## **ORDINANCE NO. 211151**

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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 1.27 acres of property generally located on SW 16<sup>th</sup> Avenue and west of South Main Street, as more specifically described in this ordinance, from Conservation (CON) to Single Family (SF); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the

3 Florida Constitution, including the exercise of any power for municipal purposes not expressly

14 prohibited by law; and

15 WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a

6 Comprehensive Plan to guide the future development and growth of the city; and

17 WHEREAS, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),

8 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the

9 orderly and balanced future economic, social, physical, environmental, and fiscal development

20 of the city as reflected by the community's commitments to implement such plan; and

21 WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville

22 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that

23 designates the future general distribution, location, and extent of the uses of land for

residential, commercial, industry, agriculture, recreation, conservation, education, public

25 facilities, and other categories of the public and private uses of land, with the goals of

26 protecting natural and historic resources, providing for the compatibility of adjacent land uses,

27 and discouraging the proliferation of urban sprawl; and

- 28 WHEREAS, this ordinance, which was noticed as required by law, will amend the Future Land
- 29 Use Map of the Comprehensive Plan by changing the land use category of the property that is
- 30 the subject of this ordinance; and
- 31 WHEREAS, this amendment to the Future Land Use Map of the City of Gainesville
- 32 Comprehensive Plan proposed herein involves a use of 50 acres or fewer and qualifies as a
- 33 small-scale development amendment as provided in Section 163.3187, Florida Statutes; and
- 34 WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
- 35 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
- 36 pursuant to Section 163.3174, Florida Statutes, held a public hearing on April 28, 2022, and
- 37 voted to recommend that the City Commission approve this Future Land Use Map amendment;
- 38 and
- 39 WHEREAS, at least five days' notice has been given once by publication in a newspaper of
- 40 general circulation notifying the public of this proposed ordinance and a public hearing held by
- 41 the City Commission; and
- 42 WHEREAS, the public hearing was held pursuant to the notice described above at which
- 43 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.
- 44 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,
- 45 **FLORIDA**:
- 46 SECTION 1. The Future Land Use Map of the City of Gainesville Comprehensive Plan is
- 47 amended by changing the land use category of the following property from Conservation (CON)
- 48 to Single Family (SF):
- See legal descriptions attached as Exhibit A and made a part hereof as if set
- forth in full. The location of the property is shown on Exhibit B for visual

reference. In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

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SECTION 2. The City Manager or designee is authorized and directed to make the necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in order 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.

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

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

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before this amendment has become effective.

76	PASSED AND ADOPTED this 21st day of July, 2022.		
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78 70		Om Pa	
79		LALIDEN DOE	
80		LAUREN POE	
81		MAYOR	
82			
83	Attest:	Approved as to form and legality:	
84			
85	Marcha Watter	To America	
86	Milley y aving	I SECTIVITY	
87	OMICHELE D. GAINEY	DANIEL M. NEE	
88	CITY CLERK	INTERIM CITY ATTORNEY	
89			
90			

