



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: MAYOR AND CITY COMMISSIONERS **DATE:** August 9, 1999
FROM: CITY ATTORNEY SECOND READING

SUBJECT: Ordinance No. 0-99-26; Petition 215CPA-98PB
An ordinance of the City of Gainesville, Florida, amending Policy 2.1.1 of the Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan to establish minimum densities of 8 units per acre for the Residential Medium Density (currently 10-30 units per acre) and Residential High Density (currently 21-100 units per acre) land use categories, to exempt lots of a certain size from minimum density requirements in the Residential Medium and Residential High Density categories, and to allow single-family use in the Residential High Density category; providing directions to the city manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance, as amended

STAFF REPORT

The proposed amendment is to reduce the minimum density requirements in the Residential Medium and Residential High Density categories to eight units per acre, exempt lots of certain sizes (less than or equal to 0.5 acre) from minimum density requirement, and provide for single family as an allowable use in the Residential High Density category.

The Department of Community Affairs (DCA) completed its review and transmitted the Department's Objections, Recommendations and Comments (ORC) report (attached) on June 29, 1999. The attached ORC Response and the Supplemental Data and Analysis Report address each of the Department's objections. Staff finds the DCA's objections reasonable and has accordingly modified the proposed amendment to the Comprehensive Plan. In addition to the revision requested by DCA to the proposed amendment to the Residential High Density residential district, staff has made the same revision to the proposed amendment to the Residential Medium Density, as

explained in both the attached City Response to the ORC and Supplemental Data and Analysis Report. The proposed amendment is acceptable as a result of the findings cited in the December 17, 1998 staff report (attached) and further analysis provided in the attached Supplemental Data and Analysis Report.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan was transmitted to the State Department of Community Affairs for written comment. Any comments, recommendations or objections of the State Department of Community Affairs must be considered at the second public hearing. The City Commission may then adopt or adopt with changes the proposed amendment to the Comprehensive Plan, or determine not to adopt a plan amendment.

The State of Florida Department of Community Affairs issued its Objections, Recommendations and Comments on June 29, 1999. A copy of the DCA's report is attached to this memorandum. The City staff's response to the DCA's report and explanatory memorandum are also attached to this memorandum. Therefore, the City may now proceed with the final adoption of the ordinance. Words that are double-underlined reflect changes made since first reading.

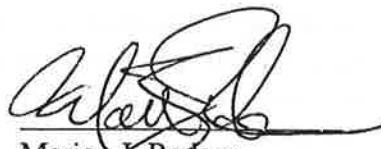
The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by:



Patricia M. Carter
Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson
City Attorney

MJR:PC:sw

ORDINANCE NO. _____
0-99-26

An ordinance of the City of Gainesville, Florida, amending Policy 2.1.1 of the Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan to establish minimum densities of 8 units per acre for the Residential Medium Density (currently 10-30 units per acre) and Residential High Density (currently 21-100 units per acre) land use categories, to exempt lots of a certain size existing on November 13, 1991 from minimum density requirements in the Residential Medium and Residential High Density categories, and to allow single-family use in the Residential High Density category; providing directions to the city manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan 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 December 17, 1998; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of the Public Hearing to be held at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

WHEREAS, pursuant to law, after the public hearing at the transmittal stage the City of Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

1 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches
2 long was placed in the aforesaid newspaper notifying the public of the second Public
3 Hearing to be held at least 5 days after the day the second advertisement was published;
4 and

5 **WHEREAS**, the two Public Hearings were held pursuant to the published notices
6 described at which hearings the parties in interest and all others had an opportunity to be
7 and were, in fact, heard; and

8 **WHEREAS**, prior to adoption of this ordinance, the City Commission has
9 considered the comments, recommendation and objections, if any, of the State Land
10 Planning Agency;

11 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
12 **THE CITY OF GAINESVILLE, FLORIDA:**

13 **Section 1.** Policy 2.1.1 of the Future Land Use Element of the City of Gainesville 1991-
14 2001 Comprehensive Plan is amended to read as follows:

