



# MEMORANDUM

Office of the City Attorney

Legistar No. 000769  
Phone: 334-5011/Fax 334-2229

Box 46

TO: CITY COMMISSION

DATE: March 26, 2001  
FIRST READING

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-01-15; Petition No. 173CPA-00 PB  
An ordinance of the City of Gainesville, Florida, amending the Historic Preservation Element of the City of Gainesville 1991-2001 Comprehensive Plan; adding provisions relating to archaeologically sensitive areas, cemeteries, "native stone" buildings, encouragement of reuse rather than relocation or demolition, establishment of a conservation overlay district ordinance to identify distinctive neighborhoods, inventory of threatened structures in historic districts, targeting CDBG funds for historic districts, identification of areas for "Florida Main Street Community" designation, encouragement of Santa Fe Community College to have a master plan for its downtown campus, and protection of historic districts from incompatible uses; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

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Recommendation: The City Commission (1) approve Petition 173CPA-00 PB, with modifications; and (2) adopt the proposed ordinance.

## STAFF REPORT

The Historic Preservation Element emphasizes the preservation, protection and enhancement of historic, archaeological and cultural resources in the City of Gainesville.

The Historic Preservation Board provided comments to staff at the November 7, 2000 regular meeting regarding the Historic Preservation Element. The Plan Board reviewed the draft Historic Preservation Element and provided comments at a public workshop on November 30, 2000. Input from the two Boards and recommendations from the Evaluation and Appraisal Report are reflected in the proposed updated Element.

The proposed changes to the Goals, Objectives, and Policies include:

- Identify archaeologically sensitive areas within the City of Gainesville.
- Coordinate with groups that are surveying and identifying cemeteries.
- Survey and nominate Gainesville's "native stone" buildings to the National Register of Historic Places.
- Prepare a conservation district overlay ordinance and identify distinctive neighborhoods in Gainesville for inclusion.

- Inventory threatened historic structures in the Pleasant Street, Northeast, and Southeast Historic Districts.
- Identify commercial areas in Gainesville appropriate for designation as a "Florida Main Street Community."
- Encourage Santa Fe Community College to develop a master plan for its downtown campus to ensure that future development is sensitive to the historic character of the Pleasant Street Historic District.
- Protect historic districts from encroachment of incompatible uses.
- Develop and maintain a list of historic properties that are threatened by demolition due to neglect.

The Plan Board modified Policy 1.3.3 to clarify that there is a hierarchy ranging from use and rehabilitation of historic structures to demolition as a last resort. Within the hierarchy are relocation to another site for reuse, and selective dismantling for reuse, both of which are preferable to demolition.

Strike-throughs and underlines indicate changes from the 1991 adopted Goals, Objectives and Policies.

Public notice was published in the Gainesville Sun on December 1, 2000. The Plan Board held a public hearing December 19, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 173CPA-00 PB, with modifications. Plan Board vote 5-0.

Fiscal Note. None

#### CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the Plan Board on December 19, 2000, and the Community Development Department has requested the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately seven (7) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by: Patricia M. Carter  
Patricia M. Carter, Sr. Assistant City Attorney

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

MJR:PMC:sw

**ORDINANCE NO. \_\_\_\_\_**  
**0-01-15**

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**An ordinance of the City of Gainesville, Florida, amending the Historic Preservation Element of the City of Gainesville 1991-2001 Comprehensive Plan; adding provisions relating to archaeologically sensitive areas, cemeteries, "native stone" buildings, encouragement of reuse rather than relocation or demolition, establishment of a conservation overlay district ordinance to identify distinctive neighborhoods, inventory of threatened structures in historic districts, targetting CDBG funds for historic districts, identification of areas for "Florida Main Street Community" designation, encouragement of Santa Fe Community College to have a master plan for its downtown campus, and protection of historic districts from incompatible uses; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS,** the City Plan Board authorized the publication of notice of a Public Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan 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 December 19, 2000; 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 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

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

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

8           **WHEREAS**, prior to adoption of this ordinance, the City Commission has  
9 considered the comments, recommendation and objections, if any, of the State Land  
10 Planning Agency;

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

13       **Section 1.** The Historic Preservation Element of the City of Gainesville 1991-2001  
14 Comprehensive Plan is amended as shown in Attachment A.

15       **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
16 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or  
17 element, or portion thereof in order to fully implement this ordinance.

18       **Section 3.** It is the intent of the City Commission that this amended element will become  
19 part of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption of a  
20 resolution.

21       **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
22 or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
23 way affect the validity of the remaining portions of this ordinance.

**D R A F T**

**3-26-01**

1 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
2 such conflict hereby repealed.

3 **Section 6.** This ordinance shall become effective immediately upon final adoption;  
4 however, the amendment to the 1991-2001 Comprehensive Plan shall not become  
5 effective until the state land planning agency issues a final order determining the adopted  
6 amendment to be in compliance in accordance with section 163.3184(9), or until the  
7 Administration Commission issues a final order determining the adopted amendment to  
8 be in compliance in accordance with section 163.3184(10).

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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
PAULA M. DeLANEY  
MAYOR

ATTEST:

Approved as to form and legality

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

carter:ordinances:173CPA-00PB

ATTACHMENT A  
HISTORIC PRESERVATION ELEMENT  
GOALS, OBJECTIVE AND POLICIES

GOAL 1 PRESERVE, PROTECT, ENHANCE AND SUPPORT THE  
HISTORIC, ARCHAEOLOGICAL AND CULTURAL RESOURCES  
WITHIN THE CITY OF GAINESVILLE.

Objective 1.1

~~By 1996,~~ The City shall continue to update the historic, archaeological and cultural resource base survey.

~~1.1.1 The City shall conduct a citywide survey of historic resources using the Historic Site Data Sheet prepared by the Department of Community Development.~~

1.1.1 The City shall continue to expand its inventory of historic properties by preparing new Florida Site Files for previously undocumented properties and updating existing site files for properties that have undergone alterations or demolitions.

~~1.1.2 The City shall conduct a survey of undisturbed~~ identify archaeologically sensitive areas sites within the City of Gainesville.

~~1.1.3 The City shall prepare an Evaluation and Appraisal Report of the Historic Preservation Element every five years.~~

~~1.1.4 The City shall update and maintain its inventory of facilities and arts organizations on an annual basis.~~

1.1.3 The City shall coordinate with groups that are surveying and identifying cemeteries in Gainesville.

Objective 1.2

**The City shall increase the number of historic resources listed in the Local or National Register of Historic Places.**

1.2.1 The City shall continue to study and re-evaluate the levels of significance of potential historic districts for listing in the Local or National Register of Historic Places ~~by the year 1996.~~

1 1.2.2 The City shall continue to evaluate the eligibility of individual historic resources  
 2 for listing in the Local or National Register of Historic Places ~~on an ongoing~~  
 3 ~~annual basis.~~

4  
 5 1.2.3 By 2003, the City shall survey and nominate to the National Register of Historic  
 6 Places Gainesville's "native stone" buildings.

7  
 8  
 9 **Objective 1.3**

10  
 11 **The City shall reduce the number of historic resources in need of stabilization and**  
 12 **rehabilitation on an annual basis.**

13  
 14 1.3.1 ~~By June 1992,~~ The City shall continue to study and, where necessary, amend its  
 15 land development regulations to include incentives that encourage historic  
 16 preservation. ~~These may include the following:~~

- 17
- 18 a. ~~Property tax incentives;~~
- 19
- 20 b. ~~Fifty percent reduction in permit application fees;~~
- 21
- 22 c. ~~Increased flexibility in modifying setback, parking and other requirements;~~
- 23
- 24 d. ~~Use of transfer of development rights;~~
- 25
- 26 e. ~~Use of eminent domain to acquire abandoned and neglected historic~~  
 27 ~~properties;~~
- 28
- 29 f. ~~Provision of public improvements such as sidewalks, streets, lighting, etc., in~~  
 30 ~~support of historic preservation/conservation projects.~~

31  
 32 1.3.2 The City shall study the use of other legal tools, such as preservation easements,  
 33 to protect historic and archaeological resources.

34  
 35 1.3.3. The City shall continue to review building, fire and housing codes to identify  
 36 regulations that restrict the use and rehabilitation of historic structures. Where  
 37 possible, the City shall amend codes to encourage the use and rehabilitation,  
 38 relocation to another site for reuse, selective dismantling for reuse, and, only as a  
 39 last resort, demolition of historic structures.

