

ORDINANCE NO. 190288

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 5.07 acres of property generally located at 4551 NW 39th Avenue, as more specifically described in this ordinance, from Alachua County Residential Single Family (R-1A) district to City of Gainesville Mixed-Use Low-Intensity (MU-1) 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, this rezoning was initiated by the City and involves a parcel or parcels of land involving less than ten (10) contiguous acres; 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 October 9, 2019, and voted to recommend that the City Commission approve this rezoning; and

WHEREAS, on December 5, 2019, the City Commission held a public hearing on this application, gave direction to City staff, and authorized the drafting of this ordinance; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and a public hearing in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

WHEREAS, the public hearing was held pursuant to the notice described above at which hearing 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. 190287 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 Alachua County Residential Single Family (R-1A) district to City of Gainesville Mixed-Use Low-Intensity (MU-1) 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. 190287 becomes effective as provided therein.


PASSED AND ADOPTED this 6th day of February, 2020.



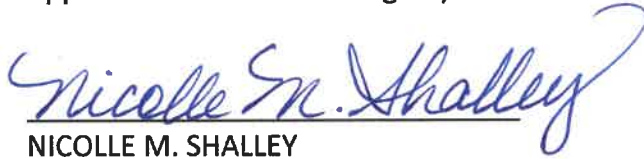
LAUREN POE
MAYOR

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 6th day of February, 2020.

Legal Description

A PARCEL OF LAND LYING IN SECTIONS 22 AND 27, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT MARKING THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, AND THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST 39TH AVENUE ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 990947 AND ALSO BEING THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2212, PAGE 1500; THENCE LEAVING SAID WEST LINE, NORTH RIGHT-OF-WAY LINE AND CITY LIMIT LINE RUN SOUTH APPROXIMATELY 100.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 39TH AVENUE ALSO BEING A POINT ON THE WEST LINE OF THE WEST 484.56 FEET OF LOT 2 OF SECTION 27 TOWNSHIP 9 SOUTH, RANGE 19 EAST AND THE NORTHEAST CORNER OF AUTUMN WOODS A PLANNED UNIT DEVELOPMENT AS RECORDED IN PLAT BOOK "M", PAGE 44 OF THE PUBLIC RECORDS OF SAID ALACHUA COUNTY, FLORIDA; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE CONTINUE SOUTH ALONG THE WEST LINE OF THE WEST 484.56 FEET OF SAID LOT 2 ALSO BEING THE EAST LINE OF SAID AUTUMN WOODS, APPROXIMATELY 404.19 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 208.71 FEET OF SAID LOT 2; THENCE LEAVING SAID WEST LINE OF THE WEST 484.56 FEET OF LOT 2 AND SAID EAST LINE OF AUTUMN WOODS RUN EAST ALONG THE NORTH LINE OF SAID SOUTH 208.71 FEET APPROXIMATELY 484.56 FEET TO A POINT ON THE EAST LINE OF THE WEST 484.56 FEET OF SAID LOT 2 ALSO BEING ON THE WEST LINE OF CHULA VISTA PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK "G", PAGE 67 OF SAID PUBLIC RECORDS; THENCE LEAVING THE NORTH LINE OF SAID SOUTH 208.81 FEET RUN NORTH ALONG SAID WEST LINE OF CHULA VISTA PARK AND EAST LINE OF SAID WEST 484.56 FEET OF LOT 2 APPROXIMATELY 404.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 39TH AVENUE; THENCE LEAVING SAID WEST LINE OF CHULA VISTA PARK AND EAST LINE OF THE WEST 484.56 FEET OF SAID LOT 2 RUN WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE APPROXIMATELY 234.56 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NUMBER 990947 ALSO BEING THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2212, PAGE 1500; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 39TH AVENUE RUN NORTH ALONG SAID SOUTHERLY EXTENSION TO THE NORTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 39TH AVENUE ALSO BEING ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 990947; THENCE RUN WEST ALONG SAID NORTH RIGHT OF WAY LINE AND EXISTING CITY LIMIT LINE TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 5.07 ACRES MORE OR LESS.

