



**MEMORANDUM**  
**Office of the City Attorney**

LEGISLATIVE ITEM NO. 990709

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

**TO:** Mayor and City Commission

**DATE:** April 24, 2000

**FROM:** City Attorney

**CITY ATTORNEY**  
**FIRST READING**

**SUBJECT:** Ordinance No. 0-00-47, Petition No. 148ZON-00PB  
An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from the zoning category of "Planned Development District" to the following zoning categories: 1) "BUS: General business district" on Parcel 1; 2) RMF-6: 8-15 units/acre multiple-family residential district" on Parcel 2; 3) RSF-1: 3.5 units/acre single-family residential district" on Parcel 3A; 4) "RMF-6: 8-15 units/acre multiple-family residential district" on Parcel 4; 5) "RMF-5: 12 units/acre single-family/multiple-family residential district" on Parcel 5; and 6) "CON: Conservation district" on Parcel 3B; consisting of approximately 98.46 acres; and located in the vicinity between Northwest 45<sup>th</sup> and 53<sup>rd</sup> Avenues and between Northwest 13<sup>th</sup> and 19<sup>th</sup> Streets; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

---

Recommendation: The City Commission adopt the proposed ordinance.

The City Commission, at its meeting of March 6, 2000 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the City of Gainesville.

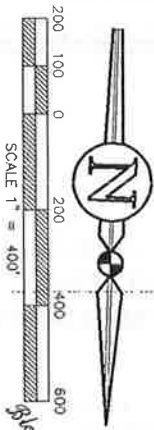
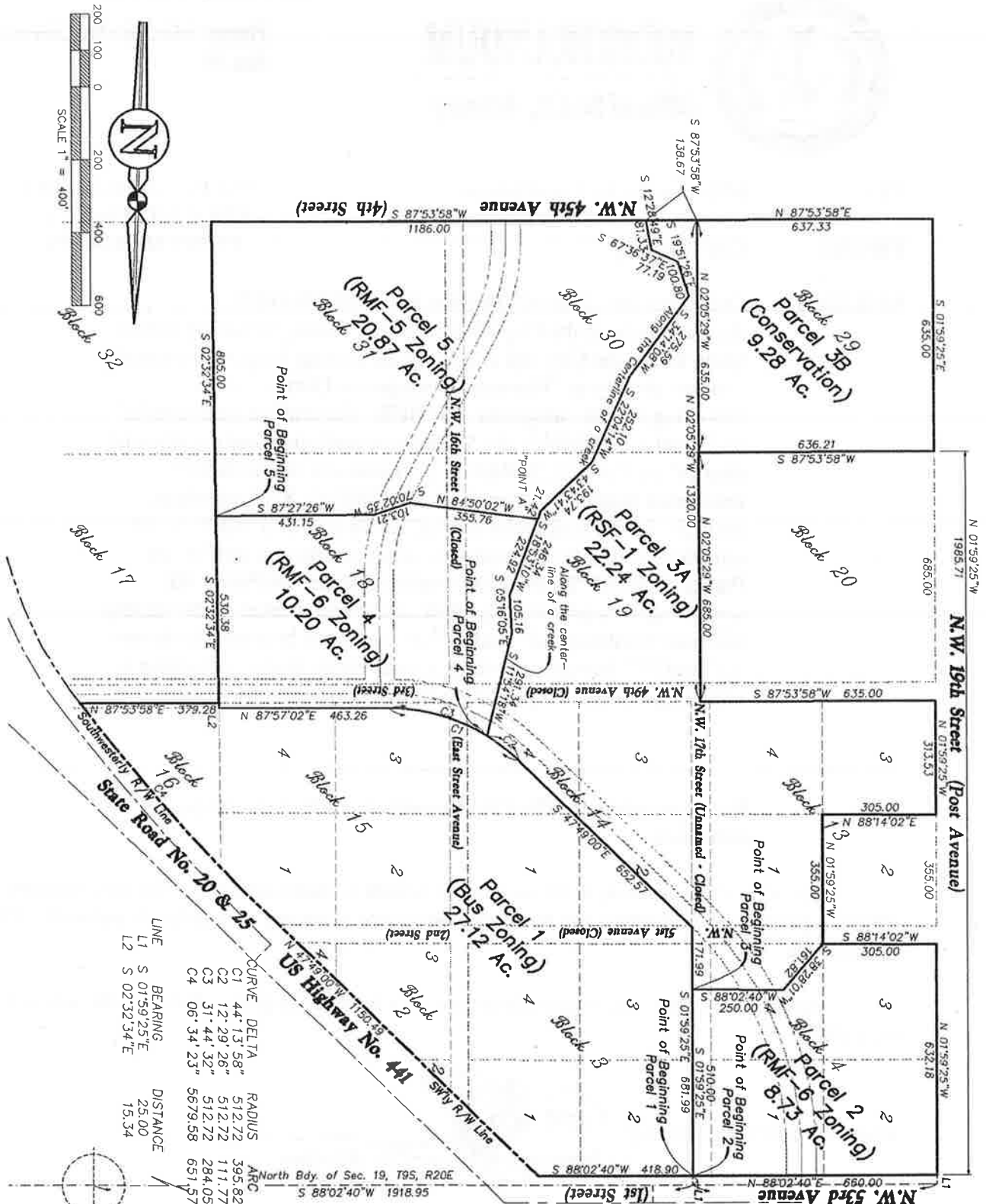
Attached for your information is a copy of a legal description sketch of the subject property.

