



## Legislation Text

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**File #:** 120234., **Version:** 2

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### **COMPREHENSIVE PLAN AMENDMENT - INTERGOVERNMENTAL COORDINATION ELEMENT (B)**

Ordinance No. 120234; Petition No. PB-12-72 CPA

An ordinance amending the Intergovernmental Coordination Element of the City of Gainesville Comprehensive Plan by deleting Policy 1.6.3; 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 on 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, the ordinance remains the same as when approved on November 15, 2012.

This ordinance amends the City of Gainesville Comprehensive Plan Intergovernmental Coordination Element (ICE) by deleting Policy 1.6.3. ICE Policy 1.6.3 encourages the City to pursue agreements with the School Board of Alachua County (SBAC) for the joint use of recreation facilities and to explore strategies for managing liability issues associated with their use by the public. However, Staff identified Policy 1.6.3 as being duplicative of Recreation Element Policies 1.3.2 and 1.3.3.

Recreation Policy 1.3.2 explicitly requires that the City enter into an individual, facility-specific agreement with SBAC prior to the use of each facility for public recreational purposes. This policy reflects the City's current practice and is more up to date than ICE Policy 1.6.3. In addition, Recreation Policy 1.3.3 contains an expanded list of potential partnering agencies for the joint use of recreation facilities that includes SBAC, Alachua County, the State, and other public agencies. Staff recommends deleting Intergovernmental Coordination Element Policy 1.6.3, as it is duplicative of Recreation Element Policies 1.3.2 and 1.3.3.

Public notice was published in the Gainesville Sun on July 10, 2012. On July 26, 2012 the City Plan Board held a public hearing and, by a vote of 6-0, 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.