

LEGISLATIVE #
180669A

ORDINANCE NO. 180669

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 3.02 acres of property generally located on the east side of the 400 and 500 blocks of NW 13th Street and the west side of the 400 block of NW 12th Drive, as more specifically described in this ordinance, from Urban 6 (U6) to Urban 8 (U8); 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 requested by the owner(s) of the property that is the
2 subject of this ordinance and which was noticed as required by law, will amend the Zoning Map
3 Atlas by rezoning the subject property; and

4 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
5 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
6 pursuant to Section 163.3174, Florida Statutes, held a public hearing on January 24, 2019, and
7 voted to recommend that the City Commission approve this rezoning; and

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

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

13 **WHEREAS**, the City Commission finds that the rezoning of the property described herein is
14 consistent with the City of Gainesville Comprehensive Plan.

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

17 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
18 following property from Urban 6 (U6) to Urban 8 (U8):

19 See legal description attached as **Exhibit A** and made a part hereof as if set forth
20 in full. The location of the property is shown on **Exhibit B** for visual reference.
21 In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.
22

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

SECTION 3. 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 will 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 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. This ordinance will become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2019.

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINES
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2019.

This ordinance passed on second reading this _____ day of _____, 2019.

LEGAL DESCRIPTION

For:

Gainesville, FL

Tax Parcel 14026 & 14033

Beginning at the Southwest corner of Lot Six (6) of Block Two (2) of Bellah's Subdivision of the West Half (W 1/2) of Block Fourteen (14) of B.W. Brown's Addition to Gainesville, in Section Five (5), Township Ten (10) South, Range Twenty (20) East, according to plat recorded in Plat Book C, Page 77, of the Public Records of Alachua County, Florida, and run thence North along the East side of North Ninth Street, 58 feet, thence run East 79.1 feet, thence run South 58 feet, thence run West 79.1 feet to Point of Beginning.

Also

Commence at the Southwest Corner of Lot 6, Block 2, Bellah's Subdivision as shown and recorded in Plat Book C, Page 77, Public Records of Alachua County, Florida; said Southwest corner of Lot 6 being the Point of Beginning, thence run East along South line of Lot 6, Block 2, 79.1 feet to Southeast corner of said Lot 6, Block 2; thence run South 20 feet; thence run West 79.1 feet; thence run North along the East side of Ninth Street 20 feet to Point of Beginning.

Also

Begin at the Northeast corner of Lot Six (6), Block Two (2), Bellah's Subdivision and run South 116 feet for the Point of Beginning; thence run East 8 feet to center line of alley; thence run South on said center line 78 feet to a point; thence West 8 feet, thence North 78 feet to the Point of Beginning.

Above lands also being described as: South 58 feet of Lot 6, Block 2 and 20 feet adjacent on South side and 8 feet on East side, Bellah's Subdivision, Plat Book C, Page 77, of Block 14, Brown's Addition, Plat Book A, Page 64, of the Public Records of Alachua County, Florida.

ALSO

Lot 1 and North 19.4 feet of Lot 2, Block 2, Bellah's Subdivision of the West Half of Block Fourteen (14) of Brown's Addition to Gainesville, Florida, in Section Five (5), Township Ten (10) South, Range Twenty (20) East, according to the plat recorded in Plat Book C, Page 77 of the Public Records of Alachua County, Florida.

Above lands also being described as: North 97 feet of East Half of Block 2, Bellah's Subdivision, Plat Book C, Page 77, of Block 14 of Brown's Addition, Plat Book A, Page 64, of the Public Records of Alachua County, Florida.

