



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE NO. 002574

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

TO: Mayor and City Commission

DATE: April 8, 2002

FROM: City Attorney

FIRST 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. 13<sup>th</sup> 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.

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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

# DRAFT

3-26-02

ORDINANCE NO. 0-02-13

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4 **An ordinance of the City of Gainesville, Florida, amending Ordinance**  
5 **No. 002084 and extending the time period of the temporary**  
6 **moratorium on zoning permits, site plan approval and any other**  
7 **official action of the City of Gainesville permitting or having the effect**  
8 **of permitting development or use on all real property that is zoned**  
9 **“BUS: General business district”, “BT: Tourist-oriented business**  
10 **district” and any commercial use, as more specifically defined in this**  
11 **ordinance, on all real property that is zoned “MU-1: 10-30 units/acre**  
12 **mixed use low intensity”, “RMF-5: 12 units/acre single-**  
13 **family/multiple-family residential district”, “RMF-6: 8-15 units/acre**  
14 **multiple-family residential district”, “RMF-7: 8-21 units/acre**  
15 **multiple-family residential district”, “RMF-8: 8-30 units/acre**  
16 **multiple-family residential district”, “OR: 20 units/acre office**  
17 **residential district”, “RH-1: 8-43 units/acre residential high density**  
18 **district”, and “RH-2: 8-100 units/acre residential high density**  
19 **district”; located within the S.W. 13<sup>th</sup> Street Corridor, as more**  
20 **specifically described in this Ordinance, generally bounded on the**  
21 **North by SW Archer Road, and on the South by the city limits, and**  
22 **located generally north of Williston Road; providing a severability**  
23 **clause; providing a repealing clause; and providing an immediate**  
24 **effective date.**

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27 **WHEREAS**, on December 20, 2001, the Gainesville City Commission adopted  
28 Ordinance No. 002084 imposing a temporary moratorium (hereinafter “moratorium”) on zoning  
29 permits, site plan approval and any other official action of the City of Gainesville permitting or  
30 having the effect of permitting development or use on all real property that is zoned “BUS:  
31 General business district”, “BT: Tourist-oriented business district” and any commercial use, as  
32 more specifically defined in this ordinance, on all real property that is zoned “MU-1: 10-30  
33 units/acre mixed use low intensity”, “RMF-5: 12 units/acre single-family/multiple-family  
34 residential district”, “RMF-6: 8-15 units/acre multiple-family residential district”, “RMF-7: 8-  
35 21 units/acre multiple-family residential district”, “RMF-8: 8-30 units/acre multiple-family  
36 residential district”, “OR: 20 units/acre office residential district”, “RH-1: 8-43 units/acre  
37 residential high density district”, and “RH-2: 8-100 units/acre residential high density district”;

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1 located within the S.W. 13<sup>th</sup> 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 13<sup>th</sup> 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

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

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

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

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

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

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

15 **Section 2.** Imposition of Additional Temporary Moratorium

16 (a) The time period of the moratorium as provided in Section 4 of Ordinance No.  
17 002084 is extended, and shall end at 11:59 p.m. on Monday, November 25, 2002, or the date of  
18 adoption of ordinance(s) implementing the review and study of those certain uses as provided in  
19 Ordinance No. 002084.

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

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

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

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

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

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18 **PASSED AND ADOPTED** this \_\_\_\_ day of April, 2002.  
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22 \_\_\_\_\_  
23 Thomas D. Bussing, Mayor  
24 **ATTEST:** **APPOVED AS TO FORM AND LEGALITY:**  
25  
26 \_\_\_\_\_  
27 Kurt Lannon Marion J. Radson, City Attorney  
28 Clerk of the Commission

29 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2002.  
30 This ordinance passed on second reading \_\_\_\_\_ day of \_\_\_\_\_, 2002.

