

LEGISLATIVE #

160981A

ORDINANCE NO. 160981

1
2
3 **An ordinance of the City of Gainesville, Florida, amending the Future Land**
4 **Use Map of the Comprehensive Plan by changing the land use category of**
5 **approximately 108 acres of property that is generally located south of SW**
6 **Archer Road, west of Tax Parcel No. 07240-049-000 and the existing City of**
7 **Gainesville boundary, north of SW 57th Avenue, and east of SW 63rd**
8 **Boulevard, as more specifically described in this ordinance, from Alachua**
9 **County Low-Density Residential (RL) to City of Gainesville Single-Family**
10 **(SF); providing directions to the City Manager; providing a severability**
11 **clause; providing a repealing clause; and providing an effective date.**
12

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

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

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

26 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land
27 Use Map of the Comprehensive Plan by changing the land use category of approximately 108
28 acres of property, as more specifically described in 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 April 27, 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 notice
8 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 notice
16 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
21 written comments received concerning this Future Land Use Map amendment.

22 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY**
23 **OF GAINESVILLE, 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 Low-
3 Density Residential (RL) to City of Gainesville Single-Family (SF):

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

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

18 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
19 the application hereof to any person or circumstance is held invalid or unconstitutional, such
20 finding shall not affect the other provisions or applications of this ordinance that can be given
21 effect without the invalid or unconstitutional provision or application, and to this end the
22 provisions of this ordinance are declared severable.

23 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
24 conflict hereby repealed.

1 **SECTION 6.** This ordinance shall become effective immediately upon adoption; however, the
 2 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
 3 amendment is not timely challenged, shall be 31 days after the state land planning agency notifies
 4 the City that the plan amendment package is complete in accordance with Section 163.3184,
 5 Florida Statutes. If timely challenged, this Comprehensive Plan amendment shall become
 6 effective on the date the state land planning agency or the Administration Commission enters a
 7 final order determining the amendment to be in compliance with Chapter 163, Florida Statutes.
 8 No development orders, development permits, or land uses dependent on this Comprehensive
 9 Plan amendment may be issued or commenced before this amendment has become effective.

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11 **PASSED AND ADOPTED** this _____ day of _____, 2017.

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17 Attest:

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 LAUREN POE
 MAYOR

Approved as to form and legality:

 KURT LANNON
 CLERK OF THE COMMISSION

 NICOLLE M. SHALLEY
 CITY ATTORNEY

This ordinance passed on (first) transmittal hearing this ____ day of _____, 2017.

This ordinance passed on (second) adoption hearing this ____ day of _____, 2017.

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; THENCE NORTH 89 DEGREES, 16 MINUTES, 26 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 1490.64 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF PATTON'S SURVEY AS RECORDED IN PLAT BOOK "A", PAGE 21&1/2 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES, 16 MINUTES, 26 SECONDS EAST, ALONG SAID SOUTH LINE OF SECTION 22 AND ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 465.03 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES, 59 MINUTES, 04 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 277.28 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 785 OF SAID PUBLIC RECORDS; THENCE NORTH 89 DEGREES, 16 MINUTES, 13 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 1233.30 FEET; THENCE NORTH 01 DEGREE, 00 MINUTES, 09 SECONDS WEST, CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 157.94 FEET; THENCE NORTH 89 DEGREES, 14 MINUTES, 10 SECONDS EAST, CONTINUING ALONG SAID SOUTHERLY LINE AND AN EXTENSION THEREOF, A DISTANCE OF 341.60 FEET TO A POINT ON THE EASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 785, SAID LINE ALSO BEING THE SOUTHWESTERLY LINE OF BROOKS ESTATE AS RECORDED IN PLAT BOOK "A", PAGE 40 OF SAID PUBLIC RECORDS AND A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 080193; THENCE ALONG SAID CITY OF GAINESVILLE LIMIT LINE THE FOLLOWING FOUR (4) COURSES:

1.) NORTH 40 DEGREES, 39 MINUTES, 39 SECONDS WEST, ALONG SAID EASTERLY LINE AND SAID SOUTHWESTERLY LINE, A DISTANCE OF 227.85 FEET TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1070, PAGE 809 OF SAID PUBLIC RECORDS; 2.) NORTH 40 DEGREES, 53 MINUTES, 28 SECONDS WEST, ALONG SAID SOUTHWESTERLY LINE OF BROOKS ESTATES, A DISTANCE OF 511.18 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1070, PAGE 809, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1821, PAGE 2875 OF SAID PUBLIC RECORDS; 3.) NORTH 46 DEGREES, 24 MINUTES, 45 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF SAID BROOKS ESTATE, A DISTANCE OF 556.50 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3855, PAGE 776; 4.) CONTINUE ALONG SAID NORTHWESTERLY LINE, NORTH 46 DEGREES, 24 MINUTES, 45 SECONDS EAST, A DISTANCE OF 325.90 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LANDS; THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT LINE AND NORTHWESTERLY LINE OF BROOKS ESTATE, SOUTH 89 DEGREES, 04 MINUTES, 52 SECONDS WEST, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 463.50 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1985, PAGE 1349 OF SAID PUBLIC RECORDS; THENCE NORTH 02 DEGREES, 28 MINUTES, 37 SECONDS WEST, A DISTANCE OF 416.52 FEET TO THE NORTHEAST CORNER OF SAID LANDS, SAID CORNER BEING ON THE SOUTH LINE

OF RICELAND SUBDIVISION, AS RECORDED IN PLAT BOOK "D", PAGE 74 OF SAID PUBLIC RECORDS; THENCE SOUTH 88 DEGREES, 34 MINUTES, 25 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 404.26 FEET TO THE SOUTHWEST CORNER OF SAID RICELAND SUBDIVISION; THENCE NORTH 01 DEGREE, 56 MINUTES, 27 SECONDS WEST, ALONG THE WEST LINE OF SAID RICELAND SUBDIVISION, A DISTANCE OF 1607.07 FEET TO A POINT ON THE SOUTHERLY LINE OF A CITY OF GAINESVILLE UTILITIES TRANSMISSION RIGHT-OF-WAY (FORMERLY KNOWN AS THE OLD S.A.L. RAILROAD); THENCE SOUTH 57 DEGREES, 54 MINUTES, 15 SECONDS WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 675.26 FEET TO THE NORTHEAST CORNER OF A 30 FOOT WIDE INGRESS-EGRESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4454, PAGE 1046 OF SAID PUBLIC RECORDS; THENCE SOUTH 00 DEGREES, 04 MINUTES, 43 SECONDS WEST, A DISTANCE OF 875.61 FEET TO THE SOUTHEAST CORNER OF SAID EASEMENT AND TO A POINT ON THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4465, PAGE 1858 OF SAID PUBLIC RECORDS; THENCE NORTH 88 DEGREES, 08 MINUTES, 49 SECONDS EAST, A DISTANCE OF 123.14 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4465, PAGE 1858; THENCE SOUTH 20 DEGREES, 45 MINUTES, 44 SECONDS EAST, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 152.13 FEET; THENCE SOUTH 01 DEGREE, 54 MINUTES, 20 SECONDS EAST, ALONG SAID EAST LINE AND AN EXTENSION THEREOF, A DISTANCE OF 244.00 FEET TO A POINT ON THE NORTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3875, PAGE 349 OF SAID PUBLIC RECORDS; THENCE SOUTH 88 DEGREES, 32 MINUTES, 43 SECONDS WEST, ALONG SAID NORTHERLY LINE AND CONTINUING ALONG THE NORTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 748, PAGE 394 OF SAID PUBLIC RECORDS, A DISTANCE OF 895.47 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE SOUTH 01 DEGREE, 01 MINUTE, 11 SECONDS EAST, ALONG THE WEST LINE OF SAID LANDS AND CONTINUING ALONG THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3875, PAGE 349, A DISTANCE OF 666.02 FEET TO THE NORTHEAST CORNER OF LOT 5 OF SAID PATTON'S SURVEY; THENCE SOUTH 88 DEGREES, 55 MINUTES, 00 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 658.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREES, 59 MINUTES, 22 SECONDS EAST, ALONG THE WEST LINE OF LOTS 5, 4 AND 3, RESPECTIVELY, OF SAID PATTON'S SURVEY, A DISTANCE OF 992.63 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 89 DEGREES, 29 MINUTES, 41 SECONDS EAST, A DISTANCE OF 658.95 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 AND TO POINT ON THE WEST LINE OF LOT 1 OF SAID PATTON'S SURVEY; THENCE SOUTH 01 DEGREE, 01 MINUTE, 31 SECONDS EAST, A DISTANCE OF 329.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING.

