

LEGISLATIVE #
191037A

ORDINANCE NO. 191037

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 1.79 acres of property generally located south of Tax Parcel No. 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43rd Street, as more specifically described in this ordinance, from Alachua County Tourist/Entertainment to City of Gainesville Commercial (C); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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**, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),
15 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the
16 orderly and balanced future economic, social, physical, environmental, and fiscal development
17 of the city as reflected by the community's commitments to implement such plan; and
18 **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the City of Gainesville
19 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that
20 designates the future general distribution, location, and extent of the uses of land for
21 residential, commercial, industry, agriculture, recreation, conservation, education, public
22 facilities, and other categories of the public and private uses of land, with the goals of
23 protecting natural and historic resources, providing for the compatibility of adjacent land uses,
24 and discouraging the proliferation of urban sprawl; and
25 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land
26 Use Map of the Comprehensive Plan by changing the land use category of the property that is
27 the subject of this ordinance; and

1 **WHEREAS**, the amendment to the Future Land Use Map of the City of Gainesville
2 Comprehensive Plan proposed herein involves a use of 50 acres or fewer and qualifies as a
3 small-scale development amendment as provided in Section 163.3187, Florida Statutes; and
4 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
5 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
6 pursuant to Section 163.3174, Florida Statutes, held a public hearing on April 22, 2021, and
7 voted to recommend that the City Commission approve this Future Land Use Map amendment;
8 and
9 **WHEREAS**, at least thirty (30) days' notice has been given by mail to each real property owner
10 whose land will be redesignated by enactment of this ordinance and whose address is known
11 by reference to the latest ad valorem tax records, notifying such property owners of this
12 proposed ordinance and of a public hearing in the City Hall Auditorium located on the first
13 floor of City Hall in the City of Gainesville; and
14 **WHEREAS**, at least five days' notice has been given once by publication in a newspaper of
15 general circulation notifying the public of this proposed ordinance and of a public hearing in
16 the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and
17 **WHEREAS**, the public hearing was held pursuant to the notice described above at which
18 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.
19 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
20 **FLORIDA:**

1 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
2 amended by changing the land use category of the following property from Alachua County
3 Tourist/Entertainment to City of Gainesville Commercial (C):

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

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8 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary
9 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to
10 comply with this ordinance.

11 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
12 the application hereof to any person or circumstance is held invalid or unconstitutional, such
13 finding shall not affect the other provisions or applications of this ordinance that can be given
14 effect without the invalid or unconstitutional provision or application, and to this end the
15 provisions of this ordinance are declared severable.

16 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
17 conflict hereby repealed on the effective date of this amendment to the Comprehensive Plan.

18 **SECTION 5.** This ordinance will become effective immediately upon adoption; however, the
19 effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely
20 challenged, will be 31 days after adoption. If challenged within 30 days after adoption, this
21 amendment will become effective on the date the state land planning agency or the
22 Administration Commission issues a final order determining the amendment to be in
23 compliance with Chapter 163, Florida Statutes. No development orders, development permits,

1 or land uses dependent on this Comprehensive Plan amendment may be issued or commenced
2 before this amendment has become effective.

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4 **PASSED AND ADOPTED** this _____ day of _____, 2021.

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11 Attest:

LAUREN POE
MAYOR

Approved as to form and legality:

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15 OMICHELE D. GAINY
16 CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

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19 This ordinance was passed on Adoption Reading on this _____ day of _____ 2021.

LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK (STAMPED "PRM 2228") FOUND AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 00°51'46" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 2146.95 FEET; THENCE NORTH 89°08'14" EAST, 61.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'14" EAST, 398.35 FEET, TO A POINT ON THE WESTERLY LIMITED ACCESS RIGHT OF WAY LINE TO INTERSTATE HIGHWAY I-75 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 080137; THENCE SOUTH 10°16' 25" WEST, ALONG SAID WESTERLY LIMITED ACCESS RIGHT OF WAY LINE AND EXISTING CITY OF GAINESVILLE LIMIT LINE, 226.15 FEET, TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 24 (ARCHER ROAD); THENCE LEAVING SAID WESTERLY LIMITED ACCESS RIGHT OF WAY LINE AND CITY LIMIT LINE SOUTH 57°59'54" WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF ARCHER ROAD, 161.10 FEET; THENCE NORTH 05°44'04" WEST, 140.22 FEET; THENCE SOUTH 89°08'14" WEST, 204.87 FEET, TO A POINT LYING 61 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00°51'46" WEST, PARALLEL WITH AND 61 FEET EASTERLY OF SAID WEST LINE, 165.48 FEET, TO THE POINT OF BEGINNING. CONTAINING 77,891 SQUARE FEET OR 1.788 ACRES, MORE OR LESS.

