

ORDINANCE NO. 2023-78

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An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 1.82 acres of property generally located south of NW 29th Place, west of NW 9th Street, and east of NW 10th Street, as more specifically described in this ordinance, from Planned Development (PD) to Single/Multiple-Family Residential (RMF-5); 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, 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

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

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

33 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
34 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
35 pursuant to Section 163.3174, Florida Statutes, held a public hearing on January 26, 2023, to
36 consider this application and provide a recommendation to the City Commission; and

37 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general
38 circulation notifying the public of this proposed ordinance and public hearings held by the City
39 Commission; and

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

43 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be
44 consistent with the City of Gainesville Comprehensive Plan when the amendment to the
45 Comprehensive Plan adopted by Ordinance No. 2023-77 becomes effective as provided
46 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 Planned Development (PD) to Single/Multiple-Family Residential

51 (RMF-5):

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 will 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 will become effective immediately upon adoption; however, the
66 rezoning will not become effective until the amendment to the City of Gainesville
67 Comprehensive Plan adopted by Ordinance No. 2023-77 becomes effective as provided
68 therein.

69 **PASSED AND ADOPTED** this _____ day of _____, 2023.

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HARVEY L. WARD
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. NATTIEL-WILLIAMS
CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

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82
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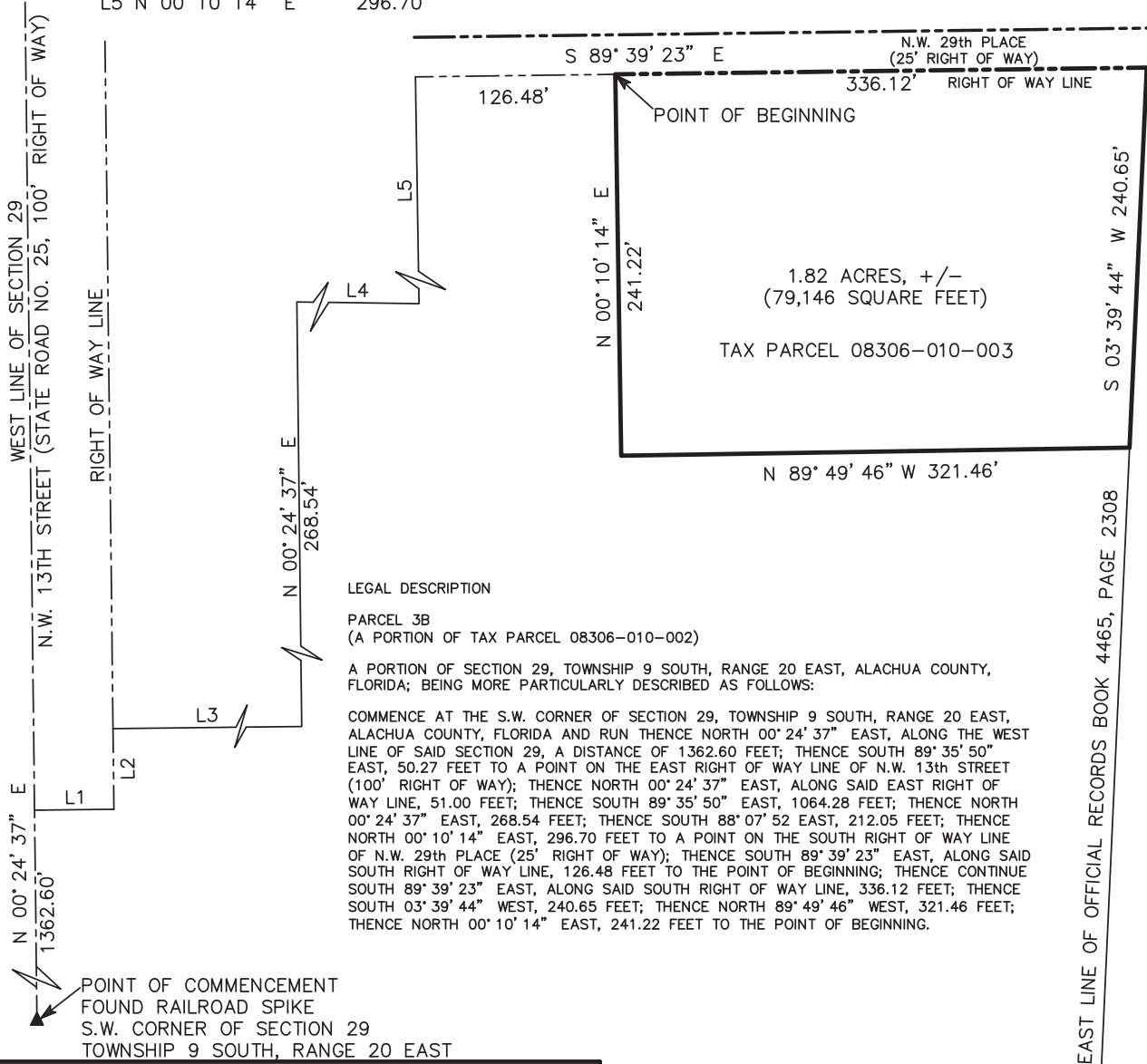
84 This ordinance passed on first reading the _____ day of _____, 2023.

