

**Legislative #**

**140369**

**ORDINANCE NO. 140369**

**An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 5.0 acres of property located on Newberry Road generally south and west of NW 39<sup>th</sup> Road and east of NW 43<sup>rd</sup> Street, as more specifically described in this ordinance, from Single-Family Residential (RSF-4) district to Mixed-Use Low-Intensity (MU-1) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, by initiation of the subject property’s owner(s) or a person having a legal or equitable interest therein, this ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning the subject property from Single-Family Residential (RSF-4) district to Mixed-Use Low-Intensity (MU-1) district; and

**WHEREAS**, on September 25, 2014, a public hearing regarding the subject matter of this ordinance was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes; and

**WHEREAS**, on November 6, 2014, the City Commission held a public hearing regarding the subject matter of this ordinance and voted to authorize the City Attorney to prepare this ordinance in accordance with law; and

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

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

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

1 consistent with the City of Gainesville Comprehensive Plan when City of Gainesville Ordinance  
2 No. 140368 becomes effective as provided therein.

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
6 following property from Single-Family Residential (RSF-4) district to Mixed-Use Low-Intensity  
7 (MU-1) district:

8 See legal description attached as Exhibit "A" and made a part hereof as  
9 if set forth in full. The location of the property is shown on Exhibit  
10 "B" for visual reference. In the event of conflict or inconsistency,  
11 Exhibit "A" shall prevail over Exhibit "B".  
12

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

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

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

22 **Section 5.** This ordinance shall become effective immediately upon adoption; however,  
23 the rezoning of the subject property shall not become effective unless and until the amendment to  
24 the City of Gainesville Comprehensive Plan adopted by Ordinance No. 140368 becomes  
25 effective as provided therein.

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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
EDWARD B. BRADDY  
MAYOR

Attest:

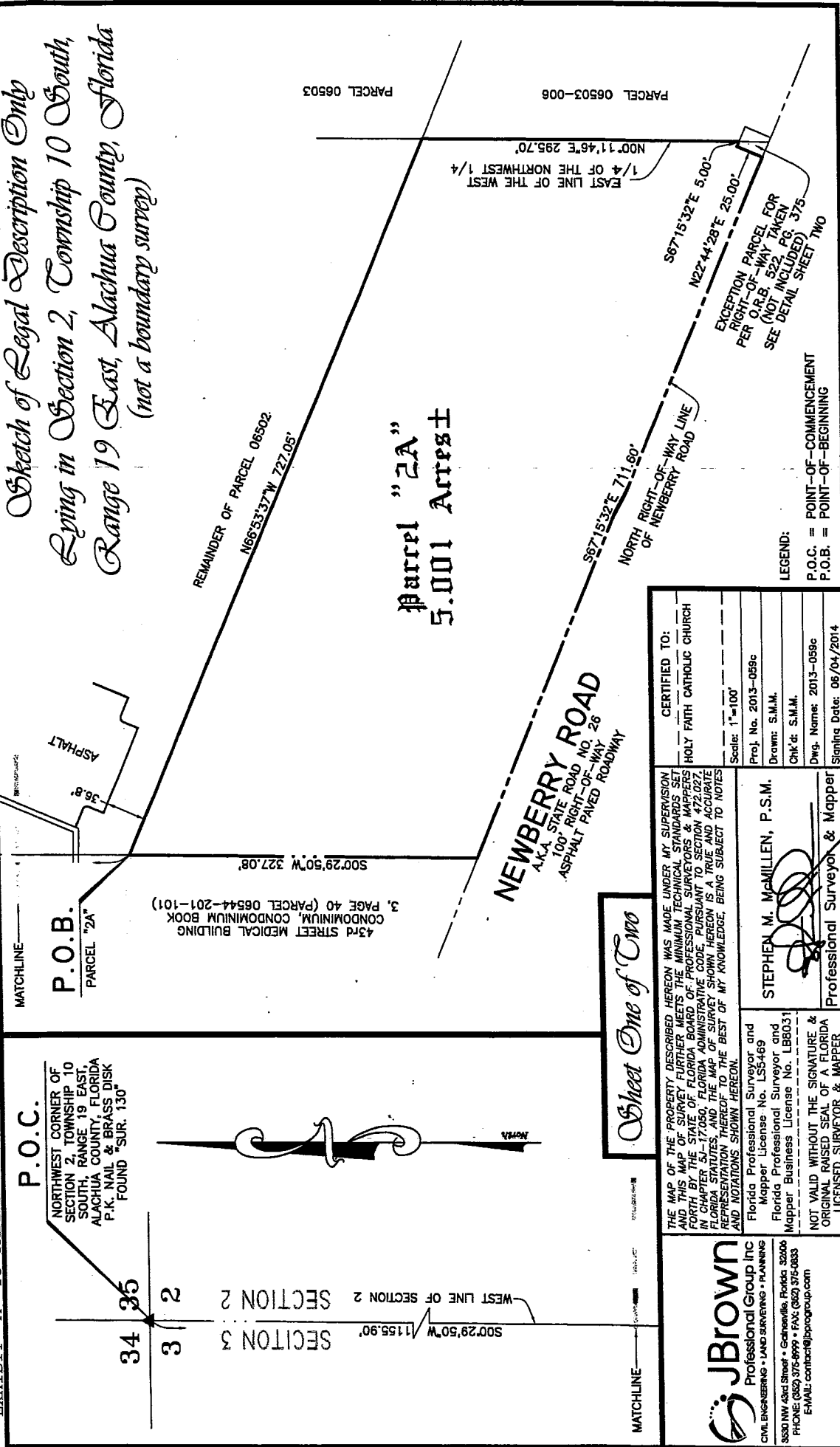
Approved as to form and legality:

