

**LEGISLATIVE #**  
**190535A**

ORDINANCE NO. 190535

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 3.85 acres of property generally located at 5200 SW 41<sup>st</sup> Boulevard, as more specifically described in this ordinance, from Alachua County Heavy Industrial to City of Gainesville Industrial (IND); 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**, this amendment to the Future Land Use Map of the City of Gainesville  
2 Comprehensive Plan was initiated by the City and qualifies as a small-scale development  
3 amendment as provided in Section 163.3187, Florida Statutes, because it involves a use of 10  
4 acres or fewer; and

5 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
6 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency  
7 pursuant to Section 163.3174, Florida Statutes, held a public hearing on October 24, 2019, and  
8 voted to recommend that the City Commission approve this Future Land Use Map amendment;  
9 and

10 **WHEREAS**, at least five (5) days' notice has been given once by publication in a newspaper of  
11 general circulation notifying the public of this proposed ordinance and of a public hearing in  
12 the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

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

20 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**  
21 **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 Heavy Industrial to City of Gainesville Industrial (IND):

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 \_\_\_\_\_, 2020.

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11 Attest:

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15 \_\_\_\_\_  
16 OMICHELE D. GAINNEY  
17 CLERK OF THE COMMISSION

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19

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

Approved as to form and legality:

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

19 This ordinance was passed on Adoption Reading on this \_\_\_\_ day of \_\_\_\_\_ 2020.

**Legal Description**

A PARCEL OF LAND SITUATED IN THE GARY GRANT, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721, ALSO BEING THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1736, PAGE 2672 (CURRENT TAX PARCEL NO. 7242) OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED ORB \_\_, P \_\_) , AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN ORB 2208, P 2895 (CURRENT TAX PARCEL NO. 7240-26) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE LEAVING SAID CITY LIMIT LINE N 10° 10' 42" W ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 323.24 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895; THENCE LEAVING THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 N 53° 48' 44" E ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 506.81 FEET TO THE NORTHEAST CORNER OF SAID LANDS, ALSO BEING THE NORTHWEST CORNER OF LANDS DESCRIBED IN ORB 4427, P 215 (CURRENT TAX PARCEL NO. 7240-24); THENCE S 36° 11' 16" E ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 4427, P 215 A DISTANCE OF 290.51 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 4427, P 215 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721; THENCE S 53° 48' 44" W ALONG SAID CITY LIMIT LINE AND SOUTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 648.55 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.85 ACRES MORE OR LESS.

**Petition  
PB-19-85 LUC  
Existing Land Use**



Area under petition consideration

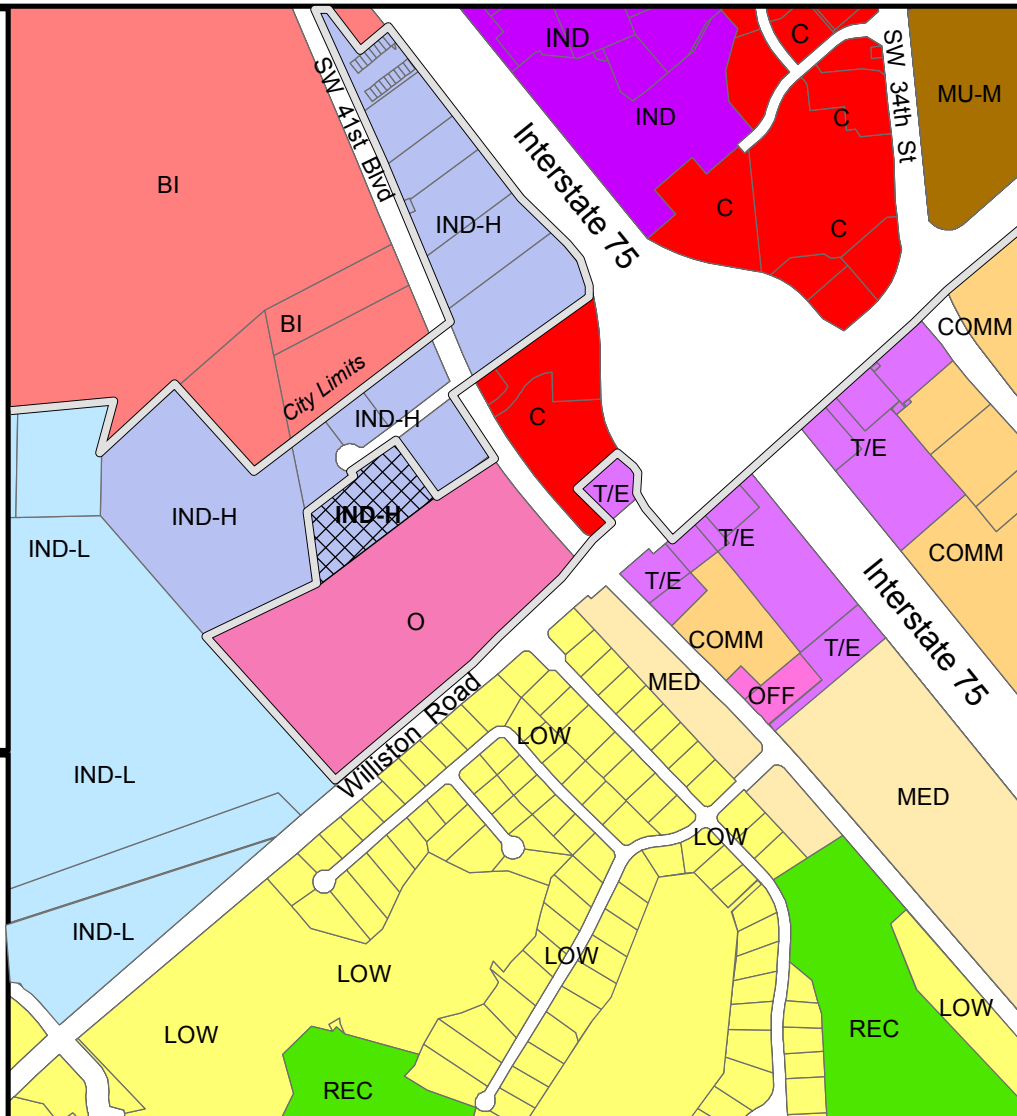
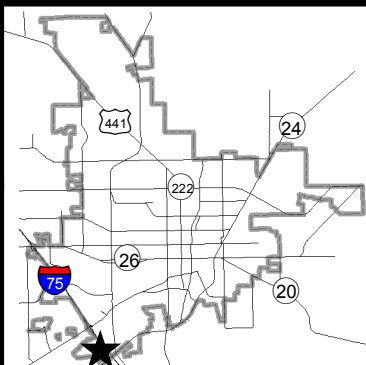
**City of Gainesville  
Land Use Categories**

C Commercial  
O Office  
MU-M Mixed-Use Medium-Intensity  
BI Business Industrial  
IND Industrial


**Alachua County  
Land Use Categories**

LOW Low Density Residential  
MED Medium Density Residential  
REC Recreation  
COMM Commercial  
OFF Office  
T/E Tourist/Entertainment  
IND-L Light Industrial  
IND-H Heavy Industrial

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



**Petition  
PB-19-85 LUC  
Proposed Land Use**

 Area under petition consideration

**City of Gainesville  
Land Use Categories**

C Commercial  
O Office  
MU-M Mixed-Use Medium-Intensity  
BI Business Industrial  
IND Industrial

**Alachua County  
Land Use Categories**

LOW Low Density Residential  
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