LEGISLATIVE NO. 002574

MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commission

DATE: April 22, 2002

FROM: City Attorney

~~FIRST READING~~

SECOND READING

SUBJECT: **Ordinance No 0-02-13**
An ordinance of the City of Gainesville, Florida, amending Ordinance No. 002084 and extending the time period of the temporary moratorium on zoning permits, site plan approval and any other official action of the City of Gainesville permitting or having the effect of permitting development or use on all real property that is zoned "BUS: General business district", "BT: Tourist-oriented business district" and any commercial use, as more specifically defined in this ordinance, on all real property that is zoned "MU-1: 10-30 units/acre mixed use low intensity", "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", "RMF-8: 8-30 units/acre multiple-family residential district", "OR: 20 units/acre office residential district", "RH-1: 8-43 units/acre residential high density district", and "RH-2: 8-100 units/acre residential high density district"; located within the S.W. 13th Street Corridor, as more specifically described in this Ordinance, generally bounded on the North by SW Archer Road, and on the South by the city limits, and located generally north of Williston Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

Ordinance No. 002084 was adopted by the City Commission on December 20, 2001, imposing a temporary moratorium. The City Commission, at its meeting of March 25, 2002, authorized the City Attorney to prepare an ordinance extending the moratorium from 11:59 p.m. on September 23, 2002 through 11:59 p.m. on November 25, 2002.

Prepared and Submitted by:

Marion J. Radson
City Attorney

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

DRAFT

3-26-02

ORDINANCE NO._____
0-02-13

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 002084 and extending the time period of the temporary moratorium on zoning permits, site plan approval and any other official action of the City of Gainesville permitting or having the effect of permitting development or use on all real property that is zoned "BUS: General business district", "BT: Tourist-oriented business district" and any commercial use, as more specifically defined in this ordinance, on all real property that is zoned "MU-1: 10-30 units/acre mixed use low intensity", "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", "RMF-8: 8-30 units/acre multiple-family residential district", "OR: 20 units/acre office residential district", "RH-1: 8-43 units/acre residential high density district", and "RH-2: 8-100 units/acre residential high density district"; located within the S.W. 13th Street Corridor, as more specifically described in this Ordinance, generally bounded on the North by SW Archer Road, and on the South by the city limits, and located generally north of Williston Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on December 20, 2001, the Gainesville City Commission adopted Ordinance No. 002084 imposing a temporary moratorium (hereinafter "moratorium") on zoning permits, site plan approval and any other official action of the City of Gainesville permitting or having the effect of permitting development or use on all real property that is zoned "BUS: General business district", "BT: Tourist-oriented business district" and any commercial use, as more specifically defined in this ordinance, on all real property that is zoned "MU-1: 10-30 units/acre mixed use low intensity", "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", "RMF-8: 8-30 units/acre multiple-family residential district", "OR: 20 units/acre office residential district", "RH-1: 8-43 units/acre residential high density district", and "RH-2: 8-100 units/acre residential high density district";

1 located within the S.W. 13th Street Corridor, as more specifically described in this Ordinance,
2 generally bounded on the North by SW Archer Road, and on the South by the city limits, and
3 located generally north of Williston Road; providing a procedure for extraordinary hardship;
4 providing a severability clause; providing a repealing clause; and providing an immediate
5 effective date.

6 **WHEREAS,** the moratorium as adopted by Ordinance No. 002084 ends at 11:59 p.m. on
7 Monday, September 23, 2002; and

8 **WHEREAS,** the City of Gainesville and Alachua County have previously conducted two
9 workshops along the corridor during the spring and fall of 2001 to begin the process of assessing
10 goals and identifying a vision for the corridor; and

11 **WHEREAS,** at these workshops proper municipal objectives, such as beautification,
12 reduction of crime, environmental cleanup, and change of the mix of uses allowed along the
13 corridor, were identified, and are determined to be proper public purposes; and

14 **WHEREAS,** an additional period of time is necessary to complete the study on the
15 potential impact of certain uses and development within the Southwest 13th Corridor; and

16 **WHEREAS,** the City Commission finds that it is essential to protect and preserve the
17 environment and the public health, welfare and safety of the City and its citizenry, that it is in the
18 City's best interest, and that it is consistent with the Comprehensive Plan for the City to extend
19 the term of the moratorium for an additional period of time; and

20 **WHEREAS,** the City Commission readopts the findings in Ordinance No. 002084 in
21 support of this extension of the moratorium; and

22 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10
23 inches long was placed in a newspaper of general circulation notifying the public of this
24 proposed ordinance and of the Public Hearing to be held at the transmittal stage, in the City

Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

WHEREAS, pursuant to law, after the public hearing at the transmittal stage the City of Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

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

WHEREAS, the two Public Hearings were held pursuant to the published notices described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

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

Section 1. The City Commission readopts and reaffirms the findings contained in the whereas clauses of Ordinance No. 002084.

Section 2. Imposition of Additional Temporary Moratorium

(a) The time period of the moratorium as provided in Section 4 of Ordinance No. 002084 is extended, and shall end at 11:59 p.m. on Monday, November 25, 2002, or the date of adoption of ordinance(s) implementing the review and study of those certain uses as provided in Ordinance No. 002084.

(b) The imposition of the moratorium is not intended to affect nor does it affect: (i) either the processing of any application for development permit or the issuance of development orders, development permits, including building permits, for any of the uses described in Exhibit "A" within the Moratorium area for which an application for development permit was properly filed or a pre-application conference (First Step Meeting) was held with the City of Gainesville

on or before 5:00 p.m. on Monday, November 13, 2001; or (ii) the processing of any application for development permit or the issuance of development orders, development permits, including building permits, for the expansion or renovation of any lawful use or development in existence as of November 13, 2001, as long as said orders or permits do not change the use of the property in lawful existence as of Monday, November 13, 2001; or (iii) the processing of any application for development permit or the issuance of development orders, development permits, including building permits, for the expansion or renovation of any existing vacant building that reestablishes the last identified lawful conforming use of the property.

Section 3. Except as hereinabove modified and amended, the provisions and terms of Ordinance No. 002084 shall remain in full force and effect.

Section 4. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the valid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

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

PASSED AND ADOPTED this ____ day of April, 2002.

_____
Thomas D. Bussing, Mayor

ATTEST:

_____
Kurt Lannon
Clerk of the Commission

APPOVED AS TO FORM AND LEGALITY:

_____
Marion J. Radson, City Attorney

This ordinance passed on first reading this _____ day of _____, 2002.
This ordinance passed on second reading _____ day of _____, 2002.