

**ORDINANCE NO. 080565**  
**0-08-89**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3830 amending the Planned Development, commonly known as "Alachua Health Services Stillpoint", generally located in the vicinity of 2730 N.W. 39<sup>th</sup> Avenue; amending the list of principal permitted uses; adopting a new Development Plan, as more specifically described in this ordinance; adopting new development plan maps and a planned development report; adopting additional conditions and restrictions; repealing the Development Plan approved by Ordinance No. 3830; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, on January 25, 1993, the City Commission of the City of Gainesville adopted ordinance No. 3830, which amended Ordinance No. 3612, that permitted the principal use of a chiropractic office and accessory related health care practices on the planned development and adopting a new Development Plan; and

**WHEREAS**, by initiation of a petition by the property owner, publication of notice of a public hearing was given to amend the Development Plan on this real property, and to amend the list of uses, as more specifically described in this ordinance; and

**WHEREAS**, notice was given and publication made as required by law of a public hearing which was then held by the City Plan Board on October 23, 2008; and

**WHEREAS**, notice was given and publication made of a public hearing which was then held by the City Commission on December 4, 2008; and

**WHEREAS**, the City Commission finds that the amendment of the Planned Development District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

1       **WHEREAS**, at least ten (10) days notice has been given once by publication in a  
2 newspaper of general circulation prior to the adoption public hearing notifying the public of this  
3 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,  
4 City Hall, in the City of Gainesville; and

5       **WHEREAS**, notice has also been given by mail to the owner whose property will be  
6 regulated by the adoption of this Ordinance, thirty days prior to the adoption of this ordinance; and

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

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

13       **Section 1.** Section 1 of Ordinance No. 3830, adopted by the City Commission on January  
14 25, 1993, is repealed in its entirety.

15       **Section 2.** The principal permitted uses of the real property, as more specifically described  
16 herein, are limited to those uses provided in the Standard Industrial Classification, 1987 ed., Industry  
17 Nos. 8011, 8031, 8041 and 8049, excluding freestanding emergency medical centers:

18       “See Exhibit “A” attached hereto and made a part hereof as if set forth in full.”

19       **Section 3.** A new Development Plan, as more fully described in this Ordinance, is approved  
20 on the real property that is zoned “Planned Development District” as provided in Chapter 30, Land  
21 Development Code of the City of Gainesville, consisting of the following:

1 1) the development plan report entitled "Planned Development Report Alachua Health  
2 Services at Stillpoint" last revised date November 3, 2008, is attached hereto as Exhibit  
3 "B" and made a part of this ordinance as if set forth in full; and

4 2) development plan maps, identified as Sheet 1 "Planned Development Layout Plan Map for  
5 Alachua Health Services at Stillpoint Cover Sheet and Contents Set", Sheet 2 "Existing  
6 Conditions Map", Sheet 3 "Vegetation Map", Sheet 4 "Boundary Sheet"; Sheet 5 "PD  
7 Layout Map", (dated September 13, 2008), last revised, October 3, 2008, are attached  
8 hereto as Exhibit "C" and made a part of this ordinance as if set forth in full.

9 The Development Plan shall regulate the use and development of the land described in Exhibit "A"  
10 of Section 1 of this Ordinance, as provided in Chapter 30, Land Development Code of the City of  
11 Gainesville. In the event of conflict between the Development Plan and the conditions in Section 3  
12 of this Ordinance, the conditions shall govern and prevail. In the event of conflict between the  
13 provisions of the development plan report (Exhibit "B") and the development plan maps (Exhibit  
14 "C"), the provisions, regulations, and restrictions of the development plan maps (Exhibit "C")  
15 shall govern and prevail.

16 **Section 4.** The following conditions, restrictions and regulations shall apply to the  
17 development and use of the land as described in Exhibit "A" of Section 2 of this Ordinance:

- 18 1. Any future development on the site shall require development plan review to ensure  
19 consistency with the conditions and standards, provided herein. If the development on the  
20 site will continue to be served by a septic system, written approval from the Alachua  
21 County Health Department is required at the time of development plan review.  
22
- 23 2. The development order approved by the adoption of this Ordinance will be valid for a period  
24 of five years from the date of adoption. A building permit must be issued prior to that  
25 expiration date, or the development order approved by this Ordinance will be considered void  
26 and of no further force and effect.

