

**ORDINANCE NO. 1435**

AN ORDINANCE OF THE CITY OF LIVE OAK, FLORIDA, AMENDING THE ZONING DISTRICT TO **8.94 ACRES (MOL)** OF LAND ON THE OFFICIAL ZONING ATLAS OF THE CITY OF LIVE OAK LAND DEVELOPMENT REGULATIONS, PURSUANT TO AN APPLICATION, **LDR 19-2**, BY THE PROPERTY OWNER(S) AND/OR THEIR AUTHORIZED, DESIGNATED REPRESENTATIVE, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN ARTICLE THREE OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR A CHANGE IN THE ASSIGNED ZONING DISTRICT **FROM: RESIDENTIAL SINGLE FAMILY – TWO (RSF-2) AND RESIDENTIAL SINGLE FAMILY – THREE (RSF-3) TO: RESIDENTIAL MULTI-FAMILY – TWO (RMF-2)**, ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF LIVE OAK, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Council of the City of Live Oak, Florida, hereinafter referred to as the City Council, to prepare, adopt and enforce land development regulations, which include an official zoning atlas map for the City; and

WHEREAS, Sections 163.3161 through 163.3217, Florida Statutes, as amended, the ‘Community Planning Act’, requires the City Council to prepare and adopt regulations concerning the use of land and water; and

WHEREAS, an application for an amendment, as described below, has been filed with the City; and

WHEREAS, the Planning and Zoning Board has been designated as the Local Planning Agency of the City of Live Oak, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and to the City of Live Oak Land Development Regulations, as amended, hereinafter referred to as the Land Development Regulations, the Planning and Zoning Board, serving as the Local Planning Agency, held the required hearing, with public notice having been provided, concerning said application for an amendment, as described below, and at said public hearing, the Local Planning Agency, heard, reviewed, studied and considered the proposed change in relation to all comments, reports and testimony of competent substantial evidence, either for or against the request, presented or received during said public hearing, and further studied and considered the proposed zoning district change in relation to the applicable items enumerated in Section 3.5.2.2.3., of the Land Development Regulations, where applicable, concerning said application for an amendment, as described below, *and recommended to the City Council approval of said application for an amendment*, as described below; and

WHEREAS, the City Council held the required public hearings, with public notice having been provided, under the procedures established in Sections 163.3161 through 163.3217, Florida Statutes and Article 3 of the Land Development Regulations, as amended, on said application for an amendment, as described below, and at said public hearings, the City Council heard, reviewed, studied and considered the proposed change, including the recommendation of the Local Planning Agency, in relation to all comments, reports and testimony of competent substantial evidence,

either for or against the request, presented or received during said public hearings, and further in relation to the following applicable items enumerated in Section 3.5.2.2.3., of the Land Development Regulations, and based upon said study and consideration has determined and found that:

1. The proposed change is consistent with the City's Comprehensive Plan;
2. The proposed change is consistent with the existing land use or zoning pattern as may be found on abutting or surrounding properties, including the current roadway functional and development classification of roads which abut the parcel;
3. The proposed change will not adversely influence living conditions in the neighborhood, including infringement on, or changing the character of, an established residential neighborhood which is not designated as transitional or a designated redevelopment overlay office, institutional or commercial corridor area;
4. The proposed change would not result in a population density pattern which would result in an overtaxing of the load on public facilities such as schools, utilities, streets, etc.;
5. The proposed change will not permit more intensive uses which are likely to create or excessively increase: traffic congestion, drainage problems, light and air quality problems, or otherwise negatively affect public safety;
6. The proposed location meets the required standards for the proposed zoning district, including lot size, lot width, required length of road frontage, sufficient access to properly designated road corridors, and other applicable criteria; as well as consideration given regarding the amount of developable land which is outside known or designated flood hazard areas.
7. The proposed change will not negatively infringe on, or change the character of, established residential neighborhoods, especially those of historical significance deemed to require preservation, or those neighborhoods which are anticipated or intended to remain residential for the ten year planning period, as demonstrated in the Land Use Element and on the Future Land Use Plan Map of the Comprehensive Plan;
8. The proposed change is not likely to adversely affect property values in the adjacent or neighboring areas;
9. The proposed change will not permit more intensive uses which are likely to be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;
10. The proposed change will not result in the creation of an isolated district unrelated to adjacent and nearby districts, otherwise known as Spot Zoning, which is prohibited. (Certain classes of zoning, when proposed in certain high intensity use, transitional or redevelopment areas, as provided for in Article 4, or with abutting frontage on currently classified high-capacity roadway functional and development roads, and on acreage sufficient to accommodate the new allowable uses without negatively changing the character of the surrounding areas, may be proposed in a manner which would not necessarily be defined as a prohibited Spot Zoning instance);
11. The proposed change is to address existing previously adopted district boundaries, possibly drawn illogically, in relation to existing conditions on and adjacent to the property proposed for change;
12. There are changed or changing conditions making the passage of the proposed amendment in the best interest of the City;
13. The proposed change, when applicable, will serve to further the policies and objectives of designated redevelopment districts within the City;

