

ORDINANCE NO. 100684

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3       **An ordinance amending the Future Land Use Element of the City of**  
4       **Gainesville 2000-2010 Comprehensive Plan; by amending the text of**  
5       **Policy 4.1.1 for the land use categories of Mixed-Use Low-Intensity**  
6       **(MUL), Mixed-Use Medium-Intensity (MUM), Urban Mixed-Use 1**  
7       **(UMU-1) and Urban Mixed-Use 2 (UMU-2); by amending the text in**  
8       **Policy 4.1.3 to revise criteria for proposed changes to the Future Land**  
9       **Use Map; by adding additional zoning districts to the table titled**  
10       **“Future Land Use Categories and Corresponding/Implementing**  
11       **Zoning Districts”;** stating intent to adopt the amendments as part of  
12       **the City of Gainesville 2000-2010 Comprehensive Plan; providing**  
13       **directions to the city manager; providing a severability clause;**  
14       **providing a repealing clause; and providing an effective date.**

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16       **WHEREAS,** publication of notice of a public hearing was given that the Future Land  
17       Use Element be amended by changing the text of the City of Gainesville 2000-2010  
18       Comprehensive Plan; and

19       **WHEREAS,** notice was given and publication made as required by law and a Public  
20       Hearing was then held by the City Plan Board on January 27, 2011; and

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

26       **WHEREAS,** pursuant to law, after the public hearing at the transmittal stage the City  
27       of Gainesville transmitted copies of this proposed change to the State Land Planning Agency;  
28       and

29       **WHEREAS,** a second advertisement no less than two columns wide by 10 inches  
30       long was placed in the aforesaid newspaper notifying the public of the second Public Hearing

1 to be held at least 5 days after the day the second advertisement was published; and

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

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

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

9       **Section 1.** Portions of Policy 4.1.1 of the Future Land Use Element of the City of Gainesville  
10 2000-2010 Comprehensive Plan are amended as stated below. Except as amended herein, the  
11 remainder of Policy 4.1.1 remains in full force and effect.

12 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:  
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14       **Mixed-Use Low Intensity (8-30 units per acre)**  
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16       This category allows a mixture of residential and non-residential uses such as  
17 standard lot single-family houses, small-lot single-family houses, duplex houses,  
18 townhouses (attached housing), accessory dwelling units, group homes, multi-family  
19 housing (if compatible in scale and character with other dwellings in the proposed  
20 neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to  
21 serve the surrounding neighborhood, public and private schools, places of religious  
22 assembly and other community civic uses, and traditional neighborhoods on sites 16  
23 acres or larger in conformance with the adopted Traditional Neighborhood  
24 Development (TND) ordinance. Residential development shall be limited to 8 to 30  
25 units per acres. Lots that existed on November 13, 1991 and that are less than or equal  
26 to 0.5 acres in size shall be exempt from minimum density requirements. Intensity  
27 will be controlled, in part, by adopting land development regulations that establish  
28 height limits of 5 stories or less; however, height may be increased to a maximum of  
29 8 stories by special use permit. Land development regulations shall establish the  
30 thresholds for the percentage of mixed uses for new development or redevelopment of  
31 sites 10 acres or larger. At a minimum, the land development regulations shall  
32 encourage that: at least 10 percent of the floor area of new development or  
33 redevelopment of such sites be residential; or, that the surrounding area of equal or  
34 greater size than the development or redevelopment site, and within ¼ mile of the

1 site, have a residential density of at least 6 units per acre. Residential use shall not be  
 2 a required development component for public and private schools, institutions of  
 3 higher learning, places of religious assembly and other community civic uses.  
 4 Buildings in this category shall face the street and have modest (or no) front setbacks.  
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6 This category shall not be used to extend strip commercial development along a  
 7 street. Land development regulations shall ensure a compact, pedestrian-friendly  
 8 environment for these areas, and provide guidelines or standards for the compatibility  
 9 of permitted uses.  
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#### 11 **Mixed-Use Medium-Intensity (12-30 units per acre)**

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 13 This category allows a mixture of residential, office, business and light industrial uses  
 14 concentrated in mapped areas. This category shall also allow traditional  
 15 neighborhoods on sites 16 acres or larger in conformance with the adopted Traditional  
 16 Neighborhood Development (TND) ordinance. Public and private schools,  
 17 institutions of higher learning, places of religious assembly and community facilities  
 18 shall be appropriate in this category. Such development shall function as  
 19 neighborhood center serving multiple neighborhoods. It is not expected that these  
 20 areas shall be expanded significantly during this planning period. Land development  
 21 regulations shall ensure a compact, pedestrian environment for these areas; provide  
 22 guidelines for the compatibility of permitted uses; and ensure that such areas do not  
 23 serve overlapping market areas of other designated medium-intensity neighborhood  
 24 centers. Residential development ~~from~~ shall be limited to 12 to 30 units per acre shall  
 25 be permitted. Lots that existed on November 13, 1991 and that are less than or equal  
 26 to 0.5 acres in size shall be exempt from minimum density requirements. Intensity  
 27 will be controlled, in part, by adopting land development regulations that establish  
 28 height limits of 5 stories or less; however, height may be increased to a maximum of  
 29 8 stories by special use permit. Land development regulations shall establish the  
 30 thresholds for the percentage of mixed uses for new development or redevelopment of  
 31 sites 10 acres or larger. At a minimum, the land development regulations shall  
 32 encourage that: at least 10 percent of the floor area of new development or  
 33 redevelopment of such sites be residential; or, that the surrounding area of equal or  
 34 greater size than the development or redevelopment site, and within 1/4 mile of the  
 35 site, have a residential density of at least 6 units per acre. Residential use shall not be  
 36 a required development component for public and private schools, institutions of  
 37 higher learning, places of religious assembly and community facilities. Buildings in  
 38 this land use category shall face the street and have modest (or no) front setbacks.  
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#### 40 **Urban Mixed-Use 1 (UMU-1: ~~up to 8~~ - 75 units per acre; and up to 25 additional** 41 **units per acre by special use permit)**

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 43 This category allows a mixture of residential, retail, service and office/research uses.  
 44 The Urban Mixed Use districts are distinguished from the other mixed-use districts in  
 45 that they are specifically established to support ~~biotechnology research~~ research and

1 development in the physical, engineering and life sciences in close proximity to the  
 2 University of Florida main campus. An essential component of the district is  
 3 orientation of structures to the street and pedestrian multi-modal character of the area.  
 4 Retail and office uses located within this district ~~should~~ shall be scaled to fit into the  
 5 character of the area. Residential density shall be limited to 75 units per acre with  
 6 provisions to add up to 25 additional units per acre by special use permit. Lots that  
 7 existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall  
 8 be exempt from minimum density requirements. ~~All new development must be a~~  
 9 ~~minimum of 2 stories in height.~~ All new non-single-family principal buildings shall  
 10 have a minimum height of 24 feet. Building height shall be limited to 6 stories. Land  
 11 development regulations shall set the appropriate densities; the distribution of uses;  
 12 design criteria; landscaping, and ~~pedestrian,~~ and ~~/~~vehicular access.

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 15 **Urban Mixed-Use 2 (UMU-2: up 10 to 100 units per acre; and up to 25**  
 16 **additional units per acre by special use permit)**

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 18 This category allows a mixture of residential, retail, service and office/research uses.  
 19 The Urban Mixed Use districts are distinguished from the other mixed-use districts in  
 20 that they are specifically established to support ~~biotechnology research~~ research and  
 21 development in the physical, engineering and life sciences in close proximity to the  
 22 University of Florida main campus. An essential component of the district is  
 23 orientation of structures to the street and pedestrian multi-modal character of the area.  
 24 Retail and office uses located within this district ~~should~~ shall be scaled to fit into the  
 25 character of the area. Residential density shall be limited to 10 to 100 units per acre  
 26 with provisions to add up to 25 additional units per acre by special use permit. Lots  
 27 that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size  
 28 shall be exempt from minimum density requirements. ~~All new development must be~~  
 29 ~~a minimum of 2 stories in height.~~ All new non-single-family principal buildings shall  
 30 have a minimum height of 24 feet. Building height shall be limited to 6 stories and  
 31 up to 8 stories by special use permit. Land development regulations shall set the  
 32 appropriate densities; the distribution of uses; design criteria; landscaping, and  
 33 ~~pedestrian,~~ and ~~/~~vehicular access. Land development regulations shall specify the  
 34 criteria for the siting of public and private schools, places of religious assembly, and  
 35 community facilities within this category.  
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37 **Section 2.** Policy 4.1.3 of the Future Land Use Element of the City of Gainesville 2000-2010

