



City of Gainesville  
 Department of Sustainable Development  
 Planning Division

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### CITY PLAN BOARD STAFF REPORT

**PUBLIC HEARING DATE:** February 27, 2023

**PROJECT NAME / FILE NUMBER/ PETITION NUMBER:** Centerline of Street Setback Measurement / 2022-707/  
 LD22-000130 TCH

**APPLICATION TYPE:** Text Amendment (Legislative)

**RECOMMENDATION:** Approve

#### APPLICATION INFORMATION

**Applicant:** City of Gainesville (See Exhibit "A-1".)

**Property Owner(s):** N/A

**Related Petition(s):** None

**Legislative History:** File #: 2022-422. Centerline of Street Setback Measurement. On September 1, 2022, at the City Commission Regular Meeting, Interim City Manager Cynthia Curry introduced Andrew Persons, Special Advisor to the City Manager, who presented the item. Public comment: Tamar Jones, Jane Dickerson, Kim Tanzer. Moved by: Commissioner Chestnut. Seconded by: Commissioner Duncan-Walker. Motion to direct staff to (1) come back with an ordinance amendment to eliminate the setback requirement; and (2) to bring back options in lieu of sidewalk requirement to provide alternative approaches to address the issue. Vote - Part 1: Carried Unanimously (See Exhibit "A-2" and "A-3".)

At the City Plan Board Regular Meeting on December 8, 2022, staff presented and recommended approval of Petition LD22-000130 TCH, which would remove language requiring building setbacks be measured from the street centerlines, as stated in Section 30-6.8.B. – *Minimum setbacks from centerlines of all streets* of the City Land Development Code. Member Stephanie Sutton suggested the adoption of a minimum right-of-way width and/or the ability to obtain a variance. Member Renz Torres asked if there are maps showing substandard streets in the City. Moved by: Member Stephanie Sutton. Seconded by: Member Jason Hurst. Motion to defer petition to the January 26<sup>th</sup> City Plan Board Meeting. Carried Unanimously.

On December 22, 2022, staff from the City Planning Division, City Public Works Department and Gainesville Regional Utilities (GRU) held a meeting to address the City Plan Board action taken on Petition LD22-000130 TCH on December 8<sup>th</sup>. At the meeting, it was determined that staff would need additional time to ascertain the impact of amending Petition LD22-000130 TCH in response to the City Plan Board's directives. At the request of staff, the City Plan Board voted on January 26, 2023 to continue Petition LD22-000130 TCH to the February 23, 2023 meeting. The motion to continue the petition was approved by a vote of 4-1.

Finally, following a meeting attended by staff from the City Planning Division, City Public Works Department and Gainesville Regional Utilities (GRU) on February 7, 2023, the staff recommendation to remove Section 30-6.8.B. - *Minimum setbacks from centerlines of all streets* from the City Land Development Code was retained. However, staff prepared amended language to include in Section 30-6.8.B. - *Minimum setbacks from centerlines of all streets* of the City Land Development Code for consideration (see Exhibit “A-4”), should the staff recommendation to remove this section be deemed unacceptable for City Commission consideration.

**Neighborhood Workshop:** N/A (See Exhibit “B-1”.)

## PURPOSE AND DESCRIPTION

This is a City-initiated petition to amend the City Land Development Code by removing language requiring building setbacks be measured from street centerlines, as stated in Section 30-6.8.B.- *Minimum setbacks from centerlines of all streets* (see Exhibit “B-2). The petition is in response to neighbors that have expressed that measuring setbacks from the centerline of streets is an impediment to building affordable, single-family dwellings in older neighborhoods, where platted lots are small and street widths are substandard.

## STAFF ANALYSIS AND RECOMMENDATION

### ANALYSIS

Since the adoption of the language in Section 30-6.8.B. - *Minimum setbacks from centerlines of all streets*, the City now takes a comprehensive and pro-active approach to securing adequate width for street right-of-way. The City Comprehensive Plan, Transportation Mobility Element, Policy 10.2.2 mandates the following: “The City shall ensure that new streets are designed appropriately for transportation choice by setting design standards that call for minimal street widths, modest turning radii, modest design speeds, curb extensions, traffic calming, gridded and connected patterns, sidewalks, bicycle facilities, and prohibition of cul-de-sacs, where feasible. Street design standards shall include consideration of usage by transit vehicles, where appropriate.” The City has established a Department of Transportation to manage multi-modal transportation facilities (e.g., bus; bike; pedestrian). And, the City’s development review process includes the Public Works Department, which manages roadways, in order to ensure there are no conflicts with street right-of-way width.

As a result of the above, staff recommends that Article VI, Section 30-6.8.B. – *Minimum setbacks from centerlines of all streets* be removed from the City Land Development Code. Staff finds this section of the Code obsolete due to the City’s current approach to achieving adequate street right-of-way width.

## **RECOMMENDATION**

Staff recommends the City Plan Board approve Petition LD22-000130 TCH to remove Section 30-6.8.B. – *Minimum setbacks from centerlines of all streets* from the City Land Development Code.

## **DRAFT MOTION FOR CONSIDERATION**

I move to recommend approval of Petition LD22-000130 TCH to remove Section 30-6.8.B. – *Minimum setbacks from centerlines of all streets* from the City Land Development Code.

## **APPENDICES**

### **Appendix A. – Supplemental Documents**

Exhibit A-1: Application

Exhibit A-2: City Commission - Regular Meeting Minutes, 9/1/2022

Exhibit A-3: City of Gainesville Agenda Report

Exhibit A-4: Suggested Land Development Code Language for Section 30-6.8.B.- *Minimum setbacks from centerlines of all streets* (Option 2)

### **Appendix B. – City Land Development Code**

Exhibit B-1: Sec. 30-3.7. – Public participation

Exhibit B-2: Sec. 30-6.8.B. – *Minimum setbacks from centerlines of all streets.*

### **Appendix C. – City Comprehensive Plan**

Exhibit C-1: Transportation Mobility, Policy 10.2.2

**Appendix A**  
**Supplemental Documents**



Planning Division  
 PO Box 490, Station 11  
 Gainesville, FL 32627  
 Ph: 352-334-5023

Email: [planning@gainesvillefl.gov](mailto:planning@gainesvillefl.gov)

## Text Amendment Application

Applicant/Agent	
Name: City of Gainesville	Company: Department of Sustainable Development
Mailing Address: 306 NE 6th Avenue, Building B	
City, State, Zip: Gainesville, Florida, 32601	
Phone: 352-334-5023	E-mail: N/A
<p><b>Note:</b> It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with staff prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.</p>	

Text Amendment		
Check applicable request below:		
<input checked="" type="checkbox"/> Land Development Code	<input type="checkbox"/> Comprehensive Plan Text	<input type="checkbox"/> Other
Section/Appendix No: See below.	Element & Goal, Objective or Policy No:	Specify:

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary)
Remove the centerline of street setback measurement from Article VI of the Land Development Code.

**No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.**

### Certification:

The undersigned has read the above application and is familiar with the information submitted herewith.

Applicant Signature: N/A Date: 10/12/2022

**L.1 Centerline of Street Setback Measurement** 

Interim City Manager Cynthia Curry introduced Andrew Persons, Special Advisor to the City Manager, who presented the item.  
Public comment: Tamar Jones, Jane Dickerson, Kim Tanzer

**Moved by** Commissioner Chestnut

**Seconded by** Commissioner Duncan-Walker

Motion to direct staff to (1) come back with an ordinance amendment to eliminate the setback requirement; and (2) to bring back options in lieu of sidewalk requirement to provide alternative approaches to address the issue.

**Vote - Part 1:**

Carried Unanimously

**Moved by** Commissioner Chestnut

**Seconded by** Commissioner Duncan-Walker

**Vote - Part 2:**

**Aye** Mayor-Commissioner Pro Tem Saco, Commissioner Ward,  
(5) Commissioner Duncan-Walker, Mayor Poe, and  
Commissioner Chestnut

**Nay**  
(1) Commissioner Hayes-Santos

**Absent**  
(1) Commissioner Arreola

Approved (5 to 1)

**L.2 Removal of Certified Mail Requirement** 

Andrew Persons, Special Advisor to the Interim City Manager, introduced the item.

**Moved by** Commissioner Hayes-Santos

**Seconded by** Mayor-Commissioner Pro Tem Saco

Motion to request that staff bring back the proposed changes.

Carried Unanimously

**L.3 Request to Amend the Jasper Sherman, dba Big Sherm Lawn Service Landscape Maintenance Services Contract** 

Commissioner Chestnut introduced the item.

**Moved by** Commissioner Hayes-Santos

**Seconded by** Commissioner Ward

Move request to amend the contract.

**Aye** Mayor-Commissioner Pro Tem Saco, Commissioner Hayes-  
(5) Santos, Commissioner Ward, Commissioner Duncan-  
Walker, and Commissioner Chestnut

**Absent**  
(2) Commissioner Arreola, and Mayor Poe

Approved (5 to 0)



## City of Gainesville Agenda Report

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**File #:** 2022-422

**Agenda Date:** September 1, 2022

**Department:** Sustainable Development

**Title:** Centerline of Street Setback Measurement

**Description:** [Document Description]

**Explanation:**

This is a request for the Commission to discuss and give direction on proposed removal of the Land Development Code language requiring that building setbacks be measured from street centerlines in some cases. The code provision is contained within LDC Sec. 30-6.8.B - *Minimum setbacks from centerlines of all streets*.

