

**ORDINANCE NO. 120807**

**An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 0.62 acres of property generally located at 717 and 721 SW 5<sup>th</sup> Street, as more specifically described in this ordinance, from Residential high density district (RH-1) to Urban mixed-use district 2 (UMU-2) as to two parcels and from unzoned right-of-way to Urban mixed-use 2 (UMU-2) as to one parcel; adding the approximately 0.62 acres of property to the University Heights area as designated within Section 30-65.2 – Urban mixed-use district 2 (UMU-2) of the City of Gainesville Land Development Code by adopting the following amended figures: Figure 1.0 District Boundary Map – University Heights, Figure 2.0 Street Types – University Heights, Figure 2.1 Proposed Local Streets – University Heights, and Figure 3.0 Height Limits – University Heights; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, notice was given as required by law that the Zoning Map Atlas of the City of Gainesville, Florida, be amended by rezoning certain property to Urban mixed-use district 2 (UMU-2) and the Land Development Code of the City of Gainesville, Florida, be amended by adding certain property to the University Heights area as designated in Section 30-65.2; and

**WHEREAS**, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on January 24, 2013; 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 of public hearings in the City Hall Auditorium, First Floor, City Hall, in the City of Gainesville; 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 property described

herein will be consistent with the City of Gainesville Comprehensive Plan when City of Gainesville Ordinance No. 120806 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 Residential high density district (RH-1) to Urban mixed-use district 2 (UMU-2):

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 "C" for visual reference. In the event of conflict or inconsistency, Exhibit "A" shall prevail over Exhibit "C."

**Section 2.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the following property from unzoned right-of-way to UMU-2:

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

**Section 3.** Figure 1.0 District Boundary Map – University Heights, Figure 2.0 Street Types – University Heights, Figure 2.1 Proposed Local Streets – University Heights, and Figure 3.0 Height Limits – University Heights in Section 30-65.2 of the Land Development Code are deleted and replaced with the respective figures in Exhibit "D." Except as amended herein, the remainder of Section 30-65.2 remains in full force and effect.

**Section 4.** The City Manager is authorized and directed to make the necessary changes to the Zoning Map Atlas to comply with this ordinance.

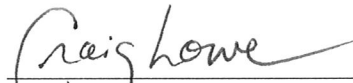
**Section 5.** It is the intention of the City Commission that the provisions of Section 3 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida.

**Section 6.** 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 shall 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 7.** All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

**Section 8.** This ordinance shall become effective immediately upon adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120806 becomes effective as provided therein.

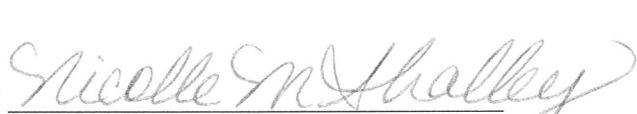
**PASSED AND ADOPTED** this 16th day of May, 2013

  
\_\_\_\_\_  
CRAIG LOWE  
MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

By:   
\_\_\_\_\_  
KURT LANNON  
CLERK OF THE COMMISSION

By:   
\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this 2nd day of May, 2013.

This ordinance passed on second reading this 16th day of May, 2013.

Legal Description

Commence 50 feet West of the Northeast corner of Lot 106 of O. A. PORTER'S ADDITION, run thence West 47 1/2 feet; thence South 100 feet; thence East 47 1/2 feet; thence North 100 feet to the Point of Beginning. Same lying and being in Lot 106 of O. A. PORTER'S ADDITION TO GAINESVILLE as per Plat Book "A", page 43, also per Plat Book "A", page 54, of the Public Records of Alachua County, Florida.