3. The total building area, including the principal building and accessory structures, is limited to a maximum of 3505 square feet. The building setbacks are as shown on Sheet 5 of Exhibit C. The principal building may only be expanded northward of the south line of the existing building and is subject to minimum side yard setbacks of 50 feet and a rear setback of 50 feet. Accessory structures may only be located north of the south line of the existing principal building and area subject to minimum setbacks of 40 feet on the west property line, 20 feet on the east property line, and a rear setback of 50 feet.
4. All principal and accessory uses shall be conducted within completely enclosed buildings, with the exception of the existing swimming pool which is permitted as an accessory and incidental use. The use of the swimming pool shall comply with the Noise Ordinance as codified in Chapter 5 of the Gainesville Code of Ordinances, as amended from time to time.
5. Medical waste shall be disposed of on a daily basis and shall not be stored on the property.
6. A fifty foot wide natural buffer area shall be established and maintained along the north property line. The existing natural vegetation within this buffer area shall not be disturbed, with the exception of invasive, nonnative plants. No uses shall be conducted within the buffer area.
7. Any removal of regulated vegetation on the property must be consistent with the standards in the Land Development Code.
8. The development shall provide six (6) paved off-street parking spaces. No grassed parking is permitted on the property. The overflow mulched parking area shall include seven (7) off-street parking spaces, and this area may only be paved subject to development plan approval.
9. The stormwater management facility shall be designed and maintained to serve all existing and proposed impervious areas, including the overflow parking area as referenced above.
10. One ingress/egress driveway is allowed onto NW 39<sup>th</sup> Avenue. Design construction and dimensions shall comply with requirements of the City Public Works Department and the Florida Department of Transportation.
11. Only one freestanding sign is permitted. The maximum height shall not exceed six (6) feet and the maximum size of the sign shall not exceed eighteen (18) square feet. Signs may be indirectly illuminated and shall not cause glare to adjacent development or cause a safety problem to vehicular traffic. Except as expressly provided herein, all other requirements for signs in the Land Development Code shall govern and apply.

1       12. Except as expressly provided herein, the regulation of the use and development of the  
2       property described in this ordinance shall be governed as if this property were zoned RSF-1  
3       (3.5 units/acre single family residential district).  
4

5       **Section 5.** The Development Plan approved in Section 3 of Ordinance No. 3830 is repealed  
6       in its entirety and shall not regulate the development and use of the land described therein.

7       **Section 6.** Except as expressly amended by this ordinance, the remaining provisions of  
8       Ordinance Nos. 3612 as amended by Ordinance No. 3830 shall remain in full force and effect.

9       **Section 7.** Any person who violates any of the provisions of this ordinance shall be deemed  
10      guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided by  
11      section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,  
12      regardless of whether such violation is ultimately abated or corrected, shall constitute a separate  
13      offense.

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

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



**DESCRIPTION: (AS FURNISHED)**

A parcel of land located in the Southeast Quarter (SE 1/4) of Section 24, Township 9 South, Range 19 East, Alachua County, Florida being more particularly described as follows:

Commence at a set nail and cap (#3524), marking the Southwest corner of the Southeast Quarter (SE 1/4) of Section 24, Township 9 South, Range 19 East, and a point on the centerline of NW 39th Avenue, thence North 01 degrees, 20 minutes, 40 seconds West a distance of 50.04 feet to a found concrete monument marking the intersection with the North right of way of NW 39th Avenue and the Point of Beginning; thence North 00 degrees, 59 minutes, 12 seconds West a distance of 276.45 feet to a set iron pin (#3524), marking the intersection with a centerline of a creek, thence along the centerline of said creek the following courses and distances of, North 74 degrees, 49 minutes, 49 seconds East a distance of 34.39 feet to a set iron pin (#3524), thence run North 18 degrees, 39 minutes, 13 seconds East a distance of 26.24 feet to a set iron pin (#3524), thence North 61 degrees, 47 minutes, 19 seconds East a distance of 22.18 feet to a set iron pin (#3524), thence North 74 degrees, 40 minutes, 35 seconds East a distance of 28.65 feet to a set iron pin (#3524), thence North 13 degrees, 30 minutes, 16 seconds East a distance of 18.95 feet to a set iron pin (#3524), thence North 84 degrees, 57 minutes, 35 seconds East a distance of 28.64 feet to a set iron pin (#3524), thence South 19 degrees, 40 minutes, 41 seconds East a distance of 18.31 feet to a set iron pin (#3524), thence North 81 degrees, 00 minutes, 40 seconds East a distance of 17.31 feet to a set iron pin (#3524), thence North 23 degrees, 27 minutes, 46 seconds East a distance of 14.29 feet to a set iron pin (#3524), thence leaving said centerline South 30 degrees, 14 minutes, 34 seconds East a distance of 134.75 feet to a set iron pin (#3524), thence South 00 degrees, 59 minutes, 12 seconds East a distance of 230 feet to a set iron pin (#3524), marking the intersection with the North right of way line of N.W. 39th Avenue, thence along said North right of way line South 89 degrees, 36 minutes, 41 seconds West a distance of 217.74 feet to the Point of Beginning.

