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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

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
30 land development regulations on specific classifications of land within the city; and

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

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

41 **WHEREAS**, on September 24, 2001, the City Commission adopted Ordinance No. 001607,
42 which rezoned to Planned Development District (PD) the property that is the subject of this
43 ordinance; and

44 **WHEREAS**, this ordinance, which was requested by the owner(s) of the property that is the
45 subject of this ordinance and which was noticed as required by law, will amend Ordinance No.
46 001607 and the Planned Development District (PD) zoning applicable to the subject property;
47 and

48 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
49 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 April 27, 2023, to consider this application and provide a recommendation to the City Commission; and

WHEREAS, an advertisement no less than two columns wide by ten inches long was placed in a newspaper of general circulation and provided the public with at least seven days' advance notice of this ordinance's first public hearing to be held by the City Commission; and

WHEREAS, a second advertisement no less than two columns wide by ten inches long was placed in the aforesaid newspaper and provided the public with at least five days' advance notice of this ordinance's second public hearing to be held by the City Commission; and

WHEREAS, the 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 is consistent with the City of Gainesville Comprehensive Plan.

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

SECTION 1. Section 4 of Ordinance No. 001607 is amended as follows. Except as amended by this ordinance, the remaining provisions of Ordinance No. 001607 remain in full force and effect.

Section 4. The following additional conditions, restrictions and regulations shall also apply to the development and use of the land described herein:

1. ~~Future Phased development plans require site plan approval from the Plan Board and the City Commission.~~

The allowable uses by right in the PD are as follows:

a. Criminal and Civil Courts

- b. Court Services
- c. Family and Juvenile Services
- d. State Attorney Offices
- e. Public Defenders Offices
- f. Ancillary Court and Legal Services
- g. Structured Parking
- h. Surface Parking (internal to the site)
- i. Accessory Energy Facility

2. ~~A final concurrency application must be filed concurrently with the Final Site Plan application.~~

If the existing bus shelter at the site is removed or demolished as a result of future construction, a new bus shelter that meets Regional Transit System (RTS) requirements must be installed at the site in a location approved by RTS.

3. ~~The County shall construct an artificially lighted, custom build "Bus Shelter" utilizing Phase I Courthouse materials and design that must be included on the finalized site plans for the Phase I Criminal Courthouse. The seating within the shelter shall be designed in such a manner that dissuades sleeping on the benches.~~

The regulations concerning building form and design standards in the PD apply only to development and construction that occurs at the site after the effective date of Ordinance No. 2022-678 amending this PD. The existing Criminal Courthouse was designed and constructed based on the form and design standards adopted by Ordinance No. 001607 and is deemed conforming.

4. ~~The building setback along SW 2nd Street and south of SW 2nd Place is 20 feet from the eastern edge of pavement. The maximum building height allowed along Southwest 2nd Street, south of Southwest 2nd Place, is limited to three (3) stories with a forty (40) foot maximum building height limitation. These height limitations apply to all building or structures located between 20 to 40 feet from the edge of pavement of SW 2nd Street and south of SW 2nd Place.~~

The following building form standards apply to the PD:

- a. Maximum block perimeter: 2,300 feet
- b. Minimum lot width: 18 feet
- c. Maximum building coverage: 100%
- d. Primary frontage (S. Main Street) (minimum): 80%
- e. Secondary frontages (minimum): 60%

f. Building placement (except structured parking; see Condition 7.f.) (min-max from curb):

S Main Street: 20'-30'

SW 2nd Avenue: 20'-25'

SW 2nd Street: 17'-25'

SW 4th Avenue: 20'-25'

g. The public plaza established along Main Street adjacent to the Stephan P. Mickle Criminal Courthouse may be extended south to SW 4th Avenue. Both the existing plaza and any extension of the plaza will count toward meeting the building frontage percentages and building placement requirement.

h. Minimum Landscape/Sidewalk/Building frontage zones (except where structured parking is located):

S Main Street: 4'/10'/5'

