

ORDINANCE NO. 200887

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 83.79 acres of property generally located on the 755-1100 block on the south side of NE 39th Avenue, as more specifically described in this ordinance, from Planned Development (PD) to Automotive-Oriented Business (BA), Urban 2 (U2), and Urban 6 (U6); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city; and

WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that designates the future general distribution, location, and extent of the uses of land for residential, commercial, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land, with the goals of protecting natural and historic resources, providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban sprawl; and

WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan and that are combined and compiled into a single land development code for the city; and

WHEREAS, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and land development regulations on specific classifications of land within the city; and

28 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Zoning Map
29 Atlas by rezoning the property that is the subject of this ordinance; and

30 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
31 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
32 pursuant to Section 163.3174, Florida Statutes, held a public hearing on February 25, 2021, and
33 voted to recommend that the City Commission approve this rezoning; and

34 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of
35 general circulation notifying the public of this proposed ordinance and of public hearings to be
36 held by the City Commission; and

37 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
38 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

39 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be
40 consistent with the City of Gainesville Comprehensive Plan when the amendment to the
41 Comprehensive Plan adopted by Ordinance No. 200886 becomes effective as provided therein.

42 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
43 **FLORIDA:**

44 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
45 following property from Planned Development (PD) to Automotive-Oriented Business (BA),
46 Urban 2 (U2), and Urban 6 (U6):

47 See legal description attached as **Exhibit A** and made a part hereof as if set forth
48 in full. The location of the property is shown on **Exhibit B** for visual reference.
49 In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

50 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary
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52 changes to the Zoning Map Atlas to comply with this ordinance.

53 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
54 the application hereof to any person or circumstance is held invalid or unconstitutional, such
55 finding will not affect the other provisions or applications of this ordinance that can be given
56 effect without the invalid or unconstitutional provision or application, and to this end the
57 provisions of this ordinance are declared severable.

58 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
59 conflict hereby repealed, including specifically Ordinance No. 960937 which is hereby repealed.

60 **SECTION 5.** This ordinance will become effective immediately upon adoption; however, the
61 rezoning will not become effective until the amendment to the City of Gainesville
62 Comprehensive Plan adopted by Ordinance No. 200886 becomes effective as provided therein.

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64 **PASSED AND ADOPTED** this 20th day of January, 2022.

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LAUREN POE
MAYOR

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Attest:

Approved as to form and legality:

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OMICHELE D. GAINNEY
CITY CLERK

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DANIEL M. NEE
INTERIM CITY ATTORNEY

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This ordinance passed on first reading this 6th day of January, 2022.

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This ordinance passed on second reading this 20th day of January, 2022.

Exhibit A to Ordinance 200887

LEGAL DESCRIPTIONS

PARCEL A (Proposed BA Zoning)

A PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE SOUTH 89°08'12" WEST, ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE SOUTH 01°04'46" EAST, 63.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222, BEING THE NORTHWEST CORNER OF LOT 1 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°04'46" EAST, ALONG THE WEST LINE OF SAID MINOR SUBDIVISION, ALONG THE EAST LINE OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 22, PAGE 23 OF SAID PUBLIC RECORDS, AND ALONG THE EAST LINE OF "NORTH MAIN STREET COMMERCIAL PARK", A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "H", PAGE 96 OF SAID PUBLIC RECORDS, AND A SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 2442.08 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.E. 31st AVENUE; THENCE NORTH 89°24'01" EAST, ALONG SAID NORTH RIGHT OF WAY LINE, 598.43 FEET; THENCE NORTH 00°54'24" WEST, 205.00 FEET; THENCE NORTH 89°24'01" EAST, 167.62 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID MINOR SUBDIVISION RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF SAID PUBLIC RECORDS; THENCE NORTH 01°04'46" WEST, ALONG SAID SOUTHERLY EXTENSION AND SAID EAST LINE OF SAID MINOR SUBDIVISION RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35, A DISTANCE OF 2240.60 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222; THENCE SOUTH 89°08'12" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, 766.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 42.22 ACRES (1,839,130 SQUARE FEET), MORE OR LESS.

