

**CITY OF GAINESVILLE
LAW DEPARTMENT****MEMORANDUM**

Box No. 46

334-5011 / Fax 334-2229

TO: Mayor and City Commissioners**DATE:** October 12, 1998**FROM:** Marion J. Radson, City Attorney**CITY ATTORNEY****SECOND READING****SUBJECT:** Ordinance No. 0-98-72, Petition No. 80LUC2-98PB

An Ordinance of the City of Gainesville amending the Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan; creating and adding Policy 2.4.12 to the Future Land Use Element; providing Conditions and Restrictions on certain property known as the Orton Trust; located in the vicinity of 2414 N.W. 31st Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

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.


The proposed amendment to the Comprehensive Plan was transmitted to the State Land Planning Agency 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 September 3, 1998 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 this ordinance.

Plan amendments do not become effective until the state land planning agency 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:



Marion J. Radson
City Attorney

MJR/afm

Attachment

Passed on first reading on 7/27/98 by a vote of 4-0.



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

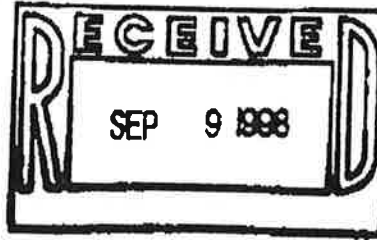
"Helping Floridians create safe, vibrant, sustainable communities"

LAWTON CHILES
 Governor

JAMES F. MURLEY
 Secretary

September 3, 1998

The Honorable Bruce 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 August 10, 1998, DCA Reference No. 98-2.

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. 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 City may proceed to immediately adopt the amendment.

This letter should be made available for public inspection. If you have any question, please contact Walker Banning, Community Program Administrator, or Vicki Morrison, Planner IV, at (850)487-4545.

Sincerely,

Maria Abadal Cahill
 Growth Management Administrator

MAC/tcs

- cc: Ralph Hilliard, Planning Manager
- Dean Mimms, AICP, Chief of Comprehensive Planning
- Charles F. Justice, Executive Director, North Central Florida Regional Planning Council

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 Area of Critical State Concern Field Office
 2796 Overseas Highway, Suite 212
 Marathon, Florida 33050 2227

GREEN SWAMP
 Area of Critical State Concern Field Office
 155 East Summerlin
 Bartow, Florida 33810-4641

SOUTH FLORIDA RECOVERY OFFICE
 P.O. Box 4022
 8600 N.W. 26th Street
 Miami, Florida 33159-4022

ORDINANCE NO. _____
0-98-72

An Ordinance of the City of Gainesville amending the Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan; creating and adding Policy 2.4.12 to the Future Land Use Element; providing Conditions and Restrictions on certain property known as the Orton Trust; located in the vicinity of 2414 N.W. 31st Avenue; 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 Future Land Use Element of the City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice by the Plan Board was given and publication made as required by law and a public hearing was held by the City Plan Board on May 21, 1998; and

WHEREAS, notice was given and publication made of a public hearing which was held by the City Commission on June 8, 1998; 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 in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was published; and

WHEREAS, pursuant to law, after the public hearing at the

Words underlined are additions.

1 transmittal stage, the City of Gainesville transmitted copies of
2 this proposed change to the State Land Planning Agency; and

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

8 **WHEREAS**, Public Hearings were held pursuant to the
9 published and mailed notices described above at which hearings
10 the parties in interest and all others had an opportunity to be
11 and were, in fact, heard; and

12 **WHEREAS**, prior to adoption of this ordinance the City
13 Commission has considered the comments, recommendations and
14 objections, if any, of the State Land Planning Agency.

15 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
16 **THE CITY OF GAINESVILLE, FLORIDA:**

17 **Section 1.** The Future Land Use Element of the City of
18 Gainesville 1991-2001 Comprehensive Plan is amended by creating
19 and adding Policy 2.4.12 to the Future Land Use Element, to read
20 as follows:

21 GOAL 2

22 THE LAND USE ELEMENT SHALL FOSTER THE UNIQUE CHARACTER OF THE
23 CITY BY DIRECTING GROWTH AND REDEVELOPMENT IN A MANNER THAT USES
24 ACTIVITY CENTERS TO PROVIDE GOODS AND SERVICES TO CITY RESIDENTS;

Words underlined are additions.

