

LEGISLATIVE #

130793A

ORDINANCE NO. 130793

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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**
5 **40.2 acres of property generally located northwest of Morningside Nature**
6 **Center in the 2800 block of NE 11th Place, as more specifically described in**
7 **this ordinance, from Alachua County Low Density Residential to City of**
8 **Gainesville Conservation (CON); providing directions to the City Manager;**
9 **providing a severability clause; providing a repealing clause; and providing**
10 **an effective date.**

11
12 **WHEREAS**, notice was given as required by law that the Future Land Use Map of the
13 City of Gainesville Comprehensive Plan be amended by changing the land use category of the
14 property that is the subject of this ordinance from Alachua County Low Density Residential to
15 City of Gainesville Conservation (CON); and

16 **WHEREAS**, on February 27, 2014, a public hearing was held by the City Plan Board,
17 which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, and
18 makes recommendations to the City Commission of the City of Gainesville; and

19 **WHEREAS**, an advertisement no less than two columns wide by ten (10) inches long
20 was placed in a newspaper of general circulation and provided the public with at least seven (7)
21 days' advance notice of this ordinance's first public hearing to be held by the City Commission
22 in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

23 **WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of
24 this proposed amendment to the reviewing agencies and any other local government unit or state
25 agency that requested same; and

26 **WHEREAS**, a second advertisement no less than two columns wide by ten (10) inches
27 long was placed in the aforesaid newspaper and provided the public with at least five (5) days'
28 advance notice of this ordinance's second public hearing to be held by the City Commission; and

29 **WHEREAS**, public hearings were held pursuant to the notices described above at which

1 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;
2 and

3 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered any
4 written comments received concerning this amendment.

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

7 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
8 amended by changing the land use category of the following property from Alachua County Low
9 Density Residential to City of Gainesville Conservation (CON):

10 See legal description attached hereto as Exhibit "A" and made a part
11 hereof as if set forth in full. The location of the property is shown on
12 Exhibit "B" for visual reference. In the event of conflict or inconsistency,
13 Exhibit "A" shall prevail over Exhibit "B".
14

15 **Section 2.** Within ten (10) working days of the transmittal (first) hearing, the City
16 Manager or designee is authorized and directed to transmit this amendment and appropriate
17 supporting data and analyses to the reviewing agencies and to any other local government or
18 governmental agency that has filed a written request for same with the City. Within ten (10)
19 working days of the adoption (second) hearing, the City Manager or designee is authorized and
20 directed to transmit this amendment to the state land planning agency and any other agency or
21 local government that provided comments to the City regarding the amendment.

22 **Section 3.** The City Manager or designee is authorized and directed to make the
23 necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in
24 order to comply with this ordinance.

25 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
26 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding shall not affect the other provisions or applications of this ordinance that can be given
2 effect without the invalid or unconstitutional provision or application, and to this end the
3 provisions of this ordinance are declared severable.

4 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
5 such conflict hereby repealed.

6 **Section 6.** This ordinance shall become effective immediately upon adoption; however, the
7 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the amendment is
8 not timely challenged, shall be 31 days after the state land planning agency notifies the City that the
9 amendment package is complete in accordance with Section 163.3184, Florida Statutes. If timely
10 challenged, this amendment shall become effective on the date the state land planning agency or the
11 Administration Commission enters a final order determining this adopted amendment to be in
12 compliance with Chapter 163, Florida Statutes. No development orders, development permits, or
13 land uses dependent on this amendment may be issued or commenced before this amendment has
14 become effective.

15 **PASSED AND ADOPTED** this _____ day of _____, 2014.

16
17
18
19
20

EDWARD B. BRADDY
MAYOR

21 Attest:

Approved as to form and legality:

22
23

24 _____
25 KURT LANNON
26 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

27

28 This ordinance passed on (first) transmittal hearing this ____ day of _____, 2014.

29

30 This ordinance passed on (second) adoption hearing this ____ day of _____,
31 2014.

LEGAL DESCRIPTION

LOTS THIRTY-NINE (39), FORTY (40), FORTY-ONE (41) AND FORTY-TWO (42) OF THE GAINESVILLE DEVELOPMENT COMPANY SUBDIVISION AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 105 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LYING IN AND BEING IN SECTION THIRTY-FIVE (35), TOWNSHIP NINE (9) SOUTH, RANGE TWENTY (20) EAST.

