

Item No. 10

**Date:** March 16, 2006

**To:** City Plan Board

**From:** Planning Division Staff

**Subject:** **Petition 23ZON-06 PB.** City of Gainesville. Amend the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on property zoned 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), 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) on approximately 178 acres. Generally located east of Southeast 24<sup>th</sup> Street (between East University Avenue and Southeast Hawthorne Road) west of TB McPherson Park, and south of the South Main Street Wastewater Treatment Plant.

---

**Recommendation**

Staff recommends approval of Petition 23ZON-06 PB.

**Explanation**

On August 28, 2003, the City Plan Board made a final recommendation for a petition to the City Commission to establish a Significant Ecological Communities ordinance. The City Commission adopted this ordinance on Second Reading at their November 8, 2004 meeting.

The next step necessary to implement this ordinance is to rezone parcels ranked “outstanding” and “high” so that the Significant Ecological Communities regulations become an overlay to the land development regulations that apply to these parcels.

Over the course of the next several months, staff will be presenting additional petitions for the Plan Board to consider regarding the remaining parcels (there are 55 parcels overall) that have been ranked “outstanding” or “high” by staff.

As an overlay district, the Significant Ecological Communities regulations shall operate in conjunction with any underlying zoning district regulations for the subject parcels. The regulations of the underlying zoning district, and all other applicable regulations, will remain in effect and be further regulated by the Significant Ecological Communities regulations. If the provisions of the Significant Ecological Communities regulations conflict with the underlying zoning regulations, the provisions of the Significant Ecological Communities regulations shall prevail.

### **Criteria Used to Assess Ecological Value**

The Significant Ecological Communities ordinance contains criteria that are to be used to determine the ecological value of a parcel. These criteria are as follows:

(a) **Criteria used to evaluate parcels for ecological value.** The following criteria are used by the appropriate reviewing board, city manager or designee to evaluate the ecological value of parcels:

- Size of parcel;
- Number of viable FNAI natural communities found at parcel;
- FNAI natural communities state rank;
- Condition of ecological processes found at parcel;
- Typical species found at parcel (based on Guide to Natural Communities in FL);
- Invasive, non-native species found at parcel;
- Connectedness of parcel;
- Water quality protection provided by parcel;
- Listed species found at parcel;
- Potential listed species that could be found at parcel; and
- Management potential of parcel

At the March 17, 2006 City Plan Board meeting, staff will present findings which describe how the subject properties meet these criteria and justify their inclusion in the Significant Ecological Communities overlay map.

### **Exclusion from Map**

The ordinance provides the owner of a parcel proposed for inclusion within this overlay map (or previously approved by the City to be within the overlay map) an opportunity to petition the City to be excluded from the overlay map. The ordinance states that such an exclusion shall be based on the following criteria:

(b) **Exclusion from ecological communities map.** The City assumes that (an) ecological feature(s) on the property demonstrates at least 4 of the following:

- Rarity or exemplary;
- Vulnerability;
- High water quality (either through recharge, surface waters or wetlands);
- Connectedness;
- Viability (with most ecological processes intact)
- Manageability; and

- Nature-oriented human use potential.

Should the owner wish the property to be excluded from the map, the property owner has the burden to rebut this presumption by demonstrating that at least 4 of these attributes do not exist on the property.

### **Summary of Significant Ecological Communities Provisions**

In addition to existing zoning and other regulations that currently apply, parcels within the Significant Ecological Communities overlay that are proposing development requiring site plan review will be required to comply with the following additional provisions:

- Submit an **Environmental Features Report** based on the Environmental Evaluation Policy Manual adopted by the City Commission by resolution.
- **Set aside** up to 10 percent of the parcel, above and beyond other required set-asides, should City and County staff determine that additional protection of sensitive environmental features is needed to protect those features.
- Should they exist on the parcel, protect a majority of Heritage trees on the parcel and provide at least one foot of **buffer for Heritage trees** for each inch of diameter breast height of tree trunk.
- Should they exist on the parcel, avoid disturbance of **sinkholes**.
- Be allowed to voluntarily **cluster** the development as a way to further protect and avoid sensitive environmental features on the parcel.

For this petition, the City Plan Board is being asked to consider evidence presented by City staff and citizens and make a recommendation to the City Commission as to whether these parcels should be included or excluded from the Significant Ecological Communities overlay.

Respectfully submitted,



Ralph Hilliard  
Planning Manager





RW:DM:DN

#### Attachment

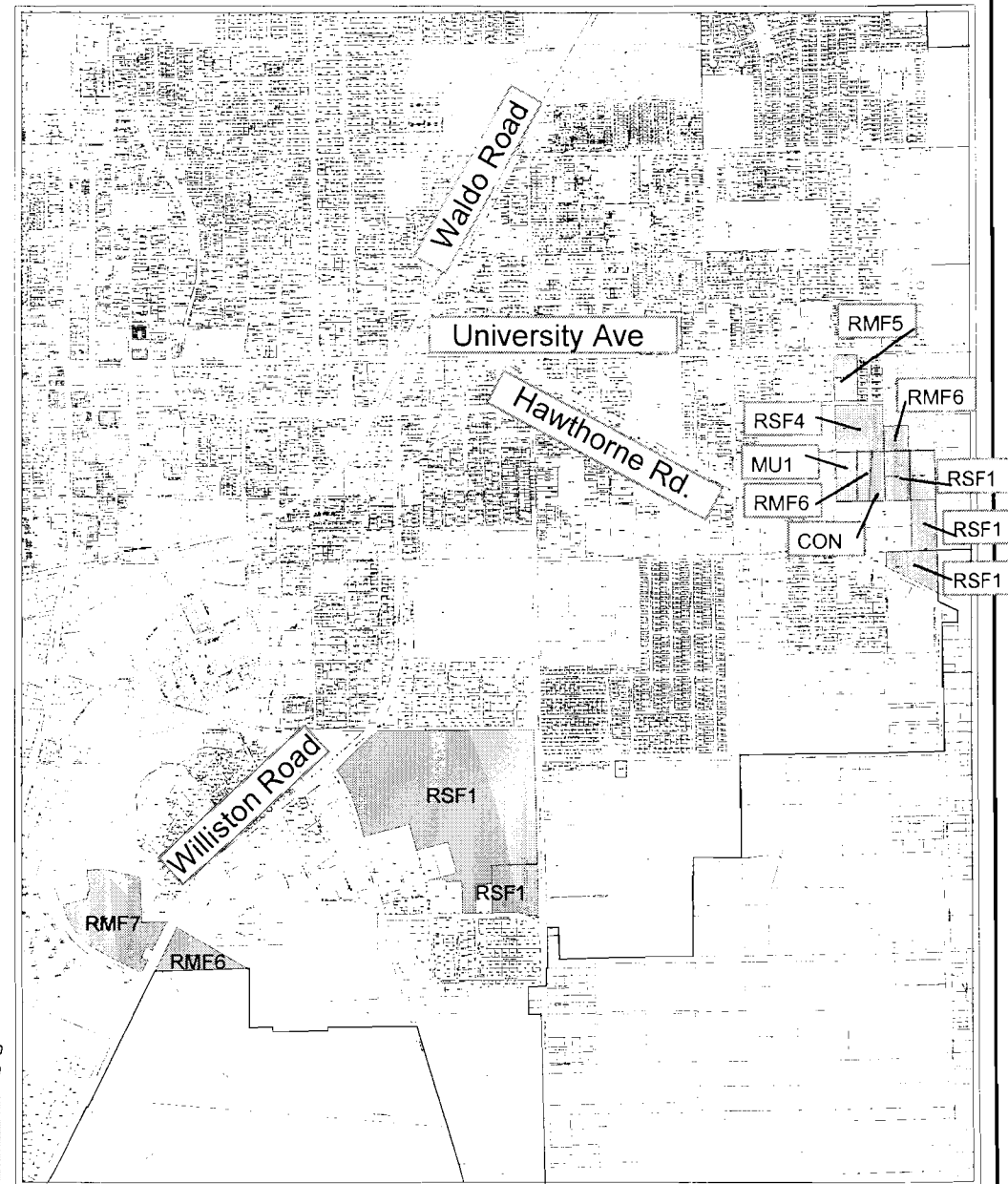
- Map of Parcels Proposed for Rezoning
- Summary of the Subject Properties
- Significant Ecological Communities ordinance
- Environmental Site Evaluation Scoring System