15 *2.1.1 Residential Medium Density (~~8~~ 10 units per acre)*

16 This land use classification shall allow single-family and multi-family development at
17 densities from ~~8~~ 10 to 30 dwelling units per acre. Lots that existed on November 13,
18 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum
19 density requirements. The land shown as Residential Medium Density on the land use
20 plan identifies those areas within the City of Gainesville that, due to topography, soil
21 conditions, surrounding land uses and development patterns, are appropriate for single-
22 family and medium intensity multi-family development. Land Development Regulations

1 shall determine gradation of density and specific uses. Land Development Regulations
2 shall specify criteria for the siting of appropriate medium intensity residential facilities to
3 accommodate special need populations and appropriate community level institutional
4 facilities such as places of religious assembly, private schools, and libraries. Land
5 Development Regulations shall allow Home Occupations within certain limitations.
6 *Residential High Density (8 ~~21~~ - 100 units per acre)*
7 This land use classification category shall allow multi-family development at densities
8 from 8 ~~21~~ to 100 dwelling units per acre. Lots that existed on November 13, 1991 and
9 that are less than or equal to 0.5 acres in size shall be exempt from minimum density
10 requirements. The land shown as Residential High Density on the land use plan identifies
11 those areas within the City of Gainesville that, due to topography, soil conditions,
12 surrounding land uses and development patterns, are appropriate for high intensity multi-
13 family development, and secondary retail and office uses scaled to serve the immediate
14 neighborhood. The intensity of secondary retail and office use cannot exceed more than
15 20% of the residential floor area. Land Development Regulations shall determine the
16 gradations of density, specific uses, percentage of floor area and maximum floor area
17 appropriate for secondary uses. Single-family shall be an allowable use. Land
18 Development Regulations shall specify the criteria for the siting of high intensity
19 residential facilities to accommodate special need populations and appropriate community
20 level institutional facilities such as places of religious assembly, private schools and
21 libraries. Land Development Regulations shall allow Home Occupations within certain
22 limitations.

1 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
2 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or
3 element, or portion thereof in order to fully implement this ordinance.

4 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no
6 way affect the validity of the remaining portions of this ordinance.

7 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
8 such conflict hereby repealed.

9 **Section 5.** This ordinance shall become effective immediately upon final adoption;
10 however, the amendment to the City of Gainesville 1991-2001 Comprehensive Plan shall
11 not become effective until the state land planning agency issues a final order determining
12 the adopted amendment to be in compliance in accordance with section 163.3184(9), or
13 until the Administration Commission issues a final order determining the adopted
14 amendment to be in compliance in accordance with section 163.3184(10).

15
16
17 **PASSED AND ADOPTED** this _____ day of _____, 1999.
18
19

20
21 _____
22 PAULA M. DeLANEY
23 MAYOR

24
25 ATTEST:

Approved as to form and legality

26
27
28 _____
29 KURT M. LANNON

MARION J. RADSON

1 CLERK OF THE COMMISSION

CITY ATTORNEY

2 This Ordinance passed on first reading this _____ day of _____, 1999.

3 This Ordinance passed on second reading this _____ day of _____, 1999.



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

June 29, 1999

The Honorable Paula M. Delaney
Mayor, City of Gainesville
Post Office Box 490, Station 19
Gainesville, Florida 32602

Dear Mayor Delaney:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Gainesville (DCA No. 99-1ERA), which was received on March 26, 1999. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review and their comments are enclosed.

I am enclosing the Department's Objections, Recommendations and Comments (ORC) Report, issued pursuant to Rule 9J-11.010, Florida Administrative Code (F.A.C.). The issues identified in this Objections, Recommendations and Comments Report include the inconsistency of the reduced density of the amended Residential High Density FLUM category to promote intensive urban infill development.

Upon receipt of this letter, the City of Gainesville has 120 days in which to adopt, adopt with changes, or determine that the City of Gainesville will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, F.A.C. The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the City of Gainesville must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

2666 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781
Internet address: <http://www.state.fl.us/comaff/>

The Honorable Paula M. Delaney
June 29, 1999
Page Two

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the North Central Florida Regional Planning Council.

Although Amendment 99-1ERB has adequately addressed the school siting requirements of Section 163.3177(6)(a), F.S., the Department wants to bring to your attention the need to adopt principles and guidelines to coordinate the comprehensive plan with the plans of school boards and other units of local government. Pursuant to Section 163.3177(6)(h)1. and 2., F.S., that is to be accomplished by the end of 1999.

