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10/31/2006

ORDINANCE NO. \_\_\_\_\_  
0-06-68

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4       **An ordinance amending the City of Gainesville 2000-2010**  
5       **Comprehensive Plan, Future Land Use Map; by overlaying the**  
6       **“Planned Use District” category over certain property, as more**  
7       **specifically described in this ordinance, with the underlying land**  
8       **use category of “Mixed-Use Low-Intensity (8-30 units per acre)”;**  
9       **located in the vicinity of 2337 Southwest Archer Road; providing**  
10       **terms, conditions and restrictions; providing a severability clause;**  
11       **providing a repealing clause; and providing an effective date.**  
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14       **WHEREAS**, by initiation of a petition by the property owner, publication of notice of a public  
15 hearing was given that the Future Land Use Map be amended by overlaying the land use category of  
16 “Planned Use District” over certain property with the underlying land use category of “Mixed-Use  
17 Low-Intensity (8-30 units per acre)”; and

18       **WHEREAS**, notice was given and publication made as required by law and a public hearing  
19 was held by the City Plan Board on May 18, 2006; and

20       **WHEREAS**, notice was given and publication made as required by law and a public hearing  
21 was held by the City Commission on June 26, 2006; and

22       **WHEREAS**, the amendment to the land use category of the City of Gainesville 2000-2010  
23 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided  
24 in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public notice and  
25 this proposed change to the State Land Planning Agency, the regional planning council, and any other

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1 person or entity who has requested a copy for their comments subsequent to the passage of this  
2 ordinance; and

3       **WHEREAS**, at least ten (10) days notice has been given of a public hearing once by  
4 publication in a newspaper of general circulation notifying the public of this proposed ordinance and of  
5 a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of Gainesville;  
6 and

7       **WHEREAS**, pursuant to law, notice has also been given by mail to the property owners  
8 whose land will be regulated by the adoption of this Ordinance and interested parties, at least ten days  
9 prior to the date set for a public hearing on this ordinance; and

10       **WHEREAS**, the public hearing was held pursuant to the published notice described above at  
11 which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

14       **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
15 Plan is amended by overlaying the "Planned Use District" future land use category on the following  
16 described property with the underlying land use category of "Mixed-Use Low-Intensity (8-30 units per  
17 acre)":

18                   See legal description attached hereto as Exhibit "A", and made a part  
19                   hereof as if set forth in full.

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1       **Section 2.** A planned development zoning ordinance is required to implement the overlay  
2 Planned Use District Category, and must be adopted by the City Commission within five years of the  
3 effective date of the land use designation, as provided in Section 8 of this Ordinance.

4       **Section 3.** The planned use district category of the property described in Section 1 of this  
5 ordinance is subject to the following terms, conditions and restrictions:

- 6       1. The property described in Section 1 of this Ordinance is limited to a minimum density of 30  
7 dwelling units per acre, and a maximum density of 40 dwelling units per acre.
- 8       2. The development on the property is limited to a maximum lot coverage not to exceed 60  
9 percent.
- 10       3. The development on the property is limited to no less than 20 percent pervious, open space.
- 11       4. The development on the property is subject to a maximum building height of 70 feet, with a  
12 corresponding maximum building height of 6 stories.
- 13       5. The permitted uses are limited to those uses allowed by the MUL (Mixed-Use Low-Intensity:  
14 8-30 units per acre) land use designation in the City of Gainesville, 2000-2010 Comprehensive  
15 Plan, and which are further limited by the PD (Planned Development District) zoning used to  
16 implement this Planned Use District.
- 17       6. Outdoor storage and drive-through facilities are prohibited.
- 18       7. Hazardous materials shall be disposed of in accordance with the Alachua County Hazardous  
19 Materials Management Code.

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- 1     8. Accessory uses considered customarily incidental to a permitted principal use on the subject  
2     property are limited to the uses permitted within the planned development by the planned  
3     development zoning ordinance.
- 4     9. The owner/developer shall construct a bus shelter that is architecturally compatible with the  
5     building constructed on the subject property to meet concurrency. The location and size of the  
6     bus shelter shall be subject to the approval of the City Manager or designee. Construction of  
7     the bus shelter shall be completed prior to the issuance of a Certificate of Occupancy for any  
8     building on the subject property.
- 9     10. The owner/developer shall construct new sidewalks along Old Archer Road and the paved  
10    portion of Southwest 23rd Street in accordance with applicable design standards, subject to the  
11    approval of the appropriate regulating agencies. The owner/developer shall be required to  
12    extend the construction of the new sidewalk along the full length of the eastern boundary of the  
13    subject property concurrently with the expansion of Southwest 23rd Street.
- 14    11. A maximum of three driveway connections shall be allowed onto public right-of-way, one from  
15    Old Archer Road and two from Southwest 23rd Street, subject to approval by the relevant  
16    regulating authorities.
- 17    12. The owner/developer shall commence construction of the planned development within 24  
18    months of the adoption of the ordinance implementing the PD (Planned Development District)  
19    zoning on the subject property. Failure to comply with this requirement shall cause the PUD  
20    land use classification to expire and be deemed null and void. The City may then commence

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1 the process to remove the PUD (Planned Use District) land use classification on the subject  
2 property from the Future Land Use Map, leaving the original and underlying land use in place,  
3 or other appropriate land use category.

