserves capacity for the purposes of concurrency.

33 B. *Review.*

- 34 1. Pre-application. A pre-application meeting with city staff is required.
- 35 2. Application. ~~After a mandatory pre-application conference with staff, an~~ An application
36 must be completed ~~on~~ in a form prescribed by the city and submitted together with the
37 following:
- 38 a. A map of boundary survey and minor subdivision certified by a professional land
39 surveyor registered in the state according to F.S. Ch. 472. The survey must be drawn
40 on a 24-inch by 36-inch linen or stable base film with a three-inch margin on the left for
41 binding, and a one-half-inch margin on the other three sides. Additional information to
42 be shown on the survey must include but not be limited to:
- 43 i. The lot lines, dimensions, legal descriptions and acreages for each lot being
44 created.
- 45 ii. The acreage of the total tract.

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

SECTION 4. Section 30-4.8 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.8 remains in full force and effect.

Sec. 30-4.8. Development compatibility.

A. Setbacks.

1. ~~Whenever a zero foot setback is allowed in a zoning district, it may only be used if the abutting property is within a district that allows the same setback.~~
2. The minimum required side and rear setback for nonresidential ~~and multi-family~~ buildings located on property abutting a ~~single-family~~ Neighborhood Residential zoning district or the U1 district shall be the same as the setback required on the adjacent residential lot or as determined by the required buffer, whichever is greater.

B. Limitations on uses. All industrial or commercial activity and uses, except storage of equipment and parking, shall be conducted within completely enclosed buildings when located within 300 feet of any property that is in a ~~single-family~~ Neighborhood Residential zoning district or the U1 district.

C. Building height and massing.

Within 100' of the Following Districts:	Max. Building Height	
Single-Family <u>Neighborhood Residential</u> Zoning	3 stories and 36'	Building facades shall not exceed 60' unless a substantial volume break is provided, such as a volume recess with a minimum 10' depth.
U1	• Measured to the roof peak with a hip, gable, mansard or similar roof where the 3 rd floor is above the roof line, or	
Historic District (except University Heights-South)		
	• Measured to the top plate of the 3 rd floor with a flat or similar roof.	
University Heights-South Historic District	4 stories and 60'	
	• Measured to the top plate of the 4 th floor.	
Within the Following Districts:	Max. Building Height	
Pleasant Street Historic District	3 stories and 36'	
Power District	6 stories, but 3 stories when adjacent to residential zoning, with a step-back of 15' per additional building story up to max. permitted.	

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Figure 1: Height Compatibility Pitched Roof Example



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Figure 2: Height Compatibility Flat Roof Example

