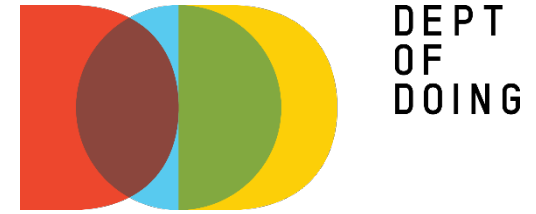


2019 Land Development Code Workshop – A Commissioner's Role & Responsibilities

City Commission Land Development
Workshop: January 23, 2019



AGENDA

- Welcome and Introductions
- Overview of Agenda
- Legal Aspects of Planning
 - Legislative and Quasi-Judicial Decisions
 - Takings
- Commission's role in land use and land use decisions
 - Comprehensive Plan
 - Evaluation and Appraisal Report Update
- Design Thinking Exercise: Comprehensive Plan Update
- Land Development Code
 - Future Land Use Map Amendments and Rezoning
 - Annual Cycle and Legislative Action
- Mobility, Connectivity, and Complete Streets

Legal Aspects of Planning

Authority and Powers

U.S. Constitution (10th Amendment)

States have concurrent and reserved “police powers” to promote health, safety, morals, and general welfare of their inhabitants.

Florida Constitution

Grants FL Legislature authority, by general or special law, to form municipalities that shall have certain powers (governmental, corporate, and proprietary).

- *FL Const., Art. VIII, Sec. 2.*

Laws of Florida

City of Gainesville established:

- *Originally incorporated in 1866; re-incorporated 1869; Ch. 12760, Laws of Fla. (1927), as amended by Ch. 90-394, Laws of Fla. (1990).*

Municipal Home Rule Powers Act: municipalities may exercise any power for municipal purposes except when expressly prohibited by state law.

- *Ch. 166, F.S. (1973).*

City of Gainesville

Charter: Most important legal document of city (similar to local constitution); initially adopted by FL Legislature; may be amended locally.

Local Enactments: Comprehensive Plan; Code of Ordinances; Resolutions; Policies.

Legislative vs. Quasi-judicial

- **Legislative** – makes law/policy that generally applies to a broad group of citizens.
- **Quasi-judicial** – applies already-established law/policy to a specific, individualized situation (i.e., determining whether a specific application meets existing regulations or requirements).

Quasi-judicial Hearings

1. Procedural Due Process¹

- Adequate prior notice,
- Fair opportunity to be heard, present evidence, and cross-examine any witnesses, and
- Unbiased decision-maker.

2. Essential requirements of correct law

3. Competent, substantial evidence

- 1) 14th Amendment, U.S. Constitution; Article I, Section 9, Florida Constitution.

Quasi-judicial Hearings

Unbiased decision-maker:

- Mere political bias or adverse political philosophy does not equal bias.²
- Ex-parte communications prohibited.³ Must disclose at hearing any inadvertent communications.
- Voting conflicts.

- ¹) *Bd. of Pub. Instruction of Broward Cnty. v. State ex rel. Allen*, 219 So. 2d 430, 432 (Fla. 1969); ²) *Hortonville Joint School Dist. No. 1 v. Hortonville Educ. Ass'n*, 426 U.S. 482 (1976); ³) See *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991).

Takings

1. Physical Taking

- Statutory process and just compensation

2. Regulatory Taking

- Economic impact, INV-backed expectations, character of govt action

3. Florida Bert Harris

- Govt may not *inordinately burden* an *existing use* of property or a *vested right* to a specific use of property
- *Inordinate burden* means owner is unable to attain reasonable INV-backed expectations.
- May have *vested right* to development permit when incurred substantial investment of time/\$\$ in reasonable reliance on existing laws with no reason to know they would change.

4. Exactions (and impact fees)

- Dual rational nexus:
 1. *Actual impact*: proposed development <-> need for exaction
 2. *Extent of impact*: exaction <-> benefits accruing to property

Questions?

Commission's role in land use decisions

Planning Officials

Any appointed or elected official involved in planning decisions

Elected officials are final authority for:

- Comprehensive Plan
- Land Development Regulations
 - Adopting and/or amending Land Development Code (LDC) and zoning map
- Major Development Applications
 - Large scale developments
 - Residential developments of 100 or more dwelling units
 - New construction
 - Additions over 50,000 sq. ft. of building area
 - Parking areas of 100 or more parking spaces
 - Increase of 50,000 sq. ft. of impervious cover

Advisory Boards

Appoints members to local boards or commissions; these boards act in an advisory capacity

- City Plan Board (CPB)
 - Land use changes
 - Zoning changes
 - Special use permits*
 - Text changes to Comp. Plan and land development code
- Development Review Board (DRB)
 - Development plans
- Historic Preservation Board (HPB)
 - Development/Redevelopment within historic districts

Comprehensive Plan

Background Ch. 163 , FL. Statutes--Requires adoption and enforcement of regulations to implement comprehensive plan --

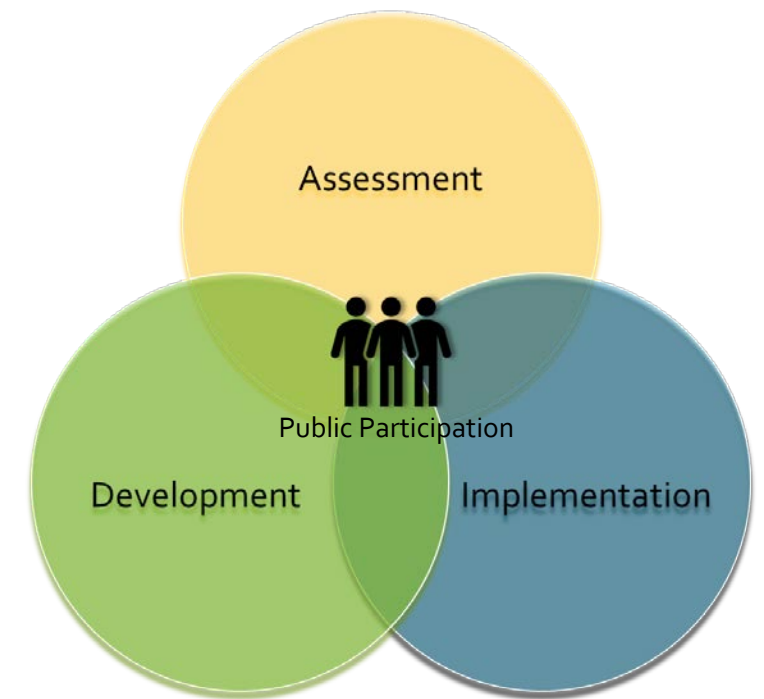
- Plan is **Legislative**
 - All development ... and all **actions** taken by governing body in regard to development orders ... shall be consistent with such Plan
 - Local Planning Agency (CPB) must **review** land development regulations for consistency with the Plan
 - All land development **regulations** ... shall be consistent with the Plan
 - Plan **shall** provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements
 - These principles and strategies **shall** guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented

Comprehensive Plan



Gainesville Plan Elements

- Capital Improvements*
- Conservation*
- Cultural Affairs
- Future Land Use*
- Historic Preservation
- Housing*
- Intergovernmental Coordination*
- Potable Water/Wastewater Management*
- Public Schools Facilities
- Recreation*
- Solid Waste*
- Stormwater Management*
- Transportation Mobility*



**Required by state*

Comprehensive Plan

Guidelines for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area

- Provided as goals, objectives, and policies

Goals, Objectives
& Policies



Future Land Use Element

GOAL 1	IMPROVE THE QUALITY OF LIFE AND ACHIEVE A SUPERIOR, SUSTAINABLE DEVELOPMENT PATTERN IN THE CITY BY CREATING AND MAINTAINING CHOICES IN HOUSING, OFFICES, RETAIL, AND WORKPLACES, AND ENSURING THAT A PERCENTAGE OF LAND USES ARE MIXED, AND WITHIN WALKING DISTANCE OF IMPORTANT DESTINATIONS.
Objective 1.1	Adopt urban design principles that adhere to timeless (proven successful), traditional principles.
Policy 1.1.1	To the extent possible, all planning shall be in the form of complete and integrated communities containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the residents.
Policy 1.1.2	To the extent possible, neighborhoods should be sized so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
Policy 1.1.3	Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.

