

ORDINANCE NO. 2022-385

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 23.55 acres of property generally located at the 2100 block of SE Hawthorne Road, south side, as more specifically described in this ordinance, from Urban 3 (U3), Urban 4 (U4), Urban 6 (U6), and Public Services and Operations (PS) to Urban 8 (U8); 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 August 25, 2022, 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 public hearings held by the City
35 Commission; and

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

39 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be
40 consistent with the City of Gainesville Comprehensive Plan when the amendment to the
41 Comprehensive Plan adopted by Ordinance No. 2022-384 becomes effective as provided
42 therein.

43 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
44 **FLORIDA:**

45 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
46 following property from Urban 3 (U3), Urban 4 (U4), Urban 6 (U6), and Public Services and
47 Operations (PS) to Urban 8 (U8):

48 See legal description attached as **Exhibit A** and made a part hereof as if set forth
49 in full. The location of the property is shown on **Exhibit B** for visual reference.
50 In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

51
52 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary
53 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. 22022-384 becomes effective as provided therein.

PASSED AND ADOPTED this _____ day of _____, 2022.

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINEY
CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

This ordinance passed on first reading the _____ day of _____, 2022.

This ordinance passed on adoption reading the _____ day of _____, 2022.

Exhibit A to Ordinance 2022-385

1.

PARCEL ID 11299-000-000

OWNER - SOUTHEASTERN HEALTHCARE

CURRENT ZONE- URBAN 3 (U3) LEGAL DESCRIPTION

LOT 102, THAT PORTION OF LOT 90, LYING SOUTH OF THE HAWTHORNE ROAD; AND LOT 91, LESS THE NORTH 287.5 FEET OF THE WEST 180 FEET THEREOF, OF NEW GAINESVILLE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGES 65 AND 66, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

CONTAINING 12.04 ACRES (524,462.04 SQUARE FEET), MORE OR LESS.

2.

PARCEL: 11338-000-000

OWNER - WHITE ELECTRIC & BATTERY SERVICE

CURRENT ZONE - URBAN 3 (U3)

NEW GAINESVILLE PLAT BOOK A-66 LOT 103 SUBJECT TO PERPETUAL EASEMENT OVER SOUTH 150 FEET OF LOT 103 BEING 1.14 ACRES FOR CITY UTILITIES PER OFFICIAL RECORDS BOOK 702, PAGE 224

CONTAINING 5.04 ACRES (219,542.4 SQUARE FEET), MORE OR LESS.

3.

PARCEL: 11339-000-000

OWNER - CITY OF GAINESVILLE

CURRENT ZONE - URBAN 4 (U4)

LOT 104 OF NEW GAINESVILLE, AS PER PLAT THEREOF RECORDED IN PLAT BOOK A, PAGE 66, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LESS THOSE LANDS DESCRIBED IN O.R. BOOK 16, PAGE 363 (11339-1); O.R. BOOK 247, PAGE 607 (11339-2); O.R. BOOK 248, PAGE 69 (11339-3); O.R. BOOK 674, PAGE 26 (11339-5); O.R. BOOK 674, PAGE 29 (11339-6); O.R. BOOK 708, PAGE 38 (11339-4); O.R. BOOK 1199, PAGE 494 (11339-7); O.R. BOOK 1352, PAGE 887 (11339-8); AND LESS ROAD RIGHT OF WAY ALONG THE EAST SIDE OF SAID LOT 104.

CONTAINING 4.200 ACRES (182,952 SQUARE FEET), MORE OR LESS.

4.

PARCEL ID 11339-004-000

OWNER - WILLIAM BROWN

CURRENT ZONE - URBAN 4 {U4}

COMMENCE AT NORTHEAST CORNER OF LOT 104, NEW GAINESVILLE, A SUBDIVISION IN PLAT BOOK A, PAGE 66, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, THENCE RUN SOUTH 270 FEET, WEST 20 FEET TO THE POINT OF BEGINNING, THENCE RUN SOUTH 100 FEET, WEST 100 FEET, NORTH 100 FEET, EAST 100 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.22 ACRES (9,583.2 SQUARE FEET), MORE OR LESS.

5.

PARCEL ID 11339-007-000

OWNER - WILLIE BROWN AND DONNA BROWN

CURRENT ZONE - URBAN 4 {U4}

NEW GAINESVILLE PLAT BOOK A-66 COMMENCE AT THE NORTHEAST CORNER OF LOT 104 AND RUN WEST 20 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 85.06 FEET; THENCE WEST 100 FEET; THENCE NORTH 85.06 FEET; THENCE EAST 100 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.19 ACRES (8,276.4 SQUARE FEET), MORE OR LESS.

6.

