



## Legislation Text

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**File #:** 110171., **Version:** 3

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### COMPREHENSIVE PLAN AMENDMENT - SOLID WASTE ELEMENT (B)

Ordinance No. 110171; Petition No. PB-11-77 CPA

An ordinance amending the City of Gainesville Comprehensive Plan Solid Waste Element by updating and amending the Objectives and Policies as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; 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, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.

### STAFF REPORT

On October 6, 2011, the City Commission approved this ordinance by a vote of 7-0 and transmitted this ordinance as part of the Amendment No. 11-2 package to the State Land Planning Agency.

In accordance with the new growth management statutory law (House Bill 7207), now Chapter Law 2011-139) effective June 2, 2011, the North Central Florida Regional Planning Council issued a report dated October 27, 2011, stating that there are no adverse impacts to regional resources and facilities, and no adverse extrajurisdictional impacts as a result of amendments. The St. Johns River Water Management District issued a letter dated October 31, 2011, stating that they have no comments because no adverse impacts to state resources and facilities were identified. The Florida Department of Education issued a letter dated November 9, 2011, stating that there are no adverse impacts on public school facilities or compliance with statutes for implementation of school concurrency, therefore they offer no comment. The Florida Department of Economic Opportunity issued a letter dated November 16, 2011, stating that they have identified no comment related to important state resources and facilities that will be adversely impacted.

This petition amends the City of Gainesville Comprehensive Plan Solid Waste Element for the updated Comprehensive Plan.

The proposed, revised Solid Waste Element includes goals, objectives and policies that are the result of the old Evaluation and Appraisal Report (EAR) process. The Plan Board reviewed the element and provided comments at their June 30, 2010 workshop. A progress report on Solid Waste was heard by the City Commission on August 19, 2010. The Plan Board held a public hearing on the EAR on September 15, 2010, and the City Commission transmitted (adopted) the EAR on October 21, 2010. On December 27, 2010, the Florida Department of Community Affairs determined that the City's adopted EAR was sufficient.

In the intervening period since the finding of sufficiency for the City's EAR, the legislature passed House Bill 7207 (now Chapter Law 2011-139), a new state growth management law effective June 2, 2011. The old Evaluation and Appraisal Report process has been eliminated and a new evaluation requirement has replaced it. Since the needed amendments to comprehensive plan elements were identified during the old process, the City is moving forward (outside of the new evaluation process) to update the comprehensive plan.

Major amendments to the goals, objectives and policies include an amended Objective 1.1 that revises the waste diversion rate to 75 percent to match the target established by the State of Florida. For Policy 1.1.5, the date and percentage target of participation in the recycling program was raised. An amended set out rate is proposed for Policy 1.1.8. Finally,

Policy 1.5.1 is updated to show that the "Interlocal Agreement for Solid Waste Services Between Alachua County and The City of Gainesville, Florida", is in effect until December 31, 2018.

Planning Division staff recommended approval of Petition PB-11-77 CPA.

The City Plan Board reviewed the petition and recommended approval. Plan Board vote 4-0.

Public notice was published in the Gainesville Sun on June 6, 2011. The Plan Board held a public hearing on June 23, 2011.

#### CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading, will be transmitted to the State Land Planning Agency and any other agencies that provided written comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on 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 this plan amendment has become effective.

Due to changes in state law during the last legislative session, it is advisable to amend the ordinance to more closely conform to the new state law. Additionally, the City Commission very recently adopted an ordinance changing the name of the City's Comprehensive Plan.