

LEGISLATIVE #

200732A

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3 **ORDINANCE NO. 200732**

4 **An ordinance of the City of Gainesville, Florida, amending the Comprehensive**
5 **Plan of the City of Gainesville by amending Transportation Element Policy**
6 **10.2.1 relating to vacating City Rights-of-Way; providing directions to the City**
7 **Manager; providing a severability clause; providing a repealing clause; and**
8 **providing an effective date.**

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

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

15 **WHEREAS**, Section 163.3177(6)(b), Florida Statutes, requires the City of Gainesville
16 Comprehensive Plan to include a Transportation Element that addresses mobility and plans for
17 a multimodal transportation system that places emphasis on public transportation systems;
18 and

19 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
20 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
21 to Section 163.3174, Florida Statutes, held a public hearing on January 28, 2021, and voted to
22 recommend that the City Commission approve this amendment to the Comprehensive Plan; and

23 **WHEREAS**, an advertisement no less than two columns wide by ten (10) inches long was placed in
24 a newspaper of general circulation and provided the public with at least seven (7) days' advance

25 notice of this ordinance’s first public hearing (i.e., transmittal hearing) to be held by the City
26 Commission; and

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

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

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

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

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

40 **SECTION 1.** Policy 10.2.1 of the Transportation Mobility Element of the City of Gainesville
41 Comprehensive Plan is amended to read as follows:

42 **Policy 10.2.1** The City shall not close or vacate an improved streets except under the following
43 conditions:

- 44
- 45 a. the loss of the street will not foreclose reasonable foreseeable future
46 bicycle ~~or~~ or pedestrian use;
 - 47
 - 48 b. the loss of the street will not foreclose non-motorized access to adjacent
49 land uses or transit stops;

- 50
- 51 c. for public right-of-way abutting any property located within the U4 through
52 U9 transect zones or any property within a mixed-use zoning district, the loss
53 of the street is necessary for development that includes the construction of
54 a high density, mixed-use project containing both residential and non-
55 residential uses or creating close proximity of residential and non-residential
56 uses; and
- 57
- 58 d. there is no reasonably foreseeable need for any type of transportation
59 corridor for the area.
- 60

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

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

69 **SECTION 4.** Within ten (10) working days of the transmittal (first) hearing, the City Manager or
70 designee is authorized and directed to transmit this plan amendment and appropriate
71 supporting data and analyses to the reviewing agencies and to any other local government or
72 governmental agency that has filed a written request for same with the City. Within ten (10)
73 working days of the adoption (second) hearing, the City Manager or designee is authorized and
74 directed to transmit this plan amendment and appropriate supporting data and analyses to the
75 state land planning agency and any other agency or local government that provide timely
76 comments to the City.

77 **SECTION 5.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
78 the application hereof to any person or circumstance is held invalid or unconstitutional, such
79 finding will not affect the other provisions or applications of this ordinance that can be given
80 effect without the invalid or unconstitutional provision or application, and to this end the
81 provisions of this ordinance are declared severable.

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

84 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the
85 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
86 amendment is not timely challenged, will be 31 days after the state land planning agency
87 notifies the City that the plan amendment package is complete in accordance with Section
88 163.3184, Florida Statutes. If timely challenged, this Comprehensive Plan amendment will
89 become effective on the date the state land planning agency or the Administration Commission
90 enters a final order determining the amendment to be in compliance with Chapter 163, Florida
91 Statutes. No development orders, development permits, or land uses dependent on this
92 Comprehensive Plan amendment may be issued or commenced before this amendment has
93 become effective.

94 **PASSED AND ADOPTED** this _____ day of _____, 2022.

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LAUREN POE
MAYOR

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Attest:

Approved as to form and legality:

OMICHELE D. GAINEY
CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

This ordinance passed on (first) transmittal hearing this ____ day of _____, 2022.

This ordinance passed on (second) adoption hearing this ____ day of _____, 2022.