

LEGISLATIVE #

130282A

ORDINANCE NO. 130282

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3 **An ordinance amending the Future Land Use Map of the City of Gainesville**
4 **Comprehensive Plan by removing the Planned Use District (PUD) overlay**
5 **from approximately 1.7 acres of property generally located at 2201 and 2219**
6 **NE 2nd Street, as more specifically described in this ordinance; providing**
7 **directions to the City Manager; providing a severability clause; providing a**
8 **repealing clause; and providing an effective date.**
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10 **WHEREAS**, notice was given as required by law that the Future Land Use Map of the
11 City of Gainesville Comprehensive Plan be amended by removing the overlay land use category
12 of Planned Use District (PUD) from certain property; and

13 **WHEREAS**, the amendment to the Future Land Use Map of the City of Gainesville
14 Comprehensive Plan proposed herein involves a use of 10 acres or fewer and qualifies as a small-
15 scale development amendment as provided in Section 163.3187, Florida Statutes; and

16 **WHEREAS**, notice was given as required by law and a public hearing was held by the
17 City Plan Board on August 22, 2013; and

18 **WHEREAS**, at least thirty (30) days' notice has been given by mail to each real property
19 owner whose land will be redesignated by enactment of this ordinance and whose address is
20 known by reference to the latest ad valorem tax records, notifying such property owners of this
21 proposed ordinance and of a public hearing in the City Hall Auditorium located on the first floor
22 of City Hall in the City of Gainesville; and

23 **WHEREAS**, at least five (5) days' notice has been given once by publication in a
24 newspaper of general circulation notifying the public of this proposed ordinance and of a public
25 hearing in the City Hall Auditorium located on the first floor of City Hall in the City of
26 Gainesville; and

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

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
6 amended by removing the overlay land use category of Planned Use District (PUD) from the
7 following property:

8 See legal description attached hereto as Exhibit "A" and made a
9 part hereof as if set forth in full. The location of the property is
10 shown on Exhibit "B" for visual reference. In the event of conflict
11 or inconsistency, Exhibit "A" shall prevail over Exhibit "B".
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13 **Section 2.** The existing underlying land use category Office (O), as depicted on
14 Exhibit "B", on the property is neither abandoned nor repealed by this ordinance. Upon this plan
15 amendment becoming effective, the land use category for the property shall be Office (O).

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

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

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

1 **Section 6.** This ordinance shall become effective immediately upon adoption; however, the
 2 effective date of this plan amendment if not timely challenged shall be 31 days after adoption. If
 3 timely challenged, this plan amendment shall become effective on the date the state land
 4 planning agency or the Administration Commission enters a final order determining this adopted
 5 amendment to the City of Gainesville Comprehensive Plan to be in compliance with Chapter
 6 163, Florida Statutes. No development orders, development permits, or land uses dependent on
 7 this amendment may be issued or commenced before this plan amendment has become effective.

8 **PASSED AND ADOPTED** this _____ day of _____, 2013.

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 EDWARD B. BRADDY
 MAYOR

Attest: Approved as to form and legality:

 KURT LANNON
 CLERK OF THE COMMISSION

 NICOLLE M. SHALLEY
 CITY ATTORNEY

This ordinance passed this _____ day of _____, 2013.

LEGAL DESCRIPTION

OFFICIAL RECORDS BOOK 1841, PAGE 1393

LOT 7 OF McCOY'S COMMERCIAL PARK, A SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "H", PAGE 9 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA

AND

OFFICIAL RECORDS BOOK 1560, PAGE 2924

A TRACT OF LAND SITUATED IN LOT SIX (6), OF McCOY'S COMMERCIAL PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK "H", PAGE 9, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS: BEGIN AT THE NORTHWEST CORNER OF LOT SIX (6) OF SAID McCOY'S COMMERCIAL PARK, AND RUN SOUTH 89 DEGREES, 45 MINUTES, 28 SECONDS EAST, 193.00 FEET TO THE NORTHEAST CORNER OF SAID LOT SIX (6); THENCE RUN SOUTH .00 DEGREES, 04 MINUTES, 09 SECONDS EAST ALONG THE EAST LINE OF SAID LOT SIX (6), 165.00 FEET; THENCE RUN NORTH 77 DEGREES, 30 MINUTES, 45 SECONDS WEST, 231.24 FEET TO THE EAST RIGHT OF WAY LINE OF NORTHEAST 2ND STREET; THENCE RUN NORTHERLY ALONG SAID RIGHT OF WAY LINE WITH A CURVE CONCAVE WESTERLY, SAID CURVE HAVING A CENTRAL ANGLE OF 08 DEGREES, 38 MINUTES, 09 SECONDS, A RADIUS OF 798.94 FEET, A LENGTH OF 120.42 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 15 DEGREES, 42 MINUTES, 36 SECONDS EAST, 120.31 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)
- MUM Mixed Use Medium Intensity (12-30 du/acre)
- O Office
- C Commercial
- PF Public Facilities and Operations
- PUD Planned Use District


Exhibit "B" to Ordinance No. 130282

----- Division line between two land use categories

Area under petition consideration



PROPOSED LAND USE

	Name	Petition Request	Map(s)	Petition Number
 No Scale	City Plan Board, applicant	Amend the Gainesville Future Land Use Map by removing the Planned Use District (PUD) overlay and leaving the underlying land use category of Office (O).	3752	PB-13-75 LUC