40  
 41 ~~1.3.4 The City shall revise the Historic Preservation/Conservation Ordinance to prevent~~  
 42 ~~"demolition by neglect" of historic structures and clear up ambiguities in the~~  
 43 ~~"economic hardship" clause.~~

1 1.3.4. The City shall ~~implement a mechanism by which the Code Enforcement Division~~  
2 ~~can continue to~~ ensure enforcement of the Historic Preservation/Conservation  
3 Ordinance, by procedures such as requiring the posting of a copy of an approved  
4 Certificate of Appropriateness (COA) application along with a building and or  
5 demolition permit, and requirement of an after-the-fact COA for fee, according to  
6 a schedule.

7  
8 1.3.5 By 2003, the City shall prepare a conservation district overlay ordinance and  
9 identify distinctive neighborhoods in Gainesville for inclusion. The conservation  
10 overlay shall seek to preserve those neighborhoods from significant alterations of  
11 architectural features through adoption and implementation of policies to be  
12 placed in the Land Development Regulations.

13  
14 1.3.6 The City shall inventory threatened historic structures in the Pleasant Street,  
15 Northeast, and Southeast Historic Districts.

16  
17 1.3.7 The City shall target a portion of its Community Development Block Grants  
18 toward historic districts such as the Pleasant Street and NW Fifth Avenue  
19 neighborhoods to better leverage existing resources.

20  
21 **Objective 1.4**

22  
23 **Ensure that the City’s land use, housing, transportation, and economic development**  
24 **policies are consistent with and facilitate historic preservation.**

25  
26 1.4.1 By 2004, the City shall identify commercial areas in Gainesville appropriate for  
27 designation as a “Florida Main Street Community.”

28  
29 1.4.2 The City shall encourage Santa Fe Community College to develop a master plan  
30 for its downtown campus to ensure that future development is sensitive to the  
31 historic character of the Pleasant Street Historic District.

32  
33 1.4.3 The residential character of an historic district, as defined by the National Register  
34 jurisdictional line, shall be protected from encroachment by incompatible non-  
35 residential uses.

36  
37 1.4.4 The character of an historic district shall be protected from encroachment of  
38 incompatible uses.

39  
40 **Objective 1.4 1.5**

41  
42 **By 1993, The City shall develop a program that increases public and private**  
43 **involvement in the preservation, protection, enhancement and support of historic,**  
44 **archaeological and cultural resources.**



1 1.5.1 The City shall coordinate with for-profit and ~~non-~~ not-for-profit organizations to  
2 help defray the cost of preserving historic and archaeological resources.

3  
4 1.5.2 The City shall increase public awareness that parks, landscapes and gardens ~~are~~  
5 may constitute historic resources.  
6

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8  
9 **GOAL 2 Secure public support and awareness for historic**  
10 **preservation/conservation efforts.**

11  
12 **Objective 2.1**

13  
14 **The City shall provide education to citizens on awareness ~~consciousness~~, value, use**  
15 **and protection of historic and archaeological resources. ~~on an annual basis.~~**  
16

17 2.1.1 The Historic Preservation Board shall coordinate with other historic preservation  
18 organizations to conduct annual informational workshops on historic preservation.  
19 ~~on an annual basis.~~

20  
21 2.1.2 The City shall produce, and make accessible, educational materials on the  
22 preservation of historic and archaeological resources.

23  
24 2.1.3 The City shall work with state and local governmental organizations, the  
25 University of Florida and other interested parties to promote historic  
26 preservation.

27  
28 ~~2.1.4 The City shall provide signs that direct the public to historic districts and identify~~  
29 ~~historic district boundaries.~~

30  
31 2.1.4 Develop and maintain a list of historic properties that are threatened by demolition  
32 by neglect.  
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35 **Objective 2.2**

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37 **~~By 1993,~~ The City shall develop a program that supports, enhances and encourages**  
38 **public awareness of historic tourism as an economic benefit to Gainesville.**

39  
40 2.2.1 The City shall work with the Gainesville Area Chamber of Commerce, the  
41 Alachua County Office of Tourist Development, the Downtown Redevelopment  
42 Agency, other local governments, and other organizations to promote historic  
43 tourism.  
44

