



Legislation Details (With Text)

File #: 030916 **Version:** 2 **Name:** Land Development Code Amendment - General Business District (B)
Type: Ordinance **Status:** Adopted
File created: 7/26/2004 **In control:** City Attorney
On agenda: **Final action:** 8/9/2004
Title: LAND DEVELOPMENT CODE AMENDMENT - GENERAL BUSINESS DISTRICT (B)

Ordinance No. 0-04-46; Petition 30TCH-04 PB
 An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to requirements for the general business (BUS) district; amending section 30-61 by deleting an obsolete reference relating to hotels and motels; deleting the floor area ratio requirement and establishing a maximum building height limit; increasing some side and rear setbacks to 50 feet; adding a provision for placement of trash facilities and requirements for mechanical equipment; making certain other minor modifications for clarification; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------|---|--------|
| 8/9/2004 | 2 | City Commission | Adopted on Final Reading (Ordinance) | Pass |
| 7/26/2004 | 1 | City Commission | Approved (Petition) and Adopted on First Reading (Ordinance), as modified | Pass |
| 7/12/2004 | 0 | City Commission | Continued | Pass |

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The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition is part of the overall update of the City's Land Development Regulations. Specifically, these amendments are proposed for the general business district (BUS). One of the significant changes is establishment of a maximum building height of five stories. This replaces the maximum floor area ratio for principal structures, and is consistent with the Commercial land use category in Policy 4.1.1 of the City's 2000-2010 Comprehensive Plan.

Concerns about compatibility between BUS and abutting residential land use have led to proposed language regarding the maximum height of buildings on BUS land that is adjacent to residential land. In this situation, the

maximum building height would be limited to 3 stories. The side and rear setback was also increased from 25 feet to 50 feet where the side or rear yard abuts property in a residential district or is shown for residential use on the future land use map of the comprehensive plan.

Compatibility concerns between the BUS district and abutting residential land use have also led to proposed language regarding the placement of trash facilities. Several special area plans have specific provisions concerning trash and recycling receptacles and loading docks. Trash and recycling receptacles, grease containers, and loading docks can be unsightly and can be an odor problem. Improperly located and screened receptacles and docks can cause noise problems for nearby land uses during loading or unloading. As a result, these special area plans call for such facilities to be located away from public sidewalks and screened from view.

With the emphasis on buildings placed towards the front of the property and on parking to the side or rear, trash and recycling receptacles, grease containers, and loading docks are usually located in the rear. This may place these facilities in close proximity to abutting residential uses. There are currently no standards to address the location of trash and recycling receptacles, grease containers, and loading docks in BUS-zoned land that is adjacent to residential land uses. The proposed text addresses this situation with standards that are similar to provisions found in special area plans concerning the placement of these facilities.

A requirement has been called for mechanical equipment to be located so that noise and visual impacts upon adjacent residential property are minimized. Minor grammatical changes are also proposed.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on March 3, 2004. The Plan Board held a public hearing March 25, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 30TCH-04 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

At first reading, the City Commission, at its meeting of July 26, 2004, amended the proposed ordinance by deleting the reference to a 5-story height limit in the BUS district. However, since this height limitation is provided in the City's Comprehensive Plan, no development order can be issued allowing any development that exceeds the 5-story height limit until the Comprehensive Plan is amended. Concurrently, staff and the City Plan Board will consider a revision to the Land Development Code that will be consistent with the Comprehensive Plan.

None