

LEGISLATIVE #
190538A

ORDINANCE NO. 190538

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 4.4 acres of property generally located south of Tax Parcel No. 07240-049-000, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, from Alachua County Agricultural district to City of Gainesville Business Industrial (BI) 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

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 October 24, 2019, and
32 voted to recommend that the City Commission approve this rezoning; and

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

36 **WHEREAS**, at least thirty (30) days' notice has been given by mail to each real property owner
37 whose land will be rezoned by enactment of this ordinance and whose address is known by
38 reference to the latest ad valorem tax records, notifying such property owners of this proposed
39 ordinance and of a public hearing in the City Hall Auditorium located on the first floor of City
40 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. 190537 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 Agricultural district to City of Gainesville Business
51 Industrial (BI) 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 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. 190537 becomes effective as provided therein.

PASSED AND ADOPTED this _____ day of _____, 2020.

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 adoption reading this _____ day of _____, 2020.

LEGAL DESCRIPTION

Commence at the Southwest corner of the said Lot 4 of Brooks Estates according to the Plat thereof for a point of reference; thence run North 39 deg. 32 min. 15 sec. West along the Southwesterly line of the said Lot 4, a distance of 104.14 feet; thence run North 83 deg. 57 min. 50 sec. East, a distance of 2451.15 feet to the point of beginning; thence continue North 83 deg. 57 min. 50 sec. East, a distance of 495.00 feet; thence run South 02 deg. 01 min. 17 sec. West, a distance of 412.38 feet to the South line of the said Lot 4; thence along the said South line of Lot 4 the following courses and distances; North 89 deg. 46 min. 22 sec. West, 402.52 feet; thence South 31 deg. 15 min. 08 sec. West, 32.42 feet and South 89 deg. 34 min. 23 sec. West, 59.08 feet; thence leaving the said South line of Lot 4, run North 02 deg. 01 min 17 sec. East a distance of 373.07 feet to the aforementioned point of beginning.

Parcel Identification Number: 07245-003-000

**Petition
PB-19-108 ZON
Proposed Zoning**



Area under petition consideration

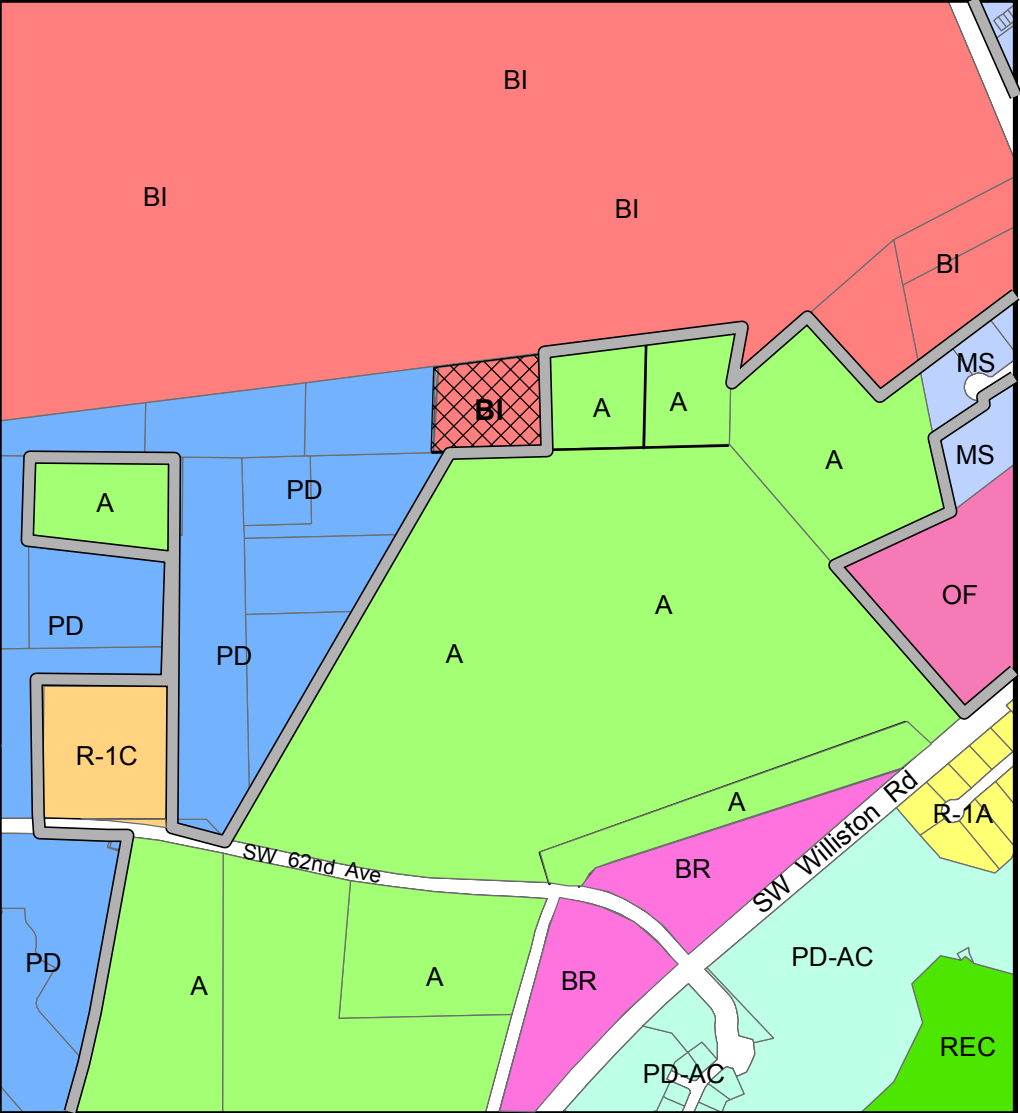
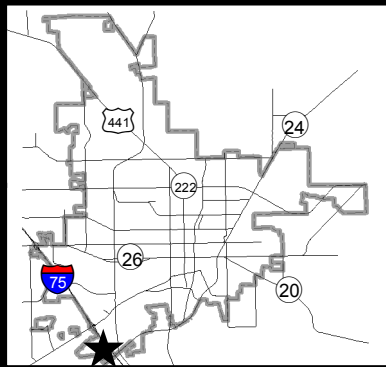
**City of Gainesville
Zoning Districts**

- OF General Office
- BI Business Industrial
- PD Planned Development


**Alachua County
Zoning Districts**

- A Agricultural
- R-1A Single Family Residential
- R-1C Single Family Residential
- REC Recreation
- BR Retail Sales & Services
- MS Industrial Services & Manufacturing
- PD-AC Planned Development (Alachua Co)

- - - Division line between two land use categories
- City Limits



Petition PB-19-108 ZON Existing Zoning

 Area under petition consideration

City of Gainesville Zoning Districts

OF General Office
BI Business Industrial
PD Planned Development

Alachua County Zoning Districts

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