

**Legislative #
140932A**

ORDINANCE NO. 140932

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2
3 **An ordinance of the City of Gainesville, Florida, amending the Future Land**
4 **Use Map of the City of Gainesville Comprehensive Plan by changing the land**
5 **use category of approximately 0.33 acres of property generally located at**
6 **1220 NW 39th Avenue approximately 360 feet east of NW 13th Street, as more**
7 **specifically described in this ordinance, from Office (O) to Mixed-Use Low-**
8 **Intensity (MUL); providing directions to the City Manager; providing a**
9 **severability clause; providing a repealing clause; and providing an effective**
10 **date.**

11
12 **WHEREAS,** notice was given as required by law that this ordinance will amend the
13 Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the subject
14 property's land use category from Office (O) to Mixed-Use Low-Intensity (MUL); 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,** on April 23, 2015, a public hearing was held by the City Plan Board, which
19 acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it
20 recommended approval of this ordinance; and

21 **WHEREAS,** at least five (5) days' notice has been given once by publication in a
22 newspaper of general circulation notifying the public of this proposed ordinance and of a public
23 hearing in the City Hall Auditorium located on the first floor of City Hall in the City of
24 Gainesville; and

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

27 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
28 **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 Office (O) to Mixed-
3 Use Low-Intensity (MUL):

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

9 **Section 2.** The City Manager or designee is authorized and directed to make the
10 necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in order
11 to comply 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 on the date this Comprehensive Plan amendment becomes effective
19 as described in Section 5 of this ordinance.

20 **Section 5.** This ordinance shall become effective immediately upon adoption; however,
21 the effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely
22 challenged, shall be 31 days after adoption. If challenged within 30 days after adoption, this
23 Comprehensive Plan amendment shall become effective on the date the state land planning
24 agency or the Administration Commission enters a final order determining the amendment to be
25 in compliance with Chapter 163, Florida Statutes. No development orders, development permits,

1 or land uses dependent on this Comprehensive Plan amendment may be issued or commenced
2 before the amendment has become effective.

3 **PASSED AND ADOPTED** this _____ day of _____, 2015.

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EDWARD B. BRADY
MAYOR

10 Attest:

Approved as to form and legality:

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12
13

14 KURT LANNON
15 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

16
17
18

This ordinance was passed on Adoption Reading on this _____ day of
_____, 2015.

