



MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commission

DATE: April 11, 2005

FROM: City Attorney

CITY ATTORNEY
FIRST READING

SUBJECT: Ordinance No. 0-05-19, Petition 24LUC-04PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories of "RES 2-4: Residential, 2-4 dwelling units per acre", "INST, Institutional", and "OFF/R 4-8: Office/Residential, 4-8 dwelling units per acre" to the City of Gainesville land use category of "Office", as more specifically described in this Ordinance, generally located in the vicinity of and including the Oak Hammock retirement community, and certain properties along Williston Road including 2521 Southwest Williston Road; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance on first reading.

STAFF REPORT

The original petition included land that was part of a utility easement located along the eastern boundary of the Oak Hammock development and part of a property that houses a Progress Energy substation. Both pieces of land are part of larger parcels and because the land is split between Alachua County and the City of Gainesville, it was felt that the proposed City land use and zoning designations should be as close as possible to the Alachua County land use and zoning designations. The current Alachua County land use designation for the 2 pieces of land is Residential (2-4 dwelling units per acre), with a zoning of R-1A (Single-family, low density). The proposed City of Gainesville designations were SF (Single Family, up to 8 units per acre) land use and RSF-1 (3.5 units/acre single-family residential district) zoning.


CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the City Commission on January 24, 2005 and the City Commission authorized the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 2000-2010 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 seven (7) days after the day that the second advertisement is published.

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

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D R A F T

March 28, 2005

ORDINANCE NO. _____
0-05-19

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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 annexed into the City**
7 **from the Alachua County land use categories of “RES 2-4:**
8 **Residential, 2-4 dwelling units per acre”, “INST, Institutional”,**
9 **and “OFF/R 4-8: Office/Residential, 4-8 dwelling units per**
10 **acre” to the City of Gainesville land use category of “Office”, as**
11 **more specifically described in this Ordinance, generally located**
12 **in the vicinity of and including the Oak Hammock retirement**
13 **community, and certain properties along Williston Road**
14 **including 2521 Southwest Williston Road; providing a**
15 **severability clause; providing a repealing clause; and providing**
16 **an effective date.**

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19 **WHEREAS,** publication of notice of a public hearing was given that the Future Land Use
20 Map be amended by changing the land use categories of certain properties annexed into the City
21 from the Alachua County land use categories of “RES 2-4: Residential, 2-4 dwelling units per
22 acre”, “INST, Institutional”, and “OFF/R 4-8: Office/Residential, 4-8 dwelling units per acre” to
23 the City of Gainesville land use category of “Office”; and

24 **WHEREAS,** notice was given and publication made as required by law and a public
25 hearing was held by the City Plan Board on December 2, 2004; and

26 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10
27 inches long was placed in a newspaper of general circulation notifying the public of this proposed
28 ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,

D R A F T

March 22, 2005

1 City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was
2 published; and

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

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

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

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

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

14 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
15 Plan is amended by changing the land use categories of the following described properties from the
16 Alachua County land use categories of “RES 2-4: Residential, 2-4 dwelling units per acre” ,
17 “INST, Institutional”, and “OFF/R 4-8: Office/Residential, 4-8 dwelling units per acre” as shown
18 on Exhibit “A” to the City of Gainesville land use category of “Office” as shown on Exhibit “B”;
19 and:

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March 22, 2005

1 See Maps attached hereto as Exhibits "A" and "B" and made a part
2 hereof as if set forth in full.

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

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

10 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
11 such conflict hereby repealed.

12 **Section 5.** This ordinance shall become effective immediately upon passage on second
13 reading; however, the effective date of this plan amendment shall be the date a final order is issued
14 by the Department of Community Affairs finding the amendment to be in compliance in accordance
15 with Chapter 163 3184, F.S.; or the date a final order is issued by the Administration Commission
16 finding the amendment to be in compliance in accordance with Chapter 163 3184, F.S.

17 **PASSED AND ADOPTED** this _____ day of _____, 2005.

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22 ATTEST:

25 _____
KURT LANNON,

PEGEEN HANRAHAN, MAYOR

APPROVED AS TO FORM AND LEGALITY:

MARION J. RADSON, CITY ATTORNEY

D R A F T

March 22, 2005

1 CLERK OF THE COMMISSION

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3 This ordinance passed on first reading this ____ day of _____, 2005.

