

ORDINANCE NO. 170057

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3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**
4 **Atlas by rezoning approximately 0.25 acres of property that is generally**
5 **located at 1145 E University Avenue at the intersection of SE 12th Street, as**
6 **more specifically described in this ordinance, from Mixed-Use Low-Intensity**
7 **(MU-1) district to Public Services and Operations (PS) district; specifying**
8 **uses permitted by right; providing directions to the City Manager; providing**
9 **a severability clause; providing a repealing clause; and providing an effective**
10 **date.**

11
12 **WHEREAS**, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a
13 Comprehensive Plan to guide the future development and growth of the city; and

14 **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the City of Gainesville
15 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that
16 designates the future general distribution, location, and extent of the uses of land for residential,
17 commercial, industry, agriculture, recreation, conservation, education, public facilities, and other
18 categories of the public and private uses of land, with the goals of protecting natural and historic
19 resources, providing for the compatibility of adjacent land uses, and discouraging the
20 proliferation of urban sprawl; and

21 **WHEREAS**, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt
22 or amend and enforce land development regulations that are consistent with and implement the
23 Comprehensive Plan and that are combined and compiled into a single land development code
24 for the city; and

25 **WHEREAS**, the City of Gainesville Land Development Code (Chapter 30 of the City of
26 Gainesville Code of Ordinances) establishes zoning districts to implement the Comprehensive
27 Plan and land development regulations on specific classifications of land within the city; and

28 **WHEREAS**, this ordinance, which was requested by the owners of the property that is the
29 subject of this ordinance and which was noticed as required by law, will amend the Zoning Map
30 Atlas by rezoning the subject property; and

1 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
2 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
3 pursuant to Section 163.3174, Florida Statutes, held a public hearing on May 25, 2017, and voted
4 to recommend that the City Commission approve this rezoning; and

5 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
6 newspaper of general circulation and provided the public with at least seven days' advance
7 notice of this ordinance's first public hearing to be held by the City Commission in the City Hall
8 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

9 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was
10 placed in the aforesaid newspaper and provided the public with at least five days' advance notice
11 of this ordinance's second public hearing to be held by the City Commission; and

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

14 **WHEREAS**, the City Commission finds that the rezoning of the property described herein is
15 consistent with the City of Gainesville Comprehensive Plan.

16 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY**
17 **OF GAINESVILLE, FLORIDA:**

18 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
19 following property from Mixed-Use Low-Intensity (MU-1) district to Public Services and
20 Operations District (PS) district:

21 See legal description attached as **Exhibit A** and made a part hereof as if set
22 forth in full. The location of the property is shown on **Exhibit B** for visual
23 reference. In the event of conflict or inconsistency, **Exhibit A** shall prevail
24 over **Exhibit B**.

25 **SECTION 2.** The uses permitted by right on the property described in Section 1 of this
26 ordinance are as follows:
27

- 1 1) Cemetery; and
2 2) Any accessory uses customarily and clearly incidental to any permitted use.

3
4 **SECTION 3.** The City Commission finds that a preliminary development plan is not required at
5 the time of this rezoning ordinance, but shall be submitted in accordance with the Land
6 Development Code upon any applicable future development of the subject property.


7 **SECTION 4.** The City Manager or designee is authorized and directed to make the necessary
8 changes to the Zoning Map Atlas to comply with this ordinance.

9 **SECTION 5.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
10 the application hereof to any person or circumstance is held invalid or unconstitutional, such
11 finding shall not affect the other provisions or applications of this ordinance that can be given
12 effect without the invalid or unconstitutional provision or application, and to this end the
13 provisions of this ordinance are declared severable.


14 **SECTION 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
15 conflict hereby repealed.


16 **SECTION 7.** This ordinance shall become effective immediately upon adoption.

17 **PASSED AND ADOPTED** this 16th day of November, 2017.

18
19
20
21 
22 _____
23 LAUREN POE
24 MAYOR

25 Attest: Approved as to form and legality:

26
27 
28 _____
29 KURT LANNON
30 CLERK OF THE COMMISSION

31 
32 _____
33 NICOLLE M. SHALLEY
34 CITY ATTORNEY

32 This ordinance passed on first reading this 2nd day of November, 2017.

33 This ordinance passed on adoption reading this 16th day of November, 2017.

B'NAI ISRAEL CEMETERY LOT LEGAL DESCRIPTION

TAX PARCEL #11562-000-000
1145 EAST UNIVERSITY AVENUE
GAINESVILLE, FL

SECTION 04, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA

LAND DESCRIPTION: (OFFICIAL RECORDS BOOK 2194, PAGE 2868)

PARCEL ONE:

LOTS ONE (1), TWO (2) AND THREE (3) OF BLOCK TWENTY-SEVEN (27) OF NEW GAINESVILLE, A SUBDIVISION IN SECTION FOUR (4), TOWNSHIP TEN (10) SOUTH, RANGE TWENTY (20) EAST, AS PER PLAT RECORDED IN PLAT BOOK "A", PAGE SIXTY-FIVE, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

AND ALSO BEGIN AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 27, NEW GAINESVILLE; THENCE SOUTH 7 1/2 FEET TO THE CENTER LINE OF AN ALLEY; THENCE WEST ON SAID CENTER LINE OF ALLEY TO THE EASTERLY BOUNDARY OF JEWISH CEMETERY; THENCE NORTHEASTERLY ON SAID LINE TO THE SOUTH LINE OF LOT 3, BLOCK 27, NEW GAINESVILLE; THENCE EAST TO THE POINT OF BEGINNING.

