

**Legislative #**

**130437**

**ORDINANCE NO. 130437**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 134 acres of property consisting of 4 parcels generally located east of Cone Park, south of the 3100 block of E University Avenue and west of the 400 block of SE 43<sup>rd</sup> Street, as more specifically described in this ordinance, from Alachua County Single family, Medium Density (R-1b) and Multiple family, Medium Density (R-2) districts to City of Gainesville Residential low density district (RMF-5); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, notice was given as required by law that the Zoning Map Atlas of the City of Gainesville, Florida, be amended by rezoning certain property from Alachua County Single family, Medium Density (R-1b) and Multiple family, Medium Density (R-2) districts to City of Gainesville Residential low density district (RMF-5); and

**WHEREAS**, notice was given as required by law and a public hearing was held by the City Plan Board on October 24, 2013; and

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

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

**WHEREAS**, public hearings were held pursuant to the published notices described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

**WHEREAS**, the City Commission finds that the rezoning of the property described

1 herein will be consistent with the City of Gainesville Comprehensive Plan when City of  
2 Gainesville Ordinance No. 130436 becomes effective as provided therein.

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 Single family, Medium Density (R-1b) and Multiple  
7 family, Medium Density (R-2) districts to City of Gainesville Residential low density district  
8 (RMF-5):

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

13  
14 See legal description attached as Exhibit "A" and made a part hereof as if set  
15 forth in full. The existing Alachua County zoning district on the property is  
16 depicted on the map attached as Exhibit "B." The new City of Gainesville  
17 zoning district on the property is depicted on the map attached as Exhibit  
18 "C." In the event of conflict or inconsistency, Exhibit "A" shall prevail over  
19 Exhibits "B" and "C."

20  
21 **Section 2.** The City Manager or designee is authorized and directed to make the  
22 necessary changes to the Zoning Map Atlas to comply with this ordinance.

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

28 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
29 such conflict hereby repealed.

30 **Section 5.** This ordinance shall become effective immediately upon adoption; however,

1 rezoning shall not be effective until the amendment to the City of Gainesville Comprehensive  
2 Plan adopted by Ordinance No. 130436 becomes effective as provided therein.

3

4 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

5

6

7

\_\_\_\_\_  
EDWARD B. BRADY  
MAYOR

8

9

10

Attest:

Approved as to form and legality:

11

12

13

By: \_\_\_\_\_

By: \_\_\_\_\_

14

KURT LANNON  
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY  
CITY ATTORNEY

15

16

17

18

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

19

20

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

## EXHIBIT "A"

### **PARCEL 1** (Parcel ID No. 10889-003-000):

EAST 40 ACRES OF THE SOUTH ½ OF THE SE ¼ OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, LESS RIGHT-OF-WAY OF RECORD, AND LESS

A portion of the East 1410' of the South ½ of the Southeast ¼ of Section 2, Township 10 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Begin at the intersection of the southerly right-of-way line of S.E. 4<sup>th</sup> Avenue (40' R/W) with the westerly right-of-way line of S.E. 43<sup>rd</sup> Street (100' R/W), and run thence westerly along said southerly right-of-way line of S.E. 4<sup>th</sup> Avenue 822.5 feet; thence southerly, parallel with said westerly right-of-way line of S.E. 43<sup>rd</sup> Street, 146.00 feet; thence easterly, parallel with said southerly right-of-way line, 25.00 feet; thence southerly, parallel with said westerly right-of-way line, 330.00 feet thence easterly, parallel with said southerly right-of-way line, 200.00 feet; thence southerly, parallel with said westerly right-of-way line, 804 feet, more or less, to a point on the northerly right-of-way line of S.E. 8<sup>th</sup> Avenue; thence easterly along said northerly right-of-way line, 577.50 feet, more or less, to a point on said westerly right-of-way line of S.E. 43<sup>rd</sup> Street; thence northerly, along said westerly right-of-way line, 1280 feet, more or less to the POINT OF THE BEGINNING.

