



# MEMORANDUM

Office of the City Attorney

Legistar 041061

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

TO: Mayor and City Commission

DATE: November 14, 2005

FROM: City Attorney

CITY ATTORNEY  
FIRST READING

SUBJECT: Ordinance No. 0-05-77, Petition No. 37ZON-05PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties, as more particularly described in this Ordinance, from the zoning category designations "RMF-6: 8-15 units/acre multiple-family residential district," "RMF-8: 8-30 units/acre multiple-family residential district," "RH-1: 8-43 units/acre residential high density district," "RH-2: 8-100 units/acre residential high density district," "RMU: up to 75 units/acre residential mixed district," "MU-1: 8-30 units/acre mixed use low intensity," "OR: 20 units/acre office residential district," "MD: Medical services district," "OF: General office district," "BT: Tourist-oriented business district," "CON: Conservation district," "ED: Educational services district," and "PS: Public services and operations district," to the new zoning category designations of "UMU-1: up to 75 units/acre urban mixed use district" and "UMU-2: up to 100 units/acre urban mixed use district, located in the College Park/University Heights area, and an area generally bounded by Archer Road and Depot Avenue to the north, Southwest 6th Street to the east, and Southwest 16th Avenue to the south, consisting of approximately 550 acres; providing a severability clause; providing a repealing clause; and providing an effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition amends the Zoning Map by changing the zoning of several properties to Urban Mixed-Use (see attached map), consistent with the changes to the Future Land Use Map. The mapped area for this new designation was chosen due to its location close to the University of Florida. The area consists of properties that were designated for high intensity use or high densities residential uses. The area does not include single-family neighborhoods, properties located in Historic District, or properties designated Planned Development.

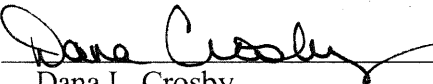
The City Plan Board heard the petition and recommended approval with the condition that staff meet with developers of the College Park/University Height's area about the density prior to the City Commission hearing.

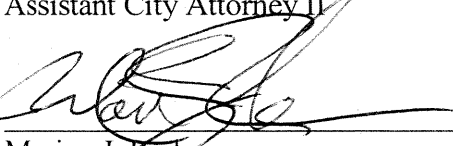
Public notice was published in the Gainesville Sun on May 3, 2005. Letters were mailed to property owners and surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005.

CITY ATTORNEY MEMORANDUM

The Commission heard Petition 37ZON-05 PB on June 13, 2005, and approved it with modifications including moving to create two urban mixed-use zoning categories (one up to 75 dwelling units per acre and the other up to 100 dwelling units per acre, each with up to 25 additional units per acre with Special Use permit). The proposed map reflects the changes of properties with the current zoning categories, as more specifically described in this Ordinance, to Urban Mixed Use 1 (UMU-1: Up to 75 units/acre) and Urban Mixed Use 2 (UMU-2: Up to 100 units/acre).

This ordinance requires two readings. Should the Commission adopt the ordinance on first reading, the second and final reading will be November 28, 2005.

Prepared by   
Dana L. Crosby,  
Assistant City Attorney II

Approved and  
Submitted by:   
Marion J. Radson,  
City Attorney

MJR:DLC:sw

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ORDINANCE NO. \_\_\_\_\_  
0-05-77

