



MEMORANDUM
Office of the City Attorney

Legistar No. 041060

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

TO: Mayor and City Commission

DATE: November 14, 2005
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-76; Petition 36LUC-05 PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties from the land use categories of "Residential Medium-Density (8-30 units per acre)", "Residential High-Density (8-100 units per acre)", "Mixed-Use Residential (up to 75 units per acre)", "Mixed-Use Low-Intensity (8-30 units per acre)", "Mixed-Use Medium-Intensity (12-30 units per acre)", "Office", "Commercial", "Education", "Public Facilities", "Conservation", and "Planned Use District", as more specifically described in this Ordinance, to "Urban Mixed-Use 1 (UMU-1: Up to 75 units/acre)" and "Urban Mixed-Use 2 (UMU-2: Up to 100 units/acre)", as more specifically described in this Ordinance; the affected properties are located within that area generally described as the area bounded by NW 5th Avenue to the north, SW 6th Street to the east, and SW 16th Avenue to the south and NW 20th Street to the west; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.


Recommendation: The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.


The State of Florida Department of Community Affairs issued a letter dated September 27, 2005, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by:


Dana L. Crosby, Assistant City Attorney II

Approved and
Submitted by:


Marion J. Radson, City Attorney



Rec'd
9/30/05
Comm. Devel. Dept.

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

THADDEUS L. COHEN, AIA
Secretary

JEB BUSH
Governor

September 27, 2005

The Honorable Pogue Hanrahan
Mayor, City of Gainesville
P.O. Box 490, Station 19
Gainesville, FL 32601-0490

Dear Mayor Hanrahan:

The Department has conducted a preliminary review of the City of Gainesville proposed comprehensive plan amendments received on August 23, 2005, DCA Reference No. 05-2.

The Department has determined that the proposed plan amendments need not be formally reviewed for consistency with Chapter 163, Florida Statutes (F.S.), and Rule 9J-5, Florida Administrative Code (F.A.C.). In addition, the Department has not received any recommendation for review from the North Florida Regional Planning Council or any affected person regarding the proposed amendment.

Therefore, the proposed amendment will not be reviewed and the Objections, Recommendations and Comments report will be waived. The local government may proceed to immediately adopt the amendment. After adoption, please submit three copies of the adopted amendment to the Department for our final compliance review, consistent with the requirements of Rule 9J-11.011, F.A.C.

The proposed comprehensive plan amendment includes the creation of two new mixed-use future land use categories; the amendment indicates the distribution of uses for these categories will be provided in the City's Land Development Code. Prior to adoption of this amendment the Department recommends the City include this information in the Comprehensive Plan.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review.**

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
<http://www.dca.state.fl.us>

The Honorable Pogeon Hanrahan
September 27, 2005
Page 2

In the event no names, addresses are provided, please provide this information as well. For efficiency, we encourage that the information sheet be provided in electronic format.

Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice pursuant to Chapter 163.3184(9), F.S.

This letter should be made available for public inspection. If you have any further questions, please contact Ana Richmond at 850-922-1794.

Sincerely,



Paul DiGiuseppe
Regional Planning Administrator

PD/ar

cc: Mr. Charles Justice, Executive Director, North Central Florida Regional Planning Council
Mr. Dean Mimms, AICP, Chief of Comprehensive Planning City of Gainesville

ORDINANCE NO. _____
0-05-76

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4 **An ordinance amending the City of Gainesville 2000-2010**
5 **Comprehensive Plan, Future Land Use Map; by changing the**
6 **land use categories of certain properties from the land use**
7 **categories of “Residential Medium-Density (8-30 units per**
8 **acre)”, “Residential High-Density (8-100 units per acre)”,**
9 **“Mixed-Use Residential (up to 75 units per acre)”, “Mixed-Use**
10 **Low-Intensity (8-30 units per acre), “Mixed-Use Medium-**
11 **Intensity (12-30 units per acre)”, “Office”, “Commercial”,**
12 **“Education”, “Public Facilities”, “Conservation”, and “Planned**
13 **Use District”, as more specifically described in this Ordinance,**
14 **to “Urban Mixed-Use 1 (UMU-1: Up to 75 units/acre)” and**
15 **“Urban Mixed-Use 2 (UMU-2: Up to 100 units/acre)”, as more**
16 **specifically described in this Ordinance; the affected properties**
17 **are located within that area generally described as the area**
18 **bounded by NW 5th Avenue to the north, SW 6th Street to the**
19 **east, and SW 16th Avenue to the south and NW 20th Street to the**
20 **west; providing directions to the city manager; providing a**
21 **severability clause; providing a repealing clause; and providing**
22 **an effective date.**

