



MEMORANDUM

Office of the City Attorney

Legistar No. 000768

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TO: Mayor and City Commission

DATE: March 4, 2002
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-01-14; Petition No. 171CPA-00 PB
An ordinance of the City of Gainesville, Florida, amending the Capital Improvements Element of the City of Gainesville 1991-2001 Comprehensive Plan; changing the threshold expected life for capital improvements included in the plan from 3 to 2 years; removing provisions concerning projects that have been completed or that the need or funding had not been determined for level of service reasons; adding a provision concerning coordination with Alachua County on the Alachua County Forever program; making minor amendments throughout; adopting a new 5-Year Schedule of Capital Improvements; 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.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF REPORT

On March 26, 2001 the City Commission adopted Ordinance No. 0-01-14 (on first reading); Petition No. 171CPA-00 PB (Capital Improvement Element) for transmittal to the Department of Community Affairs (DCA). City Planning staff submitted the petition as part of the City's Comprehensive Plan Amendment packet dated September 7, 2001, referenced as DCA No. 01-1. In a letter dated November 16, 2001 and received by the City on November 26, 2001, the Department of Community Affairs notified the City that they did not have any objections, recommendations or comments on the Capital Improvement Element.

The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3185, Florida Statutes (FS) and Rule 9J-11.011, FAC. The letter from DCA incorrectly stated that the City of Gainesville had 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. Based on an inquiry from City staff, DCA has indicated that the City has 120 days to make a decision on EAR-based amendments.

Staff recommends approval of the ordinance as submitted

Fiscal Note. None

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated November 16, 2001, that offered no comments or objections 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.

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:sw