

ORDINANCE NO. 090741
0-10-07

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map; changing the land use categories of certain property from the Alachua County land use category of “Low Density Residential (1-4 DU/acre)” to the City of Gainesville land use categories of “Conservation”, and “Residential Low-Density (up to 12 units per acre)” and by overlaying the “Planned Use District” category over certain portions of the property, as more specifically described and shown in this ordinance, consisting of approximately 28.98 acres located in the vicinity of the 4700 block of Archer Road, north side; providing for conditions; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, publication of notice of a public hearing that the Future Land Use Map be amended by changing the land use categories of certain property from the Alachua County land use category of “Low Density Residential (1-4 DU/acre)” to the City of Gainesville land use categories of “Conservation” and “Residential Low-Density (up to 12 units per acre), and by overlaying the “Planned Use District” category over certain portions of the property, as more specifically described and shown in this ordinance; and

WHEREAS, notice by the Plan Board was given and publication made as required by law and a public hearing was held by the City Plan Board on December 7, 2009; and

WHEREAS, notice was given and publication made of Public Hearings which were then held by the City Commission on February 18, 2010; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor, City Hall, in

1 the City of Gainesville at least seven (7) days after the day the first advertisement was published; and

2 **WHEREAS**, pursuant to law, after the Public Hearing is held at the transmittal stage held, the
3 City of Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

4 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
5 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at the
6 adoption stage at least five (5) days after the day the second advertisement was published; and

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

10 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered the
11 comments, if any, of the State Land Planning Agency.

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 changing the land use category of certain property from the Alachua County land
16 use category of “Low Density Residential (1-4 DU/acre)” to the City of Gainesville land use category
17 of “Conservation”, as shown on (Exhibit “A”, attached hereto and made a part hereof as if set forth in
18 full.); and

19 **Section 2.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
20 Plan is amended by changing the land use category of certain property from the Alachua County land
21 use category of “Low Density Residential (1-4 DU/acre)” to the City of Gainesville land use category
22 of Residential Low-Density (up to 12 units per acre), and by overlaying the “Planned Use District”

1 category over the property , as more specifically described in Exhibit “B”, attached hereto and made a
2 part hereof, as if set forth in full.) For illustrative purposes only, the property designations are generally
3 shown on Exhibit “C” attached hereto.

4 **Section 3.** A Planned Development (PD) zoning ordinance consistent with the Planned
5 Use District (PUD) must be adopted by the City Commission within 18 months of the effective
6 date of the land use change. The obligation to timely apply for and obtain PD zoning shall be on
7 the owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month
8 period, then the overlay Planned Use District shall automatically be null and void and of no further
9 force and effect and the overlay land use category of “Planned Use District” shall ministerially be
10 removed from the Future Land Use Map, and the underlying land use shall be the City of
11 Gainesville land use category of “Residential Low-Density (up to 12 units per acre)”. The timely
12 filing of an extension application by the owner/developer to extend the aforesaid 18-month period
13 shall toll the expiration date until final City Commission action on the extension application.

14 **Section 4.** The overlay Planned Use District category of the property described in Section 2 of
15 this ordinance is subject to the following terms, conditions and restrictions:

16 **Condition 1.** The implementing PD zoning shall require that the development and maintenance of
17 the property designated “Conservation” (Exhibit “A”), preserves and protects the environmental
18 characteristics of the property consistent with the requirements of the City’s Comprehensive Plan.

19 **Condition 2.** The owner of the property described in Exhibit “A” shall convey a conservation
20 easement to the City of Gainesville or other conservation entity, acceptable to the City, at the time of
21 filing an application for final development plan approval of Phase 1 of the property described in Exhibit
22 “B”, and the deed of conveyance shall address development activities, restricted uses, a management

1 plan and maintenance of said easement.

2 **Condition 3.** Non-residential uses permitted on a portion of the property described in Exhibit “B”, as
3 designated in the PD zoning ordinance, is restricted to institutional/residential uses associated with the
4 principal “aging in place” use, including professional and service uses, medical and office uses. These
5 uses shall conform to the land use standards for the “Office” land use category of the City’s
6 Comprehensive Plan. The PD zoning ordinance shall specify the permitted non-residential uses, and
7 the accessory uses that specifically serve the permitted uses. Outdoor storage and drive-thru facilities
8 of any nature are prohibited.

9 **Condition 4.** The maximum intensity of uses on the property described in Exhibit “B”, subject to
10 rezoning the property to PD and development plan approval is as follows:

- 11 a) The skilled nursing facility shall have a maximum of 180 beds.
- 12 b) The assisted living facility shall have a maximum of 130 beds.
- 13 c) The medical and general office uses shall have a maximum of 75,000 gross square feet.

14 **Condition 5.** The development of the property described in Exhibit “B” shall provide a minimum of
15 1.16 acres designated and used for active recreation space within convenient access to the occupants of
16 the property.

17 **Condition 6.** The PD zoning ordinance shall require building placement and orientation along SW
18 Archer Road as part of the first phase of the development. The zoning ordinance shall also prescribe
19 additional regulations concerning setbacks, build-to line, building orientation, glazing, design and street
20 frontage development. The zoning ordinance shall also provide development standards for street
21 frontage development along Archer Road, SW 47th Street and other internal roads and driveways.

22 **Condition 7.** The PD zoning ordinance shall establish standards for tree protection and preservation,

1 upland development and required usable open space.

2 **Condition 8.** The PD zoning ordinance shall provide for the design and implementation of safe,
3 adequate and efficient transportation to serve the residents and occupants of the subject property to
4 and from surrounding development consistent with the Comprehensive Plan.

5 **Condition 9.** The PD zoning ordinance shall include a condition that the owner/developer will convey
6 to the City of Gainesville, at no cost or expense to the City, a minimum of 50 feet of right-of-way to
7 serve the development and use of the property, and to facilitate needed and planned transportation
8 routes to and from the development and surrounding areas. The actual right-of-way width to be
9 conveyed and the construction specifications shall be determined by the City Public Works Director.

10 **Condition 10.** The PD zoning ordinance shall include a gridded network street system that allows
11 connectivity routes to adjacent and surrounding developments. Additionally, the zoning ordinance
12 shall include the placement and construction of mass transit stops commensurate with the impact of this
13 development and the use of mass transit. The transportation impacts shall be evaluated based upon the
14 impacts of the entire development rather than for individual phases of development.

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

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