EXHIBIT "A" TO ORDINANCE NO. 140932

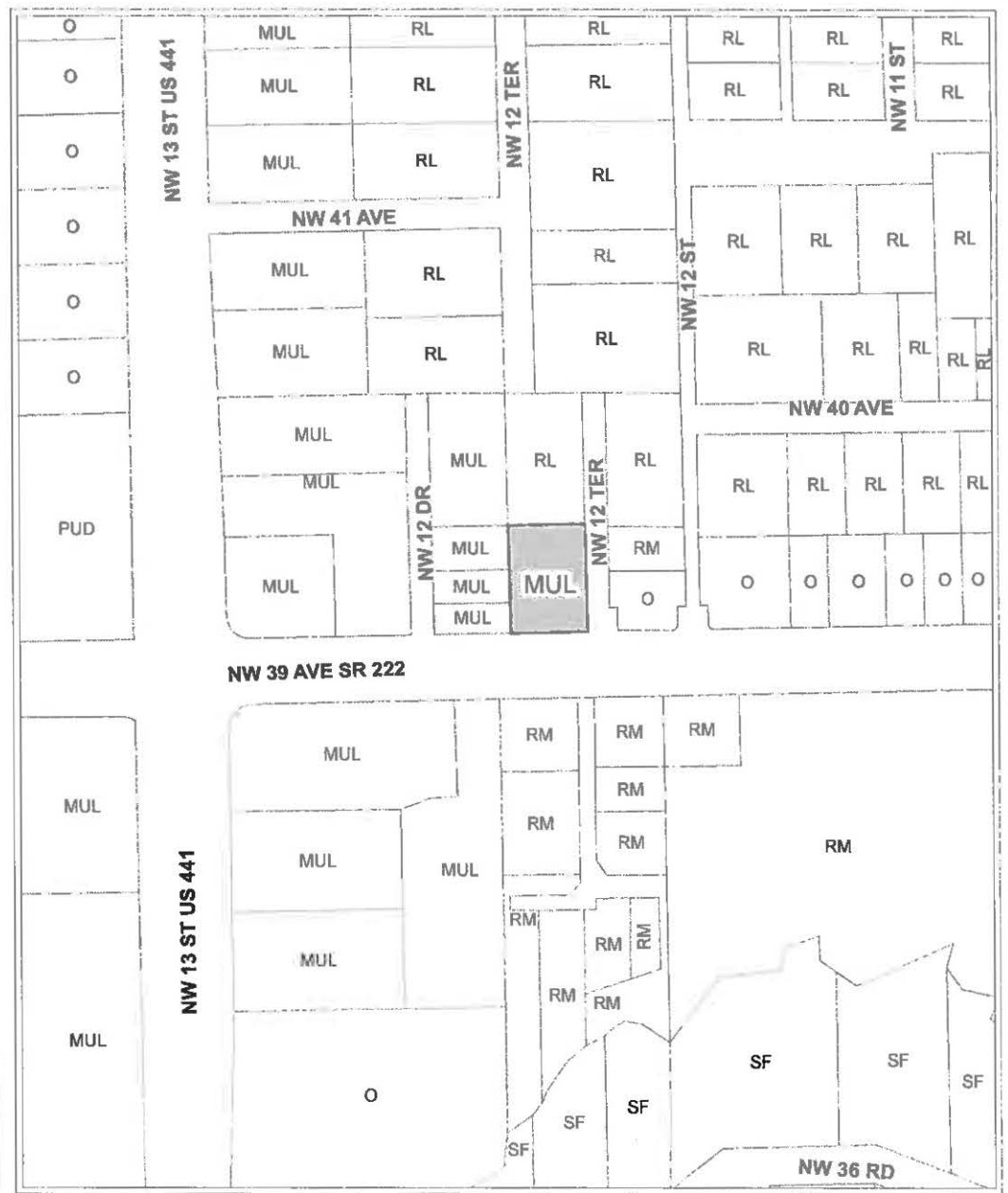
Commence at the Southwest corner of Section 20, Township 9 South, Range 20 East, run thence East 50', thence run North 23', thence run East 380', to Point of Beginning; from said Point of Beginning, thence run North 158', thence run East 100', thence run South 158', thence run West 100' to POB.

Less that part of the right of way of Northwest 39 Avenue. Less the following described parcel: A parcel of land in Section 20, Township 9 South, Range 20 East, Alachua County, Florida, more particularly described as follows:

Commence on the West line of Section 29, Township 9 South, Range 20 East, at a point 10 feet Southerly from the Northwest Corner thereof; thence North 88°48'31" East 529.71 feet; thence North 01°07'05" West 33 feet, (crossing the Northerly line of said Section 29, into Section 20, Township 9 South, Range 20 East), to the intersection of the Northerly right of way line of State Road 222 and the Westerly right of way line of Northwest Twelfth Terrace (a 30 foot right of way) and the Point of Beginning; continue North 01°07'05" West along said Westerly right of way line of Northwest Twelfth Terrace, a distance of 35 feet; thence South 26°25'56" West 22.37 feet; thence South 88°48'31" West 90.04 feet; thence South 01°12'21" East 15 feet; thence North 88°48'31" East 100.02 feet to the Point of Beginning.

