ORDINANCE NO. 211357

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An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element and Map of the Comprehensive Plan by amending the Single-Family (SF) land use category and associated property, 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.

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- 9 **WHEREAS,** the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for 10 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the 11 Florida Constitution, including the exercise of any power for municipal purposes not expressly 12 prohibited by law; and
- 13 WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a
- 14 Comprehensive Plan to guide the future development and growth of the city; and
- 15 WHEREAS, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),
- 16 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the orderly
- 17 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
- 19 WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive
- 20 Plan to include a Future Land Use Element with a Future Land Use Map that designates the future
- 21 general distribution, location, and extent of the uses of land for residential, commercial, industry,
- 22 agriculture, recreation, conservation, education, public facilities, and other categories of the
- 23 public and private uses of land, with the goals of protecting natural and historic resources,
- 24 providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban
- 25 sprawl; and

- 26 **WHEREAS,** this ordinance, which was noticed as required by law, will amend the Future Land Use
- 27 Element and Map of the Comprehensive Plan; and
- 28 WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
- 29 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
- 30 to Section 163.3174, Florida Statutes, held a public hearing on June 6, 2022, and voted to make
- 31 a recommendation to the City Commission regarding the subject of this ordinance; and
- 32 WHEREAS, an advertisement no less than two columns wide by ten inches long was placed in a
- 33 newspaper of general circulation and provided the public with at least seven days' advance notice
- of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City Commission
- 35 in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and
- 36 WHEREAS, after the first public hearing, the City of Gainesville transmitted copies of this
- 37 proposed amendment to the reviewing agencies and any other local government unit or state
- 38 agency that requested same; and
- 39 WHEREAS, a second advertisement no less than two columns wide by ten inches long was placed
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 m 40}$ $\,$ in the aforesaid newspaper and provided the public with at least five days' advance notice of this
- 41 ordinance's second public hearing (i.e., adoption hearing) to be held by the City Commission; and
- 42 WHEREAS, public hearings were held pursuant to the notice described above at which hearings
- 43 the parties in interest and all others had an opportunity to be and were, in fact, heard; and
- 44 WHEREAS, prior to adoption of this ordinance, the City Commission has considered any written
- 45 comments received concerning this Future Land Use Element and Map amendment; and
- 46 WHEREAS, the City Commission finds this Future Land Use Element and Map to be consistent
- 47 with the City of Gainesville Comprehensive Plan.

- 48 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,
- 49 FLORIDA:
- 50 **SECTION 1.** Policy 4.1.1 of the Future Land Use Element of the City of Gainesville
- 51 Comprehensive Plan is amended as follows. Except as amended herein, the remainder of Policy
- 52 4.1.1 remains in full force and effect.
- 53 Single-Family (SF): up to 8 units per acre

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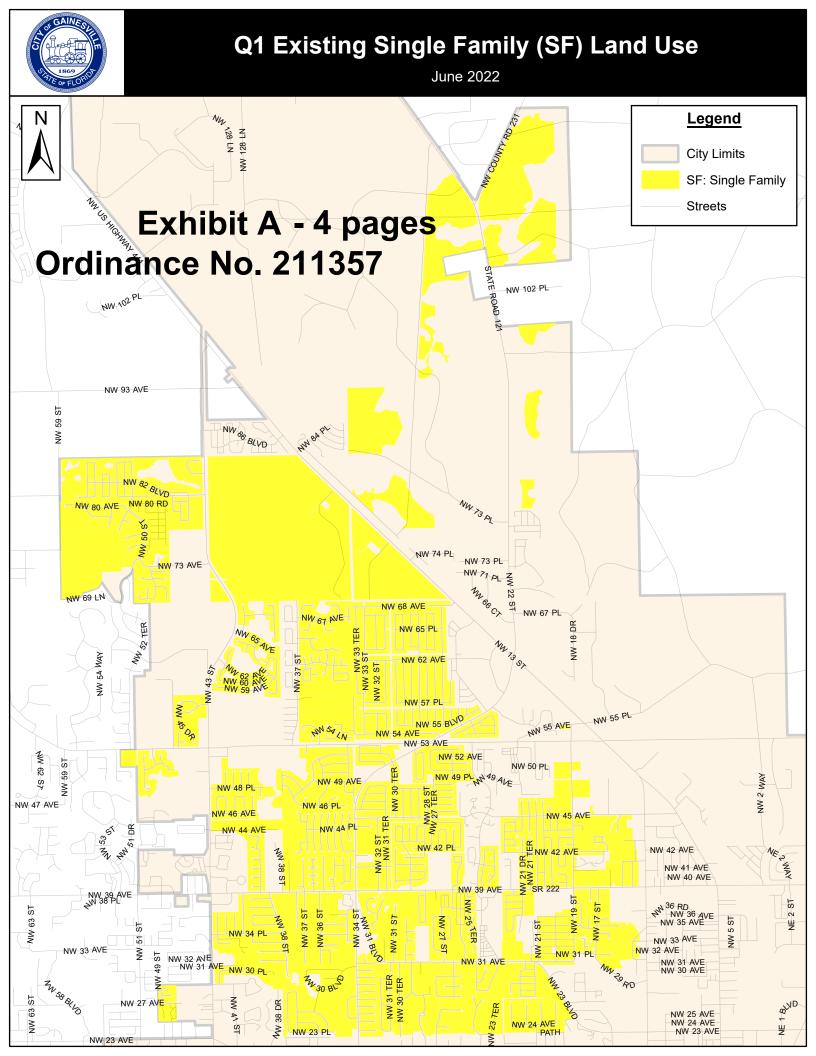
- 55 This land use category shall allow single family detached dwellings at densities up to 8 dwelling
- 56 units per acre. The Single Family land use c at e go r y identifies those areas within the City that,
- 57 due to topography, soil conditions, surrounding land uses and development patterns, are
- 58 appropriate for single-family development. Land development regulations shall determine the
- 59 performance measures and gradations of density. Land development regulations shall specify
- 60 criteria for the siting of low-intensity residential facilities to accommodate special need
- 61 populations and appropriate community level institutional facilities such as places of religious
- 62 assembly, public and private schools other than institutions of higher learning, and libraries. Land
- 63 development regulations shall allow home occupations in conjunction with single-family
- 64 dwellings under certain limitations.

