

ORDINANCE NO. 2024-618

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 6 acres of property generally located north of the NE Waldo Road and NE 39<sup>th</sup> Avenue intersection, as more specifically described in this ordinance, from Airport Facility (AF) to Limited Industrial (I-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**WHEREAS**, the City of Gainesville, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and the Municipal Home Rule Powers Act; and

**WHEREAS**, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

**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 August 22, 2024, and voted to recommend that the City Commission approve this rezoning; and

**WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and public hearings held by the City Commission; and

**WHEREAS**, the 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. 2024-617 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 Airport Facility (AF) to Limited Industrial (I-1):

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. 2024-617 becomes effective as provided therein.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Attest:

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KRISTEN J. BRYANT

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CITY CLERK

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This ordinance passed on first reading the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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This ordinance passed on adoption reading the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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HARVEY L. WARD, JR.  
MAYOR

Approved as to form and legality:

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

## **EXHIBIT A TO ORDINANCE NO. 2024-618**

**A PARCEL OF LAND SITUATED IN SECTION(S) 26 AND 27, TOWNSHIP 09 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 27 AND RUN SOUTH 01 DEG 18 MIN. 09 SEC. EAST, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 656.98 FEET TO AN INTERSECTION WITH THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4307, PAGE 2500 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE RUN NORTH 60 DEG. 31 MIN. 09 SEC. WEST, ALONG SAID NORTH LINE, A DISTANCE OF 683 FEET, MORE OR LESS, TO THE CENTERLINE OF A DRAINAGE DITCH, SAID CENTERLINE ALSO BEING THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 526, PAGE 88 OF SAID PUBLIC RECORDS; THENCE RUN NORTH 34 DEG. 40 MIN. 54 SEC. EAST, ALONG SAID CENTERLINE AND SAID WEST LINE, A DISTANCE OF 303.30 FEET; THENCE RUN SOUTH 63 DEG. 36 MIN. 37 SEC. EAST, A DISTANCE OF 796.49 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 24 (N.E. WALDO ROAD); THENCE RUN SOUTH 29 DEG. 30 MIN. 05 SEC. WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 345.00 FEET TO AN INTERSECTION WITH THE SAID NORTH LINE OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4307, PAGE 2500 OF SAID PUBLIC RECORDS; THENCE RUN NORTH 60 DEG. 31 MIN. 09 SEC. WEST, ALONG SAID NORTH LINE, A DISTANCE OF 139.70 FEET TO THE POINT OF BEGINNING.**