Petition PB-19-78 ZON Existing Zoning

Area under petition consideration

City of Gainesville Existing Zoning

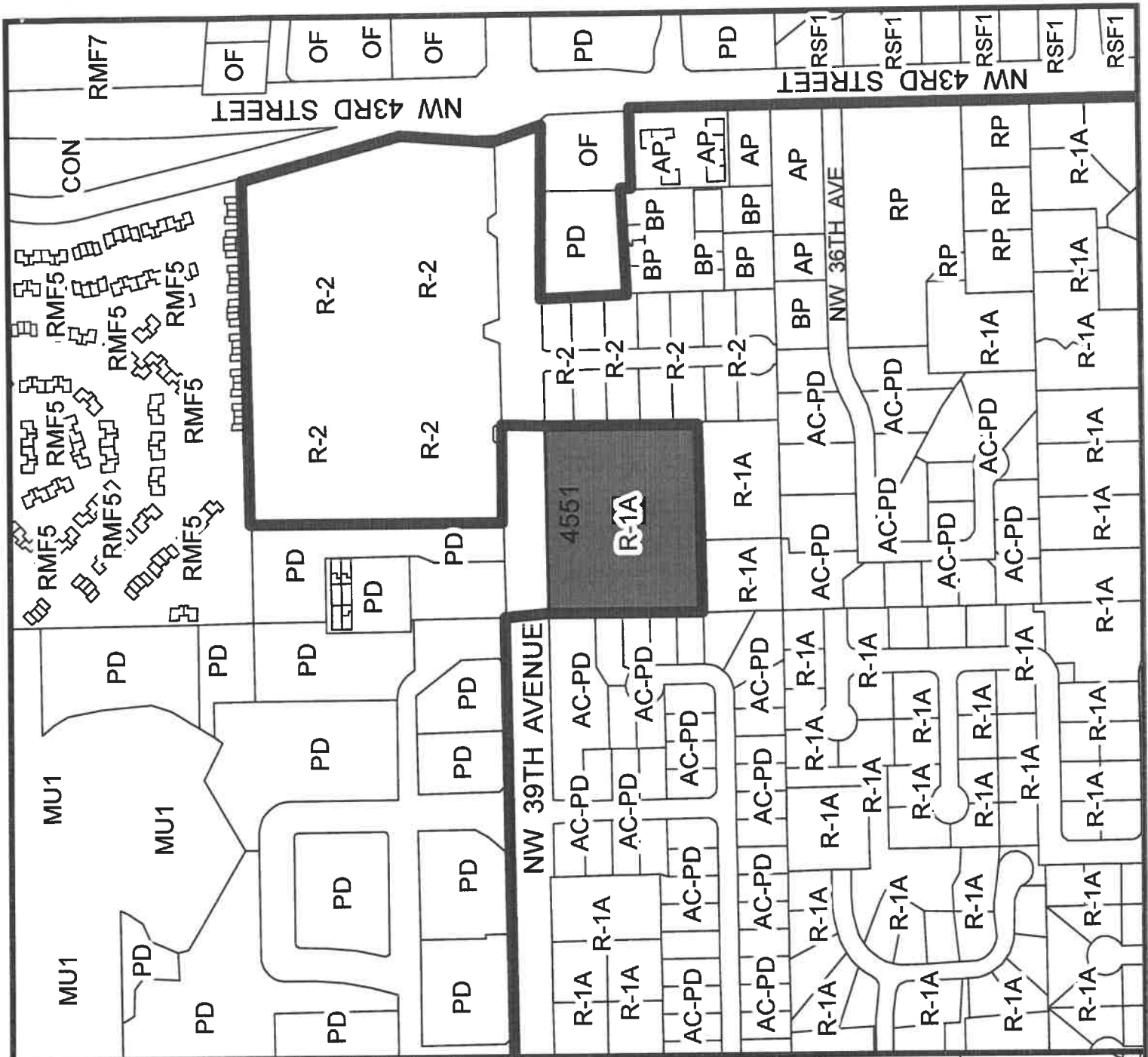
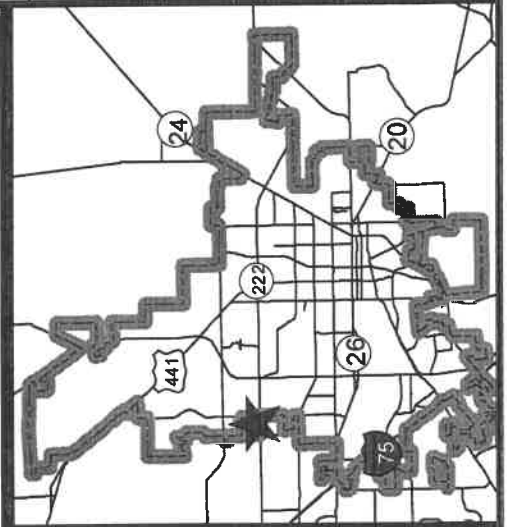
RSF-1 Single Family Residential
RMF-5 Single Family -Multiple
Family Residential
RMF-7 Multiple Family Residential
MU-1 Mixed Use Low Intensity
OF Office
PD Planned Development
CON Conservation

Alachua County Existing Zoning

R-1A Residential Single Family
R-2 Multifamily Residential
AC-PD County Planned Development
AP Administrative & Professional
BP Business & Professional
RP Residential Professional

--- Division line between two
land use categories

— City Limits



Petition **PB-19-78 ZON** **Proposed Zoning**

Area under petition consideration

City of Gainesville **Existing Zoning**

- RSF-1 Single Family Residential
- RMF-5 Single Family -Multiple Family Residential
- RMF-7 Multiple Family Residential
- MU-1 Mixed Use Low Intensity
- OF Office
- PD Planned Development
- CON Conservation

Alachua County **Existing Zoning**

- R-1A Residential Single Family
- R-2 Multifamily Residential
- AC-PD County Planned Development
- AP Administrative & Professional
- BP Business & Professional
- RP Residential Professional

--- Division line between two land use categories

— City Limits

Exhibit B to Ordinance No. 190288 page 2 of 2

