

ORDINANCE NO. 210330

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on approximately 5.89 acres of property generally located in the 3041-3155 block of Old Archer Road, as more specifically described in this ordinance; 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, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1), Florida Statutes, must provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the city as reflected by the community's commitments to implement such plan; 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, this ordinance, which was noticed as required by law, will amend the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on the property that is the subject of this ordinance; and

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

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

37 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
38 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
39 pursuant to Section 163.3174, Florida Statutes, held a public hearing on September 30, 2021,
40 to consider this application and provide a recommendation to the City Commission; and

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

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

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

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

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

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

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

- 60 1. Allowable uses are limited to multi-family residential (apartments and/or
61 condominiums), commercial/retail uses, office uses, customary accessory uses to multi-
62 family development, and a parking garage integrated into the main buildings, as more
63 specifically delineated in the Planned Development District (PD) zoning ordinance
64 implementing this PUD.
- 65 2. The development may have no more than 240 dwelling units, which is a residential
66 density of 41 units/acre. The development may have no more than 667 bedrooms.
- 67 3. The development must contain a minimum of 8,000 square feet and may not exceed
68 16,500 square feet of non-residential uses.
- 69 4. The maximum allowable building height is 7 stories or 105 feet, whichever is higher.
- 70 5. The implementing PD zoning ordinance must specify dimensional standards including
71 maximum building height, setbacks, build-to lines, and required sidewalk widths.
- 72 6. Development at the property is subject to applicable Transportation Mobility Program
73 Area (TMPA) criteria as specified in the City's Comprehensive Plan.
- 74 7. The maximum total trip generation for the development must not exceed 2,240 net,
75 new average daily trips.
- 76 8. Vehicular access to the development from public right-of-way must be from a single
77 access point off Old Archer Road. SW 31st Terrace must be designed as an approved
78 private street (with ingress/egress easement) to maintain access to Old Archer Road for
79 properties to the south of the development. This street must be designed as a local
80 street per U8 zoning district standards as indicated in LDC Table V-2 (Building Form
81 Standards within Transects) with the intent to define a block edge, provide build-to

lines, require buildings to address the street (with active use areas and usable public open space), and establish public realm between buildings and the street.

9. A 10-foot wide, paved multi-use path with pedestrian-scale lighting must run along the western property frontage and connect to the public sidewalk along Old Archer Road. The multi-use path must also connect to a sidewalk running along the southern property line and to SW 31st Terrace. If fencing is constructed along the western property line, there must be a minimum of two opening/connecting stub out points along the western property line.

10. The development must include crosswalks and a sidewalk system connecting future development at the site to the public sidewalk system in the right-of-way between Old Archer Road and Archer Road. The City's Public Works and Mobility Departments shall review and approve placement of the crosswalks and sidewalk system at development plan review.

11. All development within the property must be connected with an internal sidewalk system and crosswalks.

12. The implementing PD zoning ordinance must specify the amount of usable public open space in future development on the property. Open space may be in the form of open-air plazas or open-air arcades on the ground floor (hardscape areas), passive recreation areas, and/or the multi-use path along the western property frontage.

13. A minimum of 10% of the total residential dwelling units developed must be permanent Affordable Housing Units, secured through a binding legal document as approved to form and legality by the City Attorney's Office and recorded in the Public Records of Alachua County, Florida.

a. "Affordable Housing Units" means units that are affordably priced for households earning no more than 80% of the Gainesville Metropolitan Statistical Area (MSA) Area Median Income (AMI), adjusted for household size, as established by the United States Department of Housing and Urban Development (HUD).

b. "Affordably priced" means that no more than 30% of household income is spent on housing expenses.

c. "Permanent" means that the affordability requirement must be effective until the development is demolished or converted to uses that do not include any residential dwellings.

d. The Affordable Housing Units must have the same fit and finish as market-rate units, must be equally dispersed in the development relative to market-rate units, and occupants of Affordable Housing Units must have equal access to all amenities available on the property relative to market-rate occupants.

e. Tenant screening, selection, and income verification for Affordable Housing Units must be coordinated with a public agency, which may include for example

the City of Gainesville Housing and Community Development Department, the Gainesville Housing Authority, or the Alachua County Housing Authority.

- f. Affordable Housing Units do not need to be fixed to particular units within the development and particular units may rotate between use as Affordable Housing Units and market-rate units, as long as a minimum of 10% of the total residential dwelling units are managed and used as Affordable Housing Units.

SECTION 3. If a Planned Development District (PD) zoning ordinance implementing the PUD land use category provided in this ordinance is not adopted by the City Commission within 18 months of the effective date of this plan amendment as provided in this ordinance, this ordinance will be void and have no further force and effect and the City may ministerially amend the Future Land Use Map to reinstate the land use categories of Mixed-Use Low-Intensity (MUL) and Residential Medium-Density (RM) as they were in effect prior to the effective date of this plan amendment as provided in this ordinance.

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

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

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

145 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the
146 effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely
147 challenged, will be 31 days after adoption. If challenged within 30 days after adoption, this
148 amendment will become effective on the date the state land planning agency or the
149 Administration Commission issues a final order determining the amendment to be in
150 compliance with Chapter 163, Florida Statutes. No development orders, development permits,
151 or land uses dependent on this Comprehensive Plan amendment may be issued or commenced
152 before this amendment has become effective.

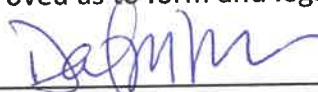
153 **PASSED AND ADOPTED** this 17th day of February, 2022.

