

ORDINANCE NO. 110557

1  
2  
3  
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 20<sup>th</sup> 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.**

15  
16  
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  
30       property will be regulated by the adoption of this Ordinance, at least thirty days prior to the date

1 set for a public hearing on this ordinance; and

2           **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices  
3 described above at which hearings the parties in interest and all others had an opportunity to be and  
4 were, in fact, heard.

5           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
6 **CITY OF GAINESVILLE, FLORIDA:**

7           **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
8 following described property from the Alachua County zoning category of “Planned  
9 development (PD) district” to the City of Gainesville zoning category of “PS: Public services  
10 and operations district”, as more specifically described below:

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

13  
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:

22           1. Changes to the site shall require development plan approval in accordance with the  
23 requirements of the City’s Land Development Code and the adopted PS zoning

1 ordinance.

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

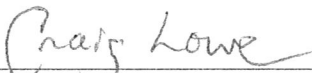
4 **Section 5.** The City Manager is authorized and directed to make the necessary changes  
5 in the Zoning Map to comply with this Ordinance.

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

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

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

14 **PASSED AND ADOPTED** this 15th day of March, 2012.

15   
16 \_\_\_\_\_  
17 CRAIG LOWE, MAYOR

18  
19 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

20   
21 \_\_\_\_\_  
22 KURT LANNON,  
23 CLERK OF THE COMMISSION

By:   
MARION J. RADSON, CITY ATTORNEY  
MAR 15 2012

24  
25  
26  
27 This ordinance passed on adoption reading this 15th day of March, 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.  $89^{\circ}56'29''$  E., 1323.80 feet; thence run N.  $00^{\circ}05'46''$  W., 1319.07 feet to the Point of Beginning; thence run N.  $89^{\circ}45'47''$  E., 330.45 feet; thence run N.  $00^{\circ}09'21''$  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  $05^{\circ}00'22''$  a radius of 3869.72 feet, an arc length of 338.10 feet and a chord bearing and distance of N.  $77^{\circ}57'17''$  W., 337.99 feet; thence leave said right of way line and run S.  $00^{\circ}05'46''$  E., 86.90 feet to the Point of Beginning.