



Legislation Text

File #: 100684., **Version:** 3

AMEND FUTURE LAND USE ELEMENT POLICIES 4.1.1 AND 4.13 TEXT AND ADD ZONING DISTRICTS TO THE IMPLEMENTING ZONING DISTRICTS TABLE (B)

Ordinance/Legistar No. 100684; Petition No. PB-10-139 CPA

An ordinance amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan; by amending the text of Policy 4.1.1 for the land use categories of Mixed-Use Low-Intensity (MUL), Mixed-Use Medium-Intensity (MUM), Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2); by amending the text in Policy 4.1.3 to revise criteria for proposed changes to the Future Land Use Map; by adding additional zoning districts to the table titled "Future Land Use Categories and Corresponding/Implementing Zoning Districts"; stating intent to adopt the amendments as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date

The City Commission (1) receive the report of the Department of Community Affairs; (2) adopt the ordinance as revised to: a) delete the UMU-3 and CCD-1 zoning districts, and b) delete financial feasibility and add new language to be consistent with Chapter Law 2011-139.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On April 7, 2011, the City Commission approved this ordinance by a vote of 7-0 with amendments, adding CCD-1 and UMU-3 to the zoning districts chart in Section 3 of the ordinance. City staff inadvertently failed to include those amendments when transmitting the ordinance to the Department of Community Affairs. City staff now recommends that the ordinance be amended on second reading to delete those zoning districts for two reasons. The first is that those zoning districts do not exist and city staff has no imminent plans to create those districts. Secondly, under the newly adopted state growth management law (House Bill 7207, now Chapter Law 2011-139) effective June 2, 2011, if the city decides to create those zoning districts it can, at any time, amend the comprehensive plan to include those districts.

In addition, based on Chapter Law 2011-139, staff recommends amending the ordinance on second reading to be consistent with this new law by deleting "Financial feasibility" from Policy 4.1.3 and inserting "an analysis of the availability of facilities and services".

The ordinance amends the Future Land Use Element (FLUE) within the City's Comprehensive Plan to clarify and update information. The policies proposed for amendment are Policy 4.1.1 and Policy 4.1.3 and the table titled "Future Land Use Categories and Corresponding/Implementing Zoning Districts."

In Policy 4.1.1, the Mixed Use Low (MUL) and Mixed Use Medium (MUM) categories are amended to add an exemption to the minimum density requirements for parcels 0.5 acres and smaller. Citywide there are several parcels with these land use category designations that are equal to or smaller than 0.5 acres. Due to size and layout constraints, these parcels have difficulty meeting the minimum density requirements when providing parking and stormwater facilities on site. This results in limited development/redevelopment opportunities for these small parcels. The proposed language is consistent with language in the Residential Medium and Residential High land use categories and zoning categories for the same residential densities. The date of November 13, 1991 is used as

that is the effective date of the City's original Comprehensive Plan.

In Policy 4.1.1, the Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2) categories are being amended to:

Add minimum density requirements to ensure transit supportive residential development;

Add an exemption to the minimum density requirements for parcels 0.5 acres and smaller;

Add clarifying language about the types of research and development uses allowed. This broadens the language beyond the biotechnology field so that it is clear that multiple types of research are encouraged in the category and makes it consistent with language in the UMU-1 and UMU-2 zoning districts;

Clarify that an essential component of the district is its multi-modal (not just pedestrian) character; and,

Change and clarify the requirement concerning two-story development to make it a requirement for principal, non-single family buildings with a minimum height of 24 feet instead of two stories. This change is consistent with the proposed new UMU-2 zoning district requirements and allows some flexibility for buildings to appear two-story without the added cost of building the added interior floor. Input from consultants has indicated that the actual height as opposed to real building stories is as effective in creating the street frontage image. In addition, this clarifies that the height requirement is for principal buildings in the development and not all buildings (such as accessory storage buildings or pool clubhouses).

In Policy 4.1.3, which sets forth criteria used to evaluate proposed changes to the Future Land Use Map, Planning staff determined the policy language requires clarification and additional criteria needed to be added.

With regards to the Land Use Categories and Corresponding/Implementing Zoning Districts table, it is amended to add additional implementing zoning districts for associated land use categories. These changes are consistent with the Land Development Code and are recommended to add flexibility to the impacted land use categories.

After public notice was published in the Gainesville Sun on January 11, 2011, the City Plan Board held a public hearing on January 27, 2011 and, by a vote of 6-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

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 advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new growth management statutory law (House Bill 7207, now chapter law 2011-139) effective June 2, 2011, the state land planning agency issued a letter dated June 6, 2011 stating it identified no comments related to important state resources and facilities that will be adversely impacted if adopted. No other reviewing agencies provided comments.

This ordinance, if adopted on second reading will be transmitted to the state land planning agency, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has

become effective. Since the first reading of this ordinance occurred prior to June 2, 2011, it is necessary to revise Section 7 of the ordinance (the effective date section) to conform to the new law.