

LEGISLATIVE #

190536A

ORDINANCE NO. 190536

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 3.85 acres of property generally located at 5200 SW 41st Boulevard, as more specifically described in this ordinance, from Alachua County Industrial Services and Manufacturing (MS) district to City of Gainesville General Industrial (I-2) district; 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

WHEREAS, this ordinance, which was noticed as required by law, will amend the Zoning Map Atlas by rezoning the property that is the subject of this ordinance; and

29 **WHEREAS**, this rezoning was initiated by the City and involves a parcel or parcels of land
30 involving less than ten (10) contiguous acres; and

31 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
32 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
33 pursuant to Section 163.3174, Florida Statutes, held a public hearing on October 24, 2019, and
34 voted to recommend that the City Commission approve this rezoning; and

35 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a newspaper of
36 general circulation notifying the public of this proposed ordinance and a public hearing in the City
37 Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

38 **WHEREAS**, at least thirty (30) days' notice has been given by mail to each real property owner
39 whose land will be rezoned by enactment of this ordinance and whose address is known by
40 reference to the latest ad valorem tax records, notifying such property owners of this proposed
41 ordinance and of a public hearing in the City Hall Auditorium located on the first floor of City
42 Hall in the City of Gainesville; and

43 **WHEREAS**, the public hearing was held pursuant to the notice described above at which
44 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;
45 and

46 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be
47 consistent with the City of Gainesville Comprehensive Plan when the amendment to the
48 Comprehensive Plan adopted by Ordinance No. 190535 becomes effective as provided therein.

49 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
50 **FLORIDA:**

51 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the

52 following property from Alachua County Industrial Services and Manufacturing (MS) district to
53 City of Gainesville General Industrial (I-2) district:

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

57
58 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary
59 changes to the Zoning Map Atlas to comply with this ordinance.

60 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
61 the application hereof to any person or circumstance is held invalid or unconstitutional, such
62 finding will not affect the other provisions or applications of this ordinance that can be given
63 effect without the invalid or unconstitutional provision or application, and to this end the
64 provisions of this ordinance are declared severable.

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

67 **SECTION 5.** This ordinance will become effective immediately upon adoption; however, the
68 rezoning will not become effective until the amendment to the City of Gainesville
69 Comprehensive Plan adopted by Ordinance No. 190535 becomes effective as provided therein.

70 **PASSED AND ADOPTED** this _____ day of _____, 2020.

71
72
73
74 _____
75 LAUREN POE
76 MAYOR

77 Attest: Approved as to form and legality:
78
79
80 _____
81 OMICHELE D. GAINEY NICOLLE M. SHALLEY

82 CLERK OF THE COMMISSION

CITY ATTORNEY

83

84

85

86 This ordinance passed on adoption reading this _____ day of _____, 2020.

Legal Description

A PARCEL OF LAND SITUATED IN THE GARY GRANT, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721, ALSO BEING THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1736, PAGE 2672 (CURRENT TAX PARCEL NO. 7242) OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED ORB __, P __) , AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN ORB 2208, P 2895 (CURRENT TAX PARCEL NO. 7240-26) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE LEAVING SAID CITY LIMIT LINE N 10° 10' 42" W ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 323.24 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895; THENCE LEAVING THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 N 53° 48' 44" E ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 506.81 FEET TO THE NORTHEAST CORNER OF SAID LANDS, ALSO BEING THE NORTHWEST CORNER OF LANDS DESCRIBED IN ORB 4427, P 215 (CURRENT TAX PARCEL NO. 7240-24); THENCE S 36° 11' 16" E ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 4427, P 215 A DISTANCE OF 290.51 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 4427, P 215 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721; THENCE S 53° 48' 44" W ALONG SAID CITY LIMIT LINE AND SOUTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 648.55 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.85 ACRES MORE OR LESS.

