

ORDINANCE NO. 180467

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3 An ordinance of the City of Gainesville, Florida, amending the Zoning Map  
4 Atlas by rezoning approximately 0.875 acres of property generally located at  
5 209 NW 75<sup>th</sup> Street, as more specifically described in this ordinance, from  
6 Alachua County Business Retail (BR) district to City of Gainesville Business  
7 (BUS) district; providing directions to the City Manager; providing a  
8 severability clause; providing a repealing clause; and providing an effective  
9 date.

10  
11 **WHEREAS**, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a  
12 Comprehensive Plan to guide the future development and growth of the city; and

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

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

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

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

29 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
30 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency  
31 pursuant to Section 163.3174, Florida Statutes, held a public hearing on October 25, 2018, and  
32 voted to recommend that the City Commission approve this rezoning; and

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

36 **WHEREAS**, at least thirty (30) days' notice has been given by mail to each real property owner  
37 whose land will be rezoned by enactment of this ordinance and whose address is known by  
38 reference to the latest ad valorem tax records, notifying such property owners of this proposed  
39 ordinance and of a public hearing in the City Hall Auditorium located on the first floor of City  
40 Hall in the City of Gainesville; and

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

44 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be  
45 consistent with the City of Gainesville Comprehensive Plan when the amendment to the  
46 Comprehensive Plan adopted by Ordinance No. 180466 becomes effective as provided therein.

47 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**  
48 **FLORIDA:**

49 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
50 following property from Alachua County Business Retail (BR) district to City of Gainesville  
51 Business (BUS) district:

52 See legal description attached as **Exhibit A** and made a part hereof as if set forth  
53 in full. The location of the property is shown on **Exhibit B** for visual reference.  
54 In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.  
55

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

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

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

65 **SECTION 5.** This ordinance shall become effective immediately upon adoption; however, the  
66 rezoning shall not become effective until the amendment to the City of Gainesville  
67 Comprehensive Plan adopted by Ordinance No. 180466 becomes effective as provided therein.

68 **PASSED AND ADOPTED** this 17th day of January, 2019.

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72 \_\_\_\_\_  
73 LAUREN POE  
74 MAYOR

75 Attest:

Approved as to form and legality:

76  
77 

78 \_\_\_\_\_  
79 OMICHELE D. GAINNEY  
80 CLERK OF THE COMMISSION

81  
82 

83 \_\_\_\_\_  
84 NICOLLE M. SHALLEY  
CITY ATTORNEY

84 This ordinance passed on adoption reading this 17th day of January, 2019.

## Legal Description

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN NORTH 0 DEG. 50'48" WEST ALONG THE WEST LINE OF SAID SECTION 3634.41 FEET; THENCE RUN SOUTH 89 DEG. 57'23" EAST 40 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. SW 29; THENCE RUN SOUTH 0 DEG. 50'48" EAST, ALONG SAID RIGHT-OF-WAY 145.03 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEG. 57'23" EAST, 201.97 FEET; THENCE RUN SOUTH 0 DEG. 02'37" WEST, 190 FEET; THENCE RUN NORTH 89 DEG. 57'23" WEST, 199.02 FEET TO THE EAST RIGHT-OF-WAY OF SAID COUNTY ROAD; THENCE RUN NORTH 0 DEG. 50'48" WEST, ALONG SAID RIGHT-OF-WAY 190.02 FEET TO THE POINT OF BEGINNING. ALL BEING AND LYING IN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.

