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3 **ORDINANCE NO. 2022-537**

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

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 **274** dwelling units, and may have no more than
103 **725** bedrooms.
 - 104 3. A maximum building height of 12 stories is allowed.
 - 105 4. A minimum of 10% of the residential dwelling units developed must be Affordable
106 Housing Units. Affordable Housing Units means units that are affordably priced for

107 households earning between 50% and 80% of the Gainesville Metropolitan Statistical
 108 Area (MSA) Area Median Income (AMI), as established by the United States Department
 109 of Housing and Urban Development (HUD). Affordably priced means that no more than
 110 30% of household income is spent on housing. These units must remain permanent
 111 Affordable Housing Units through a binding legal document as approved to form and
 112 legality by the City Attorney's Office and recorded in the Public Records of Alachua
 113 County, Florida, which ensures that the units will permanently (for the life of the
 114 development) remain Affordable Housing Units.

115 5. Affordable Housing Units must be constructed such that all unit finishes are identical to
 116 market-rate units and locations within the structure are equally dispersed relative to
 117 market-rate units. In addition, occupants of Affordable Housing Units must have equal
 118 access to all amenities constructed on the property, relative to market-rate units.

119 6. During development plan review, the owner/developer shall submit a list of building
 120 materials and architectural standards for review, subject to approval by the City Manager
 121 or designee, to ensure that all development within the PD is consistent with the elevations
 122 and this ordinance.

123 7. Building facades oriented toward SW 10th Street must have non-reflective, transparent
 124 windows or glazing area covering at least 65 percent of their surface area at pedestrian
 125 level (between 3 feet above grade and 8 feet above grade) on the first floor. Operable
 126 entrance doors must be included in the calculation of total surface area for purposes of
 127 glazing. Building facades oriented toward SW 2nd Avenue will have a minimum first floor
 128 glazing of 30%. Building facades for upper floors will have a minimum 15% glazing.

129 8. The PD is located in Zone A of the Transportation Mobility Program Area (TMPA). Prior to
 130 the second reading of this ordinance, the owner/developer shall sign a TMPA Zone A
 131 Agreement or agreement for transportation mitigation based on the program in effect at
 132 the time.

133 9. The development must incorporate the following building placement and other standards
 134 as set forth in the table:

- Minimum building placement standard of 14 ft. at the intersection of SW 2nd Avenue and SW 10th Street.

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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'
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

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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**.
15. Each building must include a primary public entrance oriented toward the public right-of-way, and may be located at the building corner facing the intersection of two streets. Additional entrances may be provided on other sides of the building. Primary public entrances must be operable, clearly-defined, and highly-visible. In order to emphasize

161 entrances, they must be accented by a change in materials around the door, recessed into
162 the façade (alcove), or accented by an overhang, awning, canopy, or marquee. Building
163 frontages along the street must have functional entrances at least every 150 feet.

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

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

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

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

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

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

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LAUREN POE

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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.



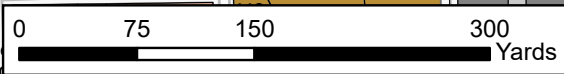
Existing Zoning

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



Legend

- Subject Parcels
- City of Gainesville Zoning**
- CON: Conservation
- DT: Downtown
- ED: Educational Services
- PD: Planned Development
- PS: Public Services and Operations
- U4: Urban 4
- U5: Urban 5
- U6: Urban 6
- U8: Urban 8
- U9: Urban 9
- Pending City Zoning

