

ORDINANCE NO. 050486
0-06-24

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the land use category of “Planned Use District” on certain property with the underlying land use category of “Conservation”; located in the 6600 block of Northwest 23rd Terrace (Southwest corner of U.S. 441 and Northwest 23rd Terrace); providing conditions; providing a severability clause; and providing an effective date.

WHEREAS, 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” on certain property with the underlying land use category of “Conservation”; 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 October 20, 2005; and

WHEREAS, notice was given and publication made of a public hearing which was then held by the City Commission on December 12, 2005; 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
3 and of 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
6 property will be regulated by the adoption of this Ordinance, 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
9 at which hearing the parties in interest and all others had an opportunity to be and were, in fact,
10 heard.

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

13 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
14 Plan is amended by overlaying the “Planned Use District” category on the following described
15 property with the underlying Land Use Category of “Conservation”:

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

18
19 **Section 2.** A planned development zoning ordinance is required to implement the overlay
20 Planned Use District Category, and must be adopted by the City Commission within 18 months of
21 the effective date of the land use designation as provided in Section 8 of this Ordinance.

Section 3. The following conditions and restrictions shall apply to the development of the property described in Section 1:

1. The development is limited to a maximum of 46,000 square feet of building area, and a maximum lot coverage not to exceed 60 percent.
2. The permitted uses are limited to those uses allowed by the commercial land use category in the City of Gainesville, 2000-2010 Comprehensive Plan, and which may further be limited by the PD (Planned Development District) zoning used to implement this PUD.
3. Adult and sexually oriented establishments are prohibited. Outdoor storage is permitted by Special Use Permit in accordance with Section 30-67, general provisions for business and mixed use districts, of the City's Land Development Code. Drive-through facilities may be allowed by Special Use Permit in accordance with Policies 1.4.4, 1.4.5, 1.4.6, and 1.4.7 of the Concurrency Management Element of the City of Gainesville, 2000-2010 Comprehensive Plan.
4. Accessory uses considered customarily incidental to a permitted principal use on the subject property are limited to the uses permitted by right within the planned development.
5. The owner/developer shall construct a bus shelter that is architecturally compatible with the buildings constructed on the subject property. The bus shelter shall be placed on or off-site in a location that is accessible to the existing City bus stop within the Northwest 23rd Terrace right-of-way. In either case, the bus shelter shall be subject to the review and approval of the City's Director of the Regional Transit System. Construction of the bus shelter shall be completed prior to the issuance of a Certificate of Occupancy for any building on the subject property.
6. The owner/developer shall construct sidewalks along Northwest 23rd Terrace and Northwest 13th Street (US 441) in accordance to applicable design standards, provided the owner/developer receives approval from the appropriate regulating agency.
7. A maximum of two driveway connections shall be allowed onto public right-of-way, one from Northwest 23rd Terrace and one from Northwest 13th Street (US 441), subject to approval by the City's Public Works Director and the Florida Department of Transportation (FDOT).
8. The owner/developer shall commence construction of Phase I of the planned development within 18 months of the effective date of the ordinance implementing the PD (Planned

Development District) zoning on the subject property. Failure to comply with this requirement shall cause the PUD land use classification to be deemed null and void. The City may then commence the process to remove the PUD (Planned Use District) land use classification on the subject property from the Future Land Use Map.

9. The owner/developer shall obtain a final development order on all phases of construction of the planned development within 5 years of the effective date of the ordinance implementing the PD (Planned Development District) zoning on the subject property. Failure to comply with this requirement shall cause the PUD land use category to be deemed null and void. The City may then commence the process to remove the PUD (Planned Use District) land use category on the subject property from the Future Land Use Map. The city commission may approve a one-time, one-year extension of the valid dates of the PUD, after review by the City Plan Board, only if the request is in writing to the Commission prior to any expiration date. This also includes the valid period for obtaining a building permit and commencing construction. Failure to comply with these time requirements shall cause the development order approved with this ordinance to be null and void and of no further force and effect. In this event, the City shall initiate a petition to change the land use to the appropriate category.

Section 4. The Future Land Use Map category of “Conservation” on the property described

in Section 1 of this ordinance is neither abandoned nor repealed; such category is inapplicable as long as the property is developed and used in accordance with the development plan approved in the ordinance rezoning this property to Planned Development “PD”. In the event, however, the property described in Section 1 of this Ordinance is not rezoned by ordinance to Planned Development “PD” within 18 months of the land use designation becoming effective as provided in Section 8 of this Ordinance, then the Planned Use District Category imposed by this Ordinance shall be deemed null and void and of no further force and effect and the Future Land Use Map shall be amended accordingly upon proper notice and action.

1 **Section 5.** 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
3 portion thereof in order to comply with this ordinance.

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.

9 **Section 8.** This ordinance shall become effective immediately upon passage; however, the
10 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty
11 one (31) days after passage and adoption of this Ordinance unless a petition is filed with the
12 Division of Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this Ordinance
13 shall not become effective until the state land planning agency issues a final order determining the
14 adopted amendment to be in compliance in accordance with § 163.3187, or until the Administration
15 Commission issues a final order determining the adopted amendment to be in compliance in

1 accordance with S.163.3187, F.S.

2 **PASSED AND ADOPTED** this 13th day of March, 2006.

3

4

5

6

7

8 ATTEST:

9

10

11

12

13 
KURT LANNON,
14 CLERK OF THE COMMISSION

15

16 This ordinance passed this 13th day of March, 2006.

17

18 H:\Marion Radson\Planning\136luc-05PB.DOC


PEGEEN HANRAHAN, MAYOR

APPROVED AS TO FORM AND LEGALITY:


MARION J. RADSON, CITY ATTORNEY

MAR 14 2006

LEGAL DESCRIPTIONS

Description: (O.R.B. 1800, page 2600)

Being a portion of Section 13, Township 9 South, Range 19 East, Alachua County, Florida. being more particularly described as follows:

Commence at the Southeast corner of NORTHWOOD PINES UNIT NO. 6, as recorded in Plat Book J, Page 41 of the Public Records of Alachua County, Florida; thence run N 00 degrees 05 minutes 08 seconds E along the East line of said NORTHWOOD PINES UNIT NO. 6 for a distance of 206.26 feet; thence run N 65 degrees 17 minutes 30 seconds E for 696.95 feet to a point on the next described line; thence run S 45 degrees 27 minutes 27 seconds E along the Southwesterly Right-of-Way line of U.S. Route 441 (State Road 25) for a distance of 497.77 feet to the Point of Beginning;

Thence continue S 45 degrees 27 minutes 27 seconds E along the last described course for a distance of 611.68 feet; thence run N 89 degrees 46 minutes 27 seconds W for a distance of 854.51 feet; thence run N 26 degrees 30 minutes 14 seconds W radial to the next described for a distance of 200.00 feet; thence run Northeasterly along a curve concave Southeasterly having a radius of 200.00 feet and a central angle of 05 degrees 04 minutes 22 seconds and an arc distance of 17.71 feet to a point of tangency; thence run N 68 degrees 34 minutes 08 seconds E for a distance of 341.56 feet to a point of curvature; thence run Northeasterly along a curve concave Northwesterly having a radius of 500.00 feet and a central angle of 24 degrees 01 minutes 35 seconds, and an arc distance of 209.67 feet to the Point of Beginning.

Containing 5.28 acres more or less and being subject to any Rights-of-Way and easements of record.