



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 990710

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

TO: Mayor and City Commission

DATE: August 28, 2000

FROM: City Attorney

CITY ATTORNEY
SECOND READING

SUBJECT: Ordinance No. 0-00-60, Petition No. 149ZON-00PB
An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from the zoning categories of certain properties annexed into the City from the Alachua County zoning categories to City of Gainesville zoning categories as follows: 1) from "C-1, conservation district" to "CON: Conservation district" on Tax Parcel Nos. 06006-000-000, 06006-001-000, 06022-000-000, 06021-000-000 and 06023-003-001; 2) from "Agricultural districts" and "BA, BA-1, business, automotive" to "OF: General office district" on Tax Parcel Nos. 06022-002-000 and 06022-001-000; 3) from "R-1a, single-family, low density (one to four dwelling units per acre)" to "RSF-1: 3.5 units/acre single-family residential district" on Tax Parcel Nos. 06023-040-001 thru 074 inclusive; 4) from "Agricultural districts" to "ED: Educational services district" on Tax Parcel 06020-002-000; and 5) from "Agricultural districts" to "AGR: Agriculture district" on Tax Parcel No. 06023-003-002; consisting of approximately 367 acres, located in the vicinity of N.W. 43rd Street north of N.W. 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

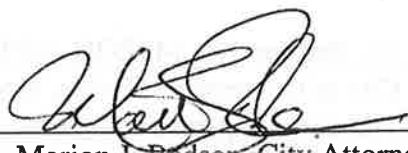
The City of Gainesville annexed a 371-acre area (the "Ashton Annexation") in the northwest portion of the Gainesville Urban Area in 1999.

This area must be brought into conformance with the City's Future Land Use Element and Land Development Regulations. This requires amending the City's Comprehensive Plan and Zoning Map Atlas to include the annexed area. This petition amends the City's Zoning Map Atlas to include all but 4-acres of the annexed area, and is related to Petition 147LUC-99PB. The 4-acre parcel was withdrawn from this petition at the request of the owner (University of Florida Foundation), in order to allow them to negotiate the sale of the property based on the Alachua County's land use and zoning.

The Plan Board reviewed the petition and found that the proposed zoning districts are suitable and compatible with the existing and potential future uses of the annexed area, and recommends approval.

Public notice was published in the Gainesville Sun on April 4, 2000. Letters were mailed to surrounding property owners on April 5, 2000. The Plan Board held a public hearing April 20, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 149ZON-99 PB. Plan Board vote 6-0.

Prepared
and Submitted by:



Marion J. Radson, City Attorney

MJR/afm

Attachment

Passed on first reading by a vote of 5-0 on August 14, 2000.

D R A F T

05/22/00

ORDINANCE NO. _____
0-00-60

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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 the zoning categories of certain properties annexed
7 into the City from the Alachua County zoning categories to City
8 of Gainesville zoning categories as follows: 1) from "C-1,
9 conservation district" to "CON: Conservation district" on Tax
10 Parcel Nos. 06006-000-000, 06006-001-000, 06022-000-000,
11 06021-000-000 and 06023-003-001; 2) from "Agricultural
12 districts" and "BA, BA-1, business, automotive" to "OF:
13 General office district" on Tax Parcel Nos. 06022-002-000 and
14 06022-001-000; 3) from "R-1a, single-family, low density (one to
15 four dwelling units per acre)" to "RSF-1: 3.5 units/acre single-
16 family residential district" on Tax Parcel Nos. 06023-040-001
17 thru 074 inclusive; 4) from "Agricultural districts" to "ED:
18 Educational services district" on Tax Parcel 06020-002-000; and
19 5) from "Agricultural districts" to "AGR: Agriculture district"
20 on Tax Parcel No. 06023-003-002; consisting of approximately
21 367 acres, located in the vicinity of N.W. 43rd Street north of
22 N.W. 53rd Avenue; providing a severability clause; providing a
23 repealing clause; and providing an effective date.
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25

26 WHEREAS, the City Commission authorized the publication of notice of a Public Hearing
27 that certain lands within the City be changed from the Alachua County Zoning Categories to the
28 City of Gainesville categories as follows: 1) from "C-1, conservation district" to "CON:
29 Conservation district" on Tax Parcel Nos. 06006-000-000, 06006-001-000, 06022-000-000, 06021-
30 000-000 and 06023-003-001; 2) from "Agricultural districts" and "BA, BA-1, business,
31 automotive" to "OF: General office district" on Tax Parcel Nos. 06022-002-000 and 06022-001-
32 000; 3) from "R-1a, single-family, low density (one to four dwelling units per acre)" to "RSF-1:
33 3.5 units/acre single-family residential district" on Tax Parcel Nos. 06023-040-001 thru 074

