

ORDINANCE NO. 060233

0-06-107

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3
4 An Ordinance of the City of Gainesville, Florida; amending the
5 Planned Development formerly known as "Park Central Holdings
6 Planned Development" and now known as "University House";
7 located in the vicinity of the 700 block of N.W. 13th Street, east
8 side; amending the permitted uses, allowable density, terms,
9 conditions and requirements of the planned development as
10 adopted by Ordinance No. 030904; providing a severability
11 clause; providing a repealing clause; and providing an immediate
12 effective date.
13

14 WHEREAS, the City Commission, on July 12, 2004, adopted Ordinance No. 030904 that
15 rezoned certain real property which is the subject of this Ordinance, to Planned Development, and
16 adopting a certain Development Plan; and

17 WHEREAS, the City Commission, on June 26, 2006, granted an extension of time to the
18 owner/applicant for final development plan approval; and

19 WHEREAS, the owner/petitioner has petitioned the City to amend the planned development
20 formerly known as "Park Central Holdings Planned Development"; and

21 WHEREAS, notice was given and publication made as required by law of a Public Hearing
22 which was then held by the City Plan Board on May 19, 2006; and

23 WHEREAS, notice was given and publication made of a Public Hearing which was then held
24 by the City Commission on September 11, 2006; and

25 WHEREAS, the City Commission finds that the amendment of the Planned Development
26 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

27 WHEREAS, at least ten (10) days notice has been given once by publication in a
28 newspaper of general circulation prior to the adoption public hearing notifying the public of this

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1 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
2 City Hall, in the City of Gainesville; and

3 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
4 described at which hearings the parties in interest and all others had an opportunity to be and were, in
5 fact, heard.

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

8 **Section 1.** Section 3 of Ordinance No. 030904 adopted on July 12, 2004, that adopted a
9 certain Development Plan is repealed in its entirety and is of no further force and effect, and a revised
10 Development Plan, as set forth in Section 2 of this Ordinance, is adopted and approved.

11 **Section 2.** The Development Plan attached to this Ordinance which consists of the following:

12 1. the development plan report entitled "University House, Planned Development (PD) Report
13 for Application 30PDA-06PB", updated February 15, 2007, attached and identified as Exhibit "B"; and

14 2. development plan maps consisting of 4 sheets: 1) "Cover Sheet", last revised on October
15 20, 2006; 2) "Existing Conditions Map", last revised on October 20, 2006; 3) "Existing Vegetation
16 Map", last revised on October 20, 2006; and 4) "Planned Development Layout Plan Map", last revised
17 on February 15, 2007; identified as Exhibit "C", are incorporated and made a part of this Ordinance as
18 if set forth in full. The terms, conditions, and limitations of the Development Plan shall regulate the use
19 and development of the land described herein zoned to the category of Planned Development District
20 as provided in Chapter 30, Land Development Code of the City of Gainesville (hereinafter referred to
21 as "Land Development Code"). In the event of conflict between the provisions of the development

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1 plan report (Exhibit “B”) and the development plan maps (Exhibit “C”), the provisions, regulations,
2 and restrictions of the development plan maps (Exhibit “C”) shall govern and prevail.

3 **Section 3.** Section 4 of the planned development originally adopted by Ordinance No.
4 030904, adopted on July 12, 2004, is amended as follows:

5 Condition 1. Up to 15,000 square feet of ~~non-residential~~ commercial uses may be allowed
6 ~~on~~ within the area designated as “areas where non-residential use may be allowed Commercial
7 Use Areas”, as shown on Sheet 4 of Attachment ~~D~~ Exhibit “C” along Northwest 13th Street. The
8 specifically permitted non-residential commercial uses are those designated on Attachment
9 “~~D~~Exhibit “A”: Allowable Uses,” “Table 2: Uses Allowed Only in Commercial Area”, attached
10 hereto and made a part hereof as if set forth in full. In the event the commercial uses are
11 permitted, the number of total residential units shall be reduced by the equivalent square footage.
12 For example, if 5,000 square feet of residential use is converted to commercial, then the
13 residential use shall be reduced by 5,000 square feet, and the total number of units in the
14 development shall be reduced by the number of units that had been within that 5,000 square feet.
15 (See Exhibit “D” attached hereto and made a part hereof for purposes of making the calculations
16 for the reduction of units.)

