

28 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land Use
29 Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category
30 on the property that is the subject of this ordinance; and

31 **WHEREAS**, the PUD land use category is an overlay land use district that may be applied to any
32 specific property in the City, and which allows the consideration of unique, innovative, or
33 narrowly-construed land use proposals that might otherwise not be allowed in the underlying
34 land use category; and

35 **WHEREAS**, the PUD land use category, including all of its unique and specific land development
36 regulations, is freely negotiated and voluntarily agreed to by the owner/developer of the subject
37 property, thereby precluding any claims or actions under Florida law regarding regulatory
38 takings, the Bert J. Harris, Jr., Private Property Rights Protection Act, development exactions
39 under common law or Section 70.45, Florida Statutes, or the affordable housing provisions in
40 Section 125.01055, Florida Statutes; and

41 **WHEREAS**, this amendment to the Future Land Use Map of the City of Gainesville Comprehensive
42 Plan proposed herein qualifies as a small-scale development amendment as provided in Section
43 163.3187, Florida Statutes; and

44 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
45 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
46 to Section 163.3174, Florida Statutes, held a public hearing on May 26, 2022, to consider this
47 application and provide a recommendation to the City Commission; and

48 **WHEREAS**, at least five days’ notice has been given once by publication in a newspaper of general
49 circulation notifying the public of this proposed ordinance and a public hearing held by the City
50 Commission; and

51 **WHEREAS**, the public hearing was held pursuant to the notice described above at which hearing
52 the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

55 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is amended
56 by overlaying the Planned Use District (PUD) land use category on the following property that has
57 an underlying land use category of Urban Mixed-Use High-Intensity (UMUH):

58 See legal descriptions attached as **Exhibit A** and made a part hereof as if set forth
59 in full. The location of the property is shown on **Exhibit B** for visual reference. In
60 the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

61
62 **SECTION 2.** The property described in Section 1 of this ordinance is governed by the following
63 regulations:

- 64 1. The development may have no more than **274** dwelling units and may have no more than
65 **725** bedrooms.
- 66 2. A maximum building height of 12 stories is allowed.
- 67 3. A minimum of 10% of the residential dwelling units developed must be Affordable
68 Housing Units. Affordable Housing Units means units that are affordably priced for
69 households earning between 50% and 80% of the Gainesville Metropolitan Statistical
70 Area (MSA) Area Median Income (AMI), as established by the United States Department
71 of Housing and Urban Development (HUD). Affordably priced means that no more than
72 30% of household income is spent on housing. These units must remain permanent
73 Affordable Housing Units through a binding legal document as approved to form and
74 legality by the City Attorney’s Office and recorded in the Public Records of Alachua
75 County, Florida, which ensures that the units will permanently (for the life of the
76 development) remain Affordable Housing Units.
- 77 4. Affordable Housing Units must be constructed such that all unit finishes are identical to
78 market-rate units and locations within the structure are equally dispersed relative to

79 market-rate units. In addition, occupants of Affordable Housing Units must have equal
80 access to all amenities constructed on the property, relative to market-rate units.

81

82 **SECTION 3.** The property described in Section 1 of this ordinance has an underlying land use
83 category of Urban Mixed-Use High-Intensity (UMUH). This underlying land use category is
84 neither abandoned nor repealed, but is inapplicable as long as a Planned Development District
85 (PD) zoning ordinance implementing this PUD land use overlay is adopted by the City
86 Commission within 18 months of the effective date of this plan amendment as provided in this
87 ordinance. If the aforesaid time period expires without the adoption of an implementing PD
88 zoning ordinance, this ordinance will be void and have no further force and effect and the City
89 may amend the Future Land Use Map accordingly.

90 **SECTION 4.** The City Manager or designee is authorized and directed to make the necessary
91 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to comply
92 with this ordinance.

93 **SECTION 5.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
94 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
95 will not affect the other provisions or applications of this ordinance that can be given effect
96 without the invalid or unconstitutional provision or application, and to this end the provisions
97 of this ordinance are declared severable.

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

100 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the
101 effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely

102 challenged, will be 31 days after adoption. If challenged within 30 days after adoption, this
103 amendment will become effective on the date the state land planning agency or the
104 Administration Commission issues a final order determining the amendment to be in compliance
105 with Chapter 163, Florida Statutes. No development orders, development permits, or land uses
106 dependent on this Comprehensive Plan amendment may be issued or commenced before this
107 amendment has become effective.

108

109 **PASSED AND ADOPTED** this _____ day of _____, 2022.