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1 inclusive; 4) from "Agricultural districts" to "ED: Educational services district" on Tax Parcel
2 06020-002-000; and 5) from "Agricultural districts" to "AGR: Agriculture district" on Tax Parcel
3 No. 06023-003-002; as more specifically described in this Ordinance; and

4 **WHEREAS**, notice was given and publication made as required by law of a Public Hearing
5 which was held by the City Plan Board on April 20, 2000; and

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

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

12 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
13 place in the aforesaid newspaper notifying the public of the second Public Hearing to be held at the
14 adoption stage at least five (5) days after the day the second advertisement was published; and

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

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
19 **CITY OF GAINESVILLE, FLORIDA:**

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05/22/00

1 **Section 1.** The following described property is rezoned from the Alachua County zoning
2 category of "C-1, conservation district" to the City zoning category of "CON: Conservation
3 district";

4 See "Parcel 1" attached hereto and made a part hereof as if set forth
5 in full.

6
7 **Section 2.** The following described property is rezoned from the Alachua County zoning
8 category of "Agricultural districts" and "BA, BA-1, business, automotive" to the City zoning
9 category of "OF: General business district";

10 See "Parcel 2" attached hereto and made a part hereof as if set forth
11 in full.

12
13 **Section 3.** The following described property is rezoned from the Alachua County zoning
14 category of "R-1a, single-family, low density (one to four dwelling units per acre)" to the City
15 zoning category of "RSF-1: 3.5 units/acre single-family residential district";

16 See "Parcel 3" attached hereto and made a part hereof as if set forth
17 in full.

18
19 **Section 4.** The following described property is rezoned from the Alachua County zoning
20 category of "Agricultural districts" to the City zoning category of "ED: Educational services
21 district";

22 See "Parcel 4" attached hereto and made a part hereof as if set forth
23 in full.

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25 **Section 5.** The following described property is rezoned from the Alachua County zoning
26 category of "Agricultural districts" to the City zoning category of "AGR: Agriculture district";

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05/22/00

1 See "Parcel 5" attached hereto and made a part hereof as if set forth
2 in full.

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4 **Section 6.** The City Manager is authorized and directed to make the necessary change in the
5 Zoning Map Atlas to comply with this Ordinance.

6 **Section 7.** 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 8.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
10 such conflict hereby repealed.

11 **Section 9.** 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 1991-2001 Comprehensive Plan adopted by Ordinance No. 990729 becomes effective as
14 provided therein.

15 **PASSED AND ADOPTED** this ____ day of _____, 2000.

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Paula M. DeLaney, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Kurt Lannon,
Clerk of the Commission

