

**LEGISLATIVE #**  
**140820A-1**

ORDINANCE NO. 140820

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by deleting the Special Area Plan for NW 39<sup>th</sup> Avenue overlay zoning district; deleting the Special Area Plan for Triangle overlay zoning district; deleting the Special Area Plan for College Park overlay zoning district; deleting the Special Area Plan for Traditional City overlay zoning district; deleting the Special Area Plan for Central Corridors overlay zoning district; deleting the Special Area Plan for University Heights overlay zoning district; deleting the Special Area Plan for Southwest 13<sup>th</sup> Street overlay zoning district; deleting the Special Area Plan for Southeast Gainesville Renaissance Initiative Area overlay zoning district; rezoning approximately 1,829 acres of property FROM one of the following zoning districts: Single-Family Residential (RSF-1), Single-Family Residential (RSF-3), Single-Family Residential (RSF-4), Residential Low-Density (RMF-5), Multiple-Family Medium-Density Residential (RMF-6), Multiple-Family Medium-Density Residential (RMF-7), Multiple-Family Medium-Density Residential (RMF-8), Residential Low-Density (RC), Residential Mixed-Use (RMU), Residential High-Density (RH-1), Residential High-Density (RH-2), Office Residential (OR), General Office (OF), General Business (BUS), Automotive-Oriented Business (BA), Tourist-Oriented Business (BT), Mixed-Use Low-Intensity (MU-1), Mixed-Use Medium-Intensity (MU-2), Central City District (CCD), Urban Mixed-Use District 1 (UMU-1), Urban Mixed-Use District 2 (UMU-2), Warehousing and Wholesaling (W), Limited Industrial (I-1), General Industrial (I-2), Medical Services (MD), Public Services and Operations District (PS), or Planned Development District (PD) TO one of the following zoning districts: Educational Services (ED), Medical Services (MD), General Business (BUS), Downtown (DT), Urban 9 (U9), Urban 8 (U8), Urban 7 (U7), Urban 6 (U6), Urban 5 (U5), Urban 4 (U4), Urban 3 (U3), or Urban 2 (U2), 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

1 **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the City of Gainesville  
2 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that  
3 designates the future general distribution, location, and extent of the uses of land for residential,  
4 commercial, industry, agriculture, recreation, conservation, education, public facilities, and other  
5 categories of the public and private uses of land, with the goals of protecting natural and historic  
6 resources, providing for the compatibility of adjacent land uses, and discouraging the  
7 proliferation of urban sprawl. The Future Land Use Element shall discourage the proliferation of  
8 urban sprawl by promoting an urban form that is walkable, connected, and compact with a mix of  
9 uses at densities and intensities that will support a range of housing choices and a multimodal  
10 transportation system, including pedestrian, bicycle and transit; and

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

15 **WHEREAS**, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt  
16 or amend and enforce land development regulations that are consistent with and implement the  
17 Comprehensive Plan, and that shall at a minimum: regulate the subdivision of land; regulate the  
18 use of land and water for those categories included in the land use element and ensure the  
19 compatibility of adjacent uses and provide for open space; provide for protection of potable water  
20 wellfields; regulate areas subject to seasonal and periodic flooding and provide for drainage and  
21 stormwater management; ensure the protection of environmentally sensitive lands designated in  
22 the Comprehensive Plan; regulate signage; provide that public facilities and services meet or

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1 exceed the standards established in the Comprehensive Plan; and ensure safe and convenient  
2 onsite traffic flow, considering needed vehicle parking; and

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

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

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

14 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Zoning Map  
15 Atlas by removing certain special area plans and rezoning approximately 1,829 acres of property,  
16 as more specifically described in this ordinance; and

17 **WHEREAS**, this ordinance is associated with City of Gainesville Ordinance Nos. 140817,  
18 140819 and 140818. Ordinance No. 140817 will amend the Comprehensive Plan by deleting  
19 certain existing and creating new land use categories in the Future Land Use Element and by  
20 updating the Transportation Mobility Element; Ordinance No. 140819 will amend the Future  
21 Land Use Map of the Comprehensive Plan by changing the land use categories of approximately  
22 1,829 acres of property; and Ordinance No. 140818 will comprehensively amend the Land

1 Development Code by deleting the existing text and adopting new text to eliminate certain  
2 existing zoning districts and special area plans, create new zoning districts with associated  
3 regulations, and reorganize, update and clarify the text of the Land Development Code; and

4 **WHEREAS**, the rezoning that is the subject of this ordinance is a comprehensive rezoning that  
5 formulates general policy and affects a large portion of the public and is therefore legislative in  
6 nature rather than quasi-judicial. *See Board of County Com'rs of Brevard County v. Snyder*, 627  
7 So. 2d 469, 474 (Fla. 1993); *Martin County v. Yusem*, 690 So. 2d 1288, 1292 (Fla. 1997); and

8 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
9 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency  
10 pursuant to Section 163.3174, Florida Statutes, held a series of public hearings and on December  
11 3, 2014, voted to recommend that the City Commission approve this rezoning; and

12 **WHEREAS**, the City Commission held a series of public hearings and on September 30, 2015,  
13 approved the petition associated with this rezoning and authorized the drafting of this ordinance;  
14 and

15 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a  
16 newspaper of general circulation and provided the public with at least seven days' advance notice  
17 of this ordinance's first public hearing to be held by the City Commission in the City Hall  
18 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

19 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was  
20 placed in the aforesaid newspaper and provided the public with at least five days' advance notice  
21 of this ordinance's second public hearing to be held by the City Commission; and

22 **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; and

**WHEREAS**, the City Commission finds that the rezoning of the property described herein will be consistent with the City of Gainesville Comprehensive Plan when the amendments to the Comprehensive Plan adopted by Ordinance Nos. 140817 and 140819 become effective as provided therein.

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

**SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by deleting the Special Area Plan overlay zoning districts from the following areas, as shown on **Exhibit A**:

- Special Area Plan for NW 39<sup>th</sup> Avenue.
- Special Area Plan for Triangle.
- Special Area Plan for College Park.
- Special Area Plan for Traditional City.
- Special Area Plan for Central Corridors.
- Special Area Plan for University Heights.
- Special Area Plan for Southwest 13<sup>th</sup> Street.
- Special Area Plan for Southeast Gainesville Renaissance Initiative Area.

**SECTION 2.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the following properties:

The list of each individual parcel being rezoned, which list includes each property's parcel number together with its existing zoning district and its amended zoning district, is attached as **Exhibit B** and made a part hereof as if set forth in full. For visual reference, the location of each property with existing and proposed zoning district is shown on the map attached as **Exhibit C**. In the event of conflict or inconsistency, **Exhibit B** shall prevail over **Exhibit C**.

**SECTION 3.** The City Manager or designee is authorized and directed to make the necessary changes to the Zoning Map Atlas to comply with this ordinance.

**SECTION 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance or

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

**SECTION 6.** This ordinance shall become effective immediately upon adoption; however, the rezoning of the subject properties shall not become effective until the amendments to the City of Gainesville Comprehensive Plan adopted by Ordinance Nos. 140817 and 140819 become effective as provided therein and the Land Development Code text change adopted by Ordinance No. 140818 becomes effective as provided therein.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
LAUREN POE  
MAYOR

Attest:

Approved as to form and legality:

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

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

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2017.