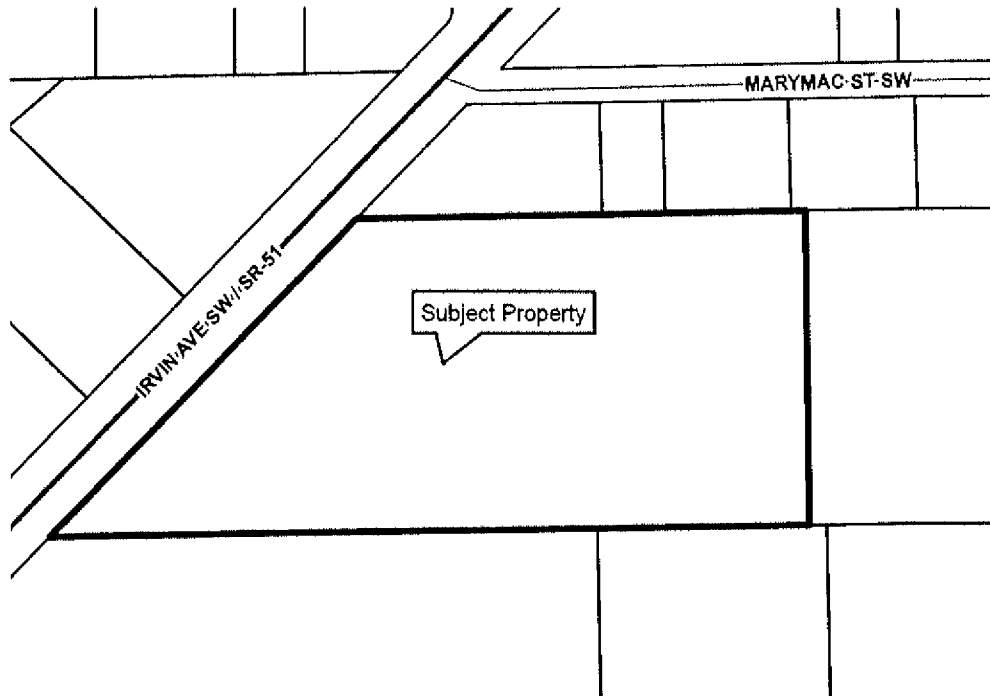
14. The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare and that there are substantial reasons why the property cannot be used in accordance with existing Zoning, and there is not a lesser intense zoning district which would meet the projected development or business needs;
15. The proposed change is not out of scale with the current or anticipated needs within the immediate neighborhood, adjacent areas, or the City as a whole; and
16. There is a lack of current market availability of other adequate and already properly zoned sites in the City, for the proposed use, in districts already permitting such proposed or desired uses.

