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ORDINANCE NO. 130515

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning to Planned Development District (PD) approximately 1.67 acres of property located at 1226 NW 3rd Avenue, 303 NW 13th Street, 1249 NW 4th Avenue and 1227 NW 4th Avenue, as more specifically described in this ordinance; adopting PD maps, a PD report, and development conditions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

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

15 **WHEREAS**, on January 19, 2012, the City Commission adopted Ordinance No. 100897,
16 which originally rezoned the property that is the subject of this ordinance to Planned
17 Development District (PD) and included certain PD maps, a PD report and land development
18 regulations; and

19 **WHEREAS**, Section 30-224(a) of the City of Gainesville Land Development Code
20 provides that, with certain exceptions, an amendment to a previously approved Planned
21 Development (PD) may only be accomplished by a rezoning ordinance accompanied by a new
22 proposed Planned Development (PD); and

23 **WHEREAS**, by initiation of the owners of the subject property to amend the subject
24 property's Planned Development District (PD) zoning, notice of public meetings was given as
25 required by law; and

1 **WHEREAS**, on October 24, 2013, a public hearing was held by the City Plan Board,
2 which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it
3 recommended approval of the petition with certain revisions; and

4 **WHEREAS**, on January 16, 2014, the City Commission held a public hearing and
5 approved the petition with certain revisions; and

6 **WHEREAS**, following a delay initiated by the land owner/agent, the land owner/agent
7 has requested minor revisions to this ordinance and has requested that this ordinance now
8 proceed to the City Commission for consideration; and

9 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
10 newspaper of general circulation notifying the public of this proposed ordinance and of public
11 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of
12 Gainesville; and

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

16 **WHEREAS**, the City Commission finds that the amendments to the Planned
17 Development District (PD) zoning for the property described herein is consistent with the City of
18 Gainesville Comprehensive Plan and Planned Use District (PUD) Ordinance No. 130514.

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

21 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning
22 the following described property to Planned Development District (PD):

23 See legal description attached as Exhibit "A" and made a part hereof as if set forth

1 in full. The location of the property is shown on Exhibit "B" for visual reference.
2 In the event of conflict or inconsistency, Exhibit "A" shall prevail over Exhibit
3 "B".
4

5 **Section 2.** The use and development of the property described in Section 1 of this
6 ordinance shall be consistent with the City of Gainesville Comprehensive Plan and Planned Use
7 District (PUD) Ordinance No. 130514, and shall be regulated by the following exhibits that are
8 attached to this ordinance and made a part hereof as if set forth in full:

- 9 1. Exhibit "C" consisting of the following Planned Development (PD) maps:
10 a. PD Layout Plan map dated March 10, 2015; and
11 b. Elevations
12 2. Exhibit "D" consisting of the PD Report titled "Gainesville Mixed Use on NW
13 13th Street Planned Development Amendment Justification Report".

14 In the event of conflict or inconsistency, the order of precedence shall be as follows, with
15 number 1 taking precedence over number 2 and so on: 1) the land development regulations set
16 forth in Section 3 of this ordinance; 2) Exhibit "C"; 3) Exhibit "D"; and 4) The City's Land
17 Development Code.

18 **Section 3.** The use and development of the property described in Section 1 of this
19 ordinance shall be regulated by the following land development regulations:

20 Condition 1. The permitted uses by right are as listed below. The GN, MG and Div. numbers
21 are references to the Standard Industrial Code Classification of Uses, 1987 Edition and the
22 references to articles are to the requirements stated in that article as set forth in the City's Land
23 Development Code, as may be amended or renumbered from time to time.
24

SIC	Uses	Conditions
	Rowhouses	
	Multi-family dwellings (up to 100 units per acre).	An additional 25 units per acre may be added by special use permit

