



MEMORANDUM

Office of the City Attorney

Legistar No. 000769
Phone: 334-5011/Fax 334-2229

Box 46

TO: CITY COMMISSION

DATE: March 4, 2002
SECOND READING

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-01-15; Petition No. 173CPA-00 PB

An ordinance of the City of Gainesville, Florida, amending the Historic Preservation Element of the City of Gainesville 1991-2001 Comprehensive Plan; adding provisions relating to archaeologically sensitive areas, cemeteries, "native stone" buildings, encouragement of reuse rather than relocation or demolition, establishment of a conservation overlay district ordinance to identify distinctive neighborhoods, inventory of threatened structures in historic districts, targeting CDBG funds for historic districts, identification of areas for "Florida Main Street Community" designation, encouragement of Santa Fe Community College to have a master plan for its downtown campus, and protection of historic districts from incompatible uses; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance, as amended.

COMMUNITY DEVELOPMENT STAFF REPORT

On March 26, 2001 the City Commission adopted Ordinance No. 0-01-15 (on first reading); Petition No. 173CPA-00 PB (Historic Preservation Element) for transmittal to the Department of Community Affairs (DCA). City Planning staff submitted the petition as part of the City's Comprehensive Plan Amendment packet dated September 7, 2001, referenced as DCA No. 01-1. In a letter dated November 16, 2001 and received by the City on November 26, 2001, the Department of Community Affairs notified the City that they did not have any objections, recommendations or comments on the Historic Preservation Element.

The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3185, Florida Statutes (FS) and Rule 9J-11.011, FAC. The letter from DCA incorrectly stated that the City of Gainesville had 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. Based on an inquiry from City staff, DCA has indicated that the City has 120 days to make a decision on EAR-based amendments.

Staff recommends approval of the ordinance as modified by staff. Staff modified policy 1.3.6 of the Historic Preservation Element to include the recently adopted University Heights Historic District.

Fiscal Note. None

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated November 16, 2001, that offered no comments or objections to this element. Upon receipt of the letter, the City of Gainesville has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. If the ordinance is adopted, 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.

Approved and
Submitted by:



Marion J. Radson, City Attorney

MJR:sw

D R A F T

1-31-02

ORDINANCE NO. _____
0-01-15

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An ordinance of the City of Gainesville, Florida, amending the Historic Preservation Element of the City of Gainesville 1991-2001 Comprehensive Plan; adding provisions relating to archaeologically sensitive areas, cemeteries, “native stone” buildings, encouragement of reuse rather than relocation or demolition, establishment of a conservation overlay district ordinance to identify distinctive neighborhoods, inventory of threatened structures in historic districts, targetting CDBG funds for historic districts, identification of areas for “Florida Main Street Community” designation, encouragement of Santa Fe Community College to have a master plan for its downtown campus, and protection of historic districts from incompatible uses; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; 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 City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on December 19, 2000; 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 at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

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

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

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

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

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

13 **Section 1.** The Historic Preservation Element of the City of Gainesville 1991-2001
14 Comprehensive Plan is amended as shown in Attachment A.

15 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
16 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or
17 element, or portion thereof in order to fully implement this ordinance.

18 **Section 3.** It is the intent of the City Commission that this amended element will become
19 part of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption of a
20 resolution.

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

D R A F T

1-31-02

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

3 **Section 6.** This ordinance shall become effective immediately upon final adoption;
4 however, the amendment to the 1991-2001 Comprehensive Plan shall not become
5 effective until the state land planning agency issues a final order determining the adopted
6 amendment to be in compliance in accordance with section 163.3184(9), or until the
7 Administration Commission issues a final order determining the adopted amendment to
8 be in compliance in accordance with section 163.3184(10).

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PASSED AND ADOPTED this _____ day of _____, 2002.

THOMAS D. BUSSING
MAYOR

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 26th day of March, 2001.

This Ordinance passed on second reading this _____ day of _____, 2002.

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ATTACHMENT A HISTORIC PRESERVATION ELEMENT GOALS, OBJECTIVE AND POLICIES

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GOAL 1 PRESERVE, PROTECT, ENHANCE AND SUPPORT THE HISTORIC, ARCHAEOLOGICAL AND CULTURAL RESOURCES WITHIN THE CITY OF GAINESVILLE.

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Objective 1.1

~~By 1996,~~ The City shall continue to update the historic, archaeological and cultural resource base survey.

~~1.1.1 The City shall conduct a citywide survey of historic resources using the Historic Site Data Sheet prepared by the Department of Community Development.~~

1.1.1 The City shall continue to expand its inventory of historic properties by preparing new Florida Site Files for previously undocumented properties and updating existing site files for properties that have undergone alterations or demolitions.

~~1.1.2 The City shall conduct a survey of undisturbed~~ identify archaeologically sensitive areas sites within the City of Gainesville.

~~1.1.3 The City shall prepare an Evaluation and Appraisal Report of the Historic Preservation Element every five years.~~

~~1.1.4 The City shall update and maintain its inventory of facilities and arts organizations on an annual basis.~~

1.1.3 The City shall coordinate with groups that are surveying and identifying cemeteries in Gainesville.

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Objective 1.2

The City shall increase the number of historic resources listed in the Local or National Register of Historic Places.

1.2.1 The City shall continue to study and re-evaluate the levels of significance of potential historic districts for listing in the Local or National Register of Historic Places ~~by the year 1996.~~

1.2.2 The City shall continue to evaluate the eligibility of individual historic resources for listing in the Local or National Register of Historic Places ~~on an ongoing~~

1 annual basis.

2
3 1.2.3 By 2003, the City shall survey and nominate to the National Register of Historic
4 Places Gainesville's "native stone" buildings.

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6 **Objective 1.3**

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8 **The City shall reduce the number of historic resources in need of stabilization and**
9 **rehabilitation on an annual basis.**

10
11 1.3.1 ~~By June 1992, The City shall continue to study and, where necessary, amend its~~
12 ~~land development regulations to include incentives that encourage historic~~
13 ~~preservation. These may include the following:~~

14 ~~a. Property tax incentives;~~

15 ~~b. Fifty percent reduction in permit application fees;~~

16 ~~e. Increased flexibility in modifying setback, parking and other requirements;~~

17 ~~d. Use of transfer of development rights;~~

18 ~~e. Use of eminent domain to acquire abandoned and neglected historic~~
19 ~~properties;~~

20 ~~f. Provision of public improvements such as sidewalks, streets, lighting, etc., in~~
21 ~~support of historic preservation/conservation projects.~~

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29 1.3.2 The City shall study the use of other legal tools, such as preservation easements,
30 to protect historic and archaeological resources.

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32 1.3.3. The City shall continue to review building, fire and housing codes to identify
33 regulations that restrict the use and rehabilitation of historic structures. Where
34 possible, the City shall amend codes to encourage the use and rehabilitation,
35 relocation to another site for reuse, selective dismantling for reuse, and, only as a
36 last resort, demolition of historic structures.

37
38 ~~1.3.4 The City shall revise the Historic Preservation/Conservation Ordinance to prevent~~
39 ~~"demolition by neglect" of historic structures and clear up ambiguities in the~~
40 ~~"economic hardship" clause.~~

41
42 1.3.4. The City shall ~~implement a mechanism by which the Code Enforcement Division~~
43 can continue to ensure enforcement of the Historic Preservation/Conservation
44
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1 Ordinance, by procedures such as requiring the posting of a copy of an approved
2 Certificate of Appropriateness (COA) application along with a building ~~and~~ or
3 demolition permit, and requirement of an after-the-fact COA for fee, according to
4 a schedule.

5
6 1.3.5 By 2003, the City shall prepare a conservation district overlay ordinance and
7 identify distinctive neighborhoods in Gainesville for inclusion. The conservation
8 overlay shall seek to preserve those neighborhoods from significant alterations of
9 architectural features through adoption and implementation of policies to be
10 placed in the Land Development Regulations.

11
12 1.3.6 The City shall inventory threatened historic structures in the Pleasant Street,
13 Northeast, ~~and~~ Southeast and University Heights Historic Districts.

14
15 1.3.7 The City shall target a portion of its Community Development Block Grants
16 toward historic districts such as the Pleasant Street and NW Fifth Avenue
17 neighborhoods to better leverage existing resources.

18
19 **Objective 1.4**

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21 **Ensure that the City's land use, housing, transportation, and economic development**
22 **policies are consistent with and facilitate historic preservation.**

23
24 1.4.1 By 2004, the City shall identify commercial areas in Gainesville appropriate for
25 designation as a "Florida Main Street Community."

26
27 1.4.2 The City shall encourage Santa Fe Community College to develop a master plan
28 for its downtown campus to ensure that future development is sensitive to the
29 historic character of the Pleasant Street Historic District.

30
31 1.4.3 The residential character of an historic district, as defined by the National
32 Register jurisdictional line, shall be protected from encroachment ~~of by~~
33 incompatible non-residential uses.

34
35 1.4.4 The character of an historic district shall be protected from encroachment of
36 incompatible uses.

37
38 **Objective 1.4 1.5**

39
40 **By 1993, The City shall develop a program that increases public and private**
41 **involvement in the preservation, protection, enhancement and support of historic,**
42 **archaeological and cultural resources.**

43
44 1.5.1 The City shall coordinate with ~~for-profit and non-~~ not-for-profit organizations to
45 help defray the cost of preserving historic and archaeological resources.

1 1.5.2 The City shall increase public awareness that parks, landscapes and gardens ~~are~~
2 may constitute historic resources.
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5 **GOAL 2 SECURE PUBLIC SUPPORT AND AWARENESS FOR HISTORIC**
6 **PRESERVATION/CONSERVATION EFFORTS.**

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8 **Objective 2.1**

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10 **The City shall provide education to citizens on awareness ~~conseiousness~~, value, use**
11 **and protection of historic and archaeological resources. ~~on an annual basis.~~**

12
13 2.1.1 The Historic Preservation Board shall coordinate with other historic preservation
14 organizations to conduct annual informational workshops on historic preservation.
15 ~~on an annual basis.~~

16
17 2.1.2 The City shall produce, and make accessible, educational materials on the
18 preservation of historic and archaeological resources.

19
20 2.1.3 The City shall work with state and local governmental organizations, the
21 University of Florida and other interested parties to promote historic preservation.

22
23 ~~2.1.4 The City shall provide signs that direct the public to historic districts and identify~~
24 ~~historic district boundaries.~~

25
26 2.1.4 Develop and maintain a list of historic properties that are threatened by
27 demolition by neglect.

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30 **Objective 2.2**

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32 **~~By 1993,~~ The City shall develop a program that supports, enhances and encourages**
33 **public awareness of historic tourism as an economic benefit to Gainesville.**

34
35 2.2.1 The City shall work with the Gainesville Area Chamber of Commerce, the
36 Alachua County Office of Tourist Development, the Downtown Redevelopment
37 Agency, other local governments, and other organizations to promote historic
38 tourism.

39
40 2.2.2 The City shall revise the Historic Preservation/Conservation Ordinance to include
41 historic tourism as a part of the City's historic preservation program.
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1 ~~GOAL 3 — ENHANCE AND DEVELOP CULTURAL RESOURCES, AND~~
2 ~~ENSURE ACCESS BY ALL SEGMENTS OF THE COMMUNITY TO A BROAD~~
3 ~~VARIETY OF CULTURAL EXPERIENCES.~~

4
5 ~~By June 1993, the City of Gainesville shall amend the Comprehensive Plan to~~
6 ~~include a Cultural Element.~~

7
8 ~~3.1.1 — By 1992, the City shall analyze and publish the results of its Economic Impact~~
9 ~~Survey.~~

10
11 ~~3.1.2 — The City shall utilize its Economic Impact Survey, its facilities and arts~~
12 ~~organization inventory, user surveys, and other sources of information to identify~~
13 ~~community cultural needs in the Cultural Element.~~

14
15 ~~3.1.3 — The City shall produce a plan to prioritize its programming and funding efforts~~
16 ~~by 1992.~~



MEMORANDUM

Office of the City Attorney

Registrar No. 991266

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

TO: Mayor and City Commission

DATE: March 4, 2002
Second Reading

FROM: City Attorney

SUBJECT: Ordinance No. 0-01-01; Petition No. 51CPA-00PB

An ordinance of the City of Gainesville, Florida, amending the Housing Element of the City of Gainesville 1991-2001 Comprehensive Plan; amending provisions to address very low-income and extremely low-income housing; adding a policy concerning a county-wide "fair-share" housing ordinance for the dispersal of affordable housing; providing for a housing survey of rental units in the University of Florida context area; providing a policy concerning low demand or "safe place" shelters; making minor modifications throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance, as amended.

COMMUNITY DEVELOPMENT STAFF REPORT

On January 22, 2001 the City Commission adopted Ordinance No. 0-01-01 (on first reading); Petition No. 51CPA-00PB (Housing Element) for transmittal to the Department of Community Affairs (DCA). City Planning staff submitted the petition as part of the City's Comprehensive Plan Amendment packet dated September 7, 2001, reference as DCA No. 01-1. In a letter dated November 16, 2001 and received by the City on November 26, 2001, the Department of Community Affairs notified the City that they did not have any objections, recommendations or comments on the Housing Element.

The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3185, Florida Statutes (F.S) and Rule 9J-11.011; FAC. The letter from DCA incorrectly stated that the City of Gainesville had 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. Based on an inquiry from City staff, DCA has indicated that the City has 120 days to make a decision on EAR based amendments.

Staff recommends approval of the ordinance as modified by staff. Staff modified the Housing Element since "First Reading" to add policy 3.1.11. The policy states that the City shall create heritage, conservation or other appropriate overlay districts as needed for neighborhood

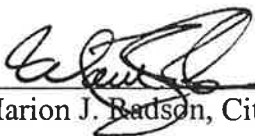
stabilization. The policy was added based on comments from citizens during comprehensive plan workshops.

Fiscal Note. None

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated November 16, 2001, that offered no comments or objections to this element. Upon receipt of the letter, the City of Gainesville has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. If the ordinance is adopted, 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 and
Submitted by:



Marion J. Radson, City Attorney

ORDINANCE NO. _____
0-01-01

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An ordinance of the City of Gainesville, Florida, amending the Housing Element of the City of Gainesville 1991-2001 Comprehensive Plan; amending provisions to address very low-income and extremely low-income housing; adding a policy concerning a county-wide “fair-share” housing ordinance for the dispersal of affordable housing; providing for a housing survey of rental units in the University of Florida context area; providing a policy concerning low demand or “safe place” shelters; making minor modifications throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; 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 City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on October 19, 2000; 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 at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

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

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper notifying the public of the second Public Hearing

1 to be held at least 5 days after the day the second advertisement was published; and

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

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

7 **NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE
8 CITY OF GAINESVILLE, FLORIDA:

9 **Section 1.** The Housing Element of the City of Gainesville 1991-2001 Comprehensive Plan
10 is amended as shown in Attachment A:

11 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
12 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or element,
13 or portion thereof in order to fully implement this ordinance.

14 **Section 3.** It is the intent of the City Commission that this amended element will become
15 part of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption of a resolution.

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

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

21 **Section 6.** This ordinance shall become effective immediately upon final adoption; however,
22 the amendment to the City of Gainesville 1991-2001 Comprehensive Plan shall not become
23 effective until the state land planning agency issues a final order determining the adopted

D R A F T

1-31-02

1 amendment to be in compliance in accordance with section 163.3184(9), or until the
2 Administration Commission issues a final order determining the adopted amendment to be in
3 compliance in accordance with section 163.3184(10).

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PASSED AND ADOPTED this _____ day of _____, 2002.

THOMAS D. BUSSING
MAYOR

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 22nd day of January, 2001.

This Ordinance passed on second reading this ____ day of _____, 2002.

carter:ordinances:51CPA-00PB

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ATTACHMENT A

HOUSING ELEMENT GOALS, OBJECTIVES AND POLICIES

OVERALL GOAL: MAKE AVAILABLE CONDITIONS THAT ENCOURAGE A SUFFICIENT SUPPLY OF ADEQUATE, DECENT, SAFE, ~~AND~~ SANITARY, HEALTHY AND COST-EFFECTIVE RENTAL AND OWNER-OCCUPIED HOUSING FOR ALL CURRENT AND FUTURE INCOME GROUPS.

GOAL 1: ASSIST THE PRIVATE AND NON-PROFIT HOUSING SECTOR IN PROVIDING HOUSING FOR LOW-INCOME, VERY LOW-INCOME AND EXTREMELY LOW-INCOME HOUSEHOLDS BY THE YEAR 2004 2010.

Objective 1.1

Provide technical assistance and information on available city-owned parcels for low-income, very low-income and extremely low-income housing developments to private or non-profit housing providers who request housing assistance.

Policies

1.1.1 The City shall continue to develop a working relationship or partnership with the private sector by disseminating information in the form of a brochures annually on new housing techniques involving innovative ways to save energy and water, utilize alternative building materials, better protect indoor air quality and encourage cost-effective construction techniques. Brochures on codes and grants available ~~for low income housing projects~~ to facilitate the production of affordable housing for low-income, very low-income and extremely low-income residents (e.g., ~~Porters Oaks~~) will also be made available.

1.1.2 The City shall provide available city-owned parcels to private and non-profit housing developers for the development of affordable housing for low-income, very low-income and extremely low-income households.