By: \_\_\_\_\_  
KURT LANNON  
CLERK OF THE COMMISSION

By: \_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.



*Sketch of Legal Description Only  
 Lying in Section 2, Township 10 South,  
 Range 19 East, Alachua County, Florida  
 (not a boundary survey)*

**P.O.C.**  
 NORTHWEST CORNER OF  
 SECTION 2, TOWNSHIP 10  
 SOUTH, RANGE 19 EAST,  
 ALACHUA COUNTY, FLORIDA  
 F.K. NAIL & BRASS DISK  
 FOUND SUR. 130"



**P.O.B.**  
 PARCEL "2A"

43rd STREET MEDICAL BUILDING  
 CONDOMINIUM, CONDOMINIUM BOOK  
 3, PAGE 40 (PARCEL 06544-201-101)

**Parcel "2A"  
 5.001 Acres ±**

**NEWBERRY ROAD**  
 A.K.A. STATE ROAD NO. 28  
 100' RIGHT-OF-WAY  
 ASPHALT PAVED ROADWAY

*Sheet One of Two*

CERTIFIED TO:  
 HOLY FAITH CATHOLIC CHURCH

Scale: 1"=100'  
 Proj. No. 2013-059c  
 Drawn: S.M.M.  
 Chk'd: S.M.M.  
 Dwg. Name: 2013-059c  
 Signing Date: 06/04/2014

STEPHEN M. McMILLEN, P.S.M.  
 Professional Surveyor & Mapper

THE MAP OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THIS MAP OF SURVEY FURTHER MEETS THE MINIMUM STANDARDS SET FORTH BY THE STATE OF FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 51-17.050, THE RULES OF PROFESSIONAL CONDUCT, AND THE FLORIDA PROFESSIONAL SURVEYOR AND MAPPING ACT, CHAPTER 472.027, F.S. I HEREBY CERTIFY THAT THE MAP OF SURVEY SHOWN HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE, BEING SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

Florida Professional Surveyor and Mapper License No. L55469  
 Florida Professional Surveyor and Mapper Business License No. LB8031

NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

**JBrown**  
 Professional Group Inc  
 CIVIL ENGINEERING • LAND SURVEYING • PLANNING

3800 NW 56th Street • Gainesville, Florida 32606  
 PHONE: (352) 375-6999 • FAX: (352) 375-0833  
 E-MAIL: contact@jbrgroup.com

LEGEND:  
 P.O.C. = POINT-OF-COMMENCEMENT  
 P.O.B. = POINT-OF-BEGINNING

EXCEPTION PARCEL FOR  
 RIGHT-OF-WAY TAKEN  
 PER O.R.B. 522, P.G. 375  
 SEE DETAIL SHEET TWO

PARCEL 06503-006  
 PARCEL 06503

REMAINDER OF PARCEL 06502  
 N66°33'37"W 727.05'

