



Proposed Change: Notification for neighborhood workshops/ public meetings

Detail: Residents have complained about inadequate/late notification for public meetings. The Planning Department currently sends mail notifications to all residents and property owners within 400 feet of a petition site. Applicants are responsible for posting a notice for a public meeting on the petition site. All notifications are required to be sent out at least 15 business days before the public meeting date.

Neighborhood workshops are required as part of the application process for the review of certain types of petitions (future land use map changes, rezonings, special use permits, subdivisions, or development plans). Neighborhood workshops are intended to encourage applicants to be good neighbors and to allow for informed decision making, although not necessarily to produce complete consensus on all applications.

Applicants are currently required to setup and conduct their neighborhood workshops. Currently, planning staff does not attend the neighborhood workshop. Applicants are required to advertise it in a local newspaper and send mail notifications. The mail notifications must be sent to residents and property owners within 400 feet of the petition site at least 15 business days before the neighborhood workshop. The planning department supplies the mailing list to the applicant for neighborhood workshops.

Issues to consider:

- Advertise neighborhood workshops on city/planning website/ social media etc
- Increasing notification boundary beyond 400 ft. Notifying the entire neighborhood will still bring up issues of neighborhood boundary delineations. (Does the city have exact/defined neighborhood boundaries?)
- Requiring posting of neighborhood workshop notice on site could be implemented, who will pay for the additional signs that will be posted? The planning department already supplies signs for public hearings.
- Planning department is working on a 'notice me' tool which will allow residents to delineate an area of the city where they would want to receive notification anytime there is a proposed activity/ petition.
- Neighborhood workshop process and level/implications of staff involvement: Staff involvement in neighborhood workshops may be misconstrued as staff support for petition.

Related Issues: The city has expanded notifications to include residents as well as property owners. The Planning Department also has the Development Projects Map which provides the name, location, and status of all planning applications.

Initiated by: CC - Adrian Hayes-Santos

Fiscal Impact: ☒ Yes ☐ No

Stakeholders: Residents, Neighborhoods, Applicants, City staff

Timeline: ☐ Slow ☒ Moderate ☐ Fast

Code: [Art. III, Division 1, Reviewing Authorities Sec. 30-3.7. - Neighborhood workshop.](#)

Discussion/ Notes:

Sec. 30-3.7. - Neighborhood workshop.

- A. *Purpose and intent.* Neighborhood workshops are intended to encourage applicants to be good neighbors and to allow for informed decision making, although not necessarily to produce complete consensus on all applications, by:
1. Ensuring that applicants pursue early and effective citizen participation in conjunction with their applications, giving the applicants the opportunity to understand and try to mitigate any real or perceived impacts their applications may have on the community;
 2. Ensuring that citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with the applicant to resolve concerns at an early stage of the process; and
 3. Facilitating ongoing communication among the applicant, interested citizens and property owners, and city staff throughout the application review process.
- B. *Applicability.* Every application that requires board approval, including future land use map changes, rezonings, special use permits, subdivisions, or development plans shall first hold a neighborhood workshop and shall include in the application a written record of such meeting. Development plans ~~located within a transect zone~~ that meet or exceed the thresholds for intermediate or major development review shall also conduct a neighborhood workshop. The following development applications are exempt from the requirements of this section:
1. Text changes to the Comprehensive Plan or Land Development Code.
 2. City-initiated amendments to the future land use map of the Comprehensive Plan that change the future land use from Alachua County to City of Gainesville categories.
 3. City-initiated amendments to the zoning map that change the zoning from Alachua County to City of Gainesville districts.
 4. Development plan applications for nonresidential projects of 10,000 square feet or less of floor area when not abutting or adjacent to property zoned for single-family residential use.
 5. Development plan applications for residential projects of ten units or less.
 6. Environmental remediation or safety improvements required by local, state, and federal agencies.
- C. *Workshop requirements.*
1. The applicant shall provide the opportunity for a workshop to inform neighboring property owners of the proposed application. The workshop shall be held in a location generally near the subject property and shall be held in a facility that is ADA compliant. The applicant shall provide notification by mail to all owners of property located within 400 feet of the subject property and to all neighborhood associations registered with the city and located within one-half-mile of the property. The city manager or designee shall provide mailing labels to the applicant. The applicant shall mail these notices with proper postage at least 15 calendar days before the workshop. The applicant shall also advertise the workshop in a newspaper of general circulation at least 15 calendar days before the date of the workshop. Posted notice of the workshop shall also be provided at the site and shall include a description of the application with the nature and degree of the request, potential uses, and other information as required by the city, and shall identify the date, time, and location of the neighborhood workshop. Signs shall be posted at least 15 calendar days prior to the date of the meeting.
 2. The workshop shall start between 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. All required workshops shall be held prior to submittal of the application. The applicant shall be required to schedule an additional workshop if the initial workshop has occurred more than six months prior to submittal of the application.