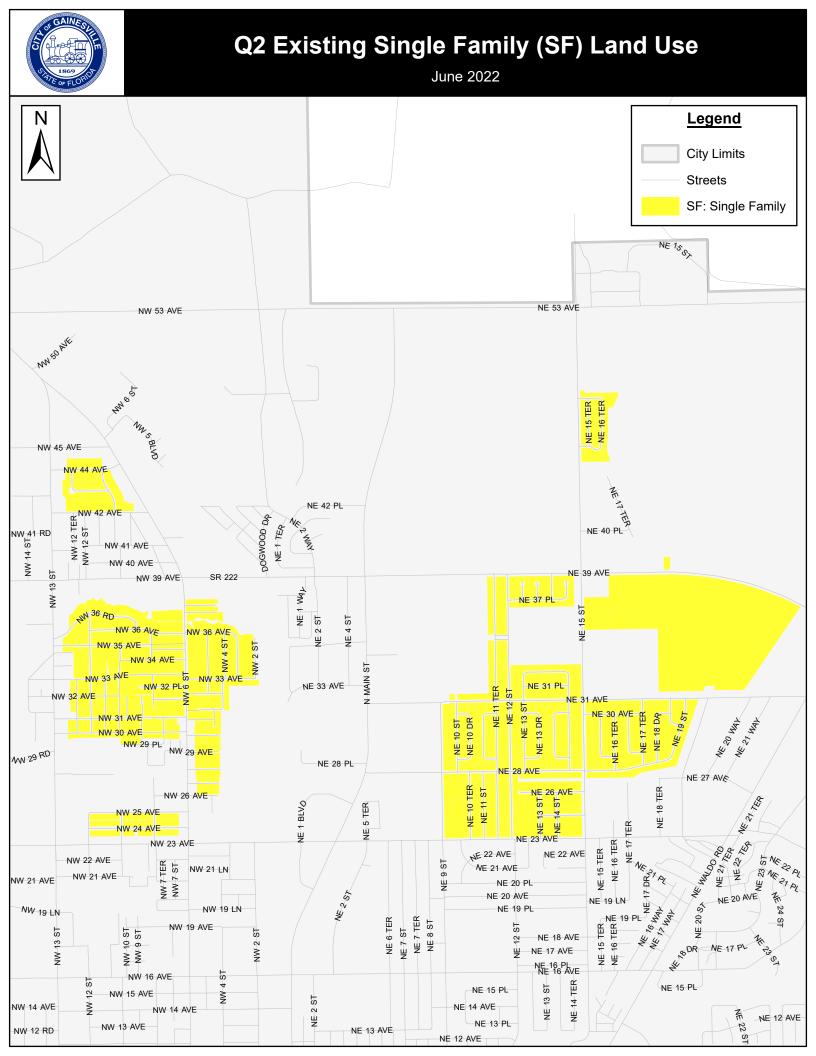
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- 66 SECTION 2. The Future Land Use Map of the City of Gainesville Comprehensive Plan is
- amended by changing the land use category of all property currently designated Single-Family
- 68 (SF) to Residential Low-Density (RL). The amendment and location of the property that is the
- 69 subject of this ordinance is shown on **Exhibit A** for visual reference. A detailed Future Land Use
- 70 Map is available for inspection on the City's website or in the City's Department of Sustainable
- 71 Development.
- 72 **SECTION 3.** It is the intent of the City Commission that the provisions of Sections 1 and 2 of
- 73 this ordinance will become and be made a part of the City of Gainesville Comprehensive Plan
- 74 and that the sections and paragraphs of the Comprehensive Plan may be renumbered in order
- 75 to accomplish such intent.

