

ORDINANCE NO. 170483

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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 18.5 acres of property generally located at the southwest**
6 **corner of SW 52nd Street and SW 20th Avenue, as more specifically described in**
7 **this ordinance, from Planned Use District (PUD) and Residential Medium-**
8 **Density (RM) to Mixed-Use Low-Intensity (MUL); providing directions to the**
9 **City Manager; providing a severability clause; providing a repealing clause; and**
10 **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**, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),
15 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the
16 orderly and balanced future economic, social, physical, environmental, and fiscal development
17 of the city as reflected by the community’s commitments to implement such plan; and

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

25 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land
26 Use Map of the Comprehensive Plan by changing the land use category of the property that is
27 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 October 26, 2017, 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 Planned Use
5 District (PUD) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL):

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 shall 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 shall 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, shall 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 shall
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 7th day of June, 2018.

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21 Attest:

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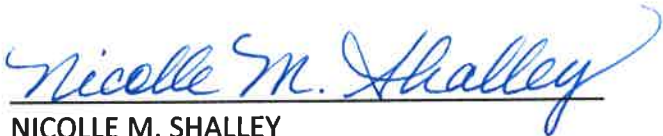
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LAUREN POE
MAYOR

Approved as to form and legality:



NICOLLE M. SHALLEY
CITY ATTORNEY


OMICHELE GAINNEY

CLERK OF THE COMMISSION

This ordinance passed on transmittal (first) reading this 15th day of March, 2018.

This ordinance passed on adoption (second) reading this 7th day of June, 2018.

Legal Description

A PARCEL OF LAND SITUATED IN LOTS 3, 4, 5 AND 6 OF JOHN B. DENTON LANDS AS RECORDED IN PLAT BOOK A, AT PAGE 10 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 3 FOR A POINT OF REFERENCE; THENCE RUN NORTH $00^{\circ}31'21''$ WEST, ALONG THE WEST LINE OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, A DISTANCE OF 319.31 FEET TO THE SOUTH THE RIGHT OF WAY LINE OF SW 20th AVENUE, (100 FOOT WIDE RIGHT OF WAY); THENCE RUN NORTH $89^{\circ}33'49''$ EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1363.26 FEET TO IT'S INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75, (300 FOOT LIMITED ACCESS RIGHT OF WAY) AND THE **POINT OF BEGINNING**; THENCE RUN NORTH $89^{\circ}33'49''$ EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SW 20th AVENUE, A DISTANCE OF 936.24 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH $45^{\circ}26'11''$ EAST, A DISTANCE OF 35.36 FEET TO THE WEST RIGHT OF WAY LINE OF SW 52nd STREET, (A 100 FOOT WIDE RIGHT OF WAY); THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE SOUTH $00^{\circ}26'11''$ EAST, A DISTANCE OF 770.03 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1605.65 FEET; THENCE RUN 898.34 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $32^{\circ}03'22''$, SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH $16^{\circ}27'52''$ EAST, 886.67 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH $32^{\circ}29'32''$ EAST, A DISTANCE OF 287.85 FEET TO THE END OF SAID RIGHT OF WAY; THENCE RUN NORTH $57^{\circ}30'28''$ EAST, A DISTANCE OF 100.00 FEET; THENCE RUN SOUTH $32^{\circ}29'32''$ EAST, A DISTANCE OF 193.62 FEET TO THE NORTH LINE OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1997 AT PAGE 2456 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH $89^{\circ}32'26''$ WEST, ALONG SAID LINE, A DISTANCE OF 243.97 FEET TO IT'S INTERSECTION WITH THE AFOREMENTIONED NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE RUN ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, NORTH $32^{\circ}35'02''$ WEST, A DISTANCE OF 1076.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 23095.33 FEET; THENCE RUN 1312.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $3^{\circ}15'20''$ AND SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $34^{\circ}12'42''$ WEST, 1312.06 FEET TO THE END OF SAID CURVE AND THE **POINT OF BEGINNING**.
ALL LYING AND BEING IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.

**Petition PB-17-92 LUC
Existing Land Use
Categories**

■ Area under petition consideration

**City of Gainesville
Land Use Categories**

- SF Single-Family
- RL Residential Low-Density
- RM Residential Medium-Density
- PF Public and Institutional Facilities
- CON Conservation

**Alachua County
Land Use Categories**

- RES Residential
- MED-HIGH Medium-High Density

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

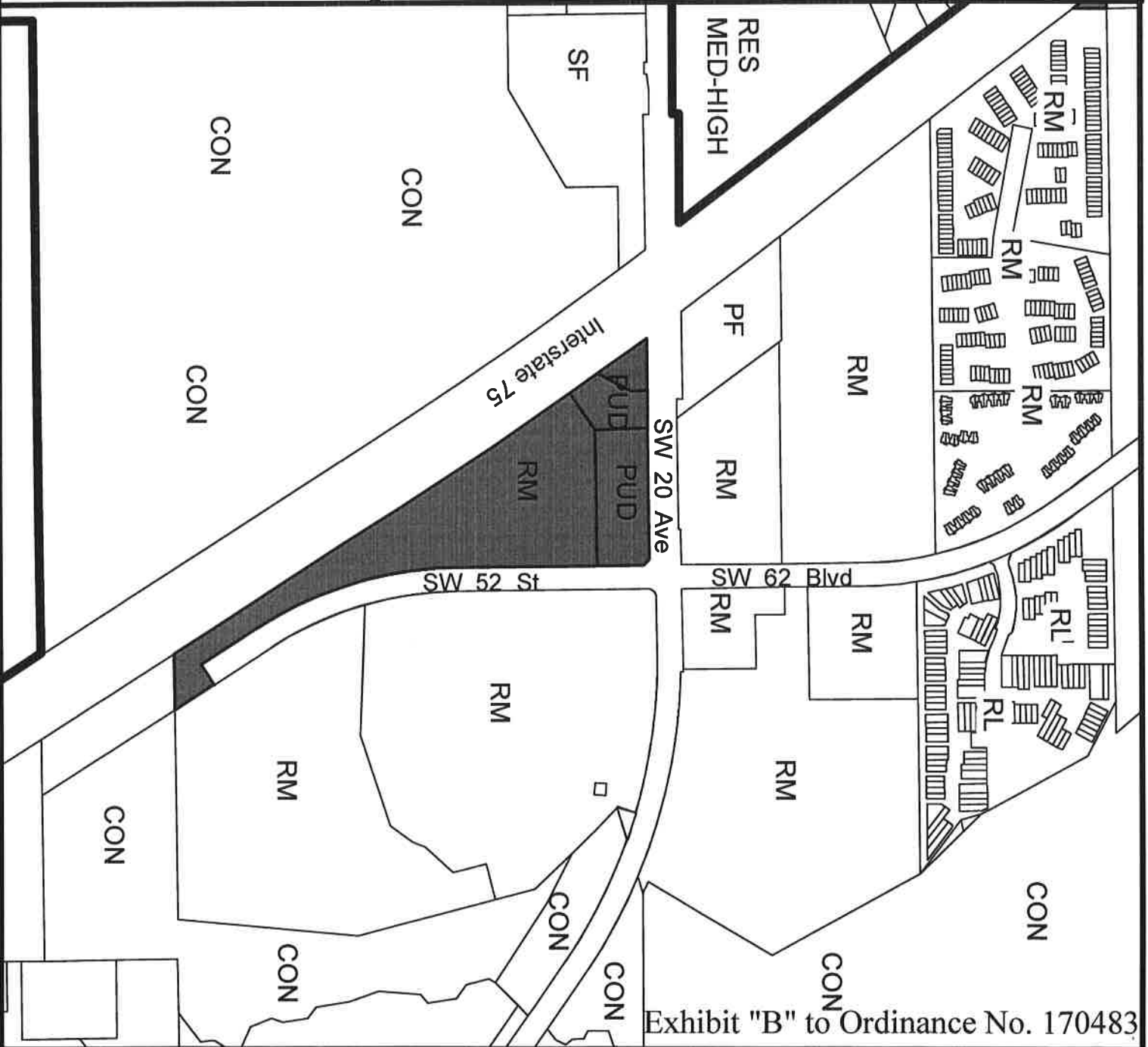
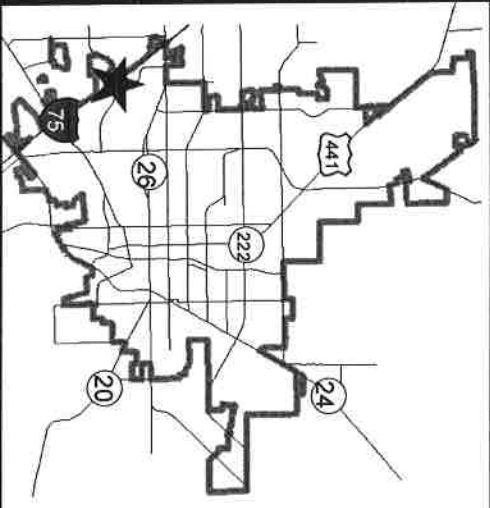


Exhibit "B" to Ordinance No. 170483

Petition PB-17-92 LUC Proposed Land Use Categories


 Area under petition consideration

City of Gainesville Land Use Categories

- SF Single Family
- RL Residential Low-Density
- RM Residential Medium-Density
- PF Public and Institutional Facilities
- CON Conservation
- MUL Mixed-Use Low-Intensity

Alachua County Land Use Categories

- RES Residential
- MED-HIGH Medium-High Density

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