



Legislation Text

File #: 020697, **Version:** 3

LAND DEVELOPMENT CODE -SIGNIFICANT ECOLOGICAL COMMUNITIES DISTRICT (B)

Ordinance No. 0-04-68; Petition 22TCH-02 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30, amending section 30-309; creating a new overlay district to be known as "Significant Ecological Communities District;" establishing standards for protection of significant ecological communities in the City; providing administrative remedy; creating section 30-309.1; establishing criteria for rezoning; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

Introduction: The City Commission at its meeting of June 28, 2004, approved Petition 22TCH-02PB, regarding the Significant Ecological Communities Overlay District (District). According to the Department of Community Development, the purpose of the overlay district is to allow the City to apply a more customized set of regulations to certain environmentally sensitive parcels rather than the more generalized land development regulations. The proposed District is an overlay zoning district and will be applied in conjunction with any underlying zoning regulations on the property; in the event of a conflict, the District standards will prevail. Individual properties will be rezoned into the District by separate rezoning ordinance(s).

Section 30-309, Land Development Code, is amended to state the purpose, intent, and procedures to enable the City to protect and restore significant ecological features of property located within the District while still allowing use of a parcel. A special permit procedure for development of parcels located within this District is established, and the standards and criteria for use in evaluating applications for permits for development are stated.

An important requirement for new development within the District is that an environmental inventory must be prepared for each parcel as a condition for development approval of the parcel. (The requirements for the inventory are described in greater detail below.) The inventory requirement is designed to ensure identification of vital environmental communities on the property, thereby increasing the likelihood that the environmental community will be protected or restored.

Once implemented, section 30-309 may also require an owner to provide for additional set-aside (no more than 10 percent), a plan to protect a majority of high-value heritage trees located on the property, possibly increasing setbacks from surface waters, protection of sinkholes and other rare natural communities, and clustering away from environmentally significant features.

The Environmental Features Report: Once a property is zoned in the District, to obtain a development permit for the property the application must include an Environmental Features Report prepared for each parcel proposed for development. The report will be written in compliance with the requirements stated in the Environmental Features Evaluation Policy Manual. The revised Environmental Features Evaluation Policy Manual contains the guidelines and requirements for preparation of the Environmental Features Report. Each Report will contain general site information, a site plan, an environmental site assessment, a listing of plant and animal species on the property, a description of rare or exemplary natural communities and wetlands/surface waters on the property, a landscape plan, plans for conservation area buffers (if the parcel neighbors a conservation area), and other elements stated in the environmental management section of the Land Development Code. The manual has been revised by staff in response to Commission Comments at the October 25, 2004 first reading. It is attached as Exhibit A for

informational purposes and will be presented with a Resolution following second reading of this ordinance.

Administrative Remedy: This ordinance creates a new administrative remedy for property owners who claim to be impacted by these requirements. If a property owner believes the requirements of this ordinance specifically impact his/her property in such a way that a "taking" may result, or otherwise entitles the property owner to compensation as a result of a specific decision of the City, that owner may file an appeal within 30 days with the Clerk of the Commission. The City Commission will then hear the appeal within 60 days unless the owner requests an additional 60-day extension period. At the hearing before the Commission, the property owner will be required to show how the City's decision results in a taking or other impact that entitles the owner to payment of compensation under the common law or statutory law. City staff will be given an opportunity to rebut any evidence offered by the owner. The final decision to grant relief or overturn any specific decision in order to avoid a taking or the payment of compensation will rest with the Commission.

Rezoning: Finally, as mentioned at the outset, properties will be individually rezoned into this District. A new section 30-309.1 of the Land Development Code is created to specify the criteria used by the City to evaluate parcels for rezoning and to specify the criteria an owner must present in an attempt to exclude a parcel from the District.

The ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, November 8, 2004.