

MEMORANDUM
Office of the City Attorney

Legistar No. 060773

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

TO: Mayor and City Commission

DATE: January 8, 2007
~~December 11, 2006~~
FIRST READING

FROM: City Attorney

SECOND READING

SUBJECT: Ordinance No. 0-06-44; Petition 160MSC-06 PB
An ordinance of the City of Gainesville, Florida, amending the list of contributing buildings and structures in the Southeast Residential Historic District, as more specifically described in this ordinance; finding these additional buildings and structures to be contributing structures subject to the regulations of the City's historic preservation/conservation ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

The petition changes the status of four principal structures from non-contributing to contributing in the Southeast Gainesville Historic District. The Southeast Gainesville Historic District was approved by the City Commission on March 13, 1989 (157ZON-88PB Ordinance #3522) and contributing and non-contributing status was applied to each building, site, structure or object.

As defined in the cultural resources survey, contributing buildings and structures are those that have been documented with the Florida Division of Historic Resources through completion of a Florida Master Site File. Also they are at least 45 years old, and have not been severely altered, namely through radical alteration of original plan, enclosing of porches, or additions to the facade. Contributing structures include principal dwellings or buildings, garage apartments, and outbuildings. Conversely, noncontributing buildings and structures are defined as buildings with a Florida Master Site File that have been severely altered and/or buildings that are less than 45 years old.

Staff has found that 4 non-contributing buildings, sites, structures or objects (as reflected on the list and map attached as Exhibit "A") have met the criteria to be classified as contributing structures.

The Historic Preservation Board unanimously approved the proposed changes in status from non-contributing to contributing structures at a Special Meeting on November 8, 2005.

Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board approved the petition by a 6-0 vote and recommended that the City Commission approve Petition 160MSC-05 PB.

The petition and ordinance were placed on the August 14, 2006 City Commission agenda for first reading; however, it was pulled from the Agenda when a citizen questioned the accuracy of some of the details on the map attached to the ordinance. Since that time, the details of the map have been updated. Those details dealt primarily with the shape of building footprints as depicted on the map. The updates did not change the contributing/non-contributing status of any properties or change the District Boundaries.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. The City Commission adopted the ordinance on first reading December 11, 2006, and second and final reading is January 8, 2007.

Fiscal Note: None

Prepared by: Nicolle M. Smith
Nicolle M. Smith,
Assistant City Attorney II

Approved and
Submitted by: Marion J. Radson
Marion J. Radson,
City Attorney

MJR:NDM:sw

PASSED ON FIRST READING BY A VOTE OF 5-0.

ORDINANCE NO. 060773
0-06-44

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2
3 **An ordinance of the City of Gainesville, Florida, amending the**
4 **list of contributing buildings and structures in the Southeast**
5 **Residential Historic District, as more specifically described in**
6 **this ordinance; finding these additional buildings and**
7 **structures to be contributing structures subject to the**
8 **regulations of the City's historic preservation/conservation**
9 **ordinance; providing a severability clause; providing a**
10 **repealing clause; and providing an immediate effective date.**
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13 **WHEREAS**, on March 13, 1989, the City Commission of the City of Gainesville
14 adopted Ordinance No. 3522, establishing the Southeast Residential Historic District; and

15 **WHEREAS**, there are structures in the Southeast Residential Historic District that were
16 not 45 years old when the district was established and were therefore listed as non-contributing
17 structures; and

18 **WHEREAS**, the Historic Preservation Board recommended that 4 structures be added to
19 the list of contributing structures to the Southeast Residential Historic district; and

20 **WHEREAS**, notice was given and publication made as required by law and a public
21 hearing was then held by the City Plan Board on March 16, 2006; and

22 **WHEREAS**, at least 10 days notice has been given once by publication in a newspaper
23 of general circulation notifying the public of this proposed ordinance and of a public hearing to
24 be held in the City Commission Auditorium, City Hall, City of Gainesville; and

25 **WHEREAS**, notice has also been given by mail to the owners whose property will be
26 regulated by the adoption of this Ordinance, at least 15 days prior to the date set for a public
27 hearing on this ordinance; and

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WHEREAS, the public hearings were held pursuant to the published notice described above, at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;

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

Section 1. The following structures are found to be contributing structures in the Southeast Residential Historic District and shall be subject to the provisions of section 30-112 of the Land Development Code, concerning contributing structures:

See Exhibit "A" attached hereto and made a part hereof.

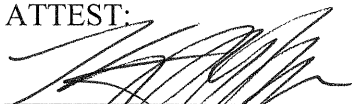
Section 2. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

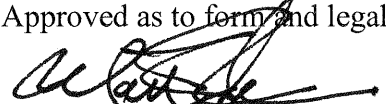
Section 3. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 4. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 8th day of January, 2007.


PEGEEN HANRAHAN, MAYOR

ATTEST:

KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality

MARION J. RADSON
CITY ATTORNEY JAN 09 2007

This Ordinance passed on first reading this 11th day of December, 2006.

This Ordinance passed on second reading this 8th day of January, 2007.

SOUTHEAST GAINESVILLE HISTORIC DISTRICT

Parcel number	Parcel Site Address	Status Change	Build Date
12188-000-000	0301 SE 6TH ST	Non-Contributing to Contributing	1945
12163-000-000	0433 SE 7TH ST	Non-Contributing to Contributing	1946
12161-000-000	0429 SE 7TH ST	Non-Contributing to Contributing	1951
12202-001-000	0704 SE 4TH AVE	Non-Contributing to Contributing	1956



Southeast Historic District

Gainesville, Florida

- Contributing Structures
- Change in Status (Principal Structure)
- Non-Contributing Structures
- Southeast Historic District Boundary

(Note: If you are interested in the status of a particular structure within the historic district, please check the "contributing" and "non-contributing" categories on this map. Do not rely solely on the outlined change of status.)



Prepared by the
 Dept. of Community Development, 10/05, 10/06
 ArcProjects-Trace-2005/D_Historic-Footprints-Steve_10-03/
 Historic_Districts/SE_historic_district_8X11_112006.mxd
 This map is for information purposes only.
 The City of Gainesville does not assume
 responsibility to update this information or for any
 error or omission on this map. For specific information,
 you are directed to contact the City of Gainesville, Florida.