

Legislative #

140369

ORDINANCE NO. 140369

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2
3 **An ordinance amending the Zoning Map Atlas of the City of Gainesville,**
4 **Florida, by rezoning approximately 5.0 acres of property located on Newberry**
5 **Road generally south and west of NW 39th Road and east of NW 43rd Street, as**
6 **more specifically described in this ordinance, from Single-Family Residential**
7 **(RSF-4) district to Mixed-Use Low-Intensity (MU-1) district; providing**
8 **directions to the City Manager; providing a severability clause; providing a**
9 **repealing clause; and providing an effective date.**

10
11 **WHEREAS,** by initiation of the subject property's owner(s) or a person having a legal or
12 equitable interest therein, this ordinance amends the Zoning Map Atlas of the City of Gainesville
13 by rezoning the subject property from Single-Family Residential (RSF-4) district to Mixed-Use
14 Low-Intensity (MU-1) district; and

15 **WHEREAS,** on September 25, 2014, a public hearing regarding the subject matter of this
16 ordinance was held by the City Plan Board, which acts as the local planning agency pursuant to
17 Section 163.3174, Florida Statutes; and

18 **WHEREAS,** on November 6, 2014, the City Commission held a public hearing
19 regarding the subject matter of this ordinance and voted to authorize the City Attorney to prepare
20 this ordinance in accordance with law; and

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

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

28 **WHEREAS,** the City Commission finds that the rezoning of the subject property will be

1 consistent with the City of Gainesville Comprehensive Plan when City of Gainesville Ordinance
2 No. 140368 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 Single-Family Residential (RSF-4) district to Mixed-Use Low-Intensity
7 (MU-1) district:

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

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

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

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

22 **Section 5.** This ordinance shall become effective immediately upon adoption; however,
23 the rezoning of the subject property shall not become effective unless and until the amendment to
24 the City of Gainesville Comprehensive Plan adopted by Ordinance No. 140368 becomes
25 effective as provided therein.

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PASSED AND ADOPTED this _____ day of _____, 2015.

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 _____, 2015.

This ordinance passed on second reading this _____ day of _____, 2015.

P.O.C.

NORTHWEST CORNER OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA P.K. NAIL & BRASS DISK FOUND "SUR. 130"

34 35

3 2

SECTION 3 SECTION 2

1155.90' WEST LINE OF SECTION 2



Sheet One of Two

MATCHLINE

P.O.B.

PARCEL "2A"

43rd STREET MEDICAL BUILDING CONDOMINIUM, CONDOMINIUM BOOK 3, PAGE 40 (PARCEL 06544-201-101)

327.08' S00°29'50"W

36.8' ASPHALT

*Sketch of Legal Description Only
Lying in Section 2, Township 10 South,
Range 19 East, Alachua County, Florida
(not a boundary survey)*

Parcel "2A"
5.001 Acres ±

NEWBERRY ROAD
A.K.A. STATE ROAD NO. 26
100' RIGHT-OF-WAY
ASPHALT PAVED ROADWAY

REMAINDER OF PARCEL 06502
N66°53'37"W 727.05'

S67°15'32"E 711.60'
NORTH RIGHT-OF-WAY LINE OF NEWBERRY ROAD

EAST LINE OF THE WEST 1/4 OF THE NORTHWEST 1/4
N00°11'46"E 295.70'

PARCEL 06503

PARCEL 06503-006

S67°15'32"E 5.00'
N22°44'28"E 25.00'

EXCEPTION PARCEL FOR RIGHT-OF-WAY TAKEN PER O.R.B. 522, PG. 375 (NOT INCLUDED) SEE DETAIL SHEET TWO

MATCHLINE

JBrown
Professional Group Inc
CIVIL ENGINEERING • LAND SURVEYING • PLANNING

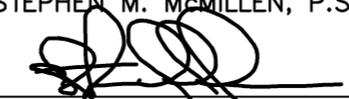
3530 NW 43rd Street • Gainesville, Florida 32606
PHONE: (352) 375-8999 • FAX: (352) 375-0833
E-MAIL: contact@jbrpogroup.com

THE MAP OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THIS MAP OF SURVEY FURTHER MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE STATE OF FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17.050, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THE MAP OF SURVEY SHOWN HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE, BEING SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

Florida Professional Surveyor and Mapper License No. LS5469
Florida Professional Surveyor and Mapper Business License No. LB8031

NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

STEPHEN M. McMILLEN, P.S.M.


Professional Surveyor & Mapper

CERTIFIED TO:

HOLY FAITH CATHOLIC CHURCH

Scale: 1"=100'

Proj. No. 2013-059c

Drawn: S.M.M.