City of Gainesville Zoning Districts

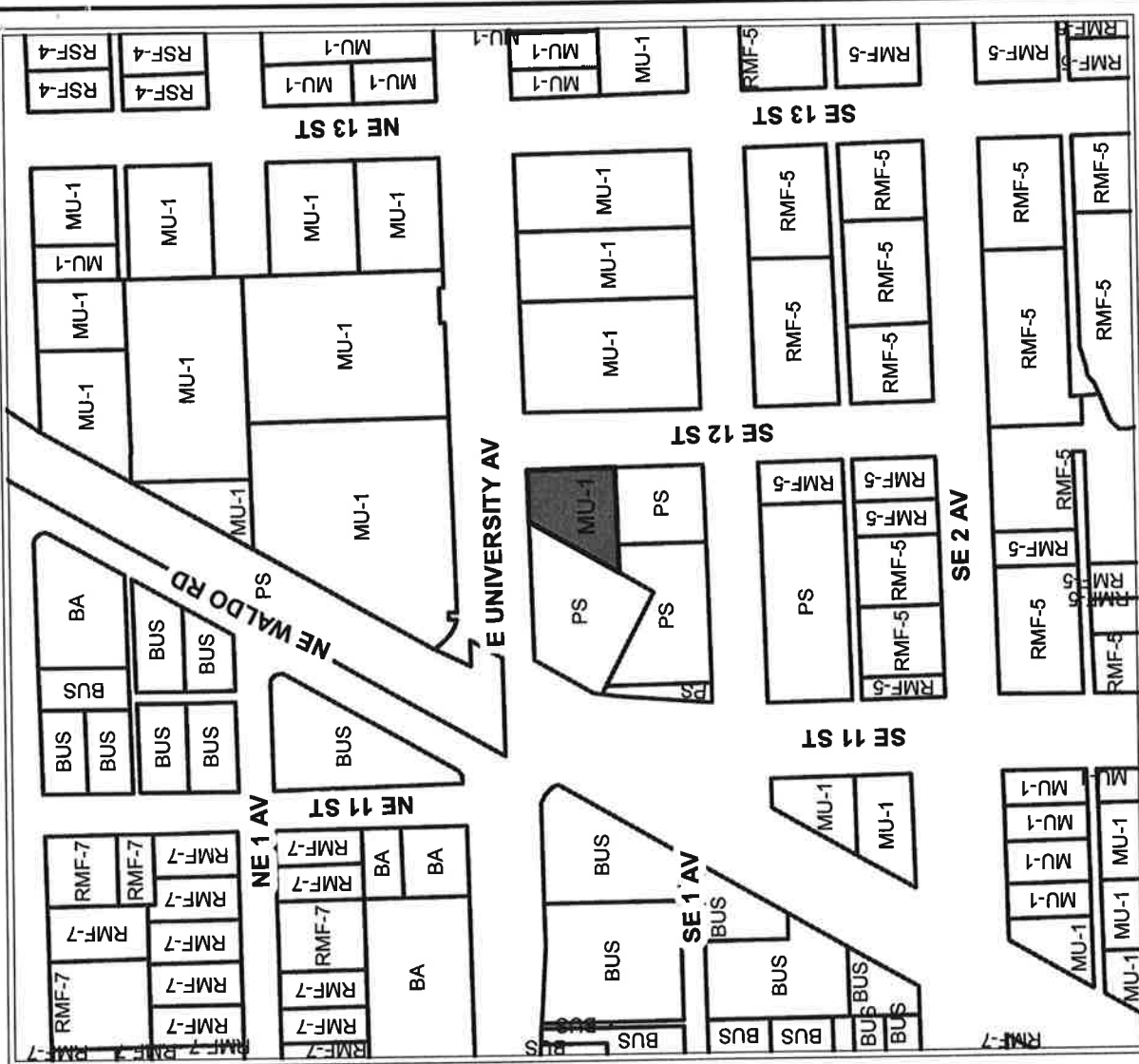
- RSF-4 8 units/acre Single-Family Residential
- RMF-5 12 units/acre Single-Family/Multiple-Family Residential
- RMF-7 8-21 units/acre Multiple-Family Residential
- BUS General Business
- BA Automotive-Oriented Business
- MU-1 8-30 units/acre Mixed-Use Low Intensity
- PS Public Services and Operations

