

Five Points Special Area Plan
Text Amendment
Petition 89TCH-08PB

City Commission
April 2, 2009

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AICP

Environmental Consulting & Design, Inc.



Plan East Gainesville



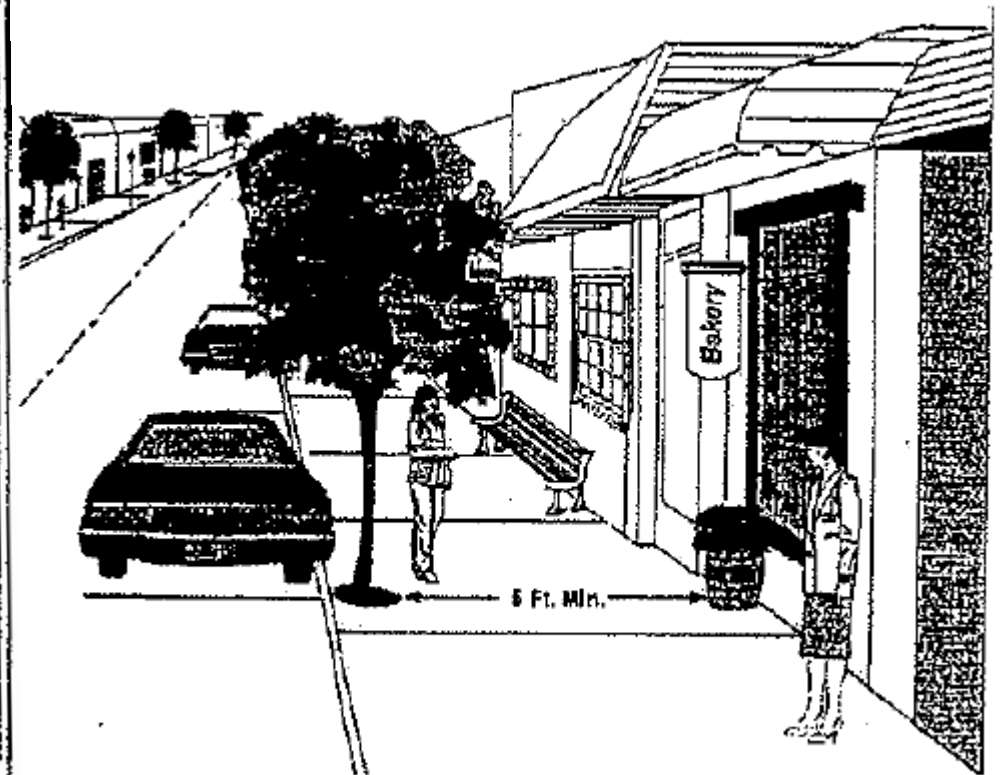
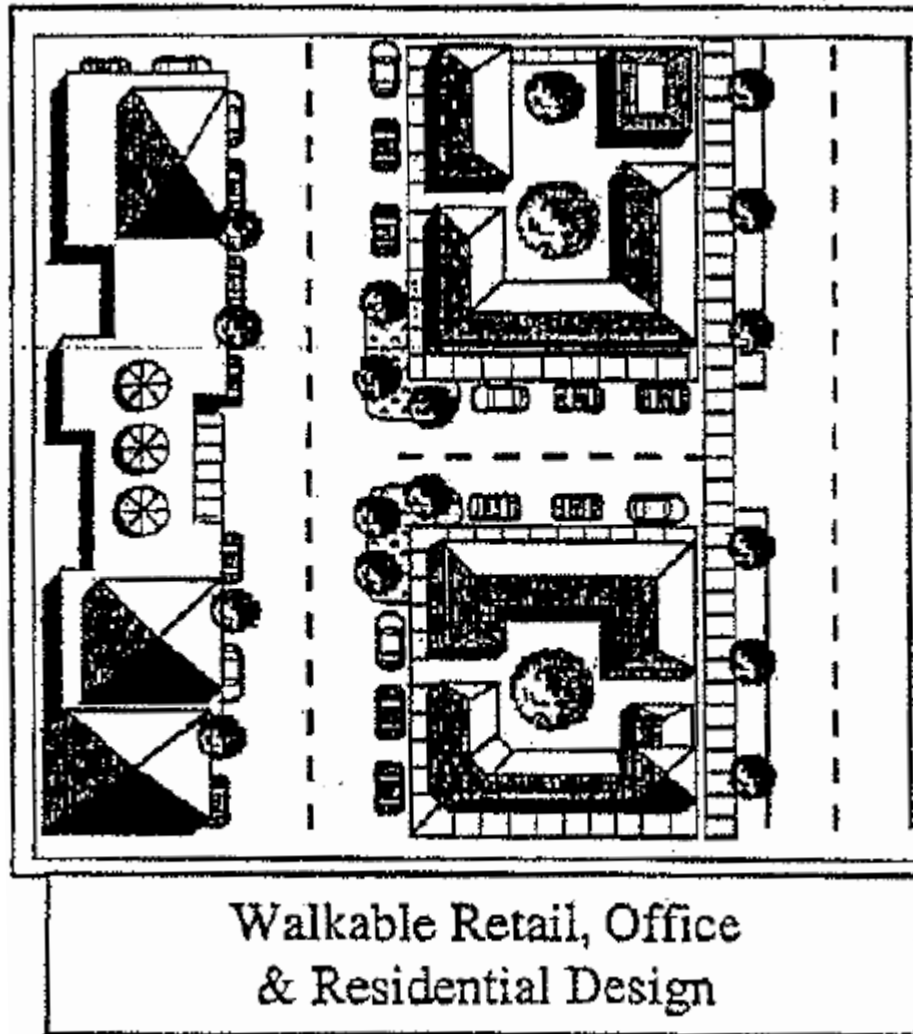
- One goal is to encourage the ‘development of compact, walkable mixed-use centers with easy access to public transportation’
- The land uses encouraged include ‘professional office, retail, services, restaurants, and multi-family residential’
- Vision Goal: ‘Reflect the strength, quality and diversity of the people and neighborhoods by **investing in the infrastructure and human potential**’

Five Points Special Area Plan



- Purpose of Plan is to ‘accommodate redevelopment’ that will transform the area ‘using high-quality urban design’
- Specific focus is to reduce the suburban **automobile-dominated** development pattern

Urban Design Regulations



Outcome of Review

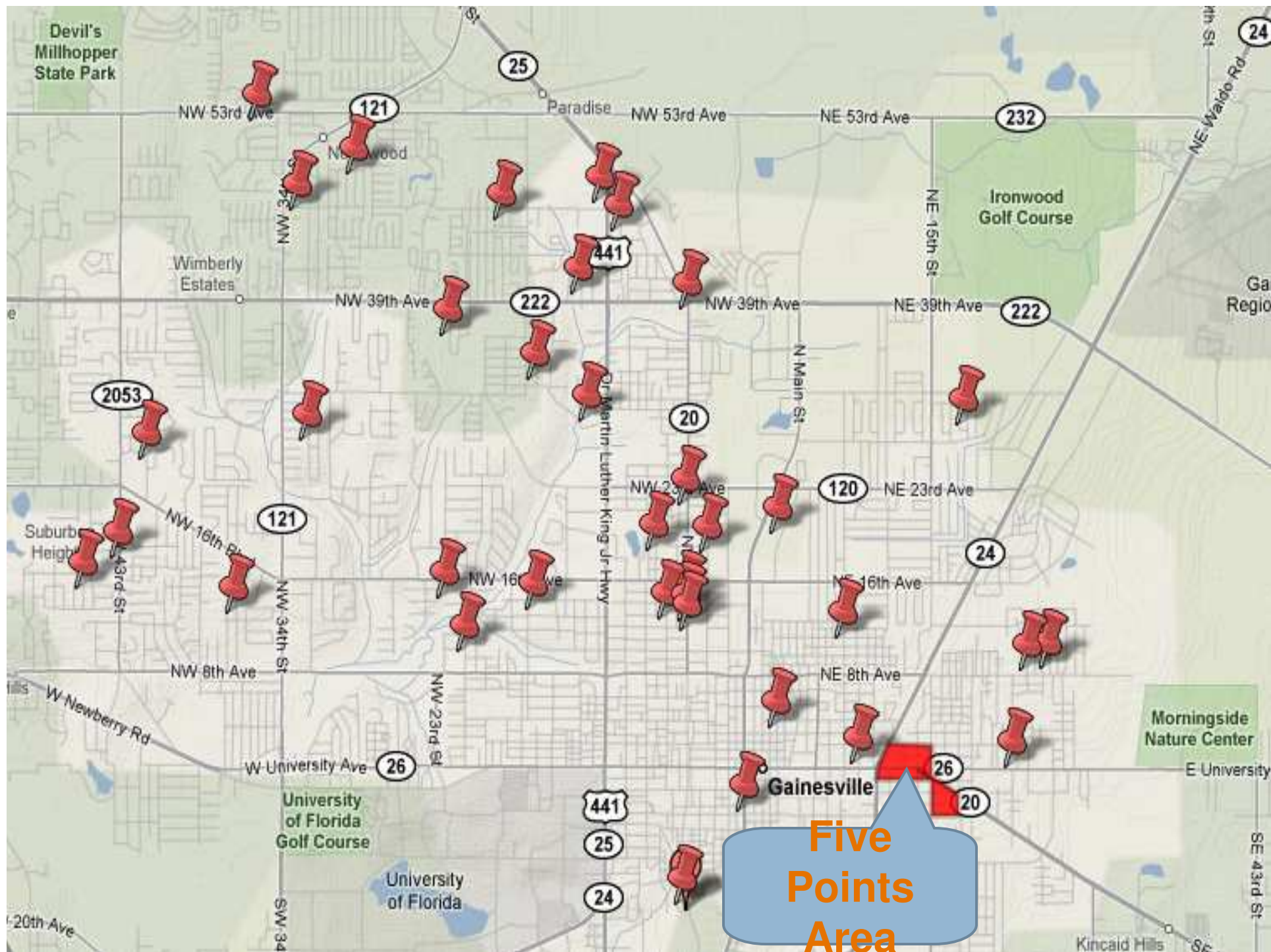


- ❑ Amendment lacks basis
- ❑ Social service uses not concentrated in East Gainesville
- ❑ Process exists to handle controversial uses – Special Use Permit
- ❑ Plans are only an investment if followed with action

Amendment Lacks Basis



- Staff Report does not demonstrate why these uses are not appropriate for the area
- The proposed uses have not been proven detrimental to the goals of Plan East Gainesville or the Five Points Area



Proposed Prohibited Use	RMF-5	RMF-7	RSF-4	BA	BUS	PS	MU-1
Rehab centers					SUP		SUP
Social services (MG-83)					✓		✓
Social service homes		SUP					SUP
Residences for destitute people					SUP	SUP	SUP
Food distribution centers						SUP	
Roominghouses		✓			SUP		SUP
Dormitories		SUP					
*Churches	✓	✓	SUP	✓	✓	✓	✓

Criteria for Special Use Permits

1. That the use or development **complies with all required regulations** and standards of this chapter and all other applicable regulations.
2. That the proposed use or development will have **general compatibility and harmony** with the uses and structures on adjacent and nearby properties.
3. That **necessary public utilities are available** to the proposed site and have adequate capacity to service the proposed use and development.
4. That the use or development is serviced by streets of adequate capacity to **accommodate the traffic impacts** of the proposed use.
5. That **screening and buffers** are proposed of such type, dimension and character to **improve compatibility and harmony** of the proposed use and structure with the uses and structures of adjacent and nearby properties.
6. That the use or development **conforms with the general plans of the city** as embodied in the city comprehensive plan.
7. That the proposed use or development **meets the level of service standards** adopted in the comprehensive plan and conforms with the concurrency management requirements of this chapter as specified in article III, division 2.

