



City of Gainesville
Department of Doing
Planning Division

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CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: October 24, 2019

ITEM NO: 6

PROJECT NAME AND NUMBER: Henderson Property, PB-19-108 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): Henderson & Henderson II CO-T

Related Petition(s): PB-19-107 LUC: City of Gainesville. Amend the City of Gainesville Future Land Use Map from Alachua County Light Industrial to City of Gainesville Industrial (IND). Generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street.

Legislative History Ordinance No. 160216: An ordinance of the City of Gainesville, Florida, annexing approximately 100 acres of city-owned and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, 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 February 16, 2017 – Approved (Vote: Aye-6; Absent-1)

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

SITE INFORMATION:

Address: Generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street

Parcel Number: 07245-003-000

Acreage: ±4.4

Existing Use: Vacant/Wooded

Future Land Use Category: Alachua County Light Industrial

Zoning District: Alachua County Agricultural (A)

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: February 16, 2017

Code Violations: There are no open cases.

PURPOSE AND DESCRIPTION:

The subject property (see Figure 1) is one of 16 tax parcels, and part of approximately 100 acres, the City of Gainesville voluntarily annexed as part of the “Finley Woods Area Annexation” (see Exhibit C-2). 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).

Given the above, a City-initiated request for a small-scale amendment to the Future Land Use Map of the City’s Comprehensive Plan to change the future land use category on the subject property from Alachua County Light Industrial to City of Gainesville Industrial (IND) is filed under Petition PB-19-107 LUC. This City-initiated petition is a concurrent request to rezone the subject property (see Figure 1) from Alachua County Agricultural (A) to City of Gainesville Business Industrial (BI). 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 currently undeveloped, forested land that lies south of SW Archer Road; north of SW Williston Road; west of Interstate 75; and east of SW 75th Street. The boundaries of the subject property fall within the Fred Bear Hammock strategic ecosystem. The subject property must be accessed from adjacent private property, since it is landlocked and there is no abutting right-of-way.

Table 1. Proposed Zoning Change (in acres)

Zoning District	Description	Existing Acres	Proposed Acres
A	Alachua County Agricultural (A)	±4.4	0
BI	City of Gainesville Business Industrial (BI)	0	±4.4
Total Acres		±4.4	±4.4

Note: The data in Table 1 was obtained from the following sources: City of Gainesville, Department of Doing, Geographic Information Systems (GIS), August 2019; Alachua County Property Appraiser’s Office, August 2019; and City of Gainesville, Ordinance No.160216 (adoption date: February 16, 2017).

ADJACENT PROPERTY CHARACTERISTICS:

The subject property lies adjacent to large tracts of land that are located within the future land use categories and zoning districts indicated in Table 2. The abutting properties on the north and east are within the Fred Bear Hammock strategic ecosystem, where there are significant natural resources that include uplands and wetlands. The abutting properties on the west and southwest are part of the Finley Woods Planned Development (PD), which is proposed for a mixture of residential housing types. Directly south of the subject property is the vacant, wooded portion of a large tract of agricultural land that contains a single-family dwelling.

The area surrounding the subject property is serviced with solid waste collection, police and fire protection, transportation facilities and other public services. The nearest bus routes are Regional Transit System (RTS)

Routes 35 and 36, which are located on the east side of Interstate 75. The surrounding area also has Gainesville Regional Utilities (GRU) utilities available for an extension of services to the subject property.

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

	Existing Use(s)	Future Land Use Category	Zoning District
North	Vacant	Business Industrial (BI)	Business Industrial (BI)
South	Vacant / Residential	Light Industrial (Alachua County) / Planned Use District (PUD)	Agricultural (A) (Alachua County) / Planned Development (PD)
East	Vacant	Light Industrial (Alachua County)	Agricultural (A) (Alachua County)
West	Residential	Planned Use District (PUD)	Planned Development (PD)

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), August 2019; <http://www.org/PlanningDepartment/MappingandGIS/MapLibrary.aspx>; and Alachua County, Growth Management Department, Geographic Information Systems (GIS), August 2019, <<https://growth-management.alachuacounty.us/gis>>.