If your comprehensive plan does not now meet these requirements we recommend that you work quickly to propose appropriate amendments. Please note that plan amendments to incorporate school siting criteria are exempt from the limitation on the frequency of plan amendments contained in Section 163.3187, F.S. If you believe that your plan already meets the requirements the Department would be happy to verify that status. In any case, we are available to assist on this important issue.

Please contact Vicki Morrison, Planner IV, or Walker Banning, Community Program Administrator, at (850) 487-4545 if we can be of assistance as you formulate your response to this Report.

Sincerely yours,



Charles Gauthier, AICP
Chief, Bureau of Local Planning

CG/vms

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Ralph Hilliard, Interim Planning Director, City of Gainesville
Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council

DEPARTMENT OF COMMUNITY AFFAIRS

OBJECTIONS, RECOMMENDATIONS AND COMMENTS

FOR THE

CITY OF GAINESVILLE

Amendment 99-1ERA

June 29, 1999
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Gainesville 99-1ERA proposed amendment to their comprehensive plan pursuant to s. 163.3184, Florida Statutes (F.S.).

Objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations section are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
CITY OF GAINESVILLE AMENDMENT 99-1ERA**

**I. Consistency with Rule Chapters 9J-5, F.A.C.,
and Chapter 163, Part II, F.S.**

Amendment 215CPA-98PB proposes to revise Policy 2.1.1 of the Future Land Use Element, which establishes density standards for the Residential Medium Density (RMD) and Residential High Density (RHD) FLUM categories. The amendment proposes to: (1) change the density range for the RMD FLUM category from 10-30 dwelling units per acre (du/a) to 8-30 du/a; (2) change the density range for the RHD FLUM category from 21-100 du/a to 8-100 du/a; (3) exempt lots that are less than .5 acre from meeting the minimum density requirements within the RMD and RHD categories; and (4) allow single family dwelling units within the RHD category.

The Department raises the following objection to the proposed amended policy:

1. Policy 2.1.1 does not include predictable standards regarding the exemption of 0.5-acre lots from the minimum density requirements in the RHD category. The policy does not clearly explain that it is the City's intention to allow single family development only on 0.5-acre lots that existed on November 13, 1991, the date of plan adoption. (Section 163.3177(6)(a) and (8), F.S., and Rule 9J-5.006(3)(c)7., F.A.C.):

Recommendation

Revise the amendment to specify that single family dwelling units may be allowed within the RHD category but only on lots of record that existed on November 13, 1991, the date of plan adoption.

II. Consistency with the State Comprehensive Plan

The amendment is not consistent with the State Comprehensive Plan, including the following goals and policies:

1. Goal 16 (Land Use), Policy 1.

Recommendation:

Revise the amendment to be consistent with the State Comprehensive Plan by undertaking the recommendation included elsewhere in this report.



Department of Environmental Protection

Jeb Bush
Governor

David B. Struhs
Secretary

18713

May 14, 1999

Handwritten initials: (circled) MS, B, R, G, P, R

Mr. Ray Eubanks
Plan Review and Process Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Gainesville, 99-1ERA

Dear Mr. Eubanks:

The Office of Intergovernmental Programs has reviewed the proposed amendments under the procedures of Chapter 163, Florida Statutes, and Chapters 9J-5 and 9J-11, Florida Administrative Code, and we offer no comments.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 488-3704.

Sincerely,

Marlane Castellanos

MC/

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

- Office of the Secretary
- Office of International Relations
- Division of Elections
- Division of Corporations
- Division of Cultural Affairs
- Division of Historical Resources
- Division of Library and Information Services
- Division of Licensing
- Division of Administrative Services



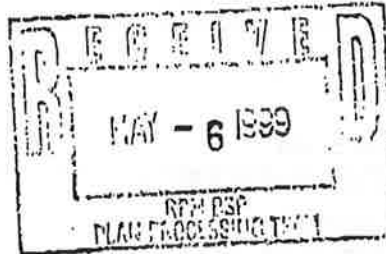
MEMBER OF THE FLORIDA CABINET

- State Board of Education
- Trustees of the Internal Improvement Trust Fund
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Siding Board
- Division of Bond Finance
- Department of Revenue
- Department of Law Enforcement
- Department of Highway Safety and Motor Vehicles
- Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE
Katherine Harris
 Secretary of State
DIVISION OF HISTORICAL RESOURCES

May 4, 1999

Mr. Ray Eubanks
 Department of Community Affairs
 Bureau of State Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100



Handwritten signature/initials

Re: Historic Preservation Review of the City of Gainesville (99-1ERA) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, we have reviewed the above document to decide if data regarding historic resources have been given sufficient consideration in the request to amend the Gainesville Comprehensive Plan.