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25 **WHEREAS,** publication of notice of a public hearing was given that the Future Land Use
26 Map be amended by changing the land use categories of certain properties from the land use
27 categories of “Residential Medium-Density (8-30 units per acre)”, “Residential High-Density (8-
28 100 units per acre)”, “Mixed-Use Residential (up to 75 units per acre)”, “Mixed-Use Low-Intensity
29 (8-30 units per acre), “Mixed-Use Medium-Intensity (12-30 units per acre)”, “Office”,
30 “Commercial”, “Education”, “Public Facilities”, “Conservation”, and “Planned Use District”, as
31 more specifically described in this Ordinance, to “Urban Mixed-Use 1 (UMU-1: Up to 75
32 units/acre)” and “Urban Mixed-Use 2 (UMU-2: Up to 100 units/acre)”; creating and adding a new

D R A F T

10-3-05

1 land use map entitled "Urban Mixed-Use District" to identify properties with the land use category
2 called "Urban Mixed-Use 1 (UMU-1: Up to 75 units/acre)" and "Urban Mixed-Use 2 (UMU-2:
3 Up to 100 units/acre)"; and

4 **WHEREAS**, notice by the Plan Board was given and publication made as required by law
5 and a public hearing was held by the City Plan Board on May 19, 2005; and

6 **WHEREAS**, notice was given and public was made as required by law of the City
7 Commission's public hearing on this petition on June 13, 2005; and

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

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

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

18 **WHEREAS**, public hearings were held pursuant to the published notice described above at
19 which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;
20 and

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

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
6 Plan is amended by changing the land use categories of the following described properties from the
7 land use categories of “Residential Medium-Density (8-30 units per acre)”, “Residential High-
8 Density (8-100 units per acre)”, “Mixed-Use Residential (up to 75 units per acre)”, “Mixed-Use
9 Low-Intensity (8-30 units per acre), “Mixed-Use Medium-Intensity (12-30 units per acre)”,
10 “Office”, “Commercial”, “Education”, “Public Facilities”, “Conservation”, and “Planned Use
11 District”, as shown on Exhibit “A”, to the land use categories of “Urban Mixed-Use 1 (UMU-1:
12 Up to 75 units/acre)” and “Urban Mixed-Use 2 (UMU-2: Up to 100 units/acre)”, as shown on
13 Exhibit “B.”

14 (See Maps attached hereto as Exhibits "A" and “B” and made a part
15 hereof as if set forth in full.)
16

17 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
18 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
19 portion thereof in order to comply with this ordinance.

20 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
21 or unconstitutional by any court of competent jurisdiction then said holding shall in no way affect
22 the validity of the remaining portions of this ordinance.

D R A F T

10-3-05

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

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

8 PASSED AND ADOPTED this _____ day of _____, 2005.

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PEGEEN HANRAHAN,
MAYOR

ATTEST:

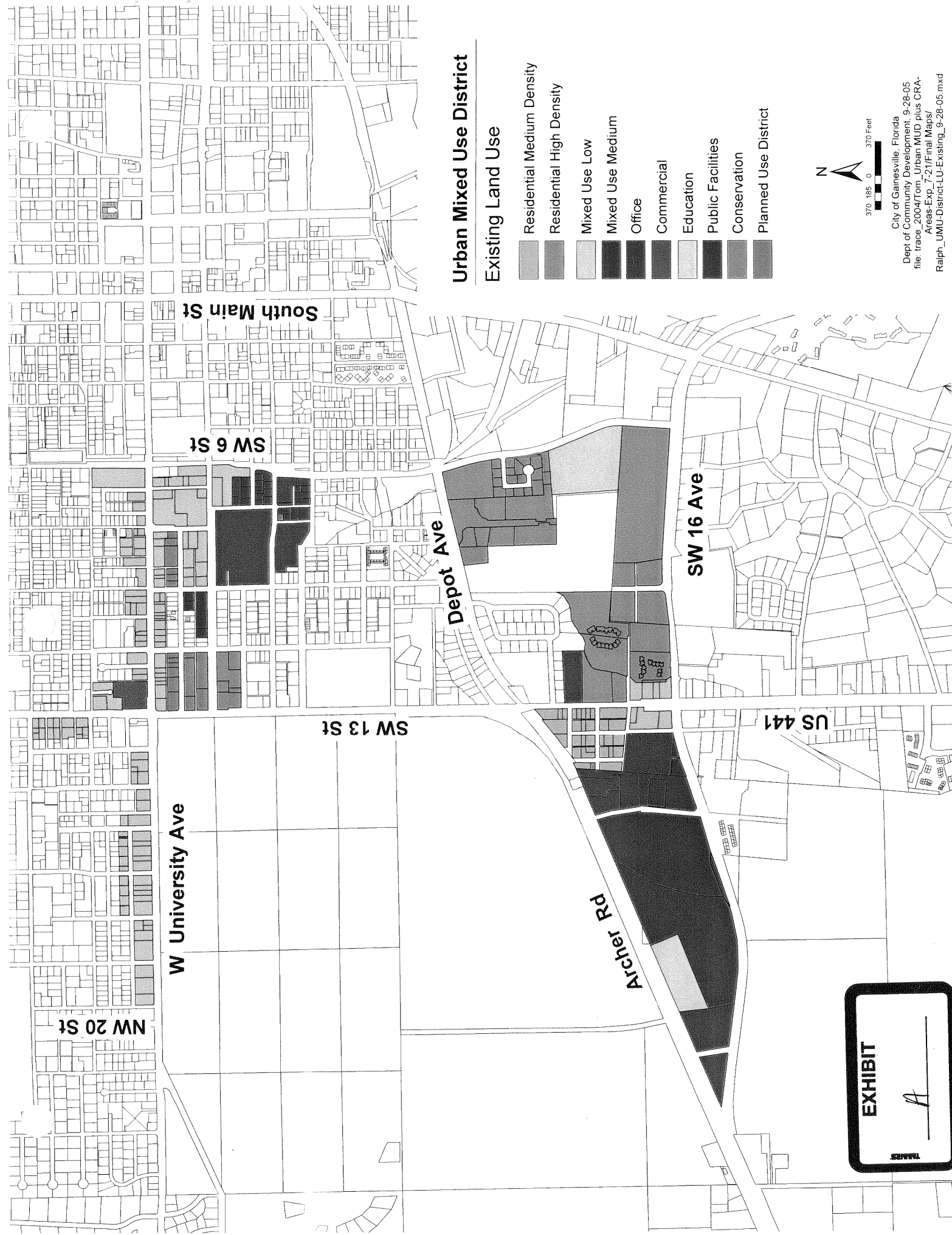
APPROVED AS TO FORM AND LEGALITY:

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY











This ordinance passed on first reading this 8th day of August, 2005.

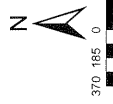
This ordinance passed on second reading this _____ day of _____, 2005.