Currently, where streets rights-of-way meet “standard” widths, setbacks are measured from the property line or back of curb in most cases. However, where street rights-of-way are narrower than certain widths prescribed by the LDC, building setback lines are required to be measured from a prescribed distance from a street centerline or center of the right-of-way. This in effect creates an additional distance and setback from the right-of-way line than is typically applied. Where this is most often applied is in neighborhoods or areas with older plats with “substandard” rights-of-way.

Several cases have arisen where the street centerline provisions have established large setbacks on relatively small lots and have made practical development of small single-family homes onerous and burdensome. Additionally, while the provision is intended to allow for future widening of streets, such widening in most cases would be detrimental to the adjacent properties at worst and impractical at best where in many instances would require removal of existing structures, improvements, and/or utility installations to make space for an expanded street.

**Strategic Connection:**

City of Gainesville Strategic Plan Goal 1: Equitable Community

City of Gainesville Strategic Plan Goal 3: A Great Place to Live & Experience

**Fiscal Note:**

None

**Recommendation:**

The City Commission discuss and give direction to staff on proposed LDC text changes.





# City of Gainesville

Dept. of Sustainable  
Development

August 23, 2022

## Centerline of Street Setback Measurement

### General Issue:

Typically, setback lines for buildings are determined by measuring a required distance from a property line. However, in some cases, the Land Development Code requires that setbacks be measured a required distance from the street centerline. In effect, this has created a situation where platted lots adjacent to narrow or “substandard” right-of-way widths are burdened with increased setback requirements and a smaller buildable area. Functionally, this standard pushes buildings and structures farther away from the streetscape and right-of-way.

Historically, this was used to “reserve” street widths for future widening or improvement of the right-of-way based on limited categories for roadway types and cross-sections. Today, not only do the Comprehensive Plan and Land Development Code generally encourage buildings to be brought closer to the right-of-way but there are also a greater number of options for right-of-way widths and types of improvements.

### Suggested Land Development Code Revision:

#### **Sec. 30-6.8. General lot and building requirements.**

The following lot and building requirements shall apply in all zoning districts:

#### **B. *Minimum setbacks from centerlines of all streets.***

1. Every required minimum front yard setback line shall be established by a line parallel to the centerline of the street right-of-way ~~at the distance listed in this subsection~~, measured from the street right-of-way line or as described by specific zoning districts. In cases where zoning districts have alternative requirements for establishing setbacks, those requirements shall supersede this subsection. the distance from the street centerline listed in subsection B.2. of this section. For the purpose of determining street classifications, the official roadway map shall be used.
2. ~~If the actual street right-of-way line is closer to the street centerline than the following distances, the setback shall be measured from a line parallel to the street centerline located the following distances from the centerline:~~
  - a. ~~Highways and arterials: 50 feet.~~



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~~b. — Thoroughfares and collectors: 40 feet.~~

~~c. — Minor collectors: 35 feet.~~

~~d. — All other streets: 25 feet.~~

## Key Definitions:

**Setback or setback line** means a line determined by measurement, parallel to a lot line, creating an area between the lot line and the setback line in which all structures (unless otherwise limited) may not be erected.

**Setback, street** means a line determined by measurement, parallel to the street curb (on all sides of the lot facing a street), creating an area between the street curb and building façade.

**Right-of-way** means land dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purposes by the public.

**Street centerline** means the surveyed and prescribed centerline of a street established by the state department of transportation or city public works department or, if no centerline has been so established, the line midway between the existing or proposed street right-of-way lines.

**Street right-of-way line** means that line denoting the edge of the right-of-way of the street and being identical with the property lines of persons owning property fronting on the streets. For the purposes of establishing the vision triangle as described in the Engineering Design and Construction Manual, the street right-of-way line for a private driveway or private roadway shall be set as a parallel line 10 feet from the face of the curb, edge of pavement or edge of the driving surface.

## Known Affected Properties:

- 532 SW 6<sup>th</sup> Place – Porters Quarters. Housing Division project to redevelop a single family home.
- 1716, 1734, and 1752 SE 6<sup>th</sup> Ave – Habitat for Humanity minor subdivision for three new single family homes.

## **Suggested Land Development Code Revision:**

### **Sec. 30-6.8. - General lot and building requirements.**

#### *B. Minimum setbacks from centerlines of all streets*

1. Every required minimum front yard setback line shall be established by a line parallel to the centerline of the street right-of-way at the distance listed in this subsection, *or the appropriate distance to be determined by the City Manager or designee*, measured from the street right-of-way line or the distance from the street centerline listed in subsection B.2. of this section. For the purpose of determining street classifications, the official roadway map shall be used.
2. If the actual street right-of-way line is closer to the street centerline than the following distances, the setback shall be measured from a line parallel to the street centerline located the following distances from the centerline:
  - a. ~~Highways and Arterials~~: 50 feet.
  - b. ~~Thoroughfares and Major~~ collectors: 40 feet.
  - c. Minor collectors: ~~35~~ 30 feet.
  - d. All other ~~streets~~: 25 feet.

**Note:** “*Street centerline* means the surveyed and prescribed centerline of a street established by the state department of transportation or city public works department or, if no centerline has been so established, the line midway between the existing or proposed street right-of-way lines.”  
(Chapter 30, City Land Development Code, Article II, Sec. 30-2.1. – Definitions.)

**Appendix B**  
**City Land Development Code**

**Sec. 30-3.7. Public participation.**

- A. *Purpose and intent.* Public participation requirements 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 neighborhood; and
  2. Ensuring that the public has 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 review and decision-making process.
- B. *Applicability.* Every application that requires board approval, including future land use map changes, rezonings, right-of-way vacations, special use permits, subdivisions, or development plans shall first hold a neighborhood workshop and shall include in the application a public participation report. Development plans that meet or exceed the thresholds for intermediate or major development review must also include a neighborhood workshop and public participation report. 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.

**Sec. 30-6.8. General lot and building requirements.**

The following lot and building requirements shall apply in all zoning districts:

**B. *Minimum setbacks from centerlines of all streets.***

1. Every required minimum front yard setback line shall be established by a line parallel to the centerline of the street right-of-way at the distance listed in this subsection, measured from the street right-of-way line or the distance from the street centerline listed in subsection B.2. of this section. For the purpose of determining street classifications, the official roadway map shall be used.
2. If the actual street right-of-way line is closer to the street centerline than the following distances, the setback shall be measured from a line parallel to the street centerline located the following distances from the centerline:
  - a. Highways and arterials: 50 feet.
  - b. Thoroughfares and collectors: 40 feet.
  - c. Minor collectors: 35 feet.
  - d. All other streets: 25 feet.

**Appendix C**

**Comprehensive Plan Goals, Objectives and Policies**



- b. the loss of the street will not foreclose non-motorized access to adjacent land uses or 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; and
- d. there is no reasonably foreseeable need for any type of transportation corridor for the area.

- Policy 10.2.2 The City shall ensure that new streets are designed appropriately for transportation choice by setting design standards that call for minimal street widths, modest turning radii, modest design speeds, curb extensions, traffic calming, gridded and connected patterns, sidewalks, bicycle facilities, and prohibition of cul-de-sacs, where feasible. Street design standards shall include consideration of usage by transit vehicles, where appropriate.
- Policy 10.2.3 The City shall require new residential developments, where feasible, to provide street and/or sidewalk/path connections and/or stub-outs to adjacent properties and developments (such as schools, parks, bus stops, retail, and office centers) so that motorized vehicle trips are minimized on major roadways.
- Policy 10.2.4 The City shall adopt the Existing Transit Hubs & Transit-Supportive Areas Map as part of the Transportation Mobility Map Series to increase and enhance multi-modal transportation choices and encourage redevelopment in these areas.
- Policy 10.2.5 In order to encourage the redevelopment of properties within the TMPA, reduce or prevent blight, and encourage development in close proximity to transit, the following redevelopment trip credits shall apply to projects that are located within ¼ mile of the property lines of an existing transit hub or projects that are located in transit-supportive areas (as shown in the Existing Transit Hubs and Transit-Supportive Areas Map adopted in the Transportation Mobility Element) and are within ¼ mile of an existing transit route. The City shall reduce by 25% the net, new average daily trip generation for any redevelopment project or any project that expands or converts a building to a new use. The City shall reduce by 40% the net, new average daily trip generation for any mixed-use project that includes both a residential and non-residential component where residential dwelling units equal at least 10% of the floor area of commercial/office uses.
- Policy 10.2.6 In recognition of the significant redevelopment problems facing the City in the NW 13th Street Activity Center area, the NW 13th Street Special Redevelopment Trip Credit Area (as shown in the Transportation Mobility Map Series) shall receive redevelopment trip credits as follows. The City shall