PARCEL ID 11297-000-000

OWNER - A FISHER TRUST FARM LLC

CURRENT ZONE- URBAN 6 (U6)

THAT PART OF LOT 89, NEW GAINESVILLE SUBDIVISION, AS PLAT RECORDED IN PLAT BOOK "A", PAGES 65 AND 66 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 89, NEW GAINESVILLE SUBDIVISION FOR A POINT OF REFERENCE; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 89 AND ALONG THE WEST RIGHT-OF-WAY LINE OF S.E. 21ST STREET, A DISTANCE OF 474.46 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 20 AND THE POINT OF BEGINNING; FROM THE SAID POINT OF BEGINNING, THENCE RUN N 59° 30' 00" W ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY A DISTANCE OF 121.80 FEET TO AN IRON PIPE. THENCE RUN S 23° 02' 30" W, A DISTANCE OF 177.84 FEET TO AN IRON PIPE; THENCE RUN S 83° 19' 00" E, A DISTANCE OF 76.22 FEET TO AN IRON PIPE; THENCE RUN S 04° 33' 00" W, A DISTANCE OF 65.20 FEET TO AN IRON PIPE IN AN OLD FENCE LINE

Exhibit A to Ordinance 2022-385

THAT RUNS EASTERLY AND WESTERLY; THENCE RUN S 88° 19' 00" E ALONG THE SAID FENCE LINE, A DISTANCE OF 104.11 FEET TO AN INTERSECTION WITH THE SAID EAST LINE OF LOT 89 AND ALSO KNOWN AS THE SAID WEST RIGHT-OF-WAY LINE OF S.E. 21ST STREET; THENCE RUN NORTH ALONG THE SAID EAST LINE OF LOT 89 AND ALONG THE SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 178.80 FEET TO AN INTERSECTION WITH THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 20 AND THE POINT OF BEGINNING.

LESS AND EXCEPT ANY PART IN BOOK 876, PAGE 992

CONTAINING 0.56 (24,393.6 SQUARE FEET) ACRES, MORE OR LESS.

7.

PARCEL ID 11297-002-000

OWNER - CUMMINGS EDDIE

CURRENT ZONE - URBAN 6 (U6)

PARCEL 1:

THAT PART OF LOT 89, NEW GAINESVILLE SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK "A", PAGE 65 AND 66 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, IN SECTION 3, TOWNSHIP 9 SOUTH, RANGE 20 EAST, GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 89, NEW GAINESVILLE SUBDIVISION FOR A POINT OF REFERENCE; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 89, 474.46 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF WAY LINE OF STATE ROAD NO. 20; THENCE RUN NORTH 59 DEG. 30 MIN. 00 SEC. WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE 121.80 FEET TO THE POINT OF BEGINNING; FROM THE SAID POINT OF BEGINNING: THENCE RUN SOUTH 23 DEG. 02 MIN. 30 SEC. WEST, 177.84 FEET; THENCE RUN SOUTH 83 DEG. 19 MIN. 00 SEC. EAST. 76.22 FEET; THENCE RUN SOUTH 04 DEG. 33 MIN. 00 SEC. WEST, 65.20 FEET; THENCE RUN NORTH 88 DEG. 01 MIN. 30 SEC. WEST, 129.64 FEET; THENCE RUN NORTH 02 DEG. 11 MIN. 47 SEC. EAST, 105.68 FEET; THENCE RUN NORTH 23 DEG. 03 MIN. 29 SEC. EAST, 174.61 FEET TO AN INTERSECTION WITH THE SAID SOUTH RIGHT-OF WAY LINE OF STATE ROAD NO. 20; THENCE RUN SOUTH 59 DEG. 30 MIN. 00 SEC. EAST ALONG THE SAID SOUTH RIGHT-OF WAY LINE, 64.0 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PART OF LOT 89, NEW GAINESVILLE SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK "A", PAGE 65 AND 66 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, IN SECTION 3, TOWNSHIP 9 SOUTH, RANGE 20 EAST, GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 89, NEW GAINESVILLE SUBDIVISION FOR A POINT OF REFERENCE; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 89, 474.46 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF WAY LINE

Exhibit A to Ordinance 2022-385

OF STATE ROAD NO. 20; THENCE RUN NORTH 59 DEG. 30 MIN. 00 SEC. WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE 185.80 FEET TO THE POINT OF BEGINNING; FROM THE SAID POINT OF BEGINNING: THENCE RUN SOUTH 23 DEG. 02 MIN. 29 SEC. WEST, 10.09 FEET; THENCE RUN NORTH 23 DEG. 03 MIN. 29 SEC. EAST, 174.60 FEET TO AN INTERSECTION WITH THE SAID SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 20; THENCE RUN SOUTH 59 DEG. 30 MIN. 00 SEC. EAST, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE 10.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.550 ACRES (23,958 SQUARE FEET), MORE OR LESS.

8.

