

LEGISLATIVE #

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TO: City Plan Board

Item Number: 13

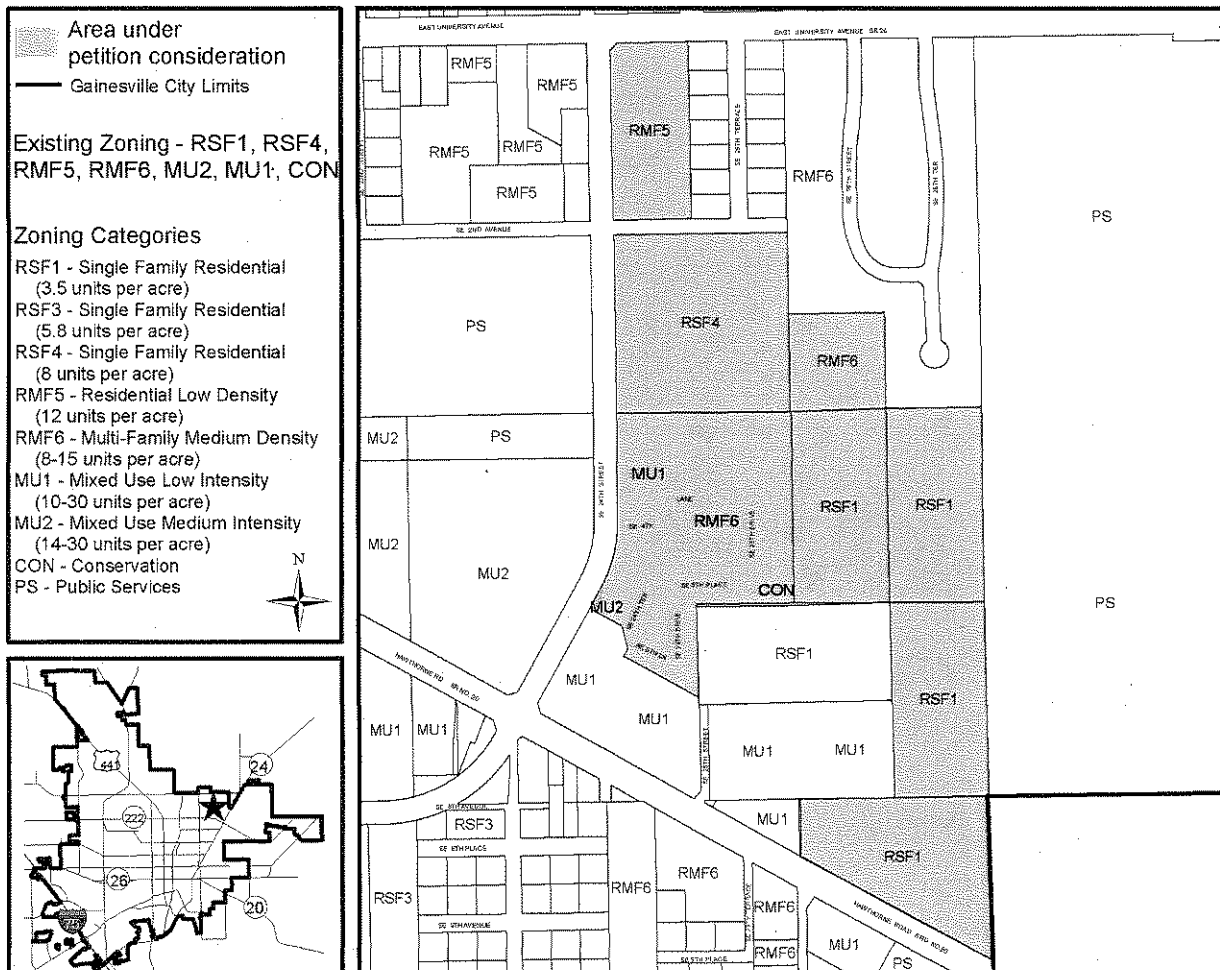
FROM: Planning & Development Services Department Staff

DATE: April 28, 2011

SUBJECT: **Petition PB-11-16 ZON.** City Plan Board. Remove the Significant Ecological Communities Overlay District from eight parcels totaling approximately 47 acres in size and located generally east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road. Related to Petition PB-10-143 TCH.

Recommendation

Staff recommends approval of Petition PB-11-16 ZON.



Description

The properties that are the subject of this rezoning petition are located east of Southeast 24th Street, between East University Avenue and Southeast Hawthorne Road. (See map on Page 1, aerial photo in Appendix A, Exhibit A-1, and existing zoning map in Exhibit A-2). These eight undeveloped parcels are contiguous and total approximately 47 acres. The Significant Ecological Communities Overlay zoning district was applied to these properties by adoption of Ordinance No. 051019 (see Appendix A, Exhibit A-3) on July 10, 2007.

