

ORDINANCE NO. 190087

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3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**
4 **Atlas by rezoning approximately 38.95 acres of property known as Sterling**
5 **Place generally located south of NW 73rd Avenue, west of NW 43rd Street,**
6 **north of NW 64th Boulevard, and east of NW 52nd Terrace, as more specifically**
7 **described in this ordinance, from Alachua County Single-Family Low-Density**
8 **(R-1a) district to City of Gainesville Single-Family Residential (RSF-1) district;**
9 **providing directions to the City Manager; providing a severability clause;**
10 **providing a 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

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

3 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
4 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
5 pursuant to Section 163.3174, Florida Statutes, held a public hearing on June 27, 2019, and
6 voted to recommend that the City Commission approve this rezoning; and

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

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

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

16 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be
17 consistent with the City of Gainesville Comprehensive Plan when the amendment to the
18 Comprehensive Plan adopted by Ordinance No. 190086 becomes effective as provided therein.

19 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
20 **FLORIDA:**

21 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
22 following property from Alachua County Single-Family Low-Density (R-1a) district to City of
23 Gainesville Single-Family Residential (RSF-1) district:

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

4
5 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary
6 changes to the Zoning Map Atlas to comply with this ordinance.

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

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

14 **SECTION 5.** This ordinance will become effective immediately upon adoption; however, the
15 rezoning will not become effective until the amendment to the City of Gainesville
16 Comprehensive Plan adopted by Ordinance No. 190086 becomes effective as provided therein.

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

18
19 

20
21 _____
22 LAUREN POE
23 MAYOR

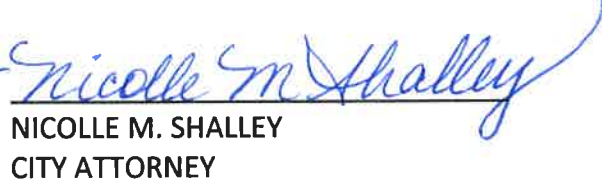
24 Attest:

Approved as to form and legality:

25
26 

27 _____
28 OMICHELE D. GAINNEY
29 CLERK OF THE COMMISSION


Deputy Clerk


NICOLLE M. SHALLEY
CITY ATTORNEY

30
31 This ordinance passed on first reading this 3rd day of October, 2019.

