

**ORDINANCE NO. 080545
0-08-82**

An ordinance of the City of Gainesville, Florida, correcting minor scrivener's errors throughout the Land Development Code, by amending subsection 30-41(a)(4) relating to MU-1 and MU-2 zoning districts; by amending Table 2 of section 30-52 relating to principal structures within the residential low density districts; by amending subsection 30-98(m)(9) relating to wireless communication facilities; by amending subsection 30-112(a)(2) relating to historic preservation/conservation; by amending subsection 30-160(d)(33) relating to preliminary development plans; by amending subsection 30-318(b)(4)b relating to 1-75 corridor signs; amending subsection 30-353(d) relating to the City Plan Board; by amending Appendix A, Section 6, relating to the Special Area Plan for University Heights; by amending Appendix A, Section 7 relating to the Special Area Plan for S.W. 13th Street, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a public hearing was given that the text of the
Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a public
hearing was then held by the City Plan Board on October 23, 2008; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of
general circulation notifying the public of this proposed ordinance and of a public hearing to be held in
the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, a public hearing was held pursuant to the published and mailed notices
described above at which hearing the parties in interest and all others had an opportunity to be
and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF

E CITY OF GAINESVILLE, FLORIDA:

Section 1. Subsection 30-41(a)(4) of the Land Development Code of the City of

Gainesville is amended as follows:

Sec. 30-41. Establishment of zoning districts and categories. 4

(a) In order to classify, regulate and restrict the use of land, water, buildings and structures; regulate the height and bulk of buildings; regulate the intensity of land use; implement the comprehensive plan; and promote orderly urban growth within the corporate area of the city, the following zoning districts/categories are established:

(4) *Mixed use districts.*

MU-1: 8-4-0--30 units/acre mixed use low intensity.

MU-2: 12 4-4-30 units/acre mixed use medium intensity.

CCD: Up to 150 units/acre central city district.

UMU-1: Up to 75 units/acre urban mixed-use district.

UMU-2: Up to 100 units/acre urban mixed-use district.

Section 2. The portion of Table 2 of section 30-52, relating to principal structures, of the Land Development Code of the City of Gainesville is amended as follows:

Sec. 30-52. Residential low density districts (RMF-5, RC and MI!)

TABLE 2. DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL
LOW DENSITY AND RC DISTRICTS
Principal Structures

Maximum density		12 du/a	12 du/a	12 du/a
Minimum lot area: ¹				
	Single-family dwelling unit	3,000 sq. ft.	3,500 sq. ft.	3,000 sq. ft.
	Two-family dwelling unit	N/A	7,000 sq. ft. ²	6,000 sq. ft. ³
	Three-family dwelling unit	N/A	10,500 sq. ft. '	N/A
	Four-family dwelling unit	N/A	14,000 sq. ft.'	N/A
Minimum lot width at minimum front yard setback:				
	Single-family dwelling unit	N/A	40 ft.	35 ft.
	Two-family dwelling unit	N/A	75 ft. ⁴	70 ft.'

	Three-family dwelling unit	N/A	85 ft. ⁷	N/A
	Four-family dwelling unit	N/A	100 ft. ⁷	N/A
	Five and six-family dwelling unit		120 ft. ²	N/A
Minimum yard setbacks:				
	Front	15 ft.	20 ft.	The average of the actual distance (up to 20 feet) between the street right-of-way and principal structures on the 2 adjoining lots, usint 20 feet for any adjoining vacant lot
	Side (interior)	10 ft.	7.5 ft. ⁵	5 ft. ⁶
	Side (street)	N/A	10 ft.	N/A
	Rear	15 ft.	20 ft.	20 ft.
Maximum building height		25 ft.	3 stories	3 stories
Maximum lot coverage		N/A	35%	50%

A separate lot does not need to be created for each duplex, triplex, or quadraplex structure, where applicable.

However, the dwelling may be arranged so that a common wall is located on the property line of adjoining lots with a minimum lot area of 5,000 square feet in the RMF-5 district.

However, the dwelling may be arranged so that a common wall is located on the property line of adjoining lots with a minimum of 3,000 square feet in the RC district.

Except when a common wall is located on the property line of two adjoining lots, in which case the required width is 50 feet for each lot.

Except where a two-family dwelling is located with a common wall on the property line of two adjoining lots. In such instances, the yard setback for the side of each lot opposite the common wall shall be at least ten feet in the RMF-5 district. No setback for attached rowhouse and townhouse units

Except where a two-family dwelling is located with a common wall on the property line of two adjoining lots. In such instances, the yard setback for the side of each lot opposite the common wall shall be at least 7.5 feet in the RC district.