17
18 Condition 2. ~~Any use as~~ The uses permitted under Attachment “D” as shown in Exhibit
19 “A” shall only be located within the area designated as “commercial use areas, as shown on Sheet
20 4 of Exhibit “C”. ~~in~~ The commercial uses shall be within a multi-story building with a design and
21 architectural pattern that is compatible with the remainder of the development, and must comply
22 with development requirements of the Special Area Plan for Traditional City of the City’s Land
23 Development Code. Such uses shall be subject to approved by the ~~City Plan~~ Development
24 Review Board. The intensity, size and operation of each use is subject to approval by the
25 Development Review Board based upon the limitations in the MU-1 Zoning District, and subject
26 to further use restrictions as set forth in this Planned Development ordinance.

27
28 Condition 3. A creek setback area (line) has been established along the south side of the
29 creek as shown on Sheet 4 of Exhibit “~~B~~C”. There shall be no development on the north side of
30 the creek, ~~except for fencing and a stormwater management facility.~~ Except for routine
31 maintenance activities, no development shall be allowed within or over the areas delineated as the
32 “Creek Setback Area” located north and south of the creek (See Sheet 4 of Exhibit “C”). Routine
33 maintenance shall mean the following:

34 The regular care and upkeep of property removal of invasive species from the property,
35 regularly scheduled cleaning and removal from the site of miscellaneous debris and trash,
36 and execution of elements of a stormwater management plan designed to control erosional
37 sedimentation into Rattlesnake Branch.

38
39 ~~Condition 4. An appropriate structure, such as a building with a compatible configuration~~
40 ~~and orientation, a fence and/or an above grade boardwalk system with a railing may be erected~~

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1 between the residential buildings and the areas designated as creek setback on the south side of
2 the creek. Any improvements or development shall address construction activity, safety after
3 construction and the need to protect the creek system and its buffers from activities that would be
4 detrimental to the creek. The exact type, location and nature of the fencing shall be determined
5 during development plan review.

6
7 ~~Condition 5. Prior to development plan approval, the owner/applicant shall coordinate~~
8 ~~with staff: Public Works, Planning, Alachua County Department of Environmental Services and~~
9 ~~the City Arborist to establish an exact limit of development/creek setback along the north side of~~
10 ~~the creek. The designated area shall be plotted out in the field and designated on the development~~
11 ~~plan.~~

12
13 ~~Condition 6. Except for routine maintenance activities, no development, beyond~~
14 ~~construction of the fence and/or an above grade boardwalk system with a railing or stormwater~~
15 ~~management, shall be allowed within or over the areas delineated as the "Creek Setback Area"~~
16 ~~located north and south of the creek (See Sheet 4 of Exhibit "C"). Routine maintenance shall~~
17 ~~mean the following:~~

18
19 ~~the regular care and upkeep of property, which includes vegetative watering,~~
20 ~~trimming and pruning, and removal of invasive species upon the property.~~
21 ~~Maintenance also will include the regularly scheduled cleaning and removal from~~
22 ~~the site of miscellaneous debris and trash.~~

23
24 Condition 4. A plan detailing the management of invasive/non-invasive plant species shall
25 be submitted for review and final approval by the Development Review Board considering
26 development plan review.

