

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
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**, this ordinance, which was noticed as required by law, will amend the Zoning Map
42 Atlas by rezoning the property that is the subject of this ordinance to Planned Development
43 (PD) district; 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
46 pursuant to Section 163.3174, Florida Statutes, held a public hearing on April 27, 2023, to
47 consider this application and provide a recommendation to the City Commission; and

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

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

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

57 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be
58 consistent with the City of Gainesville Comprehensive Plan when the amendment to the
59 Comprehensive Plan adopted by Ordinance No. 2023-409 becomes effective as provided
60 therein.

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

63 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
64 following property from Residential Single-Family (RSF-4) to Planned Development (PD):

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

68
69 **SECTION 2.** The use and development of the property described in Section 1 of this ordinance
70 must be consistent with the PD layout plan and conceptual building elevations attached as
71 **Exhibit C** and made a part hereof as if set forth in full, as well as the regulations listed below.
72 The order of regulatory precedence in any event of conflict or inconsistency regarding the
73 regulation of land development for the property described in Section 1 of this ordinance is as
74 follows, with number 1 taking precedence over number 2 and so on: 1) Land Use Ordinance
75 No. 2023-409; 2) the City of Gainesville's Comprehensive Plan; 3) the land development

76 regulations set forth in this section below; 4) **Exhibit C**; and 5) the City of Gainesville Land
77 Development Code.

78 A. Uses allowed by right:

- 79 1. Dance studio including classes and rehearsals.
- 80 2. Yoga and Pilates classes.
- 81 3. Music classes.
- 82 4. Theater for accessory dance and music performances (to end by 11 pm).
- 83 5. Theater rental for non-profit cultural organization performances (to end by 11
84 pm).
- 85 6. Accessory outdoor events within the Usable Open Space area delineated on the
86 PD Layout Plan. Outdoor events are limited to daylight hours.
- 87 7. Storage building (maximum 4,000 square feet).
- 88 8. Related accessory uses.

89 B. Max building square footage for the principal building: 26,000 square feet.

90 C. Max building height: 35 feet.

91 D. Dimensional standards:

- 92 1. Min setback from NW 39th Avenue: 70 feet.
- 93 2. Min setback from NW 34th Street: 40 feet.
- 94 3. Min setback from east property line: 100 feet.
- 95 4. Min setback from north property line: 15 feet.

96 E. Design/development standards:

- 97 1. Building orientation. The principal building must have at least one functional
98 entrance facing each adjacent street and have an entrance(s) facing internal to
99 the site.
- 100 2. Building massing. Building facades must not exceed 100 feet along the street
101 frontage without providing a substantial volume break such as a volume
102 projection or recess, a tower or bay, or an architecturally prominent public
103 entrance.
- 104 3. Façade articulation. The building facades for the principal building facing
105 adjacent streets must maintain a pedestrian scale by integrating the following
106 architectural elements.
 - 107 i. Facades may not exceed 20 horizontal feet without including at least one
108 of the following elements:
 - 109 1. Window or door.

- 110 2. Awning, canopy or marquee.
- 111 3. An offset, column, reveal, void, projecting rib, band, cornice, or
- 112 similar element with a minimum depth of six inches.
- 113 4. Arcade, gallery or stoop.
- 114 5. Complementary changes in façade materials or texture.
- 115 ii. Architectural treatments on the façade, such as cornices or expression
- 116 lines, must be continued around the sides of the building visible from a
- 117 street.
- 118 iii. All building elevations (including secondary/interior side facades) must
- 119 use similar materials and appearance as the front/street façade.
- 120 4. Exterior building material. The following exterior material standards are
- 121 required for each elevation on the principal building:
- 122 i. Exterior materials must be durable and weather-resistant and must be
- 123 applied and maintained in accordance with the manufacturer’s
- 124 specifications or installation instructions.
- 125 ii. Because the overall palette of materials should not be overly complex,
- 126 each elevation must be limited to no more than three materials. The
- 127 material for trim, fascia, mechanical penetrations, and other similar
- 128 features is excluded from this material limitation.
- 129 iii. Exterior material classifications on each elevation for the principal
- 130 building must meet the percentages as indicated below. Interior
- 131 elevations that do not face a public street or sidewalk are exempt from
- 132 these requirements. Material percentage calculations are based on the
- 133 elevation area for each individual elevation excluding window glazing or
- 134 door areas.
- 135 1. Class I: Brick masonry; stone masonry; cast stone masonry;
- 136 precast concrete-architectural finish; glass wall system; metal
- 137 panel.
- 138 2. Class II: Stucco; fiber cement panel; fiber cement lap siding;
- 139 manufactured stone; wood.
- 140 3. Class III: Concrete masonry unit-architectural finish; concrete
- 141 masonry unit-finished; precast concrete-unfinished; concrete-
- 142 unfinished; wood composite lap siding; EIFS (Exterior Insulation
- 143 Finishing Systems); synthetic stucco.

