



MEMORANDUM

Office of the City Attorney

Legistar No. 040758

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

TO: Mayor and City Commission

DATE: August 8, 2005
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-47; Petition 195TCH-04 PB
An ordinance of the City of Gainesville, Florida, establishing the Special Area Plan Overlay Zoning District for an area within the Plan East Gainesville urban area hereafter known as the Five Points Area; adopting a special area plan for this area; providing specific regulations; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition proposes to establish a new special area plan overlay zoning district to partly implement Plan East Gainesville (PEG), a Plan which was approved by the City of Gainesville and Alachua County in 2003.

The highlight strategy articulated by PEG was the “need for focused development and a signature project created in a manner that supports existing residents and local businesses, and leverages private investment.” The primary foundation for attaining this leverage is to establish a special area plan to “provide a tiered land use framework to organize land uses in a way that supports the vision. It focuses on the creation of compact, walkable, mixed-use centers...”

PEG concludes by stating that “providing an appropriate land use mixture is not sufficient to create a walkable, transit-supportive community. The design characteristics of an area are a significant determinant of how the area will function.” PEG goes on to find that “one of the primary challenges facing East Gainesville is the lack of a definable focal point, or center of activity...the area is largely without a strong organizing structure of land use patterns that promote civic pride and attract private investment...such a critical mass [derived from a definable center] can contribute to increases in property values, which, in turn, results in additional revenue for capital improvements. A lack of gathering places also limits the effectiveness of public transportation to meet people’s daily needs, and contributes to an inconvenient and potentially unsafe pedestrian environment. These problems must be overcome if East Gainesville is to reach its potential. The purpose of the PEG design guidelines is to articulate the desirable urban form that promotes a pedestrian scale of development and improved accessibility to public transportation. The design guidelines are intended to encourage new development to meet community expectations in terms of the vision for walkable, mixed-use centers that enhance the character of the area and provide increased opportunities for economic activity and destinations that serve local residents...as such, the design focus in each area will vary. For example, one objective is to strengthen the connection of East Gainesville’s urban center at Five Points to Gainesville’s successful redevelopment efforts in the downtown

central business district. In the suburban district, the design standards need to reflect the strong regional roadway network that supports economic development opportunities near the Gainesville Regional Airport...in the rural area, clustered development of residential with neighborhood, or ecotourism uses, can help balance a diversity of housing stock with maintenance of natural lands.”

One important step in the process of implementing PEG is to revise City Development Regulations.

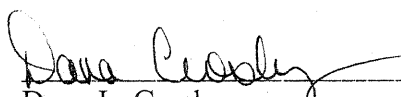
This petition proposes to do that by establishing a new regulatory framework for East Gainesville. Ultimately, the City may wish to consider targeted rezonings and land use changes to further assist in the achievement of objectives and policies called for by PEG—in particular, the incremental rezoning to mixed-use and higher density in and near Five Points.

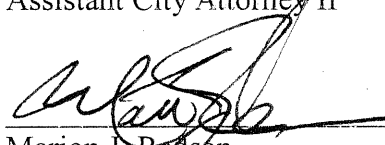
Public notice was published in the Gainesville Sun on January 4, 2005. The Plan Board held a public hearing January 20, 2005 and March 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 195TCH-04 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

Petition 195TCH-04 PB, as heard by the Plan Board, contained the regulation/requirements for this special area plan, as well as the property to be included in the special area plan. This ordinance, if adopted, states the regulation for the area. A separate ordinance (ordinance 0-05-69) will impose the zoning on the properties to be included in the special area plan. Both ordinances require two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, August 8, 2005.

Fiscal Note: None

Prepared by: 
Dana L. Crosby
Assistant City Attorney II

Approved and Submitted by: 
Marion J. Radson,
City Attorney

MJR:DLC:sw

ORDINANCE NO. 0-05-47

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An ordinance of the City of Gainesville, Florida, establishing the Special Area Plan Overlay Zoning District for an area within the Plan East Gainesville urban area hereafter known as the Five Points Area; adopting a special area plan for this area; providing specific regulations; providing directions to the codifier; providing a severability 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 Public Hearings were then held by the City Plan Board on January 20, 2005 and March 17, 2005; and

WHEREAS, the City Commission finds that the Special Area Plan is consistent with the City of Gainesville 2000-2010 Comprehensive; and

