

LEGISLATIVE #
191037A

ORDINANCE NO. 191037

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 1.79 acres of property generally located south of Tax Parcel No. 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43rd Street, as more specifically described in this ordinance, from Alachua County Tourist/Entertainment 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 50 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 April 22, 2021, and
7 voted to recommend that the City Commission approve this Future Land Use Map amendment;
8 and
9 **WHEREAS**, at least thirty (30) days' notice has been given by mail to each real property owner
10 whose land will be redesignated by enactment of this ordinance and whose address is known
11 by reference to the latest ad valorem tax records, notifying such property owners of this
12 proposed ordinance and of a public hearing in the City Hall Auditorium located on the first
13 floor of City Hall in the City of Gainesville; and
14 **WHEREAS**, at least five days' notice has been given once by publication in a newspaper of
15 general circulation notifying the public of this proposed ordinance and of a public hearing in
16 the City Hall Auditorium located on the first 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:**

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

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

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

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

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

SECTION 5. This ordinance will become effective immediately upon adoption; however, the effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely challenged, will be 31 days after adoption. If challenged within 30 days after adoption, this amendment will become effective on the date the state land planning agency or the Administration Commission issues a final order determining the amendment to be in 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 ____ day of _____, 2021.

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11 Attest:

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15 OMICHELE D. GAINES

16 CITY CLERK

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19 This ordinance was passed on Adoption Reading on this ____ day of _____ 2021.

LAUREN POE

MAYOR

Approved as to form and legality:

DANIEL M. NEE

INTERIM CITY ATTORNEY

LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK (STAMPED "PRM 2228") FOUND AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 00°51'46" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 2146.95 FEET; THENCE NORTH 89°08'14" EAST, 61.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'14" EAST, 398.35 FEET, TO A POINT ON THE WESTERLY LIMITED ACCESS RIGHT OF WAY LINE TO INTERSTATE HIGHWAY I-75 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 080137; THENCE SOUTH 10°16'25" WEST, ALONG SAID WESTERLY LIMITED ACCESS RIGHT OF WAY LINE AND EXISTING CITY OF GAINESVILLE LIMIT LINE, 226.15 FEET, TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 24 (ARCHER ROAD); THENCE LEAVING SAID WESTERLY LIMITED ACCESS RIGHT OF WAY LINE AND CITY LIMIT LINE SOUTH 57°59'54" WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF ARCHER ROAD, 161.10 FEET; THENCE NORTH 05°44'04" WEST, 140.22 FEET; THENCE SOUTH 89°08'14" WEST, 204.87 FEET, TO A POINT LYING 61 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00°51'46" WEST, PARALLEL WITH AND 61 FEET EASTERLY OF SAID WEST LINE, 165.48 FEET, TO THE POINT OF BEGINNING.

CONTAINING 77,891 SQUARE FEET OR 1.788 ACRES, MORE OR LESS.

THE BEARING STRUCTURE OF THE HEREIN DESCRIBED PARCEL IS BASED ON THE DEED FOUND IN OFFICIAL RECORDS BOOK 2845, PAGE 111.

Exhibit B to Ordinance 191037

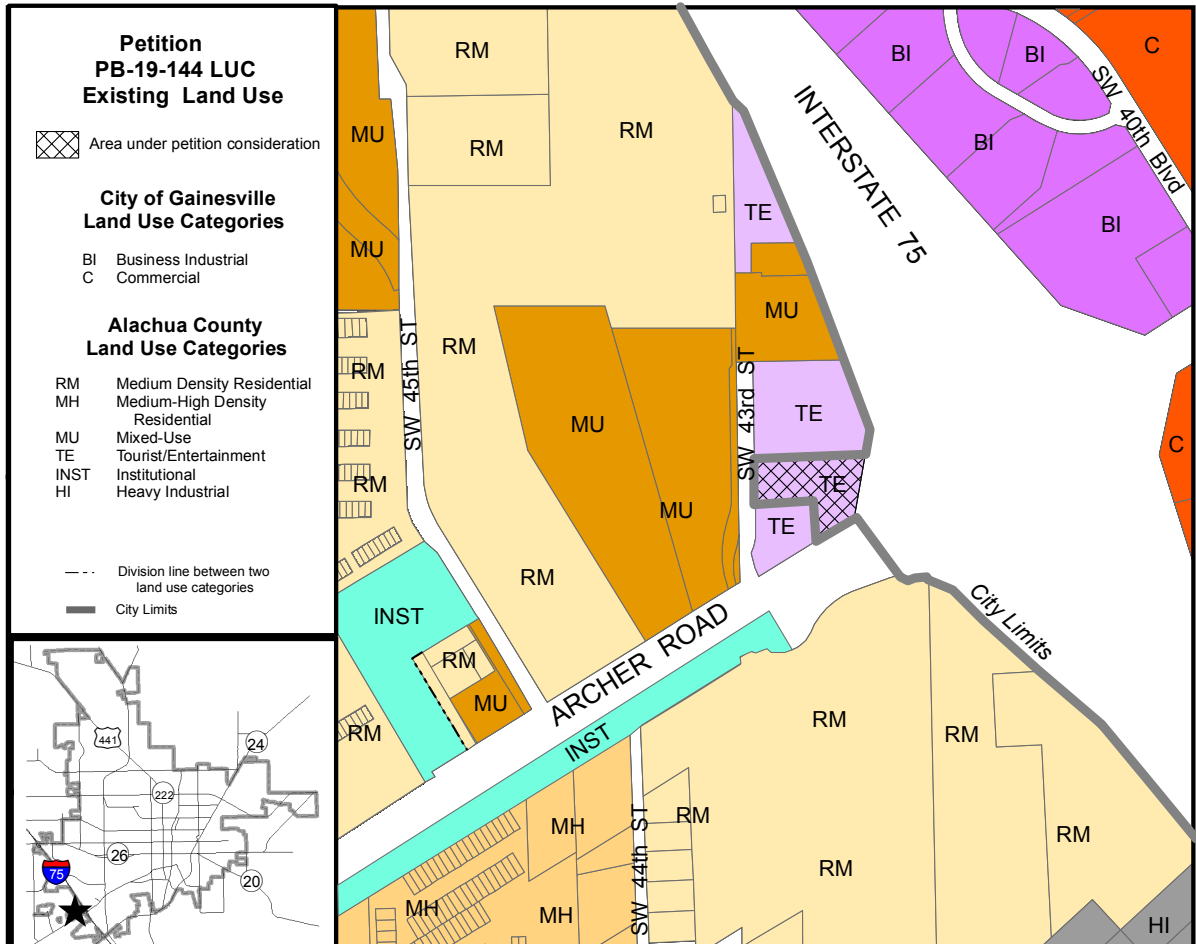


Exhibit B to Ordinance 191037