PARCEL ID 11297-001-000

OWNER - TORUNSKI CHRISTOPHER

CURRENT ZONE - URBAN 6 (U6)

NEW GAINESVILLE PLAT BOOK A-66 BEGINNING SOUTHWEST CORNER OF LOT 89, POINT OF BEGINNING NORTH 120 FEET SOUTH 74 DEG EAST 83.20 FEET SOUTH 104.40 FEET WEST 80 FEET POINT OF BEGINNING ALSO 15.13 FEET STRIP EAST & WEST BY 174.61 FEET NORTH & SOUTH ADJ ON N/LY CORNER PER OR 4443/1432.

CONTAINING 0.280 ACRES (12,196.8 SQUARE FEET), MORE OR LESS.

9.

PARCEL ID 11296-000-000

OWNER - WETHERINGTON KENNETH

CURRENT ZONE - URBAN 6 (U6)

BEGIN AT A POINT WHERE THE SOUTHERN LINE OF THE RIGHT OF WAY OF STATE ROAD NO. 14 INTERSECTS THE WEST LINE OF LOT 89 OF NEW GAINESVILLE HEREINAFTER DESCRIBED; AND FROM SAID POINT RUN EAST ALONG THE SOUTH SIDE OF SAID HIGHWAY 94 FEET TO A POINT OF BEGINNING; THENCE RUN 200 FEET IN A SOUTHERLY DIRECTION TO THE INTERSECTION OF THE WEST LINE OF SAID LOT 89; THENCE RUN EASTERLY 58 FEET; THENCE RUN 182 FEET TO THE HIGHWAY TO A POINT 58 FEET FROM THE POINT OF BEGINNING; THENCE RUN WEST ALONG THE HIGHWAY 58 FEET TO THE POINT OF BEGINNING; SAID PROPERTY LYING AND BEING IN LOT 89 OF NEW GAINESVILLE, AS PER PLAT IN PLAT BOOK "A", PAGE 68 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

SUBJECT TO AN INGRESS/EGRESS EASEMENT ACROSS THE FOLLOWING:

PARCEL "B" (INGRESS-EGRESS EASEMENT) THAT PART OF LOT 89 OF NEW GAINESVILLE SUBDIVISION AS PER A PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 65 AND 66 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT 4" CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF LOT 89, A DISTANCE OF 492.46 FEET TO A NAIL AND DISC #2228 ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 20 (100' RIGHT OF WAY); THENCE RUN N59°30'00"W, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 195.88 FEET TO A NAIL AND DISC #LB6578;

Exhibit A to Ordinance 2022-385

THENCE RUN S23°03'29"W, A DISTANCE OF 174.60 FEET TO A REBAR AND CAP #LB6578 THENCE RUN N59°25'51"W, A DISTANCE OF 7.12 FEET TO A POINT OF THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS RECORDED IN OFFICIAL RECORDS BOOK 1995, PAGE 1452 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (FIRST LEGAL); THENCE RUN N77°72'44"W, ALONG SAID NORTH LINE, A DISTANCE OF 20.00 FEET; THENCE RUN N23°03'29"E, A DISTANCE OF 30.92 FEET; THENCE RUN S66°56'31"E, A DISTANCE OF 19.64 FEET; THENCE RUN S23°03'29"W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.250 ACRES (10,890 SQUARE FEET), MORE OR LESS.

10.

PARCEL ID 11298-000-000

OWNER - BRASBY-GATHER THERESA

CURRENT ZONE - URBAN 6 (U6)

COMMENCE AT THE NORTHWEST CORNER OF THAT PART OF LOT EIGHTY-NINE (89) OF NEW GAINESVILLE, A SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK "A", PAGE 66, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LYING SOUTH OF THE HAWTHORNE GAINESVILLE HIGHWAY AND FROM SAID POINT OF BEGINNING RUN SOUTHEASTERLY ALONG SAID HIGHWAY 94 FEET, THENCE RUN SOUTHWESTERLY 200 FEET TO THE WEST LINE OF SAID LOT EIGHTY-NINE (89), THENCE RUN NORTH ALONG THE WEST LINE OF SAID LOT EIGHTY-NINE (89) TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN SECTION 03 TOWNSHIP 10, RANGE 20 IN ALACHUA COUNTY, FLORIDA

CONTAINING 0.220 ACRES (9,583.2 SQUARE FEET), MORE OR LESS.