Exhibit A to Ordinance 200887

PARCEL B (Proposed U6 Zoning)

A PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE SOUTH 89°08'12" WEST, ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE SOUTH 01°04'46" EAST, 63.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222, BEING THE NORTHWEST CORNER OF LOT 1 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 766.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 676.65 FEET; THENCE SOUTH 00°54'24" EAST, 1214.61 FEET; THENCE SOUTH 89°08'12" WEST, 672.99 FEET TO THE SOUTHEAST CORNER OF SAID MINOR SUBDIVISION; THENCE NORTH 01°04'46" WEST, ALONG THE EAST LINE OF SAID MINOR SUBDIVISION, 1214.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.82 ACRES (819,644 SQUARE FEET), MORE OR LESS.

Exhibit A to Ordinance 200887

PARCEL C (Proposed U2 Zoning)

A PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

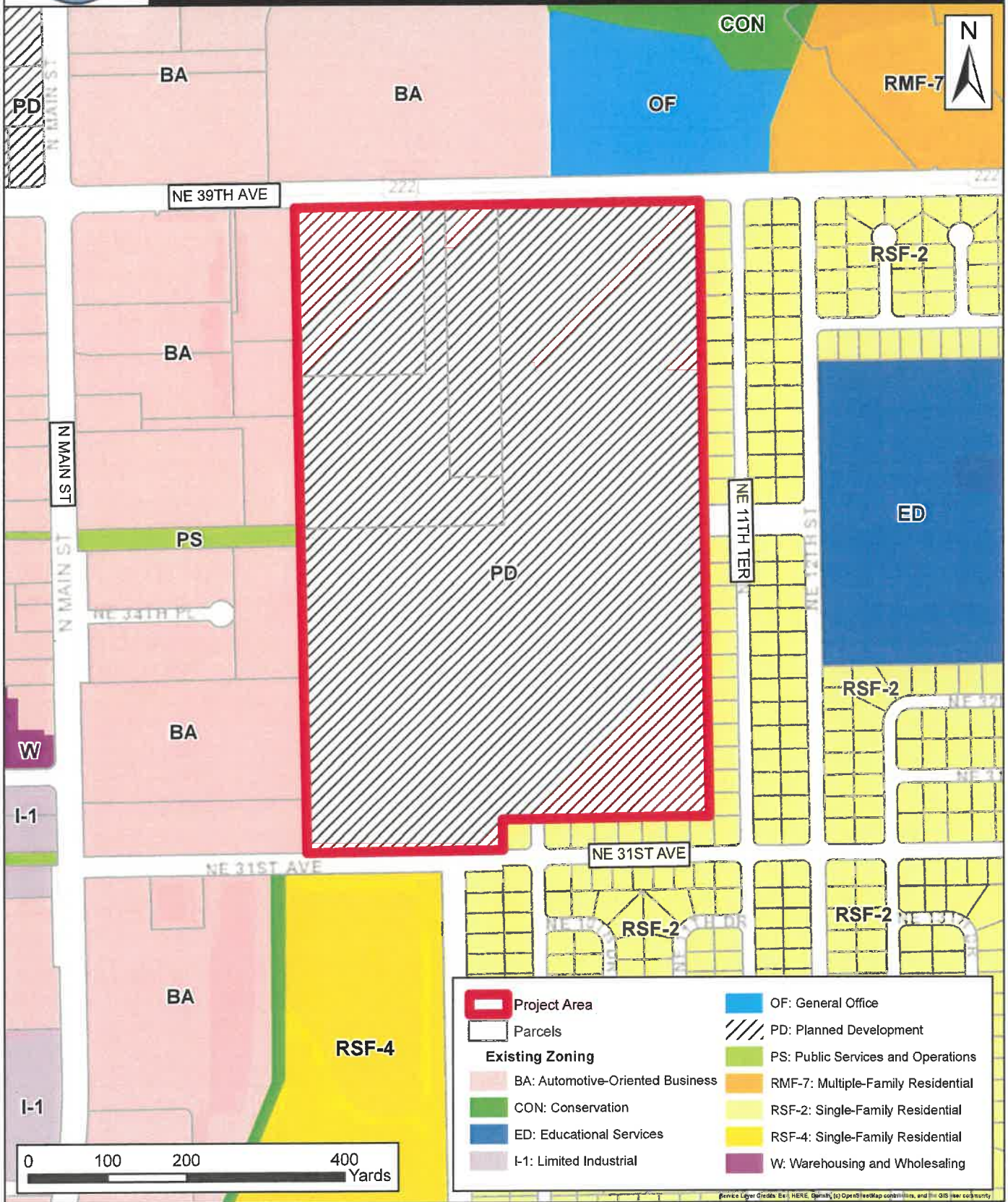
COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE SOUTH 89°08'12" WEST, ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE SOUTH 01°04'46" EAST, 63.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222, BEING THE NORTHWEST CORNER OF LOT 1 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 1443.