Attached rowhouses and townhouses require no minimum lot width; however, such units require a 40foot lot width maximum when units are on separate lots. In addition, such lots require no minimum lot area.

Section 3. Subsection 30-98(m)(9) of the Land Development Code of the City of 20

Gainesville is amended as follows:

Sec. 30-98. Wireless communication facilities and antenna regulations.

(m) *Submittal requirements.* In addition to the requirements of article VII, division 1, an application for a new wireless communication facility shall contain the following information:

(9) A bond or irrevocable letter of credit in an amount determined by the city manager or designee, and subject to the approval of the city attorney as to form and legality, to ensure that if the tower is abandoned pursuant to subsection 30-98(lm), cost to the city for removal of the tower shall be guaranteed to the city.

Section 4. Subsection 30-112(a)(2) of the Land Development Code of the City of Gainesville is amended as follows:

Sec. 30-112. Historic preservation/conservation.

(a) *Findings.* The city commission hereby finds as follows:

(2) In recognition of these assets, the city has recently adopted the 2000-2010 1991 2001 Comprehensive Plan which includes a historic preservation element;

Section 5. Subsection 30-160(d)(33) of the Land Development Code of the City of Gainesville is amended as follows:

Sec. 30-160. Submittal requirements.

(d) *Preliminary development plan.* Each preliminary development plan shall include the following:

(33) A photometric plan. For all development plans requiring development plan review by a reviewing board, the plan shall be certified by a registered architect or engineer, or lighting professional holding a current LC (lighting certification) from the National Council on Qualifications for the Lighting Profession (NCQLP), as providing illumination in accordance with the applicable standards set forth in sections 30-330(a)(4) and 30-3451b)(8) ~~and (9)(a)(9) and (10)~~. For development plans requiring staff review only, the city manager or designee shall determine whether such a lighting plan is required. Plans shall indicate the location, height and types of lights (manufacturer's catalog cut, including make and model numbers and glare reduction/control devices), footcandle grid to illustrate light levels required, uniformity ratio, lamp wattage, shades, deflectors, beam direction, luminous area for each source of light and a statement of the proposed hours when the luminaries will be on and when they will be extinguished.

1 **Section 6.** Subsection 30-318(b)(4)b of the Land Development Code of the City of

2 Gainesville is amended as follows:

3 **Sec. 30-318. Permanent signs.**

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5 (b) *Ground-mounted signs for single- and multiple-occupancy developments.*

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7 (4) *1-75 corridor signs.*

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9 b. An applicant for this additional ground-mounted sign may apply for a
10 special use permit for an 1-75 corridor sign which allows a maximum height
11 above 18 feet. The plan board shall review sign height and the overall site
12 design in order to make the appropriate findings in accordance with article
13 VII and the following special considerations. Under no circumstances may a
14 special use permit be granted for any sign exceeding 90 feet in height. The
15 burden shall be on the applicant to prove by clear and convincing evidence
16 that all conditions requirements of article VII, division 54, are met and that
17 no on-site sign of a height of 18 feet or less can be seen by motorists on 1-75
18 at a distance of 1/4 mile from the nearest exit ramp and that the sign
19 requested is of the minimum height and orientation necessary to achieve such
20 visibility due to special conditions and circumstances relative to topography,
21 vegetation or the built environment. Applicants for the special use permit
22 must include certification by a registered engineer or other reliable
23 documentary evidence of the factual and methodological basis that no on-site
24 ground-mounted or roof-mounted sign of a height of 18 feet or less could be
25 seen as specified above and that the requested sign is of the minimum height
26 and orientation required to establish the clear view-shed above visual
27 obstacles such as topographical conditions, vegetation or built environment.
28 If the applicant cannot prove that such visibility will be achieved within the 90
29 feet height, then no special use permit shall be issued. In addition, no special
30 use permit for an 1-75 corridor sign shall be granted unless the applicant can
31 prove that the special conditions and circumstances do not result from actions
32 of the applicant.

34

35 **Section 7.** Subsection 30-353(d) of the Land Development Code of the City of

36 Gainesville is amended as follows:

37 **Sec. 30-353. City plan board.**

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39 (d) Rules of procedure. The city plan board shall adopt rules of procedure to carry out
40 its purposes. All rules must conform to this article, the Code of Ordinances and state law.

- (1) The city plan board shall conduct hearings in accordance with Article XVIII, Division 1, of this chapter.
- (2) The city plan board shall meet at least once each calendar month, unless cancelled by the board or its chair, and more often at the call of the chair or the city commission.
- (3) The city plan board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- (4) The board shall adopt rules setting the number of members needed to establish a quorum.
- (5) Each decision of-a-the board must be approved by a majority vote of the regular members present at a meeting in which a quorum is in attendance and voting.