27
28 ~~Condition 75. Any building along Northwest 13th Street shall be setback a minimum~~
29 ~~distance between~~ have a build-to line ranging between 15 to 30 feet from the curb line. The
30 exact placement must facilitate the following conditions:

- 31 a. allow sidewalks between 6 to 8 feet in width;
32 b. allow placement of street trees;
33 c. provide for the greatest pedestrian safety,

34
35 subject to development plan approval by the City Plan Development Review Board.

36
37 Condition 86. Any building along Northwest 13th Street and Northwest 7th Avenue, shall
38 present a unified architectural style, which reflects a multiple-unit facade, each with a separate
39 identity, subject to final development plan approval. Entrances at ground level shall be oriented
40 towards the street with stairs, porches or a compatible entrance feature directly related to the
41 adjacent sidewalk.

42
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1 Condition ~~97~~. Building height shall be a minimum of two stories and a maximum of five
2 stories or 65 feet along Northwest 13th Street. If more than ~~three~~ four stories are proposed along
3 Northwest 13th Street, the upper storyies shall be terraced or stepped back.
4

5 Condition ~~108~~. Building height along Northwest 7th Avenue shall be a maximum of three
6 stories or 39 feet, as measured from the finished floor elevation to the top plate of the highest
7 story and excluding stair towers. ~~Overall building height on the subject property shall not exceed~~
8 ~~five (5) stories or 65 feet.~~
9

10 Condition 9. Overall building height on the subject property shall not exceed five (5)
11 stories or 65 feet.
12

13 Condition ~~110~~. Existing trees along Northwest 12th Street shall be preserved, except
14 those determined by the city arborist to be invasive species or that have no significant value.
15

16 Condition ~~12~~. ~~Development allowed on the portion of the property between the creek and~~
17 ~~N.W. 8th Avenue, shall be limited to fencing and stormwater management. The type of fencing,~~
18 ~~the nature, design and configuration of the stormwater management facilities shall meet~~
19 ~~requirements of this ordinance and the Land Development Code. A determination as to whether~~
20 ~~the proposed development is in compliance will be issued at development plan review.~~
21

22 Condition ~~1311~~. The existing billboard on the subject property shall be permanently
23 removed during commencement of site work. The city shall have no liability in the removal of
24 such billboard or other related graphics.
25

26 Condition ~~1412~~. Signage for the development shall be in accordance with the City's Land
27 Development Regulations Code.
28

29 Condition ~~1513~~. The maximum allowable density on the subject property ~~shall be 30~~
30 ~~dwelling units per acre with is limited to~~ a maximum of ~~225 (188)~~ residential units, or lesser if
31 commercial uses are permitted. There shall be no residential units located north of the creek.
32

33 Condition ~~1614~~. One vehicular ingress/egress driveway will be allowed onto Northwest
34 7th Avenue and one driveway onto Northwest 13th Street. The configuration and location of each
35 access shall be subject to development plan approval. ~~The reviewing body~~ Development Review
36 Board shall impose standards appropriate to facilitating safe and efficient movement of vehicular,
37 bicycle and pedestrian traffic. All traffic improvements associated with the impact of this
38 development shall be made at the full cost and expense of the owner/applicant. The final
39 determination of access points shall also be based on a full traffic analysis, such as, for example,
40 the analysis provided by the owner/applicant with the petition submitted by the owner/developer
41 with the rezoning application.
42

43 Condition ~~1715~~. The design, placement, configuration and use of the limited access
44 points/emergency/occasional service points, off of Northwest 12th Street shall be subject to
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1 development plan approval. The design approved by the ~~reviewing body~~ Development Review
2 Board shall be based on development standards and regulations of the jurisdiction having
3 authority over the specific right-of-way. Access to the rights-of-way ingress/egress points on
4 Northwest 12th Street shall only occur during limited times, as approved during development plan
5 review, which shall be regulated and managed by the property owner/management. Emergency
6 access will be controlled by a 3M Opticom system or similar system. Access points shall allow
7 access by City services, such as fire, police, and solid waste. Temporary access, for the purposes
8 of loading and unloading, will be allowed for residents of the development for the two week
9 period surrounding the beginning and ending of the University of Florida's semesters.