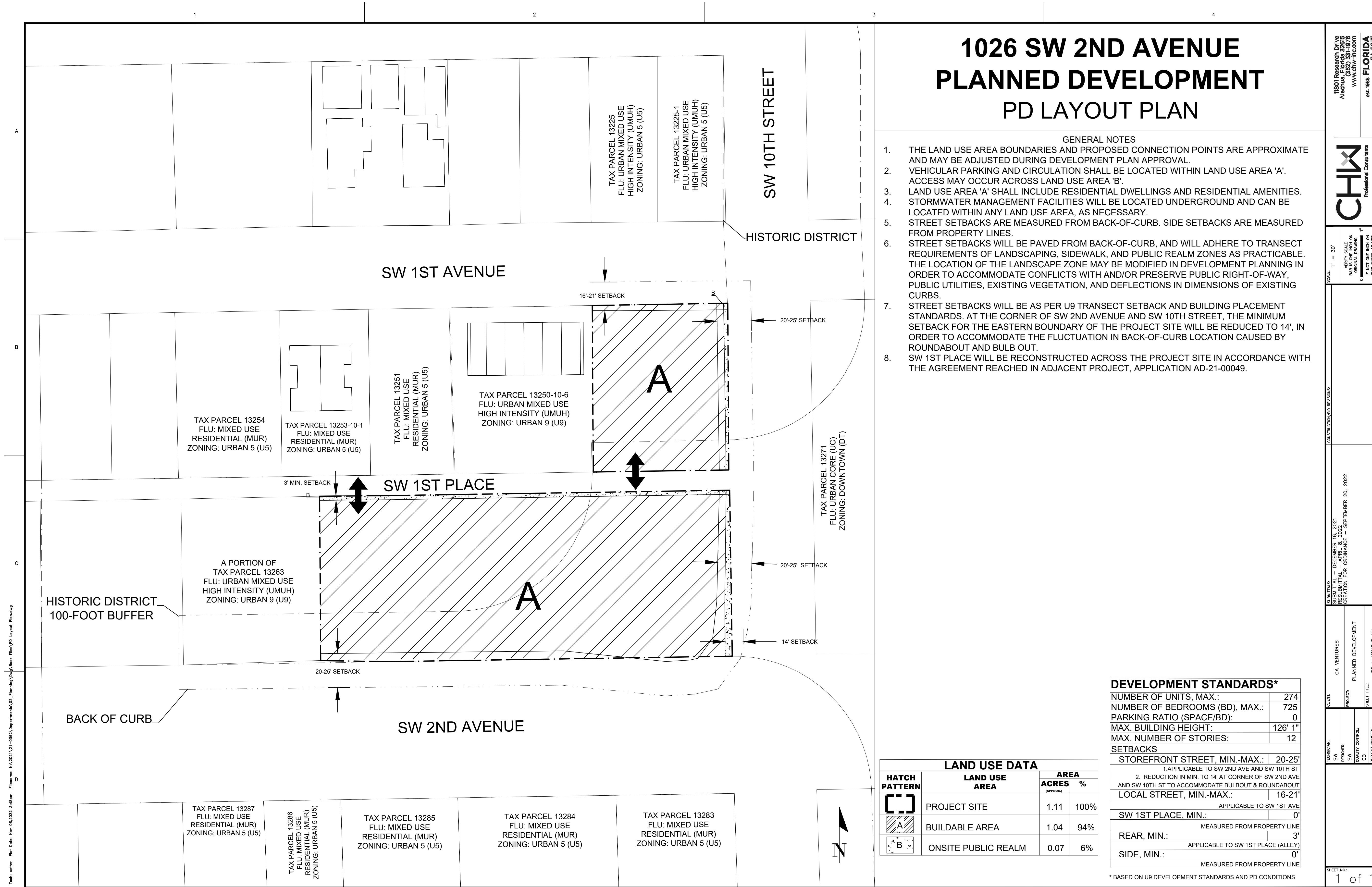




Proposed Zoning

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





1026 SW 2ND AVENUE PLANNED DEVELOPMENT PD LAYOUT PLAN

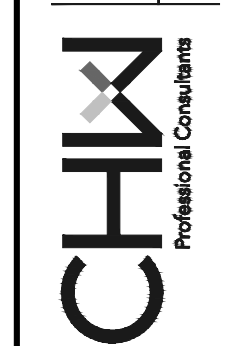
- GENERAL NOTES
1. THE LAND USE AREA BOUNDARIES AND PROPOSED CONNECTION POINTS ARE APPROXIMATE AND MAY BE ADJUSTED DURING DEVELOPMENT PLAN APPROVAL.
 2. VEHICULAR PARKING AND CIRCULATION SHALL BE LOCATED WITHIN LAND USE AREA 'A'. ACCESS MAY OCCUR ACROSS LAND USE AREA 'B'.
 3. LAND USE AREA 'A' SHALL 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 Pattern A]	PROJECT SITE	1.11	100%
[Hatched Pattern A]	BUILDABLE AREA	1.04	94%
[Hatched Pattern B]	ONSITE PUBLIC REALM	0.07	6%

DEVELOPMENT STANDARDS*	
NUMBER OF UNITS, MAX.:	274
NUMBER OF BEDROOMS (BD), MAX.:	725
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

1800 Research Drive
Alachua, Florida 32818
(352) 351-9776
www.chiwa.com
est. 1988 FLORIDA
CA-5075



SCALE: 1" = 30'
NORTH ARROW
BASE TO ONE INCH ON
0 GRAPHIC SCALE
IF NOT ONE INCH ON
SCALE ACCORDANCE.