SW 2nd Avenue: 4'/10'/5'

SW 2nd Street: 4'/8'/5'

SW 4th Avenue: 4'/10'/5'

i. Rear setback: 0'

j. Building height: 12 stories (max) and 172ft (max)

5. ~~In addition to the steps and porch as the sole focal point of the building facing Main Street as Southeast 2nd Place, an area located west of the porch entrance that is aligned with the centerline with 2nd Place shall be identified on the finalized site plan as a possible location for the placement of art in public places.~~

The Accessory Energy Facility must be located internal to the site and be enclosed by a wall with decorative exterior features for security and safety. The Accessory Energy Facility is not required to meet the building form, building design standards, or building materials standards in this PD.

6. ~~Applicant shall develop a health and safety plan that addresses specific site conditions such as known groundwater and potential soil contamination that may be encountered during site construction activities. The plan shall consider environmental risks as well as proper procedures for handling and disposal of any potentially contaminated media removed from the site.~~

Prior to, or concurrent with, any development plan review application associated with this PD, the owner/developer shall apply to the City for the following street vacations (as illustrated on the PD Layout Plan):

a. SW 3rd Avenue between SW 2nd Street and South Main Street

b. SW 1st Street from SW 3rd Avenue to the north ROW line of SW 4th Avenue

Prior to the time period when development or construction begins over the vacated portions of the SW 3rd Avenue and SW 1st Street rights-of-way, these areas must remain open for pedestrian and bicycle access. At a minimum, portions of an east-west urban walkway connecting across the property from SW 2nd Street to South Main Street must be constructed as part of any development plan approval where the urban walkway will abut the development site. The urban walkway must meet the minimum standards stated in the Land Development Code.

7. ~~Any on-site stormwater management systems will be limited to non-soil/groundwater recharge type treatment systems to minimize potential impacts to potential groundwater contamination that may be located in the vicinity of the site.~~

The following design/development standards apply to this PD:

a. Building massing. Building facades must not exceed 100 feet along a street frontage without providing a volume break such as a volume projection or recess, a tower or bay, or an architecturally prominent public entrance.

b. Facade articulation. The building façades facing adjacent streets must maintain a pedestrian scale by integrating the following architectural elements:

1. Façades may not exceed 20 horizontal feet without including at least one of the following elements:

i. A window or door.

ii. Awning, canopy or marquee.

iii. An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six inches.

iv. Arcade, gallery, or stoop.

v. Complementary changes in façade materials, color, or texture.

2. Architectural treatments on the façade, such as cornices or expression lines, must be continued around the sides of the building visible from a street.

3. All building elevations (including secondary/interior side façades) must use similar materials.

c. Exterior building materials. The following exterior material standards are required for each building elevation except the Accessory Energy Facility:

1. Exterior materials must be durable and weather-resistant and must be applied and maintained in accordance with the manufacturer's specifications or installation instructions.

2. Because the overall palette of materials should not be overly complex, each elevation must be limited to no more than three materials. The material for trim,

fascia, mechanical penetrations, and other similar features may be excluded from this material limitation.

3. Exterior material classifications on each elevation for the principal building must meet the percentages as indicated below. Interior elevations that do not face a public street or sidewalk are exempt from these requirements. Material percentage calculations are based on the elevation area for each individual elevation excluding window glazing or door areas.

i. Class I: Brick masonry; stone masonry; cast stone masonry; precast concrete architectural finish; concrete-architectural finish; glass wall system; metal panel.

ii. Class II: Stucco; fiber cement panel; fiber cement lap siding; manufactured stone; wood.

iii. Class III: Concrete masonry unit-architectural finish; concrete masonry unit-unfinished; precast concrete-unfinished; concrete-unfinished; wood composite lap siding; EIFS (Exterior Insulation Finishing Systems); synthetic stucco.

iv. Exterior Building Material Percentages:

Class I: 30% (min) – 100% (max)

Class II & III: 0% (min) – 70% (max)

v. Class III materials may not constitute more than 30 percent of any building elevation. Unfinished concrete, precast concrete, or concrete masonry units may not be used on any building elevation facing a public street or sidewalk.

