

**LEGISLATIVE #**

**190086A**

**ORDINANCE NO. 190086**

**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 38.95 acres of property known as Sterling Place generally located south of NW 73<sup>rd</sup> Avenue, west of NW 43<sup>rd</sup> Street, north of NW 64<sup>th</sup> Boulevard, and east of NW 52<sup>nd</sup> Terrace, as more specifically described in this ordinance, from Alachua County Low-Density Residential to City of Gainesville Single-Family (SF); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

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

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

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

**WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of the property that is 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 June 27, 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 Low-Density Residential to City of Gainesville Single-Family (SF):

6         See legal description attached as **Exhibit A** and made a part hereof as if set forth  
7         in full. The location of the property is shown on **Exhibit B** for visual reference.

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

9

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

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

21 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
22 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
23 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

16 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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22 Attest:

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26 \_\_\_\_\_  
27 OMICHELE D. GAINEY  
28 CLERK OF THE COMMISSION

\_\_\_\_\_  
LAUREN POE  
MAYOR

Approved as to form and legality:

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

1 This ordinance passed on transmittal (first) reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

2

3 This ordinance passed on adoption (second) reading this \_\_\_\_ day of \_\_\_\_\_, 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°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 52<sup>ND</sup> 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 52<sup>ND</sup> TERRACE AND BLUES CREEK UNIT 1 ALSO BEING THE WEST LINE OF SAID STERLING PLACE UNIT – 1, S 00° 27’ 27” E A DISTANCE OF 61.55 FEET TO A POINT OF INTERSECTION ON THE EAST RIGHT-OF-WAY LINE OF SAID NW 52<sup>ND</sup> 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° 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° 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° 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° 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° 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° 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-19-47 LUC  
Proposed Land Use**

 Area under petition consideration

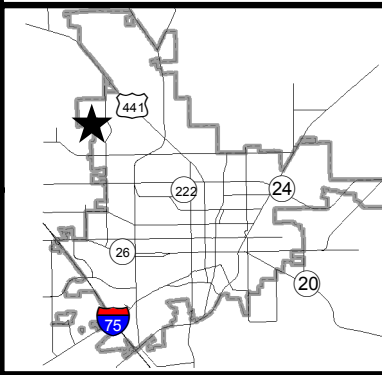
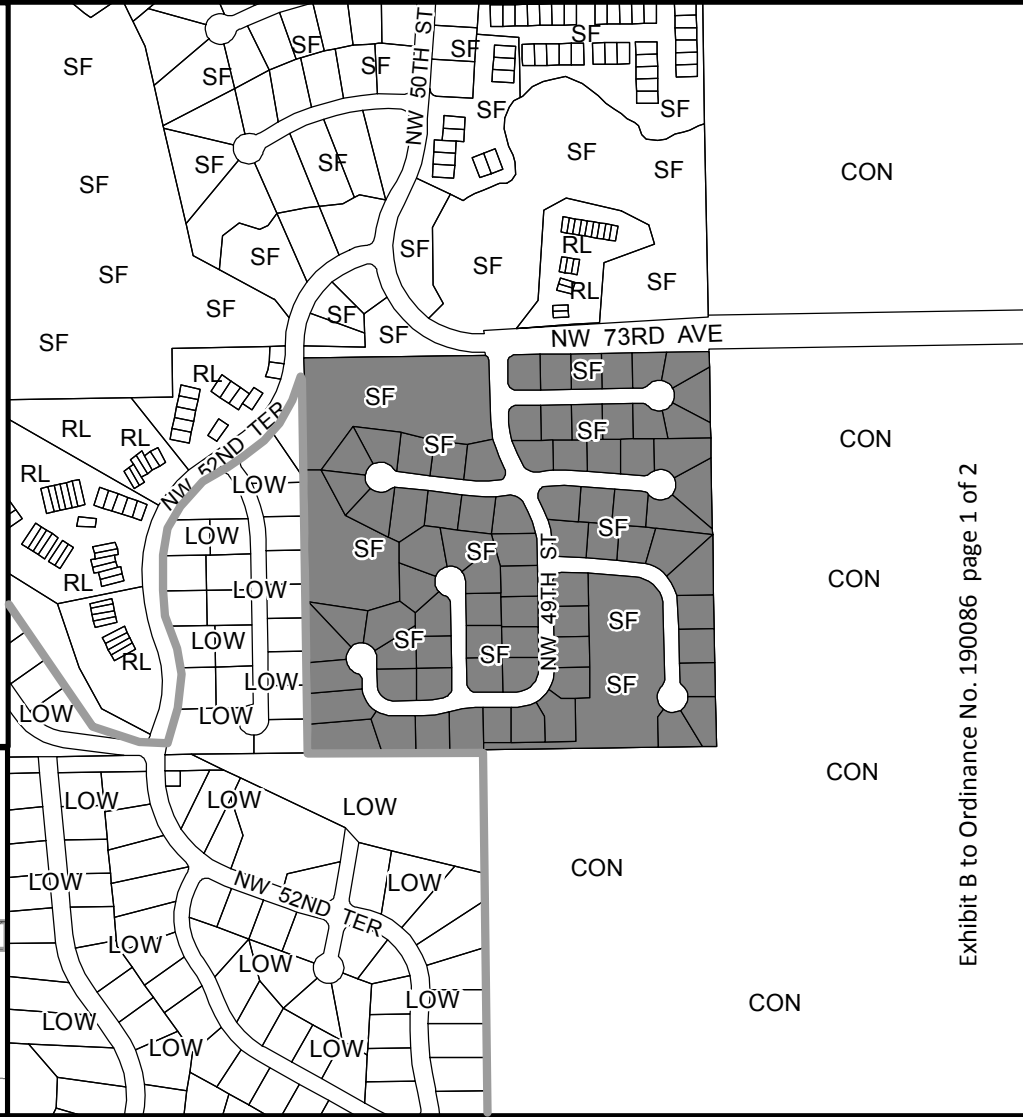
**City of Gainesville  
Land Use Categories**

CON Conservation  
SF Single Family Residential  
RL Residential Low Density

**Alachua County  
Land Use Categories**


LOW Low Density Residential

 City Limits





**Petition  
PB-19-47 LUC  
Existing Land Use**

 Area under petition consideration

**City of Gainesville  
Land Use Categories**

CON Conservation  
SF Single Family Residential  
RL Residential Low Density

**Alachua County  
Land Use Categories**

LOW Low Density Residential

 City Limits

