

**LEGISLATIVE #**

**120235A**

ORDINANCE NO. 120235

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2  
3       **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**  
4       **Atlas by rezoning approximately 497 square feet of property located in the**  
5       **vicinity of the east side of SW 43<sup>rd</sup> Street, approximately 31 feet from the**  
6       **south right-of-way of SW 20<sup>th</sup> Avenue, as more specifically described in this**  
7       **ordinance, from Alachua County Planned Development district (PD) to City**  
8       **of Gainesville Public services and operations district (PS); establishing uses**  
9       **permitted by right; excepting the requirement of a preliminary development**  
10       **plan; providing conditions on the property; providing directions to the City**  
11       **Manager; providing a severability clause; providing a repealing clause; and**  
12       **providing an immediate effective date.**  
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14       **WHEREAS**, publication of notice of a public hearing was given that the Zoning Map  
15 Atlas of the City of Gainesville be amended by rezoning certain property from Alachua County  
16 Planned Development district (PD) to City of Gainesville Public services and operations district  
17 (PS); and

18       **WHEREAS**, the City Commission finds that the rezoning of the property described  
19 herein is consistent with the City of Gainesville Comprehensive Plan; and

20       **WHEREAS**, notice was given and publication made as required by law and a public  
21 hearing was held by the City Plan Board on July 26, 2012; and

22       **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10  
23 inches long was placed in a newspaper of general circulation and provided the public with at  
24 least seven (7) days advance notice of the first public hearing to be held in the City Hall  
25 Auditorium, First Floor, City Hall, City of Gainesville; and

26       **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long  
27 was placed in the aforesaid newspaper and provided the public with at least five (5) days advance  
28 notice of the second public hearing; and

29       **WHEREAS**, public hearings were held pursuant to the published notices described above

1 at which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
2 heard.

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
6 following property from Alachua County Planned Development district (PD) to City of  
7 Gainesville of Public Services and Operations district (PS):

8 See legal description attached as Exhibit "A" and made a part hereof as if set  
9 forth in full. The location of the property is shown on Exhibit "B" for visual  
10 reference. In the event of conflict or inconsistency, Exhibit "A" shall prevail  
11 over Exhibit "B."  
12

13 **Section 2.** The uses permitted by right on the property described in Section 1 of this  
14 ordinance are as follows:

- 15 1) Stormwater retention and treatment;
- 16 2) Utility transmission and distribution lines;
- 17 3) Utility buildings or facilities (as defined in Section 30-23 of the Land  
18 Development Code); and
- 19 4) Accessory uses customarily and clearly incidental to any permitted  
20 principal use.  
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23 **Section 3.** The City Commission finds that a preliminary development plan is not  
24 required in connection with this rezoning.

25 **Section 4.** The subject property shall be developed and regulated in accordance with the  
26 requirements of the City of Gainesville's Land Development Code and all other applicable  
27 regulations.

28 **Section 5.** The City Manager is authorized and directed to make the necessary changes to  
29

1 the Zoning Map Atlas to comply with this ordinance.

2 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
3 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
4 finding shall not affect the other provisions or applications of this ordinance that can be given  
5 effect without the invalid or unconstitutional provision or application, and to this end the  
6 provisions of this ordinance are declared severable.

7 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
8 such conflict hereby repealed.

9 **Section 8.** This ordinance shall become effective immediately upon adoption.

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11 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013

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

Attest:

Approved as to form and legality:

By: \_\_\_\_\_  
KURT LANNON  
CLERK OF THE COMMISSION

By: \_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

### **Legal Description**

That part of Lot 33 of The Venture Apartments, as per plat recorded in Plat Book "K", at page 75 of the Public Records of Alachua County, Florida, and being more particularly described as follows:

Commence at an intersection of the west line of Section 11, Township 10 South, Range 19 East, with the southwesterly right of way line of SW 20 Avenue for a Point of Reference; thence South 00 deg. 06 min. 12 sec. East along the said west line of Section 11 (a.k.a. the east right of way line of SW 43 Street), a distance of 30.79 feet to an intersection with the southwesterly boundary line of a 25.0 foot dedicated drainage easement, as per the said record plat and as per Official Record Book 930 page 209 of the said Public Records and being the Point of Beginning;

Thence continue South 00 deg. 06 min. 12 sec. East, along the said west line (a.k.a. the east right of way line of SW 43 Street), a distance of 35.0 feet; thence North 62 deg. 45 min. 10 sec. East, a distance of 31.94 feet to an intersection with the said southwesterly boundary line of a 25.0 foot drainage easement; then North 54 deg. 23 min. 42 sec. West along the said southwesterly boundary line, a distance of 35.0 feet to an intersection with the said west line of Section 11 for the said Point of Beginning

Containing approximately 497 square feet.

