



MEMORANDUM

Office of the City Attorney

Legistar No. 040654

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

TO: Mayor and City Commission

DATE: April 25, 2005
FIRST 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.

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.

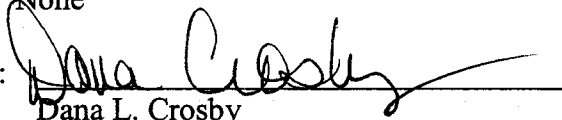
The City Commission, at its meeting of December 13, 2004, held a public hearing and approved this petition.

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.

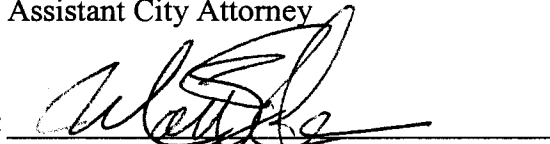
Fiscal Note. None

Prepared by:



Dana L. Crosby
Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:DLC:sw

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.
14

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.

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.

**ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF ORDINANCE BY CITY COMMISSION, GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 25th day of April, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 9th day of May, 2005, at the City Commission meeting. The meetings begin at 6:00 p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE
ORDINANCE NO. 0-05-12**

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 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.

ORDINANCE NO. 0-05-13

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shop Front/ Office / Apartment) for certain property located in the vicinity of 205 NW 14th Street as more specifically shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based."

April 15, 2005
Publish Date

Clerk of the Commission

27376, 4/15/05