Exterior Building Material Percentages

Class I%	Class II & III*%
30 (min)-100 (max)	0 (min) – 70 (max)

145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184

* 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 applicable 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.
5. Glazing. Building walls for the principal building facing the adjacent streets must have at least 25 percent glazed surface area 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.
6. Mechanical equipment. All mechanical equipment must be placed on the roof or in the rear or side of the building, and must be screened with parapets or other types of visual screening.
7. Min sidewalk width along NW 39th Avenue must retain the existing FDOT configuration.
8. Min sidewalk width along NW 34th Street must retain the existing FDOT configuration.
9. Min width for internal sidewalk systems: 5 feet.
10. All parking areas must be buffered from street frontages and abutting properties. No parking is allowed in front of the building along NW 34th Street or NW 39th Avenue. All motor vehicle parking must be located in the rear or interior side of the building, unless such a location is prevented by topography, stormwater retention, or significant trees, as determined by the applicable reviewing authority.
11. Landscape buffers may include sidewalks, driveways, and utility connections as required for the project. Removal of any regulated trees as a result of these improvements must be mitigated in accordance with Land Development Code standards. Existing landscape vegetation must be retained to the extent practicable, and will be credited towards applicable requirements for plantings. These buffer areas must be regularly managed and maintained by the property owner. In the event of damage or destruction to the vegetation within the buffer, the property owner shall replant vegetation to maintain the overall character of the buffer area.
12. The installation of sidewalks and connection to existing sidewalks must consider existing tree locations and should be designed around existing trees to the extent practicable.

- 185 13. Min landscape buffer widths:
- 186 i. Along NW 39th Avenue: 70 feet.
- 187 ii. Along NW 34th Street: 40 feet.
- 188 iii. Along the east property line: 100 feet.
- 189 iv. Along the north property line (north of Vehicular Use Area & Accessory
- 190 Storage Building Area): 15 feet.
- 191 F. Max number of vehicle parking spaces: 85. Min bicycle parking spaces: 8.
- 192 G. Any development plan associated with property governed by the PD must be
- 193 consistent with the PD Layout Plan submitted as part of the Planned Development
- 194 rezoning.
- 195 H. During development plan review, the owner/developer shall provide a list of
- 196 building materials and architectural standards for review and approval by the City
- 197 Manager or designee to ensure that the proposed development is consistent with
- 198 the adopted PD requirements.
- 199 I. Vehicular access to the development from public right-of-way must be in the form
- 200 of a shared driveway (with the property abutting to the north) off the east side of
- 201 NW 34th Street and a driveway off the north side of NW 39th Avenue, subject to the
- 202 City and FDOT permitting. A recorded cross-access easement for the shared
- 203 driveway with the property abutting to the north is required prior to the issuance of
- 204 the final development order.
- 205 J. The development must include usable open space as conceptually delineated on the
- 206 PD Layout Plan. Accessory outdoor events may be held in the usable open space
- 207 area.

208

209 **SECTION 3.** The conditions and requirements in this ordinance will remain effective until such

210 time as, upon either the City or the property owner(s) filling an application for rezoning, the

211 City adopts an ordinance rezoning the subject property to another zoning district consistent

212 with the Comprehensive Plan and Land Development Code.