- 76 **SECTION 4.** The City Manager or designee is authorized and directed to make the necessary
- 77 changes to the City of Gainesville Comprehensive Plan in order to fully implement this ordinance.
- 78 The City Manager or designee is authorized to correct any typographical errors that do not affect
- 79 the intent of this ordinance.
- 80 SECTION 5. Within ten working days of the transmittal (first) hearing, the City Manager or
- 81 designee is authorized and directed to transmit this Future Land Use Map amendment and
- 82 appropriate supporting data and analyses to the reviewing agencies and to any other local
- 83 government or governmental agency that has filed a written request for same with the City.
- 84 Within ten working days of the adoption (second) hearing, the City Manager or designee is
- 85 authorized and directed to transmit this amendment to the state land planning agency and any
- 86 other agency or local government that provided comments to the City regarding the
- 87 amendment.
- 88 **SECTION 6.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
- 89 the application hereof to any person or circumstance is held invalid or unconstitutional, such
- 90 finding will not affect the other provisions or applications of this ordinance that can be given
- 91 effect without the invalid or unconstitutional provision or application, and to this end the
- 92 provisions of this ordinance are declared severable.
- 93 **SECTION 7.** As of the effective date of this amendment to the Comprehensive Plan as
- 94 described in Section 8 of this ordinance, all ordinances or parts of ordinances in conflict herewith
- 95 are to the extent of such conflict hereby repealed.
- 96 **SECTION 8.** This ordinance will become effective immediately upon adoption; however, the
- 97 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the

| 98 | amendment is not timely challenged, will b | e 31 days after the state land planning agency | notifies |
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| 99 | the City that the plan amendment package | e is complete in accordance with Section 16 | 3.3184, |
| 100 | Florida Statutes. If timely challenged, this C | omprehensive Plan amendment will become e | effective |
| 101 | on the date the state land planning agency | or the Administration Commission enters a fin | al order |
| 102 | determining the amendment to be in co | ompliance with Chapter 163, Florida Statut | es. No |
| 103 | development orders, development permits | , or land uses dependent on this Comprehens | ive Plan |
| 104 | amendment may be issued or commenced | before this amendment has become effective | 2. |
| 105 | PASSED AND ADOPTED this d | ay of, 2022. | |
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| 107 | | | |
| 108 | | LAUREN POE | |
| 109 | | MAYOR | |
| 110 | | | |
| 111 | Attest: | Approved as to form and legality: | |
| 112 | | | |
| 113 | | | |
| 114 | OMICHELE D. GAINEY | DANIEL M. NEE | |
| 115 | CITY CLERK | CITY ATTORNEY | |
| 116 | | | |
| 117 | This ordinance passed on transmittal (first) | reading this day of, | 2022. |
| 118 | | | |
| 119 | This ordinance passed on adoption (second | I) reading this day of | , 2022. |





Q3 Existing Single Family (SF) Land Use June 2022 NW 25 TER Legend NW 37 ST NW 31 ST NW 27 NW 36 NW 29 TER ST NW 34 PL 2 City Limits ST NW 33 AVE NW 32 PL NW 32 AVE NW 31 AVE $\frac{8}{2}$ NW NW 31 AVE NW 30 PL Streets NW 30 PL WW 23 Zn 58 8140 NW 31 TER 30 BLS NW 30 TER SF: Single Family NW AT NW 27 AVE NW 27 AVE Ž NW 24 AVE NW 24 AVE NW 36 DR NW 23 PL NW 23 AVE NW 23 63 NW 57 NW 20 PL NW 31 TER NW 19 PL NW 18 AVE **NW 18 PL** WW 16 PL NW 17 PL NW 17 AVE **NW 16 PL** NW 14 AVE NW 61 TEF NA BEAD NW 13 AVE NW 36 DR NW 36 TER N4 57 NW 60 ST Ž NW 8 AVE W NEWBERRY RD ST NW 62 ST NW 36 DR NW 36 TER NW 5 AVE NW 4 PL NW 3 AVE NW 1 AVE UNIVERSITY AVE W UNIVERSITY AVE SW 2 AVE SW 1 AVE SW 41 ST SW 40 TER SW 40 ST SW 2 AVE SW 27 ST SW 34 TER SW 4 AVE STADIUM RD SW 5 AVE SW 6 PL SW 8 AVE MUSEUM RD SW 8 AVE S RADIO RD 13 ST HIT BLUE CIR SW 20 AVE SW 16 AVE SW 23 DR 38 TER SW 21 AVE OLD ARCHER RD ΝS SW 25 PL Sh 26 Pt SW 24 AVE SW 30 PL SW 50 TER SW 30 AVE SW 67 S.LTS OFF RAMP S.LTS ON ARMS S SW 31 PL SW 35 PL SW 35 PL SW 19 ST SW 20 ST SW 31 DR SW 23 DR SW 28 TER SW 30 7ER SW 27 SW 63 BLVD SW 40 PL SW 43 PL SW 44 AVE SW AT WAY SW 47 AVE SW 52 SW 52 AVE SW 53 AVE SW 56 AVE SW 57 AVE



Q4 Existing Single Family (SF) Land Use

June 2022

