

ORDINANCE NO. 2024-267

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**An ordinance of the City of Gainesville, Florida, amending Policy 4.1.1 in the Future Land Use Element of the Comprehensive Plan by amending the Single-Family (SF) land use category, 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.**

**WHEREAS**, the City of Gainesville, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and the Municipal Home Rule Powers Act; and

**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**, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city; and

**WHEREAS**, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1), Florida Statutes, must provide the principles, guidelines, standards, and strategies for the orderly 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

**WHEREAS**, Section 163.3177(6)

**WHEREAS**, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that designates the future

25 general distribution, location, and extent of the uses of land for residential, commercial, industry,  
26 agriculture, recreation, conservation, education, public facilities, and other categories of the  
27 public and private uses of land, with the goals of protecting natural and historic resources,  
28 providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban  
29 sprawl; and

30 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land Use  
31 Element and Map of the Comprehensive Plan; and

32 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the  
33 Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to  
34 Section 163.3174, Florida Statutes, held a public hearing on March 28, 2024, and voted to make a  
35 recommendation to the City Commission regarding this amendment to the Comprehensive Plan;  
36 and

37 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a  
38 newspaper of general circulation and provided the public with at least seven days' advance notice  
39 of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City Commission;  
40 and

41 **WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this proposed  
42 amendment to the reviewing agencies and any other local government unit or state agency that  
43 requested same; and

44 **WHEREAS**, a second advertisement no less that two columns wide by ten inches long was placed in  
45 the aforesaid newspaper and provided the public with at least five days' advance notice of this  
46 ordinance's second public hearing (i.e., adoption hearing) to be held by the City Commission; and

47 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings  
48 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

49 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered any written  
50 comments received concerning this amendment to the Comprehensive Plan.

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

52 **FLORIDA:**

53 **SECTION 1.** Policy 4.1.1 of the Future Land Use Element of the City of Gainesville Comprehensive  
54 Plan is amended as follows. Except as amended herein, the remainder of Policy 4.1.1 remains in  
55 full force and effect.

56 **Single-Family (SF): up to & 12 units per acre**

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58 This land use category shall allow single-family detached dwellings at densities up to & 12 dwelling  
59 units per acre. The Single-Family land use category identifies those areas within the City that,  
60 due to topography, soil conditions, surrounding land uses and development patterns, are  
61 appropriate for single-family development. Land development regulations shall determine the  
62 performance measures and gradations of density. Land development regulations shall specify  
63 criteria for the siting of low-intensity residential facilities to accommodate special need  
64 populations and appropriate community-level institutional facilities such as places of religious  
65 assembly, public and private schools other than institutions of higher learning, and libraries. Land  
66 development regulations shall allow home occupations in conjunction with single-family  
67 dwellings under certain limitations.

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70 **SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this  
71 ordinance will become and be made a part of the City of Gainesville Comprehensive Plan and  
72 that the sections and paragraphs of the Comprehensive Plan may be renumbered in order to  
73 accomplish such intent.

74 **SECTION 3.** The City Manager or designee is authorized and directed to make the necessary  
75 changes to the City of Gainesville Comprehensive Plan in order to fully implement this ordinance.  
76 The City Manager or designee is authorized to correct any typographical errors that do not affect  
77 the intent of this ordinance.

78 **SECTION 4.** Within ten working days of the transmittal (first) hearing, the City Manager or  
79 designee is authorized and directed to transmit this Comprehensive Plan amendment and  
80 appropriate supporting data and analyses to the reviewing agencies and to any other local  
81 government or governmental agency that has filed a written request for same with the City.  
82 Within ten working days of the adoption (second) hearing, the City Manager or designee is  
83 authorized and directed to transmit this Comprehensive Plan amendment and appropriate  
84 supporting data and analyses to the state land planning agency and any other agency or local  
85 government that provide timely comments to the City.

86 **SECTION 5.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the  
87 application hereof to any person or circumstance is held invalid or unconstitutional, such finding  
88 will not affect the other provisions or applications of this ordinance that can be given effect  
89 without the invalid or unconstitutional provision or application, and to this end the provisions of

90 this ordinance are declared severable.

91 **SECTION 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
92 conflict hereby repealed on the effective date of this Comprehensive Plan amendment.

93 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the  
94 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the  
95 amendment is not timely challenged, will be 31 days after the state land planning agency notifies  
96 the City that the amendment package is complete in accordance with Section 163.3184, Florida  
97 Statutes. If timely challenged, this Comprehensive Plan amendment will become effective on the  
98 date the state land planning agency or the Administration Commission enters a final order  
99 determining the amendment to be in compliance with Chapter 163, Florida Statutes. No  
100 development orders, development permits, or land uses dependent on this Comprehensive Plan  
101 amendment may be issued or commenced before this amendment has become effective.

102 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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HARVEY L. WARD, JR.  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
KRISTEN J. BRYANT  
CITY CLERK

\_\_\_\_\_  
DANIEL M. NEE  
CITY ATTORNEY

118 This ordinance passed on (first) transmittal hearing this \_\_\_\_ day of \_\_\_\_\_, 2024.

119 This ordinance passed on (second) adoption hearing this \_\_\_\_ day of \_\_\_\_\_, 2024.

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