

**LEGISLATIVE #**  
**191038A**

ORDINANCE NO. 191038

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 1.79 acres of property generally located south of Tax Parcel No. 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43<sup>rd</sup> Street, from Alachua County Business, Tourist and Entertainment (BR-1) to City of Gainesville General Business (BUS); 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**, 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 April 22, 2021, and  
32 voted to recommend that the City Commission approve this rezoning; and

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

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

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

44 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be  
45 consistent with the City of Gainesville Comprehensive Plan when the amendment to the  
46 Comprehensive Plan adopted by Ordinance No. 191037 becomes effective as provided therein.

47 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**  
48 **FLORIDA:**

49 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
50 following property from Alachua County Business, Tourist and Entertainment (BR-1) to City of  
51 Gainesville General Business (BUS):

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

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

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

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

**SECTION 5.** This ordinance shall become effective immediately upon adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 191037 becomes effective as provided therein.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
LAUREN POE  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
OMICHELE D. GAINEY  
CITY CLERK

\_\_\_\_\_  
DANIEL M. NEE  
INTERIM CITY ATTORNEY

This ordinance passed on adoption reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**LEGAL DESCRIPTION**

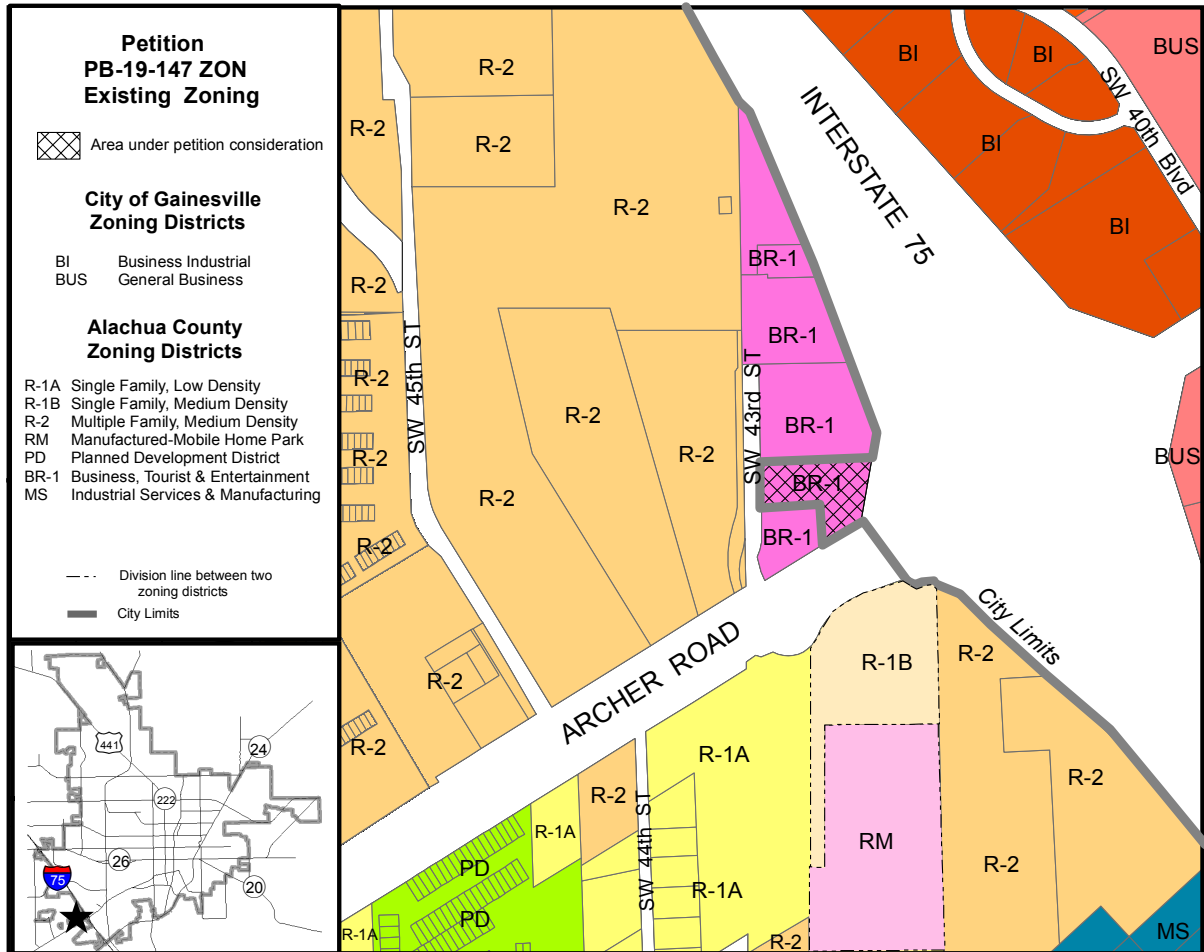
A PORTION OF THE SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK (STAMPED "PRM 2228" ) FOUND AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 00°51'46" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 2146.95 FEET; THENCE NORTH 89°08'14" EAST, 61.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'14" EAST, 398.35 FEET, TO A POINT ON THE WESTERLY LIMITED ACCESS RIGHT OF WAY LINE TO INTERSTATE HIGHWAY I-75 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 080137; THENCE SOUTH 10°16' 25" WEST, ALONG SAID WESTERLY LIMITED ACCESS RIGHT OF WAY LINE AND EXISTING CITY OF GAINESVILLE LIMIT LINE, 226.15 FEET, TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 24 (ARCHER ROAD); THENCE LEAVING SAID WESTERLY LIMITED ACCESS RIGHT OF WAY LINE AND CITY LIMIT LINE SOUTH 57°59'54" WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF ARCHER ROAD, 161.10 FEET; THENCE NORTH 05°44'04" WEST, 140.22 FEET; THENCE SOUTH 89°08'14" WEST, 204.87 FEET, TO A POINT LYING 61 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00°51'46" WEST, PARALLEL WITH AND 61 FEET EASTERLY OF SAID WEST LINE, 165.48 FEET, TO THE POINT OF BEGINNING.

CONTAINING 77,891 SQUARE FEET OR 1.788 ACRES, MORE OR LESS.

THE BEARING STRUCTURE OF THE HEREIN DESCRIBED PARCEL IS BASED ON THE DEED FOUND IN OFFICIAL RECORDS BOOK 2845, PAGE 111.

# Exhibit B to Ordinance 191038



# Exhibit B to Ordinance 191038

