

ORDINANCE NO. 170829

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.38 acres of property generally located at 3520 NE Waldo Road, as more specifically described in this ordinance, from General Business (BUS) to Business Industrial (BI); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city; and

WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that designates the future general distribution, location, and extent of the uses of land for residential, commercial, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land, with the goals of protecting natural and historic resources, providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban sprawl; and

WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan and that are combined and compiled into a single land development code for the city; and

WHEREAS, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and land development regulations on specific classifications of land within the city; and

26 **WHEREAS**, this ordinance, which was requested by the owner(s) of the property that is the
27 subject of this ordinance and which was noticed as required by law, will amend the Zoning Map
28 Atlas by rezoning the subject property; and

29 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
30 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
31 pursuant to Section 163.3174, Florida Statutes, held a public hearing on February 22, 2018, and
32 voted to recommend that the City Commission approve this rezoning; and

33 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general
34 circulation notifying the public of this proposed ordinance and of public hearings in the City Hall
35 Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

38 **WHEREAS**, the City Commission finds that the rezoning of the property described herein is
39 consistent with the City of Gainesville Comprehensive Plan.

40 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
41 **FLORIDA:**

42 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
43 following property from General Business (BUS) to Business Industrial (BI):

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

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

50 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
51 the application hereof to any person or circumstance is held invalid or unconstitutional, such
52 finding shall not affect the other provisions or applications of this ordinance that can be given
53 effect without the invalid or unconstitutional provision or application, and to this end the
54 provisions of this ordinance are declared severable.

55 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
56 conflict hereby repealed.

57 **SECTION 5.** This ordinance shall become effective immediately upon adoption.

58 **PASSED AND ADOPTED** this 7th day of June, 2018.

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LAUREN POE
MAYOR

65 **Attest:**

Approved as to form and legality:

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OMICHELE D. GAINNEY
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

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This ordinance passed on first reading this 17th day of May, 2018.

This ordinance passed on second reading this 7th day of June, 2018.

Legal Description

Begin at the most northerly corner of Lot 14 of Seaboard Industrial Park as per a plat recorded in Plat Book "G", page 74 of the Public Records of Alachua County, Florida, being a point on the southerly R/W of State Road No. S-232, (100' R/W), thence run S 58°58' E, along said R/W 93 feet the P.C. of a curve having a central angle of 90°, a radius of 30 feet and being concave to a westerly direction, thence run southeasterly along the arc of said R/W curve 47.124 feet to the Point of Tangency of said curve; thence run S 31°02' W, along the westerly R/W of State Road No. 24 a distance of 80 feet; thence run N 58°58' W, 172.28 feet, thence run N 55°10' E, 120.24 feet the Point of Beginning. All being and lying in Lot 14 of Seaboard Industrial Park in Section 27, Township 9 South, Range 20 East, Alachua County, Florida.

LESS

That portion of property described in O.R. Book 1663, Page 1952, public records of Alachua County, Florida.