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 90.00 FEET TO THE NORTHWEST CORNER OF "HIGHLAND COURT MANOR UNIT NO. 5". A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "H", PAGE 44 OF SAID PUBLIC RECORDS; THENCE SOUTH 00°54'24" EAST, 1808.54 FEET TO THE SOUTHWEST CORNER OF SAID "HIGHLAND COURT MANOR UNIT NO. 5" AND THE NORTHWEST CORNER OF "HIGHLAND COURT MANOR UNIT NO. 4", A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "F", PAGE 77 OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 00°54'24" EAST, ALONG THE WEST LINE OF SAID "HIGHLAND COURT MANOR UNIT NO. 4" A DISTANCE OF 523.03 FEET TO A POINT ON THE NORTHERLY LINE OF SAID "HIGHLAND COURT MANOR UNIT NO. 4"; THENCE SOUTH 89°13'01" WEST, ALONG SAID NORTHERLY LINE OF "HIGHLAND COURT MANOR UNIT NO. 4" A DISTANCE OF 784.29 FEET TO THE NORTHWEST CORNER OF LOT 105 OF SAID "HIGHLAND COURT MANOR UNIT NO. 4"; THENCE SOUTH 00°54'24" EAST, 115.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 105 AND TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.E. 31st AVENUE; THENCE SOUTH 89°24'01" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 143.23 FEET; THENCE NORTH 00°54'24" WEST, 205.00 FEET; THENCE NORTH 89°24'01" EAST, 167.62 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35; THENCE NORTH 01°04'46" WEST, 1025.98 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID MINOR SUBDIVISION; THENCE NORTH 89°08'12" EAST, 672.99 FEET; THENCE NORTH 00°54'24" WEST, 1214.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 22.75 ACRES (990,825 SQUARE FEET), MORE OR LESS.