85

86 This ordinance passed on adoption reading the _____ day of _____, 2023.

Exhibit A to Ordinance 2023-78

LINE	BEARING	DISTANCE
L1	N 89° 35' 50" E	50.27
L2	N 00° 24' 37" E	51.00
L3	S 89° 35' 50" E	1064.28
L4	S 88° 07' 52" E	212.05
L5	N 00° 10' 14" E	296.70



LEGAL DESCRIPTION

PARCEL 3B
(A PORTION OF TAX PARCEL 08306-010-002)

A PORTION OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 00° 24' 37" EAST, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 1362.60 FEET; THENCE SOUTH 89° 35' 50" EAST, 50.27 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF N.W. 13th STREET (100' RIGHT OF WAY); THENCE NORTH 00° 24' 37" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 51.00 FEET; THENCE SOUTH 89° 35' 50" EAST, 1064.28 FEET; THENCE NORTH 00° 24' 37" EAST, 268.54 FEET; THENCE SOUTH 88° 07' 52" EAST, 212.05 FEET; THENCE NORTH 00° 10' 14" EAST, 296.70 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF N.W. 29th PLACE (25' RIGHT OF WAY); THENCE SOUTH 89° 39' 23" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 126.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89° 39' 23" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 336.12 FEET; THENCE SOUTH 03° 39' 44" WEST, 240.65 FEET; THENCE NORTH 89° 49' 46" WEST, 321.46 FEET; THENCE NORTH 00° 10' 14" EAST, 241.22 FEET TO THE POINT OF BEGINNING.

POINT OF COMMENCEMENT
FOUND RAILROAD SPIKE
S.W. CORNER OF SECTION 29
TOWNSHIP 9 SOUTH, RANGE 20 EAST

THIS IS NOT A BOUNDARY SURVEY

DRN.	CHKD.	SURVEY DATE	DWG COMP	PROJ. NO.	FIELD BK.	PAGE NO.
B.G.	B.G.		8/13/2021	2021-0016		

LEGAL DESCRIPTION SKETCH OF

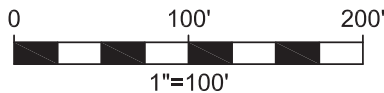
A PORTION OF SECTION 29, TOWNSHIP 9 SOUTH,
RANGE 20 EAST, ALACHUA COUNTY, FLORIDA

FOR: PEACOCK CAPITAL, LLC

THIS SKETCH OF LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2021), FLORIDA STATUTES.

BY: ROBERT W. GRAVER P.S.M. 4239

Corporate Authorization
No. LB 2389



EAST LINE OF OFFICIAL RECORDS BOOK 4465, PAGE 2308

TAX PARCEL 08303-000-000

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eda consultants inc.

LB 2389
720 S.W. 2nd Ave, South Tower, Suite 300
GAINESVILLE, FLORIDA 32601
TEL. (352) 373-3541
www.edafl.com mail@edafl.com

Exhibit B to Ordinance 2023-78

**Petition
LD22-000134 ZONING
Existing Zoning**

 Area under petition consideration

Subject Parcels: 08306-010-003 & 08306-010-002 (excluded)

**City of Gainesville
Zoning Categories**

- CON Conservation
- MU-1 Mixed-Use Low
- OF General Office
- OR Office Residential
- PD Planned Development
- PS Public Services & Operations
- RMF-5 Single Family / Multiple-Family Residential
- RMF-6 Multiple-Family Residential
- RSF-1 Single-Family Residential
- RSF-2 Single-Family Residential
- RSF-3 Single-Family Residential
- U4 Urban 4
- U6 Urban 6
- U8 Urban 8

