



Legislation Text

File #: 120209., **Version:** 2

COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT AND STORMWATER MANAGEMENT ELEMENT (B)

Ordinance No. 120209; Petition No. PB-12-58 CPA

An ordinance amending the City of Gainesville Comprehensive Plan; by amending Policy 3.1.5 in the Future Land Use Element; by amending Policies 1.1.1, 1.3.1, 1.3.5, 1.3.8, 1.3.10, 1.5.2, and by deleting Objective 1.11 and its Policies in the Stormwater Management Element; 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 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 and Florida Department of Education; and, (3) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On November 15, 2012, the City Commission approved this ordinance at first hearing by a vote of 6-0. City staff then transmitted this ordinance to the state reviewing agencies, in accordance with the expedited state review process for comprehensive plan amendments. During the 30-day comment period, the City received 3 letters of "no comment" and 2 "comment" letters from the reviewing agencies. The "comment" letters from Florida Department of Economic Opportunity and Florida Department of Education include comments that are not related to this ordinance. Therefore, this ordinance remains the same as when approved on November 15, 2012.

This ordinance amends the Comprehensive Plan Future Land Use and Stormwater Management Elements to update and clarify certain policies based on recent information provided by the Public Works Department. Proposed amendments include:

1. Updating the appropriate state law references regarding stormwater management facility design and performance standards and water quality regulations.
2. Clarifying that floodplains and flood channels shall be delineated not by the now obsolete Master Flood Control Planning Maps, but by the most recent Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency (FEMA) or a localized study that uses FEMA-approved analyses and that is reviewed and approved by the Public Works Department.
3. Adding a reference to the National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit issued by the Florida Department of Environmental Protection regarding the Cabot-Koppers

Superfund site;

4. Expanding opportunities for the use of off-site stormwater facilities citywide to meet both stormwater quality and quantity requirements. Currently, Policy 1.5.2 only allows the use of off-site stormwater management facilities to meet stormwater quality treatment standards for redevelopment projects within Enterprise Zone Area 3. With this amendment, the City may allow use of off-site stormwater facilities for qualified developments, citywide, to satisfy the applicable stormwater quality and/or quantity standards required by the Public Works Design Manual. In addition, and in accordance with state law as adopted this year, the use of off-site stormwater management facilities will no longer be conditioned on receiving a permit from the applicable Water Management District.

Public notice was published in the Gainesville Sun on June 12, 2012. On June 28, 2012 the City Plan Board held a public hearing and, by a vote of 5-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the 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 consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the 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 with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.