## **PLANNED DEVELOPMENT REPORT**

Alachua Health Services at Stillpoint  
(former Carrick, Chiropractic Office and Precious Dears PD)  
2730 NW 39<sup>th</sup> Avenue  
Gainesville, Florida 32605

Property Owner(s): Three Lakes Creek, LLC  
2730 NW 39<sup>th</sup> Avenue  
Gainesville, Florida 32605

Prepared by: Causseaux, Hewett, & Walpole, Inc.  
6011 NW 1<sup>st</sup> Place  
Gainesville, Florida 32607  
(352) 331-1976

Date: September 10, 2008  
*Revised October 7, 2008*  
*Revised October 23, 2008*  
*Revised November 3, 2008 per PB Hearing*

RECEIVED  
NOV 3 2008  
PLANNING  
DIVISION



ALACHUA HEALTH SERVICE AT STILLPOINT  
PLANNED DEVELOPMENT (PD) REPORT

October 23, 2008

Submitted in accordance with the requirements of  
Sections 30-211, 213, 214 & 216  
City of Gainesville, Land Development Code (LDC)

**i. Purpose and Intent of Development**

The PD rezoning amendment is on a ±1.53 acre parcel located in Section 24, Township 9 South, Range 19 East, Gainesville, Florida. The property was formerly used and limited to a chiropractic office under the existing and valid PD Zoning Ordinance. The desire of the current owners is allow for clinical/therapeutic health services as a primary use rather than the zoning specifically restricted to require a chiropractor as the primary of the office. The proposed PD zoning amendment requests the allowance for therapeutic health services such as acupuncturist, herbalists, massage therapist, psychotherapist, physical therapist, chiropractic office, and similar accessory uses which are customary and incidental to the functions of the offices and clinics.

*City of Gainesville Sec 30-211(b)(1-7)*

- (1) Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design which encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.*

The nature of the property and re-use of the facility provides a structure significantly isolated from adjacent properties. The structure is directly oriented towards the street. Sidewalks are provided along NW 39<sup>th</sup> Avenue and internally to provide convenient access to and within the site. The site is located along Bus Route # 8, which allows for easy access for transit riders. Persons with special needs, such as the elderly and physically-challenged, can also easily access the site and receive treatment in a less clinical and institutional manner.

- (2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences;*

The requested change will provide the property owners greater flexibility to meet changing health care and consumer needs by allowing the site to be utilized by a variety of licensed health care practitioners. However, the primary use will remain within a tightly controlled area based on the PD Layout Map. The proposed

- (7) *Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks.*

The single-family nature of the facility is pedestrian in scale. While the parking is located in front of the facility, it is significantly buffered from SR 222/NW 39<sup>th</sup> Avenue with only the access driveway being readily visible from the corridor. Existing vegetation creates a secluded atmosphere and attractive vistas both inside and outside the site.