Evaluation and Appraisal Report - Update to Comprehensive Plan

Evaluation and Appraisal Process – 5/1/2019

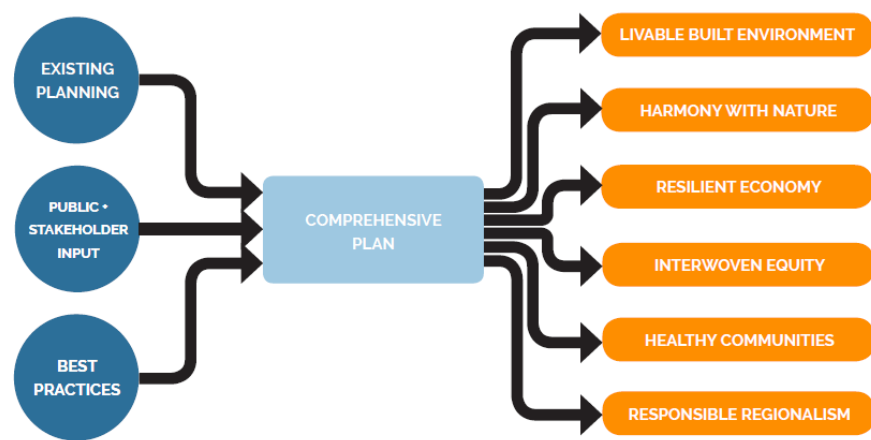
At least every seven years local governments must determine whether the need exists to amend the comprehensive plan to reflect changes in state and local requirements since the last comprehensive plan update.

If yes:

- Notify state in writing
- Prepare proposed amendments and send to state within one year
- Evaluation and Appraisal should reflect changes in state requirements since the last updated comprehensive plan



Comprehensive Plan



Livable Built Environment

Ensure that all elements of the built environment—land use, transportation, housing, energy, and infrastructure—work together to provide sustainable places for living, working, and recreating.



Healthy Community

Ensure that public health needs are recognized and addressed through provisions for healthy foods, physical activity, access to recreation, health care, environmental justice, and safe neighborhoods.



Resilient Economy

Prepare the community to deal with changes in its economic health and to initiate sustainable urban development and redevelopment strategies that foster business growth and reliance on local assets.



Interwoven Equity

Ensure fairness and equity in providing for the housing, services, health, safety, and livelihood needs of all citizens and groups.



Harmony with the Natural Environment

Ensure that the contributions of natural resources to human well-being are explicitly recognized and valued and that maintaining their health is a primary objective.



Responsible Regionalism

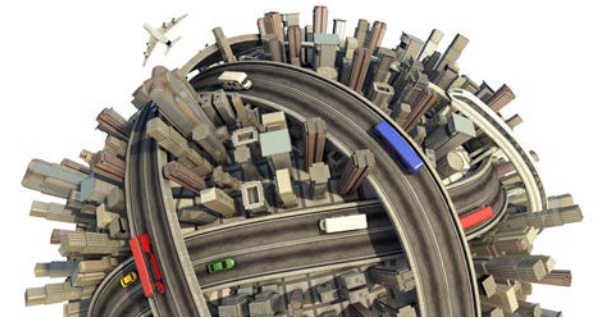
Ensure that all local proposals account for, connect with, and support the plans of adjacent jurisdictions and the surrounding region.



Land Development Code

What is Planning?

urban planning – land use
planning – city planning –
regional planning – urban design
– environmental planning –
growth management –
transportation planning –
housing – community planning –
historic preservation – economic
development...



Why do we need to plan?



- Plan for the future of the community
- Maintain and improve quality of life
- Shape future development



How do we
plan?

Ongoing
Process

Always
Evolving



Land development

"How many chickens, dogs, cats, or other pets can I have?"

"What's the zoning on my property?"

"Is the parcel within the city limits?"

**"Does a fence need a permit?
What are the setbacks, height limits?"**

**"What are the zoning requirements
for food trucks?"**

"What can I build on my property?"

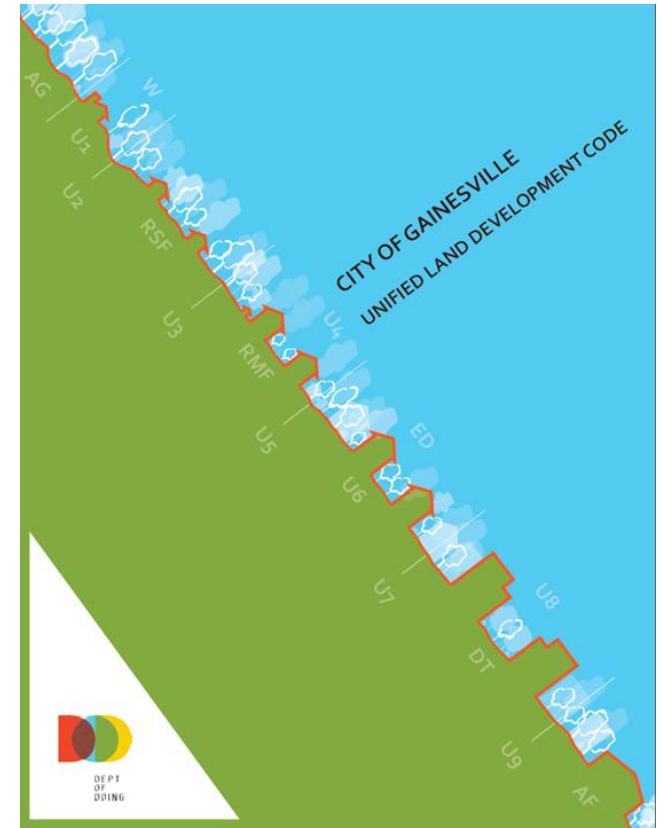
"Can I operate my business out of my home?"

"What are the setbacks for a shed?"

Land Development

Land development regulations are required to address the following*:

- Subdivision of land
- Drainage and stormwater management
- Protection of environmentally sensitive lands
- Signage
- Adequacy of public facilities and services
- Traffic and mobility



Land Development

Staff coordinates review processes for:

- development plans – shows permitted design and proposed development area of a parcel
- subdivisions – any division of land into three or more lots
- special use permits – required when activity that is not permitted by right may be allowed after careful consideration by the City Plan Board
- land use and zoning changes – required when proposed development is not permitted under the current use or district
- environmental reviews – required when proposed development may potentially impact natural area

