

1 **ORDINANCE NO. 2022-537**

2
3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas**
4 **by rezoning approximately 1.11 acres of property generally located at the NW**
5 **corner of the intersection of SW 2nd Avenue and SW 10th Street, as more**
6 **specifically described in this ordinance, from Urban 9 (U9) to Planned**
7 **Development (PD); providing land development regulations; providing**
8 **directions to the City Manager; providing a severability clause; providing a**
9 **repealing clause; and providing an effective date.**

10
11 **WHEREAS,** the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for
12 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the
13 Florida Constitution, including the exercise of any power for municipal purposes not expressly
14 prohibited by law; and

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

17 **WHEREAS,** Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive
18 Plan to include a Future Land Use Element with a Future Land Use Map that designates the future
19 general distribution, location, and extent of the uses of land for residential, commercial, industry,
20 agriculture, recreation, conservation, education, public facilities, and other categories of the
21 public and private uses of land, with the goals of protecting natural and historic resources,
22 providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban
23 sprawl; and

24 **WHEREAS,** the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or
25 amend and enforce land development regulations that are consistent with and implement the
26 Comprehensive Plan and that are combined and compiled into a single land development code
27 for the city; and

28 **WHEREAS**, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville
29 Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and land
30 development regulations on specific classifications of land within the city; and

31 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Zoning Map
32 Atlas by rezoning the property that is the subject of this ordinance to Planned Development (PD)
33 district; and

34 **WHEREAS**, PD district zoning is a zoning category that allows landowners or developers to submit
35 unique proposals that are not addressed or otherwise provided for in the zoning districts and
36 land development regulations established by the City of Gainesville Land Development Code; and

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

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

47 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general
48 circulation notifying the public of this proposed ordinance and of public hearings in the City Hall
49 Auditorium located on the first floor of City Hall in the City of Gainesville; and

50

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

53 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be consistent
54 with the City of Gainesville Comprehensive Plan when the amendment to the Comprehensive
55 Plan adopted by Ordinance No. 2022-536 becomes effective as provided therein.

56 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
57 **FLORIDA:**

58 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the following
59 property from Urban 9 (U9) to Planned Development (PD):

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

63
64 **SECTION 2.** The use and development of the property described in Section 1 of this ordinance
65 must be consistent with the PD layout plan and building elevations attached as **Exhibit C** and
66 made a part hereof as if set forth in full, as well as the regulations listed below. Except as expressly
67 provided in **Exhibit C** and the conditions below, the use, regulation, and development of the
68 property will be governed as if it were zoned Urban 9 (U9) and all development must be in
69 conformance with and regulated by the Land Development Code in effect at the time of
70 development approvals.

- 71 1. Allowable uses, as defined in the City’s Land Development Code, by right are as follows:
72 a. Multi-family dwelling
73 b. Single room occupancy residence
74 c. Alcoholic beverage establishment

- 75 d. Business services
 - 76 e. Civic, social, or fraternal organization
 - 77 f. Day care center
 - 78 g. Drive-through facility
 - 79 h. Emergency shelter
 - 80 i. Exercise studio
 - 81 j. Farmers market
 - 82 k. Health services
 - 83 l. Hotel or motel
 - 84 m. Laboratory, medical or dental
 - 85 n. Library
 - 86 o. Light assembly, fabrication and processing
 - 87 p. Medical marijuana dispensing facility
 - 88 q. Microbrewery, microwinery, or microdistillery
 - 89 r. Office
 - 90 s. Office (medical, dental, or other health-related service)
 - 91 t. Personal services
 - 92 u. Place of religious assembly
 - 93 v. Professional school
 - 94 w. Public administration building
 - 95 x. Recreation, indoor
 - 96 y. Research development or testing facility
 - 97 z. Restaurant
 - 98 aa. Retail sales
 - 99 bb. Social service facility
 - 100 cc. Veterinary services
 - 101 dd. Vocational or trade school
- 102 2. The development may have no more than **204** dwelling units, and may have no more than
103 **557** bedrooms.
- 104 3. A maximum building height of 12 stories is allowed for any portions of a building lying
105 outside the University Heights-South Historic District 100-foot buffer (District Buffer). A
106 maximum building height of 60 feet and 5 stories is allowed for any portions of a building
107 lying within the District Buffer.

