

**LEGISLATIVE #**  
**180398A**

ORDINANCE NO. 180398

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 81.575 acres of property known as the Oaks Mall generally located at the southwest corner of the intersection of W Newberry Road and NW 62<sup>nd</sup> Street, as more specifically described in this ordinance, from General Business (BUS) district to Urban 8 (U8) district; 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

**WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on September 27, 2018, and voted to recommend that the City Commission approve this rezoning; and

**WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a newspaper of general circulation and provided the public with at least seven days' advance notice of this ordinance's first public hearing to be held by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

**WHEREAS**, a second advertisement no less than two columns wide by ten inches long was placed in the aforesaid newspaper and provided the public with at least five days' advance notice of this ordinance's second public hearing to be held by the City Commission; and

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

**WHEREAS**, the City Commission finds that the rezoning of the subject property will be consistent with the City of Gainesville Comprehensive Plan when the amendment to the Comprehensive Plan adopted by Ordinance No. 180397 becomes effective as provided therein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

**FLORIDA:**

**SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the following property from General Business (BUS) district to Urban 8 (U8) district:

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 will 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 will become effective immediately upon adoption; however, the rezoning will not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 180397 becomes effective as provided therein.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

Attest:

Approved as to form and legality:

\_\_\_\_\_  
OMICHELE D. GAINES  
CLERK OF THE COMMISSION

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

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

### Legal Description

A parcel of land situated in Section 4, Township 10 South, Range 19 East, Alachua County, Florida, said parcel of land being more particularly described as follows:

Commence at the Northeast corner of Section 4, Township 10 South, Range 19 East; thence North 89°37'02" West along the North line of said Section 4, 1050.39 feet; thence run South 00°02'06" East, 52.78 feet to a point on the Southerly right of way line of State Road No. 26; thence North 89°30'38" West, a distance of 5.00 feet to a point of the Westerly Right-of-Way line of NW 62<sup>nd</sup> Street and the **Point of Beginning**; thence the following five (5) courses along said Westerly Right-of-Way line; (1) thence South 00°02'06" East, a distance of 721.05 feet; (2) thence North 89°57'54" East, a distance of 5.00 feet; (3) thence South 00°02'06" East, a distance of 1202.83 feet; (4) thence North 89°30'38" West, a distance of 10.00 feet; (5) thence South 00°02'06" East, a distance of 702.32 feet; thence departing said Westerly Right-of-Way line, North 89°49'46" West, a distance of 267.00 feet to the Southwest corner of Parcel 3 of lands described in Official Records Book 2131, Page 2933 of the Public Records of Alachua County, Florida; thence the following nine (9) courses along the Boundary of said Parcel 3; (1) thence continue North 89°49'46" West, a distance of 652.18 feet; (2) thence North 00°06'58" West, a distance of 703.96 feet; (3) thence North 89°30'38" West, a distance of 6.64 feet; (4) thence North 00°01'40" East, a distance of 466.92 feet; (5) thence North 89°30'38" West, a distance of 462.46 feet; (6) thence North 00°01'40" East, a distance of 140.00 feet; (7) thence North 89°30'38" West, a distance of 169.97 feet; (8) thence South 00°03'25" West, a distance of 140.00 feet; (9) thence North 89°30'38" West, a distance of 30.00 feet to the East line of Parcel 5 of said lands described in Official Records Book 2131, Page 2933; thence the following seven (7) courses along the boundary of said Parcel 5; (1) thence South 00°03'26" West, a distance of 340.03 feet; (2) thence North 36°36'55" West, a distance of 384.51 feet; (3) thence North 00°14'07" East, a distance of 133.62 feet; (4) thence North 89°35'37" West, a distance of 87.76 feet; (5) thence North 36°36'55" West, a distance of 58.71 feet; (6) thence North 00°14'07" East, a distance of 238.45 feet; (7) thence South 89°30'38" East, a distance of 351.31 feet to the West line of Parcel 1 of said lands described in Official Records Book 2131, Page 2933; thence North 00°03'26" East, along said West line, a distance of 1074.98 feet to the Southerly Right-of-Way line of State Road No. 26; thence South 89°30'35" East, along said Southerly Right-of-Way line, a distance of 1591.50 feet to the **Point of Beginning**.

Containing 81.575 Acres, more or less.