Land Development

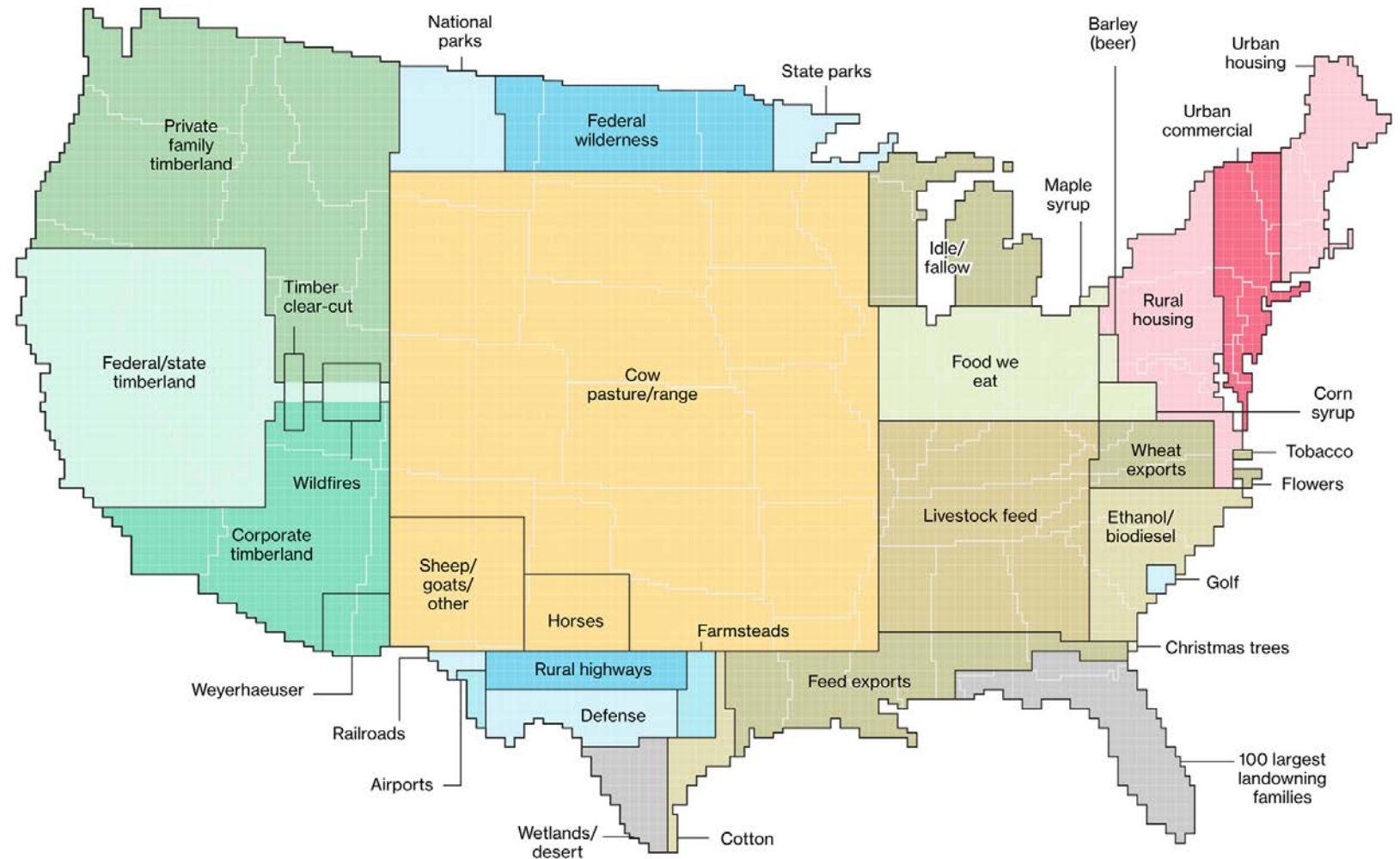
Land use and zoning changes:

- Local process, tailored to the unique needs, circumstances, and aspirations of each municipality, numerous varieties of codes
- Separating incompatible land uses was believed to be the most effective way to improve the health and safety of a community
- Different types of codes have developed over the years as communities have independently attempted to address these concerns

Land Use/Zoning



Residential-Commercial-Industrial-Agricultural-Recreational-Transport



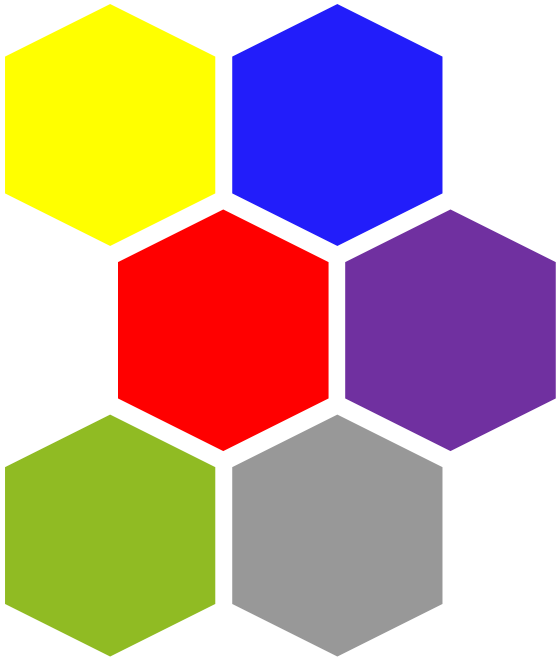
Land Use/Zoning



LBCode	Term	ColorName
8000	Joint ownership character--public, private, nonprofit, etc.	black
2000	Shopping, business, or trade activities	red
2000	General sales or services	red
2000	Commercial buildings and other specialized structures	red
5000	Other public use restrictions--regional, special districts, etc	dark green
1000	Residence or accommodation functions	yellow
1000	Residential buildings	yellow
1000	Residential activities	yellow
8000	Sheds, farm buildings, or agricultural facilities	forest green
8000	Natural resources-related activities	forest green
9000	Agriculture, forestry, fishing and hunting	forest green
7000	Developed site -- with parks	forest green
6000	Developed site -- with buildings	brown4
6000	Nonprofit ownership restrictions	olive drab
5000	Developed site -- nonbuilding structures	tan4
6000	Mass assembly of people	dark slate gray
4000	Developed site -- no buildings and no structures	wheat4
6000	Utility and other nonbuilding structures	gray52
3000	Limited restrictions--leased and other tenancy restrictions	blue4
8000	Mining and extraction establishments	purple4
7000	Construction-related businesses	dark cyan
1000	Site in natural state	light green
4000	Public restrictions--local, state, and federal ownership	light green
5000	Arts, entertainment, and recreation	light green
7000	Leisure activities	light green
3000	Developed site -- crops, grazing, forestry, etc.	bisque3
4000	Transportation, communication, information, and utilities	gray
7000	Joint ownership character--public entities	gray
5000	Travel or movement activities	gray
5000	Transportation-related facilities	gray
7000	Specialized military structures	pink
8000	Not applicable to this dimension	light gray
1000	No constraints--private ownership	beige
2000	Developing site	beige
3000	Industrial, manufacturing, and waste-related activities	purple
3000	Manufacturing and wholesale trade	purple
3000	Public assembly structures	purple
6000	Education, public admin., health care, and other inst.	blue
4000	Social, institutional, or infrastructure-related activities	blue
2000	Some constraints--easements or other use restrictions	blue
4000	Institutional or community facilities	blue
9000	No human activity or unclassifiable activity	white
9000	No structure	white
9000	Not applicable to this dimension	white
9000	Unclassifiable site development character	white

Main Land use categories

Residential-Commercial-
Industrial-Agricultural-
Recreational-Institutional



Land Use/Zoning

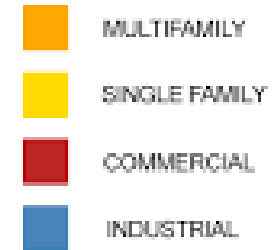
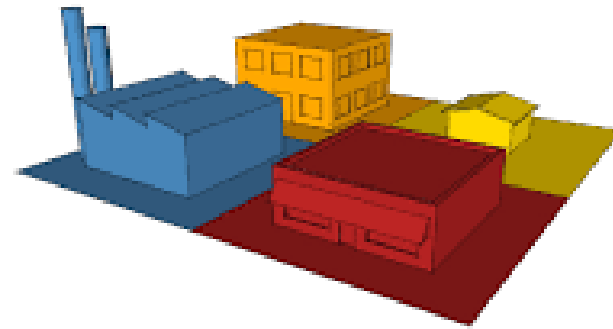
Gainesville land use categories

Future Land Use Category	Zoning Districts	Special Districts
Single-Family (SF)	U1, RSF-1 to 4, RSF-R	PD, CON, PS
Residential Low-Density (RL)	U2, RSF-4, RMF-5, MH, RC	PD, CON, PS
Residential Medium-Density (RM)	RMF-6 to 8	PD, CON, PS
Residential High-Density (RH)	N/A	PD, CON, PS
Mixed-Use Residential (MUR)	U5	PD, CON, PS
Mixed-Use Office/Residential (MOR)	U4, U3	PD, CON, PS
Mixed-Use Low-Intensity (MUL)	MU-1	PD, CON, PS
Mixed-Use Medium-Intensity (MUM)	MU-2, CP	PD, CON, PS
Urban Mixed-Use (UMU)	U6, U7, U8	PD, CON, PS
Urban Mixed-Use High-Intensity (UMUH)	U9	PD, CON, PS
Urban Core (UC)	DT	PD, CON, PS
Office (O)	OR, OF, CP	PD, CON, PS, MD
Commercial (C)	W, BA, BT, BUS, BI	PD, CON, PS
Business Industrial (BI)	BI, CP	PD, CON, PS
Industrial (IND)	W, I-1, I-2, BI	PD, CON, PS
Education (E)	N/A	PD, CON, PS, ED
Recreation (REC)	N/A	PD, CON, PS
Conservation (CON)	N/A	PD, CON, PS
Agriculture (AGR)	N/A	PD, CON, PS, AGR
Public and Institutional Facilities (PF)	N/A	PD, CON, PS, AF
Planned Use District (PUD)	N/A	PD

