

Legislative #

210033

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 12th 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. ~~The minimum number of parking spaces in the~~
155 ~~structured parking shall be 90, plus~~ There must be a minimum of one bicycle space per
156 2,000 square feet of Gross Floor Area (GFA), one bicycle space per 3 bedrooms, and one
157 scooter/moped space per 6 bedrooms. On-street parking spaces may be converted to a
158 pick-up/drop-off lane, subject to FDOT and City of Gainesville approval.
- 159 14. The University Avenue sidewalk will serve as pedestrian/bicycle access to developments
160 west of the property.
- 161 15. The owner/developer shall fund at its full cost and expense any operational and safety
162 modification(s) to the surrounding public rights-of-way which are deemed necessary by
163 the City or County in conjunction with the final development plan.
- 164 16. A maximum of one (1) primary access point is allowed for the PD, off of the alley to the
165 rear of the site, as preliminarily depicted on the PD Layout Plan attached as Exhibit C.
- 166 17. Each building must include a primary public entrance oriented toward the public right-
167 of-way, and may be located at the building corner facing the intersection of two streets.
168 Additional entrances may be provided on other sides of the building. Primary public
169 entrances must be operable, clearly-defined, and highly-visible. In order to emphasize
170 entrances, they must be accented by a change in materials around the door, recessed
171 into the façade (alcove), or accented by an overhang, awning, canopy, or marquee.
172 Building frontages along the street must have functional entrances at least every 150
173 feet.

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

178 with the Comprehensive Plan and Land Development Code.

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

181 **SECTION 5.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
182 the application hereof to any person or circumstance is held invalid or unconstitutional, such
183 finding will not affect the other provisions or applications of this ordinance that can be given
184 effect without the invalid or unconstitutional provision or application, and to this end the
185 provisions of this ordinance are declared severable.

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

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

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192 **PASSED AND ADOPTED** this _____ day of _____, 2021.

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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINEY
CITY CLERK

NICOLLE M. SHALLEY
CITY ATTORNEY

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This ordinance passed on first reading the _____ day of _____, 2021.

This ordinance passed on adoption reading the _____ day of _____, 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.

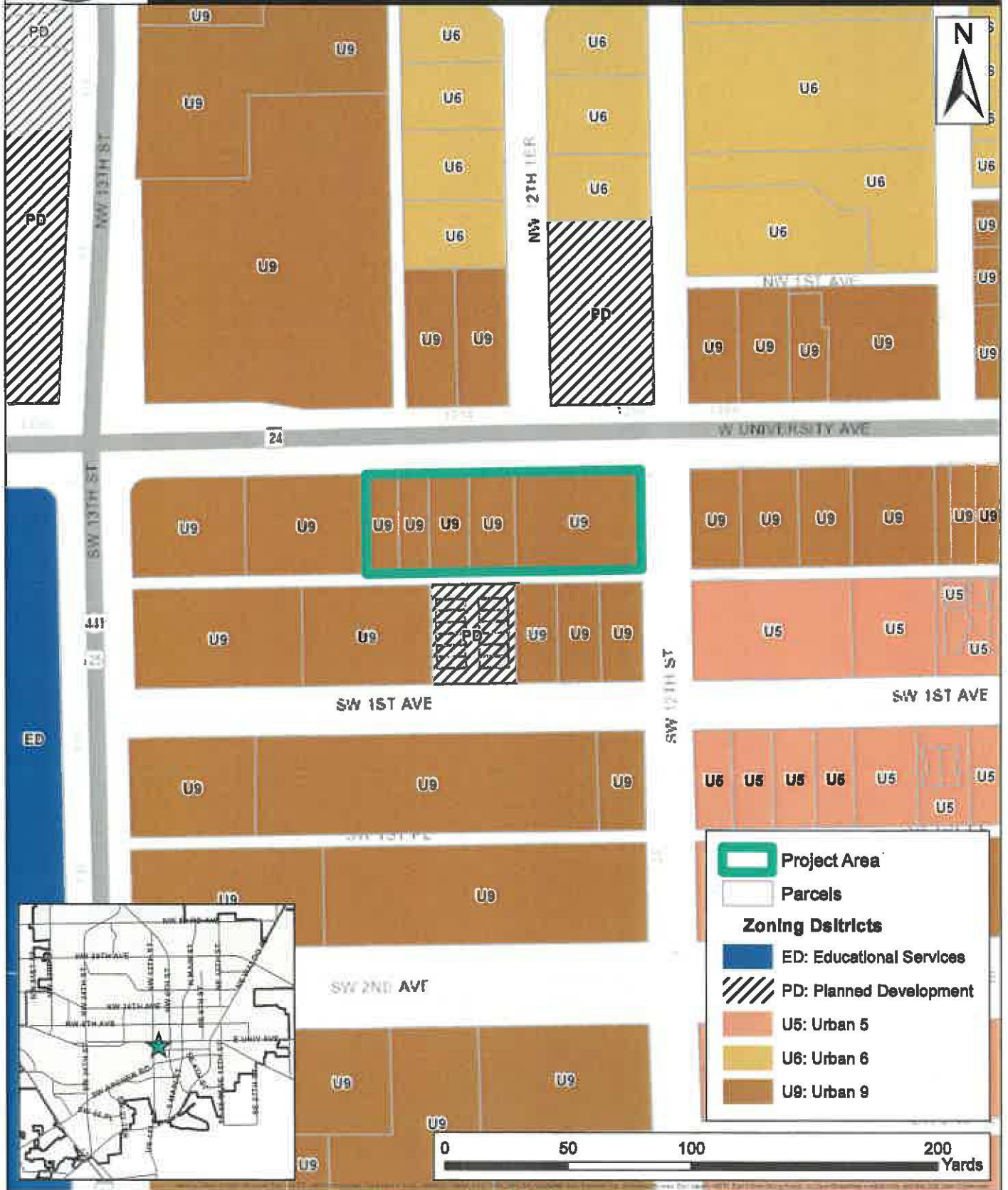
PARCEL V:

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.

Exhibit B for Ordinance 210033



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





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

