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5/22/2008

ORDINANCE NO. _____
0-08-22

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An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the Alachua County zoning category of “Highway oriented business services (BH) district” to the City of Gainesville zoning category of “BT: Tourist-oriented business district”; located in the vicinity of 5200 Southwest 41st Boulevard; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, by initiation of a petition by the property owner, 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 Alachua County zoning category of “Highway oriented business services (BH) district” to the City of Gainesville zoning category of “Tourist-oriented business 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 17, 2008; 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, as applicable; and

WHEREAS, at least ten (10) days notice has been given of the public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, First Floor, City Hall, in the City

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1 of Gainesville; and

2 **WHEREAS**, notice has also been given by mail to the owner whose property will be
3 regulated by the adoption of this Ordinance, at least ten (10) days prior to the adoption of this
4 ordinance; and

5 **WHEREAS**, the Public Hearing was held pursuant to the published and mailed notice
6 described above at which hearing the parties in interest and all others had an opportunity to be
7 and were, in fact, heard.

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

10 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
11 following described property from the Alachua County zoning category of “Highway oriented
12 business services (BH) district” to the City of Gainesville zoning category of “BT: Tourist-
13 oriented business district”:

14 See Legal Description attached hereto as Exhibit "A", and made a part
15 hereof as if set forth in full.

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17 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
18 the Zoning Map to comply with this Ordinance.

19 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
20 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
21 finding shall not affect the other provisions or applications of the ordinance which can be given

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1 effect without the invalid or unconstitutional provisions or application, and to this end the
2 provisions of this ordinance are declared severable.

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

5 **Section 5.** This ordinance shall become effective immediately upon final adoption;
6 however, the rezoning shall not become effective until the amendment to the City of Gainesville
7 2000-2010 Comprehensive Plan adopted by Ordinance No. 071209 becomes effective as
8 provided therein.

9 **PASSED AND ADOPTED** this ____ day of _____, 2008.

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PEGEEN HANRAHAN, MAYOR

ATTEST:

Approved as to form and legality:

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2008.

This ordinance passed on second reading this ____ day of _____, 2008.

MJR/jls

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LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE GARY GRANT, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERN MOST CORNER OF LOT 102, OF COUNTRY CLUB ESTATES, AS RECORDED IN PLAT BOOK "F", PAGE 63, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 40°56'34" WEST, A DISTANCE OF 100.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-331 (A.K.A. S.W. WILLISTON ROAD); THENCE NORTH 49°03'23" EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 49.74 FEET; THENCE NORTH 42°30'33" EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 581.10 FEET TO THE CENTERLINE OF S.W. 41ST BOULEVARD; THENCE NORTH 39°53'39" WEST ALONG SAID CENTERLINE, 321.22 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2291.83 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 33°07'05" WEST, 540.81 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°33'07", AN ARC DISTANCE OF 542.08 FEET; THENCE NORTH 52°45'52" EAST, A DISTANCE OF 50.94 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2264, PAGE 43 OF SAID PUBLIC RECORDS, SAID CORNER LYING ON THE EASTERLY RIGHT OF WAY LINE OF SAID S.W. 41ST BOULEVARD AND BEING THE POINT OF BEGINNING; THENCE NORTH 52°45'52" EAST ALONG THE SOUTHERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2264, PAGE 43, A DISTANCE OF 638.71 FEET TO THE SOUTHEAST CORNER OF SAID LANDS, SAID CORNER LYING ON THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 75 AND BEING ON A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 610.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 09°44'44" EAST, 189.43 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID WESTERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 17°51'56", AN ARC DISTANCE OF 190.20 FEET; THENCE SOUTH 01°02'42" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 268.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 395.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 19°01'27" EAST, 246.65 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID WESTERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 36°23'10", AN ARC DISTANCE OF 250.85 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1936, PAGE 2635 OF SAID PUBLIC RECORDS; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE, SOUTH 49°03'58" WEST ALONG THE NORTHERLY LINE OF SAID LANDS, A DISTANCE OF 239.21 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE SOUTH 40°52'07" EAST, A DISTANCE OF 199.87 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3367, PAGE 145 OF SAID PUBLIC RECORDS, SAID CORNER BEING ON THE AFOREMENTIONED NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-331; THENCE SOUTH 49°03'23" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 29.57 FEET; THENCE SOUTH 42°30'30" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.95 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF S.W. 41ST BOULEVARD AND THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 50.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 89°13'04" WEST, 74.63 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 96°32'53", AN ARC DISTANCE OF 84.25 FEET TO THE END OF SAID CURVE; THENCE NORTH 40°56'37", ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 216.58 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2241.83 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 33°29'46" WEST, 579.40 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 14°50'58", AN ARC DISTANCE OF 581.02 FEET TO THE POINT OF BEGINNING. CONTAINING 7.54 ACRES, MORE OR LESS.

