

LEGISLATIVE #

190170A

ORDINANCE NO. 190170

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3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**
4 **Atlas by rezoning approximately 11.18 acres of property known as East Lake**
5 **Forest generally located southwest of the intersection of East University**
6 **Avenue and SE 38th Street, as more specifically described in this ordinance,**
7 **from Alachua County Single-Family Medium Density (R-1b) district to City of**
8 **Gainesville Single/Multi-Family Residential (RMF-5) district; providing**
9 **directions to the City Manager; providing a severability clause; providing a**
10 **repealing clause; and providing an effective date.**

11
12 **WHEREAS,** Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a
13 Comprehensive Plan to guide the future development and growth of the city; and

14 **WHEREAS,** Section 163.3177(6), Florida Statutes, requires the City of Gainesville
15 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that
16 designates the future general distribution, location, and extent of the uses of land for
17 residential, commercial, industry, agriculture, recreation, conservation, education, public
18 facilities, and other categories of the public and private uses of land, with the goals of
19 protecting natural and historic resources, providing for the compatibility of adjacent land uses,
20 and discouraging the proliferation of urban sprawl; and

21 **WHEREAS,** the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or
22 amend and enforce land development regulations that are consistent with and implement the
23 Comprehensive Plan and that are combined and compiled into a single land development code
24 for the city; and

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

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

30 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
31 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
32 pursuant to Section 163.3174, Florida Statutes, held a public hearing on July 25, 2019, and
33 voted to recommend that the City Commission approve this rezoning; and

34 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
35 newspaper of general circulation and provided the public with at least seven days' advance
36 notice of this ordinance's first public hearing to be held by the City Commission in the City Hall
37 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

38 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was
39 placed in the aforesaid newspaper and provided the public with at least five days' advance
40 notice of this ordinance's second public hearing to be held by the City Commission; and

41 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
42 the parties in interest and all others had an opportunity to be and were, in fact, 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. 190169 becomes effective as provided therein.

46 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

47 **FLORIDA:**

48 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
49 following property from Alachua County Single-Family Medium Density (R-1b) district to City of
50 Gainesville Single/Multi-Family Residential (RMF-5) district:

51 See legal description attached as **Exhibit A** and made a part hereof as if set forth
52 in full. The location of the property is shown on **Exhibit B** for visual reference.
53 In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.
54

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

57 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
58 the application hereof to any person or circumstance is held invalid or unconstitutional, such
59 finding will not affect the other provisions or applications of this ordinance that can be given
60 effect without the invalid or unconstitutional provision or application, and to this end the
61 provisions of this ordinance are declared severable.

62 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
63 conflict hereby repealed.

64 **SECTION 5.** This ordinance will become effective immediately upon adoption; however, the
65 rezoning will not become effective until the amendment to the City of Gainesville
66 Comprehensive Plan adopted by Ordinance No. 190169 becomes effective as provided therein.
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68 **PASSED AND ADOPTED** this _____ day of _____, 2019.

