

LEGISLATIVE #

121031A

ORDINANCE NO. 121031

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2
3 **An ordinance of the City of Gainesville, Florida, amending Section 30-23 of**
4 **the Land Development Code to include the definition of continuum of care**
5 **facility; amending the Public services and operations zoning by establishing**
6 **uses permitted by right for approximately 30.85 acres of certain real**
7 **property located in the vicinity of 2845 NE 39th Avenue; establishing**
8 **development requirements for the subject property; waiving the requirement**
9 **of a preliminary development plan; providing a severability clause;**
10 **providing a repealing clause; and providing an immediate effective date.**

11
12 **WHEREAS,** the City of Gainesville Comprehensive Land Use Plan includes a Housing
13 Element which encourages a sufficient supply of housing for all income groups; and

14 **WHEREAS,** the State of Florida has encouraged communities to take action steps to end
15 homelessness and prevent a return to homelessness; and

16 **WHEREAS,** the State of Florida offers additional assistance to the new and temporary
17 homeless and to assist those who are about to become homeless; and

18 **WHEREAS,** the City of Gainesville in conjunction with various community groups and
19 community members envision a comprehensive, multi-faceted services center to address this
20 community's homelessness issues; and

21 **WHEREAS,** the City of Gainesville finds it in the public interest to create a permitted
22 use for this type of multi-faceted center that offers a variety of services to prevent and end
23 homelessness which use shall be designated in the zoning code as a continuum of care facility;
24 and

25 **WHEREAS,** the continuum of care facility may include, but shall not be limited to,
26 emergency and transitional housing, permanent housing, meals, health services, counseling,
27 entrepreneurial programs, agricultural production and sales, camping facilities, daycare facilities,
28 food services, social services, veterinary services and recreational services; and

1 **WHEREAS**, the City Commission finds that this multi-faceted services center is a
2 unique use that should be specially defined in the land development code; and

3 **WHEREAS**, the City of Gainesville has identified property of approximately 30.85 acres
4 located in the vicinity of 2845 NE 39th Avenue that is suitable for a continuum of care facility
5 use; and

6 **WHEREAS**, the City of Gainesville had conducted numerous informational meetings
7 regarding the types of uses that could be included in a continuum of care facility on the subject
8 property; and

9 **WHEREAS**, the City Commission, on July 19, 1982, adopted Ordinance No. 0-82-76
10 (2740), which enacted a comprehensive citywide rezoning where, among other things, certain
11 real property that is the subject of this ordinance was zoned Public services and operations
12 district (PS) with a designated use of “State Administrative” and “Santa Fe Correctional Farm”;
13 and

14 **WHEREAS**, notice of the petition for zoning designation was given and publication
15 made as required by law and a public hearing was held by the City Plan Board on March 28,
16 2013 and by the City Commission on May 2, 2013; and

17 **WHEREAS**, notice was given as required by law that Section 30-23(c) of the Land
18 Development Code be amended and that the Public services and operations district (PS) zoning
19 on the property be amended by including additional uses permitted by right on the approximately
20 30.85 acres located in the vicinity of 2845 NE 39th Avenue within the City with a zoning
21 category of Public services and operations district (PS); and

22 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10

1 inches long was placed in a newspaper of general circulation and provided the public with at
 2 least seven (7) days' advance notice of the first public hearing to be held in the City Hall
 3 Auditorium, First Floor, City Hall, in the City of Gainesville; and

4 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long
 5 was placed in the aforesaid newspaper and provided the public with at least five (5) days'
 6 advance notice of the second public hearing; and

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

10 **WHEREAS**, the City Commission finds that this ordinance regarding certain real
 11 property described herein is consistent with the City of Gainesville Comprehensive Plan;

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

14 **Section 1.** Subsection Section 30-23(c) of the Land Development Code is amended to
 15 add the following definition. Except as amended herein, the remainder of Subsection 30-23(c)
 16 remains in full force and effect.

17 **Sec. 30-23(c). – Definitions.**

18 Continuum of care facility means a multi-faceted center contained on a single location the
 19 purpose of which is to organize and deliver housing, meals, and services to meet the specific
 20 needs of people who are homeless or who are about to become homeless as those persons move
 21 to stable housing and maximum self-sufficiency. This use may include, but is not limited to:
 22 emergency, transitional, and permanent housing; meals; health services including behavioral,
 23 mental, medical, dental and rehabilitative; counseling; entrepreneurial programs, including
 24 agricultural, retail, restaurants, business and personal services; agricultural uses and sales;
 25 camping facilities; day care facilities; veterinary services; social services; and recreational
 26 services.

27 **Section 2.** The Public services and operations district (PS) zoning designation for the

1 following described property is amended as specified in this ordinance.