- 108 4. A minimum of 10% of the residential dwelling units developed must be Affordable
 109 Housing Units. Affordable Housing Units means units that are affordably priced for
 110 households earning between 50% and 80% of the Gainesville Metropolitan Statistical
 111 Area (MSA) Area Median Income (AMI), as established by the United States Department
 112 of Housing and Urban Development (HUD). Affordably priced means that no more than
 113 30% of household income is spent on housing. These units must remain permanent
 114 Affordable Housing Units through a binding legal document as approved to form and
 115 legality by the City Attorney’s Office and recorded in the Public Records of Alachua
 116 County, Florida, which ensures that the units will permanently (for the life of the
 117 development) remain Affordable Housing Units.
- 118 5. Affordable Housing Units must be constructed such that all unit finishes are identical to
 119 market-rate units and locations within the structure are equally dispersed relative to
 120 market-rate units. In addition, occupants of Affordable Housing Units must have equal
 121 access to all amenities constructed on the property, relative to market-rate units.
- 122 6. During development plan review, the owner/developer shall submit a list of building
 123 materials and architectural standards for review, subject to approval by the City Manager
 124 or designee, to ensure that all development within the PD is consistent with the elevations
 125 and this ordinance.
- 126 7. Building facades oriented toward SW 10th Street must have non-reflective, transparent
 127 windows or glazing area covering at least 65 percent of their surface area at pedestrian
 128 level (between 3 feet above grade and 8 feet above grade) on the first floor. Operable
 129 entrance doors must be included in the calculation of total surface area for purposes of
 130 glazing. Building facades oriented toward SW 2nd Avenue will have a minimum first floor
 131 glazing of 30%. Building facades for upper floors will have a minimum 15% glazing.
- 132 8. The PD is located in Zone A of the Transportation Mobility Program Area (TMPA). Prior to
 133 the second reading of this ordinance, the owner/developer shall sign a TMPA Zone A
 134 Agreement or agreement for transportation mitigation based on the program in effect at
 135 the time.
- 136 9. The development must incorporate the following building placement and other standards
 137 as set forth in the table:
- 138 • Minimum building placement standard of 14 ft. at the intersection of SW 2nd
 139 Avenue and SW 10th Street.

140

STANDARD	PD
LOT AND BLOCK STANDARDS	
Block Perimeter (max. feet)	2,000'
Lot Width (min. feet)	18'
DENSITY	
Residential Density, max.	204
Number of Bedrooms, max.	557
BUILDING FRONTAGE	
Primary frontage (min)	70%

Secondary frontage (min)	50%
BUILDING PLACEMENT	
Storefront Street, min.-max. feet <i>Applicable to SW 2nd Avenue and SW 10th Street Measured from back-of-curb</i>	20-25'
Local Street, min.-max. feet <i>Applicable to SW 1st Avenue Measured from back-of-curb</i>	16-21'
SW 1 st Place Setback, min. feet <i>Measured from property line</i>	0'
Rear Setback, min. feet <i>Applicable to SW 1st PL (alley)</i>	3'
Side setback, min. feet <i>Measured from property line</i>	0'
Setback at roundabout, intersection of SW 2 nd Avenue and SW 10 th Street <i>Measured from back-of-curb</i>	20-25' for first floor; 14' for any overhangs above first floor
BUILDING HEIGHT	
Max. Stories	12
Max. Feet	126'1"
GLAZING	
Min. first floor- multifamily	30%
Min. upper floors – multifamily	15%
PARKING	
Parking ratio (spaces per bed)	0

141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159

10. Landscaping must include a minimum 5-foot wide landscape zone along SW 2nd Avenue and SW 10th Street. The location of the landscape zone may be modified by the City Manager or designee at development plan review in order to accommodate any Florida Department of Transportation (FDOT) right-of-way and public utility conflicts.
11. Sidewalks must be a minimum of 10-foot wide on SW 2nd Avenue and SW 12th Street. Sidewalk on SW 1st Avenue must be a minimum of 6-foot wide. Sidewalk areas may include street furniture, trash cans, light poles, and similar infrastructure.
12. All parking must be internal to the development structure or on-street; no surface parking is allowed on the site. There must be a minimum of one bicycle space per 3 bedrooms, and one scooter/moped space per 6 bedrooms. On-street parking spaces may be converted to a pick-up/drop-off lane, subject to FDOT and City of Gainesville approval.
13. The owner/developer shall fund at its full cost and expense any operational and safety modification(s) to the surrounding public rights-of-way which are deemed necessary by the City or County in conjunction with the final development plan.
14. A maximum of one (1) primary access point per building is allowed for the PD, off of the alley to the rear of the site, as preliminarily depicted on the PD Layout Plan attached as **Exhibit C**.