LEGAL DESCRIPTION

For:

Gainesville, FL

Tax Parcel 14027

From the Southeast corner of Lot 5, Block 2, Bellah's Subdivision of West Half of Block 14 of Brown's Addition to Gainesville in Section 5, Township 10 South, Range 20 East, according to Plat recorded in Plat Book C, Page 77 of the Public Records of Alachua County, Florida, run North 194 feet along the East line of Lots 5, 4 and 3, Block 2, to the point of beginning, run thence West 90 feet to the center of the vacated alley, thence North 97 feet along the center line of the vacated alley, thence East 90 feet to the East line of Lot 2, Block 2, thence South 97 feet along the East line of Lots 2 and 3, Block 2, to the point of beginning, Alachua County, Florida.

LEGAL DESCRIPTION

For: 407 NW 13th St
Gainesville, FL
Tax Parcel 14029 & 14034

Begin at a point 194 feet south of the Northwest corner of Lot Six (6), Block Two (2), Bellah's Subdivision of the West Half (W 1/2) of Block Fourteen (14), Brown's addition to Gainesville, as per plat thereof recorded on Plat Book "C", at page 77 of the Public Records of Alachua County, Florida, and run thence south along the east side of Thirteenth Street 78 feet, run thence east 177.1 feet to the east line of lot Four (4), Block Two (2) of said subdivision, run thence north 78 feet along the east line of Lots Four (4) and Three (3) of said Block Two (2), run thence west 177.1 feet to the point of beginning.

LEGAL DESCRIPTION

For: 1250 NW 4th Ave
Gainesville, FL
Tax Parcels 14030 & 14035

Parcel 1:

Lot Five (5) and South 19.4 feet of Lot Four (4) of Block Two (2), Bellah's Subdivision of West Half (W 1/2) of Block Fourteen (14) of Brown's Addition to Gainesville in Section 5, Township 10 South, Range 20 East according to plat recorded in Plat Book "C", page 77 of the public records of Alachua County, Florida; and also Begin at Southwest (SW) corner of Lot Five (5), Block Two (2), Bellah's Subdivision thence run North 97 feet to a point; thence West 8 feet to center line of alley; thence South on said center line 97 feet to a point; thence East 8 feet to the point of beginning.

Parcel 2:

Begin at Southwest corner of Lot 7, Block 2, Bellah's Subdivision of West Half of Block Fourteen (14) of Brown's Addition to Gainesville in Section Five (5), Township Ten (10) South, Range Twenty (20) East, according to Plat recorded in Plat Book C, Page 77 of the Public Records of Alachua County, Florida, thence run North along the West line of Lot 7 a distance of 116 feet, thence East 177.1 feet to the East line of Lot 4, Block 2, thence South along the East line of Lot 4 a distance of 19 feet, thence West 90 feet to the center of the vacated alley, thence South along the center line of the vacated alley 97 feet, thence West 87.1 feet to the point of beginning, Alachua County, Florida.

LEGAL DESCRIPTION

For: 425 NW 13th St
Gainesville, FL
Tax Parcel 14031

The North 81 feet of Lot Six (6) of Block 2 of BELLAH'S SUBDIVISION as per Plat recorded in Plat Book "C", page 77, of the Public Records of Alachua County, Florida., less the right-of-way to the State of Florida per quit claim deed recorded in Deed Book 314, Page 392, of the Public Records of Alachua County, Florida.

LEGAL DESCRIPTION

For: 421 NW 13th St
Gainesville, FL
Tax Parcel 14032

The South Thirty-five (35) feet of the North One Hundred and Sixteen (116) feet of Lot Six (6) of Block Two (2) of Bellah's Subdivision of the West Half (W 1/2) of Block Fourteen (14) of Brown's Addition to Gainesville, in Section Five (5), Township Ten (10) South, Range Twenty (20) East, as per Plat of said Bellah's Subdivision recorded in Plat Book "C", page 77, of the Public Records of Alachua County, Florida, less 13th Street right-of-way as now laid out.

LEGAL DESCRIPTION

For: 521 NW 13th ST
Gainesville, FL
Tax Parcel 14091 and 14092

Commence at the Southwest corner of Block Fifteen (15) of Brown's Addition to the City of Gainesville according to the plat thereof recorded in Plat Book "A", page 64, of the public records of Alachua County, Florida, run thence North one hundred sixty-five (165) feet and run thence East fifteen (15) feet to the point of beginning; run thence North one hundred sixty-five (165) feet, thence East two hundred nineteen (219) feet, thence South one hundred sixty-five (165) feet, thence West two hundred nineteen (219) feet to the point of beginning, less, however, the portion thereof conveyed by deed to the State of Florida for the use and benefit of the State Road Department of Florida, dated August 27, 1953 and recorded in Deed Book 314, page 396, public records of Alachua County, Florida.

Commence 396 feet West of Southeast corner of Block 15, Brown's Addition to Gainesville; run North 165 feet; West 50 feet; South 165 feet, and East 50 feet to point of beginning, all lying and being in Section 5, Township 10 South, of Range 20 East, Alachua County Florida. Less and Except the South 2.54 feet on the West 50 feet of the East 446 feet of Block 15 of Brown's Addition to the City of Gainesville, Florida as per a plat thereof recorded in Plat Book "A", page 64 of the Public Records of Alachua County, Florida.

LEGAL DESCRIPTION

For: 501 NW 13th St & 505 NW 13th St
Gainesville, FL
Tax Parcel 14093

The South 165 feet of the West 184 feet of Block 15, of BROWN'S ADDITION to Gainesville, Alachua County, Florida, in Section 5, Township 10 South, Range 20 East.

LESS AND EXCEPT:

Begin at the SW corner of Block 15 of BROWN'S ADDITION to the City of Gainesville, Florida; thence run East along the South line of Block 15 of BROWN'S ADDITION 36.20 feet; thence run Northwesterly 22.37 feet to a point on the East right of way line of NW 13th Street (U. S. Highway 441); thence run North 01 47' 24" East, along said East right of way line, 155 feet to the North line of the South 165 feet of said Block 15 of BROWN'S ADDITION; thence run West along the North line of the South 165 feet of said Block 15, 19.24 feet to the West line of said Block 15; thence run South along the West line of said Block 15, 165 feet, more or less, to the Point of Beginning.


AND LESS AND EXCEPT:

The South 2.54 feet of the West 184 feet of Block 15 of BROWN'S ADDITION to the City of Gainesville, Florida.

AND LESS AND EXCEPT:

Road right-of-way described in the Order of Taking recorded in O.R. Book 2503, Page 1178, Public Records of Alachua County, Florida.

