



City of Gainesville  
Department of Doing  
Planning Division

PO Box 490, Station 11  
Gainesville, FL 32627-0490  
306 NE 6<sup>th</sup> Avenue  
P: (352) 334-5022  
F: (352) 334-2648

## CITY PLAN BOARD STAFF REPORT

**PUBLIC HEARING DATE:** October 24, 2019

**ITEM NO:** 4

**PROJECT NAME AND NUMBER:** Moore Property, PB-19-86 ZON

**APPLICATION TYPE:** Rezoning (Quasi-Judicial)

**CITY PROJECT CONTACT:** Bedez E. Massey, Planner

**RECOMMENDATION:** Approve



Figure 1. Location Map

**APPLICATION INFORMATION:**

**Agent/Applicant:** City of Gainesville, Florida

**Property Owner(s):** Richard G. Moore

**Related Petition(s):** PB-19-85 LUC: City of Gainesville. Amend the City of Gainesville Future Land Use Map from Alachua County Heavy Industrial to City of Gainesville Industrial (IND). Generally located at 5200 SW 41<sup>st</sup> Boulevard, west of Interstate 75 and north of SW Williston Road.

**Legislative History** Ordinance No. 171006: An ordinance of the City of Gainesville, Florida, annexing approximately 3.85 acres of privately-owned property that is generally located at 5200 SW 41<sup>st</sup> Boulevard, west of Interstate 75 and north of SW Williston Road, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*City Commission Action on October 4, 2018 – Approved (Vote: Aye-5; Absent-2)*

**Neighborhood Workshop(s):** N/A (See Exhibit B-1)

**SITE INFORMATION:**

**Address:** Generally located at 5200 SW 41<sup>st</sup> Boulevard, west of Interstate 75 (I-75) and north of SW Williston Road

**Parcel Number:** 07240-026-000

**Acreage:** ±3.85

**Existing Use:** Construction Office/Warehousing/Outdoor Storage

**Future Land Use Category:** Alachua County Heavy Industrial

**Zoning District:** Alachua County Industrial Services and Manufacturing (MS)

**Overlay District:** None

**Transportation Mobility Program Area (TMPA):** Zone D (to be assigned when designated a City future land use category)

**Census Tract:** 22.20

**Water Management District:** St. Johns River Water Management District

**Special Feature:** Fred Bear Hammock Strategic Ecosystem

**Annexed:** October 4, 2018

**Code Violations:** There are no open cases.

**PURPOSE AND DESCRIPTION:**

Petition PB-19-86 ZON is a City-initiated request to rezone the subject property (see Figure 1) from Alachua County Industrial Services and Manufacturing (MS) to City of Gainesville General Industrial (I-2). Details of these zoning districts are provided with this report (see Table 1, Figures 2 and 3, and Exhibits B-2 and C-4).

The subject property is a privately-owned industrial site that was voluntarily annexed into the City of Gainesville. Precon Corporation, which occupies the subject property, is known to specialize in designing and building prestressed concrete tanks for water and wastewater storage and treatment. The primary uses on the subject property are storage buildings and outdoor equipment for construction services.

The subject property is located northwest of the Interstate 75 and SW Williston Road southbound exist ramp. Access to the subject property is from a paved driveway that is gated and connects to SW 41<sup>st</sup> Boulevard. SW 41<sup>st</sup> Boulevard is a paved, two-lane local street that runs in a northwesterly direction from SW Williston Road to SW Archer Road. The street has a swale drainage system located on both sides for storm water management and no sidewalks.

According to State and local laws, the Alachua County land use, zoning and subdivision regulations remain in effect on annexed property until the City's Comprehensive Plan is amended (Exhibit A-1 and C-3). As a result, the City has filed a concurrent request for a small-scale amendment to the Future Land Use Map of the City's Comprehensive Plan under Petition PB-19-85 LUC.

**Table 1. Proposed Zoning Change (in acres)**

<b>Zoning District</b>	<b>Description</b>	<b>Existing Acres</b>	<b>Proposed Acres</b>
<b>MS</b>	<b>Alachua County Industrial Services and Manufacturing (MS)</b>	±3.85	0
<b>I-2</b>	<b>City of Gainesville General Industrial (I-2)</b>	0	±3.85
<b>Total Acres</b>		±3.85	±3.85

*Note:* The data in Table 1 was obtained from the following sources: City of Gainesville, Department of Doing, Geographic Information Systems (GIS), July 2019; Alachua County Property Appraiser's Office, July 2019; and City of Gainesville, Ordinance No.171006 (adoption date: October 4, 2018).

**ADJACENT PROPERTY CHARACTERISTICS:**

The north and east sides of the subject property are located adjacent to offices, warehouses and outdoor storage. The Alachua County Heavy Industrial land use designation and the Alachua County Industrial Services and Manufacturing (MS) zoning designation are applied to these properties. The south and west sides of the subject property abut vacant, wooded land. The City of Gainesville Office (O) land use category and General Office (OF) zoning designation are applied to the property on the south. The Alachua County Heavy

Industrial land use and Agricultural (A) zoning designation are applied to the property on the west. (See Table 2 and Figures 1 through 3.)

The area surrounding the subject property is serviced with solid waste collection, police and fire protection, and other public services. Although there is currently no connection between the subject property and Gainesville Regional Utilities (GRU) wastewater facilities, local utilities are available in the surrounding area. The nearest bus routes are Regional Transit System (RTS) Routes 35 and 36, which are located along SW 34<sup>th</sup> Street and SW Williston Road on the east side of Interstate 75. Environmental features in the area include the Fred Bear Hammock strategic ecosystem, which is located on the western half of the subject property and portions of adjacent properties to the north, south and west.

**Table 2. Use of Adjacent Property by Future Land Use Category and Zoning District**

	<b>Existing Use(s)</b>	<b>Future Land Use Category</b>	<b>Zoning District</b>
<b>North</b>	Precon Corporation / Radar of Gainesville, Inc. (warehouse/storage)	Heavy Industrial (Alachua County)	Industrial Services and Manufacturing (MS) (Alachua County)
<b>South</b>	Vacant	Office (O)	General Office (OF)
<b>East</b>	Sunshine Plumbing	Heavy Industrial (Alachua County)	Industrial Services and Manufacturing (MS) (Alachua County)
<b>West</b>	Vacant	Heavy Industrial (Alachua County)	Agricultural (A) (Alachua County)

*Note:* The data in Table 2 was obtained from the following sources: City of Gainesville, Department of Doing, Planning Division, Field Survey, 2019; City of Gainesville, Department of Doing, Geographic Information Systems (GIS), July 2019; <http://www.org/PlanningDepartment/MappingandGIS/MapLibrary.aspx>; and Alachua County, Growth Management Department, Geographic Information Systems (GIS), July 2019, <<https://growth-management.alachuacounty.us/gis>>.