The proposed removal of the Significant Ecological Communities Overlay District from these properties is necessitated by the related, amended land development regulations proposed by Petition PB-10-143 TCH, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources. Deletion of Sections 309 and 309.1, which pertain to the Significant Ecological Communities District, is a provision of related Petition PB-10-143 TCH.

The City Commission adopted an ordinance (Legistar No. 020697) in 2004 to create a significant ecological communities overlay district (Sections 309 and 309.1 of the Land Development Code). Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to this overlay district arose. In 2009, staff presented a new concept for environmental protection to the: City's Community Development Committee, City Commission, and City and County Commissions at a joint meeting. The concept was approved and staff was directed to move forward with draft ordinance language.

Staff presented draft ordinance language (Petition PB-09-125 TCH) to the Plan Board in September 2009, which by a 7:0 vote recommended its approval to the City Commission. Staff was prepared to present it in December 2009 to the City Commission, but the item was continued because the City Attorney's Office had not yet reviewed the substantial and lengthy draft language. During 2010, the City Attorney's office and staff worked together to revise the draft language, which was presented as new Petition PB-10-143 TCH to the City Plan Board in February and March of 2011, and approved by a 5:1 vote of the Plan Board on March 24, 2011.

As previously noted, sections that delete the Significant Ecological Communities Overlay District are included in PB-10-143 TCH. If the regulations proposed by PB-10-143 TCH are approved and adopted by the City Commission, this overlay district will no longer exist, and the protections it provided will be replaced by additional and updated regulations for the protection of natural and environmental resources that are applicable to all properties subject to the requirements of the City's Land Development Code.

Key Issues

- The proposed rezoning is necessitated by the related, amended land development regulations proposed by Petition PB-10-143 TCH, which amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources and delete the Significant Ecological Communities Overlay District.

- This proposed rezoning (removal of the Significant Ecological Communities Overlay District) is consistent with the City's Comprehensive Plan.

Basis for Recommendation

The staff recommendation is based on the five following factors, which are discussed below: Conformance with the Comprehensive Plan; Conformance with the Land Development Code; Changed Conditions; Compatibility; and Impacts on Affordable Housing.

1. Conformance with the Comprehensive Plan

The proposed rezoning is consistent with Objective 2.4 of the Conservation, Open Space & Groundwater Recharge Element of the Comprehensive Plan, which states that:

“The City shall amend its land development regulations as necessary to conserve environmentally significant surface waters; major natural groundwater recharge areas; threatened or endangered or listed (or candidates for being listed) plants, animals and habitats; and prevent the spread of invasive vegetation. The adopted regulations shall be designed to maintain viable populations of these existing plant and animal species and allow development activities which are compatible with identified environmentally significant lands and resources. (See Environmentally Significant Land and Resources map series within the Future Land Use Map Series.)”

The proposed removal of the Significant Ecological Communities Overlay District is necessitated by the related, amended land development regulations proposed by Petition PB-10-143 TCH, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources.

2. Conformance with the Land Development Code

The proposed deletion of the Significant Ecological Communities District is consistent with the revisions to the City's Land Development Code that are proposed by Petition PB-10-143 TCH (City of Gainesville. Amend the Land Development Code to add and update regulations for the protection of natural and archaeological resources. Delete Sections 30-309 & 30-309.1 of the Land Development Code, which pertain to the Significant Ecological Communities District.)

3. Changed Conditions

The changed condition pertinent to this proposal is the proposed deletion (within related Petition 10-143 TCH) of Sections 309 and 309.1 of the Land Development Code, which pertain to the Significant Ecological Communities District. Deletion of these Code sections will effectively nullify applicability of the Significant Ecological Communities District to all properties upon which this overlay zoning district was imposed. Because the affected properties were rezoned to this overlay zoning district, removal of the Significant Ecological Communities District overlay requires rezoning.

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4. Compatibility

Compatibility is not at issue. Once the Significant Ecological Communities District overlay is removed from the affected properties, they will be subject to the same environmental regulations as any other properties regulated by the Land Development Code. These regulations include the additional and updated regulations for the protection of natural and archaeological resources proposed by related Petition PB-10-143 TCH, should they be adopted by the City Commission.

5. Impacts on Affordable Housing

The proposed rezoning (i.e., removal of the overlay district) will have no impact on the supply of affordable housing in Gainesville.


Transportation

The proposed rezoning will have no impact on transportation.


Environmental Impacts and Constraints

There are no major environmental impacts and constraints associated with this petition because related Petition PB-10-143 TCH, which deletes Code Sections 309 and 309.1, if approved, will provide additional and updated regulations for the protection of natural and archaeological resources for all property subject to regulation by the City's Land Development Code.

Respectfully submitted,


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List of Appendices

Appendix A Supplemental Documents

- Exhibit A-1 Aerial Photograph of Property
- Exhibit A-2 Map: Existing Zoning
- Exhibit A-3 Ordinance: No. 051019

Appendix B Application

- Exhibit B-1 Application