The proposed text amendment changing Policy 2.1.1 of the Future Land Use Element was reviewed to consider the potential effects of this action on historic resources. Our cursory review suggests that the proposed change should have no adverse effects on historic resources.

In sum, it is our opinion that the amended comprehensive plan meets (although known and potential historic resources need to be carefully considered in the planning phases of proposed land use changes) the state of Florida's requirements as promulgated in sections 163.3177 and 163.3178, F.S., and Chapter 9J-5, F.A.C., regarding the identification of known historical resources within their specified area of jurisdiction, and for the establishment of policies, goals and objectives for addressing known and potentially significant historical resources in Gainesville.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp or Laura Kammerer of the Division's Compliance Review staff at (850) 487-2333.

Sincerely,

Laura A. Kammerer

for George W. Percy, Director
 Division of Historical Resources

City of Gainesville Response
to
Florida Department of Community Affairs
regarding
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
for
Amendment 99-1ERA

FUTURE LAND USE ELEMENT TEXT AMENDMENT

I. Consistency with Chapter 163, F.S. and Rule 9J-5, F.A.C.

A. DCA OBJECTIONS

1. Policy 2.1.1 does not include predictable standards regarding the exemption of 0.5-acre lots from the minimum density requirements in the RHD category. The policy does not clearly explain that it is the City's intention to allow single family development only on 0.5-acre lots that existed on November 13, 1991, the date of plan adoption. (Section 163.3177(6)(a) and (8), F.S., and Rule 9J-5.006(3)(c)7., F.A.C.)

DCA Recommendation

Revise the amendment to specify that single family dwelling units may be allowed within the RHD category but only on lots of record that existed on November 13, 1991, the date of plan adoption.

City's Response

The requested revision of the proposed comprehensive plan amendment has been made. This revision has been made to both the Residential High and Residential Medium Density land use categories. The previously proposed amendments to Policy 2.1.1 are revised as shown below include the November 13, 1991 standard regarding lots 0.5 acres or smaller.

Amendments to Policy 2.1.1

Residential Medium Density (8 ~~10~~ -30 units per acre)

This land use classification shall allow single-family and multi-family development at densities from 8 ~~10~~ to 30 dwelling units per acre. Lots that existed on November 13, 1991 and are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as Residential

Residential High Density (~~8 24~~ -100 units per acre)

This category shall allow multi-family development at densities from 8 24 to 100 dwelling units per acre. Lots that existed on November 13, 1991 and are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as residential high density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for high intensity multi-family development, and secondary retail and office uses scaled to serve the immediate neighborhood. The intensity of secondary retail and office use cannot exceed more than 20% of the residential floor area. Land Development Regulations shall determine gradations of density, specific uses, percentage of floor area and maximum floor area appropriate for secondary uses. Single-family shall be an allowable use. Land Development Regulations shall specify the criteria for the siting of high intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land development regulations shall allow Home Occupations within certain limitations.

Petition 215CPA-98PB
Supplemental Data & Analysis Report

Future Land Use

DCA's requested establishment of a standard regarding the exemption of 0.5-acre lots from minimum density requirements in the Residential High Density land use category is reasonable. The requested and proposed standard is that the exemption be restricted to lots 0.5 acres or smaller that were in existence at the date of plan adoption, November 13, 1991. This standard precludes the possibility of subdividing larger parcels into 0.5-acre or smaller parcels for the purpose of avoiding the minimum density requirement. For internal consistency, staff is proposing that this standard also be applied to the Residential Medium Density land use category.

Implementation of the November 13, 1991 standard regarding lots 0.5 acres or smaller will have negligible impact upon the number of presently existing lots in the Residential Medium and Residential High Density land use categories from minimum density requirements. Adoption of the standard will establish a high degree of certainty with respect to the number and location of lots exempt from the minimum density requirements. There are approximately 1,885 parcels 0.5-acres or smaller in the Residential Medium and High categories. Of these, 122 are vacant and 694 are developed as single-family.

