

**CITY OF GAINESVILLE**  
Office of the City Attorney

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

TO: Mayor and City Commission

DATE: May 24, 1999  
SECOND READING

FROM: Marion J. Radson, City Attorney

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.

2566 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.

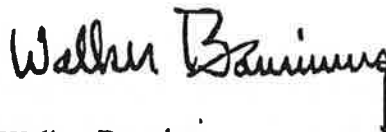
Please be advised that pursuant to Chapter 163.3189(2)(a), F.S., the Department recommends that the City include the following language in the adoption ordinance regarding the effective date of the adopted amendment:

"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

ORDINANCE NO. 0-99-33

**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.**

**WHEREAS,** the City Plan Board 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 Hearing was then held by the City Plan Board on January 21, 1999; and

**WHEREAS,** notice was given and publication made of a Public Hearing which was then held by the City Commission on March 8, 1999; and

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

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

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

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

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

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

13   **Section 1.** The following paragraphs in Policy 2.1.1 of Future Land Use Element of the  
14 City of Gainesville 1991-2001 Comprehensive Plan is amended to read as follows. All  
15 other paragraphs remain unchanged.

16   2.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

17   **Single Family (up to 8 units per acre)**

18   This land use classification shall allow single family detached dwellings at densities up to  
19 eight dwelling units per acre. The single family land use classification identifies those  
20 areas within the City that due to topography, soil conditions, surrounding land uses and  
21 development patterns are appropriate for single family development. Land Development  
22 Regulations shall determine the performance measures and gradations of density. Land

1 Development Regulations shall specify criteria for the siting of low intensity residential  
2 facilities to accommodate special need populations and appropriate community level  
3 institutional facilities such as places of religious assembly, public and private schools  
4 other than institutions of higher learning, and libraries. Land Development Regulations  
5 shall allow Home Occupations in conjunction with single-family dwellings under certain  
6 limitations.

7 **Residential Low Density (up to 12 units per acre)**

8 This land use classification shall allow dwellings up to 12 units per acre. The Residential  
9 Low Density land use classification identifies those areas within the City of Gainesville  
10 that, due to topography, soil conditions, surrounding land uses and development patterns,  
11 are appropriate for single family development, particularly the conservation of existing  
12 traditional low-density neighborhoods, single-family attached and zero-lot line  
13 development, and small scale multi-family development. Land Development Regulations  
14 shall determine gradation of density, specific uses and performance measures. Land  
15 Development Regulations shall specify criteria for the siting of low intensity residential  
16 facilities to accommodate special need populations and appropriate community level  
17 institutional facilities such as places of religious assembly, public and private schools  
18 other than institutions of higher learning, and libraries. Land Development Regulations  
19 shall allow Home Occupations and bed-and-breakfast establishments within certain  
20 limitations.

21 **Residential Medium Density (10 - 30 units per acre)**

1 This land use classification shall allow single-family and multi-family development at  
2 densities from 10 to 30 dwelling units per acre. The land shown as Residential Medium  
3 Density on the land use plan identifies those areas within the City of Gainesville that, due  
4 to topography, soil conditions, surrounding land uses and development patterns, are  
5 appropriate for single-family and medium intensity multi-family development. Land  
6 Development Regulations shall determine gradation of density and specific uses. Land  
7 Development Regulations shall specify criteria for the siting of appropriate medium  
8 intensity residential facilities to accommodate special need populations and appropriate  
9 community level institutional facilities such as places of religious assembly, public and  
10 private schools other than institutions of higher learning, and libraries. Land  
11 Development Regulations shall allow Home Occupations within certain limitations.

12 **Residential High Density (21 - 100 units per acre)**

13 This category shall allow multi-family development at densities from 21 to 100 dwelling  
14 units per acre. The land shown as Residential High Density on the land use plan  
15 identifies those areas within the City of Gainesville that, due to topography, soil  
16 conditions, surrounding land uses and development patterns, are appropriate for high  
17 intensity multi-family development, and secondary retail and office uses scaled to serve  
18 the immediate neighborhood. ~~The intensity of s~~Secondary retail and office use cannot  
19 ~~exceed more than~~ 20% of the residential floor area. Land Development Regulations shall  
20 determine the gradations of density, specific uses, percentage of floor area and maximum  
21 floor area appropriate for secondary uses. Land Development Regulations shall specify  
22 the criteria for the siting of high intensity residential facilities to accommodate special



1 need populations and appropriate community level institutional facilities such as places of  
2 religious assembly, public and private schools other than institutions of higher learning,  
3 and libraries. Land Development Regulations shall allow Home Occupations within  
4 certain limitations.

5 **Section 2.** Policy 1.5.3 is created and added to the Future Land Use Element of the City  
6 of Gainesville 1991-2001 Comprehensive Plan to read as follows:

7 1.5.3 When considering the acquisition and establishment of public facilities such as  
8 parks, libraries and community centers, the City shall to the extent possible select a  
9 location and/or design the facility so that the facility is collocated with an existing public  
10 school, or so that the facility can be retrofitted for collocation with a future public school.

11 **Section 3.** The City Manager is authorized and directed to make the necessary changes in  
12 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or  
13 element, or portion thereof in order to fully implement this ordinance.

14 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
15 or unconstitutional by any court of competent jurisdiction then said holding shall in no  
16 way affect the validity of the remaining portions of this ordinance.

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

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

1 until the Administration Commission issues a final order determining the adopted  
2 amendment to be in compliance in accordance with section 163.3184(10).

3

4

5 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

6

7

8

9

\_\_\_\_\_  
PAULA M. DeLANEY  
MAYOR

10

11

12

13 ATTEST:

Approved as to form and legality

14

15

16

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

19 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

20 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_,  
21 1999.

22

23

24 carter:ordinances:248cpa-98pb