### **PARCEL 2** (Parcel ID No. 10889-002-000):

A portion of the East 1410' of the South ½ of the Southeast ¼ of Section 2, Township 10 South, Range 20 East, Alachua County, Florida; being more particularly described as follows:

Begin at the intersection of the southerly right-of-way line of S.E. 4<sup>th</sup> Avenue (40' R/W) with the westerly right-of-way line of S.E. 43<sup>rd</sup> Street (100' R/W), and run thence westerly along said southerly, right-of-way line of S.E. 4<sup>th</sup> Avenue, 822.50 feet; thence southerly, parallel with said westerly right-of-way line of S.E. 43<sup>rd</sup> Street, 146.00 feet; thence easterly, parallel with said southerly right-of-way line, 25.00 feet; thence southerly, parallel with said westerly right-of-way line, 330.00 feet; thence easterly, parallel with said southerly right-of-way line, 220.00 feet; thence southerly, parallel with said westerly right-of-way line, 804 feet, more or less, to a point on the northerly right-of-way line of S.E. 8<sup>th</sup> Avenue; thence easterly along said northerly right-of-way line, 577.50 feet, more or less, to a point on said westerly right-of-way line of S.E. 43<sup>rd</sup> Street; thence northerly, along said westerly right-of-way line, 1280 feet, more or less, to the POINT OF BEGINNING.

### **PARCEL 3** (Parcel ID No. 10889-000-000):



A tract of land lying in Section 2, of Township 10 South, Range 20 East, being more particularly described as follows:

The South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , Less the Westerly 15.50 acres thereof, of said Section 2, Alachua County, Florida.

**LESS:**

Right of way of record that may have been conveyed by those certain documents recorded in Official Records Book 534, Page 443 and Official Records Book 1457, Page 129, Public Records of Alachua County, Florida.

**LESS:**

A portion of the East 1410' of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 2, Township 10 South, Range 20 East, Alachua County, Florida; being more particularly described as follows:

Begin at the intersection of the southerly right-of-way line of S.E. 4<sup>th</sup> Avenue (40' R/W) with the westerly right-of-way line of S.E. 43<sup>rd</sup> Street (100' R/W), and run thence westerly along said southerly right-of-way line of S.E. 4<sup>th</sup> Avenue, 822.50 feet; thence southerly, parallel with said westerly right-of-way line of S.E. 43<sup>rd</sup> Street, 146.00 feet; thence easterly, parallel with said southerly right-of-way line, 25.00 feet; thence southerly, parallel with said westerly right-of-way line, 330.00 feet; thence easterly, parallel with said southerly right-of-way line, 220.00 feet; thence southerly, parallel with said westerly right-of-way line, 804 feet, more or less, to a point on the northerly right-of-way line of S.E. 8<sup>th</sup> Avenue; thence easterly along said northerly right-of-way line, 577.50 feet, more or less, to a point on said westerly right-of-way line of S.E. 43<sup>rd</sup> Street; thence northerly, along said westerly right-of-way line, 1280 feet, more or less, to the POINT OF BEGINNING.

**LESS:**

EAST 40 ACRES OF THE SOUTH  $\frac{1}{2}$  OF THE SE  $\frac{1}{4}$  OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, LESS RIGHT-OF-WAY OF RECORD, AND LESS THE FOLLOWING PARCEL:

A portion of the East 1410' of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 2, Township 10 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Begin at the intersection of the southerly right-of-way line of S.E. 4<sup>th</sup> Avenue (40' R/W) with the westerly right-of-way line of S.E. 43<sup>rd</sup> Street (100' R/W), and run thence westerly along said southerly right-of-way line of S.E. 4<sup>th</sup> Avenue 822.50 feet; thence southerly, parallel with said westerly right-of-way line of S.E. 43<sup>rd</sup> Street, 146.00 feet; thence easterly, parallel with said southerly right-of-way line, 25.00 feet; thence southerly, parallel with said westerly right-of-way line, 330.00 feet thence easterly, parallel with said southerly right-of-way line, 220.00 feet;

thence southerly, parallel with said westerly right-of-way line, 804 feet, more or less, to a point on the northerly right-of-way line of S.E. 8<sup>th</sup> Avenue; thence easterly along said northerly right-of-way line, 577.50 feet, more or less, to a point on said westerly right-of-way line of S.E. 43<sup>rd</sup> Street, thence northerly, along said westerly right-of-way line, 1280 feet, more or less, to the POINT OF BEGINNING.

