

ORDINANCE NO. 070722
0-07-117

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area, commonly known as the Butler Plaza and Vicinity Area, and Butler Plaza Southwest Area, pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area, as more specifically described in this ordinance, generally located south of the vicinity of SW 20th Avenue, west of SW 34th Street and the City limits, north of SW Archer Road and the City limits, and east of the vicinity of Interstate 75; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing for the application of a fire services special assessment to the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing effective dates.

WHEREAS, Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for the annexation of contiguous, compact, unincorporated territory within a municipality's reserve area; and

WHEREAS, on January 10, 2006, the Board of County Commissioners of Alachua County designated the Reserve Area for the City of Gainesville pursuant to the Act; and

WHEREAS, on August 27, 2007, September 10, 2007, September 24, 2007, October 22, 2007, November 19, 2007, December 10, 2007, and January 14, 2008, the City Commission voted

1 to accept the Petitions for Voluntary Annexation submitted by the owners of the real property
2 described herein and determined that the Petitions bore the signatures of the owners of the property;
3 and

4 **WHEREAS**, on November 26, 2007, the City Commission of the City of Gainesville
5 adopted Ordinance No. 070333, and on December 10, 2007, the City Commission of the City of
6 Gainesville adopted Ordinance No. 070661, which adopted the Urban Services Reports setting
7 forth the plans to provide urban services to that portion of the Reserve Area proposed to be annexed
8 in accordance with the procedures provided in the Act; and

9 **WHEREAS**, copies of the Urban Services Reports were filed with the Alachua County
10 Board of County Commissioners and were provided to the owners of the real property affected by
11 this ordinance; and

12 **WHEREAS**, the City of Gainesville desires to annex a certain portion of its Reserve Area
13 which is compact and contiguous to the present corporate limits of the City; and

14 **WHEREAS**, pursuant to law, notice of adoption of this ordinance was published for two
15 consecutive weeks prior to first reading in a newspaper of general circulation notifying the public of
16 the Public Hearing of this proposed Ordinance to be held in the City Commission meeting room,
17 First Floor, City Hall, in the City of Gainesville; and

18 **WHEREAS**, Public Hearings were held pursuant to the published notice described above at
19 which the parties in interest and all others had an opportunity to be and were, in fact, heard.

20
21 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
22 **CITY OF GAINESVILLE, FLORIDA:**

1 **Section 1.** The City Commission finds that the Area described in Section 2 of this
2 Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the
3 present corporate limits of the City of Gainesville, and that no part of the Area is within the
4 boundary of another municipality or county. The City Commission finds the Area to be within its
5 Reserve Area and the annexation does not create an enclave.

6 **Section 2.** The following described Area is annexed and incorporated within the corporate
7 limits of the City of Gainesville, Florida:

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

10
11 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
12 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
13 Section 2 within the corporate limits of the City of Gainesville, Florida.

14 **Section 4.** The City Manager is authorized and directed to make the necessary change in
15 the Code of Ordinances of the City of Gainesville, Florida, to comply with this ordinance.

16 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
17 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
18 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
19 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement
20 officers shall have jurisdiction to enforce these regulations during the interim period through the
21 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2
22 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in
23 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone

1 properties in the annexed area to an Alachua County Zoning classification/category that conforms
2 with the Alachua County Comprehensive Plan.

3 **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are
4 lawfully engaged in any occupation, business, trade or profession within the area described in
5 Section 2 of this Ordinance as of June 1, 2008, shall have the right to continue such occupation,
6 business, trade or profession.

7 (b) Except as provided in subsection (c) below, all persons who are lawfully
8 engaged in any construction trade, occupation or business within the Area described in Section 2 of
9 this Ordinance as of June 1, 2008, and who possess a valid certificate of competency issued by
10 Alachua County shall have the right to continue the construction trade, occupation, or business
11 within the entire corporate limits of the City of Gainesville, including the Area described in Section
12 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by
13 Alachua County, and provided such persons register the certificate with the Building Inspections
14 Department of the City of Gainesville and the Department of Business and Professional Regulation
15 of the State of Florida on or before 4:00 p.m. on June 1, 2009.

16 (c) All persons lawfully engaged in any occupation, business, trade or profession
17 within the Area described in Section 2 of this Ordinance as of June 1, 2008, shall obtain a business
18 tax receipt (occupational license) from the City of Gainesville for the term commencing on October
19 1, 2008, which license shall be issued upon payment of the appropriate fee in accordance with the
20 Gainesville Code of Ordinances in effect on October 1, 2008.

