



# MEMORANDUM

Office of the City Attorney

Box 46

Phone: 334-5011/Fax 334-2229

TO: Mayor and City Commission

DATE: November 14, 2005

FROM: City Attorney

CITY ATTORNEY  
FIRST READING

**SUBJECT: Ordinance No. 0-05-43, Petition 17ZON-05PB**  
**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City from the Alachua County zoning category of "R-1a, single-family, low density (one to four dwelling units per acre)" to the City of Gainesville zoning category of "RSF-1: 3.5 units/acre single-family residential district"; located in the vicinity of the south side of SW 24<sup>th</sup> Avenue, west of I-75 and east of Tower Road; consisting of approximately 34 acres; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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Recommendation: The City Commission: 1) approve Petition No. 17ZON-05PB; and 2) adopt the proposed ordinance on first reading.

### STAFF REPORT

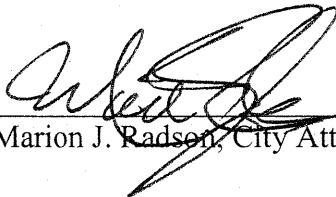
This petition is related to zoning petition 16LUC-05 PB. The purpose of this petition is to apply City of Gainesville zoning categories onto land that was annexed into the City in 2004. Zoning districts are recommended that match those of the existing Alachua County districts or that are felt to be the most appropriate for the property based upon location, surrounding development and other factors. The county zoning designation of each property will remain in effect until this proposed amendment has been adopted.

The annexed area includes 2 parcels that total approximately 34 acres. The Portofino Cluster Development is a subdivision of single-family detached houses located west of Interstate 75 on Southwest 24<sup>th</sup> Avenue. The Alachua County land use designation for Portofino is Low Density Residential (1-4 units per acre) with a County zoning designation of R-1A (Single-family, low density). The requested zoning change is from R-1A to the City of Gainesville zoning designation of RSF-1 (3.5 units/acre single-family residential district).

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

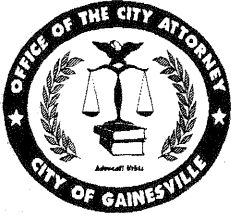
Public notice was published in the Gainesville Sun on March 1, 2005. Letters were mailed to surrounding property owners on March 2, 2005. The Plan Board held a public hearing March 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 17ZON-05 PB. Plan Board vote 5-0.

Prepared and submitted by:

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

MJR/afm

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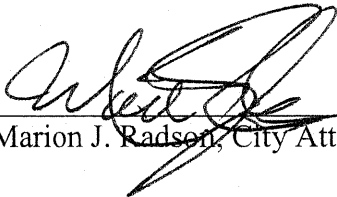
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Prepared and submitted by:

  
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Marion J. Radson, City Attorney

MJR/afm

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# D R A F T

4/22/2005

ORDINANCE NO. \_\_\_\_\_  
0-05-43

1  
2  
3  
4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**  
5 **Map Atlas and rezoning certain properties annexed into the City from**  
6 **the Alachua County zoning category of “R-1a, single-family, low**  
7 **density (one to four dwelling units per acre)” to the City of Gainesville**  
8 **zoning category of “RSF-1: 3.5 units/acre single-family residential**  
9 **district”; located in the vicinity of the south side of SW 24<sup>th</sup> Avenue,**  
10 **west of I-75 and east of Tower Road; consisting of approximately 34**  
11 **acres; providing a severability clause; providing a repealing clause;**  
12 **and providing an immediate effective date.**  
13

14  
15 **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map  
16 Atlas be amended by rezoning certain properties, as more specifically described herein, annexed  
17 into the City be rezoned from the Alachua County zoning category of “R-1a, single-family, low  
18 density (one to four dwelling units per acre)” to the City of Gainesville zoning category of “RSF-  
19 1: 3.5 units/acre single-family residential district”; and

