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4 **ORDINANCE NO. 110047**

5 **An ordinance of the City of Gainesville, Florida, amending the Zoning**  
6 **Map Atlas and rezoning certain properties from undesignated right-**  
7 **of-way and the Alachua County zoning category of “Agricultural (A)**  
8 **district” to the City of Gainesville zoning category of “PS: Public**  
9 **services and operations district”; to allow pipelines, except natural**  
10 **gas; electric, gas and sanitary services, any use customarily incidental**  
11 **to any permitted principal use, utility lines, and water conservation**  
12 **areas, water reservoirs and control structures, drainage wells and**  
13 **water wells, as uses permitted by right; excepting the requirement of a**  
14 **preliminary development plan; consisting of approximately 35 acres,**  
15 **and located in the vicinity of the north side of North 53<sup>rd</sup> Avenue,**  
16 **extending from Northwest 3400 block to the Northeast 3000 block;**  
17 **providing directions to the City Manager; providing a severability**  
18 **clause; providing a repealing clause; and providing an immediate**  
19 **effective date.**

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21 **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map  
22 Atlas be amended by rezoning certain properties from undesignated right-of-way and the Alachua  
23 County zoning category of “Agricultural (A) district” to the City of Gainesville zoning category  
24 of “PS: Public services and operations district”; and

25 **WHEREAS,** notice was given and publication made as required by law and a public  
26 hearing was held by the City Plan Board on May 26, 2011; and

27 **WHEREAS,** the City Commission finds that the rezoning of the property described  
28 herein will be consistent with the City of Gainesville Comprehensive Plan; and

29 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10 inches  
30 long was placed in a newspaper of general circulation and of the public hearing to be held in the  
31 City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7)  
32 days after the day the first advertisement was published; and

1           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was  
2 placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the  
3 adoption stage at least five (5) days after the day the second advertisement was published; and

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

7           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
8 **CITY OF GAINESVILLE, FLORIDA:**

9           **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
10 following described properties from undesignated right-of-way and the Alachua County zoning  
11 category of “Agricultural (A) district” to the City of Gainesville zoning category of “PS: Public  
12 services and operations district”, as more specifically described below:

13           See legal description attached hereto as Exhibit “A” and made a part hereof  
14 as if set forth in full.

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16           **Section 2.** The City Commission finds that a preliminary development plan  
17 is not required in connection with this rezoning.

18           **Section 3.** The uses permitted by right on the property described in Section 1 of this  
19 Ordinance are: pipelines, except natural gas (MG-46); electric, gas and sanitary services (MG-  
20 49); any use customarily incidental to any permitted principal use; utility lines, and water  
21 conservation areas, water reservoirs and control structures, drainage wells and water well; as  
22 uses permitted by right.

23           **Section 4.** The City Manager is authorized and directed to make the necessary changes

1 in the Zoning Map to comply with this Ordinance.


2 **Section 5.** 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 the ordinance which can be given  
5 effect without the invalid or unconstitutional provisions or application, and to this end the  
6 provisions of this ordinance are declared severable.

7 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
8 such conflict hereby repealed.

9 **Section 7.** This ordinance shall become effective immediately upon final adoption;  
10 however, the rezoning shall not become effective until the amendment to the City of Gainesville  
11 Comprehensive Plan adopted by Ordinance No. 110046 becomes effective as provided therein.

12 **PASSED AND ADOPTED** this 16th day of February, 2012.

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14 \_\_\_\_\_  
15 CRAIG LOWE, MAYOR

16  
17 ATTEST:  
18   
19 \_\_\_\_\_  
20 KURT LANNON,  
21 CLERK OF THE COMMISSION

APPROVED AS TO FORM AND LEGALITY:

22 By:   
23 \_\_\_\_\_  
24 MARION J. RADSON, CITY ATTORNEY  
25 FEB 16 2012

26 This ordinance passed on first reading this 2nd day of February, 2012.

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28 This ordinance passed on second reading this 16th day of February, 2012.

**Legal Descriptions**

Parcel 07871-000-000

THT N 90 FT M/L OF THE S 150 FT OF SEC 16-9-20 LESS E 50 FT ALSO COM SE COR SEC 17-9-20 POB W 3186.67 FT N 45 DEG W 215.13 FT E 3339 FT S 150 FT POB LESS THE S 60 FT M/L ALSO THE N 90 FT M/L OF THE S 150 FT OF SEC LYING W OF PARADISE-STRICKLAND GRADED RD IN SEC 18-9-20 ALSO THE N 90 FT M/L OF THE S 150 FT OF SEC 13-9-19 LESS W 50 FT LESS R/W FOR SR S-23 OR 485/275

Parcel 07874-001-001

COM SW COR OF SE 1/4 SEC N 01 DEG 16 MIN 29 SEC W 150 FT POB N 01 DEG 16 MIN 29 SEC W 150 FT N 88 DEG 37 MIN 57 SEC E 2645.36 FT N 88 DEG 58 MIN 08 SEC E 258.74 FT S 01 DEG 01 MIN 52 SEC E 150 FT S 88 DEG 58 MIN 08 SEC W 258.30 FT S 88 DEG 37 MIN 57 SEC W 2645.60 FT POB OR 3644/0893