1	ORDINANCE NO. 2024-464		
2 3 4 5 6 7 8 9	An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 7.03 acres of property known as the Oaks Mall Plaza located at the 6700 Block of Newberry Road, as more specifically described in this ordinance, from General Business (BUS) to Urban 8 (U8); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.		
10 11	WHEREAS, the City of Gainesville, Florida, is a duly constituted municipality having such power		
12	and authority conferred upon it by the Florida Constitution and the Municipal Home Rule		
13	Powers Act; and		
14	WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for		
15	municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the		
16	Florida Constitution, including the exercise of any power for municipal purposes not expressly		
17	prohibited by law; and		
18	WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a		
19	Comprehensive Plan to guide the future development and growth of the city; and		
20	WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville		
21	Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that		
22	designates the future general distribution, location, and extent of the uses of land for		
23	residential, commercial, industry, agriculture, recreation, conservation, education, public		
24	facilities, and other categories of the public and private uses of land, with the goals of		
25	protecting natural and historic resources, providing for the compatibility of adjacent land uses,		
26	and discouraging the proliferation of urban sprawl; and		
27	WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or		
28	amend and enforce land development regulations that are consistent with and implement the		

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29 Comprehensive Plan and that are combined and compiled into a single land development code

30 for the city; and

31 WHEREAS, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville

32 Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and land

33 development regulations on specific classifications of land within the city; and

34 WHEREAS, this ordinance, which was noticed as required by law, will amend the Zoning Map

35 Atlas by rezoning the property that is the subject of this ordinance; and

36 WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of

37 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 June 27, 2024, and voted to

39 recommend that the City Commission approve this rezoning; and

40 WHEREAS, at least ten days' notice has been given once by publication in a newspaper of general

41 circulation notifying the public of this proposed ordinance and public hearings held by the City

42 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

46 **WHEREAS,** the City Commission finds that the rezoning of the subject property will be 47 consistent with the City of Gainesville Comprehensive Plan when the amendment to the 48 Comprehensive Plan adopted by Ordinance No. 2024-465 becomes effective as provided 49 therein.

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

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52	SECTION 1. The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
53	following property from General Business (BUS) district to Urban 8 (U8) district:
54 55 56 57	See legal description attached as <b>Exhibit A</b> and made a part hereof as if set forth in full. The location of the property is shown on <b>Exhibit B</b> for visual reference. In the event of conflict or inconsistency, <b>Exhibit A</b> shall prevail over <b>Exhibit B</b> .
58	SECTION 2. The City Manager or designee is authorized and directed to make the necessary
59	changes to the Zoning Map Atlas to comply with this ordinance.
60	SECTION 3. If any word, phrase, clause, paragraph, section, or provision of this ordinance or
61	the application hereof to any person or circumstance is held invalid or unconstitutional, such
62	finding will not affect the other provisions or applications of this ordinance that can be given
63	effect without the invalid or unconstitutional provision or application, and to this end the
64	provisions of this ordinance are declared severable.
65	SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such
66	conflict hereby repealed.
67	SECTION 5. This ordinance will become effective immediately upon adoption; however, the
68	rezoning will not become effective until the amendment to the City of Gainesville
69	Comprehensive Plan adopted by Ordinance No. 2024-465 becomes effective as provided
70	therein.

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

73		
74		
75		
76		HARVEY L. WARD, JR.
77		MAYOR
78		
79		
80	Attest:	Approved as to form and legality:
81		
82		
83		
84	KRISTEN J. BRYANT	DANIEL M. NEE
85	CITY CLERK	CITY ATTORNEY
86		
87		
88	This ordinance passed on first reading the	day of Sontombor 2024
89 00	This ordinance passed on first reading the _	uay of September, 2024.
90	This endingers record on adaption reading	the day of October 2024
91	This ordinance passed on adoption reading	the day of October, 2024.
92		

Exhibit A to Ordinance No. 2024-464

## LEGAL DESCRIPTIONS

PARENT PARCEL - O.R.B. 4794, PG. 0810 PARCEL 2

A TRACT OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA'COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, AND RUN SOUTH 00°59'54" EAST ALONG THE EAST LINE OF THE SAID NORTHWEST 1/4, A DISTANCE OF 49.78 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 26; THENCE RUN SOUTH 00°59'56" EAST ALONG SAID NORTHWEST 1/4, A DISTANCE OF 199.70 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00°59'56" EAST ALONG THE EAST LINE OF THE SAID NORTHWEST 1/4, A DISTANCE OF 875.34 FEET; THENCE DEPARTING SAID NORTHWEST 1/4, RUN SOUTH 89°23'12" WEST, A DISTANCE OF 351.48 FEET; THENCE RUN NORTH 00°48'20" WEST, A DISTANCE OF 874.31 FEET; THENCE RUN NORTH 89°13'08" EAST, A DISTANCE OF 348.52 FEET TO THE POINT OF BEGINNING. TOGETHER WITH AND SUBJECT TO ALL EASEMENTS SHOWN HEREON.

