

ORDINANCE NO. 170626

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3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**
4 **Atlas by rezoning approximately 8.33 acres of property generally located at**
5 **6224 SW 20th Avenue, as more specifically described in this ordinance, from**
6 **Alachua County Multi-Family Medium-High Density (R-2A) district to City of**
7 **Gainesville Residential Single/Multi-Family (RMF-5) district; providing**
8 **directions to the City Manager; providing a severability clause; providing a**
9 **repealing clause; and providing an effective date.**

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11 **WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a**
12 **Comprehensive Plan to guide the future development and growth of the city; and**

13 **WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville**
14 **Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that**
15 **designates the future general distribution, location, and extent of the uses of land for**
16 **residential, commercial, industry, agriculture, recreation, conservation, education, public**
17 **facilities, and other categories of the public and private uses of land, with the goals of**
18 **protecting natural and historic resources, providing for the compatibility of adjacent land uses,**
19 **and discouraging the proliferation of urban sprawl; and**

20 **WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or**
21 **amend and enforce land development regulations that are consistent with and implement the**
22 **Comprehensive Plan and that are combined and compiled into a single land development code**
23 **for the city; and**

24 **WHEREAS, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville**
25 **Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and**
26 **land development regulations on specific classifications of land within the city; and**

27 **WHEREAS, this ordinance, which was noticed as required by law, will amend the Zoning Map**
28 **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 February 22, 2018, and
32 voted to recommend that the City Commission approve this rezoning; and

33 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a newspaper of
34 general circulation notifying the public of this proposed ordinance and a public hearing in the City
35 Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

36 **WHEREAS**, at least thirty (30) days' notice has been given by mail to each real property owner
37 whose land will be redesignated by enactment of this ordinance and whose address is known
38 by reference to the latest ad valorem tax records, notifying such property owners of this
39 proposed ordinance and of a public hearing in the City Hall Auditorium located on the first
40 floor of City Hall in the City of Gainesville; and

41 **WHEREAS**, the public hearing was held pursuant to the notice described above at which
42 hearings the parties in interest and all others had an opportunity to be and were, in fact,
43 heard; and

44 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be
45 consistent with the City of Gainesville Comprehensive Plan when the amendment to the
46 Comprehensive Plan adopted by Ordinance No. 170625 becomes effective as provided therein.

47 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

48 **FLORIDA:**

49 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
50 following property from Alachua County Multi-Family Medium-High Density (R-2A) district to
51 City of Gainesville Residential Single/Multi-Family (RMF-5) district:

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

55
56 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary
57 changes to the Zoning Map Atlas to comply with this ordinance.

58 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
59 the application hereof to any person or circumstance is held invalid or unconstitutional, such
60 finding shall not affect the other provisions or applications of this ordinance that can be given
61 effect without the invalid or unconstitutional provision or application, and to this end the
62 provisions of this ordinance are declared severable.

63 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
64 conflict hereby repealed.

65 **SECTION 5.** This ordinance shall become effective immediately upon adoption; however, the
66 rezoning shall not become effective until the amendment to the City of Gainesville
67 Comprehensive Plan adopted by Ordinance No. 170625 becomes effective as provided therein.

68 **PASSED AND ADOPTED** this 3rd day of May, 2018.

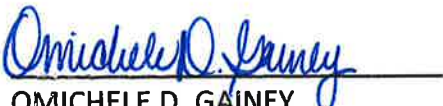
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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:



OMICHELE D. GAINNEY
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on adoption reading this 3rd day of May, 2018.