160 15. Each building must include a primary public entrance oriented toward the public right-of-
161 way, and may be located at the building corner facing the intersection of two streets.
162 Additional entrances may be provided on other sides of the building. Primary public
163 entrances must be operable, clearly-defined, and highly-visible. In order to emphasize
164 entrances, they must be accented by a change in materials around the door, recessed into
165 the façade (alcove), or accented by an overhang, awning, canopy, or marquee. Building
166 frontages along the street must have functional entrances at least every 150 feet.

167

168 **SECTION 3.** The conditions and requirements in this ordinance will remain effective until such
169 time as, upon either the City or the property owner(s) filling an application for rezoning, the City
170 adopts an ordinance rezoning the subject property to another zoning district consistent with the
171 Comprehensive Plan and Land Development Code.

172 **SECTION 4.** The City Manager or designee is authorized and directed to make the necessary
173 changes to the Zoning Map Atlas to comply with this ordinance.

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

179 **SECTION 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
180 conflict hereby repealed.

181 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the
182 rezoning will not become effective until the amendment to the City of Gainesville Comprehensive
183 Plan adopted by Ordinance No. 2022-536 becomes effective as provided therein.

184

185 **PASSED AND ADOPTED** this _____ day of October, 2022.

186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINEY
CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

This ordinance passed on first reading the _____ day of November, 2022.

This ordinance passed on adoption reading the _____ day of December, 2022.



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.



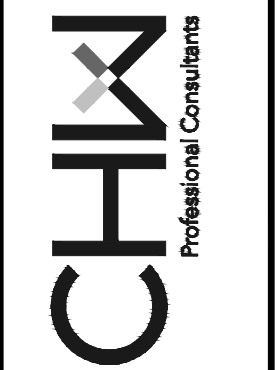
Existing Zoning

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



1026 SW 2ND AVENUE PLANNED DEVELOPMENT PD LAYOUT PLAN

11801 Research Drive
Alhambra, CA 91803
(626) 331-1976
www.chw-inc.com
est. 1988
FLORIDA
CA-5075



SCALE: 1" = 30'
GRAPHIC SCALE
AS SHOWN ON ORIGINAL DRAWING
1" = 30'
1" = 30'
1" = 30'
1" = 30'

