

ORDINANCE NO. 2023-1136

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 2.57 acres of property generally located at 605 SE Depot Avenue and 621 SE Depot Avenue, as more specifically described in this ordinance, from Limited Industrial (I-1) and General Industrial (I-2) to Urban 7 (U7); 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 December 14, 2023, 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. 2023-1135 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 Limited Industrial (I-1) and General Industrial (I-2) to Urban 7 (U7):

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. 2023-1135 becomes effective as provided therein.

PASSED AND ADOPTED this _____ day of _____, 2024.

HARVEY L. WARD
MAYOR

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Approved as to form and legality:

DANIEL M. NEE
CITY ATTORNEY

DANIEL M. NEE
CITY ATTORNEY

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September 5, 2023

Legal Description

For: Lewis Oil Company

A portion of Section 4, Township 10 South, Range 20 East, City of Gainesville, Alachua County, Florida; being more particularly described as follows:

Official Records Book 4085, Page 2498

Parcel No. 12745-001-000

Commence at the Southwest corner of Section 4, Township 10 South, Range 20 East, said Alachua County; run thence North 0 degrees, 03 minutes, 30 seconds East, 97.21 feet to the center line of Railroad track; thence North 78 degrees, 42 minutes, 15 seconds East, along said center line, 1,026.3 feet; thence South 12 degrees, 17 minutes, 30 seconds East 60.0 feet to southerly right of way line of railroad track, which right of way is 120 feet wide, i.e., 60 feet on each side of the centerline of Railroad track, and the point of beginning; from the point of beginning thus described run thence North 78 degrees, 42 minutes, 15 seconds East, along said Southerly right of way line, 199.83 feet; thence South 12 degrees, 11 minutes, 19 seconds East 226.42 feet; thence South 79 degrees, 02 minutes, 25 seconds West 200.41 feet; thence North 12 degrees, 02 minutes, 45 seconds West 225.23 feet to the point of beginning.

Together with:

Parcel No. 12082-000-000

A tract of land located in the Southwest 1/4 of Section 4, Township 10 South, Range 20 East, City of Gainesville, Alachua County, Florida being more particularly described as follows:

For a point of reference commence at the Southwest corner of said Section 4; thence run North 00°03'30" East, a distance of 97.20 feet to the center line of Grantor; thence run North 78°42'15" East, along said center line, a distance of 1026.30 feet; thence run South 12°17'30" East, a distance of 60.0 feet to an intersection with the Southerly right of way line of said Grantor; thence run South 12°02'45" East, a distance of 225.23 feet; thence run North 79°02'25" East a distance of 200.41 feet to the Point of Beginning; thence from said POINT OF BEGINNING run North 12°11'19" West a distance of 226.50 feet to an intersection with the Southerly right of way curve of said Grantor, said curve having a radius of 2568.83 feet and being concave Northerly; thence run Easterly along said Southerly right of way curve through a central angle of 05°36'44" along an arc a distance of 251.62, said curve having a tangent length of 125.91 feet and a chord bearing and distance of North 75°04'37" East and 251.52 feet to an intersection with the westerly right of way line of South East Seventh Street; thence run South 02°10'50" East, along said Westerly right of way line, a distance of 324.55 feet; thence run South 83°59'41" West, a

Exhibit A to Ordinance No. 2023-1136

distance of 195.97 feet; thence run North 12°11'19" West, a distance of 60.00 feet to close on the said POINT OF BEGINNING; containing 1.543 acres, more or less, as shown on print of survey dated April 6, 1981, prepared by Perry C. McGriff Company, Inc.

