



Legislation Text

File #: 120642, **Version:** 2

TEXT CHANGE - BINDING RESOURCE DETERMINATION FOR REGULATED NATURAL AND ARCHAEOLOGICAL RESOURCES (B)

Ordinance No. 120642, Petition No. PB-12-113 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and the City Code of Ordinances related to regulated natural and archaeological resources; by amending Section 30-310 to create an optional binding resource determination process; by amending Section 30-353 to vest the plan board with the power to hear and be the final decision-making authority for binding resource determinations; amending Appendix A, Schedule of Fees, Rates and Charges to create fees for binding resource determinations; 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.

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

On July 19, 2012, as part of the motion to approve the Natural Archaeological Resources Protection ordinance on first reading (Ordinance No. 110076), the City Commission directed staff to initiate a Plan Board petition to address the issue of predetermination of regulated natural and archaeological resources.

This draft ordinance provides for an optional, binding resource determination process. The process is intended to assist applicants, prior to any application for development, in determining if and where regulated natural and archaeological resources may be located on their property. It is not intended to include any review or determination of proposed set aside areas or mitigation. That would occur at the time of development review.

This ordinance proposes the use of a methodology agreement to assure the methodology of study and that the proper geographic area is being studied. The submitted study will be reviewed by staff and then submitted to the City Plan Board for final review and approval with a public hearing process. The resource determination is valid for a period of two years from the date of final board approval.

Updates may be required during the 2 year period. An update of regulated sinkholes and listed species is required with a development application. Sinkholes may occur at any time, and if they are regulated sinkholes, it will be important to have this updated information at development plan review to ensure proper buffers around the sinkhole. The update on the listed species is required because listed species may be added or de-listed during the interim period. In addition, changed conditions at the site may cause a species to move into or out of the site. In the event of major change at the site (including flood, fire, major storm, or adjacent new development), an update of the study is also required as these major changes could cause natural resource changes even during the two-year period.

The fees associated with this optional review are included in the draft ordinance.

Public notice was published in the Gainesville Sun on November 15, 2012. The Plan Board held a public hearing on December 3, 2012. The Plan Board approved the petition with the recommendation that the Plan Board should be the final reviewing board for the optional, binding resource determinations. On February 7, 2013, the City Commission approved the petition as recommended by the Plan Board.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.