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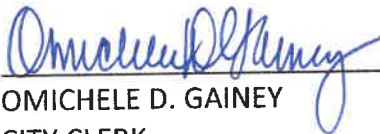
LAUREN POE
MAYOR

Approved as to form and legality:



DANIEL M. NEE
INTERIM CITY ATTORNEY

Attest:



OMICHELE D. GAINES
CITY CLERK

Exhibit A to Ordinance 210330



LEGAL DESCRIPTION

For: 3041 SW Archer Road
Archer Place

AS-SURVEYED DESCRIPTION PARCELS 1-16

PARCEL ID: 08777-001-000
PARCEL ID: 08777-002-000
PARCEL ID: 08777-003-000
PARCEL ID: 08777-004-000
PARCEL ID: 08777-006-000
PARCEL ID: 08777-007-000
PARCEL ID: 08777-008-000
PARCEL ID: 08789-000-000
PARCEL ID: 08789-001-000
PARCEL ID: 08789-003-000
PARCEL ID: 08789-004-000
PARCEL ID: 08789-005-000

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°36'00" 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 3281, 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 536.84 FEET TO SOUTHWEST CORNER THEREOF AND A POINT ON THE NORTHERLY LINE OF SILVER CREEK APARTMENTS, AS RECORDED IN OFFICIAL RECORDS BOOK 4868, 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 1643, PAGE 1901, ALL OF SAID PUBLIC RECORDS, FOR 396.76 FEET TO SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1655, PAGE 25, OF SAID PUBLIC RECORDS;
THENCE RUN NORTH 31°44'50" WEST ALONG THE EASTERLY LINE OF SAID LANDS, FOR 535.66 FEET TO THE POINT OF BEGINNING.

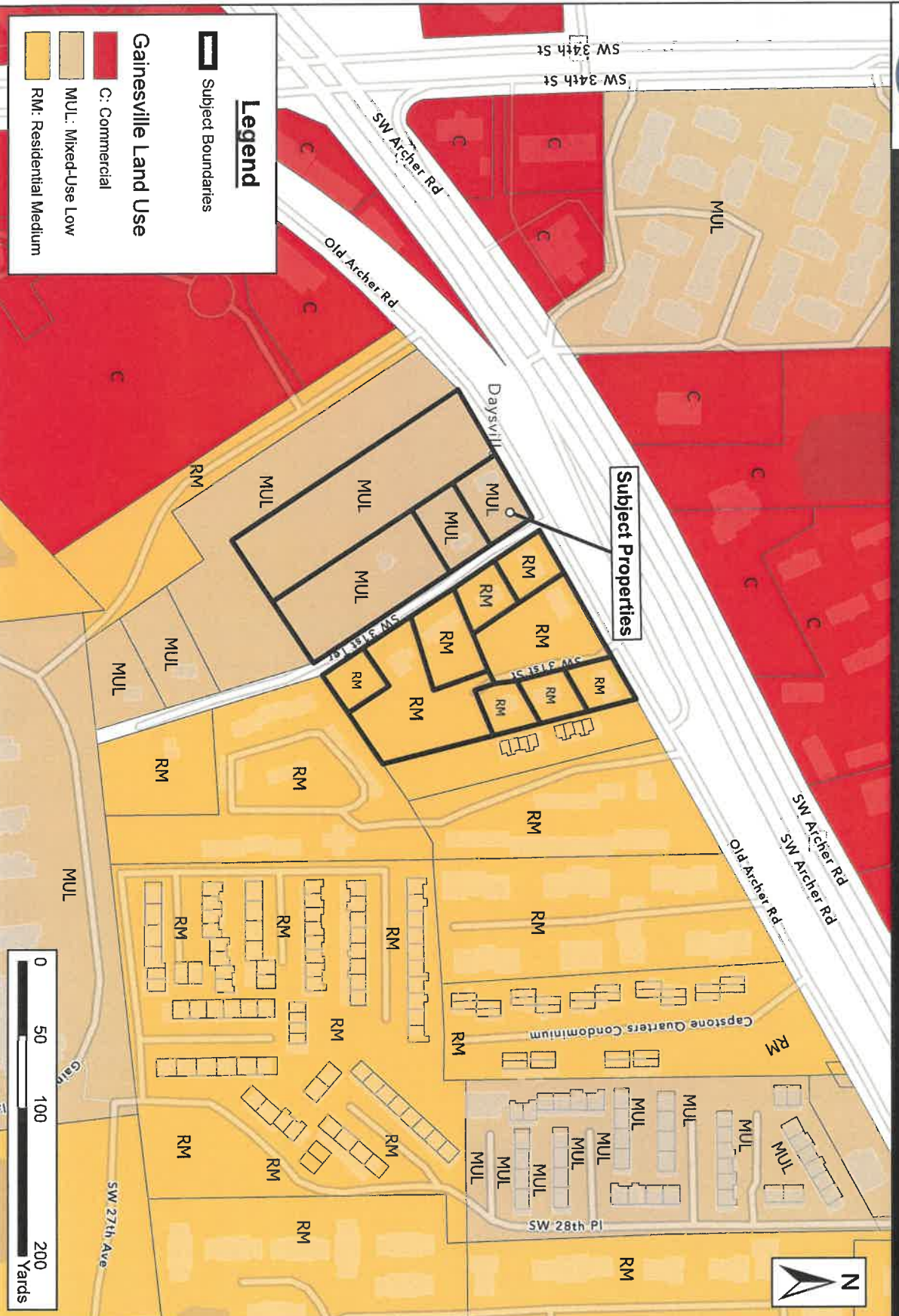
THE ABOVE DESCRIBES AN AREA OF 5.895 ACRES OR 256,798 SQUARE FEET, MORE OR LESS.

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 210330

Existing Land Use - Appendix B | PB-21-00102 LUC

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





Proposed Land Use - Appendix B | PB-21-00102 LUC

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