10
11 Condition ~~18~~16. During development plan review, the ~~city owner/applicant~~ shall analyze
12 the proposed development in terms of its traffic impact on the existing roadway and traffic
13 signalization patterns. The owner/applicant shall be required to make improvements at its own
14 cost and expense commensurate with the potential impacts of the development on the roadway
15 system. The analysis and findings shall be submitted to the City for review and determination of
16 approval or approval with conditions during development plan review.

17
18 Condition ~~19~~17. The development shall provide vehicular and bicycle parking that
19 complies with the parking standards of the City's Land Development Code for multiple family and
20 commercial uses, as applicable.

21
22 Condition ~~20~~18. ~~On-street parking may be permitted by the City but it shall be available to~~
23 ~~the general public. The City may elect to create new parking spaces on streets adjacent to the~~
24 ~~development. However, such parking shall be open to the general public and shall not be~~
25 ~~exclusive to the subject development.~~

26
27 Condition ~~21~~19. Along Northwest 12th Street, building setbacks shall be established in a
28 manner that will preserve the existing non-invasive trees, which are greater than eight (8") inches.
29 During development plan review, the ~~development review board~~ Development Review Board
30 and/or the city manager or his designee, may allow removal of trees based on safety and health of
31 the specific tree(s) at issue.

32
33 Condition ~~22~~20. Along NW 7th Avenue, all buildings shall be setback so as to allow
34 construction and placement of a 6-foot to 8-foot wide sidewalk by the owner/developer, allow
35 tree planting and a vehicular street entrance along that Avenue, subject to development plan
36 approval. The final design, orientation and layout of the access point shall be determined by the
37 Development Review Board.

38
39 Condition ~~23~~21. Sidewalks are required to be constructed to serve this development by
40 the owner/developer at its own cost and expense along the street edge of all adjacent streets on
41 the side contiguous to the property. Developer shall construct, at its own cost and expense, a
42 sidewalk along NE 12th Street for NW 7th Avenue to NW 8th Avenue to serve this development,
43 and convey an easement to the public, at no cost or expense to the public, for any portion of the
44 sidewalk that is situated on the private property.

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1
2 Condition 2422. Along Northwest 13th Street, all buildings shall be setback so as to allow
3 the construction and placement of a 6-foot to 8-foot wide sidewalk by the owner/developer to
4 serve this development, allow tree planting, and a vehicular street entrance and building front
5 orientations along that street, subject to development plan approval.

6
7 Condition 2523. Treatment of streetscape, street and sidewalk design and building
8 orientation shall be consistent with the Special Area Plan for Traditional City as provided in the
9 City's Land Development Code.

10
11 Condition 2624. Along all roadway frontages, where existing sidewalks are deficient or
12 deteriorated, the owner/developer shall provide at its own cost and expense adequate sidewalks to
13 serve this development and otherwise meet code requirements.

14
15 Condition 2725. The development order approved by this ordinance shall be valid for a
16 period of two (2) years. A one-time, one-year extension may be approved by the city
17 commission, ~~after review and recommendation by the City Plan Board~~ upon good cause shown by
18 the owner/applicant. During that period, the owner/developer ~~must~~ shall obtain development plan
19 approval from the ~~City Plan~~ Development Review Board consistent with this ordinance. Final
20 development plan approval must be obtained within one year of obtaining preliminary
21 development plan approval from the board. A specific construction and development schedule
22 shall be adopted during development plan review. All development shall be completed no later
23 than 5 years after the issuance of the first building permit. Failure to strictly comply with the time
24 conditions provided herein shall cause the development order to expire and become null and void.