Marion J. Radson, City Attorney

D R A F T

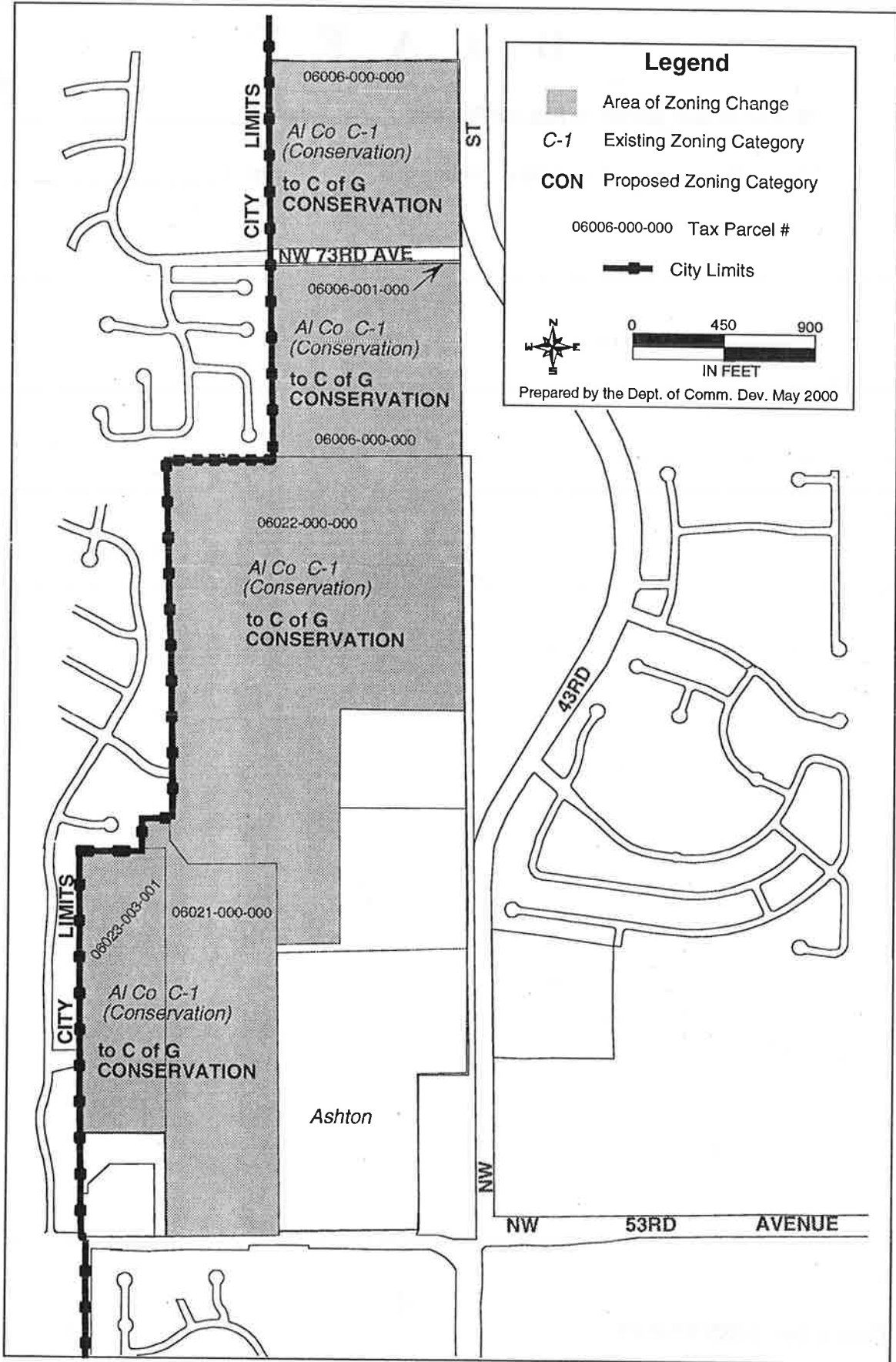
05/22/00

1 This ordinance passed on first reading this _____ day of _____, 2000.