1.1.3 The City shall ~~provide 35 acres located in~~ continue to develop the city-owned Cedar Grove II Subdivision ~~for a joint venture development with a housing developers providing a feasible housing development proposal for constructing affordable single-family residential units, on this site.~~

1.1.4 The City shall review and evaluate zoning and other regulations that pertain to housing to insure that requirements ~~are~~ continue to be reasonable and do not unduly limit opportunities for lower income groups to secure housing in desirable

- 1 locations, ~~and shall implement any needed changes in the Land Development~~
2 ~~Regulations one year after transmittal of the Comprehensive Plan.~~
3
4 1.1.5 The University of Florida (UF) and the private sector shall be responsible for
5 providing housing for college students.
6
7 ~~1.1.6 The City through the Future Land Use Element shall designate land for high-~~
8 ~~density residential uses near UF to encourage housing opportunities for students,~~
9 ~~faculty and employees.~~
10
11 ~~1.1.6~~7 Housing programs and projects, where feasible, shall be coordinated with Alachua
12 County, ~~and~~ the Housing Authorities and any other groups involved in providing
13 affordable housing.
14
15 ~~1.1.7~~8 Lobby the State Legislature for broad based sources of recurring revenue to
16 provide funds to pay for the construction of new housing units for low-income,
17 very low-income and extremely low-income households.
18
19 1.1.8 The City shall continue to implement the Fast Track permitting process, which can
20 reduce the time that applications for new residential, residential additions and
21 residential interior remodeling spend in the review process.
22

23 **Objective 1.2**

24
25 **Provide a variety of housing types and densities for low- income, very low-income,**
26 **extremely low-income and moderate-income people.**
27

28 Policies

- 29
30 1.2.1 The Department of Community Development through the First Step Program shall
31 continue to assist private and non-profit housing developers in identifying sites for
32 low-income, very low -income and extremely low-income housing and
33 manufactured housing.
34
35 1.2.2 The City shall allow mobile home parks in areas designated Residential-Low on
36 the Future Land Use Map.
37
38 1.2.3 The City shall allow manufactured housing built to the Standard Building Code in
39 residential areas as designated on the Future Land Use Map.
40
41 1.2.4 The City shall implement and promote the opportunity for zero lot line and cluster
42 subdivisions as incentives for low-income, very low-income and extremely low-
43 income housing.
44

1 1.2.5 The City shall support the dispersal of low-income, very low-income and
2 extremely low-income housing units throughout the City by providing housing
3 densities throughout the City that will allow low-income, very low-income and
4 extremely low-income housing to be provided by the private sector. The City shall
5 use Community Development Block Grant Funds and Section 8 Programs, the
6 Home Investment Partnerships Grant (HOME) and State Housing Initiative
7 Program (S.H.I.P.), as well as not-for-profit organizations in the State, to support
8 the dispersal of low-income housing units throughout the City.

9
10 ~~1.2.6 By June 1992, the City shall adopt Land Development Regulations that allow~~
11 ~~accessory units (residential second units) in residential areas in an effort to expand~~
12 ~~the number of affordable housing units.~~

13
14 1.2.6 The City shall coordinate with Alachua County on the development of a
15 countywide "fair share" housing ordinance for the dispersal of affordable housing
16 units.

17
18 **Objective 1.3**

19
20 **The City shall allocate sufficient acreage in appropriate locations to meet the**
21 **housing needs of the City's residents.**

22
23 **Policies**

24
25 1.3.1 The Land Use Element shall designate land for residential use to meet the existing
26 and projected future housing needs through the year ~~2001~~ 2010, including low-
27 income, very low-income and extremely low-income and moderate-income
28 housing and mobile homes.

29
30 **Objective 1.4**

31
32 **The City shall work with private homeowners and landlords to rehabilitate ~~1,884~~**
33 **861 substandard housing units and to demolish ~~339~~ all dilapidated housing units by**
34 **the year 2010 to ensure that all housing units within the City meet the City's**
35 **Minimum Housing Code.**

36
37 **Policies**

38
39 1.4.1 The City shall continue to enforce the Minimum Housing Code by working with
40 private homeowners and landlords to rehabilitate ~~at a minimum 82~~ substandard
41 units and to deconstruct or demolish ~~at least 33~~ dilapidated units ~~annually~~ until all
42 housing units are brought up to code.

43

1 1.4.2 The City shall ~~inspect at least 1,200 housing units a year, target neighborhoods for~~
2 ~~the Housing Inspection Program each year and complete a housing condition~~
3 ~~windshield survey of the City's entire housing stock every 4 years~~ continue to
4 inspect dangerous buildings, regardless of location, to ensure that all housing units
5 within the City meet the City's Minimum Housing Code.

6
7 1.4.3 The City shall spend Community Development Block Grant (CDBG) and HOME
8 funds in accordance with an adopted multi-year plan (the Consolidated Plan).

9
10 1.4.4 By ~~1995~~ 2005, the City shall conduct a housing conditions survey of all rental
11 housing units annexed by the City under City Ordinance Nos. 3768, 3769, and
12 3865 within the University Context Area.

13
14 **Objective 1.5**

15
16 **The City shall work with architects, designers and other housing professionals**
17 **(providers) to encourage the innovative design of affordable housing.**

18
19 **Policies**

20
21 1.5.1 By 2001, the Traditional Neighborhood Development District (TND) will offer
22 opportunities for innovative and creative design for all development within the
23 district, including affordable housing.

24
25 1.5.2 The City shall continue to seek innovative ways to encourage affordable housing
26 which could include use of alternative building materials, reduced lot size
27 requirements, design competitions for affordable housing and a design advisory
28 committee to advise housing providers on the development of affordable housing
29 designs.

30
31
32
33 **GOAL 2: PROVIDE ALL RESIDENTS OF THE CITY OF GAINESVILLE**
34 **WITH A FAIR HOUSING OPPORTUNITY.**

35
36 **Objective 2.1**

37
38 **Provide fair housing opportunities for all residents of Gainesville, regardless of race,**
39 **religion, sex, age, handicap, family status or national origin.**

40
41 **Policies**

42
43 2.1.1 The City shall continue to implement the provisions of the Gainesville Area Fair
44 Housing Study ~~its Fair Housing Affirmative Action Plan.~~

1 **Objective 2.2**

2
3 **Provide sufficient opportunity for the siting of group homes, foster care facilities,**
4 **shelters for the homeless and elderly housing.**

5
6 Policies

7
8 2.2.1 ~~By June 1992, the City shall improve the development process and improve~~
9 continue to comply ~~coordination~~ with the State Department of Children and
10 Families Health and Rehabilitative Services ~~by adopting Land Development~~
11 Regulations that will provide regulations concerning the provision of information
12 on requirements and procedures for siting group homes and foster care facilities.

13
14 2.2.2 The City shall continue to allow foster family homes for children and adults, adult
15 day care homes and family day care homes in all residential districts.

16
17 2.2.3 Realizing the need for appropriate sites in dispersed locations for group home
18 facilities, the City shall ~~adopt Land Development Regulations by 1992 that~~
19 continue to provide siting guidelines and requirements that are consistent with the
20 site selection provisions of s.419.001, F.S. for units licensed by the Florida
21 Department of Children and Families Health and Rehabilitative Services. Such
22 guidelines shall ensure adequate dispersal throughout the community.

23
24 2.2.4 The City shall ~~adopt~~ continue to have Land Development Regulations that
25 designate areas throughout the City where housing for the homeless will be
26 allowed. Some criteria for such designations include proximity to public
27 transportation routes, social service agencies, employment centers and medical
28 services, and potential impact on existing and future neighborhoods and
29 businesses.

30
31 2.2.5 ~~By 1993, the City shall prepare a study~~ continue to examine ~~ing~~ methods to
32 mitigate the special needs of the homeless including living arrangements for
33 homeless families with children, ~~and~~ transitional housing for the employed
34 homeless including single-room occupancy (SRO) facilities, and low demand or
35 “safe space” shelters (safe, alternative locations for the homeless that are separate
36 from emergency shelter facilities and that provide weather protection, security,
37 bathroom and shower facilities, lockers, telephones and locations that are within
38 walking distance of social service facilities).

39
40 2.2.6 The City shall encourage the development of elderly housing near activity centers
41 and bus routes by providing sufficient siting opportunities that allow ~~accessory~~
42 ~~dwellings and~~ congregate living facilities in multi-family areas near bus routes and
43 activity centers.
44

1
2 **GOAL 3: THE CITY WITH THE ASSISTANCE OF PRIVATE AND NON-**
3 **PROFIT ORGANIZATIONS SHALL MAINTAIN SOUND VIABLE**
4 **NEIGHBORHOODS AND REVITALIZE THOSE THAT HAVE**
5 **SUFFERED DISREPAIR AND NEGLECT.**
6

7
8 **Objective 3.1**
9

10 **By 1992, ~~t~~The City shall continue to establish housing programs to implement the**
11 **goals, objectives and policies of the Housing Element.**
12

13 Policies
14

15 3.1.1 ~~By 1992, t~~The City shall use the Neighborhood Planning Program develop
16 indicators that can be used to identify and monitor neighborhood decline work with
17 neighborhoods on housing issues.
18

19 3.1.2 The City shall maintain and rehabilitate publicly owned infrastructure and facilities
20 in older neighborhoods in order to prevent neighborhood decline.
21

22 3.1.3 The Historic Preservation Program shall continue to identify historically significant
23 housing and promote the conservation and restoration of housing that has special
24 historic, architectural or aesthetic values.
25

26 3.1.4 The Neighborhood redevelopment Planning Program shall help neighborhoods
27 develop plans that address neighborhood stability, housing, safety, infrastructure,
28 and character including historic resources ~~shall be prepared for all residential~~
29 neighborhoods targeted for redevelopment.
30

31 3.1.5 The City shall facilitate communication and dialogue with neighborhood groups
32 regarding proposed developments in and around their neighborhoods.
33

34 3.1.6 ~~5~~Local Non-profit agencies, such as the Neighborhood Housing Services and
35 Development Corporation (NHDC), that work to preserve and rehabilitate
36 neighborhood housing stock shall ~~have the major role in complement~~ the City
37 Housing Division as the major entity in ~~of preventing the decline of extremely low,~~
38 very low, low and moderate-income neighborhoods.
39

40 3.1.7 ~~6~~The City shall continue to coordinate with and fund the efforts of non-profit
41 agencies, such as the Neighborhood Housing Services and Development
42 Corporation and the Community Action Agency, to provide assistance for housing
43 conservation and rehabilitation in very low-income and redevelopment areas of the
44 City.

1
2 3.1.87 ~~By 1996, the City shall have a computerized housing database to provide housing~~
3 ~~information and to monitor trends and changes.~~ The City shall update the Data and
4 Analysis section of the Housing Element for the 2000-2010 Comprehensive Plan no
5 later than 18 months after publication of the 2000 census housing data.
6

7 3.1.98 Realizing the connection between economic stability and the preservation of
8 affordable housing, the City, through technical assistance and loan programs for
9 economic development, shall continue to provide economic development ~~help~~
10 assistance to low-income areas in order to create and retain jobs and to enhance and
11 preserve surrounding neighborhoods.
12

13 3.1.10 The City shall study the feasibility of an in-town housing program that would utilize
14 pre-approved housing designs that are appropriate for specific locations where
15 affordable housing should be encouraged. The approved plans and associated
16 building permits would be fully processed and made available to builders who want
17 to use them, to reduce costs and delays.
18

19 3.1.11 The City shall create heritage, conservation or other appropriate overlay districts, as
20 needed, for neighborhood stabilization.
21

22 Objective 3.2

23
24 **Assist 100 low-income, very low-income and extremely low-income households each**
25 **year with the maintenance and repairs of owner-occupied units.**
26

27 Policies

28
29 3.2.1 The City shall continue to make available to all residents, especially low-income,
30 very low-income and extremely low-income households, a do-it-yourself manual on
31 routine home repairs, maintenance and yard care.
32

33 3.2.2 The City shall designate CDBG funds or other funds for homeowner rehabilitation
34 grants or revolving loan funds to assist 100 low-income, very low- income and
35 extremely low-income households.
36

37 Objective 3.3

38
39 **Assist ~~50~~ 75 low-income, very low-income, extremely low-income and moderate-**
40 **income households each year in locating and affording existing low-cost rental and**
41 **owner-occupied housing.**
42

43 Policies

1 3.3.1 The City Housing Division shall continue to act as ~~should develop or help non-~~
2 ~~profit agencies develop~~ a housing information and referral service for first-time
3 homebuyers and renters ~~by 1993~~.

4
5 3.3.2 The City shall seek funds from both the State and Federal government in order to
6 provide financial assistance to first time low-income, very low-income and
7 extremely low-income homebuyers.

8
9 **Objective 3.4**

10
11 **The City shall assist all residents displaced by redevelopment activities involving**
12 **Federal, State or local government funds.**

13
14 Policies

15
16 3.4.1 The City shall assist all displaced persons by complying with regulations stated in
17 the Uniform Relocation Act and the City of Gainesville Local Relocation Policy
18 and Procedures.

19
20 **Objective 3.5**

21
22 **The City shall develop strategies to increase the level of owner-occupancy in the**
23 **University Context Area.**

24
25 Policies

26
27 3.5.1 The City shall coordinate with the University of Florida to explore the possibility
28 of developing an owner-occupancy incentive program to encourage employees
29 and faculty to purchase homes in the University Context Area.

30
31 3.5.2 The City through its Community Development Committee shall develop
32 recommendations on increasing the desirability of owner-occupancy in the
33 University Context Area.

34
35 **GOAL 4: ENSURE HOUSING DEVELOPMENT DOES NOT NEGATIVELY**
36 **AFFECT THE GAINESVILLE ENVIRONMENT.**

37
38 **Objective 4.1**

39
40 ~~By 1992, t~~ **The City shall adopt continue to have Land Development Regulations**
41 **which that ensure that new housing developments, preserve on-site environmental**
42 **features and conserve environmental resources.**

43
44 Policies

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4.1.1 The City shall encourage infill housing and cluster subdivisions in order to protect environmentally sensitive lands and to promote energy conservation.

4.1.2 The City shall ~~adopt~~ continue to have Land Development Regulations that guide the siting, building orientation and landscaping of new housing developments to promote energy and water conservation, ~~to~~ ensure compatibility with the surrounding area, ~~and to~~ minimize impacts on the environment, and ~~to~~ enhance visual appeal.



MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commission

DATE: March 4, 2002
Second Reading

FROM: City Attorney

SUBJECT: Ordinance No. 0-01-02; Petition No. 145CPA-00PB
An ordinance of the City of Gainesville, Florida, amending the Recreation Element of the City of Gainesville 1991-2001 Comprehensive Plan; adding criteria for land acquisition; adding criteria for prioritizing improvements; adding a policy concerning use of proceeds from the sale of recreation land; adding a policy concerning joint use of recreation facilities with other public providers; adding an objective and related policies concerning funding; making minor modifications throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF REPORT

On January 22, 2001 the City Commission adopted Ordinance No. 0-01-02 (on first reading); Petition No. 145CPA-00PB (Recreation Element) for transmittal to the Department of Community Affairs (DCA). City Planning staff submitted the petition as part of the City's Comprehensive Plan Amendment packet dated September 7, 2001, referenced as DCA No. 01-1. In a letter dated November 16, 2001 and received by the City on November 26, 2001, the Department of Community Affairs notified the City that they did not have any objections, recommendations or comments on the Recreation Element.

The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3185, Florida Statutes (FS) and Rule 9J-11.011, FAC. The letter from DCA incorrectly stated that the City of Gainesville had 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. Based on an inquiry from City staff, DCA has indicated that the City has 120 days to make a decision on EAR-based amendments.

Staff recommends approval of the ordinance as submitted. It is anticipated that the Recreation Element will be revised based on the outcome of the countywide recreation master plan.

Fiscal Note. None

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated November 16, 2001, that offered no comments or objections to this element upon receipt of the letter, the City of Gainesville has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. If the ordinance is adopted, 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 and
Submitted by:



Marion J. Radson, City Attorney

D R A F T

1-31-02

ORDINANCE NO. _____
0-01-02

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An ordinance of the City of Gainesville, Florida, amending the Recreation Element of the City of Gainesville 1991-2001 Comprehensive Plan; adding criteria for land acquisition; adding criteria for prioritizing improvements; adding a policy concerning use of proceeds from the sale of recreation land; adding a policy concerning joint use of recreation facilities with other public providers; adding an objective and related policies concerning funding; making minor modifications throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; 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 City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on October 19, 2000; 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 at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

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

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper notifying the public of the second Public

Petition No. 145CPA-00PB
CODE: Words ~~stricken~~ are deletions; words underlined are additions.

D R A F T

1-31-02

1 Hearing to be held at least 5 days after the day the second advertisement was published;
2 and

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

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

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

11 **Section 1.** The Recreation Element of the City of Gainesville 1991-2001 Comprehensive
12 Plan is amended as shown in Attachment A:

13 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
14 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or
15 element, or portion thereof in order to fully implement this ordinance.

16 **Section 3.** It is the intent of the City Commission that this amended element will become
17 part of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption of a
18 resolution.