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Exhibit B to Ordinance No. 2023-1136

Existing Zoning

LD23-000140

Subject Parcels:

-12082-000-000
-12475-001-000

Map Legend

 Subject Parcels
 Parcels

City of Gainesville Zoning

- DT: Downtown
- I-1: Limited Industrial
- I-2: General Industrial
- PS: Public Services and Operations
- RMF-7: Multiple-Family Residential
- RSF-3: Single-Family Residential
- RSF-4: Single-Family Residential
- U2: Urban 2
- U3: Urban 3
- U9: Urban 9

Produced By:
GIS Analyst
Dept. of Sustainable Development
February 2024

0 150 300

Feet

*Scale for main map

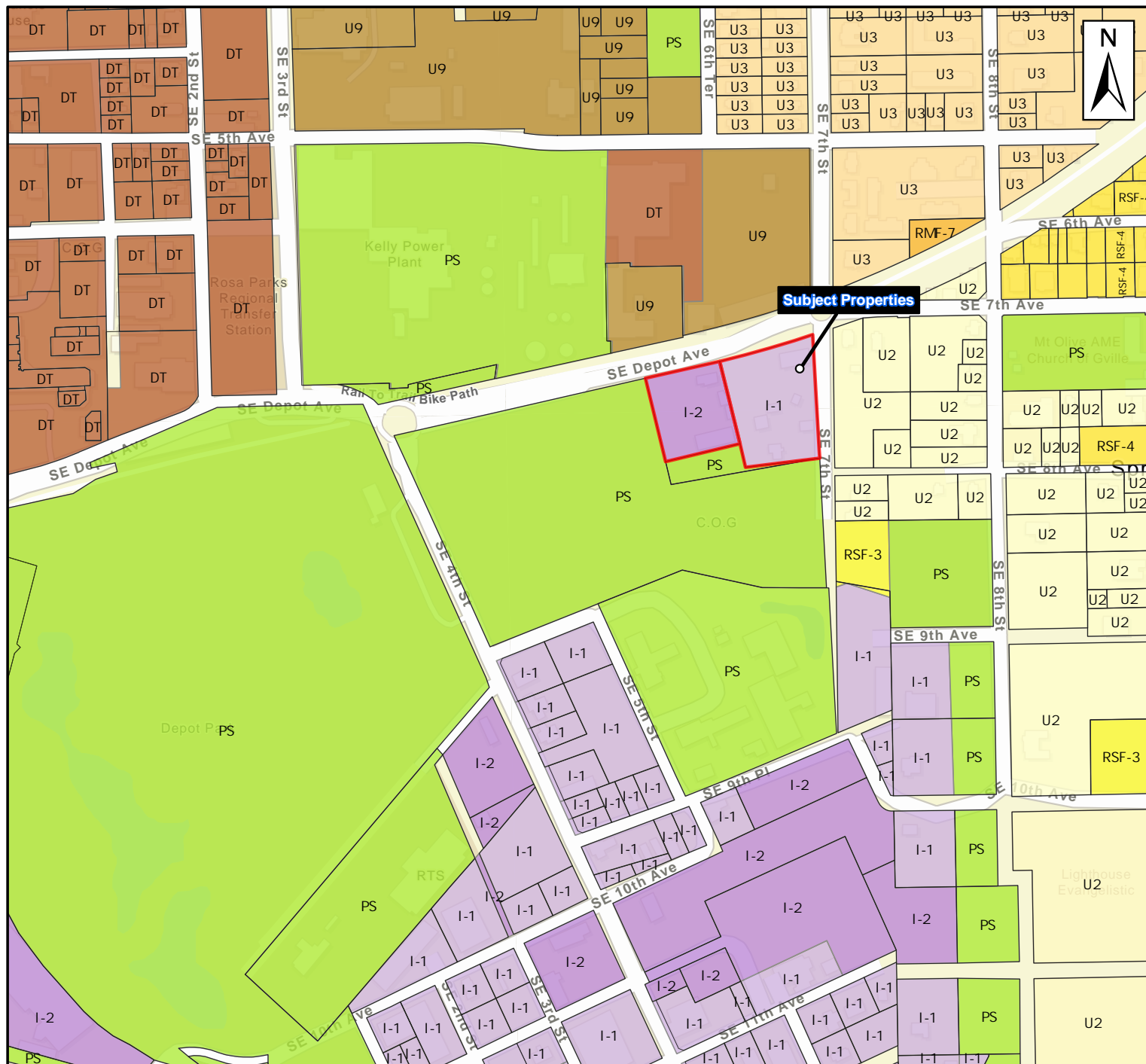


Exhibit B to Ordinance No. 2023-1136

