

**LEGISLATIVE #**

**120210A**

ORDINANCE NO. 120210

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3       **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**  
4       **Atlas by rezoning approximately 24.7 acres of property located in the vicinity**  
5       **of 2000 SW 43<sup>rd</sup> Street, as more specifically described in this ordinance, from**  
6       **Alachua County Conservation district (C-1) to City of Gainesville**  
7       **Conservation district (CON) and Public service and operations district (PS);**  
8       **establishing uses permitted by right and minimum setbacks; excepting the**  
9       **requirement of a preliminary development plan for the portion of the**  
10       **property zoned Public services and operations district (PS); providing**  
11       **directions to the City Manager; providing a severability clause; providing a**  
12       **repealing clause; and providing an immediate effective date.**

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14       **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map  
15 Atlas of the City of Gainesville be amended by rezoning certain property from Alachua County  
16 Conservation district (C-1) to City of Gainesville Conservation district (CON) and Public service  
17 and operations district (PS); and

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

20       **WHEREAS,** notice was given and publication made as required by law and a public  
21 hearing was held by the City Plan Board on May 24, 2012; and

22       **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10  
23 inches long was placed in a newspaper of general circulation and provided the public with at  
24 least seven (7) days advance notice of the first public hearing to be held in the City Hall  
25 Auditorium, First Floor, City Hall, City of Gainesville; and

26       **WHEREAS,** a second advertisement no less than two columns wide by 10 inches long  
27 was placed in the aforesaid newspaper and provided the public with at least five (5) days advance  
28 notice of the second public hearing; and

29       **WHEREAS,** public hearings were held pursuant to the published notices described above

1 at which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
2 heard.

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
6 following property from Alachua County Conservation district (C-1) to City of Gainesville  
7 Conservation district (CON):

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

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13 **Section 2.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
14 following property from Alachua County Conservation district (C-1) to City of Gainesville  
15 Public service and operations district (PS):

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

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21 **Section 3.** The uses permitted by right on the property described in Section  
22 2 of this ordinance are as follows:

- 23 1) Public parks and recreational areas;  
24 2) Off-leash dog park;  
25 3) Arboreta and botanical gardens;  
26 4) Public lands designated for open space or conservation;  
27 5) Fire station;  
28 6) Police substation;  
29 7) Water conservation areas, water reservoirs and control structures;  
30 8) Utility buildings or facilities (as defined in Section 30-23 of the Land  
31 Development Code);  
32 9) Utility transmission and distribution lines;  
33 10) Transit stops; and

1           11) Accessory uses customarily and clearly incidental to any permitted  
2           principal use;  
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5           **Section 4.** Except as otherwise specified in Subsection 30-75(e) of the Land  
6 Development Code, the following minimum setbacks shall apply to the property described in  
7 Section 2 of this ordinance:

- 8           1) Front (along SW 43<sup>rd</sup> Street): Ten feet.
- 9           2) Side, street: Ten feet.
- 10          3) Side, interior: Twenty feet.
- 11          4) Rear: Zero feet.

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13           **Section 5.** The City Commission finds that a preliminary development plan is not  
14 required in connection with the rezoning of the property described in Section 2 of this ordinance.

15           **Section 6.** The property described in Section 2 of this ordinance shall be developed and  
16 regulated in accordance with the requirements of the City of Gainesville’s Land Development  
17 Code and all other applicable regulations.

18           **Section 7.** The City Manager is authorized and directed to make the necessary changes to  
19 the Zoning Map to comply with this ordinance.

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

25           **Section 9.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
26 such conflict hereby repealed.

27           **Section 10.** This ordinance shall become effective immediately upon final adoption.

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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
CRAIG LOWE  
MAYOR

Attest:

Approved as to form and legality:

By: \_\_\_\_\_  
KURT LANNON  
CLERK OF THE COMMISSION

By: \_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

LEGAL DESCRIPTION OF FOREST PARK CONSERVATION AREA (TRACT "01"):