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

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

D R A F T

1-31-02

1 **Section 6.** This ordinance shall become effective immediately upon final adoption;
 2 however, the amendment to the 1991-2001 Comprehensive Plan shall not become
 3 effective until the state land planning agency issues a final order determining the adopted
 4 amendment to be in compliance in accordance with section 163.3184(9), or until the
 5 Administration Commission issues a final order determining the adopted amendment to
 6 be in compliance in accordance with section 163.3184(10).

7
 8
 9 **PASSED AND ADOPTED** this _____ day of _____, 2002.

10
 11
 12 _____
 13 THOMAS D. BUSSING
 14 MAYOR

15
 16 ATTEST:

Approved as to form and legality

17
 18
 19 _____
 20 KURT M. LANNON
 21 CLERK OF THE COMMISSION

MARION J. RADSON
 CITY ATTORNEY

22 This Ordinance passed on first reading this 22nd day of January, 2001.

23 This Ordinance passed on second reading this _____ day of _____, 2002.

24
 25 carter:ordinances:145CPA-00PB
 26

ATTACHMENT A
RECREATION ELEMENT
GOALS, OBJECTIVES AND POLICIES

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Goal 1: Provide sufficient park acreage, facilities, and recreation programs efficiently and in close proximity to urbanized residential areas.

Objective 1.1

The City shall maintain the minimum level of service (LOS) standards, park design standards and the Park and Facility Substitution Standards throughout the planning time frame.

Policies

1.1.1 The City shall maintain LOS standards adopted in Tables 1, ~~and 2~~ the park design standards described in the Recreation Element and the Park and Facility Substitution Standards, ~~Pages G8-G12,~~ of the Recreation Element.

1.1.2 The City shall maintain a computer inventory of all recreation and open space sites with actual or potential public access. This inventory shall include site acreages, facilities, and condition of facilities, surveys of actual usage and the most recent inventory dates.

1.1.3 ~~By June 1992, the~~ The City shall adopt ~~continue to use~~ the criteria described by the "Land Acquisition" portion of the Recreation Element and use such criteria for prioritizing land acquisitions for parks. These criteria include:

- * POPULATION DENSITY
Parcels near high population densities;
- * PROXIMITY TO EXISTING PARKS
Parcels that are remote from existing parks;
- * ACCESS TO ENVIRONMENTALLY SIGNIFICANT OPEN SPACE
Parcels that improve public access to environmentally significant open space;
- * TRAIL ACCESS
Parcels that are served by an existing or potential recreational trail;
- * GREENBELT VALUE
Parcels that would serve as a component in a greenbelt system;

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- * CONNECTIVITY
Parcels useful in connecting or extending the size of existing parks or open spaces;
- * MULTIPLE USE
Parcels able to provide active and passive forms of recreation, as well as conservation of natural resources;
- * RARITY AND DIVERSITY
Parcels that contain rare or diverse forms of environmental or historical features, or a combination of these features;
- * ECOSYSTEM PRESERVATION
Parcels necessary for preserving the integrity of an important ecosystem;
- * COST
Parcels that are relatively low in acquisition and maintenance cost;
- * WILLINGNESS TO SELL
Parcels with an owner willing to sell all or part of the rights to the parcel;
- * DEVELOPMENT PRESSURE
Parcels that are likely to be developed in the near future;
- * JURISDICTION
Parcels within or near the boundaries of the City; and
- * ENVIRONMENTAL DEGRADATION
Parcels able to accommodate recreation without degrading environmentally significant features

1.1.4 By June 1992, the City shall ~~adopt~~ continue to use the following criteria described by the "Prioritizing Improvements for the CIP" portion of the Recreation Element, and use these criteria to rank recreation capital improvements within the Capital Improvements Element.

- Degree of Deficiency:
 - (A) Largest Absolute Deficiency. Those planning areas with the highest acreage or facility deficiency are prioritized.
 - (B) Lowest Current Level of Service. Those planning areas with the lowest current level of service are prioritized. Implicit in both "A" and "B" is the need to prioritize urban area facilities before quadrant facilities.
- Proximity to Similar Facilities:
 - Those dysfunctional or deficient facilities which are at least one mile from the same type facilities are prioritized. This distance can include hazard-oriented barriers such as major roadways, as well as geographical distance.

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Program Dependency: Those dysfunctional or deficient facilities which are necessary for the provision of the largest number of needed recreation programs are prioritized. Includes pools, basketball courts and all parks.

Park Reclassification: Those dysfunctional or deficient facilities which enable the park to be reclassified to the next higher park type, in an instance where the higher park type is needed by the planning area, are prioritized.

Urban Area Deficiency: Urban area facilities that are deficient are prioritized. Urban area facilities include 50-meter pools, sports-complexes, and local nature parks.

Recent Park Acquisition: A new project at a park may be within the same planning area as another park of the same type. If this other park was acquired over the past three years, the new project is de-prioritized.

1.1.5 In instances where the City or new residential developments are unable to comply with Objective 1.1, compliance with the substitution system described by the "Park and Facility Substitution" portion of the Recreation Element shall be required. ~~New residential developments may also pay a fee in lieu for the impact on, or demand created for, recreation facilities called for by Objective 1.1.~~

Objective 1.2

Establish mechanisms for the efficient design and maintenance of city-owned community, neighborhood, mini, sports-complex, and nature parks to maximize the enjoyment of such parks by park users.

Policies

1.2.1 ~~By 1996,~~ Site plans shall be developed for ~~existing and~~ proposed city-owned community, neighborhood, mini, sports-complex, and nature parks, in accordance with the park design standards described in ~~Table 1 of the Recreation Element.~~ ~~These parks and their site plans shall be evaluated at least every five years thereafter.~~ Review criteria shall include safety, traffic circulation, emergency communication and service, conservation or restoration of natural features, desires expressed by park users and nearby property owners, minimization of operation and maintenance costs, facility hazard or obsolescence, durability, minimization of liability due to accident, and multiple-use potential. The review shall be in accordance with adopted procedures for public review and suggestions. The review shall result in the filing of a report to the City Commission describing the improvements called for by the review and the estimated cost of the improvements. The City shall incorporate any approved capital improvements into the Capital Improvements Element for implementation.

1
2 1.3.4 The City shall seek the joint use of recreation facilities with other public providers
3 such as the SBAC, Alachua County and the State of Florida, wherever possible, in
4 order to minimize public investments needed to provide needed recreational
5 facilities.

6
7 1.3.5 The City shall prepare contracts and cooperative agreements with semi-private
8 and private entities to provide recreation facilities, maintenance and programs,
9 particularly programs designed to meet the recreational needs of youth. Such
10 agreements shall include private sponsorships, community service projects and
11 establishment of a civilian conservation corps.

12
13
14 **Objective 1.4**

15
16 **Disposal or sale of city-owned land or facilities shall not be detrimental to important**
17 **recreational needs.**

18
19 Policies

20
21 1.4.1 ~~By 1994,~~ Prior to the disposal of non-recreational city-owned land or facilities, the
22 City shall prepare a report that evaluates the potential use of such land or facilities
23 for recreation, and whether such land or facilities are needed to maintain or
24 enhance the standards described in Objective 1.1.

25
26 1.4.2 ~~By 1994,~~ The City shall prepare a report for the City Manager recommending the
27 disposal of, or adaptive reuse of recreation facilities or properties that are no
28 longer serving recreational needs. Such a report shall be prepared ~~by these~~
29 ~~departments at least every five years thereafter~~ on a case by case basis.

30
31 1.4.3 Proceeds from the disposal or sale of any city-owned recreation and park
32 properties shall be used for recreation and park infrastructure enhancements and
33 improvements.

34
35
36 **Objective 1.5**

37
38 ~~By 1994, adopt~~ The City shall continue to use a user fee system for City recreation
39 programs and facilities that shall favor City residents ~~those within the City~~
40 ~~recreation taxing district,~~ and that shall not be an obstacle to low-income City
41 residents.

42
43 Policies

1 1.5.1 Except in the context of a City-County cooperative agreement, softball,
2 swimming, and other fee-based recreation and nature park programs shall be
3 designed, administered and priced so as to give preference to City residents over
4 non-city residents.

5
6 1.5.2 Certain specialized recreation facilities and programs used by a relatively small
7 proportion of recreation users, such as golf courses and water theme parks, shall
8 be provided and generally offered on a fee-for-service basis aimed at financial
9 self-sufficiency.

10
11 1.5.3 The City shall establish fee waiver reductions to ensure that lower income City
12 residents/youth are not deprived of recreation services because of financial
13 limitations.

14
15 ~~1.5.4 The City shall provide recreational facilities that go beyond adopted LOS~~
16 ~~standards, but only if such opportunities will not detract from the attainment of~~
17 ~~Objective 1.1.~~

18
19
20 **Objective 1.6**

21
22 **Improve access to parks for all categories of users.**

23
24 **Policies**

25
26 1.6.1 By ~~1994-2002~~, all City community parks shall provide bicycle and pedestrian
27 access meeting Traffic Engineering standards ~~for at least a one-mile distance~~
28 along all arterials that serve the parks, except where right-of-way does not exist
29 along such arterials. When justified by transit demand estimates, each community
30 park shall also be regularly served by the City bus system.

31
32 1.6.2 ~~By 1993, pedestrian and bicycle transportation corridors remote or separate from~~
33 ~~roads shall be provided by both the City and private developers to maximize~~
34 ~~transportation connections between parks, schools, major work and shopping~~
35 ~~locations, and residential areas. This shall include adoption of The City shall~~
36 ~~continue to utilize Land Development Regulations requiring the provision of~~
37 ~~public trails that pass through or are adjacent to new developments. In addition, by~~
38 ~~1992 the City shall complete an inventory of publicly owned (but undeveloped)~~
39 ~~dedicated road rights of way. By 1995, the City shall complete a feasibility study~~
40 ~~regarding the recreational use of such rights of way continue to study the~~
41 ~~feasibility of using publicly owned (but undeveloped) dedicated road rights-of-~~
42 ~~way for recreational use.~~

1 1.6.3 Safe access to parks shall be incorporated into park construction and road
2 improvement projects through City Land Development Regulations that minimize
3 the need to use or cross major roads at grade.

4
5 1.6.4 ~~By 1995,~~ All community and neighborhood parks shall continue to be designed to
6 provide recreational facilities, programs, and access to the handicapped/disabled,
7 elderly and other individuals with physical limitations.

8
9 **Objective 1.7**

10
11 **The development of recreation programs for youth is the most important**
12 **recreational priority. Given this, the City shall establish youth recreation programs**
13 **sufficient to meet the unmet needs for such programs by city youth.**

14
15 Policies

16
17 1.7.1 ~~By June 1995,~~ The City shall continue to, ~~in coordination~~ with the University of
18 Florida and SBAC, ~~shall develop~~ a recreational tutorial after-school program for
19 elementary and middle school-aged city youth.

20
21 1.7.2 The City shall establish contracts and cooperative agreements, as described in
22 Policy 1.3.5, for the improvement of youth recreation programs.

23
24 1.7.3 To meet the needs of pre-school and school-aged children, the City shall design
25 programs that are designed to accommodate the typical work schedules of parents.

26
27
28 **Objective 1.8**

29
30 **The City shall strive to provide funding to maintain or exceed the minimum level of**
31 **service standards and create a sustainable economic base for recreation by the year**
32 **2010.**

33
34 Policies

35
36 1.8.1. The City shall continue to coordinate with Alachua County in implementing the
37 Countywide Recreation Master Plan.

38
39 1.8.2 The City shall continue to seek monies from a wide variety of funding sources
40 including grants and joint public-private partnerships.

41
42 1.8.3 The City shall seek various funding sources including, but not limited to, general
43 bond issues, recreation impact fees, utility fee transfers and recreation park tax
44 districts.

1 **Goal 2: Establish a park and open space system which ensures the**
2 **visibility of, preservation of, and access to environmentally**
3 **significant open spaces of the urban area.**
4

5
6 **Objective 2.1**

7
8 **A trail greenway network, as described by the “Development of Recreational**
9 **Greenways” portion of the Recreation Element, shall be established by the**
10 **acquisition and development of proposed and existing parks in a manner that**
11 **promotes the establishment of such a network. The trail greenway network should**
12 **include paved and unpaved trails along water bodies, utility corridors, and rail**
13 **corridors that link environmentally significant natural areas, parks, neighborhoods,**
14 **schools, shopping areas, cultural centers and job centers to each other and which**
15 **provide safe and pleasant public access for all citizens, including seniors, children,**
16 **and the disabled.**
17

18 **Policies**

19
20 2.1.1 ~~By June 1992, in acquiring parks,~~ The City shall continue to use the criteria
21 described in Policy 1.1.3 to prioritize sites that can be integrated into the trail
22 greenway network identified in Objective 2.1.
23

24 2.1.2 ~~By June 1992,~~ The City shall adopt continue to enforce Land Development
25 Regulations that promote the establishment of the trail greenway network
26 described in Objective 2.1. Private developments falling within the network shall
27 be required to promote the linear integrity of the network.
28

29 2.1.3 ~~By 1996,~~ The City shall continue to develop public access trails or boardwalks
30 along publicly owned segments of Hogtown Creek.
31

32 2.1.4 Where possible, provide barrier-free public access to all recreation and nature
33 sites through the provision of handicapped parking and access.
34

35 2.1.5 Trailheads and associated facilities such as automobile and bicycle parking,
36 comfort stations and handicapped facilities should be provided at strategic
37 conjunctions of two or more greenways.
38

39 2.1.6 When acquiring lands for trails greenways, priority shall be given to parcels,
40 which facilitate the connection of two or more trails.
41

42
43
44 **Objective 2.2**

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Acquire, design and manage parks to preserve existing natural features and their functions as described by the “Environmental Management of Public Parks & Open Spaces” portion of the Conservation, Open Space and Groundwater Recharge Element.

Policies

2.2.1 ~~By June 1992,~~ The City shall continue to use ~~adopt~~ the park acquisition criteria described in Policy 1.1.3 in order to place a high priority on restoring and preserving significant natural features.

2.2.2 ~~By 1994,~~ The City shall continue to use ~~adopt~~ policies based on the “Environmental Management of Public Parks & Open Spaces” portion of the Conservation, Open Space, and Groundwater Recharge Element in order to preserve the natural features of existing City parks.

2.2.3 ~~By June 1992,~~ The City shall continue to use ~~adopt~~ Land Development Regulations based on the “Environmental Management of Public Parks & Open Spaces” portion of the Conservation, Open Space and Groundwater Recharge Element to maintain the integrity of parks by protecting existing parks from undesirable encroachments such as incompatible land uses, visual disamenities, and noise.

Goal 3: Provide for citizen input in order to determine community desires and devise specific neighborhood-oriented plans for recreation.

Objective 3.1

Develop programs that increase citizen awareness of urban area natural features and parks and that obtain citizen input on current and future recreational needs.

Policies

3.1.1 ~~By June 1992,~~ The City shall continue to conduct ongoing communication of recreation information to the community through publications, presentations, workshops and media exposure.

1 3.1.2 By June ~~1992~~ 2002, the Public Recreation Advisory Board and the Nature Centers
2 Commission shall submit an annual report to the City Commission prior to the
3 annual update of the capital improvements program ~~and as described by the~~
4 ~~“Monitoring, Reevaluation, and Public Input”~~ portion of the Recreation Element.
5 The report shall assess progress toward implementation of this Element and make
6 recommendations for the coming fiscal year.

7
8 3.1.3 ~~By June 1992, the Recreation and Parks Department shall establish a monitoring~~
9 ~~system for individual parks, as described by the “Monitoring, Reevaluation, and~~
10 ~~Public Input”~~ portion of the Recreation Element, ~~to assess facility and program~~
11 ~~support by park users.~~

12
13
14 **Objective 3.2**

15
16 **Develop recreation plans consistent with neighborhood desires for each City**
17 **quadrant.**

18
19 **Policies**

20
21 3.2.1 Minimum LOS standards described in Objective 1.1 shall be adapted to meet the
22 needs and desires of the residents of affected neighborhoods. This shall be
23 attained, in part, by using the facility substitution criteria as described by the
24 “Facility Substitution” portion of the Recreation Element.

25
26 3.2.2 ~~By June 1992, The Recreation and Parks Department, in coordination with the~~
27 ~~Department of Cultural and Nature Operations, shall continue to use two-way~~
28 communication tools including park user surveys, ~~“hot lines,”~~ design charrettes
29 and public hearings to design parks and programs meeting the needs of park users.
30
31
32

Recreation Element (Draft)
Goals, Objectives and Policies
January 22, 2001

Table 1. Service Level Standards for Parks and Facilities

FACILITY	2000 LOS STANDARD	CURRENT LOS ¹
Swim Pool (50 M)	1 per 85,000	1 per 50,702
Swim Pool (25 Yd) ³	1 per 75,000	1 per 33,802
Softball Field (adult)	1 per 14,000	1 per 8,450
Soccer Field	1 per 11,000	1 per 7,800
Trail/Linear Corridor/Greenway	1 mi per 4,500	1 mi per 3,900
Basketball Court	1 per 4,500	1 per 4,507
Tennis Court	1 per 6,000	1 per 4,609
Racquetball Court	1 per 12,000	1 per 7,243
Equipped play area	1 per 10,000	1 per 3,900

PARK ²	2000 LOS STANDARD	CURRENT LOS
Local Nature/Conserv	6.00 ac	17.02 acres
Sports Complex	0.50 ac	1.01 acres
Community Park ³	2.00 ac	2.27 acres
Neighborhood Park	0.80 ac	1.51 acres
Total Acres Per 1000	9.30 ac	11.01 acres

NOTES:

¹ Standards for local nature park, sports complex, and 50-meter pool facilities apply urban area wide. Standards for community park, 25-yard pool, softball, soccer, trail, neighborhood park, basketball, tennis, and racquetball facilities apply urban area wide in 1991, and quadrant-by-quadrant in 1997.

