

ORDINANCE NO. 180572

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3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**
4 **Atlas by rezoning approximately 1.96 acres of property generally located on**
5 **the west side of NW 13th Street and north of NW 45th Avenue, as more**
6 **specifically described in this ordinance, from General Business (BUS) to**
7 **Automotive-Oriented Business (BA); providing directions to the City Manager;**
8 **providing a severability clause; providing a repealing clause; and providing an**
9 **effective date.**

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

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

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

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

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

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

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

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

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

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

43 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
44 following property from General Business (BUS) to Automotive-Oriented Business (BA):

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

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

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

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

58 **SECTION 5.** This ordinance will become effective immediately upon adoption.

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60 **PASSED AND ADOPTED** this 16th day of May, 2019.

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LAUREN POE
MAYOR

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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 2nd day of May, 2019.

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This ordinance passed on second reading this 16th day of May, 2019.

LEGAL DESCRIPTION

PARCELS 4 OF A MINOR SUBDIVISION AT THE SW CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA RECORDED IN MINOR SUBDIVISION BOOK 2, PAGES 84-86, SAID PARCEL BEING ALTERED BY THIS DOCUMENT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NEW PARCEL 4:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE; THENCE RUN NORTH 89°14'27" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.17 FEET; THENCE RUN SOUTH 00°42'33" EAST, 655.50 FEET; THENCE SOUTH 46°32'08" EAST, 658.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 44°14'50"; THENCE RUN SOUTHEASTERLY, ALONG SAID CURVE, AN ARC DISTANCE OF 395.95 FEET; THENCE RUN NORTH 89°13'02" EAST, A DISTANCE OF 464.90 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°42'01" WEST, A DISTANCE OF 429.63 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 25 & NW 13TH STREET) AND A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5679.58 FEET, A CENTRAL ANGLE OF 05°49'34" AND A CHORD BEARING AND DISTANCE OF SOUTH 41°07'41" EAST, 577.27 FEET; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 577.51 FEET; THENCE, DEPARTING SAID RIGHT-OF-WAY, RUN SOUTH 89°13'02" WEST, A DISTANCE OF 374.35 FEET; THENCE RUN NORTH 00°42'01" WEST, A DISTANCE OF 10.34 FEET TO THE POINT OF BEGINNING. CONTAINING 1.96 ACRES, MORE OR LESS.