WHEREAS, pursuant to law, an advertisement no less than 2 columns wide by 10 inches long was placed 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, at least 7 days after the day the advertisement was published; and

WHEREAS, a second advertisement no less than 2 columns wide by 10 inches long was placed in the same newspaper notifying the public of the second Public Hearing to be held at the adoption stage at least 5 days after the day this advertisement was published; and

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

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

6 **Section 1.** The Five Points Special Area Plan (Exhibit A) is hereby adopted. The
7 specific regulations of the Special Area Plan and the administration and enforcement of
8 these regulations as delineated in Exhibit A shall control and guide the development and
9 use of the properties that are rezoned to this overlay district category, except as to any
10 construction, development or use initiated pursuant to any valid building permit or
11 approved development plan issued or approved before the effective date of this
12 ordinance.

13 **Section 2.** It is the intention of the City Commission that the provisions of The
14 Five Points Special Area Plan (Exhibit A) adopted by this ordinance shall become and be
15 made a part of Land Development Code of the City of Gainesville, Florida, and that the
16 Sections and Paragraphs of this ordinance may be renumbered or relettered in order to
17 accomplish such intentions.

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

21 **Section 4.** This ordinance shall become effective immediately upon final
22 adoption.

DRAFT

6-29-05

1 PASSED AND ADOPTED this ____ day of _____, 2005.
2
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4
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8 _____
9 PEGEEN HANRAHAN
10 MAYOR

11
12 ATTEST:

Approved as to form and legality

13
14
15 _____
16 KURT M. LANNON
17 CLERK OF THE COMMISSION

18 _____
19 MARION J. RADSON
20 CITY ATTORNEY

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

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

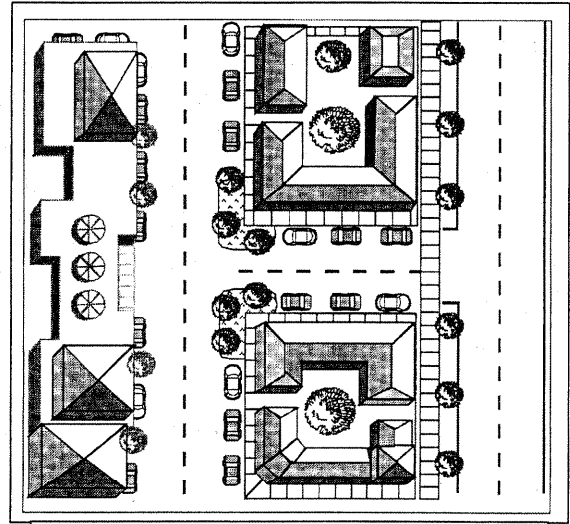
Exhibit A. Special Area Plan
Five Points Area

Special Area Plan for the Five Points Area

(a) Purpose. The Special Area Plan for the Five Points Area within Plan East Gainesville is hereby established. The purpose of this plan is to accommodate redevelopment of the Five Points Town Center that will gradually transform the Center using high-quality urban design.

(b) Background.

With this Special Area Plan, the City calls for the retrofitting of the Five Points area to function as a neighborhood center. By doing so, retail and residential projects can effectively set themselves apart from more conventional developments in other parts of the urban area, and therefore have a better chance of retail and residential success. The conceptual drawing shown is an example of how retail, office and residential would generally look when following the regulations specified below for Five Points—that is, new buildings would be pulled up towards the street and sidewalk.



Walkable Retail, Office & Residential Design

(c) Objectives. The provisions of this plan are intended to accommodate redevelopment of the Five Points area to:

- (1) Promote the development of both residential and non-residential development.
- (2) Ensure that design gradually creates improved transit and retail health.
- (3) Create and maintain a connected grid of internal streets.
- (4) Encourage community-serving public gathering facilities such as schools, libraries, residential, recreation centers, and child care, and public spaces with strong design features, such as water, benches, and public art.

(d) Effect of Classification. This Special Area Plan is applied as an Overlay Zoning District. It shall operate in conjunction with any underlying zoning district in this area. The regulations of the underlying zoning district, and all other applicable regulations remain in effect and are further regulated by the Special Area Plan. If provisions of the Special Area Plan conflict with the underlying zoning, the provisions of the Special Area Plan shall prevail except as to uses inconsistent with the underlying zoning district or land use element of the comprehensive plan.