91 This ordinance was passed on Adoption Reading on this 21st day of July, 2022.

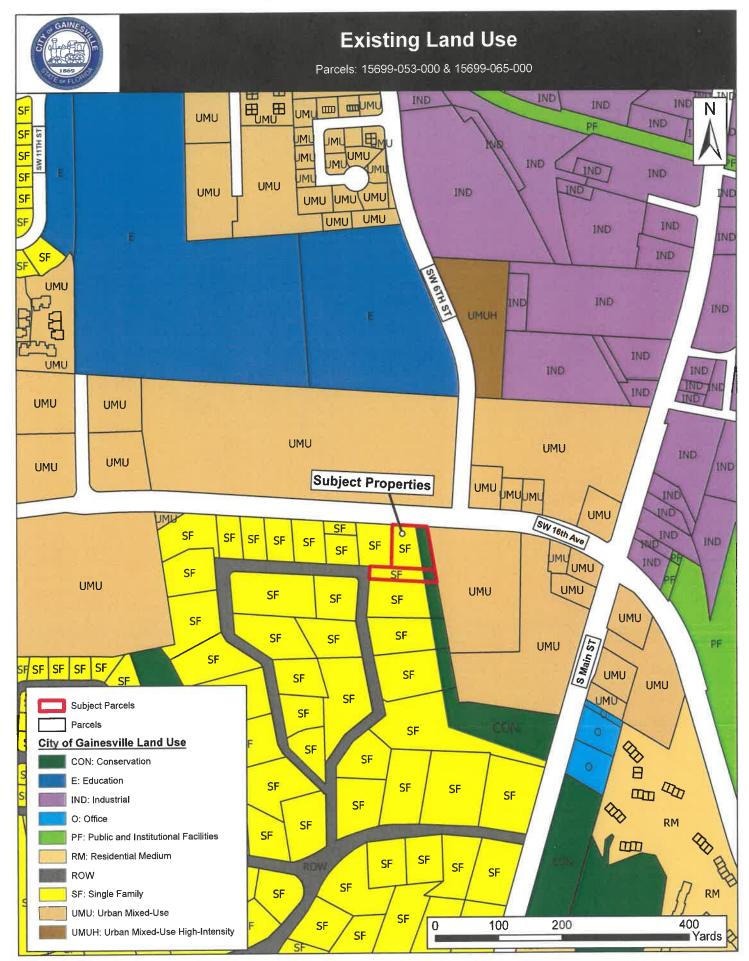
## Exhibit A to Ordinance 211151

## Parcel 1:

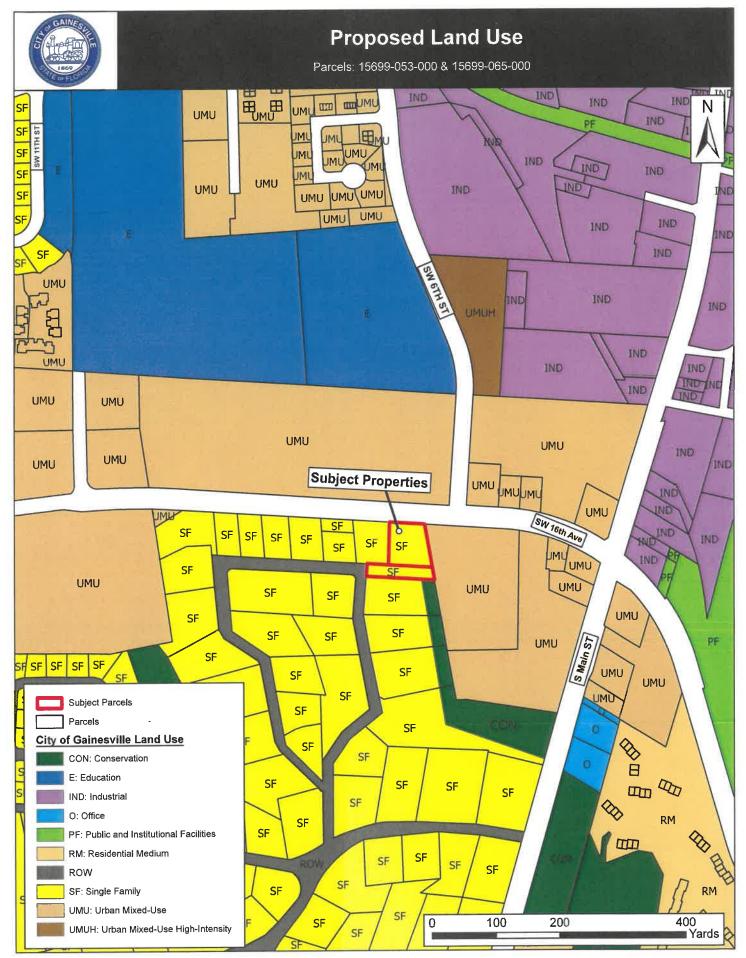
Commence at a point on the North line of the D.L. Clinch Grant, 20 feet West of its intersection with the center line of Old Rocky Point Road (Now State Road 329) and run South 17°02' West 862.85 feet; thence run North 85°07'30" West 812.66 feet to the Point of Beginning; thence run North 8°37'30" West 25.71 feet; thence North 85°07'30" West 314 feet; thence run South 5°22'30" West 50.11 feet; thence run South 85°07'30" East 323.73 feet; thence run North 8°37'30" West 25.71 feet to the Point of Beginning. All being and lying in Kirkwood Estates in the D.L. Clinch Grant, Township 10 South, Range 20 East, Gainesville, Alachua County, Florida. Parcel ID No.: 15699-065-000

## Parcel 2:

Commence at a point on the North line of the D.L. Clinch Grant, 20 feet West (W) of its intersection with the center line of Old Rocky Point Road (State Road No. 329) and run South 17°02' West 862.85 feet, thence run North 85°07'30" West 812.66 feet, thence run North 8°37'30" West 25.71 feet to the Point of Beginning, thence run North 85°07'30" West 183 feet, thence run North 2°25'20" East 200.65 feet, to the South right of way of S.W. 16th Avenue, thence run Easterly along said right of way 143.5 feet, thence run South 8°37'30" East 205.97 feet, to the Point of Beginning. All being and lying in Kirkwood Estates, in the D.L. Clinch Grant in Township 10 South, Range 20 East in the City of Gainesville, Alachua County, Florida. Parcel ID No.: 15699-053-000



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