Zoning

Two types within Land Development Code

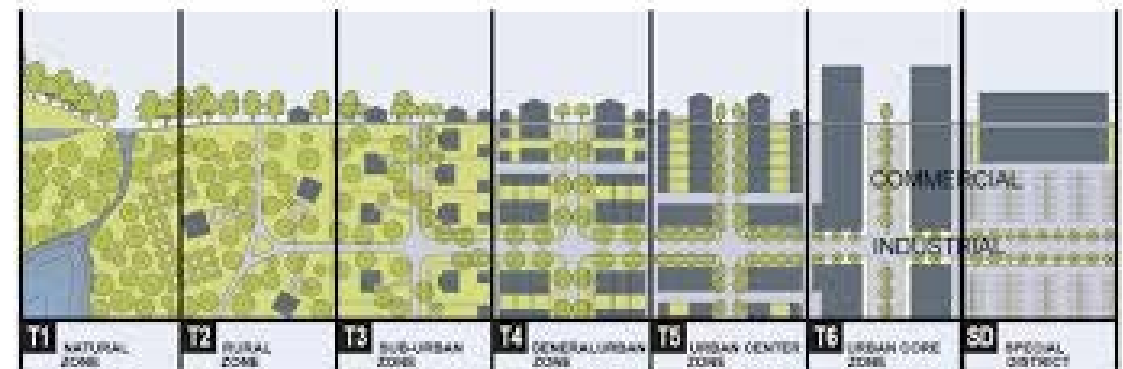
EUCLIDEAN ZONING



- Traditional (Euclidean)

- Form Based

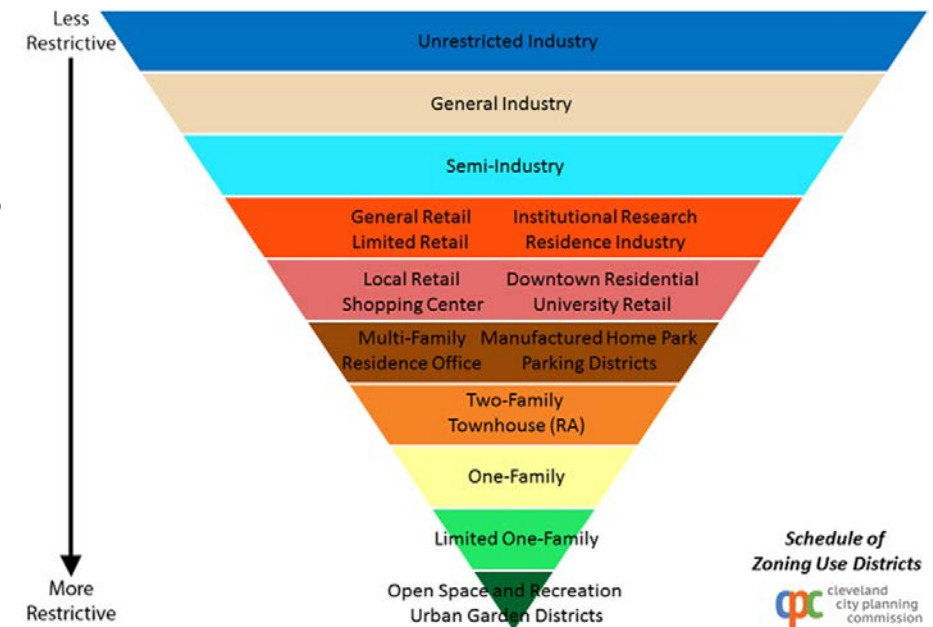
FORM BASED ZONING: THE RURAL URBAN TRANSECT



Traditional Zoning

Gainesville has regulated use of land since the 1930s

- Traditional (Euclidean)
 - Regulates compatibility of new development and uses with existing neighborhoods
 - Controls the way buildings and sites are used in particular locations
 - Controls the physical character and form of what may be built on land in particular locations



Traditional Zoning

Specific about allowable uses

- Discourages mixed uses and prevents development in certain areas
- Creates zoning districts for each land use (ex. residential, office, commercial, etc.)
- Establishes site layout and building standards
- Uses minimum setbacks, heights, density, and floor area ratios

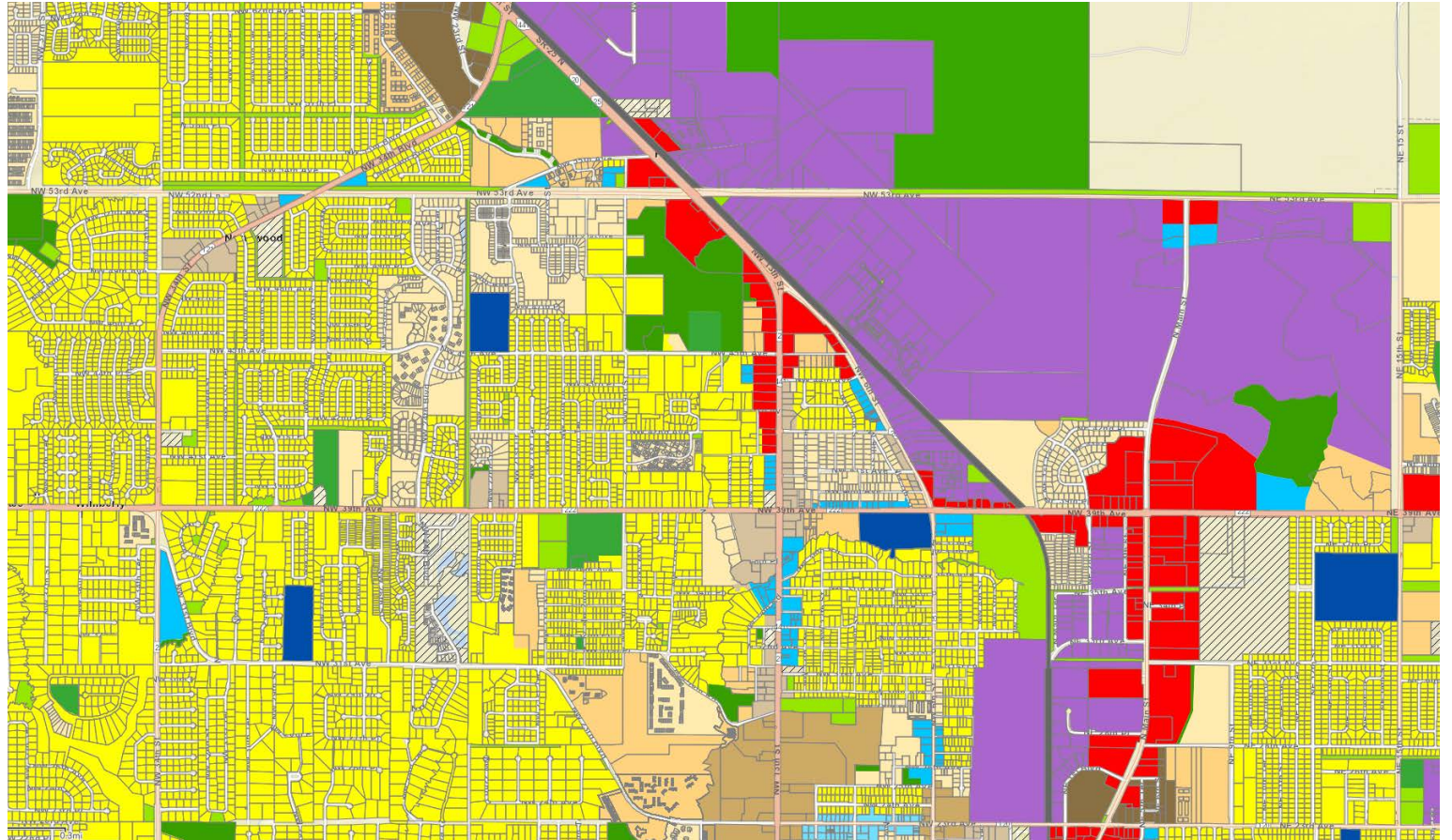
	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
Libraries		-	P	-	-	P	-	-	-	-	P	-	-
Light assembly, fabrication, and processing	30-5.16	P	P	-	S	S	S	P	-	P	P	P	P
Liquor stores		P	P	-	-	-	P	P	P	-	P	-	-
Medical marijuana dispensing facility		P	P	A ¹	A ¹	S	P	P	P	P	P	S	S
Microbrewery	30-5.17	S	P	-	-	-	P	-	P	P	P	P	P
Microwinery													
Microdistillery ²													
Mini-warehouses, self-storage		-	-	-	-	-	-	-	-	P	P	P	P
Museums and art galleries		P	P	P	P	P	P	-	P	P	P	-	-
Offices		P	P	P	P	P	P	P	P	P	P	P	P
Offices, medical and dental		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage, principal use	30-5.19	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (as a principal use)	30-5.20	-	S	-	-	-	S	P	-	P	P	-	-

