



MEMORANDUM

Office of the City Attorney

LEGISTAR ITEM NO. 020190

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

TO: Mayor and City Commission

DATE: September 23, 2002

FROM: City Attorney

SECOND READING

SUBJECT: **Ordinance No. 0-02-45, Petition No. 58ZON-01PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "RH-1: 8-43 units/acre residential high density district" to "RH-2: 8-100 units/acre residential high density district"; located in the vicinity of 811, 815 and 817 S.W. 11th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This is an application to rezone 3 contiguous parcels with a total combined area of approximately 0.47 acres from RH-1 (residential high density district, 8-43 units/acre) to RH-2 (residential high density district, 8-100 units/acre). The subject parcels are located near the University of Florida along the east side of Southwest 11th Street, at the intersection of that street and Southwest 8th Avenue. The subject parcels contain a 2-story apartment building and two single-family residences. The land use designation of the subject property and properties to the north, east, and west is RH, Residential High Density (8-100 units/acre).

To the north of the site, across Southwest 8th Avenue, land is zoned RH-2 and contains a mix of duplexes, rental housing, and 1 to 5 story apartment complexes. The site is bounded on the east by a 3-story, RH-1 zoned apartment building. Abutting the site on the south is a park containing a small pond. That park has a Conservation designation for both zoning and land use. South of the park are more apartment complexes. To the west of the subject property, across Southwest 11th Street, is "Sorority Row", a cluster of sorority houses.

The existing RH-1 and the requested RH-2 zoning districts are similar in terms of their permitted uses and their regulations. The main differences between these districts are the maximum density and the maximum Floor Area Ratio (FAR).

The City Plan Board reviewed the petition and recommended approval.

Public notice was published in the Gainesville Sun on July 2, 2002. Letters were mailed to surrounding property owners on July 3, 2002. The Plan Board held a public hearing July 18, 2002.

Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 58ZON-02 PB. Plan Board vote 4-0.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

Prepared and Submitted by:



Marion J. Radson, City Attorney

MJR/afm

Attachment

Passed on first reading by a vote of 5-0 on 9/9/02.

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08/05/02

ORDINANCE NO. _____
0-02-45

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3
4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain lands within the City from “RH-1: 8-**
6 **43 units/acre residential high density district” to “RH-2: 8-100**
7 **units/acre residential high density district”; located in the vicinity of**
8 **811, 815 and 817 S.W. 11th Street; providing a severability clause;**
9 **providing a repealing clause; and providing an immediate effective**
10 **date.**

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13 **WHEREAS**, the City Plan Board authorized the publication of notice of a public hearing
14 that certain lands within the City be rezoned from the zoning category of “RH-1: 8-43 units/acre
15 residential high density district” to “RH-2: 8-100 units/acre residential high density district”; and

16 **WHEREAS**, notice was given and publication made as required by law and a Public
17 Hearing was held by the City Plan Board on July 18, 2002; and

18 **WHEREAS**, the City Commission finds that the rezoning of the property described
19 herein will be consistent with the City of Gainesville 1991-2001 Comprehensive Plan and the
20 City of Gainesville 2000-2010 Comprehensive Plan as adopted by Resolution No. 002684, as
21 applicable; and

22 **WHEREAS**, at least ten (10) days notice has been given of the public hearings once by
23 publication in a newspaper of general circulation notifying the public of this proposed ordinance
24 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall, in the City
25 of Gainesville; and

26 **WHEREAS**, notice has also been given by mail to the owner whose property will be

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1 ordinance; and

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

5 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
6 **CITY OF GAINESVILLE, FLORIDA:**

7 **Section 1.** The following described property is rezoned and changed from the zoning
8 category of "RH-1: 8-43 units/acre residential high density district" to "RH-2: 8-100 units/acre
9 residential high density district":

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

12
13 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
14 the Zoning Map to comply with this Ordinance.

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

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

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

21 **PASSED AND ADOPTED** this _____ day of _____, 2002.

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THOMAS D. BUSSING, MAYOR

ATTEST:

Approved as to form and legality:

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2002.

This ordinance passed on second reading this _____ day of _____, 2002.

MJR/afm

**LEGAL DESCRIPTION – FOX DEN APARTMENTS
OFFICIAL RECORD BOOK 2151 PAGE 402**

THE SOUTH 60 FEET OF THE NORTH 69 FEET OF LOTS 5 AND 6 OF BLOCK ONE (1) OF UNIVERSITY GARDENS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "B", PAGE 96 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

AND

LOTS 7 AND 8 AND THE NORTH 9 FEET OF LOTS 5 AND 6, BLOCK "1", UNIVERSITY GARDENS, A SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "B", PAGE 96 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

AND

AND: THE SOUTH 31 FEET OF LOTS 5 AND 6, BLOCK "1", UNIVERSITY GARDENS, A SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "B", PAGE 96, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND, THE NORTH 25 FEET OF GREEN STREET LYING SOUTH OF LOTS 5 AND 6 OF SAID UNIVERSITY GARDENS.