

ORDINANCE NO. 0-09-33

An ordinance of the City of Gainesville, Florida, relating to transportation concurrency; amending Division 3 under Article III of the City of Gainesville Land Development Code relating to Proportionate Fair-Share for transportation concurrency by clarifying the exception for developments within the City's existing transportation concurrency exception area, by creating an exception for developments within the state-mandated transportation concurrency exception area, and by clarifying the status of annexed property; creating a new Division 4 under Article III of the City of Gainesville Land Development Code establishing the findings, intent and purpose, procedures and requirements for the state-mandated transportation concurrency area and designating property in certain zones; providing a sunset clause; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a Public Hearing was given that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on June 25, 2009; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

Section 1. The title of Article III of the City of Gainesville Land Development Code is

1 amended to read as follows:

2 ARTICLE III. VESTED RIGHTS OF REVIEW, CONCURRENCY MANAGEMENT-AND,  
3 PROPORTIONATE FAIR-SHARE AND STATE-MANDATED TRANSPORTATION  
4 CONCURRENCY EXCEPTION AREA.

5 **Section 2.** Division 3 of Article III, City of Gainesville Land Development Code, is  
6 renumbered and amended in its entirety as shown in Attachment 1, attached hereto and made a  
7 part hereof as if set forth in full.

8 **Section 3.** A new Division 4 of Article III, City of Gainesville Land Development  
9 Code, is created as shown in Attachment 2, attached hereto and made a part hereof as if set forth  
10 in full.

11 **Section 4.** A new section 30-39 is created and added to the City of Gainesville Land  
12 Development Code, to read as follows:

13 **Sec. 30-39. Sunset provision.** The provisions of Division 4 entitled “State-mandated  
14 Transportation Concurrency Exception Area” within this Article III shall sunset and be of no  
15 further force and effect on the date that the Comprehensive Plan amendments contained in  
16 Ordinance No. 090184 and Ordinance No. 090185 become effective. Any application for a  
17 permit, development order or other official action of the City requiring transportation  
18 concurrency properly filed with the City prior to the effective date of the Comprehensive Plan  
19 amendments contained in Ordinance No. 090194 and Ordinance No. 090185 shall not be  
20 affected by this sunset provision and shall be subject to Division 3 and Division 4, as applicable.  
21 Any application for a permit, development order or other official action of the City requiring  
22 transportation concurrency filed after the effective date of the Comprehensive Plan amendments  
23 contained in Ordinance No. 090184 and Ordinance No. 090185 shall be subject to the goals,

1 objectives and policies relating to the transportation concurrency exception area within the  
2 Comprehensive Plan.

3 **Section 5.** It is the intention of the City Commission that the provisions of Sections 1  
4 through 4 of this ordinance shall become and be made a part of the Code of Ordinances of the  
5 City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be  
6 renumbered or relettered in order to accomplish such intentions.

7 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
8 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
9 finding shall not affect the other provisions or applications of the ordinance which can be given  
10 effect without the invalid or unconstitutional provisions or application, and to this end the  
11 provisions of this ordinance are declared severable.

12 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
13 such conflict hereby repealed.

14 **Section 8.** This ordinance shall become effective immediately upon final adoption.

15  
16 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

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20 \_\_\_\_\_  
21 PEGEEN HANRAHAN  
22 MAYOR

23 ATTEST: Approved as to form and legality

24  
25 \_\_\_\_\_  
26 KURT M. LANNON MARION J. RADSON  
27 CLERK OF THE COMMISSION CITY ATTORNEY

28 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2009.  
29 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2009.