

**LEGISLATIVE #**

**120806A**

**ORDINANCE NO. 120806**

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**An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 0.62 acres of property generally located at 717 and 721 SW 5<sup>th</sup> Avenue, as more specifically described in this ordinance, from Residential High-Density (RH) to Urban Mixed-Use 2 (UMU-2) as to two parcels and from undesignated land use to Urban Mixed-Use 2 (UMU-2) as to a parcel of vacated right-of-way; 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 to Urban Mixed-Use 2 (UMU-2); and

**WHEREAS**, the amendment to the land use category of the City of Gainesville Comprehensive Plan proposed herein directly relates to a small scale development activity as provided in Chapter 163, Florida Statutes; and

**WHEREAS**, notice was given as required by law and a public hearing was held by the City Plan Board on January 24, 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, First Floor, 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 Residential High-  
3 Density (RH) to Urban Mixed-Use 2 (UMU-2):

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 "C" for visual reference. In the event of conflict or  
7 inconsistency, Exhibit "A" shall prevail over Exhibit "C."  
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9           **Section 2.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is  
10 amended by changing the following property from undesignated right-of-way to Urban Mixed-Use  
11 2 (UMU-2):

12                   See legal description attached hereto as Exhibit "B" and made a part  
13 hereof as if set forth in full. The location of the property is shown on  
14 Exhibit "C" for visual reference. In the event of conflict or  
15 inconsistency, Exhibit "B" shall prevail over Exhibit "C."  
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17           **Section 3.** The City Manager is authorized and directed to make the necessary changes to  
18 maps and other data in the City of Gainesville Comprehensive Plan in order to comply with this  
19 ordinance.

20           **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
21 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
22 finding shall not affect the other provisions or applications of this ordinance that can be given  
23 effect without the invalid or unconstitutional provision or application, and to this end the  
24 provisions of this ordinance are declared severable.

25           **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
26 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 the amendment is not timely challenged, shall be 31 days  
 3 after adoption. If timely challenged, this amendment shall become effective on the date the state  
 4 land planning agency or the Administration Commission enters a final order determining this  
 5 adopted amendment to be in compliance with Chapter 163 F.S. No development orders,  
 6 development permits, or land uses dependent on this amendment may be issued or commenced  
 7 before this plan amendment has become effective.

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9           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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\_\_\_\_\_  
 CRAIG LOWE  
 MAYOR

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16 Attest:

Approved as to Form and Legality:

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\_\_\_\_\_  
 KURT LANNON  
 CLERK OF THE COMMISSION

\_\_\_\_\_  
 NICOLLE M. SHALLEY  
 CITY ATTORNEY

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25 This ordinance passed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

## Legal Description

Commence 50 feet West of the Northeast corner of Lot 106 of O. A. PORTER'S ADDITION, run thence West 47 1/2 feet; thence South 100 feet; thence East 47 1/2 feet; thence North 100 feet to the Point of Beginning. Same lying and being in Lot 106 of O. A. PORTER'S ADDITION TO GAINESVILLE as per Plat Book "A", page 43, also per Plat Book "A", page 54, of the Public Records of Alachua County, Florida.

TOGETHER WITH: Begin at the Southwest corner of the intersection of SW 5th Avenue and SW 7th Terrace in Gainesville, Florida (being the Northeast corner of Lot 106 of O. A. PORTER'S ADDITION TO GAINESVILLE, FLORIDA, as recorded in Plat Book "A", page 54 of the Public Records of Alachua County, Florida), and run West along the South right of way line of said SW 5th Avenue (being the North line of said Lot 106), a distance of 50.00 feet; thence run South, parallel to the East line of said Lot 106, a distance of 150.00 feet; thence run West parallel with said South right of way line of SW 5th Avenue a distance of 95.00 feet to the West line of said Lot 106, thence run South, along said West line, a distance of 78.00 feet to the Southwest corner of said Lot 106; thence run East along the South line of said Lot 106, a distance of 145.00 feet to the Southeast corner of said Lot 106, thence run North, along the West right of way line of SW 7th Terrace (being the aforementioned East line of Lot 106) a distance of 228.00 feet to the Point of Beginning.

Legal Description

The westerly half of the adjacent vacated right of way of SW 7<sup>th</sup> Terrance per Ordinance No. 030622, recorded April 1, 2004, in O.R. Book 2883, page 851, of the Public Records of Alachua County, Florida.

