

LEGISLATIVE #

100684 A

ORDINANCE NO. 100684

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2
3 **An ordinance amending the Future Land Use Element of the City of**
4 **Gainesville 2000-2010 Comprehensive Plan; by amending the text of**
5 **Policy 4.1.1 for the land use categories of Mixed-Use Low-Intensity**
6 **(MUL), Mixed-Use Medium-Intensity (MUM), Urban Mixed-Use 1**
7 **(UMU-1) and Urban Mixed-Use 2 (UMU-2); by amending the text in**
8 **Policy 4.1.3 to revise criteria for proposed changes to the Future Land**
9 **Use Map; by adding additional zoning districts to the table titled**
10 **“Future Land Use Categories and Corresponding/Implementing**
11 **Zoning Districts”; stating intent to adopt the amendments as part of**
12 **the City of Gainesville 2000-2010 Comprehensive Plan; providing**
13 **directions to the city manager; providing a severability clause;**
14 **providing a repealing clause; and providing an effective date.**

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16 **WHEREAS**, publication of notice of a public hearing was given that the Future Land
17 Use Element be amended by changing the text of the City of Gainesville 2000-2010
18 Comprehensive Plan; and

19 **WHEREAS**, notice was given and publication made as required by law and a Public
20 Hearing was then held by the City Plan Board on January 27, 2011; and

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

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

29 **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 Hearing
2 to be held at least 5 days after the day the second advertisement was published; and

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

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

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

10 **Section 1.** Portions of Policy 4.1.1 of the Future Land Use Element of the City of Gainesville
11 2000-2010 Comprehensive Plan are amended as stated below. Except as amended herein, the
12 remainder of Policy 4.1.1 remains in full force and effect.

13 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

14 **Mixed-Use Low Intensity (8-30 units per acre)**

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17 This category allows a mixture of residential and non-residential uses such as
18 standard lot single-family houses, small-lot single-family houses, duplex houses,
19 townhouses (attached housing), accessory dwelling units, group homes, multi-family
20 housing (if compatible in scale and character with other dwellings in the proposed
21 neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to
22 serve the surrounding neighborhood, public and private schools, places of religious
23 assembly and other community civic uses, and traditional neighborhoods on sites 16
24 acres or larger in conformance with the adopted Traditional Neighborhood
25 Development (TND) ordinance. Residential development shall be limited to 8 to 30
26 units per acres. Lots that existed on November 13, 1991 and that are less than or equal
27 to 0.5 acres in size shall be exempt from minimum density requirements. Intensity
28 will be controlled, in part, by adopting land development regulations that establish
29 height limits of 5 stories or less; however, height may be increased to a maximum of
30 8 stories by special use permit. Land development regulations shall establish the
31 thresholds for the percentage of mixed uses for new development or redevelopment of

1 sites 10 acres or larger. At a minimum, the land development regulations shall
 2 encourage that: at least 10 percent of the floor area of new development or
 3 redevelopment of such sites be residential; or, that the surrounding area of equal or
 4 greater size than the development or redevelopment site, and within ¼ mile of the
 5 site, have a residential density of at least 6 units per acre. Residential use shall not be
 6 a required development component for public and private schools, institutions of
 7 higher learning, places of religious assembly and other community civic uses.
 8 Buildings in this category shall face the street and have modest (or no) front setbacks.

9
 10 This category shall not be used to extend strip commercial development along a
 11 street. Land development regulations shall ensure a compact, pedestrian-friendly
 12 environment for these areas, and provide guidelines or standards for the compatibility
 13 of permitted uses.