**Bearing Note:** The bearings as shown therein have been projected from the Record Plat of the Venture Apartments.

Exhibit "A"  
to Ordinance No. 120235

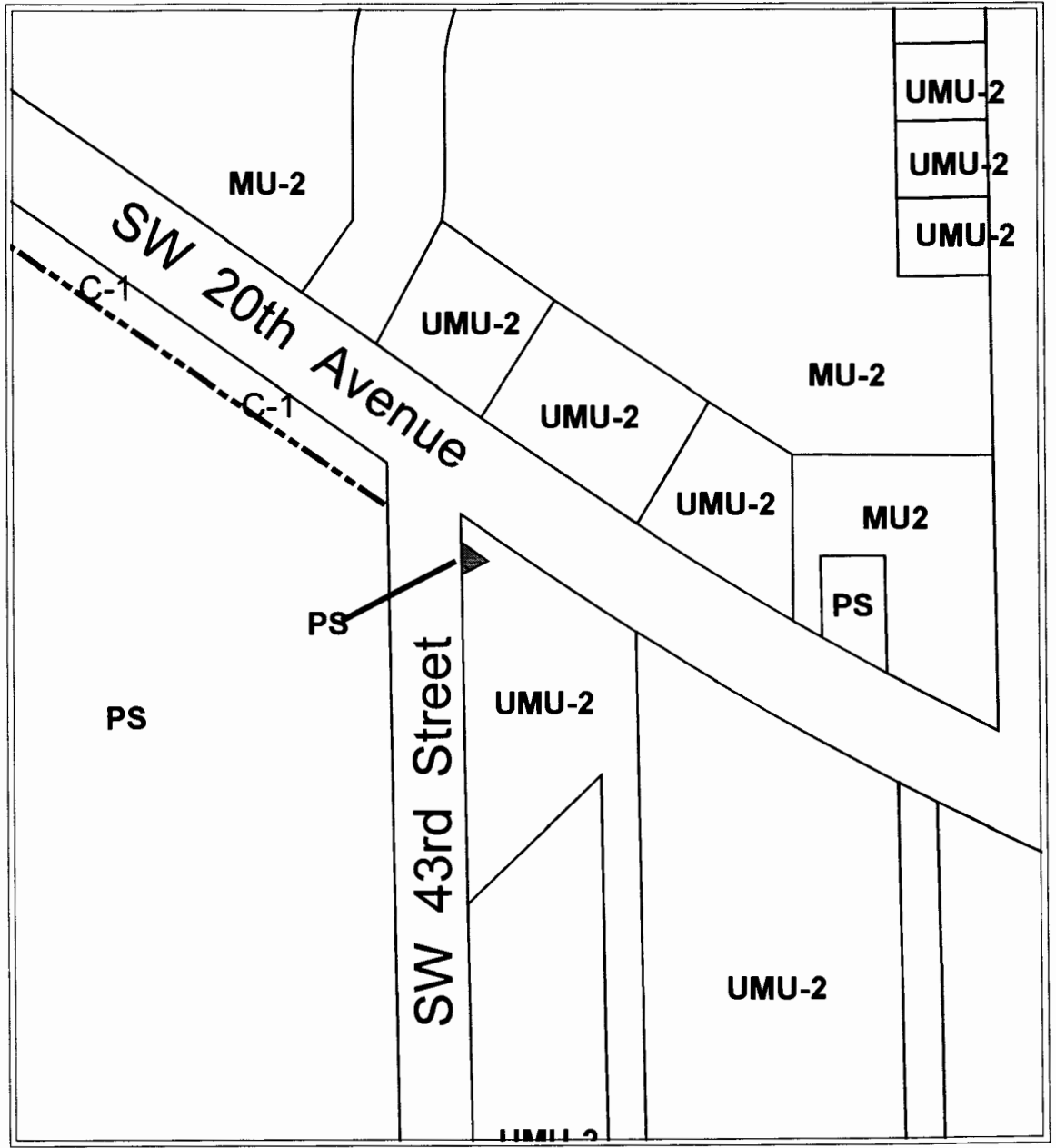
### City of Gainesville Zoning Districts

- UMU-2 Urban Mixed Use 2 (UMU-2: 10 to 100 units/acre; & up to 25 additional units/acre by special use permit)
- MU-2 12-30 units/acre Mixed Use Medium Intensity
- PS Public Services and Operations

### Alachua County Zoning Districts


- C-1 Conservation

Exhibit "B" to Ordinance No. 120235




----- Division line between two zoning districts  
 ——— City Limits

Area under petition consideration



### PROPOSED ZONING

	Name	Petition Request	Map(s)	Petition Number
	City of Gainesville, applicant	Rezone from Alachua County PD to City of Gainesville PS district	4143	PB-12-76 ZON