

MEMORANDUM

Office of the City Attorney

Legistar No. 040373

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

TO: Mayor and City Commission

DATE: August 22, 2005
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-04-103; Petition 148CPA-04 PB
An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan, Policy 4.1.1, in the Mixed-Use Low Intensity, Mixed-Use Medium Intensity, Office and Commercial land use categories to allow a height of more than 5 stories by Special Use Permit; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission (1) receive the Objections, Recommendations and Comments Report; (2) hear a presentation from staff and receive comments from the public; and (3) adopt the proposed ordinance, as amended.

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

The City Commission voted to increase height limits for these land use categories, and directed the City Plan Board to initiate a petition to consider such a regulation. This petition will allow building heights in these land use categories to exceed 5 stories by special use permit. Additional height for these categories would promote infill development and redevelopment, and higher residential and commercial densities and intensities. When designed well and properly located, this additional building height can promote retail and commercial health, transportation choice, and compact development. Special use permit criteria established to grant property owners with the ability to exceed 5 stories should be designed for quality building and urban design.

For example, a greater than 5-story hospital or hotel building along a major roadway, and not adjacent to single-family residential development, could be found to be compatible under appropriate special use permit criteria.

Special use permit criteria should also be designed to mitigate the tendency of taller buildings to require an enormous land area for surface parking.

The proposed text changes are consistent with the City of Gainesville 2000-2010 Comprehensive Plan and are recommended for approval.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on September 7, 2004 and October 10, 2004. The Plan Board held a public hearing September 23, 2004. The City Commission held a public hearing October 25, 2004, and approved the Petition.

CITY ATTORNEY MEMORANDUM

On January 10, 2005 the City Commission adopted Ordinance No. 0-04-103 (Petition No. 148 CPA-04 PB, Future Land Use Element) on first reading for transmittal to the Department of Community Affairs (DCA). The DCA completed its review and transmitted the Department's Objections, Recommendations and Comments (ORC) report dated June 20, 2005. The City's Planning Division received the ORC on June 22, 2005. (See Attachment A.)

The City of Gainesville has 60 days within which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment at the adoption stage of the ordinance (second reading), which was advertised five days prior to this adoption hearing.


The attached ordinance reflects, in double-underline, the City's incorporation of DCA's ORC into the comprehensive plan amendment text. (See Attachment B for the City's response to the DCA.) Additionally, a few minor scrivener's errors have been corrected in this document so that the comprehensive plan amendment text is otherwise consistent with the current text (with the exception of these substantive changes). If adopted on second reading, 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

ORDINANCE NO. _____
0-04-103

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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, Policy 4.1.1, in the Mixed-Use Low Intensity, Mixed-Use Medium Intensity, Office and Commercial land use categories to allow a height of more than 5 stories by Special Use Permit; 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 September 23, 2004; 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 long was placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at least 5 days after the day the second advertisement was published; and

WHEREAS, the two Public Hearings were held pursuant to the published notices

Petition No. 148CPA-04 PB
CODE: Words ~~stricken~~ are deletions; words underlined are additions (at the transmittal reading); words double-underlined are additions (at adoption reading).

1 described at which hearings the parties in interest and all others had an opportunity to be and
2 were, in fact, heard; and

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

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

8 **Section 1.** Policy 4.1.1, the Future Land Use Element of the City of Gainesville
9 2000-2010 Comprehensive Plan, Policy 4.1.1, *Mixed-Use Low-Intensity (8-30 units per*
10 *acre)*, is amended to read as follows:

11 Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as
12 follows:

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

14 This category allows a ~~mix~~ mixture of residential and non-residential uses such as
15 standard lot single-family houses, small-lot single-family houses, duplex houses, townhouses
16 (attached housing), accessory dwelling units, groups homes, multi-family housing (if
17 compatible in scale and character with other dwellings in the proposed neighborhood),
18 offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding
19 neighborhood, public and private schools, places of religious assembly and other community
20 civic uses, and traditional neighborhoods on sites 16 acres or larger in conformance with the
21 adopted Traditional Neighborhood Development (TND) ordinance. Intensity will be
22 controlled, in part, by adopting land development regulations that establish height limits of 5