TOGETHER WITH: Begin at the Southwest corner of the intersection of SW 5th Avenue and SW 7th Terrace in Gainesville, Florida (being the Northeast corner of Lot 106 of O. A. PORTER'S ADDITION TO GAINESVILLE, FLORIDA, as recorded in Plat Book "A", page 54 of the Public Records of Alachua County, Florida), and run West along the South right of way line of said SW 5th Avenue (being the North line of said Lot 106), a distance of 50.00 feet; thence run South, parallel to the East line of said Lot 106, a distance of 150.00 feet; thence run West parallel with said South right of way line of SW 5th Avenue a distance of 95.00 feet to the West line of said Lot 106, thence run South, along said West line, a distance of 78.00 feet to the Southwest corner of said Lot 106; thence run East along the South line of said Lot 106, a distance of 145.00 feet to the Southeast corner of said Lot 106, thence run North, along the West right of way line of SW 7th Terrace (being the aforementioned East line of Lot 106) a distance of 228.00 feet to the Point of Beginning.

Legal Description

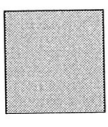
The westerly half of the adjacent vacated right of way of SW 7<sup>th</sup> Terrance per Ordinance No. 030622, recorded April 1, 2004, in O.R. Book 2883, page 851, of the Public Records of Alachua County, Florida.

Exhibit "B" to Ordinance No. 120807

## City of Gainesville Zoning Districts

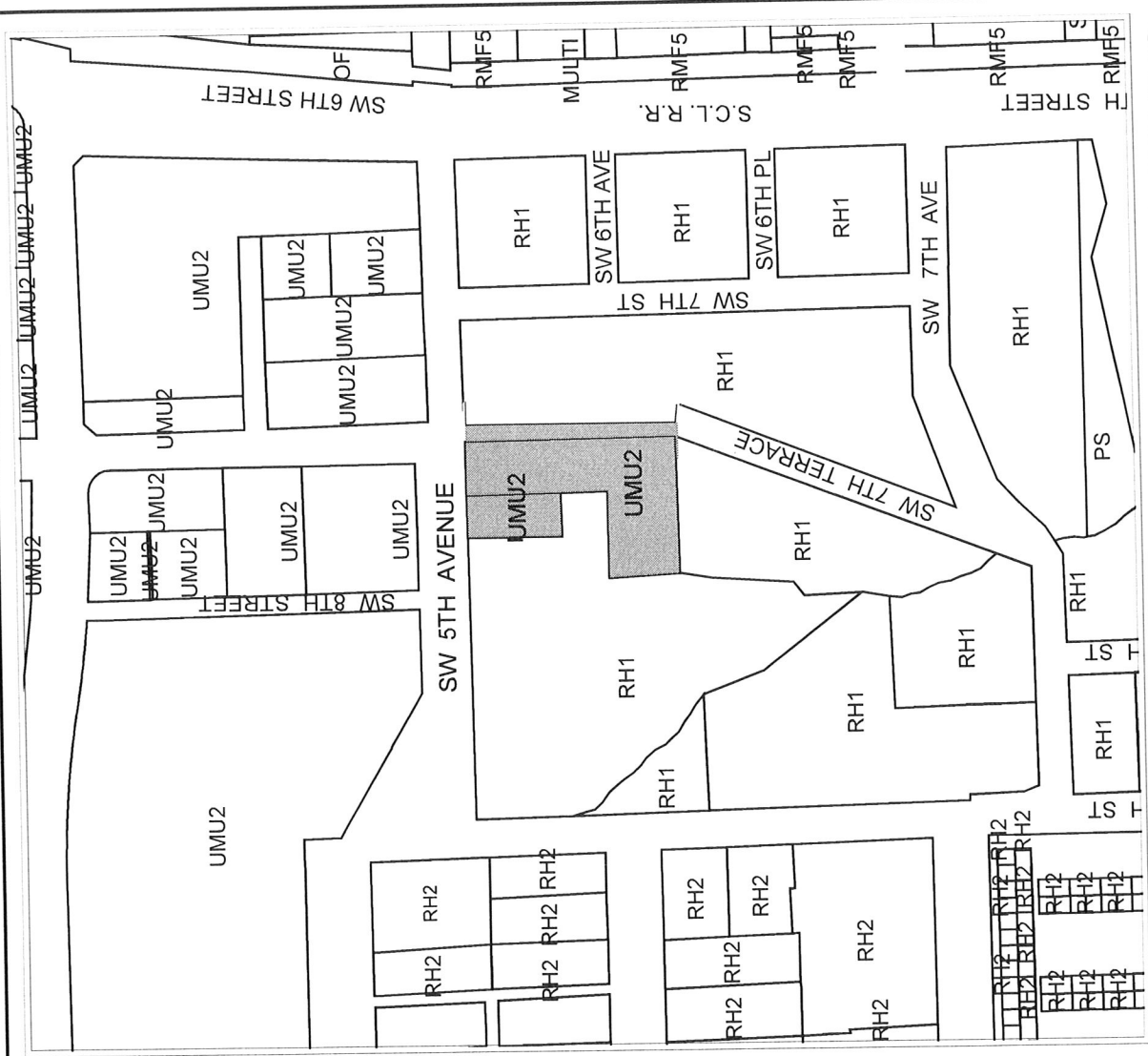
- RMF-5 12 units/acre Single-Family/Multiple-Family Residential
- RH-1 8-43 units/acre Residential High Density
- RH-2 8-100 units/acre Residential High Density
- OF General Office
- UMU2 10-100 du/acre; & up to additional 25 du/acre by special use permit
- PS Public Services and Operations