20 **WHEREAS,** notice was given and publication made as required by law and a public  
21 hearing was held by the City Plan Board on March 17, 2005; and

22 **WHEREAS,** the City Commission finds that the rezoning of the properties described  
23 herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

24 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10  
25 inches long was placed in a newspaper of general circulation and of the public hearing to be held in  
26 the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven  
27 (7) days after the day the first advertisement was published; and

# D R A F T

4/22/2005

1           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was  
2 placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the  
3 adoption stage at least five (5) days after the day the second advertisement was published; and

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

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

9           **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
10 following described properties from the Alachua County zoning category of "R-1a, single-family,  
11 low density (one to four dwelling units per acre)" to the City of Gainesville zoning category of  
12 "RSF-1: 3.5 units/acre single-family residential district":

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

15           **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
16 the Zoning Map to comply with this Ordinance.

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

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

22           **Section 5.** This ordinance shall become effective immediately upon final adoption;

# D R A F T

4/22/2005

1 however, the rezoning shall not become effective until the amendment to the City of Gainesville  
2 2000-2010 Comprehensive Plan adopted by Ordinance No. 041050 becomes effective as  
3 provided therein..

4 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

5  
6 \_\_\_\_\_  
7 Pegeen Hanrahan, Mayor

8  
9 ATTEST: Approved as to form and legality:

10  
11  
12  
13 \_\_\_\_\_ By: \_\_\_\_\_  
14 KURT LANNON, MARION J. RADSON, CITY ATTORNEY  
15 CLERK OF THE COMMISSION

16  
17  
18 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

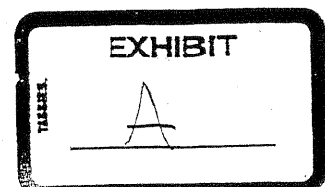
19  
20 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

21  
22 H:\Marion Radson\Planning\17ZONpet.DOC

DESCRIPTION FOR PORTOFINO AS PER OFFICIAL RECORDS BOOK 2829, PAGE 1293, ET SEQ.

A PARCEL OF LAND SITUATED IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 88°57'51" WEST, ALONG THE SOUTH BOUNDARY OF SAID SECTION 9, A DISTANCE OF 2630.04 FEET TO THE INTERSECTION WITH THE EAST BOUNDARY OF A 15' X 15' EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1093, PAGE 740 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE FOLLOWING THE BOUNDARY OF SAID EASEMENT NORTH 01°04'12" WEST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 88°57'51" WEST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION WITH THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1589, PAGES 201 THROUGH 202 OF SAID PUBLIC RECORDS; THENCE NORTH 01°04'12" WEST, ALONG THE BOUNDARY OF SAID LANDS, A DISTANCE OF 632.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE BOUNDARY OF SAID LANDS NORTH 01°04'12" WEST, A DISTANCE OF 87.46 FEET; THENCE CONTINUE ALONG THE BOUNDARY OF SAID LANDS NORTH 64°37'41" WEST, A DISTANCE OF 360.69 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD SW 30 (A.K.A. SW 24<sup>TH</sup> AVE) (RIGHT-OF-WAY WIDTH VARIES), SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1959.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE NORTH 27°49'20" EAST, 166.86 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 04°52'46", AN ARC DISTANCE OF 166.91 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 25°23'02" EAST, A DISTANCE OF 1465.38 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1859.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 42°26'55" EAST, 1091.56 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 34°07'37", AN ARC DISTANCE OF 1107.86 FEET TO THE END OF SAID CURVE; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 30°29'37" EAST, A DISTANCE OF 550.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1309.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 42°26'58" WEST, 768.80 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'46", AN ARC DISTANCE OF 780.29 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 25°23'02" WEST, A DISTANCE OF 1632.01 FEET; THENCE SOUTH 88°55'48" WEST, A DISTANCE OF 175.86 FEET TO THE POINT OF BEGINNING.