1 **(e) Definition.**

2 Build-to line. The line at which construction of a building facade is to occur on a lot. A
3 build-to line runs parallel to the front property line and is established to create an even (or
4 more or less even) building facade line on a street.
5

6 **(f) Regulations.**
7

8 1. **Disposition of New and Renovated Buildings.** New buildings constructed within the
9 Five Points Area shall have a build-to line of 15 to 35 feet from the curb or edge of
10 pavement. Government office buildings may have a build-to line up to 60 feet to
11 allow assembly/open space, as long as at least 50 percent of the building facade is
12 built at the required build-to line. There is no required side setback. There is no
13 minimum lot width.

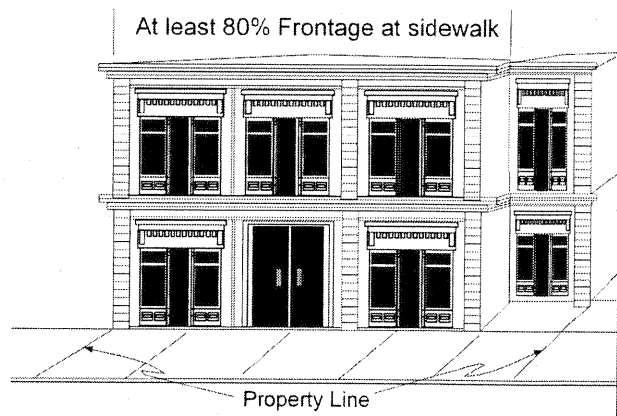
14 2. **Building Orientation and Articulation.** The primary building entrance shall face the
15 street, and the primary building shall be at least 2 stories high. The first floor of new
16 buildings shall have at least 30 percent transparent glazing. No more than 20
17 horizontal feet of unarticulated blank wall
18 is allowed
19

20 3. **Building Alignment.** Buildings shall be
21 aligned, when possible, to frame squares,
22 streets, plazas or other forms of a pleasant
23 public realm. Buildings shall be aligned
24 parallel to the streetside sidewalk and
25 adjacent buildings, instead of being
26 rotated.
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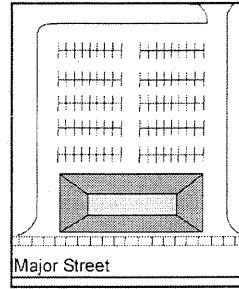
28 4. **Minimum Building Frontage.** At least 80
29 percent building frontage is required.
30

31 5. **Connections.** When possible, cross-access
32 between adjacent properties shall be established in order to encourage travel choices
33 to nearby developments and neighborhoods.
34

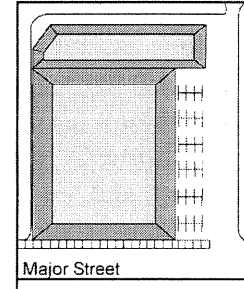
35 6. **Sidewalks.** All front
36 building facades shall front a
37 sidewalk. The sidewalk shall
38 be wide enough to permit 5
39 feet of clear width, street
40 trees in sidewalk wells, and
41 sidewalk furniture. Arcades,
42 balconies, porches, stoops,
43 and bay windows are
44 encouraged and may occur
45 forward of the build-to line.
46



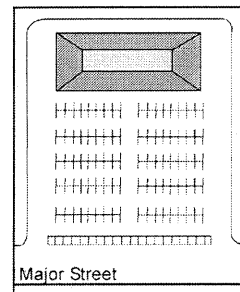
- 1 7. **Parking.** Parking shall be provided as required by the Gainesville Land Development
- 2 Code. Off-street parking shall be to the rear or side of buildings. Multi-story parking
- 3 structures are permitted and shall be fronted by liner buildings having retail or office
- 4 space.
- 5 8. **Residential use above retail and offices.** Residential dwelling units located above
- 6 retail space and office space are permitted.
- 7 9. **Prohibited Uses.** Table 1 shows uses not allowed in Five Points.



This



This



Not This

Table 1. Prohibited Uses in Five Points

<u>Auto Dealers, Auto Service and Limited Auto Service (IN-5511, MG-753)</u>
<u>Carwashes (IN-7542)</u>
<u>Gas Service Stations (IN-5541)</u>
<u>Parking Lots as a principal use, other than structured parking</u>
<u>Outdoor Storage as a principal use</u>
<u>Gasoline Pumps when accessory to a food store</u>
<u>Drive-thru</u>

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