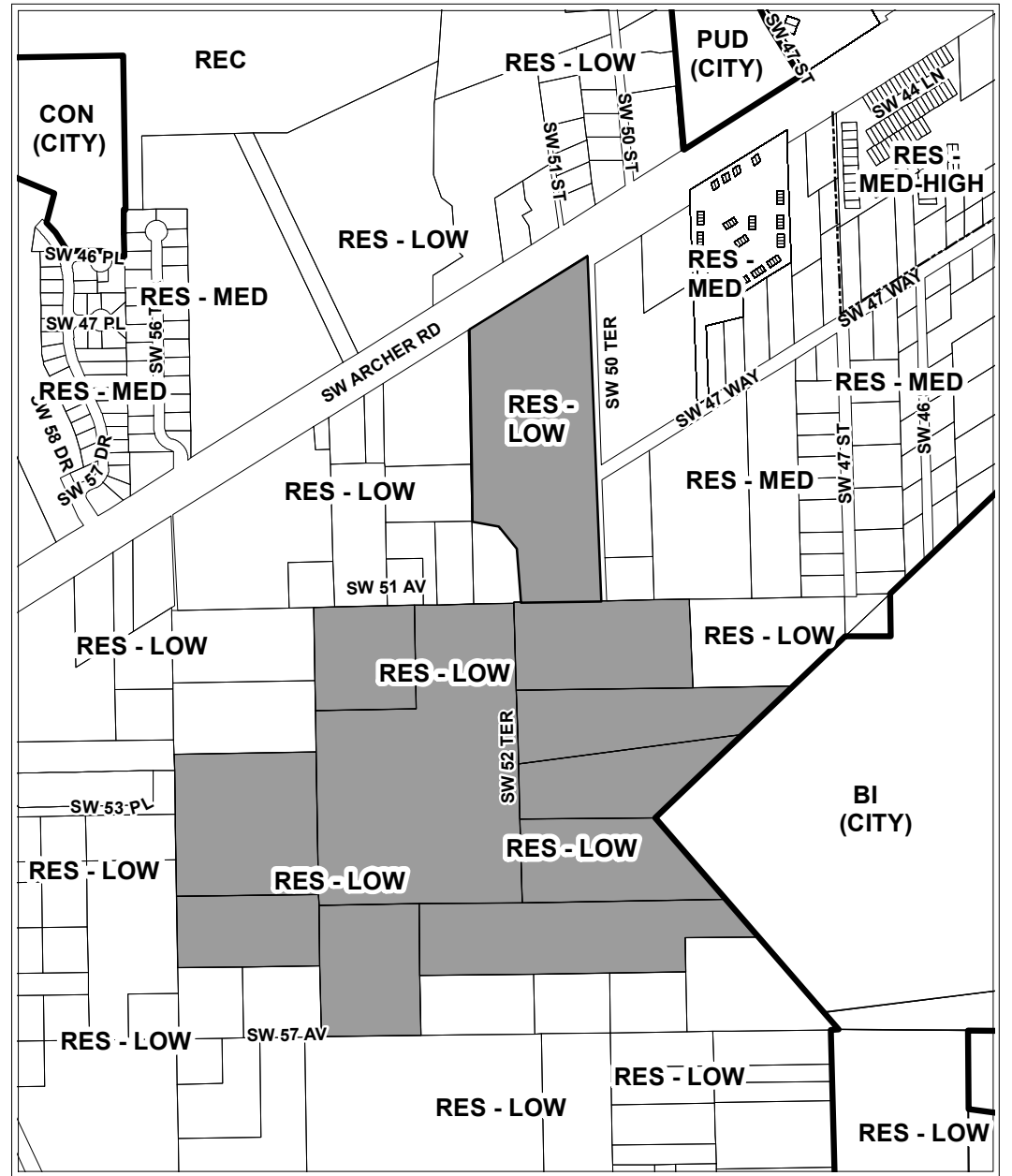
CONTAINING 108.3 ACRES, MORE OR LESS.

City of Gainesville Land Use Categories

BI Business Industrial
 CON Conservation
 PUD Planned Use District

Achua County Land Use Categories

RES - LOW Residential Low Density (1-4 units/acre)
 RES - MED Residential Medium Density (4-8 units/acre)
 RES - MED/HIGH Residential Medium-High Density (8-14 units/acre)
 REC Recreation



