

ORDINANCE NO. 001607
0-01-43

**An Ordinance of the City of Gainesville, Florida;
rezoning certain lands within the City and amending
the Zoning Map Atlas from "CCD: Up to 150
units/acre central city district" to "Planned
Development District"; located between Southwest 2nd
Avenue and Southwest 4th Avenue and between South
Main Street and Southwest 2nd Street; commonly
known as "Alachua County Courts Complex";
adopting a development plan report and development
plan maps; providing additional conditions and
restrictions; providing for enforcement; providing a
severability clause; and providing an immediate
effective date.**

WHEREAS, the City Plan Board authorized the publication of notice of a Public
Hearing that certain lands within the City be rezoned from "CCD: Up to 150 units/acre
central city district" to "Planned Development District"; and

WHEREAS, notice was given and publication made as required by law of a Public Hearing
which was then held by the City Plan Board on June 21, 2001; and

WHEREAS, notice was given and publication made of a Public Hearing which was then
held by the City Commission on July 23, 2001; and

WHEREAS, the City Commission finds that the amendment of the Planned Development
District ordinance is consistent with the City of Gainesville 1991-2001 Comprehensive Plan.

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

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

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
5 **CITY OF GAINESVILLE, FLORIDA:**

6 **Section 1.** The following described property is rezoned from "CCD: Up to 150
7 units/acre central city district" to "Planned Development District";

8 See Exhibit "A" attached hereto and made a
9 part hereof as if set forth in full.

10
11 **Section 2.** The City Manager or designee is authorized and directed to make the
12 necessary change in the Zoning Map Atlas to comply with this Ordinance.

13 **Section 3.** The Development Plan attached to this Ordinance which consists of
14 the following:

- 15 1. the development plan report entitled "Alachua County Courts Complex",
16 dated May 14, 2001, last revised on August 7, 2001, attached and identified as
17 Exhibit "B"; and
- 18 2. development plan maps consisting of 2 sheets: 1) "Existing Conditions Map",
19 dated May 14, 2001, revised June 5, 2001; and 2) "Planned Development Layout Plan
20 Map" dated May 14, 2001, revised July 30, 2001; identified as Exhibit "C"; are
21 incorporated and made a part of this Ordinance as if set forth in full. The terms,
22 conditions, and limitations of the Development Plan shall regulate the use and
23 development of the land described herein zoned to the category of Planned Development

District as provided in Chapter 30, Land Development Code of the City of Gainesville (hereinafter referred to as "Land Development Code"). In the event of conflict between the provisions of the development plan report (Exhibit "B") and the development plan maps (Exhibit "C"), the provisions, regulations, and restrictions of the development plan maps (Exhibit "C") shall govern and prevail.

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

1. Future Phased development plans require site plan approval from the Plan Board and the City Commission.
2. A final concurrency application must be filed concurrently with the Final Site Plan application.
3. The County shall construct an artificially lighted, custom-built "Bus Shelter" utilizing Phase I Courthouse materials and design that must be included on the finalized site plans for the Phase I Criminal Courthouse. The seating within the shelter shall be designed in such a manner that dissuades sleeping on the benches.
4. The building setback along SW 2nd Street and south of SW 2nd Place is 20 feet from the eastern edge of pavement. The maximum building height allowed along Southwest 2nd Street, south of Southwest 2nd Place, is limited to three (3) stories with a forty (40) foot maximum building height limitation. These height limitations apply to all buildings or structures located between 20 to 40 feet from the edge of pavement of SW 2nd Street and south of SW 2nd Place.
5. In addition to the steps and porch as the sole focal point of the building facing Main Street at Southeast 2nd Place, an area located west of the porch entrance that is aligned with the centerline with 2nd Place shall be identified on the finalized site plan as a possible location for the placement of art in public places.
6. Applicant shall develop a health and safety plan that addresses specific site conditions such as known groundwater and potential soil contamination that may be encountered during site construction activities. The plan shall consider environmental risks as well as proper procedures for handling and disposal of any potentially contaminated media removed from the site.

- 1 7. Any on-site stormwater management systems will be limited to non-soil/groundwater
2 recharge type treatment systems to minimize potential impacts to potential groundwater
3 contamination that may be located in the vicinity of the site.
4
- 5 8. Orange tree barriers should be utilized to protect all trees not approved for removal
6 during a particular phase of construction.
7
- 8 9. Existing trees shall not be removed from staging areas, except as needed and approved by
9 the City Manager or designee during the site plan review process.
10
- 11 10. It is understood that the County intends to file a formal request with the City to convert
12 Southwest 2nd Street from one-way traffic circulation north to a two-way traffic
13 circulation pattern to be implemented prior to the time a CO (Certificate of Occupancy) is
14 granted for the Phase I Criminal Courthouse building.
15
- 16 11. During construction of Phase I, Criminal Courthouse building, the primary access for
17 construction vehicles is limited to Southwest 4th Avenue with more restricted limited
18 access allowed from Southwest 2nd Avenue and South Main Street for the delivery and
19 unloading of very large building materials or machinery. No access of construction
20 vehicles shall be allowed from Southwest 2nd Street or through the neighborhood to the
21 west to protect the character of the adjacent residential areas (Porter's neighborhood).
22
- 23 12. Southwest 3rd Avenue and the remainder of Southwest 1st Street, located between 3rd
24 Avenue and 4th Avenue, shall not be vacated by the City until the County has submitted a
25 revised development plan for a future phased expansion of the Courthouse Complex, and
26 formally requests the City to commence the vacation process.
27
- 28 13. Unsecured parking spaces, designated for the general employees of the Courthouse
29 Complex, should be made available, if possible, to the general public, after regular
30 operating hours.
- 31 14. The final development plans for the Phase II surface parking lots must be approved by the
32 City prior to the issuance of the CO (Certificate of Occupancy) for the Phase I Criminal
33 Courthouse building. Construction of the parking lots should be completed within six
34 months of the issuance of the CO.
35
- 36 15. Except as expressly provided herein, the use, regulations and development of the property
37 shall be governed as if this land were zoned "CCD: Up to 150 units/acre central city
38 district", with the minimum development standards of the Traditional City Area of the Land
39 Development Code.
40

41 **Section 5.** If it is determined by the City Manager that a violation of this Ordinance exists,
42 the City Manager may issue and deliver to the County Manager an order to cease and desist from

1 such violation to correct a violation, to preclude occupancy of the affected building or area, or to
2 vacate the premises. The City Manager, through the City Attorney, may seek an injunction in a
3 court of competent jurisdiction and seek any other remedy available at law.

4 **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
6 the validity of the remaining portions of this ordinance.

7 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
8 such conflict hereby repealed.

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7

3
4
5
6
7

89

0

- 1
- 2
- 3
- 4
- 5

2
3

4

16

17