**Petition
PB-18-125 ZON
Proposed Zoning**

Area under petition consideration

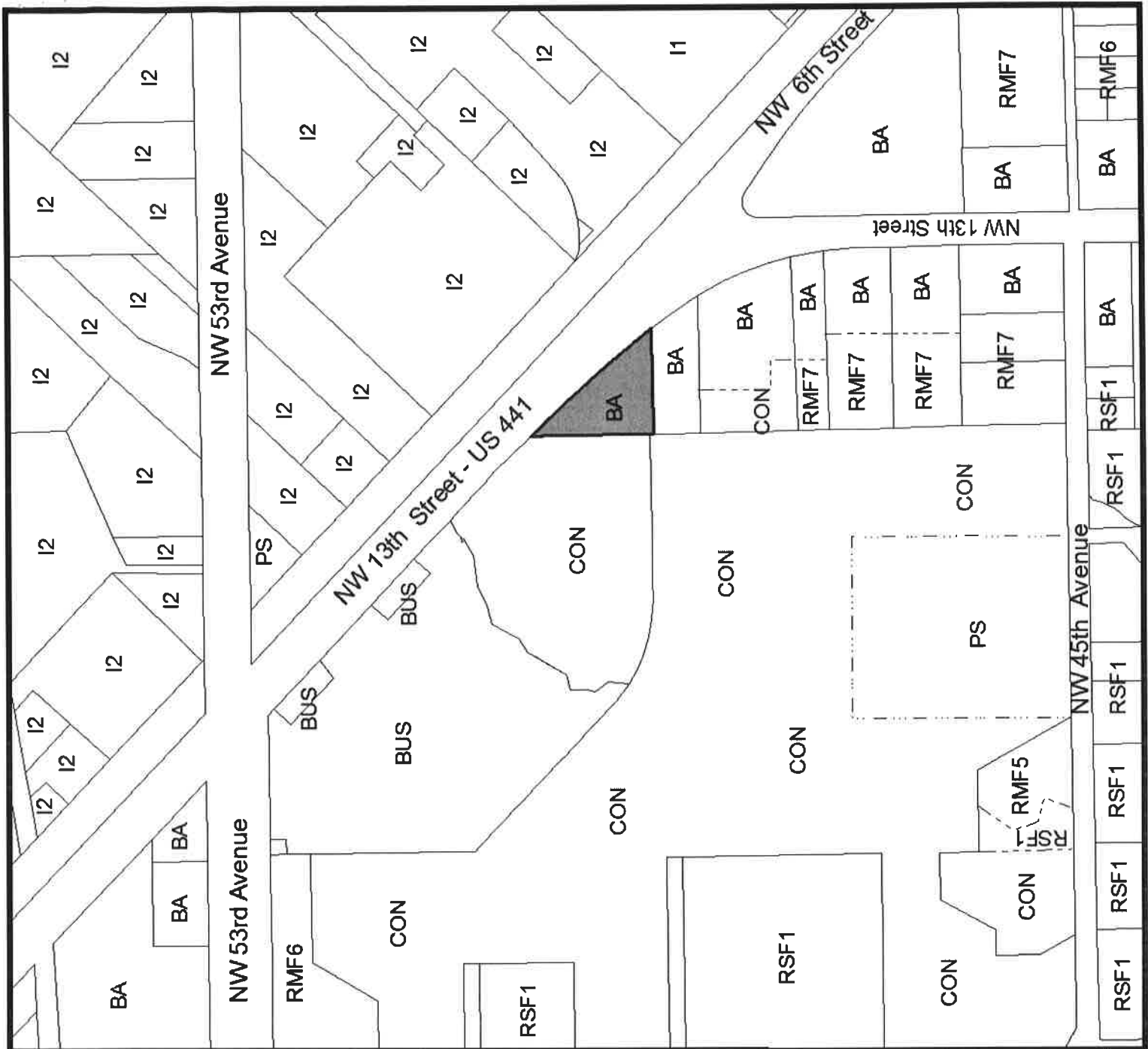
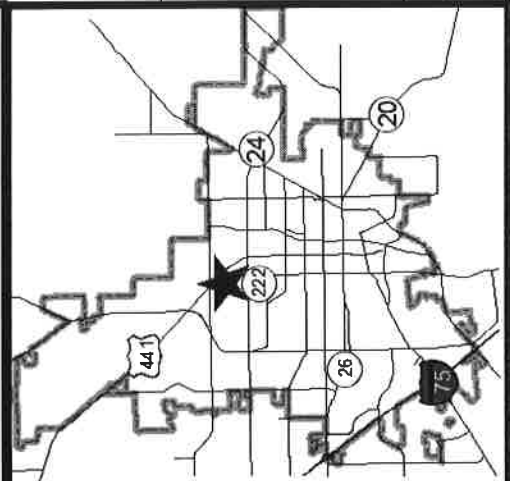


**City of Gainesville
Zoning Districts**


- RSF1 Single-Family Residential
- RMF5 Single-Family/Multiple-Family Residential
- RMF6 Multiple-Family Residential
- RMF7 Multiple-Family Residential
- BA Automotive-Oriented Business
- BUS General Business
- CON Conservation
- PS Public Services & Operations
- I1 Limited Industrial
- I2 General Industrial

Exhibit B to Ordinance No. 180572

--- Division line between two zoning districts
 — City Limits



**Petition
PB-18-125 ZON
Existing Zoning**

 Area under petition consideration

**City of Gainesville
Zoning Districts**

- RSF1 Single-Family Residential
- RMF5 Single-Family/Multiple-Family Residential
- RMF6 Multiple-Family Residential
- RMF7 Multiple-Family Residential
- BA Automotive-Oriented Business
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--- Division line between two zoning districts
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