

**LEGISLATIVE #**

**210032A**

ORDINANCE NO. 210032

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2  
3 **An ordinance of the City of Gainesville, Florida, amending the Future Land Use**  
4 **Map of the Comprehensive Plan by overlaying the Planned Use District (PUD)**  
5 **land use category on approximately 0.945 acres of property generally located**  
6 **at the SW corner of the intersection of W University Avenue and SW 12<sup>th</sup>**  
7 **Street, as more specifically described in this ordinance; providing land**  
8 **development regulations; providing directions to the City Manager; providing**  
9 **a severability clause; providing a repealing clause; and providing an effective**  
10 **date.**

11  
12 **WHEREAS**, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a  
13 Comprehensive Plan to guide the future development and growth of the city; and

14 **WHEREAS**, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),  
15 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the  
16 orderly and balanced future economic, social, physical, environmental, and fiscal development  
17 of the city as reflected by the community’s commitments to implement such plan; and

18 **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the City of Gainesville  
19 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that  
20 designates the future general distribution, location, and extent of the uses of land for  
21 residential, commercial, industry, agriculture, recreation, conservation, education, public  
22 facilities, and other categories of the public and private uses of land, with the goals of  
23 protecting natural and historic resources, providing for the compatibility of adjacent land uses,  
24 and discouraging the proliferation of urban sprawl; and

25 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land  
26 Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use  
27 category on the property that is the subject of this ordinance; and

28 **WHEREAS**, the PUD land use category is an overlay land use district that may be applied to any  
29 specific property in the City, and which allows the consideration of unique, innovative, or  
30 narrowly-construed land use proposals that might otherwise not be allowed in the underlying  
31 land use category; and

32 **WHEREAS**, the PUD land use category, including all of its unique and specific land development  
33 regulations, is freely negotiated and voluntarily agreed to by the owner/developer of the  
34 subject property, thereby precluding any claims or actions under Florida law regarding  
35 regulatory takings, the Bert J. Harris, Jr., Private Property Rights Protection Act, development  
36 exactions under common law or Section 70.45, Florida Statutes, or the affordable housing  
37 provisions in Section 125.01055, Florida Statutes; and

38 **WHEREAS**, this amendment to the Future Land Use Map of the City of Gainesville  
39 Comprehensive Plan proposed herein qualifies as a small-scale development amendment as  
40 provided in Section 163.3187, Florida Statutes; and

41 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
42 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency  
43 pursuant to Section 163.3174, Florida Statutes, held a public hearing on May 27, 2021, to  
44 consider this application and provide a recommendation to the City Commission; and

45 **WHEREAS**, at least five days' notice has been given once by publication in a newspaper of  
46 general circulation notifying the public of this proposed ordinance and a public hearing held by  
47 the City Commission; and

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

50 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

51 **FLORIDA:**

52 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is  
53 amended by overlaying the Planned Use District (PUD) land use category on the following  
54 property that has an underlying land use category of Urban Mixed-Use High-Intensity (UMUH):

55 See legal descriptions attached as **Exhibit A** and made a part hereof as if set  
56 forth in full. The location of the property is shown on **Exhibit B** for visual  
57 reference. In the event of conflict or inconsistency, **Exhibit A** shall prevail over  
58 **Exhibit B.**

59  
60 **SECTION 2.** The property described in Section 1 of this ordinance is governed by the following  
61 regulations:

- 62 1. The development may have no more than 151 dwelling units, and may have no more  
63 than 506 bedrooms.
- 64 2. A maximum building height of 10 stories is allowed for that portion of the building  
65 abutting the west, West University Avenue, the rear alley, and that portion of the  
66 eastern façade that lies outside of the University Heights-South Historic District 100-  
67 foot buffer. Within the 100-foot buffer, the maximum building height is four (4) stories.
- 68 3. Total project non-residential square footage may not exceed 6,500 square feet.  
69 Accessory uses to the multi-family residential, such as leasing office and amenities  
70 exclusive to residents, will not count against the maximum non-residential square  
71 footage allowed.
- 72 4. A minimum of 10% of the residential dwelling units developed must be Affordable  
73 Housing Units. Affordable Housing Units means units that are affordably priced for  
74 households earning between 50% and 80% of the Gainesville Metropolitan Statistical  
75 Area (MSA) Area Median Income (AMI), as established by the United States Department  
76 of Housing and Urban Development (HUD). Affordably priced means that no more than  
77 30% of household income is spent on housing. These units must remain permanent  
78 Affordable Housing Units through a binding legal document as approved to form and  
79 legality by the City Attorney's Office and recorded in the Public Records of Alachua  
80 County, Florida, which ensures that the units will permanently (for the life of the  
81 development) remain Affordable Housing Units.
- 82 5. Affordable Housing Units must be constructed such that all unit finishes are identical to  
83 market-rate units and locations within the structure are equally dispersed relative to

84 market-rate units. In addition, occupants of Affordable Housing Units must have equal  
85 access to all amenities constructed on the property, relative to market-rate units.

86

87 **SECTION 3.** The property described in Section 1 of this ordinance has an underlying land use  
88 category of Urban Mixed-Use High-Intensity (UMUH). This underlying land use category is  
89 neither abandoned nor repealed, but is inapplicable as long as a Planned Development District  
90 (PD) zoning ordinance implanting this PUD land use overlay is adopted by the City Commission  
91 within 18 months of the effective date of this plan amendment as provided in this ordinance.  
92 If the aforesaid time period expires without the adoption of an implementing PD zoning  
93 ordinance, this ordinance will be void and have no further force and effect and the City may  
94 amend the Future Land Use Map accordingly.

95 **SECTION 4.** The City Manager or designee is authorized and directed to make the necessary  
96 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to  
97 comply with this ordinance.

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

103 **SECTION 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
104 conflict hereby repealed on the effective date of this amendment to the Comprehensive Plan.

105 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the  
106 effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely

107 challenged, will be 31 days after adoption. If challenged within 30 days after adoption, this  
108 amendment will become effective on the date the state land planning agency or the  
109 Administration Commission issues a final order determining the amendment to be in  
110 compliance with Chapter 163, Florida Statutes. No development orders, development permits,  
111 or land uses dependent on this Comprehensive Plan amendment may be issued or commenced  
112 before this amendment has become effective.

113

114 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

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118

119

120

121 Attest:

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123

124

125 \_\_\_\_\_  
OMICHELE D. GAINEY

126 CITY CLERK

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128

129

\_\_\_\_\_  
LAUREN POE  
MAYOR

Approved as to form and legality:

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

Exhibit A for Ordinance 210032

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.



PB-21-00055 - Lincoln Ventures Land Use Change - Existing Land Use



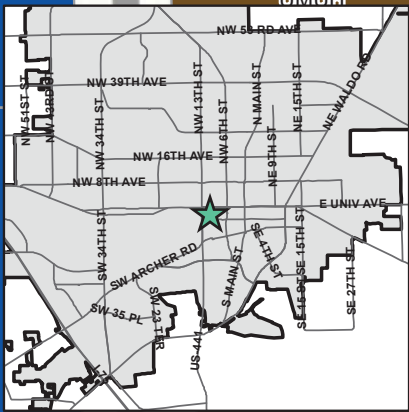
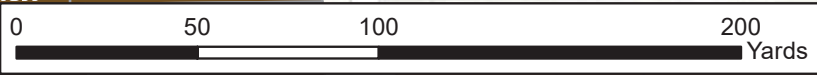




PB-21-00055 - Lincoln Ventures Land Use Change - Proposed Land Use



	Project Area
	Parcels
<b>Land Use Categories</b>	
	E: Education
	MUR: Mixed-Use Residential
	PUD: Planned Use District
	UMU: Urban Mixed-Use
	UMUH: Urban Mixed-Use High-Intensity



Source: Layer Origin, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, DeLorme, IGN, Esri, Swisstopo, GEBCO, Esri, Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community