

LEGISLATIVE #
211150A

ORDINANCE NO. 211150

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 1.27 acres of property generally located on SW 16th Avenue and west of South Main Street, as more specifically described in this ordinance, from Conservation (CON) to Single Family Residential (RSF-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development 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

WHEREAS, this ordinance, which was noticed as required by law, will amend the Zoning Map Atlas by rezoning the property that is the subject of this ordinance; and

WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on April 28, 2022, and voted to recommend that the City Commission approve this rezoning; and

WHEREAS, at least ten days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and public hearings held by the City Commission; 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 subject property will be consistent with the City of Gainesville Comprehensive Plan when the amendment to the Comprehensive Plan adopted by Ordinance No. 211151 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 Conservation (CON) to Single Family Residential (RSF-1):

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

SECTION 2. The City Manager or designee is authorized and directed to make the necessary 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; however, the rezoning will not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 211151 becomes effective as provided therein.

PASSED AND ADOPTED this _____ day of _____, 2022.

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINEY
CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

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This ordinance passed on first reading the _____ day of _____, 2022.

This ordinance passed on adoption reading the _____ day of _____, 2022.

Parcel 1:

Commence at a point on the North line of the D.L. Clinch Grant, 20 feet West of its intersection with the center line of Old Rocky Point Road (Now State Road 329) and run South 17°02' West 862.85 feet; thence run North 85°07'30" West 812.66 feet to the Point of Beginning; thence run North 8°37'30" West 25.71 feet; thence North 85°07'30" West 314 feet; thence run South 5°22'30" West 50.11 feet; thence run South 85°07'30" East 323.73 feet; thence run North 8°37'30" West 25.71 feet to the Point of Beginning. All being and lying in Kirkwood Estates in the D.L. Clinch Grant, Township 10 South, Range 20 East, Gainesville, Alachua County, Florida. Parcel ID No.: 15699-065-000

Parcel 2:

Commence at a point on the North line of the D.L. Clinch Grant, 20 feet West (W) of its intersection with the center line of Old Rocky Point Road (State Road No. 329) and run South 17°02' West 862.85 feet, thence run North 85°07'30" West 812.66 feet, thence run North 8°37'30" West 25.71 feet to the Point of Beginning, thence run North 85°07'30" West 183 feet, thence run North 2°25'20" East 200.65 feet, to the South right of way of S.W. 16th Avenue, thence run Easterly along said right of way 143.5 feet, thence run South 8°37'30" East 205.97 feet, to the Point of Beginning. All being and lying in Kirkwood Estates, in the D.L. Clinch Grant in Township 10 South, Range 20 East in the City of Gainesville, Alachua County, Florida. Parcel ID No.: 15699-053-000



