



Legislation Details (With Text)

File #: 040373 **Version:** 3 **Name:** COMPREHENSIVE PLAN AMENDMENT - HEIGHT LIMITATIONS IN THE OFFICE AND COMMERCIAL LAND USE CATEGORIES (B)

Type: Ordinance **Status:** Adopted

File created: 8/22/2005 **In control:** City Attorney

On agenda: **Final action:** 8/22/2005

Title: COMPREHENSIVE PLAN AMENDMENT - HEIGHT LIMITATIONS IN THE OFFICE AND COMMERCIAL LAND USE CATEGORIES (B)

Ordinance No. 0-04-103; Petition 148CPA-04 PB

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan, Policy 4.1.1, in the Mixed-Use Low Intensity, Mixed-Use Medium Intensity, Office and Commercial land use categories to allow a height of more than 5 stories by Special Use Permit; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 040373_200508221300.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------|--|--------|
| 8/22/2005 | 3 | City Commission | Adopted on Final Reading, as amended (Ordinance) | Pass |
| 1/10/2005 | 2 | City Commission | Adopted on First Reading (Ordinance) and Approved the Recommendation | Pass |
| 10/25/2004 | 1 | City Commission | Approved (Petition) | Pass |

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The City Commission (1) receive the Objections, Recommendations and Comments Report; (2) hear a presentation from staff and receive comments from the public; and (3) adopt the proposed ordinance, as amended.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

The City Commission voted to increase height limits for these land use categories, and directed the City Plan Board to initiate a petition to consider such a regulation. This petition will allow building heights in these land use categories to exceed 5 stories by special use permit. Additional height for these categories would promote infill development and redevelopment, and higher residential and commercial densities and intensities. When designed

well and properly located, this additional building height can promote retail and commercial health, transportation choice, and compact development. Special use permit criteria established to grant property owners with the ability to exceed 5 stories should be designed for quality building and urban design.

For example, a greater than 5-story hospital or hotel building along a major roadway, and not adjacent to single-family residential development, could be found to be compatible under appropriate special use permit criteria.

Special use permit criteria should also be designed to mitigate the tendency of taller buildings to require an enormous land area for surface parking.

The proposed text changes are consistent with the City of Gainesville 2000-2010 Comprehensive Plan and are recommended for approval.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on September 7, 2004 and October 10, 2004. The Plan Board held a public hearing September 23, 2004. The City Commission held a public hearing October 25, 2004, and approved the Petition.

CITY ATTORNEY MEMORANDUM

On January 10, 2005 the City Commission adopted Ordinance No. 0-04-103 (Petition No. 148 CPA-04 PB, Future Land Use Element) on first reading for transmittal to the Department of Community Affairs (DCA). The DCA completed its review and transmitted the Department's Objections, Recommendations and Comments (ORC) report dated June 20, 2005. The City's Planning Division received the ORC on June 22, 2005. (See Attachment A.)

The City of Gainesville has 60 days within which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment at the adoption stage of the ordinance (second reading), which was advertised five days prior to this adoption hearing.

The attached ordinance reflects, in double-underline, the City's incorporation of DCA's ORC into the comprehensive plan amendment text. (See Attachment B for the City's response to the DCA.) Additionally, a few minor scrivener's errors have been corrected in this document so that the comprehensive plan amendment text is otherwise consistent with the current text (with the exception of these substantive changes). If adopted on second reading, 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.