



Legislation Details (With Text)

**File #:** 070904. **Version:** 2 **Name:** COMPREHENSIVE PLAN AMENDMENT - URBAN MIXED-USE 1 FUTURE LAND USE CATEGORY - BUILDING HEIGHT (B)

**Type:** Ordinance **Status:** Adoption Reading

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

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

**Title:** COMPREHENSIVE PLAN AMENDMENT - URBAN MIXED-USE 1 FUTURE LAND USE CATEGORY - BUILDING HEIGHT (B)

Ordinance No. 0-08-07; Petition 105CPA-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, amending the Urban Mixed-Use-1 category within Policy 4.1.1 by deleting the current allowance for an additional 2 stories of building height by Special Use Permit and deleting an unnecessary reference to the Land Development Code; 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. 070904\_200805121300.pdf, 2. 070904\_Adopthearing\_105CPA07PB\_20081016.pdf, 3. 070904\_ordinance\_20081016.pdf, 4. 070904-1875\_001.pdf

Date	Ver.	Action By	Action	Result
10/16/2008	2	City Commission	Adopted (Ordinance) on Adoption Reading	Pass
5/12/2008	1	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)	Pass

COMPREHENSIVE PLAN AMENDMENT - URBAN MIXED-USE 1 FUTURE LAND USE CATEGORY - BUILDING HEIGHT (B)

Ordinance No. 0-08-07; Petition 105CPA-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, amending the Urban Mixed-Use-1 category within Policy 4.1.1 by deleting the current allowance for an additional 2 stories of building height by Special Use Permit and deleting an unnecessary reference to the Land Development Code; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission adopt the proposed ordinance.

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 State issued no objections and no comments on the ordinance. Planning staff recommends adoption of the ordinance without revisions.

## BACKGROUND

On May 17, 2007, the City Plan Board heard Petition 34TCH-07 PB and voted 6-0 to amend the text of the Gainesville Land Development Code to limit building height in the Urban Mixed Use-1 zoning district to 6 stories by right and not allow any additional height by special use permit. On August 13, 2007, the Petition was heard and approved by the City Commission.

Staff realized that the approval of the text change to the Land Development Code requires that the Future Land Use Element of the Gainesville Comprehensive Plan be amended to reflect this limitation in the Urban Mixed-Use 1 Future Land Use category.

On September 20, 2007, the City Plan Board heard this Petition 105CPA-07 PB and by a vote of 7-0 recommended approval of this Petition. There are currently no buildings located on lands with Urban Mixed-Use 1 land use that are taller than 6 stories, so existing buildings in this category would not become non-conforming due to the proposed maximum building height of 6 stories.

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.

After this Comprehensive Plan amendment becomes effective, staff will agenda the ordinance hearing for the related text change amendments (Petitions 34TCH-07 PB and 35TCH-07 PB) that were heard and approved as petitions by the City Commission on August 13, 2007.

None.