

LEGISLATIVE #
140818A-1

ORDINANCE NO. 140818

An ordinance of the City of Gainesville, Florida, comprehensively revising the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by deleting the entirety of the existing text and adopting new text to delete certain existing zoning districts and special area plans, to create new zoning districts with associated regulations, and to reorganize, update, and clarify the text of the Land Development Code; providing directions to the codifier; 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 uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle and transit; and

WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive Plan to include a Transportation Element that addresses mobility and plans for a

DRAFT

multimodal transportation system that places emphasis on public transportation systems, and shall be coordinated with the Future Land Use Element and Future Land Use Map; and

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

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

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

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

DRAFT

1 **WHEREAS**, this ordinance, which was noticed as required by law, will comprehensively amend
2 the Land Development Code by deleting the entirety of the existing text and adopting new text to
3 eliminate certain existing zoning districts and special area plans, create new zoning districts with
4 associated regulations, and reorganize, update, and clarify the text of the Land Development
5 Code; and

6 **WHEREAS**, this ordinance is associated with City of Gainesville Ordinance Nos. 140817,
7 140819 and 140820. Ordinance No. 140817 will amend the Comprehensive Plan by deleting
8 certain existing and creating new land use categories in the Future Land Use Element and by
9 updating the Transportation Mobility Element; Ordinance No. 140819 will amend the Future
10 Land Use Map of the Comprehensive Plan by changing the land use categories of approximately
11 1,829 acres of property; and Ordinance No. 140820 will amend the Zoning Map Atlas by
12 removing certain special area plans and rezoning approximately 1,829 acres of property; and

13 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
14 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
15 pursuant to Section 163.3174, Florida Statutes, held a series of public hearings and on December
16 3, 2014, voted to recommend that the City Commission approve this amendment to the text of
17 the Land Development Code; and

18 **WHEREAS**, the City Commission held a series of public hearings and on September 30, 2015,
19 approved the petition associated with this amendment to the text of the Land Development Code
20 and authorized the drafting of this ordinance; and

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

notice of this ordinance's first public hearing to be held by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

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

WHEREAS, the City Commission finds that the Land Development Code text change 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 text of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances), including its Appendices A through F, is deleted in its entirety and replaced with the text set forth in **Exhibit A**, which is attached to this ordinance and made a part hereof as if set forth in full.

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 this ordinance 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; however, the Land Development Code text change that is the subject of this ordinance shall not become effective until both amendments to the City of Gainesville Comprehensive Plan adopted by Ordinance Nos. 140817 and 140819 become effective as provided therein.

PASSED AND ADOPTED this _____ day of _____, 2017.

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

KURT M. 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.