Land Use Designations

- SF Single-Family (up to 8 du/acre)
- RL Residential Low-Density (up to 12 du/acre)
- RM Residential Medium-Density (8-30 du/acre)
- MUL Mixed-Use Low-Intensity (8-30 du/acre)
- O Office
- PUD Planned Use District




----- Division line between two land use categories

Area under petition consideration

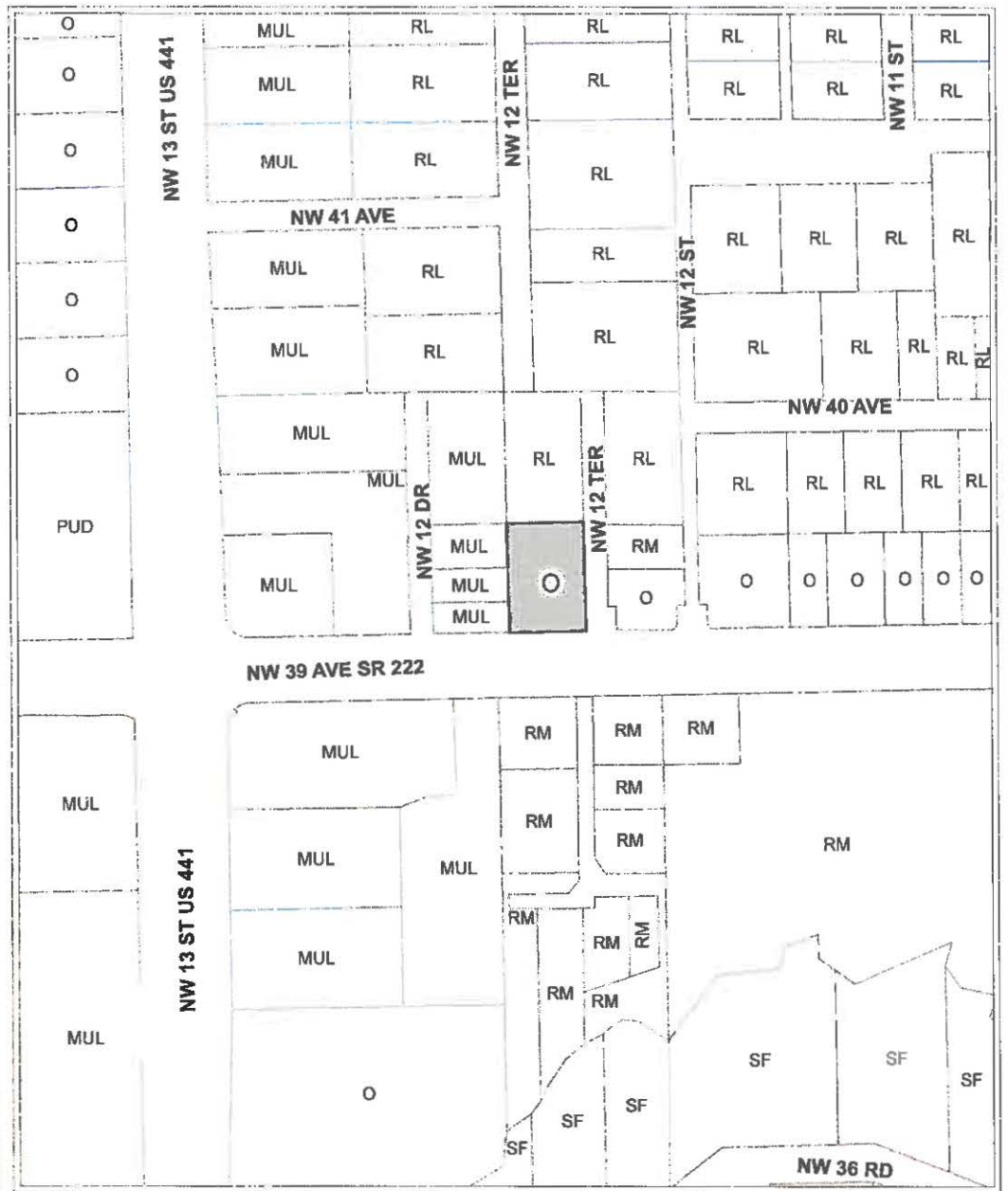


PROPOSED LAND USE

	Name	Petition Request	Petition Number
 <p>No Scale</p>	John Wernery, owner	Change Future Land Use Map from Office (O) to Mixed-Use Low-Intensity (MUL) category	PB-15-20 LUC

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EXISTING LAND USE

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