213 **SECTION 4.** The City Manager or designee is authorized and directed to make the necessary

214 changes to the Zoning Map Atlas to comply with this ordinance.

215 **SECTION 5.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or

216 the application hereof to any person or circumstance is held invalid or unconstitutional, such

217 finding will not affect the other provisions or applications of this ordinance that can be given
218 effect without the invalid or unconstitutional provision or application, and to this end the
219 provisions of this ordinance are declared severable.

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

222 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the
223 rezoning will not become effective until the amendment to the City of Gainesville
224 Comprehensive Plan adopted by Ordinance No. 2023-409 becomes effective as provided
225 therein.

226

227 **PASSED AND ADOPTED** this _____ day of _____, 2023.

228

229

230

231

HARVEY L. WARD

232

MAYOR

233

234 Attest:

Approved as to form and legality:

235

236

237

238 KRISTEN BRYANT
239 INTERIM CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

240

241

242

243 This ordinance passed on first reading the _____ day of _____, 2023.

244

245 This ordinance passed on adoption reading the _____ day of _____, 2023.



Legal Description

Tax Parcel 06076-000-000

Section 24, Township 9 South, Range 19 East

City of Gainesville, Alachua County, Florida

BEGIN AT THE SOUTHWEST CORNER OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 19 EAST AND RUN EAST ON THE SECTION LINE 10 CHAINS, THENCE NORTH 7 CHAINS, THENCE WEST 10 CHAINS TO THE WEST LINE OF SAID SECTION, THENCE SOUTH 7 CHAINS TO THE POINT OF BEGINNING, LESS ROAD RIGHTS OF WAY.

SAID LANDS LYING AND BEING IN SECTION 24 TOWNSHIP 9 SOUTH, RANGE 19 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA AND CONTAINING AN AREA OF 5.78 ACRES MORE OR LESS.

Exhibit B to Ordinance No. 2023-408

Existing Zoning LD23-000015 ZON

Subject Parcel:

-06076-000-000

Map Legend

- Subject Parcel
- Parcels
- City of Gainesville Zoning**
- OR: Office Residential
- PD: Planned Development
- PS: Public Services and Operations
- RSF-1: Single-Family Residential
- RSF-2: Single-Family Residential
- RSF-4: Single-Family Residential

