

D R A F T

6/2/2009

ORDINANCE NO. _____
0-09-21

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4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain property within the City, as more**
6 **specifically described in this Ordinance, from “MU-2: 12-30**
7 **units/acre mixed use medium intensity” to “BA: Automotive-oriented**
8 **business district”; located in the vicinity of 2501 North Main Street;**
9 **providing a severability clause; providing a repealing clause; and**
10 **providing an immediate effective date.**

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13 **WHEREAS**, by initiation of a petition by the property owner, publication of notice of a
14 public hearing was given that the Zoning Map Atlas be amended by rezoning certain property
15 within the City from “MU-2: 12-30 units/acre mixed use medium intensity” to “BA:
16 Automotive-oriented business district”; and

17 **WHEREAS**, notice was given and publication made as required by law and a public
18 hearing was held by the City Plan Board on January 22, 2009; and

19 **WHEREAS**, the City Commission finds that the rezoning of the property described
20 herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan, as
21 applicable; and

22 **WHEREAS**, at least ten (10) days notice has been given of the public hearings once by
23 publication in a newspaper of general circulation notifying the public of this proposed ordinance
24 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall, in the City
25 of Gainesville; and

26 **WHEREAS**, notice has also been given by mail to the owner whose property will be

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1 regulated by the adoption of this Ordinance, at least ten days prior to the adoption of this
2 ordinance; and

3 **WHEREAS**, the Public Hearing was held pursuant to the published and mailed notice
4 described above at which hearing the parties in interest and all others had an opportunity to be
5 and were, in fact, heard.

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

8 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
9 following described property from the Alachua County zoning category of "MU-2: 12-30
10 units/acre mixed use medium intensity" to "BA: Automotive-oriented business district":

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

13
14 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
15 the Zoning Map to comply with this Ordinance.

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

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

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1 Section 5. This ordinance shall become effective immediately upon final adoption;
2 however, the rezoning shall not become effective until the amendment to the City of Gainesville
3 2000-2010 Comprehensive Plan adopted by Ordinance No. 080851 becomes effective as
4 provided therein.

5

6 PASSED AND ADOPTED this _____ day of _____, 200_____ .

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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

MARION J. RADSON, CITY ATTORNEY

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

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

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MJR/afm

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LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A RAILROAD SPIKE IN THE CENTERLINE OF N.E. 23rd AVENUE MARKING THE SOUTHWEST CORNER OF SAID SECTION 28, THENCE RUN ALONG SAID CENTERLINE AND ALONG THE SOUTHERLY LINE OF SAID SECTION, SOUTH 89° 33' 16" EAST, A DISTANCE OF 911.25 FEET TO THE CENTERLINE INTERSECTION OF N.E. 23rd AVENUE AND N.E. 5th TERRACE; THENCE RUN ALONG THE CENTERLINE OF N.E. 5th TERRACE, NORTH 00° 04' 49" EAST, A DISTANCE OF 292.82 FEET; THENCE RUN NORTH 89° 55' 11" WEST, A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF N.E. 5th TERRACE AND THE POINT OF BEGINNING; THENCE RUN NORTH 89° 33' 16" WEST, A DISTANCE OF 252.50 FEET; THENCE RUN NORTH 00° 04' 49" EAST, A DISTANCE OR 66.54 FEET; THENCE RUN NORTH 89° 33' 30" WEST, A DISTANCE OF 113.33 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF NORTH MAIN STREET; THENCE RUN ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 25° 48' 03" EAST, A DISTANCE OF 336.64 FEET; THENCE RUN SOUTH 89° 37' 37" EAST, A DISTANCE OF 219.73 FEET TO THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF N.E. 5th TERRACE; THENCE RUN ALONG SAID RIGHT-OF-WAY, SOUTH 00° 04' 49" WEST, A DISTANCE OF 370.93 FEET TO THE POINT OF BEGINNING.