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE RUN N 00° 10' 58" W ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 1315.88 FEET; THENCE LEAVING SAID SECTION LINE RUN N 89° 22' 12" W A DISTANCE OF 80.00 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND LISTED AS PARCEL A (PARCEL 4) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1308, PAGE 290 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 43rd STREET (80 FEET RIGHT-OF-WAY); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN N 89° 22' 12" W ALONG THE SOUTHERLY LINE OF SAID TRACT A DISTANCE OF 577.32 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, ALSO BEING THE NORTHWEST CORNER OF MARCHWOOD, A PLAT AS RECORDED IN PLAT BOOK "M", PAGE 47 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE CONTINUE N 89° 22' 12" W ALONG SAID SOUTHERLY LINE A DISTANCE OF 379.97 FEET TO THE SOUTHWEST CORNER OF SAID TRACT, SAID CORNER BEING ON THE CENTERLINE OF A CREEK ACCORDING TO H.H. GREEN SURVEY DATED 3/31/80; THENCE RUN IN A NORTHERLY DIRECTION ALONG THE CENTERLINE OF SAID CREEK THE FOLLOWING 19 COURSES:

1) N 09° 52' 54" E A DISTANCE OF 52.20 FEET; 2) N 30° 51' 25" E A DISTANCE OF 133.80 FEET; 3) N 00° 51' 16" E A DISTANCE OF 82.83 FEET; 4) N 30° 18' 08" W A DISTANCE OF 94.35 FEET; 5) N 12° 15' 37" W A DISTANCE OF 214.54 FEET; 6) N 01° 19' 34" E A DISTANCE OF 95.64 FEET; 7) N 04° 52' 25" E A DISTANCE OF 41.10 FEET; 8) N 85° 28' 04" W A DISTANCE OF 57.05 FEET; 9) N 35° 00' 53" W A DISTANCE OF 96.79 FEET; 10) N 15° 18' 02" W A DISTANCE OF 107.50 FEET; 11) N 39° 25' 49" E A DISTANCE OF 180.80 FEET; 12) N 39° 20' 20" W A DISTANCE OF 44.65 FEET; 13) N 51° 57' 29" W A DISTANCE OF 50.53 FEET; 14) N 02° 04' 02" E A DISTANCE OF 43.95 FEET; 15) N 21° 23' 53" E A DISTANCE OF 32.86 FEET; 16) N 43° 51' 16" W A DISTANCE OF 116.04 FEET; 17) N 01° 15' 34" W A DISTANCE OF 90.59 FEET; 18) N 18° 26' 55" E A DISTANCE OF 44.72 FEET; 19) N 43° 58' 18" E A DISTANCE OF 113.54 FEET TO A POINT LYING 60 FEET PERPENDICULARLY TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 20th AVENUE, A 100 FEET WIDE RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 215, PAGE 441-443 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA;

THENCE RUN S 54° 27' 36" E PARALLEL TO SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 469.78 FEET; THENCE LEAVING SAID PARALLEL LINE RUN S 39° 29' 15" W A DISTANCE OF 262.45 FEET; THENCE RUN PARALLEL TO AND OFFSET 10 FEET SOUTHERLY AND WESTERLY FROM A CHAIN LINK FENCE THE FOLLOWING SIX (6) COURSES:

1) S 17° 04' 14" W A DISTANCE OF 211.97 FEET; 2) S 03° 49' 22" W A DISTANCE OF 51.65 FEET; 3) S 17° 38' 05" E A DISTANCE OF 94.07 FEET; 4) S 30° 07' 19" E A DISTANCE OF 67.87 FEET; 5) S 40° 42' 56" E A DISTANCE OF 42.90 FEET; 6) S 59° 33' 22" E A DISTANCE OF 180.64 FEET;

THENCE RUN S 25° 25' 46" E A DISTANCE OF 69.54 FEET; THENCE RUN S 10° 43' 52" E A DISTANCE OF 176.46 FEET; THENCE RUN S 06° 16' 03" W A DISTANCE OF 144.36 FEET; THENCE RUN S 13° 28' 57" E A DISTANCE OF 66.61 FEET TO THE POINT OF BEGINNING. SAID HEREIN DESCRIBED TRACT OF LAND CONTAINING 375,193 SQUARE FEET (8.61 ACRES), MORE OR LESS.