Prepared and Submitted by:

  
\_\_\_\_\_  
Marion J. Radson, City Attorney

MJR/afm

Attachments (2)



**LEGAL DESCRIPTION SKETCH OF**

**THIS IS NOT  
A BOUNDARY SURVEY**

A PORTION OF "PLAT OF PARADISE" AS PER PLAT RECORDED IN PLAT BOOK "A" PAGE 4 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA SITUATED IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST.

FOR: The Hartman Family

**POINT OF COMMENCEMENT**  
Northeast corner of Section 19, T9S, R20E

**GENERAL NOTE:**  
All bearings and distances as shown hereon are "more or less" approximations of the expected boundary lines based on certain corners found in the field. All of these parcel boundaries are subject to revision following a complete boundary survey to establish the corners of the Blocks and Lots platted in "Plat of Paradise"

LINE	BEARING	DISTANCE	CHORD	TANGENT	CHORD BEARING
L1	S 01°59'25"E	25.00	386.07	208.36	S 69°55'59"E
L2	S 02°32'34"E	15.34	111.55	56.11	S 54°03'43"E
C1	44°13'58"	512.72	395.82	111.77	S 54°03'43"E
C2	12°29'26"	512.72	111.77	284.05	S 76°10'42"E
C3	31°44'32"	512.72	284.05	551.57	N 42°40'04"W
C4	06°34'23"	5679.58	651.57	551.22	N 42°40'04"W

**ENG. DENMAN & ASSOC., INC.**  
ENGINEERS • SURVEYORS • PLANNERS

2404 N.W. 43rd ST.  
GAINESVILLE, FLORIDA 32606  
TEL: (352) 373-3041 FAX: (352) 373-7249

DATE: 3/17/2000

DATE	BY	REVISION
Sept. 24, 1999	W. Denman	Original
March 7, 2000	W. Denman	Revised

PREPARED FOR: [Redacted]

I HEREBY CERTIFY THAT THE SKETCH OF LEGAL DESCRIPTION HAS BEEN MADE UNDER MY RESPONSIBLE SUPERVISION AND THAT THE SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS, FLORIDA STATUTES, CHAPTER 481, F.S.