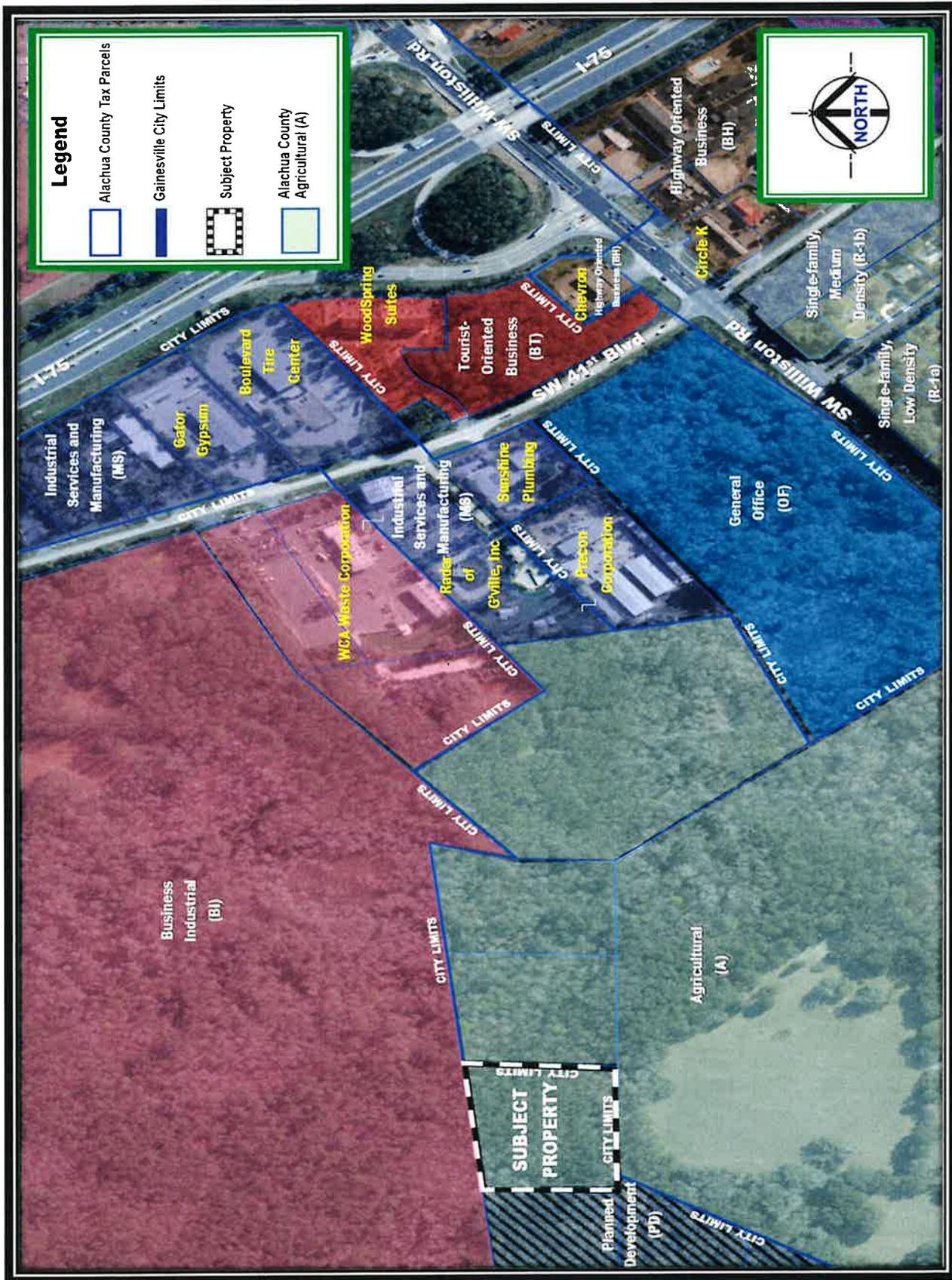


Figure 2. Existing Zoning District

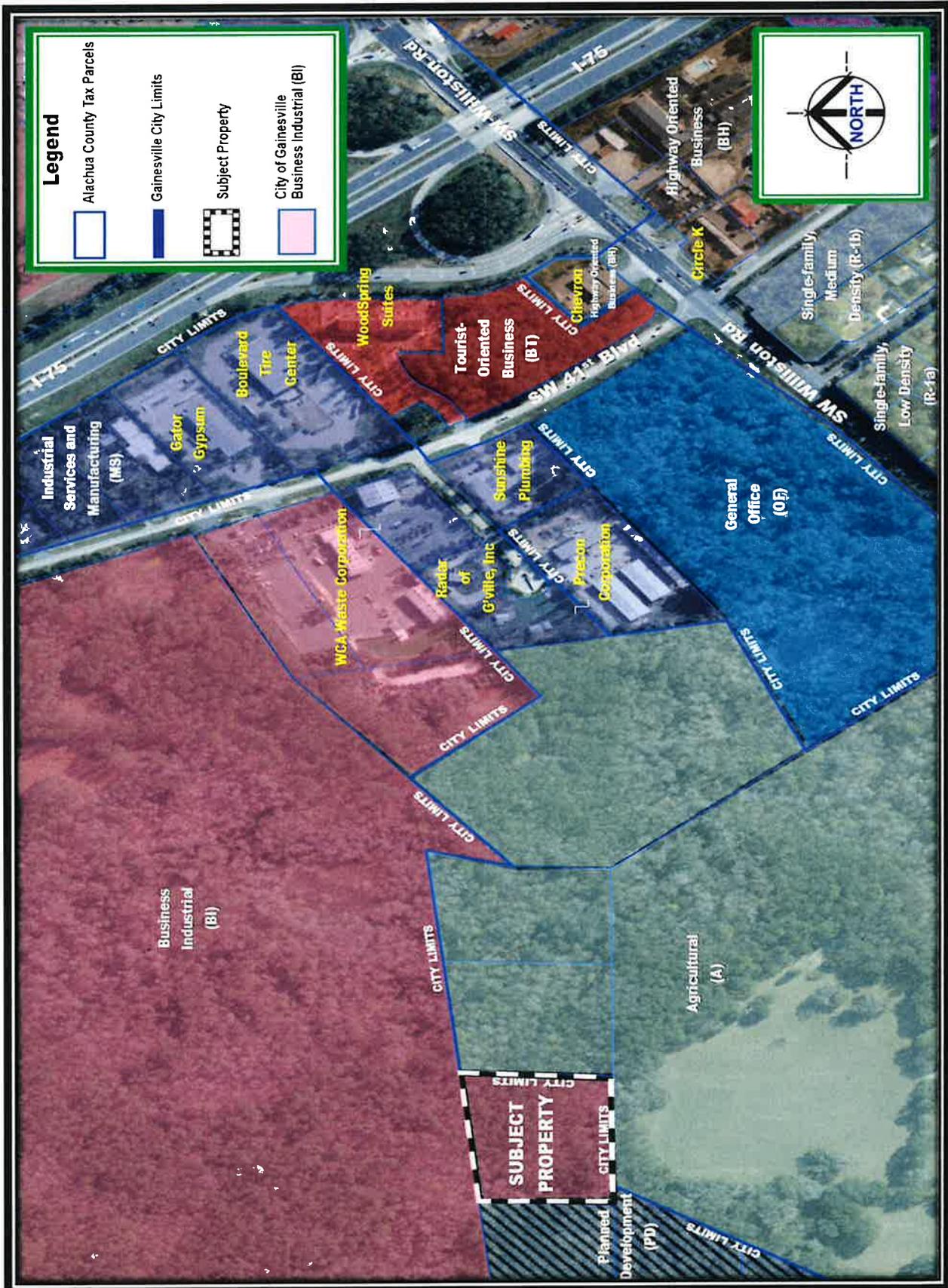


Figure 3. Proposed Zoning District

STAFF ANALYSIS AND RECOMMENDATION:

ANALYSIS

The analysis of this rezoning application is based on the following 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.

A mixture of office, commercial, business, and industrial uses are permitted in the proposed Business Industrial (BI) zoning district (see Exhibit B-2). Residential use within the BI zoning district is limited to adult day care homes. There are no limitations on building area, except through height, and there is no residential density. These development standards are compatible with the abutting property to the north, which is zoned B1 for the construction of a business park. Compatibility with other surrounding existing development is accomplished through the BI land development regulations that include, but are not limited to, use standards, setbacks, landscaping, environmental protection, access, stormwater management, and site illumination. The City's performance standards also foster compatibility by requiring protection from 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.

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

The proposed Business Industrial (BI) zoning district is characterized by office, business, commercial and industrial uses. The B1 zoning district is typically located near major roadways, such as SW Archer Road to the north; SW Williston Road to the south; and Interstate 75 to the east. The land development regulations of the BI zoning district serve to ensure internal and external compatibility between uses. These regulations 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.

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

The location of the proposed Business Industrial (BI) zoning district relative to other properties is identified in Table 2 and Figures 1 through 3. Vacant, wooded property zoned BI abuts on the north. Property zoned Alachua County Agricultural (A) that contains a single-family dwelling and is used mostly for agricultural purposes, abuts on the south and east. The Finley Woods Planned Development (PD) abuts on the south and west. Existing public facilities and services, such as roadways, utilities, bus routes, fire and police protection, and solid waste collection are also located in the surrounding area. Major transportation facilities located near the proposed BI zoning district are SW Archer Road to the north; SW Williston Road to the south; and Interstate 75 to the east.

