

Legislative #

110557-A

ORDINANCE NO. 110557

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4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain property located in the vicinity of**
6 **4035 SW 20th Avenue, from the Alachua County zoning category of**
7 **“Planned development (PD) district” to the City of Gainesville zoning**
8 **category of “PS: Public services and operations district”; to permit**
9 **telecommunications facilities, utility buildings or facilities, stormwater**
10 **management facilities, and uses customarily incidental to any**
11 **permitted principal use; excepting the requirement of a preliminary**
12 **development plan; providing directions to the City Manager;**
13 **adopting certain conditions; providing a severability clause; providing**
14 **a repealing clause; and providing an immediate effective date.**

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17 **WHEREAS**, publication of notice of a public hearing was given that the Zoning Map
18 Atlas be amended by rezoning certain property from the Alachua County zoning category of
19 “Planned development (PD) district” to the City of Gainesville zoning category of “PS: Public
20 services and operations district”; and

21 **WHEREAS**, notice was given and publication made as required by law and a public
22 hearing was held by the City Plan Board on November 1, 2011; and

23 **WHEREAS**, the City Commission finds that the rezoning of the property described
24 herein is consistent with the City of Gainesville Comprehensive Plan; and

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

29 **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose

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1 property will be regulated by the adoption of this Ordinance, at least thirty days prior to the date
2 set for a public hearing on this ordinance; and

3 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
4 described above at which hearings the parties in interest and all others had an opportunity to be and
5 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 “Planned
10 development (PD) district” to the City of Gainesville zoning category of “PS: Public services
11 and operations district”, as more specifically described below:

12 See legal description, attached hereto as Exhibit “A” and made a part hereof
13 as if set forth in full.

14 **Section 2.** The City Commission finds that a preliminary development plan
15 is not required in connection with this rezoning.

16 **Section 3.** The uses permitted by right on the property described in Section 1 of this
17 Ordinance are telecommunications facilities, utility buildings or facilities (as defined by Section
18 30-23 of the Land Development Code), stormwater management facilities, and any use
19 customarily incidental to any permitted principal use.

20 **Section 4.** The following conditions also apply to the use and development of this
21 property:
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- 23 1. Changes to the site shall require development plan approval in accordance with the

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1 requirements of the City's Land Development Code and the adopted PS zoning
2 ordinance.

3 2. The subject property shall be regulated in accordance with the requirements of the City's
4 Land Development Code and all other applicable regulations.

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

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

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

14 **Section 8.** This ordinance shall become effective immediately upon final adoption.

15 **PASSED AND ADOPTED** this ____ day of _____, 2012.

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CRAIG LOWE, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

KURT LANNON,
CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

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This ordinance passed on adoption reading this ____ day of _____, 2012.

EXHIBIT "A"

A parcel of land in Section 11, Township 10 South, Range 19 East, Alachua County, Florida, said parcel of land being more particularly described as follows:

Commence at the Southwest corner of Section 11, Township 10 South, Range 19 East, and run along the South Line of said Section 11, S. 89°56'29" E., 1323.80 feet; thence run N. 00°05'46" W., 1319.07 feet to the Point of Beginning; thence run N. 89°45'47" E., 330.45 feet; thence run N. 00°09'21" W., 15.00 feet to a point on the Southerly right of way line of County Road S. W. 30; thence run Northwesterly along said right of way line with a curve concave Northeasterly said curve having a central angle of 05°00'22" a radius of 3869.72 feet, an arc length of 338.10 feet and a chord bearing and distance of N. 77°57'17" W., 337.99 feet; thence leave said right of way line and run S. 00°05'46" E., 86.90 feet to the Point of Beginning.