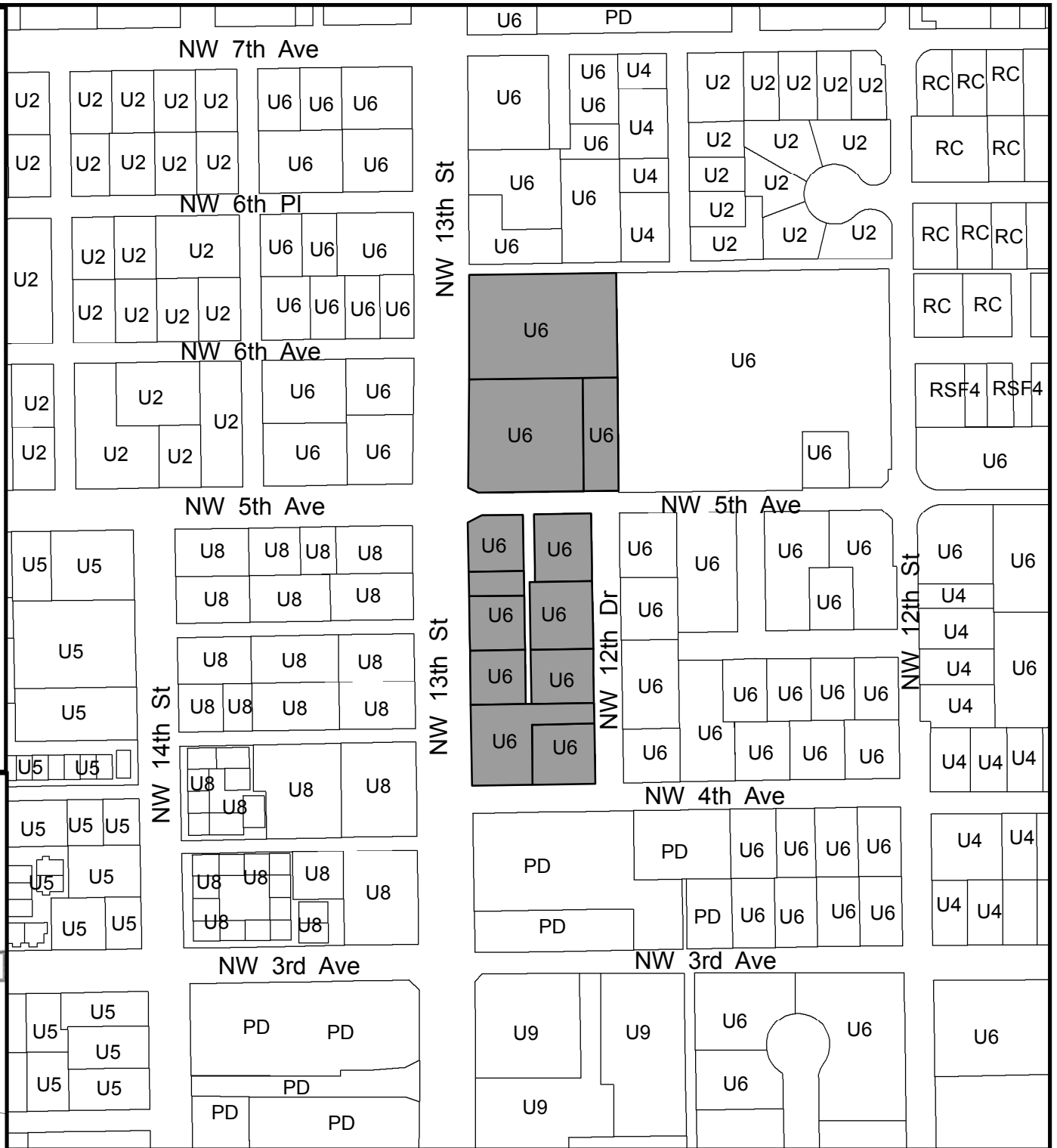
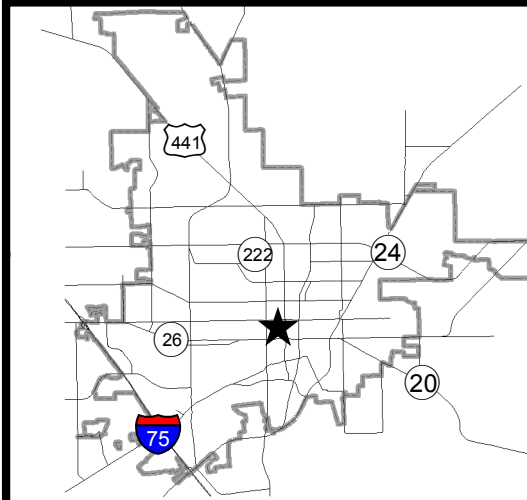
Petition PB-18-174 ZON Existing Zoning Districts

 Area under petition consideration


City of Gainesville Zoning Districts

RSF4	Single Family Residential
RC	Residential Conservation
U2	Urban 2
U4	Urban 4
U5	Urban 5
U6	Urban 6
U8	Urban 8
U9	Urban 9
PD	Planned Development

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



Petition PB-18-174 ZON Proposed Zoning Districts

 Area under petition consideration

City of Gainesville Zoning Districts

RSF4	Single Family Residential
RC	Residential Conservation
U2	Urban 2
U4	Urban 4
U5	Urban 5
U6	Urban 6
U8	Urban 8
U9	Urban 9
PD	Planned Development

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

