

Legislative #

110222

D R A F T

10/11/11

ORDINANCE NO. 110222

1
2
3
4 **An ordinance amending the City of Gainesville Comprehensive**
5 **Plan, Future Land Use Map; by changing the land use category**
6 **of certain property, as more specifically described in this**
7 **ordinance, from the City of Gainesville land use category of**
8 **“Public Facilities” to the City of Gainesville land use category of**
9 **“Mixed-Use Low-Intensity (8-30 units per acre)”;** located in the
10 **vicinity of 4322 Northwest 53rd Avenue; providing a severability**
11 **clause; providing a repealing clause; and providing an effective**
12 **date.**
13
14

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 category of certain properties from the City of
17 Gainesville land use category of “Public Facilities” to the City of Gainesville land use category of
18 “Mixed-Use Low-Intensity (8-30 units per acre)”;

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 May 26, 2011; and

21 **WHEREAS,** the amendment to the land use category of the City of Gainesville
22 Comprehensive Plan proposed herein directly relates to a small scale development activity as
23 provided in Chapter 163, Florida Statutes; and

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

D R A F T

10/11/11

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

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

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
10 amended by changing the land use category of the following described property from the City of
11 Gainesville land use category of “Public Facilities” to the City of Gainesville land use category of
12 “Mixed-Use Low-Intensity (8-30 units per acre)”:

13 See legal description attached hereto as Exhibit "A", and made a part
14 hereof as if set forth in full.

15
16 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
17 maps and other data in the City of Gainesville Comprehensive Plan, or element, or portion thereof
18 in order to comply with this ordinance.

19 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
20 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
21 finding shall not affect the other provisions or applications of the ordinance which can be given

D R A F T

10/11/11

1 effect without the invalid or unconstitutional provisions or application, and to this end the
2 provisions of this ordinance are declared severable.

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

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

11 **PASSED AND ADOPTED** this _____ day of _____, 2011.

12
13
14
15
16
17
18
19

CRAIG LOWE, MAYOR

20 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

21 _____
22 KURT LANNON,
23 CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

24 This ordinance passed this _____ day of _____, 2011.
25

LEGAL DESCRIPTION

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 15-T9S-R19E AND RUN S89°28'05"W ALONG THE SOUTH LINE OF SAID SECTION 49.93', THENCE RUN N00°27'25"W 70.0' TO A CONCRETE R/W MARKER AND THE POINT OF BEGINNING, THENCE CONTINUE N00°27'25"W 661.11' TO A CONCRETE MONUMENT ON THE WEST R/W LINE OF NW 43rd STREET, THENCE RUN S26°19'50"W ALONG A FENCE LINE 763.50' TO THE NORTH R/W OF COUNTY ROAD 232, THENCE RUN N89°28'05"E ALONG SAID R/W (PARALLEL TO AND 50' NORTH OF THE SOUTH LINE OF SECTION 15) A DISTANCE OF 324.10' TO A CONCRETE R/W MARKER, THENCE RUN N44°30'20"E ALONG SAID R/W 28.3' TO THE POINT OF BEGINNING. BEING AND LYING IN THE SE1/4 OF SECTION 15-T9S-R19E, ALACHUA COUNTY, FLORIDA.