



# MEMORANDUM

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**TO:** Mayor and City Commission

**DATE:** June 10, 2002

**FROM:** City Attorney

SECOND READING

**SUBJECT:** Ordinance No. 0-01-18; Petition No. 175CPA-00PB

An ordinance of the City of Gainesville, Florida, amending the Conservation, Open Space and Groundwater Recharge Element of the City of Gainesville 1991-2001 Comprehensive Plan; revising policies on wetlands; adding provisions concerning the Alachua County Forever program; adding provisions concerning the Alachua County Murphree Wellfield Protection Code; adding provisions concerning Floridan aquifer recharge areas; providing for an Environmentally Significant Land and Resources map series within the Future Land Use Map Series; adding Tumblin Creek and Hogtown Creek to the priority list for improving water quality; removing outdated provisions; amending provisions concerning NPDES permitting; making minor amendments throughout; providing directions to the city manager; stating intent to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.

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

## COMMUNITY DEVELOPMENT STAFF REPORT

The updated Conservation, Open Space and Groundwater Recharge Element of the proposed 2000-2010 Comprehensive Plan reflects recommendations from the Evaluation and Appraisal Report adopted in 1998 and subsequent public input. This element was the subject of City Plan Board workshops on September 28, 2000 and November 30, 2000. The City Plan Board held a public hearing on the proposed updated Element on January 31, 2001, and the Board recommended approval with modifications by a vote of 6-0. The Element was also presented at the February 12, 2001 meeting of the City Commission, and at comprehensive plan workshops on June 20, 2001 and July 26, 2001. The City Commission on December 10, 2001 adopted on first reading the ordinance amending the Element, which was subsequently transmitted to the Florida Department of Community Affairs (DCA) for review.

The Conservation, Open Space and Groundwater Recharge Element (Attachment A) includes a new policy requiring coordination with the County on the Alachua County Forever program for land acquisition for environmental and open space protection. Other new policies pertain to sedimentation problems in Hogtown Creek, water quality in Tumblin Creek, state requirements regarding lawn sprinkler systems, aquifer recharge maps, establishing a Green Building Program, coordinating with other governmental entities regarding potential pollution problems, protecting

heritage and champion trees, and creating basin management plans. Proposed policy revisions include changes to standards and guidelines for protection of key environmental resources, including wetlands. The existing 'no net loss of on-site wetland acreage and function' requirement has been stricken, and extensive requirements regarding wetland protection and mitigation are proposed.

On February 25, 2002 the City received the DCA's Objections, Recommendations and Comments (ORC) report (Composite Attachment B). The ORC report contained no formal objections, but it did provide comments from DCA. The City was advised that some of the proposed wetland policies might conflict with the statutory authority of the Florida Department of Environmental Protection (FDEP) and the water management districts. In response, City staff has worked with state agency staff and with the Ad Hoc Committee on Wetland and Creek Regulations to make appropriate changes to the proposed wetland policies and resolve the state's previous concerns. These changes have been made (Attachment C), have been reviewed and found generally acceptable by FDEP staff, and have been reviewed and recommended for approval by the Ad Hoc Committee. City staff has made other changes (Attachment D) based on the recommendations of the Ad Hoc Committee on Wetland and Creek Regulations that are not in response to the ORC Report from the Florida Department of Community Affairs.

Fiscal Note

The City will have to set aside \$300,000 per year for the purchase and/or management of environmentally significant open space and of active and passive recreation sites.

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued the Department's Objections, Recommendations and Comments (ORC) report dated February 22, 2002, that offered no objections, but provided comments 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 by:

  
Walter Mathews, IV, Assistant City Attorney

Approved and  
Submitted by:

  
Marion J. Radson, City Attorney

MJR:WM:sw