Banned Uses – Social Services

- Activity centers, elderly or handicapped
- Adoption services
- Adult day care centers
- Aid to families with dependent children(AFDC)
- Alcoholism counseling, nonresidential
- Centers for senior citizens
- Child guidance agencies
- Community centers
- Counseling centers
- Crisis centers
- Crisis intervention centers
- Disaster services
- Emergency shelters
- Family counseling services
- Family location services
- Family service agencies
- Helping hand services
- Homemaker's service
- Hotlines
- Marriage counseling services
- Meal delivery programs

Banned Uses – Social Services

- ❑ Multiservice centers, neighborhood
- ❑ Neighborhood centers
- ❑ Offender rehabilitation agencies
- ❑ Offender self-help agencies
- ❑ Old age assistance
- ❑ Outreach programs
- ❑ Parole offices
- ❑ Probation offices
- ❑ Public welfare centers, offices of
- ❑ Referral services for personal and social problems
- ❑ Refugee services
- ❑ Relief services, temporary
- ❑ Self-help organizations for alcoholics and gamblers
- ❑ Senior citizens associations
- ❑ Service leagues
- ❑ Settlement houses
- ❑ Social service centers
- ❑ Telephone counseling service
- ❑ Traveler's aid centers
- ❑ Youth centers
- ❑ Youth self-help organizations

Banned Uses – Social Services

- Community service employment training programs
- Job counseling
- Job training
- Manpower training
- Rehabilitation counseling and training, vocational
- Sheltered workshops
- Skill training centers
- Vocational rehabilitation agencies
- Vocational rehabilitation counseling
- Vocational training agencies, except schools
- Work experience centers
- Boys' towns
- Children's boarding homes
- Children's homes
- Children's villages
- Group foster homes
- Homes for children, health care incidental
- Homes for destitute men and women
- Homes for the aged, health care incidental
- Homes for the deaf or blind, health care incidental
- Homes for the emotionally disturbed, health care incidental
- Homes for the mentally handicapped, health care incidental
- Homes for the physically handicapped, health care incidental

Banned Uses – Social Services

- ❑ Old soldiers' homes
- ❑ Orphanages
- ❑ Rest homes, with health care incidental
- ❑ Self-help group homes for persons with social or personal problems
- ❑ Training schools for delinquents
- ❑ Advocacy groups
- ❑ Antipoverty boards
- ❑ Community action agencies
- ❑ Community chests
- ❑ Community development groups
- ❑ Councils for social agencies, exceptional children, and poverty
- ❑ Fundraising organizations, except on a contract or fee basis
- ❑ Health and welfare councils
- ❑ Health systems agencies
- ❑ Regional planning organizations, for social services
- ❑ Social change associations
- ❑ Social service information exchanges: e.g., alcoholism, drug addiction
- ❑ United fund councils

Banned Uses



- Residences for destitute people
 - ▣ Establishments primarily engaged in the provision of **temporary residences for those persons lacking residences, possessions or resources**. Services include overnight accommodations and furnishing of meals to residents only. Revenue is derived only from charitable sources.

Banned Uses



- Food distribution center for the needy
 - ▣ Any building or structure, or a portion thereof, or site which is regularly used to **furnish meals without cost or at very low cost to needy and destitute persons**. A food distribution center for the needy shall not be considered to be a restaurant. The preparation of meals in any building or structure, or portion thereof, for distribution at another site or location shall not be considered to be a food distribution center for the needy.

Banned Uses

□ Dormitory

- A dwelling used, or intended to be used, for the **furnishing of sleeping accommodations for pay** to transient or permanent guests and in which more than 2,500 gross square feet of space is used, or intended to be used, for such purpose. Meals or housekeeping facilities may also be provided such guests or tenants, but no dormitory shall maintain an eating or drinking place, open to the public, in the same building or in any building in connection therewith.

Banned Uses

□ Roominghouse (GN 702)

- ▣ Establishments primarily engaged in **renting rooms, with or without board, on a fee basis.**

Rental of apartments, apartment hotels, and other housing units are classified in Real Estate, Industry Group 651. Rooming and boarding houses operated by membership organizations for their members only are classified in Industry 7041. Homes for the aged, for children, and for the handicapped that also provide additional services, other than nursing care, are classified in Industry 8361, and homes that provide nursing care are classified in Industry Group 805.

Broken Windows



- Studies have proven that simple tasks like:
 - ▣ Clearing trash,
 - ▣ Fixing streetlights,
 - ▣ Enforcing the building codes,
 - ▣ Discouraging loiterers, and
 - ▣ Expanding mental health services and aid for the homeless

Result in a reduction in serious and petty crime.