4. The appropriate reviewing authority may allow modifications of exterior building material standards, including allowing the use of alternative materials not listed above, considering the degree that the proposed substitute material is substantially similar in durability and longevity.

d. Glazing. Building walls for buildings along the block edge facing the adjacent streets shall have glazed area covering at least 50 percent of their surface at pedestrian level (between three feet and eight feet above grade). Operable glazed entrance doors may be included in the calculation of total façade surface area.

e. Mechanical equipment. All mechanical equipment (excluding the Accessory Energy Facility) must be placed on the roof, in the rear of the building, or in the side of the building, and must be screened with parapets or other types of visual screening.

f. Parking. No minimum vehicular parking is required. Bicycle parking spaces must be provided in phases as new buildings are constructed at the site at a rate of 1 space per 5,000 square feet of GFA. Any surface parking area that is existing or proposed will be considered transitional and will not require a screen wall in consideration of the

significant safety and security requirements associated with the permitted uses.
However, perimeter landscaping standards will be applicable.

Surface and structured parking areas may be accessed from SW 2nd Street. Structured parking areas may be abutting SW 2nd Street and/or SW 4th Avenue. Structured parking located along street frontages must include either decorative screening walls, landscaping, ground floor offices facing the street, or a combination thereof to screen ground floor parking. Surface parking areas abutting an urban walkway must be screened with perimeter parking landscaping.

Parking structures must meet the applicable setback and height standards in the PD, but are exempt from the minimum floor-to-ceiling height requirement and the building frontage zone requirement.

Building placement for parking structures:

SW 2nd Street: 12' - 25'

SW 4th Avenue: 15' – 25'

- ~~8. Orange tree barriers should be utilized to protect all trees not approved from removal during a particular phase of construction.~~

~~During the construction of any development at the site, access by construction vehicles is prohibited from the west through the neighborhood, specifically SW 2nd Place and SW 3rd Avenue, to protect the character of the adjacent residential areas (Porter's neighborhood).~~

- ~~9. Existing trees shall not be removed from staging areas, except as needed and approved by the City Manager or designee during the site plan review process.~~

~~Modifications that are related to significant safety and security requirements of the permitted uses or utility infrastructure, or that are related to conflicts with existing utilities, may be approved as part of the development review process.~~

- ~~10. It is understood that the County intends to file a formal request with the City to convert Southwest 2nd Street from one way traffic circulation north to a two way traffic circulation pattern to be implemented prior to the time a CO (Certificate of Occupancy) is granted for the Phase I Criminal Courthouse building.~~

~~Construction within this PD will be in multiple phases over several years and development time limits will be deferred until development review in accordance with the Land Development Code for planned developments.~~

- ~~11. During construction of Phase I, Criminal Courthouse building, the primary access for construction vehicles is limited to Southwest 4th Avenue with more restricted limited access allowed from Southwest 2nd Avenue and South Main Street for the delivery and unloading of very large building materials or machinery. No access of construction vehicles shall be~~

~~allowed from Southwest 2nd Street or through the neighborhood to the west to protect the character of the adjacent residential areas (Porter's neighborhood).~~

Development plan review and approval of future developments must follow the levels of development review and development review process provided in the Land Development Code.

SECTION 2. The PD Layout Plan governing the property that is the subject of this ordinance is amended as shown in **Exhibit A**, which is attached to and incorporated within this ordinance.

SECTION 3. 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 4. 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 5. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 6. This ordinance will become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2023.

HARVEY L. WARD
MAYOR

291 Attest: Approved as to form and legality:
292
293 _____
294 KRISTEN BRYANT DANIEL M. NEE
295 INTERIM CITY CLERK CITY ATTORNEY

296
297 This ordinance passed on first reading this ____ day of _____, 2023.
298
299 This ordinance passed on second reading this ____ day of _____, 2023.