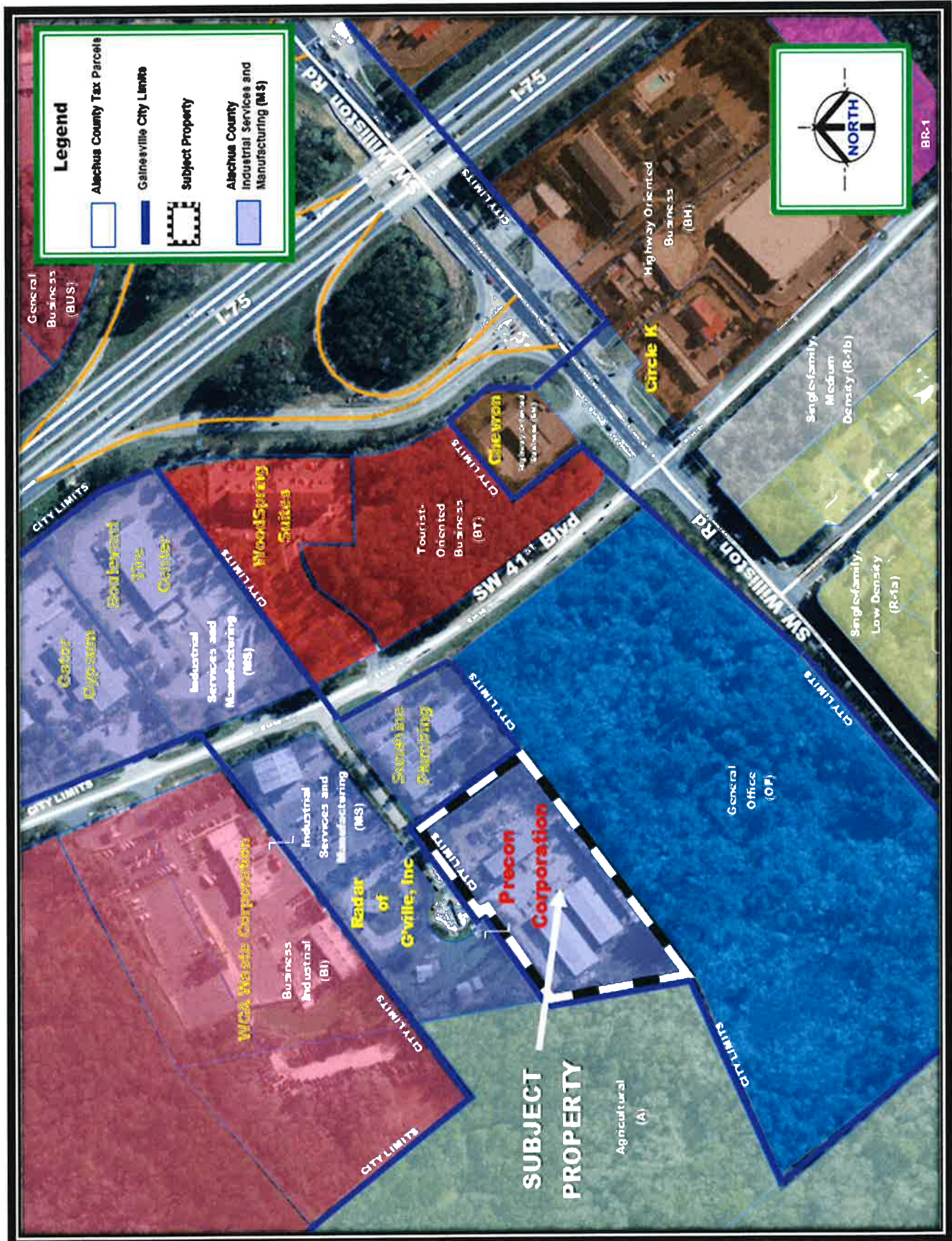


Figure 2. Existing Zoning District

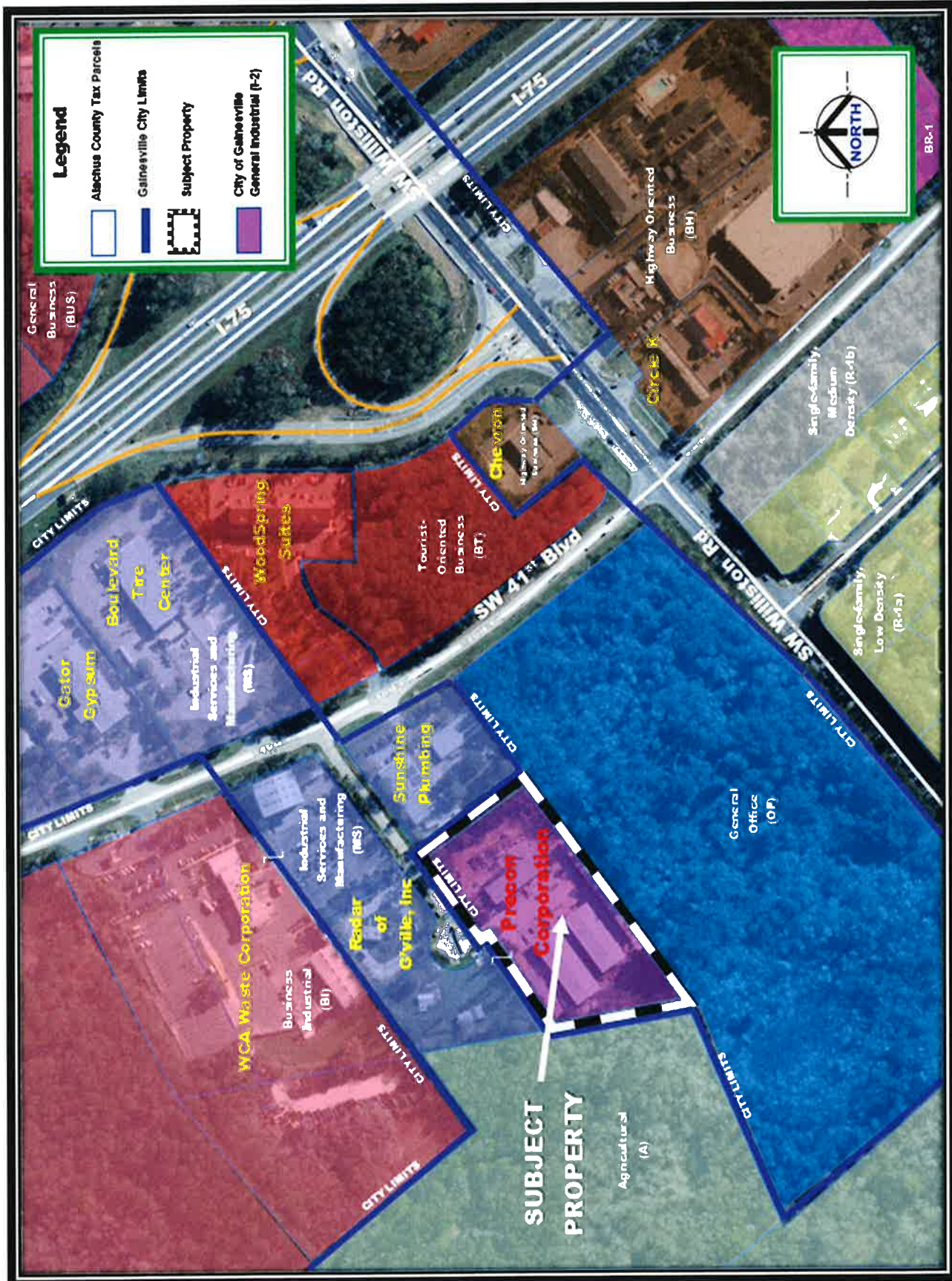


Figure 3. Proposed Zoning District

**STAFF ANALYSIS AND RECOMMENDATION:**

**ANALYSIS**

The analysis of this application is based on the following rezoning criteria, as required in Section 30-3.14 of the City Land Development Code:

**A. Compatibility of permitted uses and allowed intensity and density with surrounding existing development.**

The permitted uses in the proposed General Industrial (I-2) zoning district include the construction services located on the subject property. They also include the office use, warehouses and outdoor storage located on adjacent properties. Compatibility between the permitted uses and surrounding existing development is achieved through land development regulations, such as setbacks, landscaping, environmental protection, access and storm water management, and site illumination. Compatibility is also achieved through the implementation of the I-2 zoning district use standards and the City's performance standards for fire and explosion hazards; radiation; electromagnetic radiation; waste disposal; vibration; sound; heat, cold, dampness or movement of air; odor; air quality; air pollution emissions; toxics; and utility service (see Exhibits B-2 and B-3).

The intensity and density of development within the proposed General Industrial (I-2) zoning district is controlled with use limitations, along with height restrictions and setbacks. There is no maximum lot coverage, and residential intensity and density are not allowed. The five-story maximum building height in the I-2 zoning district supports the one-story buildings on the subject property, and it is consistent with the maximum building height allowed on adjacent properties in the Alachua County Industrial Services and Manufacturing (MS) and City of Gainesville General Office (OF) zoning districts. Building heights are unlimited for nonresidential structures in the Alachua County Agricultural (A) zoning district that abuts on the west. Building setbacks in these zoning districts are also comparable to the I-2 zoning district, since they require larger separations between industrial and residential land uses.

**B. The character of the district and its suitability for particular uses.**

The proposed General Industrial (I-2) zoning district is characterized by businesses that may involve heavy industrial activities, such as manufacturing, packaging, assembly or fabrication. It is generally placed near transportation facilities, such as major thoroughfares, railroads and airports, in order to facilitate an efficient distribution of goods and services. The I-2 zoning district is ideally located near nonresidential land uses and where extensive industrial operations can be conducted without causing adverse impacts on surrounding properties. However, where the I-2 zoning district is adjacent to residential land use, appropriate buffers and setbacks are required. Limitations on use and design standards are also enforced. The permitted uses in the I-2 zoning district are identified in *Article IV, Division 4, Mixed-Use and Nonresidential, Section 30-4.19* of the City Land Development Code (see Exhibit B-2). Variances from the requirements of this section are not allowed.

The subject property is currently used to design and build prestressed concrete tanks. Storage buildings and outdoor equipment for construction services are also located on the subject property. These activities and facilities are consistent with the character of the proposed General Industrial (I-2) zoning district, as previously described, and are permitted by right as industrial uses.

**C. The proposed zoning district of the property in relation to surrounding properties and other similar properties.**

As shown in Figures 1 through 3, the General Industrial (I-2) zoning district is proposed adjacent to properties that have an industrial zoning designation. These properties are used for offices, warehouses and outdoor storage, which are permitted in the I-2 zoning district. Adjacent properties in other zoning districts are vacant. No landscape buffer is required where these properties abut the I-2 zoning district.

The I-2 zoning district is also proposed adjacent to existing public facilities and services, such as roadways, utilities, fire and police protection, and solid waste collection. Major transportation facilities located near the proposed I-2 zoning district are S.W. Williston Road and Interstate 75.

**D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.**

The proposed General Industrial (I-2) zoning district will provide land development regulations, such as dimensional standards, to help guide activities necessary to conserve the value of buildings on the subject property. The I-2 zoning district will also provide design standards and a large selection of allowable uses in order to encourage the most appropriate use of the subject property.

**E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.**

This rezoning application has been analyzed in consideration of applicable portions of the City Land Development Code, City Comprehensive Plan and other relevant sources noted in the staff report.

**F. The needs of the city for land areas for specific purposes to serve population and economic activities.**

This rezoning application will increase the acreage within the proposed General Industrial (I-2) zoning district. Since the additional acreage contains an active industry that has been annexed, it will also support an increase in employment and economic activity in the City.

**G. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.**

The industrial character of the area immediately surrounding the subject property has remained constant over the past twenty (20) years. Recent development consists of a motel that was constructed on the east side of SW 41<sup>st</sup> Boulevard in 2010.

