

# MEMORANDUM

Office of the City Attorney

LEGISTAR ITEM NO. 050160

Phone: 334-5011/Fax 334-2229  
Box 46

TO: Mayor and City Commission

DATE: November 14, 2005  
~~October 24, 2005~~

FROM: City Attorney

SECOND READING  
~~FIRST READING~~

SUBJECT: Ordinance No. 0-05-92, Petition No. 109ZON-05PB  
An Ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning and imposing the Significant Ecological Communities Overlay District category on certain properties zoned "RSF-1: 3.5 units/acre single-family residential district", and "I-1: Limited industrial district"; consisting of approximately 358 acres, and generally located south of NE 53<sup>rd</sup> Avenue, east of NE 15<sup>th</sup> Street, north of NE 39<sup>th</sup> Avenue and west of Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT STAFF MEMORANDUM

On August 28, 2003, the City Plan Board made a final recommendation for a petition to the City Commission to establish a Significant Ecological Communities ordinance. The City Commission adopted this ordinance on second reading at its November 8, 2004, meeting. The ordinance establishes standards for protecting significant ecological communities within the City.

The next step necessary to implement this ordinance is to rezone parcels ranked "outstanding" or "high" (in terms of assessed environmental value) so that the Significant Ecological Communities regulations become an overlay to the land development regulations that apply to those parcels.

The subject property has been deemed "outstanding" by City Nature Operations staff, and is 358 acres in size. The property has split zoning and land use: single-family and industrial.

The Significant Ecological Communities Overlay Zoning District standards would operate in conjunction with underlying zoning district regulations for this property. The regulations of the underlying zoning districts would remain in effect and would be further regulated by the Overlay District standards. If the provisions of the Overlay District standards conflict with the underlying zoning, the provisions of the Overlay District would prevail.

Over the course of the next several months, staff will be presenting additional petitions for the Plan Board to consider regarding the remaining parcels that have been ranked "outstanding" or "high" by staff.

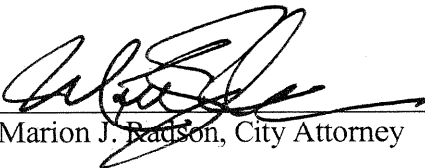
The Plan Board heard the petition and recommended that the City Commission approve the petition.

Public notice was published in the Gainesville Sun on July 5, 2005 and August 28, 2005. Letters were mailed to surrounding property owners on July 6, 2005 and August 26, 2005. The Plan Board held a public hearing July 21, 2005 and the City Commission held a public hearing September 12, 2005.

### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 12, 2005, authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning and imposing the Significant Ecological Communities Overlay District on certain lands within the City of Gainesville.

Prepared and Submitted by:



Marion J. Radson, City Attorney

MJR/afm

Attachment

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**Passed on first reading by a vote of 6-1.**

# D R A F T

9/26/2005

ORDINANCE NO. \_\_\_\_\_  
0-05-92

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4       **An Ordinance of the City of Gainesville, Florida, amending the**  
5       **Zoning Map Atlas by rezoning and imposing the Significant**  
6       **Ecological Communities Overlay District category on certain**  
7       **properties zoned "RSF-1: 3.5 units/acre single-family**  
8       **residential district", and "I-1: Limited industrial district";**  
9       **consisting of approximately 358 acres, and generally located**  
10       **south of NE 53<sup>rd</sup> Avenue, east of NE 15<sup>th</sup> Street, north of NE 39<sup>th</sup>**  
11       **Avenue and west of Waldo Road; providing a severability**  
12       **clause; providing a repealing clause; and providing an**  
13       **immediate effective date.**  
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15  
16       **WHEREAS**, publication of notice of a public hearing was given that the Zoning Map Atlas  
17 be amended by imposing the Significant Ecological Communities Overlay District category on  
18 certain property zoned "RSF-1: 3.5 units/acre single-family residential district", and "I-1: Limited  
19 industrial district", as more specifically described in this Ordinance; and

20       **WHEREAS**, notice was given and publication made as required by law of a public hearing  
21 which was held by the City Plan Board on July 21, 2005; and

22       **WHEREAS**, notice was given and publication made of a public hearing which was then  
23 held by the City Commission on September 12, 2005; and

24       **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10  
25 inches long was placed in a newspaper of general circulation and of the Public Hearing to be held in  
26 the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven  
27 (7) days after the day the first advertisement was published; and

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1           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was  
2 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at  
3 the adoption stage at least five (5) days after the day the second advertisement was published; and

4           **WHEREAS**, public hearings were held pursuant to the published and mailed notices  
5 described above at which hearings the parties in interest and all others had an opportunity to be and  
6 were, in fact, heard; and

7           **WHEREAS**, the City Commission finds that the imposition of the overlay district as  
8 provided in this Ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive  
9 Plan.

10           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
11 **CITY OF GAINESVILLE, FLORIDA:**

12           **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by imposing the  
13 Significant Ecological Communities Overlay District on Tax Parcel No. 08160-001-000 as more  
14 specifically shown on the map attached hereto as "Exhibit A" and made a part hereof as if set  
15 forth in full.