Sec. 30-3.8. - Public notice.

- A. *General.* The notice provisions in this section shall be required prior to all board hearings and are supplemental to any notice required by state law. If two public hearings are required, then supplemental notice shall be provided prior to the first public hearing. A request by the applicant to continue a board hearing shall require the applicant to incur re-notification and re-advertising costs.
- B. *Mailed notice.* Unless otherwise provided by law, addresses for mailed notice required by this chapter shall be obtained from the latest ad valorem tax records provided by the county property appraiser. The failure of any person to receive notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements. The notice shall identify the physical address of the subject property; the date, time, and location of the public hearing; and a description of the application including the nature and degree of the request, potential uses, and other information as required by the city. The notice shall be mailed at least 15 calendar days prior to the date of the board hearing to all real property owners whose land will be affected and whose property lies within 400 feet of any affected property.
- C. *Posted notice.* Posted notice signs shall be posted by the applicant in accordance with procedures established by the city, and shall include a description of the application with the nature and degree of the request, potential uses, and other information as required by the city, and shall identify the date, time, and location of the public hearing. Signs shall be posted at least 15 calendar days prior to the date of the board hearing. Properties under consideration for a land use or zoning map change that involve more than 50 non-contiguous acres shall not be required to post signs when the application is initiated by the city.
- D. *Failure to perfect supplemental notice.* If an applicant fails to provide supplemental notice in accordance with this section prior to the public hearing, then the public hearing shall be cancelled to allow compliance with the notice requirements. The failure to provide the supplemental notice required by this section shall not be construed to invalidate any final action on a land development decision, if discovered after final action has been taken.

Table III-1: Public Notice.

APPLICATION TYPE	NEWSPAPER AD	MAILED NOTICE	POSTED NOTICE
COMPREHENSIVE PLAN AMENDMENTS/LAND USE CHANGES			
Text changes not including amendments to the list of permitted/prohibited uses.	As required by law.	Not required.	Not required.
Text changes amending the list of permitted/prohibited uses involving less than 5% of the total land area of the city.	As required by law.	Required.	Not required.
Text changes amending the list of permitted/prohibited uses involving more than 5% of the total land area of the city.	As required by law.	Not required.	Not required.
Land use map changes involving less than 5% of the	As required by	Required.	Required.

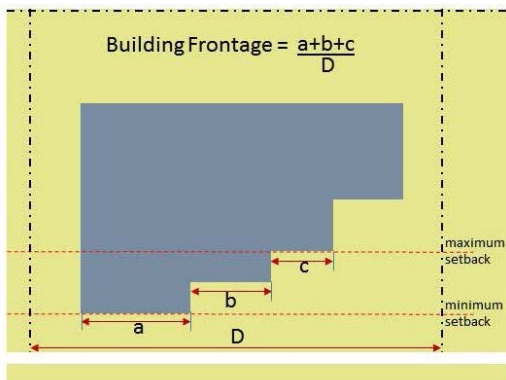
total land area of the city.	law.		
Land use map changes involving more than 5% of the total land area of the city.	As required by law.	Not required.	Required, except as provided in this section.
LAND DEVELOPMENT CODE AMENDMENTS/REZONINGS			
Text changes not including amendments to the list of permitted/prohibited uses.	As required by law.	Not required.	Not required.
Text changes amending the list of permitted/prohibited uses involving less than 5% of the total land area of the city.	As required by law.	Required.	Not required.
Text changes amending the list of permitted/prohibited uses involving more than 5% of the total land area of the city.	As required by law.	Not required.	Not required.
Zoning map changes involving less than 5% of the total land area of the city.	As required by law.	Required.	Required.
Zoning map changes involving more than 5% of the total land area of the city.	As required by law.	Not required.	Required, except as provided in this section.
Special use permits	As required by law.	Required.	Required.
Development review board	As required by law.	Required.	Required.
Variances	As required by law.	Required.	Required.
Historic preservation board (COA)	As required by law.	Not required.	Required.
Heritage overlay district board	As required by law.	Not required.	Required.

