

ORDINANCE NO. 200440

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3 **An ordinance of the City of Gainesville, Florida, amending Ordinance No.**
4 **080565 commonly known as "Alachua Health Services Stillpoint" Planned**
5 **Development located in the vicinity of 2730 NW 39th Avenue to allow for a 30**
6 **bed assisted living facility (ALF) and other permitted uses with certain**
7 **conditions, as more specifically described in this ordinance; providing**
8 **directions to the City Manager; providing a severability clause; providing a**
9 **repealing clause; and providing an immediate effective date.**

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

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

20 **WHEREAS**, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or
21 amend and enforce land development regulations that are consistent with and implement the
22 Comprehensive Plan and that are combined and compiled into a single land development code
23 for the city; and

24 **WHEREAS**, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville
25 Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and
26 land development regulations on specific classifications of land within the city; and

27 **WHEREAS**, Planned Development District (PD) zoning is a zoning category that allows for
28 landowners or developers to submit unique proposals that are not addressed or otherwise
29 provided for in the zoning districts and land development regulations established by the City of
30 Gainesville Land Development Code; and

31 **WHEREAS**, on April 2, 1990, the City Commission adopted Ordinance No. 3612, which rezoned
32 to Planned Development District (PD) the property that is the subject of this ordinance; and

33 **WHEREAS**, on January 25, 1993, the City Commission adopted Ordinance No. 3830, which
34 amended Ordinance No. 3612; and

35 **WHEREAS**, on April 16, 2009, the City Commission adopted Ordinance No. 080565, which
36 amended Ordinance No. 3830; and

37 **WHEREAS**, this ordinance, which was requested by the owner(s) of the property that is the
38 subject of this ordinance and which was noticed as required by law, will amend Ordinance No.
39 080565 and the Planned Development District (PD) zoning applicable to the subject property;
40 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 October 22, 2020, and
44 voted to recommend that the City Commission approve this PD zoning ordinance; and

45 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of
46 general circulation notifying the public of this proposed ordinance and of public hearings in the
47 City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

48 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings

49 the parties in interest and all others had an opportunity to be and were, in fact, heard; and
50 **WHEREAS**, the City Commission finds that the rezoning of the subject property is consistent
51 with the City of Gainesville Comprehensive Plan.

52 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
53 **FLORIDA:**

54 **SECTION 1.** Section 2 of Ordinance No. 080565 is amended as follows. Except as amended by
55 this ordinance, the remaining provisions of Ordinance No. 080565 remain in full force and
56 effect.

57 Section 2. The principal permitted uses of the real property, as more specifically described
58 herein, are limited to ~~those uses provided in the Standard Industrial Classification, 1987 ed.,~~
59 ~~Industry Nos. 8011, 8031, 8041 and 8049, and excluding freestanding emergency medical~~
60 ~~centers office, medical and dental (excluding freestanding emergency medical centers);~~
61 research, development, and testing facilities; and an Assisted Living Facility (not to exceed 30
62 beds); as these uses are defined in Article II of the City of Gainesville Land Development Code:
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64 **SECTION 2.** Conditions 1 through 12 in Section 4 of Ordinance No. 080565 are amended as
65 follows. Except as amended by this ordinance, the remaining provisions of Ordinance No.
66 080565 remain in full force and effect.

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- 68 1. Any future development on the site shall require development plan review to ensure
69 consistency with the conditions and standards, provided herein. If the development on the
70 site will continue to be served by a septic system, written approval from the Alachua
71 County Health Department is required at the time of development review. Gainesville
72 Regional Utilities may require the additional square footage to connect to the City's sewer
73 system.
 - 74 2. The development order approved by the adoption of this Ordinance will be valid for a
75 period of five years from the date of adoption. A building permit must be issued prior to
76 the expiration date, or the development order approved by this Ordinance will be
77 considered void and of no further force and effect.
 - 78 3. The total building area, including the principal building and accessory structures, is limited
79 to a maximum of ~~3505~~ 5000 square feet. The building setbacks are as shown on Planned

80 Development Layout Plan Exhibit B. ~~The principal building may only be expanded~~
81 ~~northward of the south line of the existing building and is subject to minimum side yard~~
82 ~~setbacks of 50 feet and a rear setback of 50 feet. Accessory structures may only be located~~
83 ~~north of the south property line of the existing principal building and area subject to~~
84 ~~minimum setbacks of 40 feet on the west property line, 20 feet on the east property line,~~
85 ~~and a rear setback of 50 feet. The principal building may only be expanded south of the~~
86 existing building towards 39th Avenue, and must have minimum setbacks of 20 feet from
87 the east property line and 40 feet from the west property line. No expansion of the existing
88 building or any accessory structures to the north of the existing building towards the creek
89 are allowed. No encroachments into the 50- foot creek buffer are allowed.

