



MEMORANDUM

Office of the City Attorney

Registrar No. 000234

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

TO: Mayor and City Commission

DATE: October 9, 2000

FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-116; Petition No. 120CPA-00PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville 1991-2001 Comprehensive Plan; amending policy 2.3.10(m) of the Future Land Use Element relating to the Gainesville North Community Activity Center, extending the period of time by which the zoning ordinance must be adopted to August 22, 2001; 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 (1) approve Petition 120CPA-00 PB and (2) adopt the proposed ordinance.

This is a request to extend the time frame by which the Planned Development zoning must be adopted for the Gainesville North Community Activity Center. This proposed text amendment of the Future Land Use Element of the 1991-2001 Comprehensive Plan is limited to the 716-acre, Gainesville North Community Activity Center. The Activity Center is generally located between NW 68th Avenue on the south and the Turkey Creek Forest single-family subdivision on the north, and between US 441 on the east and NW 43rd Street on the west. The subject property, along with an adjacent, 215-acre parcel west of NW 43rd Street and north of the Blues Creek subdivision, is the subject of the proposed Greenways of Gainesville Development of Regional Impact (DRI). The proposed DRI will be the subject of a future public hearing and is not part of this application.

The Gainesville North Community Activity Center is designated by FLUE Policy 2.3.8. One of the requirements for development of the Activity Center is that Planned Development (PD) zoning must be in place by August 22, 2000, as specified in Policy 2.3.10 m., the proposed amendment would be to August 22, 2001.

The Plan Board reviewed the petition and after considerable public discussion, the Board recommended approval of the petition. Some of the Board members made it clear that they would be less inclined to grant future extension.

Public notice was published in the Gainesville Sun on August 1, 2000. The Plan Board held a public hearing August 17, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 120CPA-00 PB. Plan Board vote 4-1

Fiscal Note
None

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community of 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.

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 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,
Sr. Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:PMC:sw

ORDINANCE NO. _____
0-00-116

1
2
3
4 **An ordinance of the City of Gainesville, Florida, amending the City of**
5 ~~**Gainesville 1991-2001 Comprehensive Plan; amending policy**~~
6 **2.3.10(m) of the Future Land Use Element relating to the Gainesville**
7 **North Community Activity Center, extending the period of time by**
8 **which the zoning ordinance must be adopted to August 22, 2001;**
9 **providing directions to the city manager; providing directions to the**
10 **codifier; providing a severability clause; providing a repealing clause;**
11 **and providing an effective date.**
12

13 **WHEREAS**, the City Plan Board authorized the publication of notice of a Public
14 Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan be
15 amended; and

16 **WHEREAS**, notice was given and publication made as required by law and a
17 Public Hearing was then held by the City Plan Board on August 17, 2000; and

18 **WHEREAS**, notice was given and publication made of a Public Hearing which
19 was then held by the City Commission on October 9, 2000; and

20 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by
21 10 inches long was placed in a newspaper of general circulation notifying the public of
22 this proposed ordinance and of the Public Hearing to be held at the transmittal stage, in
23 the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the
24 day the first advertisement was published; and

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

28 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches

1 long was placed in the aforesaid newspaper notifying the public of the second Public
2 Hearing to be held at least 5 days after the day the second advertisement was published;
3 and

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

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

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

12 **Section 2.** Policy 2.3.10(m) of the Future Land Use Element of the City of Gainesville
13 1991-2001 Comprehensive Plan is amended to read as follows:

14 2.3.10 The following standards shall be use to develop the Gainesville North Community
15 Activity Center:

16 m. The planned development zoning ordinance consistent with the PUD
17 overlay district must be adopted by the City Commission by August 22,
18 2001 ~~2000~~ or the overlay district shall be null and void, and the Future
19 Land Use Map shall be amended accordingly upon proper notice. The
20 underlying Future Land Use Map Category is "Single-Family," such
21 category is inapplicable as long as the property is developed and used in

1 accordance with the development plan approved in the ordinance rezoning
2 this property to Planned Development "PD."

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

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

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

11 **Section 6.** This ordinance shall become effective immediately upon final adoption;
12 however, the amendment to the City of Gainesville 1991-2001 Comprehensive Plan shall
13 not become effective until the state land planning agency issues a final order determining
14 the adopted amendment to be in compliance in accordance with section 163.3184(9), or
15 until the Administration Commission issues a final order determining the adopted
16 amendment to be in compliance in accordance with section 163.3184(10).

17
18
19 **PASSED AND ADOPTED** this _____ day of _____, 2000.
20
21

22 _____
23 PAULA M. DeLANEY
24 MAYOR

1
2
3
4
5
6
7
8
9
10
11

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this _____ day of _____, 2000.

This Ordinance passed on second reading this _____ day of _____, 2000.

carter:ordinances:120CPA-00PB