

ORDINANCE NO. 061125
0-09-09

An ordinance of the City of Gainesville, Florida, relating to building height in the College Park Special Area Plan; amending Appendix A, Section 3, Exhibit B, College Park Special Area Plan, of the Land Development Code, by revising the overall maximum building heights and minimum and maximum number of stories for Type I and Type II new construction; by deleting the option for additional stories by Planned Development rezoning for Type I new construction; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a public hearing 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 May 17, 2007; and

WHEREAS, notice was given and publication made as required by law and a public hearing on the petition was held by the City Commission on August 13, 2007; 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, the public hearings were held pursuant to the published notice described above, at which hearings 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 THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The portion of Appendix A, Section 3, Exhibit B, College Park Special Area Plan, Urban Regulations for New Construction-Type I and Urban Regulations for New Construction-Type II, of Land Development Code of the City of Gainesville, relating to building height, is amended to read as follows:

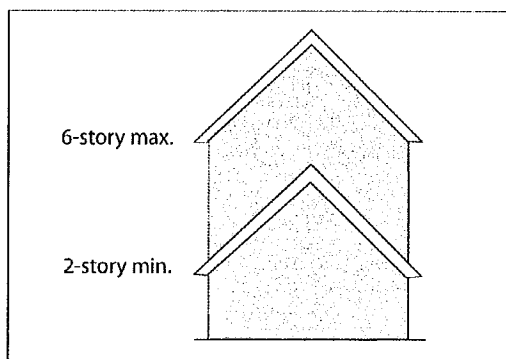
Appendix A, SECTION 3. SPECIAL AREA PLAN FOR COLLEGE PARK

Exhibit B. College Park Special Area Plan

Urban Regulations For New
Construction--Type I

Building Height.

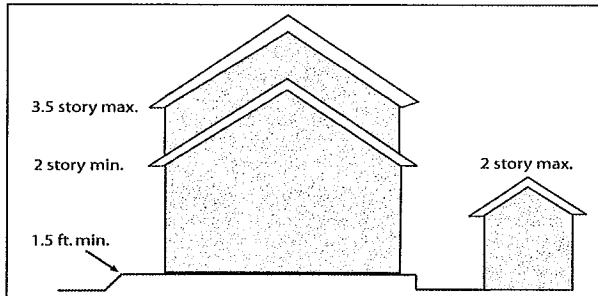
1. Heights shall be measured relative to the fronting street elevation.
2. ~~Minimum~~ Maximum building height shall be 78 feet, ~~consisting of a minimum of two stories and a maximum of six stories.~~ The first story shall be at least 10 feet floor to ceiling height.
3. ~~Maximum building height shall not exceed six stories by right (and up to eight stories by special use permit), in accordance with Section 30-65.1. The overall height of the building cannot exceed 104 feet, except by a PD rezoning in conjunction with a PUD land use change, where limitations on building height and maximum stories are set by the PUD land use amendment, or within an existing land use category that allows the desired height, and implemented by the PD layout plan, PD plan report and elevations.~~



Urban Regulations For New
Construction--Type II

Building Height.

1. Heights shall be measured relative to the fronting street elevation. The 1.5 feet minimum shown in the diagram shall be the minimum distance above the street elevation for setting the principal structure. ~~Minimum and maximum building height shall be measured in number of stories, each not to exceed 13 feet floor to ceiling.~~
2. Except as provided in 3. below, maximum building height shall be 45.5 feet, consisting of a minimum of 2 stories and a maximum of 3.5 stories.
3. When a single, unified development is proposed on a block containing both Type I and Type II designations and the proposed development is not within 100 feet of property designated for single family land use, a maximum building height of 78 feet, consisting of a minimum of 2 stories and a maximum of 6 stories, is allowed by special use permit.




Section 2. It is the intention of the City Commission that the provisions of Section 1 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.

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


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

Section 5. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED this 16th of April, 2009.

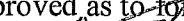

PEGÉEN HANRAHAN,
MAYOR

ATTEST:



KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality



MARION J. RADSON
CITY ATTORNEY

APR 16 2009

This Ordinance passed on first reading this 2nd day of April, 2009.

This Ordinance passed on second reading this 16th day of April, 2009.