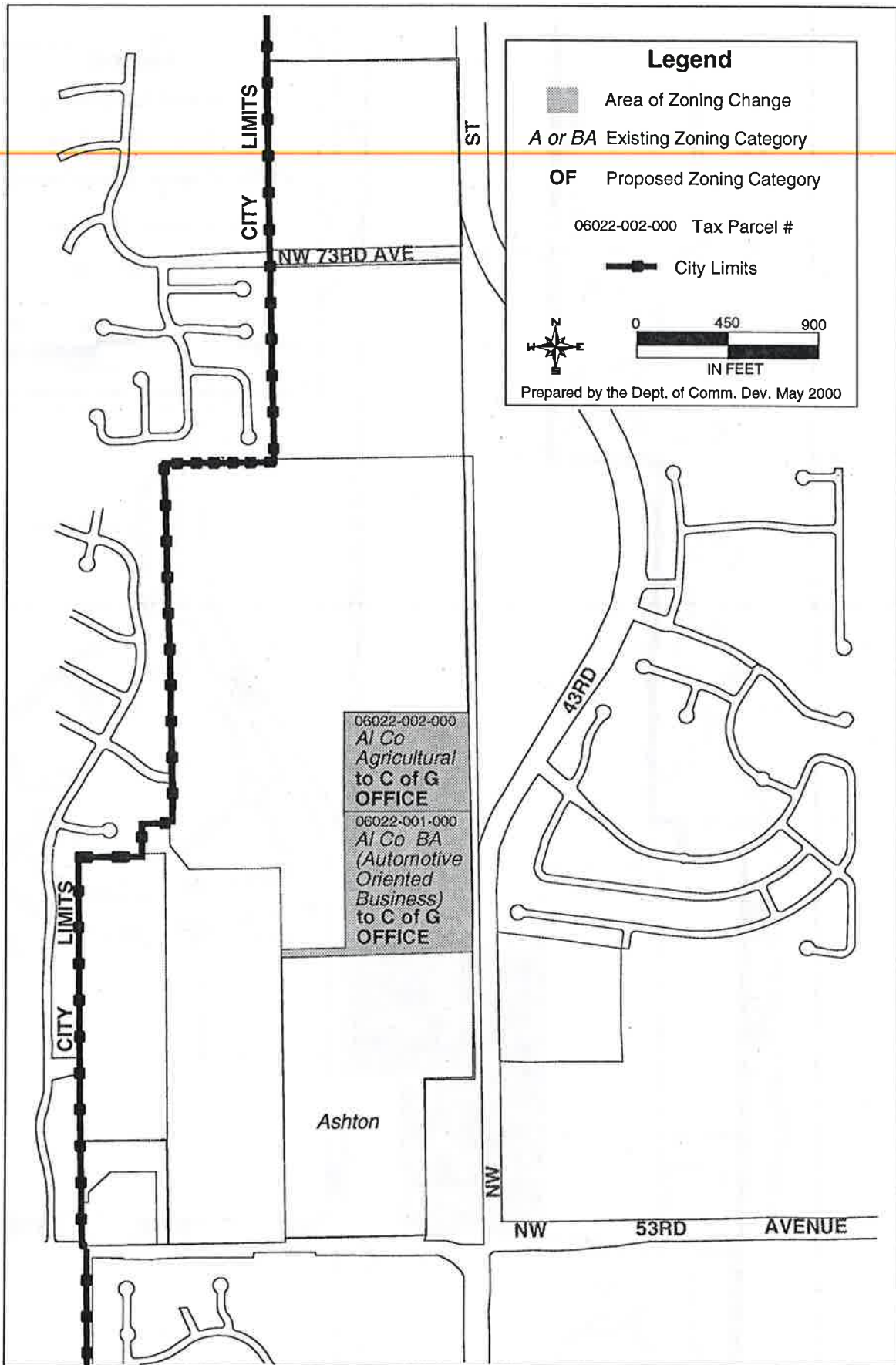
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3 This ordinance passed on second