



## Legislation Text

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**File #:** 140693., **Version:** 3

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### **COMPREHENSIVE PLAN AMENDMENT - HISTORIC PRESERVATION MAP SERIES (B)**

Ordinance No. 140693; Petition No. PB-14-166 LUC

An ordinance amending the Historic Preservation Map Series in the Future Land Use Element of the City of Gainesville Comprehensive Plan by deleting the five historic district maps and replacing with five new historic district maps; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission: (1) receive letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Education, and (2) adopt the proposed ordinance.

#### **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

Update since first reading: On April 2, 2015, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Education. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.

This ordinance will amend the Historic Preservation Map Series in the Future Land Use Element of the City of Gainesville Comprehensive Plan by deleting the five existing historic district maps and replacing with five new historic district maps. The five historic districts are: Pleasant Street, Northeast Gainesville Residential, Southeast Gainesville, University Heights-North, and University Heights-South.

The existing maps in the Future Land Use Element show both the boundaries of the historic districts as well as whether structures within the boundaries are deemed contributing or non-contributing. (The historic preservation/conservation regulations in Section 30-112 of the Land Development Code apply to structures within a historic district that are deemed "contributing".) When contributing structures within a historic district change because of either demolitions or additions of structures, the maps currently must be amended by a Comprehensive Plan amendment with associated high advertising costs due to the required size of newspaper ads.

Planning staff discussed this situation with the Florida Department of Economic Opportunity, which opined that it is acceptable to have the maps illustrate only the historic district boundaries and not include the individual structures (contributing/non-contributing) within the districts. As a result, Planning staff is recommending that the five existing historic district maps in the Comprehensive Plan be replaced with the maps shown in the

backup materials that show only each historic district's boundaries. Maps of the contributing/noncontributing structures within the historic districts will continue to be maintained by the Planning and Development Services Department and will continue to be available to the public in the online GIS map series.

Planning staff recommends approval of this ordinance. After public notice was published in the Gainesville Sun on January 6, 2015, the City Plan Board held a public hearing on January 22, 2015, and voted 6-0 to recommend adoption of this ordinance.

#### CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.