Conclusion



- ❑ Discourages business from relocating to the Five Points Area
- ❑ Lacks any rational basis
- ❑ Discriminates against economically disadvantaged
- ❑ Does not address the real reason for community concern

City Commission should focus on real actions that will directly improve the lives of Five Points residents

Standard Industrial Classifications

- For the purpose of classifying uses of property in districts other than residential districts, there is hereby adopted and incorporated herein by reference the 1987 Edition of the Standard Industrial Classification Manual published by the U.S. Government Printing Office, including all definitions contained therein except those which relate to terms specifically defined in section 30-23. The department of community development shall maintain copies of such manual available for public use. Any permitted use identified in this chapter, which is not defined herein, shall be defined as in the Standard Industrial Classification Manual either by textual definition or by examples or similar uses. When a permitted use is defined in the Standard Industrial Classification Manual, it will be identified herein with a number or letter in parentheses preceded by the letters "Div.," "MG," "GN" or "IN." A letter preceded by "Div." represents a division as set out in the Standard Industrial Classification Manual; a number preceded by "MG," a major group; a number preceded by "GN," a group of industries; and a number preceded by an "IN," a specific industry.

Definitions

- Social Services (MG-83)
 - ▣ Establishments primarily engaged in the provision of **residential social and personal care for children, the aged**, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children.
 - ▣ Establishments primarily engaged in providing social services, not elsewhere classified, including establishments primarily engaged in **community improvement and social change**. Organizations primarily engaged in soliciting contributions on their own account and administering appropriations and allocating funds among other agencies engaged in social welfare services are also included.

Definitions

□ Social Services (MG-83)

- ▣ Establishments primarily engaged in providing one or more of a wide variety of **individual and family social, counseling, welfare, or referral services, including refugee, disaster, and temporary relief services**. This industry includes offices of specialists providing counseling, referral, and other social services. Government offices directly concerned with the delivery of social services to individuals and families, such as issuing of welfare aid, rent supplements, food stamps, and eligibility casework, are included here.
- ▣ Establishments primarily engaged in providing **manpower training and vocational rehabilitation and habilitation services for the unemployed, the underemployed, the handicapped**, and to persons who have a job market disadvantage because of lack of education, job skill or experience. Included are upgrading and job development services, skill training, world-of-work orientation, and vocational rehabilitation counseling. This industry includes offices of specialists providing rehabilitation and job counseling. Also included are establishments primarily engaged in providing work experience for rehabilitees.

Definitions



- Rehabilitation center

- A facility providing professional care, nonresident only, for those requiring therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse, social disorders, physical disabilities, mental retardation or similar problems.

- Social service home or halfway house

- A facility providing professional care, resident or nonresident, for those requiring therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse, social disorders, physical disabilities, mental retardation or similar problems.

Roominghouses – GN-702



- ❑ Boarding houses, except organization
- ❑ Dormitories, commercially operated
- ❑ Lodging houses, except organization
- ❑ Rental of furnished rooms
- ❑ Rooming houses, except organization

Legislative Matters

- Any comprehensive rezoning of the city, change in land use, text amendment to the comprehensive plan or this chapter or any other matter deemed legislative in nature shall be considered a legislative matter. A change in land use shall not include small scale development activities as defined in F.S. Ch. 163. Each legislative hearing shall conform to the following requirements:
 1. *Notice.* Notice that complies with the requirements of state law shall be given as otherwise prescribed in this chapter.
 2. *Conduct of hearing.* The public hearing shall at a minimum:
 - a) Comply with the requirements of state law.
 - b) Present the department's analysis of the proposed decision.
 - c) Present the department's summary of reports by other agencies.
 - d) Permit any person to submit documents before or during the hearing, as provided by rule or order.
 - e) Permit a reasonable opportunity for interested persons to make oral statements, as provided by rule or order.

Definitions



□ Change of Use

- ▣ A change in the activity, function or purpose to which or for which a lot or building is put from one category to another category as listed herein and described in the Standard Building Code: assembly, business, educational, hazardous, factory-industrial, institutional, mercantile, residential and storage.

□ Non-presumptive vested right

- ▣ Those instances where presumptive vested rights cannot be shown, but in which the property owner proves the following: upon some act or omission of the city, a property owner, relying in good faith, has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired, and that development has commenced and is continuing in good faith.