



# MEMORANDUM

## Office of the City Attorney

Legistar No. 041057

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

**TO:** Mayor and City Commission

**DATE:** November 14, 2005  
SECOND 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.

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Recommendation: The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.

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.


The State of Florida Department of Community Affairs issued a letter dated September 27, 2005, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

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:

  
Dana L. Crosby, Assistant City Attorney

Approved and  
Submitted by:

  
Marion J. Radson, City Attorney

MJR:DC:sw



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
 "Dedicated to making Florida a better place to call home"

THADDEUS L COHEN, AIA  
 Secretary

JEB BUSH  
 Governor

September 27, 2005

The Honorable Pogueen Hanrahan  
 Mayor, City of Gainesville  
 P.O. Box 490, Station 19  
 Gainesville, FL 32601-0490

Dear Mayor Hanrahan:

The Department has conducted a preliminary review of the City of Gainesville proposed comprehensive plan amendments received on August 23, 2005, DCA Reference No. 05-2.

The Department has determined that the proposed plan amendments need not be formally reviewed for consistency with Chapter 163, Florida Statutes (F.S.), and Rule 9J-5, Florida Administrative Code (F.A.C.). In addition, the Department has not received any recommendation for review from the North Florida Regional Planning Council or any affected person regarding the proposed amendment.

Therefore, the proposed amendment will not be reviewed and the Objections, Recommendations and Comments report will be waived. The local government may proceed to immediately adopt the amendment. After adoption, please submit three copies of the adopted amendment to the Department for our final compliance review, consistent with the requirements of Rule 9J-11.011, F.A.C.

The proposed comprehensive plan amendment includes the creation of two new mixed-use future land use categories; the amendment indicates the distribution of uses for these categories will be provided in the City's Land Development Code. Prior to adoption of this amendment the Department recommends the City include this information in the Comprehensive Plan.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review.**

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
<http://www.dca.state.fl.us>

Rec'd  
 9/30/05  
 Comm. Devel. Dept.

FROM: COMMUNITY DEVELOPMENT  
DATE: 09/27/2005 10:52 AM

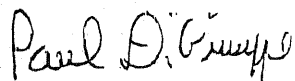
The Honorable Pegeen Hanrahan  
September 27, 2005  
Page 2

**In the event no names, addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice pursuant to Chapter 163.3184(9), F.S.

This letter should be made available for public inspection. If you have any further questions, please contact Ana Richmond at 850-922-1794.

Sincerely,



Paul DiGiuseppe  
Regional Planning Administrator

PD/ar

cc: Mr. Charles Justice, Executive Director, North Central Florida Regional Planning Council  
Mr. Dean Mimms, AICP, Chief of Comprehensive Planning City of Gainesville

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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

WHEREAS, a second advertisement no less than two columns wide by 10 inches

1 long was placed in the aforesaid newspaper notifying the public of the second Public  
2 Hearing to be held at least 5 days after the day the second advertisement was published;  
3 and

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

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

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

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

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

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

1 and private schools, places of religious assembly and community facilities  
2 within this category.

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

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

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9 This category allows a mixture of residential, retail and office/research  
10 uses. The Urban Mixed districts are distinguished from other mixed-use  
11 districts in that they are specifically established to support biotechnology  
12 research in close proximity to the University of Florida. An essential  
13 component of the district is orientation of structures to the street and  
14 pedestrian character of the area. Retail and office uses located within this  
15 district should be scaled to fit into the character of the area. Residential  
16 density shall be limited to 100 units per acre with provisions to add up to  
17 25 additional units per acre by special use permit. All new development  
18 must be a minimum of 2 stories in height. Building height shall be limited  
19 to 6 stories and up to 8 stories by special use permit. Land development  
20 regulations shall set the appropriate densities; the distribution of uses;  
21 design criteria; landscaping, pedestrian, and vehicular access. Land  
22 development regulations shall specify the criteria for the siting of public  
23 and private schools, places of religious assembly and community facilities  
24 within this category.  
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26 **Section 3.** The City Manager is authorized and directed to make the necessary  
27 changes in maps and other data in the City of Gainesville 2000-2010 Comprehensive  
28 Plan, or element, or portion thereof in order to fully implement this ordinance.

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

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

1 Section 6. All ordinances or parts of ordinances in conflict herewith are to the  
2 extent of such conflict hereby repealed.

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

7 PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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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 8<sup>th</sup> day of August, 2005.

This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.