**Petition  
PB-18-117 ZON  
Proposed Zoning Districts**



 Area Under Petition Consideration

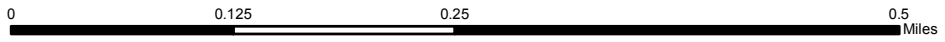
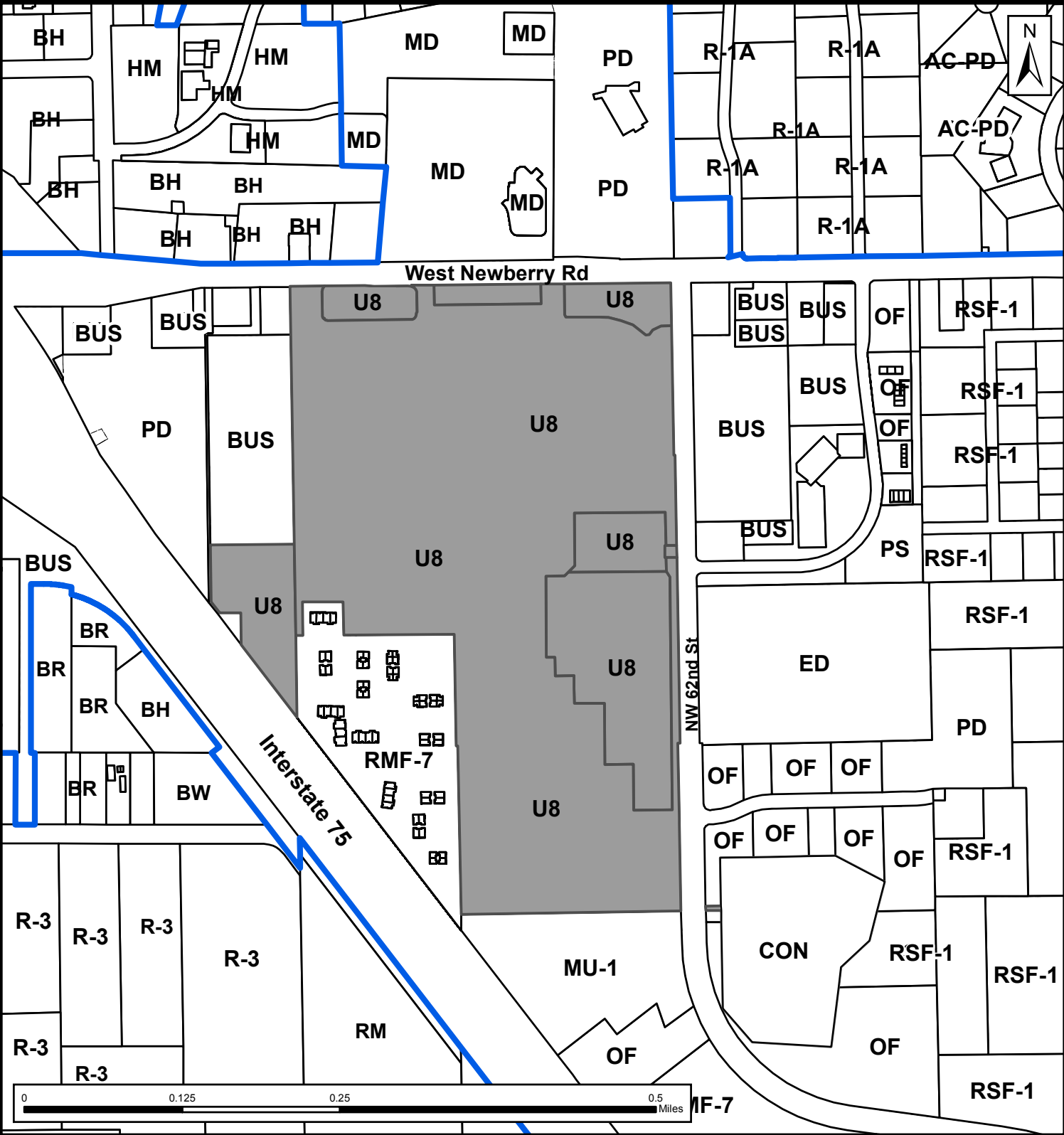
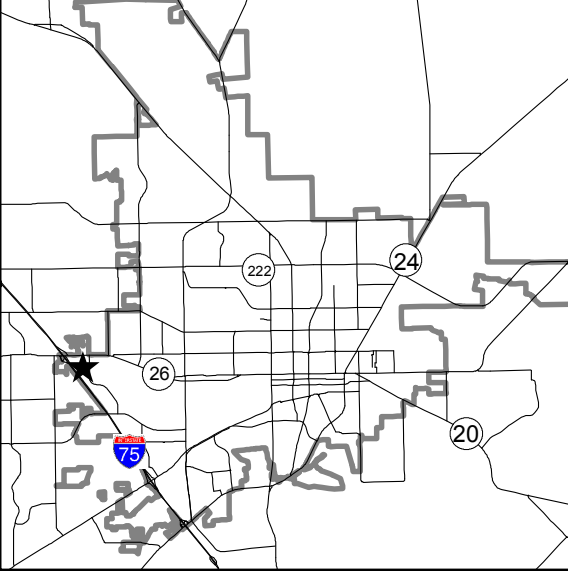
**City of Gainesville  
Zoning Districts**

- BUS General Business
- CON Conservation
- ED Education
- MD Medical
- MU-1 Mixed-Use Low-Intensity
- OF Office
- PD Planned Development
- PS Public Services & Operations
- RMF-7 Multi-Family Medium Density
- RSF-1 Single-Family Residential
- U8 Urban 8