38 Comprehensive Plan is amended as stated below.

39 4.1.3 The City will review proposed changes to the Future Land Use Map by considering  
 40 factors such as, but not limited to, the following:

- 1           1.       ~~Overall compatibility of the proposal;~~ Consistency with the Comprehensive
- 2                     Plan;
- 3           2.       ~~Surrounding land uses;~~ Compatibility and surrounding land uses;
- 4           3.       Environmental impacts and constraints;
- 5           4.       ~~Whether the change promotes urban infill;~~ Support for urban infill and/or
- 6                     redevelopment;
- 7           5.       ~~Whether the best interests, community values, or neighborhood support is~~
- 8                     ~~achieved;~~ Impacts on affordable housing;
- 9           6.       Impacts on the transportation system;
- 10          7.       Financial feasibility, as defined in State law; and,
- 11          8.       Need for the additional acreage in the proposed future land use category.

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13           In no case shall this or any other ~~P~~policy in the Future Land Use Element indicate a  
14           presumption that the City shall support a change of designation of land use for any  
15           parcel.  
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17       **Section 3.** The table titled “Future Land Use Categories and Corresponding/Implementing  
18       Zoning Districts” within the Future Land Use Element of the City of Gainesville 2000-2010  
19       Comprehensive Plan is amended as stated below.

20       **Future Land Use Categories and Corresponding/Implementing Zoning Districts:**  
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| Land Use Categories         | Zoning Districts                               |
|-----------------------------|--|
| Single Family (SF)          | RSF-1, RSF-2, RSF-3, RSF-4, RSF-R, CON, PD, PS |
| Residential-Low (RL)        | RSF-4, RMF-5, MH, RC, PD, CON, PS              |
| Residential-Medium (RM)     | RMF-6, RMF-7, RMF-8, PD, CON, PS               |
| Residential-High (RH)       | RH-1, RH-2, PD, TND, CON, PS                   |
| Mixed Use-Residential (MUR) | RMU, PD, CON, PS                               |
| Mixed Use-Low (MUL)         | MU-1, PD, TND, CON, PS                         |
| Mixed Use-Medium (MUM)      | MU-2, CP, PD, TND, CON, PS                     |
| Mixed Use-High (MUH)        | CCD, PD, TND, CON, PS                          |
| Urban Mixed-Use 1 (UMU-1)   | UMU-1, CON, PS, PD                             |
| Urban Mixed-Use 2 (UMU-2)   | UMU-1, UMU-2, CON, PS, PD                      |
| Office (O)                  | OR, OF, MD, PD, CON, PS                        |
| Commercial (C)              | BA, BT, BUS, W, PD, CON, PS                    |
| Business Industrial (BI)    | BI, PD, PS, CON                                |
| Industrial (IND)            | I-1, I-2, W, PD, CON, PS, BI                   |
| Education (E)               | ED, PD, CON, PS                                |
| Recreation (REC)            | PS, PD, CON                                    |

|                            |   |
|----------------------------|---|
| Conservation (CON)         | CON, PD, PS   |
| Agriculture (AGR)          | AGR, CON, PS  |
| Public Facilities (PF)     | AF, PS, PD, CON   |
| Planned Use District (PUD) | PD, TND, PS or rezoning consistent with the underlying land use designation |

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**Section 4.** It is the intent of the City Commission that Sections 1 through 3 of this ordinance will become part of the City of Gainesville 2000-2010 Comprehensive Plan. The City Manager is authorized and directed to make the necessary changes in maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or portion thereof in order to fully implement this ordinance.

**Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

**Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

**Section 7.** This ordinance shall become effective immediately upon passage on second reading; however, the effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

1 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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\_\_\_\_\_  
CRAIG LOWE  
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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16 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

17 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.