

LEGISLATIVE #

120002A

ORDINANCE NO. 120002

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of the 500 block of SE 7th Avenue and the 500 block of SE 5th Avenue, as more specifically described in this ordinance, from Public Facilities (PF) to Mixed-Use High-Intensity (MUH); providing directions to the City Manager; 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 of the City of Gainesville Comprehensive Plan be amended by changing the land use category of certain property from Public Facilities (PF) to Mixed-Use High-Intensity (MUH); 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 and publication made as required by law and a public hearing was held by the City Plan Board on April 26, 2012; and

WHEREAS, pursuant to law, notice has also been given by mail to the owner whose property will be regulated by the adoption of this ordinance, at least thirty days prior to the date set for a public hearing on this ordinance; 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 a public hearing in the City Hall Auditorium, First Floor, City Hall in the City of Gainesville; and

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

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

6 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
7 amended by changing the land use category of the following property from Public Facilities (PF) to
8 Mixed-Use High-Intensity (MUH):

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

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

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

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

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

1 after adoption. If timely challenged, this amendment shall become effective on the date the state
2 land planning agency or the Administration Commission enters a final order determining this
3 adopted amendment to be in compliance in accordance with Section 163.3187, F.S. No
4 development orders, development permits, or land uses dependent on this amendment may be
5 issued or commenced before this plan amendment has become effective.

6 **PASSED AND ADOPTED** this _____ day of _____, 2012.

7

8

9

CRAIG LOWE
MAYOR

10

11

12

13 Attest:

Approved as to Form and Legality:

14

15

16

17 KURT LANNON
18 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

19

20

21

22 This ordinance passed this _____ day of _____, 2012.



McMillen Surveying, Inc.

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Revised April 16, 2012

Member of:



AMERICAN
LAND TITLE
ASSOCIATION



FLORIDA
ASSOCIATION OF SURVEYORS

NFIB
The Voice of Small Business

Description: (by surveyor) **G.R.U. Kelly Plant - Parcel 2a**

Part of Lot 9, Davis Addition, per plat book "D", page 15 of the public records of Alachua County, Florida; part of S.E. Sixth Terrace lying South of S.E. 5th Avenue (a.k.a. Middle Street); part of the East ½ of S.E. 5th Terrace lying between S.E. 5th Avenue and S.E. Depot Avenue; part of Lot 12, Block 2, Range II; and all of Lots 10 ½ and 11 ¾, Blocks 1 and 2, Roper's Addition to the Town of Gainesville per Deed Book "J", page 550, said public records; lying in Section 4, Township 10 South, Range 20 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of said Lot 1, Davis Addition, and run thence South 89°26'31"West, along the South right-of-way line of said S.E. 5th Avenue, a distance of 280.00 feet to the Northeast corner of said Lot 9 and the Point-of-Beginning of the herein described parcel; thence continue South 89°26'31"West, along said South right-of-way line, a distance of 257.64 feet to the East right-of-way line of said S.E. 5th Terrace; thence South 00°53'26"East, along said East right-of-way line, a distance of 297.14 feet; thence South 89°06'34"West, a distance of 10.00 feet; thence South 00°53'26"East, a distance of 204.35 feet; thence North 89°06'34"East, a distance of 10.00 feet to the said East right-of-way line of S.E. 5th Terrace; thence South 00°53'26"East, along said East right-of-way line a distance of 34.21 feet to the North right-of-way line of said S.E. Depot Avenue; thence North 77°34'57"East, along said North right-of-way line, a distance of 202.43 feet; thence North 01°48'16"West, along said North right-of-way line, a distance of 5.14 feet; thence North 00°43'46"West, a distance of 91.67 feet; thence North 89°01'14"East, a distance of 58.00 feet; thence North 00°43'46"West, a distance of 396.85 feet to the said South right-of-way line of S.E. 5th Avenue and the said Point-of-Beginning.

Containing 2.927 Acres, more or less.



