

ORDINANCE NO. 120234

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

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

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

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

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

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

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

WHEREAS, prior to adoption of this ordinance the City Commission has considered

1 any written comments received concerning this plan amendment.

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

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

7 ~~1.6.3—The City shall pursue agreements with the SBAC for joint use and maintenance of~~
8 ~~SBAC recreation facilities at schools and develop policies for handling liability for~~
9 ~~public use of all school recreational facilities.~~

10
11 **Section 2.** It is the intent of the City Commission that the provisions of Section 1
12 shall become and be made a part of the City of Gainesville Comprehensive Plan.

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

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

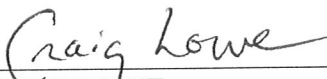
24 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this
25 ordinance or the application hereof to any person or circumstance is held invalid or


1 unconstitutional, such finding shall not affect the other provisions or applications of this
2 ordinance that can be given effect without the invalid or unconstitutional provision or
3 application, and to this end the provisions of this ordinance are declared severable.


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

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

15 **PASSED AND ADOPTED** this 21st day of February, 2013.

16 
17 _____
18 CRAIG LOWE
19 MAYOR

20
21 ATTEST:
22 
23 _____
24 KURT M. LANNON
25 CLERK OF THE COMMISSION

APPROVED AS TO FORM AND LEGALITY:


NICOLLE M. SHALLEY
CITY ATTORNEY

26
27 This ordinance passed on first reading this 15th day of November, 2012.

28 This ordinance passed on second reading this 21st day of February, 2013.