## Zoning Districts


RSF1	Single-Family Residential (3.5 du/acre)
RSF2	Single-Family Residential (4.6 du/acre)
RSF3	Single-Family Residential (5.8 du/acre)
RSF4	Single-Family Residential (8 du/acre)
RMF5	Residential Low Density (12 du/acre)
RC	Residential Conservation (12 du/acre)
MH	Mobile Home Residential (12 du/acre)
RMF6	Multiple-Family Medium Density Residential (8-15 du/acre)
RMF7	Multiple-Family Medium Density Residential (8-21 du/acre)
RMF8	Multiple-Family Medium Density Residential (8-30 du/acre)
RHU	Residential Mixed Use (up to 75 du/acre)
RH1	Residential High Density (8-43 du/acre)
RH2	Residential High Density (8-100 du/acre)
OR	Office Residential (up to 20 du/acre)
OF	General Office
PD	Planned Development
BUS	General Business
BA	Automotive-Oriented Business
BT	Tourist-Oriented Business
MU1	Mixed Use Low Intensity (10-30 du/acre)
MU2	Mixed Use Medium Intensity (14-30 du/acre)
CCD	Central City District
W	Warehousing and Wholesaling
I1	Limited Industrial
I2	General Industrial
AGR	Agriculture
CON	Conservation
MD	Medical Services
PS	Public Services and Operations
AF	Airport Facility
ED	Educational Services
CP	Corporate Park

	Historic Preservation/Conservation District
	Special Area Plan
	Division line between two zoning districts
	City Limits

Area  
under petition  
consideration







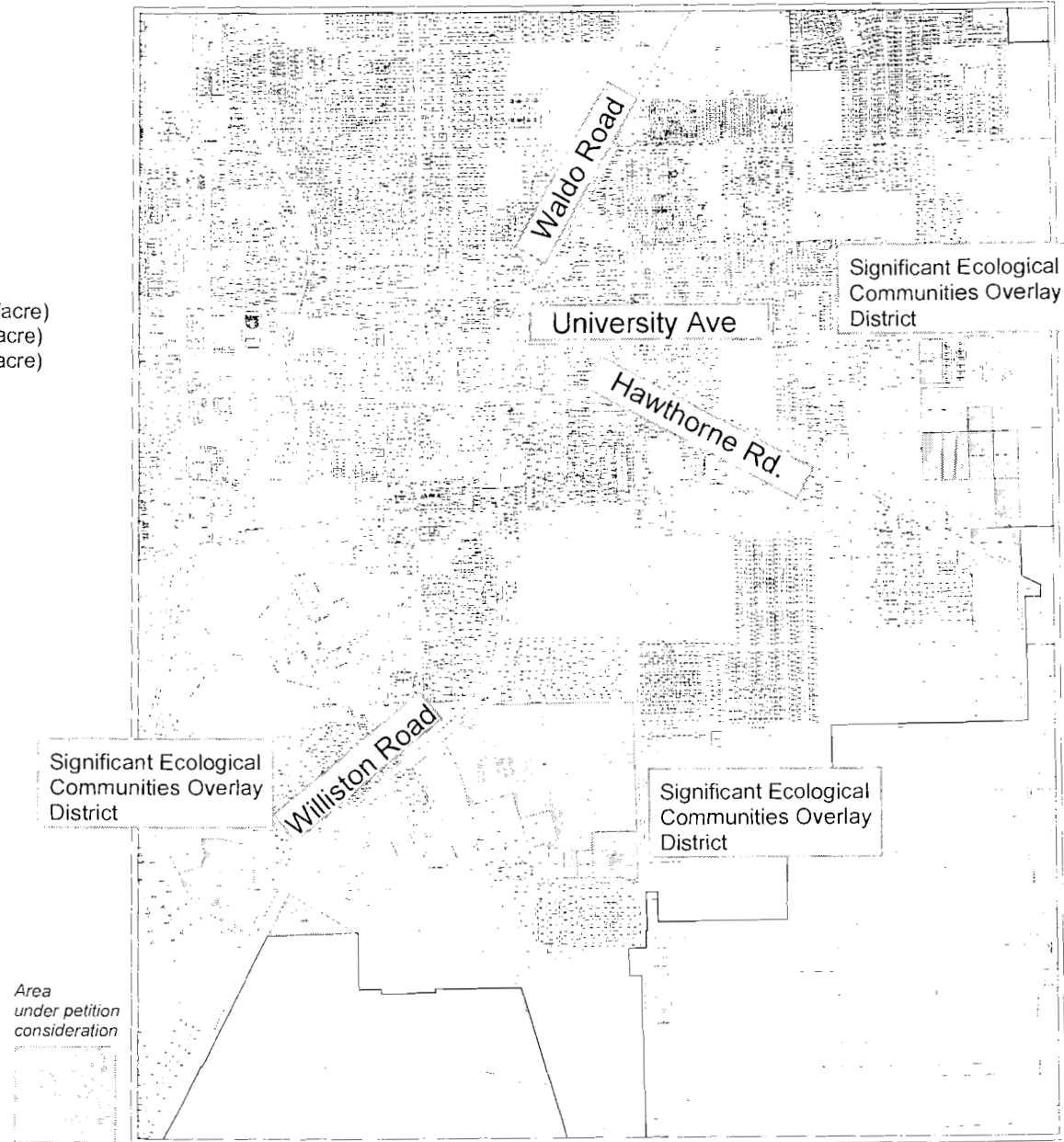
## EXISTING ZONING

	Name	Petition Request	Map(s)	Petition Number
 No Scale	City of Gainesville	Apply Significant Ecological Communities Overlay District to RMF5, RMF6, RMF7, RSF1, RSF4, CON and MU1		23ZON-06PB

## Zoning Districts

RSF1	Single-Family Residential (3.5 du/acre)
RSF2	Single-Family Residential (4.6 du/acre)
RSF3	Single-Family Residential (5.8 du/acre)
RSF4	Single-Family Residential (8 du/acre)
RMF5	Residential Low Density (12 du/acre)
RC	Residential Conservation (12 du/acre)
MH	Mobile Home Residential (12 du/acre)
RMF6	Multiple-Family Medium Density Residential (8-15 du/acre)
RMF7	Multiple-Family Medium Density Residential (8-21 du/acre)
RMF8	Multiple-Family Medium Density Residential (8-30 du/acre)
RMU	Residential Mixed Use (up to 75 du/acre)
RH1	Residential High Density (8-43 du/acre)
RH2	Residential High Density (8-100 du/acre)
OR	Office Residential (up to 20 du/acre)
OF	General Office
PD	Planned Development
BUS	General Business
BA	Automotive-Oriented Business
BT	Tourist-Oriented Business
MU1	Mixed Use Low Intensity (10-30 du/acre)
MU2	Mixed Use Medium Intensity (14-30 du/acre)
CCD	Central City District
W	Warehousing and Wholesaling
I1	Limited Industrial
I2	General Industrial
AGR	Agriculture
CON	Conservation
MD	Medical Services
PS	Public Services and Operations
AF	Airport Facility
ED	Educational Services
CP	Corporate Park