14
 15 **Mixed-Use Medium-Intensity (12-30 units per acre)**

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 17 This category allows a mixture of residential, office, business and light industrial uses
 18 concentrated in mapped areas. This category shall also allow traditional
 19 neighborhoods on sites 16 acres or larger in conformance with the adopted Traditional
 20 Neighborhood Development (TND) ordinance. Public and private schools,
 21 institutions of higher learning, places of religious assembly and community facilities
 22 shall be appropriate in this category. Such development shall function as
 23 neighborhood center serving multiple neighborhoods. It is not expected that these
 24 areas shall be expanded significantly during this planning period. Land development
 25 regulations shall ensure a compact, pedestrian environment for these areas; provide
 26 guidelines for the compatibility of permitted uses; and ensure that such areas do not
 27 serve overlapping market areas of other designated medium-intensity neighborhood
 28 centers. Residential development ~~from~~ shall be limited to 12 to 30 units per acre shall
 29 be permitted. Lots that existed on November 13, 1991 and that are less than or equal
 30 to 0.5 acres in size shall be exempt from minimum density requirements. Intensity
 31 will be controlled, in part, by adopting land development regulations that establish
 32 height limits of 5 stories or less; however, height may be increased to a maximum of
 33 8 stories by special use permit. Land development regulations shall establish the
 34 thresholds for the percentage of mixed uses for new development or redevelopment of
 35 sites 10 acres or larger. At a minimum, the land development regulations shall
 36 encourage that: at least 10 percent of the floor area of new development or
 37 redevelopment of such sites be residential; or, that the surrounding area of equal or
 38 greater size than the development or redevelopment site, and within 1/4 mile of the
 39 site, have a residential density of at least 6 units per acre. Residential use shall not be
 40 a required development component for public and private schools, institutions of
 41 higher learning, places of religious assembly and community facilities. Buildings in
 42 this land use category shall face the street and have modest (or no) front setbacks.
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Urban Mixed-Use 1 (UMU-1: ~~up to 8~~ - 75 units per acre; and up to 25 additional units per acre by special use permit)

This category allows a mixture of residential, retail, service and office/research uses. The Urban Mixed Use districts are distinguished from the other mixed-use districts in that they are specifically established to support ~~biotechnology research~~ research and development in the physical, engineering and life sciences in close proximity to the University of Florida main campus. An essential component of the district is orientation of structures to the street and ~~pedestrian~~ multi-modal character of the area. Retail and office uses located within this district ~~should~~ shall be scaled to fit into the character of the area. Residential density shall be limited to 75 units per acre with provisions to add up to 25 additional units per acre by special use permit. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. ~~All new development must be a minimum of 2 stories in height.~~ All new non-single-family principal buildings shall have a minimum height of 24 feet. Building height shall be limited to 6 stories. Land development regulations shall set the appropriate densities; the distribution of uses; design criteria; landscaping, and ~~pedestrian,~~ and ~~/vehicular~~ access.

Urban Mixed-Use 2 (UMU-2: ~~up 10~~ to 100 units per acre; and up to 25 additional units per acre by special use permit)

This category allows a mixture of residential, retail, service and office/research uses. The Urban Mixed Use districts are distinguished from the other mixed-use districts in that they are specifically established to support ~~biotechnology research~~ research and development in the physical, engineering and life sciences in close proximity to the University of Florida main campus. An essential component of the district is orientation of structures to the street and ~~pedestrian~~ multi-modal character of the area. Retail and office uses located within this district ~~should~~ shall be scaled to fit into the character of the area. Residential density shall be limited to 10 to 100 units per acre with provisions to add up to 25 additional units per acre by special use permit. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. ~~All new development must be a minimum of 2 stories in height.~~ All new non-single-family principal buildings shall have a minimum height of 24 feet. Building height shall be limited to 6 stories and up to 8 stories by special use permit. Land development regulations shall set the appropriate densities; the distribution of uses; design criteria; landscaping, and ~~pedestrian,~~ and ~~/vehicular~~ access. Land development regulations shall specify the criteria for the siting of public and private schools, places of religious assembly, and community facilities within this category.

1 **Section 2.** Policy 4.1.3 of the Future Land Use Element of the City of Gainesville 2000-2010
2 Comprehensive Plan is amended as stated below.

3 4.1.3 The City will review proposed changes to the Future Land Use Map by considering
4 factors such as, but not limited to, the following:

- 5
- 6 1. ~~Overall compatibility of the proposal;~~ Consistency with the Comprehensive
7 Plan;
- 8 2. ~~Surrounding land uses;~~ Compatibility and surrounding land uses;
- 9 3. Environmental impacts and constraints;
- 10 4. ~~Whether the change promotes urban infill;~~ Support for urban infill and/or
11 redevelopment;
- 12 5. ~~Whether the best interests, community values, or neighborhood support is~~
13 ~~achieved;~~ Impacts on affordable housing;
- 14 6. Impacts on the transportation system;
- 15 7. ~~Financial feasibility, as defined in State law; and,~~
- 16 7. An analysis of the availability of facilities and services; and
- 17 8. Need for the additional acreage in the proposed future land use category.
- 18

19 In no case shall this or any other Policy in the Future Land Use Element indicate a
20 presumption that the City shall support a change of designation of land use for any
21 parcel.
22

23 **Section 3.** The table titled “Future Land Use Categories and Corresponding/Implementing
24 Zoning Districts” within the Future Land Use Element of the City of Gainesville 2000-2010
25 Comprehensive Plan is amended as stated below.

