

**LEGISLATIVE #**

**211331A**

**ORDINANCE NO. 211331**

**An ordinance of the City of Gainesville, Florida, amending Section 30-3.14 of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) regarding rezoning criteria; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

**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 providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city; 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 are combined and compiled into a single land development code for the city (the City of Gainesville's Land Development Code is Chapter 30 of the Code of Ordinances); and

**WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the Land Development Code as described herein; and

**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

to Section 163.3174, Florida Statutes, held a public hearing on June 23, 2022, and voted to recommend the City Commission approve this text change to the Land Development Code; and

**WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; 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 amendment described herein is consistent with the City of Gainesville Comprehensive Plan.

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

**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.

**Section 30-3.14. Rezoning criteria.**

Applications to rezone property shall be reviewed according to the following criteria:

- A. Compatibility of permitted uses and allowed intensity and density with surrounding existing development.
- B. The character of the district and its suitability for particular uses.
- C. The proposed zoning district of the property in relation to surrounding properties and other similar properties.
- D. Conservation of the value of buildings and encouraging the most appropriate use of the land throughout the city.
- E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.
- F. The needs of the city for land areas for specific purposes to serve population and economic activities.

- 51 G. Whether there have been substantial changes in the character or development of areas in  
52 or near an area under consideration for rezoning.
- 53 H. The goals, objective, and policies of the Comprehensive Plan.
- 54 I. The facts, testimony, and reports presented at public hearings.
- 55 J. Applications to rezone to a transect zone shall meet the following additional criteria:
- 56 1. The proposed T-Zone shall provide a logical extension of an existing zone, or an  
57 adequate transition between zones, with the potential to establish a coherent  
58 expansion of nearby transects with elements including a code compliant street system  
59 with sidewalks, pedestrian circulation, lighting systems, and utility infrastructure.
- 60 2. The area shall have had a change in growth and development pattern to warrant the  
61 rezoning to a more or less urban T-Zone.
- 62 3. The request shall be consistent with the overall City of Gainesville vision for growth and  
63 development as expressed in the City of Gainesville Comprehensive Plan.
- 64 ~~4. If not adjacent to an existing T-Zone, the rezoning site shall comprise a minimum of ten~~  
65 ~~acres.~~
- 66 4. The subject land has the characteristics of a T-Zone or has the potential to successfully  
67 facilitate development consistent with the intent of the T-Zone, including the creation  
68 of a more urban form through prescriptive building placement standards, enhanced  
69 window glazing, and an emphasis on the pedestrian experience.

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72 **SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this  
73 ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,  
74 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or  
75 relettered in order to accomplish such intent.

76 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
77 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
78 finding will not affect the other provisions or applications of this ordinance that can be given

79 effect without the invalid or unconstitutional provision or application, and to this end the  
80 provisions of this ordinance are declared severable.

81 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
82 conflict hereby repealed.

83 **SECTION 5.** This ordinance will become effective immediately upon adoption.

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85 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Attest:

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OMICHELE D. GAINES

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CITY CLERK

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

MAYOR

Approved as to form and legality:

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DANIEL M. NEE

INTERIM CITY ATTORNEY

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This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.