**D R A F T**

04/06/00

ORDINANCE NO. \_\_\_\_\_  
0-00-47

1  
2  
3  
4       **An Ordinance of the City of Gainesville, Florida; rezoning**  
5       **certain lands within the City and amending the Zoning Map**  
6       **Atlas from the zoning category of “Planned Development**  
7       **District“ to the following zoning categories: 1) “BUS: General**  
8       **business district“ on Parcel 1; 2) RMF-6: 8-15 units/acre**  
9       **multiple-family residential district” on Parcel 2; 3) RSF-1: 3.5**  
10       **units/acre single-family residential district” on Parcel 3A; 4)**  
11       **“RMF-6: 8-15 units/acre multiple-family residential district” on**  
12       **Parcel 4; 5) “RMF-5: 12 units/acre single-family/multiple-family**  
13       **residential district" on Parcel 5; and 6) “CON: Conservation**  
14       **district” on Parcel 3B; consisting of approximately 98.46 acres;**  
15       **and located in the vicinity between Northwest 45<sup>th</sup> and 53<sup>rd</sup>**  
16       **Avenues and between Northwest 13<sup>th</sup> and 19<sup>th</sup> Streets;**  
17       **providing a severability clause; providing a repealing clause;**  
18       **and providing an immediate effective date.**

19  
20  
21       **WHEREAS,** the City Commission authorized the publication of notice of a Public Hearing  
22       that certain lands within the City be rezoned from the zoning category of “Planned Development  
23       District” to the following zoning categories: 1) “BUS: General business district“ on Parcel 1; 2)  
24       RMF-6: 8-15 units/acre multiple-family residential district” on Parcel 2; 3) RSF-1: 3.5 units/acre  
25       single-family residential district” on Parcel 3A; 4) “RMF-6: 8-15 units/acre multiple-family  
26       residential district” on Parcel 4; 5) “RMF-5: 12 units/acre single-family/multiple-family residential  
27       district” on Parcel 5; and 6) “CON: Conservation district” on Parcel 3B; as more specifically  
28       described in this Ordinance; and

# D R A F T

04/06/00

1           **WHEREAS**, the Alachua County Commission adopted Resolution Nos. Z-83-39, Z-89-29  
2 and Z-89-30 that approved the Planned Unit Development on the properties described in this  
3 Ordinance; and

4           **WHEREAS**, on April 24, 1992 the City Commission of the City of Gainesville adopted  
5 Ordinance No. 3768 that annexed the properties described in this Ordinance, and that was approved  
6 by the electors at a referendum election held on September 1, 1992; and

7           **WHEREAS**, on January 24, 1994, the City Commission of the City of Gainesville adopted  
8 Ordinance No. 3952 that extended the expiration of all Planned Unit Developments annexed by  
9 Ordinance No. 3768 for one additional year until January 31, 1995; and

10           **WHEREAS**, the City of Gainesville and the property owner agree that the Planned Unit  
11 Development approved by Alachua County in Resolution Nos. Z-83-39, Z-89-29 and Z-89-30  
12 expired because the property owner took no action to obtain the necessary development orders to  
13 develop the property; and

14           **WHEREAS**, notice was given and publication made as required by law of a Public Hearing  
15 which was held by the City Plan Board on December 16, 1999; and

16           **WHEREAS**, notice was given and publication made of a Public Hearing which was then  
17 held by the City Commission; and

18           **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10  
19 inches long was placed in a newspaper of general circulation and of the Public Hearing to be held in

**D R A F T**

04/06/00

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 following described property is rezoned from the zoning category of  
12 “Planned Development District” to the zoning category of “BUS: General business district”;

13 See “Parcel 1” attached hereto and made a part hereof as if set forth  
14 in full.

15  
16 **Section 2.** The following described property is rezoned from the zoning category of  
17 “Planned Development District” to the zoning category of “RMF-6: 8-15 units/acre multiple-  
18 family residential district”;

19 See “Parcel 2” attached hereto and made a part hereof as if set forth  
20 in full.

21

# D R A F T

04/06/00

1           **Section 3.** The following described property is rezoned from the zoning category of  
2 “Planned Development District“ to the zoning category of “RSF-1: 3.5 units/acre single-family  
3 residential district”;

4                   See “Parcel 3A” attached hereto and made a part hereof as if set  
5                   forth in full.  
6

7           **Section 4.** The following described property is rezoned from the zoning category of  
8 “Planned Development District“ to the zoning category of “RMF-6: 8-15 units/acre multiple-  
9 family residential district”;

10                   See “Parcel 4” attached hereto and made a part hereof as if set forth  
11                   in full.  
12