## ii. Statistical Information

Description	PD Total Area
Total acreage of Site	±1.53
Maximum building coverage (conditioned)	3,505 ft <sup>2</sup> (5.3%) *
Maximum impervious ground coverage	10,000 ft <sup>2</sup> (15.0%)
The maximum and minimum number of dwelling units and residential density	1 primary structure / dwelling unit
A listing of non-residential land uses by type and size to be allowed	Medical Office – 3,505 ft <sup>2</sup> Floor Area Ratio (FAR) = 0.06 (whichever is less)
The maximum acreage of each use area	Medical Office, 100% with accessory uses
The area of land devoted to:	
▪ Publicly owned usable open space	0
▪ Publicly owned recreational areas	0
▪ Publicly owned plazas	0
▪ Common Area Usable Open Space	57,518 ft <sup>2</sup> (85%)
▪ Common Area recreational areas	
▪ Common Area plazas	

\* The maximum building coverage is limited to 3,505 ft<sup>2</sup>. Any new development on the site shall require development plan review.

## iii. Stormwater Management Plan

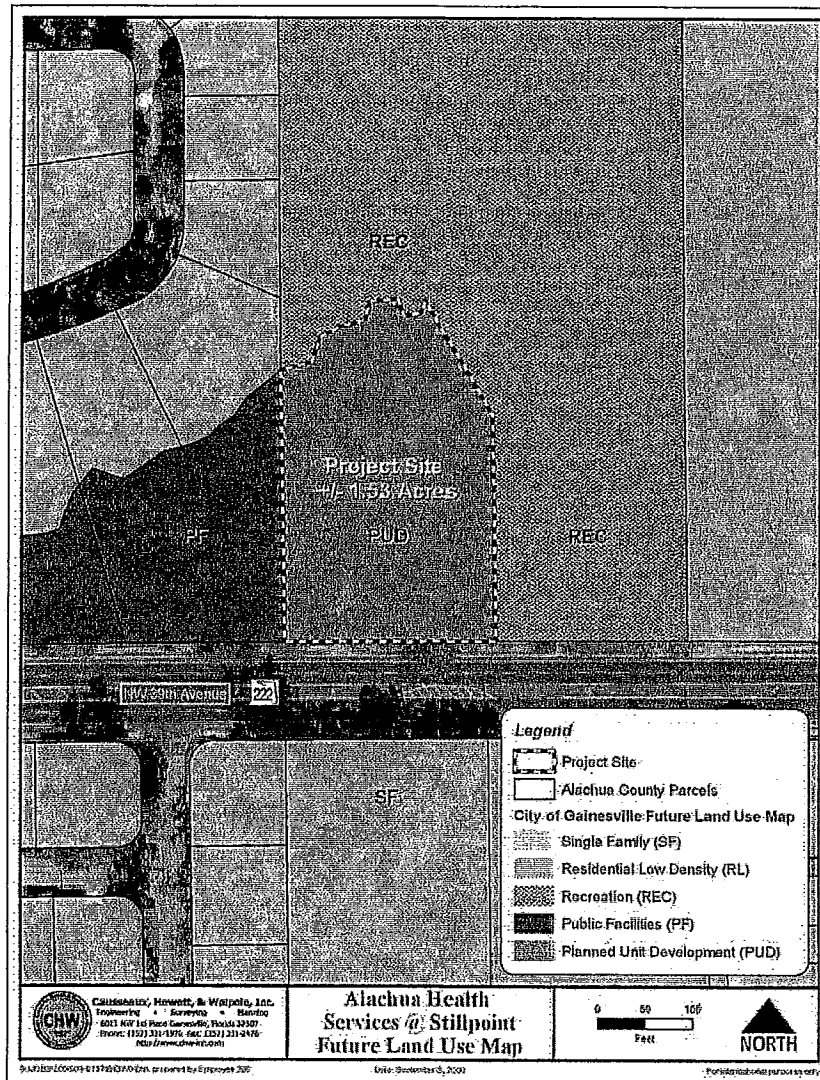
Stormwater runoff is contained on-site. A Stormwater Management Facility (SMF) provides water quality treatment (on-site retention of the first 1-1/4" of runoff from the impervious area or the first 1/2" of runoff, whichever is greater), and water quality treatment (detain the critical duration 25-year storm event with a post-development discharge rate equal to or less than the pre-development rate of discharge) prior to overland flow and discharge to Three Lake Creek. The Stormwater Management Plan has been established and will not require changes based on the proposed modification of uses.

### Conformance with PD Objectives

Given the location and previous use as a single-family home, followed by a child care center, and currently as a chiropractic office, it was and still is appropriate for the PUD district to allow for a site specific Planned Development (PD) zoning. Please see Attachment 'A' for Ordinance 3611 adopting the PUD Future Land Use category.