**PARCEL 4 (Parcel ID No. 10890-000-000)**

A tract of land located in Section 2, Township 10 South, Range 20 East, being more particularly described as follows: Lots 1, 1A, 2, 2A, 3, 3A, 4, 4A, 5, 5A, 6, 6A, 7 and 7A of Lake Forest-Gainesville-Lake Farms, a subdivision recorded in Plat Book A, page 152 of the public records of Alachua County, Florida; And, the South  $\frac{1}{2}$  of SW- $\frac{1}{4}$  of said Section 2, and the westerly 15.500 acres of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Section 2, and the S- $\frac{1}{2}$  of the NW- $\frac{1}{4}$  of the SW- $\frac{1}{4}$  of said Section 2; LESS those certain parcels of land described in Official Records Book 749, page 284 and Official Records Book 1617, page 296, of the Public Records of Alachua County, Florida.

Also less and except:

A portion of Section 2, Township 10 South, Range 20 East, Alachua County, Florida; being more particularly described as follows: Begin at the southeast corner of the southeast  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 2, Township 10 South, Range 20 East, Alachua County, Florida, and run thence South 89°10'27" West along the south line of said southeast  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$ , a distance of 1072.08 feet to the southeast corner of that certain parcel of land as described in Official Records Book 1617, page 296 et seq. of the Public Records of Alachua County, Florida; thence North 03°32'38" West, along the easterly line of said certain parcel, 777.59 feet to a point on the centerline of a 170 foot wide Alachua County drainage easement, as described in Official Records Book 687, page 65 of said Public Records, said point being the beginning of a curve, concave northeasterly, having a radius of 100.00 feet; thence Southeasterly, along said centerline and along the arc of said curve, through a central angle of 81°04'30", an Arc distance of 141.50 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 44°04'53" East, 129.99 feet; thence Easterly, along said centerline through the following 8 courses: 1) South 84°37'08" East, 166.48 feet; 2) South 77°50'23" East, 166.00 feet; 3) North 89°25'37" East, 329.00 feet; 4) North 84°00'52" East, 220.00 feet; 4) South 89°06'08" East, 93.00 feet; 6) North 76°42'52" East, 290.00 feet; 7) South 66°26'53" East, 285.00 feet; 8) South 62°42'23" East, 19.22 feet to a point on the easterly line of the westerly 15.500 acres of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 2; thence South 00°40'37" East, along the easterly line of said Westerly 15.500 acres, a distance of 578.31 feet to a point on the south line of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence South 89°11'29" West, along the South line of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , a distance of 506.65 feet to the POINT OF BEGINNING. Being that parcel of land deeded to Florence Landfill Alternatives, Inc., a Florida

corporation by warranty deed dated December 19, 2001 and recorded January 2, 2002 in Official Records book 2412, page 349 of the Public Records of Alachua County, Florida.





