



Legislation Details (With Text)

**File #:** 190169. **Version:** 3 **Name:**  
**Type:** Ordinance **Status:** Adopted  
**File created:** 7/18/2019 **In control:** City Attorney  
**On agenda:** 12/5/2019 **Final action:** 12/5/2019  
**Title:** Land Use Change - 11.18 Acres of Property Located Southwest of East University Avenue and SE 38th Street (B)

Ordinance No. 190169

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 11.18 acres of property known as East Lake Forest generally located southwest of the intersection of East University Avenue and SE 38th Street, as more specifically described in this ordinance, from Alachua County Institutional and Alachua County Medium Density to City of Gainesville Residential Low-Density (RL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 190169A\_draft ordinance\_20191003.pdf, 2. 190169B\_Staff Report w Exhibits A-F\_20191003, 3. 190169C\_Staff PPT\_20191003, 4. 190169B\_State Review Letters\_20191205.pdf, 5. 190169\_Ordinance\_20191205.pdf

Date	Ver.	Action By	Action	Result
12/5/2019	3	City Commission	Adopted on Final Reading (Ordinance)	Pass
10/3/2019	2	City Commission	Adopted on First Reading (Ordinance)	Pass
7/25/2019	1	City Plan Board		

**Land Use Change - 11.18 Acres of Property Located Southwest of East University Avenue and SE 38th Street (B)**

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The City Commission adopt the proposed ordinance.

**STAFF REPORT**

Update since first reading: On October 3, 2019, the City Commission approved this ordinance on first reading.

City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, St. Johns River Water Management District and Florida Department of Environmental Protection. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.

This ordinance amends the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 11.18 acres of property known as East Lake Forest generally located southwest of the intersection of East University Avenue and SE 38th Street from Alachua County Institutional and Alachua County Medium Density to City of Gainesville Residential Low-Density (RL). This property is a residential subdivision and was voluntarily annexed into the city on August 15, 2019 (Ordinance No. 181064). As a result of annexation, the city must now assign appropriate land use and zoning designations.

The City Plan Board held a public hearing on July 25, 2019, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.