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5/28/2009

ORDINANCE NO. _____
0-09-20

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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 “Mixed-Use Medium Intensity**
8 **(12-30 units per acre)” to “Commercial”; located in the vicinity**
9 **of 2501 North Main Street; providing a severability clause;**
10 **providing a repealing clause; and providing an immediate**
11 **effective date.**

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14 **WHEREAS**, by initiation of a petition by the property owner, publication of notice of a
15 public hearing was given that the Future Land Use Map be amended by changing the land use
16 category of certain property from “Mixed-Use Medium Intensity (12-30 units per acre)” to
17 “Commercial”; and

18 **WHEREAS**, notice was given and publication made as required by law and a public
19 hearing was held by the City Plan Board on January 22, 2009; and

20 **WHEREAS**, the amendment to the land use category of the City of Gainesville 2000-2010
21 Comprehensive Plan proposed herein directly relates to a small scale development activity as
22 provided in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public
23 notice and this proposed change to the State Land Planning Agency, the regional planning council,
24 and any other person or entity who has requested a copy for their comments subsequent to the
25 passage of this ordinance; 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 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 “Mixed-Use Medium Intensity (12-30 units per acre)” to “Commercial”:

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

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19 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
20 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
21 portion thereof in order to comply with this ordinance.

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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 plan
12 amendment shall not become effective until the state land planning agency issues a final order
13 determining the adopted amendment to be in compliance in accordance with § 163.3187, or until
14 the Administration Commission issues a final order determining the adopted amendment to be in
15 compliance in accordance with § 163.3187, F.S.

16 **PASSED AND ADOPTED** this day of .

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PEGEEN HANRAHAN, MAYOR

22 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

This ordinance passed this day of .

Marion Radson\Planning\PZ-08-125LUC.DOC

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A RAILROAD SPIKE IN THE CENTERLINE OF N.E. 23rd AVENUE MARKING THE SOUTHWEST CORNER OF SAID SECTION 28, THENCE RUN ALONG SAID CENTERLINE AND ALONG THE SOUTHERLY LINE OF SAID SECTION, SOUTH 89° 33' 16" EAST, A DISTANCE OF 911.25 FEET TO THE CENTERLINE INTERSECTION OF N.E. 23rd AVENUE AND N.E. 5th TERRACE; THENCE RUN ALONG THE CENTERLINE OF N.E. 5th TERRACE, NORTH 00° 04' 49" EAST, A DISTANCE OF 292.82 FEET; THENCE RUN NORTH 89°55'11" WEST, A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF N.E. 5th TERRACE AND THE POINT OF BEGINNING; THENCE RUN NORTH 89°33'16" WEST, A DISTANCE OF 252.50 FEET; THENCE RUN NORTH 00°04'49" EAST, A DISTANCE OF 66.54 FEET; THENCE RUN NORTH 89°33'30" WEST, A DISTANCE OF 113.33 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF NORTH MAIN STREET; THENCE RUN ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 25°48'03" EAST, A DISTANCE OF 336.64 FEET; THENCE RUN SOUTH 89°37'37" EAST, A DISTANCE OF 219.73 FEET TO THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF N.E. 5th TERRACE; THENCE RUN ALONG SAID RIGHT-OF-WAY, SOUTH 00°04'49" WEST, A DISTANCE OF 370.93 FEET TO THE POINT OF BEGINNING.