Section 8. The text, and not the graphic examples, relating to Garden Apartment Building within Appendix A, Section 6, Exhibit A. IV., V, Special Area Plan for University Heights of the Land Development Code of the City of Gainesville is amended as follows:

SECTION 6. SPECIAL AREA PLAN FOR UNIVERSITY HEIGHTS

IV. General Provisions

Exhibit A. Special Area Plan for University Heights

V. Building Types: New buildings under this Special Area Plan are regulated by building type. They are mandatory for the University Heights Neighborhood as delineated in the map at the end of subsection V.

On the following pages, diagrammatic examples are used to illustrate intended, advisory building locations, configurations and dimensions. The accompanying numbers and text are rules. Architectural style is not regulated; the graphics are illustrative only.

Building types can be built within the appropriate Land Use Category.

The following building types are described in this code:

- Main Street Shopfront Building
- Office Building
- Rowhouse

- Garden Apartment
- Large House or Apartment Building
- House
- Outbuilding
- Civic Building

Garden Apartment Building

A garden apartment building shares a central stair core for 2 bays. The building is placed towards the front of the lot and does not share common walls with its neighboring units. Entry is typically through a covered stoop. A backyard or "garden" is shared behind the building.

<i>Building Placement:</i>	
Building Frontage	65% minimum to 85% maximum lot frontage
Build-to line locations	<i>Corner Lots:</i>
	5--15 ft. from the property line (see note 5 below)
	0--15 ft. from the side street property line (see note 5 below)
	<i>Interior Lots:</i>
	10--20 ft. from the property line
Side Setback	8 ft. from the side property line
Rear Setback	Twenty-foot minimum from the rear property line, except that the setback may be reduced to five feet if approved by the appropriate reviewing board to accommodate special site features.
Building Coverage	60% maximum
Height:	
Maximum Height	48 ft. above grade, except in the UMU-2 zoning district, where Sec. 30-65.2 shall apply.
Minimum Height	2 stories at least 27 ft. above grade. Dormers are not considered stories.
First Story	1.5 ft. above grade, minimum (4 ft. recommended). When building is below grade of street, building design shall elevate windows or use other strategies to maintain privacy.

Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have either a stoop or front porch.
3. An expression line is encouraged between the first and second story.
4. A cornice line is required on Garden Apartment Buildings.
5. The City Manager, designee or appropriate reviewing board will set build-to line location to accommodate sidewalks and street trees.

Section 9. Subsection (r) relating to signs within Appendix A, Section 7, Exhibit A.

Special Area Plan for Southwest 13th Street of the Land Development Code of the City of Gainesville is amended as follows:

SECTION 7. SPECIAL AREA PLAN FOR SOUTHWEST 13TH STREET

Exhibit A. Special Area Plan
for Southwest 13th Street

(r) *Signs.* The provisions of the City sign code (Article IX, Division 1) apply within the corridor area. Two additional provisions are as follows

- New pole-mounted signs shall be prohibited within the corridor.
- Each multiple-occupancy complex and each single-occupancy building/development may have one or two ground-mounted signs in accordance with the following:

Street Frontage (feet)		Maximum # c Signs	Maximum Size of Sign (sq. ft.)		Minimum Distance from Side Property Line (feet)	Minimum Distance from Other Signs (ft.)
Less than 50	1	24	10		--	
50 to less than 100	1	32	10		-	
100 to less than 200	1	64	20			
200 to less than 300	1	72	50		50	
Greater than 300	1	96	50		100	
Greater than 600 with no outparcels	2	Total square footage no more the 144; neither sign maybe greater than 96 square feet or more than 10 feet in height	50		250	

Section 10. It is the intention of the City Commission that the provisions of Sections 1

through 9 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

1 **Section 11.** If any word, phrase, clause, paragraph, section or provision of this
2 ordinance or the application hereof to any person or circumstance is held invalid or
3 unconstitutional, such finding shall not affect the other provisions or applications of the
4 ordinance which can be given effect without the invalid or unconstitutional provisions or
5 application, and to this end the provisions of this ordinance are declared severable.

6 **Section 12.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
7 such conflict hereby repealed.

8 **Section 13.** This ordinance shall become effective immediately upon final adoption.

9 **PASSED AND ADOPTED** this 21st day of May, 2009.


PEGREEN HANRAHAN,
MAYOR

ATTEST:

Approved as to form and legality

K R T L : ON

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CLERK OF
THE

20 This Ordinance passed on first reading this 7th day of May, 2009.

21 This Ordinance passed on second reading this 21st day of May, 2009.

MAY 21 2009

COMMISSION