

ORDINANCE NO. 180466

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 0.875 acres of property generally located at 209 NW 75th Street, as more specifically described in this ordinance, from Alachua County Commercial (COM) to City of Gainesville Commercial (C); 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 amendment to the Future Land Use Map of the City of Gainesville
2 Comprehensive Plan proposed herein involves a use of 10 acres or fewer and qualifies as a
3 small-scale development amendment as provided in Section 163.3187, Florida Statutes; and

4 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
5 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
6 pursuant to Section 163.3174, Florida Statutes, held a public hearing on October 25, 2018, and
7 voted to recommend that the City Commission approve this Future Land Use Map amendment;
8 and

9 **WHEREAS**, at least five days' notice has been given once by publication in a newspaper of
10 general circulation notifying the public of this proposed ordinance and of a public hearing in
11 the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

12 **WHEREAS**, at least thirty (30) days' notice has been given by mail to each real property owner
13 whose land will be redesignated by enactment of this ordinance and whose address is known
14 by reference to the latest ad valorem tax records, notifying such property owners of this
15 proposed ordinance and of a public hearing in the City Hall Auditorium located on the first
16 floor of City Hall in the City of Gainesville; and

17 **WHEREAS**, the public hearing was held pursuant to the notice described above at which
18 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

20 **FLORIDA:**

1 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
2 amended by changing the land use category of the following property from Alachua County
3 Commercial (COM) to City of Gainesville Commercial (C):

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

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8 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary
9 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to
10 comply with this ordinance.

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

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

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

1 or land uses dependent on this Comprehensive Plan amendment may be issued or commenced
2 before this amendment has become effective.

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4 **PASSED AND ADOPTED** this 17th day of January, 2019.

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11 Attest:

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19 This ordinance was passed on Adoption Reading on this 17th day of January, 2019.

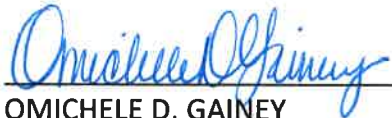


LAUREN POE
MAYOR

Approved as to form and legality:



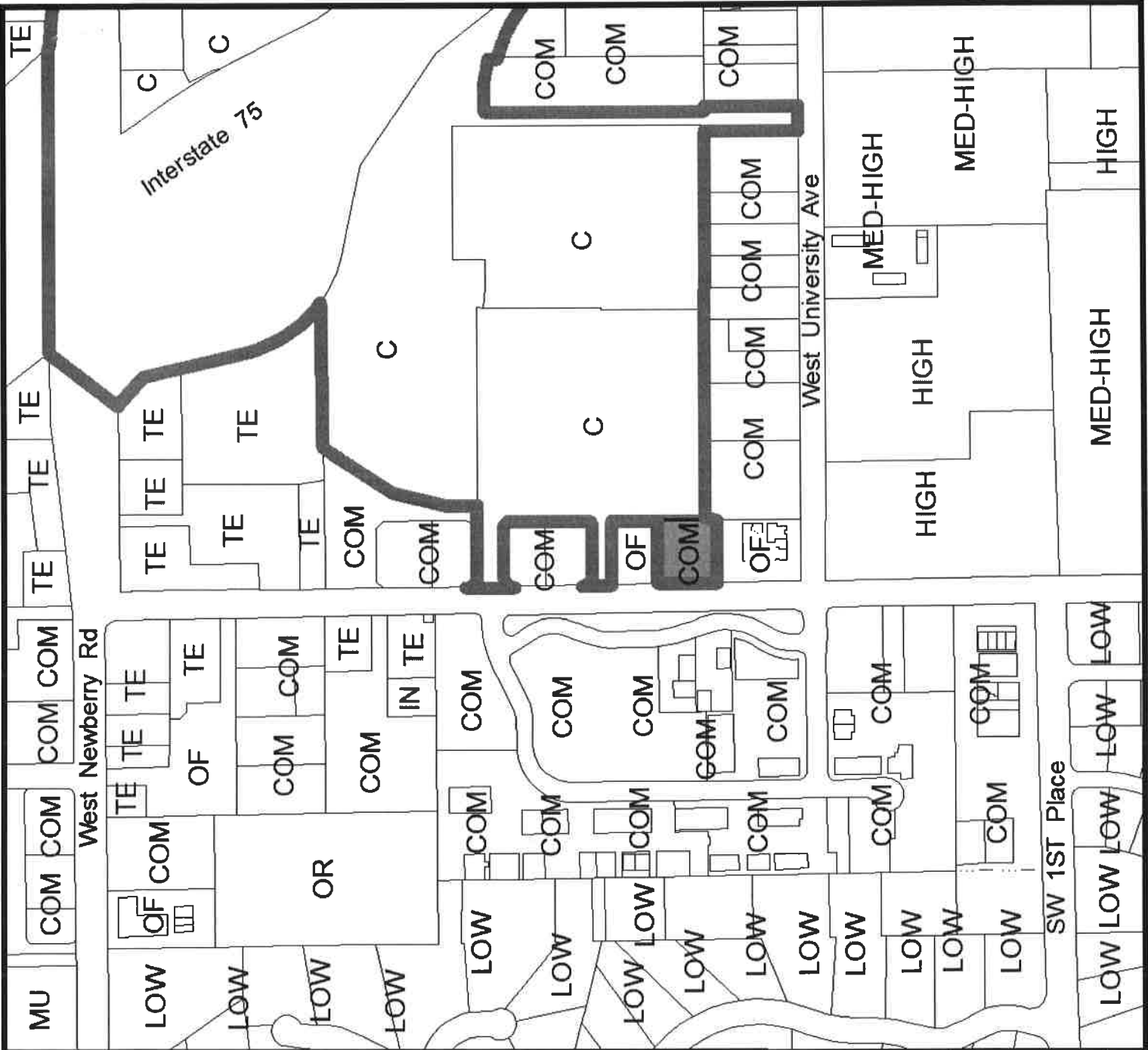
NICOLLE M. SHALLEY
CITY ATTORNEY



OMICHELE D. GAINNEY
CLERK OF THE COMMISSION

Legal Description

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN NORTH 0 DEG. 50'48" WEST ALONG THE WEST LINE OF SAID SECTION 3634.41 FEET; THENCE RUN SOUTH 89 DEG. 57'23" EAST 40 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. SW 29; THENCE RUN SOUTH 0 DEG. 50'48" EAST, ALONG SAID RIGHT-OF-WAY 145.03 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEG. 57'23" EAST, 201.97 FEET; THENCE RUN SOUTH 0 DEG. 02'37" WEST, 190 FEET; THENCE RUN NORTH 89 DEG. 57'23" WEST, 199.02 FEET TO THE EAST RIGHT-OF-WAY OF SAID COUNTY ROAD; THENCE RUN NORTH 0 DEG. 50'48" WEST, ALONG SAID RIGHT-OF-WAY 190.02 FEET TO THE POINT OF BEGINNING. ALL BEING AND LYING IN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.



**Petition
PB-18-130 LUC
Existing Land Use**

Area under petition consideration

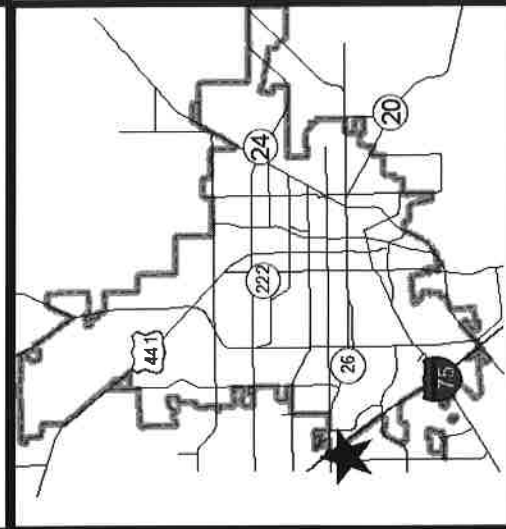
**City of Gainesville
Land Use Categories**

C Commercial

**Alachua County
Land Use Categories**

- COM Commercial
- LOW Low Density Residential
- MED-HIGH Medium-High Density Residential
- HIGH High Density Residential
- IN Institutional
- OF Office
- OR Office-Residential
- MU Mixed Use
- TE Tourist-Entertainment

--- Division line between two zoning districts
 — City Limits



**Petition
PB-18-130 LUC
Proposed Land Use**

Area under petition consideration

**City of Gainesville
Land Use Categories**

C Commercial

**Alachua County
Land Use Categories**

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