

LEGISLATIVE #

190983A

ORDINANCE NO. 190983

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3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**
4 **Atlas by rezoning approximately 86.64 acres of property generally located**
5 **south of SW Williston Road, west of SW 29th Drive, north of SW 56th Avenue,**
6 **and east of SW 34th Street, as more specifically described in this ordinance,**
7 **from Alachua County Business Highway (BH) district, Alachua County**
8 **Residential Professional (RP) district, and Alachua County Single Family Estate**
9 **Residential (RE) district to City of Gainesville General Office (OF) district, City**
10 **of Gainesville General Business (BUS) district, and City of Gainesville**
11 **Residential Single-Family (RSF-1) district; providing directions to the City**
12 **Manager; providing a severability clause; providing a repealing clause; and**
13 **providing an effective date.**
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15
16 **WHEREAS**, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a
17 Comprehensive Plan to guide the future development and growth of the city; and

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

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

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

32 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Zoning Map
33 Atlas by rezoning the property that is the subject of this ordinance; and

34 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
35 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
36 pursuant to Section 163.3174, Florida Statutes, held a public hearing on February 27, 2020, and
37 voted to recommend that the City Commission approve this rezoning; and

38 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
39 newspaper of general circulation and provided the public with at least seven days' advance
40 notice of this ordinance's first public hearing to be held by the City Commission; and

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

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

46 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be
47 consistent with the City of Gainesville Comprehensive Plan when the amendment to the
48 Comprehensive Plan adopted by Ordinance No. 190982 becomes effective as provided therein.

49 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
50 **FLORIDA:**

51 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the

52 following property from Alachua County Business Highway (BH) district, Alachua County
53 Residential Professional (RP) district, and Alachua County Single Family Estate Residential (RE)
54 district to City of Gainesville General Office (OF) district, City of Gainesville General Business
55 (BUS) district, and City of Gainesville Residential Single-Family (RSF-1) district;

56 See legal description attached as **Exhibit A** and made a part hereof as if set forth
57 in full. The location of the property is shown on **Exhibit B** for visual reference.
58 The individual parcels' zoning districts are shown in **Exhibit C**. In the event of
59 conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B** and **Exhibit C**.

60
61 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary
62 changes to the Zoning Map Atlas to comply with this ordinance.

63 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
64 the application hereof to any person or circumstance is held invalid or unconstitutional, such
65 finding will not affect the other provisions or applications of this ordinance that can be given
66 effect without the invalid or unconstitutional provision or application, and to this end the
67 provisions of this ordinance are declared severable.

68 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
69 conflict hereby repealed.

70 **SECTION 5.** This ordinance will become effective immediately upon adoption; however, the
71 rezoning will not become effective until the amendment to the City of Gainesville
72 Comprehensive Plan adopted by Ordinance No. 190982 becomes effective as provided therein.

73 **PASSED AND ADOPTED** this _____ day of _____, 2020.

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79

LAUREN POE
MAYOR

80 Attest:

Approved as to form and legality:

81

82

83

84 _____

84 OMICHELE D. GAINEY

NICOLLE M. SHALLEY

85 CLERK OF THE COMMISSION

CITY ATTORNEY

86

87 This ordinance passed on first reading this _____ day of _____, 2020.

88

89 This ordinance passed on second reading this _____ day of _____, 2020.

Legal Description

DESCRIPTION FOR ANNEXATION AT THE SOUTHEAST CORNER OF SW WILLISTON ROAD AND ROCKY POINT ROAD INCLUDING A PORTION OF TAX PARCEL # 07240-000-000 AND TAX PARCELS # 07240-037-000, 07176-012-000, 07176-016-000, 07176-011-000, 07176-010-000, 07176-007-000 & 07176-000-000.