The previously proposed amendments with to Policy 2.1.1 are revised as shown below to include the November 13, 1991 standard regarding lots 0.5 acres or smaller.

Amendments to Policy 2.1.1

Residential Medium Density (~~8 to~~ 30 units per acre)

This land use classification shall allow single-family and multi-family development at densities from ~~8 to~~ 30 dwelling units per acre. Lots that existed on November 13, 1991 and are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as Residential Medium Density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family and medium intensity multi-family development. Land Development Regulations shall determine gradations of density and specific uses. Land Development Regulations shall specify criteria for the siting of appropriate medium intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations within certain limitations.

Medium Density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family and medium intensity multi-family development. Land Development Regulations shall determine gradations of density and specific uses. Land Development Regulations shall specify criteria for the siting of appropriate medium intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations within certain limitations.

Residential High Density (8 ~~24~~ -100 units per acre)

This category shall allow multi-family development at densities from ~~8 24~~ to 100 dwelling units per acre. Lots that existed on November 13, 1991 and are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as residential high density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for high intensity multi-family development, and secondary retail and office uses scaled to serve the immediate neighborhood. The intensity of secondary retail and office use cannot exceed more than 20% of the residential floor area. Land Development Regulations shall determine gradations of density, specific uses, percentage of floor area and maximum floor area appropriate for secondary uses. Single-family shall be an allowable use. Land Development Regulations shall specify the criteria for the siting of high intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land development regulations shall allow Home Occupations within certain limitations.

II. Consistency with the State Comprehensive Plan, Chapter 187, F.S.

A. DCA OBJECTIONS

1. The amendment is not consistent with the State Comprehensive Plan, including the following goals and policies: 1. Goal 16 (Land Use), Policy 1

DCA Recommendation

Revise the amendment to be consistent with the State Comprehensive Plan by undertaking the recommendation included elsewhere in this report.

City's Response

Goal 16, Policy 1 of the State Plan is to "Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce." The requested revision of the proposed comprehensive plan amendment is consistent with this policy and has been made. This revision has been made to both the Residential High and Residential Medium Density land use categories, as shown above.

**City of Gainesville Response
to
Florida Department of Community Affairs
regarding
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
for
Amendment 99-1ERA**

FUTURE LAND USE ELEMENT TEXT AMENDMENT

I. Consistency with Chapter 163, F.S. and Rule 9J-5, F.A.C.

A. DCA OBJECTIONS

1. Policy 2.1.1 does not include predictable standards regarding the exemption of 0.5-acre lots from the minimum density requirements in the RHD category. The policy does not clearly explain that it is the City's intention to allow single family development only on 0.5-acre lots that existed on November 13, 1991, the date of plan adoption. (Section 163.3177(6)(a) and (8), F.S., and Rule 9J-5.006(3)(c)7., F.A.C.

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Revise the amendment to specify that single family dwelling units may be allowed within the RHD category but only on lots of record that existed on November 13, 1991, the date of plan adoption.

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The requested revision of the proposed comprehensive plan amendment has been made. This revision has been made to both the Residential High and Residential Medium Density land use categories. The previously proposed amendments to Policy 2.1.1 are revised as shown below include the November 13, 1991 standard regarding lots 0.5 acres or smaller.

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This land use classification shall allow single-family and multi-family development at densities from 8 ~~10~~ to 30 dwelling units per acre. Lots that existed on November 13, 1991 and are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as Residential

Medium Density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family and medium intensity multi-family development. Land Development Regulations shall determine gradations of density and specific uses. Land Development Regulations shall specify criteria for the siting of appropriate medium intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations within certain limitations.

Residential High Density (8 ~~21~~ -100 units per acre)

This category shall allow multi-family development at densities from 8 ~~21~~ to 100 dwelling units per acre. Lots that existed on November 13, 1991 and are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as residential high density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for high intensity multi-family development, and secondary retail and office uses scaled to serve the immediate neighborhood. The intensity of secondary retail and office use cannot exceed more than 20% of the residential floor area. Land Development Regulations shall determine gradations of density, specific uses, percentage of floor area and maximum floor area appropriate for secondary uses. Single-family shall be an allowable use. Land Development Regulations shall specify the criteria for the siting of high intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land development regulations shall allow Home Occupations within certain limitations.

