

Legistar No. 980215

CITY OF GAINESVILLE
Office of the City Attorney

Memorandum
334-5011/Fax 334-2229
Box No. 46

TO: Mayor and City Commission

FROM: Marion J. Radson, City Attorney

September 28, 1998
DATE: ~~September 14, 1998~~
~~FIRST READING~~
SECOND READING

SUBJECT: Ordinance No. 0-98-90; Petition No. 133TCH-98PB
An ordinance of the City of Gainesville, Florida, creating and adding a section to the Special Area Plan for College Park providing that the development review board has the duty and authority to grant variances from the Plan and certain code requirements associated with a development plan within the College Park Special Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

At its meeting on August 10, 1998, the City Commission authorized the City Attorney to draft and the Clerk to advertise an ordinance amending the land development code to provide the Development Review Board with the power and duty to authorize variances associated with a development plan in the College Park Special Area.

Prepared by:



Patricia M. Carter
Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson
City Attorney

MJR:PC:sw

Approved by Plan Board July 16, 1998

Passed on first reading by a vote of 5-0.

ORDINANCE NO. 0-98-90

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An ordinance of the City of Gainesville, Florida, creating and adding a section to the Special Area Plan for College Park providing that the development review board has the duty and authority to grant variances from the Plan and certain code requirements associated with a development plan within the College Park Special Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on July 16, 1998; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on August 10, 1998; and

WHEREAS, at least 10 days notice has been given prior to first reading by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, the Public Hearings were held as advertised and the parties in interest and all others had an opportunity to be and were, in fact, heard;

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

1 **Section 1.** Subsection 9 of Section 3 of Appendix A of the Land Development Code of
2 the City of Gainesville is created and added to read:

3 **APPENDIX A. SPECIAL AREA PLANS**

4 **SECTION 3. SPECIAL AREA PLAN FOR COLLEGE PARK**

5 Section 9. The development review board shall have the power and duty to authorize, in
6 specific cases as a part of a development plan within the College Park Special Area, such
7 variance from the terms of the College Park Special Area Plan, the land development
8 code, or the building chapter of the Code of Ordinances as will not be contrary to the
9 public interest where, owing to special conditions, a literal enforcement of the provisions
10 of the Plan or codes would result in unnecessary hardship. In granting a variance, the
11 development review board must follow the procedures and standards set out in subsection
12 30-354(d)(3) of the land development code.

13 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
14 this ordinance shall become and be made a part of Land Development Code of the City of
15 Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be
16 renumbered or relettered in order to accomplish such intentions.

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

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

22 **Section 5.** This ordinance shall become effective immediately upon final adoption.

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1 PASSED AND ADOPTED this _____ day of _____, 1998.

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PAULA M. DeLANEY
MAYOR

9 ATTEST: Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

15 This Ordinance passed on first reading this _____ day of _____, 1998.

16 This Ordinance passed on second reading this _____ day of _____,
17 1998.

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carter:ordinances:133TCH-98PB