This development is located within Zone 'B' of the Transportation Concurrency Exception Area (TCEA). Normally, an application for a Certificate of Final Concurrency must be submitted in conjunction with a site plan for additional development. However, since the proposed change in uses will not increase impacts to public facilities, no Certificate of Final Concurrency is required at this time.





<b>Direction</b>	<b>Future Land Use</b>	<b>Property Use</b>
North	Recreation (REC)	Stillpoint Park
East	Recreation (REC)	Stillpoint Park
South	Right-of-Way / Single-Family (SF)	Religious Facilities
West	Public Facilities	Stillpoint Park

### *Intensity of Development*

As previously shown, the maximum building coverage is limited to 3,505 square feet. The site's limited intensity and architectural character are consistent and compatible with the site's physical and environmental characteristics and that of the surrounding properties.

**APPENDIX 'A'**  
**LEGAL DESCRIPTION**  
**FOR THE PLANNED DEVELOPMENT**

**DESCRIPTION: (AS FURNISHED)**

A parcel of land located in the Southeast Quarter (SE 1/4) of Section 24, Township 9 South, Range 19 East, Alachua County, Florida being more particularly described as follows:

Commence at a set nail and cap (#3524), marking the Southwest corner of the Southeast Quarter (SE 1/4) of Section 24, Township 9 South, Range 19 East, and a point on the centerline of NW 39th Avenue, thence North 01 degrees, 20 minutes, 40 seconds West a distance of 50.04 feet to a found concrete monument marking the intersection with the North right of way of NW 39th Avenue and the Point of Beginning; thence North 00 degrees, 59 minutes, 12 seconds West a distance of 276.45 feet to a set iron pin (#3524), marking the intersection with a centerline of a creek, thence along the centerline of said creek the following courses and distances of, North 74 degrees, 49 minutes, 49 seconds East a distance of 34.39 feet to a set iron pin (#3524), thence run North 18 degrees, 39 minutes, 13 seconds East a distance of 26.24 feet to a set iron pin (#3524), thence North 61 degrees, 47 minutes, 19 seconds East a distance of 22.18 feet to a set iron pin (#3524), thence North 74 degrees, 40 minutes, 35 seconds East a distance of 28.65 feet to a set iron pin (#3524), thence North 13 degrees, 30 minutes, 16 seconds East a distance of 18.95 feet to a set iron pin (#3524), thence North 84 degrees, 57 minutes, 35 seconds East a distance of 28.64 feet to a set iron pin (#3524), thence South 19 degrees, 40 minutes, 41 seconds East a distance of 18.31 feet to a set iron pin (#3524), thence North 81 degrees, 00 minutes, 40 seconds East a distance of 17.31 feet to a set iron pin (#3524), thence North 23 degrees, 27 minutes, 46 seconds East a distance of 14.29 feet to a set iron pin (#3524), thence leaving said centerline South 30 degrees, 14 minutes, 34 seconds East a distance of 134.75 feet to a set iron pin (#3524), thence South 00 degrees, 59 minutes, 12 seconds East a distance of 230 feet to a set iron pin (#3524), marking the intersection with the North right of way line of N.W. 39th Avenue, thence along said North right of way line South 89 degrees, 36 minutes, 41 seconds West a distance of 217.74 feet to the Point of Beginning.

**APPENDIX 'B'**  
**ORDINANCE 3611**

ORDINANCE NO. 3611  
0-89-96

AN ORDINANCE AMENDING THE CITY OF GAINESVILLE 1980-2000 COMPREHENSIVE PLAN BY IMPOSING THE "PLANNED USE DISTRICT (PUD)" CLASSIFICATION OVER CERTAIN PROPERTY WITH THE LAND USE CLASSIFICATION OF "SINGLE-FAMILY" LOCATED IN THE VICINITY OF 2730 N.W. 39TH AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the Planned Use District Classification be imposed over certain lands within the City with the Land Use Classification of "Single-family"; and

WHEREAS, notice by the Plan Board was given and publication made as required by law on November 1, 1989, and a Public Hearing was held on November 16, 1989; and

WHEREAS, notice was given and publication made on November 1, 1989, of a Public Hearing which was then held by the City Commission on December 4, 1989; and

WHEREAS, the amendment to the Land Use Element of the City of Gainesville 1980-2000 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided in Chapter 163, F.S.; and

WHEREAS, a legal advertisement was placed in a newspaper of general circulation notifying the public of this proposed Ordinance and of the Public Hearing to be held in the A. Clarence O'Neill Auditorium of the Municipal Building of the City of Gainesville approximately seven (7) days after the day

CODING: Words stricken are deletions; words underlined are additions.



