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**ORDINANCE NO. 210331**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 5.89 acres of property generally located in the 3041-3155 block of Old Archer Road, as more specifically described in this ordinance, from Mixed-Use Low-Intensity (MU-1) and Residential Multi-Family (RMF-8) 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

28 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Zoning Map  
29 Atlas by rezoning the property that is the subject of this ordinance to Planned Development  
30 (PD) district; and

31 **WHEREAS**, PD district zoning is a zoning category that allows landowners or developers to  
32 submit unique proposals that are not addressed or otherwise provided for in the zoning  
33 districts and land development regulations established by the City of Gainesville Land  
34 Development Code; and

35 **WHEREAS**, the PD zoning district, including all of its unique and specific land development  
36 regulations, is freely negotiated and voluntarily agreed to by the owner/developer of the  
37 subject property, thereby precluding any claims or actions under Florida law regarding  
38 regulatory takings, the Bert J. Harris, Jr., Private Property Rights Protection Act, development  
39 exactions under common law or Section 70.45, Florida Statutes, or the affordable housing  
40 provisions in Section 125.01055, 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 September 30, 2021,  
44 to consider this application and provide a recommendation to the City Commission; and

45 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a  
46 newspaper of general circulation and provided the public with at least seven days' advance  
47 notice of this ordinance's first public hearing to be held by the City Commission; and

48 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was  
49 placed in the aforesaid newspaper and provided the public with at least five days' advance

50 notice of this ordinance’s second public hearing to be held by the City Commission; and  
51 **WHEREAS**, the public hearings were held pursuant to the notice described above at which  
52 hearings the parties in interest and all others had an opportunity to be and were, in fact,  
53 heard; and

54 **WHEREAS**, the City Commission finds that the rezoning of the subject property will be  
55 consistent with the City of Gainesville Comprehensive Plan when the amendment to the  
56 Comprehensive Plan adopted by Ordinance No. 210330 becomes effective as provided therein.

57 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**  
58 **FLORIDA:**

59 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
60 following property from Mixed-Use Low-Intensity (MU-1) and Residential Multi-Family (RMF-8)  
61 to Planned Development (PD):

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

65  
66 **SECTION 2.** The use and development of the property described in Section 1 of this ordinance  
67 must be consistent with the PD layout plan and building elevations attached as **Exhibit C** and  
68 made a part hereof as if set forth in full, as well as the regulations listed below. Except as  
69 expressly provided in **Exhibit C** and the conditions below, the use, regulation, and development  
70 of the property must be in conformance with and regulated by the Land Development Code in  
71 effect at the time of development approvals.

- 72 1. Allowable uses, as may be defined in the City’s Land Development Code, by right are as  
73 follows:  
74 a. Multi-family residential dwellings (apartments and/or condominiums)

- 75 b. Customary and accessory uses to multi-family dwellings (including, but not limited  
76 to: leasing offices; recreation and pool facilities; clubhouses; study centers; fitness  
77 centers; parking facilities)
- 78 c. Attached dwellings
- 79 d. Assisted living facility
- 80 e. Business services
- 81 f. Civic, social, or fraternal organization
- 82 g. Daycare center
- 83 h. Exercise studio
- 84 i. Laboratory, medical or dental
- 85 j. Office, professional
- 86 k. Office, medical, dental, or other health-related services
- 87 l. Personal services
- 88 m. Restaurant
- 89 n. Retail sales
- 90 2. The development may have no more than 240 dwelling units, which is a residential  
91 density of 41 units/acre. The development may have no more than 667 bedrooms.
- 92 3. The development must contain a minimum of 8,000 square feet and may not exceed a  
93 maximum of 16,500 square feet of non-residential uses. Accessory uses to the multi-  
94 family residential, such as leasing offices and amenities exclusive to residents, will not  
95 count against the maximum allowable non-residential square footage.
- 96 4. During development plan review, the owner/developer shall provide a list of building  
97 materials and architectural standards for review and approval by the City Manager or  
98 designee to ensure that the proposed development is consistent with the adopted PD  
99 requirements.
- 100 5. The maximum building height is 7 stories or 105 feet; whichever is higher.
- 101 6. The development must meet the following building placement standards:
- 102 a. Old Archer Road build-to line: 21 feet min – 40 feet max, measured from the back  
103 of pavement or as required for existing utility clearances.
- 104 b. SW 31<sup>st</sup> Terrace approved private street build-to line: 15 feet min – 20 feet max,  
105 measured from back of pavement or as required for existing utility clearances. The  
106 build-to line along SW 31<sup>st</sup> Terrace may be adjusted to provide additional usable  
107 public open space as required by this ordinance.
- 108 c. East setback from property line: 10 feet.
- 109 d. West setback from property line: 15 feet.

