

ORDINANCE NO. 070818
0-08-04

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the "Planned Use District" category over certain property located in the vicinity of 725 Northeast 1st Street, as more specifically described in this ordinance, with the underlying reversionary future land use category of "Office"; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, by initiation of a petition by the property owner, publication of notice of a public hearing was given that the Future Land Use Map be amended by overlaying the land use category of "Planned Use District" over certain property with the underlying future land use category of "Office"; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on November 15, 2007; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Commission on January 28, 2008; and

WHEREAS, the amendment to the land use category of the City of Gainesville 2000-2010 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public notice and this proposed change to the State Land Planning Agency, the regional planning council, and any other person or entity who has requested a copy for their comments subsequent to the passage of this ordinance; and

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

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

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

10 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
11 **CITY OF GAINESVILLE, FLORIDA:**

12 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
13 Plan is amended by overlaying the "Planned Use District" future land use category on the following
14 described property with the underlying land use category of "Office":

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

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18 **Section 2.** The planned use district category of the property described in Section 1 of this
19 ordinance is subject to the following terms, conditions and restrictions:

20 1. The permitted uses by right shall be limited to office or residential, as the principal uses, and an
21 eating place as an accessory use.

- 1 2. The eating place shall be limited to 874 square feet (32.1%) of the existing 2,638 square foot,
2 two story office building, 184 square feet of outdoor porch waiting area and 433 square feet of
3 outdoor paved plaza area. The eating place and its percentage of building and site area shall
4 not expand over time. The remaining square footage shall be used for the principal uses of
5 office or residential only.
- 6 3. The planned use district shall provide not less than 3,407 square feet (32.2%) of site open
7 space, inclusive of outdoor plaza area.
- 8 4. The planned use district land use category does not vest the development for concurrency. The
9 owner/developer is required to apply for and meet concurrency management certification
10 requirements, including all relevant Transportation Concurrency Exception Area (TCEA)
11 standards, at the time of application for rezoning to Planned Development District.

12 **Section 3.** A planned development (PD) zoning ordinance consistent with the planned use
13 district must be adopted by the City Commission within 18 months of the effective date of the land use
14 change as provided in section 7 of this ordinance. The obligation to apply for and obtain PD zoning
15 shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month
16 period, then the overlay planned use district shall automatically be null and void and of no further force
17 and effect and the overlay land use category shall ministerially be removed from the Future Land Use
18 Map, leaving the original and underlying land use in place. The timely filing of an extension application
19 by the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until final
20 City Commission action on the extension application.

1 **Section 4.** The City Manager is authorized and directed to make the necessary changes in
2 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or portion
3 thereof in order to comply with this ordinance.

4 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
5 the application hereof to any person or circumstance is held invalid or unconstitutional, such
6 finding shall not affect the other provisions or applications of the ordinance which can be given
7 effect without the invalid or unconstitutional provisions or application, and to this end the
8 provisions of this ordinance are declared severable.

9 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
10 conflict hereby repealed.

11 **Section 7.** This ordinance shall become effective immediately upon passage; however, the
12 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty one
13 (31) days after passage and adoption of this Ordinance unless a petition is filed with the Division of
14 Administrative Hearings pursuant to § 163.3187(3), F.S. In this event, this Ordinance shall not
15 become effective until the state land planning agency issues a final order determining the adopted
16 amendment to be in compliance in accordance with § 163.3187, or until the Administration
17 Commission issues a final order determining the adopted amendment to be in compliance in accordance
18 with § 163.3187, F.S.

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PASSED AND ADOPTED this 14th day of July, 2008.



PEGEEN HANRAHAN, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



KURT LANNON,
CLERK OF THE COMMISSION



MARION J. RADSON, CITY ATTORNEY

JUL 15 2008

This ordinance passed this 14th day of July, 2008.

EXHIBIT "A"
Legal Description for Fat Tuscan Neighborhood Café

The North 100 feet of the West 106 feet of Block 6, Brush's Addition to Gainesville, a Subdivision as per plat thereof, recorded in Deed Book "O", Page 218, of the Public Records of Alachua County, Florida.