The proximity of the proposed Business Industrial (BI) zoning district to surrounding properties will facilitate transportation efficiency, walkability, and provide job opportunities near residential dwelling units. Landscape buffers, which are required between the proposed Industrial (IND) future land use category and the abutting properties, help to prevent incompatibility between land uses.

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

The subject property is currently undeveloped. However, the proposed Business Industrial (BI) zoning district allows a variety of uses to choose from in order to facilitate the selection of an appropriate and compatible use of land.

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

The applicable portions of the City Land Development Code, City Comprehensive Plan and other relevant sources that have been considered in analyzing this rezoning application are noted in the staff report.

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

The proposed Business Industrial (BI) zoning district allows a mixture of uses in one location. As a result, businesses can be within close proximity to their customers and suppliers. Customers can be close to services, such as banks, post offices and places to eat. These characteristics of the BI zoning district provide a range of activities to support the day-to-day needs of the population and economy. They also create transportation efficiency and walkability, which help to reduce costs for customers and businesses.

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

The Finley Woods Planned Development (PD) is located on ±118 acres that abut on the south and west. The PD was approved this year allowing a mixture of residential housing types that can potentially support the nonresidential uses allowed within the proposed Business Industrial (BI) zoning district.

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 allow a mixture of uses in close proximity to existing surrounding development, which includes both residential and non-residential uses. Pedestrian and vehicular access to these uses is supported by nearby transportation facilities, such as Interstate 75, SW Williston Road and SW Archer Road, and the land development regulations of the proposed Business Industrial (BI) zoning district.

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 will increase the acreage within the City that is allowed to have a mixture of office, business, commercial and industrial uses in one location. The Business Industrial (BI) zoning district is proposed near residential and non-residential development, transportation efficiency and walkability. The land development regulations of the BI

zoning district also include no maximum lot coverage, which allows design flexibility for protecting environmental resources from construction.

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 City's Land Development Code has established that the proposed Business Industrial (BI) zoning district is allowable within the Industrial (IND) future land use category, which is proposed in the companion small-scale land use amendment application. The land development regulations of the BI zoning district are written to ensure consistency with the Industrial (IND) future land use category, as defined in 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 Business Industrial (BI) zoning district allow resource assessments for development applications. Topographic and soils information can be required in the resource assessment, as well as other relevant information, to ensure that all particular site conditions are addressed in the development review. 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 land development regulations of the Business Industrial (B1) zoning district support vehicle and pedestrian connections between adjoining properties in order to reduce travel time and costs associated with accessing nearby transportation facilities. SW Archer Road is located to the north; SW Williston Road is located to the south; and Interstate 75 is located to the east. The nearest bus service is on Regional Transit System (RTS) Routes 35 and 36, which are located just east of Interstate 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 proposed Business Industrial (BI) zoning district is proposed within the Fred Bear Hammock strategic ecosystem. Consequently, development activities are subject to the set-aside requirements for existing uplands and buffer requirements for existing wetlands. Compliance with these requirements is determined by the City's Environmental Coordinator, along with other applicable agencies.

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-19-108 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-19-108 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. 160216 (see Exhibit C-2), which was adopted February 16, 2017. 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

Appendix C Supplemental Documents

Exhibit C-1: Application

Exhibit C-2: City Ordinance No. 160216

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

Exhibit C-4: Alachua County Unified Land Development Code, Article 2. Rural/Agricultural Districts

Exhibit C-5: Staff Review Status

Exhibit C-6: Henderson 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.



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

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

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

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

APPLICATION TYPE	NEWSPAPER AD	MAILED NOTICE	POSTED NOTICE
COMPREHENSIVE PLAN AMENDMENTS/LAND USE CHANGES			
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
RESIDENTIAL													
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	-	-
NONRESIDENTIAL													
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 ¹	A ¹	S	P	P	P	P	P	S	S
Microbrewery Microwinery Microdistillery ³	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.

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
DENSITY/INTENSITY												
Residential density (units/acre)												
Min ¹	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 ²	None ²	None	None	None	None	None	None	None	None	None	None
LOT STANDARDS												
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
SETBACKS (ft.)												
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 ⁴	10	10 ⁴	20 ⁴
Rear (min)	10	10	10	10	10	10	15	10	10 ⁴	20	10 ⁴	10 ⁴
MAXIMUM BUILDING HEIGHT (stories)												
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.*

Multi-Family Residential/Industrial	Commercial/Institutional/Office/Mixed-Use
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.