- 110 e. Rear setback from property line: 10 feet.
- 111 7. The development must meet the following design/development standards:
- 112 a. Glazing must be non-reflective, transparent windows or glazing area covering the  
113 required percentage specified below at pedestrian level (between 3 feet above  
114 grade and 8 feet above grade) for the first floor. Operable entrance doors must be  
115 included in the calculation of total surface area for the purposes of glazing.
- 116 b. Minimum first floor non-residential glazing along Old Archer Road and SW 31<sup>st</sup>  
117 Terrace: 50%.
- 118 c. Minimum first floor residential glazing along Old Archer Road and SW 31<sup>st</sup> Terrace:  
119 30%.
- 120 d. Minimum multi-family residential/non-residential upper floor glazing: 15%.
- 121 e. Minimum sidewalk width along Old Archer Road: 8 feet.
- 122 f. Minimum sidewalk width along SW 31<sup>st</sup> Terrace approved private street: 5 feet.
- 123 g. Minimum landscape zone width along Old Archer Road: 5 feet.
- 124 h. Minimum landscape zone along SW 31<sup>st</sup> Terrace approved private street: 5 feet.
- 125 i. Minimum building frontage zone width along Old Archer Road: 5 feet.
- 126 j. Minimum building frontage zone width along SW 31<sup>st</sup> Terrace approved private  
127 street: 5 feet.
- 128 k. Minimum pavement width for multi-use path along the western frontage: 10 feet.
- 129 l. Minimum width for internal sidewalk systems: 5 feet.
- 130 m. Minimum first floor height for residential: 12 feet.
- 131 n. Minimum first floor height for non-residential: 15 feet.
- 132 o. Minimum building frontage requirement along Old Archer Road: 60%.
- 133 p. Minimum building frontage requirement along SW 31<sup>st</sup> Terrace: 40%.
- 134 q. No parking is allowed in front of buildings along the Old Archer Road frontage.
- 135 r. On-street parking is allowed in front of buildings along SW 31<sup>st</sup> Terrace frontage.
- 136 s. Off-street vehicle parking spaces may not exceed 750 spaces.
- 137 t. The development must include at a minimum: one bicycle space per 2,000 square  
138 feet of Gross Floor Area (GFA) for non-residential uses; one bicycle space per 4  
139 residential bedrooms; and one scooter/moped space per 7 residential bedrooms.
- 140 8. Development at the property is subject to applicable Transportation Mobility Program  
141 Area (TMPA) criteria as specified in the City's Comprehensive Plan.
- 142 9. The maximum total trip generation for the development must not exceed 2,240 net,  
143 new average daily trips.