The current level of service is "B," meaning that trips are currently available along this road segment. The Portofino subdivision has received approval for 98 lots to be developed in 2 phases. The trips that will be generated by the development have already been accounted for in determining the roadway level of service. This site is within the Gainesville Regional Transit System main bus service area, along Route 75, and is served by the demand-responsive service administered by MV Transportation. Water and sanitary sewer service are also available at the site. Stormwater management was addressed at the time of the cluster development plan approval.

### **Character of the District and Suitability**

The Wellfield District maps indicate that the subject property does not fall within the Wellfield District. The property is not within the 100-year floodplain and is not located in any other adopted environmental overlay district. No creeks or wetlands have been identified on the site.

The recommended RSF-1 zoning designation is similar in character to the Alachua County R-1A zoning district. The density allowed is comparable. The property that lies generally to the east of the subject property was annexed into the City of Gainesville in 2001. The current land use for this property is CON (Conservation), while the existing zoning classification is CON (Conservation). North of the subject property is land with Alachua County High Density Residential (greater than 14 to less than or equal to 24 dwelling units per acre) land use with R-2A (Multiple-family, medium-high density) zoning, and Low Density Residential land use with R-1A zoning. To the west is Alachua County Medium High Density (greater than 8 to less than or equal to 14 dwelling units per acre) and Medium Density (greater than 4 to less than or equal to 8 dwelling units per acre) land uses. The respective zoning districts are R-2A and PD (Planned development). South of the subject property is land with Institutional land use and R-1A zoning, plus annexed conservation land that is within City limits, with CON land use and zoning.

### **Conservation of the Value of Buildings and Encouraging Appropriate Uses**

The subject property is located along a major arterial roadway. The general character of the existing properties in this area is residential. A low-density residential zoning district is appropriate for the subject property based upon its location adjacent to land that is designated for conservation. The RSF-1 zoning district proposed for the subject property is consistent with the Alachua County R-1A zoning district. As a result, this proposal is compatible with the surrounding land use and zoning. Development is occurring on the subject property, which does promote urban infill between Interstate 75 and Tower Road.

### **Applicable Portions of Current City Plans**

Currently, there are no city plans in the area applicable to the subject property.

### **Needs of the City for Land Areas to Serve Purposes, Populations, and Economic Activities**

The purpose of the rezoning is to apply a City of Gainesville zoning category onto recently annexed properties that currently have an Alachua County zoning designation.

### **Substantial Changes in Character of Development in the Area**

There has been no recent zoning activity associated with the subject property. Recent years have seen continuing development in the area. The proposed zoning change is in a developing area where roads, schools, water and sewer services are available. This in turn serves the best interests of the community since this would allow further residential development in an area that is currently seeing significant development, adjacent to the Alachua County Tower Road/ Southwest 24<sup>th</sup> Avenue activity center. The following Comprehensive Plan Goals, Objectives and Policies of the Future Land Use Element are met by this proposal:

#### **Objective 4.1**

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

#### **Policy 4.1.1**

Land Use Categories on the Future Land Use Map shall be defined as follows:

#### **Single-Family (up to 8 units per acre)**

This land use category shall allow single -family detached dwellings at densities up to 8 dwelling units per acre. The Single -Family land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single family development. Land development regulations shall determine the performance measures and gradations of density. Land development regulations shall specify criteria for the siting of low-

intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations in conjunction with single -family dwellings under certain limitations.

### **Policy 4.1.3**

The City will review proposed changes to the Future Land Use Map by considering factors such as, but not limited to, the following:

1. Overall compatibility of the proposal;
2. Surrounding land uses;
3. Environmental impacts and constraints;
4. Whether the change promotes urban infill; and
5. Whether the best interests, community values, or neighborhood support is achieved.

### **Objective 4.4**

Newly annexed lands shall retain land uses as designated by Alachua County until the Future Land Use Element of this Plan is amended.

