

CITY OF GAINESVILLE
Office of the City Attorney

980727
MEMORANDUM

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

February 22, 1999

DATE: February 8, 1999

TO: Mayor and City Commission

CITY ATTORNEY

FROM: Marion J. Radson, City Attorney

FIRST-READING
SECOND READING

SUBJECT: Ordinance No. 0-99-23, Petition No. 201LUC98PB
An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Residential Low Density (up to 12 units per acre)" to "Public Facilities"; located in the vicinity of 2145 Southeast 2nd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission 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 by changing the Land Use Classification of certain property.

The proposed amendment to the Comprehensive Plan is being treated as a small scale development activity. After the City Commission adopts the ordinance on first and second reading, it will be filed with the State Land Planning Agency.

The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment with Ch. 163 within 30 days following the City's adoption of the amendment.

Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

Prepared and
Submitted by:


Marion J. Radson, City Attorney

MJR/afm

Attachment

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

ORDINANCE NO. _____
0-99-23

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An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from “Residential Low Density (up to 12 units per acre)” to “Public Facilities”; located in the vicinity of 2145 Southeast 2nd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, publication of notice of a public hearing was given that the Future Land Use Map be amended by changing the land use category of certain property from “Residential Low Density (up to 12 units per acre)” to “Public Facilities”; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on November 19, 1998; and

WHEREAS, notice was given and publication made of a public hearing which was held by the City Commission on December 14, 1998; and

WHEREAS, the amendment to the land use category of the City of Gainesville 1991-2001 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public notice and this proposed change to the State Land Planning

1 Agency, the regional planning council, and any other person
2 or entity who has requested a copy for their comments
3 subsequent to the passage of this ordinance; and

4 **WHEREAS**, at least ten (10) days notice has been given
5 prior to the public hearings once by publication in a
6 newspaper of general circulation notifying the public of
7 this proposed ordinance and of public hearings in the City
8 Commission meeting room, First floor, City Hall in the City
9 of Gainesville; and

10 **WHEREAS**, the two (2) public hearings were held
11 pursuant to the published notices described above at which
12 hearings the parties in interest and all others had an
13 opportunity to be and were, in fact, heard.

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

16 **Section 1.** The Future Land Use Map of the City of
17 Gainesville 1991-2001 Comprehensive Plan is amended by
18 changing the land use category of the following described
19 property from "Residential Low Density (up to 12 units per
20 acre)" to "Public Facilities":

21 See legal description attached hereto as
22 Exhibit "A", and made a part hereof as
23 if set forth in full.
24

1 **Section 2.** The City Manager is authorized and directed to
2 make the necessary changes in maps and other data in the
3 City of Gainesville 1991-2001 Comprehensive Plan, or
4 element, or portion thereof in order to comply with this
5 ordinance.

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

11 **Section 6.** All ordinances, or parts of ordinances, in
12 conflict herewith are to the extent of such conflict hereby
13 repealed.

14 **Section 7.** This Ordinance shall become effective
15 immediately upon passage; however, the amendment to the City
16 of Gainesville 1991-2001 Comprehensive Plan shall become
17 effective thirty one (31) days after adoption of this
18 Ordinance on second reading unless a petition is filed with
19 the Division of Administrative Hearings pursuant to
20 § 163.3187(3), F.S. In this event this Ordinance shall not
21 become effective until the state land planning agency issues
22 a final order determining the adopted amendment to be in
23 compliance in accordance with § 163.3187, or until the
24 Administration Commission issues a final order determining

1 the adopted amendment to be in compliance in accordance with
2 § 163.3187, F.S.

3 **PASSED AND ADOPTED** this _____ day of

4 _____, 1999.

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PAULA M. DeLANEY, MAYOR

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10 ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

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15 _____
KURT LANNON

MARION J. RADSON, CITY ATTORNEY

16 CLERK OF THE COMMISSION

17

18 This ordinance passed on first reading this _____ day
19 of _____, 1999.

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21 This ordinance passed on second reading this _____ day
22 of _____, 1999.

23

24 MJR/afm

25

26 201LUC-98PB

PETITION NOS. 201LUC-98 PB AND 202PSZ-98 PB

LEGAL DESCRIPTION

Lot Seventy-four (74) of New Gainesville, a subdivision as per plat thereof recorded in Plat Book "A", page 66 of the Public Records of Alachua County, Florida; Less the North Fifty (50) feet thereof, which has been previously deeded to the City of Gainesville for a right of way for a sanitary sewer trunk line and street purposes.