1 PROTECTS VIABLE, STABLE NEIGHBORHOODS; DISTRIBUTES GROWTH AND
2 ECONOMIC ACTIVITY THROUGHOUT THE CITY IN KEEPING WITH THE
3 DIRECTION OF THIS ELEMENT; PRESERVES QUALITY OPEN SPACE AND
4 PRESERVES THE TREE CANOPY OF THE CITY. THE LAND USE ELEMENT
5 SHALL PROMOTE STATEWIDE GOALS FOR COMPACT DEVELOPMENT AND
6 EFFICIENT USE OF INFRASTRUCTURE.

7 Objective 2.4

8 Redevelopment shall be encouraged to promote urban infill,
9 improve the condition of blighted areas, to reduce urban sprawl
10 and foster compact development patterns.

11 2.4.12 The Orton Trust Planned Use District shall consist of a
12 mix of residential and non-residential uses under the
13 following conditions and restrictions:

14 a. A planned development zoning ordinance consistent with
15 the planned use district must be adopted by the City
16 Commission within one year of the effective date of the
17 land use change. If the aforesaid zoning ordinance is
18 not adopted within the one year period, then the
19 overlay district shall be null and void and of no
20 further force and effect and the Future Land Use Map
21 shall be amended accordingly to the appropriate land
22 use category upon proper notice. The planned
23 development zoning ordinance shall specify allowable
24 uses and design standards consistent with traditional

Words underlined are additions.

1 neighborhood design principles.

2 b. The overall residential density must meet a minimum of
3 six units per acre and a maximum of eight units per
4 acre. The residential density shall be no greater than
5 eight units per acre in single-family detached
6 residential dwellings along Northwest 31st Avenue.

7 c. No non-residential activity, with the exception of
8 places of religious assembly or private schools, shall
9 be allowed along Northwest 31st Avenue or within 500
10 linear feet north of the frontage of Northwest 31st
11 Avenue.

12 d. A maximum of 80,000 square feet of non-residential use,
13 including retail/commercial, eating places, office,
14 civic, schools, day care centers, and places of
15 religious assembly shall be allowed. A maximum of 600
16 feet of the Northwest 39th Avenue frontage shall be
17 used for non-residential uses. The total allowable
18 retail/commercial uses shall not exceed 40,000 square
19 feet. Retail/commercial uses shall be as defined by
20 the 1987 Standard Industrial Classification Manual
21 major groups 52 thru 57 inclusive, 59; and 70 thru 79
22 inclusive. All non-residential uses on the perimeter
23 of the planned use district shall be adequately
24 buffered from surrounding residential uses through the

Words underlined are additions.

1 use of greenspace, fences, or walls. The buffer widths
2 shall be established in the planned development zoning
3 ordinance.

4 e. A minimum of 40,000 square feet of residential use
5 shall be required above the first or second story of
6 non-residential uses, and may be placed above the first
7 or second story of any part of the 80,000 square feet
8 of non-residential use authorized by this planned use
9 district.

10 f. The maximum allowable square footage for any one-story
11 retail/commercial building where the entire building is
12 in a single use is 15,000 square feet.

13 g. A maximum of two businesses shall be allowed to have
14 drive-through facilities. The drive-through facilities
15 may only be used for a pharmacy and a financial
16 institution. A maximum of four drive-through lanes
17 shall be allowed and no more than three lanes shall be
18 allowed for any single use. The planned development
19 zoning ordinance shall require that any drive-through
20 facility shall be designed to maximize pedestrian
21 safety and convenience and shall establish design
22 standards that ensure that drive-through facilities do
23 not adversely affect the quality of the public realm or
24 urban character of the area. Drive through facilities

Words underlined are additions.

1 can only be located within 300 feet of the Northwest
2 39th Avenue frontage.

3 h. A minimum of eight acres shall be provided in common
4 open space for conservation and recreation.

5 i. The planned development zoning ordinance shall
6 prescribe a phasing schedule in order to ensure a
7 mixed-use project including residential and/or
8 residential infrastructure from the first phase of
9 construction.

10 j. The planned development zoning ordinance shall provide
11 a uniform signage plan for the planned use district.