reading this _____ day of _____, 2000.

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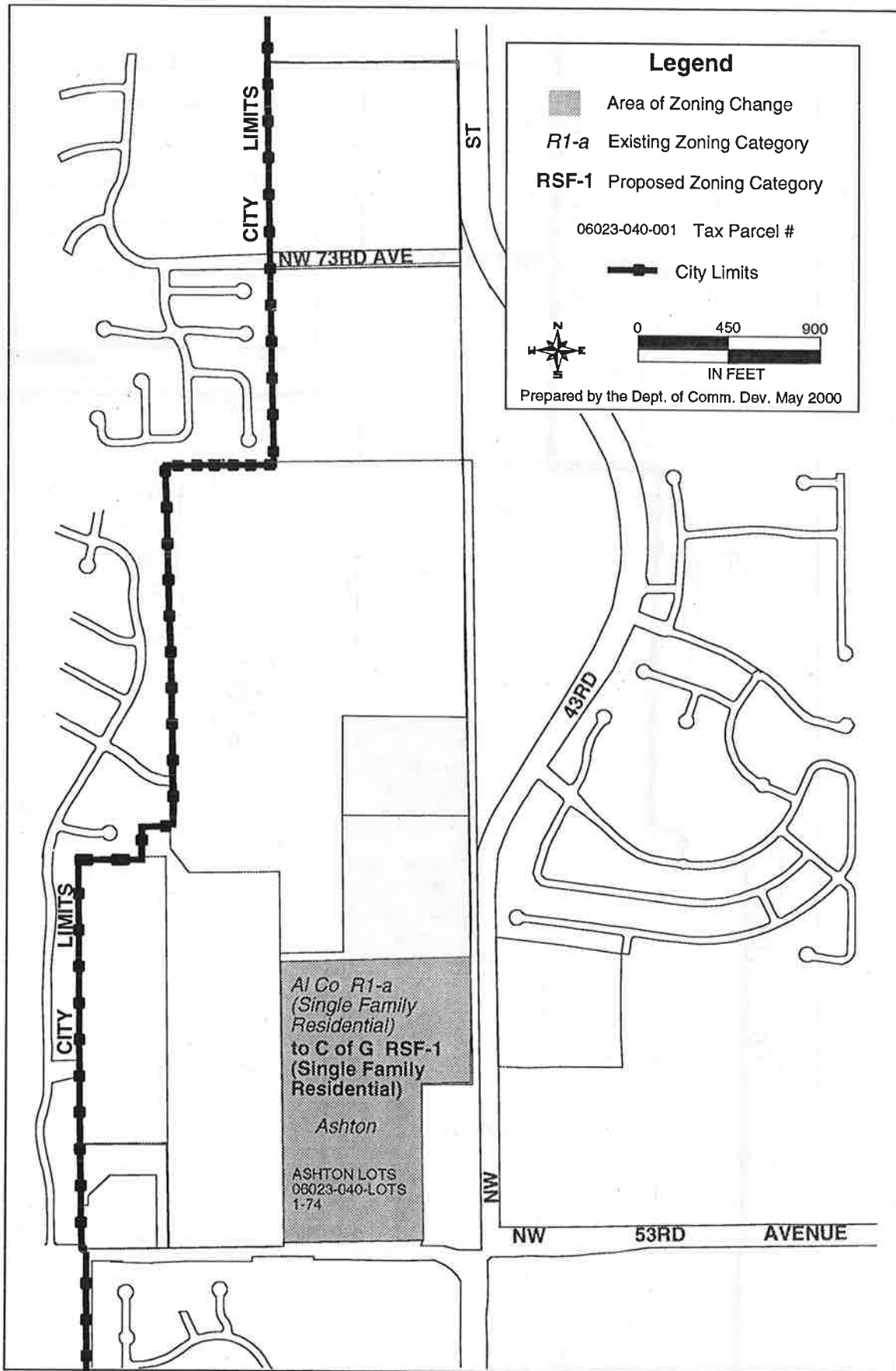
PARCEL 1



