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ORDINANCE NO.

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by deleting the definition of Rehabilitation Centers and adding a definition for Sexual Offender Treatment Centers; by deleting Rehabilitation Centers as a permitted use in the following zoning districts: Office-Residential District (OR), General Office District (OF), General Business District (BUS), Mixed-Use Low-Intensity District (MU-1), Mixed-Use Medium-Intensity District (MU-2), Urban Mixed-Use District 1 (UMU-1), Urban Mixed-Use District 2 (UMU-2), Central City District (CCD), Business Industrial District (BI), Limited Industrial District (I-1), and Medical Services District (MD); by adding Sexual Offender Treatment Centers as a permitted use by Special Use Permit in the following zoning districts: General Business District (BUS), Mixed-Use Medium-Intensity District (MU-2), Central City District (CCD), Business Industrial District (BI), and Medical Services District (MD); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city; 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 (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of Ordinances); and

WHEREAS, notice was given as required by law that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the local planning agency pursuant

1 to Section 163.3174, Florida Statutes, held a public hearing on _____, and
2 voted to recommend that the City Commission approve this text change to the Land
3 Development Code; and

4 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
5 newspaper of general circulation and provided the public with at least seven days’ advance
6 notice of this ordinance’s first public hearing to be held by the City Commission in the City Hall
7 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

8 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was
9 placed in the aforesaid newspaper and provided the public with at least five days’ advance notice
10 of this ordinance’s second public hearing to be held by the City Commission; and

11 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
12 the parties in interest and all others had an opportunity to be and were, in fact, heard.

13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY**
14 **OF GAINESVILLE, FLORIDA:**

15 **SECTION 1.** Subsection 30-23(c) of the Land Development Code is amended as follows.
16 Except as amended herein, the remainder of Subsection 30-23(c) remains in full force in effect.

17 **Sec. 30-23(c). - Definitions.**

18
19 ~~Rehabilitation center means a facility providing professional care, nonresident only, for those~~
20 ~~requiring therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse,~~
21 ~~social disorders, physical disabilities, mental retardation or similar problems.~~

22
23 Sexual offender treatment center means a facility that provides any out-patient sexual behavior
24 therapy, counseling or similar rehabilitative services to individuals or groups that are either
25 registered sexual offenders as defined in Section 943.0435, Florida Statutes, or registered sexual
26 predators as defined in Section 775.21, Florida Statutes.

27
28 ~~Social service home or halfway house means a facility providing professional care, resident or~~
29 ~~nonresident, for those requiring therapy, counseling or other rehabilitative services related to~~

1 ~~drug abuse, alcohol abuse, social disorders, physical disabilities, mental retardation or similar~~
 2 ~~problems that provides professional residential care for individuals or groups needing therapy,~~
 3 counseling or other rehabilitative services related to mental or physical disabilities, addictions,
 4 social disorders or similar issues, not including sexual offender treatment centers.
 5

6 **SECTION 2.** Subsections 30-59(c) and (e) of the Land Development Code are amended as set
 7 follows. Except as amended herein, the remainder of Subsections 30-59(c) and (e) remains in
 8 full force and effect.

9 **Sec. 30-59. – Office districts (OR and OF).**

10 (c) *Permitted uses, OR district (office-residential district).*

SIC	Use	Conditions
	USES BY RIGHT:	
GN-801 through 804	Health services	<u>Excluding sexual offender treatment centers</u>
	USES BY SPECIAL USE PERMIT	
	Rehabilitation centers	In accordance with article VI.

11

12 (e) *Permitted uses, OF (general office district).*

SIC	Use	Conditions
	USES BY RIGHT:	
GN-801 through 805	Health services	Nursing and intermediate care facilities in accordance with article VI, <u>and excluding sexual offender treatment centers</u>
	USES BY SPECIAL USE PERMIT	

	Rehabilitation centers	In accordance with article VI.
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2 **SECTION 3.** Subsection 30-61(c) of the Land Development Code is amended as follows.

3 Except as amended herein, the remainder of Subsection 30-61(c) remains in full force and effect.

4 **Sec. 30-61. – General business district (BUS).**

5 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
MG-80	Health services	Including nursing and personal care facilities (GN-805) in accordance with article VI, and excluding hospitals (GN-806) and <u>sexual offender treatment centers</u> rehabilitation centers
MG-83	Social services	Including day care as defined in article II and in accordance with article VI, <u>and excluding sexual offender treatment centers</u> rehabilitation centers, halfway houses, social service homes or halfway houses, and residences for destitute people as defined in this chapter article II
	<u>USES BY SPECIAL USE PERMIT</u>	
	Rehabilitation centers <u>Sexual offender treatment centers</u>	In accordance with article VI

6

7 **SECTION 4.** Subsection 30-64(g) of the Land Development Code is amended as follows.

