



MEMORANDUM

Office of the City Attorney

LEGISTAR ITEM NO. 050767

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

TO: Mayor and City Commission **DATE:** October 23, 2006

FROM: City Attorney **FIRST READING**

SUBJECT: **Ordinance No. 0-06-57, Petition No. 173ZON-05PB**
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property annexed into the City from the Alachua County zoning category of "A, agricultural district" to the City of Gainesville zoning category of "CON: Conservation district"; located in the vicinity of the 900 block of Southwest 34th Street, west side, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission: 1) approve Petition No. 173ZON005PB; and 2) adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is located west of Southwest 34th Street in the 900 block. The property proposed for the zoning change is approximately 13 acres in size and is composed of three tax parcels. This property was annexed into city limits on November 14, 2005. This petition is being proposed in order to bring the parcel under the City's land use and zoning regulations (as is required for all annexed properties).

The property is vacant, and all three parcels are located in the 10-year Flood Channel. The Land Development Code (Sec. 30-286) prohibits permanent structures or fills in the flood channel district except structures and fills designed for flood prevention and control, streets, bridges, and sanitary sewer lift stations and utility lines. There is currently no vehicular access to these parcels.

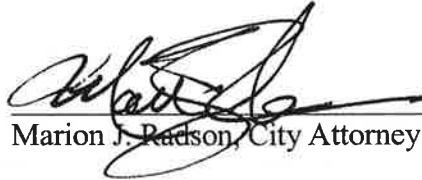
The current zoning designation on this parcel is Alachua County Agriculture. The current land use designation is Alachua County Residential Low Density; see related Petition 172LUC-05PB. The petition proposal is to change the zoning category to City of Gainesville Conservation.

The parcels to the north of the subject parcels are zoned PS (Public services and operations district) and CON (a portion of the Hogtown Greenway). To the south and east, properties have an ED (Educational services district) zoning consistent with the University of Florida ownership of the land. To the west, the land is zoned Alachua County Agriculture.

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

Public notice was published in the Gainesville Sun on April 4, 2006. Letters were mailed to surrounding property owners on April 5, 2006. The Plan Board held a public hearing April 20, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 173ZON-06 PB. Plan Board vote 7-0.

Prepared and Submitted by:



Marion J. Radson, City Attorney

MJR/afm

Attachment

H:\Marion Radson\Planning\173ZON cvr memo.doc

D R A F T

10/2/2006

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ORDINANCE NO. _____
0-06-57

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property annexed into the City from the Alachua County zoning category of “A, agricultural district” to the City of Gainesville zoning category of “CON: Conservation district”; located in the vicinity of the 900 block of Southwest 34th Street, west side, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain property annexed into the City from the Alachua County zoning category of “A, agricultural district” to the City of Gainesville zoning category of “CON: Conservation district”; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on April 20, 2006; and

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

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

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10/2/2006

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 property from the Alachua County zoning category of "A, agricultural
11 district" to the City of Gainesville zoning category of "CON: Conservation district":

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

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

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

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

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10/2/2006

1 Section 5. This ordinance shall become effective immediately upon final adoption.

2 PASSED AND ADOPTED this ____ day of ____.

3
4 _____
5 Pegeen Hanrahan, Mayor

6
7 ATTEST:

8 Approved as to form and legality:

9
10
11 _____
12 KURT LANNON,
13 CLERK OF THE COMMISSION

14 By: _____
15 MARION J. RADSON, CITY ATTORNEY

16 This ordinance passed on first reading this ____ day of ____.

17 This ordinance passed on second reading this ____ day of ____.

18
19
20 H:\Marion Radson\Planning\173ZON-05PB pet.DOC

Exhibit A

Legal Description for Parcel Numbers 06693-000-000 and 06694-000-000

Section 11, Township 10 South, Range 19 East

Lots 1 and 2 in Section 11, Township 10 South, Range 19 East, according to a survey plat of said Lot 2 made by J.W. Patton, in May 1923, recorded in Deed Book 250, page 397, of the Public Records of Alachua County, Florida, containing 376,200 square feet or 8.64 acres, more or less.

Legal Description for Parcel Numbers 06695-000-000

Section 11, Township 10 South, Range 19 East

Lot 3, of Thomas Sweat Subdivision of Lot 2, of Section 11, Township 10 South, Range 19 East, Alachua County, Florida. Said parcel contains 188,100 square feet or 4.32 acres, more or less.

EXHIBIT "A"