12 k. All wetland areas must be identified by the appropriate
13 water management district before any final development
14 orders will be issued. The removal, fill or
15 disturbance of wetlands shall be in accordance with the
16 requirements of the St. Johns River Water Management
17 District and the City's Comprehensive Plan. All
18 development on the site shall be consistent with
19 Article VIII, Environmental Management, of the City's
20 Land Development Code.

21 l. A master stormwater management plan shall be prepared
22 and approved by the City's Public Works Department for
23 the entire planned use district prior to the issuance
24 of any final development orders.

Words underlined are additions.

- 1 m. A maximum of two access roadways shall be allowed onto
2 Northwest 39th Avenue. A maximum of two access
3 roadways shall be allowed onto Northwest 31st Avenue.
4 No direct driveway access connections are allowed from
5 either Northwest 39th Avenue or Northwest 31st Avenue.
- 6 n. The internal road network shall be designed using
7 Traditional Neighborhood Development Street Design
8 Guidelines as published by the Institute of
9 Transportation Engineers, as updated from time to time.
10 The developer shall construct vehicular connections to
11 the adjacent Palm Grove Subdivision, Phases I and II on
12 the west side of the proposed planned use district, so
13 that the connections align with the connections shown
14 on the Palm Grove Phase I and II subdivision plats.
- 15 o. Except as may be established and shown for good cause
16 by the owner/developer and then provided in the planned
17 development zoning ordinance, all sidewalks shall be
18 five-foot minimum in width. A pedestrian network
19 consisting of sidewalks shall be provided on all
20 internal streets. Sidewalk connections shall be made
21 from the internal sidewalk system to the public
22 sidewalk. All retail/commercial uses shall be
23 interconnected by safe pedestrian/bicycle connections.
24 Each use along the Northwest 39th Avenue frontage shall

Words underlined are additions.

1 have a sidewalk connection to the public sidewalk.

2 p. The planned use district shall maximize cross-access
3 vehicle and pedestrian/bicycle connections between uses
4 and shall maximize pedestrian safety and comfort.

5 q. A traffic study shall be provided by the
6 owner/developer as part of the application for the
7 planned development rezoning in order to determine trip
8 generation and trip distribution to and from the
9 development for the purpose of concurrency.

10 r. The owner/developer shall construct and transfer to the
11 City of Gainesville a bus shelter located on the
12 Northwest 39th Avenue frontage or an alternative
13 location approved within the planned development zoning
14 ordinance as part of the first phase of development.

15 s. The planned use district land use category does not
16 vest the development for concurrency. The
17 owner/developer is required to apply for and meet
18 concurrency management certification requirements,
19 including transportation mitigation if necessary, at
20 the time of application for planned development
21 rezoning.

22 **Section 2.** If any section, sentence, clause or phrase of this
23 ordinance is held to be invalid or unconstitutional by any court
24 of competent jurisdiction, then said holding shall in no way

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1 affect the validity of the remaining portions of this ordinance.

2 **Section 3.** All ordinances, or parts of ordinances, in
3 conflict herewith are to the extent of such conflict hereby
4 repealed.

5 **Section 4.** This ordinance shall become effective immediately
6 upon passage on second reading; however, the effective date of
7 this plan amendment shall be the date a final order is issued by
8 the Department of Community Affairs finding the amendment to be
9 in compliance in accordance with Chapter 163.3184, F.S.; or the
10 date a final order is issued by the Administration Commission
11 finding the amendment to be in compliance in accordance with
12 Chapter 163.3184, F.S.

13 **PASSED AND ADOPTED** this _____ day of _____,
14 1998.

15 _____
16 MAYOR

17
18 ATTEST: APPROVED AS TO FORM AND LEGALITY:
19
20
21
22

23
24 _____
25 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
26 CLERK OF THE COMMISSION

27
28 This ordinance passed on first reading this _____ day of
29 _____, 1998.

30
31 This ordinance passed on second reading this _____ day of
32 _____, 1998.

33
34 MJR/afm

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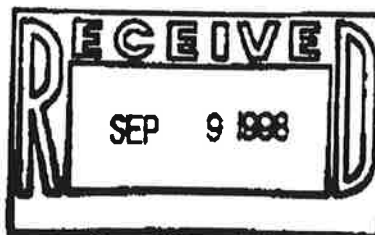
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Growth Management Administrator

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