- 144 10. Vehicular access to the development from public right-of-way must be from a single  
145 access point off Old Archer Road. SW 31<sup>st</sup> Terrace must be designed as an approved  
146 private street (with ingress/egress easement) to maintain access to Old Archer Road for  
147 properties to the south of the development. This street must be designed as a local  
148 street per U8 zoning district standards as indicated in LDC Table V-2 (Building Form  
149 Standards within Transects) with the intent to define a block edge, provide build-to  
150 lines, require buildings to address the street (with active use areas and usable public  
151 open space), and establish public realm between buildings and the street.
- 152 11. A 10-foot wide, paved multi-use path with pedestrian-scale lighting must run along the  
153 western property frontage and connect to the public sidewalk along Old Archer Road.  
154 The multi-use path must also connect to a sidewalk running along the southern  
155 property line and to SW 31<sup>st</sup> Terrace. If fencing is constructed along the western  
156 property line, there must be a minimum of two opening/connecting stub out points  
157 along the western property line.
- 158 12. The development must include crosswalks and a sidewalk system connecting future  
159 development at the site to the public sidewalk system in the right-of-way between Old  
160 Archer Road and Archer Road. The City's Public Works and Mobility Departments shall  
161 review and approve placement of the crosswalks and sidewalk system at development  
162 plan review.
- 163 13. All development within the property must be connected with an internal sidewalk  
164 system and crosswalks.
- 165 14. The development must include a minimum of 5% of usable public open space in the  
166 form of open-air plazas or open-air arcades on the ground floor (hardscape areas),  
167 passive recreation areas, and/or the multi-use path along the western property  
168 frontage.
- 169 15. A minimum of 10% of the total residential dwelling units developed must be permanent  
170 Affordable Housing Units, secured through a binding legal document as approved to  
171 form and legality by the City Attorney's Office and recorded in the Public Records of  
172 Alachua County, Florida.
- 173 a. "Affordable Housing Units" means units that are affordably priced for  
174 households earning no more than 80% of the Gainesville Metropolitan Statistical  
175 Area (MSA) Area Median Income (AMI), adjusted for household size, as  
176 established by the United States Department of Housing and Urban  
177 Development (HUD).
- 178 b. "Affordably priced" means that no more than 30% of household income is spent  
179 on housing expenses.
- 180 c. "Permanent" means that the affordability requirement must be effective until  
181 the development is demolished or converted to uses that do not include any  
182 residential dwellings.

- 183 d. The Affordable Housing Units must have the same fit and finish as market-rate  
184 units, must be equally dispersed in the development relative to market-rate  
185 units, and occupants of Affordable Housing Units must have equal access to all  
186 amenities available on the property relative to market-rate occupants.
- 187 e. Tenant screening, selection, and income verification for Affordable Housing  
188 Units must be coordinated with a public agency, which may include for example  
189 the City of Gainesville Housing and Community Development Department, the  
190 Gainesville Housing Authority, or the Alachua County Housing Authority.
- 191 f. Affordable Housing Units do not need to be fixed to particular units within the  
192 development and particular units may rotate between use as Affordable  
193 Housing Units and market-rate units, as long as a minimum of 10% of the total  
194 residential dwelling units are managed and used as Affordable Housing Units.  
195

196 **SECTION 3.** The conditions and requirements in this ordinance will remain effective until such  
197 time as, upon either the City or the property owner(s) filling an application for rezoning, the  
198 City adopts an ordinance rezoning the subject property to another zoning district consistent  
199 with the Comprehensive Plan and Land Development Code.

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

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

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

209 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the  
210 rezoning will not become effective until the amendment to the City of Gainesville

211 Comprehensive Plan adopted by Ordinance No. 210330 becomes effective as provided therein.

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213 **PASSED AND ADOPTED** this 3<sup>rd</sup> day of March, 2022.

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LAUREN POE  
MAYOR

221 Attest:

Approved as to form and legality:

222

223

224

OMICHELE D. GAINNEY  
CITY CLERK

DANIEL M. NEE  
INTERIM CITY ATTORNEY

226

227

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This ordinance passed on first reading this 17<sup>th</sup> day of February, 2022.

This ordinance passed on second reading this 3<sup>rd</sup> day of March, 2022.