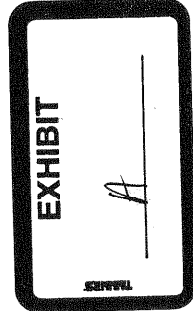
Urban Mixed Use District

Existing Land Use

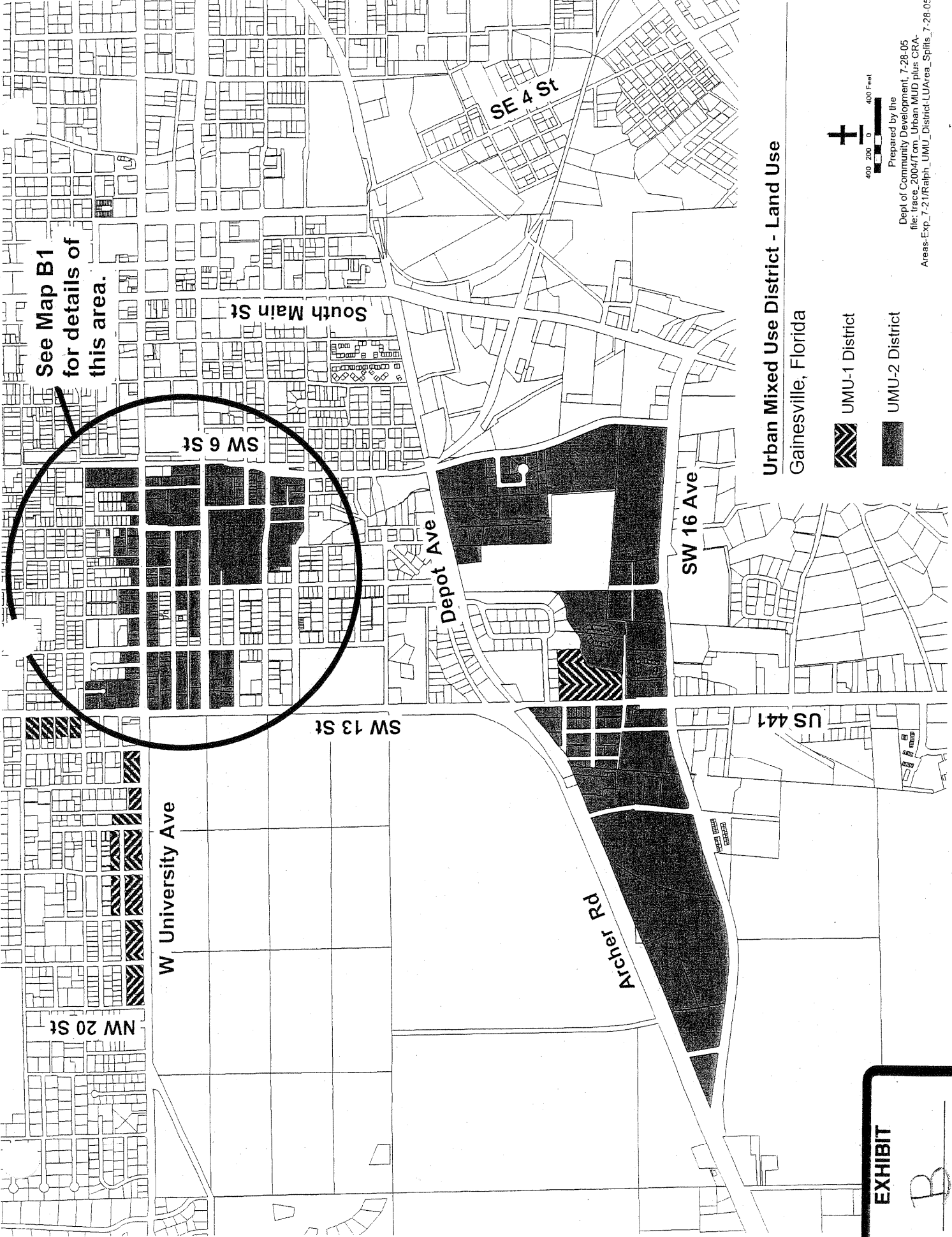
-  Residential Medium Density
-  Residential High Density
-  Mixed Use Low
-  Mixed Use Medium
-  Office
-  Commercial
-  Education
-  Public Facilities
-  Conservation
-  Planned Use District



City of Gainesville, Florida
 Dept of Community Development, 9-28-05
 file: trace_2004/Tom_Urban MUD plus CRA-
 Areas-Exp_7-21/Final Maps/
 Ralph_UMU-District-LU-Existing_9-28-05.mxd



