



MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commission

DATE: April 25, 2005

FROM: City Attorney

CITY ATTORNEY
SECOND READING

SUBJECT: Ordinance No. 0-05-22, Petition 192ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from the zoning categories of "RSF-1: 3.5 units/acre single-family residential district" and "RSF-2: 4.6 units/acre single-family residential district" to the zoning category of "PS: Public services and operations district"; allowing development of a stormwater park with a retention basin and recreational nature trails; without approval of a preliminary development plan; located in the vicinity of the 500 to 600 blocks between Northeast 20th Terrace and Northeast 24th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

This petition concerns 7 vacant parcels owned by the City of Gainesville, totaling approximately 26-acres in the Duval Neighborhood. Six of the 7 properties are zoned RSF-1 (3.5 units/acre single-family residential district) with SF (Single Family, up to 8 units per acre) land use. The other property is zoned RSF-2 (4.6 units/acre single-family residential district) with the SF land use. The site is surrounded by single-family residential development with RSF-2 and RSF-3 (5.8 units/acre single-family residential district) to the north, RSF-1 and RSF-2 to the east, RSF-3 to the west, and RSF-1 and RC (12 units/acre residential conservation district) to the south. The land use of this land is primarily SF, with the R-L (Residential Low-Density, up to 12 units per acre) category for the RC-zoned properties.

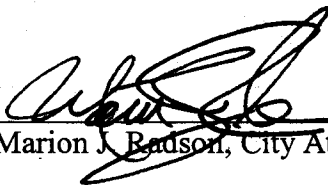
The request of this petition is to change the zoning from RSF-1 and RSF-2 to PS (Public services and operations district). This change is requested in order to allow for the development of a stormwater park with a retention basin and recreational nature trails.

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

Public notice was published in the Gainesville Sun on January 4, 2005. Letters were mailed to surrounding property owners on January 5, 2005. The Plan Board held a public hearing January 20, 2005. Planning Division staff recommended that the Plan Board approve the petition. The

Plan Board recommended that the City Commission approve Petition 192ZON-04 PB. Plan Board vote 7-0.

Prepared and submitted by:



Marion J. Radson, City Attorney

MJR/afm

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Passed on first reading by a vote of 6-0.

ORDINANCE NO. _____
0-05-22

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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 the zoning categories of “RSF-1: 3.5 units/acre single-family residential district” and “RSF-2: 4.6 units/acre single-family residential district” to the zoning category of “PS: Public services and operations district”; allowing development of a stormwater park with a retention basin and recreational nature trails; without approval of a preliminary development plan; located in the vicinity of the 500 to 600 blocks between Northeast 20th Terrace and Northeast 24th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a public hearing that certain lands within the City be rezoned from the zoning categories of “RSF-1: 3.5 units/acre single-family residential district” and “RSF-2: 4.6 units/acre single-family residential district” to the zoning category of “PS: Public services and operations district”; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was held by the City Plan Board on December 2, 2004; and

WHEREAS, the City Commission finds that the rezoning of the property described herein is consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

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

DRAFT

2/2/2005

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
3 the 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 at which hearings the parties in interest and all others had an opportunity to be and were,
6 in fact, heard.

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

9 **Section 1.** The properties shown on the map attached to this ordinance are rezoned and
10 changed from the zoning categories of "RSF-1: 3.5 units/acre single-family residential district"
11 and "RSF-2: 4.6 units/acre single-family residential district" to the zoning category of "PS:
12 Public services and operations district":

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

15 **Section 2.** The uses permitted by right on the property shown in Section 1 of this
16 Ordinance are a stormwater park, retention basin and recreational nature trails. No preliminary
17 development plan is required as a part of this rezoning.

18 **Section 3.** The City Manager is authorized and directed to make the necessary changes in
19 the Zoning Map to comply with this Ordinance.

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

DRAFT

2/2/2005

1 Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
2 such conflict hereby repealed.

3 Section 6. This ordinance shall become effective immediately upon final adoption.

4 PASSED AND ADOPTED this _____ day of _____, 2005.

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6 _____
7 PEGEEN HANRAHAN, MAYOR

8
9 ATTEST: Approved as to form and legality:

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13 _____ By: _____
14 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
15 CLERK OF THE COMMISSION

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

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

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22 H:\Marion Radson\Planning\192zon pet.DOC