### **Policy 4.4.1**

Land use amendments shall be prepared for all annexed properties within one year of annexation.

### **Conclusion**

The proposed zoning designation for the subject property is consistent with the current Alachua County zoning designation and the City's comprehensive plan. Staff recommends approval of Petition 17ZON-05.

**Applicant Information**

City of Gainesville

**Request**

Rezone property from Alachua County designations to City of Gainesville designations

**Land Use Plan Classification**

Alachua County Low Density Residential

**Existing Zoning**

Alachua County R-1A

**Proposed Land Use**

SF

**Proposed Zoning**

RSF-1

**Purpose of Request**

To replace Alachua County zoning categories on annexed land with City of Gainesville zoning categories

**Location**

6600 block of S.W. 24<sup>th</sup> Avenue

**Size**

Approximately 34 acres

**Surrounding Land Uses**

North	Multi-family residential
East	Conservation
West	Multi-family residential
South	Institutional, conservation

<b><u>Surrounding Controls</u></b>	<b><u>Existing Zoning</u></b>	<b><u>Land Use Plan</u></b>
------------------------------------	-------------------------------	-----------------------------

(The following are all Alachua County designations except for CON)

North	R-1A, R-2A	Low & High Density Residential
East	CON	CON
West	R-2A, PD	Medium & Medium High Residential
South	R-1A, CON	INST, CON

**Impact on Affordable Housing**

This petition will have no impact on the provision of affordable housing.