Area
under petition
consideration



City Limits

EXISTING LAND USE



No Scale

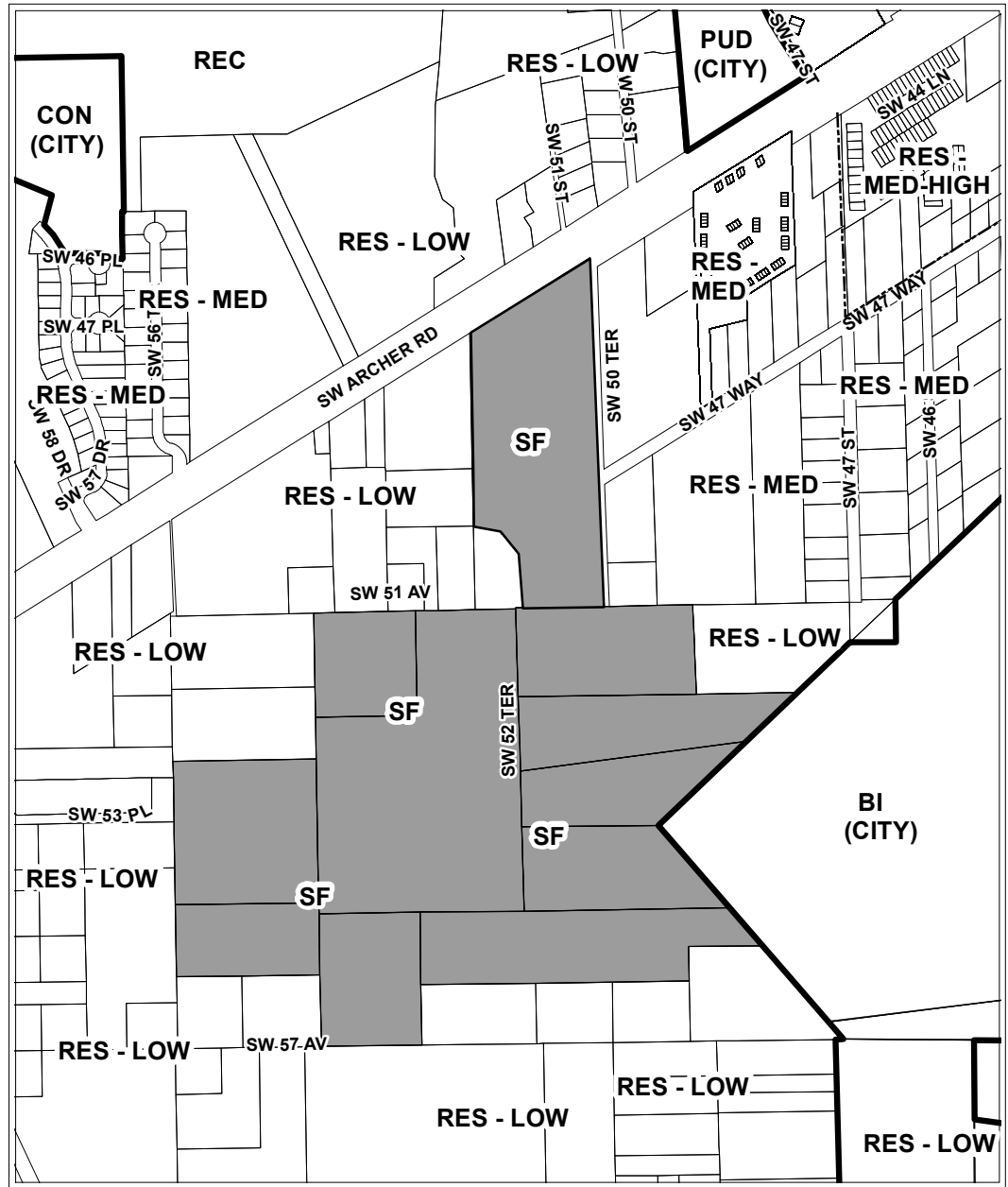
Name	Petition Request	Petition Number
City of Gainesville	Amend the City of Gainesville FLUM from Achua County Low Density Residential (1-4 du/acre) to City of Gainesville Single Family (up to 8 units per acre)	PB-17-28 LUC

City of Gainesville Land Use Categories

SF Single Family
 BI Business Industrial
 CON Conservation
 PUD Planned Use District

Alachua County Land Use Categories

RES - LOW Residential Low Density (1-4 units/acre)
 RES - MED Residential Medium Density (4-8 units/acre)
 RES - MED/HIGH Residential Medium-High Density (8-14 units/acre)
 REC Recreation



City Limits

Area
under petition
consideration



PROPOSED LAND USE



No Scale

Name	Petition Request	Petition Number
City of Gainesville	Amend the City of Gainesville FLUM from Alachua County Low Density Residential (1-4 du/acre) to City of Gainesville Single Family (up to 8 units per acre)	PB-17-28 LUC