Exhibit A to Ordinance 210331



**LEGAL DESCRIPTION**

For: 3041 SW Archer Road  
Archer Place

**AS-SURVEYED DESCRIPTION PARCELS 1-16**

PARCEL ID: 06777-001-000  
PARCEL ID: 06777-002-000  
PARCEL ID: 06777-003-000  
PARCEL ID: 06777-004-000  
PARCEL ID: 06777-006-000  
PARCEL ID: 06777-007-000  
PARCEL ID: 06777-008-000  
PARCEL ID: 06789-000-000  
PARCEL ID: 06789-001-000  
PARCEL ID: 06789-003-000  
PARCEL ID: 06789-004-000  
PARCEL ID: 06789-005-000

ROAD EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1922, PAGE 337

A TRACT OR PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OR PARCEL BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NAPIER GRANT LYING WITHIN TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, THENCE RUN NORTH 86°15'00" EAST, FOR 59.50 FEET; THENCE RUN NORTH 33°30'00" WEST, FOR 891.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF OLD ARCHER ROAD; THENCE RUN NORTH 56°46'00" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR 150.00 FEET TO THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING CONTINUE ALONG SAID SOUTHERLY RIGHT OF LINE THE FOLLOWING (2) COURSES;

1. NORTH 59°38'00" EAST, FOR 180.53 FEET TO A POINT;
2. THENCE RUN NORTH 62°25'00" EAST, FOR 397.00 FEET TO NORTHWEST CORNER OF ARCHER LANE CONDOMINIUM, AS RECORDED IN OFFICIAL RECORDS BOOK 3261, PAGE 1426, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA;  
THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE RUN SOUTH 12°11'31" EAST ALONG THE WESTERLY LINE OF SAID ARCHER LANE CONDOMINIUM, FOR 538.84 FEET TO SOUTHWEST CORNER THEREOF AND A POINT ON THE NORTHERLY LINE OF SILVER CREEK APARTMENTS, AS RECORDED IN OFFICIAL RECORDS BOOK 4668, PAGE 980, OF SAID PUBLIC RECORDS;  
THENCE RUN SOUTH 58°43'36" WEST ALONG SAID NORTHERLY LINE, THE SOUTHERLY LINE OF THAT ROAD EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1922, PAGE 337 AND THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1843, PAGE 1901, ALL OF SAID PUBLIC RECORDS, FOR 398.76 FEET TO SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1855, PAGE 25, OF SAID PUBLIC RECORDS;  
THENCE RUN NORTH 31°44'50" WEST ALONG THE EASTERLY LINE OF SAID LANDS, FOR 535.88 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBES AN AREA OF 5.895 ACRES OR 256,796 SQUARE FEET, MORE OR LESS.

