

**Legislative #  
140933A**

**ORDINANCE NO. 140933**

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2  
3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**  
4 **Atlas by rezoning approximately 0.33 acres of property generally located at**  
5 **1220 NW 39<sup>th</sup> Avenue approximately 360 feet east of NW 13<sup>th</sup> Street, as more**  
6 **specifically described in this ordinance, from Office Residential District (OR)**  
7 **to Mixed Use Low Intensity District (MU-1); providing directions to the City**  
8 **Manager; providing a severability clause; providing a repealing clause; and**  
9 **providing an effective date.**

10  
11 **WHEREAS,** notice was given as required by law that this ordinance will amend the  
12 Zoning Map Atlas of the City of Gainesville, Florida, by rezoning the subject property from  
13 Office Residential District (OR) to Mixed Use Low Intensity District (MU-1); and

14 **WHEREAS,** on April 23, 2015, a public hearing was held by the City Plan Board, which  
15 acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it  
16 recommended approval of this ordinance; and

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

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

24 **WHEREAS,** the City Commission finds that the rezoning of the subject property will be  
25 consistent with the City of Gainesville Comprehensive Plan when the amendment to the  
26 Comprehensive Plan adopted by Ordinance No. 140932 becomes effective as provided therein.

27 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
28 **CITY OF GAINESVILLE, FLORIDA:**

1           **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
2 following property from Office Residential District (OR) to Mixed-Use Low-Intensity District  
3 (MU-1):

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

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

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

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

18           **Section 5.** This ordinance shall become effective immediately upon adoption; however,  
19 the rezoning shall become effective when the amendment to the City of Gainesville  
20 Comprehensive Plan adopted by Ordinance No. 140932 becomes effective as provided therein.

21           **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.  
22  
23  
24  
25

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

26  
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28  
29   Attest:

Approved as to form and legality:

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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.