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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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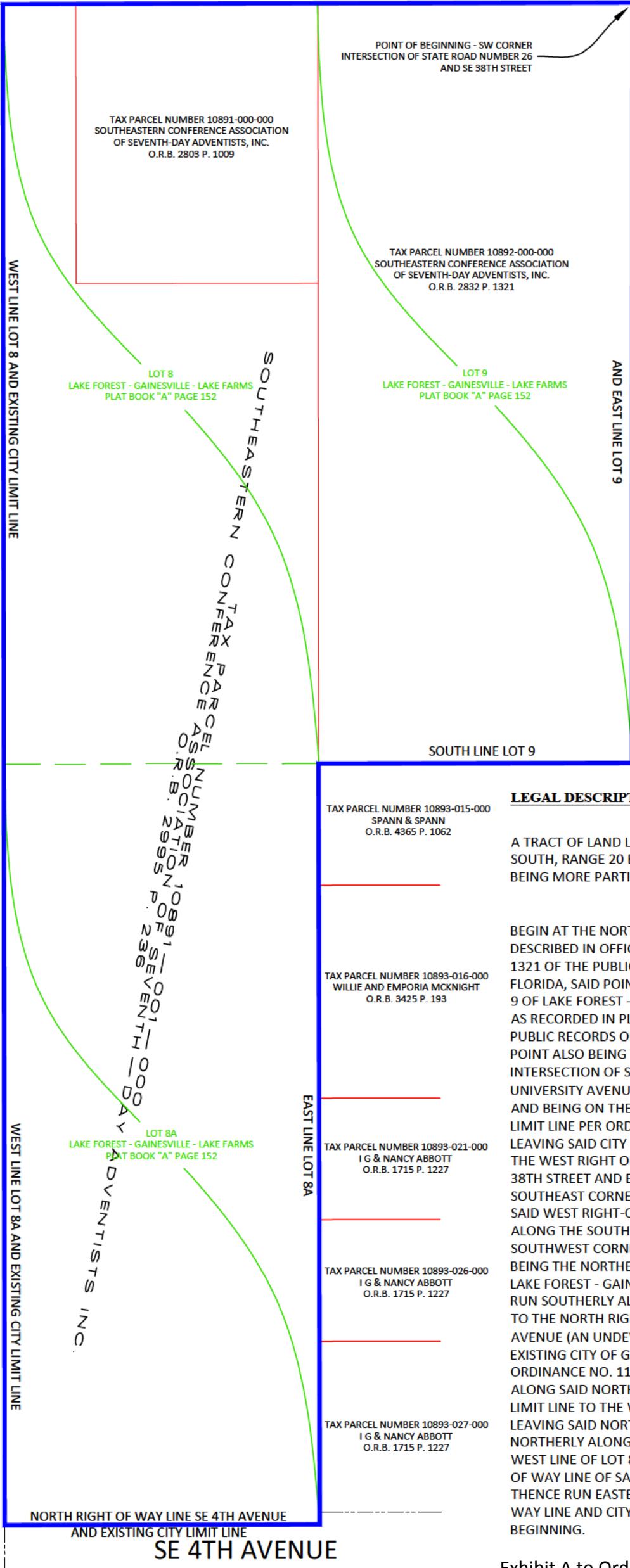
84 This ordinance passed on first reading this _____ day of _____, 2019.

85

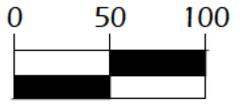
86 This ordinance passed on second reading this _____ day of _____, 2019.

STATE ROAD NUMBER 26

SOUTH RIGHT OF WAY LINE STATE ROAD NUMBER 26 (EAST UNIVERSITY AVENUE) AND EXISTING CITY LIMIT LINE



GRAPHIC SCALE



(IN FEET)
1 Inch = 100 ft.

LEGEND:

O.R.B. #### P. #### =
OFFICIAL RECORDS BOOK AND PAGE

RIGHT OF WAY (R/W) LINES

TAX PARCEL LINES

PROPOSED ANNEXATION PERIMETER

ORIGINAL PLAT LOT LINES

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN SECTION 2, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2832, PAGE 1321 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID POINT BEING ON THE EAST LINE OF LOT 9 OF LAKE FOREST - GAINESVILLE - LAKE FARMS, A PLAT AS RECORDED IN PLAT BOOK "A" PAGE 152 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE ROAD NUMBER 26 (EAST UNIVERSITY AVENUE) AND SOUTHEAST 38TH STREET AND BEING ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 110505; THENCE LEAVING SAID CITY LIMIT LINE, RUN SOUTHERLY ALONG THE WEST RIGHT OF WAY LINE OF SAID SOUTHEAST 38TH STREET AND EAST LINE OF SAID LOT 9 TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE, RUN WESTERLY ALONG THE SOUTH LINE OF SAID LOT 9 TO THE SOUTHWEST CORNER OF LOT 9, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 8A OF SAID LAKE FOREST - GAINESVILLE - LAKE FARMS; THENCE RUN SOUTHERLY ALONG THE EAST LINE OF SAID LOT 8A TO THE NORTH RIGHT OF WAY LINE OF SOUTHEAST 4TH AVENUE (AN UNDEVELOPED RIGHT OF WAY) AND THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 110505; THENCE RUN WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND SAID CITY LIMIT LINE TO THE WEST LINE OF SAID LOT 8A; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, RUN NORTHERLY ALONG SAID CITY LIMIT LINE AND THE WEST LINE OF LOT 8A AND LOT 8 TO THE SOUTH RIGHT OF WAY LINE OF SAID STATE ROAD NUMBER 26; THENCE RUN EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND CITY LIMIT LINE TO THE POINT OF BEGINNING.