26 **Future Land Use Categories and Corresponding/Implementing Zoning Districts:**
27

Land Use Categories	Zoning Districts
Single Family (SF)	RSF-1, RSF-2, RSF-3, RSF-4, RSF-R, CON, PD, PS
Residential-Low (RL)	RSF-4, RMF-5, MH, RC, PD, CON, PS
Residential-Medium (RM)	RMF-6, RMF-7, RMF-8, PD, CON, PS
Residential-High (RH)	RH-1, RH-2, PD, TND, CON, PS
Mixed Use-Residential (MUR)	RMU, PD, CON, PS
Mixed Use-Low (MUL)	MU-1, PD, TND, CON, PS

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CODE: Words ~~stricken~~ are deletions; words underlined are additions; words ~~double strike~~
~~through~~ are deletions on second reading; words double underlined are additions on second
reading.

Mixed Use-Medium (MUM)	MU-2, CP, PD, TND, CON, <u>PS</u>
Mixed Use-High (MUH)	CCD, PD, TND, CON, PS, CCD-1
Urban Mixed-Use 1 (UMU-1)	UMU-1, CON, PS, PD
Urban Mixed-Use 2 (UMU-2)	<u>UMU-1, UMU-2, UMU-3</u> , CON, PS, PD
Office (O)	OR, OF, MD, PD, CON, PS
Commercial (C)	BA, BT, BUS, W, PD, CON, PS
Business Industrial (BI)	<u>BI, PD, PS, CON</u>
Industrial (IND)	I-1, I-2, W, PD, CON, PS, <u>BI</u>
Education (E)	ED, PD, CON, PS
Recreation (REC)	PS, PD, CON
Conservation (CON)	CON, PD, PS
Agriculture (AGR)	AGR, CON, PS
Public Facilities (PF)	AF, PS, PD, CON
Planned Use District (PUD)	PD, TND, PS or rezoning consistent with the underlying land use designation

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3 **Section 4.** It is the intent of the City Commission that Sections 1 through 3 of this ordinance
4 will become part of the City of Gainesville 2000-2010 Comprehensive Plan. The City
5 Manager is authorized and directed to make the necessary changes in maps and other data in
6 the City of Gainesville 2000-2010 Comprehensive Plan, or element, or portion thereof in
7 order to fully implement this ordinance.

8 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
9 the application hereof to any person or circumstance is held invalid or unconstitutional, such
10 finding shall not affect the other provisions or applications of the ordinance which can be
11 given effect without the invalid or unconstitutional provisions or application, and to this end
12 the provisions of this ordinance are declared severable.

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

1 **Section 7.** This ordinance shall become effective immediately upon passage on second
 2 reading; however, the effective date of this plan amendment, if the amendment is not timely
 3 challenged, shall be 31 days after the state land planning agency notifies the City that the plan
 4 amendment package is complete in accordance with Chapter 163.3184, F.S. If timely
 5 challenged, this amendment shall become effective on the date the state land planning agency
 6 or the Administration Commission enters a final order determining this adopted amendment
 7 to be in compliance in accordance with Chapter 163.3184, F.S. No development orders,
 8 development permits, or land uses dependent on this amendment may be issued or
 9 commenced before this plan amendment has become effective.

10
 11 **PASSED AND ADOPTED** this _____ day of _____, 2011.

12
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 15 _____
 16 CRAIG LOWE
 17 MAYOR

18
 19 ATTEST:

APPROVED AS TO FORM AND LEGALITY

20
 21
 22
 23 _____
 24 KURT M. LANNON
 CLERK OF THE COMMISSION

MARION J. RADSON
 CITY ATTORNEY

25
 26 This Ordinance passed on first reading this 7th day of April, 2011.

27 This Ordinance passed on second reading this _____ day of _____, 2011.