



# MEMORANDUM

Office of the City Attorney

Legistar No. 040654

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

**TO:** Mayor and City Commission

**DATE:** May 9, 2005

SECOND READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-05-12; Petition 158TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3, of the Land Development Code, relating to the College Park Master Plan and Regulating Plan for New Construction; amending paragraph (2) of the subsection on building height for new construction, by allowing a greater building heights and number of stories under certain prescribed zoning and land use conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

This petition requests a text change to the College Park Special Area Plan (College Park SAP). The intent of the Plan is to protect and promote the traditional, walkable character of this neighborhood. Largely, this intent is to be achieved in the proper design and placement of buildings, streets and sidewalks in the neighborhood to create high-quality street spaces that are pleasant, safe and convenient for pedestrians, bicyclists, transit users and motorists.

In addition to the preservation and promotion of a neighborhood design that is welcoming (particularly to pedestrians), the Special Area Plan finds it essential that residences, offices, retail and civic uses be compactly laid out so that their proximity makes walking between them convenient—a traditional design known as “mixed use.”

Similarly, the purpose of a planned development (PD) is to provide a method for landowners or developers to submit unique proposals that are not provided for or allowed in the City’s zoning districts. Planned development provisions allow unique design characteristics and a mix of residential and non-residential uses that are otherwise not accommodated in the land development regulations.

Current language in the College Park Special Area Plan does not provide for an exception to height requirements for Type I buildings. In order to accommodate the intended mixture of uses in an aesthetically appealing fashion, the petitioner is requesting a text change to the College Park Special Area Plan, to allow a Planned Development (PD) to exceed the SAP’s limitations

for maximum height and maximum number of stories. Any proposed development would also require amending the Comprehensive Land Use Plan to Planned Use District (PUD).

In the College Park Special Area Plan, building height is based on a maximum number of stories. For Type I buildings the maximum height is 65-feet, with a maximum of five (5) stories and a first story minimum of 10-feet from floor to ceiling.

If approved, a development could exceed the maximum height and maximum number of stories ordinarily allowed. The unique and often complex nature of a PD requires specialized review, as established in Section 30-211 of the Land Development Code. Section 30-211 allows a PD, in conjunction with a PUD land use plan change, to set its own dimensional requirements.

Staff recommends a text change to the College Park Special Area Plan to clarify this omission, by allowing greater building heights and number of stories through the PD rezoning and PUD land use plan change process, so long as the first story, minimum 10-foot floor to ceiling height requirement is retained.

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

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

The City Commission, at its meeting of December 13, 2004, held a public hearing and approved this petition.

CITY ATTORNEY MEMORANDUM

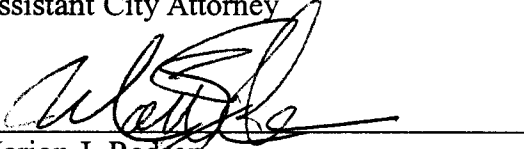
This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, May 9, 2005.

Fiscal Note. None

Prepared by:

  
Dana L. Crosby  
Assistant City Attorney

Approved and  
Submitted by:

  
Marion J. Radson,  
City Attorney

~~MRSPLC~~ ~~ON~~ FIRST READING BY A VOTE OF 5-0.

ORDINANCE NO. \_\_\_\_\_  
0-05-12

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**An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, relating to the College Park Master Plan and Regulating Plan for New Construction; amending paragraph (2) of the subsection on building height for new construction, by allowing greater building heights and number of stories under certain prescribed zoning and land use conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**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

**WHEREAS**, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on November 18, 2004; and

**WHEREAS**, notice was given and publication made as required by law and a Public Hearing was held on the Petition before the City Commission on December 13, 2004; and

**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 to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

**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;

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

1 Section 1. Paragraph (2) of the subsection on Building Height, Urban Regulations for  
2 New Construction – Type I, in Chapter 30, Appendix A, Section 3, Exhibit B, City of Gainesville  
3 Land Development Code, is amended to read as follows:

4 **Building Height.**

5 2. Minimum and maximum building height shall be measured in number of stories.  
6 The first story shall be at least 10 feet measured at floor to ceiling height. The  
7 overall height of ~~the any building cannot~~ shall not exceed 65 feet and five stories,  
8 except if the property is zoned planned development (PD) and either: 1) the  
9 underlying land use of planned use district (PUD) provides a greater building  
10 height and maximum story limitation; or 2) the existing underlying land use  
11 category provides a greater building height and maximum story limitation. In  
12 either event the PD Layout Plan, PD Layout Plan Report and elevations shall  
13 implement the height and story limitation.  
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15 Section 2. It is the intention of the City Commission that the provisions of Section 1 of  
16 this ordinance shall become and be made a part of the Code of Ordinances of the City of  
17 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered  
18 or relettered in order to accomplish such intentions.

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

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

24 Section 5. This ordinance shall become effective immediately upon final adoption.  
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**D R A F T**

**1-24-05**

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**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 \_\_\_ day of \_\_\_\_\_, 2005.

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