

**Legislative #
160486A**

ORDINANCE NO. 160486

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3 **An ordinance of the City of Gainesville, Florida, amending the**
4 **Comprehensive Plan of the City of Gainesville by amending the**
5 **Transportation Mobility Element to provide spacing requirements for the**
6 **placement of fueling pumps and other accessory automotive uses in Policies**
7 **10.3.2 and 10.4.9; providing directions to the City Manager; providing a**
8 **severability clause; providing a repealing clause; and providing an effective**
9 **date.**

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11 **WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to**
12 **maintain a Comprehensive Plan to guide the future development and growth of the city; and**

13 **WHEREAS, the City of Gainesville Comprehensive Plan, as required by Section**
14 **163.3177(1), Florida Statutes, must provide the principles, guidelines, standards, and**
15 **strategies for the orderly and balanced future economic, social, physical, environmental, and**
16 **fiscal development of the city as reflected by the community's commitments to implement**
17 **such plan; and**

18 **WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville**
19 **Comprehensive Plan to include a Transportation Element that addresses mobility and plans**
20 **for a multimodal transportation system that places emphasis on public transportation systems,**
21 **and shall be coordinated with the Future Land Use Element and Future Land Use Map; and**

22 **WHEREAS, the City Plan Board, which acts pursuant to the authority granted in**
23 **Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local**
24 **Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing and on**
25 **October 27, 2016, voted to recommend that the City Commission approve this amendment to**
26 **the Comprehensive Plan; and**

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

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

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

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

16 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered
17 any written comments received concerning this amendment to the Comprehensive Plan.

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

20 **Section 1.** Policies 10.3.2 and 10.4.9 of the Transportation Mobility Element of the
21 City of Gainesville Comprehensive Plan are amended to read as follows:

1 **Policy 10.3.2** New development of automotive-oriented uses within the TMPA, such as
 2 retail petroleum sales (gasoline service stations), car washes, automotive
 3 repair, and limited automotive services (as defined in the Land Development
 4 Code), shall be designed with service bays and fueling (gas) pumps located to
 5 the rear of buildings, except as provided by Policy 10.4.9. These design
 6 standards shall not apply in industrial zoning districts. The number of fueling
 7 positions shall be regulated by TMPA policies.

8
 9 **Policy 10.4.9** Within the TMPA, retail petroleum sales at service stations and/or car washes,
 10 either separately or in combination with the sale of food or eating places, shall
 11 be required to obtain a Special Use Permit. In addition to the review criteria in
 12 the Land Development Code for Special Use Permits, the following review
 13 standards shall apply:

- 14
 15 a. Site design shall enhance pedestrian/bicycle access to any retail and/or
 16 restaurant facilities on site. Sidewalk connections or marked pedestrian
 17 crosswalks shall be shown on the site plan.
- 18
 19 b. The number and width of driveways shall be minimized.
- 20
 21 c. Fueling (gas) pumps, car washes and other accessory automotive uses shall
 22 be located to the rear of buildings and at least 50 feet from the property
 23 line of any property zoned residential district or zoned Planned
 24 Development district (with predominately residential uses). In the event
 25 the physical constraints of the site do not allow such uses to meet these
 26 requirements, the uses may be located to the side or front of the building in
 27 order to meet the 50 foot spacing requirement.

28
 29 e.d. Except where more stringently regulated by a special area plan or overlay
 30 district, the maximum number of fueling positions shall be set as follows:

- 31
 32 1. No limitation on fueling positions in the Industrial zoning
 33 categories;
- 34
 35 2. Six fueling positions in the Mixed-Use Low land use category or
 36 Mixed-Use 1 zoning district;
- 37
 38 3. Until adoption in the Land Development Code of specific
 39 architectural and design standards, six fueling positions in all other
 40 zoning categories where gasoline service stations (retail petroleum
 41 sales) or food stores with accessory gasoline and alternative fuel
 42 pumps are allowed. In the interim period before the adoption of
 43 architectural and design standards, additional fueling positions, up to a

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maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the following conditions:

- a. The size of the site can safely accommodate the additional fueling positions while meeting all required landscaping, buffering, and other Land Development Code requirements;
- b. Site access and traffic safety conditions on adjacent roadways and intersections are not compromised by the additional trips generated by the additional fueling positions;
- c. Pedestrian/bicycle safety and comfort in the area are not compromised by the additional trips generated by the additional fueling positions;
- d. The architectural and site design are of such high quality that they enhance the site area and promote the City’s multi-modal and design goals. As part of a Planned Development rezoning or Special Use Permit review process, the developer shall provide a development plan, elevations and architectural renderings of the proposed site including details such as, but not limited to, façade treatment, colors, lighting, roof detail, signage, landscaping, building location relative to the street, and location of access points;
- e. Cross-access or joint driveway usage is provided to other adjacent developments; and
- f. Retail convenience goods sales or a restaurant are included in the development and designed such that pedestrian or bicycle use of the site is encouraged. The retail convenience goods sales or restaurant building and development shall meet all of the following requirements:
 - 1. Building(s) shall be placed close to the public sidewalk for a substantial length of the site’s linear frontage;
 - 2. A minimum of 30% window area or glazing at pedestrian level (between 3 feet above grade and 8 feet above grade) on all first-floor building sides with street

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frontage. Windows or glazing shall be at least 80% transparent;

3. A pedestrian entry is provided from the public sidewalk on the property frontage or near a building corner when the building is on a corner lot;

4. Off-street parking shall be located to the side or rear of the building; and

5. The building height and façade elevation are appropriate for the site and surrounding zoned properties.

4. Until adoption in the Land Development Code of specific architectural and design standards, ten fueling positions within 1/4 mile of an I-75 interchange. In the interim period before the adoption of architectural and design standards, additional fueling positions, to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the conditions shown in 3 a-f above.

Section 2. It is the intent of the City Commission that the provisions of Section 1 of this ordinance shall become and be made a part of the City of Gainesville Comprehensive Plan and that the sections and paragraphs of the Comprehensive Plan may be renumbered in order to accomplish such intent.

Section 3. The City Manager or designee is authorized and directed to make the necessary changes to the City of Gainesville Comprehensive Plan in order to fully implement this ordinance. The City Manager or designee is authorized to correct any typographical errors that do not affect the intent of this ordinance.

Section 4. Within ten (10) working days of the transmittal (first) hearing, the City Manager or designee is authorized and directed to transmit this plan amendment and appropriate supporting data and analyses to the reviewing agencies and to any other local

1 government or governmental agency that has filed a written request for same with the City.
2 Within ten (10) working days of the adoption (second) hearing, the City Manager or designee
3 is authorized and directed to transmit this plan amendment and appropriate supporting data
4 and analyses to the state land planning agency and any other agency or local government that
5 provide timely comments to the City.

6 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this
7 ordinance or the application hereof to any person or circumstance is held invalid or
8 unconstitutional, such finding shall not affect the other provisions or applications of this
9 ordinance that can be given effect without the invalid or unconstitutional provision or
10 application, and to this end the provisions of this ordinance are declared severable.

11 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent
12 of such conflict hereby repealed on the effective date of this plan amendment.

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

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PASSED AND ADOPTED this _____ day of _____, 2017.

LAUREN POE
MAYOR

Attest: Approved as to form and legality:

By: _____
KURT LANNON
CLERK OF THE COMMISSION

By: _____
NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on (first) transmittal hearing this _____ day of _____, 2017.

This ordinance passed on (second) adoption hearing this _____ day of _____, 2017.