

ORDINANCE NO. 190169

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3 **An ordinance of the City of Gainesville, Florida, amending the Future Land Use**
4 **Map of the Comprehensive Plan by changing the land use category of**
5 **approximately 11.18 acres of property known as East Lake Forest generally**
6 **located southwest of the intersection of East University Avenue and SE 38th**
7 **Street, as more specifically described in this ordinance, from Alachua County**
8 **Institutional and Alachua County Medium Density to City of Gainesville**
9 **Residential Low-Density (RL); providing directions to the City Manager;**
10 **providing a severability clause; providing a repealing clause; and providing an**
11 **effective date.**

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

15 **WHEREAS**, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),
16 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the
17 orderly and balanced future economic, social, physical, environmental, and fiscal development
18 of the city as reflected by the community's commitments to implement such plan; and

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

26 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land
27 Use Map of the Comprehensive Plan by changing the land use category of the property that is
28 the subject of this ordinance; and

1 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
2 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
3 pursuant to Section 163.3174, Florida Statutes, held a public hearing on July 25, 2019, and
4 voted to recommend that the City Commission approve this Future Land Use Map amendment;
5 and

6 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
7 newspaper of general circulation and provided the public with at least seven days' advance
8 notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City
9 Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of
10 Gainesville; and

11 **WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this
12 proposed amendment to the reviewing agencies and any other local government unit or state
13 agency that requested same; and

14 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was
15 placed in the aforesaid newspaper and provided the public with at least five days' advance
16 notice of this ordinance's second public hearing (i.e., adoption hearing) to be held by the City
17 Commission; and

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

20 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered any written
21 comments received concerning this Future Land Use Map amendment.

1 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
2 **FLORIDA:**

3 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
4 amended by changing the land use category of the following property from Alachua County
5 Institutional and Alachua County Medium Density to City of Gainesville Residential Low-Density
6 (RL):

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

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11 **SECTION 2.** Within ten working days of the transmittal (first) hearing, the City Manager or
12 designee is authorized and directed to transmit this Future Land Use Map amendment and
13 appropriate supporting data and analyses to the reviewing agencies and to any other local
14 government or governmental agency that has filed a written request for same with the City.
15 Within ten working days of the adoption (second) hearing, the City Manager or designee is
16 authorized and directed to transmit this amendment to the state land planning agency and
17 any other agency or local government that provided comments to the City regarding the
18 amendment.

19 **SECTION 3.** The City Manager or designee is authorized and directed to make the necessary
20 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to
21 comply with this ordinance.

22 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
23 the application hereof to any person or circumstance is held invalid or unconstitutional, such
24 finding will not affect the other provisions or applications of this ordinance that can be given


1 effect without the invalid or unconstitutional provision or application, and to this end the
2 provisions of this ordinance are declared severable.

3 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
4 conflict hereby repealed on the effective date of this amendment to the Comprehensive Plan.

5 **SECTION 6.** This ordinance will become effective immediately upon adoption; however, the
6 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
7 amendment is not timely challenged, will be 31 days after the state land planning agency
8 notifies the City that the plan amendment package is complete in accordance with Section
9 163.3184, Florida Statutes. If timely challenged, this Comprehensive Plan amendment will
10 become effective on the date the state land planning agency or the Administration Commission
11 enters a final order determining the amendment to be in compliance with Chapter 163, Florida
12 Statutes. No development orders, development permits, or land uses dependent on this
13 Comprehensive Plan amendment may be issued or commenced before this amendment has
14 become effective.

15 **PASSED AND ADOPTED** this 5th day of December, 2019.

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LAUREN POE
MAYOR

21 Attest:

Approved as to form and legality:

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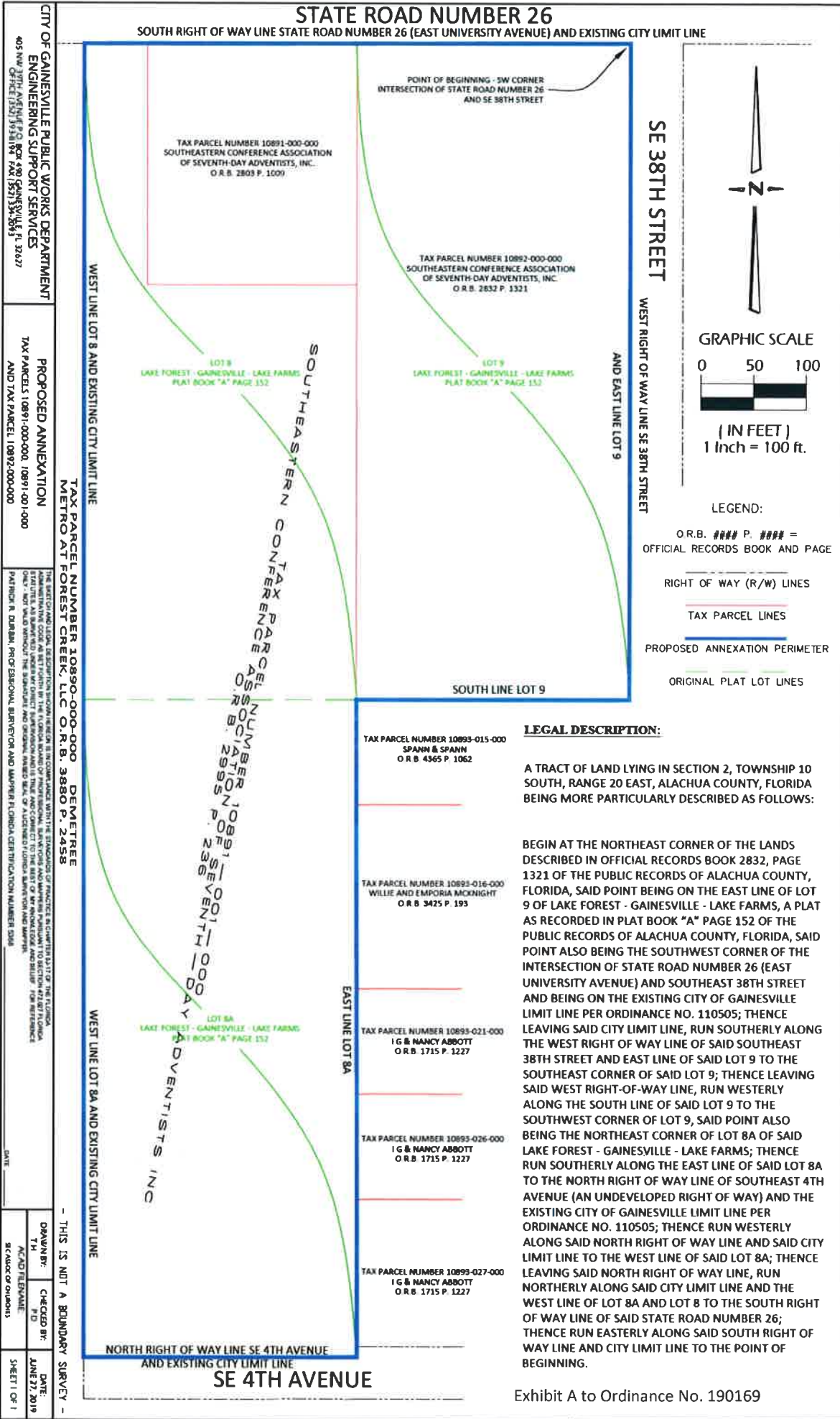
  

OMICHELE D. GAINEY *Deputy Clerk* NICOLLE M. SHALLEY
CLERK OF THE COMMISSION CITY ATTORNEY

28 This ordinance passed on transmittal (first) reading this 3rd day of October, 2019.
29 This ordinance passed on adoption (second) reading this 5th day of December, 2019.

STATE ROAD NUMBER 26

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



SE 38TH STREET
WEST RIGHT OF WAY LINE SE 38TH STREET
AND EAST LINE LOT 9

- 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.

CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT
ENGINEERING SUPPORT SERVICES
405 NW 37TH AVENUE, BOX 490 GAINESVILLE, FL 32627
OFFICE PHONE: 352-391-1414 FAX: 352-391-2893

TAX PARCELS: 10891-000-000, 10891-001-000 AND TAX PARCEL: 10892-000-000

PROPOSED ANNEXATION METRO AT FOREST CREEK, LLC O.R.B. 3886 P. 2458

THE EXISTING AND PROPOSED RIGHT-OF-WAY LINES, BOUNDARIES, AND ADJACENT PROPERTY LINES ARE SHOWN FOR INFORMATION ONLY. THIS PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE CITY ENGINEER'S OFFICE DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE CITY ENGINEER'S OFFICE DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE CITY ENGINEER'S OFFICE DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON.