32 This ordinance passed on second reading this 5th day of December, 2019.

Legal Description

Sterling Place Units 1, 2 & 3

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA BEING ALL OF STERLING PLACE UNIT – 1 A SUBDIVISION AS RECORDED IN PLAT BOOK "R", PAGE 39 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED PRACF), STERLING PLACE UNIT – 2, A SUBDIVISION AS RECORDED IN PLAT BOOK "R", PAGE 81 OF THE PRACF AND STERLING PLACE UNIT – 3, A SUBDIVISION AS RECORDED IN PLAT BOOK "T", PAGE 31 OF THE PRACF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF STERLING PLACE UNIT – 1, A SUBDIVISION AS RECORDED IN PLAT BOOK "R", PAGE 39 (PRACF) ALSO BEING A POINT ON THE EXISTING CITY LIMIT LINE AS PER ORDINANCE NO. 002393; THENCE SOUTH $89^{\circ}37'45''$ WEST ALONG SAID CITY LIMITS LINE AND THE NORTH LINE OF SAID STERLING PLACE UNIT – 1 A DISTANCE OF 1318.93 FEET TO THE NORTHWEST CORNER OF SAID STERLING PLACE UNIT – 1 ALSO BEING ON THE EAST LINE OF BLUES CREEK UNIT 1, A SUBDIVISION AS RECORDED IN PLAT BOOK "M", PAGE 95 OF THE PRACF AND BEING ON THE EAST RIGHT-OF-WAY LINE OF NW 52ND TERRACE AND THE EXISTING CITY LIMIT LINE AS PER ORDINANCE NO. 040290; THENCE ALONG SAID CITY LIMIT LINE AND EAST RIGHT-OF-WAY LINE OF SAID NW 52ND TERRACE AND BLUES CREEK UNIT 1 ALSO BEING THE WEST LINE OF SAID STERLING PLACE UNIT – 1, S $00^{\circ}27'27''$ E A DISTANCE OF 61.55 FEET TO A POINT OF INTERSECTION ON THE EAST RIGHT-OF-WAY LINE OF SAID NW 52ND TERRACE; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE AND EXISTING CITY LIMIT LINE CONTINUE ALONG THE WEST LINE OF SAID STERLING PLACE UNIT – 1 AND THE EAST LINE OF SAID BLUES CREEK UNIT 1, S $00^{\circ}27'27''$ E A DISTANCE OF 303.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID STERLING PLACE UNIT – 1, ALSO BEING THE NORTHWEST CORNER OF STERLING PLACE UNIT – 3, A SUBDIVISION AS RECORDED IN PLAT BOOK "T", PAGE 31 OF THE PRACF; THENCE CONTINUE S $00^{\circ}27'27''$ E ALONG THE WEST LINE OF SAID STERLING PLACE UNIT – 3 A DISTANCE OF 920.70 FEET TO THE SOUTHWEST CORNER OF SAID STERLING PLACE UNIT – 3, ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 19 EAST; THENCE ALONG THE SOUTH LINE OF SAID SECTION 10 AND STERLING PLACE UNIT – 3 N $89^{\circ}38'47''$ E A DISTANCE OF 562.39 FEET TO A POINT OF INTERSECTION ON SAID SOUTH LINE OF STERLING PLACE UNIT – 3, ALSO BEING THE SOUTHWEST CORNER OF STERLING PLACE UNIT – 2, A SUBDIVISION AS RECORDED IN PLAT BOOK "R", PAGE 81 OF THE PRACF; THENCE CONTINUE N $89^{\circ}38'47''$ E ALONG THE SOUTH LINE OF SAID STERLING PLACE UNIT – 2 A DISTANCE OF 758.05 FEET TO THE SOUTHEAST CORNER OF SAID STERLING PLACE UNIT – 2, ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 980467 AND THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE N $00^{\circ}31'28''$ W ALONG SAID EXISTING CITY LIMIT LINE AND THE EAST LINE OF SAID STERLING PLACE UNIT – 2, ALSO BEING THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 A DISTANCE OF 1006.00 FEET TO THE NORTHEAST CORNER OF SAID STERLING PLACE UNIT – 2 ALSO BEING THE SOUTHEAST CORNER OF THE AFOREMENTIONED STERLING PLACE UNIT – 1; THENCE CONTINUE N $00^{\circ}31'28''$ W ALONG SAID EXISTING CITY LIMIT LINE AND THE EAST LINE OF SAID STERLING PLACE UNIT – 1, EXISTING CITY LIMIT LINE AND EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. SAID PARCEL CONTAINING 38.95 ACRES MORE OR LESS.