Right-of-way vacations	As required by law.	Required.	Not required. <u>Required.</u>
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Proposed Change: Building Frontage Requirements in Transects

Detail: This requirement is intended to create street walls along streets in transect areas by requiring a “continuous building presence along streets.” This regulation has been difficult to interpret and apply to certain building uses and types in the transect zones. Gas stations, drive-through, and smaller footprint retail and service buildings have struggled to meet the minimum % of building frontage which in some districts is up to 80%. Currently the code provides relatively few options for providing alternative means to meet the frontage requirements (building, tree preservation, and canopy/trellis extensions). Additional options could include garden walls, public art, or other ideas.



Related Issues: Building Orientation

Initiated by: CPB

Fiscal Impact: ☐Yes ☒No

Stakeholders: Developers and Contractors, residents,

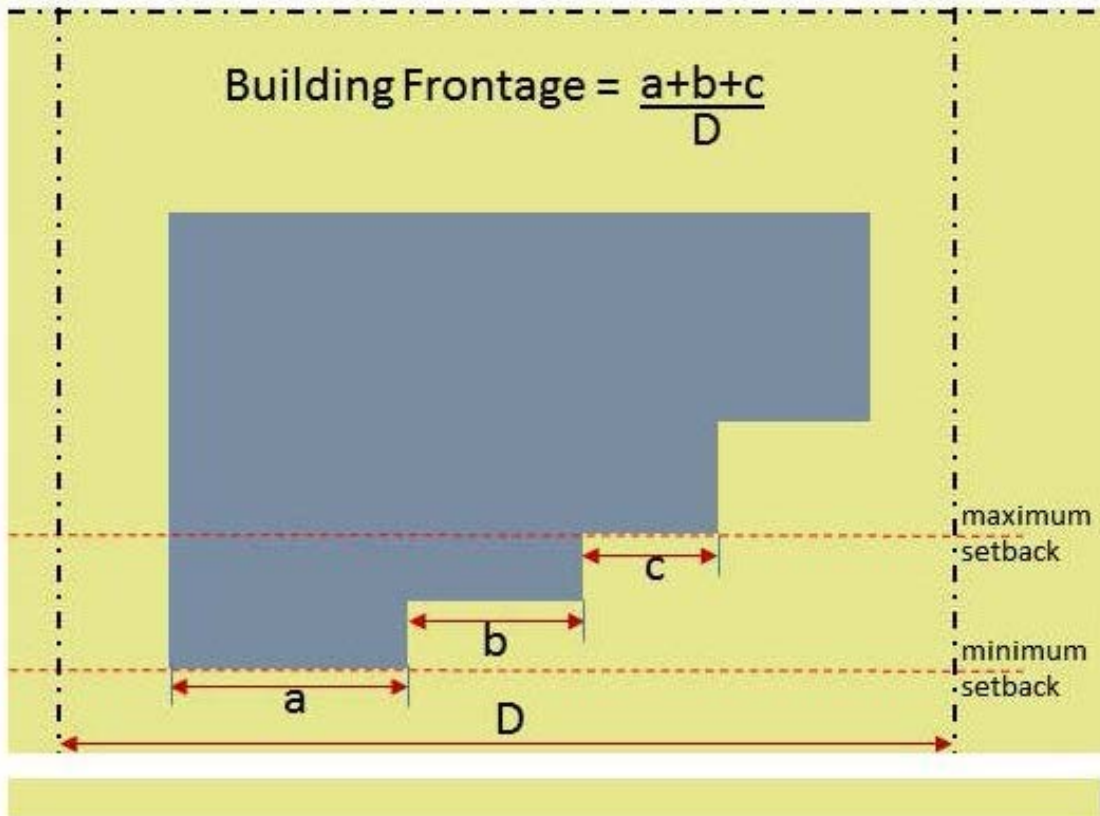
Timeline: ☐Slow ☐Moderate ☒Fast

Code: [Art.IV, Division 2. Transects. Sec. 30-4.13. Building Form Standards. B. Building Frontage.](#)