¹ Current LOS is based on 1999 City 1989 urban area population and facilities.

³ Southwest quadrant is exempt from community park and 25-yard pool standards through 2001.³

² Park standards are in acres per 1,000 people.

SOURCE: City of Gainesville, Department of Community Development. December 1990 May 2000.

³ Refer to "Variations in Level of Service Standards" section for more information.

Recreation Element (Draft)
Goals, Objectives and Policies
January 22, 2001

Table 1. Park Design and Function Standards

Mini-Parks

Small recreation areas within relatively high-density residential areas. Include benches, child play areas, shade trees, and picnic facilities. Size is one-quarter acre to five acres. Service radius is 1/4 mile. Access is by local streets, with facilities for pedestrians and bicycles. An example is A.N.N.E. Roper Park, located in the 400 block of N.E. 2nd Street. There is no LOS standard for this park type.

Neighborhood Parks

Moderately-sized recreation areas located to provide convenient access (no more than 1/2 mile) from neighborhoods served. Include tennis courts, racquetball courts, shade trees, picnic facilities, child play areas, and a limited number of soccer and baseball fields. Size ranges from 5 to 20 acres, although the presence of certain types of facilities may classify certain sites less than 5 acres as neighborhood parks. (These smaller sites must provide at least two facilities of different types from the following list: basketball courts, tennis courts, racquetball courts, baseball/softball fields, gymnasium or recreation center, and soccer fields.) Service radius is 1/2 mile. Access is by local streets, with facilities for pedestrians and bicycles. An example is Woodlawn Woodland Park.

Community Parks

"Intensive-use", activity-based recreation areas which serve an entire planning geographic quadrant. Include a wide range and large concentration of facilities: lighted tennis courts, racquetball courts, soccer and baseball fields, a swimming pool, off-street parking, playgrounds, and picnic facilities. Sites 20 acres or larger are classified as "undeveloped" if the site does not contain at least two different types of these facilities. If LOS standards require community park acres, but the quadrant is not deficient in any of these facilities, the following facilities may be substituted: basketball courts, tennis courts, or racquetball courts. Size ranges from 20 to 100 acres, although certain types of facilities may classify certain sites less than 20 acres as community parks. (Parks between 10-20 acres can be classified as a community park if at least two different types of the following facilities are provided: baseball/softball fields, swimming pool, gymnasium, recreation center, and/or soccer or football fields.) Service radius is 1 1/2 miles ~~or the planning quadrant~~. Access is by collector or arterial streets, with facilities for pedestrians, bicycles, autos, and buses. An example is Westside Park.

Recreation Element (Draft)
Goals, Objectives and Policies
January 22, 2001

Sports Complex Parks

"Intensive-use" recreation areas which provide a concentration of facilities for leagues and tournaments. One or more of the following facilities are necessary but not necessarily sufficient to classify a site as a "sports complex": (1) at least four adult-size or youth-size baseball/softball fields; (2) at least six regulation-size soccer fields; (3) a professional or semi-professional sports stadium; (4) a combination of at least one gymnasium, four tennis courts, and four racquetball courts; and/or (5) a region-serving water theme park. Size ranges from 15 to 100 acres. Service radius is urban area-wide. Access is by arterial streets, with facilities for bicycles, autos, and buses. There are no examples in Gainesville as of ~~June 1990~~ May 2000, although the City had ~~s~~ recently acquired acreage adjacent to Boulware Springs that was is planned to be developed as a sports complex.

Local Nature Parks

Moderately-sized, resource-based parks which offer physical or visual access to environmentally significant open spaces. Such parks include trails, benches, picnic facilities, boardwalks, and exhibits. Size is generally less than 100 acres. (All resource-based parks owned by the city or county are designated local nature parks, regardless of size.) Service radius is urban area-wide. Access is variable. Motorized vehicles are prohibited from pedestrian/bicycle corridors. Examples are Morningside and Bivens Arm Nature Parks. Public properties containing environmentally significant features that have not been developed to accommodate passive recreation are known as "conservation areas."

Regional Nature Parks

~~Regionally important natural areas which preserve, conserve, restore, and enhance large and significant natural or cultural resources, and offer important environmental education benefits to the community. Can include boardwalks, exhibits, observation decks, a nature center, and picnic/camping facilities. Size is at least 100 acres. (All nature parks owned by the state or water management district are designated regional nature parks, regardless of size.) Service radius is 30 to 45 miles or urban area wide. Access facilities for bicycles, autos, and buses. An example is Paynes Prairie State Preserve. There is no LOS standard for this park type.~~

Recreation Element (Draft)
Goals, Objectives and Policies
January 22, 2001

Linear Corridors

Provide a recreational travel corridor or "greenway" for such users as bicyclists, hikers, horseback riders, canoeists, and joggers. Typically a narrow strip of land developed along a creek, or along a utility or abandoned railroad right-of-way. Often link parks, schools, commercial or residential areas, and natural features to each other. While staging areas typically provide auto parking, the corridors themselves allow only non-motorized travel. An Examples ~~is~~ are the proposed Gainesville-to-Hawthorne Rail Trail, and the Depot Avenue Rail Trail. Service radius is urban area-wide if owned by the state, and quadrant-wide if owned by the City or County.

Special-Use Parks

Provide unique or unusual facilities for specialized recreational users. Support facilities dependent on the primary purpose of the park. An example is the Thomas Center. There is no LOS standard for this park type.

SOURCE: City of Gainesville, Department of Community Development, June 1990, April 2000.

Recreation Element (Draft)
Goals, Objectives and Policies
January 22, 2001

Park and Facility Substitution

It is possible that a LOS standard for a recreational facility will result in facility deficiencies in certain planning areas, which do not have vacant land sufficient to accommodate such a facility. For example, a quadrant may need 15 acres of neighborhood park, 3 tennis courts and 2 racquetball courts. However, this hypothetical quadrant may contain an insufficient amount of vacant land to accommodate a new neighborhood park.

In addition, socioeconomic and age differences between neighborhoods planning areas often mean differences in recreational facility preferences between neighborhoods planning areas. For example, a neighborhood may prefer 4 tennis courts, rather than the 2 tennis courts and 2 basketball courts called for by the LOS standards (or they may prefer a passive park rather than an active park).

Both of the above problems indicate a need for a mechanism to increase the flexibility of LOS standards without abandoning the benefits of such quantitative standards. There are two broad areas of flexibility:

PARK SUBSTITUTION

Used when needed park land is unavailable in a quadrant neighborhood, or when residents prefer a type of park other than a neighborhood park.

FACILITY SUBSTITUTION

Used when a determination is made that residents of one or several neighborhoods prefer recreational facility improvements that differ from what is called for by LOS standards.

Park Substitution

In certain quadrants neighborhoods, a determination may be made that the area does not contain acreage suitable and available for a new neighborhood park.

In the event that a quadrant neighborhood does not contain suitable and available land for a new neighborhood park, or when residents desire another park type, the following alternatives are considered sufficient to meet neighborhood park acreage needs within a quadrant the area:

- * Nature Center
One center for every 10 acres of neighborhood park.
- * Recreation (or Cultural) Center
One center for every 10 acres of neighborhood park and 16 facility units (see below for discussion of units).

Recreation Element (Draft)
Goals, Objectives and Policies
January 22, 2001

- * **Mini-Park**
1.5 acres of mini-park for every acre of neighborhood park.
- * **Botanical (or Vegetable) Garden**
1.5 acres of garden for every acre of neighborhood park deficiency.
- * **Local Nature Park**
One acre of nature park for every acre of neighborhood park deficiency. However, nature park must contain at least one acre of land outside of floodprone areas and suitable for development as determined by the City Manager or designee.

Facility Substitution

There are instances where LOS standards will indicate a deficiency for certain recreational facilities, yet the quadrant may not have the acreage or desire by its population to accommodate the new facilities. These are instances where:

- * The ~~quadrant~~ neighborhood does not have enough unused space at existing parks to accommodate facility deficiencies, yet meets park acreage standards;
- * The ~~quadrant~~ neighborhood does not have suitable and available vacant acreage to acquire for siting the new facilities; or
- * One or several neighborhoods to be served by a new neighborhood park express a desire to be served by facilities other than those called for by the Recreation Element.

The following alternatives are considered sufficient to meet facility deficiencies within a quadrant:

- * The construction of the needed facility at an SBAC school within the deficient quadrant, and appropriate joint-use agreements secured by the City from SBAC;
- * Developing a joint agreement between the City and SBAC for increased public access to existing school facilities within the deficient quadrant; or
- * Basketball, tennis and racquetball court deficiencies exchanged for different facilities (for example, two volleyball courts may be preferred over 2 tennis courts). Neighborhoods can also request a different mix of these three facilities. (For example, 2 tennis courts and 2 racquetball courts may be preferred over 4 basketball courts.)

Recreation Element (Draft)
Goals, Objectives and Policies
January 22, 2001

For neighborhoods seeking different types or mixes of facilities not called for by the Recreation Element, the list of facilities below can be substituted. Each facility is assigned a "substitution unit" based on the relative cost to build the facility. (One unit is worth approximately \$25,000.)

<u>Facility</u>	<u>Substitution Units</u>
Basketball Court.....	0.5
Tennis Court.....	1.0
Racquetball Court	1.0
Volleyball Court.....	0.2
Picnic/Pavilion/Playground.....	0.8
Mulched Trail (1 mile).....	0.2
Interpretive Pavilion.....	1.0
Recreation Center.....	20.0
Boardwalk Trail (1/2 mile)	4.8
Picnic Area.....	0.4



MEMORANDUM

Office of the City Attorney

Registrar No. 000768

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

TO: Mayor and City Commission

DATE: March 4, 2002
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-01-14; Petition No. 171CPA-00 PB
An ordinance of the City of Gainesville, Florida, amending the Capital Improvements Element of the City of Gainesville 1991-2001 Comprehensive Plan; changing the threshold expected life for capital improvements included in the plan from 3 to 2 years; removing provisions concerning projects that have been completed or that the need or funding had not been determined for level of service reasons; adding a provision concerning coordination with Alachua County on the Alachua County Forever program; making minor amendments throughout; adopting a new 5-Year Schedule of Capital Improvements; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF REPORT

On March 26, 2001 the City Commission adopted Ordinance No. 0-01-14 (on first reading); Petition No. 171CPA-00 PB (Capital Improvement Element) for transmittal to the Department of Community Affairs (DCA). City Planning staff submitted the petition as part of the City's Comprehensive Plan Amendment packet dated September 7, 2001, referenced as DCA No. 01-1. In a letter dated November 16, 2001 and received by the City on November 26, 2001, the Department of Community Affairs notified the City that they did not have any objections, recommendations or comments on the Capital Improvement Element.

The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3185, Florida Statutes (FS) and Rule 9J-11.011, FAC. The letter from DCA incorrectly stated that the City of Gainesville had 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. Based on an inquiry from City staff, DCA has indicated that the City has 120 days to make a decision on EAR-based amendments.


Staff recommends approval of the ordinance as submitted

Fiscal Note. None

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated November 16, 2001, that offered no comments or objections to this element upon receipt of the letter, the City of Gainesville has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. If the ordinance is adopted, 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.

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:sw

ORDINANCE NO. _____
0-01-14

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An ordinance of the City of Gainesville, Florida, amending the Capital Improvements Element of the City of Gainesville 1991-2001 Comprehensive Plan; changing the threshold expected life for capital improvements included in the plan from 3 to 2 years; removing provisions concerning projects that have been completed or that the need or funding had not been determined for level of service reasons; adding a provision concerning coordination with Alachua County on the Alachua County Forever program; making minor amendments throughout; adopting a new 5-Year Schedule of Capital Improvements; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; 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 City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on January 31, 2001; 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 at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

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

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 1.** The Capital Improvements Element of the City of Gainesville 1991-2001
13 Comprehensive Plan is amended as shown in Attachment A.

14 **Section 2.** The 5-Year Schedule of Capital Improvements provided as Table 14 in the
15 Data and Analysis for this Comprehensive Plan Element, a copy of which is shown in
16 Attachment B, is hereby adopted.

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

20 **Section 4.** It is the intent of the City Commission that this amended element will become
21 part of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption of a
22 resolution.

23 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid

D R A F T

1-31-02

1 or unconstitutional by any court of competent jurisdiction, then said holding shall in no
2 way affect the validity of the remaining portions of this ordinance.

3 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of
4 such conflict hereby repealed.

5 **Section 7.** This ordinance shall become effective immediately upon final adoption;
6 however, the amendment to the 1991-2001 Comprehensive Plan shall not become
7 effective until the state land planning agency issues a final order determining the adopted
8 amendment to be in compliance in accordance with section 163.3184(9), or until the
9 Administration Commission issues a final order determining the adopted amendment to
10 be in compliance in accordance with section 163.3184(10).

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PASSED AND ADOPTED this _____ day of _____, 2002.

THOMAS D. BUSSING
MAYOR

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 26th day of March, 2001.

This Ordinance passed on second reading this _____ day of _____, 2002.

carter:ordinances:171CPA-00PB

ATTACHMENT A
Capital Improvements Element

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Goal 1

TO PROVIDE AND MAINTAIN, IN A TIMELY FASHION, ADEQUATE, EFFICIENT, RELIABLE, EQUITABLE AND ENVIRONMENTALLY SOUND PUBLIC FACILITIES THAT ARE FINANCIALLY FEASIBLE.

Objective 1.1

~~Upon Plan adoption, the~~ The City shall use, in its ~~annual~~ biennial budget process, the 5-Year Schedule of Capital Improvements to set funding levels for the provision, renewal or replacement of public facilities necessary to meet and maintain the adopted Level of Service (LOS) standards for existing and future populations.

Policies

- 1.1.1 The Capital Improvements Element shall only include facility expenditure information for the facility types with required LOS standards mandated by Chapter 9J-5, Florida Administrative Code (Transportation Mobility (~~Traffic Circulation/Mass Transit~~), Potable Water, Wastewater, Recreation and Stormwater Management) ~~and for the Aviation and Conservation Elements~~. Existing and projected facility needs identified in those Elements are included in this Element. Other capital expenditures are listed in the ~~annual~~ biennial budget and the City's 5-Year Capital Improvement Plan or Gainesville Regional Utilities' (GRU) 6-Year Capital Improvement Plan.
- 1.1.2 The Capital Improvements Element shall define a capital improvement as land, non-structural improvements to land and structures (including the costs for design, permitting, construction, furnishings and equipment) with a unit cost of \$25,000 or more. The improvement shall have an expected life of at least ~~3~~ 2 years.
- 1.1.3 The City shall schedule and fund City capital projects shown in the 5-Year Schedule of Capital Improvements included in this Element.
- 1.1.4 The City shall annually review and update the Capital Improvements Element and 5-Year Schedule of Capital Improvements during the regular budget planning and adoption process.
- 1.1.5 The City and GRU shall continue their policies of annually including capital projects and capital equipment as part of their adopted budgets.

1 1.1.6 The City's Capital Improvements Element shall be considered a component of
2 the City's overall Capital Improvements Program (CIP) in the annual budget
3 appropriations and the 5-Year Capital Improvement Plan (5-YR CIP) and items
4 listed in the CIP and 5-YR CIP shall reflect the priorities and needs set in the
5 Capital Improvements Element.

6
7 1.1.7 The Potable Water and Wastewater sections of the City's Capital Improvements
8 Element shall be considered a subset of GRU's capital budget and 6-Year Capital
9 Improvements Plan (6-YR CIP) and the capital budget and 6-YR CIP shall reflect
10 the priorities and needs set in the Capital Improvements Element.

11
12 1.1.8 The Capital Improvements Element and 5-Year Schedule of Improvements shall
13 reflect the policies and needs set in other Elements of the Comprehensive Plan.

14
15 1.1.9 The City shall replace or renew capital facilities required to maintain adopted
16 LOS standards when deemed necessary by prudent engineering and utility
17 practices. These improvements shall be included in the 5-Year Schedule of
18 Capital Improvements.

19
20 1.1.10 The City shall evaluate all annexation proposals to determine its ability to
21 provide facilities at adopted LOS standards for the residents in the area(s) to be
22 annexed.

23
24 **Objective 1.2**

25
26 ~~Upon Plan adoption, the~~ **The City shall continue to ensure the provisions of services**
27 **and facilities needed to meet and maintain the LOS standards adopted in this Plan.**

28
29 **Policies**

30
31 1.2.1 ~~By June 1992, the~~ **The City shall continue to use the concurrency management**
32 **system to issue final development orders conditioned on the following:**

- 33
34 a. The availability of existing public facilities associated with the adopted LOS
35 standards;
36
37 b. The funding of public facilities (based on existing or projected funding
38 sources) listed in the 5-Year Schedule of Capital Improvements that are
39 needed to maintain adopted LOS standards.