1 stories or less ~~or greater than 5 stories by special use permit~~; however, height may be
2 increased to a maximum of 8 stories by special use permit. Land development regulations
3 shall establish the thresholds for the percentage of mixed uses for new development or
4 redevelopment of sites 10 acres or larger. At a minimum, the land development regulations
5 shall encourage that: at least 10 percent of the floor area of new development or
6 redevelopment of such sites be residential; or, that the surrounding area of equal or greater
7 size than the development or redevelopment site, and within ¼ mile of the site, have a
8 residential density of at least 6 units per acres. Residential use shall not be a required
9 development component for public and private schools, institutions of higher learning, places
10 of religious assembly and other community civic schools, institutions of higher learning,
11 places of religious assembly and other community civic uses. Buildings in this category shall
12 face the street and have modest (or no) front setbacks.

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

17 **Section 2.** Policy 4.1.1, the Future Land Use Element of the City of Gainesville
18 2000-2010 Comprehensive Plan, Policy 4.1.1, *Mixed-Use Medium-Intensity (12-30 units per*
19 *acre)*, is amended to read as follows:

20 Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as
21 follows:

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

2 This category allows a mixture of residential, office, business and light industrial
3 uses concentrated in mapped areas. This category shall also allow traditional neighborhoods
4 on sites 16 acres or larger in conformance with the adopted Traditional Neighborhood
5 Development (TND) ordinance. Public and private schools, institutions of higher learning,
6 places of religious assembly and community facilities shall be appropriate in this category.
7 Such development shall function as an neighborhood center serving multiple neighborhoods.
8 It is not expected that these areas shall be expanded significantly during this planning period.
9 Land development regulations shall ensure a compact, pedestrian environment for these
10 areas; provide guidelines for the compatibility of permitted uses; and ensure that such areas
11 do not serve overlapping market areas of other designated medium-intensity neighborhood
12 centers. Residential development from 12 to 30 unites per acre shall be permitted. Intensity
13 will be controlled, in part, by adopting land development regulations that establish height
14 limits of 5 stories or less ~~or greater than 5 stories by special use permit; however, height may~~
15 be increased to a maximum of 8 stories by special use permit. Land development regulations
16 shall establish the thresholds for the percentage of mixed uses for new development or
17 redevelopment of sites 10 acres or larger. At a minimum, the land development regulations
18 shall encourage that: at least 10 percent of the floor area of new development or
19 redevelopment of such sites be residential; or, that the surrounding area of equal or greater
20 size than the development or redevelopment site, and within ¼ mile of the site, have a
21 residential density of at least 6 units per acres. Residential use shall not be a required
22 development component for public and private schools, institutions of higher learning, places

1 of religious assembly and other community civic schools, institutions of higher learning,
2 places of religious assembly and other community civic uses. Buildings in this category shall
3 face the street and have modest (or no) front setbacks.

4 **Section 3.** Policy 4.1.1, the Future Land Use Element of the City of Gainesville
5 2000-2010 Comprehensive Plan, Policy 4.1.1, *Office*, is amended to read as follows:

6 Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as
7 follows:

8 **Office.**

9 The Office land use category identifies areas appropriate for office and residential
10 uses. This category is intended to identify appropriate areas for professional and service
11 uses, hospital and medical uses, compound and residential uses, and appropriate ancillary
12 uses. Office designations shall be applied to compact office development. Residential uses
13 in office districts shall be designed as new in-town development, mixed use, live-work,
14 compound use or shall accommodate existing residential development within the district.

15 Densities shall not exceed 20 units per acre. Land development regulations shall determine
16 the appropriate scale of uses; and the specific criteria for the siting of private schools and
17 churches. Intensity will be controlled by adopting land regulations that establish height
18 limits of 5 stories or less, ~~or greater than 5 stories by special use permit,~~ that require
19 buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio;
20 however, height may be increased to a maximum of 8 stories by special use permit.

21 **Section 4.** Policy 4.1.1, the Future Land Use Element of the City of Gainesville
22 2000-2010 Comprehensive Plan, Policy 4.1.1, *Commercial*, is amended to read as follows:

1 Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as
2 follows:

3 **Commercial.**

4 The Commercial land use category identifies those areas most appropriate for large
5 scale highway-oriented commercial uses, and, when designed sensitively, residential uses.
6 Land development regulations shall determine the appropriate scale of uses. This category is
7 not appropriate for neighborhood centers. Intensity will be controlled by adopting a height
8 limits of 5-story height limit stories or less, or greater than 5 stories by special use permit.
9 requiring buildings to face the street, and modest build-to lines of ~~5-20~~ feet, instead of a
10 maximum floor area ratio; however, height may be increased to a maximum of 8 stories by
11 special use permit.

