



**MEMORANDUM**  
**Office of the City Attorney**

Legistar No. 990195

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

**TO:** Mayor and City Commissioners

**DATE:** July 24, 2000  
SECOND READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-00-02; Petition No. 99CPA-99PB  
An ordinance of the City of Gainesville, Florida, amending the City of Gainesville 1991-2001 Comprehensive Plan; amending policy 2.4.8 of the Future Land Use Element relating to the College Park Neighborhood south of NW 5<sup>th</sup> Avenue; clarifying that the intensity of development shall be regulated by building height and build-to (setback) requirements instead of Floor Area Ratio; providing directions to the city manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

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

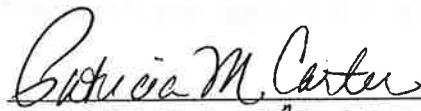
The above-referenced ordinance has been prepared pursuant to City Commission action requesting the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

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.

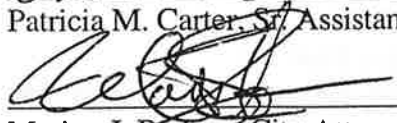
The State of Florida Department of Community Affairs issued a letter dated June 9, 2000, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is 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 by:

  
Patricia M. Carter, Sr. Assistant City Attorney

Approved and  
Submitted by:

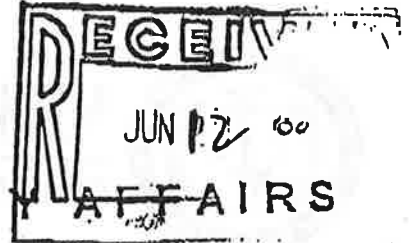
  
Marion J. Radson, City Attorney

MJR:PMC:sw



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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



JEB BUSH  
 Governor

June 9, 2000

STEVEN M. SEIBERT  
 Secretary

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 May 11, 2000, DCA Reference No. 00-1ER.

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.

This letter should be made available for public inspection. If you have any questions, please contact Jim Crews, Planner IV, overseeing the review of the amendment, at (850) 487-4545.

Sincerely,

Michael F. Sherman, AICP  
 Growth Management Administrator

MFS/jcs

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

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
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 Internal address: <http://www.dca.state.fl.us>

ORDINANCE NO. \_\_\_\_\_  
0-00-02

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**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville 1991-2001 Comprehensive Plan; amending policy 2.4.8 of the Future Land Use Element relating to the College Park Neighborhood south of NW 5<sup>th</sup> Avenue; clarifying that the intensity of development shall be regulated by building height and build-to (setback) requirements instead of Floor Area Ratio; providing directions to the city manager; providing directions to the codifier; 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 August 19, 1999; and

**WHEREAS**, notice was given and publication made of a Public Hearing which was then held by the City Commission on October 11, 1999; 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.** Policy 2.4.8 of the Future Land Use Element of the City of Gainesville 1991-  
14 2001 Comprehensive Plan is amended to read as follows:

15       2.4.8     The following criteria shall be used to guide development in the College Park  
16 Neighborhood south of NW 5<sup>th</sup> Avenue:

17           a.     The intensity of development shall be regulated by the design guidelines  
18                 for the College Park Special Area, which include build-to-lines, building heights  
19                 and landscape requirements.

20           b.     Type I buildings which allow retail, office and residential uses within four  
21 story buildings shall be allowed in areas designated Mixed Use-Low. Retail uses

1 shall be restricted to the first two floors, office uses shall be allowed on all four  
2 floors and residential shall be allowed on the second through fourth floors.

3 c. b. Type II buildings which that allow office and residential uses within a  
4 3.5-story building shall be allowed in areas designated Mixed Use-Residential.  
5 Office Uses accessory to the residential use shall be restricted to the second floor.

6 d. e. The Type III buildings which allow residential uses within a 2.5-story  
7 building shall be allowed in areas designated Medium Density Residential.  
8 Residential uses along with home occupations shall be the only uses allowed.

9 **Section 3.** 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  
11 element, or portion thereof in order to fully implement this ordinance.

12  
13 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
14 or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
15 way affect the validity of the remaining portions of this ordinance.

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

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

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**D R A F T**

**6-14-00**

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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

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PAULA M. DeLANEY  
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 \_\_\_\_\_ day of \_\_\_\_\_, 1999.

This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

carter:ordinances:99CPA-99PB