

Legislative #

140578A

## ORDINANCE NO. 140578

An ordinance of the City of Gainesville, Florida, amending the Land Development Code Section 30-190 *Cluster Subdivisions* to eliminate the five-acre minimum size requirement; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, notice was given as required by law that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on December 3, 2014, and voted to recommend that the City Commission approve this ordinance; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the notice described above 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.** Subsection 30-190(b) of the Land Development Code is amended as follows.

Except as amended herein, the remainder of Section 30-190 shall remain in full force and effect.

**Sec. 30-190. Cluster Subdivisions.**

(b) *Permitted districts; minimum size.* A cluster subdivision may be permitted in any zoning district in which single-family dwellings are allowed as a permitted use ~~and where the parcel to be subdivided has an area of five acres or more.~~

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**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 Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or relettered in order to accomplish such intent.

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

**Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

**Section 5.** This ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
EDWARD B. BRADY  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

- 1 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.
- 2
- 3 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.