



MEMORANDUM

Office of the City Attorney

LEGISLATIVE NO. 002149

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

October 28, 2002

TO: Mayor and City Commission

DATE: ~~October 14, 2002~~

FROM: City Attorney

SECOND READING

~~FIRST READING~~

SUBJECT: **Ordinance No. 0-02-57**

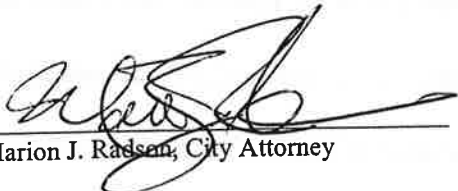
An ordinance of the City of Gainesville, Florida, amending Ordinance Nos. 002084 and 002574 and extending the time period of the temporary moratorium on zoning permits, development plan approval and any other official action of the City of Gainesville permitting or having the effect of permitting development or use on all real property that is zoned "BUS: General business district", "BT: Tourist-oriented business district" and any commercial use, as more specifically defined in this ordinance, on all real property that is zoned "MU-1: 10-30 units/acre mixed use low intensity", "RMF-5: 12 units/acre single-family/multiple-family residential district", "RMF-6: 8-15 units/acre multiple-family residential district", "RMF-7: 8-21 units/acre multiple-family residential district", "RMF-8: 8-30 units/acre multiple-family residential district", "OR: 20 units/acre office residential district", "RH-1: 8-43 units/acre residential high density district", and "RH-2: 8-100 units/acre residential high density district"; located within the S.W. 13th Street Corridor, as more specifically described in this Ordinance, generally bounded on the North by SW Archer Road, and on the South by the city limits, and located generally north of Williston Road; providing a procedure for extraordinary hardship; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

Ordinance No. 002084 was adopted by the City Commission on December 20, 2001, imposing a temporary moratorium on zoning permits, development plan approval and any other official action of the City located in the SW 13th Street Corridor. Ordinance No. 002574 was adopted by the City Commission on April 22, 2002, extending the moratorium to end on Monday, November 25, 2002.

The City Commission, at its meeting of August 26, 2002 authorized the City Attorney to prepare an ordinance extending the moratorium for a period from 91 days ending on Monday, February 24, 2003.

Prepared and
Submitted by:


Marion J. Radsen, City Attorney

Passed on first reading by a vote of 4-1.

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9/3/2002

ORDINANCE NO. 0-02-57

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4 **An ordinance of the City of Gainesville, Florida, amending Ordinance**
5 **Nos. 002084 and 002574 and extending the time period of the**
6 **temporary moratorium on zoning permits, development plan**
7 **approval and any other official action of the City of Gainesville**
8 **permitting or having the effect of permitting development or use on**
9 **all real property that is zoned "BUS: General business district", "BT:**
10 **Tourist-oriented business district" and any commercial use, as more**
11 **specifically defined in this ordinance, on all real property that is zoned**
12 **"MU-1: 10-30 units/acre mixed use low intensity", "RMF-5: 12**
13 **units/acre single-family/multiple-family residential district", "RMF-6:**
14 **8-15 units/acre multiple-family residential district", "RMF-7: 8-21**
15 **units/acre multiple-family residential district", "RMF-8: 8-30**
16 **units/acre multiple-family residential district", "OR: 20 units/acre**
17 **office residential district", "RH-1: 8-43 units/acre residential high**
18 **density district", and "RH-2: 8-100 units/acre residential high density**
19 **district"; located within the S.W. 13th Street Corridor, as more**
20 **specifically described in this Ordinance, generally bounded on the**
21 **North by SW Archer Road, and on the South by the city limits, and**
22 **located generally north of Williston Road; providing a procedure for**
23 **extraordinary hardship; providing a severability clause; providing a**
24 **repealing clause and providing an immediate effective date.**