EXHIBIT "A" TO ORDINANCE NO. 140933

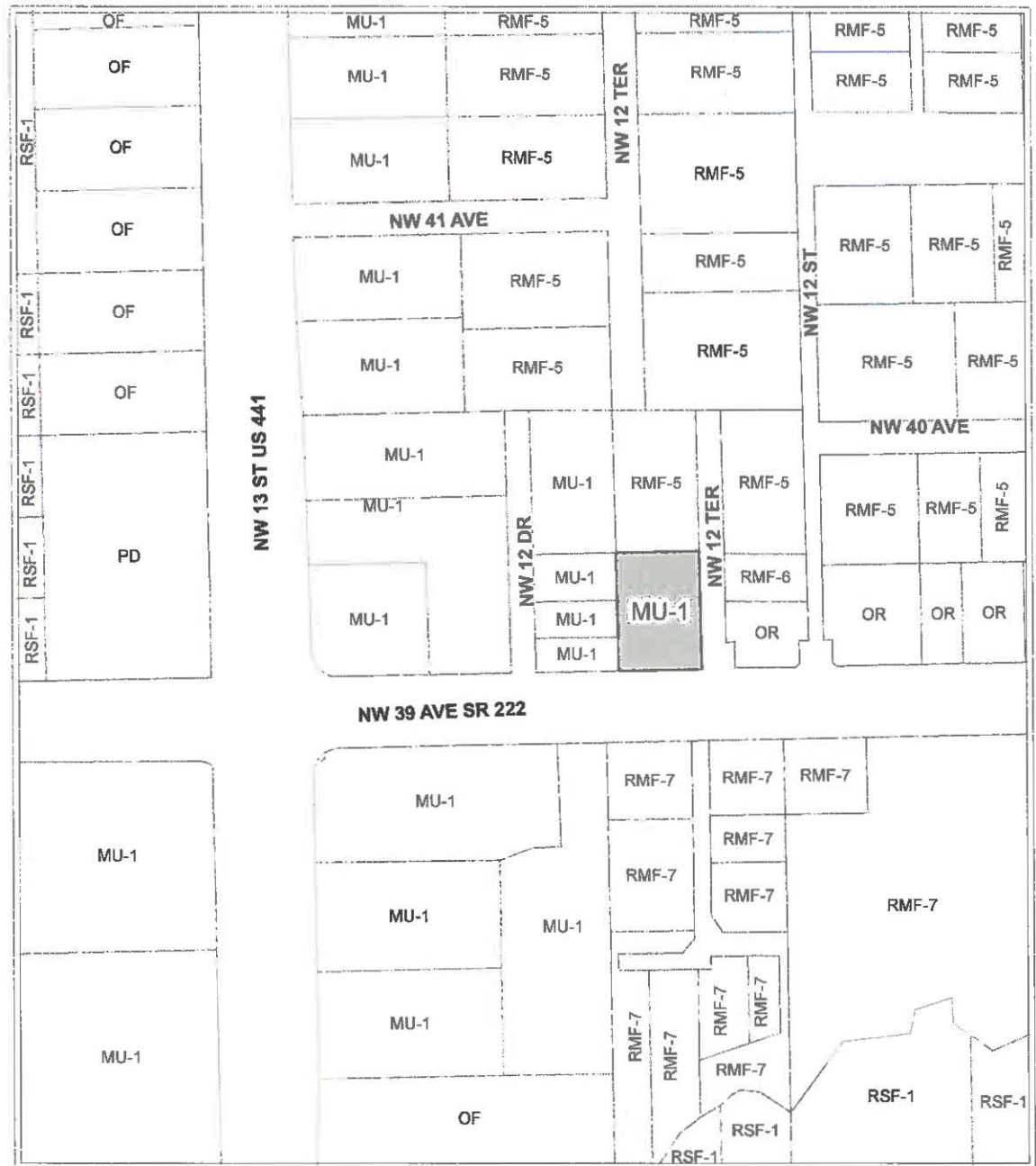
Commence at the Southwest corner of Section 20, Township 9 South, Range 20 East, run thence East 50', thence run North 23', thence run East 380', to Point of Beginning; from said Point of Beginning, thence run North 158', thence run East 100', thence run South 158', thence run West 100' to POB.

Less that part of the right of way of Northwest 39 Avenue. Less the following described parcel: A parcel of land in Section 20, Township 9 South, Range 20 East, Alachua County, Florida, more particularly described as follows:

Commence on the West line of Section 29, Township 9 South, Range 20 East, at a point 10 feet Southerly from the Northwest Corner thereof; thence North  $88^{\circ}48'31''$  East 529.71 feet; thence North  $01^{\circ}07'05''$  West 33 feet, (crossing the Northerly line of said Section 29, into Section 20, Township 9 South, Range 20 East), to the intersection of the Northerly right of way line of State Road 222 and the Westerly right of way line of Northwest Twelfth Terrace (a 30 foot right of way) and the Point of Beginning; continue North  $01^{\circ}07'05''$  West along said Westerly right of way line of Northwest Twelfth Terrace, a distance of 35 feet; thence South  $26^{\circ}25'56''$  West 22.37 feet; thence South  $88^{\circ}48'31''$  West 90.04 feet; thence South  $01^{\circ}12'21''$  East 15 feet; thence North  $88^{\circ}48'31''$  East 100.02 feet to the Point of Beginning.

### City of Gainesville Zoning Districts


- RSF-1 3.5 units/acre Single-Family Residential
- RMF-5 12 units/acre Single-Family/Multiple-Family Residential
- RMF-7 8-21 units/acre Multiple-Family Residential
- OR 20 units/acre Office Residential
- OF General Office
- MU-1 8-30 units/acre Mixed Use Low Intensity
- PD Planned Development



