

ORDINANCE NO. 0-06-87

1
2
3
4
5
6
7
8
9
10
11

An ordinance of the City of Gainesville, Florida, amending Appendix A of the Land Development Code, relating to the 13th Street Special Area Plan, adding exceptions to development standards for development proposals processed as a Planned Development; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

12

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

14

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on June 15, 2006; and

16

WHEREAS, the City Commission heard and approved this petition on August 14, 2006; and

18

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 in the Auditorium of City Hall in the City of Gainesville; and

21

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;

24

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

26

Section 1. Chapter 30, Appendix A, Section 7, subsection (e) of Exhibit A, 13th Street Special Area Plan, City of Gainesville Land Development Code, is amended to read as follows:

27

13th Street Special Area Plan

(e) Exceptions. Exceptions to the following standards of the Southwest 13th Street Special Area Plan can be granted by the appropriate reviewing board, city manager or designee:

- 1. Build-to line;
2. Number and layout of automobile parking spaces;
3. Dimensional requirements;
4. Buffers for single-family areas;
5. Required sidewalks;
6. Landscaping; and
7. Materials.

Exceptions to the above listed standards may be granted only upon a finding that either of the following criteria are met:

- 1. The proposed construction is consistent with the overall intent of these minimum development standards; or
2. Except for Planned Developments, the applicant proves an undue hardship, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these standards.

(f) Additional Exceptions for Planned Development (PD).

1. In addition to being eligible for the exceptions set forth in subsection (e), developments processed as a PD shall be eligible for exceptions to the following standards of the Southwest 13th Street Special Area Plan:

1 (a) Building orientation;

2 (b) Bicycle parking;

3 (c) Signs;

4 (d) Trash and recycling receptacles, and loading docks;

5 (e) Building wall articulation; and

6 (f) Mechanical equipment.

7 2. The PD application shall clearly outline the basis and rationale for the requested
8 exemption(s) from the standards of the Southwest 13th Street Special Area Plan.

9 3. An exemption for a PD may be granted only upon a finding that the proposed
10 construction is consistent with the overall intent of these minimum development standards.

11 4. Exceptions allowed for a PD shall not be construed or interpreted to allow a use
12 that is prohibited within the Southwest 13th Street Special Area Plan.

13
14 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
15 this ordinance shall become and be made a part of the Code of Ordinances of the City of
16 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered
17 or relettered in order to accomplish such intentions.

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

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

D R A F T

9-12-06

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Section 5. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this ____ day of _____, 2006.

PEGEEN HANRAHAN,
MAYOR

ATTEST: Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this ____ day of _____, 2006.

This Ordinance passed on second reading this ____ day of _____, 2006.