**H. The goals, objectives, and policies of the Comprehensive Plan.**

This rezoning application is consistent with the Comprehensive Plan, as stated in the finding for the following goals, objectives and policies:

**Future Land Use Element**

**GOAL 1 IMPROVE THE QUALITY OF LIFE AND ACHIEVE A SUPERIOR, SUSTAINABLE DEVELOPMENT PATTERN IN THE CITY BY CREATING AND MAINTAINING CHOICES IN HOUSING, OFFICES, RETAIL, AND WORKPLACES, AND ENSURING THAT A PERCENTAGE OF LAND USES ARE MIXED, AND WITHIN WALKING DISTANCE OF IMPORTANT DESTINATIONS.**

**Finding:** This rezoning application will help to maintain an existing industrial development that serves as a workplace for individuals involved in the construction of concrete storage tanks. Nearby transportation facilities include Interstate 75, SW Williston Road, and Regional Transit System (RTS) Routes 35 and 36. Other industrial, office, retail, and commercial land uses are located in the surrounding area to support a sustainable development pattern.

**Objective 4.1 The City shall establish land use categories that allow sufficient acreage for residential, commercial, mixed-use, office, industrial, education, agricultural, recreation, conservation, public facility, and institutional uses at appropriate locations to meet the needs of the projected population and that allow flexibility for**



**the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites. Land use categories associated with transect zones are intended to encourage a more efficient and sustainable urban form by allowing a range of housing, employment, shopping and recreation choices and opportunities in a compact area of the City.**

**Finding:** This rezoning application is for acreage currently being used for industrial purposes. The General Industrial (I-2) zoning district requires no maximum lot coverage. The subject property is proximate to SW Williston Road and Interstate 75, which are designed to accommodate the large-scale collection and distribution of goods for local businesses.

**Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:**

**Industrial (IND)**

**The Industrial land use category identifies those areas appropriate for manufacturing, fabricating, distribution, extraction, wholesaling, warehousing, recycling, and other ancillary uses. Other uses may be allowed in this land use category as specified in an adopted ordinance rezoning property to Planned Development District (PD). Land development regulations shall determine the appropriate scale of uses and consider the externalities of such uses. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less.**

**Objective 4.6 The City's Land Development Code shall provide a regulating mechanism to ensure consistency between the land use categories established in this Future Land Use Element and the zoning districts established in the Land Development Code.**

**Finding:** The proposed General Industrial (I-2) zoning district is applied to areas suitable for heavy industrial activities. The land development regulations of the I-2 zoning district will ensure consistency between the industrial land use on the subject property and Future Land Use Element, Policy 4.1.1.

**Policy 3.6.1 The City's land development regulations shall require submission of soils and topographic information with any application for developments that require site plan approval or a septic tank permit. The review of development applications shall ensure that the proposed development adequately addresses the particular site conditions.**

**Finding:** The land development regulations of the proposed General Industrial (I-2) zoning district provide for the submission of topographic and soils information as part of the submittal requirements for development plan applications. Approval of development applications is subject to compliance with all applicable regulations, as determined by the reviewing body.

**Transportation Element**

**Objective 3.1 Establish land use designations and encourage development plans that reduce vehicle miles traveled and are transit supportive.**

**Finding:** The General Industrial (I-2) zoning district is proposed near major transportation corridors (i.e., Interstate 75 (I-75) and SW Williston Road, which helps allowable uses reduce time and costs associated with the receipt and distribution of goods and services. Regional Transit System (RTS) Routes 35 and 36 are located along SW 34<sup>th</sup> Street and SW Williston Road on the east side of I-75.

**Conservation Element**

**GOAL 2        MITIGATE THE EFFECTS OF GROWTH AND DEVELOPMENT ON ENVIRONMENTAL RESOURCES.**

**Policy 2.4.8    The City shall coordinate with Alachua County, the U.S. Fish & Wildlife Service, the Florida Fish & Wildlife Conservation Commission, and the Florida Natural Areas Inventory to conserve environmentally significant natural communities. Such coordination may include the submittal of relevant land development proposals to these entities for comment and recommendation.**

Finding:        The subject property is partially located within the Fred Bear Hammock strategic ecosystem. Therefore, development on the subject property must be reviewed in consideration of the natural resource regulations of the General Industrial (I-2) zoning district that are designed to protect strategic ecosystems.

**I.    The facts, testimony, and reports presented at public hearings.**

No other facts, testimony or reports regarding this application, or the companion small-scale land use amendment application, have been presented at a public hearing. According to *Section 30-3.7. Neighborhood Workshop* of the City Land Development Code (see Exhibit B-1), City-initiated amendments to the zoning map that change the zoning from Alachua County to City of Gainesville districts, and City-initiated amendments to the Future Land Use Map of the City's Comprehensive Plan that change the future land use from Alachua County to City of Gainesville categories are exempt from having to conduct neighborhood workshops.

**J.    Applications to rezone to a transect zone shall meet the following additional criteria:**

Not Applicable.

**RECOMMENDATION**

Staff recommends approval of Petition PB-19-86 ZON based on a finding of compliance with all applicable review criteria. (See Exhibit C-5.)

**DRAFT MOTION FOR CONSIDERATION**

I move to recommend approval of Petition PB-19-86 ZON based on a finding of compliance with all applicable review criteria.

**BACKGROUND:**

The subject property was voluntarily annexed into the City of Gainesville by Ordinance No. 171006 (see Exhibit C-2), which was adopted October 4, 2018 on second reading. Since this time, the Alachua County land use and zoning regulations have remained in effect on the subject property.

**POST-APPROVAL REQUIREMENTS:**

The City Planning Staff must forward the City Plan Board recommendation to a City Commission public hearing, where it will be considered for further action.

**LIST OF APPENDICES:**

**Appendix A Comprehensive Plan Goals, Objectives and Policies**

Exhibit A-1: Future Land Use Element, Objective 4.4

**Appendix B City Land Development Code**

Exhibit B-1: Article III. Section 30-3.7. Neighborhood Workshop

Exhibit B-2: Article IV. Division 4. Mixed-Use and Nonresidential, Section 30-4.19

Exhibit B-3: Article VIII. Section 30-8.2. General Environmental Performance Standards

**Appendix C Supplemental Documents**

Exhibit C-1: Application

Exhibit C-2: City Ordinance No. 171006

Exhibit C-3: Subsection 171.062(2), Florida Statutes

Exhibit C-4: Alachua County Unified Land Development Code, Article 5. Industrial Districts

Exhibit C-5: Staff Review Status

Exhibit C-6: Moore Property Photos

**Appendix A**  
**City of Gainesville**  
**Comprehensive Plan Goals, Objectives**  
**and Policies**



the building plate. The tower features, stairs, elevators, and elevator machine room may exceed the maximum height.

- g. The maximum building height of the parking structure is limited to 110 feet measured from grade level to the top of the guard rail. The tower features, accessory recreational facilities, stairs, elevators, and elevator machine room may exceed the maximum height.
- h. The maximum number of stories for all buildings (except the parking structure) is limited to ten (10) stories above grade level.
- i. Vehicular access to the property shall be limited to ingress and egress from Northwest 14th Street, Northwest 3rd Avenue, and Northwest 13th Street (US 441). Pedestrian and bicycle access to the site shall be provided by sidewalks that surround the four sides of the property. There shall be a system of plazas, arcades and sidewalks that will provide access to all uses throughout the site.
- j. The owner/developer shall construct bus shelter(s) that are architecturally compatible with the development at the development site on either West University Avenue or Northwest 13th Street (US 441), or both, at a location(s) coordinated with the City Manager through the Gainesville Regional Transit System (RTS) and the Gainesville Public Works Department.
- k. This ordinance does not vest any development on the property described in Section 1 of this ordinance for concurrency as provided in the City's Comprehensive Plan. The owner/developer shall apply for and meet concurrency management standards at the time of application for development plan approval. An application for a Certificate of Final Concurrency must be submitted with the application for final development plan approval.

**Objective 4.4** Newly annexed lands shall retain land uses as designated by Alachua County until the Future Land Use Element of this Plan is amended.

**Policy 4.4.1** Land use amendments should be prepared for all annexed properties within one year of annexation.

**Policy 4.4.2** Alachua County LOS standards shall apply until newly annexed lands are given land use designations in this Plan.

**Objective 4.5** The City's land development regulations shall provide standards and guidelines that will regulate signage, subdivision of land, vehicle parking, and on-site traffic flow.

**Appendix B**  
**City of Gainesville**  
**Land Development Code**

- 1 7. The board shall keep minutes of its proceedings, indicating the attendance of each member, and  
2 the decision on every question.

3 **Section 30-3.7. Neighborhood Workshop.**

4 A. *Purpose and intent.* Neighborhood workshops are intended to encourage applicants to be good  
5 neighbors and to allow for informed decision making, although not necessarily to produce complete  
6 consensus on all applications, by:

- 7 1. Ensuring that applicants pursue early and effective citizen participation in conjunction with their  
8 applications, giving the applicants the opportunity to understand and try to mitigate any real or  
9 perceived impacts their applications may have on the community;
- 10 2. Ensuring that citizens and property owners have an adequate opportunity to learn about  
11 applications that may affect them and to work with the applicant to resolve concerns at an early  
12 stage of the process; and
- 13 3. Facilitating ongoing communication among the applicant, interested citizens and property  
14 owners, and city staff throughout the application review process.

