



Legislation Details (With Text)

File #: 061124. **Version:** 3 **Name:** URBAN MIXED-USE 1 BUILDING HEIGHTS (B)
Type: Ordinance **Status:** Adopted
File created: 4/2/2009 **In control:** City Attorney
On agenda: **Final action:** 4/16/2009
Title: URBAN MIXED-USE 1 BUILDING HEIGHTS (B)

Ordinance No. 0-09-01; Petition No. 34TCH-07 PB

An ordinance of the City of Gainesville, Florida, relating to density and building height in the Urban Mixed-Use 1 zoning district (UMU-1: up to 75 units/acre); amending subsection 30-65.1(d)(4) of the Land Development Code by deleting redundant references to density and building height; amending subsection 30-65.1(d)(5) by imposing a maximum overall building height with a minimum of two stories and a maximum of six stories and by deleting the option of seeking additional stories by special use permit; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 061124_200706251300.pdf, 2. 061124_200708131300.pdf, 3. 061124a_200708131300.pdf, 4. 061124_UMU 1 Building Heights_20090402.pdf, 5. 061124_staff ppt_20090402.PDF, 6. 061124_ordinance_20090416.pdf

Date	Ver.	Action By	Action	Result
4/16/2009	3	City Commission	Adopted on Final Reading (Ordinance)	Pass
4/2/2009	3	City Commission	Adopted on First Reading (Ordinance)	Pass
8/13/2007	2	City Commission	Approved, as shown above - See Motion(s)	
6/25/2007	1	City Commission	Continued (Petition)	Pass

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The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

At the June 25, 2007 City Commission meeting, the Commission requested that City Planning Division prepare a report concerning correcting building height ambiguity in the UMU-1 zoning district and College Park Special Area and referred the issue to the Community Development Committee. This request was a result of a developer

argument that since she was allowed to build to the not-to-exceed height limit of 104 feet, the developer should be entitled to the two additional stories allowed by Special Use Permit, as the developer indicated she would build to 104 feet whether the building was approved at six stories or eight stories.

While it is unlikely that a developer will build a six story building to 104 feet, the approach most likely to result in future development being consistent with the City intent for building height is to add a provision to the Land Development Code so that the allowed height and number of stories is less ambiguous.

The Committee discussed several options and recommended that the allowed heights be changed to five stories by right and six by rezoning to Planned development district (PD). Staff initiated a petition to make that change.

After notice was published in the Gainesville Sun on May 1, 2007, the Plan Board, at its May 17, 2007 meeting, heard the petition and recommended, by a vote of 6-0, that the City Commission adopt the Petition, as amended by the Plan Board. The Plan Board amendment was that building height be a maximum of six stories by right without the option for additional stories by special use permit or by PD.

On August 17, 2007, the City Commission held a public hearing on the Petition and, by a vote of 5-1, approved the Petition with further amendment by allowing up to six stories by right and a maximum height of 78 feet.

The Petition as approved by the City Commission required a corresponding Comprehensive Plan amendment to limit buildings in UMU-1 to six stories, so this text change ordinance was placed on hold while staff processed 105CPA-07 PB, which was adopted on second reading by the City Commission on October 16, 2008. On December 11, 2008, the Florida Department of Community Affairs issued a Notice of Intent to find the 105CPA-07 PB Comprehensive Plan amendment in compliance. That comprehensive plan amendment is now in effect.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, April 16, 2009.