



MEMORANDUM

Office of the City Attorney

Box 46
Phone: 334-5011/Fax 334-2229

TO: Mayor and City Commission

DATE: November 28, 2005

FROM: City Attorney

CITY ATTORNEY
SECOND READING

SUBJECT: Ordinance No. 0-05-43, Petition 17ZON-05PB
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City from the Alachua County zoning category of "R-1a, single-family, low density (one to four dwelling units per acre)" to the City of Gainesville zoning category of "RSF-1: 3.5 units/acre single-family residential district"; located in the vicinity of the south side of SW 24th Avenue, west of I-75 and east of Tower Road; consisting of approximately 34 acres; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

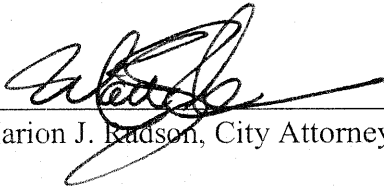
This petition is related to zoning petition 16LUC-05 PB. The purpose of this petition is to apply City of Gainesville zoning categories onto land that was annexed into the City in 2004. Zoning districts are recommended that match those of the existing Alachua County districts or that are felt to be the most appropriate for the property based upon location, surrounding development and other factors. The county zoning designation of each property will remain in effect until this proposed amendment has been adopted.

The annexed area includes 2 parcels that total approximately 34 acres. The Portofino Cluster Development is a subdivision of single-family detached houses located west of Interstate 75 on Southwest 24th Avenue. The Alachua County land use designation for Portofino is Low Density Residential (1-4 units per acre) with a County zoning designation of R-1A (Single-family, low density). The requested zoning change is from R-1A to the City of Gainesville zoning designation of RSF-1 (3.5 units/acre single-family residential district).

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

Public notice was published in the Gainesville Sun on March 1, 2005. Letters were mailed to surrounding property owners on March 2, 2005. The Plan Board held a public hearing March 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 17ZON-05 PB. Plan Board vote 5-0.

Prepared and submitted by:



Marion J. Radson, City Attorney

MJR/afm

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Passed on first reading by a vote of 7-0.

D R A F T

4/22/2005

ORDINANCE NO. _____
0-05-43

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4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain properties annexed into the City from**
6 **the Alachua County zoning category of “R-1a, single-family, low**
7 **density (one to four dwelling units per acre)” to the City of Gainesville**
8 **zoning category of “RSF-1: 3.5 units/acre single-family residential**
9 **district”;** located in the vicinity of the south side of SW 24th Avenue,
10 west of I-75 and east of Tower Road; consisting of approximately 34
11 acres; providing a severability clause; providing a repealing clause;
12 and providing an immediate effective date.

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15 **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map
16 Atlas be amended by rezoning certain properties, as more specifically described herein, annexed
17 into the City be rezoned from the Alachua County zoning category of “R-1a, single-family, low
18 density (one to four dwelling units per acre)” to the City of Gainesville zoning category of “RSF-
19 1: 3.5 units/acre single-family residential district”; and

20 **WHEREAS,** notice was given and publication made as required by law and a public
21 hearing was held by the City Plan Board on March 17, 2005; and

22 **WHEREAS,** the City Commission finds that the rezoning of the properties described
23 herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

24 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10
25 inches long was placed in a newspaper of general circulation and of the public hearing to be held in
26 the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven
27 (7) days after the day the first advertisement was published; and

D R A F T

4/22/2005

1 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
2 placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the
3 adoption stage at least five (5) days after the day the second advertisement was published; and

4 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
5 described above at which hearings the parties in interest and all others had an opportunity to be and
6 were, in fact, heard.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
10 following described properties from the Alachua County zoning category of "R-1a, single-family,
11 low density (one to four dwelling units per acre)" to the City of Gainesville zoning category of
12 "RSF-1: 3.5 units/acre single-family residential district":

13 See Legal Description attached hereto as Exhibit "A", and made a part
14 hereof as if set forth in full.

15 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
16 the Zoning Map to comply with this Ordinance.

17 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
18 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
19 affect the validity of the remaining portions of this ordinance.

20 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
21 such conflict hereby repealed.

22 **Section 5.** This ordinance shall become effective immediately upon final adoption;

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11/15/2005

1 however, the rezoning shall not become effective until the amendment to the City of Gainesville
2 2000-2010 Comprehensive Plan adopted by Ordinance No. 041050 becomes effective as
3 provided therein..

4 **PASSED AND ADOPTED** this _____ day of _____, 2005.

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Pegeen Hanrahan, Mayor

9 ATTEST:

Approved as to form and legality:

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13 _____
14 KURT LANNON,
15 CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

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This ordinance passed on first reading this _____ day of _____, 2005.

This ordinance passed on second reading this _____ day of _____, 2005.

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DESCRIPTION FOR PORTOFINO AS PER OFFICIAL RECORDS BOOK 2829, PAGE 1293, ET SEQ.

A PARCEL OF LAND SITUATED IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 88°57'51" WEST, ALONG THE SOUTH BOUNDARY OF SAID SECTION 9, A DISTANCE OF 2630.04 FEET TO THE INTERSECTION WITH THE EAST BOUNDARY OF A 15' X 15' EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1093, PAGE 740 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE FOLLOWING THE BOUNDARY OF SAID EASEMENT NORTH 01°04'12" WEST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 88°57'51" WEST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION WITH THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1589, PAGES 201 THROUGH 202 OF SAID PUBLIC RECORDS; THENCE NORTH 01°04'12" WEST, ALONG THE BOUNDARY OF SAID LANDS, A DISTANCE OF 632.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE BOUNDARY OF SAID LANDS NORTH 01°04'12" WEST, A DISTANCE OF 87.46 FEET; THENCE CONTINUE ALONG THE BOUNDARY OF SAID LANDS NORTH 64°37'41" WEST, A DISTANCE OF 360.69 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD SW 30 (A.K.A. SW 24TH AVE) (RIGHT-OF-WAY WIDTH VARIES), SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1959.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE NORTH 27°49'20" EAST, 166.86 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 04°52'46", AN ARC DISTANCE OF 166.91 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 25°23'02" EAST, A DISTANCE OF 1465.38 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1859.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 42°26'55" EAST, 1091.56 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 34°07'37", AN ARC DISTANCE OF 1107.86 FEET TO THE END OF SAID CURVE; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 30°29'37" EAST, A DISTANCE OF 550.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1309.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 42°26'58" WEST, 768.80 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'46", AN ARC DISTANCE OF 780.29 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 25°23'02" WEST, A DISTANCE OF 1632.01 FEET; THENCE SOUTH 88°55'48" WEST, A DISTANCE OF 175.86 FEET TO THE POINT OF BEGINNING.

