



MEMORANDUM

Office of the City Attorney

Registar No. 041057

Phone: 334-5011/Fax 334-2229
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TO: Mayor and City Commission

DATE: August 8, 2005
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-72; Petition 34CPA-05 PB
An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan; creating and adding two new land use categories, Urban Mixed-Use district 1 (UMU-1: up to 75 units per acre) and Urban Mixed Use district 2 (UMU-2: up to 100 units per acre); allowing for up to 25 additional units per acre by Special Use permit; providing conditions and standards; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance at the transmittal stage.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This is a request to add a new land use category to the Future Land Use Element of the City's 2000 - 2010 Comprehensive Plan. The concept for this new category was developed after a city government fact-finding trip to Norfolk, Va. and New Haven, Conn. After the trip, the City Commission formed the Urban Master Planning Committee. The committee recommended that the City adopt a flexible urban mixed-use land use and zoning district, allowing increased heights and densities, and allowing mixed uses including "tech transfer" uses.

Based on the City Commission's recommendation staff developed the following land use category:

Urban Mixed-Use (up to 75 units per acre)

This category allows a mixture of residential, retail and office/research uses. This district is distinguished from other mixed-use districts in that it is specifically established to support biotechnology research in close proximity to the University of Florida. An essential component of the district is orientation of structures to the street and pedestrian character of the area. Retail and office uses located within this district should be scaled to fit into the character of the area. Residential development that caters to a diverse group of people of varying incomes shall be encouraged. Land development regulations shall set the district size; appropriate densities (up to 75 units per acre); the distribution of uses; design criteria; landscaping, pedestrian, and vehicular access. Land development

regulations shall specify the criteria for the citing of public and private schools, places of religious assembly and community facilities within this category.

The City Plan Board heard the petition and recommended approval with the condition that staff meet with developers of the College Park/University Height's area about the density prior to the City Commission hearing.

Public notice was published in the Gainesville Sun on May 3, 2005. Letters were mailed to property owners and surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005.

CITY ATTORNEY MEMORANDUM

During its June 13, 2005 hearing on the petition, the City Commission moved to create two urban mixed-use land use categories (one up to 75 dwelling units per acre and the other up to 100 dwelling units per acre, each with up to 25 additional units per acre with Special Use permit) and a 2-story minimum height throughout the urban mixed use land use categories. The proposed ordinance reflects these changes.

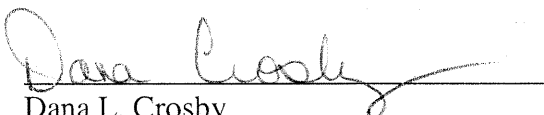
Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

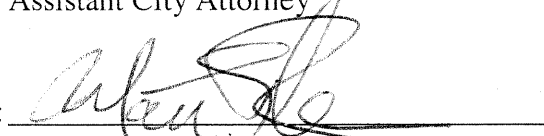
Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Fiscal Note. None.

Prepared by:


Dana L. Crosby
Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson,
City Attorney

MJR:DC:sw

ORDINANCE NO. 0-05-72

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An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan; creating and adding two new land use categories, Urban Mixed-Use district 1 (UMU-1: up to 75 units per acre) and Urban Mixed Use district 2 (UMU-2: up to 100 units per acre); allowing for up to 25 additional units per acre by Special Use permit; providing conditions and standards; providing directions to the city manager; 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 2000-2010 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 May 19, 2005; and

WHEREAS, notice was given and publication was made as required by law of the City Commission's public hearing on this petition on June 13, 2005; 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**
 12 **OF THE CITY OF GAINESVILLE, FLORIDA:**

13 **Section 1.** The Future Land Use Element, Goals, Policies and Objectives, City of
 14 Gainesville 2000-2010 Comprehensive Plan, is amended by creating and adding a new
 15 Land Use Category, to read as follows:

16 **Urban Mixed-Use 1 (UMU-1: up to 75 units per acre)**

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 18 This category allows a mixture of residential, retail and office/research
 19 uses. The Urban Mixed Use districts are distinguished from other mixed-
 20 use districts in that they are specifically established to support
 21 biotechnology research in close proximity to the University of Florida. An
 22 essential component of the district is orientation of structures to the street
 23 and pedestrian character of the area. Retail and office uses located within
 24 this district shall be scaled to fit into the character of the area. Residential
 25 density shall be limited to 75 units per acre with provisions to add up to 25
 26 additional units per acre by special use permit. All new development must
 27 be a minimum of 2 stories in height. Building height shall be limited to 6
 28 stories and up to 8 stories by special use permit. Land development
 29 regulations shall set the appropriate densities; the distribution of uses;

1 design criteria; landscaping, pedestrian, and vehicular access. Land
2 development regulations shall specify the criteria for the siting of public
3 and private schools, places of religious assembly and community facilities
4 within this category.

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6 **Section 2.** The Future Land Use Element, Goals, Policies and Objectives, City of
7 Gainesville 2000-2010 Comprehensive Plan, is amended by creating and adding a new
8 Land Use Category, to read as follows:

9 **Urban Mixed-Use 2 (UMU-2: up to 100 units per acre)**

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11 This category allows a mixture of residential, retail and office/research
12 uses. The Urban Mixed districts are distinguished from other mixed-use
13 districts in that they are specifically established to support biotechnology
14 research in close proximity to the University of Florida. An essential
15 component of the district is orientation of structures to the street and
16 pedestrian character of the area. Retail and office uses located within this
17 district should be scaled to fit into the character of the area. Residential
18 density shall be limited to 100 units per acre with provisions to add up to
19 25 additional units per acre by special use permit. All new development
20 must be a minimum of 2 stories in height. Building height shall be limited
21 to 6 stories and up to 8 stories by special use permit. Land development
22 regulations shall set the appropriate densities; the distribution of uses;
23 design criteria; landscaping, pedestrian, and vehicular access. Land
24 development regulations shall specify the criteria for the siting of public
25 and private schools, places of religious assembly and community facilities
26 within this category.

27
28 **Section 3.** The City Manager is authorized and directed to make the necessary
29 changes in maps and other data in the City of Gainesville 2000-2010 Comprehensive
30 Plan, or element, or portion thereof in order to fully implement this ordinance.

31 **Section 4.** It is the intent of the City Commission that these new categories will
32 become part of the City of Gainesville 2000-2010 Comprehensive Plan.

33 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be

1 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
2 in no way affect the validity of the remaining portions of this ordinance.

3 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the
4 extent of such conflict hereby repealed.

5 **Section 7.** This ordinance shall become effective immediately upon final
6 adoption; however, the effective date of this plan amendment shall be the date a final
7 order is issued by the Administration Commission finding the amendment to be in
8 compliance in accordance with Section 163.3184, F.S.

9 **PASSED AND ADOPTED** this ____ day of _____, 2005.

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PEGEEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

22 This Ordinance passed on first reading this ____ day of _____, 2005.

23 This Ordinance passed on second reading this ____ day of _____, 2005.