



MEMORANDUM
Office of the City Attorney

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

TO: Mayor and City Commission

DATE: August 22, 2005

FROM: City Attorney

CITY ATTORNEY
SECOND READING

SUBJECT: Ordinance No. 0-05-20, Petition 25ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands annexed into the City from the Alachua County zoning categories of "PD, planned development", "R1a, single-family, low density (one to four dwelling units per acre)", and "A, agricultural district" to the City of Gainesville zoning categories of "Planned Development District" and "OF: General office district", as more specifically described in this ordinance; generally located in the vicinity of and including the Oak Hammock retirement community, and certain properties along Williston Road including 2521 Southwest Williston Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

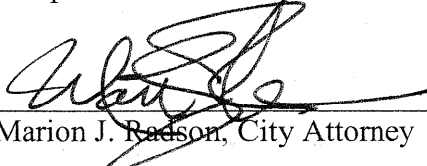
STAFF REPORT

The original petition included land that was part of a utility easement located along the eastern boundary of the Oak Hammock development and part of a property that houses a Progress Energy substation. Both pieces of land are part of larger parcels and because the land is split between Alachua County and the City of Gainesville, it was felt that the proposed City land use and zoning designations should be as close as possible to the Alachua County land use and zoning designations. The current Alachua County land use designation for the 2 pieces of land is Residential (2-4 dwelling units per acre), with a zoning of R-1A (Single-family, low density). The proposed City of Gainesville designations were SF (Single Family, up to 8 units per acre) land use and RSF-1 (3.5 units/acre single-family residential district) zoning.

CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the City Commission on first reading on April 11, 2005. This ordinance is a companion to Ordinance No. 031256, Petition No. 24LUC-04PB.

Prepared and submitted by:


Marion J. Radson, City Attorney

ORDINANCE NO. _____
0-05-20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands annexed into the City from the Alachua County zoning categories of “PD, planned development”, “R1a, single-family, low density (one to four dwelling units per acre)”, and “A, agricultural district” to the City of Gainesville zoning categories of “Planned Development District” and “OF: General office district”, as more specifically described in this ordinance; generally located in the vicinity of and including the Oak Hammock retirement community, and certain properties along Williston Road including 2521 Southwest Williston Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a public hearing that certain lands annexed into the City be rezoned from the Alachua County zoning categories of “PD, planned development”, “R1a, single-family, low density (one to four dwelling units per acre)” and “A, agricultural” to the City of Gainesville zoning categories of “Planned Development District” and “OF: General office 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 December 2, 2004; 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 upon the effective date of the plan amendment adopted by Ordinance No. 031256; 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 and of the Public Hearing to be held in

1 the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven
2 (7) days after the day the first advertisement was published; and

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

6 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
7 described at which hearings the parties in interest and all others had an opportunity to be and were,
8 in fact, heard.

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

11 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
12 following described properties from the Alachua County zoning categories of "PD, planned
13 development", "R1a, single-family, low density (one to four dwelling units per acre)" and "A,
14 agricultural" as shown on Exhibit "A" to the City of Gainesville zoning categories of "Planned
15 Development District" and "OF: General office district", as shown on Exhibit B:

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

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

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

1 Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
2 such conflict hereby repealed.

3 Section 5. This ordinance shall become effective immediately upon final adoption;
4 however, the rezoning shall not become effective until the amendment to the City of Gainesville
5 2000-2010 Comprehensive Plan adopted by Ordinance No. 031256 becomes effective as
6 provided therein..