WHEREAS, the City Council, studied and considered the proposed zoning district change, concerning said application for an amendment, as described below, and has determined and found that approval of the amendment would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of and for the City of Live Oak, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, FLORIDA, AS FOLLOWS:

**Section 1.** Pursuant to an application, **LDR 19-2**, an application by **Korall N, LLC**, a Florida limited liability company, to amend the Official Zoning Atlas of the Land Development Regulations, by changing the zoning district on certain lands, *the zoning district is hereby changed* on 0.49 acres be changed from: **RESIDENTIAL SINGLE-FAMILY – TWO (RSF-2)**, and 8.44 acres be changed from: **RESIDENTIAL SINGLE-FAMILY – THREE (RSF-3)** to: **RESIDENTIAL MULTI-FAMILY – TWO (RMF-2)**, for and on property described, as follows:

PART OF THE S ½ OF THE NE ¼ OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 13 EAST, SUWANNEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SAID S ½ OF THE NE ¼ AND RUN THENCE SOUTH 89 DEGREES 14'30" WEST, ALONG THE NORTH LINE OF SAID S ½ OF THE NE ¼, A DISTANCE OF 25.00 FEET TO THE WEST RIGHT OF WAY LINE OF WALKER AVENUE; THENCE RUN SOUTH 00 DEGREES 01'20" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 209.52 FEET; THENCE RUN SOUTH 89 DEGREES 14'30" WEST A DISTANCE OF 774.50 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 01'20" EAST A DISTANCE OF 448.70 FEET; THENCE RUN SOUTH 89 DEGREES 25'53" WEST A DISTANCE OF 1092.72 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 51; THENCE RUN NORTH 44 DEGREES 41'49" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 634.43 FEET; THENCE RUN NORTH 89 DEGREES 14'30" EAST A DISTANCE OF 646.30 FEET TO THE POINT OF BEGINNING; AKA PARCEL ID # 27-02S-13E-0824300.0000; AKA 1205 IRVIN AVENUE SOUTHWEST; CONTAINING 8.94 ACRES, MORE OR LESS.



**Section 2.** Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 3.** Conflict. All ordinances or portions or ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 4.** Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161 through 163.3217, Florida Statutes, as amended.

**Section 5.** Effective Date. Upon its adoption by the governing authority, and upon approval and signature of the Mayor {1}, this ordinance shall become effective as provided for herein {2}.

{1} If the Mayor does not sign this Ordinance, and does not present his objections in writing at or before the next regular meeting of the City Council for consideration, it shall then become law without his signature. If the Mayor does not sign this Ordinance, and presents his objections in writing at or before the next regular meeting of the council for consideration, it shall only become law without the Mayor's approval and signature if the City Council then passes said Ordinance by a two-thirds (2/3) vote.

{2} The effective date of this amendment, **Ordinance # 1435 / LDR 19-2**, to the Official Zoning Atlas, shall be the same date as the effective date of Future Land Use Plan Map Amendment, **Ordinance # 1434 / CPA 19-4**. If Future Land Use Plan Map Amendment, **Ordinance # 1434 / CPA 19-4**, does not become effective, this amendment, **Ordinance # 1435 / LDR 19-2**, to the Official Zoning Atlas, shall not become effective.

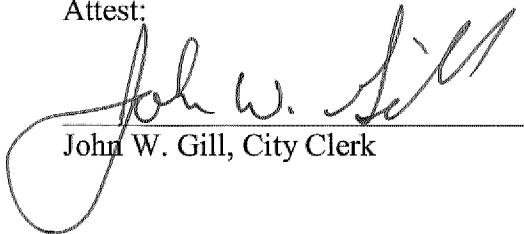
No development orders, development permits or land uses dependent on this amendment, **Ordinance # 1435 / LDR 19-2**, to the Official Zoning Atlas, may be issued or commence before it has become effective.

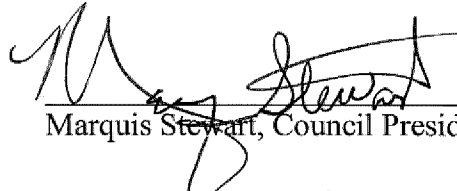
PASSED UPON FIRST READING on the 10<sup>th</sup> day of September, 2019.

PASSED AND DULY ADOPTED UPON SECOND AND FINAL READING, in special session, with a quorum present and voting, by the City Council this 23<sup>rd</sup> day of September, 2019.


CITY COUNCIL OF THE  
CITY OF LIVE OAK, FLORIDA

Attest:

  
John W. Gill, City Clerk

  
Marquis Stewart, Council President

READ AND APPROVED by me this 23<sup>rd</sup> day of September 2019.

  
Frank C. Davis, Mayor

