



Legislation Text

File #: 110168., **Version:** 3

COMPREHENSIVE PLAN AMENDMENT - HISTORIC PRESERVATION ELEMENT (B)

Ordinance No. 110168; Petition No. PB-11-6 CPA

An ordinance amending the City of Gainesville Comprehensive Plan Historic Preservation Element by updating and amending 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 6-1 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 is part of amending the City of Gainesville Comprehensive Plan. The Historic Preservation Element emphasizes the preservation, protection, restoration and rehabilitation of historical and cultural resources and improves the quality of the built environment and maintains the character and identity of the City. The City Plan Board reviewed and provided comments to the Evaluation and Appraisal Report (EAR) for the Historic Preservation Element of the Comprehensive Plan at a public workshop on March 31, 2010. The City Commission heard an EAR progress report on August 19, 2010. The Plan Board recommended approval of the EAR on September 15, 2010, and the City Commission adopted the EAR on October 21, 2010. The Florida Department of Community Affairs on December 27, 2010 determined that the City's adopted Evaluation and Appraisal Report 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.

The proposed changes to the Goals, Objectives, and Policies include:

Policy 1.1.2 was deleted and replaced with more specific language to develop a city-wide archaeological sensitivity map to indicate the probability of archaeological sites. Coordinating with groups that are surveying and identifying cemeteries

(Policy 1.1.3) was deleted because at this time the surveying and registering of the Evergreen Cemetery has been postponed.

New policies (Policies 1.3.8, 1.3.9, and 1.3.10) have been added to promote: improvements to deteriorated structures, preservation of City-owned structures and projects within the historic districts adhering to appropriate historic preservation standards.

Other new policies (Policies 1.4.5, 1.4.6, and 1.47) focused on the coordination of the historic districts and the City's public spaces of streets and traffic circulation, sidewalks and utility improvements while maintaining the historic character of the historic districts and limiting traffic impacts.

The Plan Board discussed the Historic Preservation Element at their March 24, 2011 meeting and recommended a change to Policy 1.3.9.

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.