



MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commission

DATE: January 24, 2000
FIRST 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) approve Petition 151CPA-99 PB and (2) adopt the proposed ordinance.

STAFF REPORT

In the summer of 1998, the City of Gainesville hired the Dover-Kohl urban design firm to prepare plans for College Park, University Heights, and University Avenue from West 6th Street to West 13th Street.

In preparing proposed regulations affecting the University Heights neighborhood, Dover-Kohl has made the important recommendation that to create a more walkable, transit-friendly neighborhood, buildings should be controlled by placement, orientation and height, as is done by the Traditional City ordinance, instead of by parking and floor area ratio (FAR) standards.

Policy 2.1.1 of the Future Land Use Element of the Gainesville Comprehensive Plan establishes FAR standards for the office, education, mixed-use low and mixed-use high land use categories found within the neighborhood. This petition would help achieve the walkable, transit-friendly neighborhood objectives cited above by exempting the University Heights neighborhood from the FAR standards found in Policy 2.1.1.

The City livability objectives for new construction in the neighborhood—traditional design principles that improve safety, comfort and convenience of the pedestrian, and, therefore, improve the overall quality of life in the neighborhood—should be adequately controlled by the proposed University Heights Special Area Plan and the Gainesville Land Development Code provisions. Especially controlled are those pertaining to building placement, orientation, height, and landscaping.

This Petition is related to Petition 152TCH-99PB, which, if approved, would establish a special area plan for the University Heights Neighborhood.

Public notice was published in the Gainesville Sun on October 15, 1999. The Plan Board held a public hearing October 26, 1999. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 151CPA-99 PB. Plan Board vote 5-0.

..Fiscal Note
None

CITY ATTORNEY'S MEMORANDUM

The proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs for written comment. Any comments, recommendations or objections of the State Department of Community Affairs must be considered at the second public hearing. The City Commission may then adopt or adopt with changes the proposed amendment to the Comprehensive Plan, or determine not to adopt a plan amendment.

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 held approximately five days after the day that the second advertisement is published.

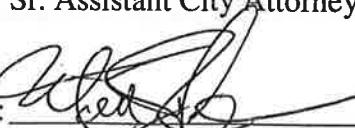
The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

ORDINANCE NO.
0-00-33

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.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan 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 October 26, 1999; and

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

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

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

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.

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).

9
10
11 **PASSED AND ADOPTED** this _____ day of _____, 2000.
12
13

14 _____
15 PAULA M. DeLANEY
16 MAYOR

17
18 ATTEST:

Approved as to form and legality

19
20
21 _____
22 KURT M. LANNON
23 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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

25 This Ordinance passed on second reading this _____ day of _____, 2000.
26

27 carter:ordinances:151CPA-99PB

Item No. 2

To: City Plan Board

Date: October 26, 1999

From: Planning Division Staff

Subject: Petition 151CPA-99 PB. City Plan Board. Amend the Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan to allow building height, build-to lines setback requirements and building coverage to determine intensity of use instead of floor area ratios within the University Heights Neighborhood.

Recommendation

Planning Division staff recommends approval of Petition 151CPA-99 PB.

Explanation

In the summer of 1998, the City of Gainesville hired the Dover-Kohl urban design firm to prepare plans for College Park, University Heights, and University Avenue from West 6th Street to West 13th Street.

In preparing proposed regulations affecting the University Heights neighborhood, Dover-Kohl has made the important recommendation that to create a more walkable, transit-friendly neighborhood, buildings should be controlled by placement, orientation and height, as is done by the Traditional City ordinance, instead of by parking and floor area ratio (FAR) standards.

Policy 2.1.1 of the Future Land Use Element of the Gainesville Comprehensive Plan establishes FAR standards for the office, education, mixed-use low and mixed-use high land use categories found within the neighborhood. This petition would help achieve the walkable, transit-friendly neighborhood objectives cited above by exempting the University Heights neighborhood from the FAR standards found in Policy 2.1.1.

The City livability objectives for new construction in the neighborhood—traditional design principles that improve safety, comfort and convenience of the pedestrian, and, therefore, improve the overall quality of life in the neighborhood—should be adequately controlled by the proposed University Heights Special Area Plan and the Gainesville Land Development Code provisions. Especially controlled are those pertaining to building placement, orientation, height, and landscaping.

