

ORDINANCE NO. 090183
0-09-33

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

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

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

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

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

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

34 **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 Code,
9 is created as shown in Attachment 2, attached hereto and made a part hereof as if set forth in full.

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

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

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

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

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

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

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14 **PASSED AND ADOPTED** this 6th day of August, 2009.
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18 Pegeen Hanrahan
19 PEGEEN HANRAHAN
20 MAYOR

21 ATTEST:
22 Kurt M. Lannon
23 KURT M. LANNON
24 CLERK OF THE COMMISSION

25 Approved as to form and legality
26 Marion J. Radson
27 MARION J. RADSON
28 CITY ATTORNEY **AUG -6 2009**

29 This Ordinance passed on first reading this 28th day of July, 2009.
30 This Ordinance passed on second reading this 6th day of August, 2009.