

LEGISLATIVE #

160982A

ORDINANCE NO. 160982

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 108 acres of property that is generally located south of SW Archer Road, west of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, north of SW 57th Avenue, and east of SW 63rd Boulevard, as more specifically described in this ordinance, from Alachua County Single-Family Low-Density (R-1A) and (R-1C) districts and Single-Family Low-Density (RE-1) district to City of Gainesville Single-Family Residential (RSF-4) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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

1 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Zoning Map
2 Atlas by rezoning the property that is the subject of this ordinance from Alachua County Single-
3 Family Low-Density (R-1A) and (R-1C) districts and Single-Family Low-Density (RE-1) district to
4 City of Gainesville Single-Family Residential (RSF-4) district; and

5 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
6 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
7 pursuant to Section 163.3174, Florida Statutes, held a public hearing on April 27, 2017, and
8 voted to recommend that the City Commission approve this rezoning; and

9 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
10 newspaper of general circulation and provided the public with at least seven days' advance notice
11 of this ordinance's first public hearing to be held by the City Commission in the City Hall
12 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

13 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was
14 placed in the aforesaid newspaper and provided the public with at least five days' advance notice
15 of this ordinance's second public hearing to be held by the City Commission; and

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

18 **WHEREAS**, the City Commission finds that the rezoning of the property described herein will
19 be consistent with the City of Gainesville Comprehensive Plan when the amendment to the
20 Comprehensive Plan adopted by Ordinance No. 160981 becomes effective as provided therein.

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

1 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
 2 following property from Alachua County Single-Family Low-Density (R-1A) and (R-1C) districts
 3 and Single-Family Low-Density (RE-1) district to City of Gainesville Single-Family Residential
 4 (RSF-4) district:

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

9
 10 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary
 11 changes to the Zoning Map Atlas to comply with this ordinance.

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

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

19 **SECTION 5.** This ordinance shall become effective immediately upon adoption; however, the
 20 rezoning shall not become effective until the amendment to the City of Gainesville
 21 Comprehensive Plan adopted by Ordinance No. 160981 becomes effective as provided therein.

22

23 **PASSED AND ADOPTED** this _____ day of _____, 2017.

24
 25
 26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

KURT LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2017.

This ordinance passed on second reading this _____ day of _____, 2017.

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; THENCE NORTH 89 DEGREES, 16 MINUTES, 26 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 1490.64 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF PATTON'S SURVEY AS RECORDED IN PLAT BOOK "A", PAGE 21&1/2 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES, 16 MINUTES, 26 SECONDS EAST, ALONG SAID SOUTH LINE OF SECTION 22 AND ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 465.03 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES, 59 MINUTES, 04 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 277.28 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 785 OF SAID PUBLIC RECORDS; THENCE NORTH 89 DEGREES, 16 MINUTES, 13 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 1233.30 FEET; THENCE NORTH 01 DEGREE, 00 MINUTES, 09 SECONDS WEST, CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 157.94 FEET; THENCE NORTH 89 DEGREES, 14 MINUTES, 10 SECONDS EAST, CONTINUING ALONG SAID SOUTHERLY LINE AND AN EXTENSION THEREOF, A DISTANCE OF 341.60 FEET TO A POINT ON THE EASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 785, SAID LINE ALSO BEING THE SOUTHWESTERLY LINE OF BROOKS ESTATE AS RECORDED IN PLAT BOOK "A", PAGE 40 OF SAID PUBLIC RECORDS AND A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 080193; THENCE ALONG SAID CITY OF GAINESVILLE LIMIT LINE THE FOLLOWING FOUR (4) COURSES:

1.) NORTH 40 DEGREES, 39 MINUTES, 39 SECONDS WEST, ALONG SAID EASTERLY LINE AND SAID SOUTHWESTERLY LINE, A DISTANCE OF 227.85 FEET TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1070, PAGE 809 OF SAID PUBLIC RECORDS; 2.) NORTH 40 DEGREES, 53 MINUTES, 28 SECONDS WEST, ALONG SAID SOUTHWESTERLY LINE OF BROOKS ESTATES, A DISTANCE OF 511.18 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1070, PAGE 809, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1821, PAGE 2875 OF SAID PUBLIC RECORDS; 3.) NORTH 46 DEGREES, 24 MINUTES, 45 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF SAID BROOKS ESTATE, A DISTANCE OF 556.50 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3855, PAGE 776; 4.) CONTINUE ALONG SAID NORTHWESTERLY LINE, NORTH 46 DEGREES, 24 MINUTES, 45 SECONDS EAST, A DISTANCE OF 325.90 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LANDS; THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT LINE AND NORTHWESTERLY LINE OF BROOKS ESTATE, SOUTH 89 DEGREES, 04 MINUTES, 52 SECONDS WEST, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 463.50 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1985, PAGE 1349 OF SAID PUBLIC RECORDS; THENCE NORTH 02 DEGREES, 28 MINUTES, 37 SECONDS WEST, A DISTANCE OF 416.52 FEET TO THE NORTHEAST CORNER OF SAID LANDS, SAID CORNER BEING ON THE SOUTH LINE

OF RICELAND SUBDIVISION, AS RECORDED IN PLAT BOOK "D", PAGE 74 OF SAID PUBLIC RECORDS; THENCE SOUTH 88 DEGREES, 34 MINUTES, 25 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 404.26 FEET TO THE SOUTHWEST CORNER OF SAID RICELAND SUBDIVISION; THENCE NORTH 01 DEGREE, 56 MINUTES, 27 SECONDS WEST, ALONG THE WEST LINE OF SAID RICELAND SUBDIVISION, A DISTANCE OF 1607.07 FEET TO A POINT ON THE SOUTHERLY LINE OF A CITY OF GAINESVILLE UTILITIES TRANSMISSION RIGHT-OF-WAY (FORMERLY KNOWN AS THE OLD S.A.L. RAILROAD); THENCE SOUTH 57 DEGREES, 54 MINUTES, 15 SECONDS WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 675.26 FEET TO THE NORTHEAST CORNER OF A 30 FOOT WIDE INGRESS-EGRESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4454, PAGE 1046 OF SAID PUBLIC RECORDS; THENCE SOUTH 00 DEGREES, 04 MINUTES, 43 SECONDS WEST, A DISTANCE OF 875.61 FEET TO THE SOUTHEAST CORNER OF SAID EASEMENT AND TO A POINT ON THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4465, PAGE 1858 OF SAID PUBLIC RECORDS; THENCE NORTH 88 DEGREES, 08 MINUTES, 49 SECONDS EAST, A DISTANCE OF 123.14 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4465, PAGE 1858; THENCE SOUTH 20 DEGREES, 45 MINUTES, 44 SECONDS EAST, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 152.13 FEET; THENCE SOUTH 01 DEGREE, 54 MINUTES, 20 SECONDS EAST, ALONG SAID EAST LINE AND AN EXTENSION THEREOF, A DISTANCE OF 244.00 FEET TO A POINT ON THE NORTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3875, PAGE 349 OF SAID PUBLIC RECORDS; THENCE SOUTH 88 DEGREES, 32 MINUTES, 43 SECONDS WEST, ALONG SAID NORTHERLY LINE AND CONTINUING ALONG THE NORTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 748, PAGE 394 OF SAID PUBLIC RECORDS, A DISTANCE OF 895.47 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE SOUTH 01 DEGREE, 01 MINUTE, 11 SECONDS EAST, ALONG THE WEST LINE OF SAID LANDS AND CONTINUING ALONG THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3875, PAGE 349, A DISTANCE OF 666.02 FEET TO THE NORTHEAST CORNER OF LOT 5 OF SAID PATTON'S SURVEY; THENCE SOUTH 88 DEGREES, 55 MINUTES, 00 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 658.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREES, 59 MINUTES, 22 SECONDS EAST, ALONG THE WEST LINE OF LOTS 5, 4 AND 3, RESPECTIVELY, OF SAID PATTON'S SURVEY, A DISTANCE OF 992.63 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 89 DEGREES, 29 MINUTES, 41 SECONDS EAST, A DISTANCE OF 658.95 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 AND TO POINT ON THE WEST LINE OF LOT 1 OF SAID PATTON'S SURVEY; THENCE SOUTH 01 DEGREE, 01 MINUTE, 31 SECONDS EAST, A DISTANCE OF 329.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING.

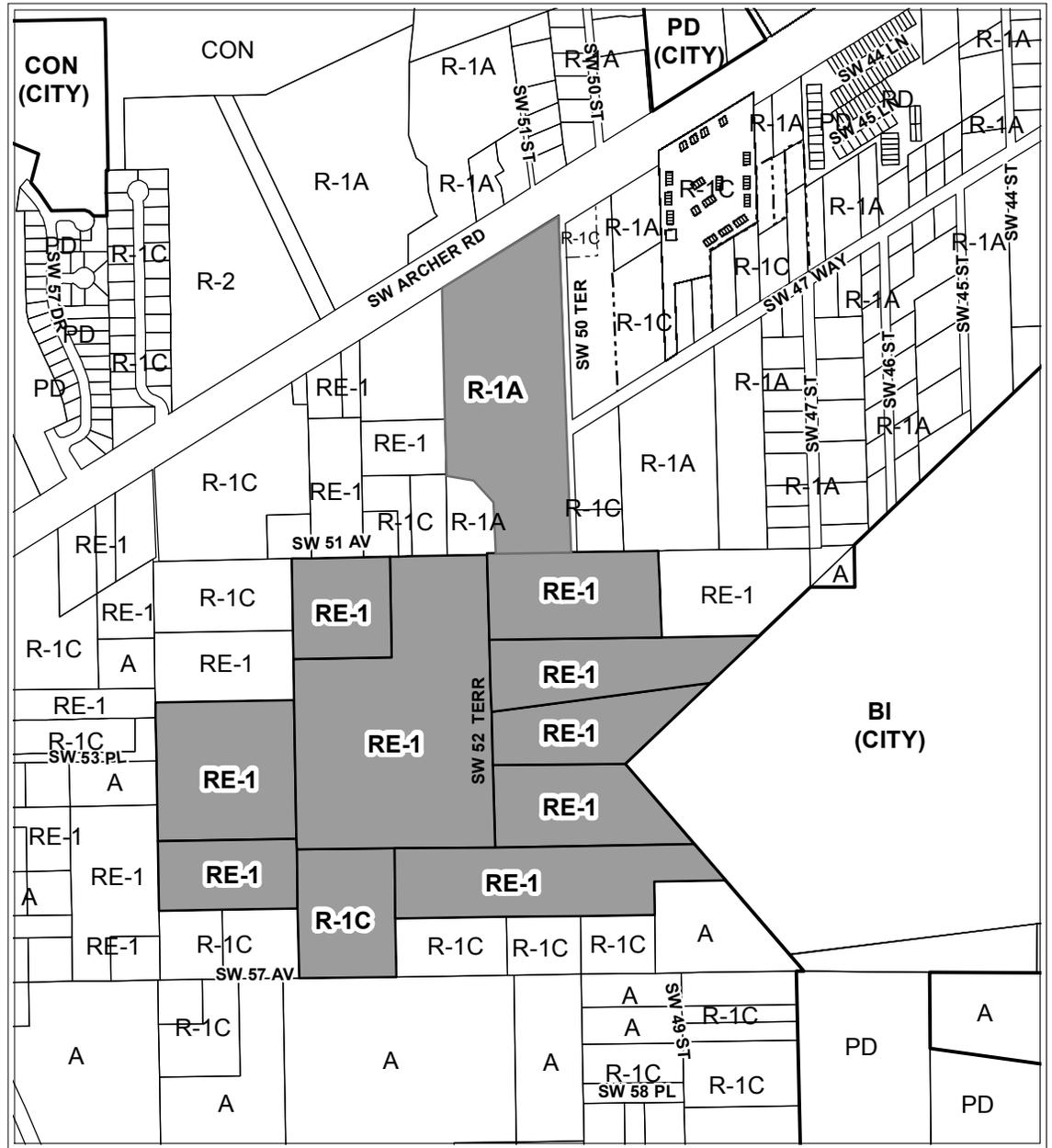
CONTAINING 108.3 ACRES, MORE OR LESS.

City of Gainesville Zoning Districts

- BI Business Industrial
- CON Conservation
- PD Planned Development

Alachua County Zoning Districts

- A Agriculture, 1 unit per 5 acres
- CON Conservation
- R-1A Single Family, Low Density (1-4 units/acre)
- R-1C Single Family, Low Density (1-4 units/acre)
- R-2 Multiple Family, Medium Density (4-8 units/acre)
- RE-1 Single Family, Low Density (1 per 2 acres up to 2 per acre)
- PD Planned Development District



Area under petition consideration

----- Division line between two zoning districts
 ——— City Limits

EXISTING ZONING

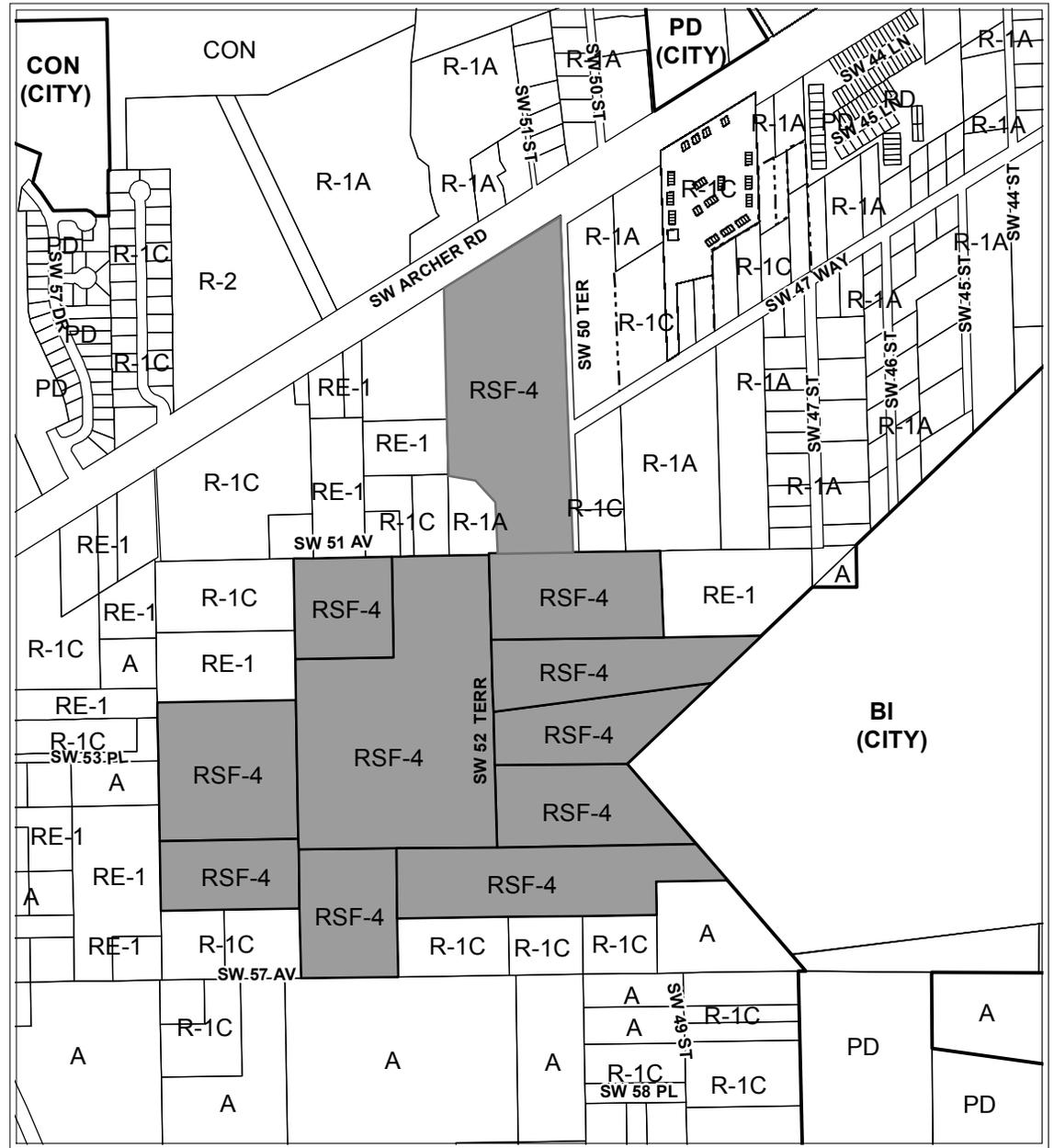
	Name	Petition Request	Petition Number
 <p>No Scale</p>	City of Gainesville	Rezone property from Alachua County R-1A, R-1C and RE-1 Single family districts to City of Gainesville RSF-4: 8 du/acre single-family district	PB-17-30 ZON

City of Gainesville Zoning Districts

- RSF-4 Single Family Residential (8 units/acre)
- BI Business Industrial
- CON Conservation
- PD Planned Development

Alachua County Zoning Districts

- A Agriculture, 1 unit per 5 acres
- CON Conservation
- R-1A Single Family, Low Density (1-4 units/acre)
- R-1C Single Family, Low Density (1-4 units/acre)
- R-2 Multiple Family, Medium Density (4-8 units/acre)
- RE-1 Single Family, Low Density (1 per 2 acres up to 2 per acre)
- PD Planned Development District



Area under petition consideration

----- Division line between two zoning districts
 ——— City Limits

PROPOSED ZONING

	Name	Petition Request	Petition Number
 No Scale	City of Gainesville	Rezone property from Alachua County R-1A, R-1C and RE-1 Single family districts to City of Gainesville RSF-4: 8 du/acre single-family district	PB-17-30 ZON