15 B. *Applicability.* Every application that requires board approval, including future land use map changes,  
16 rezonings, Special Use Permits, subdivisions, or development plans shall first hold a neighborhood  
17 workshop and shall include in the application a written record of such meeting. Development plans  
18 located within a transect zone that meet or exceed the thresholds for intermediate or major  
19 development review shall also conduct a neighborhood workshop. The following development  
20 applications are exempt from the requirements of this section:

- 21 1. Text changes to the Comprehensive Plan or Land Development Code.
- 22 2. City-initiated amendments to the future land use map of the Comprehensive Plan that change  
23 the future land use from Alachua County to City of Gainesville categories.
- 24 3. City-initiated amendments to the zoning map that change the zoning from Alachua County to  
25 City of Gainesville districts.
- 26 4. Development plan applications for nonresidential projects of 10,000 square feet or less of floor  
27 area when not abutting or adjacent to property zoned for single-family residential use.
- 28 5. Development plan applications for residential projects of 10 units or less.
- 29 6. Environmental remediation or safety improvements required by local, state, and federal  
30 agencies.

31 C. *Workshop requirements.*

- 32 1. The applicant shall provide the opportunity for a workshop to inform neighboring property  
33 owners of the proposed application. The workshop shall be held in a location generally near the  
34 subject property and shall be held in a facility that is ADA compliant. The applicant shall provide  
35 notification by mail to all owners of property located within 400 feet of the subject property and  
36 to all neighborhood associations registered with the city and located within ½-mile of the  
37 property. The City Manager or designee shall provide mailing labels to the applicant. The  
38 applicant shall mail these notices with proper postage at least 15 calendar days before the  
39 workshop. The applicant shall also advertise the workshop in a newspaper of general circulation  
40 at least 15 calendar days before the date of the workshop.



2. The workshop shall start between 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. All required workshops shall be held prior to submittal of the application. The applicant shall be required to schedule an additional workshop if the initial workshop has occurred more than 6 months prior to submittal of the application.

**Section 30-3.8. Public Notice.**

- A. *General.* The notice provisions in this section shall be required prior to all board hearings and are supplemental to any notice required by state law. If two public hearings are required, then supplemental notice shall be provided prior to the first public hearing. A request by the applicant to continue a board hearing shall require the applicant to incur re-notification and re-advertising costs.
- B. *Mailed notice.* Unless otherwise provided by law, addresses for mailed notice required by this chapter shall be obtained from the latest ad valorem tax records provided by the county property appraiser. The failure of any person to receive notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements. The notice shall identify the physical address of the subject property; the date, time, and location of the public hearing; and a description of the application including the nature and degree of the request, potential uses, and other information as required by the city. The notice shall be mailed at least 15 calendar days prior to the date of the board hearing to all real property owners whose land will be affected and whose property lies within 400 feet of any affected property.
- C. *Posted notice.* Posted notice signs shall be posted by the applicant in accordance with procedures established by the city, and shall include a description of the application with the nature and degree of the request, potential uses, and other information as required by the city, and shall identify the date, time, and location of the public hearing. Signs shall be posted at least 15 calendar days prior to the date of the board hearing. Properties under consideration for a land use or zoning map change that involve more than 50 non-contiguous acres shall not be required to post signs when the application is initiated by the city.
- D. *Failure to perfect supplemental notice.* If an applicant fails to provide supplemental notice in accordance with this section prior to the public hearing, then the public hearing shall be cancelled to allow compliance with the notice requirements. The failure to provide the supplemental notice required by this section shall not be construed to invalidate any final action on a land development decision, if discovered after final action has been taken.

**Table III - 1: Public Notice.**

APPLICATION TYPE	NEWSPAPER AD	MAILED NOTICE	POSTED NOTICE
<b>COMPREHENSIVE PLAN AMENDMENTS/LAND USE CHANGES</b>			
Text changes not including amendments to the list of permitted/prohibited uses.	As required by law.	Not required.	Not required.
Text changes amending the list of permitted/prohibited uses involving less than 5% of the total land	As required by law.	Required.	Not required.





**1 Section 30-4.18. Density Bonus Points.**

2 Development criteria described in the density bonus points manual, when met, shall allow increases in  
 3 development intensity based upon the limits in this section. These increases in intensity shall be allowed  
 4 should a developer propose to undertake a project that will result in a development sensitive to the  
 5 unique environmental and developmental needs of the area. For each criterion met by the developer,  
 6 certain points shall be credited to the project. Those points, calculated in accordance with the Density  
 7 Bonus Points Manual, shall determine the maximum allowable density.

**8 Table V - 6: Permitted Density Using Density Bonus Points**

RMF-6		RMF-7		RMF-8	
Points	Max residential density (du/ac)	Points	Max residential density (du/ac)	Points	Max residential density (du/ac)
0	10	0	14	0	20
26	11	20	15	16	21
52	12	39	16	30	22
79	13	59	17	46	23
108	14	79	18	59	24
138+	15	98	19	75	25

9

**10 DIVISION 4. MIXED-USE AND NONRESIDENTIAL**

**11 Section 30-4.19. Permitted Uses.**

12 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right  
 13 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the  
 14 use is not allowed. No variances from the requirements of this section shall be allowed.

**15 Table V - 7: Permitted Uses in Mixed-Use and Nonresidential Districts.**

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
<b>RESIDENTIAL</b>													
Single-family house		P	-	P	P	-	-	-	-	-	P	-	-
Attached dwellings		P	P	P	P	-	-	-	-	-	-	-	-
Multi-family dwellings		P	P	P	P	S	-	-	-	-	P	-	-
Accessory dwelling units	30-5.33	A	A	A	A	-	-	-	-	-	P	-	-
Adult day care homes	30-5.2	P	P	P	P	P	P	-	-	P	-	-	-
Community residential homes (up to 6 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Community residential homes (more than 14 residents)	30-5.6	-	P	P	P	-	-	-	-	-	P	-	-
Community residential homes (7 to 14 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Dormitory, large	30-5.8	-	-	-	S	-	-	-	-	-	-	-	-
Dormitory, small	30-5.8	S	S	S	P	-	S	-	-	-	-	-	-
Family child care homes	30-5.10	P	-	P	P	-	-	-	-	-	P	-	-
<b>NONRESIDENTIAL</b>													
Alcoholic beverage establishments	30-5.3	S	S	-	-	-	P	-	P	P	-	P	P
Assisted living facility		P	P	-	P	-	-	-	-	-	P	-	-
Armor systems manufacturing and assembly	30-5.16	P	-	-	-	-	-	-	-	-	-	-	-
Bed and breakfast establishments	30-5.4	P	P	S	S	-	P	-	P	-	-	-	-
Business services		P	P	-	P	P	P	P	P	P	P	P	P
Car wash facilities	30-5.5	S	S	-	-	-	P	P	S	P	P	P	P
Civic, social & fraternal organizations		P	P	-	-	-	P	P	P	P	-	-	-
Daycare center	30-5.7	P	P	P	P	P	P	-	-	P	P	-	-
Drive-through facility	30-5.9	P	P	-	-	-	P	P	P	P	P	P	P
Emergency shelters		P	P	P	P	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy		-	-	-	-	-	-	-	-	-	-	P	P
Equipment sales, rental and leasing, light		-	P	P	P	-	P	P	-	P	P	P	P
Food distribution center for the needy	30-5.12	-	-	-	-	-	S	-	S	S	-	-	-
Food truck	30-5.35	P	P	A	A	P	P	P	P	P	P	P	P
Fuel dealers		S	S	-	-	-	S	P	-	-	-	P	P
Funeral homes and crematories		P	P	P	P	-	P	P	-	-	-	-	-
Gasoline/alternative fuel stations	30-5.13	S	S	-	-	-	P	P	P	S	P	S	S
Go-cart raceway and rentals (indoor and outdoor)		-	-	-	-	-	-	-	-	-	-	S	S
Health services		P	P	P	P	P	-	-	-	-	P	-	-
Hotels and motels		S	S	-	-	S	P	-	P	P	S	-	-
Ice manufacturing/vending machines	30-5.38	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	30-5.14	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard/Salvage Yard	30-5.15	-	-	-	-	-	-	-	-	-	-	S	P
Laboratories, medical and dental		P	P	P	P	P	P	-	-	P	P	P	P

