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6/30/09

ORDINANCE NO. _____
0-08-90

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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 categories of certain properties within the City, as more**
7 **specifically described in this ordinance, from the land use**
8 **categories of “Mixed-Use Low-Intensity (8-30 units per acre),”**
9 **“Residential Low-Density (up to 12 units per acre),” and**
10 **“Office” to the City of Gainesville land use category of “Public**
11 **Facilities”;** located in the vicinity of the 400 Block of NW 8th
12 **Avenue; providing a severability clause; providing a repealing**
13 **clause; and providing an immediate effective date.**
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15 **WHEREAS,** publication of notice of a public hearing was given that the Future Land Use
16 Map be amended by changing the land use categories of certain properties from the land use
17 categories of “Mixed-Use Low-Intensity (8-30 units per acre),” “Residential Low-Density (up to 12
18 units per acre),” and “Office” to the City of Gainesville land use category of “Public Facilities”; and

19 **WHEREAS,** notice was given and publication made as required by law and a public
20 hearing was held by the City Plan Board on August 28, 2008; 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; and

24 **WHEREAS,** the City of Gainesville will transmit copies of the public notice and this
25 proposed ordinance to the State Land Planning Agency, the regional planning council, and any
26 other person or entity who has requested a copy; and

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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 thirty (30) days prior to the
7 date set 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
14 Comprehensive Plan is amended by changing the land use categories of certain properties from the
15 land use categories of “Mixed-Use Low-Intensity (8-30 units per acre),” “Residential Low-Density
16 (up to 12 units per acre),” and “Office”, as shown on Exhibit “A”, to the City of Gainesville land
17 use category of “Public Facilities” as shown on Exhibit “B”:

18 See Maps attached hereto as Exhibits “A” and “B”, and made a
19 part hereof as if set forth in full.
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1 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
2 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
3 portion thereof in order to comply with this ordinance.

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

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

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

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1 Commission issues a final order determining the adopted amendment to be in compliance in
2 accordance with § 163.3187, F.S.

3 **PASSED AND ADOPTED** this _____ day of _____, 2009.

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PEGEEN HANRAHAN, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

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This ordinance passed this _____ day of _____, 2009.

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EXHIBITS "A & B"

(Due to bulk and size, Exhibits "A & B" are not attached, but are on file in the Department of Community Development.)