40
41 ~~Between Plan adoption and implementation of the Concurrency Management~~
42 ~~System, the City shall adjust existing facility capacity to reflect the demand~~
43 ~~created by final development orders as they are issued.~~

- 1 1.2.2 If the projected revenues to support capital improvements become unavailable,
- 2 the City shall amend the relevant LOS standards in the Comprehensive Plan or
- 3 prohibit any development that would lower the adopted LOS standards.
- 4
- 5 1.2.3 ~~By June 1992, the~~ The City shall ~~implement a~~ continue operation of its
- 6 Concurrency Management System. The Concurrency Management System shall
- 7 be is used to determine whether adequate facilities exist, when the impacts of
- 8 development are expected to occur, to maintain adopted LOS standards set in the
- 9 Comprehensive Plan. The latest point in the application process for the
- 10 determination of concurrency is prior to the approval of an application for a
- 11 development order or permit which contains a specific plan for development,
- 12 including the densities and intensities of development.
- 13
- 14 1.2.4 The concurrency requirements for potable water, solid waste, stormwater
- 15 management, and wastewater shall be met by any one of the following standards:
- 16
- 17 a. The necessary facilities and services are in place at the time a final
- 18 development order is issued;
- 19
- 20 b. A final development order is issued subject to the condition that the
- 21 necessary facilities and services will be in place when the impacts of
- 22 development occur;
- 23
- 24 c. The necessary facilities are under construction and bonded for completion at
- 25 the time a final development order is issued;
- 26
- 27 d. The necessary facilities and services are guaranteed in an enforceable
- 28 development agreement, that includes the provisions listed in Policy 1.2.4
- 29 (a-c), which guarantee is secured by a completion bond, letter of credit, or
- 30 other security acceptable to the City Attorney. The agreement must
- 31 guarantee that the necessary facilities and services will be in place when the
- 32 impacts of the development occur.
- 33
- 34 1.2.5 The concurrency requirement for recreation shall be met by any one of the
- 35 standards listed in Policy 1.2.4 or by either of the following standards:
- 36
- 37 a. The necessary facilities and services are the subject of an executed binding
- 38 contract, bonded for completion and which is acceptable to the City
- 39 Attorney which provides for the start of construction of the required
- 40 facilities, or provision of the services, within one year of the issuance of the
- 41 final development order;
- 42
- 43 b. The necessary facilities and services are guaranteed in an enforceable
- 44 development agreement requiring commencement of actual construction of
- 45 the facilities or provision of services within one year from issuance of the

applicable development order, which guarantee is secured by a completion bond, letter of credit, or other security acceptable to the City Attorney.

1.2.6 The City shall adopt the following LOS standards for public facilities within its jurisdiction as indicated in the relevant Elements of its Comprehensive Plan:

- Transportation Mobility
~~(Traffic Circulation/~~
~~Mass Transit):~~ Policies 1.1.1, 1.1.2, 1.1.3, 1.1.6, 1.1.7 and 1.1.8
3.2.3, 7.17, 7.18, 7.19, 7.1.12, 7.2.3
- Stormwater: Policy 1.1.1
- Potable Water: Policy 1.1.1
- Wastewater: Policy 1.1.2
- Recreation: Policy 1.1.1
- Solid Waste: Policy 1.4.1
- Concurrency Management: Policies 1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.1.5, 1.1.6, &
1.1.9

Objective 1.3

~~Upon Plan adoption, the~~ **The City shall continue to require future development to pay for its capital improvements that are required to maintain adopted LOS standards.**

Policies

- 1.3.1 Development shall pay the full cost of stormwater management facilities required by it to maintain the stormwater LOS standards set in the Comprehensive Plan.
- 1.3.2 ~~By June 1992, the City shall adopt~~ The City shall continue the adopted Land Development Regulations that establish stormwater quantity and quality standards for the development of existing sites with substandard on-site stormwater facilities. Such development shall pay the proportional cost of meeting those standards that it requires.
- 1.3.3 The City shall continue its policy of having all new water and wastewater service connections pay the fully allocated cost of the treatment facilities required to serve them in the form of plant connection fees, and the cost of distribution or collection facilities unless the service is on a developer-installed system.
- 1.3.4 The City shall continue its policy of having development contribute the water and wastewater distribution and collection system internal to a development. Contributions in aid of construction must be paid if the City does not project an adequate return on investment for water distribution or wastewater collection system extensions.

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1.3.5 The City shall continue its policy of having development provide all road improvements within subdivisions as per the City's subdivision regulations.

1.3.6 ~~By June 1992, the~~ The City shall adopt Land Development Regulations that require that development provide the roadway facilities and/or improvements external to a development that are necessary to mitigate the development's expected traffic circulation impacts.

Objective 1.4

~~By June 1992, the~~ The facilities necessary to maintain the adopted LOS standards required to serve vested developments shall be available when the impacts of development occur consistent with Objective 1.2 and its policies.

Policies

1.4.1 Vested developments shall be defined as developments that have been issued final development orders that have not expired under the regulations of the City's Code of Ordinances, were issued prior to adoption of the Comprehensive Plan, and such developments have commenced and are continuing in good faith.

1.4.2 ~~By June 1992, the~~ The City shall ~~establish~~ continue its tracking of ~~as part of the Concurrency Management System,~~ the number of developments with vested development rights that must be served by public facilities at adopted LOS standards through the Concurrency Management System.

1.4.3 Vested developments must provide or pay for the capital improvements that they were required to provide under the development regulations that existed when they were permitted.

Objective 1.5

~~Upon Plan adoption, the~~ The City shall continue to schedule General Government Capital Improvements necessary to meet and maintain the LOS standards adopted in this Plan. The schedule shall give priority to correcting existing deficiencies and replacement of worn out or obsolete facilities prior to the extension of new facilities.

Policies

1.5.1 The capital improvement must be within the financial capability of the City (either through debt capacity or ability to fund the improvement outright). The operating costs associated with it shall be identified and shall not exceed the City's ability to annually fund those costs.

1 1.5.2 The City shall consider the plans of state agencies and water management
2 districts in evaluating capital improvements projects.

3
4 1.5.3 First priority shall be given to correcting existing facility deficiencies in adopted
5 LOS standards, elimination of public hazards and meeting regulatory
6 requirements or Federal and/or State mandates. First priority shall also be given
7 to capital improvements that are fully funded by development and that will not
8 cause operating cost deficits for the City.

9
10 1.5.4 Second priority shall be given to replacement of obsolete or worn-out facilities
11 that are projected to cause facility deficiencies in LOS prior to expanding other
12 facilities.

13
14 1.5.5 Third priority shall be given to adding or expanding facilities to serve vested
15 developments.

16
17 1.5.6 Fourth priority shall be given to adding or expanding facilities to serve
18 development needs in designated redevelopment areas that increase the use of
19 existing facilities and promote infill development.

20
21 1.5.7 Fifth priority shall be given to adding or expanding facilities for new
22 development in currently unserved areas. Expansions of facilities to unserved
23 areas shall be based on projected growth patterns found in the Future Land Use
24 Element.

25
26 **Objective 1.6**

27
28 ~~Upon Plan adoption, the~~ The City, through GRU, shall continue to schedule and
29 fund water/wastewater capital improvements necessary to meet the standards
30 adopted in this Plan. The schedule shall give priority to correcting existing
31 deficiencies and replacing worn out or obsolete facilities prior to the extension of
32 new facilities.

33
34 **Policies**

35
36 1.6.1 The capital improvement must be within the financial capability of GRU (either
37 through debt capacity or ability to fund the improvement outright) and the
38 operating costs associated with it shall be identified and shall not exceed GRU's
39 ability to annually fund those costs.

40
41 1.6.2 GRU shall consider the plans of state agencies and water management districts in
42 evaluating capital improvements projects.

43
44 1.6.3 First priority shall be given to projects that correct existing facility deficiencies in
45 adopted LOS standards, eliminate or mitigate public hazards, meet regulatory

requirements or Federal and/or State mandates, or promote the reuse and conservation of resources.

1.6.4 Second priority shall be given to projects to correct projected deficiencies in adopted LOS standards or projects to accommodate new development and redevelopment needs.

Objective 1.7

~~Upon Plan adoption, the~~ **The City General Government shall use the following policies to manage debt in such a way that General Government revenues available to fund on-going operating expenditures are maximized.**

Policies

1.7.1 Debt pledged as a general obligation of the City shall not exceed ~~5%~~ 3% of the non-exempt property valuation within the corporate boundaries.

1.7.2 Revenue bond debt can be as high as 100% of total debt ~~when there is no General Obligation bond debt.~~

1.7.3 The maximum ratio of total debt service to total revenue shall not exceed 10%.

Objective 1.8

~~Upon Plan adoption, GRU shall~~ continue to use the following policy to manage debt.

Policy

1.8.1 In order to issue additional bonds, GRU shall establish and collect rates, fees and other charges for the use or the sale of the output, capacity or services of the Water/Wastewater Systems sufficient so that the revenues of the Systems are expected to yield net revenues that shall be at least equal to 1.4 times the annual debt service on outstanding revenue bonds for any 12-month period within any prospective 60-month period.

Objective 1.9

~~By October 1996, the City shall have developed dedicated revenue sources to fund recreation capital improvements to meet, at a minimum, the 1997 adopted recreation LOS standards.~~

Policies

1 1.9.1 ~~By January 1994, the City shall hold a referendum for a general obligation bond~~
2 ~~to generate adequate revenues to fund the recreation capital improvements to~~
3 ~~meet the 1997 adopted LOS standards.~~

4
5 1.9.2 ~~If the general obligation bond referendum is not held, the City shall, by August~~
6 ~~1994, appropriate funding for a bond issuance to fund recreation capital~~
7 ~~improvements to meet the 1997 adopted LOS standards, unless adequate pay-as-~~
8 ~~you-go funds are available.~~

9
10 **Objective 1.10 Objective 1.9**

11
12 ~~Upon Plan adoption, the~~ **The City shall continue to use the Stormwater**
13 **Management Utility funds allocated for capital improvements to pay for the**
14 **Stormwater Projects needed to maintain LOS standards. These projects shall be**
15 **shown in the 5-Year Schedule of Capital Improvements.**

16
17 **Policy**

18
19 1.10.9.1 The City shall ~~have~~ provide at least \$200,000 annually ~~to fund the~~ for
20 Stormwater Projects.

21
22 **Objective 1.10**

23
24 **The City shall coordinate with Alachua County on the Alachua County Forever**
25 **program.**

26
27 **Policy**

28
29 1.10.1 The City shall seek to maximize the protection of environmentally sensitive
30 lands through the nomination of properties for acquisition with Alachua County
31 Forever funds.

D R A F T

1-15-02

ATTACHMENT B 5-Year Schedule of Capital Improvements (FY 00/01 – 04/05) (in \$1,000s)

<u>No.</u>	<u>Project Description</u>	<u>Projected Total Cost</u>	<u>Cost to the City</u>	<u>FY1 Schedule</u>	<u>General Location</u>	<u>Revenue Sources</u>	<u>Consistency with Other Elements</u>
<u>Mass Transit</u>							
<u>No capital improvements associated with LOS standards have been identified as necessary.</u>							
<u>Potable Water</u>							
1.	<u>Murphree Water Plant Filter System Upgrade (expands max day capacity to 51 mgd)</u>	<u>250</u>	<u>250</u>	<u>2000/2001</u>	<u>See Map 6</u>	<u>Utility bond proceeds</u>	<u>Yes</u>
2.	<u>Murphree wellfield expansion (expands the number of wells by 2)</u>	<u>1,530</u>	<u>1,530</u>	<u>2000/2001</u>	<u>See Map 6</u>	<u>Utility bond proceeds</u>	<u>Yes</u>
3.	<u>Archer Road water main (I-75 to Tower Road)</u>	<u>665</u>	<u>665</u>	<u>2000/2001</u>	<u>See Map 6</u>	<u>Utility bond proceeds</u>	<u>Yes</u>
<u>Recreation</u>							
<u>No capital improvements associated with LOS standards have been identified as necessary</u>							
<u>Stormwater Management</u>							
4.	<u>Northeast Boulevard/Duck Pond Improvements</u>	<u>800</u>	<u>500</u>	<u>2000/2001 2001/2002</u>	<u>See Map 6</u>	<u>Stormwater Utility & federal grant funds</u>	<u>Yes</u>
5.	<u>Brownfield Project</u>	<u>2,300</u>	<u>1,000</u>	<u>2001/2002</u>	<u>See Map 6</u>	<u>Stormwater Utility & State Revolving Fund</u>	<u>Yes</u>
6.	<u>Sweetwater Branch-Paynes Prairie Outfall Facilities</u>	<u>2000</u>	<u>500</u>	<u>2000/2001</u>	<u>See Map 6</u>	<u>Stormwater Utility & federal grant funds</u>	<u>Yes</u>

D R A F T

1-15-02

7.	<u>Hogtown Creek Sedimentation Project</u>	<u>2000</u>	<u>45</u>	<u>2000/2001</u>	<u>See Map 6</u>	<u>Stormwater Utility & State funds</u>	<u>Yes</u>
	<u>Transportation Mobility</u>						
	<u>No City capital improvements associated with LOS standards have been identified as necessary.</u>						
	<u>Wastewater</u>						
8.	<u>2.5 mgd expansion of Kanapaha Wastewater Plant</u>	<u>10,600</u>	<u>10,600</u>	<u>2000/2001 through 2002/2003</u>	<u>See Map 6</u>	<u>Utility bond Proceeds</u>	<u>Yes</u>
	<u>TOTAL:</u>	<u>\$20,145</u>	<u>\$15,090</u>				

¹Fiscal year for the City of Gainesville is October 1 through September 30 of the following year.

Source: GRU Capital Budget, 2000, Public Works Department, 2000.



MEMORANDUM

Office of the City Attorney

Registrar No. 000904

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

TO: Mayor and City Commission

DATE: March 4, 2002

SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-01-16; Petition No. 15CPA-01PB

An ordinance of the City of Gainesville, Florida, amending certain elements of the City of Gainesville 2000-2010 Comprehensive Plan to provide consistency with other elements of that Plan; amending the Concurrency Management Element by adding a certain area annexed into the City to Zone B of the Transportation Concurrency Exception Area; adding a policy to the Potable Water and Wastewater Element to show the addition into the Capital Improvements Element of the water main upgrade along a portion of Archer Road; amending policies of the Stormwater Element to provide consistency with the Capital Improvements Element regarding stormwater projects, to clarify that both public and public master stormwater basins are allowed, and to update the name of the Murphree Wellfield Management Zone; providing directions to the city manager; stating intent to adopt the amended elements as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF REPORT

On March 26, 2001 the City Commission adopted Ordinance No. 0-01-16 (on first reading); Petition No. 15CPA-01PB for transmittal to the Department of Community Affairs (DCA). City Planning staff submitted the petition as part of the City's Comprehensive Plan Amendment packet dated September 7, 2001, referenced as DCA No. 01-1. In a letter dated November 16, 2001 and received by the City on November 26, 2001, the Department of Community Affairs notified the City that they did not have any objections, recommendations or comments on this petition which included amendments to the Concurrency Management, Potable Water and Wastewater, and Stormwater Management Elements. The amendments are needed in order for these previously updated and adopted comprehensive plan elements to remain consistent with related changes in the draft Future Land Use, Transportation Mobility, Capital Improvements, and Conservation, Open Space and Groundwater Recharge Elements of the proposed City of Gainesville 2000-2010 Comprehensive Plan.

The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3185, Florida Statutes (FS) and Rule 9J-11.011, FAC. The letter from DCA incorrectly stated that the City of Gainesville had 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. Based on an inquiry from City staff, DCA has indicated that the City has 120 days to make a decision on EAR-based amendments.

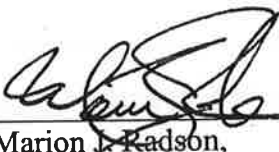
Staff recommends approval of the ordinance as submitted.

Fiscal Note - None

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated November 16, 2001, that offered no comments or objections to this element upon receipt of the letter, the City of Gainesville has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. If the ordinance is adopted, 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.

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:sw

ORDINANCE NO. 0-01-16

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An ordinance of the City of Gainesville, Florida, amending certain elements of the City of Gainesville 1991-2001 Comprehensive Plan to provide consistency with other elements of that Plan; amending the Concurrency Management Element by adding a certain area annexed into the City to Zone B of the Transportation Concurrency Exception Area; adding a policy to the Potable Water and Wastewater Element to show the addition into the Capital Improvements Element of the water main upgrade along a portion of Archer Road; amending policies of the Stormwater Element to provide consistency with the Capital Improvements Element regarding stormwater projects, to clarify that both public and public master stormwater basins are allowed, and to update the name of the Murphree Wellfield Management Zone; providing directions to the city manager; stating intent to adopt the amended elements as part of the City of Gainesville 2000-2010 Comprehensive Plan; 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 City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on February 15, 2001; 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 at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

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

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at least 5 days after the day the second advertisement was published; and

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

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

6 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
7 **CITY OF GAINESVILLE, FLORIDA:**

8 **Section 1.** Map 1, Exhibit A and Exhibit C of the Concurrency Management Element of the City
9 of Gainesville 1991-2001 Comprehensive Plan, consisting of the map of the Transportation
10 Concurrency Exception Area (TCEA), a legal description of the TCEA, and a legal description of
11 Zone B of the TCEA, are replaced by the revised documents contained in Attachment A to this
12 ordinance. The revised documents show the inclusion into Zone B of an area annexed into the
13 City of Gainesville on January 10, 2000 by ordinance 990947.