EAST LINE OF THE WEST  
 1/4 OF THE NORTHWEST 1/4  
 N00°11'46"E 295.70'

S67°15'32"E 711.80'  
 NORTH RIGHT-OF-WAY LINE  
 OF NEWBERRY ROAD

S67°15'32"E 5.00'  
 N22°44'28"E 25.00'

SECTION 3  
 SECTION 2  
 SECTION 2  
 SECTION 2  
 WEST LINE OF SECTION 2  
 S00°29'50"W 1155.90'

34 36  
 3 | 2

MATCHLINE

MATCHLINE

*Sketch of Legal Description Only  
Lying in Section 2, Township 10 South,  
Range 19 East, Alachua County, Florida  
(not a boundary survey)*

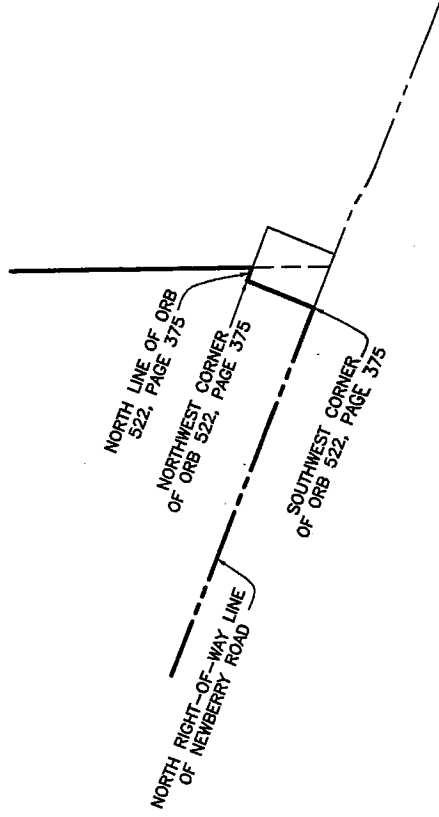
EXHIBIT "A" TO ORDINANCE NO. 140369 PAGE 2 OF 2

**Description: (by surveyor) - Holy Faith Catholic Church Parcel 2a**

A part of lands described in O.R.B. 988, page 609, public records of Alachua County, Florida; lying in Section 2, Township 10 South, Range 19 East, Alachua County, Florida; lying Southwesterly of N.W. 39th Road (a.k.a. State Road No. 26a) and North of Newberry Road (a.k.a. State Road No. 26), being more particularly described as follows:

Commence at the Northwest corner of said Section 2 and run thence South 00°29'50"West, along the West line of said Section, a distance of 1155.90 feet to the Point-of-Beginning of the herein described parcel; thence continue South 00°29'50"West, along said West line, a distance of 327.08 feet to the North right-of-way line of said Newberry Road; thence South 67°15'32"East, along said North right-of-way line, a distance of 711.60 feet to the Southwest corner of lands described in O.R.B. 522, page 375, said public records; thence North 22°44'28"East, a distance of 25.00 feet to the Northwest corner of said O.R.B. 522, page 375; thence South 67°15'32"East, along the North line of said O.R.B. 522, page 375, a distance of 5.00 feet to the East line of the West ¼ of the Northwest ¼ of said Section 2; thence North 00°11'46"East, along said East line, a distance of 295.70 feet; thence North 66°53'37"West, a distance of 727.05 feet to the said Point-of-Beginning.

Containing 5.001 Acres, more or less.