	Incidental residential accessory uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the developments and their guests.	
	Consolidated apartment management offices	
	Bed and breakfast establishment	In accordance with article VI
	Day care center	In accordance with article VI
	Places of religious assembly	In accordance with article VI
	Outdoor cafes	In accordance with article VI
	Eating places	
	Research and Development in the Physical, Engineering and Life Sciences	
GN-074	Veterinary services	Only within enclosed buildings and in accordance with article VI
MG-43	U.S. Postal Service	
GN-471	Arrangement of passenger transportation	Offices only, with no operation of passenger tours on site.
MG-53	General merchandise stores	
MG-54	Food stores	Excluding gasoline pumps
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishing, and equipment stores	
MG-59	Miscellaneous retail	Excluding GN598 Fuel Dealers
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developer (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI and excluding industrial laundries (IN-7218)
MG-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN7353), and equipment rental and leasing, not elsewhere classified (IN-7359)
GN-525	Hardware stores	
GN-701	Hotels and motels	
GN-752	Automobile parking	
MG-78	Motion picture	

MG-80	Health services	
MG-81	Legal services	
MG-82	Educational services	
MG-84	Museums, art galleries, and botanical and zoological gardens	
MG-86	Membership organization	
MG-87	Engineering, accounting, research, management, and related services	

1
2 Condition 2. The permitted uses shall be regulated within Zones A and B as depicted and
3 described in the PD Layout Plan and the PD report.

4
5 Condition 3. Drive-through facilities are prohibited. Drive-through facilities are defined as
6 facilities that provide services mechanically or personally to customers who do not exit their
7 vehicles and include, but are not limited to, banking facilities, payment windows, restaurant,
8 food or beverage sales, dry cleaning and express mail services. The following are not considered
9 drive-through facilities: auto fuel pumps and depositories that involve no immediate exchange
10 or dispersal to the customer, such as mail boxes, library book depositories, and recycling
11 facilities.

12
13 Condition 4. The location of buildings shall be located as shown on the PD Layout Plan. Minor
14 shifts in building location (up to ten feet) may be authorized during development plan review,
15 consistent with other requirements.

16
17 Condition 5. The building shall be constructed with the exterior design as generally depicted in
18 the elevations in the PD Maps. The façade of the parking structure shall be designed to be
19 consistent with the general design, texture, and colors of the principal buildings. The
20 owner/developer shall provide color elevations with notations as to building materials for review
21 and approval during development plan review.

22
23 Condition 6. The development shall meet the Community Redevelopment Agency streetscape
24 standards that are in effect at the time of development plan review for the design and materials
25 for sidewalks, crosswalks, handicap ramps, bicycle racks, and other relevant streetscape fixtures.
26 The elements of the streetscape (street trees, sidewalk, outdoor cafés and bus shelters) shall be
27 provided within the Zone B Urban Areas identified on the PD Layout Plan. The required Zone B
28 Urban Areas shall be measured from the back-of-curb to the building façade. The Zone B Urban
29 Area along NW 13th Street shall be a minimum of 15 feet, except where landscaping or street
30 trees are provided the Zone B Urban Area shall be a minimum of 20 feet. All floors, with the
31 exception of the ground floor, are permitted to extend up to six feet into the Zone B Urban Area
32 along NW 13th Street. Structural features such as arcade columns shall be permitted within the
33 Zone B Urban Area along NW 13th Street. Zone B Urban Areas along NW 4th Avenue and NW
34 3rd Avenue shall be a minimum of 11 feet.

35
36 Condition 7. Bicycle parking spaces shall be provided along the streets and in appropriate
37 locations internal to the site, at a rate of 1 space per every 4 bedrooms and 1 space per every

1 2000 feet of commercial or office floor area. The development shall also provide a minimum of
2 10 scooter parking spaces.
3

4 Condition 8. On all three street frontages, buildings shall provide a minimum of 50% glazing
5 within the area between 3' and 8' above grade. This required glazing must be 80% transparent
6 and shall not utilize painted glass, reflective glass or other similarly treated windows. Entrances
7 with glazing may be counted toward meeting this minimum glazing requirement.
8

9 Condition 9. Individual uses on the ground floor shall provide functional entrances that face the
10 street.
11

12 Condition 10. Shade street trees as listed in the Gainesville Tree List (reaching at least 40 feet
13 in height at maturity) shall be planted every 50 feet on average along the streets abutting the PD.
14

