



1 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of  
2 Gainesville; and

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

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

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

11         **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
12 Plan is amended by overlaying the “Planned Use District” category on the following described  
13 property with the underlying Land Use Categories of “Office”; “Residential Medium-Density (8-30  
14 units per acre)”; and “Mixed-Use Low-Intensity (8-30 units per acre)”:

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

18         **Section 2.** A planned development zoning ordinance is required to implement the overlay  
19 Planned Use District Category, and must be adopted by the City Commission within 18 months of  
20 the effective date of the land use designation as provided in Section 7 of this Ordinance.

21         **Section 3.** The planned use district category of the property described in Section 1 of this  
22 ordinance is subject to the following terms, conditions and restrictions:

1 Condition 1. Multi-family residential development shall be allowed on the subject property,  
2 with a maximum density of 30 units per acre. In no event shall the residential development south of  
3 the creek exceed 225 units. Except as provided in Condition 2 below, development north of the  
4 creek is not allowed. Retail development consistent with the “Mixed-Use Low Intensity (8-30 units  
5 per acre)” land use category may be allowed along the N.W. 13<sup>th</sup> Street frontage as further provided  
6 in Condition 3 below.

7 Condition 2. Any development north of the creek shall only be allowed after a detailed  
8 environmental study indicating how such development meets the following conditions: a) any  
9 development, excluding construction of a fence, shall not encroach or extend into any of the  
10 designated creek channel, flood plain, creek setback areas, wetland setbacks and wetland buffers; b)  
11 any development along any branch or tributary of the Rattlesnake Branch is deemed detrimental to  
12 the Branch unless the rebuttable presumption is satisfied or granted as provided in § 30-302 of the  
13 Land Development Code; c) any development shall address and remedy any known or identifiable  
14 environmental concerns; d) any construction of stormwater management facilities north of the creek  
15 may be allowed in designated areas as long as it is consistent with the adopted planned  
16 development zoning ordinance, and as further approved during development plan review, provided  
17 that regulated trees are not damaged or destroyed as recommended by the City Arborist, and  
18 provided, further, that the construction complies with the City Land Development Code.

19 Condition 3. Along Northwest 13<sup>th</sup> Street, between Northwest 7<sup>th</sup> Avenue and Northwest  
20 8<sup>th</sup> Avenue, for a depth of a maximum of 150 feet, office and retail development consistent with the  
21 Mixed-Use Low-Intensity (8-30 units per acre) land use category may be allowed. A planned

1 development zoning ordinance specifically permitting such a development must be adopted as  
2 provided in Section 2 of this Ordinance.

3 Condition 4. The implementing planned development zoning ordinance with the associated  
4 development plan map and report shall specify the details of allowable uses and design standards.

5 Condition 5. In the event that no planned development zoning ordinance has been adopted  
6 by the City Commission within 18 months of the effective date of this Ordinance as provided in  
7 Section 7 below, the overlay land use district shall be deemed null and void and the overlay land  
8 use category shall be removed from the Future Land Use Map, leaving the original and underlying  
9 land use categories in effect. At such time, the city manager, or designee, shall send out mailed  
10 notice to the property owner, listed in the current records of the property appraiser's office.

11 Condition 6. All areas north of Rattlesnake Creek, which are determined to be  
12 environmentally sensitive or undevelopable, shall be designated as conservation/open space, in the  
13 planned development zoning ordinance.

14 Condition 7. Only one vehicular access point is allowed on Northwest 13<sup>th</sup> Street and one  
15 point on Northwest 7<sup>th</sup> Avenue. No vehicular access, except as needed for emergency and  
16 occasional service purposes, shall be permitted or allowed onto Northwest 12<sup>th</sup> Street.

17 Condition 8. The planned development zoning ordinance shall address the placement,  
18 distribution and configuration of the residential units that implement the allowable density.

19 Condition 9. The Planned Development Zoning Ordinance shall address location and  
20 proper use of flood plain areas, street buffers and the environmental protection of any development  
21 on Rattlesnake Branch.