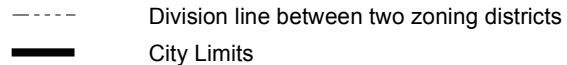
Exhibit "A"
to Ordinance No. 120002

City of Gainesville Land Use Categories

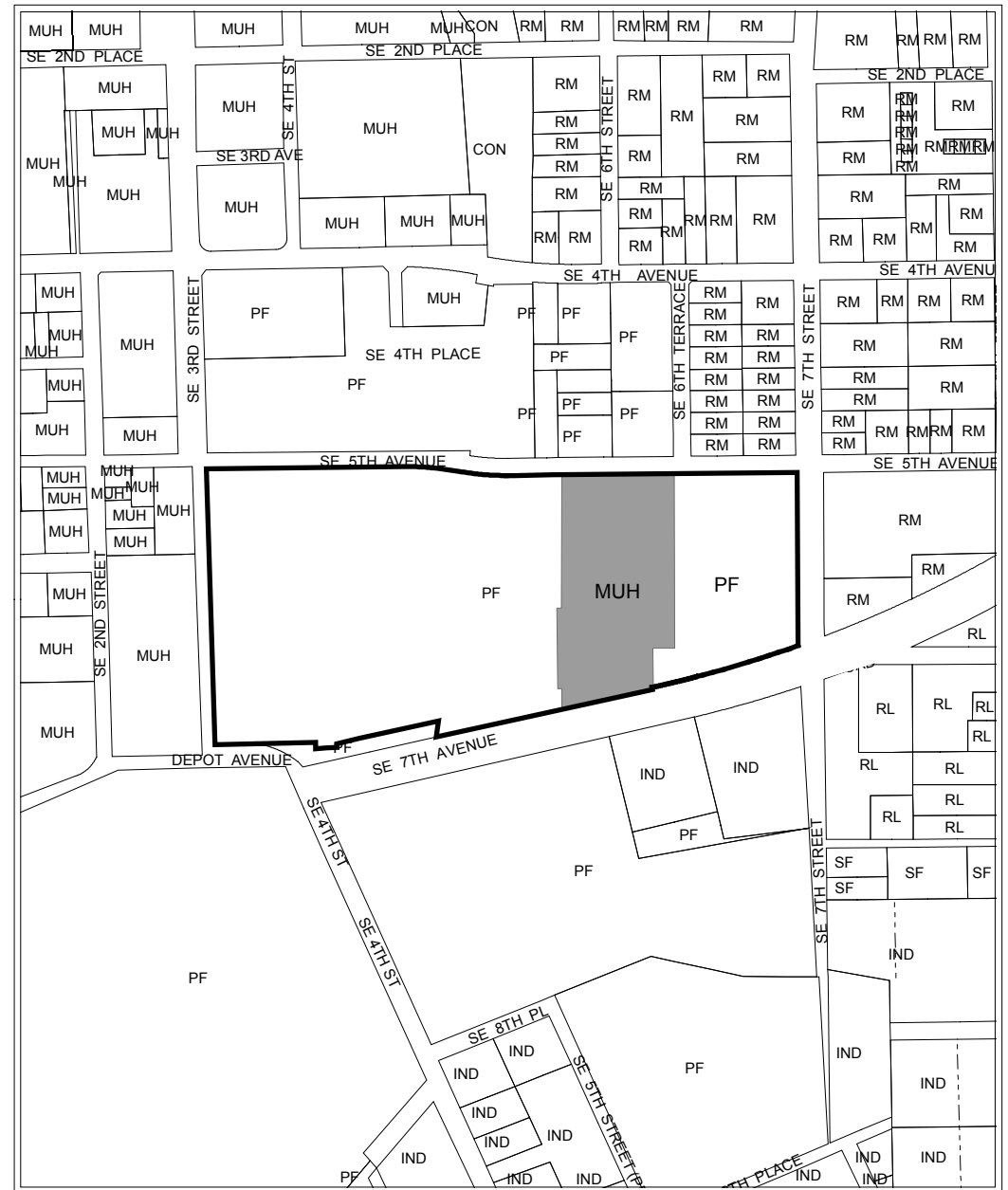
SF	Single-Family (up to 8 units per acre)
R-L	Residential Low-Density (up to 12 units per acre)
R-M	Residential Medium-Density (8-30 units per acre)
R-H	Residential High-Density (8-100 units per acre)
MU-R	Mixed-Use Residential (up to 75 units per acre)
MU-L	Mixed-Use Low Intensity (8-30 units per acre)
MU-M	Mixed-Use Medium Intensity (12-30 units per acre)
MU-H	Mixed-Use High Intensity (up to 150 units per acre)
UMU-1	Urban Mixed-Use 1 (up to 75 units per acre)
UMU-2	Urban Mixed-Use 2 (up to 100 units per acre)
O	Office
C	Commercial
IND	Industrial
E	Education
REC	Recreation
CON	Conservation
AGR	Agriculture
PF	Public Facilities
PUD	Planned Use District

to Ordinance No. 120002

Exhibit "B"



Area
under petition
consideration



PROPOSED LAND USE



Name	Petition Request	Map(s)	Petition Number
City of Gainesville, applicant	Amend FLUM from PF to MUH. Rezone from PS to CCD.	4052	PB-12-34 LUC