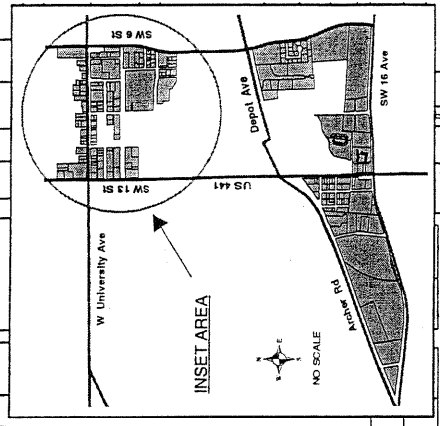
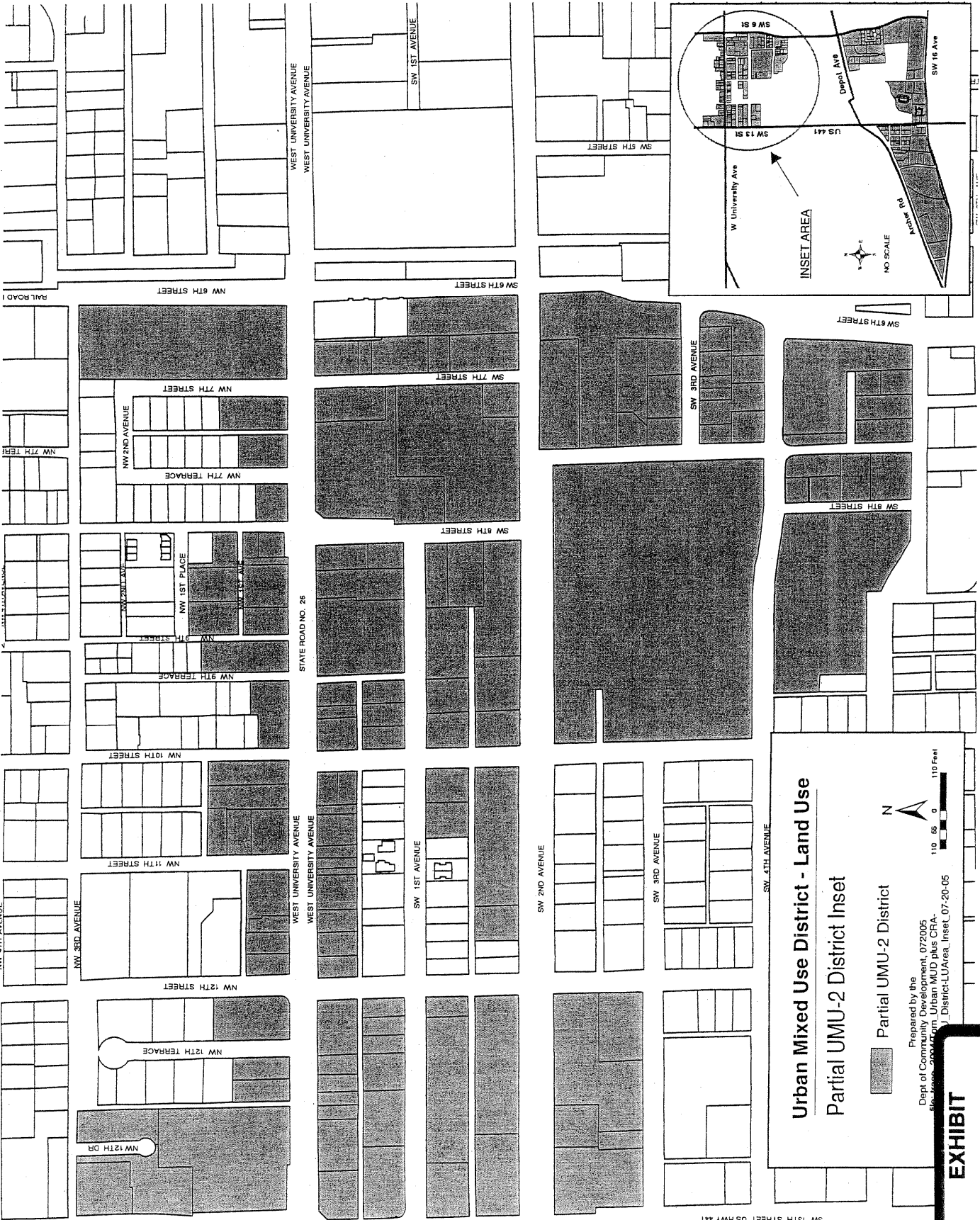
See Map B1
for details of
this area.



Urban Mixed Use District - Land Use
Gainesville, Florida

- UMU-1 District
- UMU-2 District

EXHIBIT
B



Urban Mixed Use District - Land Use
Partial UMU-2 District Inset

Partial UMU-2 District

Prepared by the
 Dept. of Community Development, 07/20/05
 File Name: 20040701_UMU2_District-LUArea_Inset_07-20-05

110 Feet
 0 55 110 Feet

N

EXHIBIT

I (Inset)