	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	W	BI	I-1	I-2
DENSITY/INTENSITY												
Residential density (units/acre)												
Min ¹	8	12	None	None	10	None	None	None	8	None	None	None
Max	30	30	20	20	30	None	None	None	30	None	None	None
Nonresidential building coverage	60%	75%	40%	50%	50%	None	None	None	None	None	None	None
Nonresidential GLA (max)	100,000 ²	None ²	None	None	None	None	None	None	None	None	None	None
LOT STANDARDS												
Min lot area (sq. ft.)	None	None	6,000	6,000	None	None	None	6,000	None	None	None	None
Min lot width (ft.)	None	None	60	60	None	None	None	60	None	None	None	None
Min lot depth (ft.)	None	None	90	90	None	None	None	90	None	None	None	None
SETBACKS (ft.)												
Front	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	15 min	10 min 100 max	25 min	25 min	25 min	25 min

Traditional Zoning



LAND USE MAP



Form Based

Introduced new form based code in 2017.

- Encourages a more efficient urban form
 - Allows a wider range of housing, retail, and employment choices in a more compact, pedestrian-friendly environment
 - Urban Transects U1-U9, DT:Downtown




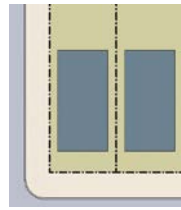
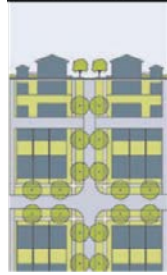
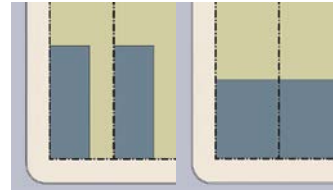
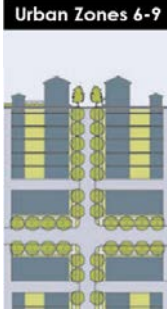
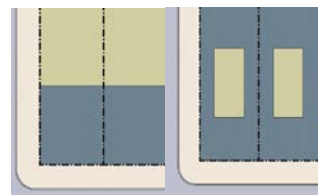
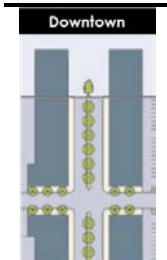
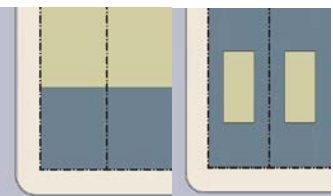
Less Urban