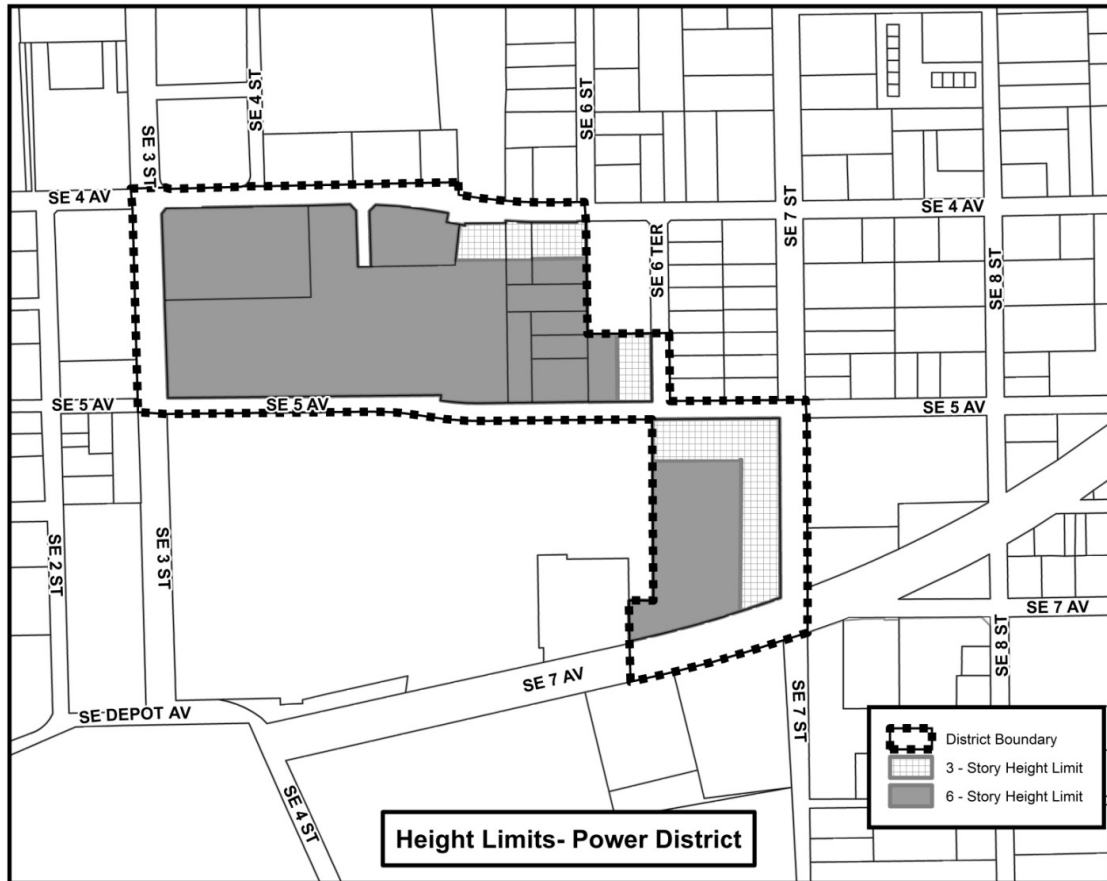


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Figure 2: Height Compatibility University Heights



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D. *Multi-family developments.*

1. *Generally.* Multi-family development shall contain no more than six dwelling units per building and shall be in the form of single-family dwellings, attached dwellings, or small-scale multi-family when located within 100 feet of any property that is in a single-family zoning district, ~~the U1 district~~, or a designated historic district.
2. *Abutting single-family property.* All new multi-family projects, whether stand alone or part of a mixed-use project, abutting property in a residential district or a planned development district with predominantly residential uses shall comply with the following regulations:
 - a. There shall be no outdoor recreation areas or uses allowed within any required building setback area or landscape buffer between abutting multi-family development and single-family designated properties.
 - b. Active recreation areas (including 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.
 - c. There shall be no car washing areas, dumpsters, recycling bins, or other trash/waste disposal facilities placed in the required setback area between multi-family development and properties zoned ~~for single-family use~~ Neighborhood Residential.
 - d. Parking lots and driveways located in the area between multi-family and abutting single-family designated properties shall be limited to a single-loaded row of parking and a two-way driveway.

e. ~~A decorative masonry wall (or equivalent material in noise attenuation and visual screening) with a minimum height of six feet and a maximum height of eight feet plus a Type B landscape buffer shall separate multi-family 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 authority 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 authority may allow an increased vegetative buffer and tree requirement to substitute for the required masonry wall.~~

f. 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.

3. *Bedroom limit.* Maximum number of bedrooms in multi-family developments located within the University of Florida Context Area.

a. Multi-family developments shall be limited to a maximum number of bedrooms based on the development's maximum residential density allowed by the zoning district multiplied by a ~~2.75~~ 3 multiplier.

b. If additional density is approved through a special use permit, then the multiplier is applied to the total approved density inclusive of any additional units approved by special use permit.

c. The bedroom mix in the development (i.e., the number of units with a specific number of bedrooms) is not regulated by these provisions.

d. Developments with planned development (PD) zoning are not subject to the bedroom multiplier.

SECTION 5. Section 30-4.10 of the Land Development Code is deleted in its entirety as follows.

The numbering of Section 30-4.10 will be reserved.

~~Sec. 30-4.10. Occupancy limitation.~~

~~In certain districts, an increase in the number of persons occupying a dwelling beyond one family, as defined in this chapter, is detrimental to the health, welfare, safety, and morals of the citizens of this community, and is a public nuisance that causes deterioration of the surrounding property values.~~

~~A. *Applicable districts.* The following zoning districts shall be subject to this section: RSF-1; RSF-2; RSF-3; RSF-4; RC; all PDs designed for residential use at a density of no more than eight dwelling units per acre; and all other PDs as may be specified in the rezoning ordinance.~~

~~B. *Unlawful acts.* No owner or landlord shall enter into any agreement, contract, lease, or sublease that allows the occupancy of any dwelling unit in a designated district by more than one family, as defined in this chapter. Any agreement, contract, lease, or sublease that allows~~

1 ~~such occupancy by more than one family is unlawful and is hereby declared to be contrary to~~
2 ~~public policy.~~

3 ~~C. **Enforcement.** In addition to any other remedy provided for herein, the city manager or~~
4 ~~designee, upon reasonable cause to believe that this section is being violated, may request~~
5 ~~the city attorney to take any appropriate action to correct the violation.~~

6 ~~D. **Public nuisance.** Any person who violates this section shall be deemed guilty of maintaining a~~
7 ~~nuisance, and may result in abatement or enjoinder as provided in F.S. §§ 60.05(1) and 60.06.~~

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10 **SECTION 6.** It is the intent of the City Commission that the provisions of Sections 1 through 5 of
11 this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
12 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
13 relettered in order to accomplish such intent.

14 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
15 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
16 will not affect the other provisions or applications of this ordinance that can be given effect
17 without the invalid or unconstitutional provision or application, and to this end the provisions of
18 this ordinance are declared severable.

19 **SECTION 8.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
20 conflict hereby repealed.

21 **SECTION 9.** This ordinance will become effective immediately upon adoption.
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23 **PASSED AND ADOPTED** this _____ day of _____, 2022.
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26 _____
27 LAUREN POE
28 MAYOR

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Attest:

Approved as to form and legality:

OMICHELE D. GAINEY
CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2022.

This ordinance passed on second reading this _____ day of _____, 2022.