Produced By:
GIS Analyst
Dept. of Sustainable Development
June 2023

0 50 100
Yards
*Scale for main map

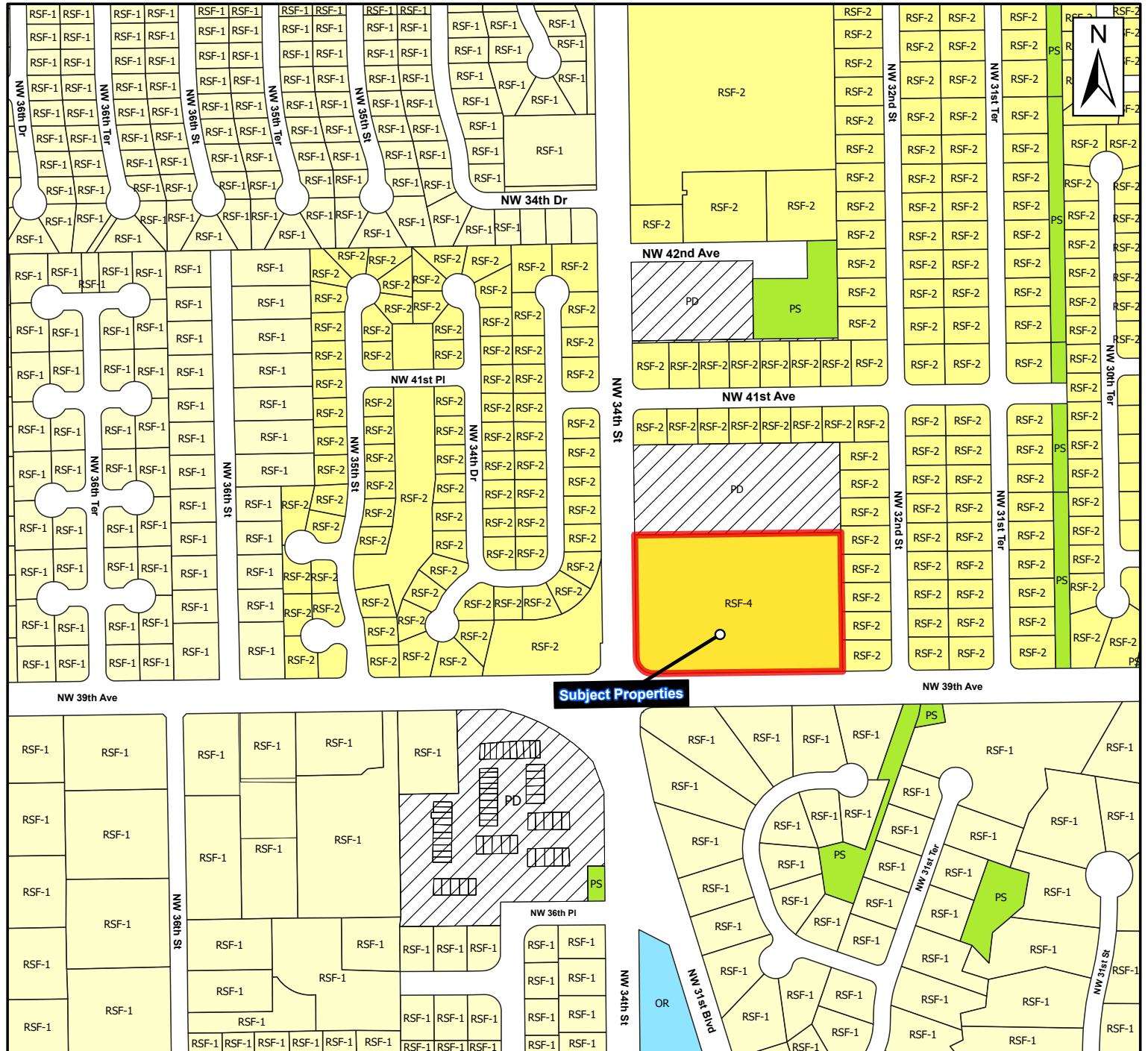
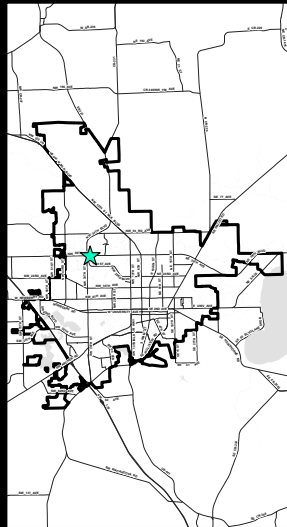


