



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 000153

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

TO: Mayor and City Commission

DATE: December 11, 2000

FROM: City Attorney

CITY ATTORNEY
SECOND READING

SUBJECT: **Ordinance No. 0-00-90, Petition 105LUC-00PB**
An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use category of certain property from "Single Family (up to 8 units per acre)" to "Office"; located in the vicinity of the 6400 block of Northwest 9th Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.

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

The above-referenced ordinance has been prepared pursuant to City Commission action requesting the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

The State of Florida Department of Community Affairs issued a letter dated June 9, 2000, 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 and submitted by:


Marion J. Radson, City Attorney

MJR/afm
Attachments

Passed on first reading by a vote of 4-0.

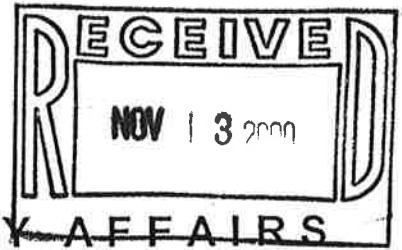


STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
 Governor

STEVEN M. SEIBERT
 Secretary



November 9, 2000

The Honorable Paula M. DeLaney
 Mayor, City of Gainesville
 Post Office Box 490, Station 19
 Gainesville, Florida 32602



Dear Mayor DeLaney:

The Department has conducted a preliminary review of the City of Gainesville proposed comprehensive plan amendment received on October 12, 2000, DCA Reference No. 00-2.

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

Therefore, the proposed amendment will not be reviewed and the Objections, Recommendations and Comments report **will be waived**. The 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.

Also, pursuant to Chapter 163.3189(2)(a), F.S., the Department recommends that the City include the following language in the adoption ordinance regarding the effective date of the adopted amendment (if the local government plan has been determined to be In-Compliance):

"The effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission

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finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.” 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 questions, please contact Walker Banning, Community Program Administrator, overseeing the review of the amendment, at (850) 487-4545.

Sincerely,



Michael F. Sherman, AICP
Growth Management Administrator

MFS/wbs

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