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A. DCA OBJECTIONS

1. The amendment is not consistent with the State Comprehensive Plan, including the following goals and policies: 1. Goal 16 (Land Use), Policy 1

DCA Recommendation

Revise the amendment to be consistent with the State Comprehensive Plan by undertaking the recommendation included elsewhere in this report.

City's Response

Goal 16, Policy 1 of the State Plan is to "Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce." The requested revision of the proposed comprehensive plan amendment is consistent with this policy and has been made. This revision has been made to both the Residential High and Residential Medium Density land use categories, as shown above.

Item No. 2

To: City Plan Board

Date: December 17, 1998

From: Planning Staff

Subject: Petition 215CPA-98PB, City Plan Board. Amend Policy 2.1.1 of the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Element to establish minimum densities of 8 units per acre for the Residential Medium (10-30 units per acre) and Residential High Density (21-100 units per acre) future land use categories, to exempt lots of a certain size from minimum density requirements in the Residential Medium and Residential High Density categories, and to allow single-family use in the Residential High Density category.

Recommendation

Planning Division staff recommends approval of Petition 215CPA-98PB.

Explanation

The City Commission has requested that several of the needed amendments to the 1991-2001 Comprehensive Plan discussed in the Evaluation and Appraisal Report (EAR) that was adopted on September 28, 1998 be initiated now, at the beginning of the comprehensive update of the Plan. These proposed amendments to the Future Land Use Element, if approved, will reduce the minimum density requirements in the Residential Medium and Residential High Density categories to eight units per acre, exempt lots of a certain size (staff recommends less than or equal to 0.5 acres) from minimum density requirements, and provide for single family as an allowable use in the Residential High Density category. The current minimum densities in the Residential Medium and High future land use categories are, respectively, 10 units per acre and 21 units per acre. There presently are no minimum density exceptions in these future land use categories, and single family is presently not an allowable use in the Residential High Density category.

Minimum density requirements are an important component of the City's long-term commitment to increased residential density, promoting infill development, minimizing urban sprawl, and increased viability of mass transit. However, there have been problems associated with the minimum density requirements in the Residential Medium and Residential High land use categories. Development problems associated with substandard lots and developed sites where

demolition is not contemplated have become evident since establishment of the minimum density requirements. The minimum density requirements have been unrealistically high for many individual lots, particularly those smaller than 0.5 acres. The proposed reductions in required minimum density to eight units per acre for both the Residential Medium and High land use categories address these issues, as does the proposed exemption from minimum density requirements for parcels 0.5 acres or less in size. Eight units per acre is the density that is widely accepted as the minimum needed to support mass transit as a viable transportation option.

Another problem that has become evident is the exclusion of single-family as an allowable use in the Residential High Density category. Prior to adoption of the 1991-2001 Comprehensive Plan, single family was a permitted use in this future land use category. This has resulted in non-conforming status for single family houses in the Residential High category, and a consequent hardship for their owners, particularly with regards to financial institutions that are reluctant to re-finance non-conforming uses.

The proposed amendments also provide for additional infill opportunities and are supportive of the City's interest in infill development, redevelopment, and curtailment of sprawl.

Amendments to Policy 2.1.1

Residential Medium Density (~~8~~ -30 units per acre)

This land use classification shall allow single-family and multi-family development at densities from ~~8~~ 10 to 30 dwelling units per acre. Lots that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as Residential Medium Density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family and medium intensity multi-family development. Land Development Regulations shall determine gradations of density and specific uses. Land Development Regulations shall specify criteria for the siting of appropriate medium intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations within certain limitations.

Residential High Density (~~8~~ 21 -100 units per acre)

This category shall allow multi-family development at densities from ~~8~~ 21 to 100 dwelling units per acre. Lots that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as residential high density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for high intensity multi-family development, and secondary retail and office uses scaled to serve the immediate neighborhood. The intensity of secondary retail and office use cannot exceed more than 20% of the residential floor area. Land Development Regulations shall determine gradations of density, specific uses, percentage

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of floor area and maximum floor area appropriate for secondary uses. Single-family shall be an allowable use. Land Development Regulations shall specify the criteria for the siting of high intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land development regulations shall allow Home Occupations within certain limitations.