15 Condition 11. The vehicular entrances to the parking garage shall be located as shown on the
16 elevations in the PD Maps. No vehicular access is permitted from NW 13th Street.
17

18 Condition 12. A minimum 4-foot wide pedestrian pathway shall be provided through the
19 parking garage vehicular access in order to connect the sidewalks on NW 3rd Avenue and NW 4th
20 Avenue.
21

22 Condition 13. A 15-foot wide Type C landscape buffer shall be planted along the site's eastern
23 boundary. The Type C landscape buffer shall include a minimum of three (3) shade trees, three
24 (3) understory trees, and 25 shrubs per 100 linear feet.
25

26 Condition 14. Prior to receiving a certificate of occupancy, the owner/developer shall at its
27 expense install an FDOT approved traffic separator on NW 13th Street from NW 3rd Avenue to
28 NW 5th Avenue along the existing center turn lane. The traffic separator will generally be a 2-
29 foot-wide concrete separator for the entire length with a full width median separator at the center
30 of the block for a distance of approximately 100 feet. The final design of the traffic separator
31 shall be subject to review and approval by the FDOT by permit.
32

33 Condition 15. Prior to receiving a certificate of occupancy, the owner/developer shall improve
34 NW 12th Drive from NW 4th Avenue to NW 5th Avenue as stated below. These improvements
35 are required due to operational or safety issues and will not count toward Transportation
36 Mobility Program requirements or other transportation mitigation program requirements.
37

38 (1) The developer shall evaluate whether the typical section including pavement
39 widths, thickness and the non-curbed condition can support the projected traffic
40 loading for two-way travel. If found to be insufficient, the typical section shall be
41 widened and a structural course overlay and curbing of the entire roadway length
42 may be required.
43

44 (2) A 6-foot-wide sidewalk shall be installed along one side of the street.
45

1 (3) The northern terminus (approximately 25 feet) of the roadway shall be re-graded
2 to eliminate the valley gutter and dip. Type F curb-and-gutter radius returns shall
3 be installed at the intersection with NW 5th Ave.
4

5 Condition 16. Due to the development's location in the University of Florida Context Area,
6 prior to final development plan approval, the owner/developer shall sign a Context Area Transit
7 Agreement meeting the Transportation Mobility Element Policy 10.1.14 requirements for the
8 proposed number of multi-family units.
9

10 Condition 17. Plans depicting construction staging areas must be provided during development
11 plan review. Construction staging shall be contained on the property to the extent possible. The
12 owner/developer shall notify the construction contractors that all construction vehicles shall enter
13 the site only from NW 3rd Avenue or NW 4th Avenue via NW 13th Street, as approved by the City
14 Public Works Department, and shall not travel to or from the site along the neighborhood streets
15 to the east of the site.
16

17 Condition 18. If completion of the footer and vertical construction has not commenced within
18 one year after the existing buildings have been removed from the site, the site shall be planted
19 with grass and properly maintained.
20

21 Condition 19. The relocation or removal/demolition of the two existing historic contributing
22 structures on the site shall require approval from the Historic Preservation Board, or if denied by
23 the Historic Preservation Board then approval by the City Commission on appeal.
24

25 Condition 20. The elevation of the parking structure shall be designed to minimize lighting
26 impacts on adjacent residential properties and incorporate architectural and landscape elements
27 to create a façade that more closely resembles a building rather than open levels of a parking
28 garage. The elevations for structures located within the University Heights North Historic
29 District shall be reviewed by the Historic Preservation Board pursuant to Section 30-112 of the
30 Land Development Code prior to final development plan approval (Note: this condition has been
31 met by the Historic Preservation Board's approval of Certificate of Appropriateness Petition HP-
32 13-00081 on January 7, 2014). Elevations shall be generally consistent with those included in
33 this ordinance, but elevation details and materials may be revised by the Historic Preservation
34 Board and/or Development Review Board without need to amend this ordinance.
35

36 Condition 21. If any building is built to a height of seven stories, then the building construction
37 for that building shall be concrete and steel Type I construction.
38

39 **Section 4.** The development terms and conditions in this ordinance shall remain effective
40 until such time as, upon either the City or the property owner filing a rezoning petition, the City

1 adopts an ordinance rezoning the property described in Section 1 of this ordinance to another zoning
2 district consistent with the Comprehensive Plan and Land Development Code.