Exhibit B to Ordinance No. 2023-408

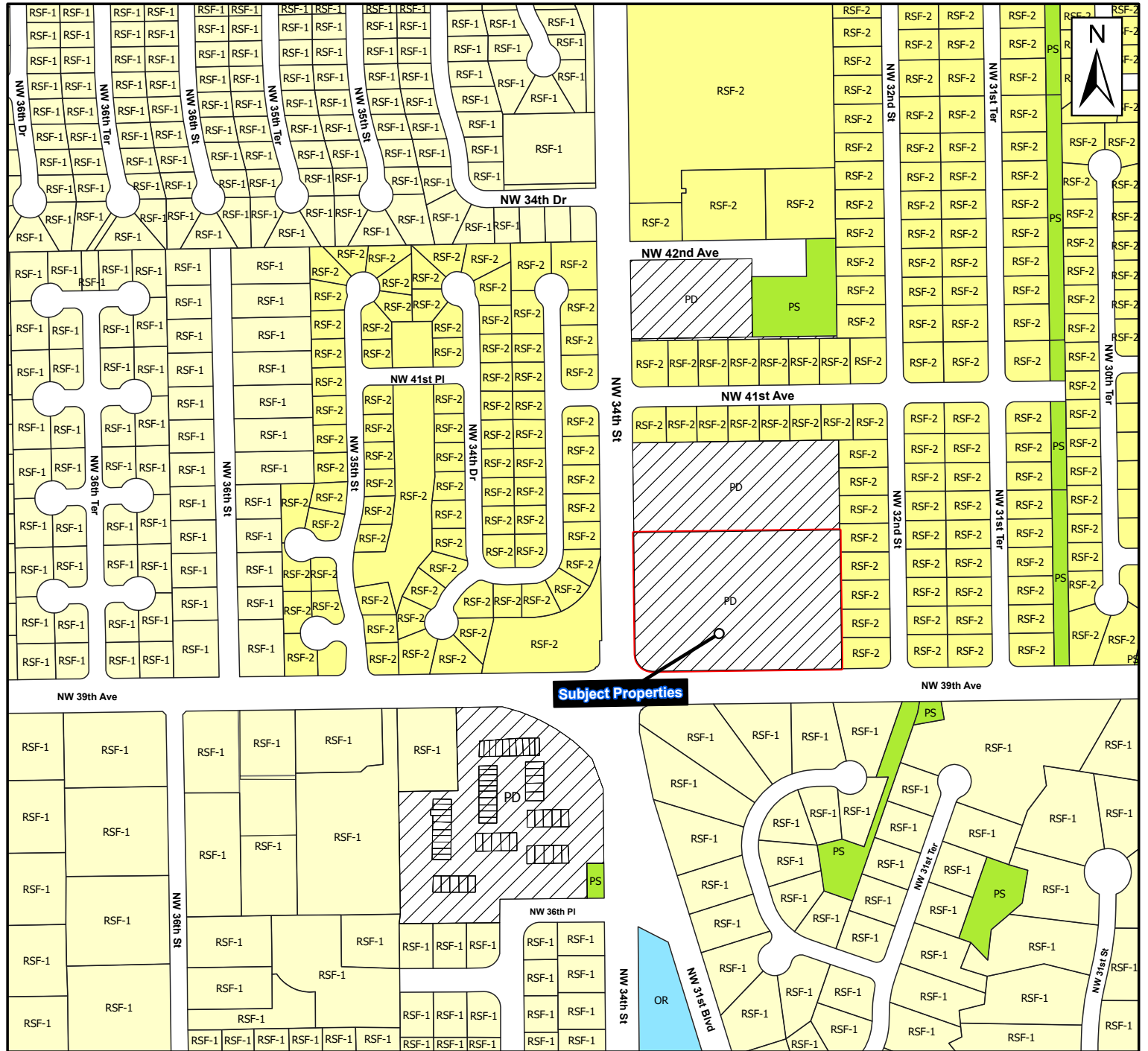
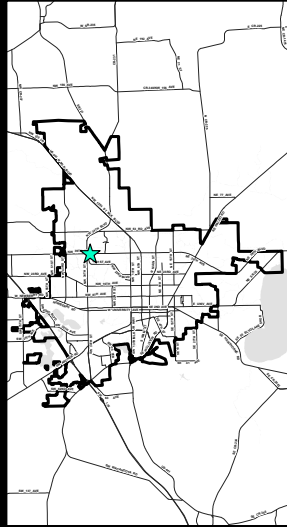
Proposed Zoning LD23-00015 ZON

Subject Parcel:

-06076-000-000

Map Legend

- Subject Parcel
 - Parcels
 - City of Gainesville Zoning**
 - OR: Office Residential
 - PD: Planned Development
 - PS: Public Services and Operations
 - RSF-1: Single-Family Residential
 - RSF-2: Single-Family Residential
 - RSF-4: Single-Family Residential
- Produced By:
GIS Analyst
Dept. of Sustainable Development
June 2023
- 0 50 100
Yards
*Scale for main map





Project No:	22-132
Project Name:	ZONING
Project Title:	
Sheet Title:	PD LAYOUT PLAN
Design: TAR	Sheet No: P 100
Drawn: MJB	
Checked: TAR	
Date: 02/08/23	