More Urban

Urban
Zone 1

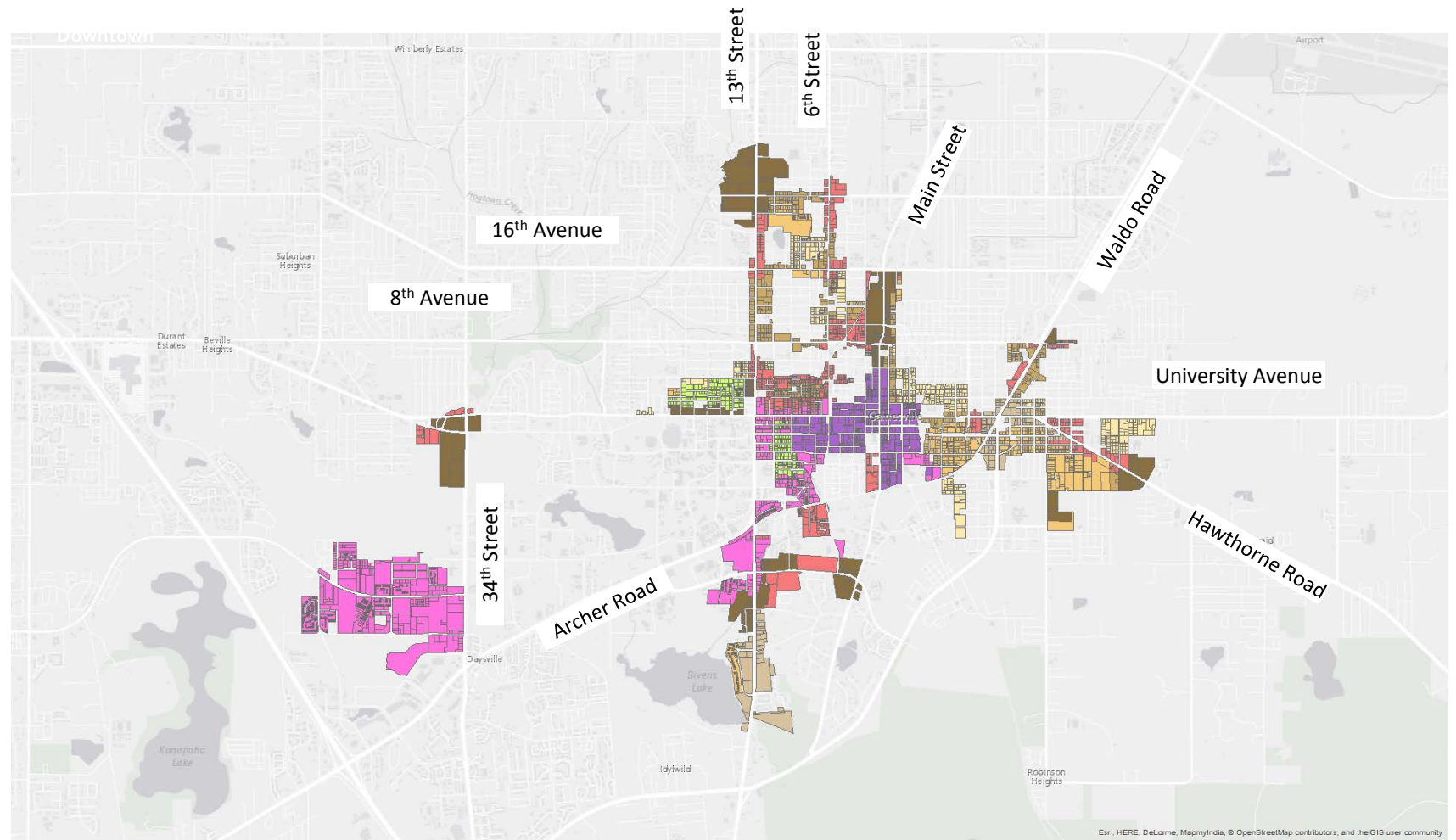
Downtown

Form Based

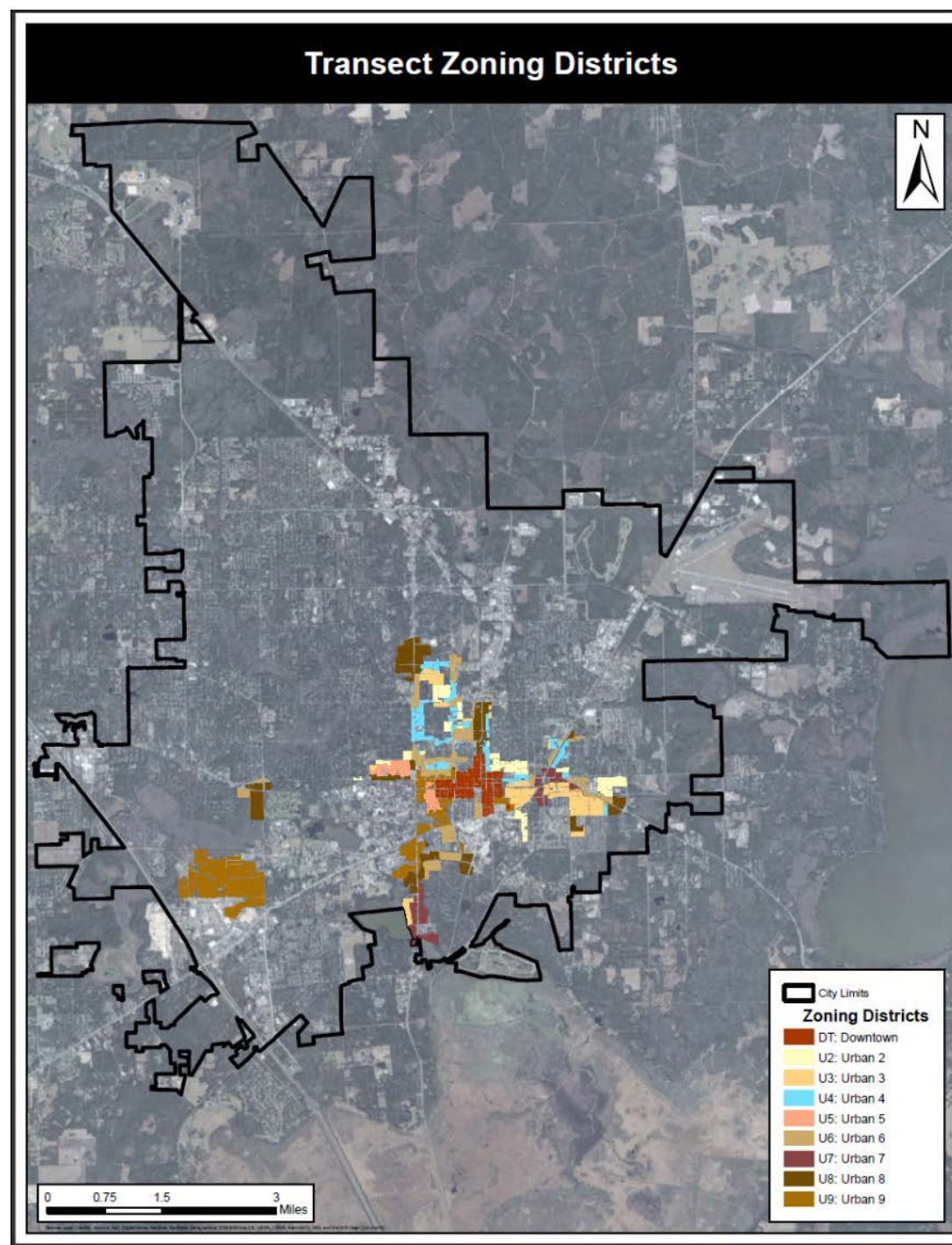
ZONE DESCRIPTION		INTENDED SITE LAYOUT	
Urban Zone 1 	Urban Zone 1 Consists of predominantly low to medium density residential areas, adjacent to higher intensity zones where neighborhood services and mixed use are permitted.	 <p><i>Edge</i></p>	Buildings typically occupy the center of the lot with setbacks on all sides. The front yard is intended to be visually continuous with the yards of adjacent buildings.
Urban Zones 2-5 	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><i>Side</i> <i>Front</i></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.
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.	 <p><i>Front</i> <i>Courtyard</i></p>	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.	 <p><i>Front</i> <i>Courtyard</i></p>	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.