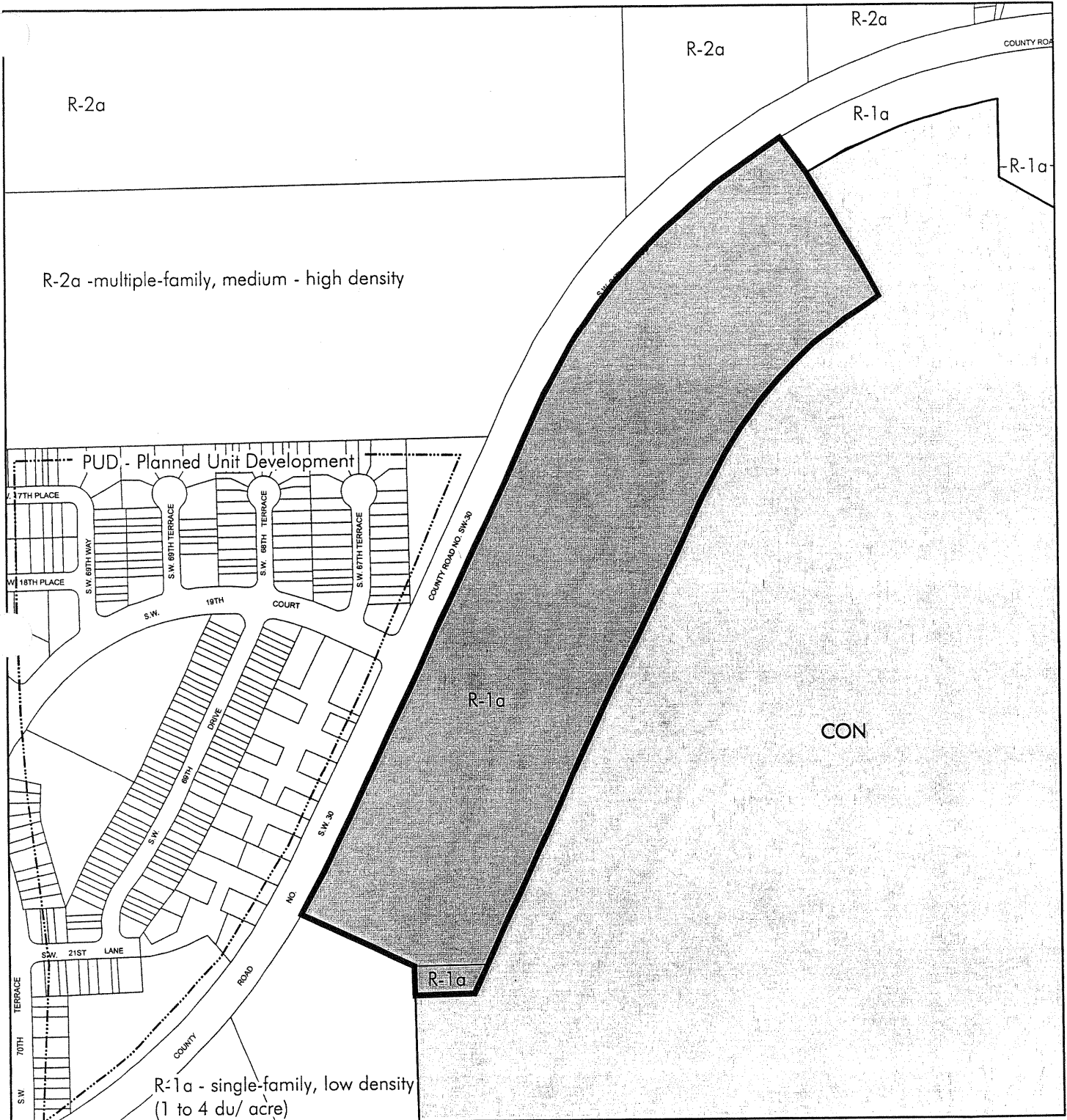
Respectfully submitted,

A handwritten signature in black ink that reads "Ralph Hilliard". The signature is written in a cursive style with a large initial "R".



