

**LEGISLATIVE #**

**211151A**

ORDINANCE NO. 211151

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.

**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 Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

**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

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):

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

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

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54 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary  
55 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to  
56 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.

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63 conflict hereby repealed on the effective date of this amendment to the Comprehensive Plan.

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

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76 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

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83 Attest:

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OMICHELE D. GAINEY

88 CITY CLERK

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91 This ordinance was passed on Adoption Reading on this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

Approved as to form and legality:

\_\_\_\_\_  
DANIEL M. NEE  
INTERIM CITY ATTORNEY

**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**

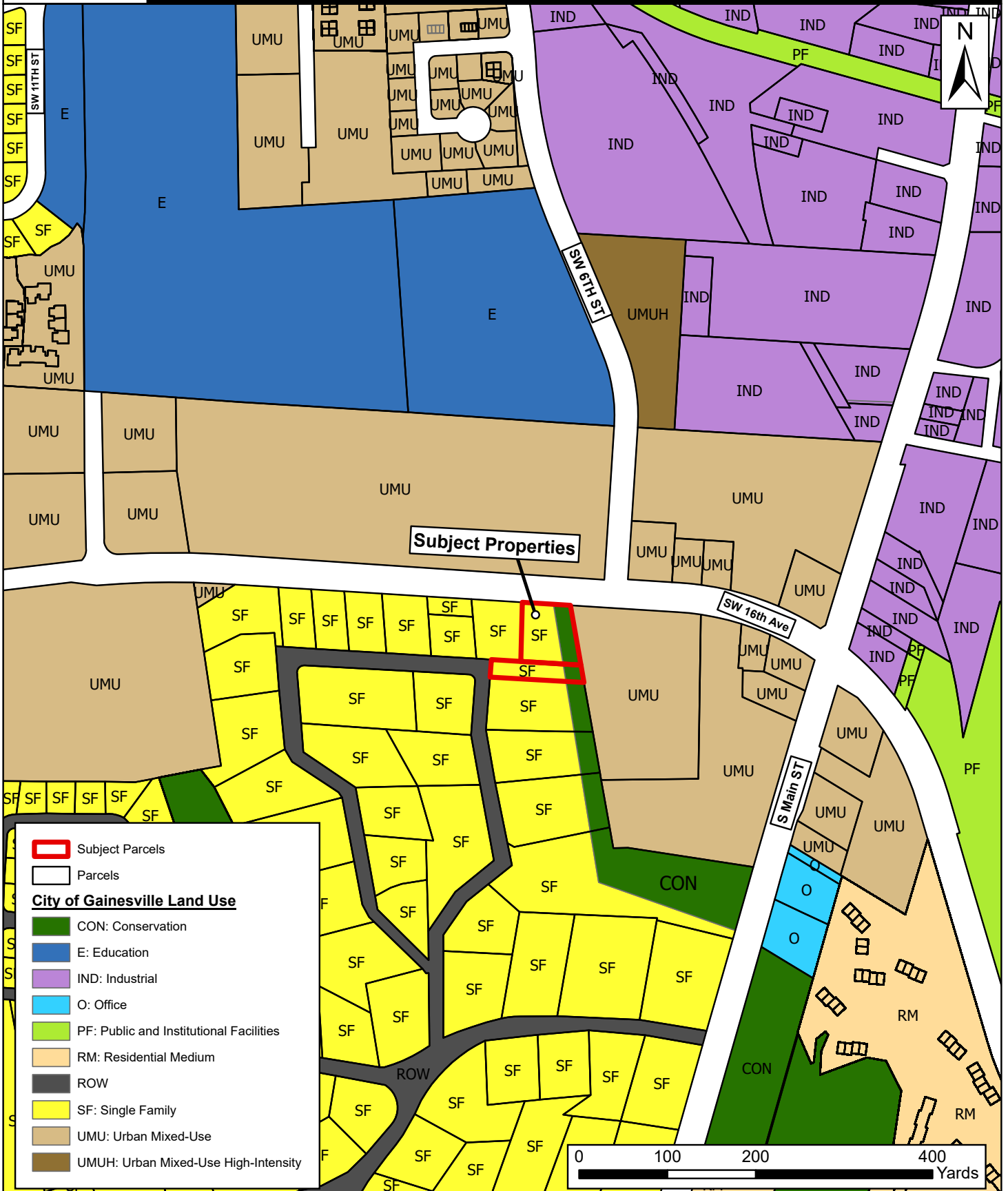
**Parcel 2:**

**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**



# Existing Land Use

Parcels: 15699-053-000 & 15699-065-000





# Proposed Land Use

Parcels: 15699-053-000 & 15699-065-000