----- Division line between two zoning districts

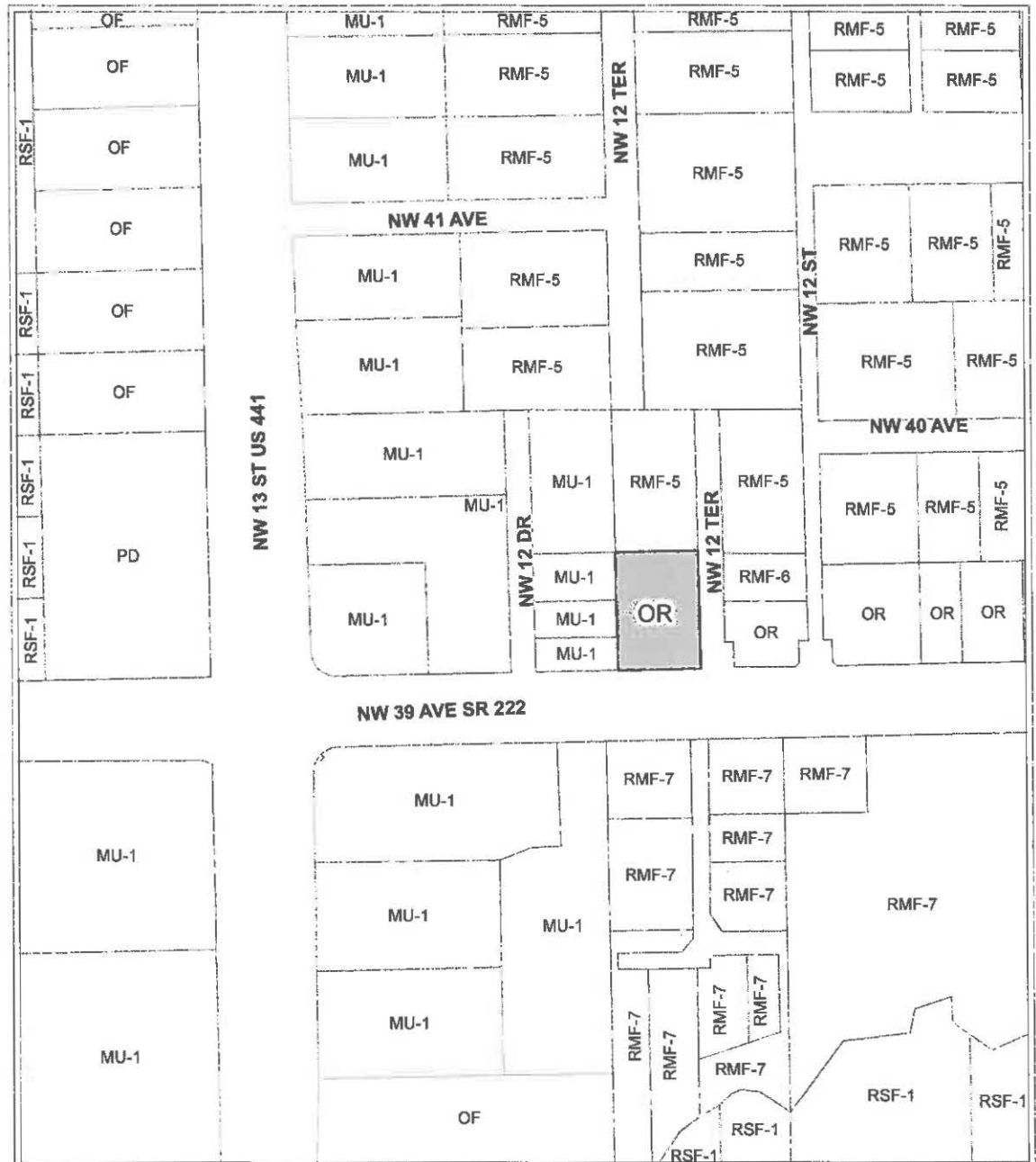
Area under petition consideration

### PROPOSED ZONING

	Name	Petition Request	Petition Number
 No Scale	John Wernery, owner	Change Zoning from OR (20 units/acre Office Residential) district to MU-1 (8-30 units/acre Mixed-Use Low-Intensity) district	PB-15-21 ZON

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**EXISTING ZONING**



No Scale

Name	Petition Request	Petition Number
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