090200 Citizin Comunit 8/20/09

Barbara A Ruth 320 NW 36<sup>th</sup> Ave Gainesville, Florida 32609 352-379-5891

August 13, 2009

Members of the Development Review Board,

I have no objections per se to the proposed development associated with: Petition DB-09-89 SPA Eng, Denman, and Associates, Inc., agent for City of Gainesville. Development plan review for construction of addition to existing administrative office building. Zoned: PS. Located at 405 NW 39th Ave.

However, because the ordinance placing PS classification on this parcel does not specify the specific permitted uses allowed on the parcel, it is impossible for you to make a determination of compliance as to whether the proposed use is actually a permitted use or not, and you must therefore deny this petition.

The code states that when a parcel is rezoned to PS, each specific use to be permitted on that parcel is to be clearly specified in the ordinance placing PS classification on the parcel. The city did not do this when it rezoned this parcel, and hence there are no specific uses specified as permitted uses on the site. This is a deficiency that occurred during the rezoning process, and which the city has persistently refused to address. Presently, the adjacent neighborhood never knows what the city is going to try to do next.

"Sec. 30-75. Public services and operations district (PS).

(c) Uses permitted by right. The specific use(s) permitted on the subject property shall be specified as a part of the ordinance which places this classification on a particular area of ground and may include . . . ."

The specific uses permitted on this parcel are not included in the rezoning ordinance. This rezoning deficiency must be corrected before *any* site plan can be approved on this parcel.

Attached is a recent PS rezoning ordinance. The requirement that each specific permitted use be specified in the rezoning ordinance was the same when the PWC parcel was rezoned as it is now. Please see Section 2 of the rezoning ordinance.

This matter should be referred to the City Commission.

Respectfully submitted,

Barbara A Ruth

Registered Affected Party Member of Petition DB-09-89 SPA

Cc: Clerk of the DRB:

Gainesville City Commission Clerk of the City Commission

1	ORDINANCE NO. <u>060015</u>
2	0-06-84
3	
4	An ordinance of the City of Gainesville, Florida, amending the Zoning
5	Map Atlas and rezoning certain property within the City from "RSF-
6	4: 8 units/acre signle-family residential district" to "PS: Public
7 8	services and operations district"; to allow for a museum and cultural
9	center, without approval of a preliminary site plan; located in the
10	vicinity of 837 Southeast 7th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.
11	providing a repeating clause, and providing an effective date.
12	
13	WHEREAS, by initiation of a petition by the City of Gainesville, publication of notice of
14	a public hearing was given that the Zoning Map Atlas be amended by rezoning certain property
15	within the City from the zoning category of "RSF-4: 8 units/acre single-family residential
16	district" to "PS: Public services and operations district"; and
17	WHEREAS, notice was given and publication made as required by law and a public
18	hearing was held by the City Plan Board on May 18, 2006; and
19	WHEREAS, the City Commission finds that the rezoning of the property described
20	herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and
21	WHEREAS, at least ten (10) days notice has been given of the public hearings once by
22	publication in a newspaper of general circulation notifying the public of this proposed ordinance
23	and of a Public Hearing in the City Commission meeting room, First Floor, City Hall, in the City
24	of Gainesville; and
25	WHEREAS, pursuant to law, notice has also been given by mail to the owner whose
26	property will be regulated by the adoption of this Ordinance, thirty days prior to the adoption of
27	this ordinance; and

1		WHEREAS, the public hearing was held pursuant to the published and mailed notice
2	desc	ribed above at which hearing the parties in interest and all others had an opportunity to be
3	and '	were, in fact, heard.
4		NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
5	CIT	Y OF GAINESVILLE, FLORIDA:
6		Section 1. The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
7	follo	wing described property from the zoning category of "RSF-4: 8 units/acre single-family
8	resid	ential district" to "PS: Public services and operations district:
9 10 11		See Legal Description attached hereto as Exhibit "A", and made a part hereof as if set forth in full.
12		Section 2. The uses permitted by right on the property described in Section 1 of this
13	Ordin	nance are as follows:
14	a)	Museum and exhibit space
15	b)	Recreation/Community Center
16	c)	Administrative office accessory to the center
17	d)	Theatre, movies, performances and lectures
18	e)	Classrooms
19	f)	Meeting rooms
20	g)	Accessory uses: gift shop/sandwich shop/ice cream parlor
21		Section 3. The City Commission finds that a preliminary development plan is not
22	requir	ed in connection with this rezoning.

1	Section 4. The City Manager is authorized and directed to make the necessary changes in
2	the Zoning Map to comply with this Ordinance.
3	Section 5. If any section, sentence, clause or phrase of this ordinance is held to be invalid
4	or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
5	affect the validity of the remaining portions of this ordinance.
6	Section 6. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
7	such conflict hereby repealed.
8	Section 7. This ordinance shall become effective immediately upon final adoption;
9	however, the rezoning shall not become effective until the amendment to the City of Gainesville
10	2000-2010 Comprehensive Plan adopted by Ordinance No. 060014 becomes effective as
11	provided therein.
12	PASSED AND ADOPTED this 23rd day of October, 2006.
13 14 15 16	Pegeer Hamahan, MAYOR
17 18	ATTEST: Approved as to form and legality:
19 20 21	The along
22 23	KURT LANNON, MARION J. ADSON, CITY ATTORNEY CLERK OF THE COMMISSION
24 25	OCT 2 4 2006
26	This ordinance passed this 23rd day of October, 2006.
27 28	H:\Marion Radson\Planning\41ZON-06pet.DOC

## **LEGAL DESCRIPTION**

Lots 13 and 14, Block 4, Range 1 of ROPER'S ADDITION TO THE CITY OF GAINESVILLE, according to plat recorded in Deed Book "J", page 550, of the Public Records of Alachua County, Florida, lying and being in the South ½ of Section 4, Township 10 South, Range 20 East.