Exhibit "B" to Ordinance No. 170057
page 1 of 2


Area
under petition
consideration



----- Division line between two zoning districts



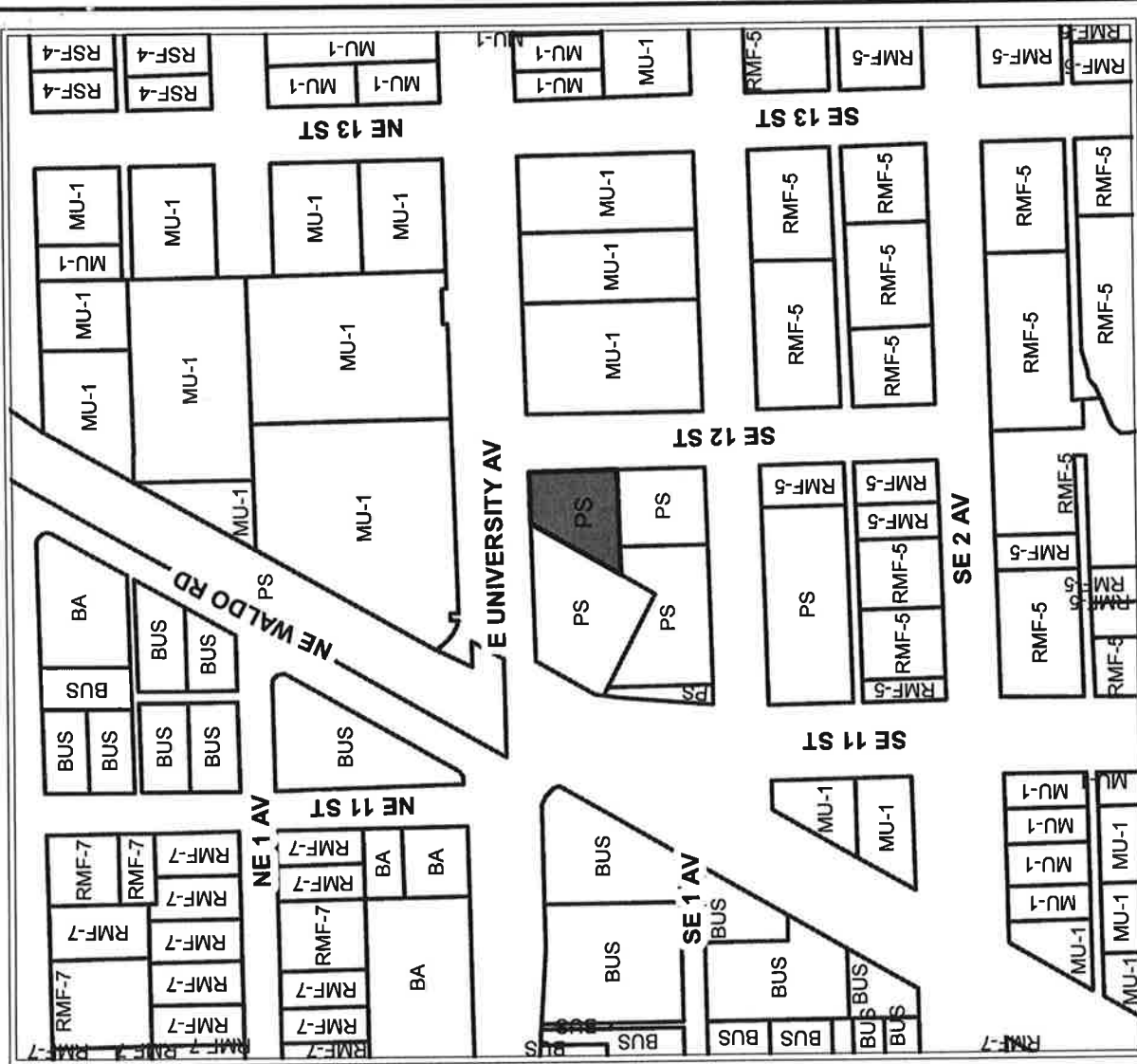
EXISTING ZONING

Name	Petition Request	Petition Number
 No Scale	Rezone property from MU-1: 8-30 units/acre mixed-use low intensity to PS: Public Services and Operations district	PB-17-01 ZON

City of Gainesville Zoning Districts

- RSF-4 8 units/acre Single-Family Residential
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Exhibit "B" to Ordinance No. 170057



Area under petition consideration

----- Division line between two zoning districts

PROPOSED ZONING

Name	Petition Request	Petition Number
<p>JOLA, Inc., agent for the Congregation B'nai Israel, Inc.</p>	<p>Rezone property from MU-1: 8-30 units/acre mixed-use low intensity to PS: Public Services and Operations district</p>	<p>PB-17-01 ZON</p>



No Scale