1 2.2.2 The City shall revise the Historic Preservation/Conservation Ordinance to include  
2 historic tourism as a part of the City's historic preservation program.  
3  
4  
5

6 ~~GOAL 3— ENHANCE AND DEVELOP CULTURAL RESOURCES, AND~~  
7 ~~ENSURE ACCESS BY ALL SEGMENTS OF THE COMMUNITY TO A BROAD~~  
8 ~~VARIETY OF CULTURAL EXPERIENCES.~~  
9

10 ~~By June 1993, the City of Gainesville shall amend the Comprehensive Plan to~~  
11 ~~include a Cultural Element.~~  
12

13 ~~3.1.1— By 1992, the City shall analyze and publish the results of its Economic Impact~~  
14 ~~Survey.~~  
15

16 ~~3.1.2— The City shall utilize its Economic Impact Survey, its facilities and arts~~  
17 ~~organization inventory, user surveys, and other sources of information to identify~~  
18 ~~community cultural needs in the Cultural Element.~~  
19

20 ~~3.1.3— The City shall produce a plan to prioritize its programming and funding efforts~~  
21 ~~by 1992.~~  
22

# City of Gainesville

Inter-Office Communication

Department of Community Development  
Phone 334-5022, FAX 334-2282, Station 11

Item No. 6

**To:** City Plan Board **Date:** December 19, 2000  
**From:** Planning Division Staff  
**Subject:** 173CPA-00PB. City Plan Board. Update the Historic Preservation Element of the City of Gainesville 1991-2001 Comprehensive Plan for the proposed 2000-2010 Comprehensive Plan.

## Recommendation

Planning Division staff recommends approval of updated Historic Preservation Element.

## Explanation

Attached is the current draft of the Historic Preservation Element (Goals, Objectives, and Policies and Data & Analysis) of the updated 2000-2010 Gainesville Comprehensive Plan. The Historic Preservation Element emphasizes the preservation, protection and enhancement of historic, archaeological and cultural resources in the City of Gainesville.

The Historic Preservation Board provided comments to staff at the November 7, 2000 regular meeting regarding the Historic Preservation Element. The Plan Board reviewed the draft Historic Preservation Element and provided comments at the November 30, 2000 public workshops. Input from the two Boards, as well as, recommendation from the Evaluation and Appraisal Report adopted in December 1998, are reflected in the proposed updates.

The proposed changes to the Goals, Objectives, and Policies include:

- Identify archaeologically sensitive areas within the City of Gainesville.
- Coordinate with groups that are surveying and identifying cemeteries.
- Survey and nominate Gainesville's "native stone" buildings to the National Register of Historic Places.
- Require an after-the-fact COA for fee, according to a schedule to be adopted and included in the City's Land Development Regulations.
- Prepare a conservation district overlay ordinance and identify distinctive neighborhoods in Gainesville for inclusion.
- Inventory threatened historic structures in the Pleasant Street, Northeast, and Southeast Historic Districts.
- Identify commercial areas in Gainesville appropriate for designation as a "Florida Main Street Community."
- Encourage Santa Fe Community College to develop a master plan for its downtown campus to ensure that future development is sensitive to the historic character of the Pleasant Street Historic District.
- Protect historic districts from encroachment of incompatible uses.

City Plan Board  
Petition 173CPA-00PB  
December 19, 2000

- Develop and maintain a list of historic properties that are threatened by demolition due to neglect.

Strike-throughs and underlines indicate changes from the 1991 adopted Goals, Objectives and Policies.

Respectfully Submitted,



Ralph Hilliard,  
Planning Manager

Attachments

RH/dh

6. **Petition 173CPA-00 PB** City Plan Board. Update the Historic Preservation Element of the City of Gainesville 1991-2001 Comprehensive Plan for the proposed 2000-2010 Comprehensive Plan.

Ms. Dee Henrichs was recognized. Ms. Henrichs indicated that one Policy had been added to the Element since the November 30, 2000 Plan Board Workshop. She explained that it had been added to Objective 1.4, which ensured that the City's land use, housing, transportation, and economic development policies were consistent with and facilitated historic preservation. She offered to answer questions from the board.

Mr. Polshek suggested that Policy 1.4.3 and 1.4.4 should read "encroachment by incompatible uses" instead of "encroachment of incompatible uses."

