LEGISLATIVE # 200877A

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ORDINANCE NO. 200877

2 An ordinance of the City of Gainesville, Florida, amending Section 30-3.14 of 3 the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to revise the additional criteria for applications to rezone to a 4 5 transect zone; providing directions to the codifier; providing a severability 6 clause; providing a repealing clause; and providing an effective date. 7 8 WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for 9 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the 10 Florida Constitution, including the exercise of any power for municipal purposes not expressly 11 prohibited by law; and 12 WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by 13 14 providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city; and 15 WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or 16 17 amend and enforce land development regulations that are consistent with and implement the 18 Comprehensive Plan, and that are combined and compiled into a single land development code 19 for the city (the City of Gainesville's Land Development Code is Chapter 30 of the Code of 20 Ordinances); and 21 WHEREAS, this ordinance, which was noticed as required by law, will amend the text of the Land Development Code as described herein; and 22 23 WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of

the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant

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25	to	to Section 163.3174, Florida Statutes, held a public hearing on March 18, 2021, and voted to			
26	rec	ommend the City Commission approve this text change to the Land Development Code; and			
27	Wł	HEREAS, at least ten days' notice has been given once by publication in a newspaper of			
28	ger	neral circulation notifying the public of this proposed ordinance and of public hearings in the			
29	Cit	City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and			
30	WHEREAS, public hearings were held pursuant to the notice described above at which hearings				
31	the parties in interest and all others had an opportunity to be and were, in fact, heard; and				
32	Wł	HEREAS, the City Commission finds that the Land Development Code text amendment			
33	described herein is consistent with the City of Gainesville Comprehensive Plan.				
34	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,				
35	FLORIDA:				
36	SECTION 1. Section 30-3.14 of the Land Development Code is amended as follows. Except as				
	amended herein, the remainder of Section 30-3.14 remains in full force and effect.				
37	am	ended herein, the remainder of Section 30-3.14 remains in full force and effect.			
37 38		ended herein, the remainder of Section 30-3.14 remains in full force and effect. ction 30-3.14. Rezoning criteria.			
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38 39	Sec	ction 30-3.14. Rezoning criteria.			
38 39 40 41	Sec A.	ction 30-3.14. Rezoning criteria. Applications to rezone property shall be reviewed according to the following criteria: Compatibility of permitted uses and allowed intensity and density with surrounding existing			
38 39 40 41 42	Sec A. B.	ction 30-3.14. Rezoning criteria. Applications to rezone property shall be reviewed according to the following criteria: Compatibility of permitted uses and allowed intensity and density with surrounding existing development.			
 38 39 40 41 42 43 44 	Sec A. B. C.	Applications to rezone property shall be reviewed according to the following criteria: Compatibility of permitted uses and allowed intensity and density with surrounding existing development. The character of the district and its suitability for particular uses. The proposed zoning district of the property in relation to surrounding properties and other			
 38 39 40 41 42 43 44 45 46 	Sec A. B. C. D.	Applications to rezone property shall be reviewed according to the following criteria: Compatibility of permitted uses and allowed intensity and density with surrounding existing development. The character of the district and its suitability for particular uses. The proposed zoning district of the property in relation to surrounding properties and other similar properties. Conservation of the value of buildings and encouraging the most appropriate use of the			

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- 52 G. Whether there have been substantial changes in the character or development of areas in 53 or near an area under consideration for rezoning.
- 54 H. The goals, objective, and policies of the Comprehensive Plan.
- 55 I. The facts, testimony, and reports presented at public hearings.
- J. Applications to rezone to a transect zone shall meet the following additional criteria:
- The proposed T-Zone shall provide a logical extension of an existing zone, or an
 adequate transition between zones, <u>with characteristics and redevelopment potential</u>
 <u>supporting a coherent expansion of nearby transects. Such elements must include a</u>
 <u>street system compliant with City standards, sidewalks, pedestrian circulation, lighting</u>
- 61 <u>systems, and utility infrastructure.</u>
- 62 2. The area shall have had a change in growth and development pattern to warrant the63 rezoning to a more or less urban T-Zone.
- The request shall be consistent with the overall City of Gainesville vision for growth and
 development as expressed in the City of Gainesville Comprehensive Plan.
- 4. If not adjacent to an existing T-Zone, the rezoning site shall comprise a minimum of ten
 acres.
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69 SECTION 2. It is the intent of the City Commission that the provisions of Section 1 of this

ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,

- 71 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
- 72 relettered in order to accomplish such intent.
- 73 **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
- 75 finding will not affect the other provisions or applications of this ordinance that can be given
- reffect without the invalid or unconstitutional provision or application, and to this end the
- 77 provisions of this ordinance are declared severable.
- 78 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
- 79 conflict hereby repealed.

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82	PASSED AND ADOPTED this day of	, 2021.	
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86		LAUREN POE	
87		MAYOR	
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89	Attest:	Approved as to form ar	d legality:
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93	OMICHELE D. GAINEY	NICOLLE M. SHALLEY	
94	CITY CLERK	CITY ATTORNEY	
95			
96 97	This ordinance passed on first reading this	day of	, 2021.
98	This ordinance passed on second reading this	day of	, 2021.