-  Historic Preservation/Conservation District
-  Special Area Plan
-  Division line between two zoning districts
-  City Limits



## PROPOSED ZONING





Name	Petition Request	Map(s)	Petition Number
City of Gainesville	Apply Significant Ecological Communities Overlay District to RMF5, RMF6, RMF7, RSF1, RSF4, CON and MU1		23ZON-06PB



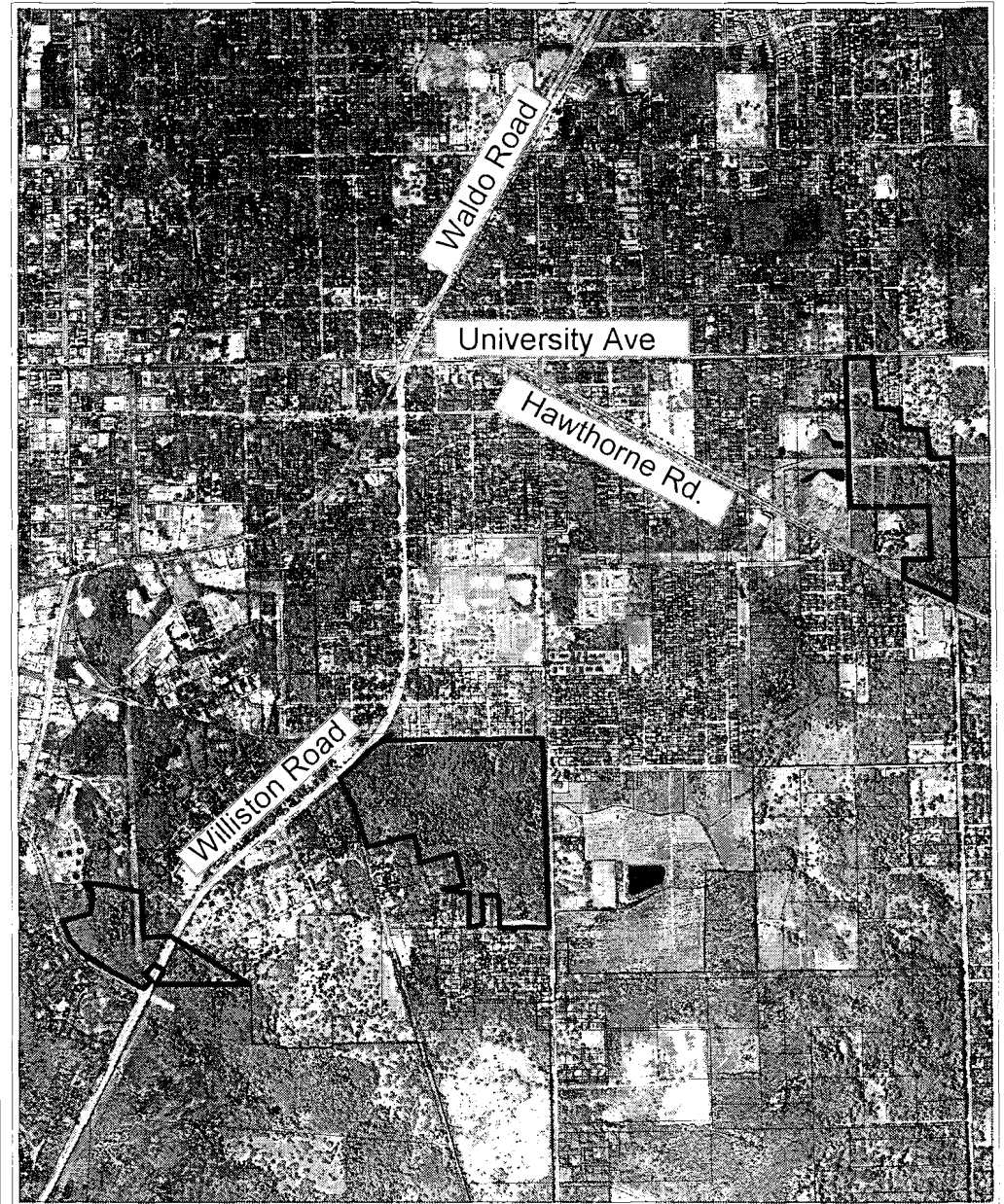
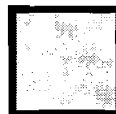
No Scale

## Zoning Districts

RSF1	Single-Family Residential (3.5 du/acre)
RSF2	Single-Family Residential (4.6 du/acre)
RSF3	Single-Family Residential (5.8 du/acre)
RSF4	Single-Family Residential (8 du/acre)
RMF5	Residential Low Density (12 du/acre)
RC	Residential Conservation (12 du/acre)
MH	Mobile Home Residential (12 du/acre)
RMF6	Multiple-Family Medium Density Residential (8-15 du/acre)
RMF7	Multiple-Family Medium Density Residential (8-21 du/acre)
RMF8	Multiple-Family Medium Density Residential (8-30 du/acre)
RMU	Residential Mixed Use (up to 75 du/acre)
RH1	Residential High Density (8-43 du/acre)
RH2	Residential High Density (8-100 du/acre)
OR	Office Residential (up to 20 du/acre)
OF	General Office
PD	Planned Development
BUS	General Business
BA	Automotive-Oriented Business
BT	Tourist-Oriented Business
MU1	Mixed Use Low Intensity (10-30 du/acre)
MU2	Mixed Use Medium Intensity (14-30 du/acre)
CCD	Central City District
W	Warehousing and Wholesaling
I1	Limited Industrial
I2	General Industrial
AGR	Agriculture
CON	Conservation
MD	Medical Services
PS	Public Services and Operations
AF	Airport Facility
ED	Educational Services
CP	Corporate Park

	Historic Preservation/Conservation District
	Special Area Plan
	Division line between two zoning districts
	City Limits

*Area  
under petition  
consideration*



**AERIAL**



No Scale

Name	Petition Request	Map(s)	Petition Number
City of Gainesville	Apply Significant Ecological Communities Overlay District to RMF5, RMF6, RMF7, RSF1, RSF4, CON and MU1		23ZON-06PB

## **Properties totaling 178 acres near SE 24<sup>th</sup> Street, TB McPherson Park and the Main Street Wastewater Treatment Plant**

### *Environmental Site Evaluation*

March 14, 2006

### **Summary**

There are 12 properties totaling 178 acres. All properties are in southeast Gainesville in 3 clusters. One cluster of 8 properties is just east of SE 24<sup>th</sup> Street between East University Avenue and Southeast Hawthorne Road, just west of Cone Park, and are associated with the Lake Forest Creek system. Another 2 are just west of TB McPherson Park, and are also associated with the Sweetwater Branch system, as well as the Gainesville-Hawthorne Rail-Trail. The final 2 are just south of the South Main Street Wastewater Treatment Plan and are associated with the Sweetwater Branch system.

The Little Hatchet Creek system flows through the properties. The City-owned properties are affected by the Gateway Street ordinance, which requires certain uses to obtain a special use permit and provide increased landscape screening.

Information available to the City from FEMA and a 1989 CH2M-Hill report indicates that much of these 12 properties is floodprone.

Each of these properties as evaluated had characteristics typical of high-ranking properties in the 2001 Environmental Resource Report.

### **Ecological value of subject properties based on Sec. 30-309(1)(a)**

#### **1. Tax Parcel 15970-000-000**

Ranking score: 59.7 (high quality)

This property contains 3 natural communities: seepage stream, floodplain forest, and slope forest.

*This property received relatively high scores for:*

- Number and type of natural communities (seepage stream and slope forest are considered rare or imperiled in Florida)
- Quality of natural communities present (contain many of the species typical of the community)
- Connectivity/proximity to conservation areas (contiguous with Paynes Prairie)
- Hydrological considerations (stream-to-sink connection and high-quality wetlands)

## **2. Tax Parcel 15701-050-000**

Ranking score: 51.2 (high quality)

Notes on this property list four natural communities: seepage stream, floodplain swamp, floodplain forest, and upland mixed forest.

