



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: July 24, 2000
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-05; Petition No. 101CPA-99PB
An ordinance of the City of Gainesville, Florida, amending the Cultural Affairs Element of the City of Gainesville 1991-2001 Comprehensive Plan; repealing ineffective, irrelevant or obsolete policies, providing for development of a broad-based tourism plan, providing for promotion of downtown Gainesville as an arts and entertainment district and providing for expansion of the Art in Public Places program; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.

The above-referenced ordinance has been prepared pursuant to City Commission action requesting the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

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.

The State of Florida Department of Community Affairs issued a letter dated June 9, 2000, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

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.

Prepared by:


Patricia M. Carter, Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson, City Attorney



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"



JEB BUSH
 Governor

June 9, 2000

STEVEN M. SEIBERT
 Secretary

The Honorable Paula M. Delaney
 Mayor, City of Gainesville
 Post Office Box 490, Station 19
 Gainesville, Florida 32602

Dear Mayor Delaney:

The Department has conducted a preliminary review of the City of Gainesville proposed comprehensive plan amendment received on May 11, 2000, DCA Reference No. 00-1ER.

The Department has determined that the proposed plan amendment need not be formally reviewed for consistency with Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, (F.A.C.). In addition, the Department has not received any recommendation for review from the North Central Florida Regional Planning Council or any affected person regarding the proposed amendment.

Therefore, the proposed amendment will not be reviewed and the Objections, Recommendations and Comments report will be waived. The local government may proceed to immediately adopt the amendment. After adoption, please submit three copies of the adopted amendment to the Department for our final compliance review, consistent with the requirements of Rule 9J-11.011, F.A.C.

This letter should be made available for public inspection. If you have any questions, please contact Jim Crews, Planner IV, overseeing the review of the amendment, at (850) 487-4545.

Sincerely,

Michael F. Sherman, AICP
 Growth Management Administrator

MFS/jcs

cc: Mr. Dean Mimms, Chief of Comprehensive Planning
 Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32398-2100
 Phone: 850.488.8486/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
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6-14-00

ORDINANCE NO. _____
0-00-05

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An ordinance of the City of Gainesville, Florida, amending the Cultural Affairs Element of the City of Gainesville 1991-2001 Comprehensive Plan; repealing ineffective, irrelevant or obsolete policies, providing for development of a broad-based tourism plan, providing for promotion of downtown Gainesville as an arts and entertainment district and providing for expansion of the Art in Public Places program; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the City Plan Board as the local planning agency has undertaken and prepared an Evaluation and Appraisal Report, as specified in section 163.3191, Fla. Stat., setting forth an assessment and evaluation of the City of Gainesville 1991-2001 Comprehensive Plan adopted November 13, 1991 and subsequently recommended the Evaluation and Appraisal Report to the City Commission of the City of Gainesville for adoption; and

WHEREAS, supporting data and analysis documentation was prepared as background and justification for the City of Gainesville 2001-2010 Comprehensive Plan’s goals, objectives and policies; and

WHEREAS, the City Plan Board as the local planning agency in the preparation of this amending to the 1991-2000 Comprehensive Plan which shall become part of the 2001-2010 Comprehensive Plan of the City of Gainesville, provided for broad dissemination of the proposals and alternatives, opportunity for written comments, public hearings, open discussion, communications programs, information services, and consideration of and response to public comments; and

WHEREAS, the City Plan Board, as the local planning agency, authorized the publication of notice of a Public Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice was given and publication made as required by law and a Public

D R A F T

6-14-00

1 Hearing was then held by the City Plan Board on August 26, 1999; and

2 **WHEREAS**, notice was given and publication made of a Public Hearing which was then
3 held by the City Commission on January 24, 2000; and

4 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
5 inches long was placed in a newspaper of general circulation notifying the public of this
6 proposed ordinance and of the Public Hearing to be held at the transmittal stage, in the City
7 Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first
8 advertisement was published; and

9 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage the City of
10 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

11 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long
12 was placed in the aforesaid newspaper notifying the public of the second Public Hearing to be
13 held at least 5 days after the day the second advertisement was published; and

14 **WHEREAS**, the two Public Hearings were held pursuant to the published notices
15 described at which hearings the parties in interest and all others had an opportunity to be and
16 were, in fact, heard; and

17 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered
18 the comments, recommendation and objections, if any, of the State Land Planning Agency;

19 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
20 **CITY OF GAINESVILLE, FLORIDA:**

21 **Section 1.** The Cultural Affairs Element of the City of Gainesville 1991-2001 Comprehensive
22 Plan is amended to read as follows:

23 **GOAL 1 EXPAND THE ROLE OF THE CITY TO MEET THE NEED FOR SERVICES,**
24 **COORDINATION, LEADERSHIP AND FUNDING FOR THE CULTURAL GROWTH**

1 OF THE COMMUNITY.

2 **Objective 1.1 The City shall identify and promote a broad base of financial support for**
3 **the arts.**

4 1.1.1 The City shall maintain a funding commitment of \$145,000 ~~\$75,000~~ at a minimum
5 annually to the arts through a general government grants program.

