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8/30/2006

ORDINANCE NO. _____
0-06-81

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An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain properties, as more specifically described in this ordinance from “Residential High Density (8-100 units per acre)”; to **“Urban Mixed-Use 2 (UMU-2: up to 100 units per acre)”;** consisting of approximately five acres, located in the vicinity of the University Heights neighborhood, generally bounded on the north by Southwest 3rd Avenue, on the west by Southwest 13th Street, on the east by SW 12th Terrace and on the south by Southwest 5th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, publication of notice of a public hearing that the Future Land Use Map be amended by changing the land use categories of certain lands within the City from the land use category of “Residential High Density (8-100 units per acre)” to “Urban Mixed-Use 2 (UMU-2: up to 100 units per acre)”;

WHEREAS, notice by the Plan Board was given and publication made as required by law and a public hearing was held by the City Plan Board on July 20, 2006; and

WHEREAS, the amendment to the land use category of the City of Gainesville 2000-2010 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public notice and this proposed change to the State Land Planning Agency, the regional planning council, and any other person or entity who has requested a copy for their comments subsequent to the 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 thirty 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 properties from the
15 land use category of “Residential High Density (8-100 units per acre)” to “Urban Mixed-Use 2
16 (UMU-2: up to 100 units per acre)”;

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

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

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1 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
2 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
3 the validity of the remaining portions of this ordinance.

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

6 **Section 5.** This ordinance shall become effective immediately upon passage; however, the
7 effective date of this plan amendment shall be the date a final order is issued by the Department of
8 Community Affairs finding the amendment to be in compliance in accordance with Chapter
9 163.3184, F.S.; or the date a final order is issued by the Administration Commission
10 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

11 **PASSED AND ADOPTED** this ____ day of _____, 2006.

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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

This ordinance passed this ____ day of _____, 2006.

MJR/afm

LEGAL DESCRIPTION FOR PETITION # 91LUC-06 PB

Lots 1-19 of Block 4, AND: Lots 1-19 of Block 9 of University Heights, according to the map or plat thereof, all as recorded in Mortgage Book 104 Page 10, of the Public Records of Alachua County, Florida.

EXHIBIT "A"