

Legislative #

140695A

**ORDINANCE NO. 140695**

**An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 97.8 acres of property that is generally located north of Morningside Nature Center, as more specifically described in this ordinance, from Alachua County Institutional (INST) to City of Gainesville Conservation (CON); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, notice was given as required by law that the Future Land Use Map of the City of Gainesville Comprehensive Plan be amended by changing the land use category of certain property from Alachua County Institutional (INST) to City of Gainesville Conservation (CON); and

**WHEREAS**, on January 22, 2015, a public hearing was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it voted to recommend that the City Commission adopt this ordinance; and

**WHEREAS**, an advertisement no less than two columns wide by ten (10) inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days' advance notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

**WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this proposed amendment to the reviewing agencies and any other local government unit or state agency that requested same; and

**WHEREAS**, a second advertisement no less than two columns wide by ten (10) inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days' advance notice of this ordinance's second public hearing (i.e., adoption hearing) to be held by the

1 City Commission; and

2       **WHEREAS**, public hearings were held pursuant to the notice described above at which  
3 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;  
4 and

5       **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered  
6 any written comments received concerning this amendment.

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 property from Alachua County  
11 Institutional (INST) to City of Gainesville Conservation (CON):

12       See legal description attached as Exhibit "A" and made a part hereof as if set forth  
13 in full. The location of the property is shown on Exhibit "B" for visual reference.  
14 In the event of conflict or inconsistency, Exhibit "A" shall prevail over Exhibit  
15 "B".

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17       **Section 2.** Within ten (10) working days of the transmittal (first) hearing, the City  
18 Manager or designee is authorized and directed to transmit this amendment and appropriate  
19 supporting data and analyses to the reviewing agencies and to any other local government or  
20 governmental agency that has filed a written request for same with the City. Within ten (10)  
21 working days of the adoption (second) hearing, the City Manager or designee is authorized and  
22 directed to transmit this amendment to the state land planning agency and any other agency or  
23 local government that provided comments to the City regarding the amendment.

1       **Section 3.** The City Manager or designee is authorized and directed to make the  
2 necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in  
3 order to comply with this ordinance.

4       **Section 4.** 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 this ordinance that can be given  
7 effect without the invalid or unconstitutional provision or application, and to this end the  
8 provisions of this ordinance are declared severable.

9       **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
10 such conflict hereby repealed.

11       **Section 6.** This ordinance shall become effective immediately upon adoption; however,  
12 the effective date of this amendment to the City of Gainesville Comprehensive Plan, if the  
13 amendment is not timely challenged, shall be 31 days after the state land planning agency notifies  
14 the City that the plan amendment package is complete in accordance with Section 163.3184,  
15 Florida Statutes. If timely challenged, this Comprehensive Plan amendment shall become  
16 effective on the date the state land planning agency or the Administration Commission enters a  
17 final order determining the amendment to be in compliance with Chapter 163, Florida Statutes.  
18 No development orders, development permits, or land uses dependent on this Comprehensive

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1 Plan amendment may be issued or commenced before this amendment has become effective.

2 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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\_\_\_\_\_  
EDWARD B. BRADDY  
MAYOR

8 Attest:

Approved as to form and legality:

9

10

11

12 \_\_\_\_\_  
KURT LANNON  
13 CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

14

15 This ordinance passed on (first) transmittal hearing this \_\_\_\_ day of \_\_\_\_\_, 2015.

16

17 This ordinance passed on (second) adoption hearing this \_\_\_\_ day of \_\_\_\_\_, 2015.

**LEGAL DESCRIPTION**

A PART OF SECTION 35, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 35, TOWNSHIP 9 SOUTH, RANGE 20 EAST; THENCE NORTH 01°00'58" WEST, ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 1323.61 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE SOUTH 89°04'03" WEST, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 35, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°04'03" WEST, ALONG SAID NORTH LINE OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 AND ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 35, A DISTANCE OF 3473.41 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE NORTH 01°02'15" WEST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 35 AND ITS NORTHERLY PROLONGATION THEREOF, A DISTANCE OF 1395.00 FEET; THENCE NORTH 89°04'03" EAST, A DISTANCE OF 2227.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 15°17'34" EAST, A DISTANCE OF 228.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 55°49'28" EAST, A DISTANCE OF 228.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 74°33' 40" EAST, A DISTANCE OF 442.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 51°58'42" EAST, A DISTANCE OF 261.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE NORTH 78°37'00" EAST, A DISTANCE OF 340.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 63°29'01" EAST, A DISTANCE OF 48.83 FEET TO A POINT 500 FEET WEST OF THE EAST BOUNDARY OF SAID SECTION 35; THENCE SOUTH 01°00'58" EAST, PARALLEL TO SAID EAST BOUNDARY OF SAID SECTION 35, A DISTANCE OF 793.49 FEET TO THE POINT OF BEGINNING.

