

ORDINANCE NO. 130821

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3 **An ordinance amending the Zoning Map Atlas of the City of Gainesville,**
4 **Florida, by rezoning approximately 8 acres of property generally located on**
5 **the east side of SW 34th Street between SW 35th Place and SW 41st Place, as**
6 **more specifically described in this ordinance, from Planned Development**
7 **District (PD) to Mixed-Use Low Intensity District (MU-1); providing**
8 **directions to the City Manager; providing a severability clause; providing a**
9 **repealing clause; and providing an effective date.**

10
11 **WHEREAS,** notice was given as required by law that the Zoning Map Atlas of the City
12 of Gainesville, Florida, be amended by rezoning certain property from Planned Development
13 District (PD) to Mixed-Use Low Intensity District (MU-1); and

14 **WHEREAS,** notice was given as required by law and a public hearing was held by the
15 City Plan Board on December 2, 2013; and

16 **WHEREAS,** at least ten (10) days' notice has been given once by publication in a
17 newspaper of general circulation notifying the public of this proposed ordinance and of public
18 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville;
19 and

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

23 **WHEREAS,** the City Commission finds that the rezoning of the property described
24 herein is consistent with the City of Gainesville Comprehensive Plan.

25 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
26 **CITY OF GAINESVILLE, FLORIDA:**

27 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
28 following property from Planned Development District (PD) to Mixed-Use Low Intensity
29 District (MU-1):

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


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

7 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
8 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
9 finding shall not affect the other provisions or applications of this ordinance that can be given
10 effect without the invalid or unconstitutional provision or application, and to this end the
11 provisions of this ordinance are declared severable.

12 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of
13 such conflict hereby repealed.


14 **Section 5.** This ordinance shall become effective immediately upon adoption.

15 **PASSED AND ADOPTED** this 7th day of August, 2014.

16
17
18 
19 EDWARD B. BRADDY
20 MAYOR
21

22 Attest:

Approved as to form and legality:

23
24
25 By: 
26 KURT LANNON
27 CLERK OF THE COMMISSION
28
29
30

By: 
NICOLLE M. SHALLEY
CITY ATTORNEY

31 This ordinance passed on first reading this 17th day of July, 2014.

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33 This ordinance passed on second reading this 7th day of August, 2014.
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Legal Description

A PARCEL OF LAND SITUATED IN LOT 10 OF THE SUBDIVISION OF LOTS 3 AND 4 OF THE GARY GRANT SAID SUBDIVISION OF LOTS 3 AND 4 OF THE GARY GRANT BEING RECORDED IN PLAT BOOK "A", PAGE 36, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.E. CORNER OF THE GARY GRANT AND RUN SOUTH 05° 03' 32" EAST ALONG THE EAST LINE OF SAID GARY GRANT, 1441.25 FEET; THENCE RUN SOUTH 69° 05' 27" WEST, 938.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 69° 05' 27" WEST, 363.53 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF S.W. 34TH STREET; THENCE RUN SOUTH 05° 13' 37" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE 479.15 FEET; THENCE RUN NORTH 84° 54' 41" EAST, 350.00 FEET; THENCE RUN NORTH 05° 13' 37" WEST, 578.26 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY OF S.W. 34TH STREET AS PER OFFICIAL RECORDS BOOK 1869, PAGE 2383 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

ALSO:

A TRACT OF LAND LOCATED IN BLOCK 9 AND 10 AS SHOWN ON THE PLAT OF THE SUBDIVISION OF LOT 3 AND 4 OF THE GARY GRANT IN TOWNSHIP 10 SOUTH, RANGE 19 EAST, SAID SUBDIVISION BEING RECORDED IN PLAT BOOK "A", PAGE 36 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

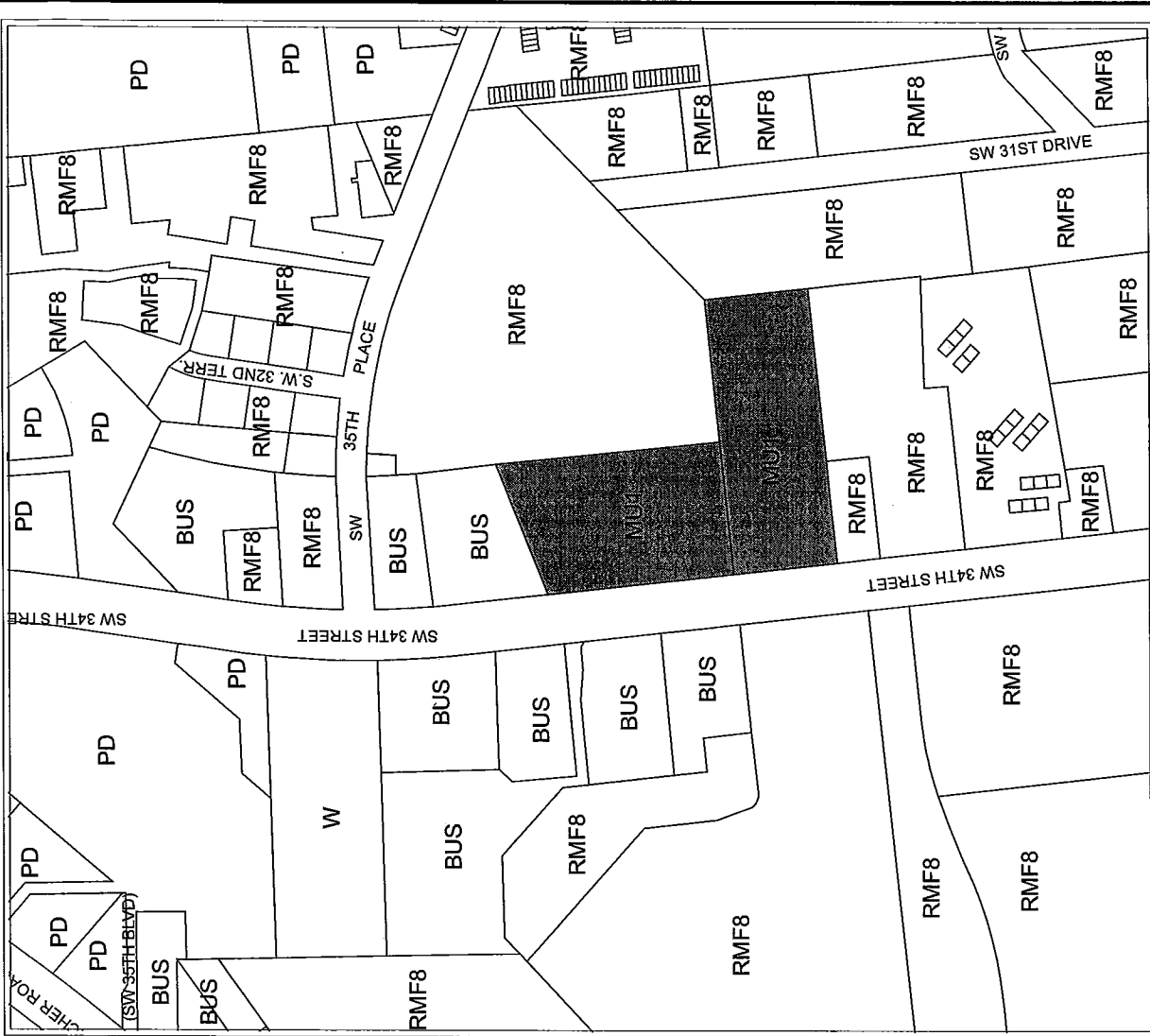
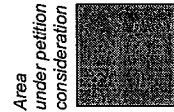
FOR A POINT OF REFERENCE COMMENCE AT THE SW CORNER OF SAID BLOCK 10; THENCE RUN NORTH 05° 12' 00" WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ROCKY POINT ROAD, A DISTANCE OF 301.83 FEET TO A CONCRETE MONUMENT MARKING THE POB; THENCE FROM SAID POINT OF BEGINNING CONTINUE NORTH 05° 12' 00" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 266.17 FEET TO A CONCRETE MONUMENT MARKING THE NW CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 291, PAGE 391 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN NORTH 84° 48' 00" EAST ALONG THE NORTH LINE OF THE PROPERTY DESCRIBED IN SAID DEED BOOK 291, A DISTANCE OF 711.65 FEET TO A CONCRETE MONUMENT MARKING THE NE CORNER OF SAID PROPERTY DESCRIBED IN DEED BOOK 291; THENCE RUN SOUTH 05° EAST, A DISTANCE OF 266.17 FEET TO A CONCRETE

MONUMENT; THENCE RUN SOUTH 84° 48' 00" WEST, A DISTANCE OF 711.65 FEET TO CLOSE ON SAID POB.

LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY OF S.W. 34TH STREET AS PER OFFICIAL RECORDS BOOK 1869, PAGE 2383 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

City of Gainesville Zoning Districts

- RMF8 8-30 units/acre Multiple-Family Residential
- MU1 8-30 units/acre Mixed-Use low intensity
- BUS General Business
- W Warehousing and Wholesaling
- PD Planned Development



PROPOSED ZONING

Name	Petition Request	Petition Number
Causseaux, Hewett and Walpole, Inc., agent for Mallory Square Apartments LTD	Rezone property from PD (Planned development district) to MU-1 (8-30 units/acre mixed use low intensity)	PB-13-106 ZON

Exhibit "B" to Ordinance No. 130821