Form Based

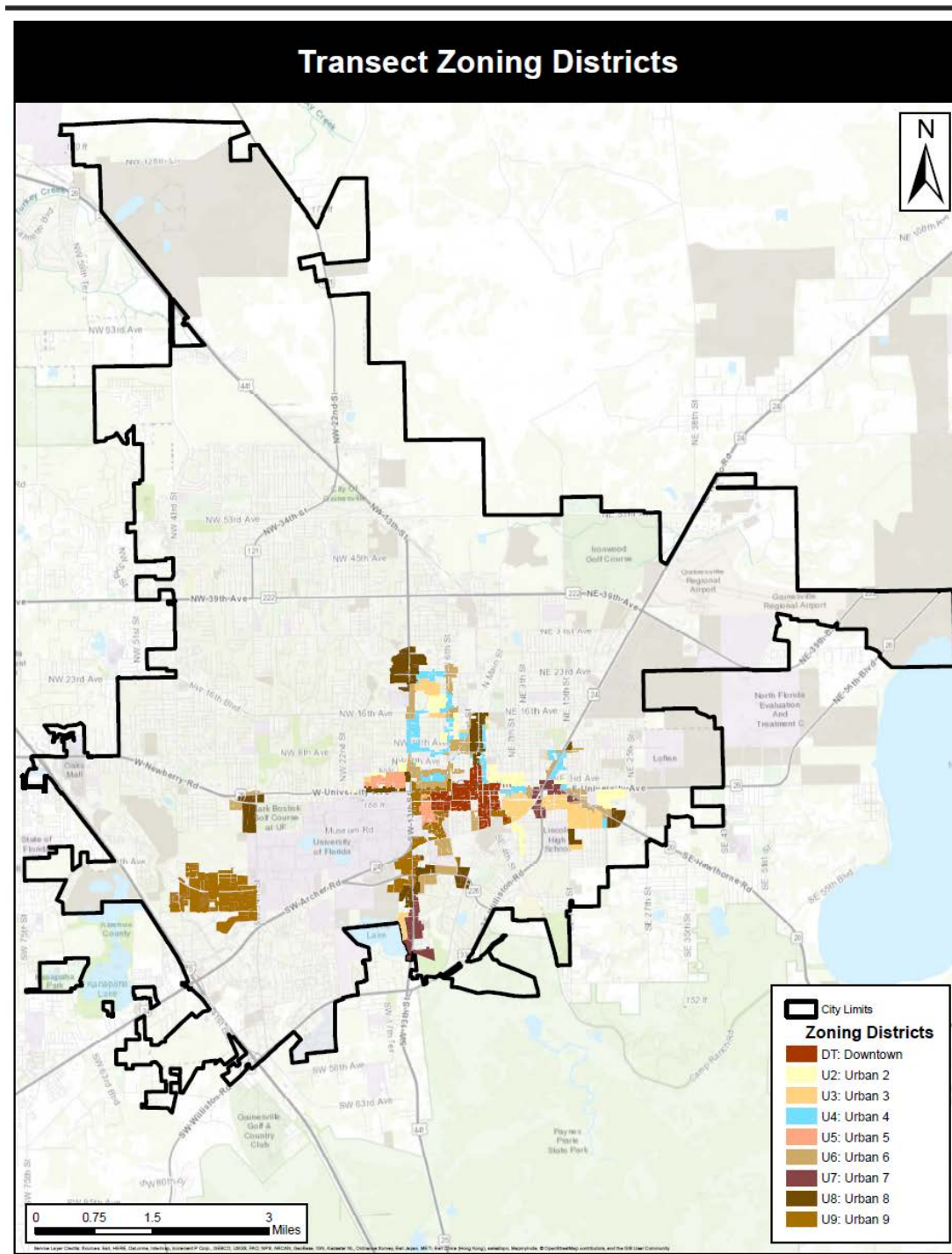
Urban Zones



Urban Transects



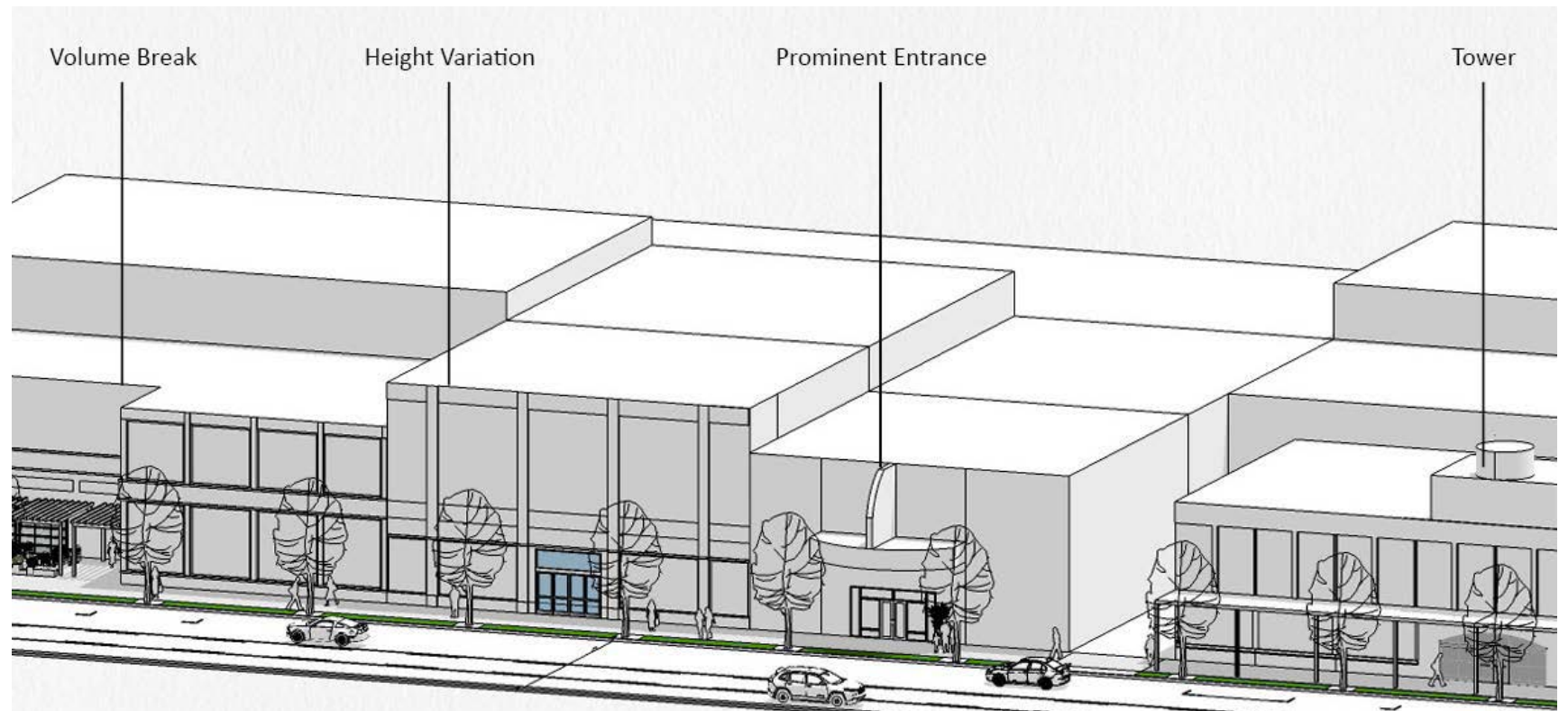
Urban Transects



Form Based

Addresses the relationship between:

- Building facades and public areas
- Form and massing of buildings in relation to one another
- Scale and types of streets and blocks



Key Differences

Traditional vs. Form Based

Traditional

1. Use
2. Operations
3. Form

Form Based

1. Form
2. Operations
3. Use

Form Based

Traditional

- Urban Sprawl
- Car dependency
- Strained infrastructure
- Emergency services



Form Based

- Greater mix of uses
 - Public spaces
- Varied housing types
- Emergency services

Land Use and Zoning

Changes to a zoning district must be consistent with the future land use map _____

Land Use

Comprehensive Plan

- Plan is Legislative
- All development ... and all actions taken by governing body in regard to development orders ... shall be consistent with such Plan
- All land development regulations ... shall be consistent with the Plan
- Local Planning Agency must review land development regulations for consistency with the Plan

Land Use

Land Use and Zoning

Article III. How-To Guide

Section 30-3.13. Land Use Change Criteria. Applications to change the land use category for a property by amending the future land use map of the Comprehensive Plan shall be reviewed according to the following criteria:

A. The goals, objectives, and policies of the Comprehensive Plan.

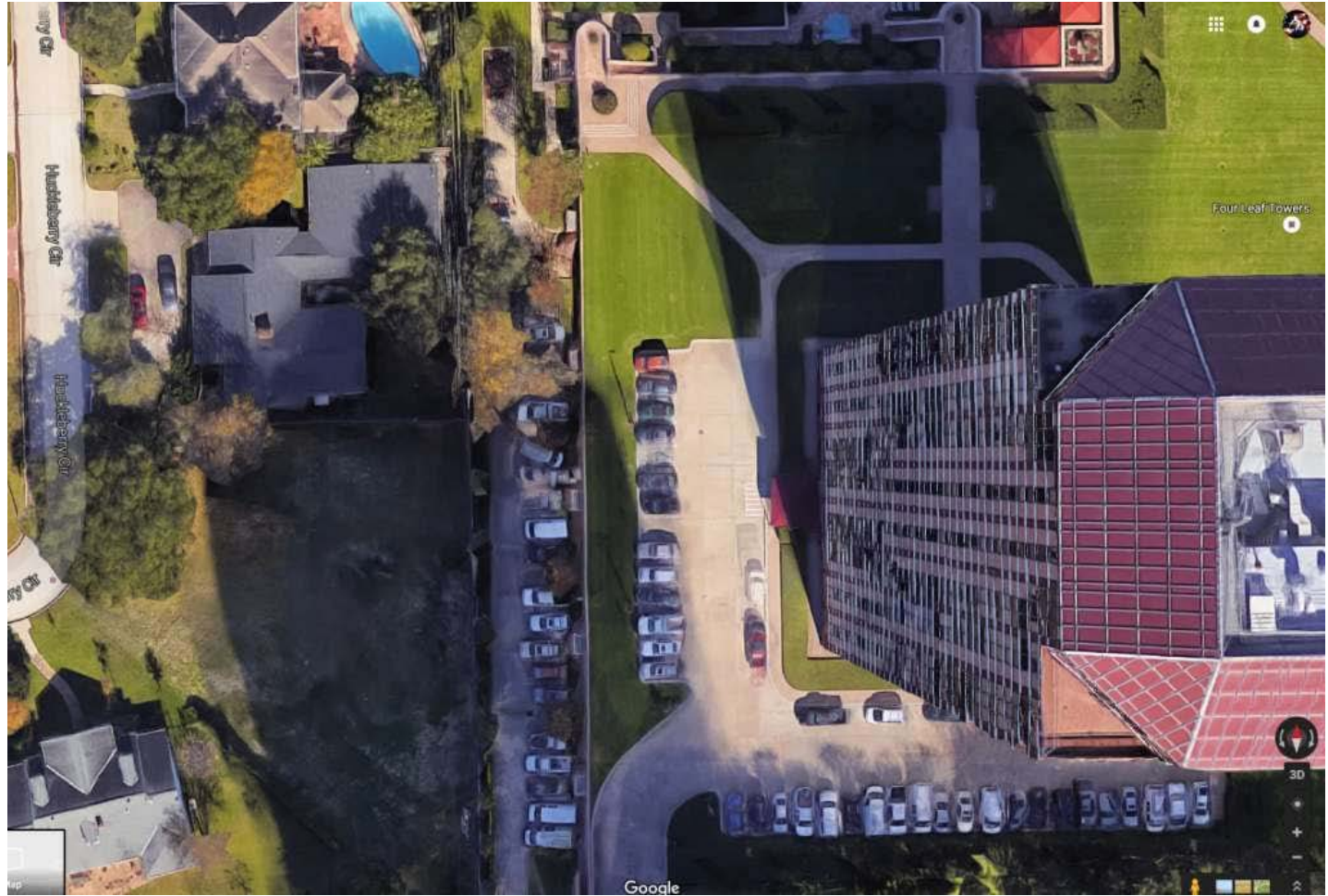
Section 30-3.14. Rezoning Criteria. Applications to rezone property shall be reviewed according to the following criteria:

H. The goals, objectives, and policies of the Comprehensive Plan.

What does lack
of Zoning look
like?



What does lack of Zoning look like?

