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7/13/2009

ORDINANCE NO. _____
0-08-91

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4 **An ordinance of the City of Gainesville, Florida, amending**
5 **the Zoning Map Atlas and rezoning certain properties within**
6 **the City, as more specifically described in this ordinance,**
7 **from the zoning categories of “MU-1: 8-30 units/acre mixed**
8 **use low intensity,” “RC: 12 units/acre residential**
9 **conservation district,” and “OF: General office district” to**
10 **“PS: Public services and operations district” to permit by**
11 **right a public safety administration and operations facility**
12 **and certain other principal and accessory uses, as more**
13 **specifically described in this ordinance, including an indoor**
14 **shooting range, communications tower, outdoor storage, and**
15 **a public bicycle and pedestrian path through a portion of the**
16 **property; without the approval of a preliminary development**
17 **plan; located in the vicinity of the 400 Block of Northwest 8th**
18 **Avenue; providing a severability clause; providing a**
19 **repealing clause; and providing an immediate effective date.**
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21
22 **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map
23 Atlas be amended by rezoning certain properties within the City from the zoning categories of
24 “MU-1: 8-30 units/acre mixed use low intensity,” “RC: 12 units/acre residential conservation
25 district,” and “OF: General office district” to “PS: Public services and operations district”; and

26 **WHEREAS,** notice was given and publication made as required by law and a public
27 hearing was held by the City Plan Board on August 28, 2008; and

28 **WHEREAS,** the City Commission finds that the rezoning of the property described
29 herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan upon the
30 adoption of City of Gainesville Ordinance No. 080351; and

31 **WHEREAS,** at least ten (10) days notice has been given of the public hearing once by

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1 publication in a newspaper of general circulation notifying the public of this proposed ordinance
2 and of a public hearing in the City Commission meeting room, First Floor, City Hall, in the City
3 of Gainesville; and

4 **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose
5 property will be regulated by the adoption of this Ordinance, at least thirty (30) days prior to the
6 date set for a public hearing on this ordinance; and

7 **WHEREAS**, the public hearing was held pursuant to the published and mailed notice
8 described above at which hearing the parties in interest and all others had an opportunity to be
9 and were, in fact, heard.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
11 **CITY OF GAINESVILLE, FLORIDA:**

12 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
13 following described properties from the zoning categories of "MU-1: 8-30 units/acre mixed use
14 low intensity," "RC: 12 units/acre residential conservation district," and "OF: General office
15 district", as shown on Exhibit "A", to the City of Gainesville zoning category of, "PS: Public
16 services and operations district", as shown on Exhibit "B":

17 See Maps attached hereto as Exhibits "A" and "B", and made a part hereof
18 as if set forth in full.
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20 **Section 2.** The City Commission finds that a preliminary development plan is not
21 required in connection with this rezoning.

22 **Section 3.** The uses permitted by right on the property described in Section 1 of this

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1 Ordinance are as follows:

- 2 1) IN 9221 – “Police Protection;”
- 3 2) IN 9222 – “Legal Counsel and Prosecution;”
- 4 3) IN 9229 – “Public Order and Safety, Not Elsewhere Classified;”
- 5 4) communications tower in accordance with Article VI;
- 6 5) outdoor storage in accordance with Article VI;
- 7 6) operation of indoor shooting range for police department personnel only;
- 8 7) public bicycle and pedestrian path; and
- 9 8) any accessory uses customarily and clearly incidental to any permitted
10 principal use.

11 **Section 4.** The following conditions shall apply to this ordinance:

12 Condition 1. Development plan review is required as provided in Article VIII of
13 the Land Development Code of the City of Gainesville.

14 Condition 2. The streetscape along NW 8th Avenue shall be constructed and
15 maintained in accordance with the Streetscape Design and Technical Standards for the City of
16 Gainesville Community Redevelopment Agency Districts for the design and materials for
17 sidewalks, crosswalks, handicap ramps, and other relevant fixtures.

18 Condition 3. Streetlights and/or pedestrian lights shall be installed and
19 maintained in accordance with the Streetscape Design and Technical Standards for the City of
20 Gainesville Community Redevelopment Agency Districts along the frontage of NW 8th Avenue,

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1 from NW 6th Street to NW 4th Street.

2 Condition 4. The indoor shooting range shall be adequately soundproofed so that
3 the noise levels do not exceed the standards provided by Chapter 15, "Noise" Code of
4 Ordinances of the City of Gainesville, as amended from time to time.

5 Condition 5. Prior to final adoption of this ordinance, the minor subdivision,
6 which will allow for the realignment of the rail trail and the proper reconfiguration of the
7 properties owned by the City of Gainesville and the State of Florida, shall be filed with the City,
8 approved by the appropriate reviewing agencies, and officially recorded in the public records of
9 Alachua County, Florida.

10 **Section 5.** The City Manager is authorized and directed to make the necessary changes in
11 the Zoning Map to comply with this Ordinance.

12 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
13 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
14 finding shall not affect the other provisions or applications of the ordinance which can be given
15 effect without the invalid or unconstitutional provisions or application, and to this end the
16 provisions of this ordinance are declared severable.

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

19 **Section 8.** This ordinance shall become effective immediately upon final adoption;
20 however, the rezoning shall not become effective until the amendment to the City of Gainesville

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1 2000-2010 Comprehensive Plan adopted by Ordinance No. 080351 becomes effective as
2 provided therein.

3 **PASSED AND ADOPTED** this ____ day of _____, 2009.

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PEGEEN HANRAHAN, Mayor

ATTEST:

Approved as to form and legality:

KURT LANNON,
CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

This ordinance passed this ____ day of _____, 2009.

MJR/jls
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EXHIBITS "A & B"

(Due to bulk and size, Exhibits "A & B" are not attached, but are on file in the Department of Community Development.)