



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 020132

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

TO: Mayor and City Commission

DATE: January 27, 2003

FROM: City Attorney

CITY ATTORNEY
ADOPTION READING

SUBJECT: Ordinance No. 0-02-42, Petition 4LUC-02PB
An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Planned Use District" to "Residential High Density (8-100 units per acre)"; located in the vicinity of 1220 and 1224 Southwest 1st Avenue; 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 is treated as a small scale development activity. After the City Commission adopts the ordinance, 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 State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do 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

D R A F T

12/12/2002

ORDINANCE NO.

0-02-42

1
2
3
4 **An ordinance amending the City of Gainesville 2000-2010**
5 **Comprehensive Plan, Future Land Use Map; by changing the**
6 **land use category of certain property from “Planned Use**
7 **District” to “Residential High Density (8-100 units per acre)”;**
8 **located in the vicinity of 1220 and 1224 Southwest 1st Avenue;**
9 **providing a severability clause; providing a repealing clause;**
10 **and providing an effective date.**

11
12
13 **WHEREAS,** publication of notice of a public hearing was given that the Future Land Use
14 Map be amended by changing the land use category of certain properties from “Planned Use
15 District” to “Residential High Density (8-100 units per acre)”; and

16 **WHEREAS,** notice was given and publication made as required by law and a public
17 hearing was held by the City Plan Board on June 20, 2002; and

18 **WHEREAS,** the amendment to the land use category of the City of Gainesville 2000-2010
19 Comprehensive Plan proposed herein directly relates to a small scale development activity as
20 provided in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public
21 notice and this proposed change to the State Land Planning Agency, the regional planning council,
22 and any other person or entity who has requested a copy for their comments subsequent to the
23 passage of this ordinance; and

24 **WHEREAS,** at least ten (10) days notice has been given of a public hearing once by
25 publication in a newspaper of general circulation notifying the public of this proposed ordinance

D R A F T

12/12/2002

1 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of
2 Gainesville; and

3 **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose
4 property will be regulated by the adoption of this Ordinance, at least ten days prior to the date set
5 for a public hearing on this ordinance; and

6 **WHEREAS**, the public hearing was held pursuant to the published notice described above
7 at which hearing the parties in interest and all others had an opportunity to be and were, in fact,
8 heard.

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

11 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
12 Plan are amended by changing the land use category of the following described property from
13 “Planned Use District” to “Residential High Density (8-100 units per acre)”:

14 See legal description attached hereto as Exhibit "A", and made a part
15 hereof as if set forth in full.

16
17 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
18 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
19 portion thereof in order to comply with this ordinance.

D R A F T

12/31/2002

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

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

6 **Section 5.** This ordinance shall become effective immediately upon passage; however, the
7 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty
8 one (31) days after passage and adoption of this Ordinance unless a petition is filed with the
9 Division of Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this Ordinance
10 shall not become effective until the state land planning agency issues a final order determining the
11 adopted amendment to be in compliance in accordance with § 163.3187, or until the Administration
12 Commission issues a final order determining the adopted amendment to be in compliance in
13 accordance with § 163.3187, F.S.

14 **PASSED AND ADOPTED** this ____ day of _____, 2003.

15

16

17

18

19

20 ATTEST:

21

22

23

24 _____
KURT LANNON,
25 CLERK OF THE COMMISSION

THOMAS D. BUSSING, MAYOR

APPROVED AS TO FORM AND LEGALITY:

MARION J. RADSON, CITY ATTORNEY

DRAFT

12/12/2002

1

2

This ordinance passed this _____ day of _____, 2003.

Petition 3PDA-02 PB, Legislative Matter No. 020131
Petition 4LUC-02 PB, Legislative Matter No. 020132

DESCRIPTION

Lot Twenty (20) and Lot Twenty-one (21), Block Three (3) of W.R. THOMAS REAL ESTATE COMPANY'S SUBDIVISION OF THE CITY OF GAINESVILLE, KNOWN AS UNIVERSITY PLACE, as per plat thereof recorded in Plat Book "A", Page 77, of the Public Records of Alachua County, Florida.

EXHIBIT "A"