3 **Section 5.** Any person who violates any provision of this ordinance shall be deemed guilty
4 of a municipal ordinance violation and shall be subject to fine or imprisonment as provided by
5 Section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
6 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
7 offense.

8 **Section 6.** If it is determined by the City Manager that a violation of this ordinance exists,
9 the City Manager may issue and deliver an order to cease and desist from such violation in order to
10 correct a violation, to preclude occupancy of the affected building or area, or to vacate the premises.
11 The City Manager, through the City Attorney, may seek an injunction in a court of competent
12 jurisdiction and seek any other remedy available at law.

13 **Section 7.** The City Manager or designee is authorized and directed to make the necessary
14 changes to the Zoning Map Atlas to comply with this ordinance.

15 **Section 8.** If any word, phrase, clause, paragraph, section or provision of this ordinance
16 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
17 finding shall not affect the other provisions or applications of this ordinance that can be given
18 effect without the invalid or unconstitutional provision or application, and to this end the
19 provisions of this ordinance are declared severable.

20 **Section 9.** Ordinance No. 100897 is hereby superseded in its entirety and is hereby
21 repealed effective on the effective date of this ordinance. All other ordinances or parts of
22 ordinances in conflict herewith are to the extent of such conflict hereby repealed effective of the
23 effective date on this ordinance.

1 **Section 10.** This ordinance shall become effective upon Ordinance No. 130514 becoming
2 effective as provided therein.

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4 **PASSED AND ADOPTED** this 2nd day of April, 2015.

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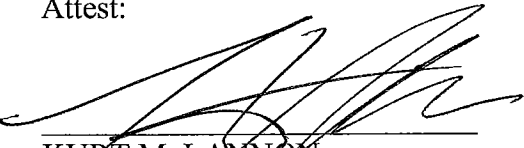
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11 Attest:

12


13

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15 
16 KURT M. LANNON
CLERK OF THE COMMISSION


EDWARD B. BRADDY
MAYOR

Approved as to form and legality:


NICOLLE M. SHALLEY
CITY ATTORNEY

17

18 This ordinance passed on first reading this 19th day of March, 2015.

19

20 This ordinance passed on second reading this 2nd day of April, 2015.



*Focused on Excellence
Delivered with Integrity*

LEGAL DESCRIPTION

September 3, 2013

PROJECT NO: 13-0305
DESCRIPTION FOR: OVERALL DESCRIPTION

DESCRIPTION FOR TAX PARCEL(S): 14012-000-000, 14038-000-000, 14044-000-000
(OFFICIAL RECORDS BOOK 3826, PAGE 2134)

A PARCEL OF LAND IN SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, IN THE CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE NORTHWEST CORNER OF LOT 4, BLOCK 3, OF BELLAH'S SUBDIVISION, A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "C", PAGE 77 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID POINT ALSO BEING THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF NW 13TH STREET (80' RIGHT OF WAY) WITH THE SOUTH RIGHT OF WAY LINE OF NW 4TH AVENUE (40' RIGHT OF WAY); THENCE RUN NORTH 89°32'21" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID NW 4TH AVENUE, FOR 299.62 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BELLAH'S SUBDIVISION; THENCE RUN NORTH 89°11'10" EAST, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, FOR 70.85 FEET TO THE NORTHEAST CORNER OF LOT 5 OF SHELLIE COURT, A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "C", PAGE 61 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 01°10'41" EAST, ALONG THE EAST LINE OF SAID LOT 5, FOR 100.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE RUN SOUTH 89°12'22" WEST, ALONG THE SOUTH LINE OF SAID LOT 5 AND AN EXTENSION THEREOF, 71.24 FEET TO THE NORTHEAST CORNER OF LOT 7 OF SAID BELLAH'S SUBDIVISION; THENCE RUN SOUTH 00°15'21" WEST, ALONG THE EAST LINE OF SAID LOT 7, FOR 99.62 FEET TO THE NORTH RIGHT OF WAY LINE OF NW 3RD AVENUE (30' RIGHT OF WAY); THENCE RUN SOUTH 89°26'23" WEST, ALONG SAID NORTH RIGHT OF WAY, FOR 73.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE RUN NORTH 00°33'42" EAST, ALONG THE WEST LINE OF SAID LOT 7, FOR 59.86 FEET; THENCE RUN SOUTH 89°32'21" WEST, FOR 7.30 FEET; THENCE RUN SOUTH 00°33'42" WEST, FOR 59.85 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE; THENCE RUN SOUTH 89°30'05" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, FOR 205.00 FEET; THENCE RUN NORTH 64°22'42" WEST, FOR 11.22 FEET; THENCE RUN NORTH 00°28'51" EAST, FOR 5.06 FEET; THENCE RUN SOUTH 89°30'05" WEST, FOR 10.00 FEET TO THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF NW 13TH STREET; THENCE RUN NORTH 00°26'47" WEST, FOR 190.00 TO THE POINT OF BEGINNING.

