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MEMORANDUM

Office of the City Attorney

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TO: Mayor and City Commission

DATE: March 4, 2002
Second Reading

FROM: City Attorney

SUBJECT: Ordinance No. 0-01-02; Petition No. 145CPA-00PB
An ordinance of the City of Gainesville, Florida, amending the Recreation Element of the City of Gainesville 1991-2001 Comprehensive Plan; adding criteria for land acquisition; adding criteria for prioritizing improvements; adding a policy concerning use of proceeds from the sale of recreation land; adding a policy concerning joint use of recreation facilities with other public providers; adding an objective and related policies concerning funding; making minor modifications 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.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF REPORT

On January 22, 2001 the City Commission adopted Ordinance No. 0-01-02 (on first reading); Petition No. 145CPA-00PB (Recreation 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 Recreation 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. It is anticipated that the Recreation Element will be revised based on the outcome of the countywide recreation master plan.

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.

Prepared and
Submitted by:



Marion J. Radson, City Attorney