8 Except as amended herein, the remainder of Subsection 30-64(g) remains in full force and effect.

9 **Sec. 30-64. – Mixed use low intensity district (MU-1).**

10 (g) *Permitted uses.*

SIC	Uses	Conditions

	USES BY RIGHT:	
MG-80	Health services	Including nursing and intermediate care facilities in accordance with article VI when applicable, and excluding rehabilitation centers and hospitals (GN-806) and <u>sexual offender treatment centers</u>
MG-83	Social services	Including day care centers as defined in this chapter and in accordance with article VI, <u>and</u> excluding residential care (GN-836), sexual offender treatment centers, rehabilitation centers, halfway houses, social service homes <u>or halfway houses,</u> and residences for destitute people as defined in this chapter
	USES BY SPECIAL USE PERMIT	
	Rehabilitation centers	In accordance with article VI

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2 **SECTION 5.** Subsection 30-65(e) of the Land Development Code is amended as follows.

3 Except as amended herein, the remainder of Subsection 30-65(e) remains in full force and effect.

4 **Sec. 30-65. – Mixed use medium intensity district (MU-2).**

5 (e) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
MG-80	Health services	Excluding hospitals (GN-806) and <u>Including</u> nursing and personal care facilities (GN-805) in accordance with article VI, and excluding <u>hospitals (GN-806) and sexual offender treatment centers,</u> rehabilitation centers,
MG-83	Social services	Including day care centers as defined in this chapter and in accordance with article VI, <u>and</u> excluding rehabilitation centers, halfway houses, social service homes, <u>sexual offender treatment centers, social service homes or halfway houses,</u> and residences for destitute people as defined in this chapter
	USES BY SPECIAL USE PERMIT	

	Rehabilitation centers <u>Sexual offender treatment centers</u>	In accordance with article VI
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2 **SECTION 6.** Subsection 30-65.1(c)(1) of the Land Development Code is amended as follows.

3 Except as amended herein, the remainder of Subsection 30-65.1(c)(1) remains in full force and
4 effect.

5 **Sec. 30-65.1. – Urban mixed-use district 1 (UMU-1).**

6 (c) *Permitted uses.*

7 (1) *Uses by right:*

SIC	Uses	Conditions
	Rehabilitation centers	In accordance with article VI
MG-80	Health services	<u>Excluding sexual offender treatment centers</u>
MG-83	Social services	<u>Excluding sexual offender treatment centers, social service homes or halfway houses, and residences for destitute people</u>

8

9 **SECTION 7.** Subsection 30-65.2(c)(1) of the Land Development Code is amended as follows.

10 Except as amended herein, the remainder of Subsection 30-65.2(c)(1) remains in full force and
11 effect.

12 **Sec. 30-65.2 – Urban mixed-use district (UMU-2).**

13 (c) *Uses.*

14 (1) Permitted uses by right are as follows:

SIC	Uses	Conditions
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	Rehabilitation centers	In accordance with article VI
MG-80	Health services	<u>Excluding sexual offender treatment centers</u>
MG-83	Social services	<u>Excluding sexual offender treatment centers, social service homes or halfway houses, and residences for destitute people</u>

1

2 **SECTION 8.** Subsection 30-66(c) of the Land Development Code is amended as follows.

3 Except as amended herein, the remainder of Subsection 30-66(c) remains in full force and effect.

4 **Sec. 30-66. – Central city district (CCD).**

5 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
MG-80	Health services	Excluding hospitals (GN-806) and including nursing and personal care facilities (GN-805) in accordance with article VI, and excluding hospitals (GN-806) and sexual offender treatment centers
GN-832	Individual and family social services	<u>Excluding sexual offender treatment centers, and social service homes or halfway houses</u>
GN-839	Social services, not elsewhere classified	Excluding rehabilitation centers
	USES BY SPECIAL USE PERMIT:	
	Rehabilitation centers <u>Sexual offender treatment centers</u>	In accordance with article VI

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1 **SECTION 9.** Subsection 30-67.1(c)(1) of the Land Development Code is amended as follows.
 2 Except as amended herein, the remainder of Subsection 30-67.1(c)(1) remains in full force and
 3 effect.

