

ORDINANCE NO. 120933

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 2.8 acres of property generally located at 1303 NE 23rd Avenue, as more specifically described in this ordinance, from Recreation (REC) to Education (E); 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 Recreation (REC) to Education (E); and

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

WHEREAS, notice was given as required by law and a public hearing was held by the City Plan Board on February 28, 2013; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

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

1 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
2 amended by changing the land use category of the following property from Recreation (REC) to
3 Education (E):

4 See legal description attached hereto as Exhibit "A" and made a part
5 hereof as if set forth in full. The location of the property is shown on
6 Exhibit "B" for visual reference. In the event of conflict or
7 inconsistency, Exhibit "A" shall prevail over Exhibit "B."
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9 **Section 2.** The City Manager or designee is authorized and directed to make the necessary
10 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to comply
11 with this ordinance.

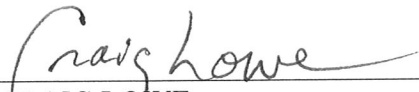
12 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
13 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
14 finding shall not affect the other provisions or applications of this ordinance that can be given
15 effect without the invalid or unconstitutional provision or application, and to this end the
16 provisions of this ordinance are declared severable.

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

19 **Section 5.** This ordinance shall become effective immediately upon adoption; however, the
20 effective date of this plan amendment if not timely challenged shall be 31 days after adoption. If
21 timely challenged, this plan amendment shall become effective on the date the state land
22 planning agency or the Administration Commission enters a final order determining this adopted
23 amendment to the City of Gainesville Comprehensive Plan to be in compliance with Chapter
24 163, Florida Statutes. No development orders, development permits, or land uses dependent on
25 this amendment may be issued or commenced before this plan amendment has become effective.

1 PASSED AND ADOPTED this 16th day of May, 2013.

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CRAIG LOWE
MAYOR

8 Attest:

Approved as to form and legality:

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KURT LANNON
CLERK OF THE COMMISSION


NICOLLE M. SHALLEY
CITY ATTORNEY

17 This ordinance passed this 16th day of May, 2013.

Legal Description

LOTS 8, 9, 10, 11, 12, 13, 14, 31 AND THE NORTH 70.53 FEET OF LOTS 29 AND 30 AND INCLUDED STREETS WITHIN, OF THIRD ADDITION TO CAROL ESTATES, A SUBDIVISION AS PER A PLAT THEREOF RECORDED IN PLAT BOOK 'E', PAGE 99 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

Exhibit "A" to Ordinance No. 120933

City of Gainesville Land Use Designations

SF Single Family (up to 8 du/acre)
E Education

Exhibit "B" to Ordinance No. 120933



Area under petition consideration

----- Division line between two land use districts

PROPOSED LAND USE

Name	Petition Request	Map(s)	Petition Number
<p>Eng. Denman & Associates, agent for ABC Appletree Inc</p>	<p>Amend the Future Land Use map from Recreation (REC) to Education (E)</p>	<p>3753</p>	<p>PB-13-007 LUC</p>

