

**ORDINANCE NO. 081040**  
**0-09-18**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property located generally south of Depot Avenue, east of South Main Street, north of Southeast Veitch Street and west of Southeast 4th Street, commonly known as “Depot Park,” from “PS: Public services and operations district,” “I-1: Limited industrial district” and “I-2: General industrial district” to “PS: Public services and operations district”; specifying permitted uses; specifying dimensional requirements; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, by initiation of a petition by the City of Gainesville, publication of notice of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain property within the City from the zoning category of “PS: Public services and operations district,” “I-1: Limited industrial district” and “I-2: General industrial district” to “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 April 23, 2009; and

**WHEREAS**, the City Commission finds that the rezoning of the property described herein will be 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

1           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long  
2 was placed in the aforesaid newspaper notifying the public of the second public hearing to be  
3 held at least five (5) days after the day the second advertisement was published; and

4           **WHEREAS**, the public hearings were held pursuant to published and mailed notice at  
5 which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
6 heard.

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

9           **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
10 following described property located generally south of Depot Avenue, east of South Main  
11 Street, north of Southeast Veitch Street and west of Southeast 4th Street, commonly known as  
12 “Depot Park”, from the zoning category of “PS: Public services and operations district,” “I-1:  
13 Limited industrial district” and “I-2: General industrial district,” as shown on the map attached  
14 as Exhibit “A,” to the City of Gainesville zoning category of “PS: Public services and operations  
15 district,” as shown on the map and attached as Exhibit “B.”

16           See maps attached hereto as Exhibits “A” and “B,” and made a part hereof  
17 as if set forth in full.

18  
19           **Section 2.** The uses permitted by right on the property are as follows:

- 20           (1) Public park and recreation area, including active and passive recreation amenities;  
21  
22           (2) Public lands designated for open space, conservation, or preservation;  
23  
24           (3) Museums, art galleries and botanical and zoological gardens (MG-84), and  
25           customary accessory uses clearly incidental thereto; such as, but not limited to,

1 display areas, eating place, outdoor cafe, retail sales, special events, amphitheater  
2 and outdoor performances;

- 3  
4 (4) Community center, such as, but not limited to, senior center and recreation center;  
5  
6 (5) Public administration (Div. J);  
7  
8 (6) Commercial sports (GN-794);  
9  
10 (7) Membership sports and recreation clubs (IN-7997);  
11  
12 (8) Amusement and recreation services, not elsewhere classified (IN-7999);  
13  
14 (9) Outdoor events, such as, but not limited to, concerts, cultural events, athletic  
15 events, and temporary events such as festivals, displays, and demonstrations;  
16  
17 (10) Libraries and information centers (GN-823);  
18  
19 (11) Stormwater retention and treatment, water conservation areas, water reservoirs  
20 and control structures, drainage wells and water wells;  
21  
22 (12) Parking;  
23  
24 (13) Vending booths and itinerant food vendors, in accordance with Chapter 19 of the  
25 City Code of Ordinances; and  
26  
27 (14) Accessory uses customarily and clearly incidental to any permitted principal use.  
28

29 **Section 3.** The following dimensional requirements shall apply to the development and  
30 use of the property:

- 31 (a) All new principal and accessory structures devoted to permitted  
32 office and administrative uses and permitted intensive recreation  
33 uses shall be located and constructed in accordance with section  
34 30-75 Public services and operations district (PS) of the Land  
35 Development Code. (Note: Reference is to the Land  
36 Development Code, and as it may be amended from time to time.)  
37

1 (b) The historic Depot building shall be relocated in accordance with  
2 the setback and other requirements of the State Historic  
3 Preservation Office.

4  
5 (c) All new principal and accessory structures devoted to permitted  
6 uses other than those specified in (a) and (b) shall be located and  
7 constructed in accordance with the following minimum yard  
8 setbacks:

9  
10 Front: 10 feet  
11 Side: 10 feet  
12 Rear: Zero feet; except

13 where the rear yard abuts property which is in a residential district or  
14 which is shown for residential use on the future land use map of the  
15 comprehensive plan: 20 feet or the 60-degree angle of light obstruction,  
16 whichever is greater.