## City of Gainesville Zoning Districts

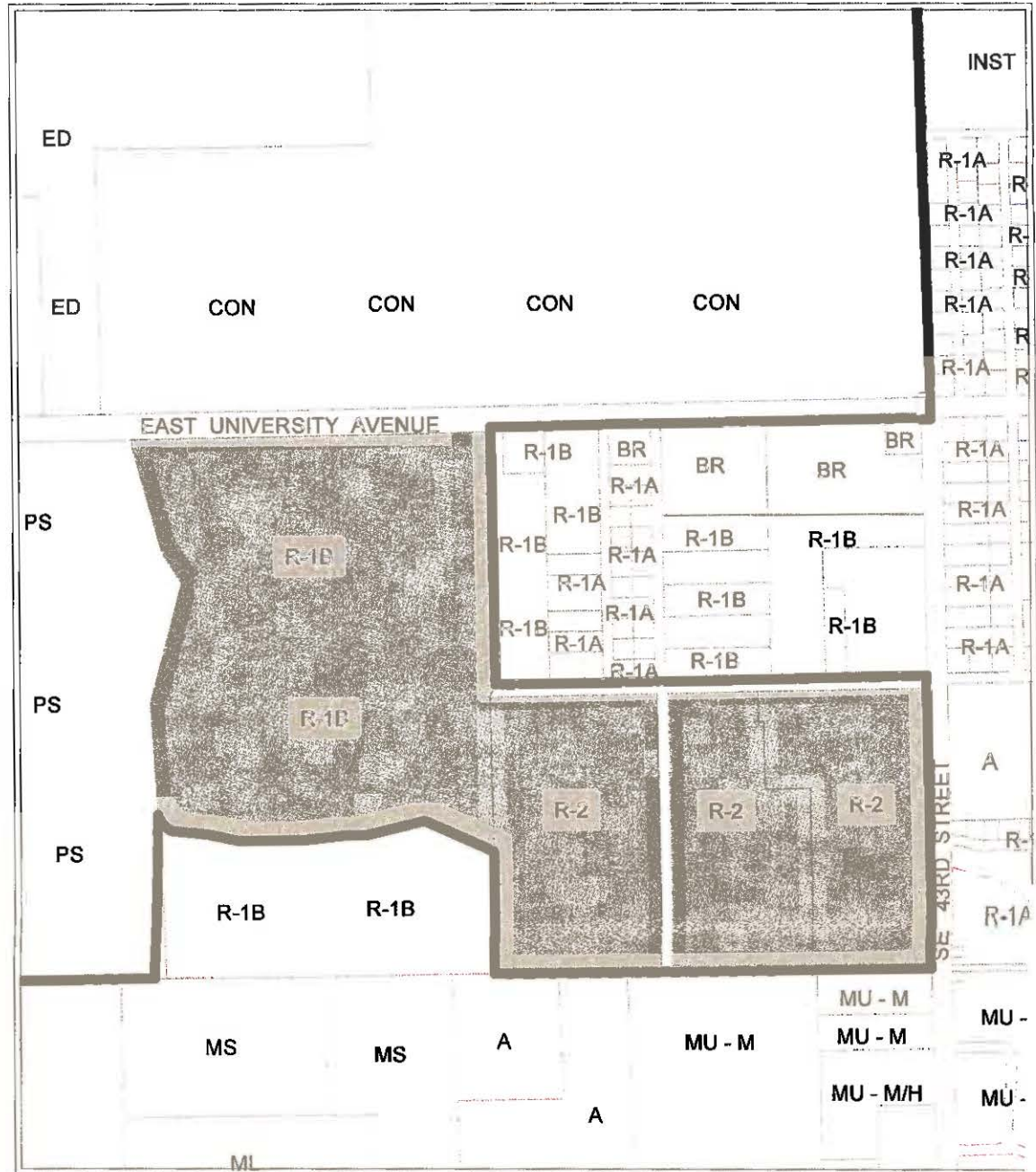
CON Conservation  
 PS Public services and operations  
 ED Educational services

## Alachua County Zoning Districts


A Agricultural  
 R-1A Single Family Residential (1-4 DU/acre)  
 R-1B Single Family Residential (4-8 DU/acre)  
 R-2 Multiple-Family Residential (4-8 DU/acre)  
 INST Institutional  
 MU-L Mixed Use Low Density Res (1-4 DU/acre)  
 MU-M Mixed Use Medium Density Res (EAC, 4-8 DU/acre)  
 MU-M/H Mixed Use Medium-High Density Res (8-14 DU/acre)  
 BR Business, Retail Sales/Service  
 MS Manufacturing/Services  
 ML Light Industrial

 Division line between two zoning districts  
 City Limits

Area  
under petition  
consideration



**EXISTING ZONING**

 No Scale	Name	Petition Request	Petition Number
	City Plan Board, applicant	Rezone property from Alachua County single family, medium density (R-1b) district and Multiple family, medium density (R-2) district to City of Gainesville RMF-5 (12 units/acre single family/multiple family residential district)	PB-13-95 ZON