2 See legal description attached hereto as Exhibit "A" and made a part hereof as if
3 set forth in full. The location of the property is crosshatched on Exhibit "B" for
4 visual reference. In the event of conflict or inconsistency, Exhibit "A" shall
5 prevail over Exhibit "B".
6

7 **Section 3.** The uses permitted by right on the property described in Section 2 of this
8 ordinance are as follows:

- 9 1) Continuum of care facility;
- 10 2) Correctional institutions;
- 11 3) Entrepreneurial programs (retail, restaurants, business and personal services);
- 12 4) Health services (behavioral, mental, medical, dental, and rehabilitative);
- 13 5) General offices;
- 14 6) Public administration offices;
- 15 7) Recreation; and
- 16 8) Agricultural

17 **Section 4.** The following dimensional requirements shall apply to the development and
18 use of the property described in Section 2:

19 The dimensional requirements of Section 30-75(e) of the City of Gainesville's Land
20 Development Code shall apply except that there shall be no setbacks required between buildings
21 and facilities on the property except for State Building Code requirements.

22 **Section 5.** The property described in Section 2 shall be developed and regulated in
23 accordance with the requirements of the City of Gainesville's Land Development Code and all
24 other applicable regulations, provided however, the requirements for specially regulated uses in
25 Article VI and special use permits in Article VII, Division 5 of the Land Development Code will

1 not be applicable to the permitted uses specified in Section 3.

2 **Section 6.** The City Commission finds that a preliminary development plan is not
3 required in connection with this rezoning.

4 **Section 7.** The City Manager or designee is authorized and directed to make necessary
5 changes in the Zoning Map Atlas to comply with this ordinance.

6 **Section 8.** If any word, phrase, clause, paragraph, section or provision of this ordinance
7 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
8 finding shall not affect the other provisions or applications of this ordinance that can be given
9 effect without the invalid or unconstitutional provision or application, and to this end the
10 provisions of this ordinance are declared severable.

11 **Section 9.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
12 such conflict hereby repealed.

13 **Section 10.** This ordinance shall become effective immediately upon final adoption.

14 **PASSED AND ADOPTED** this _____ day of _____, 2013.

15
16 _____
17 EDWARD B. BRADDY
18 MAYOR

19
20 Attest: Approved as to form and legality

21
22
23 _____
24 KURT M. LANNON
25 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

26 This ordinance passed on first reading this ___ day of _____, 2013.

27
28 This ordinance passed on second reading this ___ day of _____, 2013.