Chk'd: S.M.M.

Dwg. Name: 2013-059c

Signing Date: 06/04/2014

LEGEND:

P.O.C. = POINT-OF-COMMENCEMENT
P.O.B. = POINT-OF-BEGINNING

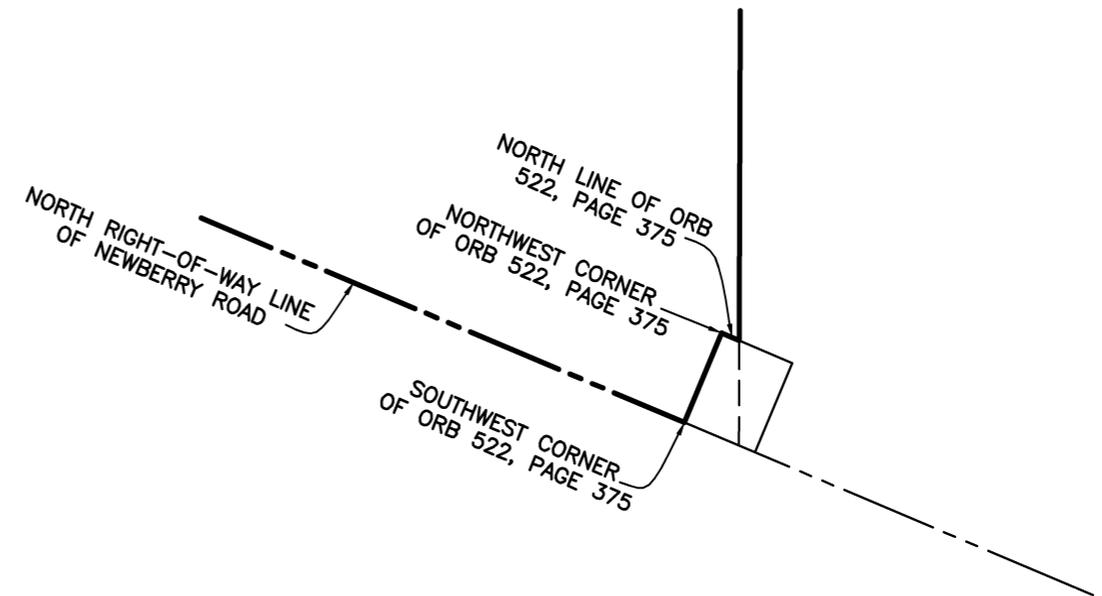
Description: (by surveyor) - **Holy Faith Catholic Church Parcel 2a**

A part of lands described in O.R.B. 988, page 609, public records of Alachua County, Florida; lying in Section 2, Township 10 South, Range 19 East, Alachua County, Florida; lying Southwesterly of N.W. 39th Road (a.k.a. State Road No. 26a) and North of Newberry Road (a.k.a. State Road No. 26), being more particularly described as follows:

Commence at the Northwest corner of said Section 2 and run thence South $00^{\circ}29'50''$ West, along the West line of said Section, a distance of 1155.90 feet to the Point-of-Beginning of the herein described parcel; thence continue South $00^{\circ}29'50''$ West, along said West line, a distance of 327.08 feet to the North right-of-way line of said Newberry Road; thence South $67^{\circ}15'32''$ East, along said North right-of-way line, a distance of 711.60 feet to the Southwest corner of lands described in O.R.B. 522, page 375, said public records; thence North $22^{\circ}44'28''$ East, a distance of 25.00 feet to the Northwest corner of said O.R.B. 522, page 375; thence South $67^{\circ}15'32''$ East, along the North line of said O.R.B. 522, page 375, a distance of 5.00 feet to the East line of the West $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 2; thence North $00^{\circ}11'46''$ East, along said East line, a distance of 295.70 feet; thence North $66^{\circ}53'37''$ West, a distance of 727.05 feet to the said Point-of-Beginning.

