



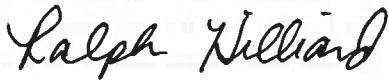
Petition 134TCH-98 PB  
City Plan Board  
July 16, 1998

Sec. 30-43. Rules for interpretation of district boundaries

(1) *Location of district boundary lines.*

- a. *Right-of-way Centerlines.* Boundaries indicated as approximately following streets shall be construed to follow the ~~centerlines of such streets~~ edge of the public right-of-way.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

RH:dm:js

8. **Petition 134TCH-98 PB** City Plan Board. Amend Sec. 30-43(1)a. of the City of Gainesville Land Development Code, to change the location of zoning boundaries from the centerline of streets to the edge of the public right-of-way.

Mr. Jason Simmons was recognized. Mr. Simmons indicated that the petition was in response to problems created by the recent passage of the Hogtown Creek Watershed Charter Amendment. He explained that the amendment had been interpreted in a manner that impacted the paving of streets, sidewalks, and bikelanes. He pointed out that streets adjacent to recreation and conservation lands were zoned recreation and conservation to the center line, therefore, no maintenance of the road or sidewalks was permitted, based upon the legal interpretation of the amendment. He indicated that the proposed Land Development Code text change placed the zoning boundaries at the right-of-way so existing streets and sidewalks could be maintained. Mr. Simmons stated that staff was recommending approval of the petition.

Mr. Guy suggested that the maps would then have strips where there was no zoning.

Mr. Hilliard explained that the only area where there might be a problem was in the vacation of a right-of-way. He explained that, at the present time, no land use and zoning change was required when there was a vacation. In the future, he noted, whoever took possession of the vacated right-of-way would be required to have the land use and zoning changed if they wished to use that property.

Chair Barrow stated that he was, in general, opposed to giving improved streets to private owners. He suggested that, if the petition would bring about more public participation in the process, he would approve.

Mr. Shelton asked what the zoning would be on the streets if the present zoning only went to the right-of-way.

Mr. Hilliard indicated that the street would then be unzoned property, and the Code considered unzoned property to be conservation. He explained that there would be other text changes proposed to deal with the area of the streets.

Chair Barrow indicated that, while he understood the problem, he had concerns about removing zoning from all streets. He asked if there had been further action on the amendment.

Mr. Dean Mimms was recognized. Mr. Mimms discussed text from the Chapter 30- Section 43 of the Land Development Code that he believed might clarify the situation.

Mr. Hilliard explained that there had been discussion of another charter amendment to change or clarify the language. He noted that research had been done on how other cities handled the issue.

Chair Barrow stated that he believed in neo-traditional neighborhoods and the Duany way of zoning, which included parks and streets as public ground zoning. He suggested movement towards that type of system.

Mr. Hilliard indicated that some cities specified roadways as public service.

There was discussion of how the Code related to the issue.

Mr. McGill suggested that, since the citizens chose to vote for an amendment that did not allow repair of roads and sidewalks, that choice should be accepted. He indicated that he did not support public policy by constitutional amendment.

Chair Barrow indicated that he understood why the change was proposed but, he did believe some improvements were taking place at the present time.

Mr. Hilliard stated that there were no improvements taking place in the Hogtown Creek Watershed, which included most of western Gainesville. He noted that a report had been presented to the City Commission by the Public Works Department on which projects could and could be completed.

Chair Barrow noted that, while he was in support of maintaining the roadways, he agreed with Mr. McGill. He suggested that the Plan Board could send a message to the Commission that "the reason we're denying this is because we're giving the people what they asked for."

Mr. McGill indicated that he did not wish to prevent normal maintenance, but he was not sure that the proposed change would solve the problem.

Mr. Hilliard suggested that the petition could be continued for more research. He noted that the petition would go to the City Commission.

There was discussion of areas that currently required maintenance.

Chair Barrow noted that the board agreed that they should do what was best for the City. He suggested, however, that the board send a message to the Commission.

Mr. Guy indicated that he would agree to vote against the petition. He indicated that the main issue was "the responsibility for the actions and the way the amendment was written." He suggested that, if actions were taken by citizens, there were consequences to bear.

Chair Barrow noted that, even if the board denied the petition, it would still go on to the City Commission and the City Commission could take the action they wished.

Chair Barrow opened the floor to public comment. One person requested and was given specifics of the Hogtown Creek Watershed Amendment and its ramifications.

Chair Barrow indicated that he agreed with Mr. Guy and would vote against the petition. He reiterated that the City Commission would review and have the final vote on the matter.

Chair Barrow closed the public portion of the hearing.

Mr. Carter indicated that he believed a problem existed and the board had been requested, and had a responsibility, to try and remedy that problem.

Mr. Shelton agreed with Mr. Carter.

Chair Barrow pointed out that the petition was different and would have a significant impact on the way zoning was viewed throughout the entire City. He suggested that it was a "Band-Aid" solution to a serious problem.

<u>Motion By:</u> Mr. Shelton	<u>Seconded By:</u> Mr. McGill
<u>Moved To:</u> Approve Petition 134TCH-98 PB with modifications to Chapter 30-43 of the Land Development Code.	<u>Upon Vote:</u> Motion Failed 2-3 Yeas: Shelton, Carter Nays: Barrow, McGill, Guy