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4 An ordinance of the City of Gainesville, Florida, amending the Zoning  
5 Map Atlas and rezoning certain properties, as more particularly  
6 described in this Ordinance, from the zoning category designations  
7 "RMF-6: 8-15 units/acre multiple-family residential district," "RMF-  
8: 8-30 units/acre multiple-family residential district," "RH-1: 8-43  
9 units/acre residential high density district," "RH-2: 8-100 units/acre  
10 residential high density district," "RMU: up to 75 units/acre  
11 residential mixed district," "MU-1: 8-30 units/acre mixed use low  
12 intensity," "OR: 20 units/acre office residential district," MD:  
13 Medical services district," "OF: General office district," "BT:  
14 Tourist-oriented business district," "CON: Conservation district,"  
15 "ED: Educational services district," and "PS: Public services and  
16 operations district," to the new zoning category designations of  
17 "UMU-1: up to 75 units/acre urban mixed use district" and UMU-2:  
18 up to 100 units/acre urban mixed used district, located in the College  
19 Park/University Heights area, and an area generally bounded by  
20 Archer Road and Depot Avenue to the north, Southwest 6th Street to  
21 the east, and Southwest 16th Avenue to the south, consisting of  
22 approximately 550 acres; providing a severability clause; providing a  
23 repealing clause; and providing an effective date.

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26 WHEREAS, publication of notice of a public hearing was given that the Zoning Map  
27 Atlas be amended by rezoning certain properties from the zoning category designations of  
28 "RMF-6: 8-15 units/acre multiple-family residential district," "RMF-8: 8-30 units/acre  
29 multiple-family residential district," "RH-1: 8-43 units/acre residential high density district,"  
30 "RH-2: 8-100 units/acre residential high density district," "RMU: up to 75 units/acre residential  
31 mixed district," "MU-1: 8-30 units/acre mixed use low intensity," "OR: 20 units/acre office  
32 residential district," MD: Medical services district," "OF: General office district," "BT: Tourest-

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1 oriented business district,” “CON: Conservation district,” “ED: Educational services district,”  
2 and “PS: Public services and operations district,” to new zoning category designations of  
3 “UMU-1: up to 75 units/acre urban mixed use district” and “UMU-2: up to 100 units/acre urban  
4 mixed use district”; and

5 **WHEREAS**, notice was given and publication made as required by law and a Public  
6 Hearing was held by the City Plan Board on May 19, 2005; and

7 **WHEREAS**, notice was given and publication was made as required by law of the City  
8 Commission’s public hearing on this petition on June 13, 2005; and

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

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

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

18 **WHEREAS**, the Public Hearing was held pursuant to the published notice, at which  
19 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

20 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**

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1 **CITY OF GAINESVILLE, FLORIDA:**

2           **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
3 following described properties from the zoning category designations of ““RMF-6: 8-15  
4 units/acre multiple-family residential district,” “RMF-8: 8-30 units/acre multiple-family  
5 residential district,” “RH-1: 8-43 units/acre residential high density district,” “RH-2: 8-100  
6 units/acre residential high density district,” “RMU: up to 75 units/acre residential mixed  
7 district,” “MU-1: 8-30 units/acre mixed use low intensity,” “OR: 20 units/acre office residential  
8 district,” MD: Medical services district,” “OF: General office district,” “BT: Tourest-oriented  
9 business district,” “CON: Conservation district,” “ED: Educational services district,” and “PS:  
10 Public services and operations district,” as shown on the map attached as Exhibit “A”, to new  
11 zoning category designations of “UMU-1: up to 75 units/acre urban mixed use district” or  
12 “UMU-2: up to 100 units/acre urban mixed use district,” as shown on the map attached as Exhibit  
13 “B.”

14                   See Maps attached hereto as Exhibits "A" and "B" and made a part  
15                   hereof as if set forth in full.

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

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

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

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1 such conflict hereby repealed.

2 Section 5. This ordinance shall become effective immediately upon final adoption;  
3 however, the rezoning shall not become effective until the amendment to the City of Gainesville  
4 2000-2010 Comprehensive Plan adopted by Ordinance No. 041060 becomes effective as  
5 provided therein.

6 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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PEGEEN HANRAHAN, MAYOR

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ATTEST:

Approved as to form and legality:

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\_\_\_\_\_  
KURT LANNON,  
CLERK OF THE COMMISSION

By: \_\_\_\_\_  
MARION J. RADSON, CITY ATTORNEY

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

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

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