

ORDINANCE NO. 050488
0-06-06

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from “Industrial” to “Commercial”; located in the vicinity of 309 Northeast 39th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, by initiation of a petition by the property owner, publication of notice of a public hearing was given that the Future Land Use Map be amended by changing the land use category of certain properties from “Industrial” to “Commercial”; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on October 20, 2005; 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

WHEREAS, at least ten (10) days notice has been given of a public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of Gainesville; and

1 **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose
2 property will be regulated by the adoption of this Ordinance, at least ten days prior to the date set
3 for a public hearing on this ordinance; and

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

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** The Future Land Use Maps of the City of Gainesville 2000-2010
10 Comprehensive Plan are amended by changing the land use category of the following described
11 property from “Industrial” to “Commercial”:

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

14
15 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
16 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
17 portion thereof in order to comply with this ordinance.

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

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

1 **Section 5.** This ordinance shall become effective immediately upon passage; however, the
2 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty
3 one (31) days after passage and adoption of this Ordinance unless a petition is filed with the
4 Division of Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this Ordinance
5 shall not become effective until the state land planning agency issues a final order determining the
6 adopted amendment to be in compliance in accordance with § 163.3187, or until the Administration
7 Commission issues a final order determining the adopted amendment to be in compliance in

1 accordance with § 163.3187, F.S.

2 **PASSED AND ADOPTED** this 23rd day of January, 2006.

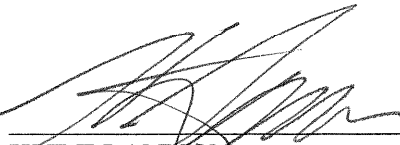
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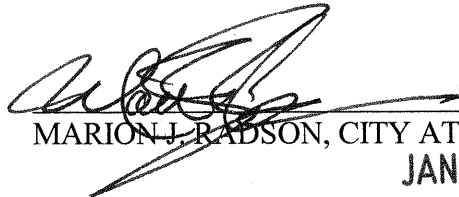
PEGEEN HANRAHAN, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



KURT LANNON,
CLERK OF THE COMMISSION



MARION J. RADSON, CITY ATTORNEY
JAN 24 2005

This ordinance passed this 23rd day of January, 2006.

Legal Description

Parcel # 08210-002-001

Gainesville Industrial Park Plat Book F – 34 North 200.91 feet of Lot 2. Official Records Book 1067 page 797 LESS Right-of-Way Official Records book 1581 page 2164.

EXHIBIT "A"