25
26 Condition 2826. A building permit must be obtained within one year of obtaining final
27 development plan approval. Construction must commence within eighteen months of a final
28 development order and must proceed with due diligence towards completion of the project. A
29 one-year extension may be approved by the City Commission. Failure to comply with the time
30 conditions provided herein shall cause the development order to expire and become null and void.
31 If the construction process ceases for any reason for a period of more than one year, the
32 development order approved by this ordinance shall expire and becomes null and void.

33
34 Condition 2927. Except as expressly provided herein, the use, regulations and development
35 of the residential portion of the property shall be governed as if this land were zoned "RMF-8: 8-30
36 units/acre multiple-family residential district", and the use, regulations and development of the
37 commercial use areas of the property shall be governed as if this land were zoned "MU-1: 10-30
38 units/acre mixed use low intensity".

39
40 **Section 4.** The following additional conditions, restrictions and regulations shall apply to the
41 development and use of the land:

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1 Condition 1. Except as expressly modified and amended herein, Ordinance No.
2 030904 shall remain in full force and effect.

3
4 Condition 2. The “Pedestrian, Bicycle, Vehicular Colonnade” (“PBVC”, as shown on
5 Sheet 4 of Exhibit “C”, located parallel to N.W. 7th Avenue shall be landscaped based on a
6 particular theme consistent with the proposed development and the Special Area Plan for
7 Traditional City by the City’s Land Development Code. Landscaping shall be included both
8 within the interior and perimeter of the PBVC. The landscaping design and the amount and
9 type of landscape materials shall be determined by the Development Review Board during
10 development plan review.

11
12 Condition 3. Driving aisles shall be reduced to a minimum width to facilitate safe and
13 efficient movement of vehicles. The widths will be established and subject to approval by the
14 Development Review Board.

15
16 Condition 4. Sidewalks shall be constructed and maintained by the owner/developer at
17 its own cost and expense around and across the vehicular use area to facilitate safe and
18 efficient movement of pedestrians, subject to approval by the Development Review Board.

19
20 Condition 5. Lighting within the vehicular use area shall be consistent with the
21 standards for Special Area Plan for Traditional City (see App. A of the Land Development
22 Code).

23
24 Condition 6. Landscaping islands with seating areas shall be constructed and
25 maintained by the owner/developer at its own cost and expense, and incorporated in places
26 within the development to foster or enhance pedestrian use and circulation, subject to approval
27 by the Development Review Board.

28
29 Condition 7. Bicycle parking, speed tables, handicapped ramps and textured surfaces
30 shall be incorporated within the design of the vehicular use areas, subject to the approval of
31 the Development Review Board.

32
33 Condition 8. During development plan review, the owner/developer shall conduct a
34 traffic analysis and implement the findings that would support a finding that the development is
35 consistent with the Comprehensive Plan and Land Development Code. Failure to conduct such
36 analysis and implement such findings shall inhibit the Development Review Board from
37 approving the preliminary development plan approved by this ordinance to expire and become
38 null and void.

39
40 Condition 9. If there are no commercial uses within the development, the total number
41 of bedrooms allowed within the development is limited to 585, consistent with the traffic
42 analysis approved by the Technical Review Committee. A 2% increase in the number of
43 bedrooms may be allowed during development plan review, subject to approval by the
44 Development Review Board based upon a new traffic analysis to be submitted by the
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1 owner/developer, and the number of vehicular, bicycle and motorcycle parking spaces that in
2 the opinion of the Board are adequate to provide parking for the Planned Development. If
3 there are commercial uses within the development, the total number of bedrooms shall be
4 reduced by the equivalent number of bedrooms that occupy the area as shown on Exhibit "D".
5

6 Condition 10. At a maximum, total on-site parking shall be provided at a rate of 1
7 automobile parking space per bedroom. The number of vehicular parking spaces in the
8 Pedestrian, Bicycle, Vehicular Colonnade (sp), as shown on Sheet 4 of Exhibit "C" shall not
9 exceed the number of bedrooms in the buildings along Northwest 7th Avenue.
10

