



Legislation Text

File #: 090007., **Version:** 1

ESTABLISH AND DESCRIBE A HERITAGE OVERLAY DISTRICT (B)

Ordinance No. 0-09-32; Petition No. PZ-09-17TCH

An ordinance of the City of Gainesville, Florida, relating to heritage overlay districts; amending the City Land Development Code by establishing the heritage overlay district designation; by setting forth the purpose, objectives and effect of such designation; by creating heritage overlay district procedures, regulations, and exemptions; by creating a heritage overlay district board; amending Appendix A, Schedule of Fees, Rates and Charges of the Code of Ordinances by creating fees for petitions related to heritage overlay districts; 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 as amended.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On September 24, 2007, the City Commission directed staff to process a Plan Board Petition to establish a Heritage Overlay District (HOD) designation, describing what can be regulated within a HOD, and describing procedures and criteria for applying the overlay to a particular geographic area.

This ordinance sets forth the criteria that a residential area must meet in order to be designated as a HOD. Those criteria address filing a petition, district boundaries, number of parcels, property owner consent, design standards report, and other factors. If a certain residential area meets those minimum requirements, then the City Commission would consider the request through the standard rezoning process, including application forms, application fees, public notice and public hearings. The ordinance overlaying the HOD designation would set forth the regulatory requirements for that particular HOD.

The Plan Board held public discussions concerning HODs on September 22, 2008 and January 22, 2009. Public notice was published in the Gainesville Sun on April 7, 2009. The Plan Board held a public hearing on the petition on April 23, 2009, and by a vote of 5-1, recommended the City Commission approve the petition. On June 4, 2009, the City Commission heard this petition and by a vote of 7-0, approved the petition with further amendments. The amendments are as follows and were incorporated into this ordinance: (1) The application process includes obtaining approval of a simple majority of homestead property owners within the proposed HOD; (2) the evaluating board consists of heritage overlay district residents across all districts; and (3) color and vegetation have been removed from the list of potentially regulated work items.

In addition, the City Commission directed staff to explore the option of utilizing neighborhood planning program grants and other funding options to assist neighborhoods interested in implementing a heritage overlay district.

In response to the City Commission's direction, staff has amended the Neighborhood Planning Program's Guidelines and Procedures to include the following: Neighborhood Planning Program funds can only be used for certain types of studies and for certain types of capital improvements. Eligible studies are limited to those related to Historic Preservation/Conservation Districts and to Heritage Overlay Districts, as described in the City's Land Development Code. Capital improvement projects are limited to safety and/or beautification projects located in the city right-of-way, on city-

owned property, or on common property maintained by a property owners' association. In other words, the projects must be permanent improvements located on public property or on property owner association-maintained common property. These funds cannot be used for operating and/or maintenance expenses.

In addition, City staff realized the petition did not establish the amount of the fees for the heritage overlay district petitions. Staff has included the fees in this ordinance and based the amount of those fees on similar existing fees (for rezonings, text changes, signature verifications, certificates of appropriateness) in Appendix A.

CITY ATTORNEY MEMORANDUM

On March 18, 2010, the City Commission heard and, by a vote of 7-0, approved this ordinance on first reading with the directive to staff to bring forth an amendment to the ordinance on second reading concerning the appointment of board members. Section 30-80.2(b) of the ordinance has been amended to address the concerns stated by the Commission. The amendment provides the City Commission the flexibility to appoint any City resident to the board if it is not possible to appoint three board members who reside in a heritage overlay district or if it is not possible to appoint at least one member from each of the heritage overlay districts.