**Alachua County  
Zoning Districts**

- AC-PD Alachua County Planned Development
- BH Business, Highway
- BR Business, Retail
- BW Wholesale/Warehousing
- HM Hospital/Medical
- R-1A Single-Family, Low Density
- R-3 Multiple Family, High Density
- RM Manufactured-Mobile Home

 Division line between two zoning districts  
 City Limits



# Petition PB-18-117 ZON Existing Zoning Districts



 Area Under Petition Consideration

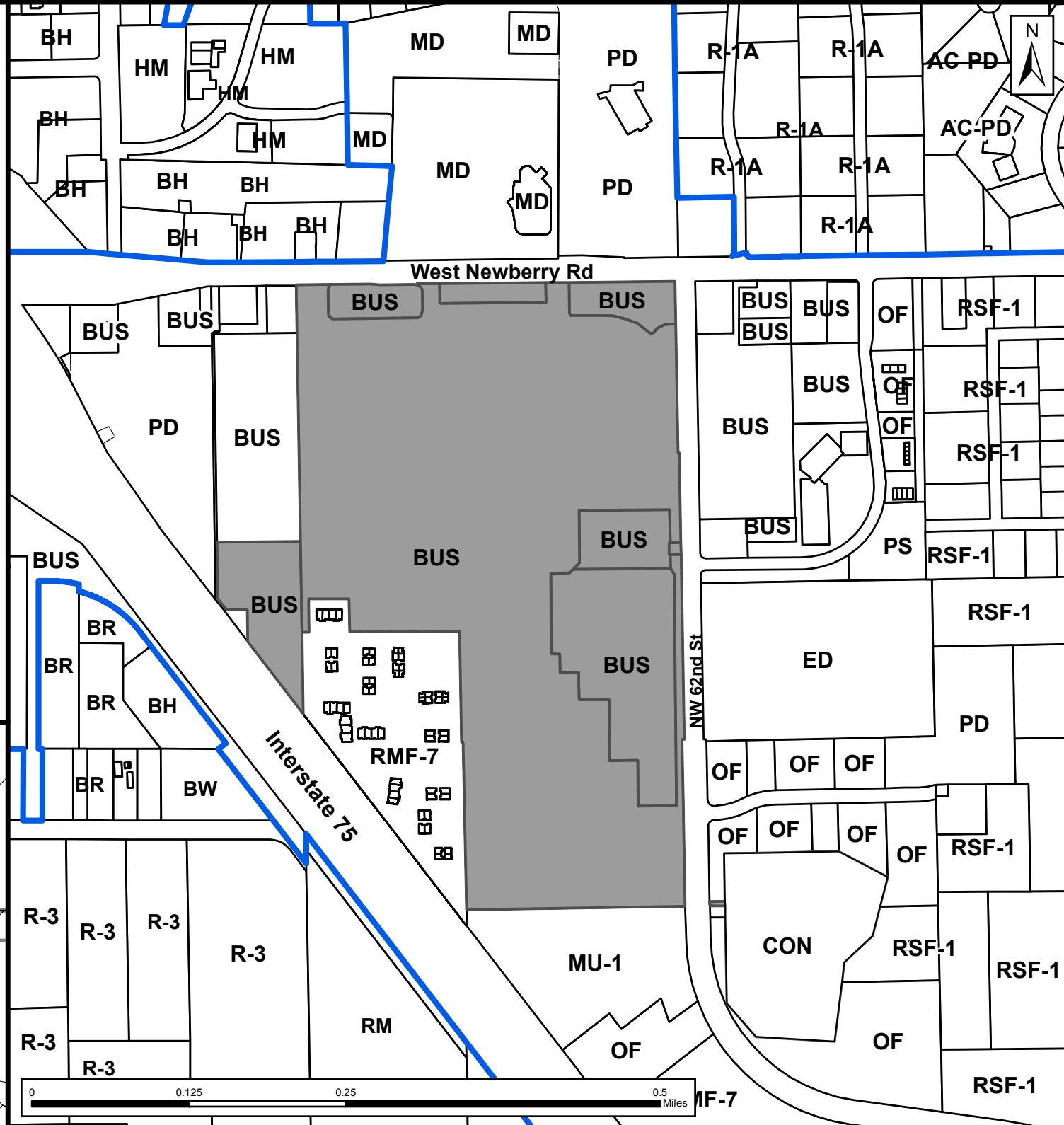
## City of Gainesville Zoning Districts

BUS	General Business
CON	Conservation
ED	Education
MD	Medical
MU-1	Mixed-Use Low-Intensity
OF	Office
PD	Planned Development
PS	Public Services & Operations
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RSF-1	Single-Family Residential

## Alachua County Zoning Districts

AC-PD	Alachua County Planned Development
BH	Business, Highway
BR	Business, Retail
BW	Wholesale/Warehousing
HM	Hospital/Medical
R-1A	Single-Family, Low Density
R-3	Multiple Family, High Density
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 Division line between two zoning districts  
 City Limits



0 0.125 0.25 0.5 Miles