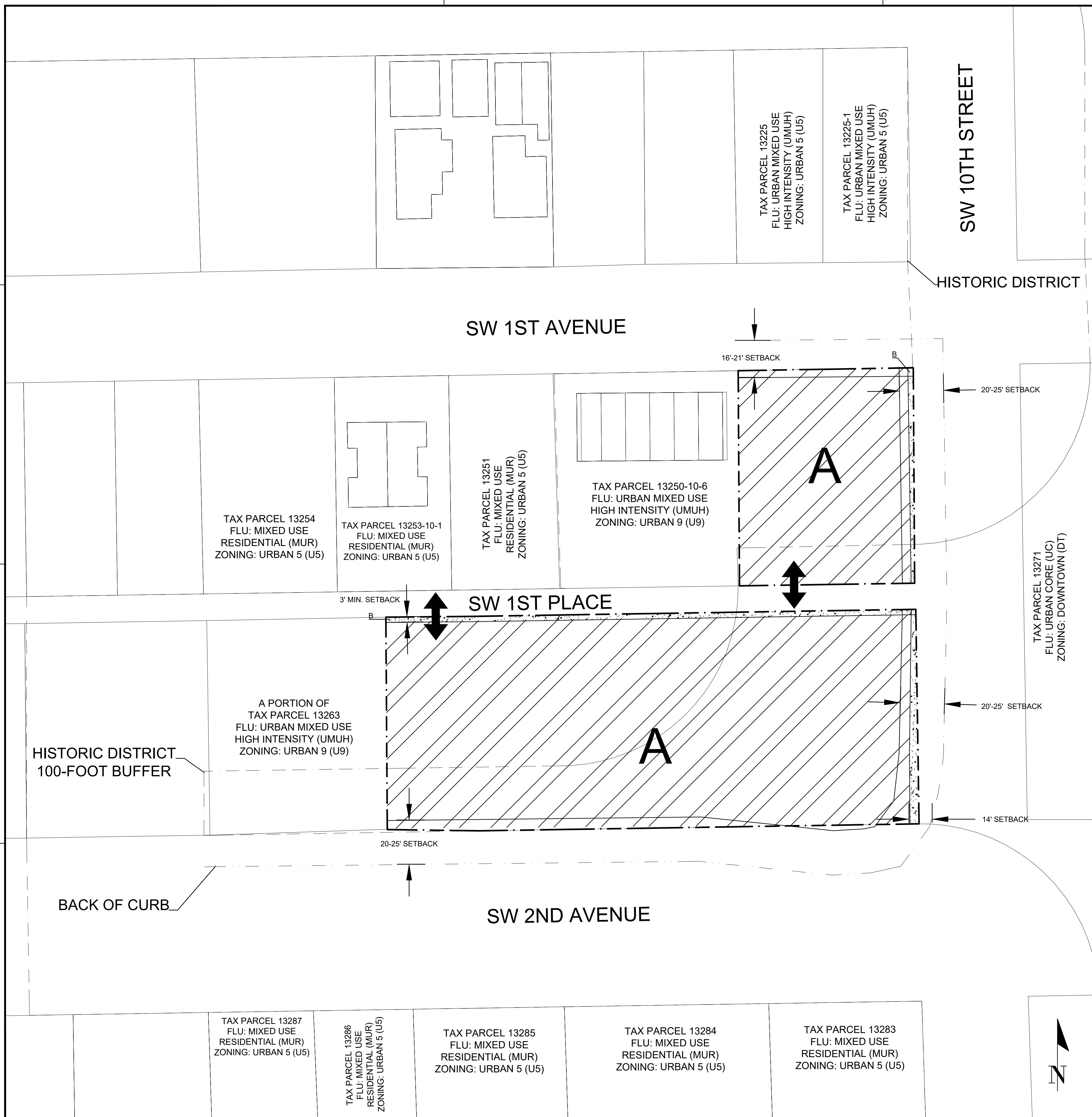
CONSTRUCTION/REV. REVISIONS

CLIENT: CA VENTURES
PROJECT: PLANNED DEVELOPMENT
SHEET TITLE: PD LAYOUT PLAN
SUBMITTALS: DECEMBER 15, 2021
RESUBMITTAL: APRIL 8, 2022
CREATION FOR ORDINANCE: SEPTEMBER 20, 2022

TECHNICAL: SW
DRAWN: SW
CHECKED: SW
QUALITY CONTROL: CB
PROJECT NUMBER: 21-0362

SHEET NO.: 1 of 1

- GENERAL NOTES**
1. THE LAND USE AREA BOUNDARIES AND PROPOSED CONNECTION POINTS ARE APPROXIMATE AND MAY BE ADJUSTED DURING DEVELOPMENT PLAN APPROVAL.
 2. VEHICULAR PARKING AND CIRCULATION SHALL BE LOCATED WITHIN LAND USE AREA 'A'. ACCESS MAY OCCUR ACROSS LAND USE AREA 'B'.
 3. LAND USE AREA 'A' SHALL INCLUDE RESIDENTIAL DWELLINGS AND RESIDENTIAL AMENITIES.
 4. STORMWATER MANAGEMENT FACILITIES WILL BE LOCATED UNDERGROUND AND CAN BE LOCATED WITHIN ANY LAND USE AREA, AS NECESSARY.
 5. STREET SETBACKS ARE MEASURED FROM BACK-OF-CURB. SIDE SETBACKS ARE MEASURED FROM PROPERTY LINES.
 6. STREET SETBACKS WILL BE PAVED FROM BACK-OF-CURB, AND WILL ADHERE TO TRANSECT REQUIREMENTS OF LANDSCAPING, SIDEWALK, AND PUBLIC REALM ZONES AS PRACTICABLE. THE LOCATION OF THE LANDSCAPE ZONE MAY BE MODIFIED IN DEVELOPMENT PLANNING IN ORDER TO ACCOMMODATE CONFLICTS WITH AND/OR PRESERVE PUBLIC RIGHT-OF-WAY, PUBLIC UTILITIES, EXISTING VEGETATION, AND DEFLECTIONS IN DIMENSIONS OF EXISTING CURBS.
 7. STREET SETBACKS WILL BE AS PER U9 TRANSECT SETBACK AND BUILDING PLACEMENT STANDARDS. AT THE CORNER OF SW 2ND AVENUE AND SW 10TH STREET, THE MINIMUM SETBACK FOR THE EASTERN BOUNDARY OF THE PROJECT SITE WILL BE REDUCED TO 14', IN ORDER TO ACCOMMODATE THE FLUCTUATION IN BACK-OF-CURB LOCATION CAUSED BY ROUNDABOUT AND BULB OUT.
 8. SW 1ST PLACE WILL BE RECONSTRUCTED ACROSS THE PROJECT SITE IN ACCORDANCE WITH THE AGREEMENT REACHED IN ADJACENT PROJECT, APPLICATION AD-21-00049.



