

D R A F T

1/5/2010

ORDINANCE NO. _____
0-09-76

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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 “BUS: General business district” to “BA: Automotive-oriented business district”; located in the vicinity of 4306 and 4322 Northwest 13th Street; 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 zoning category of “BUS: General business district” to “BA: Automotive-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 September 24, 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, at least ten (10) days notice has been given of the public hearings 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 of Gainesville; and

WHEREAS, notice has also been given by mail to the owner whose property will be regulated by the adoption of this Ordinance, at least ten days prior to the adoption of this

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1 ordinance; and

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

5 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
6 **CITY OF GAINESVILLE, FLORIDA:**

7 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
8 following described property from the zoning category of “BUS: General business district” to
9 “BA: Automotive-oriented business district”:

10 See Legal Description attached hereto as Exhibit "A", and made a part hereof
11 as if set forth in full.
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13 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
14 the Zoning Map 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 the ordinance which can be given
18 effect without the invalid or unconstitutional provisions 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.
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1 Section 5. This ordinance shall become effective immediately upon final adoption.

2 PASSED AND ADOPTED this _____ day of _____, 2010.

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PEGEEN HANRAHAN, MAYOR

ATTEST:

Approved as to form and legality:

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KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

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This ordinance passed on first reading this _____ day of _____, 2010.

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This ordinance passed on second reading this _____ day of _____, 2010.

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MJR/afm

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Legal Description for a portion of Tax Parcel 07925-000-000 to be rezoned from BUS to BA.

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF BLOCK FORTY-EIGHT, (48) OF "PARADISE" SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK "A", PAGE 4, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND THE WESTERLY RIGHT-OF-WAY OF N.W.13TH STREET (U.S. HIGHWAY NO 441), AS THE POINT OF BEGINNING; AND FROM SAID POINT OF BEGINNING RUN THENCE SOUTH ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 131.37 FEET; THENCE RUN NORTH 89d29'05" WEST, A DISTANCE OF 205 FEET; THENCE RUN NORTH, A DISTANCE OF 154.08 FEET; THENCE RUN SOUTH 89d36'43" EAST, A DISTANCE OF 70.73 FEET; THENCE RUN SOUTH 00d48'33" WEST, A DISTANCE OF 8.46 FEET; THENCE RUN SOUTH 89d49'25" EAST, A DISTANCE OF 134.27 FEET TO AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF N.W. 13TH ST. (U.S. HIGHWAY NO 441); THENCE RUN SOUTH ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 15 FEET TO THE POINT OF BEGINNING.

Legal Description for a portion of Tax Parcel 07910-000-000 to be rezoned from BUS to BA.

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF LOT 33 OF "PARADISE" SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK "A", PAGE 4 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FL, AND THE WESTERLY RIGHT-OF-WAY LINE OF N.W. 13TH ST. (U.S. HIGHWAY NO 441); THENCE RUN NORTH 00d16'08" EAST ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF N.W. 13TH ST., A DISTANCE OF 15.00 FEET TO A POINT OF BEGINNING; FROM SAID P.O.B; THENCE RUN SOUTH 89d50'42" WEST, A DISTANCE OF 134.27 FEET; THENCE RUN NORTH 06d57'50" EAST, A DISTANCE OF 8.46 FEET; THENCE RUN NORTH 89d48'10" WEST, A DISTANCE OF 196.0 FEET; THENCE RUN NORTH A DISTANCE OF 153.15 FEET; THENCE RUN NORTH 89d48'07" EAST, A DISTANCE OF 330 FEET TO AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF N.W. 13TH ST. (U.S. HIGHWAY NO 441); THENCE RUN SOUTH ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 161.61 FEET TO THE POINT OF BEGINNING.