1 the first legal advertisement was published; and

2 WHEREAS, a second legal advertisement was placed in the  
3 aforesaid newspaper notifying the public of the second Public  
4 Hearing to be held approximately five (5) days after the day the  
5 second legal advertisement was published; and

6 WHEREAS, the two (2) Public Hearings were held pursuant to the  
7 published and mailed notices described above at which hearings  
8 the parties in interest and all others had an opportunity to be  
9 and were, in fact, heard.

10 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
11 CITY OF GAINESVILLE, FLORIDA:

12 Section 1. The Land Use Element of the City of Gainesville  
13 1980-2000 Comprehensive Plan is amended by imposing the "Planned  
14 Use District (PUD)" classification over the following described  
15 property with the present land use classification of "Single-  
16 family":

17 See legal description attached hereto as Exhibit  
18 "A", and made a part hereof as if set forth in  
19 full.

20 Section 2. The present land use classification of "Single-  
21 family" on the above-described property is neither abandoned nor  
22 repealed; such classification is inapplicable as long as the  
23 property is developed in accordance with the development plan  
24 approved in the ordinance rezoning the property to Planned  
25 Development "PD." It is the intention of the City Commission  
26 that the provisions of Sections 1-3 of the Ordinance shall  
27 become and be made a part of the Code of Ordinances of the City

CODING: Words stricken are deletions; words underlined are  
additions.

1 of Gainesville, Florida, and that the Sections and Paragraphs  
2 of this Ordinance may be renumbered and relettered in order to  
3 accomplish such intentions.

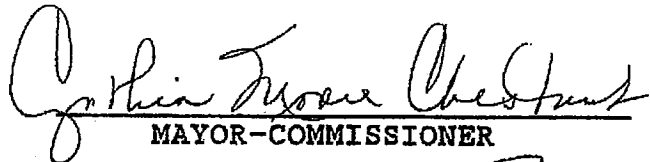
4 Section 3. The City Manager is authorized and directed to  
5 make the necessary changes in maps and other data in said Land  
6 Use Element in order to comply with this Ordinance.

7 Section 4. If any section, sentence, clause or phrase of this  
8 Ordinance is held to be invalid or unconstitutional by any court  
9 of competent jurisdiction, then said holding shall in no way  
10 affect the validity of the remaining portions of this Ordinance.

11 Section 5. All Ordinances, or parts of Ordinances, in  
12 conflict herein are to the extent of such conflict hereby  
13 repealed.

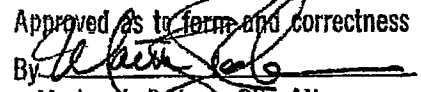
14 Section 6. This Ordinance shall become effective immediately  
15 upon final adoption.

16 PASSED AND ADOPTED this 2nd day of April, 1990.

17   
18 MAYOR-COMMISSIONER

19 ATTEST:

20   
21 CLERK OF THE COMMISSION

Approved as to form and correctness  
By   
Marlon J. Radson, City Attorney  
City of Gainesville, Florida

22 This Ordinance passed on first reading this 19th  
23 day of March, 1990.

24 This Ordinance passed on second reading this 2nd  
25 day of April, 1990.

26 MJR/afm  
27 03/21/90

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**APPENDIX 'C'**  
**ORDINANCE 3830**

01-93

ORDINANCE NO. 3830  
0-92-98

AN ORDINANCE OF THE CITY OF GAINESVILLE,  
FLORIDA, AMENDING ORDINANCE NO. 3612 BY  
REZONING CERTAIN LANDS TO PERMIT THE  
PRINCIPAL USE OF A CHIROPRACTIC OFFICE AND  
ACCESSORY RELATED HEALTH CARE PRACTICES ON  
CERTAIN PROPERTY WITH THE ZONING CATEGORY  
OF "PLANNED DEVELOPMENT DISTRICT"; LOCATED IN  
THE VICINITY OF 2730 N.W. 39TH AVENUE; PROVIDING  
A SEVERABILITY CLAUSE; PROVIDING A REPEALING  
CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE  
DATE.