**Petition  
PB-18-131 ZON  
Existing Zoning**

Area under petition consideration

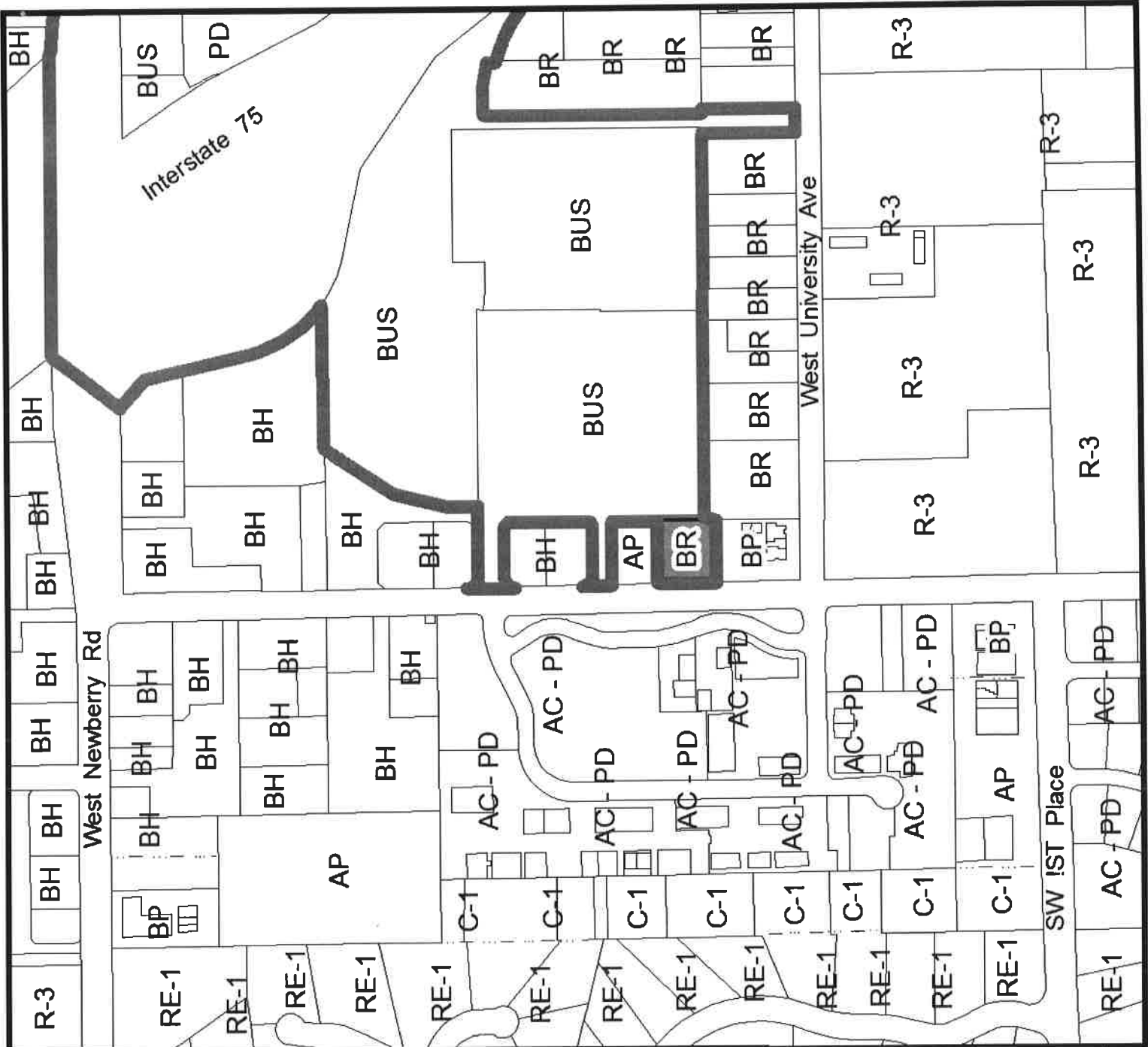
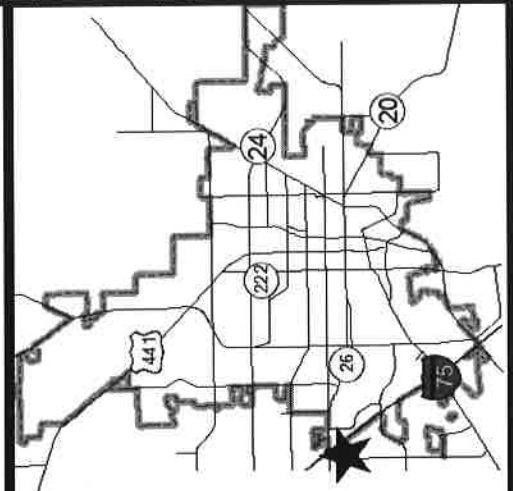
**City of Gainesville  
Zoning Districts**

BUS General Business  
PD Planned Development

**Alachua County  
Zoning Districts**

RE-1 Single family, Low Density  
R-3 Multiple family, High Density  
C-1 Conservation  
AP Administrative/Professional  
BP Business and Professional  
BR Business, Retail  
AC-PD Planned Development

Division line between two zoning districts  
City Limits



**Petition  
PB-18-131 ZON  
Proposed Zoning**

Area under petition consideration

**City of Gainesville  
Zoning Districts**

BUS General Business  
PD Planned Development

**Alachua County  
Zoning Districts**

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--- Division line between two zoning districts  
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