



Legislation Text

File #: 130435., **Version:** 4

COMPREHENSIVE PLAN AMENDMENT - AMENDING FUTURE LAND USE ELEMENT & DELETING URBAN DESIGN ELEMENT (B)

Ordinance No. 130435; Petition No. PB-13-93 CPA

An ordinance amending the Future Land Use Element and deleting the Urban Design Element of the City of Gainesville Comprehensive Plan; by incorporating certain goals, objectives and policies from the Urban Design Element into the Future Land Use Element and by clarifying and updating certain objectives and policies of the Future Land Use Element, as more specifically described in this ordinance; by amending Objective 1.1, adding Objective 2.3 relating to collaboration with the Gainesville Community Redevelopment Agency, amending Policy 3.4.1, adding Policies 3.5.5 and 3.5.6, amending the Commercial land use category in Policy 4.1.1, amending Policy 4.3.5 relating to Hatchet Creek Planned Use District, amending Policies 4.7.2 and 4.7.5 relating to the Idylwild/Serenola Special Area, amending Goal 5; by deleting the Urban Design Element; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission: (1) receive letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Transportation, and (2) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

Update since first hearing: On May 1, 2014, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Transportation. The nature of the comments received did not necessitate any changes to the ordinance.

This petition/ordinance will integrate portions of the Urban Design Element into the Future Land Use Element by amending policies regarding collaboration with the Community Redevelopment Agency (CRA) and the University of Florida on urban design issues and by establishing a new goal regarding the implementation of urban design standards in the Land Development Code. This petition/ordinance will also amend the Future Land Use Element for clarity and internal consistency and delete the Urban Design Element.

Urban Design Element

The proposed elimination of the Urban Design Element (UDE) is consistent with the approved recommended changes outlined in the original 2001-2010 Comprehensive Plan Final Evaluation & Appraisal Report (EAR) adopted on October 21, 2010. The EAR report found that many of the urban design policies included in the

Urban Design Element are currently being implemented through newer and more developed policies in the Future Land Use and Transportation Mobility Elements. The adopted recommendation from the EAR was to eliminate the Urban Design Element and incorporate the related policies into other elements, including a new goal in the Future Land Use Element that specifically addresses urban design. This will eliminate redundancy and elevate the status of these policies.

An objective and associated policies related to the ongoing collaboration with the Community Redevelopment Agency (CRA) are being added to the Future Land Use Element. The proposed policies reflect the City's ongoing collaboration with the CRA, while maintaining flexibility as the City and the CRA continue to identify new projects in the future. The Urban Design Element also contained several policies that encouraged coordinating with the University of Florida to achieve high-quality urban design in areas and roadways adjacent to campus. These policies have been consolidated and refined in the Future Land Use Element.

Goal 5 of the Future Land Use Element has been refocused to include urban design objectives and policies intended to support the implementation of urban design standards in the Land Development Code. Concurrent with the ongoing update to the Land Development Code, Planning staff anticipates bringing forward additional amendments to this and other sections of the Future Land Use Element as well as potentially several other elements of the Comprehensive Plan to support the Land Development Code update.

Consistency amendments to the Future Land Use Element

Staff is proposing amendments to the policies related to the Idylwild/Serenola Special Area and to Policy 4.3.5 (Hatchet Creek Planned Use District (PUD)) to ensure consistency with updated processes and terminologies included in the Conservation, Open Space and Groundwater Recharge Element and Article VIII, Division 4. - Regulated Natural and Archaeological Resources (NAR) of the Land Development Code. These policies are being updated to reference the NAR for consistency with current regulations. The Hatchet Creek PUD land owner has been notified and has no objections to these changes.

Staff is also proposing a small amendment to the Commercial land use category to eliminate the provision for residential development when sensitively designed. The term "sensitively designed" is not defined within the Comprehensive Plan or the Land Development Code. This lack of definition creates a potential difficulty in applying this standard. Staff is also proposing a small amendment to Objective 1.1 for internal consistency with the urban design related changes and a change to Policy 3.4.1 for internal consistency with the new Transportation Mobility Element.

After public notice was published in the Gainesville Sun on October 8, 2013, the City Plan Board held a public hearing on October 24, 2013, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.