11 Condition 11. To address the impact of the development on the roadway and transit
12 network, during peak travel periods, the owner/developer agrees to enter into a development
13 agreement with the City of Gainesville and/or RTS to contribute proportionately to enhanced
14 bus service along NW 13th Street, in substantially the form as attached hereto as Exhibit "E".
15

16 Condition 12. The development must meet concurrency requirements and demonstrate
17 the ability to provide adequate parking and trip generation attributable to this development.
18

19 Condition 13. There shall be no development on the portion of the subject property
20 between the centerline of Rattlesnake Branch Creek and the south right-of-way line of N.W.
21 8th Avenue. The owner/developer offers to convey this property to the City at no cost or
22 expense for use as a natural habitat area.
23

24 Condition 14. Except as provided in this ordinance, the configuration of the surface
25 vehicular use area shall comply with the requirements of the Land Development Code.
26

27 **Section 5.** The terms, conditions and limitations provided in this ordinance shall regulate and
28 control the use and development of the property.

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

1 **Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
2 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
3 validity of the remaining portions of this ordinance.

4 **Section 8.** All ordinances, or parts of ordinances, resolutions, or parts of resolutions, in
5 conflict herewith are to the extent of such conflict hereby repealed.

6 **Section 9.** This ordinance shall become effective immediately upon final adoption.

7 **PASSED AND ADOPTED** this 26th day of March, 2007.

8
9
10 *Craig Lowe for*
11 _____
12 Pegen Hanrahan, Mayor

13 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

14
15 *[Signature]*
16 _____
17 Kurt Lannon,
18 Clerk of the Commission

19 *[Signature]*
20 _____
21 Marion J. Radson, City Attorney
22 **MAR 27 2007**

23 This ordinance passed on first reading this 12th day of March, 2007.

24 This ordinance passed on second reading this 26th day of March, 2007.

25 H:\Marion Radson\Planning\30PDA 06PB.DOC

ATTACHMENT A: ALLOWABLE USES

Table 1: Uses Allowed on Entire Site

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Residential (8 to 30 dwelling units per acre)	In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of this section, and the requirements of section 30-56
	Residential use buffer	

Table 2: Uses Allowed Only in Commercial Area

SIC	Uses	Conditions
	USES BY RIGHT:	
	Bed and breakfast establishments	In accordance with article VI
	Compound uses	
	Eating places	
	Outdoor cafes	As defined in article II and in accordance with article VI
	Neighborhood convenience center	
	Neighborhood shopping center	
	Specialty T-shirt production	
MG-43	U.S. Postal Service	
MG-53	General merchandise stores	
MG-54	Food stores	Accessory gasoline and alternative fuel pumps in accordance with article VI, and by special use permit in neighborhood convenience and shopping centers
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Excluding direct selling establishments (IN-5963); fuel dealers (IN-5983); including liquor stores (IN-5921) limited to 2,000 square feet and excluding on-site consumption when located in neighborhood convenience and shopping centers, inside storage, display and sales only for all uses
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)

MG-72	Personal services	Including funeral services and crematories in accordance with article VI and excluding linen supply (IN-7213), industrial laundries (IN-7218), and diaper services in neighborhood convenience and shopping centers
MG-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359)
MG-80	Health services	Including nursing and intermediate care facilities in accordance with article VI when applicable, and excluding rehabilitation centers and hospitals (GN-806)
MG-81	Legal services	
MG-82	Educational services	Including private schools, in accordance with article VI
GN-841	Museums and art galleries	
MG-86	Membership organizations	See also definition of place of religious assembly and in accordance with article VI
MG-87	Engineering, accounting, research management and related services	Excluding testing laboratories (IN-8734) and facilities support management services (IN-8744)
Div. J	Public administration	
	USES BY SPECIAL USE PERMIT:	
	Alcoholic beverage establishments	In accordance with article VI