DATE: DECEMBER 16, 2021
SUBMITTAL: APRIL 8, 2022
REVISION FOR ORDINANCE: SEPTEMBER 20, 2022

CLIENT: CA VENTURES
PROJECT: PLANNED DEVELOPMENT
SHEET TITLE: PD LAYOUT PLAN
SHEET NUMBER: 21-0362

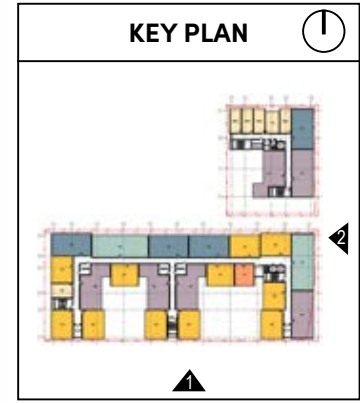
DESIGNER: SW
CHECKER: SW
QUALITY CONTROL: SW
DATE: 12/16/21

SHEET NO.: 1 of 1

Title: 1026 SW 2ND AVENUE PLANNED DEVELOPMENT PD LAYOUT PLAN.dwg
Date: 12/16/21
Author: J. Smith
Plot Date: 12/16/21 3:48pm
Printer: K:\2021\121621\1026 SW 2ND AVENUE PLANNED DEVELOPMENT PD LAYOUT PLAN.dwg
Plot File: J:\Users\j.smith\OneDrive\Documents\1026 SW 2ND AVENUE PLANNED DEVELOPMENT PD LAYOUT PLAN.dwg



Exhibit C to Ordinance 2022-537



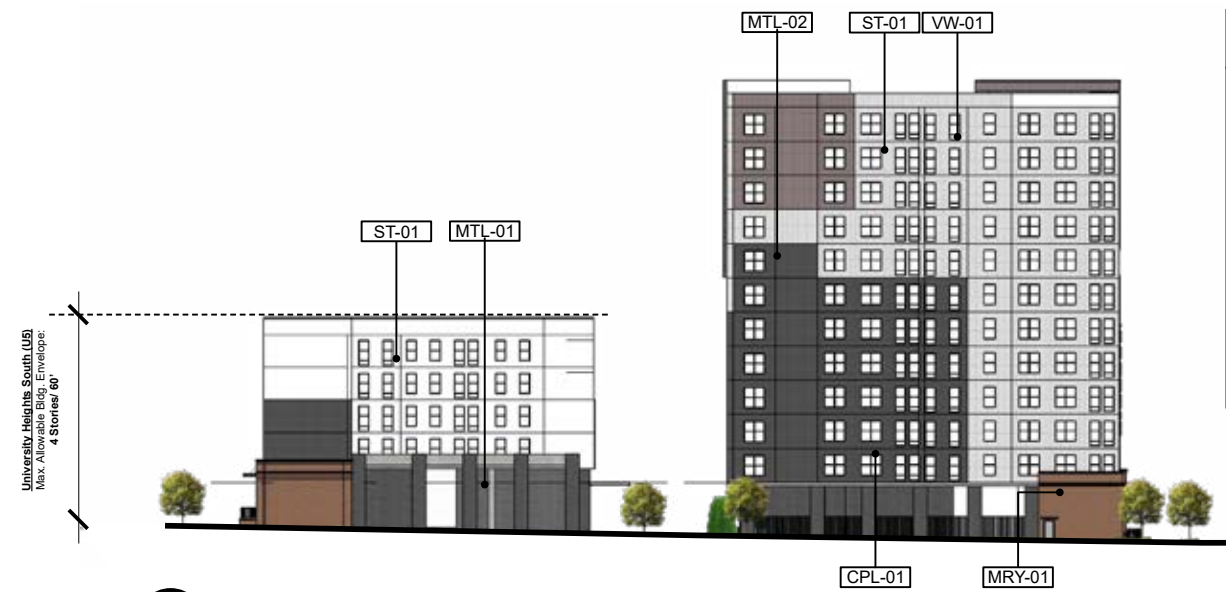
MATERIAL FINISH KEY	
MRY 01	MODULAR BRICK - COLOR 1
ST 01	STUCCO - COLOR 1
CPL 01	CEM. PANEL W/ REVEAL SYSTEM - COLOR 1
CPL 02	CEM. PANEL W/ REVEAL SYSTEM - COLOR 2
SF 01	ALUM. STOREFRONT SYSTEM
VW 01	VINYL WINDOW
WD 01	WOOD LOOK PANEL - COLOR 1
MTL 02	METAL PANEL - COLOR 1
MTL 03	ALUM. BALCONY RAILING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