12 **Section 5.** The City Manager is authorized and directed to make the necessary
13 changes in maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or
14 element, or portion thereof in order to fully implement this ordinance.

15 **Section 6.** It is the intent of the City Commission that this amended element will
16 become part of the City of Gainesville 2000-2010 Comprehensive Plan.

17 **Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be
18 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in
19 no way affect the validity of the remaining portions of this ordinance.

20 **Section 8.** All ordinances or parts of ordinances in conflict herewith are to the extent
21 of such conflict hereby repealed.

22 **Section 9.** This ordinance shall become effective immediately upon final adoption;

1 however, the effective date of this plan amendment shall be the date a final order is issued by
 2 the Department of Community Affairs finding the amendment to be in compliance in
 3 accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the
 4 Administration Commission finding the amendment to be in compliance in accordance with
 5 Chapter 163.3184, F.S.

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

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 PEGEEN HANRAHAN, MAYOR

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ATTEST:

Approved as to form and legality

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 KURT M. LANNON
 CLERK OF THE COMMISSION

 MARION J. RADSON
 CITY ATTORNEY

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This Ordinance passed on first reading this 10th day of January, 2005.

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

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06-22-05A10:55 RCVD



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

JEB BUSH
 Governor

THADDEUS L. COHEN, AIA
 Secretary

June 20, 2005

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

Dear Mayor Hanrahan:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment for the City of Gainesville (DCA No. 05-1), which was received on April 21, 2005. The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C.) and Chapter 163, Part II, Florida Statutes (F.S.) and has prepared the attached Objections, Recommendations, and Comments (ORC) Report which outlines our findings concerning the comprehensive plan amendment. Recommendations to address identified issues have been included and are designed to strengthen the amendment and help the community achieve its planning objectives, while complying with state law.

Attached to this letter is a summary of the procedures for the City to follow upon receipt of this letter in formulating a response to the attached ORC Report as it considers further action upon the proposed amendments up to and including adoption of these amendments. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review and their comments are enclosed for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendment.

The proposed amendment consists of one (1) text amendment to Future Land Use Element (FLUE), two (2) Future Land Use Map (FLUM) amendments, and an update to the five-year schedule of capital improvements in the Capital Improvements Element (CIE).

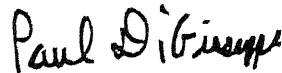
The Department has no objections to the FLUM amendments or the proposed update to the five-year schedule of capital improvements. However, the Department has concerns regarding the text amendment to the Future Land Use Element. As proposed, the amendment would remove the intensity standard for the Office and Commercial future land use designation by allowing the current 5-story height limitation to be exceeded by Special Use Permit. While the Department commends the City on its commitment to the comprehensive planning process

The Honorable Mayor Hanrahan
June 20, 2005
Page 2

and its dedication to preserving the urban form of Gainesville, while allowing flexibility for innovating planning techniques, the policies defining the City's future land use categories must contain predictable intensity standards.

I believe the concerns outlined in our report can be resolved in a straightforward manner. We are available to work with your staff to assist the City in responding to our concerns as outlined in the attached report and developing a mutually acceptable solution. If you or your staff have any questions about our attached Report or if we may be of further assistance as you formulate your response to this Report, please contact Ana Richmond, Senior Planner, at (850) 922-1794.

Sincerely,



Paul DiGiuseppe
Regional Planning Administrator

PD/ar

Enclosures: Transmittal Procedures
Review Agency Comments

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

TRANSMITTAL PROCEDURES

Upon receipt of this letter, the City of Gainesville has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, F.A.C. The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the City must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

Please be advised that the Florida legislature amended Section 163.3184(8)(c), *F.S.*, requiring 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 the law to furnish to the Department the names and addresses of the citizens requesting this information. **Please provide this required list of names and addresses to the Department when you transmit your adopted amendment for compliance review. In the event that no one requests this information, please indicate that no requests were received.** For efficiency, we request that the list of citizens requesting a courtesy information statement be provided to us in an electronic format.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the North Central Florida Regional Planning Council.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

FOR THE CITY OF GAINESVILLE

PROPOSED COMPREHENSIVE PLAN AMENDMENT 05-1

I. CONSISTENCY WITH RULE 9J-5, F.A.C. and CHAPTER 163, F.S.

A. Future Land Use Element (FLUE) Amendment 148CPA04-PB: A text amendment to Future Land Use Element Policy 4.1.1 to allow within the Mixed Use Low-Intensity, Mixed Use Medium-Intensity, Commercial and Office land use categories building height of more than five (5) stories through a Special Use Permit.