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF LOTS 2 AND 3, MAP OF SECTIONS 9 AND 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AS RECORDED IN PLAT BOOK "A", PAGE 10 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; THENCE SOUTH 00 DEGREES, 29 MINUTES, 28 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 1215.63 FEET TO AN INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SUGARFOOT OAKS, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "J", PAGE 66 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE SOUTH 89 DEGREES, 30 MINUTES, 32 SECONDS WEST, ALONG SAID EASTERLY EXTENSION AND ALONG SAID SOUTHERLY LINE, A DISTANCE OF 941.60 FEET TO THE NORTHWEST CORNER OF SUGARLANE REPLAT NO. 2, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 9 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES, 30 MINUTES, 32 SECONDS WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 497.96 FEET TO THE SOUTHWEST CORNER OF SAID SUGARFOOT OAKS; THENCE SOUTH 00 DEGREES, 29 MINUTES, 28 SECONDS EAST, A DISTANCE OF 823.26 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SW 20TH AVENUE (100 FOOT RIGHT-OF-WAY), SAID POINT BEING THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 1959.86 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 15 DEGREES, 22 MINUTES, 10 SECONDS, A DISTANCE OF 525.73 FEET TO THE SOUTHWEST CORNER SAID SUGARLANE REPLAT NO. 2, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 71 DEGREES, 19 MINUTES, 08 SECONDS EAST, 524.15 FEET; THENCE NORTH 00 DEGREES, 29 MINUTES, 28 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID SUGARLANE REPLAT NO. 2 AND ALONG THE WESTERLY LINE OF SUGARLANE, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "K", PAGE 84, A DISTANCE OF 659.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.33 ACRES, MORE OR LESS.

**Petition
PB-17-113 ZON
Dave Duncan Annexation
Existing Zoning Districts**

Area under petition consideration

**City of Gainesville
Zoning Districts**

- RSF-1 Single Family Residential
- RSF-4 Single Family Residential
- RMF-5 Single-Multiple Family Residential
- RMF-7 Multiple Family Residential
- PD Planned Development
- PS Public Services & Operations
- CON Conservation

**Alachua County
Zoning Districts**

- R2-A Residential Multi-Family
- R-3 Residential Multi-Family
- RM Manufactured/Mobile Home Park
- BR Business, Retail Sales & Services

David L. Duncan, owner
Rezone approximately 8.33
acres from Alachua County
R-2A to City of Gainesville RC