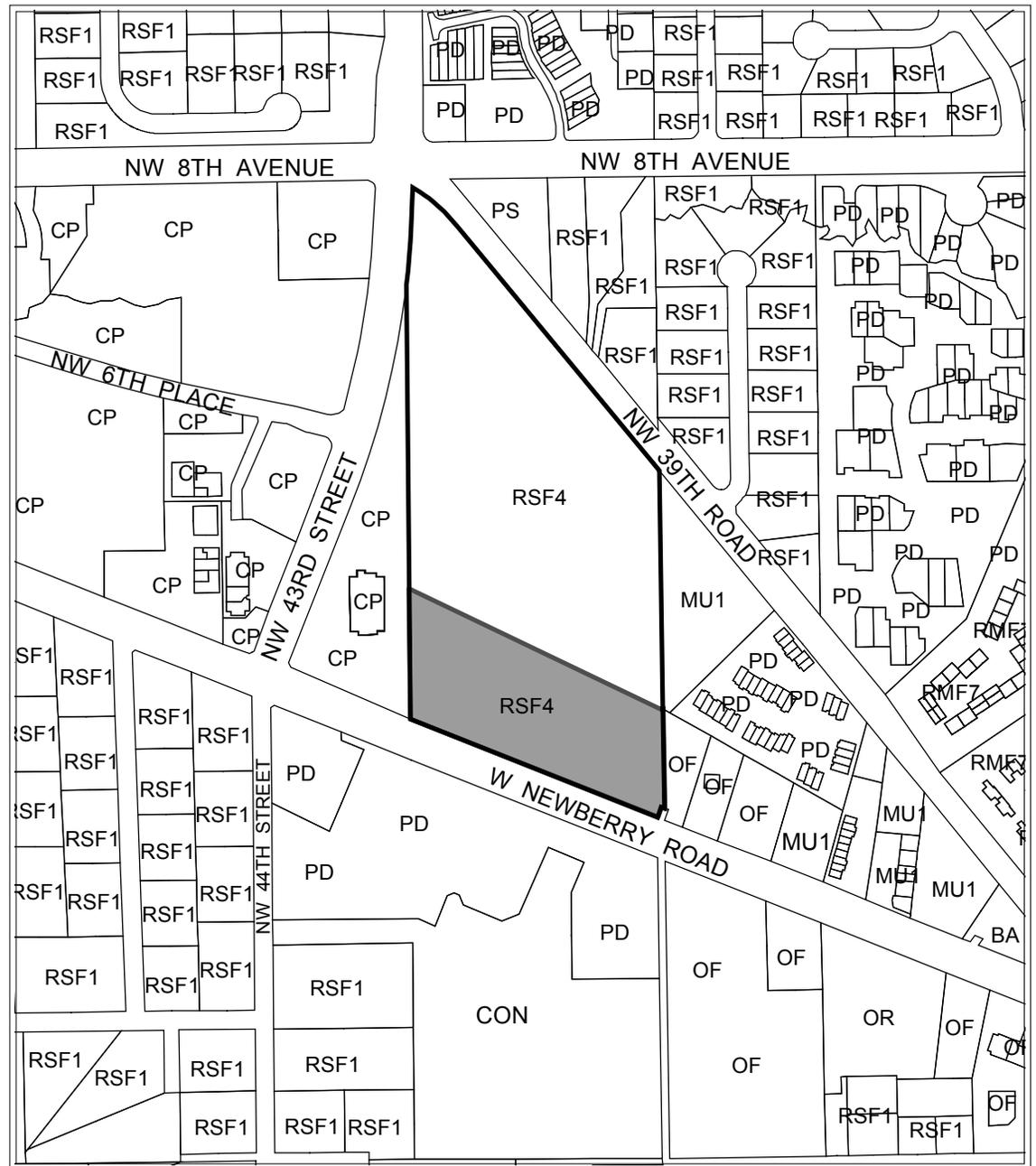
Containing 5.001 Acres, more or less.

*Sketch of Legal Description Only
Lying in Section 2, Township 10 South,
Range 19 East, Alachua County, Florida
(not a boundary survey)*



**City of Gainesville
Zoning Districts**

- RSF-1 3.5 units/acre Single-Family Residential
- RSF-4 8 units/acre Single-Family Residential
- RMF-7 8-21 units/acre Multiple-Family Residential
- OR 20 units/acre Office Residential
- OF General Office
- BA Automotive-Oriented Business
- MU-1 8-30 units/acre Mixed Use Low Intensity
- CON Conservation
- PS Public Services and Operations
- CP Corporate Park
- PD Planned Development



