

ORDINANCE NO. 140820

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by deleting the Special Area Plan for NW 39th 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 13th 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

WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville

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

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

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

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

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

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

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

15 **WHEREAS**, this ordinance is associated with City of Gainesville Ordinance Nos. 140817,
16 140819 and 140818. Ordinance No. 140817 will amend the Comprehensive Plan by deleting
17 certain existing and creating new land use categories in the Future Land Use Element and by
18 updating the Transportation Mobility Element; Ordinance No. 140819 will amend the Future
19 Land Use Map of the Comprehensive Plan by changing the land use categories of approximately
20 1,829 acres of property; and Ordinance No. 140818 will comprehensively amend the Land
21 Development Code by deleting the existing text and adopting new text to eliminate certain
22 existing zoning districts and special area plans, create new zoning districts with associated
23 regulations, and reorganize, update and clarify the text of the Land Development Code; and

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

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

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

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

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

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

21 **WHEREAS**, the City Commission finds that the rezoning of the property described herein will
22 be consistent with the City of Gainesville Comprehensive Plan when the amendments to the
23 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 39th 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 13th 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 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

1 conflict hereby repealed.

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

7 **PASSED AND ADOPTED** this 20th day of July, 2017.
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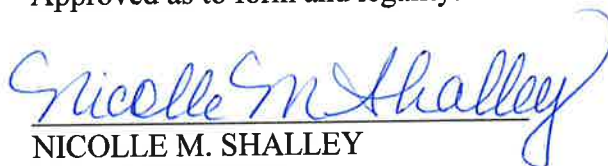
12 LAUREN POE
13 MAYOR

14
15 Attest:

Approved as to form and legality:

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19 KURT LANNON
20 CLERK OF THE COMMISSION
21



22 NICOLLE M. SHALLEY
23 CITY ATTORNEY
24
25

23 This ordinance passed on first reading this 18th day of May, 2017.

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25 This ordinance passed on second reading this 20th day of July, 2017.