



MEMORANDUM
Office of the City Attorney

040920

Phone: 334-5011/Fax 334-2229

Box 46

TO: Mayor and City Commission

DATE: June 13, 2005

FROM: City Attorney

CITY ATTORNEY
ADOPTION READING

SUBJECT: Ordinance No. 0-05-41, Petition No. 200ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from undesignated right-of-way to "MU-1: 8-30 units/acre mixed use low intensity"; located in the vicinity of the Northwest Corner of Southeast 2nd Avenue and Williston/Waldo Roads; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

This petition is related to land use petition 199LUC-04 PB and street vacation petition 196SVA-04 PB. The undesignated right-of-way is approximately 0.43-acres in size and is located at the Northwest corner of Southeast 2nd Avenue and Williston/Waldo Road. The property currently has no zoning or land use designation. To the north of the site is the right-of-way to be vacated in Petition 196SVA-04 PB. North of this right-of-way is the existing Education Child Care Center with a land use of MUL (Mixed Use Low Intensity, 10-30 units per acre) and a zoning designation of MU-1 (8-30 units/acre mixed use low intensity district). The owner of the child care center would like to purchase the unclassified land for the purpose of expansion. South of the subject property is Southeast 2nd Avenue, while to the east is Williston/Waldo Road. The bicycle rail trail borders the subject property on the west side.

The request of this petition is to designate unclassified land with a zoning designation of MU-1. This change is requested in order to allow for the expansion of the existing Education Child Care Center.


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

Public notice was published in the Gainesville Sun on February 1, 2005. Letters were mailed to surrounding property owners on February 2, 2005. The Plan Board held a public hearing February 17, 2005. The City Commission heard and approved this petition March 14, 2005.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of March 14, 2005, authorized the City Attorney to draft the ordinance rezoning the property.

Prepared and Submitted by:



Marion J. Ralston, City Attorney

MJR/afm

Attachment

ORDINANCE NO. _____
0-05-41

1
2
3
4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain property within the City from**
6 **undesignated right-of-way to “MU-1: 8-30 units/acre mixed use low**
7 **intensity”;** located in the vicinity of the Northwest Corner of Southeast
8 **2nd Avenue and Williston/Waldo Roads; providing a severability**
9 **clause; providing a repealing clause; and providing an effective date.**

10
11
12 **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map
13 Atlas be amended by rezoning certain property from the zoning category of “MU-1: 8-30
14 units/acre mixed use low intensity”; and

15 **WHEREAS,** notice was given and publication made as required by law and a Public
16 Hearing was held by the City Plan Board on February 17, 2005; and

17 **WHEREAS,** notice was given and publication made of a public hearing which was then
18 held by the City Commission on March 14, 2005; 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 hearing 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

1 **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose
2 property will be regulated by the adoption of this Ordinance, 30 days prior to the date set for a
3 public hearing on this ordinance; and

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

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

8 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
9 following described property from undesignated right-of-way to “MU-1: 8-30 units/acre mixed
10 use low intensity:

11 See legal description attached hereto as Exhibit “A”, and made a part hereof
12 as if set forth in full

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 however, the rezoning shall not become effective until the amendment to the City of Gainesville
22 2000-2010 Comprehensive Plan adopted by Ordinance No. 040921 becomes effective as
23

1 provided therein.

2 **PASSED AND ADOPTED** this _____ day of _____, 2005.

3

4

5

6

PEGEEN HANRAHAN, MAYOR

7

8

ATTEST:

Approved as to form and legality:

9

10

11

12

KURT LANNON,
CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

13

14

15

16

17

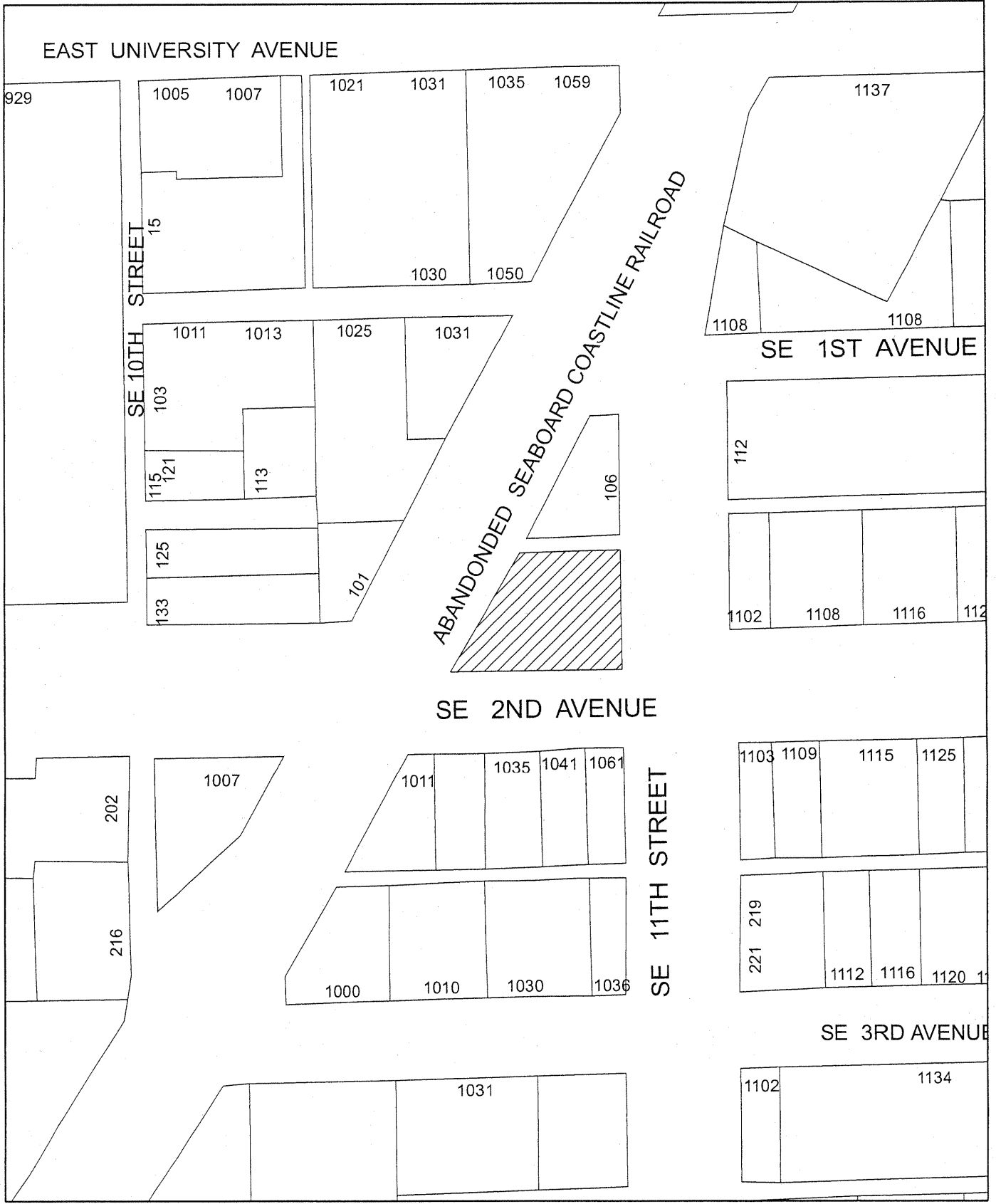
This ordinance passed this _____ day of _____, 2005.

18

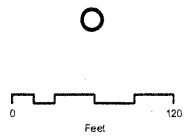
19

H:\Marion Radson\Planning\200ZON pet.DOC

LOCATION MAP FOR PETITION 200ZON-04PB



 Petition Area



Prepared by the Dept. of Comm. Dev./050205 File: 200ZON-04PB

EXHIBIT "A"

**ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF ORDINANCE BY CITY COMMISSION, GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below, will be considered for Adoption Reading on the 13th day of June, 2005, at the City Commission meeting. The meetings begin at 6:00 p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

ORDINANCE TITLE
Ordinance 0-05-41

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from undesignated right-of-way to "MU-1: 8-30 units/acre mixed use low intensity"; located in the vicinity of the Northwest Corner of Southeast 2nd Avenue and Williston/Waldo Roads; providing a severability clause; providing a repealing clause; and providing an effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

June 3, 2005
Publish Date

Clerk of the Commission

27567, 6/3/05
#A000000425