



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 990713

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

TO: Mayor and City Commission
DATE: January 24, 2000
FROM: Marion J. Radson, City Attorney
SECOND READING
CITY ATTORNEY
SUBJECT: Ordinance No. 0-00-30, Petition No. 170ZON-99PB
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "RSF-1: 3.5 units/acre single-family residential district" to "RMF-6: 10-15 units/acre multiple-family residential district" and "CON: conservation district"; located in the vicinity of the 400 block of Southeast 25th Street, east of Southeast 24th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

The application for a rezoning is for a vacant, 5-acre parcel (this parcel has a western 5 acres that is not part of this petition). The subject parcel is located in the 400-block of Southeast 25th Street, east of Southeast 24th Street. The 5-acre western portion of this parcel carries an MUL (mixed-use low) land use and MU-1 (mixed-use low intensity) zoning. The parcel adjacent to the south carries a single-family residential land use and an RSF-1 (3.5 units per acre single-family residential district) zoning. The parcel to the north carries a residential single-family land use and RSF-4 (8 dwelling units per acre) zoning. The parcel adjacent to the east carries a single-family residential land use and an RSF-1 (3.5 dwelling units per acre) zoning. All adjacent parcels are currently undeveloped.

The application would change the zoning of the western portion of the parcel (approximately 4 acres) from single-family to multi-family, and, because of floodplain considerations, change the eastern portion of the parcel (approximately 1 acre) from single-family to conservation.

The parcel is affected by the floodplain environmental overlay district for that portion proposed as conservation. It is not affected by the Central Corridors district.


Currently, Regional Transit System bus route 7 (and a bus stop for this route) is within one-quarter mile of the parcel. The parcel is served by sidewalks along Hawthorne Road and on Southeast 24th Street. This arterial contains a "shared street-oriented bicycle route" (a parking lane that is a shared bicycle lane). In addition, on-street bicycle lanes are found on Southeast 24th Street.

Multi-family residential land use and zoning categories are often placed next to or within activity centers, because higher-density residential development in centers supports transportation choice objectives and the economic health of the center. The subject parcel falls within the Hawthorne Road Activity Center.

The Plan Board reviewed the petition and recommends approval.

Public notice was published in the Gainesville Sun on November 2, 1999. Letters were mailed to surrounding property owners on November 3, 1999. The Plan Board held a public hearing November 18, 1999. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 170ZON-99 PB. Plan Board vote 7-0

Prepared and
Submitted by:



Marion J. Radson
City Attorney

MJR/afm

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

1 meeting room, First Floor, City Hall, in the City of
2 Gainesville; and

3 **WHEREAS**, public hearings were held pursuant to the
4 published notices described above at which hearings the
5 parties in interest and all others had an opportunity to be
6 and were, in fact, heard.

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

9 **Section 1.** The following described property is rezoned and
10 changed from the zoning category of "RSF-1: 3.5 units/acre
11 single-family residential district" to "RMF-6: 10-15
12 units/acre multiple-family residential district":

13 See legal description attached hereto as
14 Exhibit "A", and made a part hereof as if set
15 forth in full.

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17 **Section 2.** The following described property is rezoned and
18 changed from the zoning category of "RSF-1: 3.5 units/acre
19 single-family residential district" to "CON: conservation
20 district":

21 See legal description attached hereto as
22 Exhibit "B", and made a part hereof as if set
23 forth in full.

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25 **Section 3.** The City Manager is authorized and directed to
26 make the necessary changes in the Zoning Map Atlas to comply
27 with this ordinance.

1 **Section 4.** If any section, sentence, clause or phrase of
2 this ordinance is held to be invalid or unconstitutional by
3 any court of competent jurisdiction, then said holding shall
4 in no way affect the validity of the remaining portions of
5 this ordinance.

6 **Section 5.** All ordinances, or parts of ordinances, in
7 conflict herewith are to the extent of such conflict hereby
8 repealed.

9 **Section 6.** This Ordinance shall become effective
10 immediately upon passage; however, the rezoning shall not
11 become effective until the amendment to the City of
12 Gainesville 1991-2001 Comprehensive Plan adopted by
13 Ordinance No. 990708 becomes effective as provided therein.

14 **PASSED AND ADOPTED** this _____ day of
15 _____, 2000.

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PAULA M. DeLANEY, MAYOR

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

KURT LANNON
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

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27
28
29 This ordinance passed on first reading this _____ day
30 of _____, 2000.

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32 This ordinance passed on second reading this _____ day
33 of _____, 2000.

September 24, 1999

Legal Description (PARCEL "B")
For: Proposed RMF-6 Zoning

A portion of Government Lot 83 in the southeast 1/4 of Section 3,
Township 10 South, Range 20 East, Alachua County, Florida; being more
particularly described as follows:

Commence at the northeast corner of said Section 3, Township 10 South,
Range 20 East, Alachua County, Florida, and run thence South $01^{\circ}00'46''$
East, along the east line of said Section 3, a distance of 1329.66
feet; thence South $89^{\circ}19'02''$ West, a distance of 658.59 feet to the
northeast corner of Government Lot 83 of Section 3; thence continue
South $89^{\circ}19'02''$ West, along the north boundary of said Government lot
40.00 feet, to the POINT OF BEGINNING; thence continue South $89^{\circ}19'02''$
West, along said north boundary 279.30 feet to the northwest corner of
said Government Lot; thence South $00^{\circ}01'42''$ West, 655.96 feet to the
southwest corner of said Government Lot; thence North $89^{\circ}02'02''$ East,
along the south boundary of said Government lot, 210.08 feet; thence
North $06^{\circ}03'17''$ East, 659.42 feet to the POINT OF BEGINNING.

Containing 160,344 Square Feet, (3.68 Ac.) more or less.

September 24, 1999

Legal Description (Parcel "A")
For: Proposed CON Zoning

A portion of Government Lot 83 in the southeast 1/4 of Section 3,
Township 10 South, Range 20 East, Alachua County, Florida; being more
particularly described as follows:

Commence at the northeast corner of said Section 3, Township 10 South,
Range 20 East, Alachua County, Florida, and run thence South $01^{\circ}00'46''$
East, along the east line of said Section 3, a distance of 1329.66
feet; thence South $89^{\circ}19'02''$ West, a distance of 658.59 feet to the
northeast corner of Government Lot 83 of Section 3, and the POINT OF
BEGINNING; thence continue South $89^{\circ}19'02''$ West, along the north
boundary of said Government lot 40.00 feet; thence South $06^{\circ}03'17''$
West, 659.42 feet to a point on the south boundary of said Government
Lot; thence North $89^{\circ}02'02''$ East, along said south boundary, 120.00
feet to the southeast corner of said Government Lot; thence North
 $00^{\circ}54'49''$ West, 654.28 feet to the POINT OF BEGINNING.

Containing 52,354 Square Feet, (1.20 Ac.) more or less.

