

MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 041052 *a*

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

TO: Mayor and City Commission

DATE: October 10, 2005

FROM: City Attorney

CITY ATTORNEY
FIRST READING

SUBJECT: Ordinance No. 0-05-74, Petition No. 22PDV-05PB
An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "RSF-3: 5.8 units/acre single-family residential district" to "Planned Development District"; located in the Northeast Historic District in the vicinity of 204, 210 and 216 Northeast 10th Avenue; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The City Commission, at its meeting of June 13, 2005 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Barrow Family Partnership" within the City of Gainesville.

Prepared and Submitted by:


Marion J. Radson, City Attorney

MJR: afm

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9/19/2005

ORDINANCE NO. _____
0-05-74

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4 **An Ordinance of the City of Gainesville, Florida; rezoning**
5 **certain lands within the City and amending the Zoning Map**
6 **Atlas from "RSF-3: 5.8 units/acre single-family residential**
7 **district" to "Planned Development District"; located in the**
8 **Northeast Historic District in the vicinity of 204, 210 and 216**
9 **Northeast 10th Avenue; adopting a development plan report**
10 **and development plan maps; providing conditions and**
11 **restrictions; providing for enforcement; providing a**
12 **severability clause; and providing an immediate effective date.**
13
14

15 **WHEREAS**, by initiation of a petition by the property owner, publication of notice of a
16 public hearing was given that the Zoning Map Atlas be amended by rezoning certain property
17 within the City be rezoned from "RSF-3: 5.8 units/acre single-family residential district" to
18 "Planned Development District"; and

19 **WHEREAS**, notice was given and publication made as required by law of a public hearing
20 which was then held by the City Plan Board on May 19, 2005; and

21 **WHEREAS**, notice was given and publication made of a public hearing which was then
22 held by the City Commission on June 13, 2005; and

23 **WHEREAS**, the City Commission finds that the amendment of the Planned Development
24 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

25 **WHEREAS**, at least ten (10) days notice has been given once by publication in a
26 newspaper of general circulation prior to the adoption public hearing notifying the public of this

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1 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
2 City Hall, in the City of Gainesville; and

3 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
4 described at which hearings the parties in interest and all others had an opportunity to be and were,
5 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 " RSF-3: 5.8 units/acre single-family residential district" to
10 "Planned Development District";

11 See Exhibit "A" attached hereto and made a
12 part hereof as if set forth in full.
13

14 **Section 2.** The City Manager or designee is authorized and directed to make the
15 necessary change in the Zoning Map Atlas to comply with this Ordinance.

16 **Section 3.** The Development Plan attached to this Ordinance which consists of the
17 following:

- 18 1. the development plan report entitled "PD Report for Barrow Family Partnership",
19 revised February 25, 2005, attached and identified as Exhibit "B"; and
- 20 2. development plan maps consisting of 3 sheets: 1) "PD Zoning Submitted for
21 Barrow Family Partnership", dated February, 2005, revised on February 24, 2005; 2)
22 "Existing Conditions Map", dated February 9, 2005, revised on February 24, 2005; and 3)

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1 "PD Layout Plan Map" dated February 9, 2005, revised on February 24, 2005; identified
2 as Exhibit "C"; are incorporated and made a part of this Ordinance as if set forth in full.
3 The terms, conditions, and limitations of the Development Plan shall regulate the use and
4 development of the land described herein zoned to the category of Planned Development
5 District as provided in Chapter 30, Land Development Code of the City of Gainesville
6 (hereinafter referred to as "Land Development Code"). In the event of conflict between
7 the provisions of the development plan report (Exhibit "B") and the development plan
8 maps (Exhibit "C"), the provisions, regulations, and restrictions of the development plan
9 maps (Exhibit "C") shall govern and prevail.

10 **Section 4.** The following additional conditions, restrictions and regulations shall apply to
11 the development and use of the land:

- 12 1. Except for the development standards expressly provided in this document, the
13 subdivision and development of the subject property shall be in accordance with the Land
14 Development Code and the RSF-3 zoning district of the land development regulations.
15
- 16 2. The development shall comply with the requirements of the Historic Preservation
17 /Conservation District of the Land Development Code.
18
- 19 3. The building on the newly created lot, shall face or have an orientation towards NE 2nd
20 Street.
21
- 22 4. The 2nd Street facade shall have a brick veneer or alternate finish which is compatible
23 with the existing units facing NE 10th Avenue.
24
- 25 5. A front porch shall be included with a minimum 6 foot depth.
26
- 27 6. Any structure designed to accommodate automobiles shall be in the rear. If attached to
28 the building, the entrance to the structure shall not be visible from NE 2nd Street.
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- 1 7. Design and massing of the building shall be compatible with surrounding structures.
- 2
- 3 8. The maximum allowable density on the subject property is 6.4 dwelling units per acre.
- 4
- 5 9. Development on the subject site shall be planned, designed and implemented to prevent
- 6 silt run-off to the creek system located to the south.
- 7
- 8 10. Treatment of streetscape, sidewalks design and pedestrian circulation shall be consistent
- 9 with the purpose and objectives of the Historic Preservation/Conservation District.
- 10
- 11 11. In areas where existing sidewalks are deficient or deteriorated, the
- 12 applicant/owner/developer shall repair or provide sidewalks that serve this development
- 13 so as to meet code requirements.
- 14
- 15 12. The development order approved by this Planned Development shall be valid for a period
- 16 of two (2) years from the date of final adoption of this Ordinance. During this period, the
- 17 property owner/developer shall obtain subdivision approval to create the lots allowed
- 18 under this Planned Development and complete all improvements to the property.
- 19
- 20 13. Application for a building permit must be filed within one year of the issuance of a final
- 21 development order. Construction must commence no later than one year after obtaining a
- 22 final development order or one year after receiving a building permit, whichever is the
- 23 later. The planned development shall be completed within two (2) years from the
- 24 issuance of the building permit.
- 25
- 26 14. Prior to the expiration date, the city commission may approve a one-time, one-year
- 27 extension of the dates provided in paragraphs 12 and 13 above, upon a written request to
- 28 the City Commission filed with the Clerk of the Commission. The City Commission may
- 29 grant an extension to the completion requirement upon good cause shown. If the
- 30 aforesaid time periods expire with no action being taken, the development order approved
- 31 by the Planned Development Zoning Ordinance shall be void and have no further force
- 32 and effect. The City has the option to designate other appropriate land use and zoning
- 33 consistent with the City's Comprehensive Plan.
- 34
- 35 15. Except as expressly provided herein, the use, regulations and development of the property
- 36 shall be governed as if this land were zoned "RSF-3: 5.8 units/acre single-family residential
- 37 district", together with the development standards of the Historic/Conservation Preservation
- 38 District of the Land Development Code.
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1 **Section 5.** If it is determined by the City Manager that a violation of this Ordinance exists,
2 the City Manager may issue and deliver an order to cease and desist from such violation to correct a
3 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The
4 City Manager, through the City Attorney, may seek an injunction in a court of competent
5 jurisdiction and seek any other remedy available at law.

6 **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
7 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
8 the validity of the remaining portions of this ordinance.

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

11 **Section 8.** This ordinance shall become effective immediately upon final adoption;
12 however, the rezoning shall not become effective until the amendment to the City of Gainesville
13 2000-2010 Comprehensive Plan becomes effective as provided therein.

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

15
16
17
18 _____
19 PEGEEN HANRAHAN, MAYOR

20 APPROVED AS TO FORM AND LEGALITY:
21
22

23
24
25 _____
26 Kurt Lannon,
Clerk of the Commission

Marion J. Radson, City Attorney

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1 This ordinance passed on first reading this _____ day of _____, 2005.

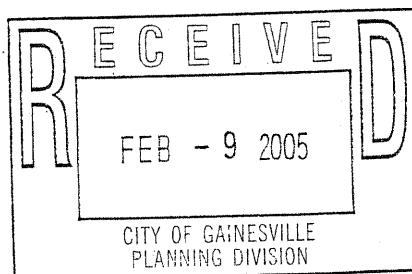
2
3 This ordinance passed on second reading this _____ day of _____, 2005.

4
5 H:\Marion Radson\Planning\22PDV-05PB pet.doc

EXHIBIT "A"

LEGAL DESCRIPTION

Lot Thirty-four (34) North of East Boulevard less East 31 feet thereof in Hill's Addition to the City of Gainesville, Florida, in Section 32, Township 9 South, Range 20 East, according to map or plat thereof as recorded in Plat Book "A", page 71, of the Public Records of Alachua County, Florida.



FOR: MARY B. BARROW

Philip A. Pistorino, P.A.

6724 N.W. 42nd Place, Gainesville, FL 32606 (904) 372-0946

I hereby certify that this is a true representation of a survey performed under my direction and supervision for the purpose shown hereon and that this Plat of Survey meets the minimum technical standards as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.07 Chapter 21 HH-6 F.A.C.



BEARINGS BASED ON ASSUMED DATUM
UNDERGROUND IMPROVEMENTS IF ANY NOT LOCATED
DESCRIPTION FURNISHED BY CLIENT
SUBJECT PROPERTY WITHIN FLOOD PRONE AREA "2"

PHILIP A. PISTORINO
Philip A. Pistorino
R.L.S. NM116 FLORIDA

■ DENOTES CONC. MON. FND.
● DENOTES IRON CORNER FND.
○ DENOTES IRON CORNER SET

SCALE: 1" = 30'

DATE: 3/20/87

DRAWN BY: