



MEMORANDUM

Office of the City Attorney

Legistar No. 980990

Phone: 334-5011/Fax 334-2229
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TO: Mayor and City Commissioners

DATE: June 28, 1999
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-99-53; Petition No. 249TCH-98PB
A ordinance of the City of Gainesville, Florida, amending subsections 30-51(c)(1) (single-family residential districts), 30-52(c)(1) (residential low density districts), 30-53(c)(1) (multiple-family medium density residential districts), and 30-55(c)(1) (residential high density districts) to allow public schools other than institutions of higher learning as a use permitted by right; amending section 30-77(e)(2) regarding educational services district (ED) providing exemption from development plan approval for public school facilities when such exemption is required by state law; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

These proposed revisions to the Land Development Code are required to implement amendments to the Future Land Use Element that are proposed by Petition 248CPA-98PB, which was previously heard by the Plan Board and City Commission, and was transmitted to the Florida Department of Community Affairs on March 24th. Florida Statutes, Section 163.3177(6)(a), calls for all local governments to comply with school siting requirements by October 1, 1999.

Each of the 17 public school sites within city limits is adjacent to one or more of the Single-Family, Residential Low Density, Residential Medium Density, or Residential High Density land uses, as shown on Map 1. These land use categories implement the single-family residential districts (RSF-1, RFS-2, RSF-3 and RSF-4), residential low density districts (RMF-5, RC and MH), multiple-family medium density residential districts (RMF-6, RMF-7 and RMF-8) and the residential high density districts (RH-1 and RH-2). The proposed allowance of public schools as a

use by right in these zoning districts would provide increased flexibility for the public school system in meeting future needs for either expanding existing school sites or siting new schools.

The proposed revisions to the Land Development Code will establish public schools as a permitted use in additional zoning districts, and will make the development plan approval requirements in Section 30-77 of the City of Gainesville Land Development Code consistent with applicable provisions of Florida Statutes.

Planning Division staff recommended that the Plan Board approve Petition 249TCH-98PB. The Plan Board reviewed the petition and recommended approval.

Public notice was published in the *Gainesville Sun* on March 31, 1999. The Plan Board held a public hearing April 15, 1999. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 249TCH-98PB. Plan Board vote: 6-0.

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 5-0.