14 **Section 2.** The Potable Water and Wastewater Element of the City of Gainesville 1991-2001
15 Comprehensive Plan is amended by the addition of a policy to read as follows:

16 1.2.3 In order to maintain adopted LOS standard for pressure, the City shall complete a
17 distribution facility upgrade to its water main in Archer Road between I-75 and Tower Road by
18 the end of FY 2000/2001, as shown in the 5-Year Schedule of Capital Improvements.

19 **Section 3.** Policies 1.2.2, 1.5.1 and 1.6.2 of the Stormwater Management Element of the City of
20 Gainesville 1991-2001 Comprehensive Plan are amended to read as follows:

21 1.2.2 The ~~priority for~~ Level 1 capital improvements for 2000 through 2010 shall be as
22 follows:

23 1. Northeast Boulevard/Duck Pond Improvements as shown in the 5-Year Schedule

1 of Capital Improvements. Located between NE 10th Avenue and NE 5th Avenue.

2 ~~Estimated cost \$400,000;~~

3 2. Brownfield Project. Located south of SE Depot Avenue as shown in the 5-Year

4 Schedule of Capital Improvements. ~~Estimated cost \$2,000,000;~~

5 3. Sweetwater Branch-Paynes Prairie Outfall Facilities as shown in the 5-Year

6 Schedule of Capital Improvements. Located on Sweetwater Branch at Paynes Prairie.

7 ~~Estimated cost \$2,000,000;~~ and

8 4. Hogtown Creek Sedimentation Project as shown in the 5-Year Schedule of

9 Capital Improvements. Located at NW 34th Street and Hogtown Creek. ~~Estimated cost~~

10 ~~\$750,000.~~

11 1.5.1 The City shall ~~continue to~~ implement Land Development Regulations that allow shared
12 or joint-use stormwater facilities, including public or private master stormwater basins.

13 1.6.2 The City shall continue to comply with adopted Land Development Regulations that
14 restrict activities know to adversely affect water quality within the Murphree Wellfield Protection
15 Management Zones.

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

19 **Section 5.** It is the intent of the City Commission that these amended elements will become part
20 of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption of a resolution.

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

D R A F T

1-31-02

1 **Section 7.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
2 conflict hereby repealed.

3 **Section 8.** This ordinance shall become effective immediately upon final adoption; however, the
4 amendment to the 1991-2001 Comprehensive Plan shall not become effective until the state land
5 planning agency issues a final order determining the adopted amendment to be in compliance in
6 accordance with section 163.3184(9), or until the Administration Commission issues a final
7 order determining the adopted amendment to be in compliance in accordance with section
8 163.3184(10).

9 **PASSED AND ADOPTED** this _____ day of _____, 2002.

10
11 _____
12 THOMAS D. BUSSING
13 MAYOR

14
15 ATTEST:

Approved as to form and legality

16
17 _____
18 KURT M. LANNON
19 CLERK OF THE COMMISSION




MARION J. RADSON
CITY ATTORNEY

20 This Ordinance passed on first reading this 26th day of March, 2001.

21 This Ordinance passed on second reading this ____ day of _____, 2002.

TRANSPORTATION CONCURRENCY EXCEPTION AREA

Legend

-  Zone A
 -  Zone B
 -  City Limits
- Transportation Concurrence Exception Area Sub-Zones

**City of Gainesville
Gainesville, Florida**

Prepared by the
Department of Community Development
January 2001

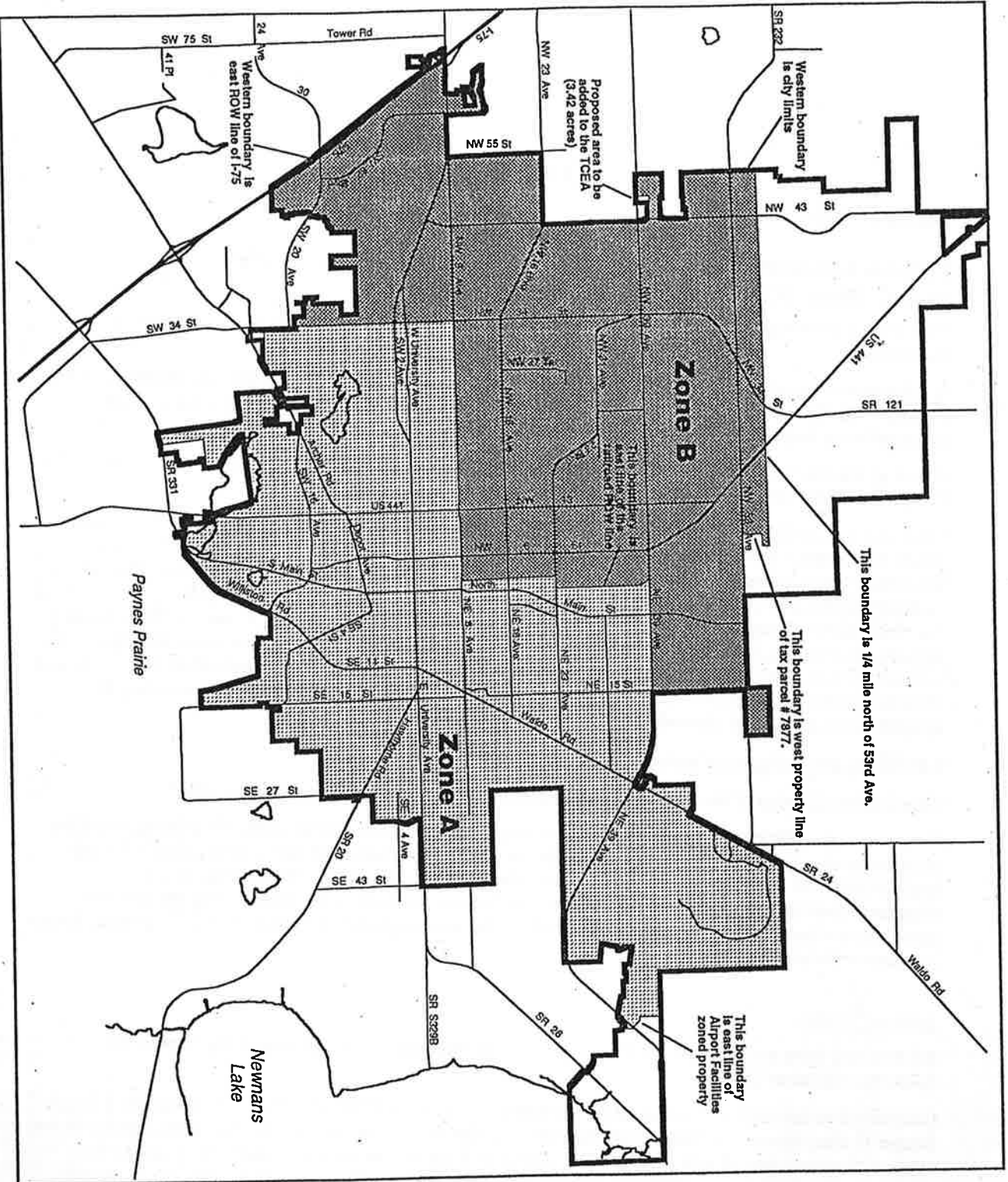


EXHIBIT "A"

January 24, 2001

LEGAL DESCRIPTION FOR THE ENTIRE TRANSPORTATION CONCURRENCY EXCEPTION AREA

That area comprising Zone A and Zone B of the Transportation Concurrency Exception Area being described as:

All that area lying within the municipal boundaries of the City Of Gainesville, Florida; (heretofore known as "city limits"), as of December 3, 1999 with the addition of that property annexed into the City Of Gainesville on January 10, 2000 as per Ordinance No. 990947, being described as:

A part of the East half (E1/2) of the Southeast quarter (SE ¼) of Section 22, Township 9 South, Range 19 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Southeast corner of said East half (E ½) of the Southeast quarter (SE ¼) and run thence North 89 degrees, 49 minutes, 38 seconds West, along the South boundary thereof, 1322.34 feet to the Southwest corner of said East half (E ½) of Southeast quarter (SE ¼), thence North 0 degrees, 06 minutes, 22 seconds East, along the West boundary of said East half (E ½) of Southeast quarter (SE ¼), 50.00 feet to the North right-of-way line of Northwest 39th Avenue and the point of beginning, thence continue North 0 degrees, 06 minutes, 22 seconds East, along said West boundary, 645.86 feet; thence South 89 degrees, 49 minutes, 38 seconds East, 250.00 feet, thence south 0 degrees, 06 minutes, 22 seconds West, parallel to said West boundary, 645.86 feet to said North right-of-way line, thence North 89 degrees, 49 minutes, 38 seconds West, along said right-of-way line 250.00 feet to the point of beginning.

LESS the following described area:

That northern portion of the City Of Gainesville lying north of the following described line:

Commence at a point lying on the west city limits line, and being one-quarter mile (1/4 mile) north of the north right-of-way line of NW 53rd Avenue; thence run East parallel to and one-quarter mile (1/4 mile) north of said NW 53rd Avenue to the west line of that parcel number 07877-000-000 (as of the aforementioned April 1, 1999 date); from said west line run southerly and westerly along the westerly parcel lines of said parcel number 07877-000-000 to the north right-of-way line of NW 53rd Avenue; thence run East to the east city limits line.

AND LESS:

All that area lying and being in the City of Gainesville, Alachua County, Florida, lying East of the following described line:

Commence at the northwest corner of the northeast one-quarter (NE ¼) of Section 30, Township 9 South, Range 21 East; thence run South along the west line of said northeast one-quarter (NE ¼) to a point 50 feet south of the south line of said northeast one-quarter (NE ¼); thence run East a distance of 176.35 feet; thence run South 48 degrees East to a point on the southerly right-of-way line of State Road No. S-222; thence run Northeasterly along said southerly right-of-way line to a point on the west line of the east one-half (E ½) of the southwest one-quarter (SW ¼) of the northeast one-quarter (NE ¼) of the aforementioned Section 30, Township 9 South, Range 21 East; thence run South along said west line to point of ending on the City of Gainesville city limits line.

EXHIBIT "C"

January 24, 2001

LEGAL DESCRIPTION FOR ZONE "B" OF THE TRANSPORTATION CONCURRENCY MANAGEMENT AREA

That area comprising Zone "B" of the Transportation Concurrency Exception Area lying within the municipal boundaries of the City of Gainesville, Florida; (heretofore known as "city limits") as of April 1, 1999; being more particularly described as follows:

Commence at a point lying on the west city limits line, and being one-quarter mile (1/4 mile) north of the north right-of-way line of NW 53rd Avenue, as the Point-of-Beginning; thence run East parallel to and one-quarter mile (1/4 mile) north of said NW 53rd Avenue to the west line of that parcel number 07877-000-000 (as of April 1, 1999); from said west line run southerly and westerly along the westerly parcel lines of said parcel number 07877-000-000 to the north right-of-way line of NW 53rd Avenue; thence run East to the east city limits line; thence follow the city limits line to a point on the northeast corner of the intersection of NE 15th Street and NE 39th Avenue; thence run West along the north right-of-way line of NE 39th Avenue and NW 39th Avenue to the east line of the Seaboard Coastline Railroad right-of-way line; thence run southerly along said east railroad right-of-way line to the north right-of-way line of NE 23rd Avenue; thence run West along the north right-of-way line NE 23rd Avenue and NW 23rd Avenue to a point on the northerly extension of the east right-of-way line of NW 2nd Street; thence run South along said northerly extension and along the east right-of-way line of said NW 2nd Street to the north right-of-way line of NW 8th Avenue; thence run West along said north right-of-way line of NW 8th Avenue to the east right-of-way line of NW 34th Street; thence run South along the east right-of-way line of NW 34th Street and SW 34th Street to its intersection with a southerly city limits line; thence follow said city limits line in a westerly direction to its intersection with the east right-of-way line of Interstate 75; thence run northwesterly along said east right-of-way line to its intersection with the north right-of-way line of Newberry Road (being also a northern city limits line); thence follow the city limits to the Point-of-Beginning, and close.

AND:

That property annexed into the City Of Gainesville on January 10, 2000 as per Ordinance No. 990947, being described as:

A part of the East half (E1/2) of the Southeast quarter (SE ¼) of Section 22, Township 9 South, Range 19 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Southeast corner of said East half (E ½) of the Southeast quarter (SE ¼) and run thence North 89 degrees, 49 minutes, 38 seconds West, along the South boundary thereof, 1322.34 feet to the Southwest corner of said East half (E ½) of Southeast quarter (SE ¼), thence North 0 degrees, 06 minutes, 22 seconds East, along the West boundary of said East half (E ½) of Southeast quarter (SE ¼), 50.00 feet to the North right-of-way line of Northwest 39th Avenue and the point of beginning, thence continue North 0 degrees, 06 minutes, 22 seconds East, along said West boundary, 645.86 feet; thence South 89 degrees, 49 minutes, 38 seconds East, 250.00 feet, thence south 0 degrees, 06 minutes, 22 seconds West, parallel to said West boundary, 645.86 feet to said North right-of-way line, thence North 89 degrees, 49 minutes, 38 seconds West, along said right-of-way line 250.00 feet to the point of beginning.



MEMORANDUM

Office of the City Attorney

Legistar No. 001149

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

TO: Mayor and City Commission

DATE: March 4, 2002
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-01-20; Petition No. 163LUC-00PB
An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use categories of certain properties within the City as follows: (1) from "Residential High Density (8-100 units per acre)" to "Mixed-Use Medium Intensity" (14-30 units per acre) in an area generally located at 2306 SW 13th Street; (2) from "Residential Low Density (up to 12 units per acre)" to "Recreation" in an area generally located on the east side of NW 3rd Street between NW 4th Place and NW 6th Avenue; (3) from "Residential Medium Density (8-30 units per acre)", "Residential Low Density (up to 12 units per acre)", and "Single Family (up to 8 units per acre)" to "Single Family (up to 8 units per acre)", "Commercial", "Residential Medium Density (8-30 units per acre)", "Residential Low Density (up to 12 units per acre)" and "Conservation" in an area generally located west of NW 13th Street/US 441, east of NW 19th Street, north of NW 45th Avenue, and south of NW 53rd Avenue; (4) from "Planned Use District" to "Single Family (up to 8 units per acre)" in an area generally located between NW 68th Avenue on the south, the Turkey Creek Forest single-family subdivision on the north, US 441 on the east, and NW 43rd Street on the west; (5) from Alachua County "Commercial" to City of Gainesville "Commercial" in an area generally located at the 7100 block of West University Avenue on the north side; (6) from Alachua County "Commercial" to City of Gainesville "Mixed-Use Low Intensity (10-30 units per acre)" in an area generally located at the northeast corner of the intersection of SW 34th Street and Archer Road (SR 24); and (7) from Alachua County "Residential Low Density (1-4 units per acre)" to City of Gainesville "Single Family (up to 8 units per acre)" in an area generally located at the 2100 block of Williston Road on the north side; these changes are coincident with the Future Land Use Element amendment to be made part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF REPORT

On August 27, 2001 the City Commission adopted Ordinance No. 0-01-20 (on first reading); Petition No. 163LUC-00PB (Future Land Use Map) for transmittal to the Department of

Community Affairs (DCA). City Planning staff submitted the petition as part of the City's Comprehensive Plan Amendment packet dated September 7, 2001, referenced as DCA No. 01-1. In a letter dated November 16, 2001 and received by the City on November 26, 2001, the Department of Community Affairs notified the City that they did not have any objections, recommendations or comments on the Future Land Use Map changes.


The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3185, Florida Statutes (FS) and Rule 9J-11.011, FAC. The letter from DCA incorrectly stated that the City of Gainesville had 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. Based on an inquiry from City staff, DCA has indicated that the City has 120 days to make a decision on EAR-based amendments.

Fiscal Note. None

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated November 16, 2001, that offered no comments or objections to this element upon receipt of the letter, the City of Gainesville has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. If the ordinance is adopted, 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.

Approved and
Submitted by:


Marion Radson,
City Attorney

MJR:sw

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1/31/02

ORDINANCE NO. _____
0-01-20

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5 An ordinance amending the City of Gainesville 1991-2001 Comprehensive
6 Plan; by changing the land use categories of certain properties within the City
7 as follows: (1) from "Residential High Density (8-100 units per acre)" to
8 "Mixed-Use Medium Intensity" (14-30 units per acre) in an area generally
9 located at 2306 SW 13th Street; (2) from "Residential Low Density (up to 12
10 units per acre)" to "Recreation" in an area generally located on the east side of
11 NW 3rd Street between NW 4th Place and NW 6th Avenue; (3) from
12 "Residential Medium Density (8-30 units per acre)", "Residential Low Density
13 (up to 12 units per acre)", and "Single Family (up to 8 units per acre)" to
14 "Single Family (up to 8 units per acre)", "Commercial", "Residential Medium
15 Density (8-30 units per acre)", "Residential Low Density (up to 12 units per
16 acre)" and "Conservation" in an area generally located west of NW 13th
17 Street/US 441, east of NW 19th Street, north of NW 45th Avenue, and south of
18 NW 53rd Avenue; (4) from "Planned Use District" to "Single Family (up to 8
19 units per acre)" in an area generally located between NW 68th Avenue on the
20 south, the Turkey Creek Forest single-family subdivision on the north, US 441
21 on the east, and NW 43rd Street on the west; (5) from Alachua County
22 "Commercial" to City of Gainesville "Commercial" in an area generally
23 located at the 7100 block of West University Avenue on the north side; (6) from
24 Alachua County "Commercial" to City of Gainesville "Mixed-Use Low
25 Intensity (10-30 units per acre)" in an area generally located at the northeast
26 corner of the intersection of SW 34th Street and Archer Road (SR 24); and (7)
27 from Alachua County "Residential Low Density (1-4 units per acre)" to City of
28 Gainesville "Single Family (up to 8 units per acre)" in an area generally
29 located at the 2100 block of Williston Road on the north side; these changes are
30 coincident with the Future Land Use Element amendment to be made part of
31 the City of Gainesville 2000-2010 Comprehensive Plan; providing a
32 severability clause; providing a repealing clause; and providing an effective
33 date.

