



## Legislation Details (With Text)

**File #:** 121096. **Version:** 2 **Name:**  
**Type:** Ordinance **Status:** Adoption Reading  
**File created:** 5/6/2013 **In control:** City Attorney  
**On agenda:** 7/18/2013 **Final action:** 7/18/2013  
**Title:** LAND USE CHANGE - SMALL SCALE - PROPERTY GENERALLY LOCATED WEST OF NE 18TH STREET, SOUTH OF NE 6TH PLACE, EAST OF NE 17TH TERRACE, AND NORTH OF NE 5TH AVENUE (B)

Ordinance No. 121096; Petition No. PB-13-26 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 3.47 acres of property generally located west of NE 18th Street, south of NE 6th Place, east of NE 17th Terrace, and north of NE 5th Avenue, as more specifically described in this ordinance, from Residential Low-Density (RL) to Residential Medium-Density (RM); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 121096A\_draft ordinance\_20130718.pdf, 2. 121096B\_Revised Staff report\_20130718.pdf, 3. 121096C\_Maps\_20130718.pdf, 4. 121096D\_Comp Plan Goals Objectives\_20130718.pdf, 5. 121096E\_CHW Justificatioin Report\_20130718.pdf, 6. 121096F\_Revised Petition Application\_20130718.pdf, 7. 121096G\_CPB minutes\_20130718.pdf, 8. 121096H\_staff ppt\_20130718.pdf, 9. 121096\_MOD\_PRES\_12-0467\_CC1\_20130718\_.pdf, 10. 121096\_Ordinance\_20130718.pdf

Date	Ver.	Action By	Action	Result
7/18/2013	2	City Commission	Adopted on Adoption Reading (Ordinance) and Approved the Recommendation, as amended	Pass

### LAND USE CHANGE - SMALL SCALE - PROPERTY GENERALLY LOCATED WEST OF NE 18TH STREET, SOUTH OF NE 6TH PLACE, EAST OF NE 17TH TERRACE, AND NORTH OF NE 5TH AVENUE (B)

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The City Commission: (1) approve Petition No. PB-13-26 LUC and (2) adopt the proposed ordinance.

## PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This petition/ordinance is a small-scale future land use map amendment that changes the land use designation for the 3.47-acre southern portion of a 7.41-acre parcel (Tax Parcel No. 10970-000-000) from Residential Low-Density (RL) to Residential Medium-Density (RM). The subject property consists of the southern portion of the Gardenia Gardens Apartments multi-family complex, which is located south of NE 8th Avenue and west of NE 18th Street, was originally developed in 1968, and contains 100 U.S. Department of Housing and Urban Development (HUD) project-based Section 8 subsidized multi-family dwelling units.

The 7.41-acre parcel currently has a split land use designation of RM for the 3.94-acre northern portion (48 units) and a RL land use designation for the 3.47-acre southern portion (52 units). The parcel also has split zoning with RMF-7 on the northern portion and RMF-5 on the southern portion. The developed density of the 3.47-acre southern portion of the parcel currently exceeds the density limit of 12 units per acre within the RL land use category and the RMF-5 zoning district and is therefore nonconforming. The nonconformity status arose when the property was split into its current land use and zoning arrangement as part of the citywide land use and zoning changes that resulted after the adoption of the 1991 Comprehensive Plan. Planning staff could find no records regarding why the split occurred at that time.

This petition/ordinance will remove the southern portion's nonconforming status by changing the land use designation on the 3.47-acre southern portion to match the existing RM land use designation on the remainder of the parcel. Related Ordinance No. 121097 will rezone the 3.47-acre southern portion to match the existing RMF-7 zoning on the remainder of the parcel. These changes will assist in any future modifications to the property and enhance the ability of the development to obtain financing to provide affordable housing to Gainesville residents.

After public notice was published in the Gainesville Sun on April 9, 2013, the City Plan Board held a public hearing on April 25, 2013, and recommended approval of the petition by a vote of 6-0.

## CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.