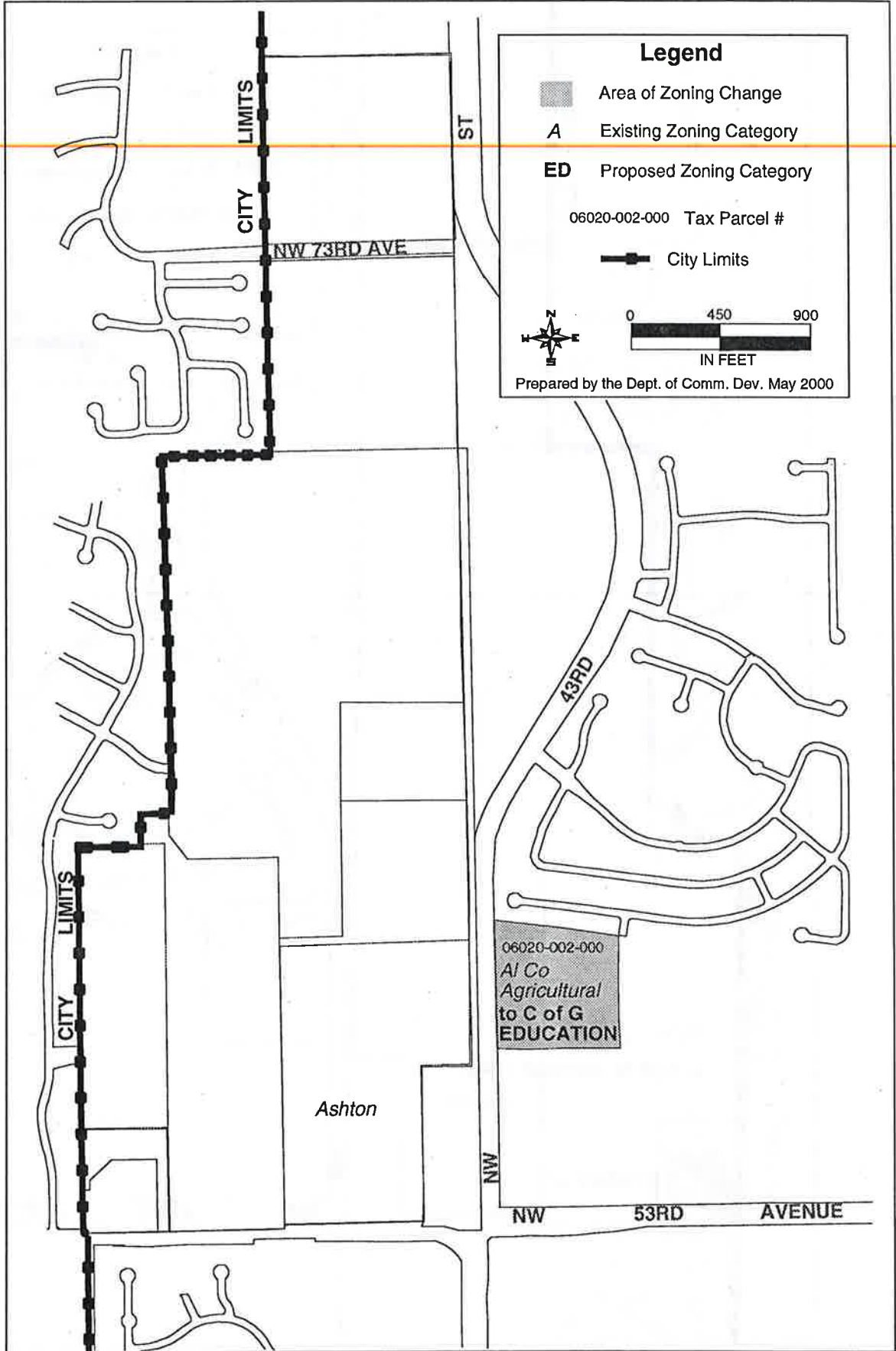
PARCEL 2



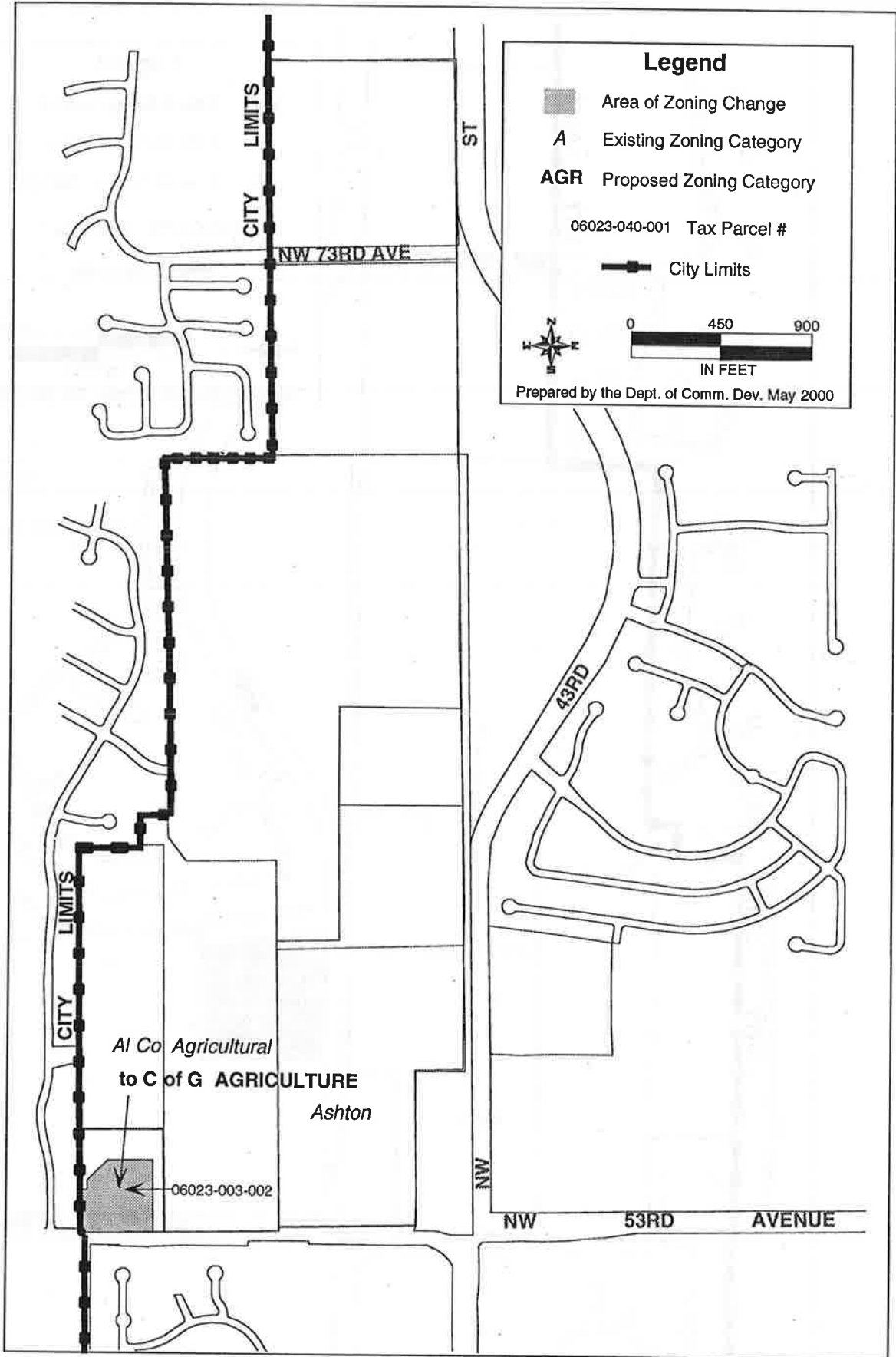
PARCEL 3



PARCEL 4



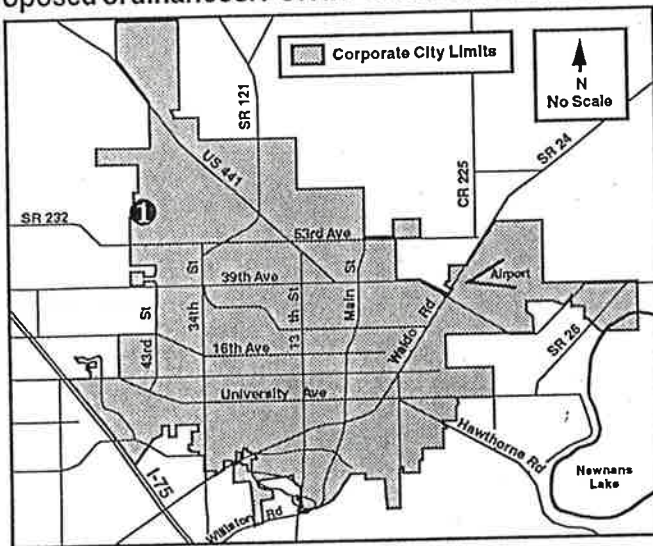
PARCEL 5



NOTICE OF ZONING CHANGE

The City of Gainesville, Florida proposes to change the zoning of land within the corporate limits of the City of Gainesville as shown in the map in this advertisement and as more fully set forth in the ordinance whose title appears below. The first reading will be held on Monday, August 14, 2000 and a second reading will be held on Monday August 28, 2000 at 6:00 P.M., or as soon thereafter as may be heard, in the Gainesville City Hall, First Floor Auditorium, 200 East University Avenue, Gainesville, Florida.

A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission located at 200 East University Avenue, Gainesville, Florida and at the Public Library, located at 401 East University Avenue, Gainesville, Florida during regular business hours. Interested parties may appear at the meeting and be heard regarding the proposed ordinances. FOR INFORMATION CALL, 334-5022.



8/4/00

1 ORD. NO. 0-00-60, PETITION 149ZON-00 PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from the zoning categories of certain properties annexed into the City from the Alachua County zoning categories to City of Gainesville