

Legislative #

180018

**ORDINANCE NO. 180018**

**An ordinance of the City of Gainesville, Florida, amending a design requirement for garages in the Planned Development District (PD) Ordinance No. 991267 (as amended by Ordinance Nos. 020948, 071066, and 100762) for certain property known as "Fletcher Oaks A Planned Development" located in the vicinity of NW 31<sup>st</sup> Avenue and NW 26<sup>th</sup> Street and to the south of the 2500 block of NW 39<sup>th</sup> Avenue, as more specifically described in Ordinance No. 991267; providing certain conditions; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**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**

**WHEREAS, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and land development regulations on specific classifications of land within the city; and**

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

33 **WHEREAS**, on October 9, 2000, the City Commission adopted Ordinance No. 991267, which  
34 rezoned to Planned Development District (PD) the property that is the subject of this  
35 ordinance, formerly known as the "Walnut Creek Planned Development" (now "Fletcher Oaks  
36 A Planned Development"); and

37 **WHEREAS**, on March 24, 2003, the City Commission adopted Ordinance No. 020948, which  
38 amended Ordinance No. 991267 by extending the time periods for obtaining final plat or  
39 conditional final plat approval for the subject property; and

40 **WHEREAS**, on March 19, 2009, the City Commission adopted Ordinance No. 071066, which  
41 amended Ordinance No. 991267 (as amended by Ordinance No. 020948) by adopting a new  
42 development plan and associated development conditions for the subject property; and

43 **WHEREAS**, on April 21, 2011, the City Commission adopted Ordinance No. 100762, which  
44 amended Ordinance No. 991267 (as amended by Ordinance Nos. 020948 and 071066) by  
45 providing for an extension of time to obtain final plat or conditional final plat approval for the  
46 subject property; and

47 **WHEREAS**, on October 15, 2015, the City Commission adopted Resolution No. 150405, which  
48 approved the final plat for the subject property called "Fletcher Oaks A Planned Development";  
49 and

50 **WHEREAS**, this ordinance, which was requested by the owner(s) of the property that is the  
51 subject of this ordinance and which was noticed as required by law, will amend the Planned  
52 Development District (PD) zoning ordinance regulating the subject property; and

53 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
54 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency  
55 pursuant to Section 163.3174, Florida Statutes, held a public hearing on May 24, 2018, and  
56 voted to recommend that the City Commission approve this amendment to the PD zoning  
57 ordinance; and

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

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

63 **WHEREAS**, the City Commission finds that the rezoning of the subject property is consistent  
64 with the City of Gainesville Comprehensive Plan.

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

67 **SECTION 1.** Condition 13 of Section 4 of Ordinance No. 991267 (as amended by Ordinance  
68 Nos. 020948, 071066, and 100762) is amended as follows. Except as expressly amended by  
69 this ordinance, the remaining provisions of Ordinance No. 991267 (as amended by Ordinance  
70 Nos. 020948, 071066, and 100762) remains in full force and effect.

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- 72 13. The planned development shall be governed by the following design requirements:  
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74 a. At least seventy percent of the homes shall have front porches. Front porches  
75 shall be a minimum of 8 feet in depth.  
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77 b. Garages, which are accessed from the front, shall set back a minimum of 20 feet  
78 to the rear of the front porch or the front façade of the house, whichever is  
79 closer to the street. All other garages shall be accessed from the alley. This  
80 condition does not apply to lots 88 through 113 and lot 128, as shown on the  
81 final plat of Fletcher Oaks A Planned Development, recorded in Plat Book 30,  
82 Pages 73 and 74, in the Public Records of Alachua County, Florida.  
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84 c. Houses shall be of a traditional design, with gabled roof, or hip roof. Windows  
85 and window subdivisions (lights) shall be rectangular with vertical proportion.  
86 Additionally, windows may be circular, rounded top or hexagonal.  
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88 d. Homes will have brick, stone, wood, stucco, textured concrete, fiber cement, or  
89 cement-impregnated siding on exterior walls.  
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91 **SECTION 2.** The conditions and requirements in Ordinance No. 991267 (as amended by  
92 Ordinance Nos. 020948, 071066, 100762, and this ordinance) will remain effective until such  
93 time as, upon either the City or the property owner(s) filing an application for rezoning, the City  
94 adopts an ordinance rezoning the subject property to another zoning district consistent with the  
95 Comprehensive Plan and Land Development Code.

96 **SECTION 3.** The City Manager or designee is authorized and directed to make the necessary  
97 changes to the Zoning Map Atlas to comply with this ordinance.

98 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
99 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
100 finding shall not affect the other provisions or applications of this ordinance that can be given  
101 effect without the invalid or unconstitutional provision or application, and to this end the  
102 provisions of this ordinance are declared severable.

103 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
104 conflict hereby repealed.

105 **SECTION 6.** This ordinance shall become effective immediately upon adoption.

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107 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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\_\_\_\_\_  
LAUREN POE  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
OMICHELE D. GAINEY  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.