WHEREAS, on April 2, 1990, the City Commission of the City of  
Gainesville adopted Ordinance No. 3612 which rezoned certain  
property described therein to Planned Development District to  
permit the use and operation of a daycare center as fully described  
therein;

WHEREAS, the owner of the property requested the City Plan  
Board to publish notice of a Public Hearing that the aforesaid  
lands with the zoning category of "Planned Development District" be  
used as a chiropractic office and accessory related health care  
practices in lieu of a day care center; and

WHEREAS, notice by the Plan Board was given and publication  
made as required by law on May 6, 1992, of Public Hearings held on  
May 21, 1992 and May 28, 1992; and

WHEREAS, notice was given and publication made on May 6,  
1992, of Public Hearings which were then held by the City  
Commission on June 1, 1992, June 15, 1992 and August 3, 1992; and

described herein, with the zoning category of Planned Development Districts;

See Exhibit "A" attached hereto and made a part hereof as if set forth in full.

Section 2. The City Manager is authorized and directed to make the necessary change in the Zoning Map to comply with this Ordinance.

Section 3. The Development Plan attached to this Ordinance which consists of the following:

1. a five (5) page Development Report entitled "Development Plan Report for a Chiropractic Doctor's Office" dated April 13, 1992, last revised December 9, 1992, identified as Exhibit "B"; and

2. development plan maps consisting of three (3) sheets prepared by Chance and Chausseaux, Inc., identified as Composite Exhibit "C";

are incorporated herein and made a part of this Ordinance as if set forth in full. The terms, conditions, and limitations of the Development Plan shall regulate the use and development of the land described herein zoned to the category of Planned Development District as provided in Chapter 30, Land Development Code of the City of Gainesville. In the event of conflict between the provisions of the development plan report (Exhibit "B") and the development plan maps (Exhibit "C"), the provisions, regulations, and restrictions of the development plan maps (Exhibit "C") shall govern and prevail.

1 A determination as to whether the use was discontinued or  
2 abandoned shall be made by the City Manager.

3 e) Accessory structures may only be located north of the south  
4 line of the existing principal building as shown on Exhibit  
5 "C", subject to this Development Plan and site plan approval.  
6 A 40 foot building and structure setback shall be maintained  
7 along and adjacent to the west property line, and a 20 foot  
8 building or structure setback shall be maintained along a  
9 adjacent to the east property line.

10 f) The existing principal building as shown on Composite Exhibit  
11 "C" may be expanded to a maximum of 350 square feet subject to  
12 site plan approval. Any expansion shall not encroach upon or  
13 within the existing south line of the existing building with  
14 minimum side yard setbacks of fifty (50) feet on the west and  
15 fifty (50) feet on the east.

16 g) All principal and accessory uses shall be conducted within  
17 completely enclosed building/s, with the exception of the  
18 existing swimming pool which may be used as an accessory and  
19 incidental use. The use of the swimming pool shall not  
20 interfere with the use and enjoyment of the single-family  
21 homes located adjacent to this property.

22 h) Medical waste shall not be stored on the property, and such  
23 waste, if any, shall be disposed on a daily basis.

24 i) A fifty foot wide natural buffer area shall be established and  
25 maintained along and adjacent to the north property line. No

Design construction and dimensions shall comply with requirements of Public Works and Traffic Engineering Departments of the City and Florida Department of Transportation requirements.

n) Only one free-standing sign is permitted. The maximum height shall not exceed six (6) feet and the maximum size of the sign shall not exceed eighteen (18) square feet. Signs may be indirectly illuminated and shall not cause glare to adjacent development or cause a safety problem to vehicular traffic. Except as expressly provided herein, all other requirements of Article IX shall govern and apply.

o) Except as expressly provided herein, the regulation of the use and development of the property described in Section 1 of this ordinance shall be governed as if this property were zoned "Single-family residential district (RSF-1: 3.5 units/acre)".

Section 5. The Development Plan approved in Section 3 of Ordinance No. 3612 is repealed in its entirety and shall not regulate the development and use of the land described therein.

Section 6. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 7. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 8. This ordinance shall become effective immediately upon