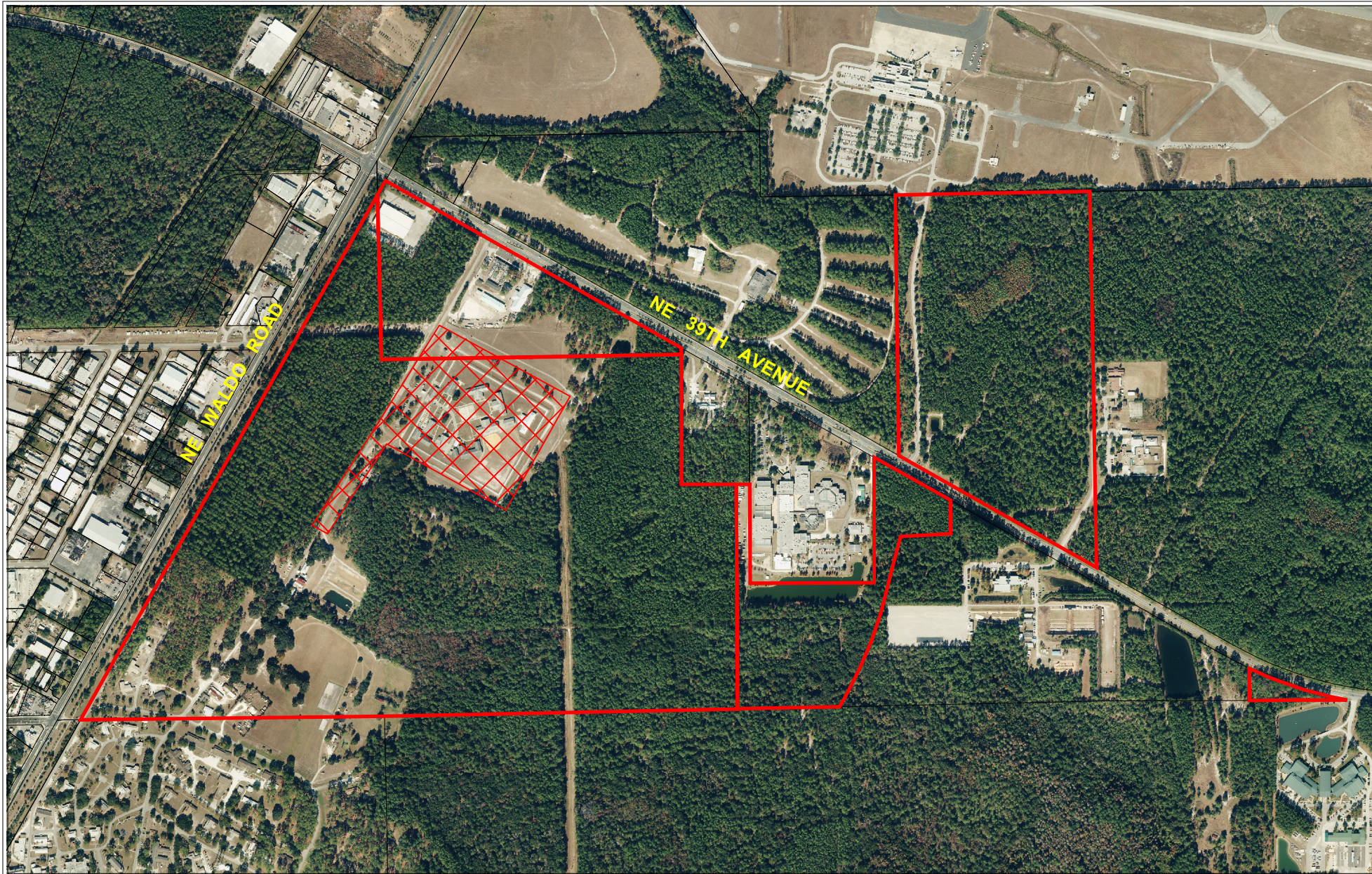
LEGAL DESCRIPTION

A PART OF SECTIONS 26 & 27, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 26, TOWNSHIP 9 SOUTH, RANGE 20 EAST; THENCE SOUTH 01 DEGREES 18 MINUTES 03 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 26, A DISTANCE OF 1225.66 FEET TO AN INTERSECTION WITH THE CENTERLINE OF STATE ROAD No. 222 (NE 39th AVENUE) AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION No. 26005-2518; THENCE SOUTH 60 DEGREES 29 MINUTES 07 SECONDS EAST, ALONG SAID CENTERLINE OF STATE ROAD No. 222, A DISTANCE OF 923.60 FEET; THENCE SOUTH 30 DEGREES 02 MINUTES 53 SECONDS WEST, A DISTANCE OF 50.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD No. 222; THENCE SOUTH 29 DEGREES 18 MINUTES 42 SECONDS WEST, A DISTANCE OF 699.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 29 DEGREES 18 MINUTES 42 SECONDS WEST, A DISTANCE OF 1373.27 FEET; THENCE SOUTH 29 DEGREES 49 MINUTES 44 SECONDS WEST, A DISTANCE OF 863.98 FEET; THENCE SOUTH 39 DEGREES 03 MINUTES 58 SECONDS WEST, A DISTANCE OF 347.68 FEET; THENCE SOUTH 52 DEGREES 33 MINUTES 47 SECONDS EAST, A DISTANCE OF 30.01 FEET; THENCE NORTH 39 DEGREES 03 MINUTES 58 SECONDS EAST, A DISTANCE OF 349.25 FEET; THENCE NORTH 29 DEGREES 49 MINUTES 44 SECONDS EAST, A DISTANCE OF 866.57 FEET; THENCE SOUTH 60 DEGREES 29 MINUTES 07 SECONDS EAST, A DISTANCE OF 250.00 FEET; THENCE NORTH 30 DEGREES 13 MINUTES 51 SECONDS EAST, A DISTANCE OF 349.03 FEET; THENCE SOUTH 59 DEGREES 54 MINUTES 10 SECONDS EAST, A DISTANCE OF 871.28 FEET; THENCE NORTH 30 DEGREES 06 MINUTES 11 SECONDS EAST, A DISTANCE OF 817.70 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF PARCEL III, A 100' WIDE UTILITY EASEMENT, DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1003, PAGES 191-194 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 01 DEGREES 01 MINUTES 10 SECONDS WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 309.77 FEET; THENCE NORTH 63 DEGREES 23 MINUTES 29 SECONDS WEST, A DISTANCE OF 1012.79 FEET TO THE POINT OF BEGINNING.

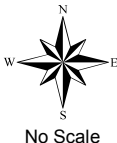
CONTAINING 30.85 ACRES MORE OR LESS.

Exhibit "A" to Ordinance No. 121031



NOTE: Area affected by PS amendment is crosshatched, within larger parent parcels.

AERIAL PHOTOGRAPH

	Name	Petition Request	Map(s)	Petition Number
 <p>No Scale</p>	City of Gainesville, agent for the State of Florida	Amend the PS (Public Services and Operations) zoning district to allow additional public service uses.	3655	PB-13-15 ZON