--- Division line between two land use categories
— City Limits

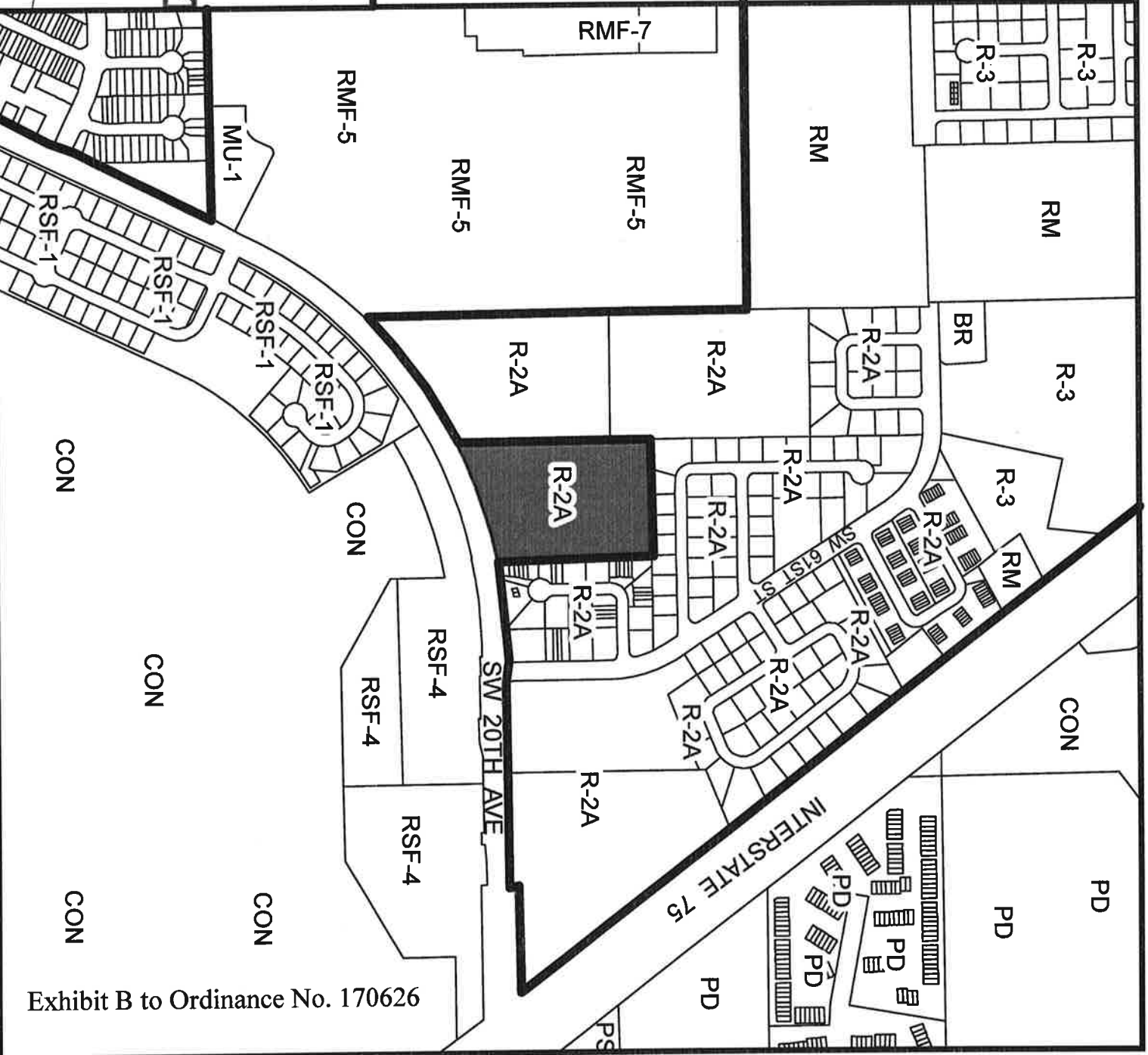
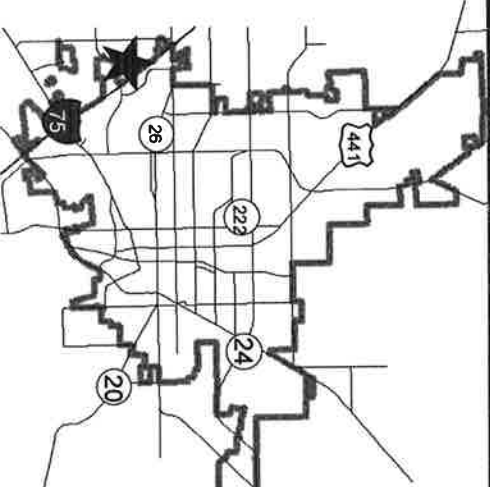


