

**ORDINANCE NO. 210033**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.945 acres of property generally located at the SW corner of the intersection of W University Avenue and SW 12<sup>th</sup> Street, as more specifically described in this ordinance, from Urban 9 (U9) to Planned Development (PD); providing land development regulations; 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

27 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Zoning Map  
28 Atlas by rezoning the property that is the subject of this ordinance to Planned Development  
29 (PD) district; and

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

34 **WHEREAS**, the PD zoning district, including all of its unique and specific land development  
35 regulations, is freely negotiated and voluntarily agreed to by the owner/developer of the  
36 subject property, thereby precluding any claims or actions under Florida law regarding  
37 regulatory takings, the Bert J. Harris, Jr., Private Property Rights Protection Act, development  
38 exactions under common law or Section 70.45, Florida Statutes, or the affordable housing  
39 provisions in Section 125.01055, Florida Statutes; and

40 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
41 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency  
42 pursuant to Section 163.3174, Florida Statutes, held a public hearing on May 27, 2021, to  
43 consider this application and provide a recommendation to the City Commission; and

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

47 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was  
48 placed in the aforesaid newspaper and provided the public with at least five days' advance

49 notice of this ordinance's second public hearing to be held by the City Commission; and

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

53 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be  
54 consistent with the City of Gainesville Comprehensive Plan when the amendment to the  
55 Comprehensive Plan adopted by Ordinance No. 210032 becomes effective as provided therein.

56 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**  
57 **FLORIDA:**

58 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
59 following property from Urban 9 (U9) to Planned Development (PD):

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

63  
64 **SECTION 2.** The use and development of the property described in Section 1 of this ordinance  
65 must be consistent with the PD layout plan and building elevations attached as **Exhibit C** and  
66 made a part hereof as if set forth in full, as well as the regulations listed below. Except as  
67 expressly provided in **Exhibit C** and the conditions below, the use, regulation, and development  
68 of the property will be governed as if it were zoned Urban 9 (U9) and all development must be  
69 in conformance with and regulated by the Land Development Code in effect at the time of  
70 development approvals.

- 71 1. Allowable uses, as defined in the City's Land Development Code, by right are as follows:
- 72 a. Multi-family dwelling
  - 73 b. Single room occupancy residence

- 74 c. Alcoholic beverage establishment  
75 d. Business services  
76 e. Civic, social, or fraternal organization  
77 f. Day care center  
78 g. Drive-through facility  
79 h. Emergency shelter  
80 i. Exercise studio  
81 j. Farmers market  
82 k. Health services  
83 l. Hotel or motel  
84 m. Laboratory, medical or dental  
85 n. Library  
86 o. Light assembly, fabrication and processing  
87 p. Medical marijuana dispensing facility  
88 q. Microbrewery, microwinery, or microdistillery  
89 r. Office  
90 s. Office (medical, dental, or other health-related service)  
91 t. Personal services  
92 u. Place of religious assembly  
93 v. Professional school  
94 w. Public administration building  
95 x. Recreation, indoor  
96 y. Research development or testing facility  
97 z. Restaurant  
98 aa. Retail sales  
99 bb. Social service facility  
100 cc. Veterinary services  
101 dd. Vocational or trade school
- 102 2. The development may have no more than 151 dwelling units, and may have no more  
103 than 506 bedrooms.
- 104 3. A maximum building height of 10 stories is allowed for that portion of the building  
105 abutting the west, West University Avenue, the rear alley, and that portion of the

- 106 eastern façade that lies outside of the University Heights-South Historic District 100-  
107 foot buffer. Within the 100-foot buffer, the maximum building height is four (4) stories.
- 108 4. Total project non-residential square footage may not exceed 6,500 square feet.  
109 Accessory uses to the multi-family residential, such as leasing office and amenities  
110 exclusive to residents, will not count against the maximum non-residential square  
111 footage allowed.
- 112 5. A minimum of 10% of the residential dwelling units developed must be Affordable  
113 Housing Units. Affordable Housing Units means units that are affordably priced for  
114 households earning between 50% and 80% of the Gainesville Metropolitan Statistical  
115 Area (MSA) Area Median Income (AMI), as established by the United States Department  
116 of Housing and Urban Development (HUD). Affordably priced means that no more than  
117 30% of household income is spent on housing. These units must remain permanent  
118 Affordable Housing Units through a binding legal document as approved to form and  
119 legality by the City Attorney's Office and recorded in the Public Records of Alachua  
120 County, Florida, which ensures that the units will permanently (for the life of the  
121 development) remain Affordable Housing Units.
- 122 6. Affordable Housing Units must be constructed such that all unit finishes are identical to  
123 market-rate units and locations within the structure are equally dispersed relative to  
124 market-rate units. In addition, occupants of Affordable Housing Units must have equal  
125 access to all amenities constructed on the property, relative to market-rate units.
- 126 7. During development plan review, the owner/developer shall submit a list of building  
127 materials and architectural standards for review, subject to approval by the City  
128 Manager or designee, to ensure that all development within the PD is consistent with  
129 the elevations and this ordinance.
- 130 8. Building facades oriented toward University Avenue must have non-reflective,  
131 transparent windows or glazing area covering at least 65 percent of their surface area at  
132 pedestrian level (between 3 feet above grade and 8 feet above grade) on the first floor.  
133 Operable entrance doors must be included in the calculation of total surface area for  
134 purposes of glazing.
- 135 9. The PD is located in Zone A of the Transportation Mobility Program Area (TMPA). Prior  
136 to the second reading of this ordinance, the owner/developer shall sign a TMPA Zone A  
137 Agreement or agreement for transportation mitigation based on the program in effect  
138 at the time.
- 139 10. The development shall incorporate the following building placement standards:
- 140 a. University Avenue: a 20-25-foot (min-max) setback from the back of curb;  
141 b. SW 12th Street: a 16-21-foot (min-max) setback from the back of curb;  
142 c. Rear: a 3-foot setback to the south along the alley, measured from the shared  
143 property line; and  
144 d. Side interior: a 0-foot setback to the west, adjacent to tax parcel 13230-001-000,  
145 measured from the shared property line.

