

ORDINANCE NO. 1434

AN ORDINANCE OF THE CITY OF LIVE OAK, FLORIDA, AMENDING THE FUTURE LAND USE CLASSIFICATION TO TWENTY OR FEWER ACRES OF LAND (SMALL SCALE) ON THE FUTURE LAND USE PLAN MAP OF THE CITY OF LIVE OAK COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION, **CPA 19-4**, BY THE PROPERTY OWNER(S) AND/OR THEIR AUTHORIZED, DESIGNATED REPRESENTATIVE, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED, AND ARTICLE THREE OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR A CHANGE IN THE ASSIGNED FUTURE LAND USE CLASSIFICATION **FROM: RESIDENTIAL MODERATE DENSITY AND RESIDENTIAL MEDIUM DENSITY TO: RESIDENTIAL HIGH DENSITY**, 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 implement a Comprehensive Plan, which includes a Future Land Use Plan Map; and

WHEREAS, Sections 163.3161 through 163.3217, Florida Statutes, as amended, the 'Community Planning Act', requires the City Council to prepare, adopt and implement a Comprehensive Plan; and

WHEREAS, an application for 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 land use change in relation to the applicable items enumerated in Section 3.5.2.2.2., of the Land Development Regulations, where applicable, ***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, as amended, and Article 3 of the Land Development Regulations, 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

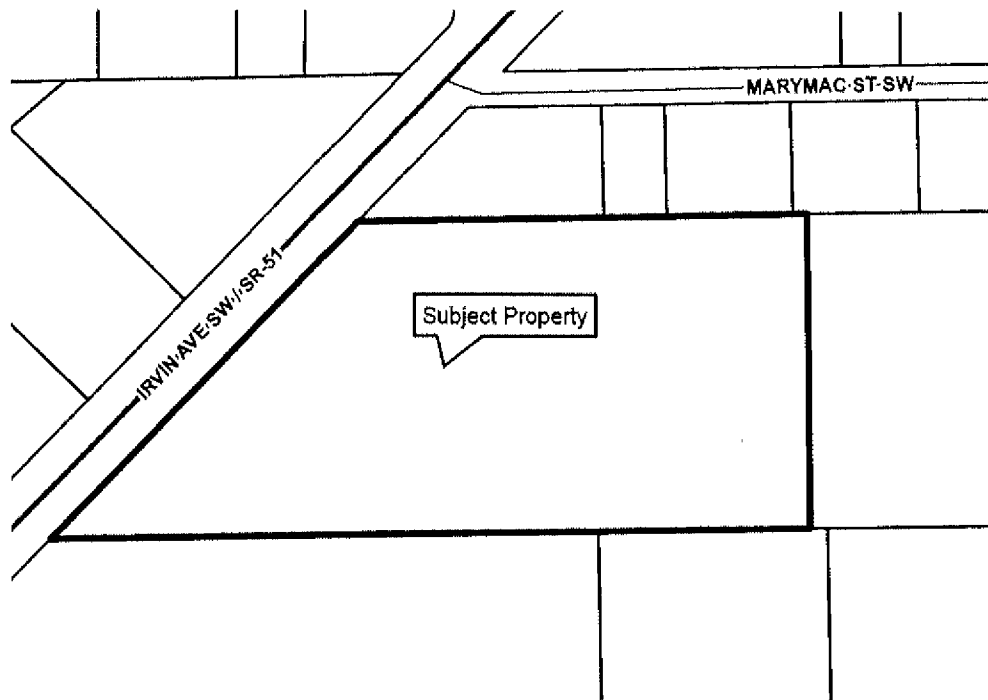
Agency, in relation to all comments, reports and testimony of competent substantial evidence, either for or against the request, presented or received during said public hearings, and further in relation to the following applicable items enumerated in Section 3.5.2.2.2., of the Land Development Regulations, and based upon said study and consideration has determined and found that:

1. Comments, reports and testimony presented or received during said public hearing were sufficient to justify the proposed change; and
2. The amendment is compatible with the Land Use Element objective and policies, and those of other affected elements of the Comprehensive Plan; and
3. Approval of the amendment would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of or for the City; and
4. Any applicable points, as are found under Section 3.5.2.2.3., of the Land Development Regulations have been satisfactorily addressed, as a Future Land Use Map change is directly related to the zoning districts which would be allowable in conjunction with said Land Use Classification.

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

Section 1. Pursuant to an application, CPA 19-4, an application by Korall N, LLC, a Florida limited liability company, to amend the Future Land Use Plan Map of the Comprehensive Plan, by changing the land use classification on certain lands, *the land use classification is hereby changed* on 0.49+/- acres be changed from **RESIDENTIAL MODERATE DENSITY (4.356 dwelling units per acre)**, and 8.44+/- acres be changed from: **RESIDENTIAL MEDIUM DENSITY (8 dwelling units per acre)**, to: **RESIDENTIAL HIGH DENSITY (20 dwelling units per acre)**, 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 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} In accordance with Section 163.3187, Florida Statutes, as amended; Small scale development amendments may not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance.

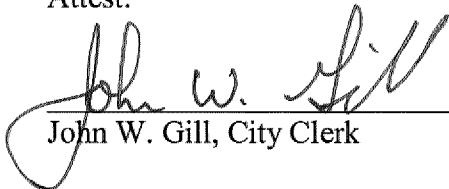
No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

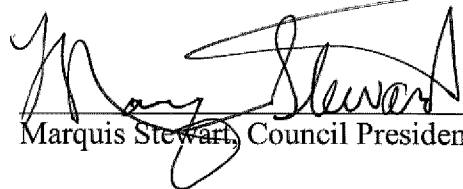
PASSED UPON FIRST READING on the 10th day of September, 2019.

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


Frank C. Davis, Mayor

