

ORDINANCE NO. 2022-537

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 1.11 acres of property generally located at the NW corner of the intersection of SW 2nd Avenue and SW 10th Street, as more specifically described in this ordinance, from Urban 9 (U9) to Planned Development (PD); providing land development regulations; providing directions to the City Manager; 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, 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, 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 general distribution, location, and extent of the uses of land for residential, commercial, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land, with the goals of protecting natural and historic resources, providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban sprawl; 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; and

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

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

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

WHEREAS, the PD zoning district, including all of its unique and specific land development regulations, is freely negotiated and voluntarily agreed to by the owner/developer of the subject property, thereby precluding any claims or actions under Florida law regarding regulatory takings, the Bert J. Harris, Jr., Private Property Rights Protection Act, development exactions under common law or Section 70.45, Florida Statutes, or the affordable housing provisions in Section 125.01055, Florida Statutes; 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 to Section 163.3174, Florida Statutes, held a public hearing on May 26th, 2022, to consider this application and provide a recommendation to the City Commission; and

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

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

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

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

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

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

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

1. Allowable uses, as defined in the City's Land Development Code, by right are as follows:
 - a. Multi-family dwelling
 - b. Single room occupancy residence
 - 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.

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

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</i> <i>Measured from back-of-curb</i>	20-25'
Local Street, min.-max. feet <i>Applicable to SW 1st Avenue</i> <i>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

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

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

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

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

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

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

PASSED AND ADOPTED this ____ day of October, 2022.

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Attest:

OMICHELE D. GAINEY
CITY CLERK

LAUREN POE
MAYOR

Approved as to form and legality:

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

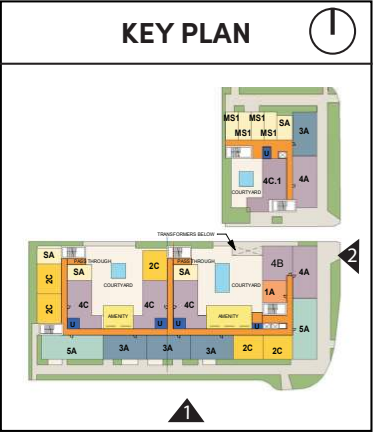




Proposed Zoning

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



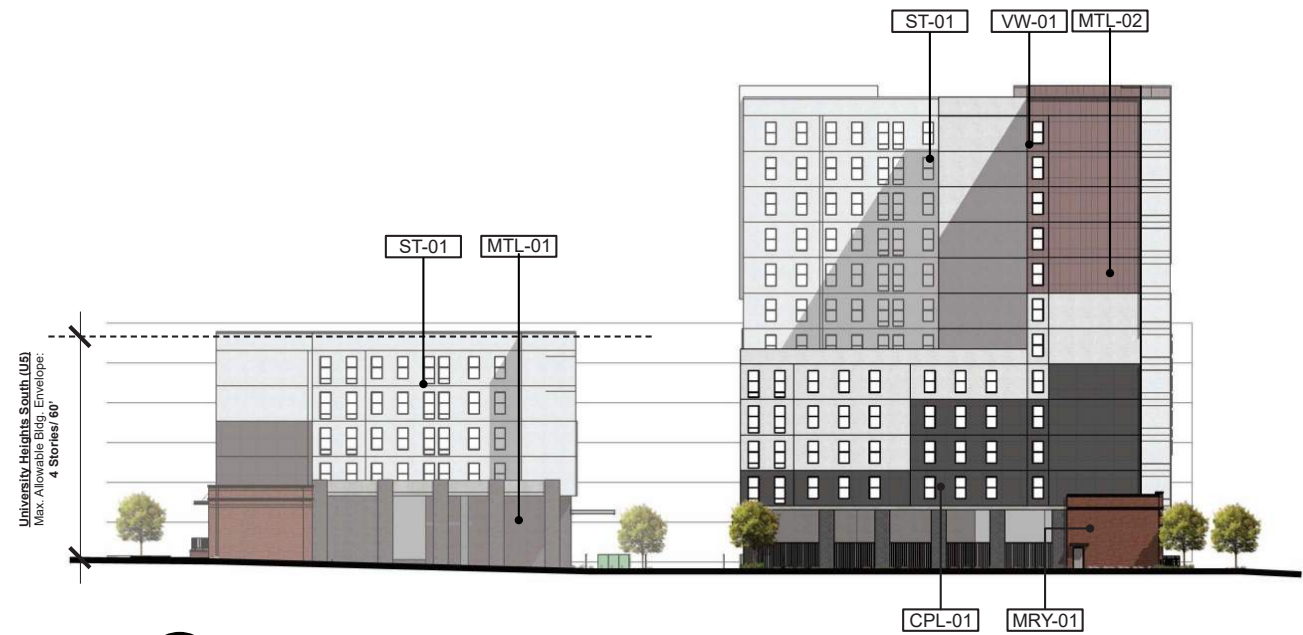


MATERIAL FINISH KEY	
MRY 01	MODULAR BRICK - COLOR 1
ST 01	STUCCO - COLOR 1
ST 02	STUCCO - COLOR 2
ST 03	STUCCO - COLOR 3
ST 04	STUCCO - COLOR 4
CPL 01	CEM. PANEL W/ REVEAL SYSTEM - COLOR 1
CPL 02	CEM. PANEL W/ REVEAL SYSTEM - COLOR 2
SF 01	ALUM. STOREFRONT SYSTEM
VW 01	VINYL WINDOW
WD 01	WOOD LOOK PANEL - 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

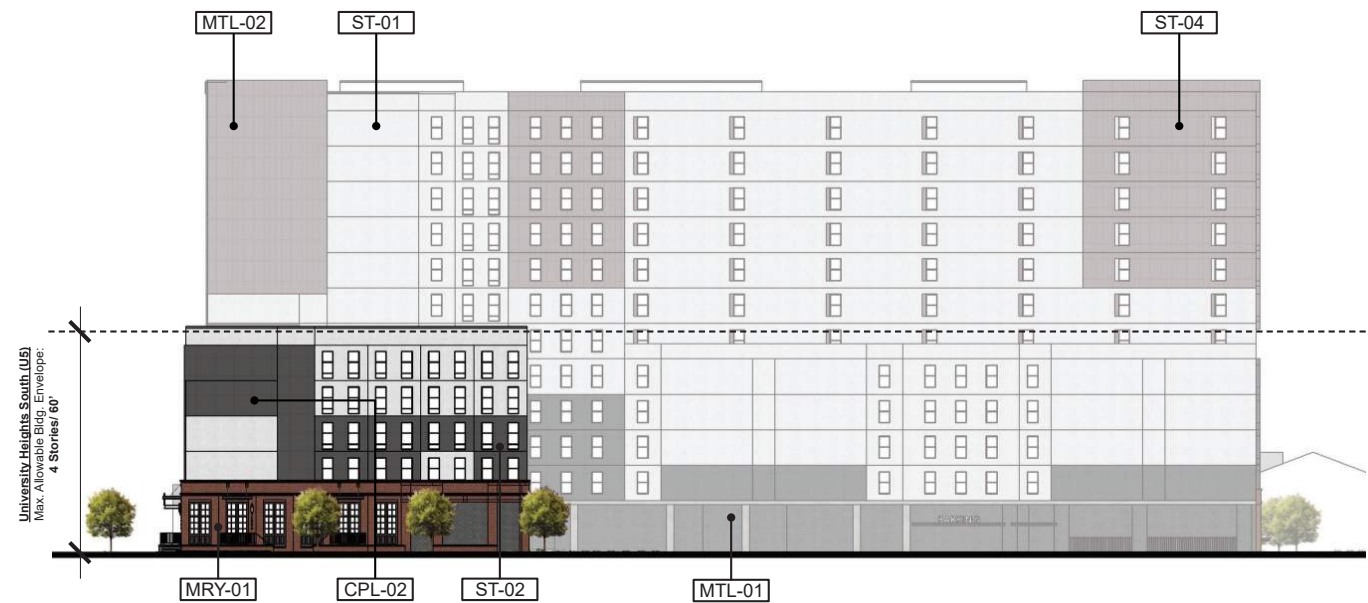
2 East Elevation
Scale: 1" = 40'



