

ORDINANCE NO. 0-06-58

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 RMF-5 (12 units/acre residential low density district), RMF-6 (8-15 units/acre multiple-family residential district), RSF-1 (3.5 units/acre single-family residential district), RSF-4 (8 units/acre single-family residential district), CON (Conservation district) and MU-1 (8-30 units/acre mixed use low intensity) consisting of Tax Parcels 11243-000-000, 11283-000-000, 11284-000-000, 11286-000-000, 11287-000-000, 11288-000-000, 11356-000,000 and 16073-000-000 (totaling approximately 47 acres in size), and generally located east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road, as more specifically described in this ordinance; making findings; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a public hearing was given that the Zoning Map Atlas be amended by imposing the Significant Ecological Communities Overlay District on certain property zoned RMF-6 (8-15 units/acre multiple-family residential district), RMF-5 (12 units/acre residential low density district), RSF-1 (3.5 units/acre single-family residential district), RSF-4 (8 units/acre single-family residential district), CON (Conservation district) and MU-1 (8-30 units/acre mixed use low intensity) consisting of Tax Parcels 11243-000-000, 11283-000-000, 11284-000-000, 11286-000-000, 11287-000-000, 11288-000-000, 11356-000-000 and 16073-000-000 (totaling approximately 47 acres in size), and generally located east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road, and more specifically described in this ordinance; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on March 16, 2006; and

1 **WHEREAS**, notice was given and publication made and the Petition was heard
2 by the City Commission on May 8, 2006; and

3 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by
4 10 inches long was placed in a newspaper of general circulation notifying the public of
5 this proposed ordinance and of a Public Hearing in the City Commission meeting room,
6 City Hall, City of Gainesville to be held at least 7 days after the day this first
7 advertisement was published; and

8 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches
9 long was placed in a newspaper of general circulation notifying the public of the second
10 Public Hearing to be held at the adoption stage at least 5 days after the day this second
11 advertisement was published; and

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

15 **WHEREAS**, the City finds that the imposition of the overlay district as provided
16 in this Ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive
17 Plan.

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
19 **OF THE CITY OF GAINESVILLE, FLORIDA:**

20 **Section 1.** The City Commission of the City of Gainesville, Florida finds that
21 based on an evaluation of the ecological features and functions of Tax Parcel 11243-000-
22 000 (approximately 3.64 acres), in accordance with subsection 30-309.1(a), City of
23 Gainesville Code of Ordinances, it is appropriate to impose the Significant Ecological

1 Communities Overlay District on Tax Parcel 11243-000-000. The evaluation score
2 sheet, a copy of which is attached hereto as Exhibit “A” and made a part hereof as if set
3 forth in full, is adopted.

4 **Section 2.** The Zoning Map Atlas of the City of Gainesville is amended by
5 imposing the Significant Ecological Communities Overlay District on Tax Parcel 11243-
6 000-000. A map of the parcel taken from the City of Gainesville Zoning Atlas is attached
7 hereto as Exhibit “B” and made a part hereof as if set forth in full.

8 **Section 3.** The City Commission of the City of Gainesville, Florida finds that
9 based on an evaluation of the ecological features and functions of Parcel 11283-000-000
10 (approximately 8.96 acres), in accordance with subsection 30-309.1(a), City of
11 Gainesville Code of Ordinances, it is appropriate to impose the Significant Ecological
12 Communities Overlay District on Tax Parcel 11243-000-000. The evaluation score
13 sheet, a copy of which is attached hereto as Exhibit “C” and made a part hereof as if set
14 forth in full, is adopted.

15 **Section 4.** The Zoning Map Atlas of the City of Gainesville is amended by
16 imposing the Significant Ecological Communities Overlay District on Tax Parcel 11283-
17 000-000. A map of the parcel taken from the City of Gainesville Zoning Atlas is attached
18 hereto as Exhibit “D” and made a part hereof as if set forth in full.

19 **Section 5.** The City Commission of the City of Gainesville, Florida finds that
20 based on an evaluation of the ecological features and functions of Parcel 11284-000-000
21 (approximately 2.5 acres), in accordance with subsection 30-309.1(a), City of Gainesville
22 Code of Ordinances, it is appropriate to impose the Significant Ecological Communities
23 Overlay District on Tax Parcel 11284-000-000. The evaluation score sheet, a copy of

1 which is attached hereto as Exhibit “E” and made a part hereof as if set forth in full, is
2 adopted.

3 **Section 6.** The Zoning Map Atlas of the City of Gainesville is amended by
4 imposing the Significant Ecological Communities Overlay District on Tax Parcel 11284-
5 000-000. A map of the parcel taken from the City of Gainesville Zoning Atlas is attached
6 hereto as Exhibit “F” and made a part hereof as if set forth in full.

7 **Section 7.** The City Commission of the City of Gainesville, Florida finds that
8 based on an evaluation of the ecological features and functions of Parcel 11286-000-000
9 (approximately 5 acres), in accordance with subsection 30-309.1(a), City of Gainesville
10 Code of Ordinances, it is appropriate to impose the Significant Ecological Communities
11 Overlay District on Tax Parcel 11286-000-000. The evaluation score sheet, a copy of
12 which is attached hereto as Exhibit “G” and made a part hereof as if set forth in full, is
13 adopted.