Respectfully Submitted,



Ralph Hilliard
Planning Manager

RH:DM

2. **Petition 215CPA-98 PB** City Plan Board. Amend Policy 2.1.1 of the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Element to establish minimum densities of 8 units per acre for the Residential Medium (10-30 units per acre) and Residential High Density (21-100 units per acre) future land use categories, to exempt lots of a certain size from minimum density requirements in the Residential Medium and Residential High Density categories, and to allow single-family use in the Residential High Density category.

Mr. Ralph Hilliard was recognized. Mr. Hilliard stated that Petitions 215CPA-98 PB and 216TCH-98 PB would be discussed together since they were related.

Mr. Dean Mimms was recognized. Mr. Mimms indicated that the petitions before the board were EAR based amendments. He explained that the EAR, as adopted by the City, was approved by the State Department of Community Affairs. He indicated that the City Commission had requested that the two amendments before the board go forward at the present time instead of later in the Comprehensive Plan process. He discussed the proposed changes in density in certain land use categories. Mr. Mimms stated that the City had a long-standing commitment to infill, fighting sprawl, and providing for the viability of mass transit through minimum density requirements. He discussed problems associated with the issues of density.

Dr. Fried asked if the petitions changed the maximum densities allowed.

Mr. Mimms replied that they did not. He suggested that the amendments would increase opportunities for infill development and re-development. Regarding Petition 216TCH-98 PB, Mr. Mimms stated that it involved text changes to implement the changes in Policy 2.1.1 of the Comprehensive Plan as proposed by Petition 215CPA-98 PB. He reviewed the changes proposed by Petition 216TCH-98 PB in detail.

There was discussion of accessory structures as opposed to accessory dwelling units.

Vice-Chair Guy asked how the figure of eight dwelling units per acre was determined.

Mr. Mimms explained that it was a recognized minimum threshold for mass transit.

There was discussion of the number of lots that would be affected by the proposed changes.

Vice-Chair Guy opened the floor to public comment.

Mr. Jim Meehan was recognized. Mr. Meehan indicated that he supported the petition.

Mr. Robert Pearce was recognized. Mr. Pearce indicated that he supported the petition. He discussed some of the details of the petitions and accessory dwelling units. He cited concerns about the limits of setbacks on smaller lots.

Vice-Chair Guy closed the floor to public comment.

Mr. McGill discussed accessory dwelling units and noted that the issue was not before the board. He explained that the issue of accessory dwelling units would be very significant when it came up. He indicated that he believed the petition before the board would solve some of the problems in older neighborhoods.

Dr. Fried made the motion to approve Petition 215CPA-98 PB and 216TCH-98 PB.

Mr. McGill seconded the motion.

Vice-Chair Guy indicated that, while he agreed with the principles and goals of the petitions, it appeared to be a blanket solution. He discussed problems of the lack of density in areas where it was most needed, around the University of Florida. He pointed out that the densities were put in place by a Comprehensive Plan process and the petitions appeared to be taking a step back from some of the goals of that plan. Regarding the problem of single-family in higher density zoning, he suggested that they should be resolved on a case-by-case basis.

<u>Motion By:</u> Dr. Fried	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Approve Petition 215 CPA-98 PB.	<u>Upon Vote:</u> Motion Carried 3-1 Yeas: McGill, Carter, Fried Nays: Guy

3. **Petition 216TCH-98 PB** City Plan Board. Amend the City of Gainesville Land Development Code to establish a minimum density of 8 units per acre in the RMF-6 (10-15 du/a), RMF-7 (14-21 du/a), RMF-8 (20-30 du/a), RH-1 (20-43 du/a) and RH-2 (44-100 du/a) residential districts, and add single-family dwelling as a use by right in the RH-1 and RH-2 districts .

Petition 216TCH-98 PB was discussed with Petition 215CPA-98 PB.

<u>Motion By:</u> Dr. Fried	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Approve Petition 216TCH-98 PB.	<u>Upon Vote:</u> Motion Carried 3-1 Yeas: McGill, Carter, Fried Nays: Guy