City of Gainesville Land Use Designations

SF Single Family (up to 8 du/acre)
 E Education
 PF Public and Institutional Facilities
 CON Conservation
 RM Residential Medium Density (8-30 du/acre)

Alachua County Land Use Designations

INST Institutional

Exhibit "B" to Ordinance No. 130793

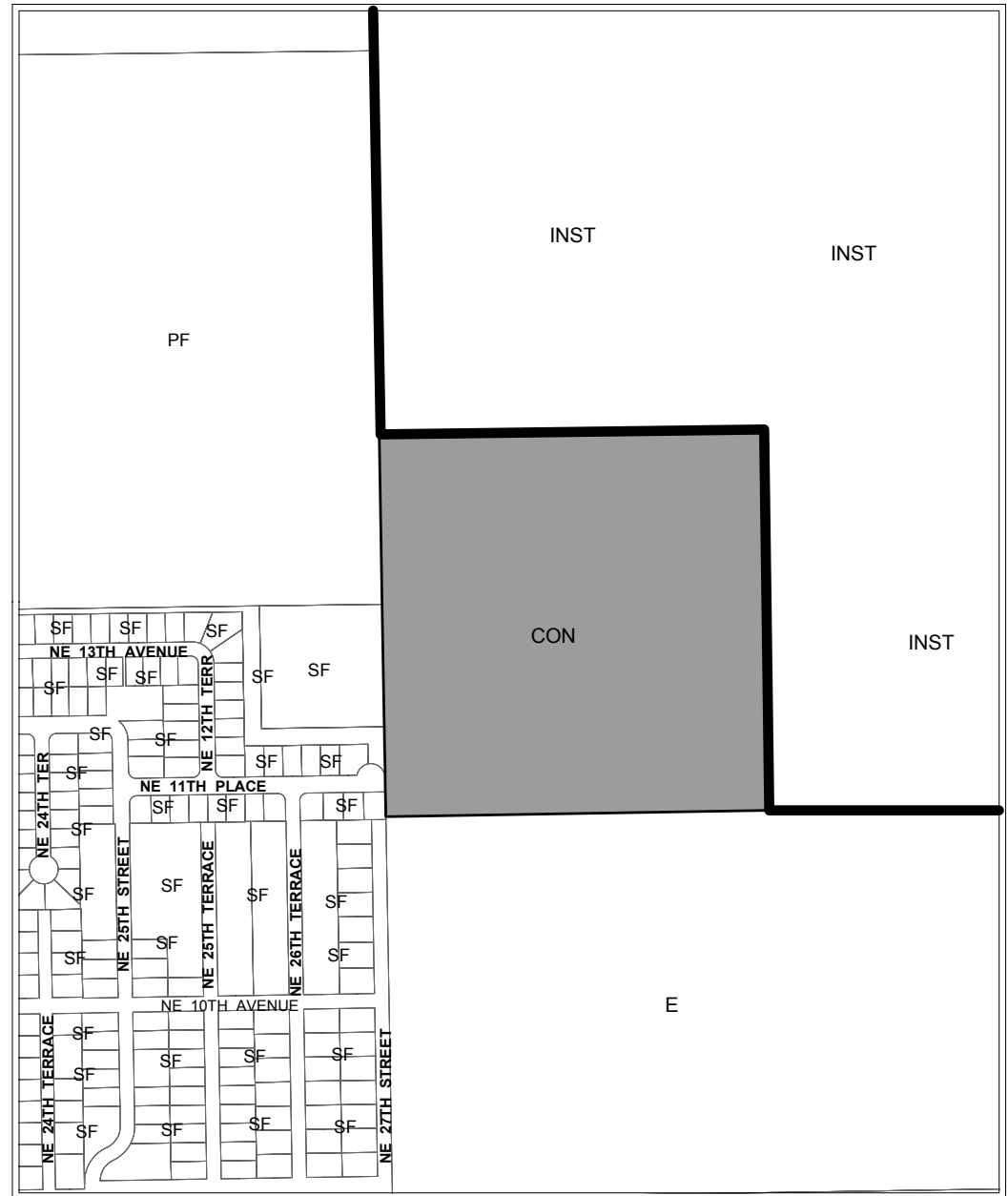


Division line between two land use categories



City Limits

Area
under petition
consideration



PROPOSED LAND USE



No Scale

| Name | Petition Request | Petition Number |
|----------------------------|---|-----------------|
| City Plan Board, applicant | Amend the City of Gainesville Future Land Use map from Alachua County Low Density Residential (1-4 du/acre) to City of Gainesville Conservation (CON) | PB-14-13 LUC |