**Petition
PB-19-48 ZON
Proposed Zoning**



Area under petition consideration

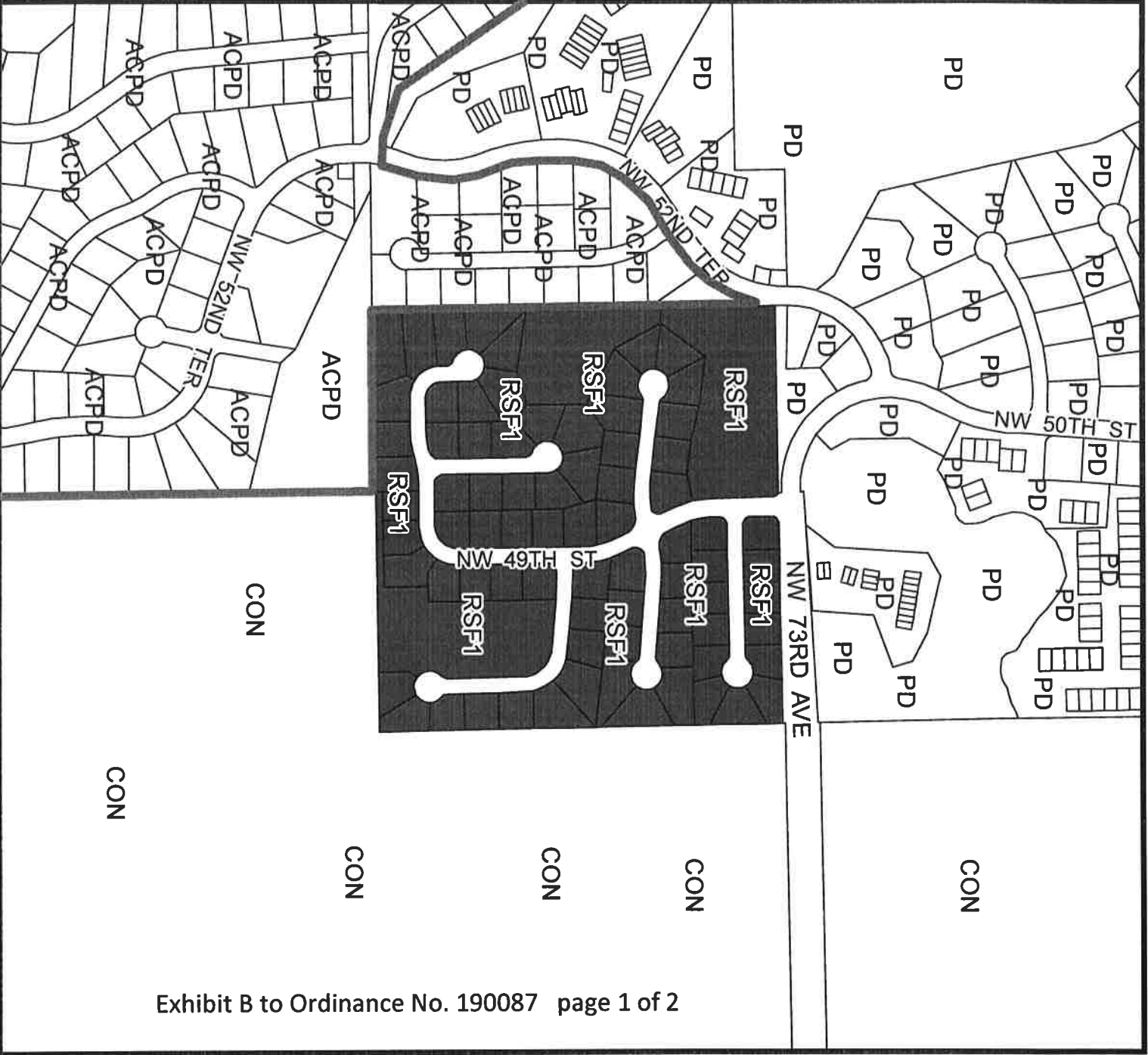
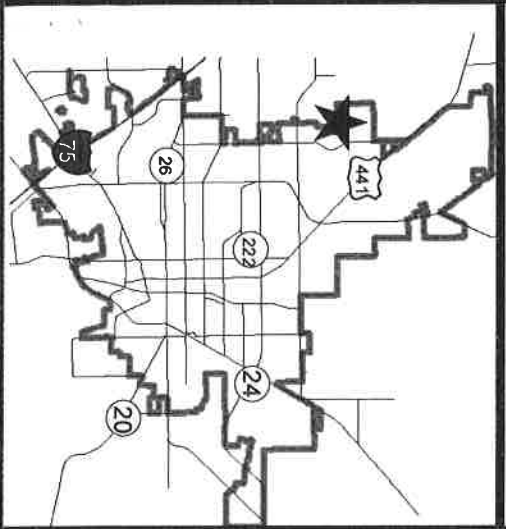
**City of Gainesville
Zoning Districts**

- RSF1 Single Family Residential
- CON Conservation
- PD Planned Development

**Alachua County
Zoning Districts**

- ACPD Planned Development

City Limits



**Petition
PB-19-48 ZON
Existing Zoning**

Area under petition consideration

**City of Gainesville
Zoning Districts**

CON Conservation
PD Planned Development

**Alachua County
Zoning Districts**

R-1A Single Family, Low Density
ACPD Planned Development

City Limits