Ralph Hilliard  
Planning Manager

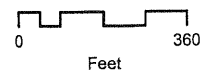
RH: JS

# MAP 1 - ANNEXATION AREA - EXISTING ZONING



17ZON-05PB

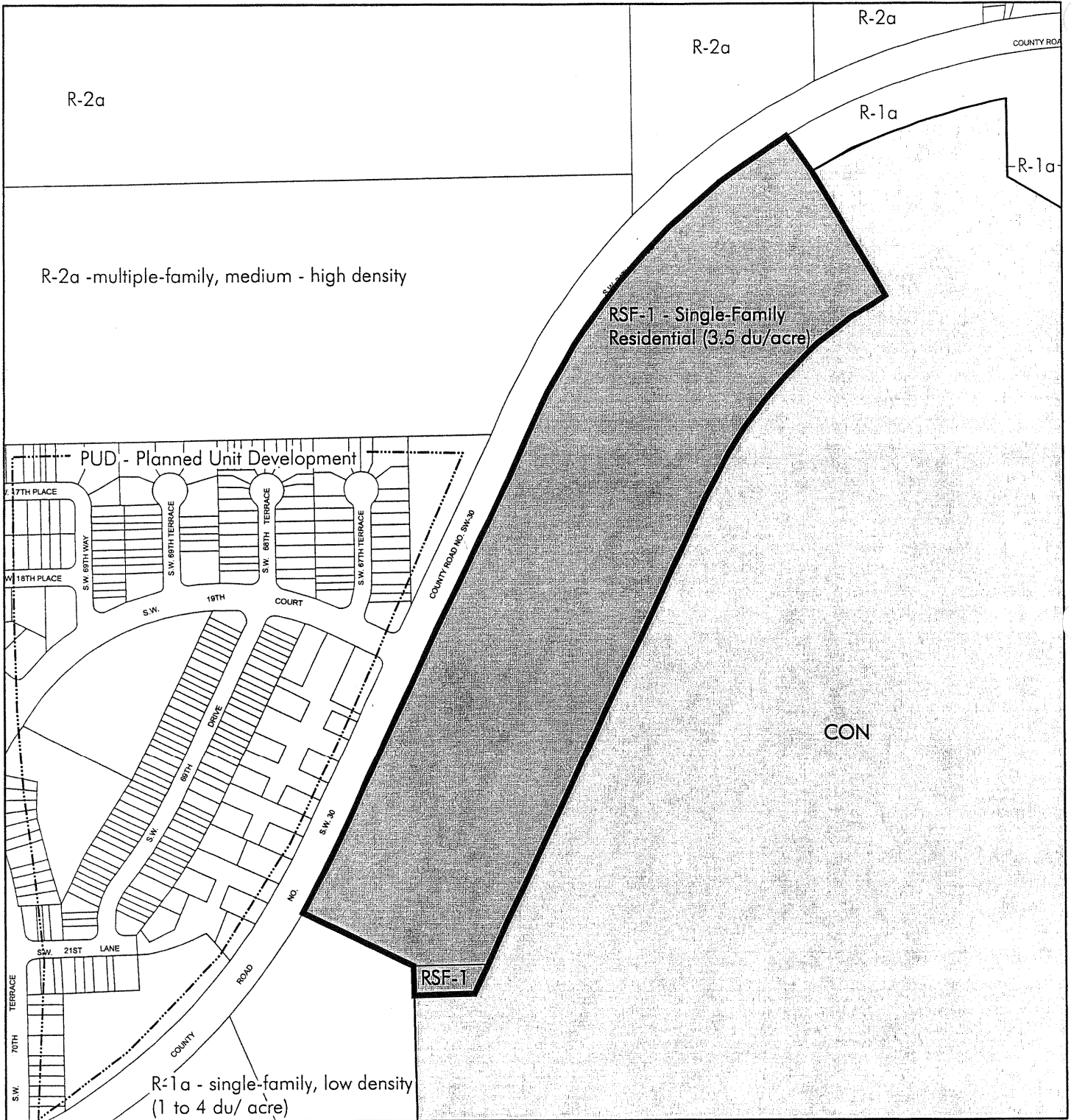
-  Annexation Area
-  City Limits





Prepared by the Department of Community Development/GIS 03-03-05

This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For specific information, you are directed to contact the City of Gainesville, Florida.