16           **Section 2.** The underlying zoning districts on the above-described property are neither  
17 abandoned nor repealed; the existing regulations remain in effect. The Overlay District  
18 classification shall not modify existing zoning requirements except to the extent that they conflict  
19 with the provisions of the Significant Ecological Communities District. In the event of conflict, the  
20 regulations of the Significant Ecological Communities District shall govern and prevail. The

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9/26/2005

1 requirements, regulations, and procedures set forth in Chapter 30 of the Gainesville Code of  
2 Ordinances shall otherwise remain applicable to the properties so classified.

3 **Section 3.** The City Manager is authorized and directed to make the necessary change in the  
4 Zoning Map Atlas to comply with this Ordinance.

5 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
6 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
7 the validity of the remaining portions of this ordinance.

8 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
9 such conflict hereby repealed.

10 **Section 6.** This ordinance shall become effective immediately upon final adoption.

11 **PASSED AND ADOPTED** this            day of

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Pegeen Hanrahan, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

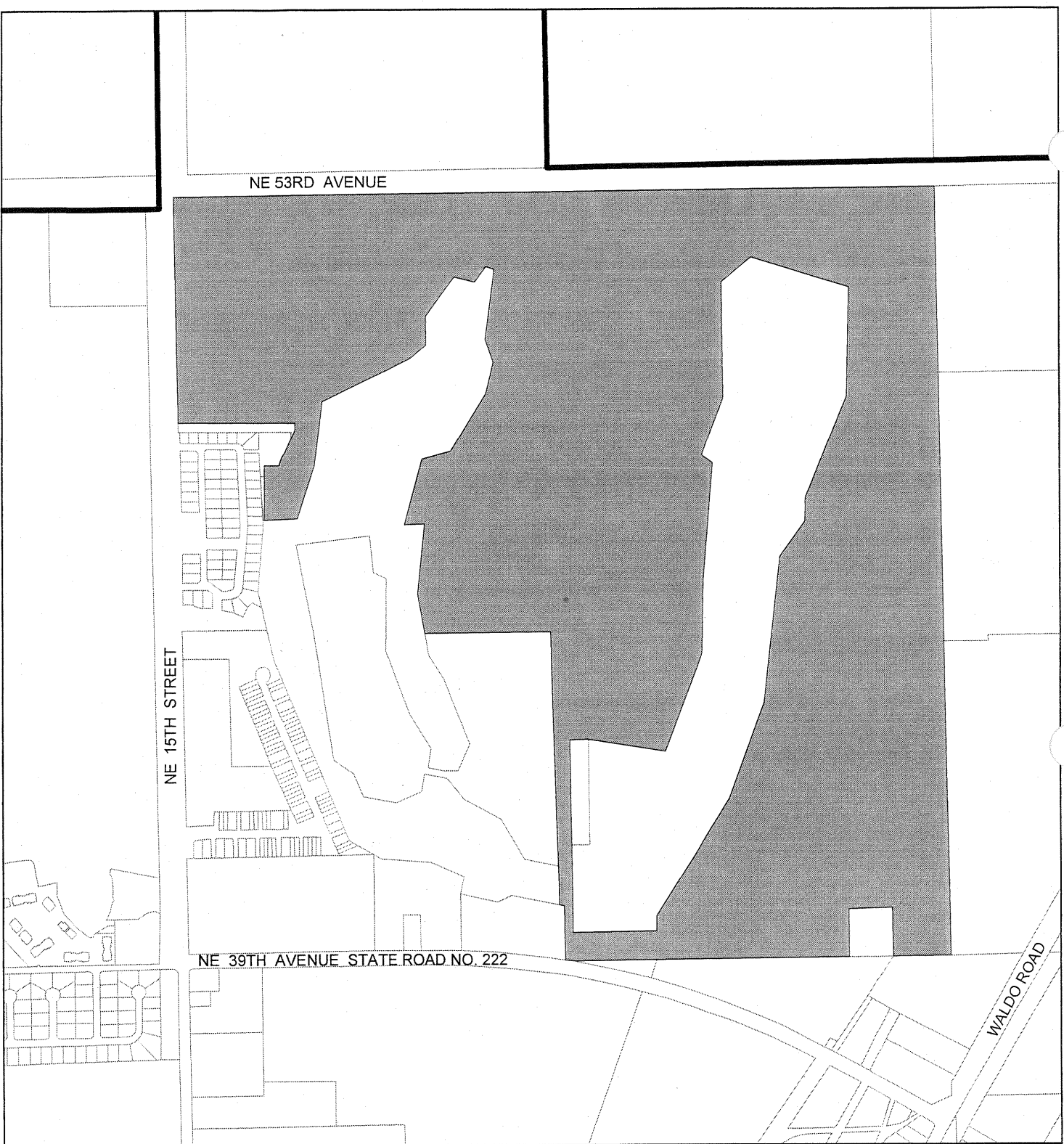
\_\_\_\_\_  
Kurt Lannon,  
Clerk of the Commission

\_\_\_\_\_  
Marion J. Radson, City Attorney

This ordinance passed on first reading this            day of

This ordinance passed on second reading this            day of


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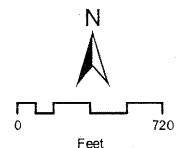
**Petition 109ZON-05PB**

**Proposed Rezoning from RSF1 to Significant Ecological Communities Overlay**

Parcel #08160-001-000

 08160-001-000

 City Limits



Prepared by the Department of Community Development  
 Planning Division/GIS 092205  
 File: Attorney\_Maps\_109ZON-05PB\_092205