Mr. Guy asked why Policy 1.3.7 singled out the Pleasant Street and NW Fifth Avenue neighborhoods for Community Development Block Grant (CDBG). He noted that there were other areas of the City that would benefit from the funds. He noted that the southeast area had a significant history. He suggested that the Spring Hill and Sugar Hill neighborhoods and a building called the "warehouse" might be mentioned.

Mr. Hilliard explained that the Policy did state that the City should target a portion of funds, not all of the funds. He noted that it did leave funds for other areas. He pointed out that there were areas of the Spring Hill neighborhood where the City had spent a great deal of money. He explained that, since the Policy targeted historic preservation, a portion of CDBG funds should flow into established historic district neighborhoods. He noted that the Policy did not preclude other areas of the City from receiving CDBG funding.

Vice-Chair Fried noted that, if there were insufficient funds, targeting might allow one area to get a larger share of those funds. He suggested that the Historic Preservation Board might actively pursue funds for areas in need other than the Pleasant Street and Fifth Avenue Districts.

Mr. Pearce suggested that the purpose of the Policy was to insure that the Pleasant Street and Fifth Avenue District received at least some of the funding.

Vice-Chair Fried suggested that there was sufficient interest in other areas to preclude spending all of the funds in only the two neighborhoods.

Mr. Guy suggested that a policy be added to Objective 1.5 to state, "Promote heritage tourism, economic development," and also make mention of the railroad history of Gainesville.

Ms. Henrichs indicated that heritage tourism was covered in the Cultural Affairs Element.

Mr. Guy suggested that "deconstruction" or "selective dismantling" replace the word "demolition" on page 29 of the Historic Preservation Data and Analysis Report. He noted that the wording could also be placed somewhere in Objective 1.3. He suggested that Policy 1.3.3 read, "Where possible, the City shall amend codes to encourage the use and rehabilitation, and where all else fails, preservation in pieces." Alternatively, he suggested that it read "removal to another site, the reuse, rehabilitation, salvage and, as a last resort, demolition." He explained that it would make it clear that there was a hierarchy to alternatives.

Mr. Hilliard requested that Mr. Guy repeat his request for language.

Mr. Guy indicated that the first option should be to move a structure to another site, second should be adaptive reuse or rehabilitation in place, and the third option should be selective dismantling to recover and salvage as much of the material as possible. He suggested that the last option should be demolition.

Mr. Polshek noted that the petition before the board was a Comprehensive Plan rather than specific regulation. He suggested that Policy 1.3.7 read, "the City shall target a portion of its CDBG toward current and future historic districts such as Pleasant Street and the NW Fifth Avenue neighborhoods, to better leverage existing resources."

Mr. Hilliard pointed out that staff did not wish to designate a portion of CDBG funds to the Duckpond neighborhood. He indicated that the policy could be removed if the board wished.

Mr. Pearce pointed out that the University Heights neighborhood might soon become a historic district and there were certain areas there that might qualify and benefit from the grants. He asked if it would be advantageous to include that area in the Policy. He suggested that there could be language to accommodate present and future districts.

Mr. Hilliard agreed that the language could state, "The City shall target a portion of its CDBG toward historic districts such as the Pleasant Street and NW Fifth Avenue..."

There was no public comment on the petition.

Mr. Hilliard requested that the board's proposed amendments be read into the record.

Ms. Roland did so, indicating that a building should, first, be moved for the purpose of reuse, second, rehabilitated in place, third, selectively dismantled for reuse and fourth, be demolished as a last resort.

<u>Motion By:</u> Mr. Pearce	<u>Seconded By:</u> Mr. Polshek
<u>Moved to:</u> Approve Petition 173CPA-00 PB with amendments. Amendment One: Policy 1.3.3 to state that a building should be 1) relocated to another site for reuse 2) rehabilitated in place 3) selectively dismantled for reuse 4) Demolished as a last resort. Amendment Two: Policy 1.3.7 to state that "...target a portion of its Community Development Block Grants toward historic districts such as the Pleasant Street and NW Fifth Avenue neighborhoods..." Amendment Three: Policy 1.4.3 and 1.4.4 to read ...encroachment <del>of</del> <u>by</u> incompatible...	<u>Upon Vote:</u> Motion Carried 5 - 0 Yeas: Carter, Guy, Fried, Pearce, Polshek