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111

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114

115

116 Attest:

117

118

119

120 _____
OMICHELE D. GAINEY

121 CITY CLERK

122

123

124

LAUREN POE
MAYOR

Approved as to form and legality:

DANIEL M. NEE
INTERIM CITY ATTORNEY



LEGAL DESCRIPTION

DATE: February 22, 2022
CLIENT: CA Ventures
PROJECT NO: 21-0362

PARCEL 1

LOT 1 AND 2, BLOCK 5, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGE 77 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

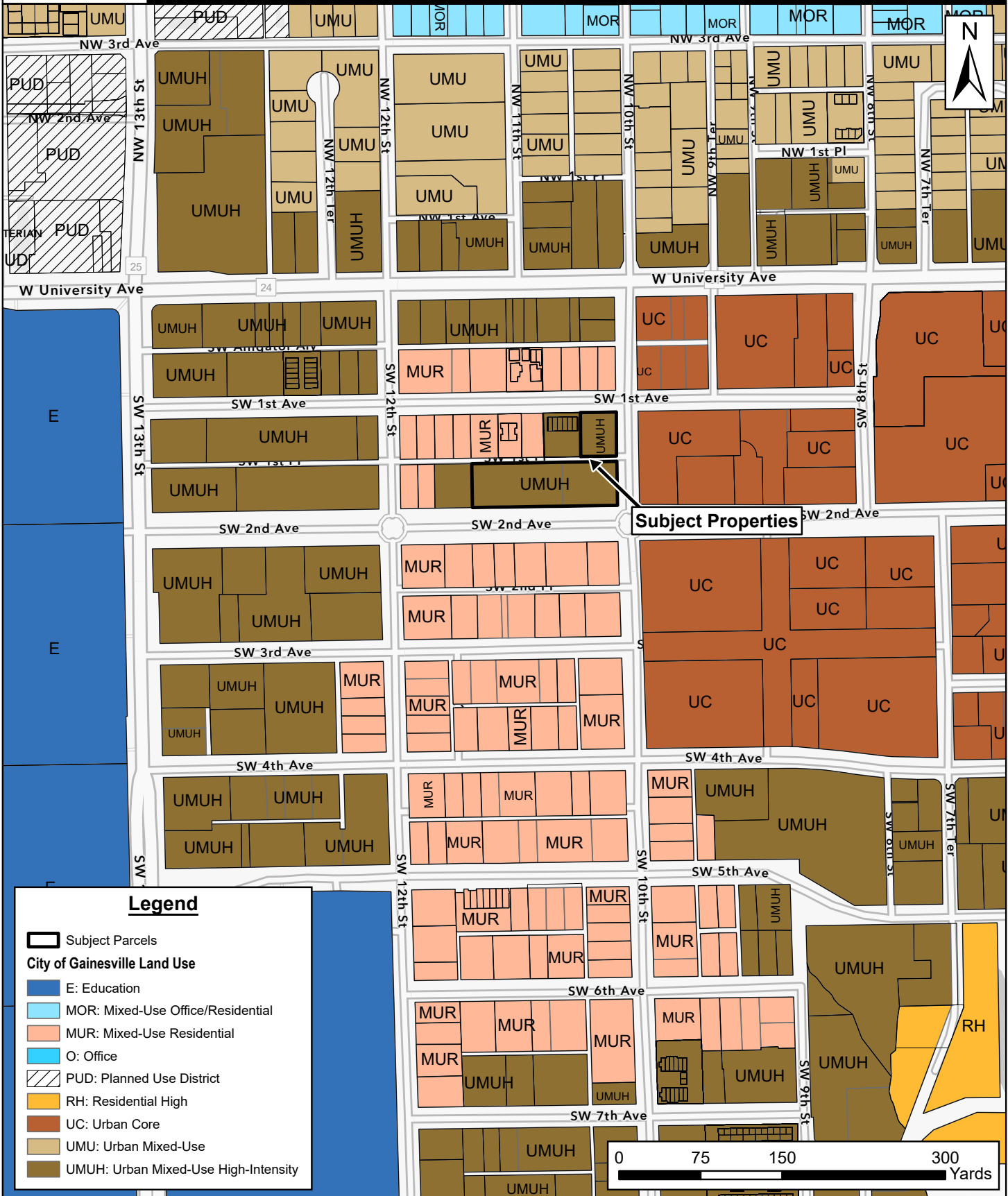
PARCEL 2

LOTS 19, 20, 21, 22, 23 AND 24, BLOCK 5, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGE 77 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.