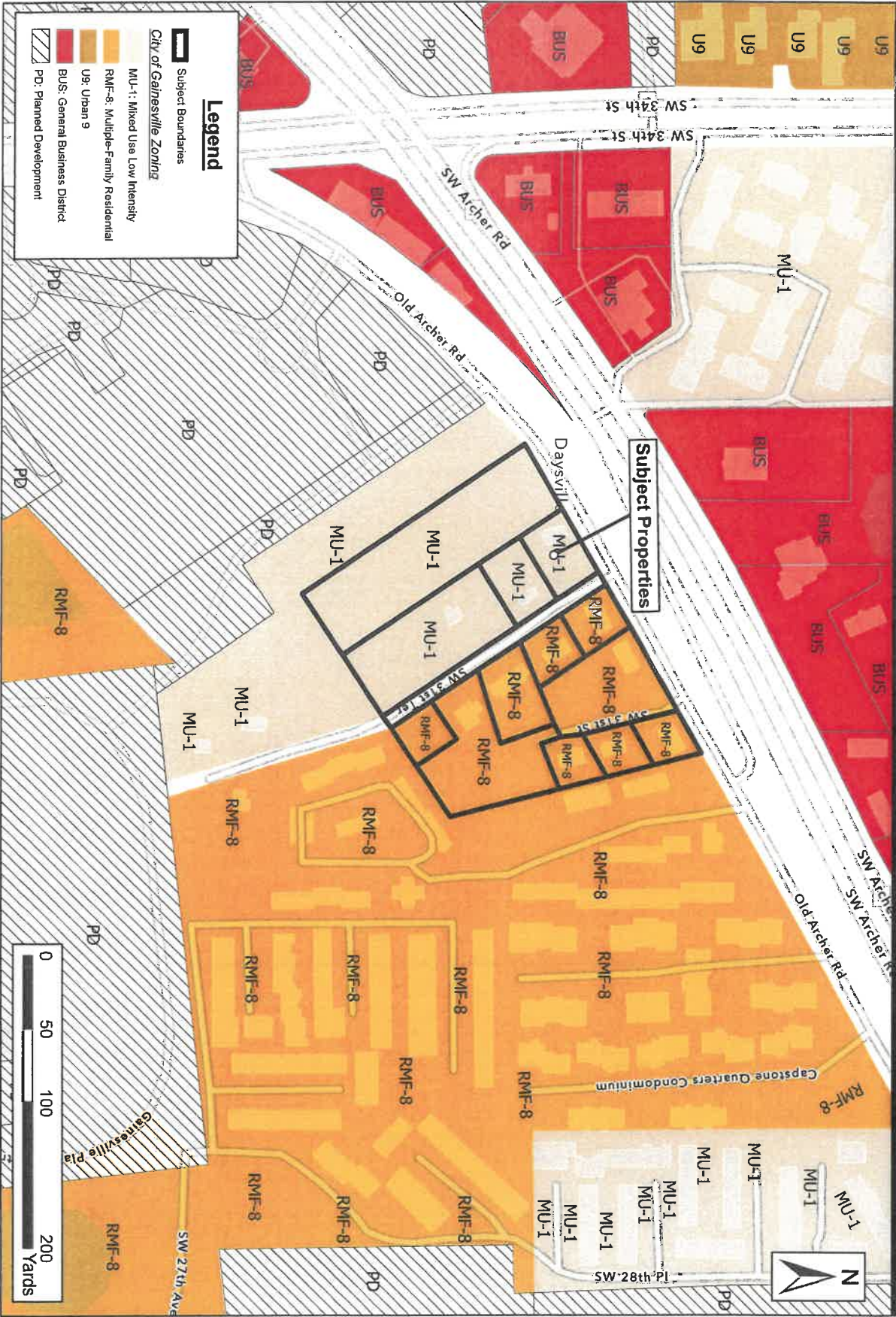
THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 8212092, DATED FEBRUARY 4, 2020.

Exhibit B to Ordinance 210331

Existing Zoning - Appendix B | P21-00103 ZON



Parcels: 06777-001-000, 06777-002-000, 06777-003-000, 06777-004-000, 06777-006-000, 06777-007-000, 06777-008-000, 06782-000-000, 06789-000-000, 06789-001-000, 06789-003-000, 06789-004-000, 06789-005-000