14 **Section 8.** The Zoning Map Atlas of the City of Gainesville is amended by
15 imposing the Significant Ecological Communities Overlay District on Tax Parcel 11286-
16 000-000. A map of the parcel taken from the City of Gainesville Zoning Atlas is attached
17 hereto as Exhibit “H” and made a part hereof as if set forth in full.

18 **Section 9.** The City Commission of the City of Gainesville, Florida finds that
19 based on an evaluation of the ecological features and functions of Parcel 11287-000-000
20 (approximately 5 acres), in accordance with subsection 30-309.1(a), City of Gainesville
21 Code of Ordinances, it is appropriate to impose the Significant Ecological Communities
22 Overlay District on Tax Parcel 11287-000-000. The evaluation score sheet, a copy of

1 which is attached hereto as Exhibit “I” and made a part hereof as if set forth in full, is
2 adopted.

3 **Section 10.** The Zoning Map Atlas of the City of Gainesville is amended by
4 imposing the Significant Ecological Communities Overlay District on Tax Parcel 11287-
5 000-000. A map of the parcel taken from the City of Gainesville Zoning Atlas is attached
6 hereto as Exhibit “J” and made a part hereof as if set forth in full.

7 **Section 11.** The City Commission of the City of Gainesville, Florida finds that
8 based on an evaluation of the ecological features and functions of Parcel 11288-000-000
9 (approximately 10.83 acres), in accordance with subsection 30-309.1(a), City of
10 Gainesville Code of Ordinances, it is appropriate to impose the Significant Ecological
11 Communities Overlay District on Tax Parcel 11288-000-000. The evaluation score sheet,
12 a copy of which is attached hereto as Exhibit “K” and made a part hereof as if set forth in
13 full, is adopted.

14 **Section 12.** The Zoning Map Atlas of the City of Gainesville is amended by
15 imposing the Significant Ecological Communities Overlay District on Tax Parcel 11288-
16 000-000. A map of the parcel taken from the City of Gainesville Zoning Atlas is attached
17 hereto as Exhibit “L” and made a part hereof as if set forth in full.

18 **Section 13.** The City Commission of the City of Gainesville, Florida finds that
19 based on an evaluation of the ecological features and functions of Parcel 11356-000-000
20 (approximately 5 acres), in accordance with subsection 30-309.1(a), City of Gainesville
21 Code of Ordinances, it is appropriate to impose the Significant Ecological Communities
22 Overlay District on Tax Parcel 11356-000-000. The evaluation score sheet, a copy of

1 which is attached hereto as Exhibit “M” and made a part hereof as if set forth in full, is
2 adopted.

3 **Section 14.** The Zoning Map Atlas of the City of Gainesville is amended by
4 imposing the Significant Ecological Communities Overlay District on Tax Parcel 11356-
5 000-000. A map of the parcel taken from the City of Gainesville Zoning Atlas is attached
6 hereto as Exhibit “N” and made a part hereof as if set forth in full.

7 **Section 15.** The City Commission of the City of Gainesville, Florida finds that
8 based on an evaluation of the ecological features and functions of Parcel 16073-000-000
9 (approximately 5.75 acres), in accordance with subsection 30-309.1(a), City of
10 Gainesville Code of Ordinances, it is appropriate to impose the Significant Ecological
11 Communities Overlay District on Tax Parcel 16073-000-000. The evaluation score sheet,
12 a copy of which is attached hereto as Exhibit “O” and made a part hereof as if set forth in
13 full, is adopted.

14 **Section 16.** The Zoning Map Atlas of the City of Gainesville is amended by
15 imposing the Significant Ecological Communities Overlay District on Tax Parcel 16073-
16 000-000. A map of the parcel taken from the City of Gainesville Zoning Atlas is attached
17 hereto as Exhibit “P” and made a part hereof as if set forth in full.

18 **Section 17.** *Effect of Classification.* The underlying zoning district categories on
19 the above-described properties are neither abandoned nor repealed; the existing zoning
20 regulations remain in effect. The Significant Ecological Communities Overlay District
21 classification shall not modify existing zoning requirements except to the extent that they
22 conflict with the provisions of the Significant Ecological Communities Overlay District.
23 In the event of conflict, the regulations of the Significant Ecological Communities

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

4 **Section 18.** The City Manager is authorized and directed to make this changes in
5 the Zoning Map Atlas in order to comply with this ordinance.

6 **Section 19.** If any section, sentence, clause or phrase of this ordinance is held to
7 be invalid or unconstitutional by any court of competent jurisdiction, then said holding
8 shall in no way affect the validity of the remaining portions of this ordinance.

9 **Section 20.** All ordinances, or parts of ordinances, in conflict herewith are to the
10 extent of such conflict hereby repealed.

11 **Section 21.** This ordinance shall become effective immediately upon final
12 adoption.

13 **PASSED AND ADOPTED** this ____ day of _____, 2007.

14
15
16 _____
17 PEGEEN HANRAHAN
18 MAYOR

19
20
21 ATTEST: Approved as to form and legality

22
23
24 _____
25 KURT M. LANNON
26 CLERK OF THE COMMISSION

27
28 _____
29 MARION J. RADSON
CITY ATTORNEY

28 This Ordinance passed on first reading this ____ day of _____, 2007.

29 This Ordinance passed on second reading this ____ day of _____, 2007.