Area
under petition
consideration

----- Division line between two zoning districts

EXISTING ZONING

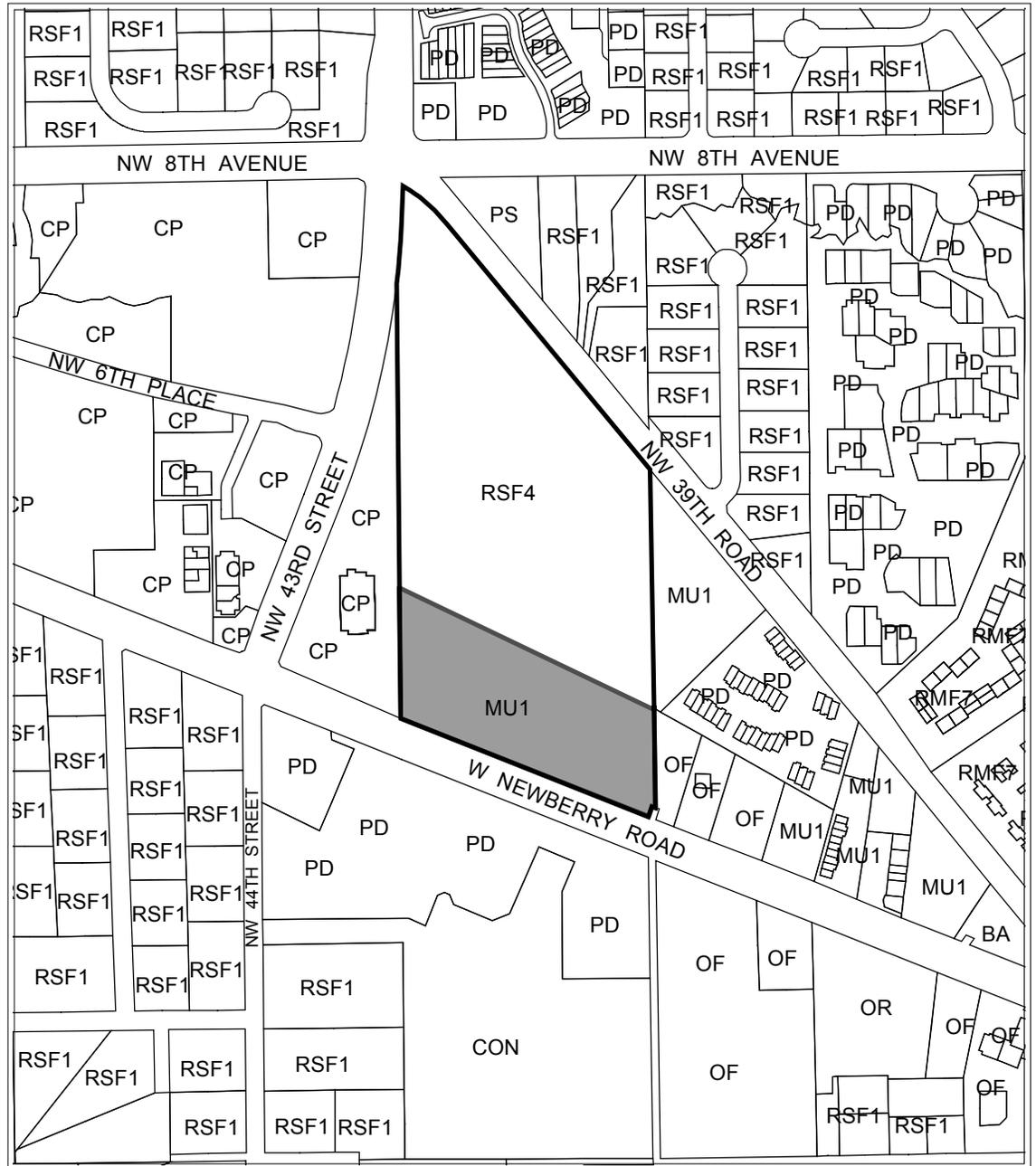
	Name	Petition Request	Petition Number
 No Scale	Causseaux, Hewett & Walpole, Inc., agent for Bishop of Diocese of St Augustine	Rezone property from RSF-4: 8 units/acre single-family residential district to MU-1: 8-30 Mixed Use-Low Intensity (8-30 units/acre)	PB-14-52 ZON

Exhibit B to Ordinance No. 140369

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City of Gainesville Zoning Districts

- RSF-1 3.5 units/acre Single-Family Residential
- RSF-4 8 units/acre Single-Family Residential
- RMF-7 8-21 units/acre Multiple-Family Residential
- OR 20 units/acre Office Residential
- OF General Office
- BA Automotive-Oriented Business
- MU-1 8-30 units/acre Mixed Use Low Intensity
- CON Conservation
- PS Public Services and Operations
- CP Corporate Park
- PD Planned Development



----- Division line between two zoning districts

Area under petition consideration

PROPOSED ZONING

	Name	Petition Request	Petition Number
	Causseaux, Hewett & Walpole, Inc., agent for Bishop of Diocese of St Augustine	Rezone property from RSF-4: 8 units/acre single-family residential district to MU-1: 8-30 Mixed Use-Low Intensity (8-30 units/acre)	PB-14-52 ZON