- 90 4. All principal and accessory uses shall be conducted within a completely enclosed building.
91 with the exception of the existing swimming pool which is permitted as an accessory and
92 incidental use. The use of the swimming pool shall comply with the Noise Ordinance as
93 codified in Chapter 5 of the Gainesville Code of Ordinances, as amended from time to time.
- 94 5. Medical waste shall be disposed of only a daily basis and shall not be stored on the
95 property.
- 96 6. A fifty-foot-wide buffer area shall be established and maintained along the north property
97 line. The existing natural vegetation within the buffer area shall not be disturbed, with the
98 exception of invasive, nonnative plants. No uses shall be conducted within the buffer area.
- 99 7. Any removal of regulated vegetation on the property must be consistent with the
100 standards in the Land Development Code.
- 101 8. The development shall provide ~~six (6)~~ 14 paved parking spaces. No grassed parking is
102 permitted on the property. Overflow mulched parking area shall may include seven (7) off-
103 street parking spaces, and this area may only be paved subject to development plan
104 approval. Four (4) bicycle parking spaces must be provided.
- 105 9. The stormwater management facility shall be designed and maintained to serve all existing
106 and proposed impervious area, including the overflow parking areas as referenced above.
107 Any additional development on the site may require modification to the existing
108 stormwater facilities per the Land Development Code.
- 109 10. One ingress/egress driveway is allowed onto NW 39th Avenue. Design Construction and
110 dimensions shall comply with the requirements of the City Public Works Department and
111 the Florida Department of Transportation.
- 112 ~~Only one freestanding sign is permitted. The maximum height shall not exceed six (6) feet~~
113 ~~and the maximum size of the sign shall not exceed eighteen (18) square feet. Signs may be~~
114 ~~indirectly illuminated and shall not cause glare to adjacent development or cause a safety~~
115 ~~problem to vehicular traffic. Except as expressly provided herein, all other requirements~~
116 ~~for the signs in the Land Development Code shall govern and apply. All signage must~~
117 comply with the requirements in the Land Development Code.
- 118 12. ~~Except as expressly provided herein, the regulation of the use and development of the~~
119 ~~property described in the ordinance shall be governed as if this property was zoned RSF-1~~

120 ~~(3.5 units/acre single family residential district).~~ The regulation of the use and development
 121 of the property described in this ordinance is governed by the Land Development Code and
 122 the following requirements:

<u>Permitted Use:</u>	<u>Dimensional Requirements: (Note: square foot allowances per use may be allotted in accordance with maximums below up to a total building area of 5000 square feet for the property)</u>
<u>Office, Medical and Dental</u>	<u>3505 square feet maximum</u>
<u>Research, Development and Testing</u>	<u>3505 square feet maximum</u>
<u>Assisted Living Facility</u>	<u>5000 square feet maximum</u>
<u>Setbacks and Buffers:</u>	
<u>Front Setback (39th Avenue)</u>	<u>15 feet minimum and 146 feet maximum</u>
<u>East Side Yard</u>	<u>20 feet minimum</u>
<u>West Side Yard</u>	<u>40 feet minimum</u>
<u>Rear Creek Buffer</u>	<u>50 feet</u>
<u>Lot Coverage</u>	
<u>Maximum Lot Coverage</u>	<u>20%</u>

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 127 **SECTION 3.** The City Manager or designee is authorized and directed to make the necessary
 128 changes to the Zoning Map Atlas to comply with this ordinance.

129 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
 130 the application hereof to any person or circumstance is held invalid or unconstitutional, such
 131 finding will not affect the other provisions or applications of this ordinance that can be given
 132 effect without the invalid or unconstitutional provision or application, and to this end the
 133 provisions of this ordinance are declared severable.

134 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
 135 conflict hereby repealed.

136 **SECTION 6.** This ordinance will become effective immediately upon adoption.

137 **PASSED AND ADOPTED** this 4th day of March, 2021.

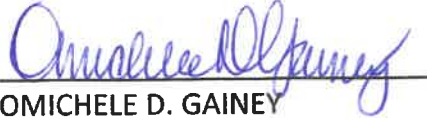
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LAUREN POE
MAYOR

143 Attest:

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OMICHELE D. GAINEY
CITY CLERK

Approved as to form and legality:



NICOLLE M. SHALLEY
CITY ATTORNEY

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This ordinance passed on first reading this 18th day of February, 2021.

This ordinance passed on second reading this 4th day of March, 2021.