

ORDINANCE NO. 2022-536

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on 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; 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, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1), Florida Statutes, must provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the city as reflected by the community's commitments to implement such plan; 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

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 **204** dwelling units and may have no more than
65 **557** bedrooms.
- 66 2. A maximum building height of 12 stories is allowed for any portions of a building lying
67 outside the University Heights-South Historic District 100-foot buffer (District Buffer). A
68 maximum building height of 60 feet and 5 stories is allowed for any portions of a building
69 lying within the District Buffer.
- 70 3. A minimum of 10% of the residential dwelling units developed must be Affordable
71 Housing Units. Affordable Housing Units means units that are affordably priced for
72 households earning between 50% and 80% of the Gainesville Metropolitan Statistical
73 Area (MSA) Area Median Income (AMI), as established by the United States Department
74 of Housing and Urban Development (HUD). Affordably priced means that no more than
75 30% of household income is spent on housing. These units must remain permanent
76 Affordable Housing Units through a binding legal document as approved to form and
77 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.

4. 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.

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 This underlying land use category is neither abandoned nor repealed, but is inapplicable as long as a Planned Development District (PD) zoning ordinance implementing this PUD land use overlay is adopted by the City Commission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

SECTION 4. The City Manager or designee is authorized and directed to make the necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in order 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 on the effective date of this amendment to the Comprehensive Plan.

103 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the
104 effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely
105 challenged, will be 31 days after adoption. If challenged within 30 days after adoption, this
106 amendment will become effective on the date the state land planning agency or the
107 Administration Commission issues a final order determining the amendment to be in compliance
108 with Chapter 163, Florida Statutes. No development orders, development permits, or land uses
109 dependent on this Comprehensive Plan amendment may be issued or commenced before this
110 amendment has become effective.

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

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119 Attest:

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123 _____
OMICHELE D. GAINEY

124 CITY CLERK

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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

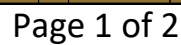
PARCEL 1

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.

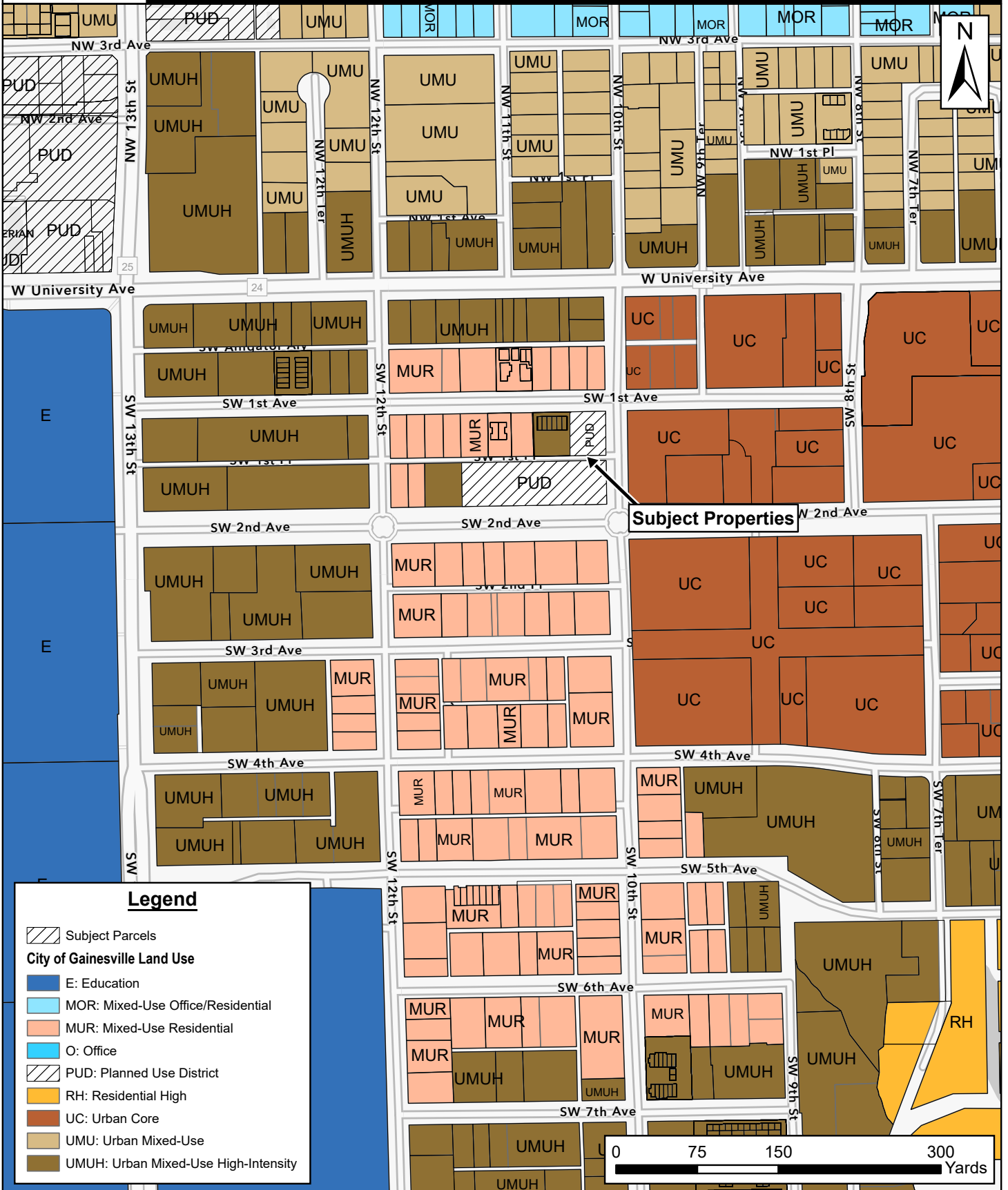
Parcels: 13263-000-000 & 13249-000-000





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