CONTAINING 7.03 ACRES, MORE OR LESS

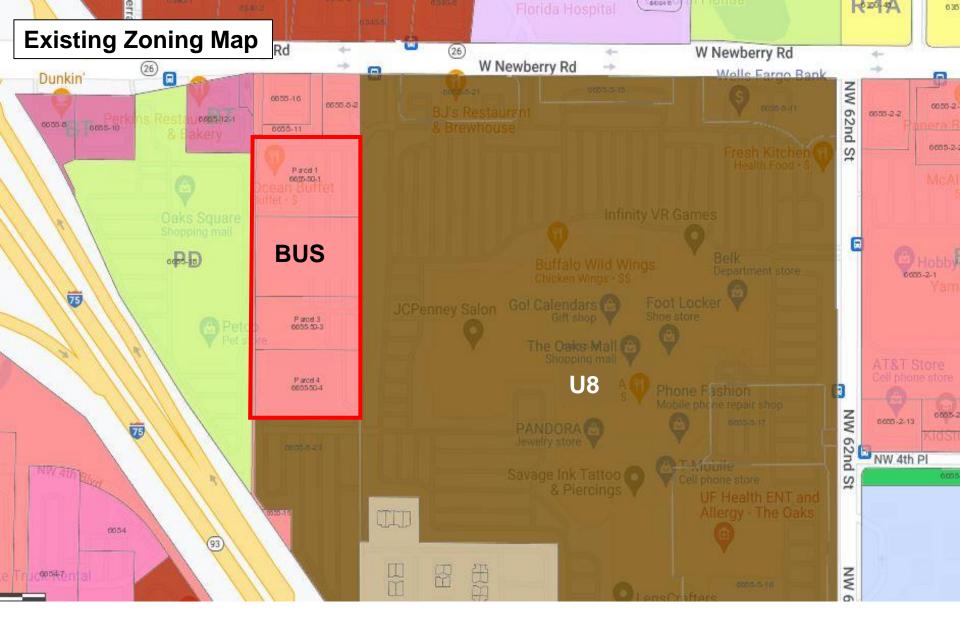


Exhibit B to Ordinance No. 2024-464

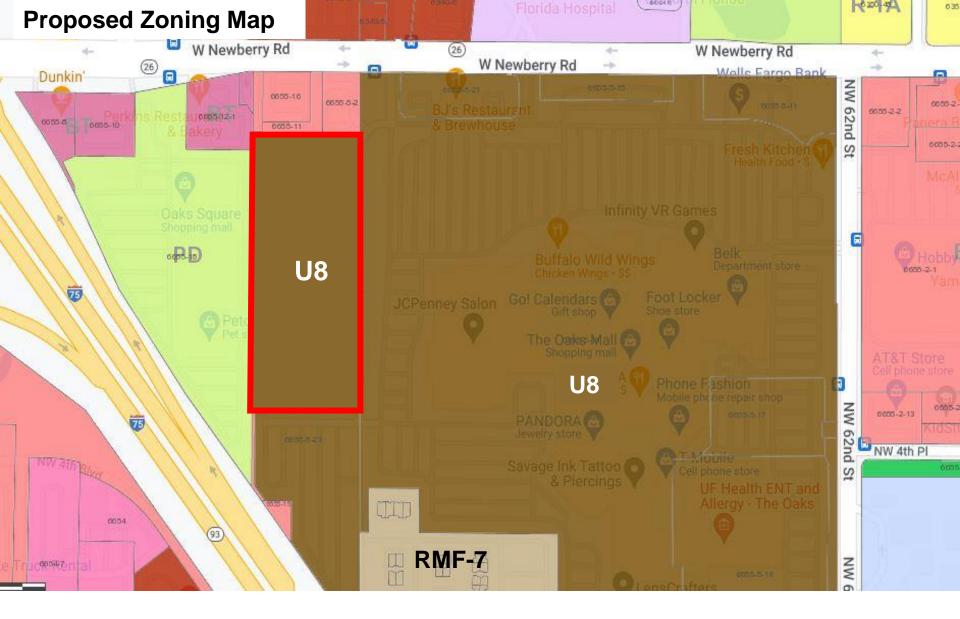


Exhibit B to Ordinance No. 2024-464