13           **Section 5.** The following described property is rezoned from the zoning category of  
14 “Planned Development District“ to the zoning category of “RMF-5: 12 units/acre single-  
15 family/multiple-family residential district”;

16                   See “Parcel 5” attached hereto and made a part hereof as if set forth  
17                   in full.  
18

19           **Section 6.** The following described property is rezoned from the zoning category of  
20 “Planned Development District“ to the zoning category of “CON: Conservation district”;

21                   See “Parcel 3B” attached hereto and made a part hereof as if set forth  
22                   in full.  
23

24           **Section 7.** The City Manager is authorized and directed to make the necessary change in the  
25 Zoning Map Atlas to comply with this Ordinance.

**D R A F T**

04/06/00

1           **Section 8.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
2 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
3 the validity of the remaining portions of this ordinance.

4           **Section 9.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
5 such conflict hereby repealed.

6           **Section 10.** This ordinance shall become effective immediately  
7 upon final adoption.

8           **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_,  
9 2000.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\_\_\_\_\_  
Paula M. DeLaney, 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  
\_\_\_\_\_, 2000.

This ordinance passed on second reading this \_\_\_\_\_ day of  
\_\_\_\_\_, 2000.

September 24, 1999

Legal Description  
(Parcel 1 – Bus Zoning)

A portion of Blocks 2, 3, 14, 15 and 16 and a portion of 2<sup>nd</sup> Street and East Street Avenue of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 88°02'40" West, along the North boundary of said section, 1918.95 feet, more or less; thence South 01°59'25" East, more or less, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records and the POINT OF BEGINNING; thence continue South 01°59'25" East, along the West boundary of said Block 3 and along a southerly extension of said West boundary, 681.99 feet, more or less; thence South 47°49'00" East, 652.57 feet, more or less, to the beginning of a curve concave Northeasterly and having a radius of 512.72 feet; thence Southeasterly, along the arc of said curve, through a central angle of 44°13'58" an arc distance of 395.82 feet, to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 69°55'59" East, 386.07 feet; thence North 87°57'02" East, 463.26 feet, more or less, to a point on the West boundary of Block 16 of said 'Plat' thence South 02°32'34" East, more or less, along said West boundary, 15.34 feet, more or less, to the Southwest corner of said Block 16; thence North 87°53'58" East, along the South boundary of said Block 16, a distance of 379.28 feet, more or less, to a point on the southwesterly right of way line of State Road No. 20 & 25 (U.S. Highway No. 441) said point lying on the arc of a curve, concave Southwesterly and having a radius of 5679.58 feet; thence Northwesterly, along said right of way line and along the arc of said curve through a central angle of 06°34'23" an arc distance of 651.57 feet, said arc being subtended by a chord having a bearing and distance of North 42°40'04" West, 651.22 feet; thence North 47°49'00" West, along said right of way line, non-tangent to the last described curve, 1150.49 feet, to a point on the north boundary of said Block 3 of said 'Plat' thence South 88°02'40" West, along said north boundary, 418.90 feet, to the POINT OF BEGINNING.

Containing 27.12 acres, more or less.



(Revised) March 6, 2000

Legal Description

(Parcel 2 - RMF-6 Zoning)

A portion of Block 4 and a portion of a certain unnamed Street of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South  $88^{\circ}02'40''$  West, along the North boundary of said section, 1918.95 feet; thence South  $01^{\circ}59'25''$  East, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records and the POINT OF BEGINNING; thence continue South  $01^{\circ}59'25''$  East, along the West boundary of said Block 3, a distance of 510.00 feet; thence South  $88^{\circ}02'40''$  West, parallel with the North boundary of said section, 250.00 feet; thence South  $38^{\circ}28'01''$  West, more or less, 161.82 feet, more or less, to a northerly extension of the East boundary of Lot 2, Block 13 of said 'Plat of Paradise' lying on the South boundary of said Block 4; thence South  $88^{\circ}14'02''$  West, along said South boundary, 305.00 feet, more or less, to the Southwest corner of said Block 4; thence North  $01^{\circ}59'25''$  West, 632.18 feet, more or less, to the Northwest corner of said Block 4; thence North  $88^{\circ}02'40''$  East, 660.00 feet, more or less, to the POINT OF BEGINNING.

