



MEMORANDUM

Office of the City Attorney

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TO: Mayor and City Commission

DATE: March 4, 2002

FROM: City Attorney

SECOND READING

SUBJECT: Ordinance No. 0-01-16; Petition No. 15CPA-01PB

An ordinance of the City of Gainesville, Florida, amending certain elements of the City of Gainesville 2000-2010 Comprehensive Plan to provide consistency with other elements of that Plan; amending the Concurrency Management Element by adding a certain area annexed into the City to Zone B of the Transportation Concurrency Exception Area; adding a policy to the Potable Water and Wastewater Element to show the addition into the Capital Improvements Element of the water main upgrade along a portion of Archer Road; amending policies of the Stormwater Element to provide consistency with the Capital Improvements Element regarding stormwater projects, to clarify that both public and public master stormwater basins are allowed, and to update the name of the Murphree Wellfield Management Zone; providing directions to the city manager; stating intent to adopt the amended elements 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. 0-01-16 (on first reading); Petition No. 15CPA-01PB 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 this petition which included amendments to the Concurrency Management, Potable Water and Wastewater, and Stormwater Management Elements. The amendments are needed in order for these previously updated and adopted comprehensive plan elements to remain consistent with related changes in the draft Future Land Use, Transportation Mobility, Capital Improvements, and Conservation, Open Space and Groundwater Recharge Elements of the proposed City of Gainesville 2000-2010 Comprehensive Plan.

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