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36 WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing
37 that the land use categories of certain lands within the City be changed; and

38 WHEREAS, notice was given and publication made and Public Hearings were held by the

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1/31/02

1 City Plan Board on February 24, 2000, May 25, 2000, June 22, 2000, November 16, 2001,
2 December 19, 2000 and January 18, 2001 and the City Commission on January 16, 2001, February
3 6, 2001, and March 5, 2001; and

4 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
5 inches long was placed in a newspaper of general circulation notifying the public of this proposed
6 ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,
7 City Hall, in the City of Gainesville at least seven days after the day the first advertisement was
8 published; and

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

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

14 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
15 described above at which hearings the parties in interest and all others had an opportunity to be and
16 were, in fact, heard.

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

19 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
20 **CITY OF GAINESVILLE, FLORIDA:**

21 **Section 1.** The land use categories of the following described properties are amended as

DRAFT

1/31/02

1 follows: from "Residential High Density (8-100 units per acre)" to "Mixed-Use Medium Intensity
2 (14-30 units per acre)" in an area generally located at 2306 SW 13th Street, as shown.

Property Description	Area
SW 13 th Street; Tax Parcel Nos. 15696-005-000.	see Map attached as Exhibit "A", * and made a part hereof as if set forth in full.

3 * In the event of conflict between the property description and the Map, the area shown on the
4 map shall govern and prevail.
5

6 **Section 2.** The land use categories of the following described properties are amended as
7 follows: from "Residential Low Density (up to 12 units per acre)" to "Recreation" in an area
8 generally located on the east side of NW 3rd Street between NW 4th Place and NW 6th Avenue;

Property Description	Area
511 and 513 NW 3 rd Street: Tax Parcel Nos. 14318-10-02 and 14318-010-003	See Map attached as Exhibit "B", * and made a part hereof as if set forth in full.

9 * In the event of conflict between the property description and the Map, the area shown on the
10 map shall govern and prevail.
11

12 **Section 3.** The land use categories of the following described properties are amended as
13 follows: from "Residential Medium Density (8-30 units per acre)", "Residential Low Density (up to
14 12 units per acre)", and "Single Family (up to 8 units per acre)" to "Single Family (up to 8 units per
15 acre)", "Commercial", "Residential Medium Density (8-30 units per acre)", "Residential Low
16 Density (up to 12 units per acre)", and "Conservation", in an area generally located west of NW
17 13th Street/US 441, east of NW 19th Street, north of NW 45th Avenue, and south of NW 53rd
18 Avenue;

Property Description	Area
Hartman Property: Tax Parcel Nos. 07883-000-000 and 07883-001-000	See Map attached as Exhibit "C", * and made a part hereof as if set forth in full.

19 * In the event of conflict between the property description and the Map, the area shown on the
20 map shall govern and prevail.

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1/31/02

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2 **Section 4.** The land use categories of the following described properties are amended as
3 follows: from “Planned Use District” to “Single Family (up to 8 units per acre)” in an area
4 generally located between NW 68th Avenue on the south, the Turkey Creek Forest single-family
5 subdivision on the north, US 441 on the east, and NW 43rd Street on the west;

Property Description	Area
Weiss property: Tax Parcel Nos. 06010-000-000 and 06013-003-000	See Map attached as Exhibit “D”, * and made a part hereof as if set forth in full.

6 * In the event of conflict between the property description and the Map, the area shown on the
7 map shall govern and prevail.
8

9 **Section 5.** The land use category of the following described property are amended as
10 follows: from Alachua County “Commercial” to City of Gainesville “Commercial” in an area
11 generally located at the 7100 block of West University Avenue on the north side;

Property Description	Area
Home Depot: Tax Parcel No. 06654-002-000	See Map attached as Exhibit “E”, * and made a part hereof as if set forth in full.

12 * In the event of conflict between the property description and the Map, the area shown on the
13 map shall govern and prevail.
14

15 **Section 6.** The land use category of the following described property is amended as
16 follows: from Alachua County “Commercial” to City of Gainesville “Mixed-Use Low Intensity
17 (10-30 units per acre)” in an area generally located at the northeast corner of the intersection of SW
18 34th Street and Archer Road (SR 24);

Property Description	Area
Regency Oaks: Tax Parcel No. 06784-001-000	See Map attached as Exhibit “F”, * and made a part hereof as if set forth in full.

19 * In the event of conflict between the property description and the Map, the area shown on the
20 map shall govern and prevail.

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1/31/02

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2 **Section 7.** The land use category of the following described property is amended as
3 follows: from Alachua County “Residential Low Density (1-4 units per acre)” to City of
4 Gainesville “Single Family (up to 8 units per acre)” in an area generally located at the 2100 block of
5 Williston Road on the north side;

Property Description	Area
Kidd Property: Tax Parcel Nos. 07275-000-000 and 07280-000-000	See Map attached as Exhibit “G”, * and made a part hereof as if set forth in full.

6 * In the event of conflict between the property description and the Map, the area shown on the
7 map shall govern and prevail.
8

9 **Section 8.** The City Manager is authorized and directed to make the necessary changes in
10 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or element, or
11 portion thereof in order to comply with this ordinance.

12 **Section 9.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
13 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
14 the validity of the remaining portions of this ordinance.

15 **Section 10.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
16 such conflict hereby repealed.

17 **Section 11.** This ordinance shall become effective immediately upon passage on second
18 reading; however, the effective date of this plan amendment shall be the date a final order is issued
19 by the Department of Community Affairs finding the amendment to be in compliance in accordance
20 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission
21 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

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1/31/02

1 PASSED AND ADOPTED this ____ day of _____, 2002.

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THOMAS D. BUSSING
MAYOR

ATTEST: APPROVED AS TO FORM AND LEGALITY:

Kurt Lannon,
Clerk of the Commission

Marion J. Radson, City Attorney



This ordinance passed on first reading this 27th day of August, 2001.

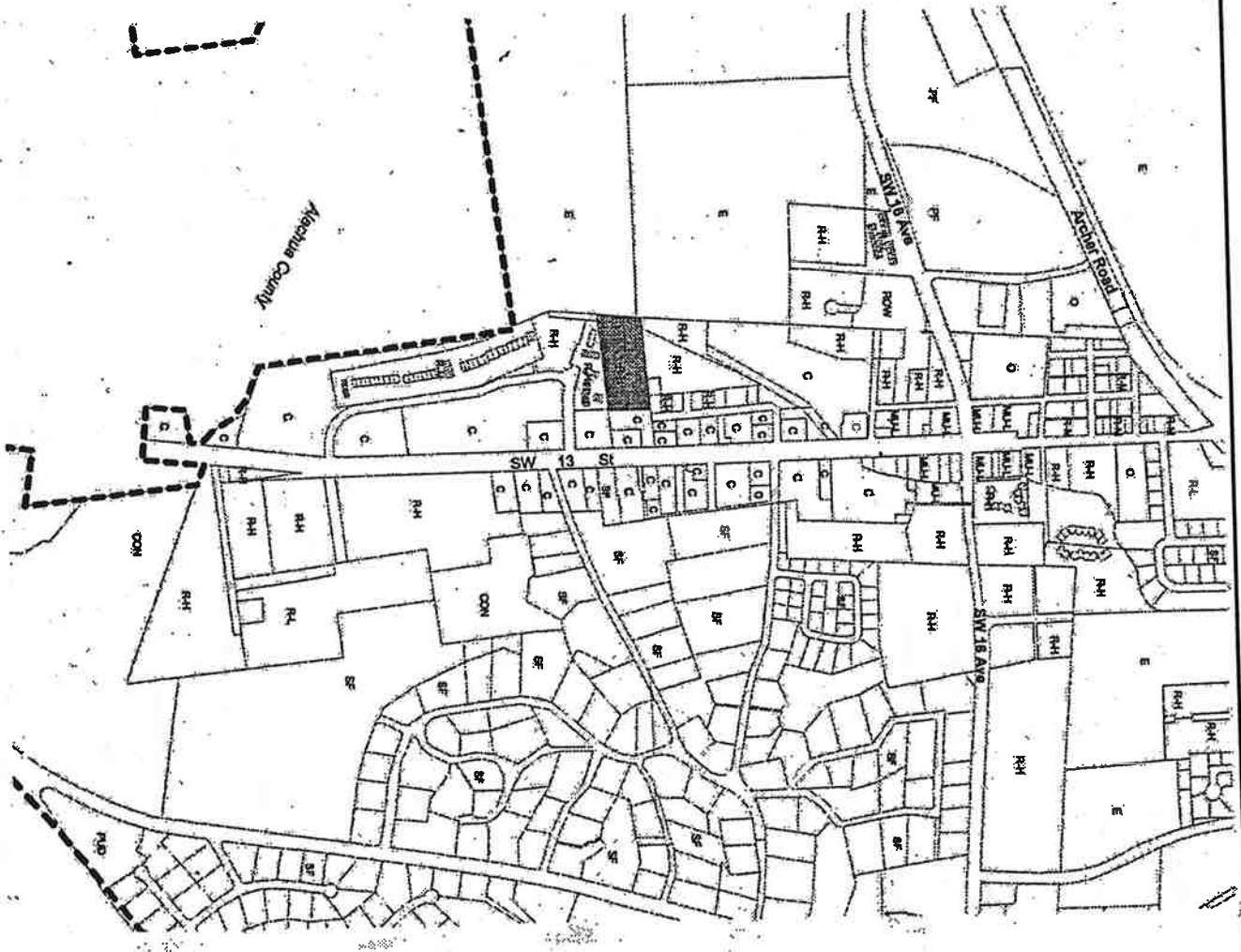
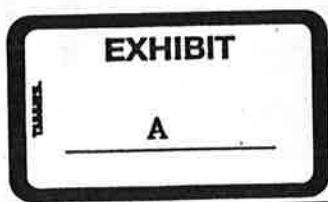
This ordinance passed on second reading this ____ day of _____, 2002.

PROPOSED AMENDMENTS

SW 13th Street

Legend

-  Proposed as Mixed Use-Medium Land Use Designation
- xx Existing Land Use Designations
-  Gainesville City Limits



City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
June 2001



PROPOSED AMENDMENTS

NW 3rd Street

Legend

 Proposed as Recreation Land Use Designation

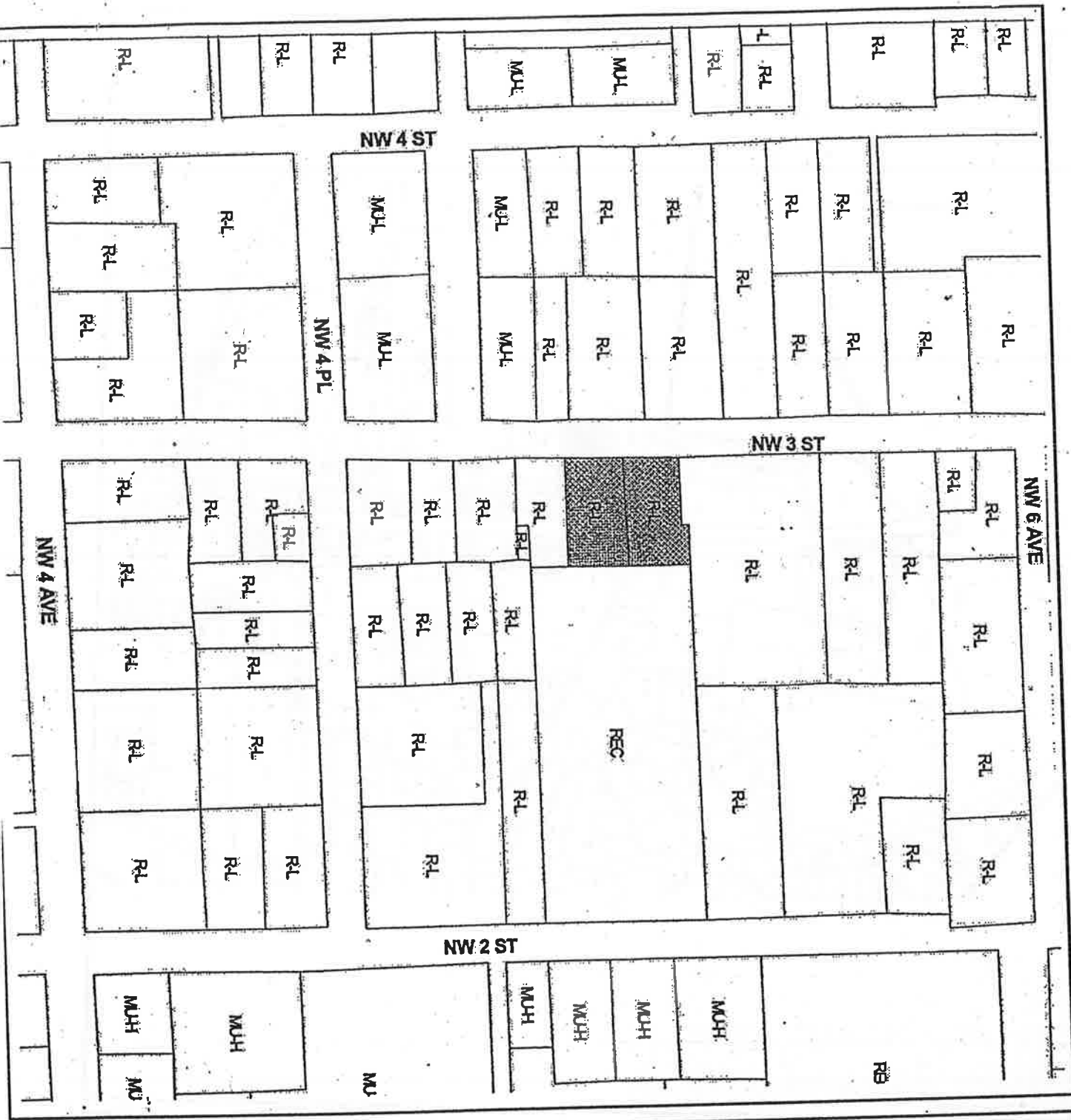
XX Existing Land Use Designations

EXHIBIT
B

City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
November 2000




No Scale







PROPOSED AMENDMENTS

Hartman Property

Legend

-  Hartman Property Boundary
-  No Existing Land Use Designation (Abandoned Right-of-Way)
-  Existing Land Use Designation

Proposed Land Use Designation

-  Single Family Residential Low
-  Residential Medium
-  Commercial/Conservation
-  Regulated Creek