4 **Sec. 30-67.1. – Business industrial district (BI).**

5 (c) *Permitted uses.*

6 ~~(1) *Uses by right.*~~

SIC	Uses	Conditions
	<u>USES BY RIGHT:</u>	
	Rehabilitation centers	
MG 80	Health services	<u>Excluding sexual offender treatment centers</u>
	<u>USES BY SPECIAL USE PERMIT:</u>	
	<u>Sexual offender treatment centers</u>	<u>In accordance with Article VI</u>

7
 8 **SECTION 10.** Subsection 30-68(c) of the Land Development Code is amended as follows.
 9 Except as amended herein, the remainder of Subsection 30-68(c) remains in full force and effect.

10 **Sec. 30-68. – Warehousing and wholesaling district (W).**

11 (c) *Permitted uses.*

SIC	Uses	Conditions
	<u>USES BY RIGHT:</u>	
MG-80	Health services	Including nursing and intermediate care facilities in accordance with article VI where applicable, and excluding rehabilitation centers and hospitals (GN-806) <u>and sexual offender treatment centers</u>

MG-83	Social services	Including day care centers as defined in this chapter and in accordance with article VI, <u>and excluding sexual offender treatment centers, social service homes or halfway houses, rehabilitation centers, halfway houses, social service homes,</u> and residences for destitute people as defined in this chapter
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 2 **SECTION 11.** Subsection 30-69(c)(2) of the Land Development Code is amended as follows.
 3 Except as amended herein, the remainder of Subsection 30-69(c)(2) remains in full force and
 4 effect.

5 **Sec. 30-69. – Limited industrial district (I-1).**

6 (c) *Permitted uses.*

7 (2) *Uses by special use permit.* Any applicable conditions of Article VI shall be met. ~~Uses~~
 8 ~~by special use permit, provided the requirements and conditions of article VI are met, if~~
 9 ~~applicable, and that the findings in section 30-233 are made, in accordance with the~~
 10 ~~procedures provided in section 30-204 of this chapter with the findings of section 30-~~
 11 ~~233:~~

12 h. ~~Rehabilitation centers.~~

13
 14 **SECTION 12.** Subsection 30-74(c) of the Land Development Code is amended as follows.

15 Except as amended herein, the remainder of Subsection 30-74(c) remains in full force and effect.

16 **Sec. 30-74. – Medical services district (MD).**

17 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Rehabilitation centers	In accordance with article VI
	USES BY SPECIAL USE PERMIT:	
	<u>Sexual offender treatment</u>	<u>In accordance with Article VI</u>

	<u>centers</u>	
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2 **SECTION 13.** Section 30-89 of the Land Development Code is amended as follows.

3 **Sec. 30-89. - Adult day care homes.**

- 4 (a) A home to be used as an adult day care home shall be an occupied dwelling in which one or
 5 more of the residents ~~provides~~ provide care or supervision for more than three natural
 6 persons, other than the residents requiring such care or supervision. The total number of
 7 natural persons who are cared for or supervised shall not exceed five ~~(5)~~ persons at any one
 8 time. In no event shall more than eight ~~(8)~~ natural persons, including the operator's own
 9 children ~~under less than eighteen~~ ~~(18)~~ years of age, be permitted at the home at any one time.
 10 Such use shall not include nursing and personal care facilities, schools, ~~rehabilitation centers,~~
 11 social service homes or halfway houses, or other similar activities or facilities which are not
 12 customarily incidental to residential use.
- 13 (b) There shall be no alteration or change to the outside appearance or character of the dwelling
 14 unit for which the permit is issued.
- 15 (c) No more than two ~~(2)~~ adult day care homes per block face shall be permitted.
- 16 (d) Such use shall be conducted in conformance with all applicable county, state and federal
 17 laws.

18

19 **SECTION 14.** Section 30-108 of the Land Development Code is amended as follows.

20 **~~Sec. 30-108. -- Rehabilitation centers.~~**

21 ~~(a) Dimensional requirements:~~

- 22 ~~(1) Minimum lot area: 10,000 square feet.~~
- 23 ~~(2) Minimum lot width at minimum front yard setback: 100 feet.~~
- 24 ~~(3) Minimum yard setbacks:~~
- 25 ~~a. Front: 25 feet.~~
- 26 ~~b. Rear: 20 feet.~~
- 27 ~~Except where rear yard abuts property in a residential district or property shown for~~
 28 ~~residential use on the land use element of the comprehensive plan: 35 feet.~~
- 29 ~~c. Sides:~~
- 30 ~~1. Street: 10 feet.~~
- 31 ~~2. Interior: 20 feet.~~

1 Except where the side yard abuts property in a residential district or property
 2 shown for residential use on the land use element of the comprehensive plan: 35
 3 feet.