Area under petition consideration



----- Division line between two zoning districts

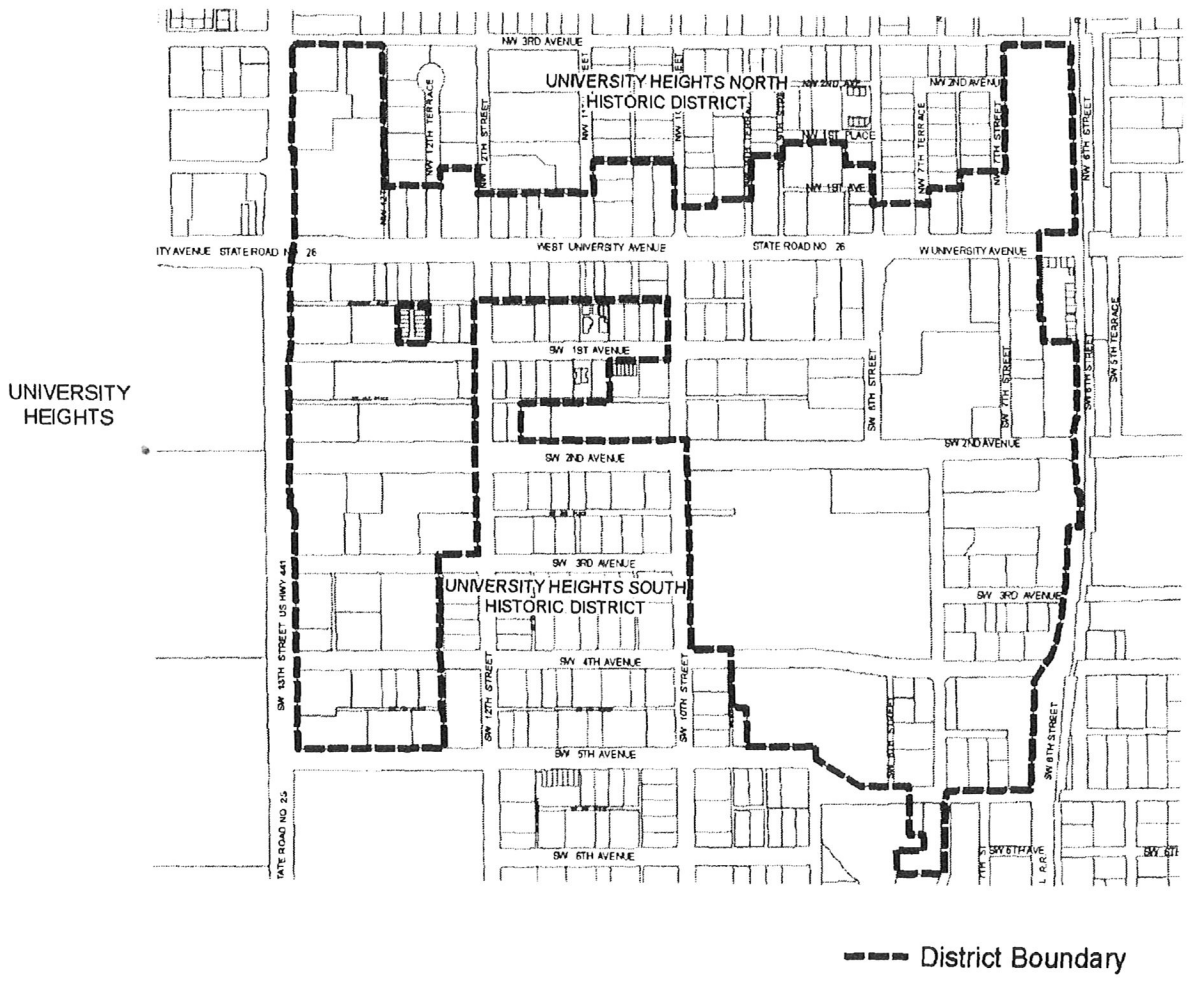
Exhibit "C" to Ordinance No. 120807



## PROPOSED ZONING

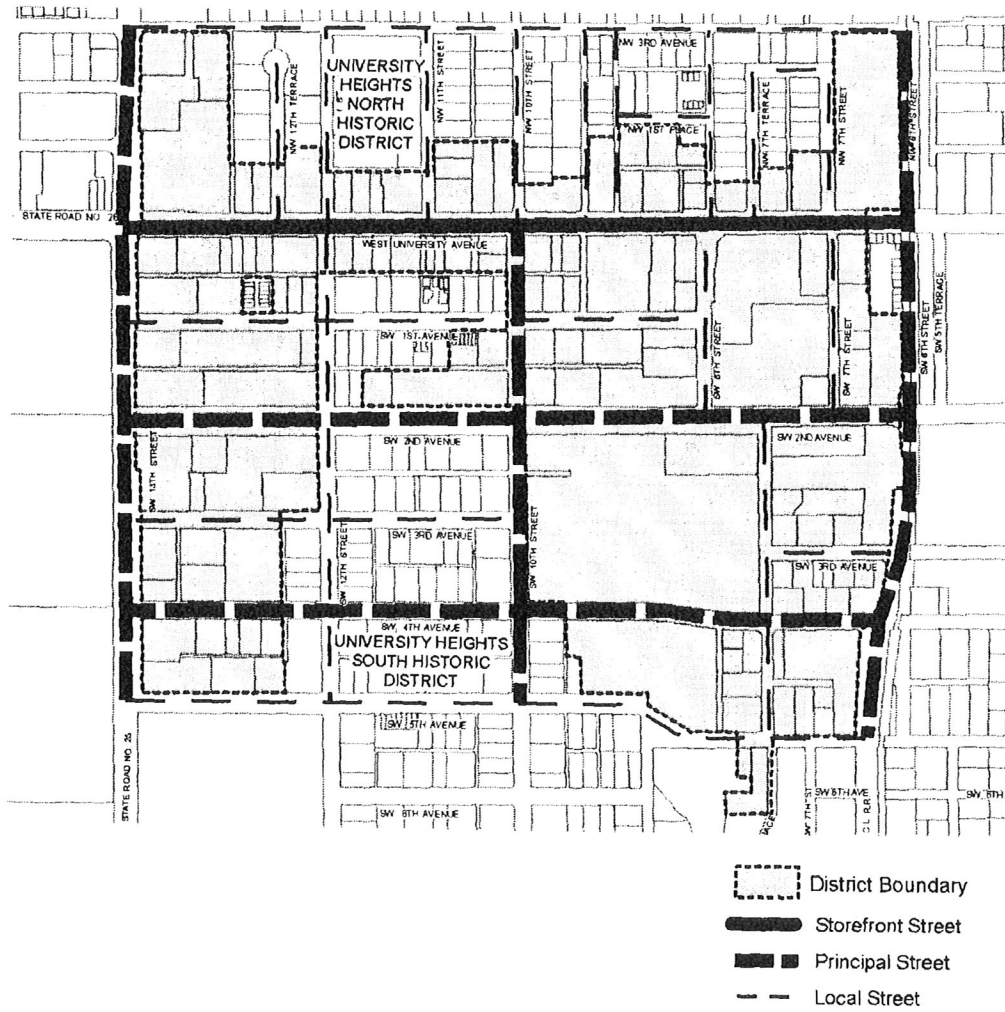
Name	Petition Request	Map(s)	Petition Number
Causseaux, Hewett & Walpole, Inc agent for Heritage Investment Group of Gainesville, LLC	Rezone from Residential high density (RH-1) to Urban mixed use 2 (UMU2)	4050	PB-12-166 ZON