LAND USE DATA			
HATCH PATTERN	LAND USE AREA	AREA	
		ACRES (APPROX)	%
[Hatched Box]	PROJECT SITE	1.11	100%
[Hatched Box A]	BUILDABLE AREA	1.04	94%
[Hatched Box B]	ONSITE PUBLIC REALM	0.07	6%

DEVELOPMENT STANDARDS*	
NUMBER OF UNITS, MAX.:	204
NUMBER OF BEDROOMS (BD), MAX.:	557
PARKING RATIO (SPACE/BD):	0
MAX. BUILDING HEIGHT:	126' 1"
MAX. NUMBER OF STORIES:	12
SETBACKS	
STOREFRONT STREET, MIN.-MAX.:	20-25'
1. APPLICABLE TO SW 2ND AVE AND SW 10TH ST	
2. REDUCTION IN MIN. TO 14' AT CORNER OF SW 2ND AVE AND SW 10TH ST TO ACCOMMODATE BULBOUT & ROUNDABOUT	
LOCAL STREET, MIN.-MAX.:	16-21'
APPLICABLE TO SW 1ST AVE	
SW 1ST PLACE, MIN.:	0'
MEASURED FROM PROPERTY LINE	
REAR, MIN.:	3'
APPLICABLE TO SW 1ST PLACE (ALLEY)	
SIDE, MIN.:	0'
MEASURED FROM PROPERTY LINE	

* BASED ON U9 DEVELOPMENT STANDARDS AND PD CONDITIONS

Tech: sthwh Plot Date: Nov 10 2022 10:46am Filename: H:\2021\31-0362\Department\02_Planing\04_Base Files\PD Layout Plan.dwg

Exhibit C to Ordinance 2022-537



2 East Elevation
Scale: 1" = 40'



1 South Elevation
Scale: 1" = 40'



MATERIAL FINISH KEY	
MRY 01	MODULAR BRICK - COLOR 1
ST 01	STUCCO - COLOR 1
ST 02	STUCCO - COLOR 2
ST 03	STUCCO - COLOR 3
ST 04	STUCCO - COLOR 4
CPL 01	CEM. PANEL W/ REVEAL SYSTEM - COLOR 1
CPL 02	CEM. PANEL W/ REVEAL SYSTEM - COLOR 2
SF 01	ALUM. STOREFRONT SYSTEM
VW 01	VINYL WINDOW
WD 01	WOOD LOOK PANEL - COLOR 1
MTL 01	GARAGE SCREENING SYSTEM
MTL 02	METAL PANEL - COLOR 1
MTL 03	ALUM. BALCONY RAILING
MTL 04	PREFABRICATED METAL CANOPY
MTL 05	METAL SIGNAGE



SW 2nd Ave. | Gainesville, FL

April 08, 2022

Page 11 OF 13 © dwell design studio, llc - ALL RIGHTS RESERVED



4 West Elevation
Scale: 1" = 40'



3 North Elevation
Scale: 1" = 40'



MATERIAL FINISH KEY	
MRY 01	MODULAR BRICK - COLOR 1
ST 01	STUCCO - COLOR 1
ST 02	STUCCO - COLOR 2
ST 03	STUCCO - COLOR 3
ST 04	STUCCO - COLOR 4
CPL 01	CEM. PANEL W/ REVEAL SYSTEM - COLOR 1
CPL 02	CEM. PANEL W/ REVEAL SYSTEM - COLOR 2
SF 01	ALUM. STOREFRONT SYSTEM
VW 01	VINYL WINDOW
WD 01	WOOD LOOK PANEL - COLOR 1
MTL 01	GARAGE SCREENING SYSTEM
MTL 02	METAL PANEL - COLOR 1
MTL 03	ALUM. BALCONY RAILING
MTL 04	PREFABRICATED METAL CANOPY
MTL 05	METAL SIGNAGE

Building Materials