Appendix C

Supplemental Documents

AUG 20 2019

APPLICATION—CITY PLAN BOARD
Planning & Development Services

OFFICE USE ONLY	
Petition No. <u>PB-19-00108</u>	Fee: \$ <u>N/A</u>
1 st Step Mtg Date: <u>N/A</u>	EZ Fee: \$ <u>N/A</u>
Tax Map No. <u>4644</u>	Receipt No. <u>N/A</u>
Account No. 001-660-6680-3401 [<input type="checkbox"/>]	
Account No. 001-660-6680-1124 (Enterprise Zone) [<input type="checkbox"/>]	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) [<input type="checkbox"/>]	

Owner(s) of Record (please print)	
Name: Henderson & Henderson II CO-T	
Address:	
Phone:	Fax:
(Additional owners may be listed at end of applic.)	

Applicant(s)/Agent(s), if different	
Name: City of Gainesville, FL	
Address: PO Box 490, Station 11	
Phone: 352-334-5023	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

Check applicable request(s) below:

Future Land Use Map [<input type="checkbox"/>]	Zoning Map [<input checked="" type="checkbox"/>]	Master Flood Control Map [<input type="checkbox"/>]
Present designation:	Present designation: *	Other [<input type="checkbox"/>] Specify:
Requested designation:	Requested designation: **	

INFORMATION ON PROPERTY

1. Street address: See Staff Report

2. Map no(s): 4644

3. Tax parcel no(s): 07245-003-000

4. Size of property: ±4.4 _____ acre(s)

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.

Certified Cashier's Receipt:

- * Alachua County Agricultural (A)
- ** City of Gainesville Business Industrial (BI)

Phone: 352-334-5022



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 _____

YES X

If yes, please explain why the other properties

cannot accommodate the proposed use? See Staff Report

- 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:
N/A

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 ____ YES X (If yes, please explain below)

See Staff Report

- 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 ____
 Activity Center ____
 Strip Commercial ____

Urban Infill X
 Urban Fringe ____
 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 _____

YES X (please explain)

See Staff Report

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. 160216

An ordinance of the City of Gainesville, Florida, annexing approximately 100 acres of city-owned and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, 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 August 4, 2016, 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 petition 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 notice that has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading that notified the public of this proposed ordinance and of public hearings in the City Commission Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

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

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

Section 2. The following described property is annexed and incorporated within the corporate limits of the City of Gainesville, Florida:

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

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

Section 4. In accordance with Section 171.062, Florida Statutes, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the property described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the Alachua County land use plan and zoning or subdivision regulations through the City of Gainesville's code enforcement and civil citation processes.

Section 5. (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the property area described in

Section 2 of this ordinance shall have the right to continue such occupation, business, trade, or profession, but shall obtain a business tax receipt from the City of Gainesville for the term commencing on October 1, 2017, which tax receipt shall be issued upon payment of the appropriate fee in accordance with the Gainesville Code of Ordinances in effect on October 1, 2017.

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

Section 6. The Clerk of the Commission is directed to submit a certified copy of this ordinance to: 1) the Florida Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

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

Section 8. All other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 9. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this 16th day of February, 2017.



LAUREN POE
MAYOR

Attest:



KURT LANNON
CLERK OF THE COMMISSION

Approved as to form and legality:



for/ NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this 2nd day of February, 2017.

This ordinance passed on second reading this 16th day of February, 2017.