AND

ALLEY DESCRIPTION (DEED BOOK 220, PAGE 468)

BEGIN AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 3, OF BELLAH'S SUBDIVISION IN GAINESVILLE, FLORIDA, AND RUN NORTH 100 FEET ALONG THE EAST LINE OF SAID LOT 7, RUN THENCE EAST 5 FEET, RUN THENCE SOUTH 100 FEET TO THE NORTH LINE OF COURT STREET, RUN THENCE WEST ALONG THE NORTH LINE OF COURT STREET 5 FEET TO POINT OF BEGINNING.

AND

LOT 14 DESCRIPTION (OFFICIAL RECORDS BOOK 4185 , PAGE 1008)

LOT 14, SHELLIE COURT, A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK C, PAGE 61, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

ALSO: A 5 FOOT STRIP OF LANDS LYING ADJACENT TO THE WEST SIDE OF SAID LOT 14 OF SHELLIE COURT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 14 OF SHELLIE COURT, THENCE RUN WEST ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 14 A DISTANCE OF 5 FEET, THENCE RUN NORTH PARALLEL TO THE WEST LINE OF LOT 14 TO A POINT ON THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 14, THENCE RUN EAST 5 FEET ALONG THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 14 TO THE NORTHWEST CORNER OF SAID LOT 14, THENCE RUN SOUTH ALONG THE WEST LINE OF SAID LOT 14 TO THE POINT OF BEGINNING.

