ORDINANCE NO. 2022-707

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to building setbacks being measured from street centerlines by amending Section 30-6.8. – *General lot and building requirements*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate 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

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

26 to Section 163.3174, Florida Statutes, held a public hearing and voted to make a

recommendation to the City Commission regarding this text change to the Land Development

28 Code; and

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29 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.

36 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,

37 **FLORIDA**:

38 **SECTION 1.** Subsection B of Section 30-6.8 of the Land Development Code is amended as

follows. Except as amended herein, the remainder of Section 30-6.8 remains in full force and

40 effect.

Section 30-6.8. – General lot and building requirements.

42 B. Minimum setbacks from centerlines of all streets.

1. Every required minimum front yard setback line shallwill be established by a line parallel to the centerline of the street right-of-way at the distance listed in this subsection, measured from the street right-of-way line or as described by specific zoning districts.

In cases where zoning districts have alternative requirements for establishing or measuring setbacks, those specific requirements will supersede this section. The distance from the street centerline listed in subsection B.2. of this section. For the

purpose of determining street classifications, the official roadway map shall be used.

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CODE: Words stricken are deletions; words underlined are additions.

50 51	2. If the actual street right-of-way line is closer to the street centerline than the following			
52	distances, the setback shall be measured from a line parallel to the street centerline located the following distances from the centerline:			
53	a. Highways and arterials: 50 feet.			
54	b. Thoroughfares and collectors: 40 feet.			
55	c. Minor collectors: 35 feet.			
56	d. All other streets: 25 feet.			
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58	SECTION 2. It is the intent of the City Commission that the provisions of Section 1 of this			
59	ordinance become and be made a part of the Code of Ordinances of the City of Gainesville			
60	Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or			
61	relettered in order to accomplish such intent.			
62	SECTION 3. If any word, phrase, clause, paragraph, section, or provision of this ordinance or			
63	the application hereof to any person or circumstance is held invalid or unconstitutional, such			
64	finding will not affect the other provisions or applications of this ordinance that can be given			
65	effect without the invalid or unconstitutional provision or application, and to this end the			
66	provisions of this ordinance are declared severable.			
67	SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such			
68	conflict hereby repealed.			
69	SECTION 5. This ordinance will become effective immediately upon adoption.			
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71	PASSED AND ADOPTED this day of, 2023.			
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74 75	HARVEY L. WARD MAYOR			

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77	Attest:	Approved as to form and legality:	
78			
79 80 81	OMICHELE D. NATTIEL-WILLIAMS CITY CLERK	DANIEL M. NEE CITY ATTORNEY	
32	This ordinance passed on first reading this _	day of	, 2023.
33	This ordinance passed on second reading th	is day of	. 2023

Petition No. LD22-000130 TCH

CODE: Words stricken are deletions; words underlined are additions.