Exhibit "B" to Ordinance No. 120806

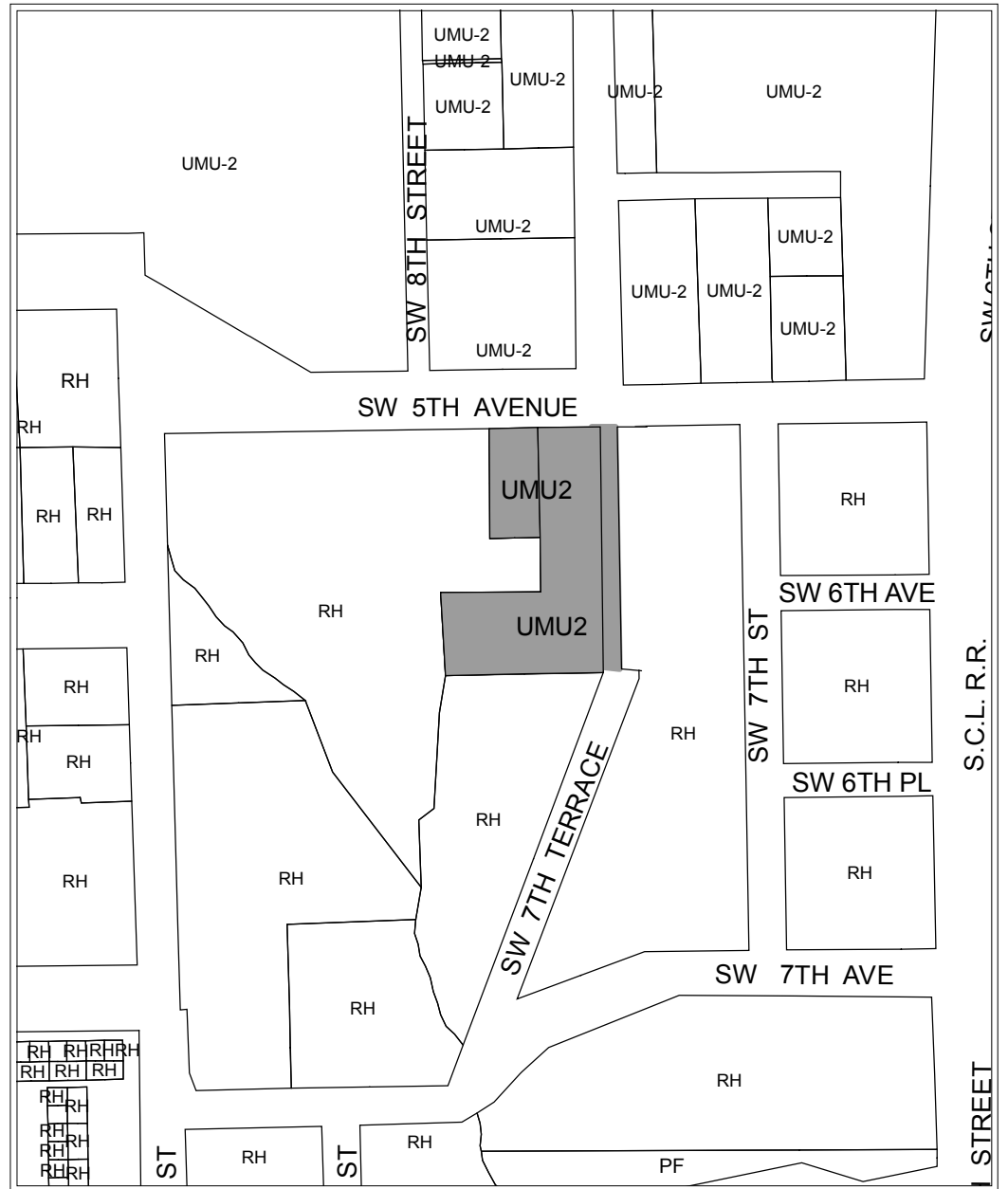
# City of Gainesville Land Use Designations

- RH Residential High Density (8-100 du/acre)
- UMU2 Urban Mixed Use 2 (UMU-2: 10 to 100 du/acre; & up to 25 additional du/acre by special use permit)
- PF Public Facilities and Operations

Exhibit "C" to Ordinance No. 120806

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

Area under petition consideration



## PROPOSED LAND USE

 No Scale	Name	Petition Request	Map(s)	Petition Number
	Causseaux, Hewett & Walpole, Inc agent for Heritage Investment Group of Gainesville, LLC	Amend the FLUM from Residential high density (RH) to Urban mixed use 2 (UMU-2)	4050	PB-12-165 LUC