

LEGISLATIVE #

130791A

ORDINANCE NO. 130791

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 31.7 acres of property generally located on the north side of the 2800 block of SE Hawthorne Road, as more specifically described in this ordinance, from Alachua County Commercial (COMM) 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 the property that is the subject of this ordinance from Alachua County Commercial (COMM) to City of Gainesville Conservation (CON); and

WHEREAS, on February 27, 2014, a public hearing was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, and makes recommendations to the City Commission of the City of Gainesville; 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 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 to be held by the City Commission; and

WHEREAS, public hearings were held pursuant to the notices described above at which

1 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;
2 and

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

5 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
6 **CITY OF GAINESVILLE, FLORIDA:**

7 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
8 amended by changing the land use category of the following property from Alachua County
9 Commercial (COMM) to City of Gainesville Conservation (CON):

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

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

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

25 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
26 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding shall not affect the other provisions or applications of this ordinance that can be given
2 effect without the invalid or unconstitutional provision or application, and to this end the
3 provisions of this ordinance are declared severable.

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

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

15 **PASSED AND ADOPTED** this _____ day of _____, 2014.

16
17
18
19
20

EDWARD B. BRADDY
MAYOR

21 Attest:

Approved as to form and legality:

22
23

24 _____
25 KURT LANNON
26 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

27

28 This ordinance passed on (first) transmittal hearing this ____ day of _____, 2014.

29

30 This ordinance passed on (second) adoption hearing this ____ day of _____,
31 2014.

LEGAL DESCRIPTION

A TRACT OF LAND ALL LYING AND BEING IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST BEING A POINT ON THE EXISTING CITY OF GAINESVILLE CITY LIMIT LINE AS PER ORDINANCE #3865 AND THE POINT OF THE BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION AND CITY LIMIT LINE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 20 ALSO KNOW AS HAWTHORNE ROAD; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1509, PAGE 368 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREINAFTER ABBREVIATED AS ORB, ___ PAGE ___ ACR); THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE NORTH ALONG THE EAST LINE OF SAID LANDS TO THE NORTHEAST CORNER OF SAID LANDS; THENCE WEST ALONG THE NORTH LINE OF SAID LANDS TO THE WESTMOST CORNER OF SAID LANDS ALSO BEING A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 20; THENCE NORTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 20 TO THE WEST LINE OF SECTION 11, THENCE NORTH ALONG THE WEST LINE OF SAID SECTION AND CITY LIMIT LINE TO THE NORTHWEST CORNER OF SAID SECTION AND THE POINT OF BEGINNING.

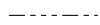
City of Gainesville Land Use Designations

| | |
|-----|---|
| SF | Single Family (up to 8 du/acre) |
| RM | Residential Medium Density (8-30 du/acre) |
| MUL | Mixed Use Low Intensity (8-30 du/acre) |
| C | Commercial |
| PF | Public and Institutional Facilities |
| CON | Conservation |

Alachua County Land Use Designations

| | |
|------------|---|
| R-MED | Medium Density Residential, 4-8 du/acre |
| R-MED/HIGH | Medium High Density Residential, 8-14 du/acre |
| COMM | Commercial |
| IND-HEAVY | Heavy Industrial |

Exhibit "B" to Ordinance No. 130791

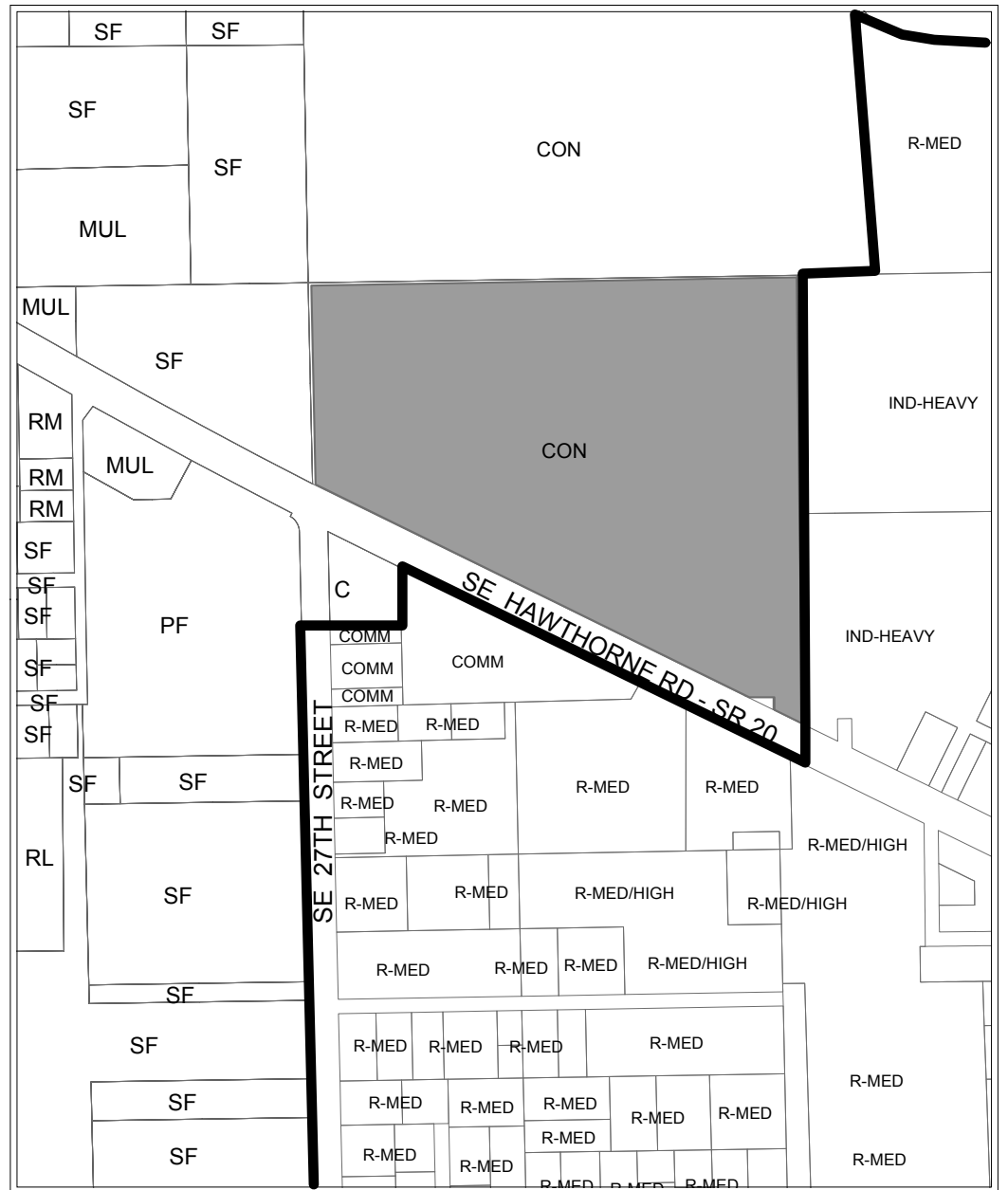


Division line between two land use categories



City Limits

*Area
under petition
consideration*



PROPOSED LAND USE

Name

Petition Request

Petition Number

City Plan Board, applicant

Amend City of Gainesville Future Land Use Map from
Alachua County Commercial to City of Gainesville
Conservation (CON)

PB-14-11 LUC



No Scale