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ORDINANCE NO. 100681

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of "Residential Medium-Density (8-30 units per acre)" to "Mixed-Use Low-Intensity (8-30 units per acre)"; located in the vicinity of 1308 E. University Avenue and 13 Northeast 13th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, 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 property from the land use category of "Residential Medium-Density (8-30 units per acre)" to "Mixed-Use Low-Intensity (8-30 units per acre)"; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on January 27, 2011; 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; and

WHEREAS, the City of Gainesville will transmit copies of the public notice and this proposed ordinance to the State Land Planning Agency, the regional planning council, and any other person or entity who has requested a copy; 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

1 a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of Gainesville;
2 and

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

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

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

10 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
11 Plan is amended by changing the land use category of the following described property from the land
12 use category of “Residential Medium-Density (8-30 units per acre)” to “Mixed-Use Low-Intensity (8-
13 30 units per acre)”:

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

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

20 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
21 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 the ordinance which can be given

1 effect without the invalid or unconstitutional provisions or application, and to this end the
2 provisions of this ordinance are declared severable.

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

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


12 **PASSED AND ADOPTED** this 17th day of March, 2011.

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17 _____
18 CRAIG LOWE, MAYOR

18 ATTEST:

18 APPROVED AS TO FORM AND LEGALITY:

19
20
21 
22 _____
23 KURT LANNON,
24 CLERK OF THE COMMISSION

19
20
21 
22 _____
23 MARION J. RADSON, CITY ATTORNEY

25 This ordinance passed this 17th day of March, 2011.

MAR 17 2011

LOTS 5, 6, & 7 OF BLOCK 20 AND ALL OF THE ALLEY SOUTH OF LOT 6, BLOCK 20 AND THE NORTH HALF OF THE ALLEY LYING SOUTH OF LOTS 5 & 7, OF BLOCK 20 OF NEW GAINESVILLE, A SUBDIVISION AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK "A" PAGE 65 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

EXHIBIT "A"