

LEGISLATIVE #

120808A

ORDINANCE NO. 120808

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3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**
4 **Atlas by removing the Special Area Plan for University Heights overlay**
5 **zoning district from approximately 0.62 acres of property generally located**
6 **at 717 and 721 SW 5th Avenue; amending Appendix A., Section 6. – Special**
7 **Area Plan for University Heights in the Land Development Code by deleting**
8 **and replacing the figure titled “Land Use and Building Type Matrix” to**
9 **reflect the removal of the property described above; providing directions to**
10 **the City Manager; providing directions to the codifier; providing a**
11 **severability clause; providing a repealing clause; and providing an effective**
12 **date.**

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14 **WHEREAS,** notice was given as required by law that the text of the Land Development
15 Code of the City of Gainesville, Florida, be amended to remove property from the Special Area
16 Plan for University Heights overlay zoning district by deleting and replacing a figure in the
17 Special Area Plan for University Heights and a public hearing was then held by the City Plan
18 Board on January 24, 2013; and

19 **WHEREAS,** at least ten (10) days notice has been given once by publication in a
20 newspaper of general circulation notifying the public of this proposed ordinance and of public
21 hearings in the City Commission Meeting Room, First Floor, City Hall, City of Gainesville; and

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

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

27 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by removing the
28 Special Area Plan for University Heights overlay zoning district from the following property:

29 See legal description attached as Exhibit "A" and made a part hereof as if set
30 forth in full. The location of the property is shown on Exhibit “B” for visual

1 reference. In the event of conflict or inconsistency, Exhibit “A” shall prevail
2 over Exhibit “B.”
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4 **Section 2.** The underlying zoning category of UMU-2 (imposed by the City of
5 Gainesville Ordinance No. 120807) on the property is neither abandoned nor repealed, and
6 remains in full force and effect.

7 **Section 3.** The existing figure titled “Land Use and Building Type Matrix” in Appendix
8 A., Section 6. – Special Area Plan for University Heights in the Land Development Code is
9 deleted and replaced with the new figure attached as Exhibit “C” and made a part hereof as if set
10 forth in full. Except as amended herein, the remainder of Appendix A., Section 6 remains in full
11 force and effect.

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

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

17 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
18 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
19 finding shall not affect the other provisions or applications of this ordinance that can be given
20 effect without the invalid or unconstitutional provision or application, and to this end the
21 provisions of this ordinance are declared severable.

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

24 **Section 8.** This ordinance shall become effective immediately upon adoption.

1 PASSED AND ADOPTED this ____ day of _____, 2013.

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CRAIG LOWE
MAYOR

7 ATTEST:

Approved as to form and legality

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9

10

11 _____
KURT M. LANNON
12 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

13

14 This ordinance passed on first reading this ____ day of _____, 2013.

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16 This ordinance passed on second reading this ____ day of _____, 2013.

17

Legal Description

Parcel 1:

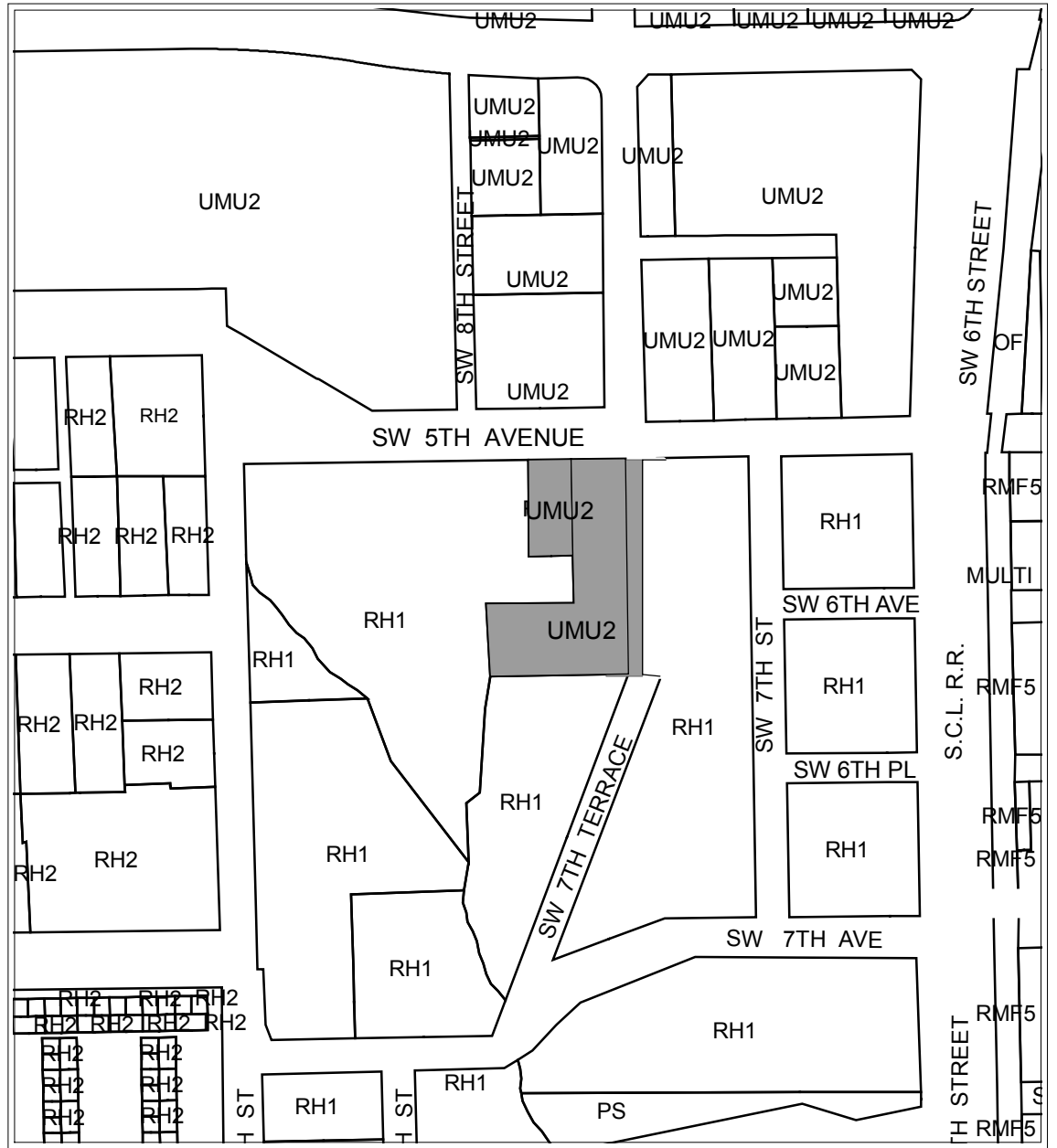
Commence 50 feet West of the Northeast corner of Lot 106 of O. A. PORTER'S ADDITION, run thence West 47 1/2 feet; thence South 100 feet; thence East 47 1/2 feet; thence North 100 feet to the Point of Beginning. Same lying and being in Lot 106 of O. A. PORTER'S ADDITION TO GAINESVILLE as per Plat Book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

TOGETHER WITH: The westerly half of the adjacent vacated right of way of SW 7th Terrace per Ordinance No. 030622, recorded April 1, 2004, in O. R. Book 2883, page 851, of the Public Records of Alachua County, Florida.

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

PROPOSED ZONING

	Name	Petition Request	Map(s)	Petition Number
 No Scale	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

