



MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commission

DATE: July 24, 2000
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-33; Petition No. 151CPA-99PB
An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan; providing that there will be no floor area ratio maximum for mixed use low intensity, office, commercial and education land use categories in a special area plan and that the Urban Design Standards will provide other criteria to determine intensity of use for those land uses; providing directions to the city manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.

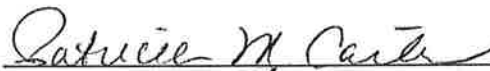
The above-referenced ordinance has been prepared pursuant to City Commission action requesting the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.


The State of Florida Department of Community Affairs issued a letter dated June 9, 2000, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

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:


Patricia M. Carter, Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson, City Attorney



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"



JEB BUSH
 Governor

June 9, 2000

STEVEN M. SEIBERT
 Secretary

The Honorable Paula M. Delaney
 Mayor, City of Gainesville
 Post Office Box 490, Station 19
 Gainesville, Florida 32602

Dear Mayor Delaney:

The Department has conducted a preliminary review of the City of Gainesville proposed comprehensive plan amendment received on May 11, 2000, DCA Reference No. 00-1ER.

The Department has determined that the proposed plan amendment need not be formally reviewed for consistency with Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, (F.A.C.). In addition, the Department has not received any recommendation for review from the North Central Florida Regional Planning Council or any affected person regarding the proposed amendment.

Therefore, the proposed amendment will not be reviewed and the Objections, Recommendations and Comments report will be waived. The local government may proceed to immediately adopt the amendment. After adoption, please submit three copies of the adopted amendment to the Department for our final compliance review, consistent with the requirements of Rule 9J-11.011, F.A.C.

This letter should be made available for public inspection. If you have any questions, please contact Jim Crews, Planner IV, overseeing the review of the amendment, at (850) 487-4545.

Sincerely,

Michael F. Sherman, AICP
 Growth Management Administrator

MFS/jcs

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

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D R A F T

6-14-00

ORDINANCE NO. _____
0-00-33

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3
4 **An ordinance of the City of Gainesville, Florida, amending the Future**
5 **Land Use Element of the City of Gainesville 1991-2001**
6 **Comprehensive Plan; providing that there will be no floor area ratio**
7 **maximum for mixed use low intensity, office, commercial and**
8 **education land use categories in a special area plan and that the**
9 **Urban Design Standards will provide other criteria to determine**
10 **intensity of use for those land uses; providing directions to the city**
11 **manager; providing directions to the codifier; providing a severability**
12 **clause; providing a repealing clause; and providing an effective date.**
13

14 **WHEREAS**, the City Plan Board authorized the publication of notice of a Public
15 Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan be
16 amended; and

17 **WHEREAS**, notice was given and publication made as required by law and a
18 Public Hearing was then held by the City Plan Board on October 26, 1999; and

19 **WHEREAS**, notice was given and publication made of a Public Hearing which
20 was then held by the City Commission on January 24, 2000; and

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

26 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage the
27 City of Gainesville transmitted copies of this proposed change to the State Land Planning
28 Agency; 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
2 Hearing to be held at least 5 days after the day the second advertisement was published;
3 and

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

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

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

12 **Section 1.** Policy 2.1.1 of the Future Land Use Element of the City of Gainesville 1991-
13 2001 Comprehensive Plan is amended to read as follows:

14 **Mixed Use Low Intensity (10-30 units per acre)**

15 This category includes a mixture of residential, office and retail uses scaled to serve the
16 needs of the surrounding neighborhood. This category has been applied to commercial
17 development to enhance the flexibility of these low intensity areas. It is not expected that
18 these areas shall be expanded significantly during this planning period; creation of strip
19 development is not intended. Public and private schools, places of religious assembly
20 and community facilities shall be appropriate in this category. Residential development
21 from 10 to 30 units per acre shall be permitted. Land Development Regulations shall
22 ensure the compact, pedestrian character of these areas; provide guidelines for the

1 compatibility of permitted uses; and ensure that such areas do not serve overlapping
2 market areas of other designated low activity centers. Floor area ratios in this district
3 shall not exceed 2.00, except in a special area plan, where there shall be no floor area
4 ratio maximum. The intensity of development on property covered by a special area plan
5 shall be regulated by the Urban Design Standards that include building height, build-to
6 lines, setback requirements and building coverage to determine intensity of use instead of
7 a maximum floor area ratio.

8 **Office.** The office land use category identifies areas appropriate for office and residential
9 uses. This category is intended to identify appropriate areas for professional and service
10 uses, hospital and medical uses, compound and residential uses, and appropriate ancillary
11 uses. Office designations shall be applied to compact office development; office
12 designations shall not encroach in viable residential areas nor expand strip development.
13 Residential uses in office districts shall be designed as infill, mixed use, compound use or
14 shall accommodate existing residential development within the district. Densities shall
15 not exceed 20 units per acre. Land Development Regulations shall determine the
16 appropriate scale of uses; and the specific criteria for siting of private schools and
17 churches. Floor area ratios in this district shall not exceed 2.00, except in a special area
18 plan, where there shall be no floor area ratio maximum. The intensity of development on
19 property covered by a special area plan shall be regulated by the Urban Design Standards
20 that include building height, build-to lines, setback requirements and building coverage to
21 determine intensity of use instead of a maximum floor area ratio.

1 **Commercial.** The commercial land use category identifies those areas most appropriate
2 for large-scale highway-oriented commercial uses. Land Development Regulations shall
3 determine the appropriate scale of uses. Floor area ratios in this district shall not exceed
4 2.00, except in a special area plan, where there shall be no floor area ratio maximum.

5 The intensity of development on property covered by a special area plan shall be
6 regulated by the Urban Design Standards that include building height, build-to lines,
7 setback requirements and building coverage to determine intensity of use instead of a
8 maximum floor area ratio.

9 **Education.** This category identifies appropriate areas for public and private schools and
10 institutions of higher learning when located outside of activity centers. Land
11 Development Regulations shall address compatibility with surrounding uses and
12 infrastructure needs. Floor area ratios in this district shall not exceed 5.00, except in a
13 special area plan, where there shall be no floor area ratio maximum. The intensity of
14 development on property covered by a special area plan shall be regulated by the Urban
15 Design Standards that include building height, build-to lines, setback requirements and
16 building coverage to determine intensity of use instead of a maximum floor area ratio.

17 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
18 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or
19 element, or portion thereof in order to fully implement this ordinance.

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

D R A F T

6-14-00

1 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of
2 such conflict hereby repealed.

3 **Section 5.** This ordinance shall become effective immediately upon final adoption;
4 however, the amendment to the City of Gainesville 1991-2001 Comprehensive Plan shall
5 not become effective until the state land planning agency issues a final order determining
6 the adopted amendment to be in compliance in accordance with section 163.3184(9), or
7 until the Administration Commission issues a final order determining the adopted
8 amendment to be in compliance in accordance with section 163.3184(10).

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10

11 **PASSED AND ADOPTED** this _____ day of _____, 2000.

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PAULA M. DeLANEY
MAYOR

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16
17

18 **ATTEST:** Approved as to form and legality

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22

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

23
24

This Ordinance passed on first reading this _____ day of _____, 2000.

25
26

This Ordinance passed on second reading this _____ day of _____, 2000.

27

carter:ordinances:151CPA-99PB