Discussion/ Notes:

- B. *Building frontage.* Building frontage requirements shall create a continuous building presence along streets.
1. The building frontage standards are a proportion of the building length relative to the width of the development site measured at the site frontage line, (see Figure V-3).

Figure V-3: Building Frontage



2. *Frontage hierarchy.*
 - a. Where a development has frontage along multiple street types that do not include a thoroughfare, the urban street (storefront or principal, in that order of hierarchy) shall be considered the primary street for the front face of the building.
 - b. Where a development has frontage on a thoroughfare and any other street type, the thoroughfare shall be considered the primary street.
 - c. Where a development has frontage on two streets of equal type, then the city manager or designee shall make a determination as to which street frontage shall be considered primary.

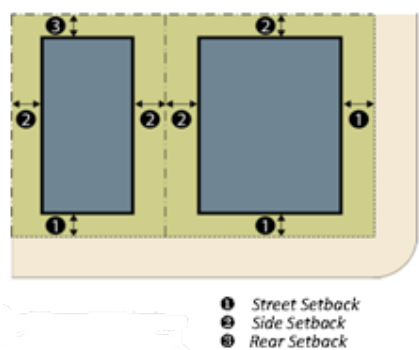
Figure V-4: Example of Gateway



Floor above gateway not required

3. In the case where the required building frontage cannot be met due to the need to provide vehicular access from the primary frontage, a gateway, arch or similar feature may be provided to preserve the block continuity and may be counted toward meeting the building frontage requirement, (see Figure V-4).
 4. A preserved high quality heritage tree canopy within the street setback range may count towards meeting the building frontage requirement.
 5. The ground floor along the street frontages shall contain active uses oriented to the street. Active uses may include, but are not limited to, display or floor areas for retail uses, waiting and seating areas for restaurants, atriums or lobbies for offices, lobbies or dining areas for hotels or multi-family residential buildings, and hotel rooms or multi-family residential units with street facing entrances.
 6. For corner lots, the percentage of active uses provided within the street setback range may count towards meeting the building frontage requirement. This includes outdoor seating areas, pocket parks or outdoor plazas, public or private art features, landscape features, etc. Active uses should contribute to the project while reinforcing the connection between the building and public realm.
- C. *Building placement and setbacks.* The placement of a building on a site is critical to creating a vital and coherent public realm. The building placement and setback standards shall shape the public realm and strengthen the physical and functional character of the area. Figure V-5 depicts the types of setbacks.

Figure V-5: Building Setbacks



Sec. 30-3.54. - Modifications.

- A. *Purpose.* In order to provide flexibility for the unique circumstances of individual developments, certain modifications from the standards provided in this chapter, as provided in this section, may be requested by an applicant as part of the development review process.
- B. *Review procedures.* All requests for modifications shall be submitted in writing with the application for development review on forms provided by the city. If an applicant requests multiple modifications, each modification shall be evaluated independently. The city manager or designee shall have the authority to approve the modifications specifically set forth in this section. The request shall be approved or denied during development plan review and, if approved, shall be noted on the final development plan. No administrative appeals are available for any decision to approve or deny a modification.
- C. *Review criteria.* The city manager or designee may approve a modification if the request meets all of the following criteria:
1. The request is consistent with the Comprehensive Plan and meets the intent of this chapter and the zoning district.
 2. The applicant is providing a compensating enhancement of the public realm.
 3. The request will not have a material negative impact on adjacent uses, and is not injurious to the public health, safety, and welfare.
- D. *Available modifications.*

REQUESTED MODIFICATION	MIN. COMPENSATING ENHANCEMENT OF PUBLIC REALM
Variation in required street setback up to 3 feet.	1. 10% increase above required 1 st floor glazing.
Reduction in required glazing percentages up to 10%.	2. Increase of 2 feet above required sidewalk width.
Reduction in required building frontage percentages up to 10%.	3. 10% increase above required building frontage.
Reduction in required landscape zones up to 2 feet; however, in no case shall a landscape area be less than 4 feet in depth.	4. Increase of 4 feet above min. 1 st floor height.
	5. Increase of 2 feet above min. landscape zone.
For corner lots, reduction in required building frontage percentages up to 30%.	