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*Sheet Two of Two*


# Exhibit B to Ordinance No. 140369

## Page 1 of 2

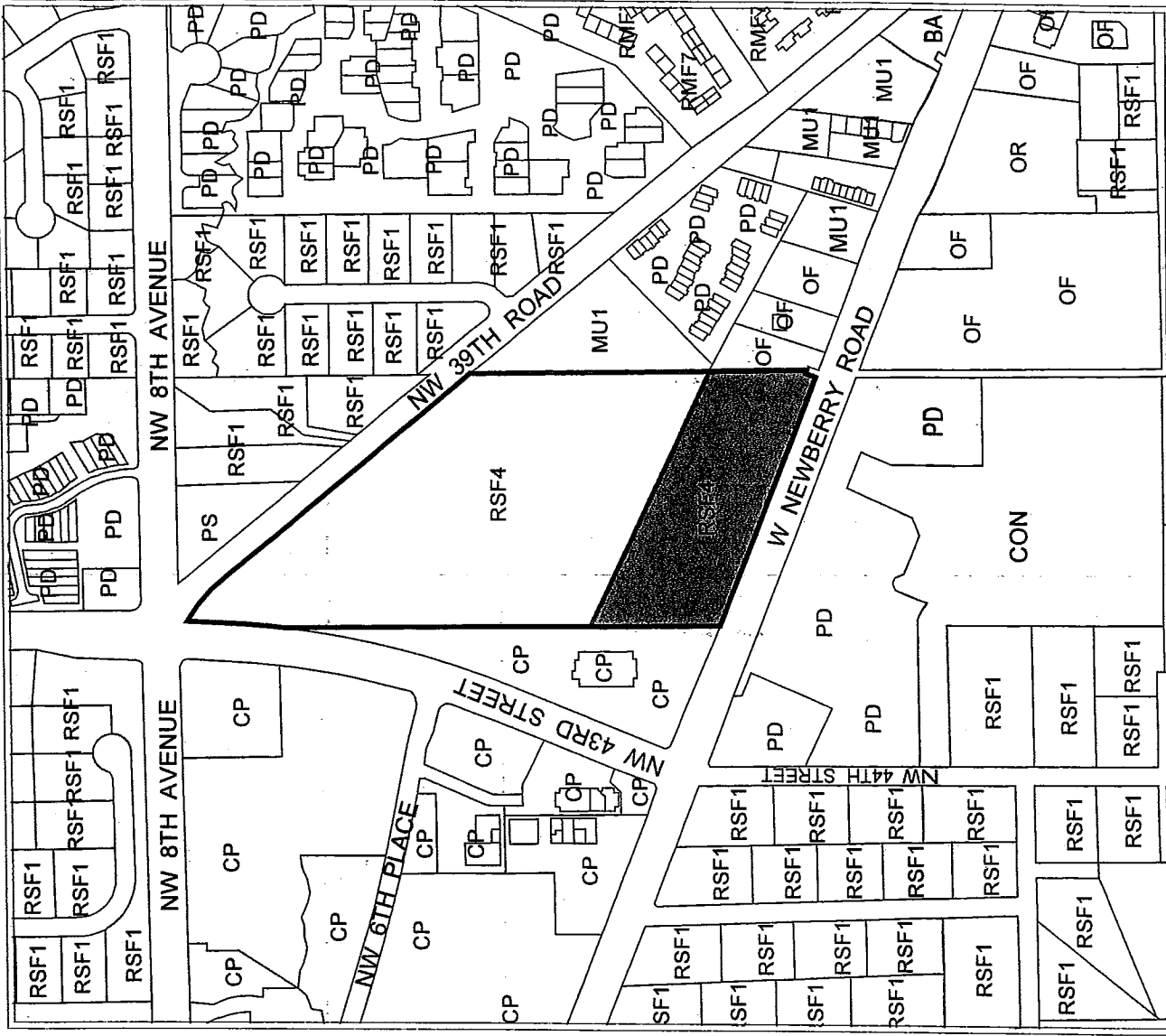
### City of Gainesville Zoning Districts

- RSF-1 3.5 units/acre Single-Family Residential
- RSF-4 8 units/acre Single-Family Residential
- RMF-7 8-21 units/acre Multiple-Family Residential
- OR 20 units/acre Office Residential
- OF General Office
- BA Automotive-Oriented Business
- MU-1 8-30 units/acre Mixed Use Low Intensity
- CON Conservation
- PS Public Services and Operations
- CP Corporate Park
- PD Planned Development

Area under petition consideration



----- Division line between two zoning districts



### EXISTING ZONING

Name	Petition Request	Petition Number
Causseaux, Hewett & Walpole, Inc., agent for Bishop of Diocese of St Augustine	Rezone property from RSF-4: 8 units/acre single-family residential district to MU-1: 8-30 Mixed Use-Low Intensity (8-30 units/acre)	PB-14-52 ZON

