

**LEGISLATIVE #**

**120796A**

## ORDINANCE NO. 120796

1  
2  
3 **An ordinance amending the Future Land Use Map of the City of Gainesville**  
4 **Comprehensive Plan by changing the land use category of approximately 0.24**  
5 **acres of property generally located in the 3600 block of SW 40<sup>th</sup> Boulevard, as**  
6 **more specifically described in this ordinance, from Alachua County**  
7 **Commercial to the City of Gainesville land use category of Business Industrial**  
8 **(BI); providing directions to the City Manager; providing a severability clause;**  
9 **providing a repealing clause; and providing an effective date.**  
10

11 **WHEREAS**, notice was given as required by law that the Future Land Use Map of the City  
12 of Gainesville Comprehensive Plan be amended by changing the land use category of certain  
13 property from Alachua County Commercial to the City of Gainesville land use category of Business  
14 Industrial (BI); and

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

18 **WHEREAS**, notice was given as required by law and a public hearing was held by the City  
19 Plan Board on January 24, 2013; and

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

25 **WHEREAS**, at least five (5) days' notice has been given once by publication in a  
26 newspaper of general circulation notifying the public of this proposed ordinance and of a public  
27 hearing in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville;  
28 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 changing the land use category of the following property from Alachua County  
7 Commercial to the City of Gainesville land use category of Business Industrial (BI):

8               See legal description attached hereto as Exhibit "A" and made a part  
9               hereof as if set forth in full. The location of the property is shown on  
10              Exhibit "B" for visual reference. In the event of conflict or  
11              inconsistency, Exhibit "A" shall prevail over Exhibit "B."  
12

13       **Section 2.** The City Manager or designee is authorized and directed to make the necessary  
14 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to comply  
15 with this ordinance.

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

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

23       **Section 5.** This ordinance shall become effective immediately upon adoption; however, the  
24 effective date of this plan amendment if not timely challenged shall be 31 days after adoption. If  
25 timely challenged, this plan amendment shall become effective on the date the state land

1 planning agency or the Administration Commission enters a final order determining this adopted  
 2 amendment to the City of Gainesville Comprehensive Plan to be in compliance with Chapter  
 3 163, Florida Statutes. No development orders, development permits, or land uses dependent on  
 4 this amendment may be issued or commenced before this plan amendment has become effective.

5

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

7

8

9

\_\_\_\_\_  
 EDWARD B. BRADY  
 MAYOR

10

11

12

13 Attest:

Approved as to form and legality:

14

15

16

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

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

19

20

21

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

LEGAL DESCRIPTION

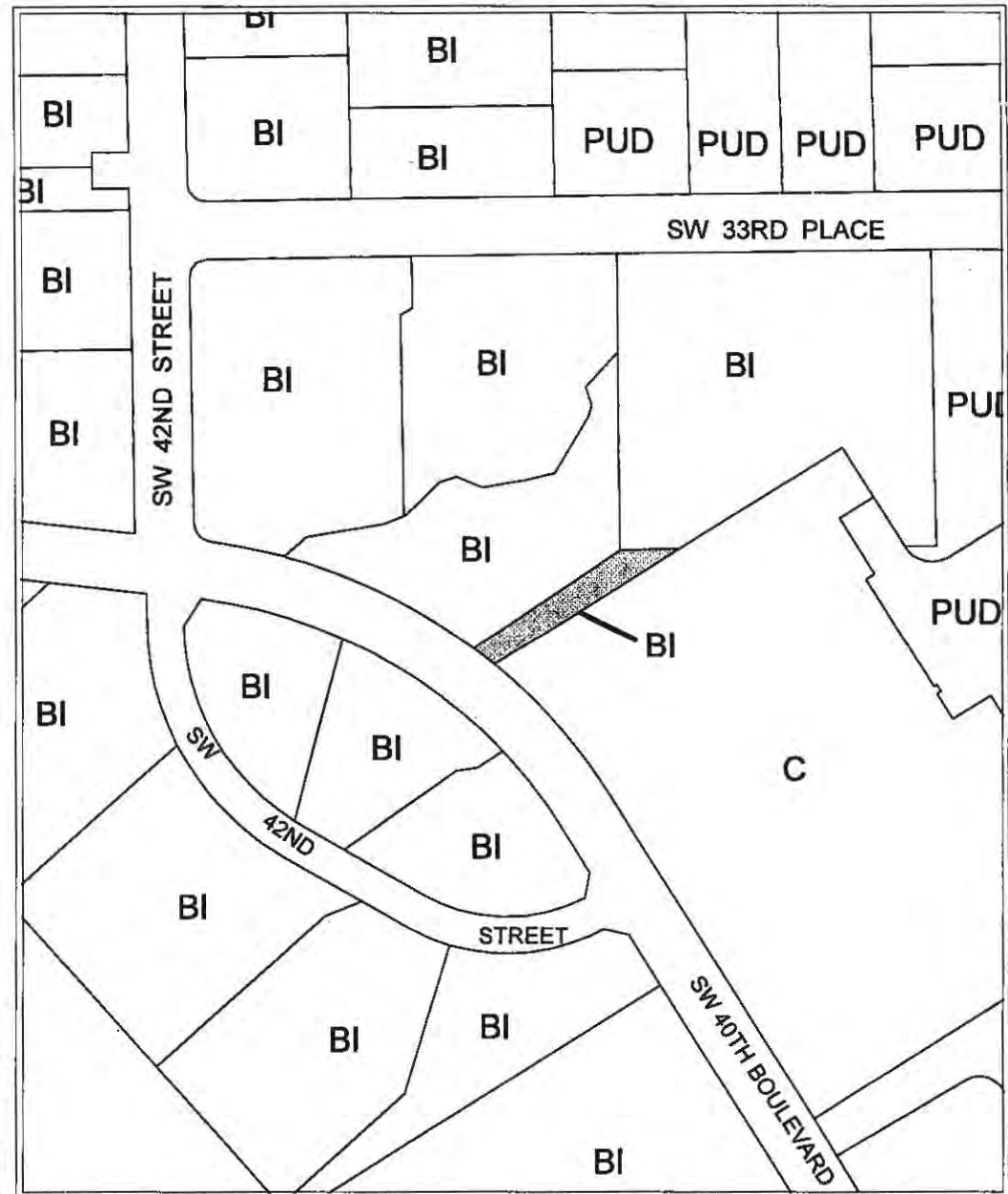
A Parcel of Land situated in Section 14, Township 10 South, Range 19 East, Alachua County, Florida being more particularly described as follows:

For a point of reference commence at the Northwest corner of the Southwest quarter (1/4) of said Section 14, and run North 89 deg. 11 min. 20 sec. East along the North line of the Southwest quarter (1/4) of said Section 14. A distance of 1416.44 feet; thence run South 00 deg. 25 min. 02 sec. East, a distance of 445.92 feet to the point of beginning; thence run north 89 deg. 11 min. 20 sec. East, A distance of 83.00 feet; thence run South 57 deg. 58 min. 54 sec. West, a distance of 299.48 feet to a point on the Northeasterly right-of-way line of Southwest 40<sup>th</sup> Boulevard, said point lying on a curve concave Southwesterly and having a radius of 756.20 feet; thence run Northwesterly along said Northeasterly right-of-way line and along the arc of said curve through a central angle of 02 deg. 52 min. 58 sec., an arc length of 38.05 feet and a chord bearing and distance of North 51 deg. 34 min. 51 sec. West, 38.04 feet; thence departing from said Northeasterly right-of-way line run North 56 deg. 16 min. 54 sec. East, a distance of 241.33 feet to the point of beginning.

# City of Gainesville Land Use Designations


C Commercial  
 BI Business Industrial  
 PUD Planned Use District

Exhibit "B" to Ordinance No. 120796



Area  
under petition  
consideration

## PROPOSED LAND USE

 No Scale	Name	Petition Request	Map(s)	Petition Number
	City Plan Board, applicant	Amend FLUM from Alachua County Commercial to City of Gainesville Business Industrial (BI)	4444	PB-12-167 LUC