A PORTION OF THE MAP OF PROPERTY BELONGING TO MACKEY & HUDSON AS RECORDED IN DEED BOOK "J", PAGE 906 AND A PORTION OF LOTS 2, 3, AND 4 OF SERENOLA PLANTATION, AS RECORDED IN DEED BOOK "L", PAGES 480 AND 481 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND A PORTION OF THE GARY GRANT, ALL LYING AND BEING IN TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NUMBER 001912 MARKING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SW WILLISTON ROAD ALSO KNOWN AS STATE ROAD 331 AND THE NORTHWEST CORNER OF THE "TOGETHER WITH" PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4475, PAGE 1006 ALSO BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF SAID WILLISTON ROAD AND SW 29TH DRIVE AND THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED PARCEL; THENCE ALONG SAID EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NUMBER 001912 THE FOLLOWING 5 COURSES: 1.) S 09°05'14" W, 1,608.85 FEET 2.) S 40°54'46" E, 20.00 FEET; 3.) S 49°05'14" W, 649.34 FEET; 4.) S 21°41'17" W, 65.19 FEET TO THE EAST LINE OF ROCKY POINT ROAD; 5.) S 49°05'14" W, 100.00 FEET TO THE WEST LINE OF ROCKY POINT ROAD; THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT LINE S 40°52'37"E ALONG THE WEST RIGHT-OF-WAY LINE OF SAID ROCKY POINT ROAD ALSO BEING KNOWN AS COUNTY ROAD NUMBER 23, A DISTANCE OF 1,718.50 FEET TO A POINT ON A SOUTHWESTERLY PROJECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SW 56TH AVENUE; THENCE N 73°09'53 E ALONG SAID PROJECTION AND RIGHT-OF-WAY LINE A DISTANCE OF 175.36 FEET TO A POINT OF INTERSECTION ON SAID RIGHT-OF-WAY; THENCE N 84°06'56" E ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 149.37 FEET TO A POINT LYING S 05°56'18" E, 33.00 FEET ON A SOUTHERLY EXTENSION OF THE WEST LINE OF SAID SERENOLA PLANTATION FROM A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF SAID SERENOLA PLANTATION ALSO BEING THE SOUTHWEST CORNER OF LOT 4 OF SAID SERENOLA PLANTATION; THENCE CONTINUE N 84°06'56" E ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 1318.36 FEET TO A POINT ON A SOUTHERLY PROJECTION OF THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4161, PAGE 270; THENCE N 05°32'43" W ALONG SAID SOUTHERLY PROJECTION 33.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID SW 56TH AVENUE ALSO BEING THE SOUTHWEST

ONE OF THREE: NOT COMPLETE WITHOUT ALL THREE SHEETS

Exhibit A to Ordinance No. 190983

page 1 of 3

CORNER OF SAID PARCEL; THENCE CONTINUE N 05°32'43" W ALONG SAID WEST LINE A DISTANCE OF 663.75 FEET TO THE NORTHWEST CORNER OF SAID PARCEL ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NUMBER 030250; THENCE CONTINUE ALONG SAID EXISTING CITY LIMIT LINE THE FOLLOWING 7 COURSES; 1.) SOUTH 84°06'56" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SERENOLA PLANTATION, 1023.15 FEET TO A POINT LYING 300 FEET PERPENDICULAR TO THE WEST LINE OF SAID SERENOLA PLANTATION, AT A POINT WHICH LIES NORTH 05°56'18" WEST, 663.44 FEET FROM THE CONCRETE MONUMENT FOUND AT THE SOUTHWEST CORNER OF SAID SERENOLA PLANTATION, AND SOUTH 05°56'18" EAST, 3939.09 FEET FROM A REBAR AND CAP (JW MYERS, PLS 3447) FOUND AT THE NORTHWEST CORNER OF SAID SERENOLA PLANTATION; 2.) NORTH 05°56'18" WEST, PARALLEL TO THE WEST LINE OF SAID SERENOLA PLANTATION, 879.95 FEET; 3.) NORTH 49°05'14" EAST, 330.77 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 540.00 FEET; 4.) NORTHEASTERLY, ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 172.00 FEET THROUGH A CENTRAL ANGLE OF 18°14'59" TO THE END OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 39° 57' 45" EAST, 171.27 FEET; 5.) NORTH 30°50'15" EAST 94.84 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 460.00 FEET; 6.) NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°14'59" AN ARC DISTANCE OF 146.52 FEET TO THE END OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF N 39°57'45" E, 145.90 FEET; 7.) NORTH 49°05'14" EAST, 251.14 FEET TO A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO.150818 ALSO BEING THE SOUTHWEST CORNER OF THE "TOGETHER WITH" PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4475, PAGE 1006; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL AND EXISTING CITY LIMIT LINE NORTH 40°54'00" WEST, 726.04 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 86.64 ACRES, MORE OR LESS.