City of Gainesville
Gainesville, Florida

Prepared by the
Department of Community Development
January 2001




PROPOSED AMENDMENTS

A.D. Weiss

Legend

 Proposed as Single Family Land Use Designation

 Gainesville City Limits

City of Gainesville
Gainesville, Florida

Prepared by the
Department of Community Development
December 2000

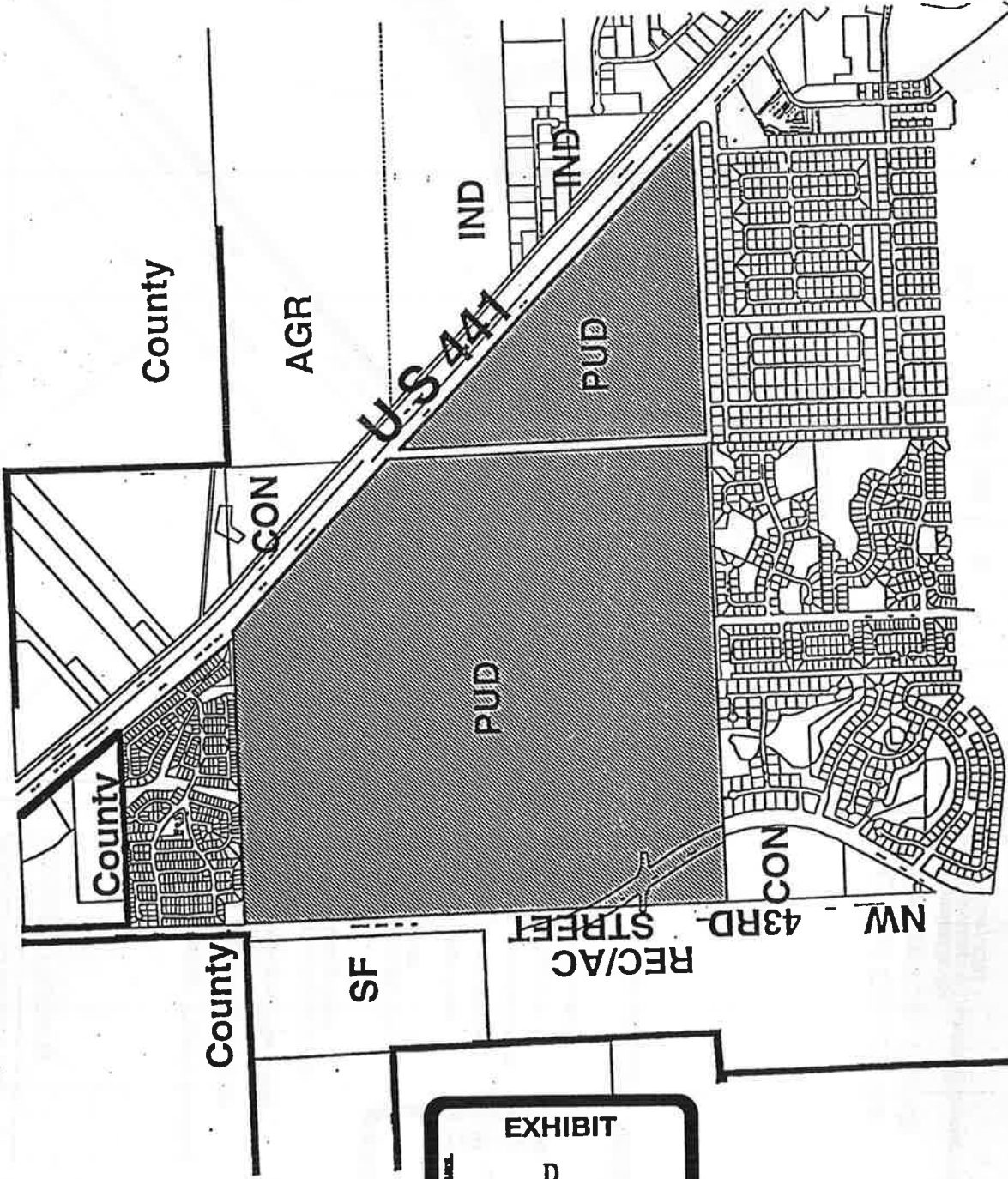



EXHIBIT
D

PROPOSED AMENDMENTS

Home Depot Annexation

Legend

 Proposed as Commercial Land Use Designation

XX Existing Land Use Designations (City)

XX Existing Land Use Designations (County)

COMM Commercial
LOW Low
HIGH High
MED-HI Medium High
OFFICE Office
OFF/M Office/Medical
TENT Tent/Entertainment

— Gainesville City Limits



City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
November 2000


No Scale



PROPOSED AMENDMENTS

Regency Oaks Annexation

Legend

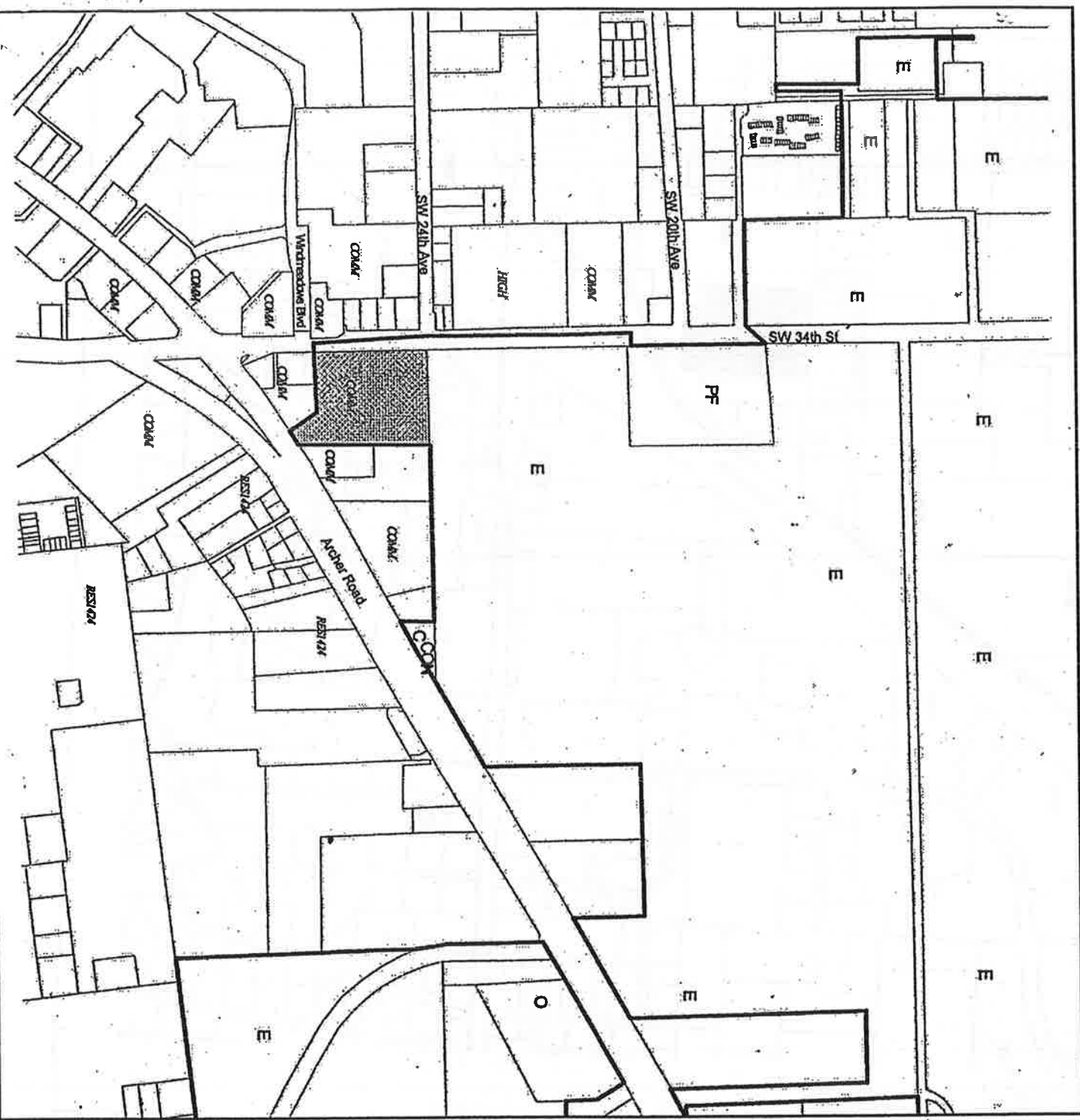
 Proposed as Mixed Use Land Use Designation

xx Existing Land Use Designations (City)

xx Existing Land Use Designations (County)

COMM Commercial
HIGH High
RES1424 Residential (14-24)

— Gainesville City Limits



**City of Gainesville
Gainesville, Florida**

Prepared by the
Department of Community Development
November 2000



PROPOSED AMENDMENTS

Kidd Property Annexation

Legend

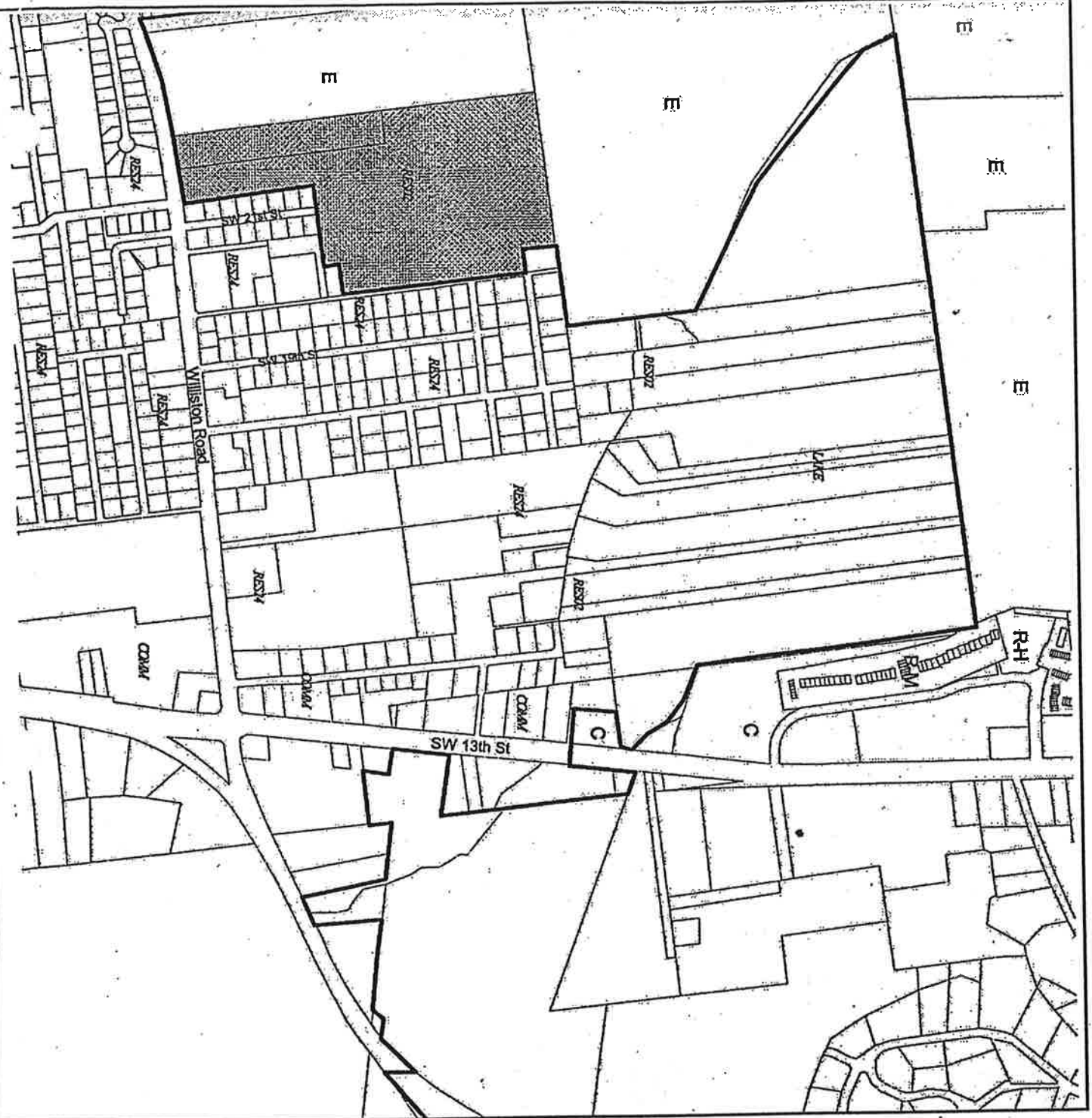
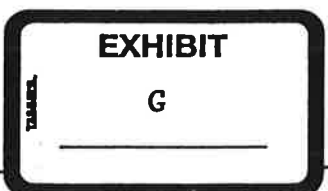
 Proposed as Single Family Land Use Designation

xx Existing Land Use Designations (City)

xx Existing Land Use Designations (County)

LAKE Residential (0-2)
RES02 Residential (2-4)
RES04 Residential (14-24)
COMM Commercial

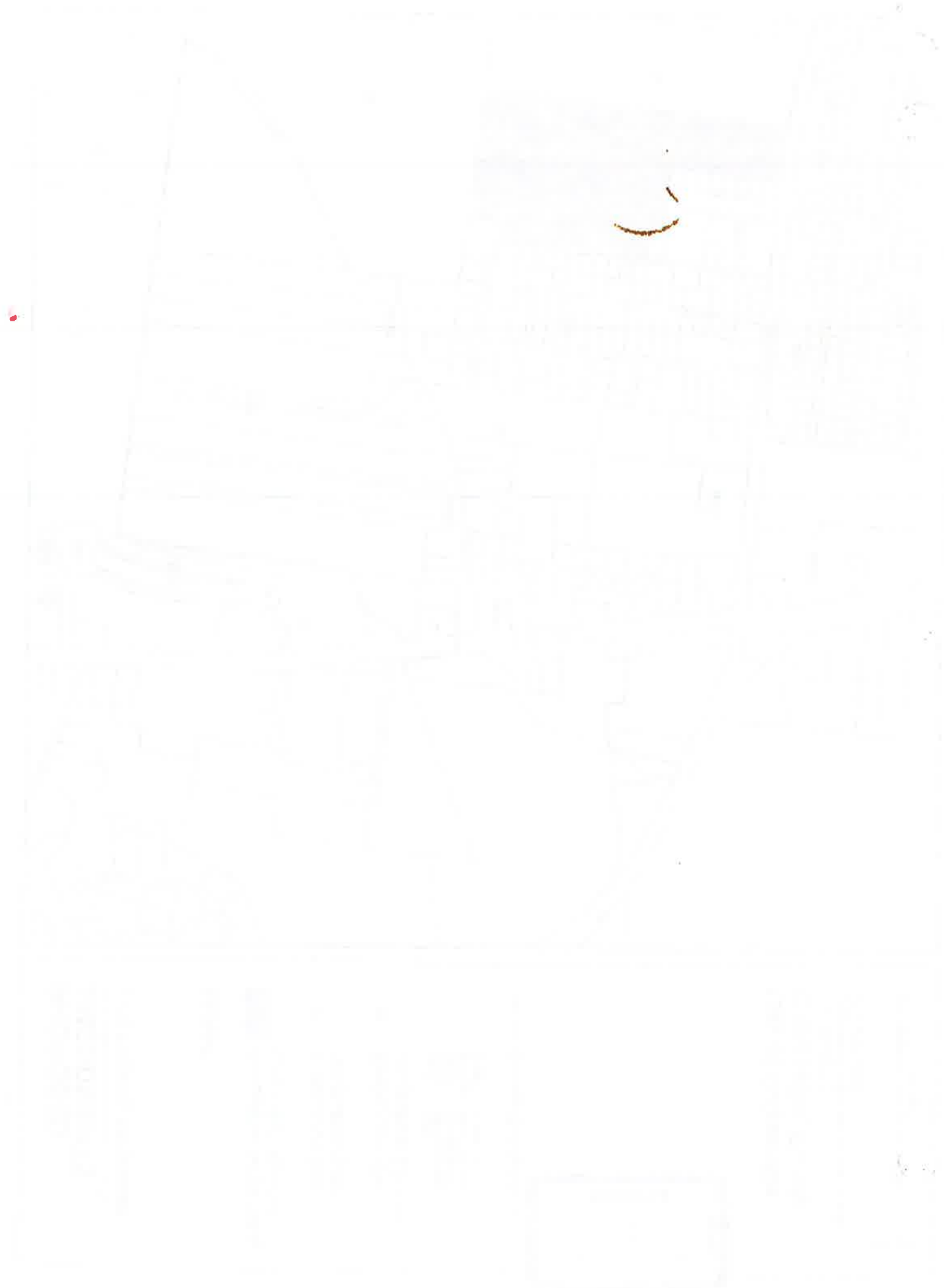
— Gainesville City Limits



City of Gainesville Gainesville, Florida

Prepared by the Department of Community Development November 2000







MEMORANDUM

Office of the City Attorney

Legistar No. 000769
Phone: 334-5011/Fax 334-2229

Box 46

TO: CITY COMMISSION

DATE: March 4, 2002

FROM: CITY ATTORNEY

SECOND READING

SUBJECT: Ordinance No. 0-01-15; Petition No. 173CPA-00 PB

An ordinance of the City of Gainesville, Florida, amending the Historic Preservation Element of the City of Gainesville 1991-2001 Comprehensive Plan; adding provisions relating to archaeologically sensitive areas, cemeteries, "native stone" buildings, encouragement of reuse rather than relocation or demolition, establishment of a conservation overlay district ordinance to identify distinctive neighborhoods, inventory of threatened structures in historic districts, targeting CDBG funds for historic districts, identification of areas for "Florida Main Street Community" designation, encouragement of Santa Fe Community College to have a master plan for its downtown campus, and protection of historic districts from incompatible uses; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance, as amended.

COMMUNITY DEVELOPMENT STAFF REPORT

On March 26, 2001 the City Commission adopted Ordinance No. 0-01-15 (on first reading); Petition No. 173CPA-00 PB (Historic Preservation Element) for transmittal to the Department of Community Affairs (DCA). City Planning staff submitted the petition as part of the City's Comprehensive Plan Amendment packet dated September 7, 2001, referenced as DCA No. 01-1. In a letter dated November 16, 2001 and received by the City on November 26, 2001, the Department of Community Affairs notified the City that they did not have any objections, recommendations or comments on the Historic Preservation Element.

The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3185, Florida Statutes (FS) and Rule 9J-11.011, FAC. The letter from DCA incorrectly stated that the City of Gainesville had 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. Based on an inquiry from City staff, DCA has indicated that the City has 120 days to make a decision on EAR-based amendments.

Staff recommends approval of the ordinance as modified by staff. Staff modified policy 1.3.6 of the Historic Preservation Element to include the recently adopted University Heights Historic District.

Fiscal Note. None

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated November 16, 2001, that offered no comments or objections to this element. Upon receipt of the letter, the City of Gainesville has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. If the ordinance is adopted, 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.

Approved and
Submitted by:



Marion J. Radson, City Attorney

MJR:sw

