

ORDINANCE NO. 200067

**An ordinance of the City of Gainesville, Florida, amending Section 30-3.30. Review Criteria of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to Wellfield Protection Special Use Permits; 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

1 to Section 163.3174, Florida Statutes, held a public hearing on June 25, 2020, and voted to  
2 recommend the City Commission approve this text change to the Land Development Code; and

3 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of  
4 general circulation notifying the public of this proposed ordinance and of public hearings before  
5 the City Commission of the City of Gainesville; and

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

8 **WHEREAS**, the City Commission finds that the Land Development Code text amendment  
9 described herein is consistent with the City of Gainesville Comprehensive Plan.

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

12 **SECTION 1.** Section 30-3.30 of the Land Development Code is amended as follows.

13 **Section 30-3.30. – Review Criteria.**

14 A. *Primary zone.* No use involving hazardous materials ~~shall be~~ is allowed in this zone, except  
15 for uses or development associated with the Murphree Water Treatment Plant, or electric  
16 transmission and distribution systems, or generally the provision of utility service by a  
17 government-owned utility. All other uses ~~shall~~ must obtain a WPSUP.

18 B. *Secondary and tertiary zone.* The development or use ~~shall~~ will be reviewed using the  
19 following mandatory criteria:

20 1. The criteria for special use permits provided in section 30-3.24 have been met.

21 2. The proposed use or development will not endanger the city's potable water supply.

22 3. The necessary public utilities are available to the proposed site and have adequate  
23 capacity to service the proposed use and development. The development must be  
24 connected to the potable water and wastewater system.

25 4. There has been proper abandonment, as regulated by the applicable water  
26 management district or state agency, of any unused wells or existing septic tanks at

1 the site. An existing septic tank may remain if it is used solely for domestic waste and if  
2 it meets all applicable state and local regulations.

- 3 5. There is no current or proposed underground storage of petroleum products or  
4 hazardous materials at the development site. in the secondary zone. There is no  
5 current or proposed underground storage of hazardous materials at the development  
6 site in the tertiary zone. There is no current or proposed underground storage of  
7 petroleum products at the development site in the tertiary zone unless approved by  
8 the GRU General Manager or designee.

- 9 6. The applicant is in compliance with the requirements of the Alachua County Hazardous  
10 Materials Management Code, and all applicable state and federal regulations.

- 11 7. The development property addresses environmental features such as wetlands,  
12 creeks, lakes, sinkholes, and soils to ensure that hazardous materials will not endanger  
13 the potable water supply and the environmental features.

14  
15 **SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this  
16 ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,  
17 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or  
18 relettered in order to accomplish such intent.

19 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
20 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
21 finding will not affect the other provisions or applications of this ordinance that can be given  
22 effect without the invalid or unconstitutional provision or application, and to this end the  
23 provisions of this ordinance are declared severable.

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

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

1 **PASSED AND ADOPTED** this 15th day of October, 2020.

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4 

5 LAUREN POE  
6 MAYOR

7  
8 Attest:

Approved as to form and legality:

9  
10 

11 OMICHELE D. GAINNEY  
12 CLERK OF THE COMMISSION  
13



NICOLLE M. SHALLEY  
CITY ATTORNEY

14  
15 This ordinance passed on first reading this 19th day of September, 2020.

16  
17 This ordinance passed on second reading this 15th day of October, 2020.