6 ~~1.1.2 By 1996, the City shall apply to the National Endowment for the Arts for a Local~~
7 ~~Incentive Grant using the Tourist Development Tax as the source for the local matching funds.~~

8 1.1.23 ~~By 1998, the~~ The City shall continue investigating ~~investigate~~ methods to increase arts
9 funding, such as additional dedicated funding sources, ~~or a United Arts Fund.~~

10 ~~1.1.4 The City shall encourage increased community support for the arts by promoting~~
11 ~~cultural tourism.~~

12 **Objective 1.2 The City shall enhance its Local Arts Agency (LAA) services to individual**
13 **artists and small arts organizations** ~~with specific focus on minorities and disabled.~~

14 1.2.1 The City shall hold at least two workshops yearly to address issues of concern, such as
15 access, professionalism, fiscal accountability, marketing, audience development, grants writing,
16 and others.

17 ~~1.2.2 By 1995, the City shall increase the visibility of minority and disabled artists by~~
18 ~~identifying them in the Artists Directory.~~

19 1.2.3 The City shall serve as a resource center for grant applicants, providing reference
20 materials and technical assistance to organizations and individuals.

21 **Objective 1.3 The City shall increase its visibility as the LAA and recognition of its role in**
22 **the arts community.**

23 1.3.1 The LAA shall ~~expand its master calendar to show~~ continue to promote events in the
24 North Central Florida Region through annual publication of a master calendar.

1 1.3.2 The LAA shall produce and update a brochure explaining its services and programs.

2 1.3.3 The LAA shall produce an annual forum to recognize members of the business
3 community for their support of the arts.

4 **Objective 1.4 The City shall identify the range of facilities needed for presentation of the**
5 **arts, and the physical improvements necessary to existing facilities to provide comfortable**
6 **access for all and the locational needs for cultural activities which will encourage and**
7 **maintain community spirit.**

8 ~~1.4.1 By January 1995, the City shall conduct a study of facility needs.~~

9 1.4.12 The City shall sponsor cultural events in the downtown central city core and other
10 redevelopment areas in order to foster reinvestment in these communities.

11 1.4.23 ~~By 1996, Every five years,~~ the City shall continue to review the physical conditions and
12 accessibility of existing arts facilities and other city owned properties for their potential to meet
13 identified facility needs.

14 1.4.3 The City should investigate purchasing or constructing an auditorium for the performing
15 arts.

16 **Objective 1.5 The City shall develop a tourism plan by 2001 that promotes cultural,**
17 **heritage and ecotourism in Alachua County through a coordinated countywide effort.**

18 1.5.1 The City shall identify types of cultural events, ecological resources, museums, parks
19 and historical sites that can attract tourism to Gainesville and Alachua County.

20 1.5.2 The City shall establish a tourism task force to advise the City Commission on tourism
21 issues and development of the tourism plan.

22 1.5.3 The City shall develop and implement a yearly marketing plan to promote local cultural,
23 heritage and natural entities and attract new local and out of town audiences.

24 1.5.4 The LAA shall continue to work with arts organizations and the hospitality industry to

1 develop effective promotion of events and activities.

2 ~~GOAL 2. THE LAA SHALL SUPPORT THE DEVELOP OF A REGIONAL~~
3 ~~AUDIENCE FAMILIAR WITH A BROAD SPECTRUM OF ART FORMS, STYLES AND~~
4 ~~CULTURAL EXPRESSIONS.~~

5 ~~Objective 2.1 The LAA shall cooperate with other interested agencies to develop a~~
6 ~~coordinated, countywide effort to promote cultural tourism in Gainesville/Alachua County.~~

7 ~~2.1.1 By 1995, the LAA shall develop a cultural tourism plan in cooperation with other arts~~
8 ~~and tourism entities, which will identify the types of cultural events and activities which are most~~
9 ~~likely to be effective in attracting tourism to Gainesville/Alachua County. The cultural tourism~~
10 ~~plan shall be updated every five years.~~

11 ~~2.1.2 The LAA shall work with arts organizations and the hospitality industry to develop~~
12 ~~effective promotion of events and activities.~~

13 ~~2.1.3 The City shall work to secure public funding for cultural tourism development based~~
14 ~~upon the cultural tourism plan.~~

15 ~~2.1.4 By 1995, the City shall work with the Convention and Visitors Bureau and North Central~~
16 ~~Florida Regional Planning Council to develop and disseminate a regional cultural calendar.~~

17 **GOAL 23 THE CITY SHALL FOSTER THE GROWTH OF A COMMUNITY**
18 **WHERE THE ARTS ARE INCORPORATED AS A PART OF DAILY LIFE FOR ALL**
19 **CITIZENS AND BECOME A PROMINENT ELEMENT FOR CREATING**
20 **PEDESTRIAN ORIENTED STREETSAPES AND PUBLIC SPACES.**

21 **Objective 23.1 The City shall maximize access to the arts.**

22 **23.1.1 The City shall continue to study price, transportation and handicapped access in order to**
23 **identify ways to reduce barriers to community participation for the arts.**

24 **23.1.2 The City shall effectively communicate information about arts offerings by continuing to**

1 emphasize outreach to all areas within the city.