**Petition
PB-17-07 ZON
3520 NE Waldo Road
Proposed Zoning Districts**

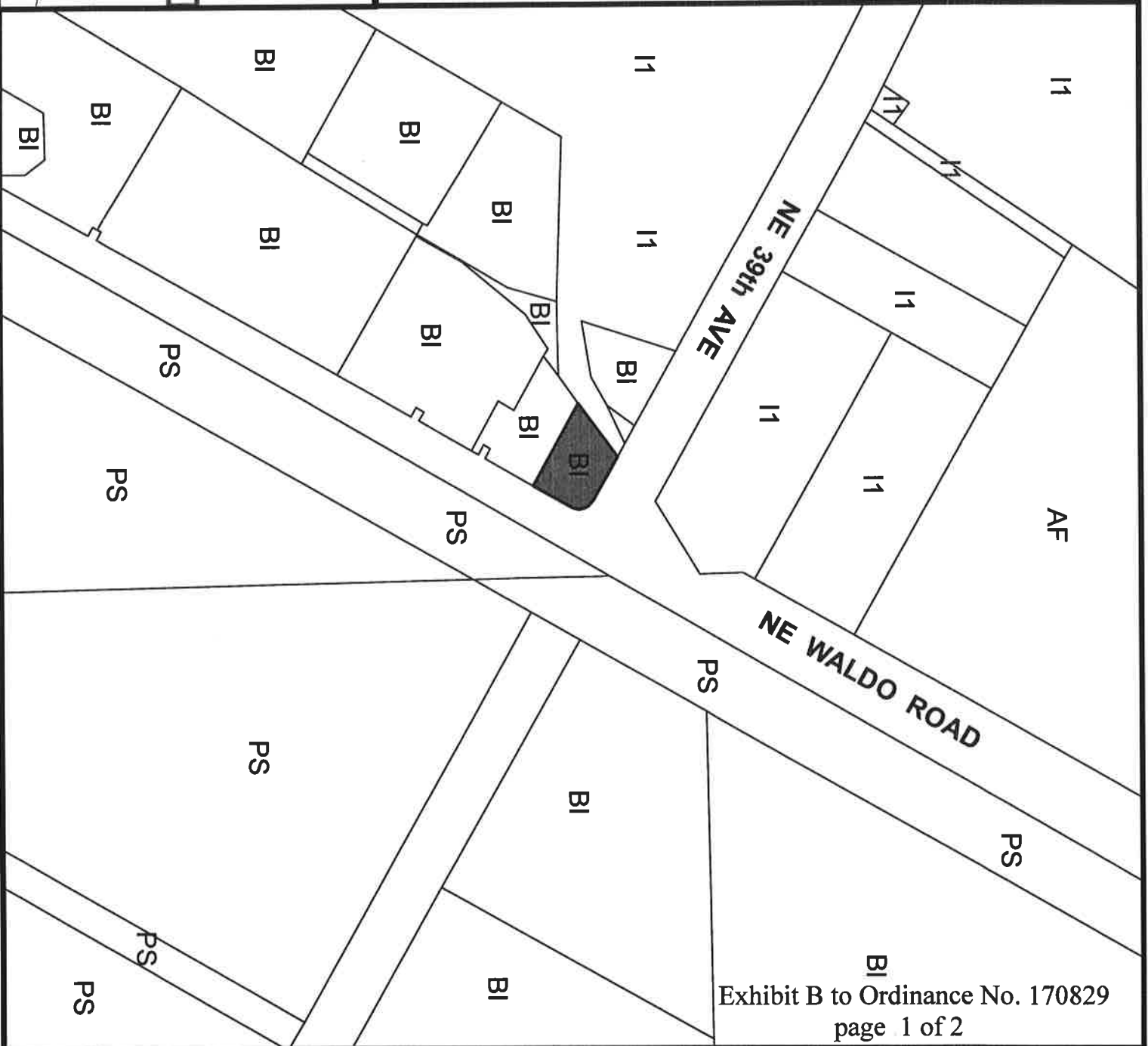
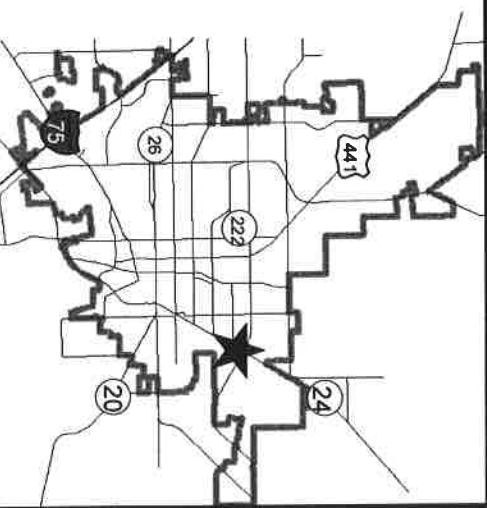
 Area under petition consideration

**City of Gainesville
Zoning Districts**

- AF Airport Facility
- BUS General Business
- BI Business Industrial
- I1 Limited Industrial
- PS Public Services and Operations

Thomas A. Daniel, agent for Julie Ann Miller, Trustee
Rezoned from BUS (General Business district) to BI (Business Industrial)

--- Division line between two land use categories
 City Limits



**Petition
PB-17-07 ZON
3520 NE Waldo Road
Existing Zoning Districts**

 Area under petition consideration

**City of Gainesville
Zoning Districts**

- AF Airport Facility
- BUS General Business
- BI Business Industrial
- I1 Limited Industrial
- PS Public Services and Operations

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