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
Libraries		-	P	-	-	P	-	-	-	-	P	-	-
Light assembly, fabrication, and processing	30-5.16	P	P	-	S	S	S	P	-	P	P	P	P
Liquor stores		P	P	-	-	-	P	P	P	-	P	-	-
Medical marijuana dispensing facility		P	P	A <sup>1</sup>	A <sup>1</sup>	S	P	P	P	P	P	S	S
Microbrewery Microwinery Microdistillery <sup>3</sup>	30-5.17	S	P	-	-	-	P	-	P	P	P	P	P
Mini-warehouses, self-storage		-	-	-	-	-	-	-	-	P	P	P	P
Museums and art galleries		P	P	P	P	P	P	-	P	P	P	-	-
Offices		P	P	P	P	P	P	P	P	P	P	P	P
Offices, medical and dental		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage, principal use	30-5.19	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (as a principal use)	30-5.20	-	S	-	-	-	S	P	-	P	P	-	-
Passenger transit or rail stations		S	S	-	-	P	P	P	P	P	P	P	-
Personal services		P	P	P	P	P	P	P	P	P	P	P	P
Places of religious assembly	30-5.21	P	P	P	P	P	P	P	P	P	P	-	-
Public administration buildings		P	P	P	P	P	P	P	P	P	P	P	-
Public maintenance and storage facilities		-	-	-	-	-	-	-	-	P	P	P	P
Public parks		S	S	S	S	P	P	P	P	P	P	P	P
Recreation, indoor		P	P	P	P	P	P	P	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	S	P	P	S	-	P	P
Recycling centers		-	S	-	-	-	S	-	-	-	S	S	P
Rehabilitation centers	30-5.24	S	S	S	S	-	S	-	-	S	-	S	
Research, development and testing facilities		-	-	-	-	P	P	-	-	P	P	P	P
Residences for destitute people	30-5.22	S	S	S	S	-	S	-	S	-	-	-	-
Restaurants		P	P	-	S	P	P	P	P	P	P	P	P
Retail nurseries, lawn and garden supply stores		P	P	-	-	-	P	P	-	P	P	P	-
Retail sales (not elsewhere classified)		P	P	-	-	S	P	P	P	P	P	S	S
Schools, elementary, middle & high (public & private)		P	P	S	S	-	P	-	-	-	P	-	-
Schools, professional		P	P	P	P	P	P	P	-	P	P	P	P

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Schools, vocational and trade		-	P	P	P	-	P	P	-	P	P	P	P
Scooter or electric golf cart sales		P	P	-	-	-	P	P	-	P	-	P	-
Sexually-oriented cabarets	30-5.23	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented motion picture theaters	30-5.23	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented retail store	30-5.23	-	-	-	-	-	P	-	P	-	-	-	P
Simulated gambling establishments		-	-	-	-	-	-	-	-	-	-	-	-
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-
Social service facility	30-5.25	S	S	S	S	-	-	-	-	-	P	S	S
Solar generation station	30-5.27	-	-	-	-	-	-	-	-	P	-	P	P
Truck or bus terminal/maintenance facilities		-	-	-	-	-	-	P	P	P	P	P	P
Vehicle repair	30-5.28	-	-	-	-	-	-	P	P	P	-	P	P
Vehicle rental		-	-	-	-	-	P	P	P	P	P	P	-
Vehicle sales (no outdoor display)		-	-	-	-	-	P	P	P	P	-	P	-
Vehicle sales (with outdoor display)		-	-	-	-	-	-	P	-	P	-	P	P
Vehicle services	30-5.28	S	S	-	-	-	P	P	P	P	S	P	P
Veterinary services	30-5.29	P	P	P	P	P	P	P	P	P	P	P	P
Warehouse/distribution facilities (<100,000 SF)		-	-	-	-	-	-	-	-	P	P	P	P
Warehouse/distribution facilities (>100,000 SF)		-	-	-	-	-	-	-	-	P	P	P	P
Waste management facilities		-	-	-	-	-	-	-	-	S	-	P	P
Wholesale trade		-	-	-	-	-	-	S	-	P	P	P	P
Wireless communication facilities	30-5.30												

- 1 **LEGEND:**
- 2 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.
- 3 1 = Only when accessory to and in the same building as health services or offices of physicians, dentists,
- 4 and other health practitioners.
- 5 2 = Accessory to and in the same building as health services and comprising less than 25% of the gross
- 6 floor area of the building.
- 7 3 = Prohibited where adjacent to single-family zoned property.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

**Section 30-4.20. Dimensional Standards.**

The following tables contain the dimensional standards for the various uses allowed in each district.

**Table V - 8: Mixed-Use and Nonresidential Districts Dimensional Standards.**

	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	W	BI	I-1	I-2
<b>DENSITY/INTENSITY</b>												
Residential density (units/acre)												
Min <sup>1</sup>	8	12	None	None	10	None	None	None	8	None	None	None
Max	30	30	20	20	30	None	None	None	30	None	None	None
Nonresidential building coverage	60%	75%	40%	50%	50%	None	None	None	None	None	None	None
Nonresidential GLA (max)	100,000 <sup>2</sup>	None <sup>2</sup>	None	None	None	None	None	None	None	None	None	None
<b>LOT STANDARDS</b>												
Min lot area (sq. ft.)	None	None	6,000	6,000	None	None	None	6,000	None	None	None	None
Min lot width (ft.)	None	None	60	60	None	None	None	60	None	None	None	None
Min lot depth (ft.)	None	None	90	90	None	None	None	90	None	None	None	None
<b>SETBACKS (ft.)</b>												
Front	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	15 min	10 min 100 max	25 min	25 min	25 min	25 min
Side-street (min)	15	15	10	10	10	10	15	10	25	20	25	25
Side-interior (min)	10	10	10	10	10	10	10	10	10 <sup>4</sup>	10	10 <sup>4</sup>	20 <sup>4</sup>
Rear (min)	10	10	10	10	10	10	15	10	10 <sup>4</sup>	20	10 <sup>4</sup>	10 <sup>4</sup>
<b>MAXIMUM BUILDING HEIGHT (stories)</b>												
By right	5	5	3	3	5	5	5	5	5	5	5	5
With building height bonus	8	8	-	8	8	8	-	8	-	-	-	-

**LEGEND:**

- 1 = Lots that existed on November 13, 1991, as recorded in the city and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.
- 2 = Developments of 50,000 sq. ft. or more of gross leasable area shall be located along arterials or collectors, as defined in the official roadway map.
- 3 = Where the yard abuts and is used for access to a railroad siding, the minimum setback shall be zero feet.
- 4 = Where the rear or side yard abuts U1 or single-family residential zoning or a historic district, Section 30-4.8 development compatibility standards shall apply.

1  
2 **Section 30-4.21. Design Standards.**

3 **A. Parking.**

- 4 1. Motor vehicle parking is required in accordance with Article VII. All motor vehicle parking except  
5 a double-loaded row of parking shall be located in the rear and/or interior side of the building,  
6 unless such a location is prevented by topography, stormwater retention or significant trees, as  
7 determined by the appropriate reviewing board, City Manager or designee. In no case shall  
8 more than 50% of the parking be located between the front facade and the primary abutting  
9 street, unless modified by the appropriate reviewing board, City Manager or designee. However,  
10 driveway entrances and exits to parking areas shall be allowed on the front side of the building.  
11 There shall be no limit on the number of parking spaces in parking structures.
- 12 2. Bicycle parking spaces shall be installed as required by Article VII. Such parking may encroach  
13 into the public right-of-way and may be located within the building frontage and/or landscape  
14 zones. Bicycle parking requirements may be waived if public bicycle parking exists to serve the  
15 use.

16 **B. Sidewalks.**

- 17 1. All developments, unless provided otherwise in this chapter, shall provide sidewalks along all  
18 street frontage. All developments shall provide pedestrian connections from the public sidewalk  
19 to the principal building. Entrance sidewalks shall be a minimum of 5 feet of clear width.
- 20 2. *Minimum sidewalk widths.*

<b>Multi-Family Residential/Industrial</b>	<b>Commercial/Institutional/Office/Mixed-Use</b>
7 feet	8 feet

21 The minimum unobstructed width shall be 2 feet less than the required sidewalk width, as long  
22 as at least 5 feet of unobstructed width is retained. At transit stops, the minimum width is 8 feet  
23 of unobstructed width.

- 24 **C. Building orientation.** The main entrance of buildings or units shall be located on the first floor on  
25 the more primary street.

- 26 **D. Glazing.** Building walls facing the more primary street shall have non-reflective, transparent  
27 windows or glazed area covering at least 25% of their surface at pedestrian level (between 3 feet  
28 and 8 feet above grade) on the first floor. Operable transparent entrance doors may be included in  
29 the calculation of total facade surface area.

- 30 **E. Mechanical equipment.** All mechanical equipment shall be placed on the roof, in the rear or side of  
31 the building, and shall be screened with parapets or other types of visual screening.

- 1        34. To encourage development and preservation of a network of greenway transportation corridors
- 2            throughout the city and county;
- 3        35. To provide safe, convenient, scenic, historic and nonmotorized transportation linkages between
- 4            land uses;
- 5        36. To provide wildlife corridors, and other forms of environmental conservation and environmental
- 6            education;
- 7        37. To provide for recreation and access to recreation;
- 8        38. To provide greenway buffering to protect environmental features and neighborhoods from
- 9            nearby land uses;
- 10       39. To preserve biological diversity and viable populations of special protection species dependent
- 11           on upland, transitional and wetland ecological communities;
- 12       40. To ensure adequate, safe, economic, reliable and environmentally sound water and wastewater
- 13           utility services for the public;
- 14       41. To promote economic development in a manner that will enhance the quality of life;
- 15       42. To diminish the severity and frequency of southern pine beetle outbreaks in Gainesville by
- 16           reducing the density of loblolly pines in urban areas;
- 17       43. To preserve high quality heritage trees, especially where they occur within 20 feet of the public
- 18           right-of-way; and
- 19       44. To favor replanting with native species of high quality shade trees, including requiring such trees
- 20           to be planted in locations that will reintroduce seed sources to adjacent natural communities.

