



## Legislation Text

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**File #:** 031014, **Version:** 2

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### LAND DEVELOPMENT CODE AMENDMENT - ESTABLISHING THE SPECIAL ENVIRONMENTAL CONCERN AREA REGULATIONS (B)

Ordinance No. 0-04-44; Petition 56TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30; creating a new section 30-207, entitled Special Environmental Concern Area; establishing overlay district regulations for a Special Environmental Concern Area; 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.

### COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

On October 20, 2003, the City Commission heard a presentation from GRU Senior Environmental Engineer, Brett Goodman, and several other members of the community who are concerned about the impact that contamination may have on the community's water supply. During this meeting, the City Commission directed the City Manager to report on options with respect to the development review process on site and near the site and potential land use changes. On December 12, 2003, City Planning Staff presented to the City Commission the option that the City could establish an overlay district for the area and amend the Land Development Code to codify existing policy for development in the area.

The purpose of this petition is to establish an overlay district over a superfund area, in order to ensure that certain procedures are followed during the development review process. This code amendment will establish the process for development approval and identify the area of environmental concern.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on March 3, 2004. The Plan Board held a public hearing March 25, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 56TCH-04 PB. Plan Board vote 6-0.

On August 22, 2005, the City Commission heard 56TCH-04 PB and adopted this ordinance on first reading. At that time, staff was asked to consult with the County on its consistency with other regulatory items. One suggestion staff has accepted is clarifying that the Occupational Safety and Health Administration (OSHA) will only review a health and safety plan associated with the area. That change has been incorporated in page 2, lines 30-31, of the ordinance.

### CITY ATTORNEY MEMORANDUM

Petition 56TCH-04 PB, as heard by the Plan Board, contained the regulation/requirements for this overlay district, as well as the property to be included in the special area plan. This ordinance, if adopted, states the regulation for the area. A separate ordinance (ordinance 0-05-70) will impose the zoning on the properties to be included in the special area plan. Both ordinances require two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, September 12, 2005.