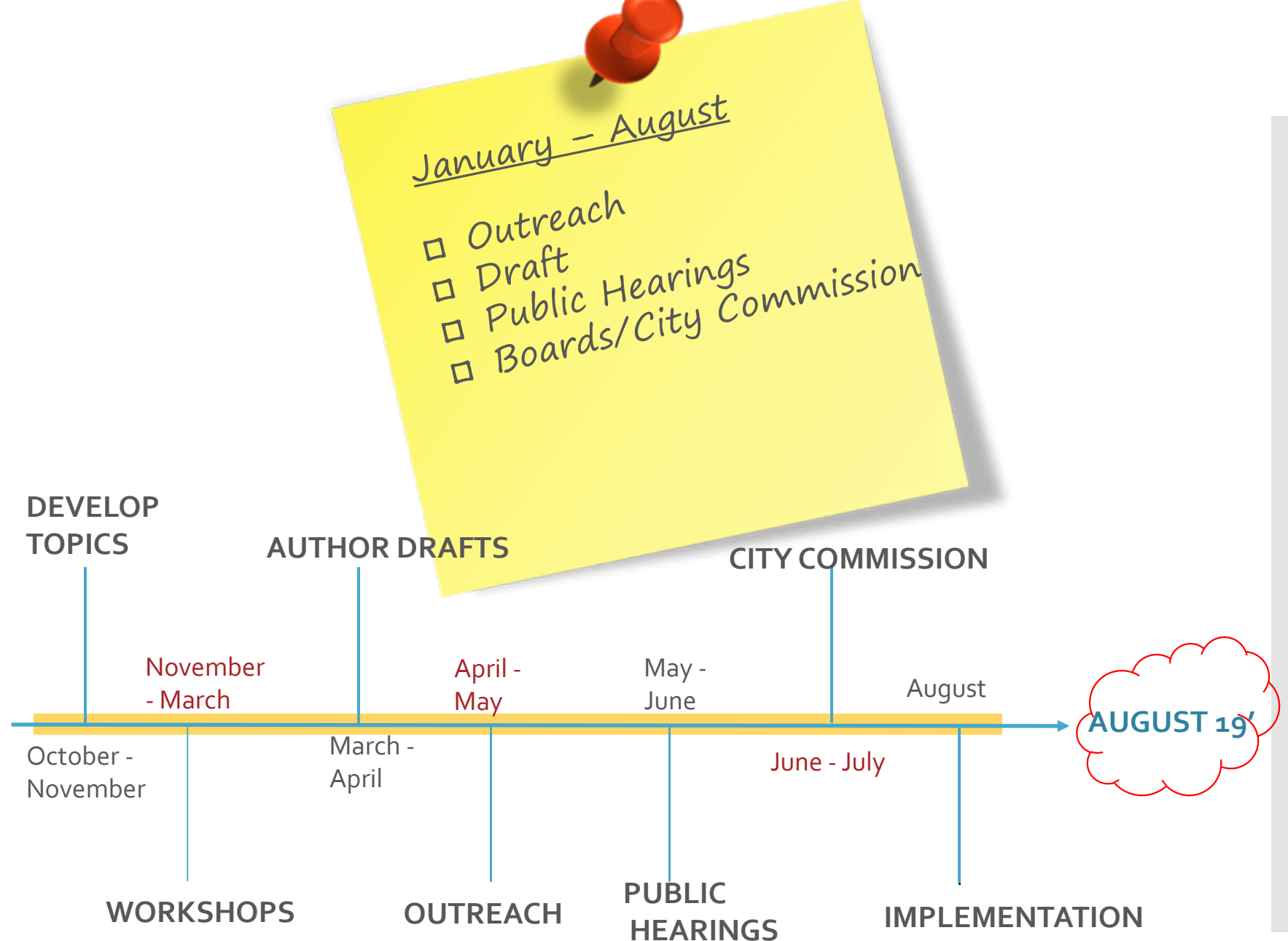


What does lack
of Zoning look
like?

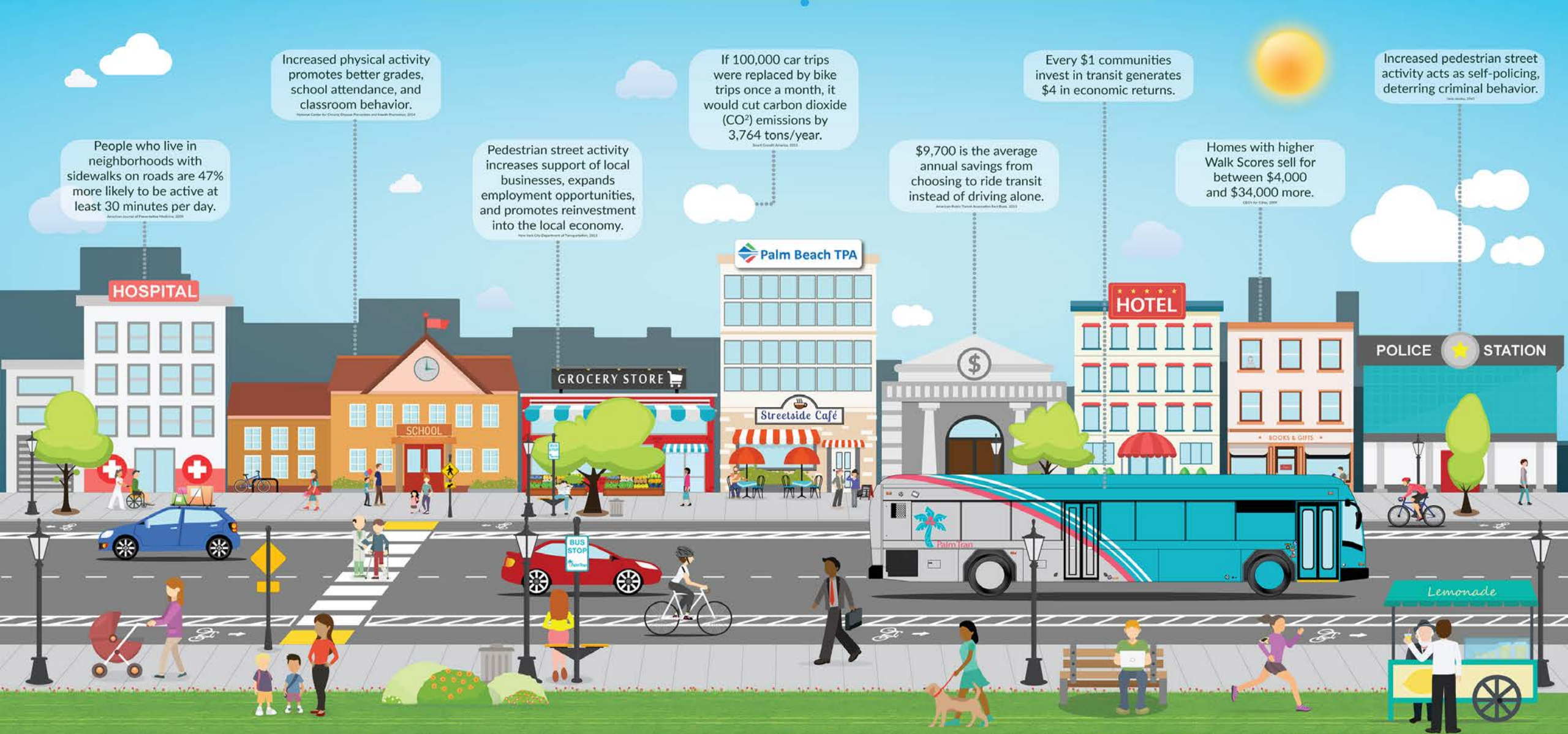


Amendments to the LDC

Annual Update



Mobility, Connectivity, and Complete Streets



People who live in neighborhoods with sidewalks on roads are 47% more likely to be active at least 30 minutes per day.

Increased physical activity promotes better grades, school attendance, and classroom behavior.

Pedestrian street activity increases support of local businesses, expands employment opportunities, and promotes reinvestment into the local economy.

If 100,000 car trips were replaced by bike trips once a month, it would cut carbon dioxide (CO²) emissions by 3,764 tons/year.

\$9,700 is the average annual savings from choosing to ride transit instead of driving alone.

Every \$1 communities invest in transit generates \$4 in economic returns.

Homes with higher Walk Scores sell for between \$4,000 and \$34,000 more.

Increased pedestrian street activity acts as self-policing, deterring criminal behavior.