**Tax Parcel Number 08189-000-000**

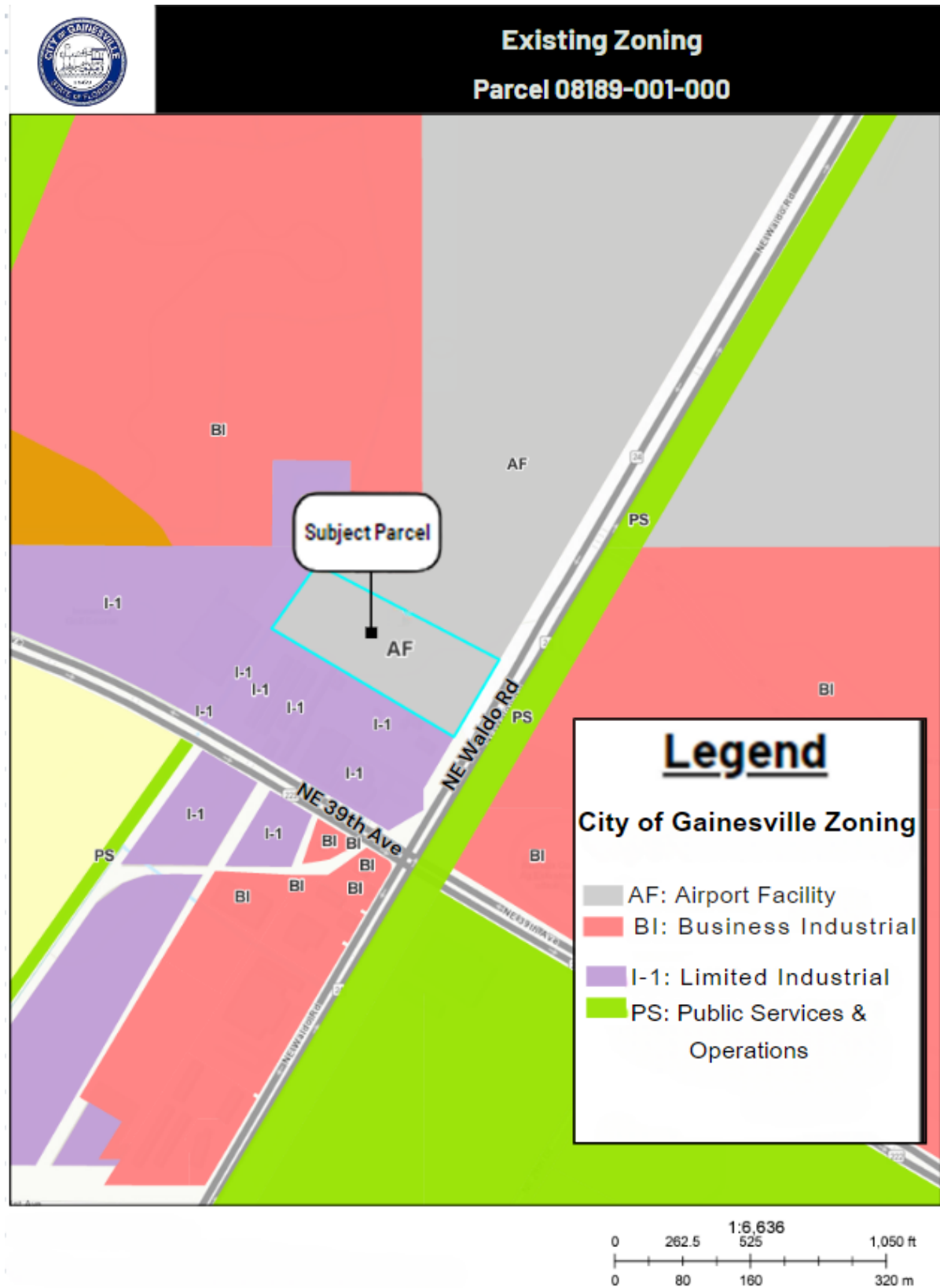


Figure 2: Existing Zoning Location Map

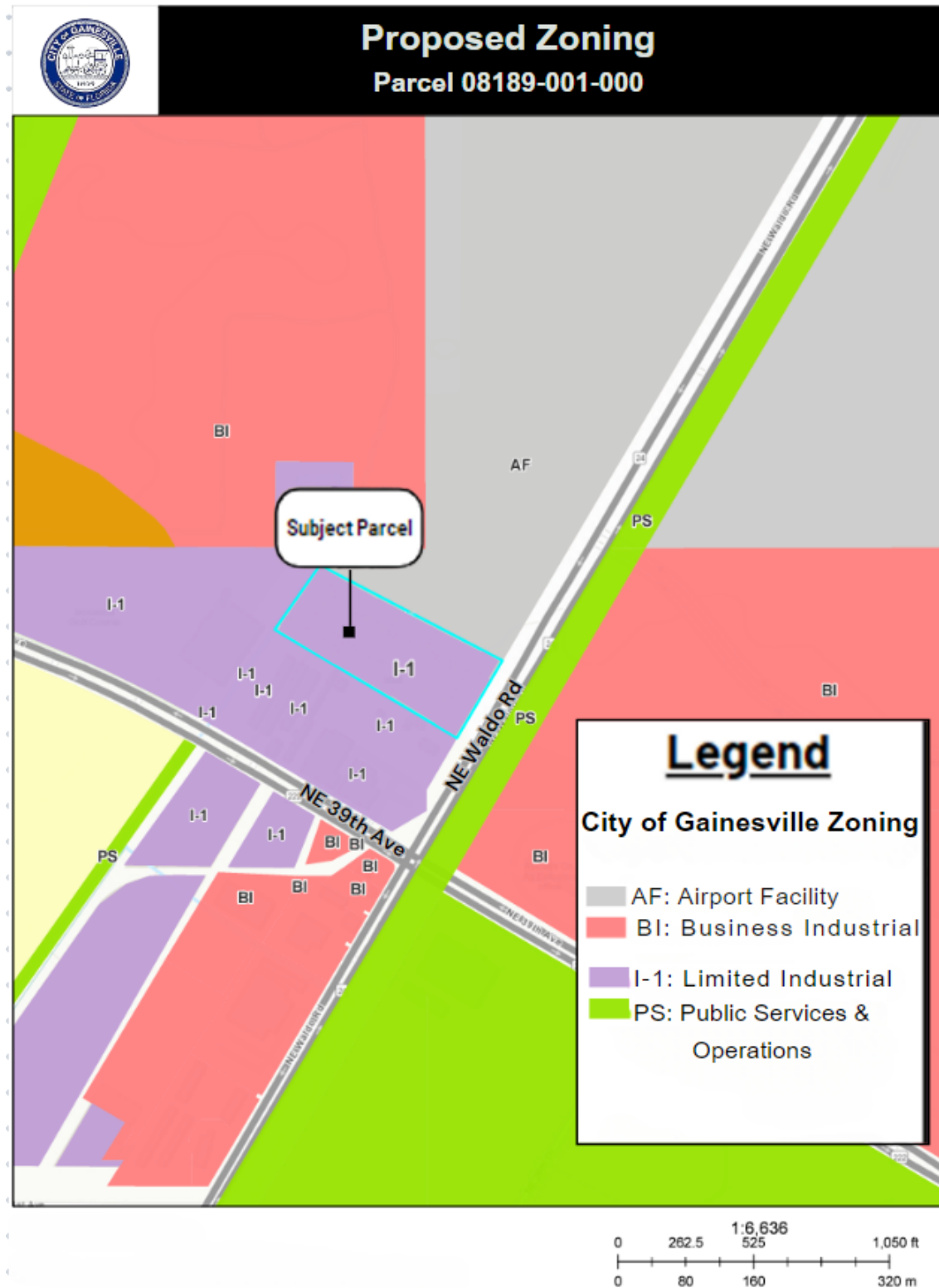


Figure 3: Proposed Zoning Location Map