SW WILLISTON & ROCKY POINT ROADS VICINITY

SKETCH & DESCRIPTION FOR PROPOSED ANNEXATION

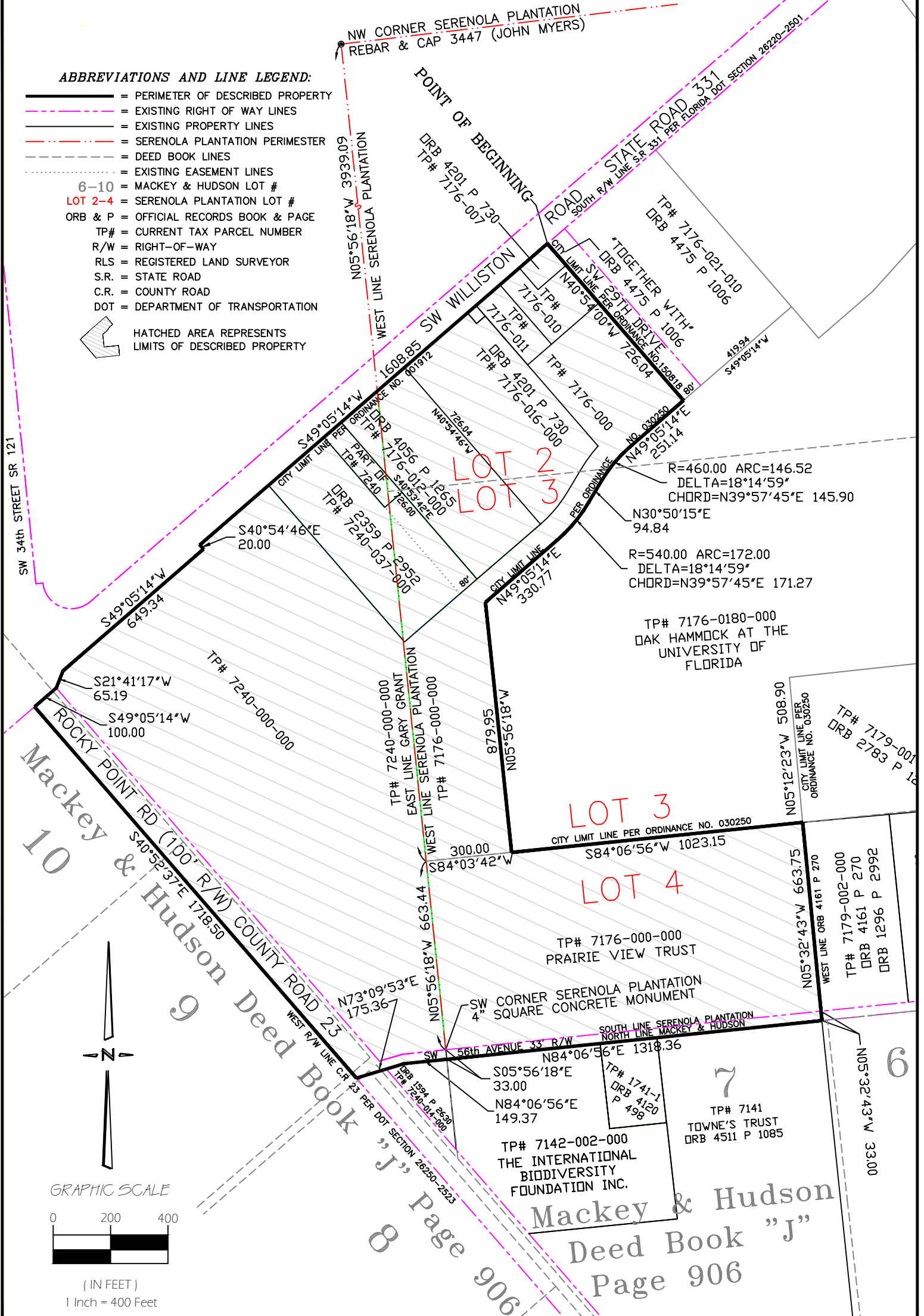
SEE DESCRIPTION ON SHEETS ONE AND TWO

SURVEYOR'S NOTES:

1. THE BEARING BASIS FOR THIS SKETCH & DESCRIPTION IS THE SOUTH LINE OF WILLISTON ROAD ACCORDING TO A SURVEY BY ENG. DENMAN, AND ASSOCIATES, PROJECT NUMBER 99-136 S08, DATED 08/09/2002 OF THE OAK HAMMOCK AT THE UNIVERSITY OF FLORIDA.
2. INFORMATION FROM THE PROPERTY APPRAISER'S WEB SITE, DEEDS OF RECORD, AN HH GREEN SURVEY FROM 1964 PROVIDED TO THIS SURVEYOR, DEED BOOK "J", PAGE 906 (THE MAP OF MACKEY AND HUDSON LANDS) AND DEED BOOK "L", PAGES 480 & 481 WERE ALSO USED TO BEST REPRESENT THE INTENT OF THE LANDS TO BE INCLUDED IN THIS SKETCH AND DESCRIPTION.

ABBREVIATIONS AND LINE LEGEND:

- = PERIMETER OF DESCRIBED PROPERTY
 - = EXISTING RIGHT OF WAY LINES
 - = EXISTING PROPERTY LINES
 - = SERENOLA PLANTATION PERIMETER
 - = DEED BOOK LINES
 - = EXISTING EASEMENT LINES
 - 6-10 = MACKEY & HUDSON LOT #
 - LOT 2-4 = SERENOLA PLANTATION LOT #
 - ORB & P = OFFICIAL RECORDS BOOK & PAGE
 - TP# = CURRENT TAX PARCEL NUMBER
 - R/W = RIGHT-OF-WAY
 - RLS = REGISTERED LAND SURVEYOR
 - S.R. = STATE ROAD
 - C.R. = COUNTY ROAD
 - DOT = DEPARTMENT OF TRANSPORTATION
- HATCHED AREA REPRESENTS LIMITS OF DESCRIBED PROPERTY



THIS IS NOT A BOUNDARY SURVEY

SHEET THREE OF THREE: NOT COMPLETE WITHOUT ALL SHEETS

CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT
ENGINEERING SUPPORT SERVICES
405 NW 39th AVENUE P.O. BOX 490 GAINESVILLE, FL 32627
OFFICE (352) 393-8194

I HEREBY CERTIFY THAT THIS SKETCH & DESCRIPTION MEETS OR EXCEEDS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.021, FLORIDA STATUTES.