7 PASSED AND ADOPTED this _____ day of _____, 2005.

8
9
10 _____
11 PEGEEN HANRAHAN, MAYOR

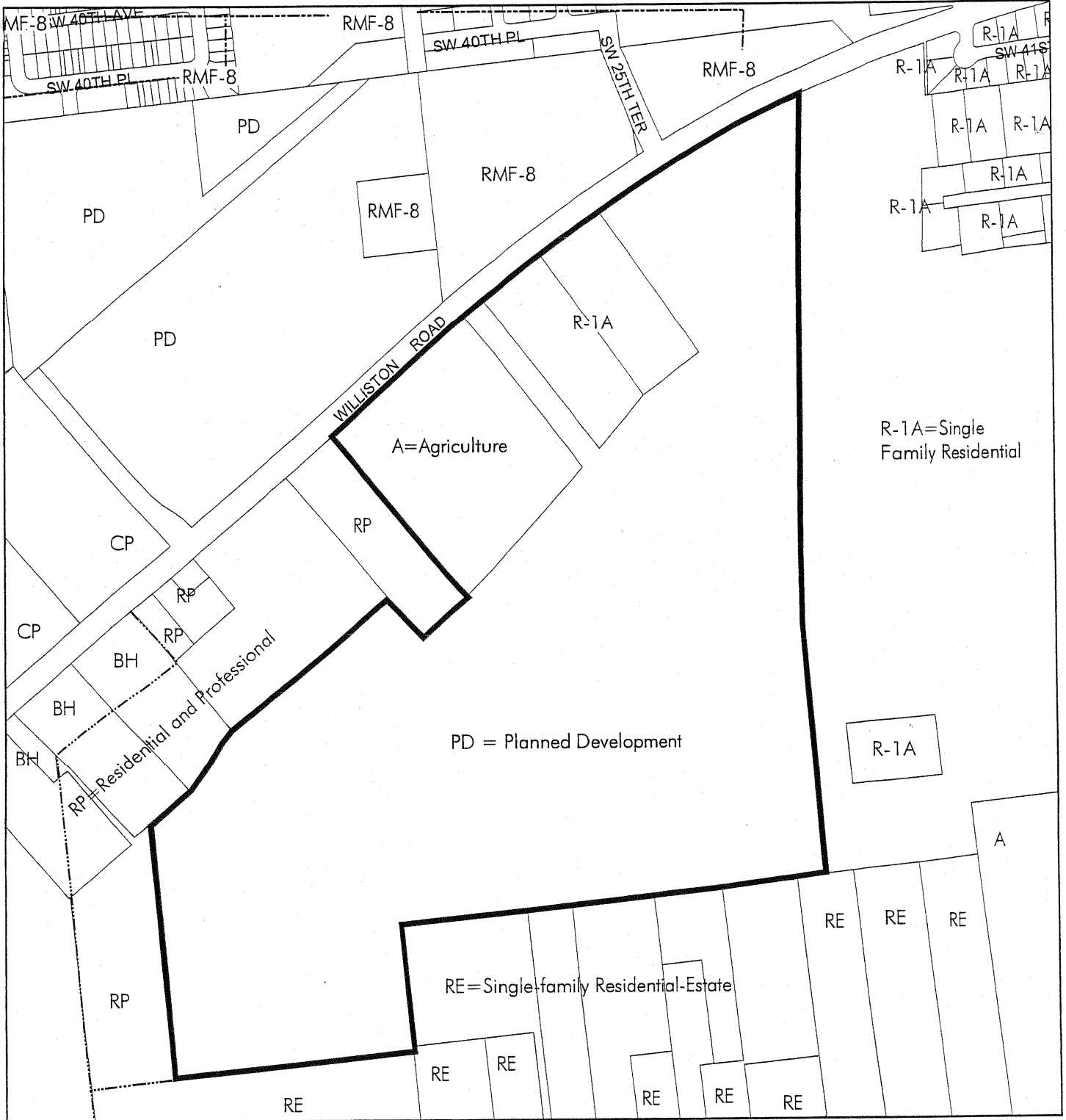
12 ATTEST: Approved as to form and legality:

13
14
15
16 _____ By: _____
17 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
18 CLERK OF THE COMMISSION

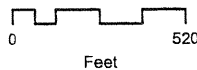
19
20
21 This ordinance passed on first reading this _____ day of _____, 2005.

22
23 This ordinance passed on second reading this _____ day of _____, 2005.
24

MAP 1 - EXISTING ZONING



Petition 25ZON-04 PB

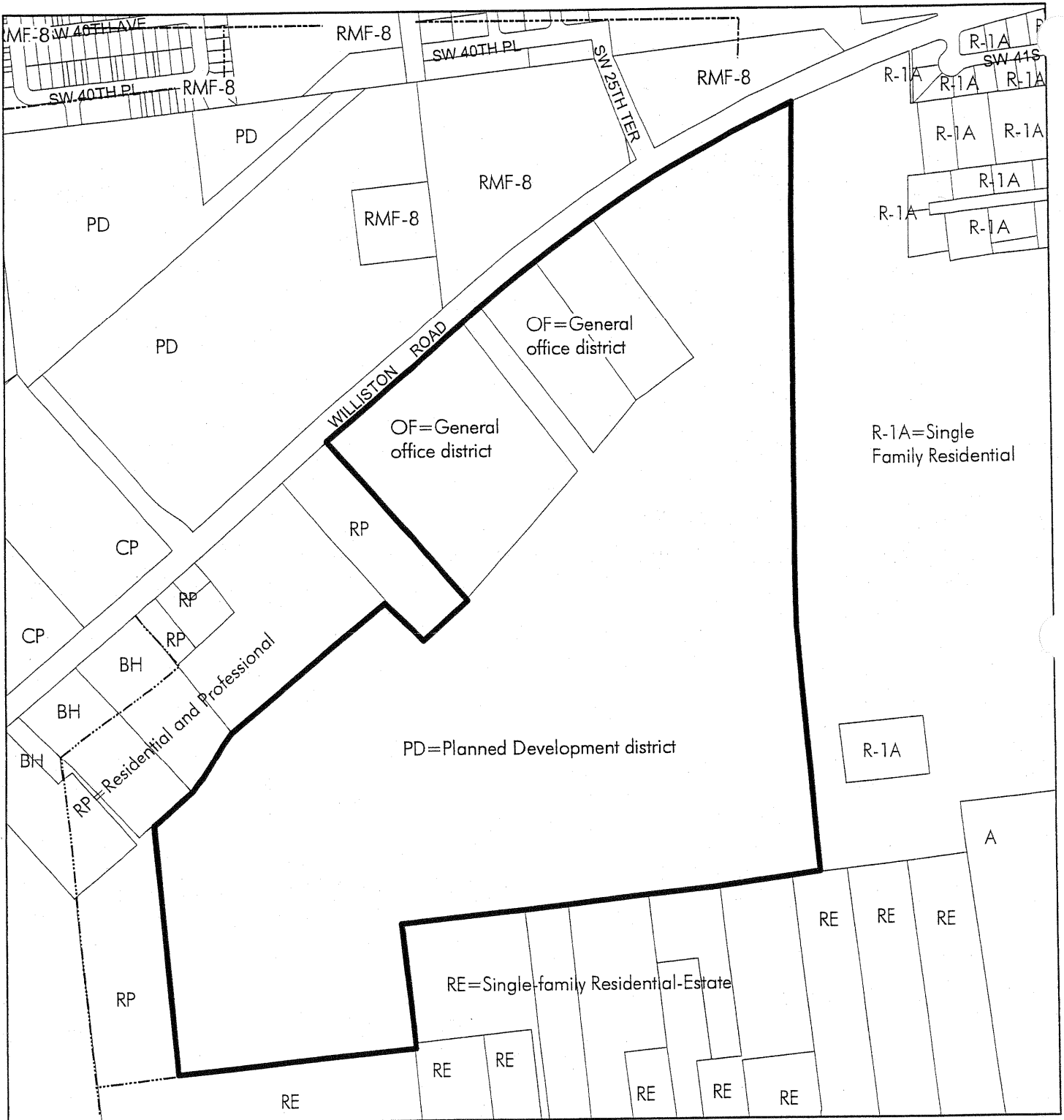


Prepared by the Department of Community Development/GIS 02-21-05

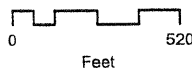
This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For more information, contact the Department of Community Development, 200 West Gainesville Blvd., Gainesville, FL 32601, (352) 339-2200.

EXHIBIT A

MAP 2 - PROPOSED ZONING



Petition 25ZON-04 PB



Prepared by the Department of Community Development/GIS 02-21-05

This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For

EXHIBIT "B"