

MEMORANDUM
Office of the City Attorney

050308

Legistar No. _____

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

TO: Mayor and City Commission

DATE: August 22, 2005
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-70

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and imposing the Special Environmental Concern Area overlay on certain property commonly known as the Cabot Carbon/Kopper's site, and that certain area around this site located in the vicinity of NE 9th Street on the east, NW 35th Avenue on the north, NW 6th Street on the west, and NE 21st Avenue on the south, as more specifically described in this ordinance; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

Petition 56TCH-04 PB, as heard by the Plan Board, contains the regulation/requirements for this overlay district, as well as the property to be included in the Special Environmental Concern Area. The purpose of the proposed ordinance is to impose the requirements of the Special Environmental Concern Area overlay (see 56TCH-04PB) on certain property or portions of property described in this ordinance as included in the overlay area. The map has been slightly amended to entirely include most parcels within the overlay area when a portion of the parcel was contained within the overlay. In the case of some very large parcels, the overlay line is drawn at the 500-foot line. In any event, the proposed overlay map is based on the 500 foot buffer area, which was approved by the Plan Board.

Both ordinances require two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, September 12, 2005.

Fiscal Note: None

Prepared by:


Dana L. Crosby
Assistant City Attorney II

Approved and
Submitted by:


Marion J. Radson,
City Attorney

MJR:DLC:sw

ORDINANCE NO. 0-05-70

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An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and imposing the Special Environmental Concern Area overlay on certain property commonly known as the Cabot Carbon/Kopper’s site, and that certain area around this site located in the vicinity of NE 9th Street on the east, NW 35th Avenue on the north, NW 6th Street on the west, and NE 21st Avenue on the south, as more specifically described in this ordinance; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; 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 25, 2004; and

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

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

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

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

6 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by
7 imposing the Special Environmental Concern Area overlay on following described
8 properties:

9 **See Special Environmental Concern Area Map,**
10 **attached hereto as Exhibit A and made a part hereof by reference.**

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12 The Special Environmental Concern Area map is attached hereto and identifies the Area.
13 If any part of a single parcel is included in the Area and is so designated on this map, the
14 Special Environmental Concern Area regulations will apply as to the part of the parcel
15 included within the Area to the extent that this part of the parcel is included in the
16 development plan for the entire parcel.

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18 **Section 2. *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 Special Environmental Concern Area overlay
21 classification shall not modify existing zoning requirements except to the extent that they
22 conflict with the provisions of the Special Environmental Concern Area overlay
23 requirements. In the event of conflict, the regulations of the Special Environmental
24 Concern Area shall govern and prevail. The requirements, regulations, and procedures

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

3 **Section 3.** The City Manager is authorized and directed to make this changes in
4 the zoning map in order to comply with the ordinance and to administer the provisions of
5 the Special Environmental Concern Area within this urban area, as provided in the Land
6 Development Code.

7 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the
8 extent of such conflict hereby repealed.

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

11 **PASSED AND ADOPTED** this ____ day of _____, 2005.

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PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

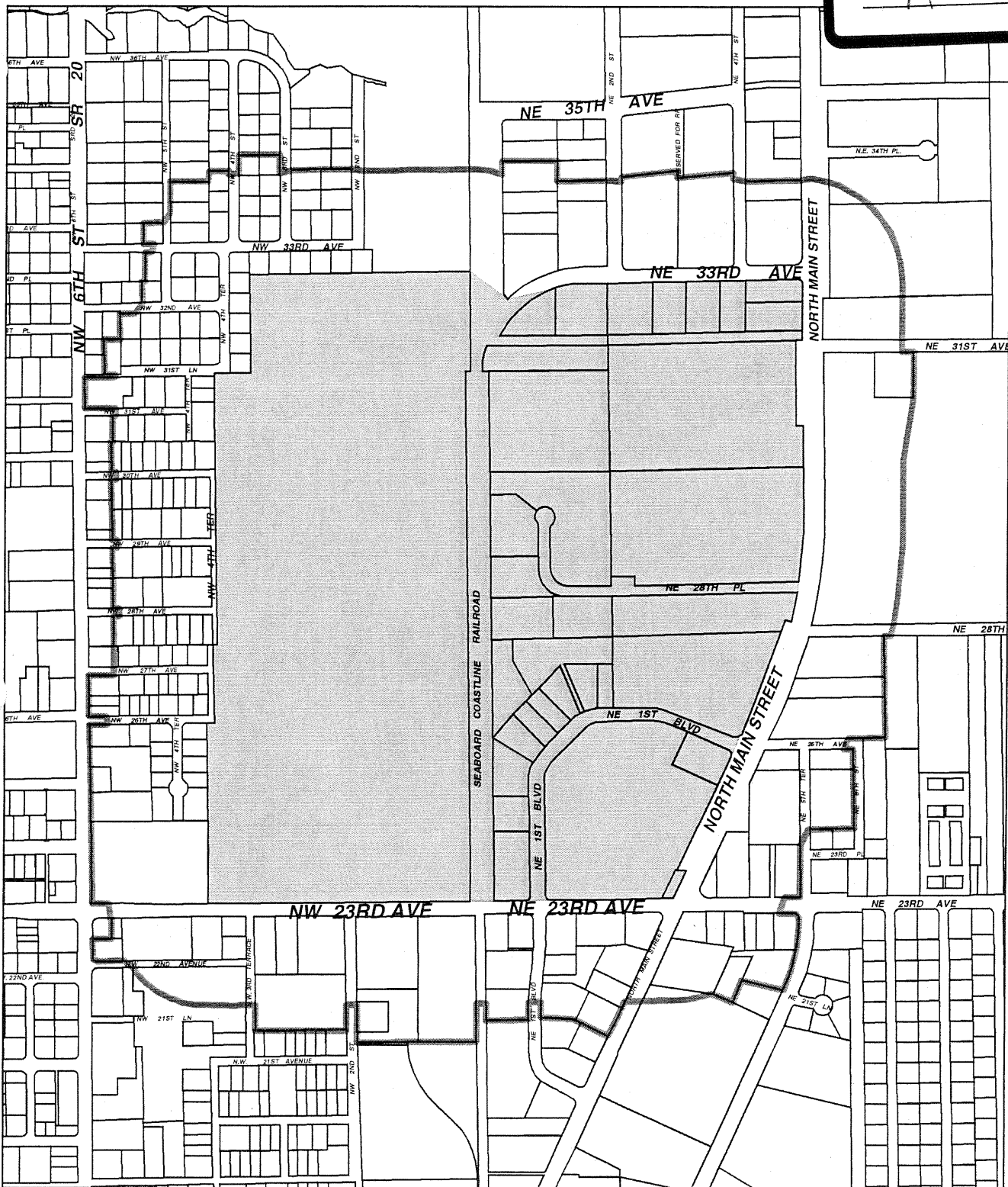
MARION J. RADSON
CITY ATTORNEY

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26 This Ordinance passed on first reading this ____ day of _____, 2005.

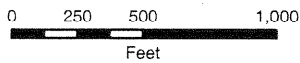
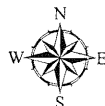
27 This Ordinance passed on second reading this ____ day of _____, 2005.

TALKERS
A



SPECIAL ENVIRONMENTAL CONCERN AREA
GAINESVILLE, FLORIDA

 Cabot Carbon/Koppers Site
 500 foot Buffer



City of Gainesville, Florida
 Dept. of Community Development/GIS
 File: Ralph_Cabot/Koppers_070705