



**MEMORANDUM**  
**Office of the City Attorney**

Legistar No. 991381

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**TO:** Mayor and City Commission

**DATE:** September 25, 2000  
SECOND READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-00-77; Petition No. 67TCH-99PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code with respect to undergrounding utilities; creating and adding subsection 30-345(11) to require utility service to be installed underground as a general performance standard; amending section 30-187 to require underground utilities for both residential and non-residential subdivisions; amending section 30-189 to require a statement that utilities will be installed underground for all minor subdivision and lot split applications; amending section 30-160 to require a statement that utilities will be installed underground on all preliminary development plans; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

**STAFF REPORT**

The City of Gainesville Land Development Code currently does not require the placement of utilities underground for new development, other than residential subdivisions. In the past, developers have often volunteered to place certain utilities underground, such as electric lines. One of the goals of the City of Gainesville is to underground utilities where feasible. Policy 3.1.5 of the Conservation Element of the City of Gainesville Comprehensive Plan states that in order to promote compatibility with infrastructure, strategies such as placing overhead utilities underground shall be implemented when economically feasible. The aesthetic value of placing utilities underground is apparent. In 1997, Gainesville Regional Utilities provided a plan for placing utilities underground to the City Commission, and at this time, approximately half of the utilities have been placed underground in city right-of-way and within easements. In keeping with the City's goals for the placement of utilities underground, the proposed text change would require utilities for all new development to be placed underground, such as electric wires, cable lines and telephone lines. The placement of utilities underground is currently required for residential subdivisions. The proposed text change includes a provision to require the same for non-residential subdivisions as well.

The Plan Board recommended approval of the petition as presented by Staff.

Public notice was published in the Gainesville Sun on June 6, 2000. The Plan Board held a public hearing June 22, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 67TCH-00 PB. Plan Board vote 5-0.

Fiscal Note  
None

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If the Commission adopts the ordinance on first reading, the second and final reading will be held on September 25, 2000.

Prepared by:



Patricia M. Carter  
Sr. Assistant City Attorney

Approved and  
Submitted by:



Marion J. Radson  
City Attorney

MJR:PMC:sw

**PASSED ON FIRST READING BY A VOTE OF 4-0.**