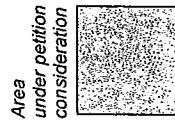


# Exhibit B to Ordinance No. 140369

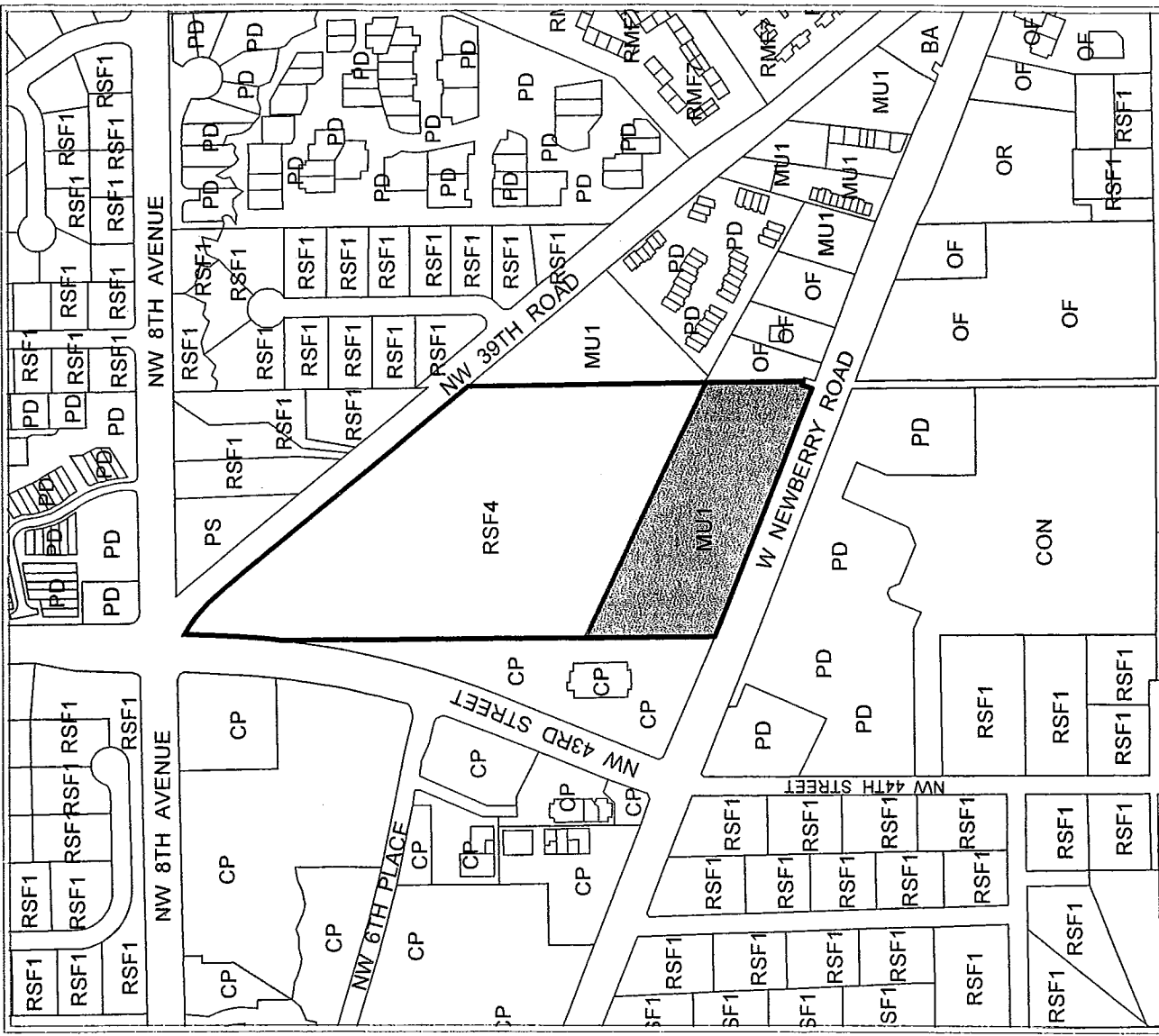
## Page 2 of 2

### City of Gainesville Zoning Districts

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----- Division line between two zoning districts



## PROPOSED ZONING

Name	Petition Request	Petition Number
Causseaux, Hewett & Walpole, Inc., agent for Bishop of Diocese of St Augustine	Rezone property from RSF-4: 8 units/acre single-family residential district to MU-1: 8-30 Mixed Use-Low Intensity (8-30 units/acre)	PB-14-52 ZON