**Legend**

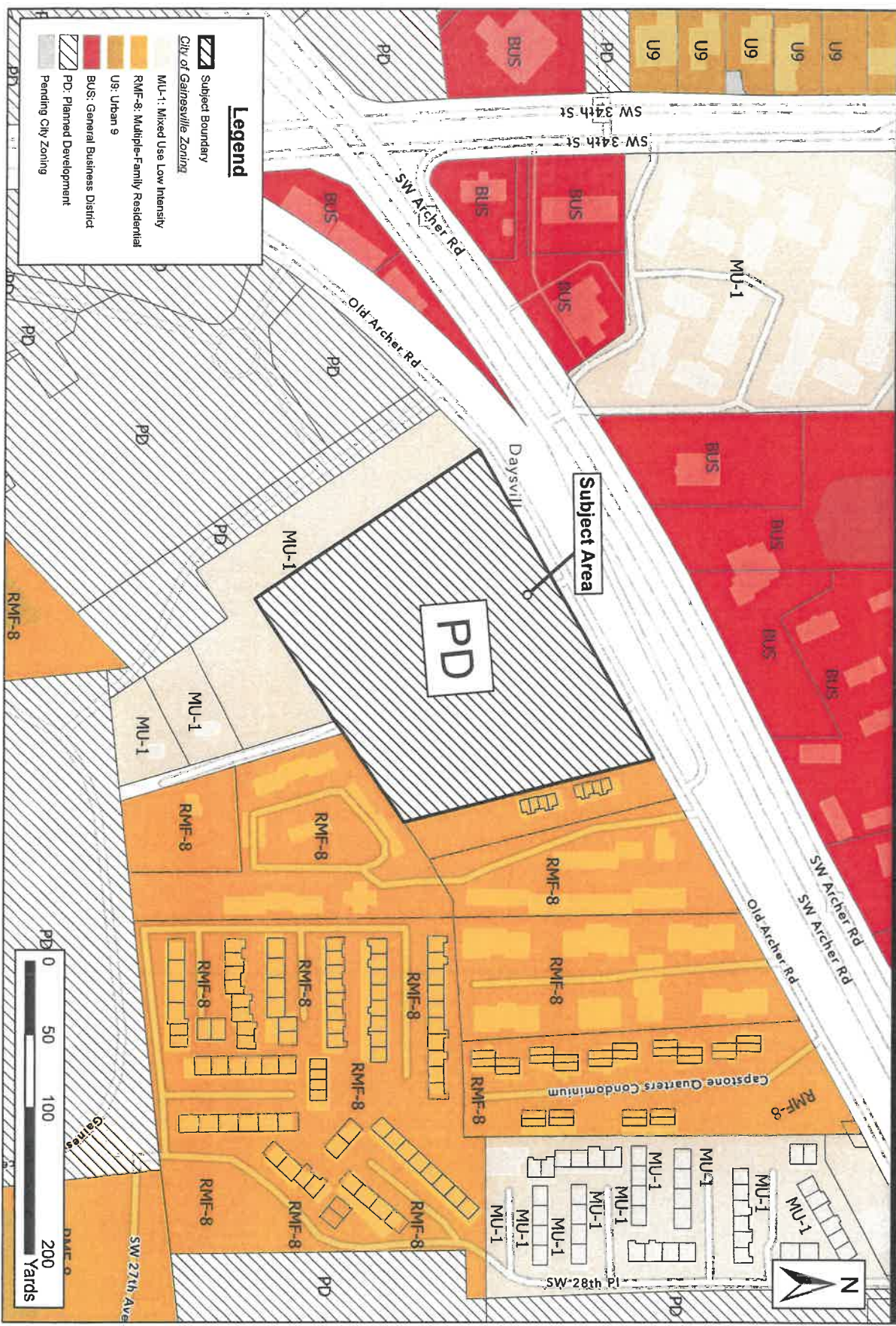
- Subject Boundaries
- City of Gainesville Zoning**
- MU-1: Mixed Use Low Intensity
- RMF-8: Multiple-Family Residential
- U9: Urban 9
- BUS: General Business District
- PD: Planned Development



Exhibit B to Ordinance 210331

Proposed Zoning - Appendix B | PB-21-00103 ZON

Parcels: 06777-001-000, 06777-002-000, 06777-003-000, 06777-004-000, 06777-006-000, 06777-007-000, 06777-008-000, 06782-000-000, 06789-000-000, 06789-001-000, 06789-003-000, 06789-004-000, 06789-005-000