### City of Gainesville Land Use Designations

- SF Single Family (up to 8 du/acre)
- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- E Education
- REC Recreation
- CON Conservation
- PF Public and Institutional Facilities

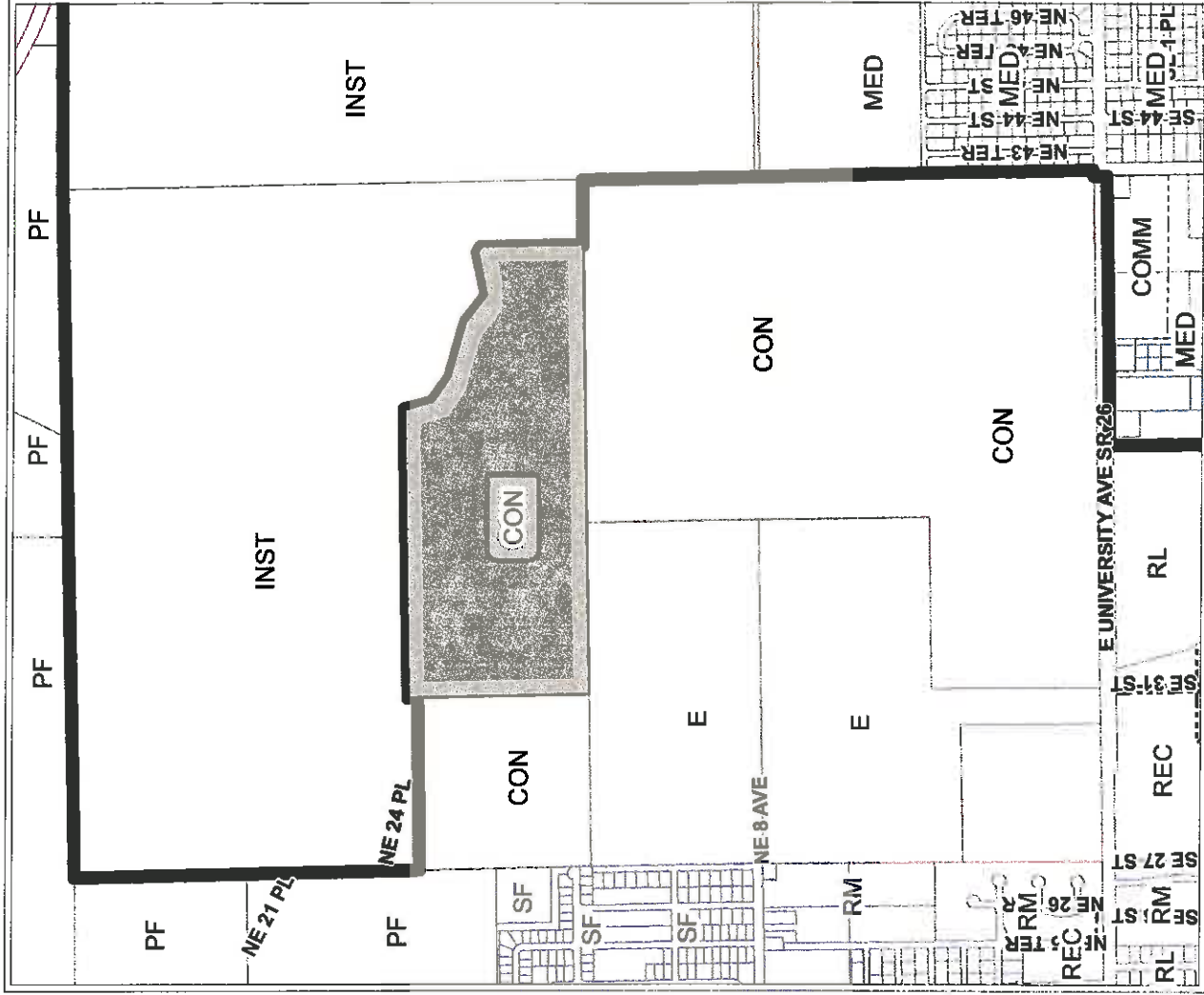
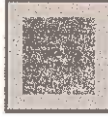
### Alachua County Land Use Designations