Existing Land Use

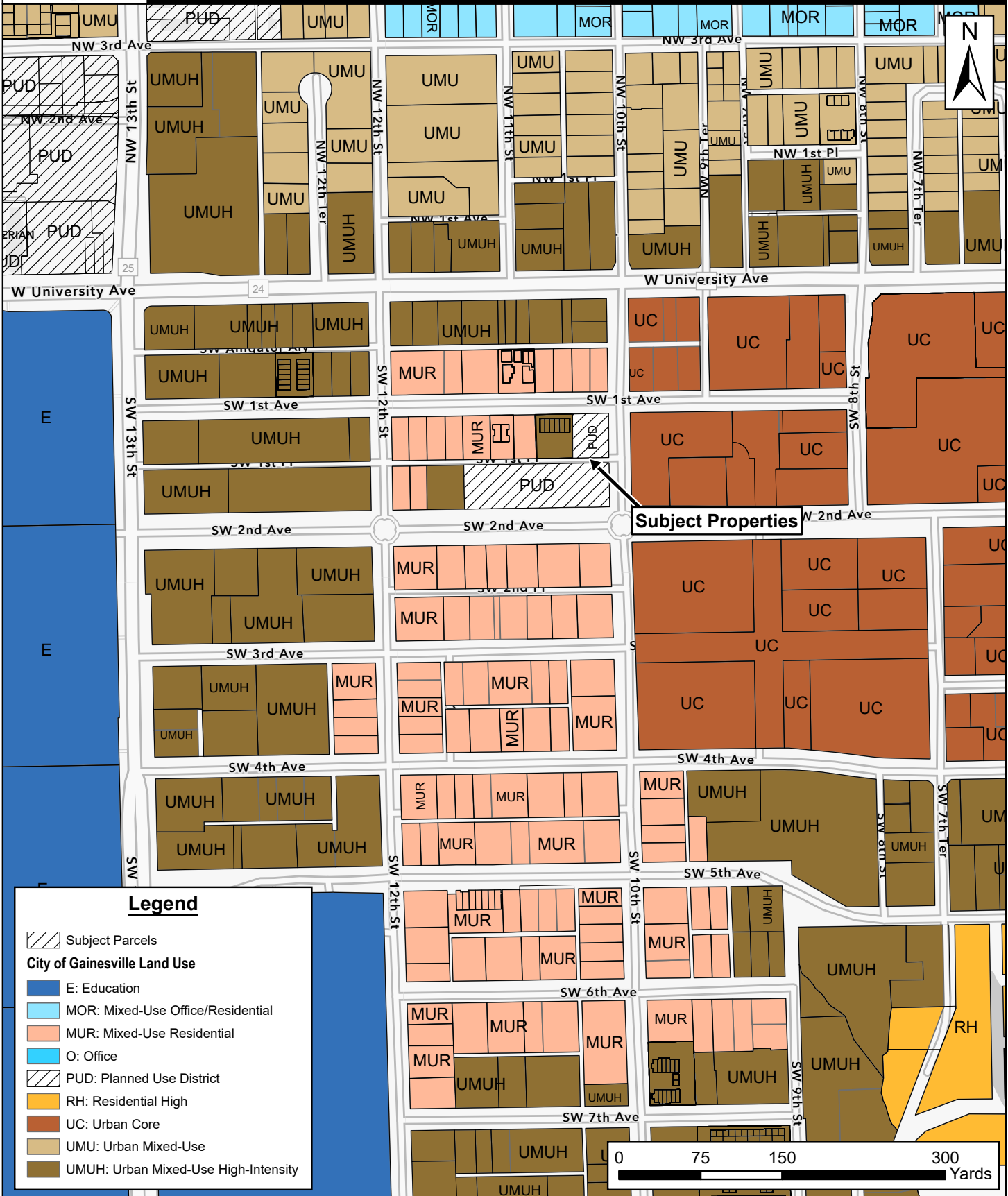
Parcels: 13263-000-000 & 13249-000-000





Proposed Land Use

Parcels: 13263-000-000 & 13249-000-000



Legend

- Subject Parcels
- City of Gainesville Land Use**
- E: Education
- MOR: Mixed-Use Office/Residential
- MUR: Mixed-Use Residential
- O: Office
- PUD: Planned Use District
- RH: Residential High
- UC: Urban Core
- UMU: Urban Mixed-Use
- UMUH: Urban Mixed-Use High-Intensity