Zoning Districts

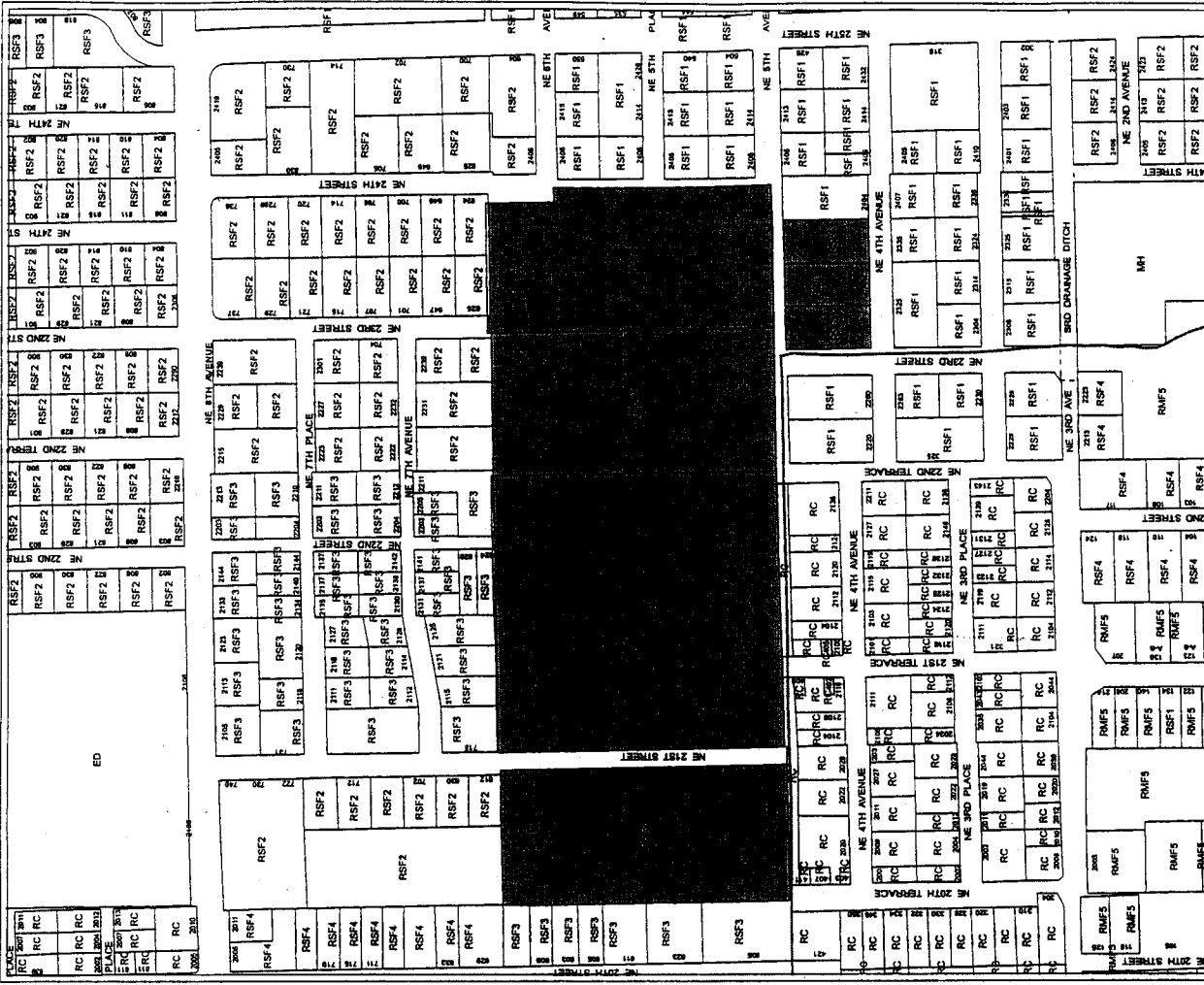
- Single-Family Residential (3.5 du/acre)
- Single-Family Residential (4.6 du/acre)
- Single-Family Residential (5.8 du/acre)
- Single-Family Residential (8 du/acre)
- Residential Low Density (12 du/acre)
- Residential Conservation (12 du/acre)
- Mobile Home Residential (12 du/acre)
- Multiple-Family Medium Density Residential (8-15 du/acre)
- Multiple-Family Medium Density Residential (8-21 du/acre)
- Multiple-Family Medium Density Residential (8-30 du/acre)
- Residential Mixed Use (up to 75 du/acre)
- Residential High Density (8-43 du/acre)
- Residential High Density (8-100 du/acre)
- Office Residential (up to 20 du/acre)

- General Office
- Planned Development
- General Business
- Automotive-Oriented Business
- Tourist-Oriented Business
- Mixed Use Low Intensity (10-30 du/acre)
- Mixed Use Medium Intensity (14-30 du/acre)
- Central City District
- Warehousing and Wholesaling
- Limited Industrial
- General Industrial
- Agriculture
- Conservation
- Medical Services
- Public Services and Operations
- Airport Facility
- Educational Services
- Corporate Park

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

- RSF1
- RSF2
- RSF3
- RSF4
- RMF5
- RC
- MH
- RMF6
- RMF7
- RMF8
- RMU
- RH1
- RH2
- OR
- OF
- PD
- BUS
- BA
- BT
- MU1
- MU2
- CCD
- W
- I1
- I2
- AGR
- CON
- MD
- PS
- AF
- ED
- CP

- Area under petition consideration



ZONING

Name	Petition Request	Map(s)	Petition Number
Public Works for the City Of Gainesville	From RSF1 and RSF2 to P _c	3954, 3955	192ZON-04PB



EXHIBIT "A"