Containing 8.73 acres, more or less.

March 6, 2000

Legal Description  
(Parcel 3A - RSF-1 Zoning)

A portion of Blocks 4, 13, 14, 19 and 30 and a portion of 2<sup>nd</sup> Street, 3<sup>rd</sup> Street, and a certain unnamed Street of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 88°02'40" West, along the North boundary of said section, 1918.95 feet; thence South 01°59'25" East, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records; thence continue South 01°59'25" East, along the West boundary of said Block 3, 510.00 feet to the POINT OF BEGINNING; thence continue South 01°59'25" East, along said West boundary and along a southerly extension of said West boundary, 171.99 feet; thence South 47°49'00" East, 652.57 feet, to the beginning of a curve concave Northeasterly and having a radius of 512.72 feet; thence Southeasterly, along the arc of said curve, through a central angle of 12°29'26" an arc distance of 111.77 feet, said arc being subtended by a chord having a bearing and distance of South 54°03'43" East, 111.55 feet; thence Southwesterly, along the centerline of a creek, through the following 9 courses and distances:

- 1) South 11°54'18" West, 291.34 feet; 2) South 05°16'05" East, 105.16 feet;
- 3) South 18°53'10" West, 246.34 feet; 4) South 43°43'41" West, 193.74 feet;
- 5) South 22°04'14" West, 252.10 feet; 6) South 34°14'08" West, 275.59 feet;
- 7) South 19°51'26" East, 100.80 feet; 8) South 67°36'37" East, 77.19 feet;
- 9) South 12°28'49" East, 81.33 feet, more or less to

the South boundary of Block 30 of said 'Plat of Paradise' thence South 87°53'58" West, along said South boundary, 138.67 feet, more or less, to the Southwest corner of said Block 30, also known as the Southeast corner of Block 29 of said 'Plat of Paradise'; thence North 02°05'29" West, more or less, along the West boundary of Blocks 30 and 19, also known as the East boundary of Blocks 29 and 20 of said 'Plat', and along a Northerly extension of said boundary, 1320.00 feet, more or less, to an Easterly extension of the South boundary of Block 13 of said 'Plat' thence South 87°53'58" West, more or less, 635.00 feet, more or less, to the Southwest corner of said Block 13; thence North 01°59'25" West, more or less, 313.53 feet, more or less, to the Northwest corner of Lot 3 of said Block 13; thence North 88°14'02" East, more or less, 305.00 feet, more or less to the Southwest corner of Lot 1 of said Block 13; thence North 01°59'25" West, more or less, along the West boundary of said Lot 1, and along a Northerly extension of said West boundary, 355.00 feet, more or less, to the South boundary of Block 4 of said 'Plat' thence North 38°28'01" East, 161.82 feet; thence North 88°02'40" East, 250.00 feet, to the POINT OF BEGINNING.

Containing 22.24 acres, more or less.

March 6, 2000

Legal Description  
(Parcel 3B - Conservation)

Block 29 of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South  $88^{\circ}02'40''$  West, along the North boundary of said section, 2578.95 feet; thence South  $01^{\circ}59'25''$  East, 25.00 feet, more or less, to the Northwest corner of Block 4 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; thence continue South  $01^{\circ}59'25''$  East, more or less, along the West boundary of Blocks 4, 13, and 20 of said 'Plat of Paradise', 1985.71 feet, more or less, to the Northwest corner of Block 29 of said 'Plat' and the POINT OF BEGINNING; thence continue South  $01^{\circ}59'25''$  East, more or less, along the West boundary of said Block 29, a distance of 635.00 feet, more or less, to the Southwest corner of said Block 29; thence North  $87^{\circ}53'58''$  East, more or less, 637.33 feet, more or less, to the Southeast corner of said Block 29, also known as the Southwest corner of Block 30 of said 'Plat'; thence North  $02^{\circ}05'29''$  West, more or less, 635.00 feet, more or less, to the Northeast corner of said Block 29, also known as the Northwest corner of Block 30, the Southwest corner of Block 19 and the Southeast corner of Block 20 of said 'Plat of Paradise'; thence South  $87^{\circ}53'58''$  West, more or less, 636.21 feet, more or less, to the POINT OF BEGINNING.

