

LEGISLATIVE #
140819A-1

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ORDINANCE NO. 140819

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use categories of approximately 1,829 acres of property, as more specifically described in this ordinance, each property of which is being changed from either Mixed-Use High-Intensity (MUH), Urban Mixed-Use 1 (UMU-1), Urban Mixed-Use 2 (UMU-2), Mixed-Use Residential (MUR), Residential High-Density (RH), Mixed-Use Low-Intensity (MUL), Mixed-Use Medium-Intensity (MUM), Public and Institutional Facilities (PF), Office (O), Residential Low-Density (RL), Residential Medium-Density (RM), Commercial (C), Single-Family (SF), or Industrial (I) TO Education (E), Office (O), Commercial (C), Urban Core (UC), Urban Mixed-Use High-Intensity (UMUH), Urban Mixed-Use (UMU), Mixed-Use Office/Residential (MOR), or Residential Low-Density (RL), as more specifically described in this ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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

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

WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that designates the future general distribution, location, and extent of the uses of land for residential, commercial, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land, with the goals of protecting natural and historic resources, providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban sprawl. The Future Land Use Element shall discourage the proliferation of urban sprawl by promoting an urban form that is walkable, connected, and compact with a mix of

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1 uses at densities and intensities that will support a range of housing choices and a multimodal
2 transportation system, including pedestrian, bicycle and transit; and

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

7 **WHEREAS**, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt
8 or amend and enforce land development regulations that are consistent with and implement the
9 Comprehensive Plan, and that shall at a minimum: regulate the subdivision of land; regulate the
10 use of land and water for those categories included in the land use element and ensure the
11 compatibility of adjacent uses and provide for open space; provide for protection of potable water
12 wellfields; regulate areas subject to seasonal and periodic flooding and provide for drainage and
13 stormwater management; ensure the protection of environmentally sensitive lands designated in
14 the Comprehensive Plan; regulate signage; provide that public facilities and services meet or
15 exceed the standards established in the Comprehensive Plan; and ensure safe and convenient
16 onsite traffic flow, considering needed vehicle parking; and

17 **WHEREAS**, Section 163.3202(3), Florida Statutes, requires the City of Gainesville to combine
18 and compile all adopted land development regulations into a single land development code for
19 the city; and

20 **WHEREAS**, the City of Gainesville Land Development Code (Chapter 30 of the City of
21 Gainesville Code of Ordinances) establishes zoning districts to implement the Comprehensive
22 Plan and land development regulations on specific classifications of land within the city; and

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1 **WHEREAS**, this ordinance results from the City Commission's desire to comprehensively
2 reorganize, update, and clarify the Land Development Code to, amongst other things, make it
3 more user-friendly, remove zoning overlay districts, create new form-based transect zoning
4 districts, streamline administrative and board review processes, and update and clarify numerous
5 regulatory provisions; and

6 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land
7 Use Map of the Comprehensive Plan by changing the land use categories of approximately 1,829
8 acres of property, as more specifically described in this ordinance; and

9 **WHEREAS**, this ordinance is associated with City of Gainesville Ordinance Nos. 140817,
10 140818 and 140820. Ordinance No. 140817 will amend the Comprehensive Plan by deleting
11 certain existing and creating new land use categories in the Future Land Use Element and by
12 updating the Transportation Mobility Element; Ordinance No. 140818 will comprehensively
13 amend the Land Development Code by deleting the existing text and adopting new text to
14 eliminate certain existing zoning districts and special area plans, create new zoning districts with
15 associated regulations, and reorganize, update and clarify the text of the Land Development
16 Code; and Ordinance No. 140820 will amend the Zoning Map Atlas by removing certain special
17 area plans and rezoning approximately 1,829 acres of property; and

18 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
19 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
20 pursuant to Section 163.3174, Florida Statutes, held a series of public hearings and on December
21 3, 2014, voted to recommend that the City Commission approve this Future Land Use Map
22 amendment; and

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1 **WHEREAS**, the City Commission held a series of public hearings and on September 30, 2015,
2 approved the petition associated with this amendment to the Comprehensive Plan and authorized
3 the drafting of this ordinance; and

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

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

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

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

18 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered any
19 written comments received concerning this Future Land Use Map amendment.

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

22 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
23 amended by changing the land use categories of the following properties:

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1 The list of each individual parcel being changed, which list includes each
2 property's parcel number together with its existing land use category and its
3 amended land use category, is attached as **Exhibit A** and made a part hereof as if
4 set forth in full. For visual reference, the location of each property with existing
5 and proposed land use category is shown on the map attached as **Exhibit B**. In
6 the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

7
8 **SECTION 2.** Within ten working days of the transmittal (first) hearing, the City Manager or
9 designee is authorized and directed to transmit this Future Land Use Map amendment and
10 appropriate supporting data and analyses to the reviewing agencies and to any other local
11 government or governmental agency that has filed a written request for same with the City.
12 Within ten working days of the adoption (second) hearing, the City Manager or designee is
13 authorized and directed to transmit this amendment to the state land planning agency and any
14 other agency or local government that provided comments to the City regarding the amendment.

15 **SECTION 3.** The City Manager or designee is authorized and directed to make the necessary
16 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to
17 comply with this ordinance.

18 **SECTION 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
19 the application hereof to any person or circumstance is held invalid or unconstitutional, such
20 finding shall not affect the other provisions or applications of this ordinance that can be given
21 effect without the invalid or unconstitutional provision or application, and to this end the
22 provisions of this ordinance are declared severable.

23 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
24 conflict hereby repealed.

25 **SECTION 6.** This ordinance shall become effective immediately upon adoption; however, the
26 amendment to the City of Gainesville Comprehensive Plan that is the subject of this ordinance

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1 shall not become effective until both events described below have occurred, and the effective
2 date of this amendment shall be the date when the later of the two events has occurred. No
3 development orders, development permits, or land uses dependent on this Comprehensive Plan
4 amendment may be issued or commenced before this amendment has become effective.

- 5 1. If the amendment that is the subject of this ordinance is not timely challenged, 31 days
6 after the state land planning agency notifies the City that the plan amendment package is
7 complete in accordance with Section 163.3184, Florida Statutes. If timely challenged, the
8 date the state land planning agency or the Administration Commission enters a final order
9 determining the amendment to be in compliance with Chapter 163, Florida Statutes.
- 10 2. The amendment to the City of Gainesville Comprehensive Plan that is the subject of
11 Ordinance No. 140817 has become effective as provided therein.

12
13 **PASSED AND ADOPTED** this _____ day of _____, 2017.

14

15

16

LAUREN POE
MAYOR

17

18

19 Attest:

Approved as to form and legality:

20

21

22

23

KURT LANNON

NICOLLE M. SHALLEY

24

CLERK OF THE COMMISSION

CITY ATTORNEY

25

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

27

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