2 **Objective ~~23.2~~ The City shall encourage public and private display of art.**

3 ~~3.2.1 The City shall continue the ARTSREACH program.~~

4 2.2.1 The City shall support ~~the inclusion of public concerns in~~ public art projects
5 through its Art in Public Places ordinance, that ~~which~~ dedicates at least 1 percent of the
6 cost of new, renovated and/or expanded public buildings, ~~to art in public buildings.~~

7 2.2.2 The City shall fund public art and sculpture along its important thoroughfares and public
8 spaces, identify appropriate locations for its placement, and sponsor design competitions to
9 ensure public input into the process.

10 2.2.3 ~~3.2.2~~ The City shall annually recognize private businesses which host regular art
11 exhibits.

12 ~~3.2.3 The City shall support the inclusion of artistic concerns in public art projects, through its~~
13 ~~Art in Public Places ordinance which dedicates at least 1% of the cost of public buildings to arts~~
14 ~~projects for new and expanded facilities.~~

15 ~~23.2.4~~ The City shall encourage the use of prominent venues for the display and presentation of
16 locally produced art through ARTSREACH and other programs.

17 **Objective ~~23.3~~ The City shall enhance and support opportunities for artistic training and**
18 **preparation across all creative and performing art forms and at all levels.**

19 ~~23.3.1~~ The City shall cooperate with the School Board of Alachua County to enhance arts
20 education through advocacy of the arts and support of extra curricular arts.

21 ~~23.3.2~~ The City shall continue to support programs which stimulate artistic creativity and/or
22 develop creative artists, ~~such as ARTSREACH.~~

23 ~~3.3.3 The City shall work with the Community Education Program to encourage continuing~~
24 ~~arts education for local artists.~~

1 Objective 2.4 The City shall promote and designate Downtown Gainesville as an arts and
2 entertainment district.

3 2.4.1 ²⁰⁰⁴ The City shall improve the Downtown Plaza by January 2002, to allow expanded
4 possibilities for performance. Such facilities shall include dressing rooms, improved stage floor,
5 and enhanced lighting and audio equipment.

6 2.4.2 By 2001, the City shall increase the use of the Downtown Plaza by expanding the
7 number of performances over the present.

8 2.4.3 ²⁰⁰ By 2001, the City shall increase the visibility of Downtown Gainesville as an arts and
9 entertainment destination by installing decorative hanging pole panels along University Avenue
10 and Main Street, creating a sense of Downtown Gainesville as a distinct area. Selection of the
11 panels should be through design competition to ensure maximum public input into the design
12 process.

13 2.4.4 By 2001, the City shall identify funding sources to publish a calendar of events within
14 the downtown arts and entertainment district and disseminate in local newspapers, within
15 informational kiosks, and on websites and other appropriate means of advertisement.

16 2.4.5 The City shall consider amending the Gainesville Code of Ordinances to provide the
17 opportunity for musicians to perform on sidewalks in order to enliven sections of Downtown
18 Gainesville.

19 2.4.6 By 2001, the City shall establish informational kiosks in Downtown Gainesville.

20 2.4.7 The City shall identify appropriate locations in Downtown Gainesville for pedestrian
21 oriented public art.

22 **Section 2.** The City Manager is authorized and directed to make the necessary changes in maps
23 and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or element, or portion
24 thereof in order to fully implement this ordinance.

D R A F T

6-14-00

1 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
2 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
3 the validity of the remaining portions of this ordinance.

4 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
5 conflict hereby repealed.

6 **Section 5.** This ordinance shall become effective immediately upon final adoption; however, the
7 amendment to the City of Gainesville 1991-2001 Comprehensive Plan shall not become effective
8 until the state land planning agency issues a final order determining the adopted amendment to be
9 in compliance in accordance with section 163.3184(9), or until the Administration Commission
10 issues a final order determining the adopted amendment to be in compliance in accordance with
11 section 163.3184(10).

12 **PASSED AND ADOPTED** this _____ day of _____, 2000.

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16 _____
17 PAULA M. DeLANEY
18 MAYOR
19

20 ATTEST: Approved as to form and legality

21
22
23 _____
24 KURT M. LANNON
25 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

26 This Ordinance passed on first reading this _____ day of _____, 2000.

27 This Ordinance passed on second reading this _____ day of _____, 2000.

28
29 carter:ordinances:101CPA-99PB