Total Containing 23.55 Acres (1,025,838 SQUARE FEET), MORE OR LESS

Exhibit B to Ordinance 2022-385

Petition
LD-22-000057 ZON
Existing Zoning

 Area under petition consideration

Subject Parcels: 11339-007-000, 11339-004-000,
11339-000-000, 11299-000-000, 11298-000-000,
11297-002-000, 11297-001-000, 11297-000-000,
11296-000-000

City of Gainesville
Land Use Categories

- PS Public Services and Operations
- RMF-5 Single-Family/Multiple-Family Residential
- RSF-3 Single-Family Residential
- U2 Urban 2
- U3 Urban 3
- U6 Urban 6
- U7 Urban 7
- U8 Urban 8

 Parcels

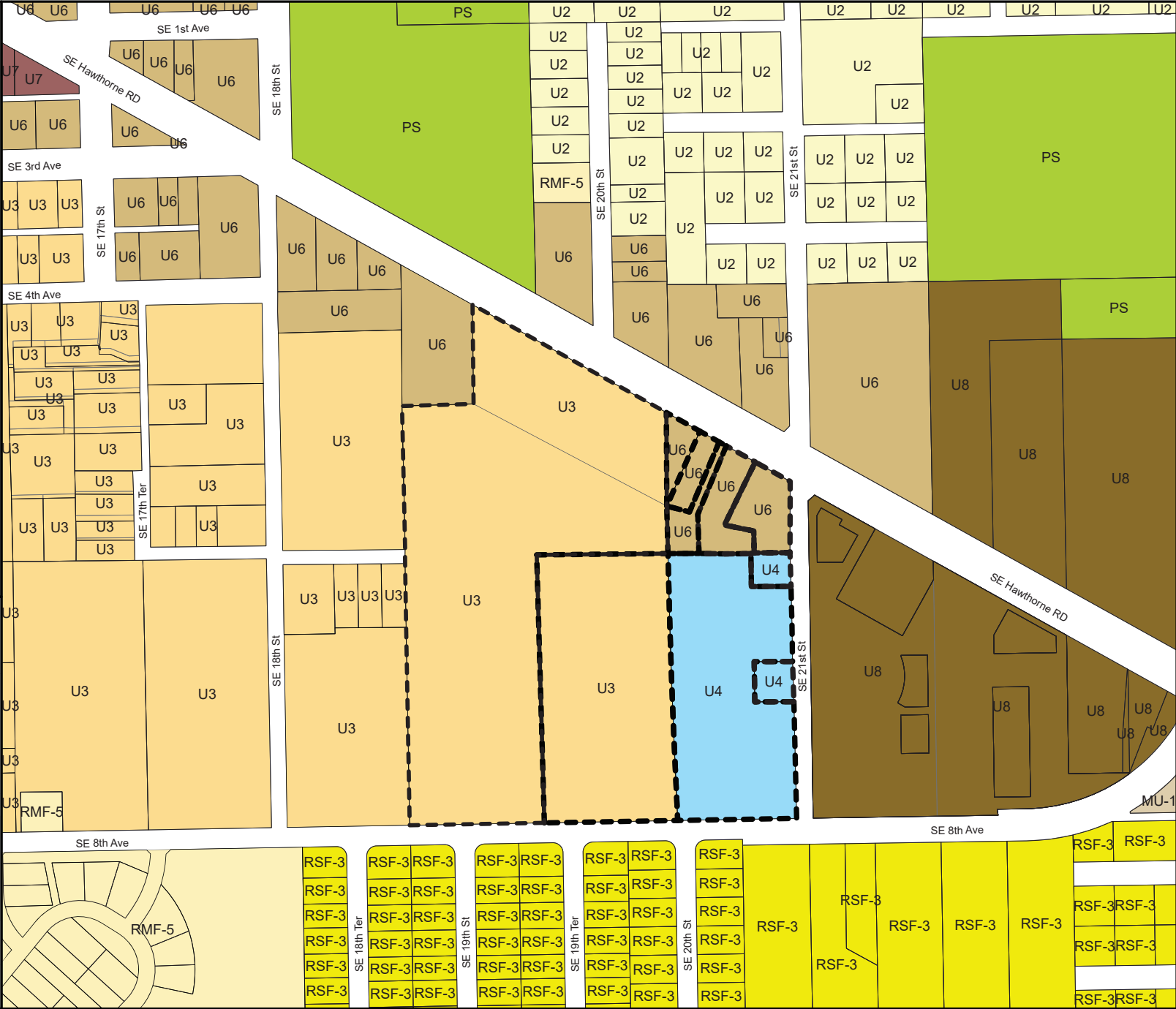



Exhibit B to Ordinance 2022-385

Petition LD-22-000057 ZON Proposed Zoning

 Area under petition consideration
Subject Split Parcel: 11299-000-000

Additional Subject Parcels: 11339-007-000,
11339-004-000, 11339-000-000, 11299-000-000,
11298-000-000, 11297-002-000, 11297-001-000,
11297-000-000, 11296-000-000

City of Gainesville Land Use Categories

PS Public Services and Operations
RMF-5 Single-Family/Multiple-Family Residential
RSF-3 Single-Family Residential
U2 Urban 2
U3 Urban 3
U6 Urban 6
U7 Urban 7
U8 Urban 8

 Parcel Outline