2 East Elevation
Scale: 1" = 40'



1 South Elevation
Scale: 1" = 40'

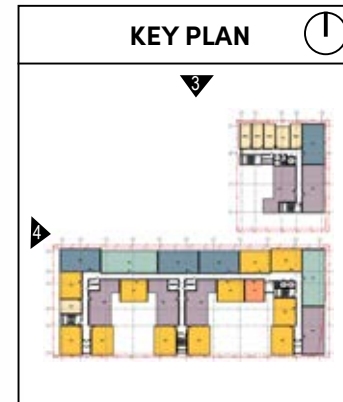
Exhibit C to Ordinance 2022-537



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 Envelope/ Massing

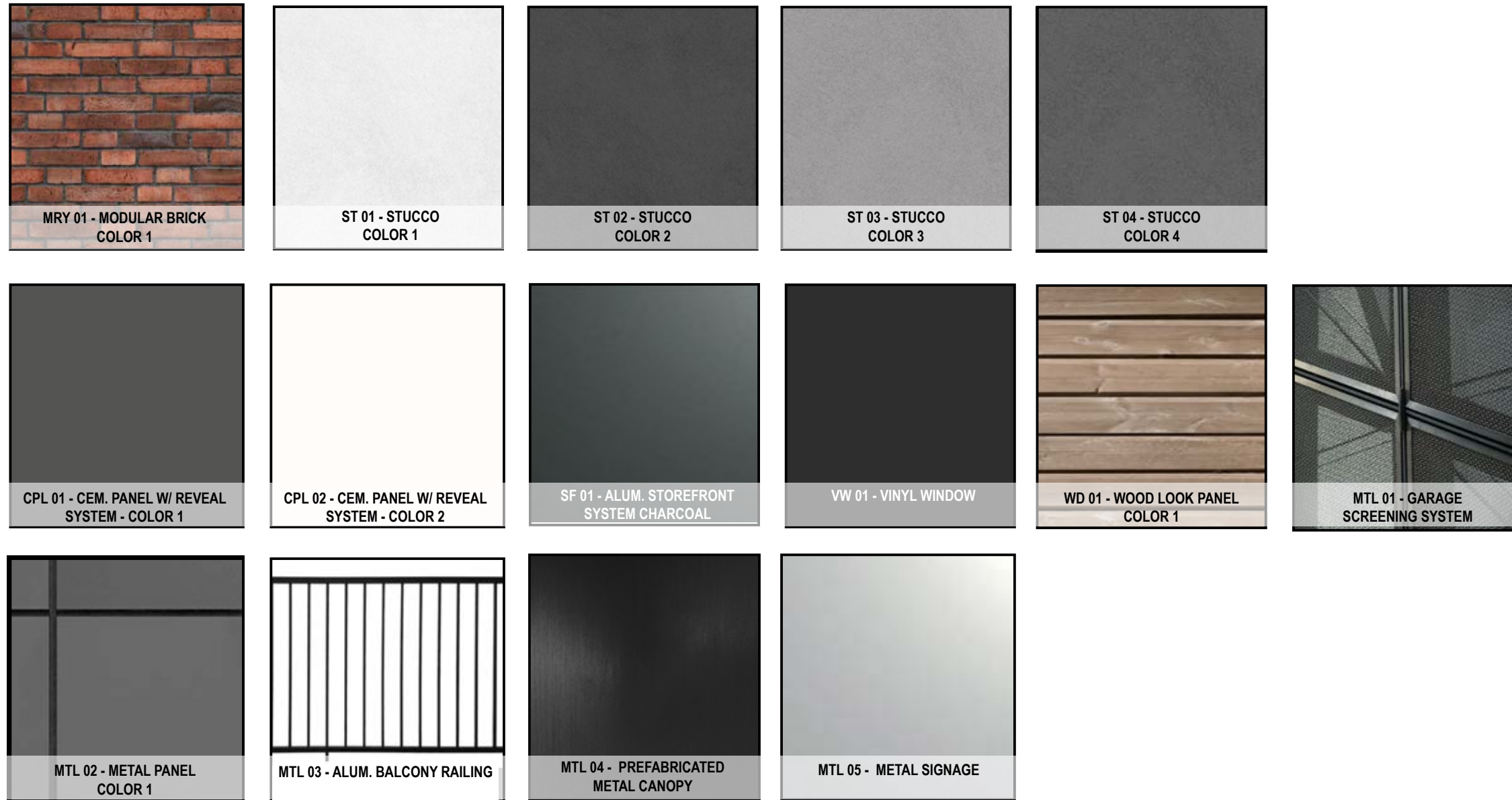
SW 2ND AVE | GAINESVILLE, FL

October 07, 2022

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Exhibit C to Ordinance 2022-537

Building Materials



Building Envelope/ Massing

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October 07, 2022

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