25
26 **WHEREAS**, on December 20, 2001, the Gainesville City Commission adopted
27 Ordinance No. 002084 imposing a temporary moratorium (hereinafter "moratorium") on zoning
28 permits, preliminary or final development plan, special use permit, variance approval and any
29 other official action of the City of Gainesville permitting or having the effect of permitting
30 development or use on all real property located along the S.W. 13th Street Corridor in the City of
31 Gainesville that is zoned "BUS: General business district", "BT: Tourist-oriented business district"
32 and any commercial use, as more specifically defined in Ordinance No. 002084, on all real
33 property that is zoned "MU-1: 10-30 units/acre mixed use low intensity", "RMF-5: 12 units/acre
34 single-family/multiple-family residential district", "RMF-6: 8-15 units/acre multiple-family
35 residential district", "RMF-7: 8-21 units/acre multiple-family residential district", "RMF-8: 8-30
36 units/acre multiple-family residential district", "OR: 20 units/acre office residential district", "RH-1:

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1 8-43 units/acre residential high density district', and 'RH-2: 8-100 units/acre residential high
2 density district"; and

3 **WHEREAS**, on April 22, 2002, the Gainesville City Commission adopted Ordinance
4 No. 002574 extending the moratorium that will end at 11:59 p.m. on Monday, November 25,
5 2002; and

6 **WHEREAS**, an additional period of time is necessary to complete the study on the
7 potential impact of certain uses and development within the SW 13th Street Corridor on the
8 environment and surrounding land uses and to adopt any amendatory ordinances, as may be
9 deemed necessary; and

10 **WHEREAS**, the City Commission finds that it is essential to protect and preserve the
11 environment and the public health, welfare and safety of the City and its citizenry, that it is in the
12 City's best interest, and that it is consistent with the Comprehensive Plan for the City to extend
13 the term of the moratorium for an additional period of 91 days; and

14 **WHEREAS**, the City Commission readopts the findings in Ordinance Nos. 002084 and
15 002574 in support of this 91 day extension of the moratorium; and

16 **WHEREAS**, a legal advertisement no less than two columns wide by ten inches long
17 was placed in a newspaper of general circulation notifying the public of this proposed Ordinance
18 and of the Public Hearing to be held in the City Commission Auditorium, First Floor, City Hall,
19 of the City of Gainesville at least seven days after the day the first legal advertisement was
20 published; and

21 **WHEREAS**, a second legal advertisement no less than two columns wide by ten inches
22 long was placed in the aforesaid newspaper notifying the public of the second Public Hearing to
23 be held at least five days after the day the second legal advertisement was published; and

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1 **WHEREAS**, Public Hearings were held pursuant to the published notices described
2 above at which hearing the parties in interest and all others had an opportunity to be and were, in
3 fact, heard.

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COOMMISSION OF**
5 **THE CITY OF GAINESVILLE, FLORIDA:**

6 **Section 1.** The City Commission readopts and reaffirms the findings contained in
7 Section 1 of Ordinance No. 002084, including the findings contained in Section 1 of Ordinance
8 No. 002574, and the foregoing findings provided in the Whereas clauses above.

9 **Section 2.** Imposition of Additional Temporary Moratorium

10 The time period of the moratorium as provided in Section 2 of Ordinance No. 002574 is
11 extended for an additional period of 91 days and shall end at 11:59 p.m. on Monday, February
12 24, 2003, or the date of adoption of ordinance(s) implementing the review, study holding of
13 public hearings, preparation and adoption of an amendment or amendments to the City of
14 Gainesville Comprehensive Plan and Code of Ordinances including the Land Development
15 Code.

16 **Section 3.** Except as hereinabove modified and amended, the provisions and terms of
17 Ordinance Nos. 002084 and 002574 shall remain in full force and effect.

18 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this
19 ordinance or the application hereof to any person or circumstance is held invalid or
20 unconstitutional, such finding shall not affect the other provisions or applications of the
21 ordinance which can be given effect without the valid or unconstitutional provisions or
22 application, and to this end the provisions of this ordinance are declared severable.

23 **Section 5.** This ordinance shall become effective immediately upon final adoption.

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9/3/2002

1 PASSED AND ADOPTED this _____ day of _____, 2002.

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ATTEST:

Thomas D. Bussing, Mayor

APPROVED AS TO FORM AND LEGALITY:

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Kurt Lannon
Clerk of the Commission

Marion J. Radson, City Attorney

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This ordinance passed on first reading this _____ day of _____, 2002.

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This ordinance passed on second reading this _____ day of _____, 2002.

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