**Figure 1.0 District Boundary Map – University Heights**

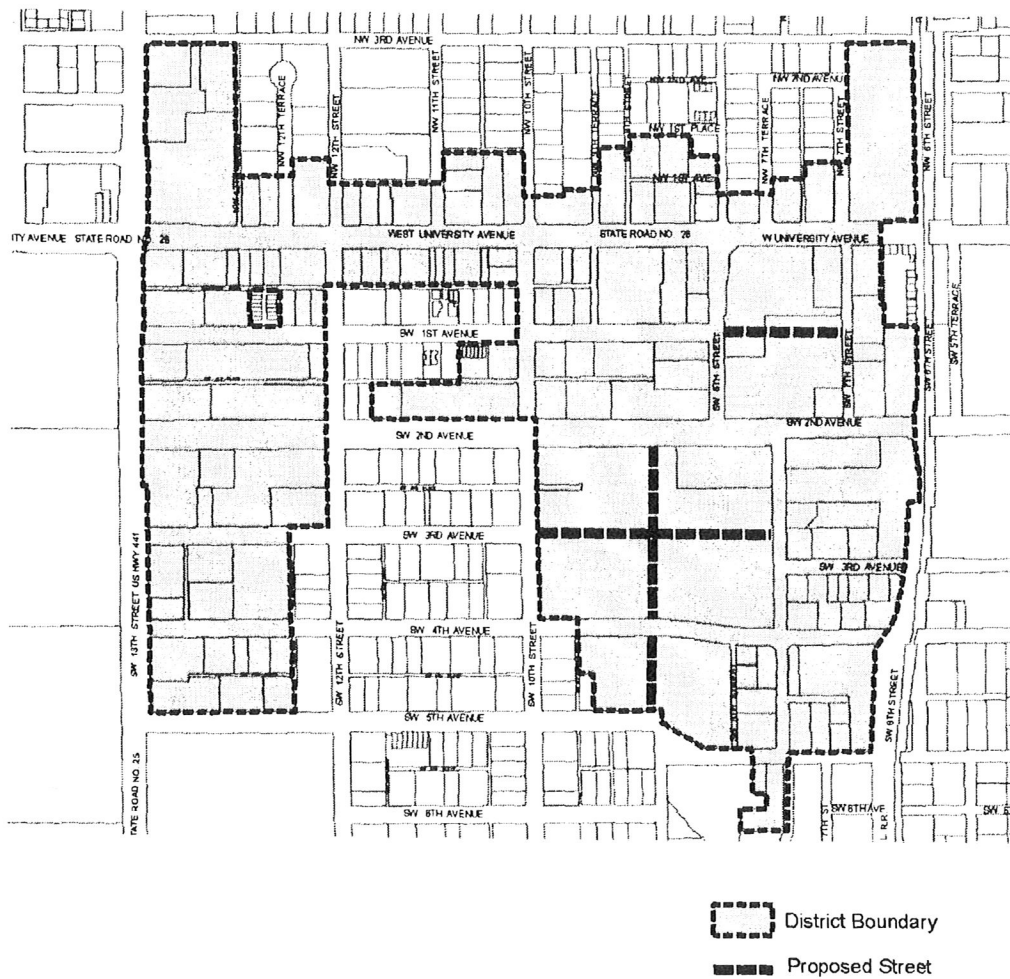
Exhibit "D" to Ordinance No. 120807  
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**Figure 2.0 Street Types – University Heights**

Exhibit "D" to Ordinance No. 120807  
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**Figure 2.1 Proposed Local Streets – University Heights**

Exhibit "D" to Ordinance No. 120807  
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**Figure 3.0 Height Limits – University Heights**