



Legislation Text

File #: 110077., **Version:** 3

REZONING - SIGNIFICANT ECOLOGICAL COMMUNITIES OVERLAY DISTRICT (B)

Ordinance No. 110077; Petition No. PB 11-16 ZON

An ordinance of the City of Gainesville amending the Zoning Map Atlas by removing the Significant Ecological Communities Overlay District from certain property located generally east of Southeast 24th Street, south of East University Avenue and north of Southeast Hawthorne Road; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The properties that are the subject of this ordinance are located east of Southeast 24th Street, between East University Avenue and Southeast Hawthorne Road. These eight parcels are contiguous and total approximately 47 acres. The Significant Ecological Communities Overlay zoning district was applied to them by adoption of Ordinance No. 051019 on July 10, 2007.

The proposed removal of the Significant Ecological Communities Overlay District from these properties is necessitated by the related, amended land development regulations proposed by Ordinance No. 110076, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources and to delete the Significant Ecological Communities Overlay District.

The City Commission created the Significant Ecological Communities Overlay District in 2004. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.

Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7-0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued to allow for further review and revision by the City Attorney's office and other City Staff. During 2010, staff worked to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5-1 to recommend that petition and on August 4, 2011, the City Commission approved the petition. That petition is now Ordinance No. 110076 and is scheduled to be heard at the same meetings as this Ordinance.

Public notice was published in the Gainesville Sun on April 12, 2011. On April 28, 2011, the Plan Board discussed Petition PB-11-16 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that approval of this Petition PB-11-16 ZON be contingent on the approval of the natural and archaeological resources regulations (PB-10-143 TCH, now Ordinance No. 110076).

On August 4, 2011 the City Commission approved the Petition by a vote of 5-1. Pursuant to Section 6 of this Ordinance, the rezoning is not effective until the date that Ordinance No. 110076 is adopted.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 2, 2012.