DRAWN BY: PRD
CHECKED BY: TGH
DATE: 11/6/2019
CAD FILE NAME:
Nov 2019 Annex

PATRICK R. DURBIN, RLS FL CERT.# 5368

Petition PB-19-176 ZON Existing Zoning

Area Under Petition Consideration

City Limits

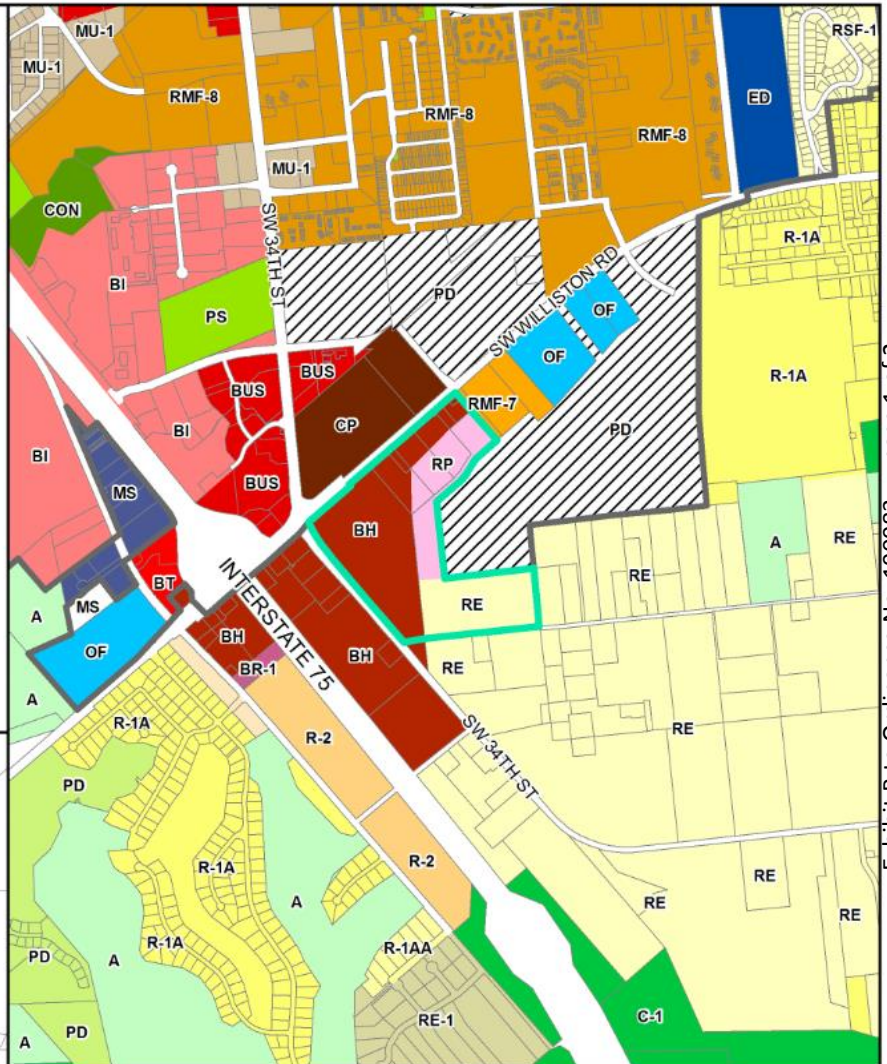
Parcels

Gainesville Zoning Districts

- BI: Business Industrial
- BT: Tourist-Oriented Business
- BUS: General Business District
- CON: Conservation
- CP: Corporate Park
- ED: Educational Services
- MU-1: Mixed Use Low Intensity
- OF: General Office
- PD: Planned Development
- PS: Public Services and Operations
- RMF-7: Multiple-Family Residential
- RMF-8: Multiple-Family Residential
- RSF-1: Single-Family Residential

Alachua County Zoning Districts

- (A) Agricultural
- (BH) Highway Oriented Business
- (BR-1) Business, Retail Sales/Service
- (C-1) Conservation
- (MS) Manufacturing/Services
- (PD) Planned Development
- (R-1A) Single Family Residential
- 0100R-1AA
- (R-1B) Single Family Residential
- (R-2) Multi-family Residential
- (RE) Residential-Estate
- (RE-1) Residential-Estate
- (RP) Residential/Professional



Petition PB-19-176 ZON Proposed Zoning

Area Under Petition Consideration

City Limits

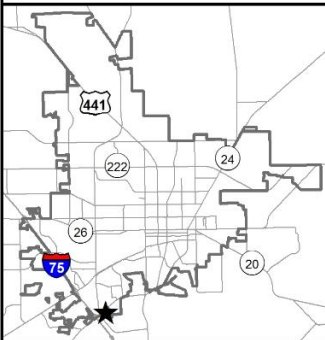
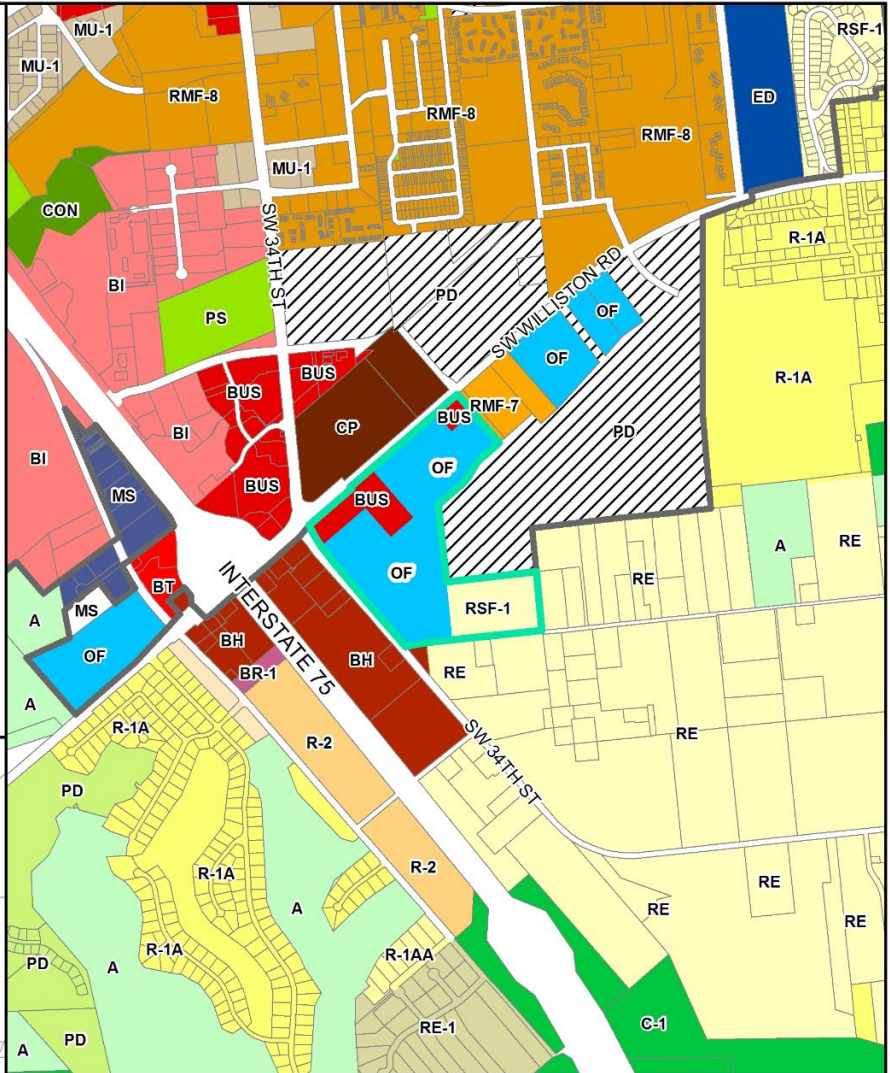
Parcels

Gainesville Zoning Districts

- BI: Business Industrial
- BT: Tourist-Oriented Business
- BUS: General Business District
- CON: Conservation
- CP: Corporate Park
- ED: Educational Services
- MU-1: Mixed Use Low Intensity
- OF: General Office
- PD: Planned Development
- PS: Public Services and Operations
- RMF-7: Multiple-Family Residential
- RMF-8: Multiple-Family Residential
- RSF-1: Single-Family Residential

Alachua County Zoning Districts

- (A) Agricultural
- (BH) Highway Oriented Business
- (BR-1) Business, Retail Sales/Service
- (C-1) Conservation
- (MS) Manufacturing/Services
- (PD) Planned Development
- (R-1A) Single Family Residential
- 0100R-1AA
- (R-1B) Single Family Residential
- (R-2) Multi-family Residential
- (RE) Residential-Estate
- (RE-1) Residential-Estate
- (RP) Residential/Professional



ZONING DISTRICTS

Parcel Number	Existing Zoning Districts	Proposed Zoning Districts
07176-007-000	BH	BUS
07176-010-000	BH	BUS
07176-011-000	BH	BUS
07240-037-000	BH, RP	OF
07176-016-000	BH, RP	OF
07176-012-000	BH, RP	OF
07240-000-000 A PORTION OF	BH	BUS, OF
07176-000-000 A PORTION OF	BH, RP, RE	OF, RSF-1

Key – Zoning Districts

- BH – Alachua County Highway Oriented Business
- BUS – City of Gainesville General Business
- OF – City of Gainesville Office
- RP – Alachua County Residential/Professional
- RE – Alachua County Residential Estate
- RSF-1 – City of Gainesville Single Family Residential