

LEGISLATIVE #

120234A

ORDINANCE NO. 120234

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3 **An ordinance amending the Intergovernmental Coordination Element of the**
4 **City of Gainesville Comprehensive Plan by deleting Policy 1.6.3; providing**
5 **directions to the city manager; providing a severability clause; providing a**
6 **repealing clause; and providing an effective date.**
7

8 **WHEREAS**, publication of notice of a public hearing was given that the
9 Intergovernmental Coordination Element of the City of Gainesville Comprehensive Plan be
10 amended, as more specifically described in this ordinance; and

11 **WHEREAS**, notice was given and publication made as required by law and public
12 hearing was then held by the City Plan Board on July 26, 2012; and

13 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
14 inches long was placed in a newspaper of general circulation and provided the public with at
15 least seven (7) days advance notice of the first public hearing (transmittal stage) to be held in
16 the City Hall Auditorium, First Floor, City Hall, City of Gainesville; and

17 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City
18 of Gainesville transmitted copies of this proposed amendment to the reviewing agencies and
19 any other local government unit or state agency that requested same; and

20 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches
21 long was placed in the aforesaid newspaper and provided the public with at least five (5) days
22 advance notice of the second public hearing (adoption stage); and

23 **WHEREAS**, the public hearings were held pursuant to the published notices
24 described above at which hearings the parties in interest and all others had an opportunity to
25 be and were, in fact, heard; and

1 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered
2 any written comments received concerning this plan amendment.

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
4 **THE CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** Policy 1.6.3 of the Intergovernmental Coordination Element of the City
6 of Gainesville Comprehensive Plan is deleted in its entirety. Except as amended herein, the
7 remainder of Objective 1.6 and its Policies remain in full force and effect.

8 ~~1.6.3 The City shall pursue agreements with the SBAC for joint use and maintenance of~~
9 ~~SBAC recreation facilities at schools and develop policies for handling liability for~~
10 ~~public use of all school recreational facilities.~~

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12 **Section 2.** It is the intent of the City Commission that the provisions of Section 1
13 shall become and be made a part of the City of Gainesville Comprehensive Plan.

14 **Section 3.** Within 10 working days of the transmittal (first) hearing, the City Manager
15 is authorized and directed to transmit a comprehensive plan amendment package, including this
16 ordinance, to the reviewing agencies and to any other local government unit or state agency that
17 has filed a written request for same with the City. Within 10 working days of the adoption
18 (second) hearing, the City Manager is authorized and directed to transmit a comprehensive plan
19 amendment package, including this ordinance, to the state land planning agency and to any
20 other reviewing agency, local government unit or state agency that filed written comments with
21 the City.

1 **Section 4.** The City Manager is authorized and directed to make the necessary
 2 changes in the text, maps and other data in the City of Gainesville Comprehensive Plan, or
 3 element, or portion thereof in order to fully implement this ordinance.

4 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this
 5 ordinance or the application hereof to any person or circumstance is held invalid or
 6 unconstitutional, such finding shall not affect the other provisions or applications of this
 7 ordinance that can be given effect without the invalid or unconstitutional provision or
 8 application, and to this end the provisions of this ordinance are declared severable.

9 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent
 10 of such conflict hereby repealed.

11 **Section 7.** This ordinance shall become effective immediately upon passage on second
 12 reading; however, the effective date of this plan amendment, if the amendment is not timely
 13 challenged, shall be 31 days after the state land planning agency notifies the City that the plan
 14 amendment package is complete in accordance with Section 163.3184, F.S. If timely
 15 challenged, this amendment shall become effective on the date the state land planning agency or
 16 the Administration Commission enters a final order determining this adopted amendment to be
 17 in compliance with Chapter 163, F.S. No development orders, development permits, or land
 18 uses dependent on this amendment may be issued or commenced before this plan amendment
 19 has become effective.

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21 **PASSED AND ADOPTED** this _____ day of _____, 2012.

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CRAIG LOWE
MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

14 This ordinance passed on first reading this _____ day of _____, 2012.
15 This ordinance passed on second reading this _____ day of _____, 2012.