



Legislation Details (With Text)

File #: 071154. **Version:** 1 **Name:** COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT - NEW LAND USE CATEGORY, "BUSINESS INDUSTRIAL" (B)

Type: Ordinance **Status:** Passed

File created: 10/16/2008 **In control:** City Attorney

On agenda: **Final action:** 10/16/2008

Title: COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT - NEW LAND USE CATEGORY, "BUSINESS INDUSTRIAL" (B)

Ordinance No. 0-06-122; Petition 116CPA-07 PB
 An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan by adding a new land use category, "Business Industrial," to policy 4.1.1, specifying conditions and limitations; 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. 071154_200805121300.pdf, 2. 071154_AdoptHearing_116CPA-07PB20081016.pdf, 3. 071154_ordinance_20081016.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------|--|--------|
| 10/16/2008 | 1 | City Commission | Adopted (Ordinance) on Adoption Reading, as amended | Pass |
| 5/12/2008 | 0 | City Commission | Approved (Petition) and Adopted on First Reading (Ordinance) | Pass |

COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT - NEW LAND USE CATEGORY, "BUSINESS INDUSTRIAL" (B)

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The City Commission adopt the ordinance, as amended by City staff.

PLANNING & DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On May 12, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On August 26, 2008, DCA issued its Objections, Recommendation and Comments (ORC) Report to the City (attached as Exhibit "A"). In the ORC Report, the DCA's objection to the proposed Business Industrial future land use category was that the City did not include an intensity standard; therefore, the comprehensive plan amendment was not in compliance with Sections 163.3177(6)(a) and 187.201 (25) Plan Implementation, Goal (a) and Policy (b)7, Florida Statutes, and with Rules 9J-5.005(6) and 9J-5.006(3)(c)7., Florida Administrative Code. In response, Planning staff has revised the ordinance to include a maximum floor area ratio of 4.0 for the Business Industrial future land use category. The City staff

response to the ORC Report is attached as Exhibit "B".

As defined in the City's Land Development Code, "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. A floor area ratio of 4.0 is a reasonable maximum allowance for this future land use category which has a five-story height limitation. By way of example, a Floor Area Ratio of 4.0 would allow a 5-story building with 80,000 square feet on each floor (a total of 400,000 square feet) on a 100,000 square-foot lot, subject to other zoning limitations.

BACKGROUND

In April 2007, the County submitted a petition (47LUC-07PB) that proposed changing the Alachua County Fairground site land use to Mixed-Use Medium (MU-M) and a petition (48CPA-07PB) to modify the MU-M land use category to accommodate a proposed industrial business park on the Fairground site adjacent to the Airport. After extensive review of the petitions by both City and County staff, it was determined that it would be inconsistent to apply a land use category that allowed residential development in such close proximity to the Airport. However, almost all of the City's existing land use categories allow some type of residential development, including the industrial land use category. The proposed Business Industrial land use category is developed specifically to be applied to properties near the Airport and to other areas of the City where office, business, commercial or industrial uses are desired and residential use is not appropriate.

On November 15, 2007, the City Plan Board heard the petition and by a vote of 7-0 recommended the City Commission approve the Petition. On May 12, 2008, the City Commission approved the petition and ordinance on first reading.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal state and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA 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.

None