# MAP 2 - ANNEXATION AREA - PROPOSED ZONING



17ZON-05PB

-  Annexation Area
-  City Limits







Prepared by the Department of Community Development/GIS 03-03-05

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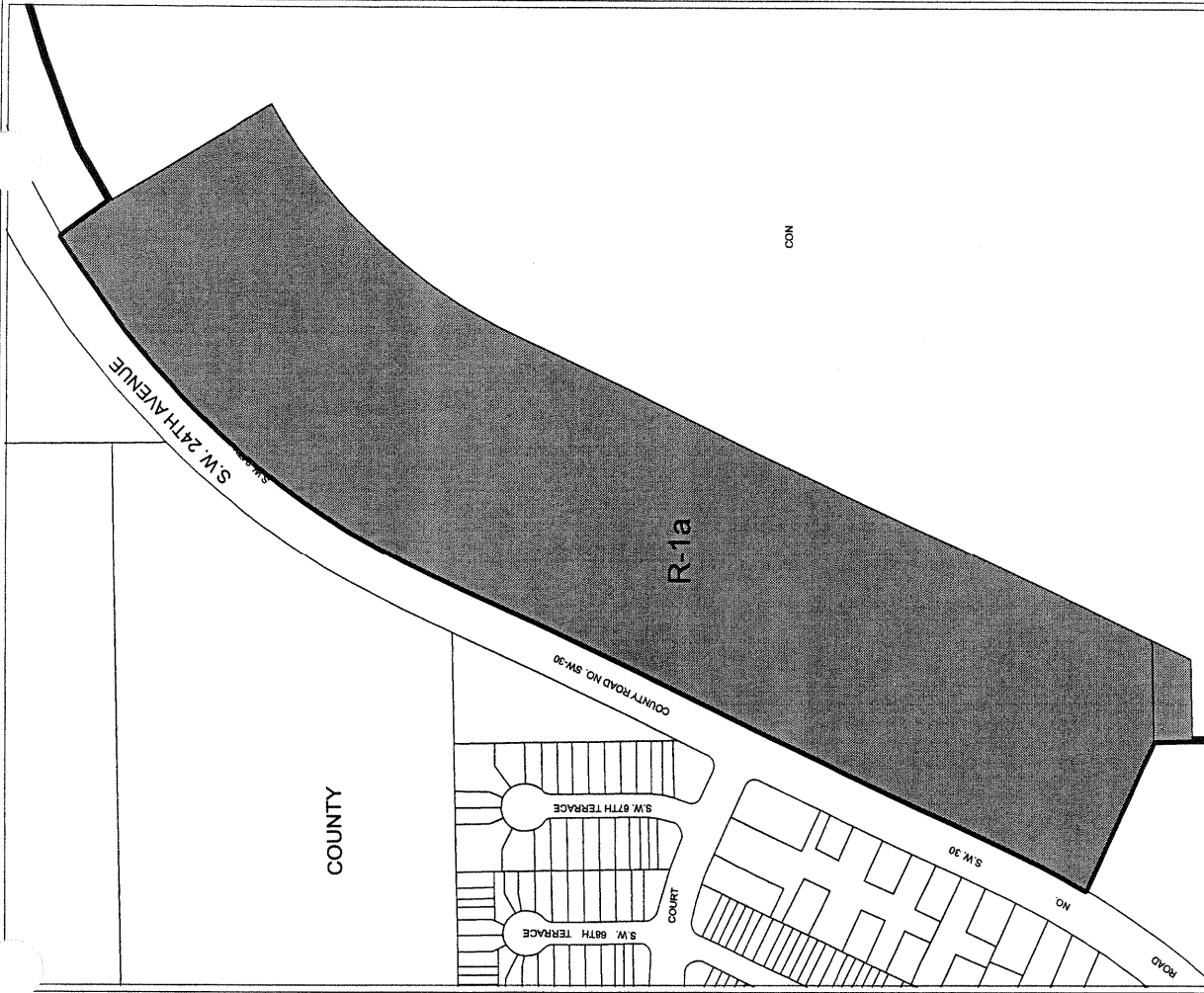


# Zoning Districts


- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

-  Historic Preservation/Conservation District
-  Special Area Plan
-  Division line between two zoning districts
-  City Limits

