

**CITY OF GAINESVILLE  
PLANNING AND ZONING COMMISSION**

**Regular Meeting  
2:00 p.m.  
Wednesday, May 19, 1993**

**Members Present:** Don Hawkins, Marge Clement, David Hutcherson,  
Jim Goldsworthy, and Chris Kaden

**Members Absent:** Roy Brewer

**Staff Present:** Mike Land and Pat Payne

**Visitors Present:** List

The public hearing was called to order at 2:15 p.m. by Chairman Don Hawkins.

The **second item of business** was consideration and action on the minutes of the regular meeting of **April 21, 1993**. A motion was made by David Hutcherson and seconded by Jim Goldsworthy to approve the minutes as presented. Motion carried by the following votes: Ayes: Clement, Hawkins, Hutcherson, Goldsworthy and Kaden. Nays: None. Absent: Brewer. Abstentions: None.

The **third item of business** was consideration and recommendation on a request by Kenneth Kaden to rezone a tract of land known as Tract 3, Lot 19, Peter Clark Survey, being approximately eight acres (NOTE: this acreage amount was corrected from four acres as stated on the agenda), and located at 1930 and 1938 Rice Avenue, from Neighborhood Service (NS) to Commercial (C).

Mr. Hawkins asked Kenneth Kaden if he wanted to speak for his request. Mr. Kaden explained that the property had been in the Kaden family since 1883, and most of the construction has been done over a long period of time. He said he had gone to the Planning Department and asked what the setbacks were for possibly building another structure and Pat Payne advised him that his land use did not conform with the current zoning on the property and further construction would not be in compliance with the land use requirements of the Zoning Ordinance.

In 1978 the zoning was changed on the property from Single Family to Neighborhood Service. Mr. Kaden said he was informed at that time that there would be no problem with the land use and he "...could do anything he wanted to do." He further stated that he didn't do any research and now finds that the zoning is nonconforming and feels that the zoning should be changed to Commercial zoning to be in compliance with the current land use. Neighborhood Service does not allow for greenhouses, plant sales, landscaping services, and several other functions relating to the land use prevalent at that location.

Mr. Hawkins questioned why the zoning was changed in 1978 to

Neighborhood Service rather than Commercial since the same Zoning Ordinance and regulations were in effect at that time that are in place presently. Pat Payne suggested that maybe since "Kaden The Florist" was the prominent business at the location at that time, the rezoning was based on that allowable land use for Neighborhood Service zoning. Chris Kaden clarified that the rezoning from Residential to Neighborhood Service in 1978 resulted from the building of the landscaping offices and attached buildings (1930 Rice Avenue).

Mr. Kaden reiterated that he and his family have no plans to change anything about their business; they only want to be in conformance with current zoning regulations.

Jesse Cason, property owner on two sides of the Kaden property, stated that he supports Mr. Kaden's request for the rezoning of the property. He said that the property was originally zoned incorrectly at the inception of the Zoning Ordinance and again rezoned incorrectly in 1978; now it is time to rezone the property for conformance with its land use.

Marge Clement suggested that because the site had been rezoned improperly in 1978, she felt that Mr. Kaden's application fee of \$175.00 for the rezoning request from Neighborhood Service to Commercial should be refunded. Mr. Land said he would check into this.

After no further discussion, a motion was made by Marge Clement and seconded by David Hutcherson to **recommend approval of the rezoning of 1930 and 1938 Rice Avenue from Neighborhood Service to Commercial.** NOTE: It is recorded that Chris Kaden abstained from voting because of conflict of interest. Motion carried by the following votes: Ayes: Clement, Hawkins, Hutcherson, Goldsworthy. Nays: None. Absent: Brewer. Abstentions: Kaden.

The **fourth item on the agenda** was consideration and review on an ordinance creating standards and procedures for the orderly development and regulation of Bed and Breakfast businesses within the City of Gainesville.

Mike Land went through the ordinance, reviewing various changes that the Board had recommended from the previous meeting. The first issue he pointed out was bed and breakfasts being located within residentially zoned areas. He said that three rental units is usually the maximum in that type of district, according to research he has done. They are also known as small home stay. The second issue is on the off-street parking, with one space per rental unit being proposed and one per owner or manager; however, the Zoning Ordinance requires two parking spaces per residence for the owner/resident. The third issue was on screening. The biggest problem is the opacity of the screening, whether it is large planting or fencing. The main idea is to have screening that is in keeping with the surrounding neighborhood. The fourth issue was other uses of the bed and breakfast businesses other than overnight stays, such as parties, teas, wedding receptions, etc. However,

Mr. Land said that the first and foremost use is the bed and breakfast use and that should override any issue. The fifth issue was the type of meal(s). There should be limitation on types of meals served at those locations. The sixth issue was number of overnight stays. He said that maybe a register book or log be kept in order to monitor those stays to keep the establishment from becoming a boarding house. It was agreed that fourteen nights be the limit of a single stay. The seventh issue was modification of the structure. Mr. Hawkins said he didn't think the Board could restrict the owner from not being able to add additional rooms to his residence. Mr. Land said if the structure were permitted to become a bed and breakfast on a Specific Use Permit, then the applicant would have to come back before the Planning and Zoning Board for review and to request an addition to the residence. The eighth issue was that of signage with three square feet being the choice for size. Size and illumination were points to consider. The ninth issue was dealing with permitted uses. The bed and breakfast businesses, in the way they are proposed to be established within residential districts, have clear and understandable regulations. But, outside the residential districts, the establishments fall into different rules for regulation. However, the health/safety issues remain the same.

Mr. Land said the next issue he wants to raise with the Planning and Zoning Commission is if it necessary to depict a bed and breakfast as a regulated use in a Commercially zoned district, or any other district other than residential, when they are allowed by right anyway. Don Hawkins said parking would be the only conflict with the bed and breakfast business since parking in any district except residential deals with X amount of spaces per square footage of a business. The Board discussed various aspects of adopting regulations for development of bed and breakfast areas/sites. Mr. Hawkins said he could see some of the regulations being over burdensome, but, he continued, he would rather see it like that and have the Appeal Board make decision for variances, rather than have the businesses under regulated.

Site Plan review for bed and breakfasts in residential areas was discussed and the Board agreed that was a necessary procedure.

Margaret Hays asked about site plan review for areas on East California Street, which are not necessarily residential areas. Mr. Hawkins said a problem with that is telling someone what they can and cannot do with their properties. Ms. Hays said she was only thinking about the appearance of the City.

Betty Buttolph made various comments regarding bed and breakfasts, including a hotel/motel tax. Margaret Hays also said she felt that in the more historical districts, where bed and breakfasts might be established, if there is a carriage house or similar structure on the property, it should be included in allowable area for available lodging rooms. Mr. Hawkins said he would like to see the number of lodging rooms limited to four in residential areas. The Board agreed to that number. It was agreed by the Board that it would be imperative that any bed and breakfast within a residential area

would have the required two parking spaces for the residence plus one additional parking space per lodging room.

Mr. Land said the amended proposed ordinance would be rereviewed and presented back to the Planning and Zoning Board on June 9, 1993, for public hearing and recommendation.

After no further discussion, the meeting was adjourned at 3:09 p.m.