Proposed amendments to Policy 2.1.1:

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

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

Commercial. The commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses . Land Development Regulations shall determine the appropriate scale of uses. Floor area ratios in this district shall not exceed 2.00, except in a special area plan, where there shall be no floor area ratio maximum. The intensity of development will be regulated by the Urban Design Standards that include building height, build-to lines setback requirements and building coverage to determine intensity of use instead of a maximum floor area ratio.

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

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

This Petition is related to Petition 152TCH-99PB, which, if approved, would establish a special area plan for the University Heights Neighborhood.

City Plan Board
Petition 151CPA-99 PB
October 26, 1999

Affordable Housing

To the extent that the more compact, walkable, people-oriented public realm created by the removal of floor area ratio maximum will reduce the number of cars needed for a household, and to the extent that such a removal of a maximum creates opportunities for accessory dwelling units and mixed use, this petition will have a positive impact on the supply of affordable housing.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RW:DM:DN

2. **Petition 151CPA-99 PB** City Plan Board. Amend the Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan to allow building height, build-to lines setback requirements and building coverage to determine intensity of use instead of floor area ratios within the University Heights Neighborhood.

Mr. Dom Nozzi was recognized. Mr. Nozzi explained that the City had recently amended the College Park Plan to address the issue of building height, build-to lines setback requirements and building coverage to determine intensity of use instead of floor area ratios. He indicated that the same change was now requested for the University Heights Neighborhood. He discussed the concern stated by citizens that moving away from floor area ratio would not allow sufficient space on a lot for landscaping. Mr. Nozzi pointed out that the regulations that would apply with the University Heights Special Area Plan would address that concern. He noted that the change would be made in the Comprehensive Plan for the four land use categories in the University Heights Neighborhood. Mr. Nozzi suggested that the change would allow the flexibility to adopt future special area plans without having to propose a Comprehensive Plan Amendment each time. He offered to answer any questions from the board.

There was no public comment on the petition.

Mr. McGill noted that the change to the Comprehensive Plan for the University Heights area was taking place before the actual establishment of the Special Area Plan.

Mr. Polshek agreed.

Mr. Hilliard suggested that the board table the item until the presentation on the University Heights Special Area Plan was heard. He explained that the change applied to any Special Area Plan that contained the criteria in the policy.

Mr. Tom Saunders, Community Development Director, was recognized. Mr. Saunders reminded the board that during discussions of the floor area ratio issue in College Park, it had been determined that a Comprehensive Plan amendment would be required. He discussed the extended length of time required for a Comprehensive Plan change. He explained that staff wished to begin the process so the Special Area Plan, Comprehensive Plan and zoning would fall together.

Mr. Polshek requested that the definition of floor area ratio be read into the record so that when the public read the minutes, they would have a clear idea of the definition.

Mr. Mimms stated the definition from the Land Development Code was as follows. "Floor area ratio means the extent of development of any lot, expressed as a ratio of the gross floor area of all buildings on the lot or of all principal buildings on the lot if the ratio is so limited to the total lot area."

Mr. Hilliard discussed the definition and how it applied to buildings on the site.

<u>Motion By:</u> Mr. McGill	<u>Seconded By:</u> Ms. Myers
<u>Moved to:</u> Table Petition 151CPA-99 PB until later in the meeting.	<u>Upon Vote:</u> Motion Carried 5-0 Ayes: Carter, McGill, Myers, Polshek, Guy

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville.

Chair Guy called for public comment on the petition. There was no public comment.

Mr. McGill suggested that, while the petition seemed straightforward, Citizen Robert Pearce, had raised concerns about a change that would create large buildings that used every inch of property.

Mr. Hilliard explained that when Mr. Pearce raised his concerns, the University Heights Plan had not been completed. He noted that front and side-yard setbacks had now been established in the Plan presented to the board. He further noted that additional landscaping had also been provided for. Mr. Hilliard indicated that staff had discussed the matter with Mr. Pearce. He explained that he understood the board's concern about approving a Comprehensive Plan Amendment without first having the Special Area Plans in place, but reiterated that timing was an issue. He indicated that the first and second readings of the Comprehensive Plan amendment would probably coincide with the first and second reading of the design standards.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Mr. Polshek
<u>Moved to:</u> Approve Petition 151CPA-99 PB.	<u>Upon Vote:</u> Motion Carried 5-0 Ayes: Carter, McGill, Myers, Polshek, Guy