



Legislation Details (With Text)

**File #:** 110599. **Version:** 2 **Name:** COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT (B)  
**Type:** Ordinance **Status:** Filed  
**File created:** 3/15/2012 **In control:** City Attorney  
**On agenda:** **Final action:** 2/7/2013  
**Title:** COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT (B)

Ordinance No. 110599; Petition No. PB-11-138 CPA  
 An ordinance amending the Future Land Use Element of the City of Gainesville Comprehensive Plan; by amending Policy 4.6.1; by amending Objective 4.7, Policy 4.7.1 and the Future Land Use Categories and Corresponding/Implementing Zoning Districts table; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 110599A\_draft ordinance\_20120315.pdf, 2. 110599B\_staff report\_20120315.pdf, 3. 110599C\_cpb minutes\_20120315.pdf, 4. 110599D\_staff ppt\_20120315.pdf, 5. 110599A\_no comment letters state reviewing agencies\_20120517.pdf, 6. 110599\_ordinance\_20120517.pdf

Date	Ver.	Action By	Action	Result
5/17/2012	2	City Commission	Adopted on Final Reading (Ordinance)	Pass
3/15/2012	1	City Commission	Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing	Pass

COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT (B)

Ordinance No. 110599; Petition No. PB-11-138 CPA  
 An ordinance amending the Future Land Use Element of the City of Gainesville Comprehensive Plan; by amending Policy 4.6.1; by amending Objective 4.7, Policy 4.7.1 and the Future Land Use Categories and Corresponding/Implementing Zoning Districts table; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On March 15, 2012, the City Commission approved this ordinance by a vote of 5-0. In accordance with the expedited state review process, city staff transmitted this ordinance as part of the Amendment No. 12-3ESR package to the state reviewing agencies. During the 30 day comment period, the city received 5 letters of "no comment" from the reviewing agencies.

Changes made in Florida's growth management laws during the 2011 legislative session (House Bill 7207) have eliminated many requirements related to Comprehensive Plans. One of those requirements was the inclusion of a table in the Future Land Use Element of the Comprehensive Plan that lists the land use categories and their corresponding zoning

districts. Because this table is no longer required in the Comprehensive Plan and because an identical table is contained in Section 30-46 of the Land Development Code, staff recommends deletion from the Comprehensive Plan.

Public notice of the petition was published in the Gainesville Sun on November 17, 2011. On December 5, 2011, the City Plan Board held a public hearing and, by a vote of 4-0, recommended approval.

#### CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first public hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second public hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

In accordance with Section 163.3184, Florida Statutes, within 10 days after the first public hearing, the City must transmit the Comprehensive Plan amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must then consider during the second public hearing any written comments received.

If adopted on second reading, this ordinance will be sent to the state land planning agency and any party that submitted written comments, and the Comprehensive Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, it will not become effective until the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective.