



# MEMORANDUM

Office of the City Attorney

Registar No. 000901  
Phone: 334-5011/Fax 334-2229

Box 46

TO: CITY COMMISSION

DATE: April 9, 2001  
FIRST READING

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-01-21; Petition No. 12TCH-01 PB  
An ordinance of the City of Gainesville, Florida, relating to historic preservation; amending section 30-112 of the Land Development Code to require a certificate of appropriateness be obtained for fencing on vacant property within an historic district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission (1) approve Petition 12TCH-01 PB, and (2) adopt the proposed ordinance.

Staff has examined the review process for fences installed on vacant land in the historic districts, and is proposing an amendment to the Land Development Code to provide for the Historic Preservation Board (HPB) review of applications for fencing on vacant property. The HPB presently only has review of regulated work items such as fences to contributing structures within a local register district and structures listed individually on the local register, and not review authority over fences on vacant properties within an historic district.

The City of Gainesville's Historic Preservation/conservation districts are regulated by Section 30-112. The addition of the word fence in Sec. 30-112(d)(5)d.1., would require fencing on vacant property to be reviewed by the Historic Preservation Board for appropriateness within the district to ensure a sympathetic addition and maintain the character of the historic district.

Public notice was published in the Gainesville Sun on January 30, 2001. The Plan Board held a public hearing February 15, 2001. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 12TCH-01 PB. Plan Board vote 6-0.

Fiscal Note. None

Prepared by:

  
Patricia M. Carter, Sr. Assistant City Attorney

Approved and  
Submitted by:

  
Marion J. Radson, City Attorney

MJR:PMC:sw

**D R A F T**

4/9/01

ORDINANCE NO. \_\_\_\_\_

0-01-21

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4 **An ordinance of the City of Gainesville, Florida, relating to historic**  
5 **preservation; amending section 30-112 of the Land Development Code to**  
6 **require a certificate of appropriateness be obtained for fencing on vacant**  
7 **property within an historic district; providing directions to the codifier;**  
8 **providing a severability clause; providing a repealing clause; and providing**  
9 **an immediate effective date.**

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11 **WHEREAS**, the City Plan Board authorized the publication of notice of a Public Hearing  
12 that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

13 **WHEREAS**, notice was given and publication made as required by law and a Public  
14 Hearing was then held by the City Plan Board on February 15, 2001; and

15 **WHEREAS**, notice was given and publication made of a Public Hearing which was then  
16 held by the City Commission on April 9, 2001; and

17 **WHEREAS**, at least 10 days notice has been given prior to first reading by publication in  
18 a newspaper of general circulation notifying the public of this proposed ordinance and of a Public  
19 Hearing in the Auditorium of City Hall in the City of Gainesville; and

20 **WHEREAS**, the Public Hearings were held pursuant to the published notice described at  
21 which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
22 heard;

23 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
24 **CITY OF GAINESVILLE, FLORIDA:**

25 **Section 1.** Subsection 30-112(d)(5)d.1. of the Land Development Code of the City of  
26 Gainesville is amended to read as follows:

1 **Sec. 30-112. Historic preservation/conservation.**

2 (d) *Local register of historic places.*

3 (5) *Certificate of appropriateness required.*

4 d. In addition to the foregoing a certificate of appropriateness must be  
5 obtained from the historic preservation board to:

6 1. Erect a new building, structure, fence or parking lot within a  
7 district listed on the local register.

8 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this  
9 ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,  
10 Florida, and that the Sections and Paragraphs of this ordinance may be renumbered or relettered  
11 in order to accomplish such intentions.

12 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or  
13 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
14 the validity of the remaining portions of this ordinance.

15 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
16 conflict hereby repealed.

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

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19 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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PAULA M. DeLANEY  
MAYOR

**D R A F T**

4/9/01

Approved as to form and legality

1 ATTEST:

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5 \_\_\_\_\_  
6 KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_   
MARION J. RADSON  
CITY ATTORNEY

7 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

8 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

9  
10 carter:ordinances:12TCH-01 PB