



# MEMORANDUM

Office of the City Attorney

Legistar No. 990729

Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and City Commissioners

**DATE:** JULY 24, 2000  
SECOND READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-00-57; Petition No. 147LUC-99PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories to City of Gainesville land use categories as follows: 1) from "Recreation" to "Conservation" on Tax Parcel Nos. 06006-000-000, 06006-001-000, 06022-000-000, 06021-000-000 and 06023-003-001; 2) from "Institutional" to "Office" on Tax Parcel Nos. 06022-002-000 and 06022-001-000; 3) from "Low density residential" to "Single Family (up to 8 units per acre)" on Tax Parcel Nos. 06023-040-001 thru 074 inclusive; 4) from "Institutional" to "Education" on Tax Parcel 06020-002-000; and 5) from "Recreation" to "Agriculture" on Tax Parcel No. 06023-003-002; consisting of approximately 367 acres, located in the vicinity of N.W. 43<sup>rd</sup> Street north of N.W. 53<sup>rd</sup> Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

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**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.


Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

The State of Florida Department of Community Affairs issued a letter dated June 9, 2000, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

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 and submitted by:



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Marion J. Radson, City Attorney



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*



JEB BUSH  
 Governor

June 9, 2000

STEVEN M. SEIBERT  
 Secretary

The Honorable Paula M. 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 May 11, 2000, DCA Reference No. 00-1ER.

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, (F.A.C.). 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 local government may proceed to immediately adopt the amendment. After adoption, please submit three copies of the adopted amendment to the Department for our final compliance review, consistent with the requirements of Rule 9J-11.011, F.A.C.

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

Sincerely,

Michael F. Sherman, AICP  
 Growth Management Administrator

MFS/jcs

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

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