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11/17/2009

ORDINANCE NO. _____
0-09-69

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An ordinance of the City of Gainesville, Florida, amending the “PS: Public services and operations district” for the public park commonly known as Possum Creek Park, to permit by right certain uses, recreational facilities and areas, trails and boardwalks, as more specifically provided in this ordinance, and accessory uses customarily and clearly incidental to the permitted principal uses; including the approval of a preliminary development plan; located in the vicinity of 4009 Northwest 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a public hearing was given that the “PS: Public services and operations district” of the Zoning Map Atlas be amended to permit by right certain principal permitted and accessory uses for the public park commonly known as Possum Creek Park; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on July 23, 2009; and

WHEREAS, notice was given and publication made of a public hearing which was then held by the City Commission on October 1, 2009; and

WHEREAS, the City Commission finds that the rezoning of the property described herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan; 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 of the public hearing to be held in the City

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1 Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days
2 after the day the first advertisement was published; and

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

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

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

10 **Section 1.** The “PS: Public services and operations district” of the Zoning Map Atlas is
11 amended to permit by right certain principal permitted and accessory uses customarily and clearly
12 incidental to any permitted principal use, as more specifically enumerated in Section 3 of this
13 Ordinance, on the real property described below:

14 See Legal Description attached hereto as Exhibit "A", and made a part hereof
15 as if set forth in full.

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17 **Section 2.** The preliminary development plan, attached to this Ordinance as Exhibit “B”
18 and made a part hereof as if set forth in full, is approved in accordance with Sec. 30-75 of the
19 Land Development Code.

20 **Section 3.** The principal uses permitted by right and accessory uses on the property
21 described in Section 1 of this Ordinance are as follows:

22 1) a picnic area,

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- 1 2) playground,
- 2 3) park game area (including but not limited to horseshoes, volleyball,
- 3 shuffleboard),
- 4 4) ball fields (including but not limited to soccer, baseball, softball),
- 5 5) skateboarding and in-line skating,
- 6 6) swimming pool and water recreational facilities,
- 7 7) community center and concessions,
- 8 8) nature/exercise trails and boardwalks,
- 9 9) off-leash dog area,
- 10 10) and accessory uses customarily and clearly incidental to any permitted
- 11 principal use

12 **Section 4.** The City Manager is authorized and directed to make the necessary changes in
13 the Zoning Map to comply with this Ordinance.

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

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

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1 **Section 7.** This ordinance shall become effective immediately upon.

2 **PASSED AND ADOPTED** this _____ day of _____, 2009.

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PEGEEN HANRAHAN, Mayor

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ATTEST:

Approved as to form and legality:

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KURT LANNON,
CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

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This ordinance passed on first reading this _____ day of _____,
17 2009.

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This ordinance passed on second reading this _____ day of _____,
20 2009.

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MJR/afm

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H:Marion/Planning/PZ-09-53 PET.DOC

LEGAL DESCRIPTION

A Tract of land situated in Section 23, Township 9 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Commence at a 4"x4" concrete monument (RLS 940) for the POINT OF BEGINNING, said concrete monument being the northwest corner of Northwood West Unit No. 2 as per plat thereof recorded in Plat Book "H", Page 66 of the Public Records of Alachua County, Florida and being also the northeast corner of Northwood West Unit No. 1 as per plat thereof recorded in Plat Book "H", Page 62 of said Public Records; thence N89°28'08"W, along the north line of said Northwood West Unit No. 1, a distance of 292.03 feet to a 1/2" steel rod & cap (GFY LB021) at the southeast corner of "Possum Creek Plaza", a Minor Subdivision as per plat thereof recorded in Minor Subdivision Book 1, Page 97 of the aforementioned Public Records; thence N00°35'35"E, along the east line of said "Possum Creek Plaza", a distance of 736.04 feet to a 1/2" steel rod & cap (GFY LB021) at the northeast corner of "Possum Creek Plaza" and being also on the south right of way line of Northwest 53rd Avenue; thence N85°15'07"E, along said right of way line, a distance of 187.74 feet to a 4" x 4" concrete monument (GFY LB021) at the point of curvature of a curve concave to the south, having a central angle of 05°19'47", a radius of 2814.79 feet and a chord bearing and distance of N87°55'00"E, 261.74 feet respectively; thence along the arc of said curve and along said right of way line, a distance of 261.84 feet to a 4" x 4" concrete monument (GFY LB021) at the point of tangency; thence N00°34'54"E, a distance of 2.00 feet to a 4" x 4" concrete monument (GFY LB021); thence S89°24'57"E, along the right of way line, a distance of 643.48 feet to a 1/2" steel rod & cap (GFY LB021); thence S00°34'54"W, a distance of 767.30 feet to a 3/4" iron pipe (no identification) at the northeast corner of that parcel of land as described in Official Records Book 935, Page 921 of the Public Records; thence N89°26'23"W, along the north line of said parcel of land, a distance of 239.94 feet to a 4"x4" concrete monument (RLS 940) at the northwest corner of said parcel of land and being also the northeast corner of the aforementioned Northwood West Unit No. 2; thence N89°24'57"W, along the north line of Northwood West Unit No. 2, a distance of 560.04' to the Point of Beginning.

The above described parcel of land containing 19.10 acres, more or less.

EXHIBIT "A"

EXHIBIT "B"

(Due to bulk and size, Exhibit "B" is not attached, but is on file in the Department of Community Development.)