## City of Gainesville Zoning Districts

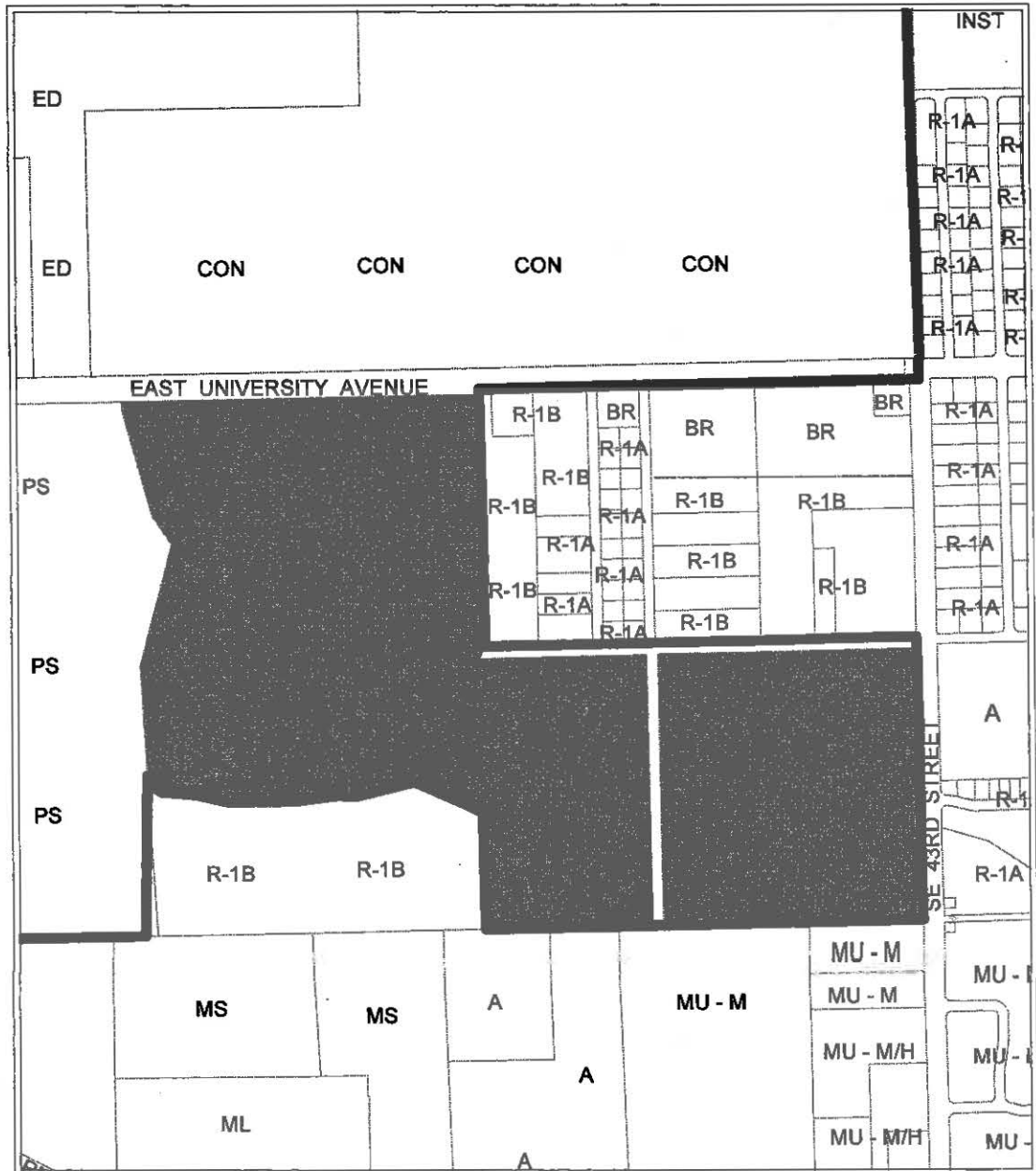
- CON Conservation
- PS Public services and operations
- ED Educational services
- RMF-5 12 units/acre Single-family/multiple family residential

## Alachua County Zoning Districts


- A Agricultural
- R-1A Single Family Residential (1-4 DU/acre)
- R-1B Single Family Residential (4-8 DU/acre)
- R-2 Multiple-Family Residential (4-8 DU/acre)
- INST Institutional
- MU-L Mixed Use Low Density Res (1-4 DU/acre)
- MU-M Mixed Use Medium Density Res (EAC, 4-8 DU/acre)
- MU-M/H Mixed Use Medium-High Density Res (8-14 DU/acre)
- BR Business, Retail Sales/Service
- MS Manufacturing/Services
- ML Light Industrial

Area under petition consideration

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



**PROPOSED ZONING**

 No Scale	Name	Petition Request	Petition Number
	City Plan Board, applicant	Rezone property from Alachua County single family, medium density (R-1b) district and Multiple family, medium density (R-2) district to City of Gainesville RMF-5 (12 units/acre single family/multiple family residential district)	PB-13-95 ZON