

ORDINANCE NO. 0-09-34

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**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, relating to concurrency and the transportation concurrency exception area (TCEA); amending the Concurrency Management Element by revising the standards and requirements for existing TCEA zones, by creating new TCEA zones with related standards and requirements, by deleting the prohibition on TCEA zones west of I-75, by clarifying the status of annexed property, by creating trip credits for certain redevelopment projects, by creating requirements for certain developments on vacant acreage, by providing for implementation of the Bus Rapid Transit Study and express bus service, by clarifying the requirements for drive-through facilities, by requiring large developments to address regional impacts and by deleting legal descriptions of the existing TCEA zones; amending the Future Land Use Element by specifying TCEA zone requirements for annexed property and by requiring large developments to address regional impacts; amending the Transportation Mobility Element by deleting certain requirements for transportation mitigation outside of the TCEA and by providing for implementation of the Bus Rapid Transit Study and express bus service; amending the Capital Improvements Element by specifying the Concurrency Management level of service standards for the new TCEA zones and by adding new transit and transportation projects to the 5-year schedule of capital improvements; providing directions to the city manager; stating intent to adopt the amended elements as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.**

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**WHEREAS**, publication of notice of a public hearing was given that the Concurrency Management Element, Future Land Use Element, Transportation Mobility Element, and Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan be amended; and

**WHEREAS**, notice was given and publication made as required by law and a

1 Public Hearing was then held by the City Plan Board on June 25, 2009; and

2       **WHEREAS**, pursuant to law, an advertisement was placed in a newspaper of  
3 general circulation notifying the public of this proposed ordinance and of the Public  
4 Hearing to be held at the transmittal stage, in the City Commission Auditorium, City  
5 Hall, City of Gainesville, at least 7 days after the day the first advertisement was  
6 published; and

7       **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage the  
8 City of Gainesville transmitted copies of this proposed change to the State Land Planning  
9 Agency; and

10       **WHEREAS**, a second advertisement was placed in the aforesaid newspaper  
11 notifying the public of the second Public Hearing to be held at least 5 days after the day  
12 the second advertisement was published; and

13       **WHEREAS**, the two Public Hearings were held pursuant to the published notices  
14 described above at which hearings the parties in interest and all others had an opportunity  
15 to be and were, in fact, heard; and

16       **WHEREAS**, prior to adoption of this ordinance, the City Commission has  
17 considered the comments, recommendation and objections, if any, of the State Land  
18 Planning Agency.

19       **NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF  
20 THE CITY OF GAINESVILLE, FLORIDA:

21 **Section 1.** Portions of the Concurrency Management Element of the City of Gainesville  
22 2000-2010 Comprehensive Plan are amended as shown in Attachment 1, attached hereto

1 and made a part hereof as if set forth in full. Except as amended in Attachment 1, the  
2 Concurrency Management Element remains in full force and effect.

3 **Section 2.** Portions of the Future Land Use Element of the City of Gainesville 2000-  
4 2010 Comprehensive Plan are amended as shown in Attachment 2, attached hereto and  
5 made a part hereof as if set forth in full. Except as amended in Attachment 2, the Future  
6 Land Use Element remains in full force and effect.

7 **Section 3.** Portions of the Transportation Mobility Element of the City of Gainesville  
8 2000-2010 Comprehensive Plan are amended as shown in Attachment 3, attached hereto  
9 and made a part hereof as if set forth in full. Except as amended in Attachment 3, the  
10 Transportation Mobility Element remains in full force and effect.

11 **Section 4.** Portions of the Capital Improvements Element of the City of Gainesville  
12 2000-2010 Comprehensive Plan are amended as shown in Attachment 4, attached hereto  
13 and made a part hereof as if set forth in full. Except as amended in Attachment 4, the  
14 Capital Improvements Element remains in full force and effect.

15 **Section 5.** The City Manager is authorized and directed to make the necessary changes in  
16 the text, maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan,  
17 or element, or portion thereof in order to fully implement this ordinance.

18 **Section 6.** It is the intent of the City Commission that the provisions of Sections 1  
19 through 4 shall become and be made a part of the City of Gainesville 2000-2010  
20 Comprehensive Plan and that the sections and paragraphs of this ordinance may be  
21 renumbered in order to accomplish such intention.

22 **Section 7.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
23 or the application hereof to any person or circumstance is held invalid or

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

4 **Section 8.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
5 such conflict hereby repealed.

6 **Section 9.** This ordinance shall become effective immediately upon passage on second  
7 reading; however, the effective date of this plan amendment shall be the date a final order is  
8 issued by the Department of Community Affairs finding the amendment to be in compliance  
9 in accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the  
10 Administration Commission finding the amendment to be in compliance in accordance with  
11 Chapter 163.3184, F.S.

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13 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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19 PEGEEN HANRHAN  
20 MAYOR

21 ATTEST:

Approved as to form and legality

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25 KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_   
MARION J. RADSON  
CITY ATTORNEY

26 This Ordinance passed on first reading this \_\_\_ day of \_\_\_\_\_, 2009.

27 This Ordinance passed on second reading this \_\_\_ day of \_\_\_\_\_, 2009.