Exhibit A to Ordinance No. 190536

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**Petition
PB-19-86 ZON
Existing Zoning**



Area under petition consideration

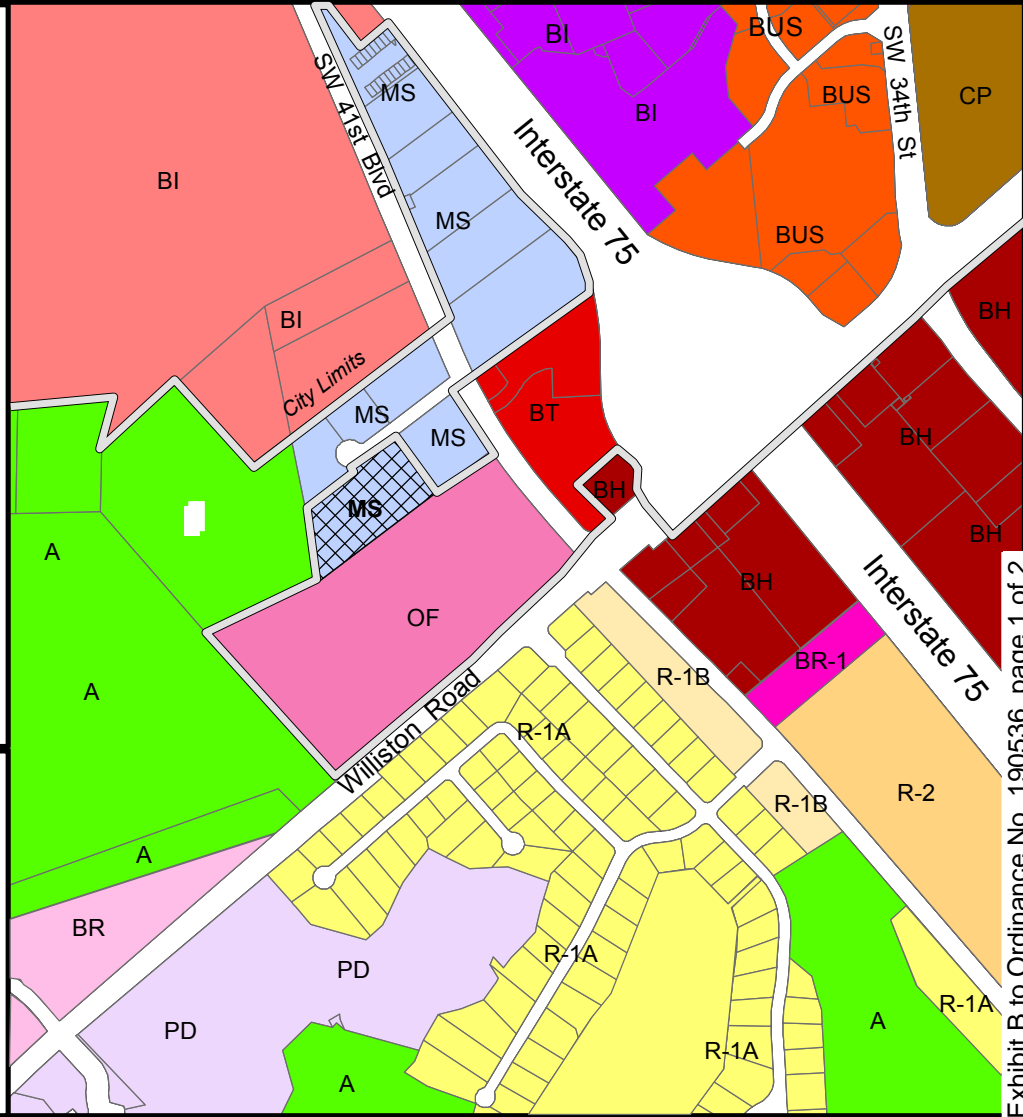
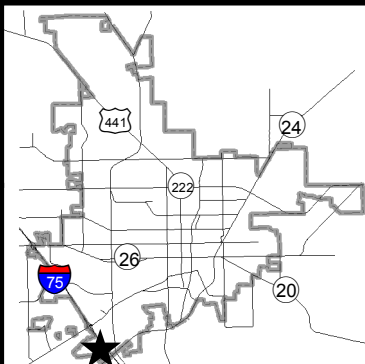
**City of Gainesville
Zoning Districts**

- BUS General Business
- CP Corporate Park
- OF General Office
- BI Business Industrial

**Alachua County
Zoning Districts**

- A Agriculture
- R-1A Single Family Residential
- R-1B Single Family Residential
- R-2 Multifamily Residential
- PD Planned Development
- BH Highway-Oriented Business
- BR Retail Sales & Services
- BR-1 Retail Sales & Services
- BT Business, Tourist & Entertainment
- MS Industrial Services & Manufacturing

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



**Petition
PB-19-86 ZON
Proposed Zoning**



Area under petition consideration

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City Limits

