



## Legislation Details (With Text)

**File #:** 140819. **Version:** 5 **Name:**  
**Type:** Ordinance **Status:** Second Reading  
**File created:** 3/16/2015 **In control:** City Attorney  
**On agenda:** 5/18/2017 **Final action:** 7/20/2017  
**Title:** LAND USE CHANGE - AMEND FUTURE LAND USE MAP BY CHANGING LAND USE CATEGORIES FOR APPROXIMATELY 1,829 ACRES OF PROPERTY (B)

### 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.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 140819A\_staff report\_20150330.pdf, 2. 140819B\_Maps\_Exh A-1 -Exh A-3\_20150330.pdf, 3. 140819C\_Exh B-1\_Comp Plan GOPs\_20150330.pdf, 4. 140819D\_Exh C-1\_Application\_20150330.pdf, 5. 140819E\_ExE-1\_Listing of Parcels\_20150330.pdf, 6. 140819F\_CPB minutes\_20150330 .pdf, 7. 140819 & 140820\_Nancy Loeper (Citizen) Letter\_20150330.pdf, 8. 140819A\_staff report\_20150416.pdf, 9. 140819B\_Maps\_Exh A-1 -Exh A-3\_20150416.pdf, 10. 140819C\_Exh B-1\_Comp Plan GOPs\_20150416.pdf, 11. 140819D\_Exh C-1\_Application\_20150416.pdf, 12. 140819E\_ExE-1\_Listing of Parcels\_20150416.pdf, 13. 140819F\_CPB minutes\_20150416 .pdf, 14. 140819A\_staff report\_20150512.pdf, 15. 140819B\_Maps\_Exh A-1 -Exh A-3\_20150512.pdf, 16. 140819C\_Exh B-1\_Comp Plan GOPs\_20150512.pdf, 17. 140819D\_Exh C-1\_Application\_20150512.pdf, 18. 140819E\_ExE-1\_Listing of Parcels\_20150512.pdf, 19. 140819F\_CPB minutes\_20150512 .pdf, 20. 140819\_Letter\_20150512.pdf, 21. 140819A\_Staff report\_20150618.pdf, 22. 140819B\_Maps\_Exh A-1 -Exh A-3\_20150618.pdf, 23. 140819C\_Exh B-1\_Comp Plan GOPs\_20150618.pdf, 24. 140819D\_Exh C-1\_Application\_20150618.pdf, 25. 140819E\_ExE-1\_Listing of Parcels\_20150618.pdf, 26. 140819F\_CPB minutes\_20150618 .pdf, 27. 140819A\_Staff report\_20150930.pdf, 28. 140819B\_Maps\_Exh A-1 -Exh A-3\_20150930.pdf, 29. 140819C\_Exh B-1\_Comp Plan GOPs\_20150930.pdf, 30. 140819D\_Exh C-1\_Application\_20150930.pdf, 31. 140819E\_ExE-1\_Listing of Parcels\_20150930.pdf, 32. 140819F\_CPB minutes\_20150930 .pdf, 33. 140819B\_Revised Staff report\_20170518, 34. 140819A1\_draft ordinance\_20170518.pdf, 35. 140819A2\_draft ordinance exhibit A property list\_20170518.pdf, 36. 140819A3\_draft ordinance exhibit B Maps\_20170518.pdf, 37. 140819B\_State Review Letters\_20170720.pdf, 38. 140819\_Ordinance\_20170720.pdf

Date	Ver.	Action By	Action	Result
7/20/2017	5	City Commission	Adopted on Final Reading (Ordinance) and Approved the Recommendation	Pass
5/18/2017	4	City Commission	Adopted (Ordinance) on Transmittal Hearing	Pass

9/24/2015	3	City Commission	Approved as Recommended	Pass
6/18/2015	2	City Commission	Approved as Recommended	Pass
5/12/2015	1	City Commission	Continued (Petition)	Pass
4/16/2015	1	City Commission	Continued (Petition)	Pass
3/30/2015	1	City Commission	Continued (Petition)	Pass

## **LAND USE CHANGE - AMEND FUTURE LAND USE MAP BY CHANGING LAND USE CATEGORIES FOR APPROXIMATELY 1,829 ACRES OF PROPERTY (B)**

### **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.

The City Commission: (1) receive letters from the Florida Department of Economic Opportunity, Florida Department of Environmental Protection, North Central Florida Regional Planning Council, St. Johns River Water Management District, Suwannee River Water Management District, and Florida Department of Transportation; and (2) adopt the proposed ordinance.

### **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

**Update since first reading: On May 18, 2017, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, Florida Department of Environmental Protection, North Central Florida Regional Planning Council, St. Johns River Water Management District, Suwannee River Water Management District, and Florida Department of Transportation. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.**

This ordinance will change the land use category of approximately 1,829 acres of land, or roughly 4.52% of the city's land area. This large-scale land use change implements and is consistent with the Comprehensive Plan text amendment in Ordinance No. 140817 that deletes certain existing and creates new land use categories. This ordinance is also associated with the comprehensive amendment to the City's Land Development Code (Ordinance No. 140818) and the associated legislative rezoning (Ordinance No. 140820).

The area proposed for changes primarily consists of developed properties, with only about 14.1% of those parcels being vacant (257.3 acres). Excluded areas include properties that are: currently single-family and will continue to have that designation; currently Residential Low-Density and will continue to have that designation; or currently have another land use designation (such as Public and Institutional Facilities) that will not be changed.

Since the majority of the area (approximately 85.9%) is already developed, it is anticipated that the proposed changes will primarily result in redevelopment or infill that will occur over a period of 10 - 50 years. Since these developed areas are all within a central portion of the city, they are adequately served by existing public facilities such as streets, potable water, wastewater, water supply, public schools, recreation, and transit services. As redevelopment occurs, new infrastructure such as stormwater systems and utility upgrades may be required and will be the responsibility of the developer. This entire area falls within the city's Transportation Mobility Program Area, which was formed when the city rescinded transportation concurrency in 2013.

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 to Section 163.3174, Florida Statutes, held a series of public hearings and on December 3, 2014, voted to recommend that the City Commission approve this Future Land Use Map amendment. Subsequently, the City Commission held a series of public hearings and on September 30, 2015, approved the petition associated with this amendment to the Comprehensive Plan and authorized the drafting of this ordinance.

#### **CITY ATTORNEY MEMORANDUM**

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective as provided in the ordinance.