**Section 30-8.2. General Environmental Performance Standards.**

- 22    A. *Applicability.* All uses and activities permitted in any zoning district shall conform to the standards of
- 23            performance described in this section.
- 24    B. *Showing of probable compliance.* Uses and activities required to comply with this section shall make
- 25            a showing of probable compliance with the performance standards described in this section. This
- 26            showing shall be in the form of a letter submitted with a zoning compliance permit or development
- 27            plan, as applicable, prepared by a professional engineer licensed by the State of Florida, certifying
- 28            that the use or activity complies with all performance standards described in this section.
- 29       1. *Fire and explosion hazards.* All activities and all storage of flammable and explosive materials or
- 30            products at any place shall be provided with adequate safety devices against the hazards of fire
- 31            and explosion, including adequate firefighting and fire suppression equipment, as prescribed by
- 32            the fire prevention code adopted in Chapter 10 of the Code of Ordinances.
- 33       2. *Radiation.* All sources of ionizing radiation shall be registered or licensed by the Florida
- 34            Department of Health. The handling of radioactive materials, the discharge of such materials
- 35            into air or water, and the disposal of radioactive wastes shall be in conformance with applicable
- 36            state and federal regulations.
- 37       3. *Electromagnetic radiation.* Electromagnetic radiation generated by activities shall not adversely
- 38            affect any operation or equipment other than those of the creation of the radiation.
- 39            Interference with radio and television reception is prohibited. Equipment or activities generating

1 electromagnetic radiation shall conform to the regulations of and, where appropriate, be  
2 licensed by the Federal Communications Commission.

3 4. *Waste disposal.* All waste disposal including discharge of any liquid or solid waste into any public  
4 or private sewage system, the ground, or any lake, creek, or wetland shall be in accordance with  
5 state, federal, and local law and applicable regulations of state, federal and local agencies.

6 5. *Vibration.* No use shall at any time create earth-born vibration which when measured at the  
7 boundary property line of the source operation exceeds the maximum allowable peak particle  
8 velocity set forth below. Ground vibration shall be measured as particle velocity using  
9 accelerometers. Particle velocity shall be recorded in three mutually perpendicular directions.  
10 The maximum allowable peak particle velocity shall apply to each of the three measurements.

<b>Frequency (Cycles per Second)</b>	<b>Maximum Peak Particle Velocity (Inches Per Second)</b>
0 to 10	0.05
10 to 19	0.50
20 to 29	1.00
30 to 39	1.50
40 and over	2.00

11 6. *Sound.* All uses and activities shall not exceed the sound pressure levels set forth in Chapter 15  
12 of the Code of Ordinances.

13 7. *Heat, cold, dampness or movement of air.* Activities on any property which produce any adverse  
14 effect on the temperature, motion or humidity of the atmosphere beyond the lot lines are not  
15 permitted.  
16

17 8. *Odor.* No use shall be operated in any zoning district in such a manner that the emission of  
18 odorous matter occurs in such quantity or volume as to produce a nuisance, source of  
19 discomfort, or hazard beyond the bounding property lines of such a use. For the purpose of this  
20 performance standard, the presence of such a described odor shall be determined by  
21 observation by a person or persons designated by the City Manager or designee. In any case,  
22 where the operator of an odor-emitting use may disagree with the enforcing officer where  
23 specific measurement of odor concentration is required, the method and procedures specified  
24 by the American Society for Testing and Materials (ASTM) E679 and E1432, entitled "Standard  
25 Practice for Determination of Odor and Taste Thresholds By a Forced-Choice Ascending  
26 Concentration Series Method of Limits" and "Standard Practice for Defining and Calculating  
27 Individual and Group Sensory Thresholds for Forced-Choice Data Sets of Intermediate Size,"  
28 respectively. The operator and the city shall equally share the cost of conducting the more  
29 elaborate ASTM E679 Procedure.

30 9. *Air quality.* All development shall maintain air quality levels that comply with state and national  
31 ambient air quality standards.

32 10. *Air pollution emissions.* No industrial operation or use shall cause, create, or allow the emission  
33 of air contaminants which at the emission point or within the bounds of the property are in  
34 violation of the standards specified by the Florida Department of Environmental Protection, or



1 successor agency, or any governmental entity with regulatory jurisdiction, whichever standards  
2 are more stringent.

3 11. *Other air pollution.* Open storage and open processing operations, including on-site  
4 transportation movements, which are the source of windblown or airborne dust or other  
5 particulate matter; or which involve dust or other particulate air contaminant generating  
6 equipment including but not limited to paint spraying, grain or seed handling, sand or gravel  
7 processing or storage or sand blasting shall be conducted such that dust and other particulate  
8 matter so generated are not transported across the boundary property line or the tract on  
9 which the use is located in concentrations exceeding standards set by the Florida Department of  
10 Environmental Protection, or successor agency, or any governmental entity with regulatory  
11 jurisdiction, whichever standards are more stringent.

12 12. *Toxics.* No industrial operation or use shall emit toxic or noxious matter at a concentration  
13 exceeding ambient air quality standards for the State of Florida across the property line of the  
14 parcel on which the operation or use is located. Where toxic materials are not listed in the  
15 ambient air quality standards of the state, concentrations shall not exceed 1% of the threshold  
16 limit values (TLVs) adopted by the American Conference of Governmental Industrial Hygienists  
17 (ACGIH). If a toxic substance is not listed by the ACGIH, verification of safe levels of the proposed  
18 toxic material for public health, plant and animal life will be required.

19 C. *Utility service.* All utility services, including but not limited to those of franchised utilities, electric  
20 power and light, telephone, cable services, water, sewer and gas, shall be installed beneath the  
21 surface of the ground, unless the City Manager or designee determines that the soil, topography  
22 and other compelling condition makes it unreasonable or impractical. The subsurface mounting of  
23 incidental appurtenances, including but not limited to transformer boxes or pedestal-mounted  
24 boxes for the provision of utilities, electric meters, back flow preventers and fire hydrants, is not  
25 required.

## 26 27 **DIVISION 2. TREES AND LANDSCAPE**

### 28 **Section 30-8.3. Elements of Compliance.**

29 All property within the city shall be subject to the following regulations, except as exempted by  
30 Subsection B below. No parcel within the city may be cleared, grubbed, filled or excavated, nor shall any  
31 building be demolished, altered or reconstructed in a manner that negatively impacts regulated trees,  
32 changes the site plan, site use or increases the impervious surface area except in compliance with this  
33 article. Requirements of these sections do not exempt property owners from compliance with any other  
34 section of this chapter.

35 A. *Minimum requirements for landscaped areas.* All areas designed to meet the requirements of these  
36 sections shall comply with the following:

37 1. Street trees shall be provided a minimum rootzone volume of 700 cubic feet, except street trees  
38 that share a rootzone volume shall require a minimum of 550 cubic feet. All other required  
39 shade trees shall be provided a minimum of 420 cubic feet of rootzone volume. Where existing  
40 conditions preclude the provision of the minimum rootzone volume, the reviewing board or City  
41 Manager or designee may approve a lesser volume that meets the arboriculture needs of the  
42 tree within the existing conditions. Underground utility lines shall not be located within the  
43 rootzone volume, except for those lines that are four-inch diameter or less, and then only where

## **Appendix C**

### **Supplemental Documents**

**APPLICATION—CITY PLAN BOARD**  
**Planning & Development Services**

<b>OFFICE USE ONLY</b>	
Petition No. <u>PB-19-00086 ZON</u>	Fee: \$ <u>N/A</u>
1 <sup>st</sup> Step Mtg Date: <u>N/A</u>	EZ Fee: \$ <u>N/A</u>
Tax Map No. <u>4645/4745</u>	Receipt No. <u>N/A</u>
Account No. 001-660-6680-3401 [ ]	
Account No. 001-660-6680-1124 (Enterprise Zone) [ ]	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) [ ]	

<b>Owner(s) of Record (please print)</b>	
Name: <u>Richard Moore</u>	
Address:	
Phone:	Fax:
<b>(Additional owners may be listed at end of applic.)</b>	

<b>Applicant(s)/Agent(s), if different</b>	
Name: <u>City of Gainesville, FL</u>	
Address: <u>PO Box 490</u>	
Phone: <u>352-334-5023</u>	Fax:

*Note: It is recommended that anyone intending to file a petition for amendments to the future land use map or zoning map atlas, meet with the Department of Community Development prior to filing the petition in order to discuss the proposed amendment and petition process. Failure to answer all questions will result in the application being returned to the applicant.*

**REQUEST**

<b>Check applicable request(s) below:</b>		
<b>Future Land Use Map</b> [ ]	<b>Zoning Map</b> [x]	<b>Master Flood Control Map</b> [ ]
Present designation:	Present designation: *	<b>Other</b> [ ] Specify:
Requested designation:	Requested designation: **	

**INFORMATION ON PROPERTY**

1. Street address: <u>See staff report</u>
2. Map no(s): <u>4645/4745</u>
3. Tax parcel no(s): <u>07240-026-000</u>
4. Size of property: <u>3.85 (MOL)</u> acre(s)
<i>All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more must be accompanied by a market analysis report. N/A</i>

**Certified Cashier's Receipt:**

- \* Alachua County Industrial Services and Manufacturing (MS)
- \*\* City of Gainesville General Industrial (I-2)

5. Legal description (attach as separate document, using the following guidelines):
- a. Submit on 8 ½ x 11 in. sheet of paper, separate from any other information.
  - b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser's Office, etc.
  - c. Must correctly describe the property being submitted for the petition.
  - d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340'); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book 1, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

6. **INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES** (NOTE: *All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.*)

A. What are the existing surrounding land uses? See Staff Report

North

South

East

West

B. Are there other properties or vacant buildings within ½ mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO X

YES \_\_\_\_\_ If yes, please explain why the other properties cannot accommodate the proposed use?