FINLEY WOODS AREA ANNEXATION

A TRACT OF LAND LYING AND BEING IN THE GAREY GRANT, SECTIONS 22, 23, 26 AND 27, TOWNSHIP 10 SOUTH, RANGE 19 EAST OF ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 070721, SAID POINT LYING N 40°28'21" W AT A DISTANCE OF 104.14 FEET FROM THE SOUTHWEST CORNER OF LOT 4 OF BROOKS ADDITION AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 40 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREIN AFTER ABBREVIATED "PRACF") SAID POINT OF BEGINNING ALSO BEING THE NORTHWEST CORNER OF PARCEL 5 (TAX PARCEL # 7245) OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3590, PAGE 155 (HEREAFTER ABBREVIATED "ORB#/P#"); THENCE ALONG SAID CITY LIMIT LINE, THE NORTH LINE OF SAID LANDS, THE NORTH LINES OF PARCELS 6 & 7 (TAX PARCEL # 7245-1 & 7245-2) OF SAID ORB 3590/P155 AND THE NORTH LINE OF THOSE LANDS DESCRIBED IN ORB 4311/P 2337 (TAX PARCEL # 7245-3), N 83°01'44" E, A DISTANCE OF 2946.15 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE LEAVING SAID CITY LIMIT LINE, ALONG THE EAST LINE OF SAID LANDS S 01°05'11" W A DISTANCE OF 412.38 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE ALONG THE SOUTH LINE OF SAID LANDS THE FOLLOWING COURSES: 1.) S 89°17'32" W, 402.52 FEET, 2.) S 30°19'02" W, 32.42 FEET, 3.) S 88°38'17" W, 7.05 FEET TO A POINT ON THE EAST LINE OF PARCEL 2 OF THOSE LANDS DESCRIBED IN AFOREMENTIONED ORB 3590/P155 (TAX PARCEL # 6975-5); THENCE ALONG THE EAST LINE OF SAID PARCEL 2 AND ALONG THE EAST LINES OF PARCELS 3, 4 AND 10 OF SAID ORB 3590/P155 AND THE SOUTHWESTERLY PROJECTION THEREOF (TAX PARCELS # 6975-6, 6975-7 AND 7002-1-1) S 30°02'16" W A DISTANCE OF 1917.23 FEET TO THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE RUN ALONG SAID RIGHT OF WAY LINE N 78°10'44" W, A DISTANCE OF 163.26 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH WITH A RADIAL BEARING OF S 10°35'37" W, HAVING A RADIUS OF 2716.10 FEET AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 78°50'08" W 54.12 FEET; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AND CURVE AN ARC DISTANCE OF 54.12 FEET THROUGH A CENTRAL ANGLE OF 01°08'30"; THENCE LEAVING SAID NORTHERLY MAINTAINED RIGHT OF WAY N 00°09'35" E, A DISTANCE OF 70.13 FEET; THENCE N 88°02'36" W A DISTANCE OF 34.83 FEET; THENCE N 42°10'08" W A DISTANCE OF 23.06 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED AS PARCEL 10 IN ORB 3590/155 (TAX PARCEL # 7002-1-1); THENCE ALONG SAID WEST LINE N 00°04'06" E A DISTANCE OF 1184.37 FEET TO A POINT ON THE SOUTHERLY LINE OF LANDS DESCRIBED IN ORB 3834/P500 (TAX PARCEL # 7002-1), THENCE S 89°23'25" E ALONG THE SOUTHERLY LINE OF SAID LANDS A DISTANCE OF 26.93 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE ALONG THE EAST LINE OF SAID LANDS N 00°09'35" W A DISTANCE OF 338.81 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE ALONG THE NORTH LINE OF SAID LANDS AND THOSE LANDS DESCRIBED IN ORB 3950/P151 (TAX PARCEL # 6975-1), N 89°24'01" W A DISTANCE OF 671.85 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE ALONG THE WEST LINE OF SAID LANDS S 00°36'58" E A DISTANCE OF 369.20 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE ALONG THE SOUTH LINE OF SAID LANDS S 82°06'32" E A DISTANCE OF 620.72 FEET TO THE SOUTHEAST CORNER OF SAID LANDS ALSO BEING THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN ORB 3590/P153 PRACF (TAX PARCEL # 6975-1-1); THENCE ALONG THE EAST LINE OF SAID LANDS AND THE EAST LINE OF THOSE LANDS DESCRIBED IN ORB 3590/P163 (TAX PARCEL # 6991-1) S 00°04'06" W A DISTANCE OF 548.96 FEET TO A POINT OF INTERSECTION ON THE EASTERLY LINE OF SAID LANDS; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING TWO COURSES: N 89°55'49" W, 588.04 FEET; S 00°26'51" W, 572.01 FEET TO THE SOUTHEAST CORNER OF SAID LANDS, ALSO BEING A POINT ON THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE CONTINUE ALONG THE SOUTHERLY PROJECTION OF SAID EASTERLY LINE S 00°26'51" E A DISTANCE OF 62.70 FEET TO THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE, ALSO BEING A POINT ON THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN ORB 3495/P62 PRACF (TAX PARCEL # 7007-1); THENCE ALONG SAID NORTHERLY LINE AND SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE N 89°57'32" E A DISTANCE OF 228.14 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHERLY WITH A RADIAL BEARING OF S 00°00'05" E, HAVING A RADIUS OF 2120.06 FEET AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 86°58'47" E 223.52 FEET; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND CURVE AN ARC DISTANCE OF 223.62 FEET THROUGH A CENTRAL ANGLE OF 06°02'37" TO THE NORTHEAST CORNER OF SAID LANDS

