

**CITY OF GAINESVILLE**  
**Office of the City Attorney**

980728  
**MEMORANDUM**

Box No. 46  
334-5011 / Fax 334-2229

**TO:** Mayor and City Commission

**DATE:** February 8, 1999  
**CITY ATTORNEY**  
**FIRST READING**

**FROM:** Marion J. Radson, City Attorney

**SUBJECT:** Ordinance No. 0-99-24, Petition No. 202PSZ-98PB  
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "RMF-5: 12 units/acre single-family/multiple-family residential district" to "PS: Public services and operations district"; by permitting a parking area and stormwater drainage system as accessory uses to the principal permitted use of the administration of public health programs and associated health care, medical and social services on adjacent property without the requirement of a preliminary development plan; located in the vicinity of 2145 Southeast 2<sup>nd</sup> Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

The above-referenced ordinance has been prepared pursuant to City Commission action authorizing the City Attorney's Office to prepare the appropriate ordinance rezoning certain property within the City of Gainesville.

Prepared and  
Submitted by:

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

MJR/afm

202PSZ.CVR

ORDINANCE NO. 0-99-24

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**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "RMF-5: 12 units/acre single-family/multiple-family residential district" to "PS: Public services and operations district"; by permitting a parking area and stormwater drainage system as accessory uses to the principal permitted use of the administration of public health programs and associated health care, medical and social services on adjacent property without the requirement of a preliminary development plan; located in the vicinity of 2145 Southeast 2<sup>nd</sup> Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS,** the publication of notice of a Public Hearing that certain lands within the City be rezoned from the zoning category of "RMF-5: 12 units/acre single-family/multiple-family residential district" to "PS: Public services and operations district" to permit a parking area and stormwater drainage system as accessory uses to the principal permitted use of the administration of public health programs and associated health care, medical and social services on adjacent property; and

**WHEREAS,** notice was given and publication made as required by law and a public hearing was held by the City Plan Board on November 19, 1998; and

**WHEREAS,** notice was given and publication made of a public hearing which was held by the City Commission on December 14, 1998; and

1           **WHEREAS**, the City Commission finds that the rezoning  
2 of the property described herein will be consistent with the  
3 City of Gainesville 1991-2001 Comprehensive Plan upon the  
4 adoption of Ordinance No. 980727, City of Gainesville; and

5           **WHEREAS**, at least ten (10) days notice has been given  
6 of the public hearings prior to adoption once by publication  
7 in a newspaper of general circulation notifying the public  
8 of this proposed ordinance and of public hearings in the  
9 City Commission meeting room, First Floor, City Hall, in the  
10 City of Gainesville; and

11           **WHEREAS**, public hearings were held pursuant to the  
12 published notices described above at which hearings the  
13 parties in interest and all others had an opportunity to be  
14 and were, in fact, heard.

15           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**  
16 **OF THE CITY OF GAINESVILLE, FLORIDA:**

17           **Section 1.** The following described property is rezoned and  
18 changed from the zoning category of "RMF-5: 12 units/acre  
19 single-family/multiple-family residential district" to "PS:  
20 Public services and operations district";

21           See legal description attached hereto as  
22           Exhibit "A", and made a part hereof as  
23           if set forth in full.  
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1           **Section 2.** The specific uses permitted on the property -  
2 described in Section 1 of this ordinance are the accessory  
3 uses of a parking area and stormwater drainage system to the  
4 principal uses of the administration of public health  
5 programs and associated health care, medical and social  
6 services on adjacent property.

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

10          **Section 4.** The City Commission finds that a preliminary  
11 development plan is not required in connection with this  
12 rezoning ordinance.

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

18          **Section 6.** All ordinances, or parts of ordinances, in  
19 conflict herewith are to the extent of such conflict hereby  
20 repealed.

21          **Section 7.** This Ordinance shall become effective  
22 immediately upon passage; however, the rezoning shall not  
23 become effective until the amendment to the City of

1 Gainesville 1991-2001 Comprehensive Plan adopted by  
2 Ordinance No. 980727 becomes ~~effective~~ effective as provided therein.

3 **PASSED AND ADOPTED** this \_\_\_\_\_ day of

4 \_\_\_\_\_, 1999.

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PAULA M. DeLANEY, MAYOR

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10 ATTEST:

APPROVED AS TO FORM AND  
LEGALITY:

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15 \_\_\_\_\_  
KURT LANNON  
16 CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON, CITY ATTORNEY

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This ordinance passed on first reading this \_\_\_\_\_ day  
of \_\_\_\_\_, 1999.

This ordinance passed on second reading this \_\_\_\_\_ day  
of \_\_\_\_\_, 1999.

MJR/afm

202PSZ-98PB

PETITION NOS. 201LUC-98 PB AND 202PSZ-98 PB

LEGAL DESCRIPTION

Lot Seventy-four (74) of New Gainesville, a subdivision as per plat thereof recorded in Plat Book "A", page 66 of the Public Records of Alachua County, Florida; Less the North Fifty (50) feet thereof, which has been previously deeded to the City of Gainesville for a right of way for a sanitary sewer trunk line and street purposes.