17  
18 **Section 4.** If it is determined by the City Manager that a violation of this Ordinance  
19 exists, the City Manager may issue and deliver an order to cease and desist from such violation  
20 and to correct the violation, to preclude occupancy of the affected building or area, or to vacate  
21 the premises. The City Manager, through the City Attorney, may seek an injunction in a court of  
22 competent jurisdiction and seek any other remedy available at law.

23 **Section 5.** Any person who violates any of the provisions of this ordinance shall be  
24 deemed guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as  
25 provided by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or  
26 continues, regardless of whether such violation is ultimately abated or corrected, shall constitute  
27 a separate offense.

28 **Section 6.** The City Manager is authorized and directed to make the necessary changes in  
29 the Zoning Map to comply with this Ordinance.

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

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

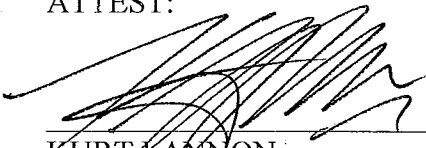
8           **Section 9.** This ordinance shall become effective immediately upon final adoption.

9           **PASSED AND ADOPTED** this 3rd day of September, 2009.

10  
11   
12 \_\_\_\_\_  
13 PEGEEN HANRAHAN,  
14 MAYOR

15 ATTEST:

Approved as to form and legality:

16  
17   
18 \_\_\_\_\_  
19 KURT LANNON,  
20 CLERK OF THE COMMISSION


21   
22 \_\_\_\_\_  
23 MARION J. RADSON, CITY ATTORNEY

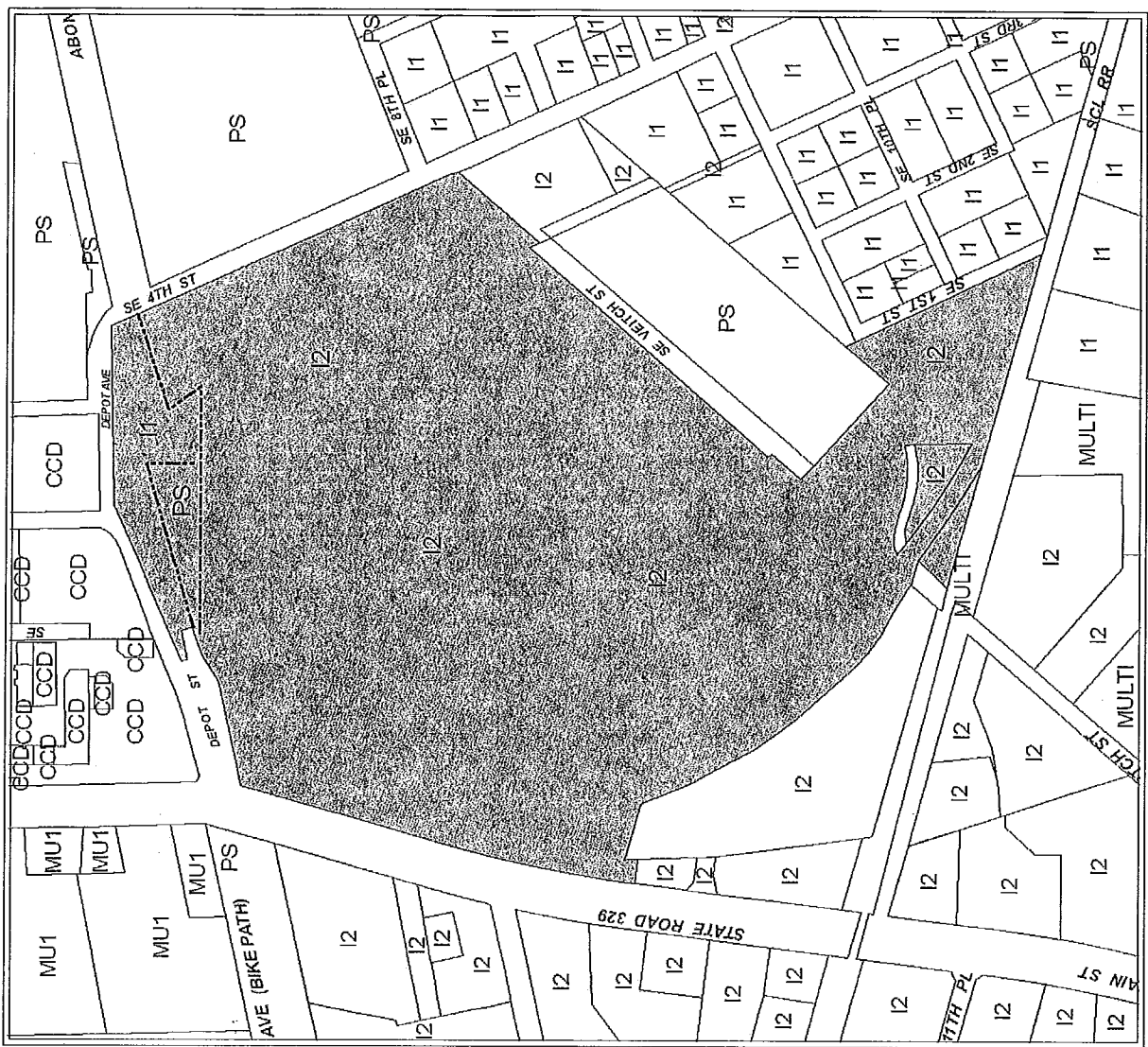
SEP - 3 2009

22 This ordinance passed on first reading this 20th day of August, 2009.

23 This ordinance passed on second reading this 3rd day of September, 2009.

# Zoning District Categories

- RSF1 Single-Family Residential (3.5 du/acre)
  - RSF2 Single-Family Residential (4.6 du/acre)
  - RSF3 Single-Family Residential (5.8 du/acre)
  - RSF4 Single-Family Residential (8 du/acre)
  - RMF5 Residential Low Density (12 du/acre)
  - RC Residential Conservation (12 du/acre)
  - MH Mobile Home Residential (12 du/acre)
  - RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
  - RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
  - RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
  - RMU Residential Mixed Use (up to 75 du/acre)
  - RH1 Residential High Density (8-43 du/acre)
  - RH2 Residential High Density (8-100 du/acre)
  - OR Office Residential (up to 20 du/acre)
  - OF General Office
  - PD Planned Development
  - BUS General Business
  - BA Automotive-Oriented Business
  - BT Tourist-Oriented Business
  - MU1 Mixed Use Low Intensity (8-30 du/acre)
  - MU2 Mixed Use Medium Intensity (12-30 du/acre)
  - UMU1 Urban Mixed Use District 1 (up to 75 du/acre)
  - UMU2 Urban Mixed Use District 2 (up to 100 du/acre)
  - CCD Central City District
  - W Warehousing and Wholesaling
  - I1 Limited Industrial
  - I2 General Industrial
  - AGR Agriculture
  - CON Conservation
  - MD Medical Services
  - PS Public Services and Operations
  - AF Airport Facility
  - ED Educational Services
  - CP Corporate Park
- ===== Historic Preservation/Conservation District  
 ———— Special Area Plan  
 - - - - - Division line between two zoning districts  
 ———— City Limits
- Area under petition consideration 



## EXISTING ZONING

Name	Petition Request	Map(s)	Petition Number
City of Gainesville, applicant Parcel #15706-000-000 & #16004-000-000	Change Zoning Designation from I1 & I2 to PS (Public Services and Operations district)	4152	PZ-09-00037ZON