THE BEARING STRUCTURE OF THE HEREIN DESCRIBED PARCEL IS BASED ON THE DEED FOUND IN OFFICIAL RECORDS BOOK 2845, PAGE 111.

Exhibit B to Ordinance 191037

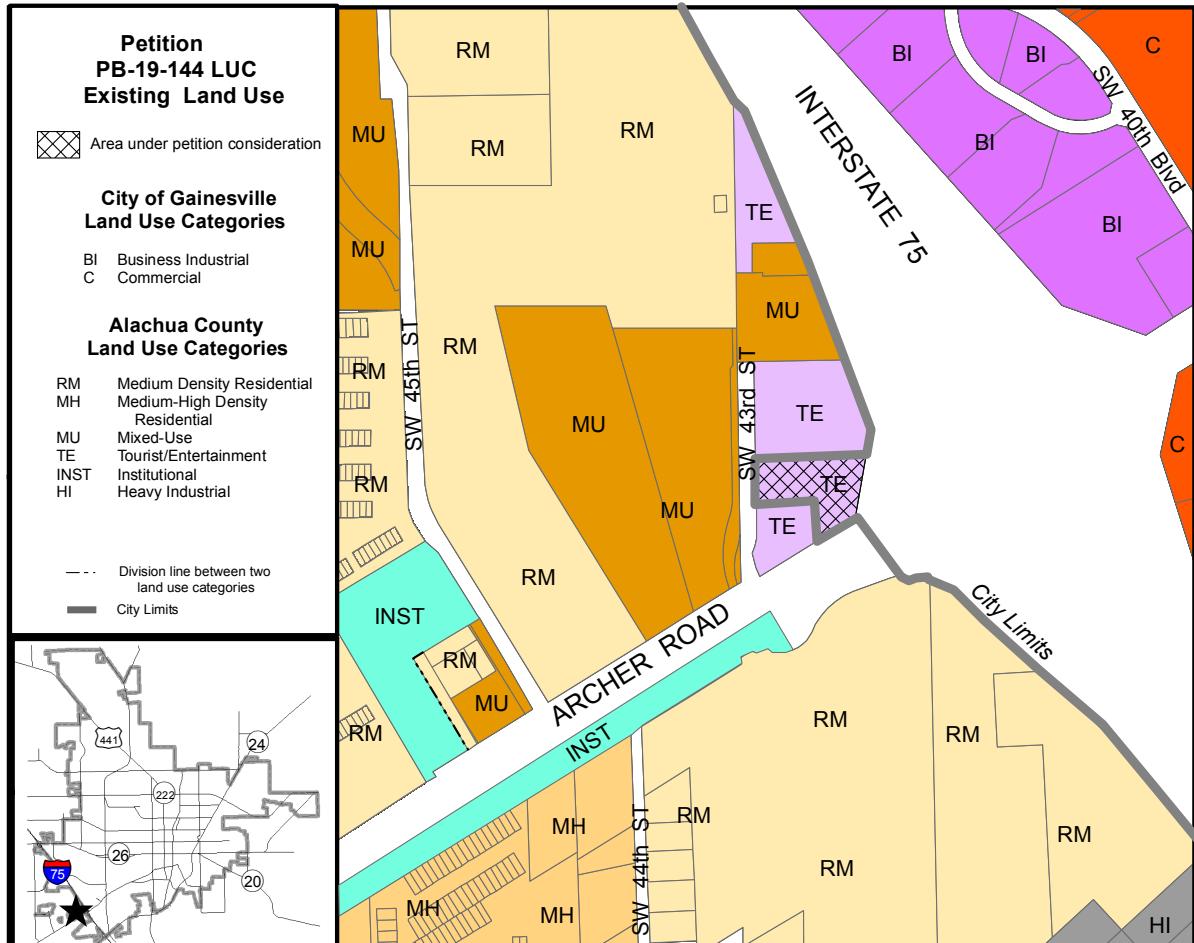


Exhibit B to Ordinance 191037