zoning categories as follows: 1) from "C-1, conservation district" to "CON: Conservation district" on Tax Parcel Nos. 06006-000-000, 06006-001-000, 06022-000-000, 06021-000-000 and 06023-003-001; 2) from "Agricultural districts" and "BA, BA-1, business, automotive" to "OF: General office district" on Tax Parcel Nos. 06022-002-000 and 06022-001-000; 3) from "R-1a, single-family, low density (one to four dwelling units per acre)" to "RSF-1: 3.5 units/acre single-family residential district" on Tax Parcel Nos. 06023-040-001 thru 074 inclusive; 4) from "Agricultural districts" to "ED: Educational services district" on Tax Parcel No. 06020-002-000; and 5) from "Agricultural districts" to "AGR: Agriculture district" on Tax Parcel No. 06023-003-002; consisting of approximately 367 acres, located in the vicinity of N.W. 43rd Street north of N.W. 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

"If any person decides to appeal a decision of this body with respect to any matter considered at the above-referenced meeting or hearing, he/she will need a record of the proceeding, and for such purposes it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

PERSONS NEEDING SPECIAL ACCOMMODATIONS SHOULD CONTACT THE EQUAL OPPORTUNITY DEPARTMENT AT 334-5051 AT LEAST 48 HOURS PRIOR TO THE MEETING DATE.

