

LEGISLATIVE #

130792A

ORDINANCE NO. 130792

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An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 31.7 acres of property generally located on the north side of the 2800 block of SE Hawthorne Road, as more specifically described in this ordinance, from Alachua County Retail Sales and Services (BR) district to City of Gainesville Conservation (CON) district; 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 the property that is the subject of this ordinance from Alachua County Retail Sales and Services (BR) district to City of Gainesville Conservation (CON) district; and

WHEREAS, on February 27, 2014, a public hearing was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, and makes recommendations to the City Commission of the City of Gainesville; and

WHEREAS, an advertisement no less than two columns wide by ten (10) inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days' advance notice of this ordinance's first public hearing to be held by the City Commission 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 ten (10) inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days' advance notice of this ordinance's second public hearing to be held by the City Commission; and

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

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. 130791 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 Retail Sales and Services (BR) district to City of
7 Gainesville Conservation (CON) district:

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

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

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

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

21 **Section 5.** This ordinance shall become effective immediately upon adoption; however,
22 the rezoning shall become effective when the amendment to the City of Gainesville
23 Comprehensive Plan adopted by Ordinance No. 130791 becomes effective as provided therein.

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25 **PASSED AND ADOPTED** this ____ day of _____, 2014.

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EDWARD B. BRADDY
MAYOR

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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 _____, 2014.

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

LEGAL DESCRIPTION

A TRACT OF LAND ALL LYING AND BEING IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST BEING A POINT ON THE EXISTING CITY OF GAINESVILLE CITY LIMIT LINE AS PER ORDINANCE #3865 AND THE POINT OF THE BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION AND CITY LIMIT LINE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 20 ALSO KNOWN AS HAWTHORNE ROAD; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1509, PAGE 368 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREINAFTER ABBREVIATED AS ORB, ___ PAGE ___ ACR); THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE NORTH ALONG THE EAST LINE OF SAID LANDS TO THE NORTHEAST CORNER OF SAID LANDS; THENCE WEST ALONG THE NORTH LINE OF SAID LANDS TO THE WESTMOST CORNER OF SAID LANDS ALSO BEING A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 20; THENCE NORTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 20 TO THE WEST LINE OF SECTION 11, THENCE NORTH ALONG THE WEST LINE OF SAID SECTION AND CITY LIMIT LINE TO THE NORTHWEST CORNER OF SAID SECTION AND THE POINT OF BEGINNING.

City of Gainesville Zoning Districts

RSF-1	3.5 units/acre Single-Family Residential
RSF-3	5.8 units/acre Single-Family Residential
BUS	General Business
MU-1	8-30 units/acre Mixed Use Low Intensity
PS	Public Services and Operations
CON	Conservation

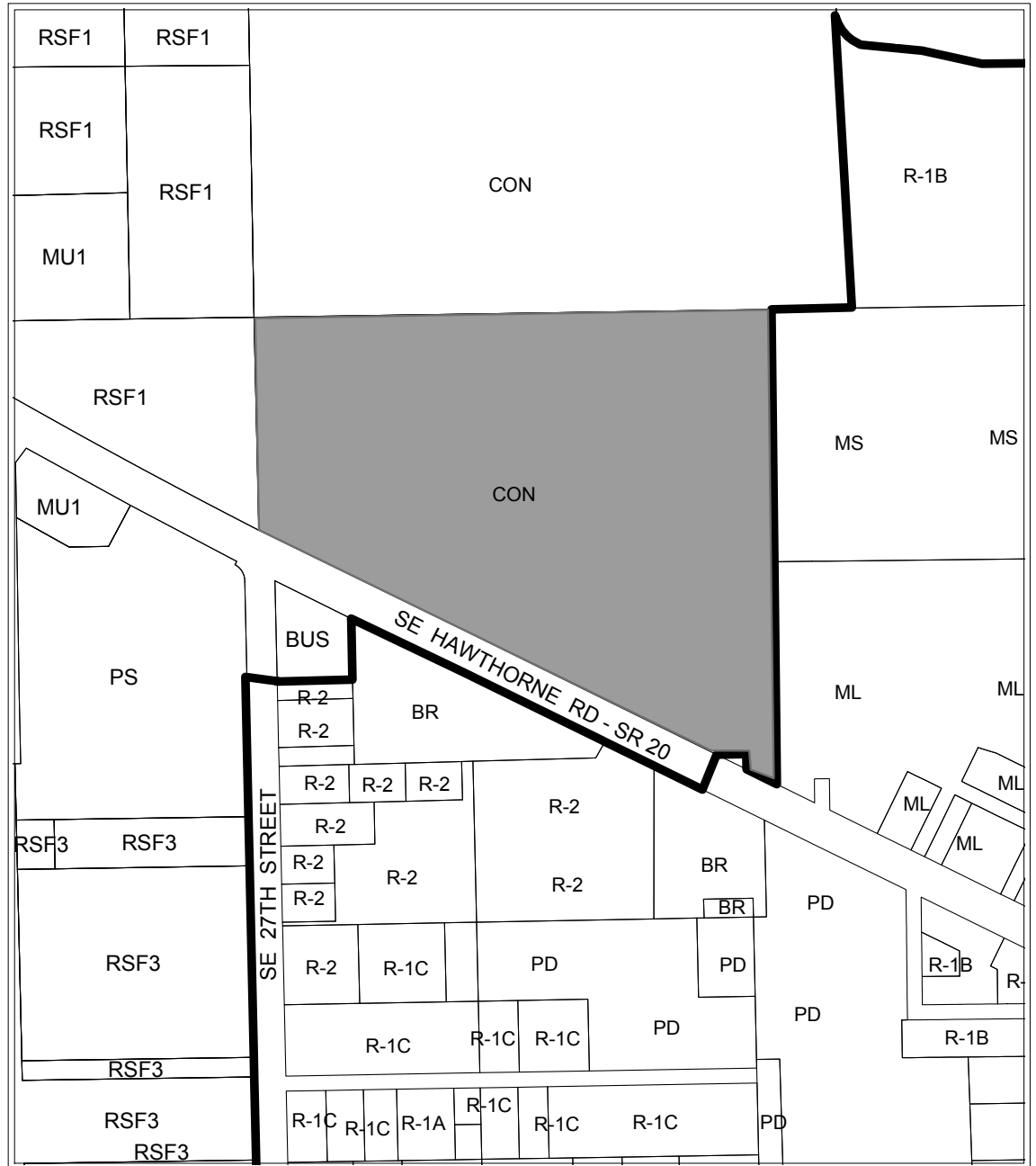
Alachua County Zoning Districts

R-1A	Single Family Residential, 1-4 du/acre
R-1B	Single Family Residential, 4-8 du/acre
R-1C	Single Family Residential, 1-4 du/acre
R-2	Multi-Family Residential, 4-8 du/acre
BR	Retail Sales and Service
PD	Planned Development
ML	Light Industrial
MS	Industrial Services and Manufacturing


Exhibit "B" to Ordinance No. 130792

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

Area under petition consideration



PROPOSED ZONING

 No Scale	Name	Petition Request	Petition Number
	City Plan Board, applicant	Rezone property from Alachua County Retail sales and services (BR) district to City of Gainesville Conservation (CON) district	PB-14-12 ZON