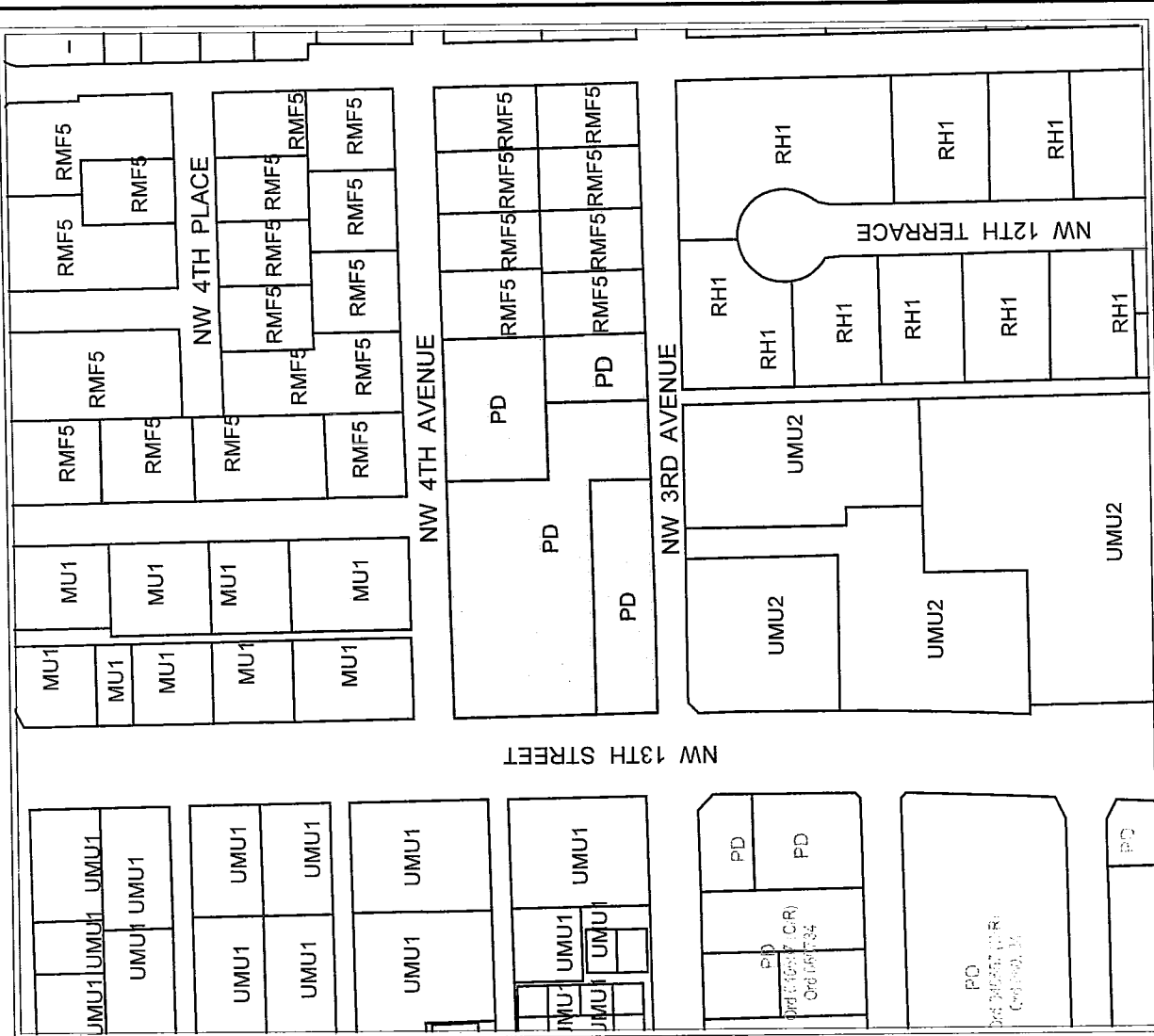
City of Gainesville Zoning Districts

- RMF-5 12 units/acre Single-Family/Multiple-Family Residential
- RH-1 8-43 units/acre Residential High Density
- MU-1 8-30 units/acre Mixed Use Low Intensity
- UMU-1 Up to 75 units/acre Urban Mixed-Use
- UMU-2 Up to 100 units/acre Urban Mixed-Use
- PD Planned Development

Exhibit "B" to Ordinance No. 130515
page 1 of 2

Area
under petition
consideration

Division line between two zoning districts



PROPOSED ZONING

Name	Petition Request	Petition Number
Causseaux, Hewett & Walpole, Inc agent for RBLWP Parcel D, LLC and Bruce and Kristin Hawkins	Amend an existing PUD to allow construction of a mixed-use development and rezone parcel from RMF-5 to Planned Development (PD).	PB-13-85 PDA