4 ~~(b) *Spacing and location.* Rehabilitation centers shall not be located closer than 1,320 feet from~~
 5 ~~any other rehabilitation center, halfway house or social service home and shall not be located~~
 6 ~~closer than 1,320 feet from any soup kitchen (food distribution center for the needy) or~~
 7 ~~residence for destitute people or combination thereof. All measurement shall be from the~~
 8 ~~nearest property line of any of the above listed facilities to the nearest property line of the~~
 9 ~~proposed facility.~~

10 ~~(c) *Buffer.* Rehabilitation centers shall comply with the buffer requirements of offices, schools~~
 11 ~~and places of religious assembly in accordance with the landscape ordinance.~~

12 ~~(d) *Development plan approval.* Development plan approval, in accordance with the~~
 13 ~~requirements of Article VII, is required prior to the issuance of a building permit for all~~
 14 ~~rehabilitation centers.~~

15 **Sec. 30-108. – Sexual offender treatment center.**

16 (a) *Dimensional requirements.* All principal and accessory structures for sexual offender
 17 treatment centers shall be located and constructed in accordance with the following
 18 requirements:

19 (1) Minimum lot area: 10,000 square feet.

20 (2) Minimum lot width at minimum front yard setback: 100 feet.

21 (3) Minimum yard setbacks:

22 a. Front: 25 feet.

23 b. Rear: 20 feet.

24 c. Sides:

25 1. Street: 10 feet.

26 2. Interior: 20 feet.

27 (b) *Spacing and location requirements.* Sexual offender treatment centers shall be located at
 28 least 1,320 feet from any other sexual offender treatment center, social service home or
 29 halfway house, food distribution center for the needy, residence for destitute people or
 30 combination thereof.

31 Sexual offender treatment centers shall be located at least 400 feet from any child care center,
 32 public or private school duly accredited and offering any grades from kindergarten through
 33 twelfth grade, public park, youth association or any residential zoning district.

34 All measurements shall be measured by a straight line from the nearest property line of any
 35 of the above-listed facilities to the nearest property line of the proposed facility.

36 (c) *Development plan approval.* Development plan approval, in accordance with the
 37 requirements of Article VII, is required prior to the issuance of a building permit for all
 38 sexual offender treatment centers.

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SECTION 15. Section 30-109 of the Land Development Code is amended as follows.

Sec. 30-109. – Social service homes and halfway houses.

(a) *Dimensional requirements.* All principal and accessory structures for social service homes and halfway houses shall be located and constructed in accordance with the following requirements:

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum lot width at minimum front yard setback: 100 feet.
- (3) Minimum yard setbacks:
 - a. Front: 25 feet.
 - b. Rear: 20 feet.

Except where the rear yard abuts property in a residential district or property shown for residential use on the land use element of the comprehensive plan: 35 feet.

- c. Side:
 1. Street: 10 feet.
 2. Interior: 20 feet.

Except where the side yard abuts property in a residential district or property shown for residential use on the land use element of the comprehensive plan: 35 feet.

(b) *Spacing and location requirements.* Social service homes and ~~or~~ halfway houses shall ~~not~~ be located ~~closer than~~ at least 1,320 feet from any other social service home, or halfway house, ~~community residential homes for 21 persons or more or rehabilitation center and shall not be located closer than 2,640 feet from any soup kitchen~~ sexual offender treatment center, food distribution center for the needy, or residence for destitute people or combination thereof. ~~All measurement shall be from the nearest property line of any of the above-listed facilities to the nearest property line of the proposed facility.~~

Social service homes and halfway houses shall be located at least 400 feet from any child care center, public or private school duly accredited and offering any grades from kindergarten through twelfth grade, public park, youth association or any residential zoning district.

All measurements shall be measured by a straight line from the nearest property line of any of the above-listed facilities to the nearest property line of the proposed facility.

(c) ~~Buffer requirements.~~ Social service homes and halfway houses shall comply with the requirements of offices, schools and places of religious assembly in accordance with Article VIII.

1 ~~(d)~~(c) *Development plan approval.* Development plan approval, in accordance with the
 2 requirements of Article VII, is required prior to the issuance of a building permit for all social
 3 service homes and halfway houses.

4

5 **SECTION 16.** Section 30-110 of the Land Development Code is amended as follows. Except
 6 as amended herein, the remainder of Section 30-110 remains in full force and effect.