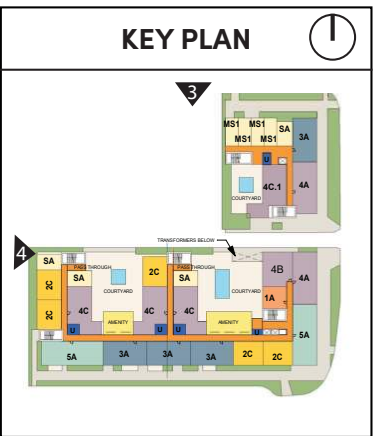
1 South Elevation
Scale: 1" = 40'



4 West Elevation
Scale: 1" = 40'

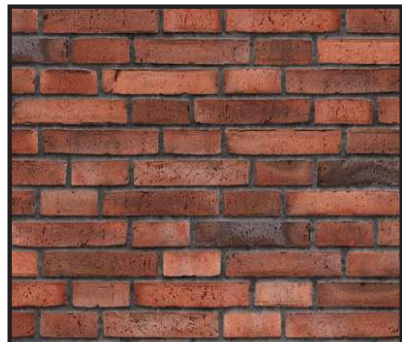
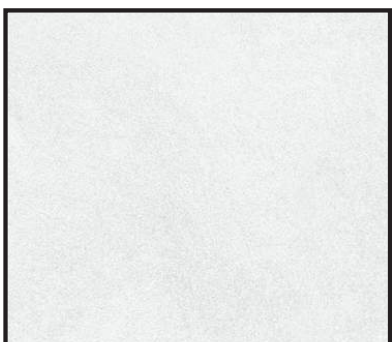


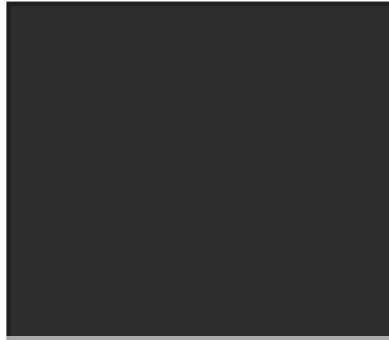
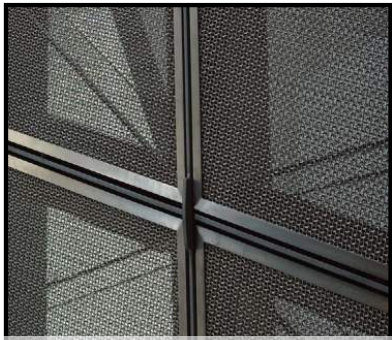

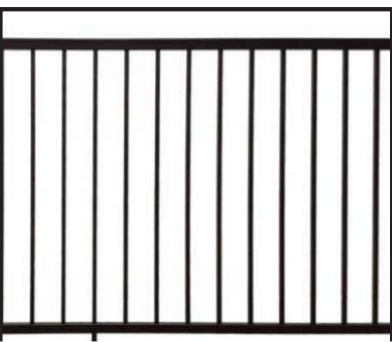

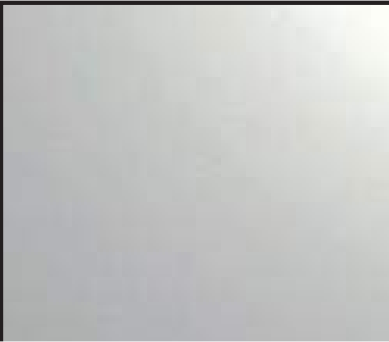


3 North Elevation
Scale: 1" = 40'



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

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