DATE: JUNE 27, 2019

DRAWN BY: TH
CHECKED BY: PD
ACAD FILE NAME: SEC. ROAD OR OUTLOTS

SHEET 1 OF 1

**Petition
PB-19-70 LUC
Existing Land Use**

Area under petition consideration



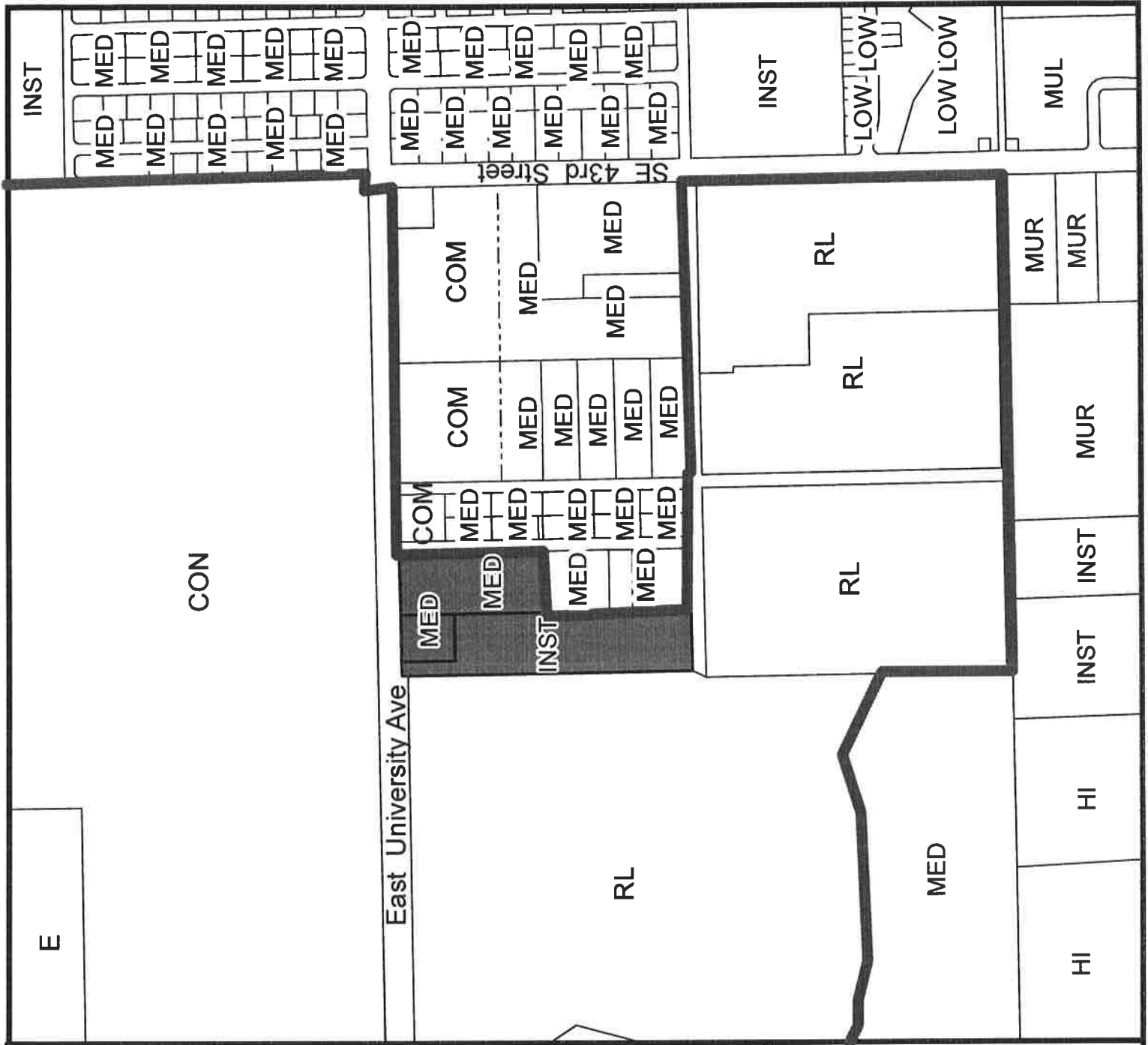
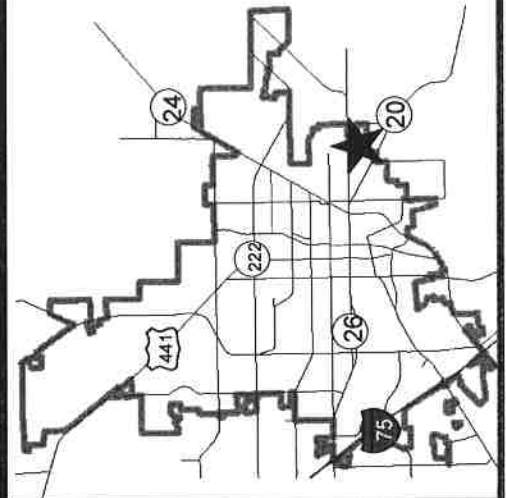
**City of Gainesville
Land Use Categories**

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

**Alachua County
Land Use Categories**

- LOW Low Density Residential
- MED Medium Density Residential
- MUL Mixed-Use Low Intensity
- MUR Mixed-Use Residential
- COM Commercial Enclave
- INST Institutional
- HI Heavy Industrial

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



**Petition
PB-19-70 LUC
Proposed Land Use**

Area under petition consideration

**City of Gainesville
Land Use Categories**

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

**Alachua County
Land Use Categories**

- LOW Low Density Residential
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