Area under petition consideration



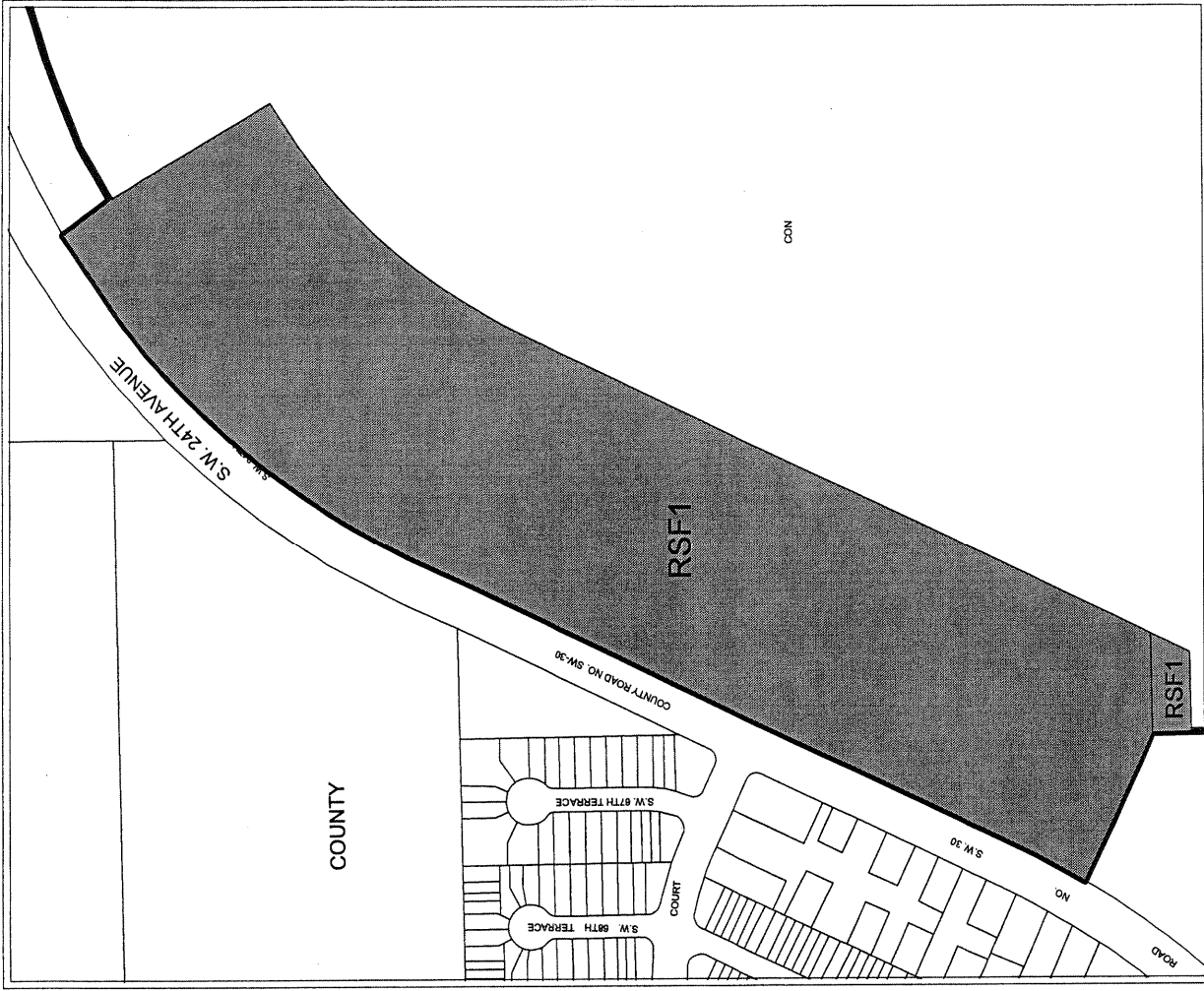
## EXISTING ZONING

	Name	Petition Request	Map(s)	Petition Number
 No Scale	City Plan Board	From R-1a ( Alachua County ) to RSF1	4141, 4240, 4241	17ZON-05PB

## Zoning Districts

- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

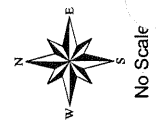
- Historic Preservation/Conservation District
- Special Area Plan
- Division line between two zoning districts
- City Limits



Area under petition consideration

## PROPOSED ZONING

Name	Petition Request	Map(s)	Petition Number
City Plan Board	From R-1a ( Alachua County ) to RSF1	4141, 4240, 4241	17ZON-05PB



8. **Petition 17ZON-05 PB** City Plan Board. Rezone property from Alachua County R-1A to City of Gainesville RSF-1 (3.5 units/acre single-family residential district) on approximately 34 acres located at the south side of Southwest 24<sup>th</sup> Avenue, west of I-75 and east of Tower Road. Related to Petition 16LUC-05 PB. (Portofino Subdivision)

**Discussed with Petition 16LUC-05 PB.**

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Reiskind
<u>Moved to:</u> Approve Petition 17ZON-05 PB.	<u>Upon Vote:</u> Motion Carried 5 - 0 Ayes: Gold, Rwebyogo, Reiskind, Pearce, Tecler