1. Objection: FLUE Policy 4.1.1 defines the City's future land use categories and includes the density and intensity standards for each land use category. The existing intensity standard for the Commercial and Office land use categories is the adoption of height limits of 5 stories or less, requiring building to face the street, and modest build-to lines instead of typical maximum floor area ratios. Proposed amendment 148CPA04-PB would allow exceptions to the 5 story height limitation thus removing the intensity standard for the Commercial and Office future land use categories. Rule 9J-5.006(3)(c)7., Florida Administrative Code requires policies that establish standards for densities or intensities of use for each future land use category.

Additionally, the Mixed Low-Intensity and Mixed Use Medium-Intensity land use categories do not include a percentage distribution among the mix of uses. Rule 9J-5.006(4)(c), F.A.C. requires, in part, that mixed use categories include the types of land uses allowed, the percentage distribution among the mix of uses, or other objective measurement.

[Rules 9J-5.005(6), 9J-5.006(3)(c)7., and 9J-5.006(4)(c), F.A.C. and Sections 163.3177(6)(a), 163.3177(8), and 163.3177(9)(e) and (f), F.S.]

Recommendation: Revise the amendment to include a height limitation for Special Use Permit exceptions to the 5 story height limitation. The City should also include a percentage distribution for each type of land use for the Low-Intensity and Mixed Use Medium-Intensity land use categories.

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

Objection: The proposed plan amendment is not consistent with and do not further the following goals and policies of the State Comprehensive Plan [Section 163.3177(10)]:

- Goal (15), Land Use and Policies (b) 2 and 6;
- Goal (26), Plan Implementation, and Policy (b) 5.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

ATTACHMENT B

City of Gainesville Response
to
Florida Department of Community Affairs
regarding
OBJECTIONS, RECOMMENDATIONS AND COMMENTS

City of Gainesville No. 05-1
Proposed Comprehensive Plan Amendment

I. CONSISTENCY WITH RULES 9J-5 AND 9J-11, F.A.C., AND CHAPTER 163 F.S.

A. Future Land use Element (FLUE) Amendment 148CPA-04 PB: Text amendment of the of Future Land Use Element Policy 4.1.1 to allow within the Mixed Use Low-Intensity, Mixed-Use Medium-Intensity, Commercial and Office land use categories a height of more than five stories by Special Use Permit.

DCA OBJECTIONS

1. DCA Objection: FLUE Policy 4.1.1 defines the City's future land use categories and includes the density and intensity standards for each land use category. The existing intensity standard for the Commercial and Office land use categories is the adoption of height limits of 5 stories or less, requiring building to face the street, and modest build-to lines instead of typical maximum floor area ratios. Proposed amendment 148CPA04-PB would allow exceptions to the 5-story height limitation thus removing the intensity standard for the Commercial and Office future land use categories. Rule 9J-5.006(3)(c)7., Florida Administrative Code, requires policies that establish standards for densities or intensities of use for each future land use category.

Additionally, the Mixed-Use Low-Intensity and Mixed-Use Medium-Intensity land use categories do not include a percentage distribution among the mix of uses. Rule 9J-5.006(4)(c), F.A.C. requires, in part, that mixed use categories include the types of land uses allowed, the percentage distribution among the mix of uses, or other objective measurement.

[Rules 9J-5.005(6), 9J-5.006(3)(c)7. and 9J-5.006(4)(c), F.A.C., and Sections 163.3177(6)(a), 163.3177(8), and 163.3177(9)(e) and (f), F.S.]

DCA Recommendation: Revise the amendment to include a height limitation for Special Use Permit exceptions to the 5-story height limitation. The City should also include a percentage distribution for each type of land use for the Mixed-Use Low-Intensity and Mixed-Use Medium-Intensity land use categories.

City's Response to Objection

Commercial and Office - These categories have been revised (see double-underlined text below) to establish a height limit of 8 stories. This revision establishes the intensity standard for the Commercial and Office future land use categories, as required by Rule 9J-5.006(3)(c)7., Florida Administrative Code.

Mixed-Use Low-Intensity and Mixed-Use Medium-Intensity – Although not specifically requested by DCA, these categories have also been revised (see double-underlined text below) to establish a height limit of 8 stories. The proposed revisions are identical to those made to the Commercial and Office future land use categories, and establish intensity standards as required by Rule 9J-5.006(3)(c)7., Florida Administrative Code.

As discussed with and agreed to by DCA staff, there is no need to make revisions in response to the other objection (*the Mixed-Use Low-Intensity and Mixed-Use Medium-Intensity land use categories do not include a percentage distribution among the mix of uses. Rule 9J-5.006(4)(c), F.A.C. requires, in part, that mixed use categories include the types of land uses allowed, the percentage distribution among the mix of uses, or other objective measurement.*). The requested revisions were adopted in the EAR-updated, Future Land Use Element in 2002 in response to the DCA Objections, Recommendations and Comments (ORC) Report issued on November 16, 2001. DCA accepted those revisions and issued a Notice of Intent in 2002.

The pertinent adopted revision to the Mixed-Use Low-Intensity category stated (and states) that: "Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within ¼ mile of the site, have a residential density of at least 6 units per acre. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic uses." This text meets the requirements of Rule 9J-5.006(4)(c) and does not require amendment.

Revisions to Comprehensive Plan Amendment:

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

Office. The Office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed use, live-work, compound use or shall accommodate existing residential development within the district. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land regulations

that establish height limits of 5 stories or less, ~~or greater than 5 stories by special use permit~~, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.

Commercial. The Commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses, and, when designed sensitively, residential uses. Land development regulations shall determine the appropriate scale of uses. This category is not appropriate for neighborhood centers. Intensity will be controlled by adopting height limits of 5 stories or less, ~~or greater than 5 stories by special use permit~~, requiring buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.

Mixed-Use Low-Intensity (8-30 units per acre). This category allows a ~~mix~~ mixture of residential and non-residential uses such as standard lot single-family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, groups homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses, and traditional neighborhoods on sites 16 acres or larger in conformance with the adopted Traditional Neighborhood Development (TND) ordinance. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less ~~or greater than 5 stories by special use permit~~; however, height may be increased to a maximum of 8 stories by special use permit. Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within ¼ mile of the site, have a residential density of at least 6 units per acres. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic schools, institutions of higher learning, places of religious assembly and other community civic uses. Buildings in this category shall face the street and have modest (or no) front setbacks.

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

Mixed-Use Medium-Intensity (12-30 units per acre). This category allows a mixture of residential, office, business and light industrial uses concentrated in mapped areas. This category shall also allow traditional neighborhoods on sites 16 acres or larger in conformance with the adopted Traditional Neighborhood Development (TND) ordinance. Public and private schools, institutions of higher learning, places of religious assembly and community facilities shall be appropriate in this category. Such development shall function as a neighborhood center serving multiple neighborhoods. It is not expected that these areas shall be expanded significantly during this planning period. Land development regulations shall ensure a compact, pedestrian environment for these areas; provide guidelines for the compatibility of permitted uses; and

ensure that such areas do not serve overlapping market areas of other designated medium-intensity neighborhood centers. Residential development from 12 to 30 units per acre shall be permitted. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less ~~or greater than 5 stories by special use permit; however, height may be increased to a maximum of 8 stories by special use permit.~~ Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within ¼ mile of the site, have a residential density of at least 6 units per acres. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic schools, institutions of higher learning, places of religious assembly and other community civic uses. Buildings in this category shall face the street and have modest (or no) front setbacks.

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN.

DCA OBJECTION:

DCA Objection: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 163.3177(10)]:

- Goal (15), Land Use and Policies (b) 2 and 6;
- Goal (26), Plan Implementation, and Policy (b) 5.

DCA Recommendation. Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City's Response to Objection

Goal (15), Land Use and Policies (b) 2 and 6. Please see the City's Response (above) to the Objection re: I. CONSISTENCY WITH RULES 9J-5 AND 9J-11, F.A.C., AND CHAPTER 163 F.S.

Goal (26), Plan Implementation, and Policy (b) 5. The City has addressed the Department's concern about this Goal and Policy in the above-referenced response.