

**ORDINANCE NO. 070620**  
**0-07-112**

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4       **An ordinance amending the City of Gainesville 2000-2010**  
5       **Comprehensive Plan, Future Land Use Map; by changing the**  
6       **land use category of certain property, as more specifically**  
7       **described in this ordinance, from “Residential Medium-Density**  
8       **(8-30 units per acre)” to “Mixed-Use Low-Intensity (8-30 units**  
9       **per acre)”;** located in the vicinity of 3600 block, east side of  
10       **Southwest 34<sup>th</sup> Street; providing a severability clause; providing**  
11       **a repealing clause; and providing an effective date.**  
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14       **WHEREAS,** publication of notice of a public hearing was given that the Future Land Use  
15 Map be amended by changing the land use category of certain properties from “Residential  
16 Medium-Density (8-30 units per acre)” to "Mixed-Use Low-Intensity (8-30 units per acre)"; and

17       **WHEREAS,** notice was given and publication made as required by law of a Public Hearing  
18 which was then held by the City Plan Board on October 18, 2007; and

19       **WHEREAS,** notice was given and publication made of a Public Hearing which was then  
20 held by the City Commission on November 19, 2007; and

21       **WHEREAS,** the amendment to the land use category of the City of Gainesville 2000-2010  
22 Comprehensive Plan proposed herein directly relates to a small scale development activity as  
23 provided in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public  
24 notice and this proposed change to the State Land Planning Agency, the regional planning council,  
25 and any other person or entity who has requested a copy for their comments subsequent to the  
26 passage of this ordinance; and

1           **WHEREAS**, at least ten (10) days notice has been given of a public hearing once by  
2 publication in a newspaper of general circulation notifying the public of this proposed ordinance  
3 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of  
4 Gainesville; and

5           **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose  
6 property will be regulated by the adoption of this Ordinance, at least ten days prior to the date set  
7 for a public hearing on this ordinance; and

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

11           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
12 **CITY OF GAINESVILLE, FLORIDA:**

13           **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
14 Plan is amended by changing the land use category of the following described property from  
15 “Residential Medium-Density (8-30 units per acre)” to “Mixed-Use Low-Intensity (8-30 units per  
16 acre)”:

17                   See legal description attached hereto as Exhibit "A", and made a part  
18                   hereof as if set forth in full.  
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20           **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
21 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or  
22 portion thereof in order to comply with this ordinance.

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

6           **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
7 such conflict hereby repealed.

8           **Section 5.** This ordinance shall become effective immediately upon passage; however, the  
9 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty  
10 one (31) days after passage and adoption of this Ordinance unless a petition is filed with the  
11 Division of Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this Ordinance  
12 shall not become effective until the state land planning agency issues a final order determining the  
13 adopted amendment to be in compliance in accordance with § 163.3187, or until the Administration  
14 Commission issues a final order determining the adopted amendment to be in compliance in  
15 accordance with § 163.3187, F.S.

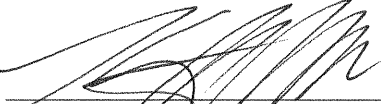
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1 **PASSED AND ADOPTED** this 28th day of January, 2008.

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6 PEGEEN HANRAHAN, MAYOR

7 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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10 \_\_\_\_\_  
11 KURT LANNON,  
12 CLERK OF THE COMMISSION

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14 \_\_\_\_\_  
15 MARION J. RADSON, CITY ATTORNEY

JAN 29 2008

14 This ordinance passed this 28th day of January, 2008.

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LEGAL DESCRIPTION PARCEL 1 (O.R. BOOK 1328 PG.241):

A TRACT OF LAND LOCATED IN BLOCKS 9 AND 10 AS SHOWN ON THE PLAT OF THE SUBDIVISION OF LOT 3 AND 4 OF THE GARY GRANT IN TOWNSHIP 10 SOUTH, RANGE 19 EAST, SAID SUBDIVISION BEING RECORDED IN PLAT BOOK "A", PAGE 36 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SW CORNER OF SAID BLOCK 10; THENCE RUN NORTH 51'2"00" WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF ROCKY POINT ROAD A DISTANCE OF 301.83 FEET TO A CONCRETE MONUMENT MARKING THE POB; THENCE FROM SAID POB CONTINUE NORTH 51'2"00" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 266.17 FEET TO A CONCRETE MONUMENT MARKING THE NW CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 291, PAGE 391 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN NORTH 84'48"00" EAST, ALONG THE NORTH LINE OF THE PROPERTY DESCRIBED IN SAID DEED BOOK 291, A DISTANCE OF 711.65 FEET TO A CONCRETE MONUMENT MARKING THE NE CORNER OF SAID PROPERTY DESCRIBED IN DEED BOOK 291; THENCE RUN SOUTH 5'12"00" EAST, A DISTANCE OF 266.17 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 84'48"00" WEST, A DISTANCE OF 711.65 FEET TO CLOSE ON SAID POB.

LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY OF S.W. 34TH STREET AS PER OFFICIAL RECORDS BOOK 1869, PAGE 2383 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

LEGAL DESCRIPTION PARCEL 2 (as furnished):

A PARCEL OF LAND SITUATED IN LOT 10 OF THE SUBDIVISION OF LOTS 3 AND 4 OF THE GARY GRANT, SAID SUBDIVISION OF LOTS 3 AND 4 OF THE GARY GRANT BEING RECORDED IN PLAT BOOK "A", PAGE 36, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.E. CORNER OF THE GARY GRANT AND RUN SOUTH 05'03'32" EAST ALONG THE EAST LINE OF SAID GARY GRANT, 1441.25 FEET; THENCE RUN SOUTH 69'05'27" WEST, 938.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 69'05'27" WEST, 363.53 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF S.W. 34TH STREET; THENCE RUN SOUTH 05'13'37" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE 479.15 FEET; THENCE RUN NORTH 84'54'41" EAST, 350.00 FEET; THENCE RUN NORTH 05'13'37" WEST, 578.26 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE NORTHERLY 80 FEET.

LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY OF S.W. 34TH STREET AS PER OFFICIAL RECORDS BOOK 1869, PAGE 2383 OF THE PUBLIC RECORDS OF