Proposed Change: Review criteria requires a high density, mixed use project

Detail:

The current code requires that all requests for the vacation of streets be for the construction of high density, mixed use projects. Not all projects meet that requirement (i.e. city parks, municipal buildings, single family development, etc.);

Currently the process is initiated through the submittal of an application with a fee of \$921.75 to the Planning Department. The application is then reviewed by staff based upon the review criteria outlined in the comprehensive plan and land development code. The request requires a recommendation by the City Plan Board and the City Commission for final approval.

The code does not require payment for the ROW. State law does not prohibit a municipality from receiving compensation for ROW.

Related Issues:

The same language exists within the Comprehensive Plan (Policy 10.2.2) and would also require an update. Chapter 23-Streets, Sidewalks and Other Places (no mention of ROW vacations)

Initiated by: City Plan Board and City Commission

Fiscal Impact: ☒ Yes ☐ No

Potential fiscal impact could occur if the City requires payment for the vacation of street

Stakeholders:

Timeline: ☐ Slow ☒ Moderate ☐ Fast

Code:

[Art. III, Division 8. Right of Way Vacations. Sec 30-3.41](#)

The current code requires that all requests for the vacation of streets be for the construction of high density, mixed use projects. Not all projects meet that requirement (i.e. city parks, municipal buildings, single family development, etc.);

Currently the process is initiated through the submittal of an application with a fee of \$921.75 to the Department. The application is then reviewed by staff based upon the review criteria outlined in the comprehensive plan and land development code. The request requires a recommendation by the City Plan Board and the City Commission for final approval.

OPTION 1

2. If the public right-of-way is a street, the city shall not vacate the right-of-way except if the following additional criteria are met:
 - a. The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;
 - b. The loss of the street will not foreclose non-motorized access to adjacent land uses or 10 transit stops;
 - c. [For areas located within a Transect or Mixed-Use District](#), the loss of the street is necessary for ~~the~~ [infill development consisting of the](#) construction of a high density, mixed-use project [compatible with the surrounding area and](#) containing both residential and non-residential uses or creating close proximity of residential and non-residential uses;
 - d. There is no reasonably foreseeable need for any type of transportation corridor for the area.

OPTION 2

2. If the public right-of-way is a street, the city shall not vacate the right-of-way except if the following additional criteria are met:
 - a. The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;
 - b. The loss of the street will not foreclose non-motorized access to adjacent land uses or 10 transit stops;
 - ~~c. The loss of the street is necessary for the construction of a high density, mixed-use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses;~~
 - d. There is no reasonably foreseeable need for any type of transportation corridor for the area.

**Proposed Change:**

Exempting new construction from building sidewalks. Instead of requiring new construction to build sidewalks require fee in lieu that can be used to fund sidewalk construction.

Detail:

Currently, the code requires sidewalks for all new construction with limited exceptions for tree protection and topography. Some infill projects within neighborhoods with limited frontage and a lack of existing sidewalks may not meet the outlined exceptions.

The introduction of a fee in lieu for sidewalk construction could be beneficial. However, there are several issues that would need to be addressed: Management of the program, fees, parameters, whether or not the fees should only be used for projects within the immediate area/neighborhood/district

Related Issues: na

Initiated by: CPB-TH

Fiscal Impact: ☒Yes ☐No

Stakeholders: Public Works, Mobility

Timeline: ☒Slow ☐Moderate ☐Fast

Code:

[Art. V. Division 6. Transportation. Section 30-6.18 Sidewalks and Shared-Use Bicycle Paths.](#)

Discussion/ Notes:

Sidewalk mitigation

Currently, the Land Development Code (LDC) requires sidewalks for all new construction with limited exceptions for tree protection and topography. Sidewalk requirements apply to all forms of new construction regardless of whether they are done by a developer or homeowner. Some infill projects within fully developed areas that may have limited frontage and a lack of an existing network of sidewalks may not meet the outlined exceptions.