 Parcels

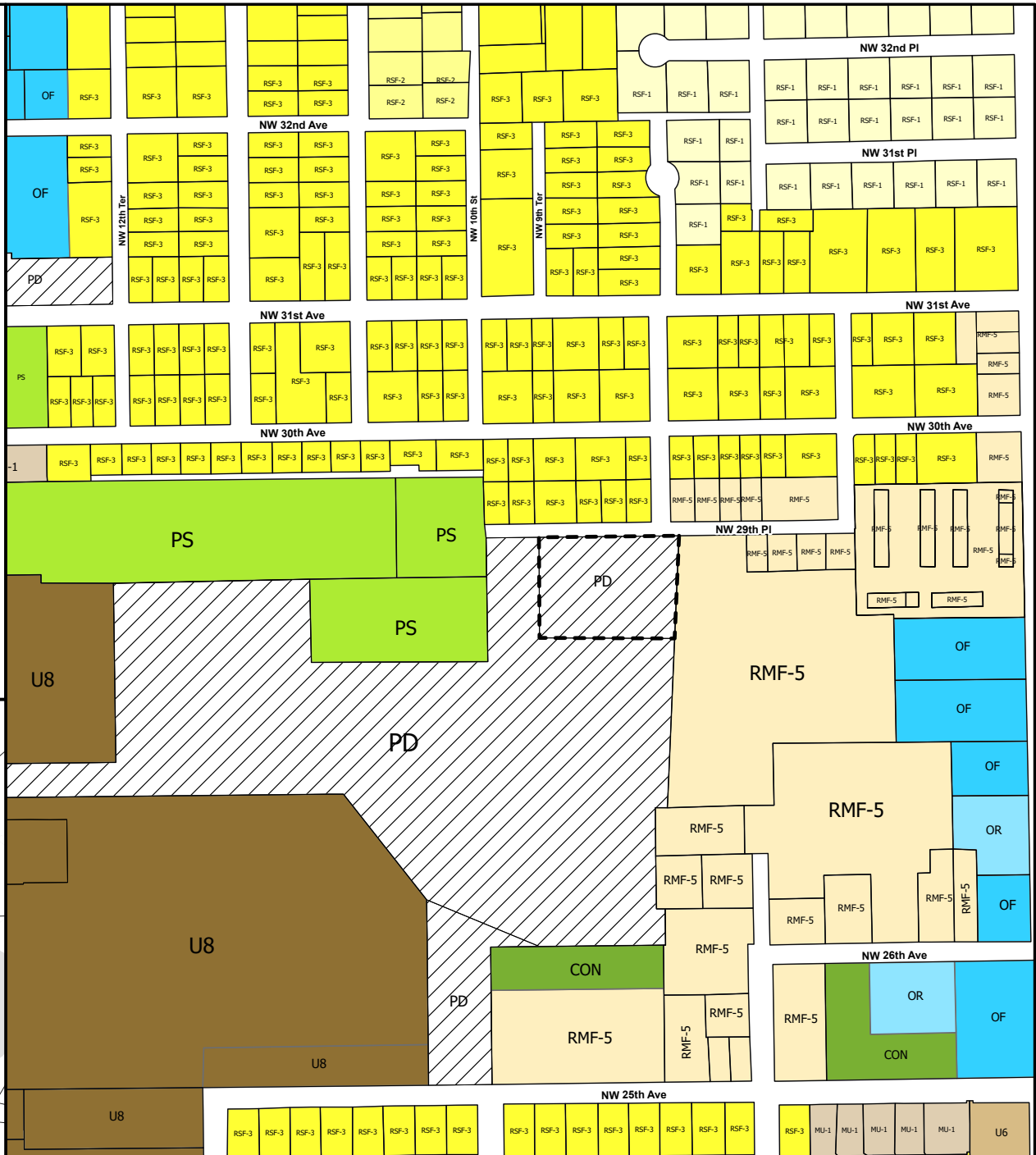
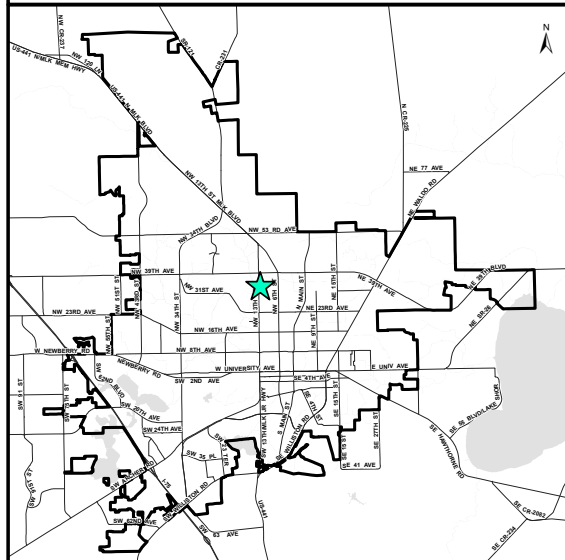


Exhibit B to Ordinance 2023-78

Petition LD22-000134 ZONING Proposed Zoning

Area under petition consideration

Subject Parcels: 08306-010-003 & 08306-010-002 (excluded)

City of Gainesville Zoning Categories

- CON Conservation
- MU-1 Mixed-Use Low
- OF General Office
- OR Office Residential
- PD Planned Development
- PS Public Services & Operations
- RMF-5 Single Family / Multiple-Family Residential
- RMF-6 Multiple-Family Residential
- RSF-1 Single-Family Residential
- RSF-2 Single-Family Residential
- RSF-3 Single-Family Residential
- U4 Urban 4
- U6 Urban 6
- U8 Urban 8

Parcels