Exhibit B to Ordinance No. 170626

Petition
PB-17-113 ZON
Dave Duncan Annexation
Proposed Zoning Districts

 Area under petition consideration

City of Gainesville
Zoning Districts

- RSF-1 Single Family Residential
- RSF-4 Single Family Residential
- RMF-5 Single-Multiple Family Residential
- RMF-7 Multiple Family Residential
- PD Planned Development
- PS Public Services & Operations
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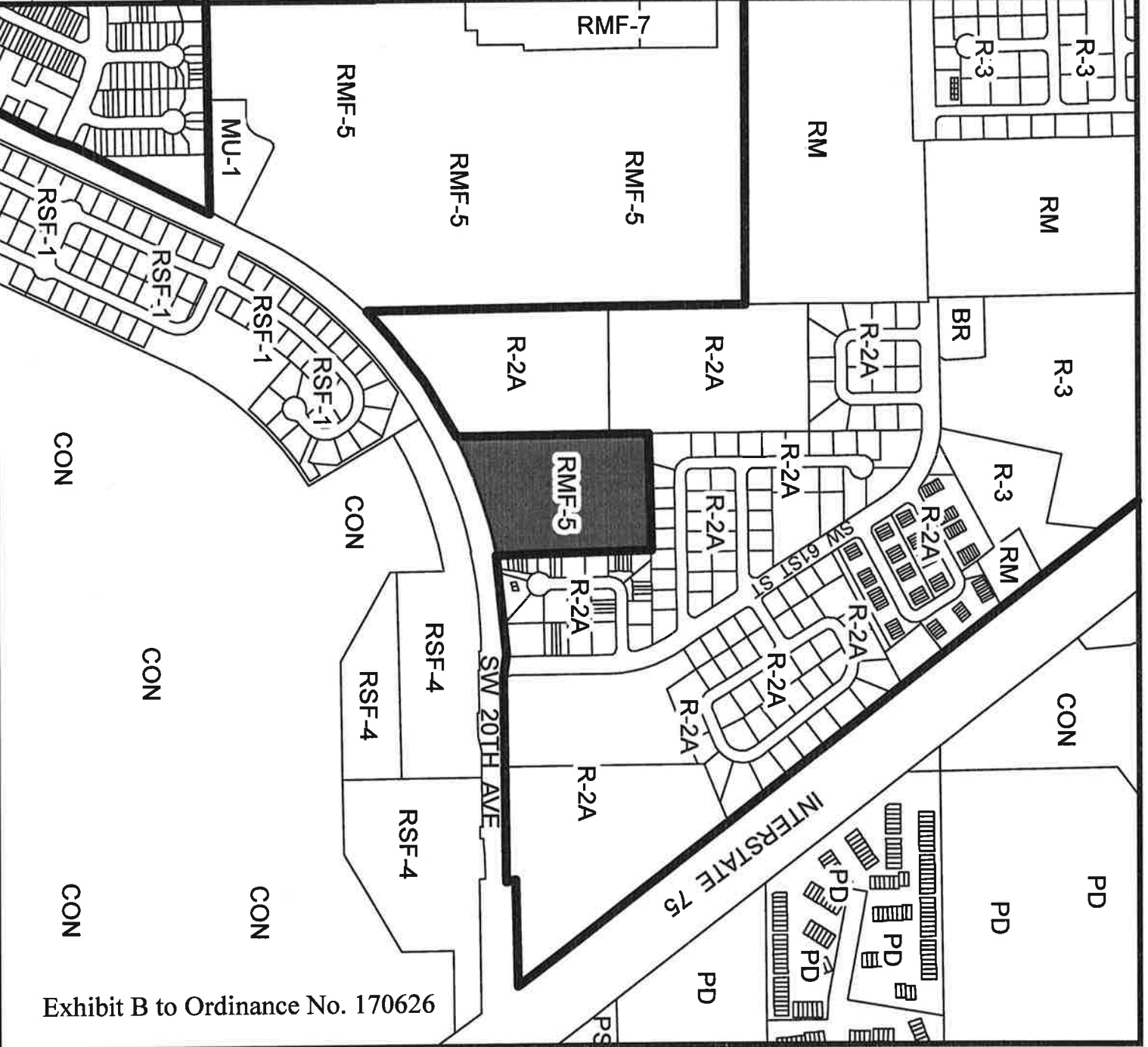
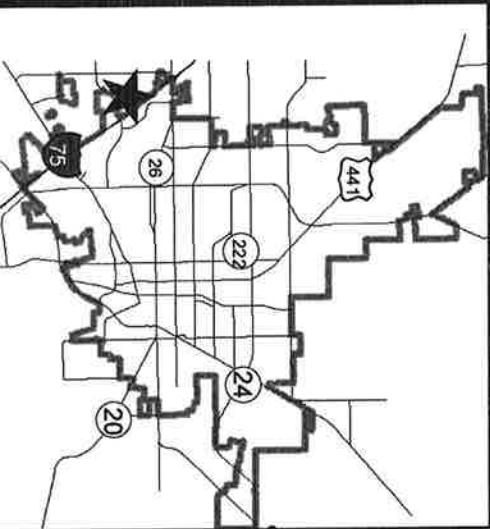


Exhibit B to Ordinance No. 170626