Exhibit "A" to Ordinance No. 160216
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DESCRIBED IN ORB 3495/P62 PRACF AT THE INTERSECTION OF SAID MAINTAINED RIGHT OF WAY LINE AND WITH THE WEST LINE OF THE FLORIDA GAS TRANSMISSION LINE EASEMENT (30 FEET WIDE EASEMENT); THENCE LEAVING SAID SOUTHERLY MAINTAINED RIGHT OF WAY LINE, ALONG SAID EASEMENT LINE S 11°24'09" W A DISTANCE OF 1426.80 FEET TO THE SOUTHEAST CORNER OF SAID LANDS ALSO BEING AT THE INTERSECTION OF SAID EASEMENT LINE AND THE EASTERLY BOUNDARY LINE OF THE PRAIRIE VIEW TRUST PARCEL PER LETTER DATED 11-4-85 FROM HENDERSON (TAX PARCEL # 07002); THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN ORB 3495/P62 PRACF ALSO BEING THE EASTERLY AND NORTHERLY LINE OF SAID PRAIRIE VIEW TRUST PARCEL THE FOLLOWING TWO COURSES: 1.) N 40°04'39" W, 472.89 FEET; 2.) S 89°15'08", 298.68 FEET TO THE SOUTHEAST CORNER OF THE "TOGETHER WITH" PORTION (DRAINAGE EASEMENT AND OPEN SPACE) OF "FINLEY WOODS, PHASE 1A" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "29" PAGE 56, PRACF; THENCE LEAVING THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN ORB 3495/P62 PRACF AND NORTHERLY LINE OF SAID PRAIRIE VIEW TRUST PARCEL CONTINUE ALONG THE EASTERLY LINE OF SAID "TOGETHER WITH" PORTION OF SAID PLAT THE FOLLOWING THREE COURSES: 1.) N 01°03'02" W, 123.72 FEET; 2.) N 55°48'50" W, 338.87 FEET; 3.) S 88°49'40" W, 53.87 FEET TO THE "POINT OF BEGINNING" OF SAID "TOGETHER WITH" PORTION ALSO BEING A POINT ON THE EASTERLY LINE OF "FINLEY WOODS, PHASE 1B" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "29" PAGE 58, PRACF; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING THREE COURSES: 1.) N 06°05'16" W, 65.07 FEET; 2.) N 03°24'28" W, 66.05 FEET; 3.) N 16°14'07" W A DISTANCE OF 75.01 FEET TO A POINT ON THE EASTERLY LINE OF AFOREMENTIONED "FINLEY WOODS, PHASE 1A"; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING SIX COURSES: 1.) N 32°38'50" W, 97.59 FEET; 2.) N 42°59'22" E, 46.31 FEET; 3.) N 47°00'38" W, 60.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY WITH A RADIAL BEARING OF S 47°00'38" E HAVING A RADIUS OF 525.42 FEET AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 46°18'54" E 60.95 FEET; 4.) SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 60.99 FEET THROUGH A CENTRAL ANGLE OF 06°39'03"; 5.) N 40°19'59" W, 109.50 FEET; 6.) N 01°30'39" W, 252.67 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE CONTINUE ON A NORTHERLY PROJECTION OF THE EAST LINE OF SAID "FINLEY WOODS, PHASE 1A" N 01°30'39" W A DISTANCE OF 63.97 FEET TO THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE ALONG SAID RIGHT OF WAY LINE N 88°46'10" E A DISTANCE OF 56.73 FEET; THENCE ALONG SAID RIGHT OF WAY LINE S 89° 48' 58" E A DISTANCE OF 515.03 FEET TO A POINT ON THE SOUTHERLY PROJECTION OF THOSE LANDS DESCRIBED IN ORB 3590/P163 (TAX PARCEL # 6991-1); THENCE LEAVING SAID RIGHT OF WAY LINE, ALONG SAID SOUTHERLY PROJECTION AND WEST LINE N 00°27'29" W, A DISTANCE OF 727.74 FEET TO THE NORTHWEST CORNER OF SAID LANDS, ALSO BEING A POINT ON THE SOUTH BOUNDARY OF LANDS AS DESCRIBED IN ORB 3664/P375, PRACF (TAX PARCEL # 6975-2); THENCE ALONG SAID SOUTH BOUNDARY S 89°11'00" W, A DISTANCE OF 310.28 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE ALONG THE WESTERLY BOUNDARY OF SAID LANDS THE FOLLOWING THREE COURSES: 1.) N 00°31'42" W, 850.24 FEET; 2.) N 89°10'59" E, 61.25 FEET; 3.) N 00°49'01" W, 6.83 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. SAID PARCEL CONTAINING 100.36 ACRES, MORE OR LESS.