*This property received relatively high scores for:*

- Number and type of natural communities (including seepage stream, which is considered rare or imperiled statewide)
- Proximity to existing conservation areas (Paynes Prairie)
- Hydrological considerations (Stream-to-sink aquifer connection)
- Listed species documented onsite (state endangered plant)

## **3. Tax Parcels**

**11243-000-000**

**11283-000-000**

**11284-000-000**

**11286-000-000**

**11287-000-000**

**11288-000-000**

**11356-000-000**

**16073-000-000**

(Evaluated together as a group due to adjacency.)

Ranking score: 57.6 (high quality)

These properties contain floodplain swamp, seepage stream, mesic flatwoods, basin swamp, and sandhill natural communities

*This group received relatively high scores for:*

- Number of natural communities present
- Type of natural communities present (sandhill and seepage stream are considered rare or imperiled in Florida)
- Quality of natural communities present (contained many species typical of the community; of particular note was the presence in several parcels of wiregrass and other groundcover species indicative of a lack of significant soil disturbance)
- Hydrological considerations (stream-to-sink aquifer connection; numerous wetlands)

*The following issues were noted at the time of the evaluations and have already been taken into account in the ranking score:*

- Retention pond in parcel 11243-000-000
- Trash dumping in parcel 11288-000-000
- Logging of swamp in parcel 11288-000-000

## **4. Tax Parcels 15975-000-000 and 15976-000-000**

(Evaluated together as a group due to adjacency)

Ranking score: 58.1 (high quality)

These properties contain depression marsh and wet flatwoods natural communities.

*This group received relatively high scores for:*

- Relatively large size (>100 acres total)
- Quality of natural communities present (contained most or all species typical of the community)
- Relative lack of invasive non-native species
- Proximity to existing conservation areas



- Hydrological considerations (relatively high quality wetlands onsite)

**Summary**

Each of these properties or groups of properties had most characteristics typical of high-ranking properties in the environmental resource report. Such properties or groups typically:

- Were >20 acres in size
- Contained two or more natural communities with most ecological processes intact
- Were near existing public conservation lands
- Contained streams and/or wetlands

Our office has not determined whether development actions or changes in land cover have taken place on any of these properties since they were ranked in 2001. Such changes would not automatically reduce the ranking of the properties, since many features (size, hydrological connections, proximity to conservation areas) would not necessarily be affected by altering part of a property. Barring substantial changes to the natural features since these properties were originally evaluated, they are likely to still be of sufficient quality to warrant being included under the overlay.

corridor may also be considered as open space in calculations of lot coverage.

(b) *Demonstration of compliance for developments requiring development plan review.* If a proposed development requires development plan review pursuant to article VII of this chapter, the showing of compliance with the requirements of this section shall be made in development plan review. The petition for development plan review shall provide both a hydrological report prepared by a qualified engineer registered in the State of Florida, as well as a map showing the location of the greenway corridor as it passes through the subject property.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 10, 10-4-93; Ord. No. 4090, § 1, 6-12-95; Ord. No. 950600, § 2, 9-25-95)

### **Sec. 30-309. Significant ecological communities district.**

(a) *Purpose and intent.* This section is established to codify standards to protect and restore significant ecological communities in the city while not eliminating all economically viable use of a parcel. The city hereby establishes a permit procedure for development of parcels that are located within this district. This section provides the standards and criteria by which applications for permits for development on these parcels are considered so as to provide enhanced protection to the environmental features of the parcels.

An important element of this section is the requirement that an environmental inventory be prepared as a condition for development approval. Such a requirement ensures identification of vital environmental communities on the property proposed for development, thereby increasing the likelihood that such communities will be protected or restored, and enabling use of a more customized set of regulations, instead of more generalized regulations that may not be appropriate for a given property.

(b) *Effect of classification.* The significant ecological communities district is an overlay zoning district. It shall operate in conjunction with any underlying zoning district on the property. The regulations of the underlying zoning district, and

all other applicable regulations, remain in effect and are further regulated by significant ecological communities district standards. If provisions of the significant ecological communities district standards conflict with the underlying zoning, the provisions of the significant ecological communities district standards shall govern and prevail.

(c) *Definitions.* For purposes of this section and section 30-309.1 the following definitions apply:

*Completeness* is defined as the extent to which an ecological feature exhibits the species, physical structure, and ecological processes typical of that feature type.

*Connectivity or connectedness* is defined as the extent to which a parcel is adjacent to or near protected lands, and the degree to which intervening properties could hinder wildlife movement or other ecological processes that contribute to the overall health of the ecological community.

*Exemplary* is defined as a parcel having species composition and structure characteristic of an unusually high quality example of the natural community type in question.

*High water quality* is defined as a parcel contributing to aquifer recharge, water filtration, or flood control; or lacking substantial inputs of pollutants; or a combination of these.

*Manageability* is defined as the feasibility of carrying out any active management, which is necessary to maintain the natural values of the site.

*Nature-oriented human use potential* is defined as the extent to which amenities necessary for passive recreation (access, parking areas, trails, boardwalks) are present or can feasibly be developed on a site.

*Rarity* is defined as a parcel exhibiting the frequency of occurrence of a natural community or features in the state or within the City of Gainesville. State rankings come from the Florida Natural Areas Inventory's (FNAI) Guide to the Natural Communities of Florida (1990), Tracking List of Rare, Threatened, and Endangered Plants, Animals and Natural Communities of Florida (FNAI 2000), and Florida's Endangered Species,

Threatened Species and Species of Special Concern, Official Lists (FWCC 2000). Rankings at the city level are based on the number of known occurrences within the city limits.

*Viability* is defined as the extent to which ecological processes necessary to maintaining the natural values of the site can persist over time.

*Vulnerability* is defined as a parcel facing the likelihood of degradation of natural values in the absence of protection or active management or likelihood of destruction due to human influence.

(d) *Procedure for issuance of development order.* In order to obtain a development permit for any parcel within the district, an application for development permit shall include an environmental features report that is prepared for the parcel that is proposed for development. The report shall comply with the requirements stated in the Environmental Features Evaluation Policy Manual, which is adopted separately by resolution.

(e) *Set-aside.* A set-aside of no more than ten percent of the total parcel area, in addition to areas required by Code or law for building setbacks from property lines, landscaping, parking, and stormwater management, or buffers required for surface waters and wetlands, heritage tree preservation, and utilities, may be required to enable the clustering of development on the parcel away from significant ecological features on the parcel. The exact amount and location of property to be set aside shall be determined by the appropriate reviewing board, city manager or designee on a site specific basis and shall be based on objective criteria that the ecological feature(s) on the parcel require additional protection to remain ecologically viable, or to restore ecological function in addition to the intensity, density and design of the proposed development.

After an assessment of the significant environmental feature(s) on the parcel, the appropriate reviewing board, city manager or designee shall apply the following criteria to determine if the aforesaid set-aside is necessary so that the natural communities, ecological processes, species and water quality are protected.

*Criteria:*

- (1) The vulnerability of the significant environmental feature(s) on the parcel;
- (2) The rarity of the significant environmental feature(s) on the parcel;
- (3) The connectivity related to the significant environmental feature(s) on the parcel;
- (4) The completeness of the significant environmental feature(s) on the parcel; and
- (5) The manageability of the significant environmental feature(s) on the parcel.

(f) *Heritage trees.* A plan shall be prepared by the applicant for review and approval by the appropriate reviewing board, city manager or designee that will protect a majority of the high-value heritage trees on the property. High-value heritage trees are defined as those native species that are not Laurel Oaks, Water Oak, Sweetgum, Loblolly Pine, Slash Pine or Sugarberry. Development proposals that call for the removal of more than 50 percent of the high-value Heritage trees on the property shall mitigate the loss of said trees by preserving smaller than heritage-size, high-value trees existing on the property. The total of diameter inches of high-value heritage trees destroyed shall be mitigated by preserving an equal number of diameter inches of smaller high-value trees. To protect the environmental features of the site, the plan shall provide for tree protection zones that are at least one-foot in diameter for each inch of diameter at breast height of the tree. These barriers must meet the requirements of section 30-255.

(g) *Surface waters.* In order to protect water quality, setbacks larger than those required in section 30-302 may be necessary. The criteria provided in subsection (e) above shall apply.

(h) *Protection of sinkholes and other rare natural communities.* Sinkholes are ecologically valuable in that they provide a rapid means for water to flow from the surface to underground aquifers and because sinkholes often provide different temperature and moisture conditions from surrounding areas so support a distinct natural community of plants and animals, many of which are rare or endangered. For these reasons, it is in the

interest of the community to protect sinkholes. Sinkholes and other rare natural communities, as ranked by the Florida Natural Areas Inventory as G1/S1, G2/S2, or G3/S3, found on the property and deemed worthy of protection, based on the following criteria and as recommended by the city manager or designee or appropriate reviewing board, shall not be filled or otherwise disturbed.

(1) Criteria to identify ecologically valuable sinkholes:

- a. Documented occurrence of one or more sinkhole indicator species (see list below). Current or past existence of sinkhole-dependent species indicates that the environmental conditions capable of supporting a distinct sinkhole community are likely to exist at the site.
- b. Steep sides with areas of exposed, shaded limestone. Species that are dependent on sinkholes typically thrive in cooler, moister microhabitats that occur on shaded portions of sinkhole walls. Many sinkhole-associated plants grow directly on the limestone substrate, so exposed limestone is important.
- c. Intact vegetation surrounding the sinkhole. Natural vegetation surrounding the sinkhole acts as a buffer by intercepting rainfall, thereby reducing erosion of the sinkhole walls. In addition, the shade provided by surrounding vegetation may increase the likelihood that the sinkhole provides the temperature and moisture conditions required by sinkhole-dependent species.
- d. Limited human disturbance (such as dumping or erosion) to the sinkhole.
- e. Limited paving or development adjacent to or upslope from the sinkhole.
- f. Low likelihood of agricultural runoff into the sinkhole based on the surrounding environment.

- g. Open or rocky bottom in sinkhole. This indicates that there is little possibility for water to be filtered by passage through soil before entering underground aquifers.

(2) Species associated with sinkholes and documented in Alachua County:

<i>Animals</i>		
<i>Species</i>	<i>Common name</i>	<i>Status</i>
<i>Desmognathus auriculatus</i>	Southern dusky salamander	
<i>Plants</i>		
<i>Species</i>	<i>Common name</i>	<i>Status</i>
<i>Adiantum capillus-venerus</i>	Venus' hair fern	
<i>Adiantum tenerum</i>	Brittle maiden-hair	E
<i>Asplenium monanthes</i>	Single-sorus spleenwort	E
<i>Asplenium pumilum</i>	Dwarf spleenwort	E
<i>Asplenium verecundum</i>	Modest spleenwort	E
<i>Asplenium x curtissii</i>	Curtiss' spleenwort	
<i>Asplenium x heteroresiliens</i>	Morzenti's spleenwort	
<i>Blechnum occidentale</i>	Hammock fern	E
<i>Thelypteris reptans</i>	Creeping star-hair fern	E

E = listed as endangered by the State of Florida

(i) *Clustering away from environmentally significant features*

- (1) *Single-family residential flexibility.* To improve protection of significant ecological communities, single-family residential development may cluster as provided in section 30-190.
- (2) *Non-single-family flexibility.* Development that is not single-family residential development may be planned to reduce any required setbacks (except for setbacks from surface waters as provided herein), street widths, parking, or landscaping requirements if, in the opinion of the city man-

ager or designee, or appropriate reviewing board, such reductions are necessary to improve protection of significant ecological communities through clustering away from such communities. This provision does not permit or allow any violation of any applicable code or change to the existing land use or zoning of the property.

(j) *Administrative remedy.* Any property owner who believes that a specific decision of the appropriate reviewing board, city manager, or designee, rendered under this section has resulted in a taking of the property in violation of law, or is otherwise entitled to compensation under law, shall file an appeal within 30 days of the decision with the clerk of the commission. The city commission shall hear the appeal within 60 days of filing the appeal unless an extension is timely filed, in writing, by the property owner with the clerk of the commission. In this event, the property owner shall be automatically granted a 60-day extension. At the hearing before the city commission, the property owner has the burden to show how or in what respect the specific decision results in a taking or other remedy entitling the owner to payment of compensation under the law. In support of such appeal, the property owner shall submit any plans for the development of the property and show how or in what respect the specific decision results in a taking or other entitlement to payment of compensation to the owner. Additionally, the property owner shall submit, at least 30 days prior to the hearing, a bona fide, valid appraisal that supports the appeal and demonstrates the loss of fair market value to the property. The city shall have an opportunity to rebut any evidence offered by the property owner. At the conclusion, the city commission shall have the power to grant relief and to overturn any specific decision in order to avoid a taking of the property or the payment of compensation to the owner. The action of the city commission shall constitute final administrative action under this section.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 10, 10-4-93; Ord. No. 960060, § 24, 6-8-98; Ord. No. 020967, § 1, 11-8-04)

### **Sec. 30-309.1. Rezoning to significant ecological communities district.**

(a) *Criteria used to evaluate parcels for rezoning.* The following criteria are used by the city to evaluate the appropriateness of imposing this overlay district on properties:

- Size of parcel;
- Number of viable FNAI natural communities found at parcel;
- FNAI natural communities state rank;
- Condition of ecological processes found at parcel;
- Typical species found at parcel (based on Guide to Natural Communities in FL);
- Invasive, non-native species found at parcel;
- Connectedness of parcel;
- Water quality protection provided by parcel;
- Listed species found at parcel;
- Potential listed species that could be found at parcel; and
- Management potential of parcel.

(b) *Exclusion from rezoning criteria.* Should the owner believe that the property should not be rezoned to this classification, the property owner has the burden of demonstrating to the city commission, at the time of rezoning, that at least four of the following seven criteria do not exist on the parcel:

- Rarity or exemplary;
- Vulnerability;
- High water quality (either through recharge, surface waters or wetlands);
- Connectedness;
- Viability (with most ecological processes intact);
- Manageability; and
- Nature-oriented human use potential.

(c) *Notification.* Should the city decide, based upon the criteria stated in subsection (a), to rezone a property for inclusion on the significant ecological communities district map, the city will

notify the property owner(s) by letter that their property may be affected by these regulations and will initiate a petition to rezone the property within this district.

(Ord. No. 020697, § 2, 11-8-04)

DIVISION 4. RELIEF AND ENFORCEMENT

**Sec. 30-310. Relief for reasonable or beneficial use.**

(a) *Landscape and tree management.* As regards the provisions of the landscape and tree management sections of this article:

- (1) *Generally.* In addition to the relief provisions of this chapter, and pursuant to the terms of article X, pertaining to the board of adjustment, the board of adjustment may grant variances to the landscape and tree management sections, based on demonstrated hardship, to the minimum 20 percent of areas devoted to landscape materials requirement of section 30-251.
- (2) *Preserving existing trees.* The preservation of any existing regulated tree on the Gainesville Tree List may be considered as a basis for the granting of a variance pursuant to the procedures established in article X.

(b) *Flood control.* As regards to provisions of the flood control sections of this article the board of adjustment may issue a variance in accordance with article X and the provisions as follows:

- (1) Criteria for relief. In addition to the relief provisions of this chapter, the following criteria for relief shall apply:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The compatibility of the proposed use with existing and anticipated development;
- g. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- h. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(2) Upon consideration of the factors of subsection (b)(1) of this section, and the purpose of the flood control sections of this article, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of these sections.

(3) The city manager or designee shall maintain the records of all appeal actions, including technical information, and report any variances to the federal insurance administrator (Federal Emergency Management Administration), upon request.

## Environmental Site Evaluation Scoring System

### Scoring Framework for the 2001 Study

- Scores of 80 or greater were ranked “outstanding” for environmental importance (No maximum score. For example, one criterion is the sum of scores for each listed species on the property.)
- Those scoring between 50 and 80 were ranked “high” for environmental importance
- Those scoring between 20 and 50 were ranked “medium” for environmental importance
- Those scoring less than 20 were considered “low” for environmental importance

The decimal place in the total scores reported in the February 16, 2006 City Plan Board Significant Ecological Communities packet (for Petition 15ZON-06 PB) is due to the fact that some of the scoring categories are averages of subscores. The connectedness score is an average of 3 subscores, and the water quality score is an average of 2.

### Criteria used for scoring:

- Size of parcel;
- Number of viable FNAI natural communities found at parcel;
- FNAI natural communities state rank;
- Condition of ecological processes found at parcel;
- Typical species found at parcel (based on Guide to Natural Communities in FL);
- Invasive, non-native species found at parcel;
- Connectedness of parcel;
- Water quality protection provided by parcel;
- Listed species found at parcel;
- Potential listed species that could be found at parcel; and
- Management potential of parcel

### Scoring System from 2001 Report

#### Ranking Criteria

##### Number of viable FNAI Natural Communities.

Natural Community types are determined using the Florida Natural Areas Inventory (FNAI) natural community classification system. Natural Communities are characterized

and defined by FNAI by a combination of physiognomy, vegetation structure and composition, topography, land form, substrate, soil moisture condition, climate and fire. Natural communities were considered viable if these functional components had not been seriously altered or disturbed to the point that it could no longer be classified as a recognizable FNAI community. Communities were classified as non-viable if they had lost complete ability to function normally in a natural situation and if restoration would be impossible.

#### FNAI Natural Community State Rank.

This parameter is a measure of the rarity of the natural communities found at the site. FNAI natural community ranks are based on the estimated number of community occurrences, estimated abundance (for species and populations) or area (for natural communities), estimated number of adequately protected occurrences, range, threats, and ecological fragility.

S1= Critically imperiled within the state of Florida because of extreme rarity or because of extreme vulnerability to extinction due to some natural or human factor.

S2=Imperiled within the state of Florida because of rarity or because of vulnerability to extinction due to some natural or human factor.

S3=Either rare or local throughout its range or found locally in a restricted range or vulnerable to extinction from other factors.

S4=Apparently secure in Florida (may be rare in parts of range).

S5=Demonstrably secure in Florida.

#### Ecological Processes.

The ecological processes that most typically shape and characterize Florida's natural communities are fire and hydrology. The degree to which the natural fire regime and the hydrology of the site had been altered was a critical determinant of intactness of ecological processes in the site's ranking. However, the extent to which the natural community was still able to support typical species interactions and the severity of which the site had been altered by human disturbances including invasive non-native plant infestations and soil disturbing activities was also considered.

- **Intact** natural communities have good typical ground cover species, little to no alteration of hydrology, exhibit the presence of fire in a natural or typical fire return interval for that community, have high species diversity and species interactions.
- A site ranking **intact, some restoration needed** would be a site with minor hydrological alterations and or a site where fire has been excluded past the normal fire return interval for the natural community, but where application of fire is still possible because of good groundcover and presence of typical species.
- A site ranking of **moderately altered, major restoration needed** would indicate moderate hydrological alterations or disturbance of groundcover to the point where revegetation in some areas may be necessary or other major restoration effort would be necessary to maintain the natural community or to be able to restore the natural fire regime.
- **Highly altered sites with some restoration possible** and **highly altered sites with restoration impossible** are sites where hydrology, groundcover, or fire would be



very difficult to restore and restoration effort would be prohibitively expensive with improbable success rates.

#### Typical Species.

FNAI Guide to Natural Communities of Florida was used to evaluate the whether few, some or most typical plant and animal species were present for the natural communities on the sites.

#### Invasive, non-native Species.

Invasive non-native plant populations listed by the Florida Exotic Pest Plant Council (FLEPPC) were assessed and extent of control was estimated for each site. Sites with no apparent invasive non-native plant infestations were evaluated for probability for future infestations. Fragmented sites characterized by high disturbance or sites with creeks often are vulnerable to invasion. Site with no invasive, non-native species, conducive to introduction is rare. These sites exhibit high ecological integrity. For instance, a well fire maintained flatwoods or sandhill might rank in this category.

#### Connectivity.

This category evaluates how close the site is to established conservation lands, the distance or barriers to these public conservation lands, and the environmental quality of adjacent lands that surround the site (intervening matrix). Scores were averages for these parameters to yield one connectivity score.

#### Water Quality Protection.

Water quality was ranked with respect to the site's relative importance in Floridan aquifer recharge and surface water and surficial aquifer and flood protection. The scores for these two parameters were averaged. Areas with low recharge were areas underlain by the thick clay confining geological layer called the Hawthorne Formation with little to no downstream flow from the area to a recharge point to the Floridan aquifer. Areas with Karst features, regions made up of porous limestone containing deep fissures and sinkholes characterized by underground caves and streams, scored higher because they are unconfined areas where water may more directly infiltrate the ground layers to the aquifer. Karst watersheds and stream to sink areas scored the highest because the downstream flow of water empties into a direct connection to the Floridan aquifer. Most of the creeks in Gainesville are stream to sink connections.

Surface water quality was ranked with respect to a qualitative estimate of the degree and type of surface water runoff or hydrological inputs that the area receives from adjacent roads and or properties. Size, water storage capacity and functional ecology was taken into consideration on properties containing wetlands.

#### Listed Species.

Listed species encountered during site visits were recorded and ranked with respect to their current status on the Federal, State or FNAI lists. However, extensive listed species surveys were not performed for any of the sites. A separate ranking category estimating

the sites potential for listed species was created to compensate for the inability to conduct extensive surveys of the properties.

If a species was currently being tracked by FNAI but does not hold state or federal listing status it received the lowest rank. These species are FNAI state ranked as S4 and S5, apparently secure in Florida (may be rare in parts of its range) or demonstrably secure in Florida respectively.

The following federal, state, and FNAI listing categories were equated with each other for ranking purposes:

- **Federal C**= Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.
- **State LS**= Species of special concern. Species, subspecies or isolated population that is facing a moderate risk of extinction in the future.
- **FNAI S3**= Either very rare or local throughout its range (21-100 occurrences or less than 10,000 individuals), or found locally in a restricted range, or vulnerable to extinction from other factors.

- 
- **Federal LT**= Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.
  - **Federal PT**= Proposed for listing as Threatened species.
  - **State LT**= Threatened: species, subspecies, or isolated population facing a very high risk of extinction in the future.
  - **FNAI S2**= Imperiled in the state of Florida because of rarity (6 to 20 occurrences or less than 3,000 individuals) or because of vulnerability to extinction due to some natural or human factor.

- 
- **Federal LE**= Endangered: species in danger of extinction throughout all or a significant portion of its range.
  - **Federal PE**= Proposed for listing as Endangered species.
  - **State LE**= Endangered: species, subspecies, or isolated population so few or depleted in number or so restricted in range that it is in imminent danger of extinction.
  - **FNAI S1**= Critically imperiled in Florida because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or human factor.

#### Potential Listed Species.

This category attempts to correct for the lack of extensive listed species surveys on the ranked sites by estimating the number of listed species which could occupy the site based on the quality, number and type of existing natural communities found on the site. This category also accounts for areas that under proper management have potential to support some listed species, but under current conditions do not support them. For instance, if

City Plan Board  
Petition 23ZON-06 PB  
March 16, 2006

fire was re-introduced into a sandhill several dormant listed plant species may respond to fire or fire may make the community more conducive to use by some listed animal species.

Management Potential.

Several factors were taken into account when assessing how well the site could be managed for protection of natural resources. These factors include: size and location of the site, extent of invasive non-native plant infestations, ability or practicality of application of prescribed fire in fire dependent or influenced communities.

**Natural Area Ranking Criteria**

<b>Variable</b>	<b>Range</b>	<b>Score</b>
Size	501-1000 acres or greater	10
	101-500 acres	8
	51-100 acres	5
	11-50 acres	3
	1-10 acres	1
Number of viable FNAI Natural Communities	5 or more	10
	4	8
	3	6
	2	2
	1	1
FNAI Natural Communities State Rank Sum scores for all natural communities	S1	5
	S2	4
	S3	3
	S4	2
	S5	1
Ecological Processes Typically fire, hydrology, species interactions, human disturbance	Intact	10
	Intact, some restoration needed	7
	Moderately altered, major restoration needed	4
	Highly altered, some restoration possible	2
	Highly altered, restoration impossible	0
Typical Species Use Guide to Nat. Coms. Of Fla. Plants and animals in all n.es.	Most typical species present	10
	Some typical species present	5
	Few typical species present	1
Invasive Non-native Species (INS)	No INS, not conducive for introduction	10
	No INS, conducive for introduction	8
	Moderate INS, control needed	4
	Many INS, extensive control needed	1
Connectedness Score = Parts (A +B+C)/3		
Part A Adjacent Public Conservation Land within one mile	1001 acres or greater	10
	501-1000 acres	8
	101-500 acres	5
	11-100 acres	3
	1-10 acres	1

Part B Distance or barriers to Public Conservation Land	Widely contiguous (½ mile or greater)	10
	Narrowly contiguous (< ½ mile)	8
	Separated by two-lane road	5
	Separated by four-lane road	3
	Less than one half mile	2
	Greater than one half mile	1
Part C Intervening matrix	High quality natural areas	10
	Low quality natural areas	8
	Agriculture with natural areas or corridors	6
	Agriculture	4
	Rural or Agriculture/Residential	2
	Urban	1
Water Quality Protection Score = Parts (A +B)/2		
Part A Recharge	Karst watershed, stream to sink	10
	High recharge, some karst features	8
	Moderate recharge	4
	Low recharge	2
Part B Surface water Quality = size, storage, ecology	High quality wetlands or surface water	10
	Moderate quality wetlands or surface water	6
	Low quality wetlands or surface water	3
Listed Species Sum scores for all listed species occurring on site	S1, Federal LE or PE, or State LE	5
	S2, Federal LT or PT, or State LT	4
	S3, Federal C, or State LS	3
	S4, S5	2
Potential Listed Species With proper management if possible	Ten or more species possible	5
	Seven to nine species possible	4
	Four to six species possible	3
	Two to three species possible	2
	One species possible	1
Management Potential	High	10
	Moderate	7
	Low	4
	Too small or degraded, little hope	1

10. **Petition 23ZON-06 PB** City of Gainesville. Amend the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on property zoned 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), 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) on approximately 178 acres. Generally located east of Southeast 24<sup>th</sup> Street (between East University Avenue and Southeast Hawthorne Road) west of TB McPherson Park, and south of the South Main Street Wastewater Treatment Plant.

Mr. Dom Nozzi was recognized. Mr. Nozzi indicated that the petition involved rezoning properties that were deemed environmentally significant to apply the Significant Ecological Communities Overlay District. He presented aerial photos of the 12 properties involved in the petition. He noted that all of the properties were rated high quality. He described the properties in detail. He presented a FEMA flood plain map for the properties. Mr. Nozzi indicated that staff recommended approval of the petition.

Mr. Reiskind asked if the owners of all the properties had been contacted.

Mr. Nozzi indicated that they had. He explained that he had spoken to a number of the property owners and provided them with the ordinance.

Mr. Tecler noted that the ranking scores total was 128 and properties were ranked high if they were only at 50 percent of that total.

Mr. Nozzi explained that the 2001 Nature Operations Study of environmental features of vacant properties determined that property that scored between 50 and 80 was considered high quality. He noted that the scores represented a property having individual features, and not a percentage of a total score.

Mr. Ted Nichols was recognized. Mr. Nichols indicated that he had a property in the area that might be affected. He asked that the petition be continued so he could get with staff and review the impact prior to a vote by the board. He indicated that his property was Parcel 15975.

Chair Cole asked if staff had contacted Mr. Nichols.

Mr. Nichols indicated that he received notice of the meeting.

Chair Cole asked if Mr. Nichols' question was how he would be affected by the change.

Mr. Nichols agreed. He indicated that he would disagree with the amount of wetland on the property.

Mr. Nozzi indicated that it would be difficult to discuss in detail how an individual parcel would be affected. He noted that in general, an environmental resources report would have to be submitted to describe the environmental features on the property and how they would be protected. He noted that, if sensitive features

*These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville*

needed additional protection, an additional 10 percent of set aside could be required. He indicated that a larger setback would be required for Heritage trees, and sinkholes would have to be protected.

Mr. Mimms stated that none of the regulations would come into play until a development plan had been presented for the site, and the environmental resources report had been prepared. He explained that the wetlands would have to be delineated by the Water Management District.

Mr. Nichols asked if the overlay would restrict development that would otherwise be permitted.

Mr. Mimms pointed out that, through the clustering provision, it was possible that the same development could take place.

Mr. Nichols indicated that he would like to look specifically at the details of the overlay as opposed to the present zoning.

Chair Cole asked if it was possible to separate a single parcel from the ones presented to the board.

Mr. Mimms pointed out that there would be sufficient time between the present meeting and when the petition would go before the City Commission for Mr. Nichols to meet with staff on the matter. He explained that the board could approve, deny, or continue the petition.

Ms. Maureen Ashley indicated that she lived near Parcel 15975 that Mr. Nichols spoke about, and she cited concerns that it might be developed. She noted that it was a significant wildlife habitat. She presented a copy of an ecological assessment that had been done on parcel to nominate it for the Alachua County Forever Program. She explained that the report indicated that 92% of the parcel was wetlands and in the floodplain zone. She indicated that the Alachua County Department of Environmental Protection had copies of the report.

Ms. Doris Edwards was recognized. Ms. Edwards agreed that the property was special. She noted, however, that developing the property would bring much needed investment in East Gainesville. She suggested that the board continue the petition so more research could be done.

Ms. Rachel Iannelli, 1332 NE 22<sup>nd</sup> Avenue, was recognized. Ms. Iannelli explained that she owned property adjoining Mr. Nichols' property (Parcel 15975) and she understood his concerns. She indicated that half of her property was within the 100-year flood plain and regularly flooded during rainstorms, as did Parcel 15975. She agreed that East Gainesville needed development, but noted that it had to be appropriate development. She indicated that the property was special and development needed to be restricted to protect it.

Mr. James Wilks was recognized. Mr. Wilks indicated that he supported the petition and believed it would encourage development.

Mr. Tecler noted that the proposed regulation did require additional reports for potential development and might make it more difficult.

Ms. Ina Jean Clark, resident near Parcel 15975, was recognized. Ms. Clark indicated that she was not opposed to development in SE Gainesville, however, she did have concerns about increased development increasing traffic on the roads.

*These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville*

Chair Cole pointed out that the petition did not involve development, but stricter regulations to protect the natural environmental features on property should it be developed in the future.

Ms. Clark noted that there was a great deal of low, swampy land on Parcel 15975. She reiterated her concerns about traffic and asked that the petition be continued.

Chair Cole explained that, should any construction take place, the increased traffic would be taken into consideration.

Chair Cole closed the floor to public comment.

Mr. Mimms stated that he wished to clarify that there were no development proposals for any of the properties under discussion in the petition. He reiterated that staff could not tell Mr. Nichols or any other property owner how the regulations would affect their property until they brought forth a development proposal and provided the environmental report. He pointed out that the City Commission had put the environmental overlay in place and designated specific properties several years ago.

Mr. Nichols indicated that he understood that the petition would go before the City Commission in several hearings, however, he believed that there was the possibility of building homes on the property. He requested that the board continue the petition.

Chair Cole suggested that staff bring the ecological overlay petitions to be heard in a parcel-by-parcel manner in the future.

Mr. Polshek noted that given, the environmental ranking system, a maximum of 60 or 70 was all the parcels could attain, so the mid-fifties was a very high ranking. He suggested that the overlay increased the property values because it increased the quality of life. He indicated that he did not believe the petition should be continued given the time before it would go to the City Commission.

Mr. Mimms indicated that it would be a minimum of a month or possibly longer before the petition went to the Commission.

Mr. Polshek noted that, if a property owner was to understand the limits placed on his property, a hydrological study should be done to allow that owner to understand the property itself. He asked for a detailed analysis of the environmental ranking numbers on a parcel-by-parcel basis when the rezoning petitions came forward in the future.

Mr. Nozzi indicated that he had provided the board with all available information. He explained that Nature Operations staff determined the ranking of properties in 2001 when the overlay was created. He indicated that he would try to find the spreadsheets.

Mr. Tecler noted Parcel 15701 had a ranking of 51.2, which was below the median. He indicated that he would like more information about the parcels before enacting the regulations. He asked if a development proposal came in on one of the parcels, would it come to the Plan Board.



Mr. Mimms indicated that it would go to the DRB unless it was a Planned Development.

Mr. Tecler asked if the DRB had the discretion to add the additional 10 percent set aside.

Mr. Mimms indicated that it would be weighed and determined by the required environmental report.

Mr. Tecler cited concerns about a board's discretion to apply an additional set aside.

Mr. Cohen pointed out that the board was not determining the Ecological Overlay Ordinance, which had been approved by the City Commission some time ago. He agreed that a property that was of high ecological value might lose some ability for development, however, that the loss was mitigated to some degree with the ability to cluster that development where it ordinarily would not be allowed. He noted that applying the environmental overlay did not change the required wetland delineation by the appropriate Water Management District.

Mr. Nozzi agreed. He noted that the FEMA flood plain maps he presented were just a general idea of the floodplain and did not give details of wetlands or surface waters.

Mr. Gold agreed that the City Commission had established the overlay district. He noted that it would be good for Mr. Nichols to communicate with staff on the matter, however, he wished Mr. Nichols had done so before the meeting so the petitions could move forward. He indicated that he was in support of the petition because of the shrinking amount of good environmental property in the City. He pointed out that, while the parcels were environmentally outstanding, the overlay did permit development.

Mr. Polshek recommended that future notifications to property owners include a copy of the ordinance, a summary of the evaluation of scoring as shown on Pages 5 – 9 of the board's packets, and a summary of the report of that particular parcel.

Mr. Nozzi indicated that he believed some of those items were already being mailed with the notification letters.

Mr. Polshek discussed the ecological scoring system and noted that it was parcel specific. He suggested that a high environmental ranking could increase the value of a developable property.

Mr. Reiskind indicated that he believed there was great virtue in the Ecological Overlay Ordinance and he supported improving the notification process. He suggested that the criteria used in the ranking process were open to review and the scoring system should be communicated to the landowners and available to the public as well.

Mr. Gold suggested that, rather than debate the whole overlay concept, the petition be continued. He suggested that the City used too much legal language and should be simplified.

Mr. Tecler stated that the scoring system for environmental properties was flawed. He indicated that the process was confusing for citizens, and suggested that it was because there were too many overlay districts.

Chair Cole stated that he was inclined to have the petition continued because of the number of questions coming from a relatively informed board. He agreed that clarifying language was important, however, he was unfamiliar with the legal guidelines for the process.

*These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville*

Mr. Mimms pointed out that phone numbers were provided on the orange signs posted on properties and notices sent to all property owners within 400 feet. He noted that staff did receive a number of phone calls and was able to clarify and explain things to those persons who requested the information. He agreed that overlays were confusing, but the language did have to meet a certain legal standard as required by Chapter 30 of the Land Development Code.

Chair Cole cited a concern that there were other property owners that did not understand, and he asked if confirmation of contact with the property owners could be made, possibly with a return receipt from the post office. He suggested that he did not believe it was excessive to ask that the Ecological Overlay parcels come forward parcel-by-parcel rather than a group. He further recommended that, since each parcel's maximum possible score differed from parcel to parcel, that maximum should be included along with its actual score. He noted that, if flood plain maps were vague, it might not be necessary to use them at all.

Mr. Polshek noted that he had been on the Plan Board for many years and there had been many controversial petitions that did place burdens on property owners as well as affording them great benefit. He stated that the notification process did work, even if there were occasional minor glitches. He pointed out that to continue a petition that had a month or more before it went to the City Commission where there was ample opportunity for discussion was a disservice to the City. Mr. Polshek noted that there were only 12 properties, and only one landowner had come to the meeting to express concerns.

Mr. Gold made a motion to continue the petition and Mr. Tecler seconded.

Chair Cole called for discussion of the motion.

Mr. Reiskind noted that there was nothing to preclude additional petitions with regard to the Significant Ecological Communities Overlay District to come forth. He indicated that he did not believe continuing the petition would have any effect on those petitions.

Mr. Polshek indicated that the petitions were basic with ample time before and after the Plan Board meeting for discussion. He suggested that the board was obligated to forward them with a recommendation unless members could find a significant reason it should not.

Chair Cole suggested that Mr. Polshek could request an amendment to the motion to continue just Parcel 15975.

Mr. Polshek declined and requested that the motion maker withdraw his motion.

Mr. Gold declined to withdraw the motion.

Mr. Cohen indicated that, while he was sympathetic to the citizens who had concerns, he would like to see a motion to approve the petition with a recommendation to the City Commission with a note that a particular petitioner had concerns and the board had asked staff to meet with that petitioner to address his concerns. He suggested that Mr. Nichols' concerns would be better addressed by sending the petition on to the Commission.

Chair Cole suggested that the motion be amended to continue just Parcel 15975 to address Mr. Nichols' concerns.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Tecler
<u>Moved to:</u> Continue Petition 23ZON-06 PB directing City staff meet with concerned landowners, and provide packet of intelligible information to be sent to the landowners far enough in advance to be sure that they're well prepared to speak to the changes brought about by the rezoning.	<u>Upon Vote:</u> Motion failed 3 – 4 Aye: Gold, Reiskind, Tecler Nay: Cohen, McDonell, Polshek, Cole

Chair Cole called for another motion. He indicated that his preference was to have the petition approved with the exception of Mr. Nichols' Parcel.

<u>Motion By:</u> Mr. Polshek	<u>Seconded By:</u> Mr. Cohen
<u>Moved to:</u> Approve Petition 23ZON-06 PB with a request that staff meet with Mr. Nichols, owner of Parcel 15975, to hear his concerns and explain the overlay in detail, and that the request be forwarded with the board's recommendation to the City Commission.	<u>Upon Vote:</u> Motion Carried 5 - 2 Aye: Polshek, Cohen, Reiskind, Gold, McDonell Nay: Cole, Tecler