NE 39th Ave Henderson Project (PB-20-00153)

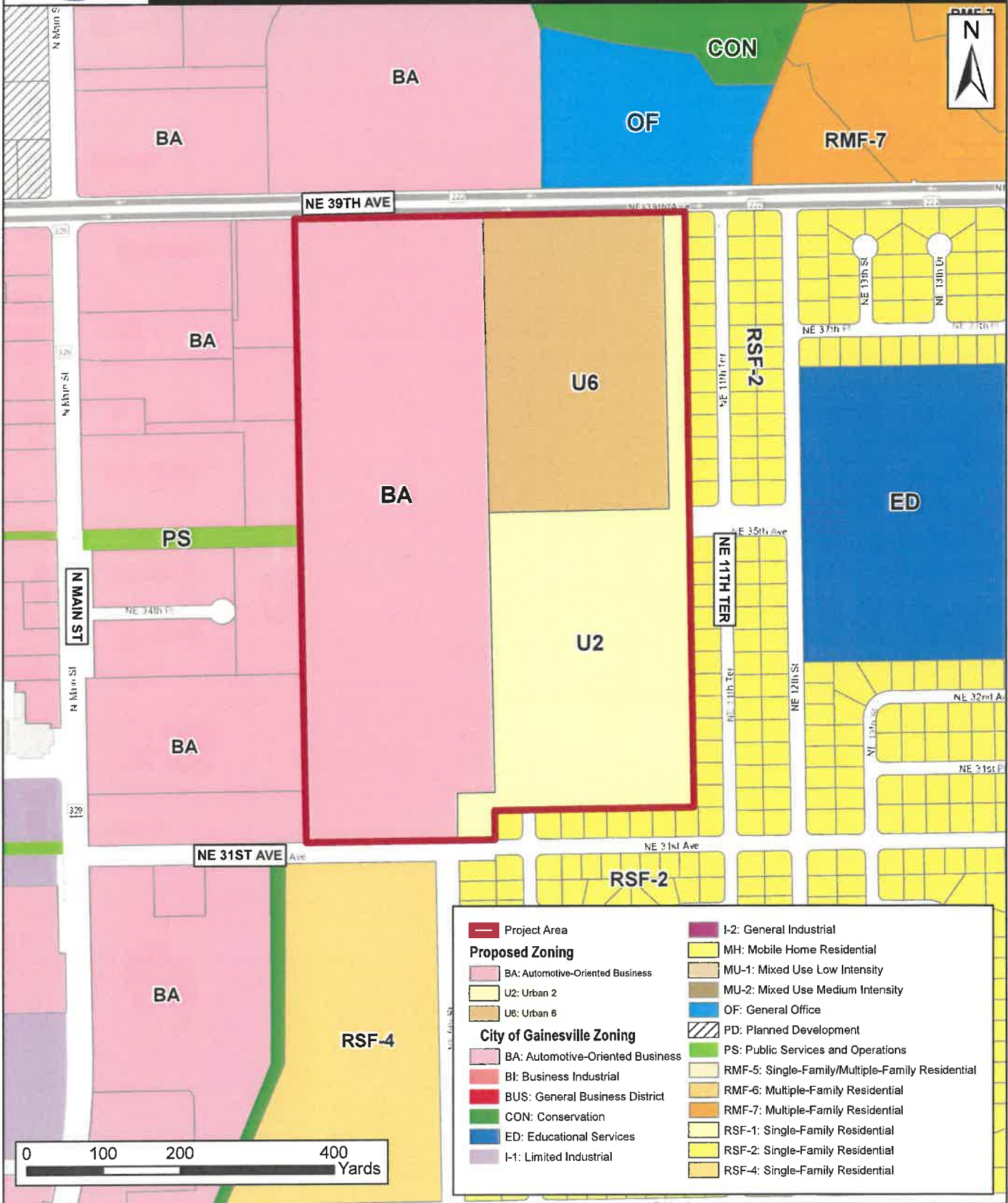
Existing Zoning



	Project Area		OF: General Office
	Parcels		PD: Planned Development
Existing Zoning			
	BA: Automotive-Oriented Business		RMF-7: Multiple-Family Residential
	CON: Conservation		RSF-2: Single-Family Residential
	ED: Educational Services		RSF-4: Single-Family Residential
	I-1: Limited Industrial		W: Warehousing and Wholesaling

NE 39th Ave Henderson Project (PB-20-00152)

Proposed Zoning



Project Area	I-2: General Industrial
Proposed Zoning	MH: Mobile Home Residential
BA: Automotive-Oriented Business	MU-1: Mixed Use Low Intensity
U2: Urban 2	MU-2: Mixed Use Medium Intensity
U6: Urban 6	OF: General Office
City of Gainesville Zoning	PD: Planned Development
BA: Automotive-Oriented Business	PS: Public Services and Operations
BI: Business Industrial	RMF-5: Single-Family/Multiple-Family Residential
BUS: General Business District	RMF-6: Multiple-Family Residential
CON: Conservation	RMF-7: Multiple-Family Residential
ED: Educational Services	RSF-1: Single-Family Residential
I-1: Limited Industrial	RSF-2: Single-Family Residential
	RSF-4: Single-Family Residential