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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 2 Rural/Agricultural Districts

403.03 Rural/Agricultural District Descriptions

(a) Agricultural (A) District

The Agricultural District (A) implements the Rural/Agriculture designation on the Future Land Use Map, and the policies of the Comprehensive Plan to allow rural and agricultural areas to be developed in a manner consistent with the retention of agriculture, open space, and rural character; preservation of environmentally sensitive areas; and the efficient use of public services and facilities. 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) Agricultural Rural Business (A-RB) District

The Agricultural Rural Business District (A-RB) implements the Rural/Agriculture designation on the Future Land Use Map, and the policies of the Comprehensive Plan to provide for those commercial or other uses on a limited scale serving or ancillary to agricultural activities. Properties zoned A-RB shall front a paved publicly-maintained road and shall be located at least a mile from all other properties zoned A-RB. 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) Agriculture (AG-TDR) District (with Transfer of Development Rights)

The Agriculture Transfer of Development Rights district implements the Rural/Agriculture designation on the Future Land Use Map and the Transfer of Development Rights policies of the Comprehensive Plan, to provide principally for agricultural activities while allowing limited residential development at a density of up to one dwelling unit per 40 acres. A rezoning to this district shall occur when the owner of an Agricultural property, defined as having an approved Agriculture Classification from the Alachua County Property Appraiser, has voluntarily sold or otherwise conveyed associated development rights pursuant to the TDR program outlined in Chapter 402 Article 29.

(d) Conservation (C-TDR) District (with Transfer of Development Rights)

The Conservation Transfer of Development Rights district implements the TDR policies of the Comprehensive Plan, to provide principally for preservation of environmentally sensitive land while allowing limited residential development if resources can be protected at a density of up to one unit per 200 acres where consistent with a Conservation Area Management Plan. Higher densities of up to one dwelling unit per 40 acres may be proposed where it can be demonstrated that there is not impact on resource protection and where consistent with the Conservation Area Management Plan. A rezoning to this district shall occur when the owner of Conservation property, defined as properties that contain Strategic Ecosystems or are on the Alachua County Forever (ACF) active acquisition list, has voluntarily sold or otherwise conveyed associated development rights pursuant to the TDR program outlined in Chapter 402 Article 29.

Department Review Status Report

Project Name: Henderson Property, PB-19-108 ZON

Application Type: Rezoning

Public Hearing Date: October 24, 2019

Cycle	Department	Reviewer	Email	Status	Reviewer Comments
	Alachua County EPD	Gus Olmos	gus@alachuacounty.us	No Review Required	
	Building Coordinator	John Freeland	freelandjc@cityofgainesville.org	No Review Required	
	Environmental	Liliana Kolluri	kolluris@cityofgainesville.org	Approved	The parcel falls within the mapped Fred Bear Hammock Strategic Ecosystem and contains wetlands. Any future development must comply with required wetland buffers and upland set-asides for strategic ecosystem resources.
	Gainesville Fire Rescue Department	Tom Burgett	burgetta@cityofgainesville.org	Approved	Approvable
	GRU New Services Department	Wendy Mercer	MercerWL@gru.com	Approved	
	Historic Preservation	Jason Simmons	simmonsja@cityofgainesville.org	Approved	
	Planners	Bedez Massey	masseybe@cityofgainesville.org	Approved	Subject to City Commission approval.
	Public Works - Design	Rick Meizer	meizerra@cityofgainesville.org	Approved	
	Public Works - Constructability	Matt Williams	williamsrm@cityofgainesville.org	No Review Required	
	Public Works Solid Waste	Steve Joplin	joplinsh@cityofgainesville.org	Approved	
	Public Works Stormwater	Gail Mowry	mowrygl@cityofgainesville.org	Approved	
	Public Works Survey	Pat Durbin	durbinpr@cityofgainesville.org	No Review Required	
	Transportation Mobility	Jason Simmons	simmonsja@cityofgainesville.org	Approved	
	Urban Forestry	Liliana Kolluri	kolluris@cityofgainesville.org	Approved	
	Department of Mobility	Scott Wright	wrightsa@cityofgainesville.org	Approved	
	Public Works Stormwater Management Utility	Mary Frieg	FriegMC@cityofgainesville.org	Approved	

HENDERSON PROPERTY PUBLIC MEETING NOTICES

(Photos taken from SW 62nd Avenue)