Containing 9.28 acres, more or less.

(Revised) March 6, 2000

Legal Description

(Parcel 4 - RMF-6 Zoning)

A portion of Blocks 14, 15, 18 and 19 and a portion of 3<sup>rd</sup> Street, and East Street Avenue of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 88°02'40" West, along the North boundary of said section, 1918.95 feet; thence South 01°59'25" East, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records; thence continue South 01°59'25" East, along the West boundary of said Block 3, and along a southerly extension of said West boundary, 681.99 feet; thence South 47°49'00" East, 652.57 feet, to the beginning of a curve concave Northeasterly and having a radius of 512.72 feet; thence Southeasterly, along the arc of said curve, through a central angle of 12°29'26" an arc distance of 111.77 feet, to the POINT OF BEGINNING, said arc being subtended by a chord having a bearing and distance of South 54°03'43" East, 111.55 feet; thence continue Southeasterly, along the arc of said curve, through a central angle of 31°44'32" an arc distance of 284.05 feet, to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 76°10'42" East, 280.43 feet; thence North 87°57'02" East, 463.26 feet, to the East boundary of Block 15 of said 'Plat' thence South 02°32'34" East, more or less, along said East boundary, and along the East boundary of Block 18 of said 'Plat' 530.38 feet; thence South 87°27'26" West, 431.15 feet; thence South 70°02'35" West, 103.21 feet, thence North 84°50'02" West, 355.76 feet, more or less, to the centerline of a creek; thence Northeasterly, along the centerline of said creek, through the following 3 courses and distances:

- 1) North 18°53'10" East, 224.92 feet; 2) North 05°16'05" West, 105.16 feet;
- 3) North 11°54'18" East, 291.34 feet, to

the POINT OF BEGINNING.

Containing 10.20 acres, more or less.

(Revised) March 6, 2000

Legal Description  
(Parcel 5 - RMF-5 Zoning)

A portion of Blocks 18, 19, 30 and 31 and a portion of East Street Avenue of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 88°02'40" West, along the North boundary of said section, 1918.95 feet; thence South 01°59'25" East, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records; thence continue South 01°59'25" East, along the West boundary of said Block 3, and along a southerly extension of said West boundary, 681.99 feet; thence South 47°49'00" East, 652.57 feet, to the beginning of a curve concave Northeasterly and having a radius of 512.72 feet; thence Southeasterly, along the arc of said curve, through a central angle of 44°13'58" an arc distance of 395.82 feet, to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 69°55'59" East, 386.07 feet; thence North 87°57'02" East, 463.26 feet, to the East boundary of Block 15 of said 'Plat' thence South 02°32'34" East, more or less, along said East boundary, and along the East boundary of Block 18 of said 'Plat' 530.38 feet, to the POINT OF BEGINNING; thence continue South 02°32'34" East, more or less, along the East boundary of said Block 18 and along the East boundary of Block 31 of said 'Plat' 805.00 feet, more or less to the Southeast corner of said Block 31; thence South 87°53'58" West, more or less, along the South boundary of said Block 31, and along the South boundary of Block 30 of said 'Plat' 1186.00 feet, more or less, to the centerline of a creek; thence Northwesterly and Northeasterly, along the centerline of said creek, through the following 7 courses and distances:

- 1) North 12°28'49" West, 81.33 feet; 2) North 67°36'37" West, 77.19 feet;
- 3) North 19°51'26" West, 100.80 feet; 4) North 34°14'08" East, 275.59 feet;
- 5) North 22°04'14" East, 252.10 feet; 6) North 43°43'41" East, 193.74 feet;
- 7) North 18°53'10" East, 21.42 feet, more or less;

thence, from the POINT OF BEGINNING, run South 87°27'26" West, 431.15 feet; thence South 70°02'35" West, 103.21 feet; thence North 84°50'02" West, 355.76 feet, more or less, to the centerline of said creek to close.

Containing 20.87 acres, more or less.