C. If the request involves nonresidential development adjacent to existing or future residential, what are the impacts of the proposed use of the property on the following:

See staff report.  
Residential streets

Noise and lighting

D. Will the proposed use of the property be impacted by any creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property?

NO X YES \_\_\_\_ (If yes, please explain below)

E. Does this request involve either or both of the following?

a. Property in a historic district or property containing historic structures?

NO X YES \_\_\_\_

b. Property with archaeological resources deemed significant by the State?

NO X YES \_\_\_\_

F. Which of the following best describes the type of development pattern your development will promote? (please explain the impact of the proposed change on the community):  
See staff report.

Redevelopment \_\_\_\_ Urban Infill \_\_\_\_  
Activity Center \_\_\_\_ Urban Fringe \_\_\_\_  
Strip Commercial \_\_\_\_ Traditional Neighborhood \_\_\_\_

Explanation of how the proposed development will contribute to the community.

See staff report.

G. What are the potential long-term economic benefits (wages, jobs & tax base)?

See staff report.

H. What impact will the proposed change have on level of service standards?

See staff report.

Roadways

Recreation

Water and Wastewater

Solid Waste

Mass Transit

I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO   X  

YES        (please explain)

**CERTIFICATION**

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record	
Name:	N/A
Address:	
Phone:	Fax:
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.

City of Gainesville, FL  
Owner/Agent Signature \_\_\_\_\_

October 24, 2019  
Date \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by (Name)  
\_\_\_\_\_.

\_\_\_\_\_  
Signature – Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_ (Type) \_\_\_\_\_

ORDINANCE NO. 171006

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

An ordinance of the City of Gainesville, Florida, annexing approximately 3.85 acres of privately-owned property that is generally located at 5200 SW 41<sup>st</sup> Boulevard, west of Interstate 75 and north of SW Williston Road, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**WHEREAS**, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the "Act"), sets forth criteria and procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits; and

**WHEREAS**, on May 3, 2018, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County, as more specifically described in this ordinance, and determined that the petitions included the signatures of all owners of property in the area proposed to be annexed; and

**WHEREAS**, the subject property meets the criteria for annexation under the Act; and

**WHEREAS**, the City has provided all notices required pursuant to the Act, including: 1) notice that has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading, and which notice gives: a) the ordinance number, b) a brief, general description of the area proposed to be annexed together with a map clearly showing the area, and c) a statement that the ordinance and a complete legal description by metes and bounds of the annexation area can be obtained from the office of the Clerk of the Commission; and 2) not fewer than ten calendar days prior to publishing the newspaper notice, the City Commission has



29 provided a copy of the notice, via certified mail, to the Alachua County Board of County  
30 Commissioners; and

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

33 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**  
34 **FLORIDA:**

35 **SECTION 1.** The City Commission finds that the property described in Section 2 of this ordinance is  
36 reasonably compact and contiguous to the present corporate limits of the City of Gainesville and  
37 that no part of the subject property is within the boundary of another municipality or outside of  
38 the county in which the City of Gainesville lies. The City Commission finds that annexing the  
39 subject property into the corporate limits of the City of Gainesville does not create an enclave of  
40 unincorporated property.

41 **SECTION 2.** The property described in **Exhibit A**, which is attached hereto and made a part hereof  
42 as if set forth in full, is annexed and incorporated within the corporate limits of the City of  
43 Gainesville, Florida.

44 **SECTION 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I,  
45 Charter Laws of the City of Gainesville, are amended and revised to include the property described  
46 in Section 2 of this ordinance.

47 **SECTION 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use  
48 plan and zoning or subdivision regulations shall remain in full force and effect in the property  
49 described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment  
50 that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the

51 Alachua County land use plan and zoning or subdivision regulations through the City of  
52 Gainesville's code enforcement and civil citation processes.

53 **SECTION 5.** (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in  
54 any occupation, business, trade, or profession within the property area described in Section 2 of  
55 this ordinance shall have the right to continue such occupation, business, trade, or profession, but  
56 shall obtain a business tax receipt from the City of Gainesville for the term commencing on  
57 October 1, 2018, which tax receipt shall be issued upon payment of the appropriate fee in  
58 accordance with the Gainesville Code of Ordinances in effect on October 1, 2018.

59 (b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any  
60 construction trade, occupation, or business within the property area described in Section 2 of this  
61 ordinance and who possess a valid certificate of competency issued by Alachua County shall have  
62 the right to continue the construction trade, occupation, or business within the entire corporate  
63 limits of the City of Gainesville, including the subject area, subject to the terms, conditions, and  
64 limitations imposed on the certificate by Alachua County, and provided that such persons register  
65 the certificate with the Building Inspections Division of the City of Gainesville and the Department  
66 of Business and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m.  
67 of the effective date of this ordinance.

68 **SECTION 6.** The Clerk of the Commission is directed to submit a certified copy of this ordinance to  
69 the following parties within seven calendar days after the adoption of this ordinance: 1) the Florida  
70 Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for  
71 Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

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

77 **SECTION 8.** All other ordinances or parts of ordinances in conflict herewith are to the extent of  
78 such conflict hereby repealed.

79 **SECTION 9.** This ordinance shall become effective immediately upon adoption.

80 **PASSED AND ADOPTED** this 4th day of October, 2018.

81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95



LAUREN POE  
MAYOR

Attest:

Approved as to form and legality:

  
OMICHELE D. GAINÉY  
CLERK OF THE COMMISSION

  
NICOLLE M. SHALLEY  
CITY ATTORNEY

96 This ordinance passed on first reading this 20th day of September, 2018.

97  
98 This ordinance passed on second reading this 4th day of October, 2018.

**Legal Description**

A PARCEL OF LAND SITUATED IN THE GARY GRANT, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721, ALSO BEING THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1736, PAGE 2672 (CURRENT TAX PARCEL NO. 7242) OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED ORB \_\_, P \_\_), AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN ORB 2208, P 2895 (CURRENT TAX PARCEL NO. 7240-26) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE LEAVING SAID CITY LIMIT LINE N 10° 10' 42" W ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 323.24 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895; THENCE LEAVING THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 N 53° 48' 44" E ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 506.81 FEET TO THE NORTHEAST CORNER OF SAID LANDS, ALSO BEING THE NORTHWEST CORNER OF LANDS DESCRIBED IN ORB 4427, P 215 (CURRENT TAX PARCEL NO. 7240-24); THENCE S 36° 11' 16" E ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 4427, P 215 A DISTANCE OF 290.51 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 4427, P 215 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721; THENCE S 53° 48' 44" W ALONG SAID CITY LIMIT LINE AND SOUTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 648.55 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.85 ACRES MORE OR LESS.

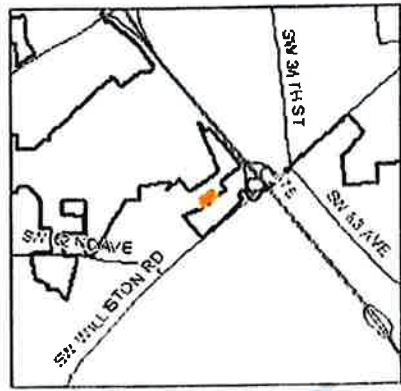
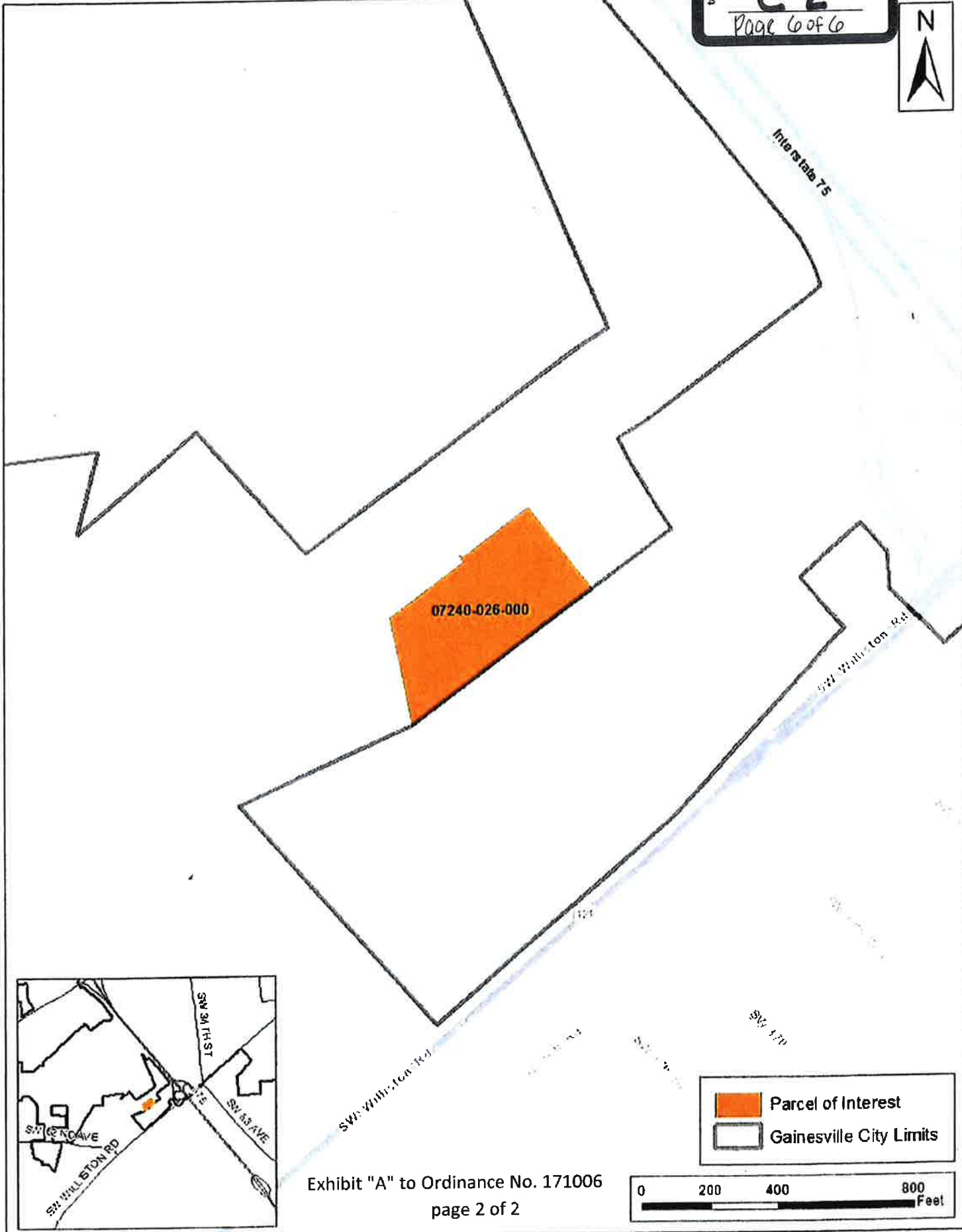


