

**CITY OF GAINESVILLE
LAW DEPARTMENT****MEMORANDUM**

Box No. 46

334-5011 / Fax 334-2229

TO: Mayor and City Commissioners**DATE:** October 12, 1998**FROM:** Marion J. Radson, City Attorney**CITY ATTORNEY****SECOND READING****SUBJECT:** Ordinance No. 0-98-69, Petition No. 37LUC-97PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by overlaying the Planned Use District Category over certain property with the future land use categories of "Residential Low Density (up to 12 units per acre)" and "Conservation"; located in the vicinity of the 900 block of N.E. 39th Avenue, south side; providing additional conditions and directions; repealing Ordinance No. 960936 that was adopted in error; 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.

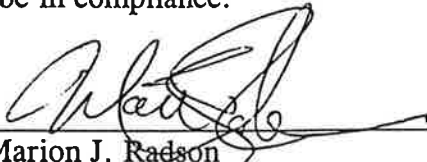
The proposed amendment to the Comprehensive Plan was transmitted to the State Land Planning Agency for written comment. Any comments, recommendations or objections of the State Department of Community Affairs must be considered at the second public hearing. The City Commission may then adopt or adopt with changes the proposed amendment to the Comprehensive Plan, or determine not to adopt a plan amendment.

The State of Florida Department of Community Affairs issued a letter dated September 3, 1998 stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

Plan amendments do not become effective until the state land planning agency 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 and
Submitted by:



Marion J. Radson
City Attorney

MJR/afm

Attachment

Passed on first reading on 7/27/98 by a vote of 4-0.



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

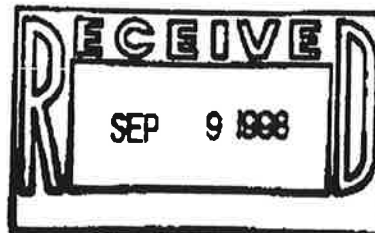
"Helping Floridians create safe, vibrant, sustainable communities"

LAWTON CHILES
 Governor

JAMES F. MURLEY
 Secretary

September 3, 1998

The Honorable Bruce 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 August 10, 1998, DCA Reference No. 98-2.

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. 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 City may proceed to immediately adopt the amendment.

This letter should be made available for public inspection. If you have any question, please contact Walker Banning, Community Program Administrator, or Vicki Morrison, Planner IV, at (850)487-4545.

Sincerely,

Maria Abadal Cahill
 Growth Management Administrator

MAC/tcs

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

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