- INST Institutional
- MED Medium Density Residential
- COMM Commercial Enclaves

--- Division line between two land use categories

— City Limits

Area  
under petition  
consideration



### PROPOSED LAND USE

Name	Petition Request	Petition Number
City Plan Board, applicant	Amend the City of Gainesville Future Land Use Map from Alachua County Institutional to City of Gainesville Conservation (CON)	PB-14-162 LUC



No Scale

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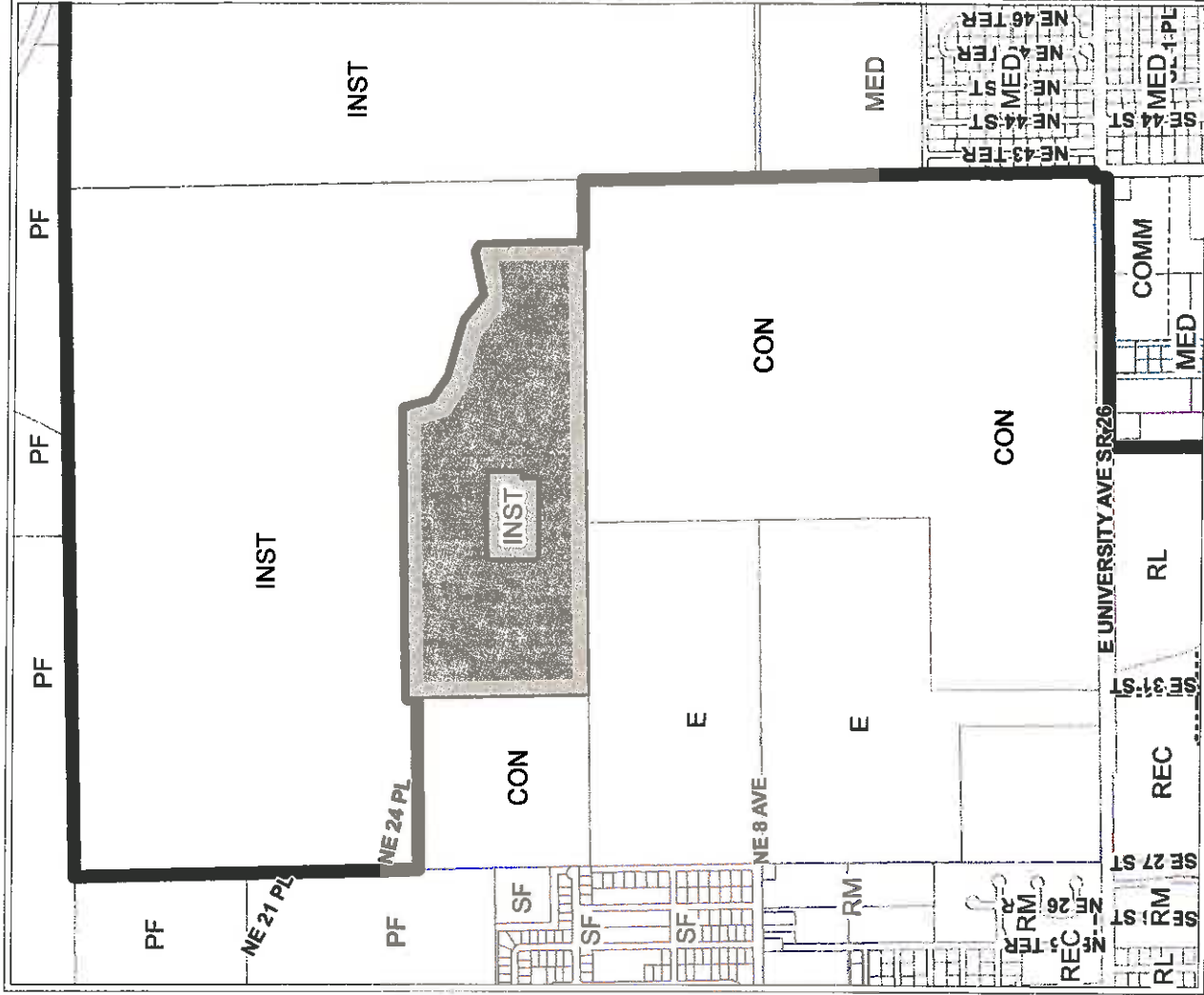
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Area under petition consideration



### EXISTING LAND USE

Name	Petition Request	Petition Number
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No Scale