

CITY OF GAINESVILLE
Office of the City Attorney

98 MAY 26 10:35 Memorandum

334-5011/Fax 334-2229

Box No. 46

CITY OF GAINESVILLE
CITY COMMISSION

TO: Mayor and City Commission

DATE: May 24, 1999

FROM: Marion J. Radson, City Attorney

SECOND READING

SUBJECT: Ordinance No. 0-99-33; Petition 248CPA-98PB

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan, adding public schools other than institutions of higher learning as allowed uses in the Single Family, Residential Low Density and Residential High Density land use categories and adding a policy to encourage collocation of public schools with public facilities such as parks, libraries and community centers; providing directions to the city manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The proposed amendment to the Comprehensive Plan was transmitted to the State Department of Community Affairs 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 April 22, 1999, 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 the ordinance. On first reading, this ordinance showed changes to the same Comprehensive Plan sections proposed by section 215CPA-98PB. Since that petition is being reviewed by the Department of Community Affairs, this ordinance no longer shows those amendments.

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

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
Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson
City Attorney

MJR:PC:sw



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Helping Floridians create safe, vibrant, sustainable communities"

JEB BUSH
 Governor

STEVEN M. SEIBERT
 Secretary

April 22, 1999

The Honorable Paula DeLaney
 Mayor, City of Gainesville
 Post Office Box 490-19
 Gainesville, Florida 32602



Dear Mayor DeLaney:

The Department has conducted a preliminary review of the County's proposed comprehensive plan amendment received on March 26, 1999, DCA Reference No. 99-1ER, and has determined to review the amendment as described below. 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.

The Department has determined that the proposed plan amendments, listed below, should be formally reviewed for consistency with Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, and an Objections, Recommendations and Comments Report will be issued for these amendment(s):

215CPA-98PPB, which amends policy 2.1.1 of the FLUE to lower the minimum density in the MDR and HDR to eight du/a, to exempt lots of certain sizes from minimum density requirements in those categories, and to allow single family use in the HDR category.

These amendments will be recognized as **DCA reference number 99-1ERA**. Please refer to this amendment number when addressing or forwarding correspondence regarding these amendment(s).

The remaining proposed amendments listed below need not be formally reviewed for consistency with Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, and the ORC report will be waived for these amendment(s):

192CPA-98PB, which amends objectives and policies of the Conservation, Recreation/Open Space, and Stormwater Elements concerning the removal of exotic/invasive vegetation, restoration or improvement of degraded water bodies, and access to corridors and greenways.

248CPA-98P, which amends the FLUE to address school siting requirements.

2556 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
 Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 821-0781/Suncom 291-0781
 Internet address: <http://www.state.fl.us/comaff/>

The Honorable Paula DeLaney
April 22, 1999
Page Two

224LUC-98PB, which changes 44.6 acres from Agriculture to Industrial, and which is adjacent to several hundred acres currently designated as Industrial and to the rail line.

The local government may proceed to immediately adopt these amendments. These amendments will be recognized as **DCA reference number 99-1ERB**. Please refer to this amendment number when addressing or forwarding correspondence regarding these amendments.

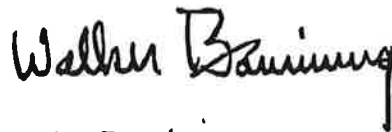
Please be advised that pursuant to Chapter 163.3189(2)(a), F.S., the Department recommends that the City include the following language in the adoption ordinance regarding the effective date of the adopted amendment:

"The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S."

Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice pursuant to Chapter 163.3184(9), F.S.

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

Sincerely,



Walker Banning
Community Program Administrator

WB/vms

cc: Mr. Ralph Hilliard, Planning Manager
Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council