- 146 11. Landscaping shall include a minimum 5-foot wide landscape zone along University  
147 Avenue and SW 12th Street. The location of the landscape zone may be modified by the  
148 City Manager or designee at development plan review in order to accommodate any  
149 Florida Department of Transportation (FDOT) right-of-way and public utility conflicts.
- 150 12. Sidewalks shall be a minimum of 10-foot wide on University Avenue and 6-foot wide on  
151 SW 12th Street. Sidewalk area may include street furniture, trash cans, light poles, and  
152 similar infrastructure.
- 153 13. All parking shall be internal to the development structure or on-street; no surface  
154 parking shall be allowed on the site. There must be a minimum of one bicycle space per  
155 2,000 square feet of Gross Floor Area (GFA), one bicycle space per 3 bedrooms, and one  
156 scooter/moped space per 6 bedrooms. On-street parking spaces may be converted to a  
157 pick-up/drop-off lane, subject to FDOT and City of Gainesville approval.
- 158 14. The University Avenue sidewalk will serve as pedestrian/bicycle access to developments  
159 west of the property.
- 160 15. The owner/developer shall fund at its full cost and expense any operational and safety  
161 modification(s) to the surrounding public rights-of-way which are deemed necessary by  
162 the City or County in conjunction with the final development plan.
- 163 16. A maximum of one (1) primary access point is allowed for the PD, off of the alley to the  
164 rear of the site, as preliminarily depicted on the PD Layout Plan attached as **Exhibit C**.
- 165 17. Each building must include a primary public entrance oriented toward the public right-  
166 of-way, and may be located at the building corner facing the intersection of two streets.  
167 Additional entrances may be provided on other sides of the building. Primary public  
168 entrances must be operable, clearly-defined, and highly-visible. In order to emphasize  
169 entrances, they must be accented by a change in materials around the door, recessed  
170 into the façade (alcove), or accented by an overhang, awning, canopy, or marquee.  
171 Building frontages along the street must have functional entrances at least every 150  
172 feet.

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174 **SECTION 3.** The conditions and requirements in this ordinance will remain effective until such  
175 time as, upon either the City or the property owner(s) filling an application for rezoning, the  
176 City adopts an ordinance rezoning the subject property to another zoning district consistent  
177 with the Comprehensive Plan and Land Development Code.

178 **SECTION 4.** The City Manager or designee is authorized and directed to make the necessary  
179 changes to the Zoning Map Atlas to comply with this ordinance.

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

181 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
182 finding will not affect the other provisions or applications of this ordinance that can be given  
183 effect without the invalid or unconstitutional provision or application, and to this end the  
184 provisions of this ordinance are declared severable.

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

187 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the  
188 rezoning will not become effective until the amendment to the City of Gainesville  
189 Comprehensive Plan adopted by Ordinance No. 210032 becomes effective as provided therein.

190

191 **PASSED AND ADOPTED** this 21<sup>st</sup> day of October, 2021.

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LAUREN POE  
MAYOR

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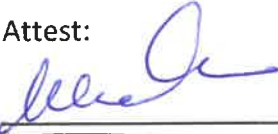
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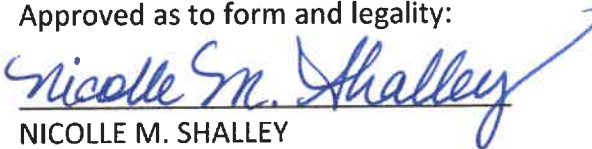
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Attest:

  
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OMICHELE D. GAINNEY  
CITY CLERK  
*marjep.kessler*  
*Deputy Clerk*

Approved as to form and legality:

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

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This ordinance passed on first reading the 2<sup>nd</sup> day of September, 2021

This ordinance passed on adoption reading the 21<sup>st</sup> day of October, 2021.

Exhibit A to Ordinance 210033

PARCEL I:

LOT 4, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL II:

LOT 5, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL III:

THE EAST 39.28 FEET OF LOT 6, BLOCK 3, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL IV:

THE WEST 13.09 FEET OF LOT 6 AND THE EAST 26.91 FEET OF LOT 7, BLOCK 3, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL V:

LOTS 1, 2 AND 3, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.





PB-21-00057 - Lincoln Ventures Rezoning - Existing Zoning





PB-21-00057 - Lincoln Ventures Rezoning - Proposed Zoning

