

MEMORANDUM
Office of the City Attorney

050162

Registrar No. _____

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

TO: Mayor and City Commission

DATE: July 25, 2005
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-69

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and imposing the Special Area Plan Overlay Zoning District for the Five Points Area within the Plan East Gainesville urban area on certain property generally described as those lands bounded on the north by NE 3rd Avenue and Hawthorne Road, bounded on the south by SE 1st Avenue and SE 4th Avenue, bounded on the west by Waldo Road and SE 15th Street, and bounded on the east by SE 17th Street and NE 15th Street; adopting a special area plan for this property; providing specific regulations; providing directions to the city manager; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

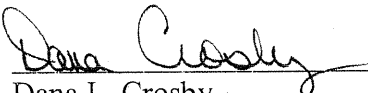
Recommendation: The City Commission adopt the proposed ordinance.


CITY ATTORNEY MEMORANDUM

Petition 195TCH-04 PB, as heard by the Plan Board, contained the regulation/requirements for this special area plan, as well as the property to be included in the special area plan. A separate ordinance (ordinance 0-05-47) states the regulation for the area. The purpose of this ordinance is to impose the requirements of the special area plan overlay district for the Five Points Area (see Petition 195TCH-04 PB) on certain property described in this ordinance.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, August 8, 2005.

Fiscal Note: None

Prepared by: 
Dana L. Crosby
Assistant City Attorney II

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

MJR:DLC:sw

ORDINANCE NO. 0-05-69

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18 **WHEREAS**, the City Plan Board authorized the publication of notice of a
19 Public Hearing that the text of the Land Development Code of the City of
20 Gainesville, Florida, be amended, to create the Special Area Plan Overlay Zoning
21 District for the Five Points Area within the Plan East Gainesville urban area
(Petition 195 TCH -04 PB); and

22 **WHEREAS**, notice was given and publication made as required by law
23 and Public Hearings were then held by the City Plan Board on January 20, 2005
24 and March 17, 2005; and

25 **WHEREAS**, the City Commission finds that the rezoning of the property
26 described herein to be included in the Special Area Plan Overlay Zoning District
27 for the Five Points Area within the Plan East Gainesville urban area is consistent
28 with the City of Gainesville 2000-2010 Comprehensive Plan; and

29 **WHEREAS**, pursuant to law, an advertisement no less than 2 columns
30 wide by 10 inches long was placed in a newspaper of general circulation notifying
31 the public of this proposed ordinance and of a Public Hearing in the Auditorium

1 of City Hall in the City of Gainesville, at least 7 days after the day the
2 advertisement was published; and

3 **WHEREAS**, a second advertisement no less than 2 columns wide by 10
4 inches long was placed in the same newspaper notifying the public of the second
5 Public Hearing to be held at the adoption stage at least 5 days after the day this
6 advertisement was published; and

7 **WHEREAS**, the public hearings were held pursuant to the notice
8 described above, at which hearings the parties in interest and all others had an
9 opportunity to be and were, in fact, heard.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY**
11 **COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

12 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended
13 by imposing the Special Area Plan Overlay Zoning District for an area within the
14 Plan East Gainesville urban area hereafter known as the Five Points Area on the
15 following described properties:

16 **See map attached hereto as Exhibit "A,"**
17 **and made a part hereof as if set forth in full.**

18 **Section 2. *Effect of Classification.*** The underlying zoning district
19 categories on the above-described properties are neither abandoned nor repealed;
20 the existing zoning regulations remain in effect. The Five Points Area
21 classification shall not modify existing zoning requirements except to the extent
22 that they conflict with the provisions of the Special Area Plan Overlay Zoning
23 District for the area within the Plan East Gainesville urban area (Five Points
24 Area). In the event of conflict, the regulations of the Special Area Plan Overlay

1 Zoning District for the area within the Plan East Gainesville urban area (Five
2 Points Area) shall govern and prevail. The requirements, regulations, and
3 procedures set forth in Chapter 30 of the Gainesville Code of Ordinances shall
4 otherwise remain applicable to the properties so classified.

5 **Section 3.** The City Manager is authorized and directed to make this
6 changes in the zoning map in order to comply with the ordinance and to
7 administer the provisions of the Special Area Plan Overlay Zoning District for the
8 area within the Plan East Gainesville urban area (Five Points Area), as provided in
9 the Land Development Code.

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

12 **Section 5.** This ordinance shall become effective immediately upon final
13 adoption.

14 **PASSED AND ADOPTED** this ____ day of _____, 2005.

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PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

27 This Ordinance passed on first reading this ____ day of _____, 2005.

28 This Ordinance passed on second reading this ____ day of _____, 2005.

Plan East Gainesville Urban