Exhibit "A" to Ordinance No. 171006  
page 2 of 2

(6)

Select Year: 2018 ▼ Go

## The 2018 Florida Statutes

---

Title XII  
MUNICIPALITIES

Chapter 171  
LOCAL GOVERNMENT BOUNDARIES

[View Entire Chapter](#)

### **171.062 Effects of annexations or contractions. –**

(1) An area annexed to a municipality shall be subject to all laws, ordinances, and regulations in force in that municipality and shall be entitled to the same privileges and benefits as other parts of that municipality upon the effective date of the annexation.

(2) If the area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area.

(3) An area excluded from a municipality shall no longer be subject to any laws, ordinances, or regulations in force in the municipality from which it was excluded and shall no longer be entitled to the privileges and benefits accruing to the area within the municipal boundaries upon the effective date of the exclusion. It shall be subject to all laws, ordinances, and regulations in force in that county.

(4)(a) A party that has an exclusive franchise which was in effect for at least 6 months prior to the initiation of an annexation to provide solid waste collection services in an unincorporated area may continue to provide such services to an annexed area for 5 years or the remainder of the franchise term, whichever is shorter, if:

1. The franchisee provides, if the annexing municipality requires, a level of quality and frequency of service which is equivalent to that required by the municipality in other areas of the municipality not served by the franchisee, and

2. The franchisee provides such service to the annexed area at a reasonable cost. The cost must include the following as related to providing services to the annexed area:

- a. Capital costs for land, structures, vehicles, equipment, and other items used for solid waste management;
- b. Operating and maintenance costs for solid waste management;
- c. Costs to comply with applicable statutes, rules, permit conditions, and insurance requirements;
- d. Disposal costs; and
- e. A reasonable profit.

If the municipality and the franchisee cannot enter into an agreement as to such cost, they shall submit the matter of cost to arbitration.

(b) A municipality, at its option, may allow the franchisee to continue providing services pursuant to the existing franchise agreement.

(c) A municipality may terminate any franchise if the franchisee does not agree to comply with the requirements of paragraph (a) within 90 days after the effective date of the proposed annexation.

(5) A party that has a contract that was in effect for at least 6 months prior to the initiation of an annexation to provide solid waste collection services in an unincorporated area may continue to provide such services to an annexed area for 5 years or the remainder of the contract term, whichever is shorter. Within a reasonable time following a written request to do so, the party shall provide the annexing municipality with a copy of the pertinent portion of the contract or other written evidence showing the duration of the contract, excluding any automatic renewals or so-called “evergreen” provisions. This subsection does not apply to contracts to provide solid waste collection services to single-family residential properties in those enclaves described in s. [171.046](#).

**History.**—s. 1, ch. 74-190; s. 22, ch. 85-55; s. 1, ch. 88-92; s. 17, ch. 93-206; s. 2, ch. 93-243; s. 2, ch. 2000-304.

**Article 5 Industrial Districts**

**403.14 Industrial District Descriptions**

**(a) Wholesale and Warehousing (BW) District**

The BW district implements the Warehouse/Distribution, Light Industrial, and in some cases Commercial policies of the Comprehensive Plan and the associated designations on the Future Land Use Map. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

**(b) Light Industrial (ML) District**

The ML district implements the Light Industrial policies of the Comprehensive Plan and the associated designations on the Future Land Use Map. The ML district is established to allow certain office and light industrial uses, such as research and development and experimental laboratories and similar uses or the manufacturing or fabrication of products that have minimal off-site impacts. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

**(c) Industrial Services and Manufacturing (MS and MP) Districts**

The MS and MP Districts implement the Heavy Industrial policies of the Comprehensive Plan and the associated designations on the Future Land Use Map, for establishments engaged in manufacturing. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

**403.15 Industrial District Standards**

Within all industrial zoning districts, principal building and accessory buildings shall be located and constructed in accordance with the requirements of Table 403.15.1.

**Table 403.15.1  
 Standards for Industrial Zoning Districts**

Standards	Zoning Districts		
	BW	ML	MS, MP
<b>Setbacks</b>			
Front (ft)	15	15	15
Rear (ft)	5	10	10
Rear, Adjacent to Residential (ft)	50	50	75
Side (ft)	5	10	10
Side, Adjacent to Residential (ft)	50	50	75
<b>Building Standards</b>			
Height, max (ft)	40	60	60

**403.16 Additional Requirements Applicable to Industrial Zoning Districts**

- (a) All industrial uses must have direct access to a paved roadway.

- (b) A high-density buffer, as defined in Table 407.43.2, shall be provided along the boundary between industrial and residential districts. Off-street parking, but not off-street loading, may be provided within the yard but not within the required buffer.
- (c) Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas.
- (d) No portion of any building or structure and no activity related to any use within the MS or MP district shall be located closer than 35 feet to any MS or MP district boundary. This requirement may be reduced or waived by the Development Review Committee subject to the following review criteria:
  - 1. The lot is two acres or less in size;
  - 2. The adjacent parcel(s) do not have a residential zoning or land use or an existing residential use on site at the time of application;
  - 3. The adjacent landowner(s) of properties not industrially zoned must provide written consent to the applicant for the reduction or waiver proposal.
- (e) Where property zoned MS or MP fronts a public street, no less than one half of the frontage shall contain landscaping consistent with a 'Low' buffer as defined in Table 407.43.2, except as required for ingress and egress.
- (f) No side or rear yard is required where MS or MP property is adjacent to a railroad right-of-way on that frontage. Side and rear yards may be used for off-street parking or off-street loading subject to the general provisions above.
- (g) Buildings within the BW, ML, MS and MP districts that front on streets or roads shall be required to meet the standards in Article 10, Building Design, of Chapter 407.



<b>Project Name and Number:</b>		<b>Moore Property, PB-19-86 ZON</b>	
<b>Application Type:</b>		<b>Rezoning</b>	
<b>Public Hearing Date:</b>		<b>October 24, 2019</b>	
<b>Cycle</b>	<b>Department</b>	<b>Reviewer</b>	<b>Status</b>
1	Alachua County EPD	Gus Olmos	No Review Required
	Building Coordinator	John Freeland	No Review Required
	Environmental	Liliana Kolluri	Approved
	Gainesville Fire Rescue Department	Tom Burgett	Approved
	GRU New Services Department	Wendy Mercer	Approved
	Historic Preservation	Jason Simmons	Approved
	Planners	Bedez Massey	Approved
	Public Works – Design	Rick Melzer	Approved
	Public Works Constructability	Matt Williams	No Review Required
	Public Works Solid Waste	Steve Joplin	Approved
	Public Works Stormwater	Gail Mowry	Approved
	Public Works Survey	Pat Durbin	No Review Required
	Transportation Mobility	Jason Simmons	Approved
	Urban Forestry	Liliana Kolluri	Approved
	Department of Mobility	Scott Wright	Approved
Public Works Stormwater Management Utility	Mary Frieg	Approved	

# MOORE PROPERTY



Public Notice Signs



View of Subject Property Looking South



View of Subject Property Looking Southwest



Gated Entrance Looking West



View of Subject Property Looking East



North of Subject Property Looking West



View of Subject Property Looking Southwest



View of Subject Property Looking West



North of Subject Property Looking East