The introduction of a fee in lieu for sidewalk construction could be beneficial, especially in areas where it may not be necessary to develop a network of sidewalks.

Previous Code Language in Land Development Code (LDC)

Previous versions of the LDC stated: *where a sidewalk pattern as to materials and width has been adopted, the appropriate reviewing board, City Manager or designee may allow the pattern to be continued by each new development. If the sidewalks installed are less than the minimums provided above, sufficient space shall be provided in order for these minimum sidewalk widths to be added in the future*, however, this statement was removed when the code was updated.

Based on the language above, the code allowed for the continuation of existing sidewalk widths or allowed the dedication of areas for the future construction of sidewalks, which provided more options for the continuity of sidewalk widths and materials.

Current Language in Land Development Code (LDC)

There are three different areas of the LDC that determine sidewalk width:

- Urban Street Types, Article IV. Zoning. Building Form Standards – widths are based on the designated street types located within the transect zones; widths are five (5) feet, six (6) feet, and ten (10) feet
- Traditional Zoning Districts, Article IV. Zoning. Design Standards– width is based on use; widths are seven (7) feet for multi-family and industrial uses and eight (8) feet for commercial, institutional, office and mixed-uses
- Lastly, new construction of sidewalks must adhere to Article VI. Development Standards. As stated in the code, *the intent of this section is to enable pedestrian activity throughout the city, especially as a means to promote pedestrian and transit trips, pedestrian safety and accessibility*. This code section also allows for modifications or exceptions based on:
 - The protection of heritage trees and
 - Excessive slope or other topographic geological features.

Based on the code sections above, there are inconsistencies within the code and the development of a complete and comprehensive sidewalk network are contingent upon addressing the inconsistencies. While the code allows for exceptions it also states that sidewalk requirements: *shall apply on any parcel or lot where a roadway is existing*

adjacent to the proposed development or where there is a reasonable likelihood of mass transit service or pedestrian need for sidewalks. This is not consistent with the modifications listed above. If there is no pedestrian need for sidewalks, for instance in an industrial park, requiring sidewalks may not be the best means of achieving a complete and comprehensive pedestrian network. There have also been developments proposed within areas where the Community Development Agency (CRA) have installed brick sidewalks that are not consistent with the existing code and require a larger width. Previous versions of the code would not require the removal of these improvements to meet the current code requirements.

Proposed changes for discussion

G.Modifications. The appropriate reviewing authority may approve modifications from the terms of this section as follows:

- 1.The appropriate reviewing authority shall require the petitioner to provide information in the form of reports, maps, diagrams, and similar material to support their request for modification.
- 2.The appropriate reviewing authority may determine the appropriate location or termination of sidewalks, or determine that a portion of a sidewalk may be narrowed to the minimum extent necessary to meet the requirements of this section.
- 3.The applicant shall demonstrate that conditions and circumstances, which do not result from the actions of the developer, warrant modification of the sidewalk requirements. In reaching its decision, the appropriate reviewing authority shall consider the following [for commercial projects](#):
 - a.Protection of heritage trees; and
 - b.Excessive slope or other topographic or geological features.

[F. Payment to sidewalk fund in lieu of construction of single-family residential infill development. *Payment to sidewalk fund in lieu of construction.* The appropriate reviewing authority, in certain instances, may waive the requirement for sidewalks to be constructed at the time of development, and as an alternative allow for payment into a designated sidewalk fund. This payment in lieu of construction is only permitted where it is determined, at the discretion of the appropriate reviewing authority, that construction of a sidewalk is not practical or feasible based on one or more of the following criteria.](#)

- [a. Construction would result in an isolated sidewalk segment, disconnected from the existing or proposed sidewalk system;](#)
- [b. Significant environmental impacts \(to heritage trees, wetlands or required buffers, etc.\) would be caused by construction;](#)

- c. Construction would require extensive alterations to existing drainage systems, or extensive soil removal or fill;
- d. Construction would require removal or relocation of utilities or other significant physical obstructions.