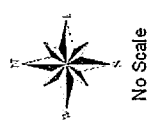
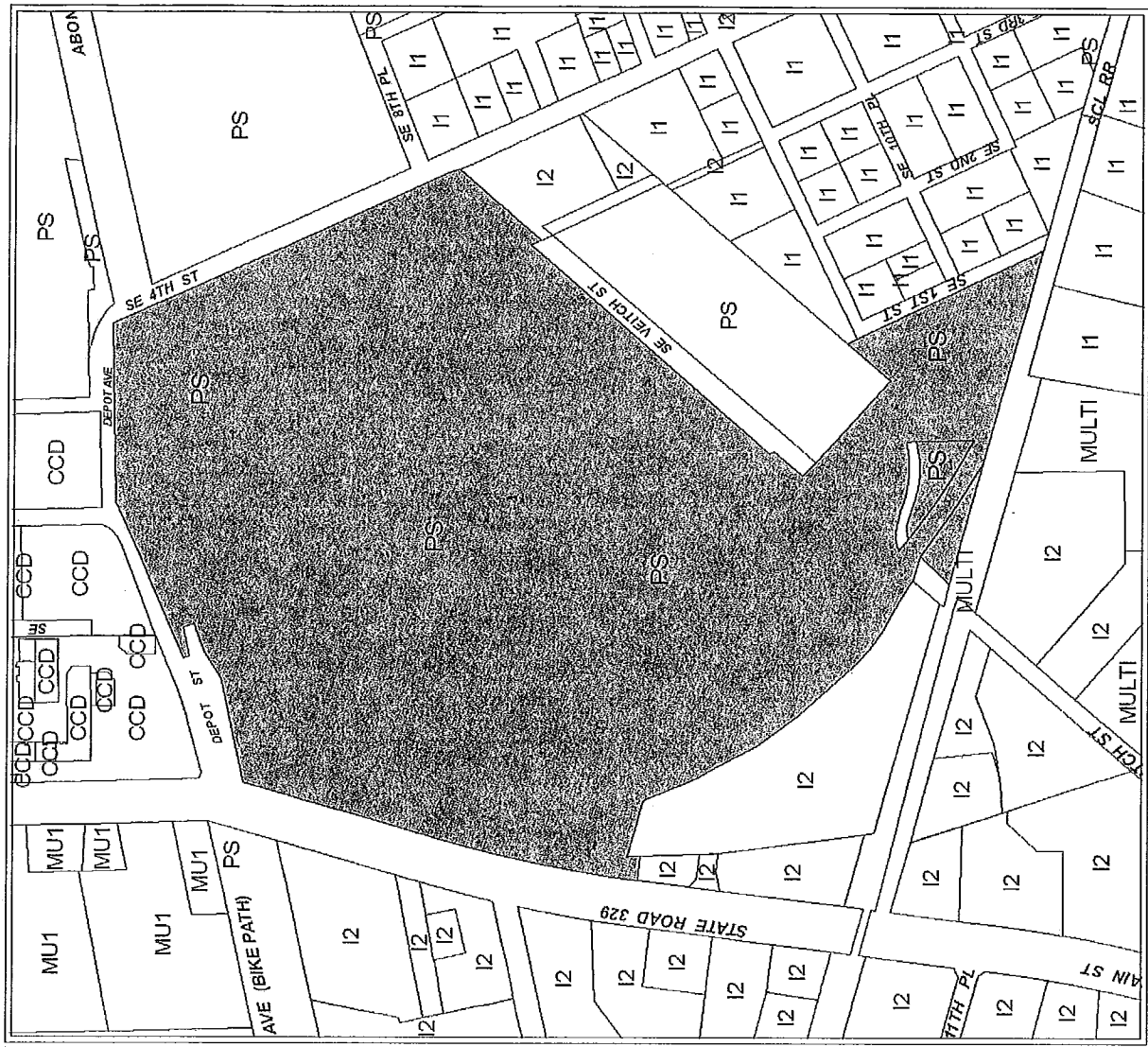


Exhibit "A"

### Zoning District Categories

- RSF1 Single-Family Residential (3.5 du/acre)
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  - PS Public Services and Operations
  - AF Airport Facility
  - ED Educational Services
  - CP Corporate Park
- Historic Preservation/Conservation District  
 Special Area Plan  
 Division line between two zoning districts  
 City Limits
- Area under petition consideration



### PROPOSED ZONING

Name	Petition Request	Map(s)	Petition Number
City of Gainesville, applicant Parcel #15706-000-000 & #16004-000-000	Change Zoning Designation from I1 & I2 to PS (Public Services and Operations district)	4152	PZ-09-00037ZON



Exhibit "B"