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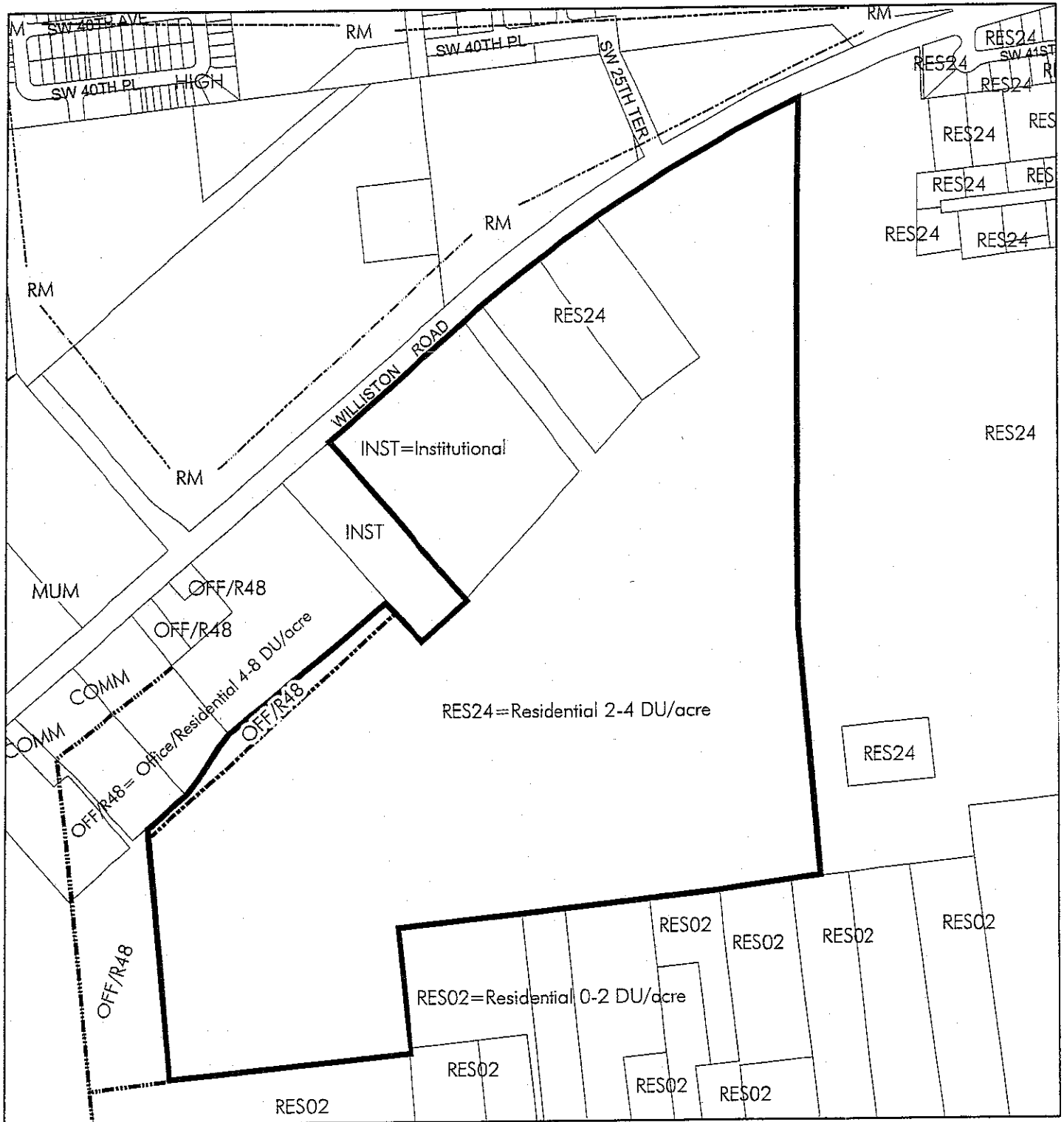
5 This ordinance passed on second reading this ____ day of _____, 2005.

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MAP 1 - EXISTING LAND USE



Petition 24LUC-04 PB



Prepared by the Department of Community Development/GIS 02-21-05

This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For specific information, you are directed to contact the City of Gainesville.

EXHIBIT "A"