7 **Sec. 30-110. - Residences for destitute people.**

8 Except as provided as an accessory use to places of religious assembly, residences for destitute
 9 people shall be regulated as follows:

10 (a) *Spacing and location.* Residences for destitute people shall ~~not~~ be located ~~at least~~ closer than
 11 ~~one thousand three hundred twenty (1,320)~~ feet from any social service home, or halfway
 12 house ~~or rehabilitation center~~ and ~~at least~~ shall not be closer than two thousand (2,000) feet
 13 from any other residence for destitute people, food distribution center for the needy or
 14 combination thereof. All measurements shall be measured from the nearest property line of
 15 the above-listed facilities to the nearest property line of the proposed facility.

16

17 **SECTION 17.** Section 30-111 of the Land Development Code is amended as follows. Except
 18 as amended herein, the remainder of Section 30-111 remains in full force and effect.

19 **Sec. 30-111. - Food distribution centers for the needy.**

20 Except ~~when~~as provided as an accessory use to places of religious assembly, food distribution
 21 centers for the needy shall be regulated as follows:

22 (2) *Distance requirements.* Food distribution centers for the needy shall be located at least 2,000
 23 feet from any other ~~The distance between any food distribution center for the needy and any~~
 24 ~~other~~ food distribution center for the needy or residence for destitute people, or facility
 25 combining both uses, and at least 1,320 feet from any social service home or halfway house.;
 26 ~~shall be 2,000 feet. The distance between any food distribution center for the needy and any~~
 27 ~~social service home, halfway house or rehabilitation center shall be 1,320 feet.~~ All distance
 28 measurements shall be from the nearest property line of any existing facility to the nearest
 29 property line of the proposed facility. However, there shall be no food distribution center for
 30 the needy located in the area described in Appendix D located at the end of this chapter, ~~and~~
 31 ~~as shown on the map maintained in the department of community development.~~

32

1 **SECTION 18.** Subsection 30-332(c) of the Land Development Code is amended as follows.
 2 Except as amended herein, the remainder of Subsection 30-332(c) remains in full force and
 3 effect.

4 **Sec. 30-332. - Required number of parking spaces.**

Use	Number of Vehicle Spaces	Number of Bicycle Spaces
(c) <i>Business uses:</i>		
<i>Professional services:</i>		
Rehabilitation centers, s <u>ocial service homes and</u> halfway houses	1 per 500 square feet of floor area	10 percent of required number of vehicle parking

5
 6 **SECTION 19.** Appendix A. – Special Area Plans, Section 7. - Special Area Plan for Southwest
 7 13th Street, Subsection (i) of the Land Development Code is amended as follows. Except as
 8 amended herein, the remainder of Appendix A., Section 7., Subsection (i) remains in full force
 9 and effect.

10 (i) *Prohibited uses.* The following land uses shall be prohibited within the Corridor:

Use	SIC Code
Rehabilitation centers	N/A

11
 12 **SECTION 20.** Appendix A. – Special Area Plans, Section 8. – Special Area Plan Southeast
 13 Gainesville Renaissance Initiative Area, Subsection (d)(9) of the Land Development Code is
 14 amended as follows. Except as amended herein, the remainder of Appendix A., Section 8.,
 15 Subsection (d)(9) remains in full force and effect.
 16 (d) *General Regulations.*

1 (9) *Prohibited Uses.* The below uses are prohibited in SEGRI. No exceptions or waivers
2 are permitted for these uses:

3 ~~Rehabilitation Centers~~
4

5 **SECTION 21.** It is the intent of the City Commission that the provisions of Sections 1 through
6 20 of this ordinance shall become and be made a part of the Code of Ordinances of the City of
7 Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may be
8 renumbered or relettered in order to accomplish such intent.

9 **SECTION 22.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
10 the application hereof to any person or circumstance is held invalid or unconstitutional, such
11 finding shall not affect the other provisions or applications of this ordinance that can be given
12 effect without the invalid or unconstitutional provision or application, and to this end the
13 provisions of this ordinance are declared severable.

14 **SECTION 23.** All ordinances or parts of ordinances in conflict herewith are to the extent of
15 such conflict hereby repealed.

16 **SECTION 24.** This ordinance shall become effective immediately upon adoption.
17

18 **PASSED AND ADOPTED** this _____ day of _____, 2017.

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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

1

2 This ordinance passed on first reading this ____ day of _____, 2017.

3

4 This ordinance passed on second reading this ____ day of _____, 2017.