TAX PARCEL NUMBER 10893-015-000
SPANN & SPANN
O.R.B. 4365 P. 1062

TAX PARCEL NUMBER 10893-016-000
WILLIE AND EMPORIA MCKNIGHT
O.R.B. 3425 P. 193

TAX PARCEL NUMBER 10893-021-000
I G & NANCY ABBOTT
O.R.B. 1715 P. 1227

TAX PARCEL NUMBER 10893-026-000
I G & NANCY ABBOTT
O.R.B. 1715 P. 1227

TAX PARCEL NUMBER 10893-027-000
I G & NANCY ABBOTT
O.R.B. 1715 P. 1227

TAX PARCEL NUMBER 10891-000-000
SOUTHEASTERN CONFERENCE ASSOCIATION
OF SEVENTH-DAY ADVENTISTS, INC.
O.R.B. 2803 P. 1009

TAX PARCEL NUMBER 10892-000-000
SOUTHEASTERN CONFERENCE ASSOCIATION
OF SEVENTH-DAY ADVENTISTS, INC.
O.R.B. 2832 P. 1321

LOT 8
LAKE FOREST - GAINESVILLE - LAKE FARMS
PLAT BOOK "A" PAGE 152

LOT 9
LAKE FOREST - GAINESVILLE - LAKE FARMS
PLAT BOOK "A" PAGE 152

LOT 8A
LAKE FOREST - GAINESVILLE - LAKE FARMS
PLAT BOOK "A" PAGE 152

SOUTHEASTERN CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS INC.
 TAX PARCEL NUMBER 10891-001-000
 SEVENTH-DAY ADVENTISTS INC. O.R.B. 2995 P. 236

CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT
 ENGINEERING SUPPORT SERVICES
 405 NW 37TH AVENUE P.O. BOX 400 GAINESVILLE FL 32627
 OFFICE (352) 3938194 FAX (352) 3942093

TAX PARCEL NUMBER 10890-000-000 DEMETREE
 METROPOLITAN FOREST CREEK, LLC O.R.B. 3880 P. 2458

PROPOSED ANNEXATION
 TAX PARCELS 10891-000-000, 10891-001-000
 AND TAX PARCEL 10892-000-000

THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS IN COMPLIANCE WITH THE STANDARDS OF PRACTICE IN CHAPTER 54.17 OF THE FLORIDA ADMINISTRATIVE CODE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES, AS SURVEYED UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. FOR REFERENCE ONLY. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.
 PATRICK R. DURBIN, PROFESSIONAL SURVEYOR AND MAPPER FLORIDA CERTIFICATION NUMBER 6386

DATE:

- THIS IS NOT A BOUNDARY SURVEY -

DRAWN BY: TH
 CHECKED BY: PD
 ACAD FILE NAME: SEC ASSOC OF CHURCHES

DATE: JUNE 27, 2019
 SHEET 1 OF 1

Petition PB-19-71 ZON Existing Zoning

Area under petition consideration

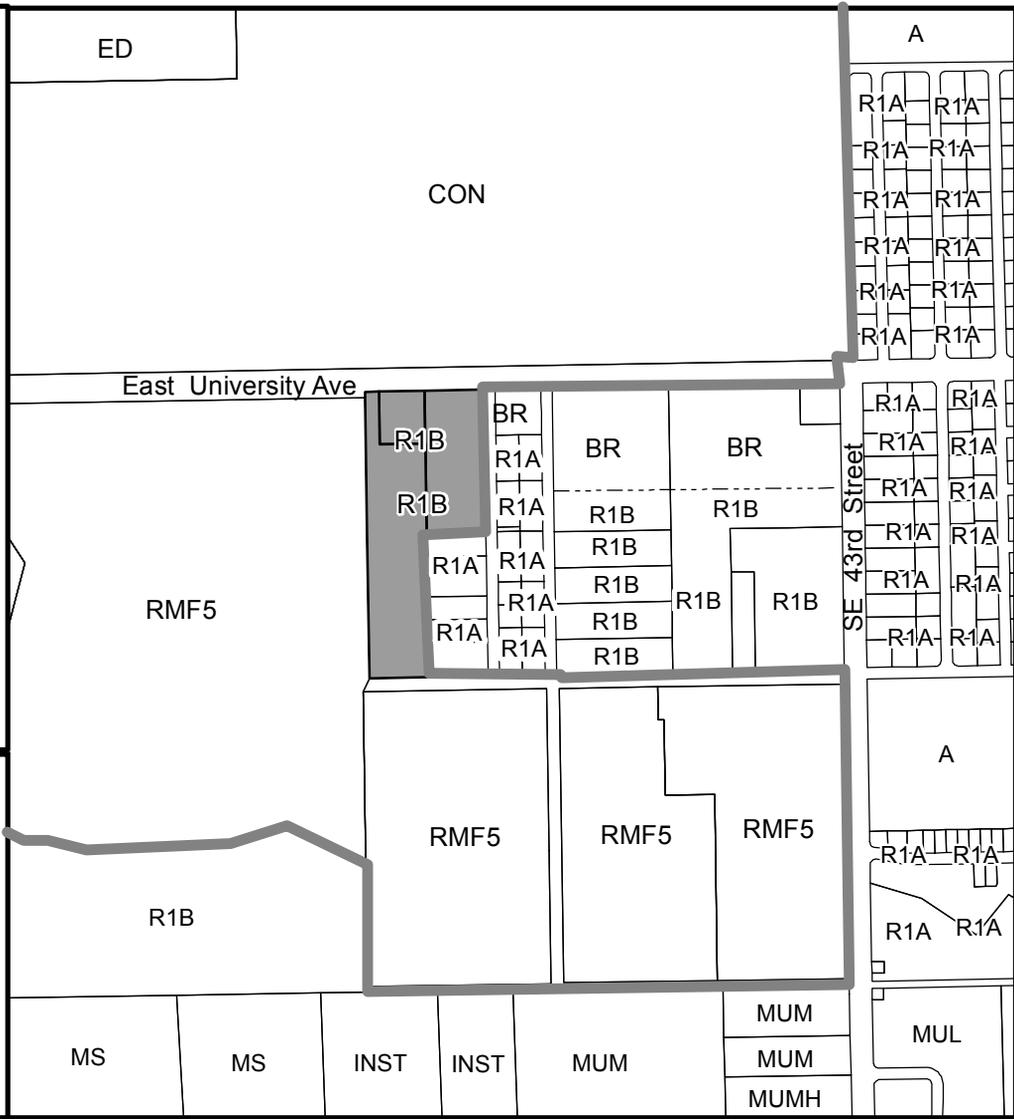
City of Gainesville Land Use Categories

- RL Residential Low-Density
- E Educational
- CON Conservation

Alachua County Land Use Categories

- R1A Residential Single Family
- R1B Residential Single Family
- BR Business, Retail Sales and Services
- MUL Mixed Use Low Density Residential
- MUM Mixed use Medium Density Residential
- A Agriculture
- MS Manufacturing & Services Industrial

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



Petition PB-19-71 ZON Proposed Zoning

 Area under petition consideration

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