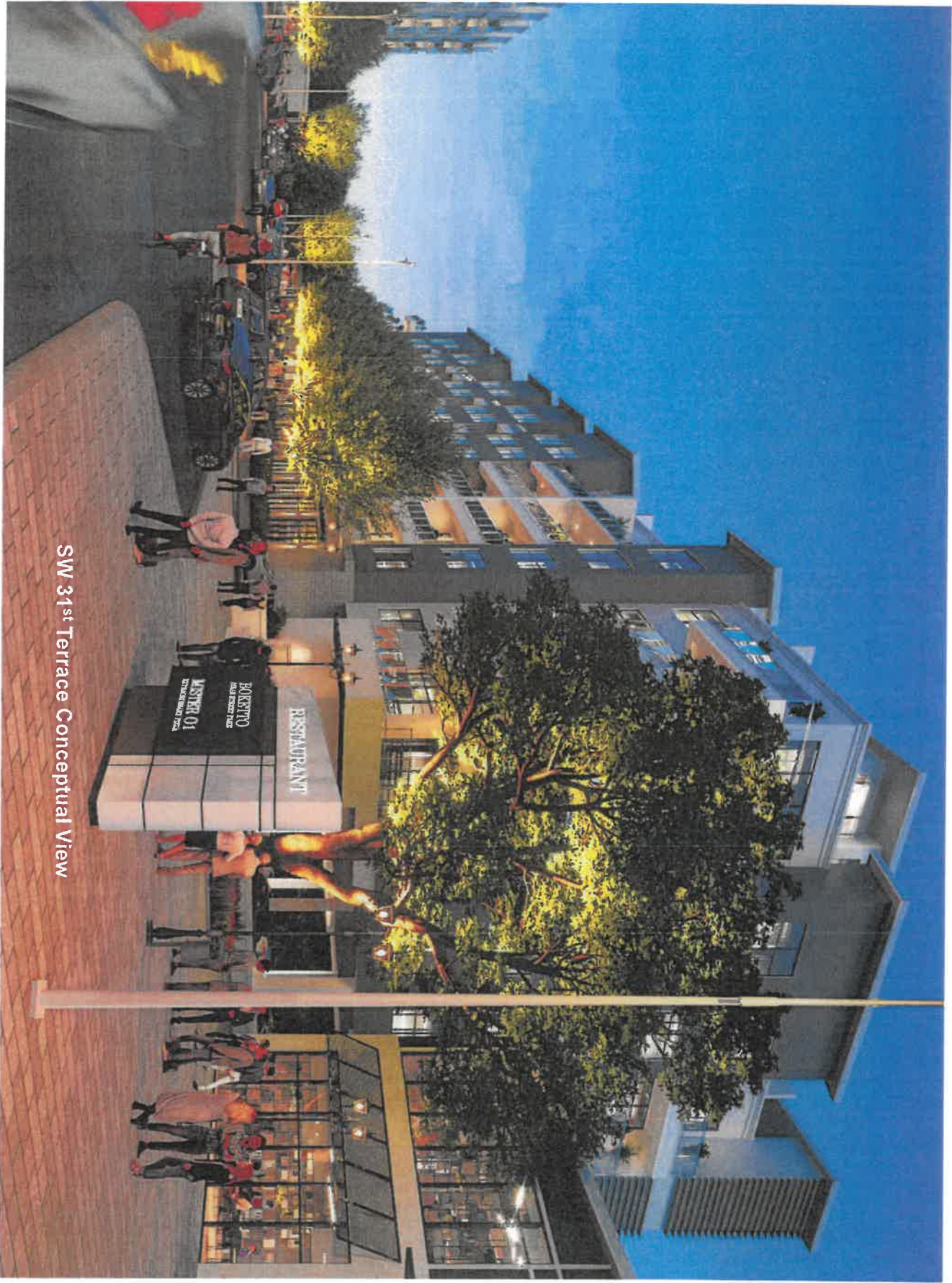






Conceptual Building Frontage View (Old Archer Road)





SW 31<sup>st</sup> Terrace Conceptual View





Conceptual Rear Southeastern View