4 13. The owner/developer shall obtain a final development order for the planned development  
5 within 12 months of the effective date of the ordinance rezoning the property to PD (Planned  
6 Development District) zoning on the subject property. Failure to comply with this requirement  
7 shall cause the PUD land use classification to expire and be deemed null and void. The City  
8 may then commence the process to remove the PUD (Planned Use District) land use  
9 classification on the subject property from the Future Land Use Map. The city commission  
10 may, upon good cause shown, approve a one-time, one-year extension of the aforesaid time  
11 period, after review by the City Plan Board, only if the request is in writing and filed with the  
12 Commission prior to any expiration date. This extension also includes the time period for  
13 commencing construction as provided in Paragraph 12 above. Failure to comply with these  
14 time requirements shall cause the development order approved with this ordinance to be null  
15 and void and of no further force and effect. In this event, the City shall initiate a petition to  
16 change the land use to the appropriate category.

17 **Section 4.** The underlying land use category of “Mixed-Use Low-Intensity (8-30 units per  
18 acre)” on the property described in Section 1 of this ordinance is neither abandoned nor repealed; such  
19 category is inapplicable as long as the property is developed and used in accordance with the  
20 development plan approved in the ordinance rezoning this property to Planned Development “PD”. In

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1 the event, however, the property described in Section 1 of this Ordinance is not rezoned by ordinance  
2 to Planned Development "PD" within five years of the effective date of this Ordinance, as provided in  
3 Section 8 of this Ordinance, then the Planned Use District Category imposed by this Ordinance shall be  
4 deemed null and void and of no further force and effect, and the Future Land Use Map shall be  
5 amended accordingly upon proper notice and action in accordance with the Future Land Use Element  
6 of the Comprehensive Plan.

7       **Section 5.** The City Manager is authorized and directed to make the necessary changes in  
8 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or portion  
9 thereof in order to comply with this ordinance.

10       **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or  
11 unconstitutional by any court of competent jurisdiction then said holding shall in no way affect the  
12 validity of the remaining portions of this ordinance.

13       **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such  
14 conflict hereby repealed.

15       **Section 8.** This ordinance shall become effective immediately upon passage; however, the  
16 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty one  
17 (31) days after passage and adoption of this Ordinance unless a petition is filed with the Division of  
18 Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this Ordinance shall not become  
19 effective until the state land planning agency issues a final order determining the adopted amendment to

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1 be in compliance in accordance with § 163.3187, or until the Administration Commission issues a final  
2 order determining the adopted amendment to be in compliance in accordance with § 163.3187, F.S.

3 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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\_\_\_\_\_  
PEGEEN HANRAHAN, MAYOR

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9 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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14 \_\_\_\_\_  
KURT LANNON,  
15 CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON, CITY ATTORNEY

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17 This ordinance passed this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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**LEGAL DESCRIPTION (per Official Records Book 1297, Page 242)\**

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, AND THENCE RUN NORTH 0 DEG. 29' 45" EAST ALONG THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 660 FEET TO A POINT; THENCE RUN NORTH 89 DEG. 43' 45" WEST A DISTANCE OF 50 FEET TO THE WEST RIGHT-OF-WAY LINE OF GRADED COUNTY ROAD FOR THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING THUS DESCRIBED, RUN NORTH 89 DEG. 43' 45" WEST A DISTANCE OF 610 FEET; THENCE RUN NORTH 0 DEG. 33' 41" EAST A DISTANCE OF 530.87 FEET, MORE OR LESS, TO THE SOUTH RIGHT-OF-WAY LINE OF OLD ARCHER HIGHWAY; THENCE RUN NORTH 68 DEG. 25' 07" EAST ALONG AND WITH SAID RIGHT-OF-WAY LINE OF SAID OLD ARCHER HIGHWAY A DISTANCE OF 657.60 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF SAID GRADED COUNTY ROAD; THENCE RUN SOUTH 0 DEG. 29' 45" WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 775.64 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

AREA: (BY SURVEYOR) ±398,413,624 S.F. (±9.146 ACRES)