LEGAL DESCRIPTION OF FOREST PARK RECREATION AREA (TRACT "03"):

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE RUN N 00° 10' 58" W ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 1315.88 FEET; THENCE LEAVING SAID SECTION LINE RUN N 89° 22' 12" W A DISTANCE OF 80.00 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND LISTED AS PARCEL A (PARCEL 4) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1308, PAGE 290 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 43rd STREET (80 FEET RIGHT-OF-WAY); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN N 89° 22' 12" W ALONG THE SOUTHERLY LINE OF SAID TRACT A DISTANCE OF 577.32 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, ALSO BEING THE NORTHWEST CORNER OF MARCHWOOD, A PLAT AS RECORDED IN PLAT BOOK "M", PAGE 47 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN N 13° 28' 57" W A DISTANCE OF 66.61 FEET; THENCE RUN N 06° 16' 03" E A DISTANCE OF 144.36 FEET; THENCE RUN N 10° 43' 52" W A DISTANCE OF 176.46 FEET; THENCE RUN N 25° 25' 46" E W A DISTANCE OF 69.54 FEET; THENCE RUN PARALLEL TO AND OFFSET 10 FEET SOUTHERLY AND WESTERLY FROM A CHAIN LINK FENCE THE FOLLOWING SIX (6) COURSES:

1) N 59° 33' 22" W A DISTANCE OF 180.64 FEET; 2) N 40° 42' 56" W A DISTANCE OF 42.90 FEET; 3) N 30° 07' 19" W A DISTANCE OF 67.87 FEET; 4) N 17° 38' 05" W A DISTANCE OF 94.07 FEET; 5) N 03° 49' 22" E A DISTANCE OF 51.65 FEET; 6) N 17° 04' 14" E A DISTANCE OF 211.97 FEET;

THENCE RUN N 39° 29' 15" E A DISTANCE OF 262.45 FEET TO A POINT LYING 60 FEET PERPENDICULARLY TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 20th AVENUE, A 100 FEET WIDE RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 215, PAGE 441-443 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN S 54° 27' 36" E PARALLEL TO SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 630.85 FEET; THENCE LEAVING SAID PARALLEL LINE RUN S 00° 28' 01" W A DISTANCE OF 89.62 FEET; THENCE RUN S 49° 31' 15" W A DISTANCE OF 49.44 FEET; THENCE RUN S 00° 28' 01" W A DISTANCE OF 168.91 FEET; THENCE RUN N 89° 52' 40" E A DISTANCE OF 179.62 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 43rd STREET (80 FEET RIGHT-OF-WAY); THENCE RUN S 00° 10' 58" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 522.25 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND LISTED AS PARCEL A (PARCEL 4) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1308, PAGE 290 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN N 89° 22' 12" W ALONG THE SOUTHERLY LINE OF SAID TRACT A DISTANCE OF 577.32 FEET TO THE POINT OF BEGINNING. SAID HEREIN DESCRIBED TRACT OF LAND CONTAINING 659,465 SQUARE FEET (15.14 ACRES), MORE OR LESS.

LEGAL DESCRIPTION OF FIRE STATION NUMBER 19 (TRACT "02") BASED UPON MAP OF  
BOUNDARY SURVEY PREPARED BY STEVEN EMMONS OF ALACHUA COUNTY PUBLIC WORKS  
SURVEYING, PROJECT 08-018 DATED JANUARY 3, 2012:

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA  
COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 10 FOR A POINT OF REFERENCE AND  
RUN N 00°10'58" W ALONG THE EAST LINE OF SAID SECTION 10 A DISTANCE OF 1315.88 FEET;  
THENCE RUN N 89°22'12" W A DISTANCE OF 80.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF  
SOUTHWEST 43rd STREET (80 FEET RIGHT-OF-WAY); THENCE RUN N 00°10'58" W ALONG SAID  
WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 522.25 FEET TO THE POINT OF BEGINNING OF THE  
HEREIN DESCRIBED TRACT; THENCE RUN N 89°52'40" W A DISTANCE OF 179.62 FEET; THENCE RUN  
N 00°28'01" E A DISTANCE OF 168.91 FEET; THENCE RUN N 49°31'15" E A DISTANCE OF 49.44 FEET;  
THENCE RUN N 00°28'01" E A DISTANCE OF 89.62 FEET TO A POINT WHICH LIES 60 FEET  
SOUTHWESTERLY (MEASURED PERPENDICULARLY TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE  
OF SOUTHWEST 20th AVENUE, A 100 FEET RIGHT-OF-WAY); THENCE RUN S 54°27'36" E PARALLEL  
WITH SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 171.18 FEET TO A POINT WHICH  
LIES ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 43rd STREET;  
THENCE RUN S 00°10'58" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 191.49  
FEET TO THE POINT OF BEGINNING. SAID HEREIN DESCRIBED TRACT OF LAND CONTAINING  
40,894 SQUARE FEET (0.94 ACRES), MORE OR LESS.



