



Legislation Details (With Text)

**File #:** 121107      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Second Reading  
**File created:** 9/19/2012      **In control:** City Attorney  
**On agenda:** 8/15/2013      **Final action:** 8/15/2013  
**Title:** EVALUATION AND APPRAISAL COMPREHENSIVE PLAN AMENDMENTS (B)

Ordinance No. 120370

An ordinance of the City of Gainesville, Florida, amending the City's Comprehensive Plan pursuant to the periodic evaluation and appraisal process set forth in Section 163.3191, Florida Statutes, to comply with changes to Florida Statutes, address changes in local conditions, correct internal inconsistencies, and provide clarification to objectives and policies; by amending the Future Land Use Element and the Future Land Use Map Series; by amending the Transportation Mobility Element and the Transportation Mobility Map Series; by deleting the Concurrency Management Element; by amending the Housing Element; by amending the Conservation, Open Space & Groundwater Recharge Element; by amending the Capital Improvements Element; by amending the Intergovernmental Coordination Element; by amending the Public Schools Facilities Element; by providing directions to the City Manager; providing a repealing clause; providing a severability clause; and providing an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 120370B\_data and analysis\_20130418.pdf, 2. 120370C\_staff reports & exhibitst\_20130418.pdf, 3. 120370A\_draft ordinance\_20130418.pdf, 4. 120370D-MOD\_staff ppt\_20130418.pdf, 5. 120370A\_draft ordinance\_20130815.pdf, 6. 120370B\_comment letters from state reviewing agencies & response\_20130815.pdf, 7. 120370C\_PPT\_20130815.pdf, 8. 120370\_Ordinance\_20130815.pdf, 9. 120370\_Completeness Letter - FDEO.pdf

Date	Ver.	Action By	Action	Result
8/15/2013	1	City Commission	Adopted on Final Reading (Ordinance) and Approved the Recommendation	Pass
4/18/2013	0	City Commission	Adopted on First Reading (Ordinance)	Pass

**EVALUATION AND APPRAISAL COMPREHENSIVE PLAN AMENDMENTS (B)**

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The City Commission (1) receive letters of "no comment" from North Central Florida Regional Planning Council, St. Johns River Water Management District, and Florida Department of Environmental Protection; (2) receive "comment" letters from Florida Department of Economic Opportunity, Florida Department of Transportation and Florida Department of Education; (3) receive letter from City to Florida Department of Economic Opportunity in response to comments received; and, (4) adopt the proposed ordinance.

## PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

**Update since first reading: On April 18, 2013, the City Commission approved this ordinance on first reading by a vote of 6-0. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory state coordinated review process for comprehensive plan amendments. During the 30-day comment period, the City received 3 letters of "no comment" and 3 "comment" letters from the reviewing agencies. The "comment" letters from Florida Department of Economic Opportunity, Florida Department of Transportation and Florida Department of Education did not include any objections to the Comprehensive Plan amendments included in this ordinance, but included only minor technical comments for the City's consideration. After review, City staff has incorporated some of the technical suggestions into this ordinance. Letters received from the reviewing agencies are included in the backup to this ordinance and the minor revisions made to this ordinance are indicated by a double underline or double strike-through. For ease of reference, these revisions may be found on pages 64 and 75 of the Future Land Use Element, pages 1, 15, and 31 of the Transportation Mobility Element, page 3 of the Housing Element, and page 3 of the Capital Improvements Element.**

Section 163.3191, Florida Statutes, requires that at least every seven years, local governments shall determine whether the need exists to amend its comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. This process is known as the evaluation and appraisal of the Comprehensive Plan. The City in April 2012 notified the Florida Department of Economic Opportunity (DEO) in its capacity as the state land planning agency that the City of Gainesville Comprehensive Plan will be amended to address changes to Florida Statutes, address changes in local conditions, correct internal inconsistencies, and provide clarification to objectives and policies as necessary for the 2013-2023 planning period. DEO then notified the City that the proposed amendments should be transmitted to DEO by May 1, 2013.

The proposed amendments to the City's Comprehensive Plan include, among other changes, rescinding transportation concurrency and the Transportation Concurrency Exception Area in the City of Gainesville. This ordinance amends the Future Land Use Element and the Future Land Use Map Series; amends the Transportation Mobility Element and the Transportation Mobility Map Series; deletes the Concurrency Management Element; amends the Housing Element; amends the Conservation, Open Space & Groundwater Recharge Element; amends the Capital Improvements Element; amends the Intergovernmental Coordination Element; and amends the Public Schools Facilities Element.

The following nine petitions are associated with this ordinance, listed by Petition No. and Legistar No.: PB 12-112 CPA (120639); PB 12-134 CPA (120638); PB 12-132 CPA (120648); PB 12-133 CPA (120646); PB 12-98 CPA (120428); PB 12-61 CPA (120227); PB 12-114 CPA (120523); PB 12-99 CPA (120429); and PB 12-131 CPA (120652). In review of these nine petitions, the City Plan Board held multiple public hearings that were each noticed as required by law and recommended approval of the proposed amendments to the City's Comprehensive Plan. In addition, the City Commission held multiple public hearings that were each noticed as required by law and reviewed the proposed amendments to the City's Comprehensive Plan and authorized the

drafting of this ordinance.

#### CITY ATTORNEY MEMORANDUM

Subsection 163.3184(4), Florida Statutes, sets forth the procedure for amending the Comprehensive Plan pursuant to the state coordinated review process (which includes EAR-based amendments). The first hearing is the transmittal stage and must be advertised at least 7 days prior to the hearing. The second hearing is the adoption stage and must be advertised at least 5 days prior to the hearing.

Within 10 working days after the first hearing, the City must transmit the proposed amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. Within 60 days after receipt of the complete proposed amendment, the state land planning agency may issue a report giving its objections, recommendations, and comments. The City must review any objections, recommendations, or comments received during the second hearing. If adopted on second reading, the City must forward the amendment within 10 working days to the state land planning agency and any party that submitted timely comments.

This ordinance shall become effective immediately upon adoption; however, these plan amendments, if not timely challenged, shall go into effect pursuant to the state land planning agency's Notice of Intent (NOI) that these plan amendments are in compliance with Chapter 163, Florida Statutes. If timely challenged, these plan amendments shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining these adopted plan amendments to be in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on these plan amendments may be issued or commenced before these plan amendments have become effective.