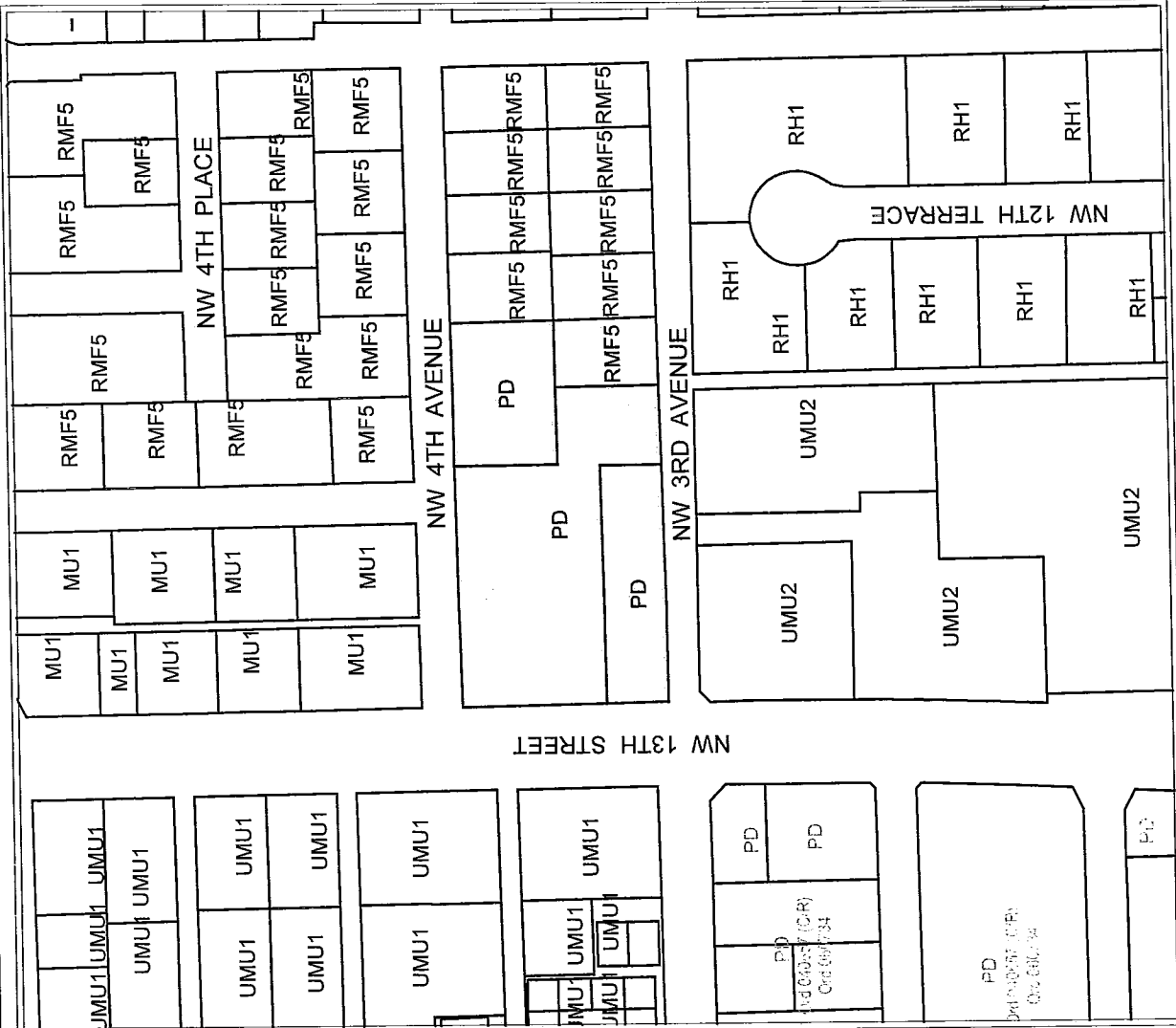
No Scale

City of Gainesville Zoning Districts

- RMF-5 12 units/acre Single-Family/Multiple-Family Residential
- RH-1 8-43 units/acre Residential High Density
- MU-1 8-30 units/acre Mixed Use Low Intensity
- UMU-1 Up to 75 units/acre Urban Mixed-Use
- UMU-2 Up to 100 units/acre Urban Mixed-Use
- PD Planned Development

Area under petition consideration

Division line between two zoning districts



EXISTING ZONING

Petition Request	Petition Number
Amend an existing PUD to allow construction of a mixed-use development and rezone parcel from RMF-5 to Planned Development (PD).	PB-13-85 PDA
Name	Petition Request
Causseaux, Hewett & Walpole, Inc agent for RBLWP Parcel D, LLC and Bruce and Kristin Hawkins	Amend an existing PUD to allow construction of a mixed-use development and rezone parcel from RMF-5 to Planned Development (PD).