1 Condition 10. This Ordinance does not vest the development for transportation concurrency  
2 as provided in the Concurrency Management Element of the City's Comprehensive Plan. The  
3 owner/developer is required to apply for and meet concurrency management standards, including all  
4 relevant Transportation Concurrency Exception Area standards, at the time of application for  
5 development plan approval. An application for a Certificate of Final Concurrency must be  
6 submitted with the application for final development plan approval.

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

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

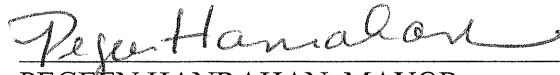
13 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
14 such conflict hereby repealed.

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

1 Commission issues a final order determining the adopted amendment to be in compliance in  
2 accordance with S.163.3187, F.S.

3 **PASSED AND ADOPTED** this 28th day of June, 2004.


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PEGEEN HANRAHAN, MAYOR

9 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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\_\_\_\_\_  
KURT LANNON,  
CLERK OF THE COMMISSION

  
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MARION J. RADSON, CITY ATTORNEY  
JUN 29 2004

17 This ordinance passed this 28th day of June, 2004.  
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19 H:\Marion Radson\Planning\9luc.DOC

# EXHIBIT A

## LAND DESCRIPTION:

THAT PART OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 4" X 4" CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA; THENCE S 00°07'54" W ALONG THE WEST LINE OF SAID SECTION 5 FOR 215.99 FEET; THENCE S 89°52'06" E FOR 39.98 FEET TO A FOUND NAIL AND DISK AN INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF NORTHWEST 13TH STREET AND THE POINT OF BEGINNING; THENCE S 89°53'26" E FOR 42.00 FEET TO A SET IRON PIN (#3524); THENCE N 00°06'34" E FOR 110.70 FEET TO A SET NAIL AND DISK (#3524) MARKING AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF NORTHWEST 8TH AVENUE (60 FOOT WIDE RIGHT OF WAY) AND AN INTERSECTION WITH A CURVE CONCAVE TO THE NORTHWEST HAVING A DELTA OF 09°43'32", A RADIUS OF 1461.43 FEET AND A CHORD BEARING N 84°38'35" E, 247.77 FEET; THENCE ALONG THE ARC OF SAID CURVE 248.07 FEET TO A SET NAIL AND DISK (#3524) MARKING THE POINT OF TANGENCY OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A DELTA OF 02°43'59", A RADIUS OF 1449.47 FEET AND A CHORD BEARING N 78°25'59" E, 69.14 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 69.14 FEET TO A SET NAIL & DISK (#3524) MARKING THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A DELTA OF 03°01'52", A RADIUS OF 2182.92 FEET, AND A CHORD BEARING NORTH 78°35'29" EAST, 115.47 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 115.49 FEET TO A SET NAIL & DISK (#3524); THENCE SOUTH 89°39'39" EAST A DISTANCE OF 129.11 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF NORTHWEST 12TH STREET; THENCE SOUTH 00°03'18" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 193.03 FEET TO A SET IRON PIN (#3524); THENCE CONTINUE S 00°03'18" W ALONG SAID WEST RIGHT OF WAY LINE FOR 413.00 FEET TO A SET IRON PIN (#3524); THENCE S 45°17'32" W FOR 14.08 FEET TO A SET IRON PIN (#3524); THENCE N 89°28'14" W ALONG THE NORTH RIGHT OF WAY LINE OF NORTHWEST 7TH AVENUE FOR 300.00 FEET TO A FOUND IRON PIPE MARKING THE SOUTHWEST CORNER OF LINCOLN TERRACE AS PER PLAT BOOK "C", PAGE 93; THENCE CONTINUE N 89°28'14" W FOR 169.40 FEET; THENCE N 00°12'43" E FOR 120.41 FEET TO A FOUND 4" X 4" CONCRETE MONUMENT; THENCE N 89°29'51" W FOR 120.02 FEET TO A FOUND 4" X 4" CONCRETE MONUMENT LYING ON AN INTERSECTION WITH SAID EAST RIGHT OF WAY LINE OF NORTHWEST 13TH STREET; THENCE N 00°06'34" E ALONG SAID EAST RIGHT OF WAY LINE FOR 320.43 FEET TO SAID POINT OF BEGINNING;

CONTAINING ±7.57 ACRES, MORE OR LESS.