



**City of Gainesville  
Department of Sustainable Development  
Planning Division**

PO Box 490, Station 11  
Gainesville, FL 32627-0490  
306 NE 6<sup>th</sup> Avenue  
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**DEVELOPMENT REVIEW BOARD STAFF REPORT**

**PUBLIC HEARING DATE:** September 28, 2021

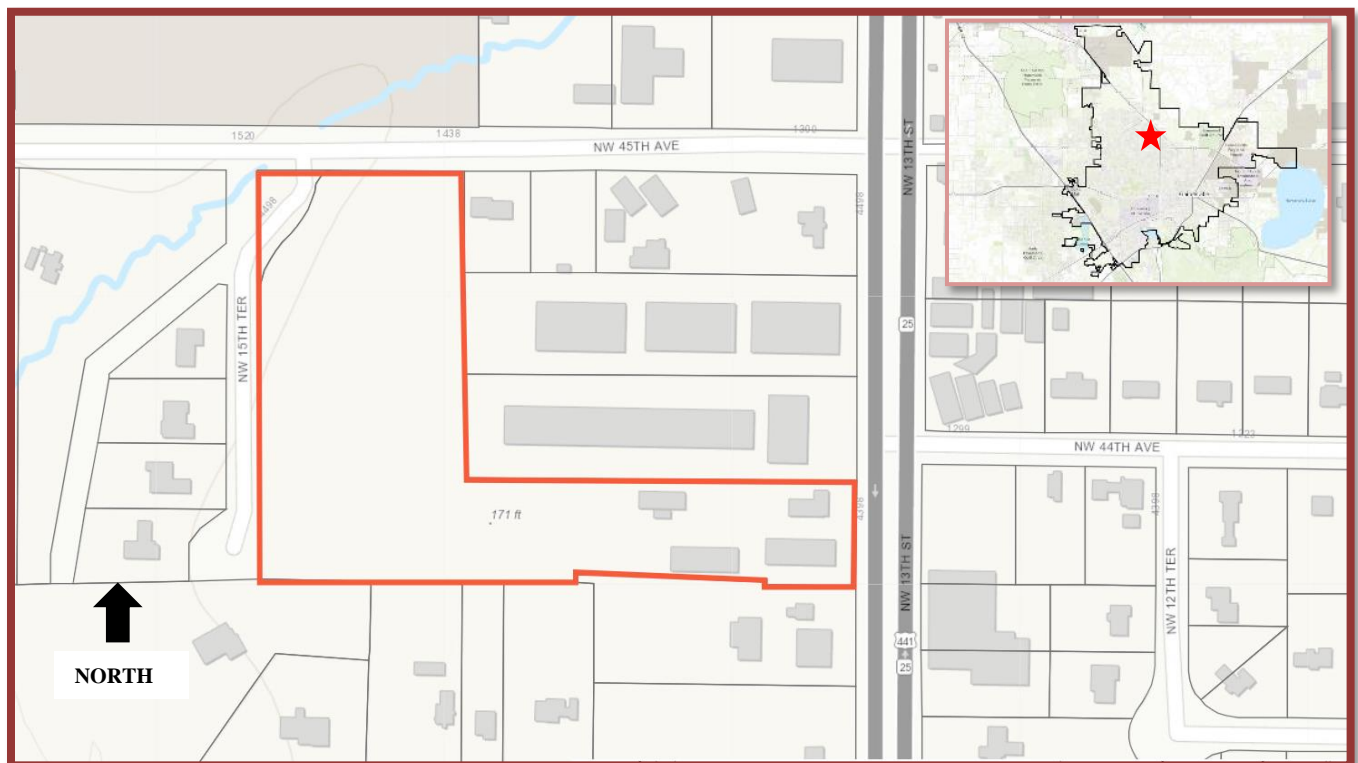
**ITEM NO:** 1.

**PROJECT NUMBER AND NAME:** DB-21-118 SPA, **Mr. Stuart Cullen, agent for Fiber Swimming Pools Dist.**, Requesting authorization to allow outdoor accessory storage and Display up to 25% of the existing indoor storage area.

**APPLICATION TYPE:** Request to allow outdoor accessory storage and Display

**CITY PROJECT CONTACT:** Lawrence Calderon, Planner III

**Map 1. General Location Map**



**APPLICATION INFORMATION:**

**Agent/Applicant:** Mr. Stuart Cullen, agent for Fiber Swimming Pools Dist.,

**Property Owner(s):** Elizabeth C. Beaty Trust

**Related Petition(s):** None.

**Legislative History:** None.

**Neighborhood Workshop:** Not Required

**SITE INFORMATION:**

**Address:** 4322 NW 13<sup>th</sup>. Street, Gainesville, FL 32608

**Parcel Number(s):** 07910-000-000

**Acreage:** Approximately +/- 6.47 acres, 281,833 sq. ft.

**Existing Use(s):** Retail of Swimming Pools and Supplies.

**Land Use Designation(s):** Commercial and Single Family Residential.

**Zoning Designation(s):** BA (Business Automotive)

**Overlay District(s):** None

**Transportation Mobility Program Area (TMPA):** Area B

**Water Management District:** Saint John's River Water Management District

**Special Feature(s):** Parcel includes multiple zoning designations, including single-family.

**Annexed:** 1961

**Code Violations:** No record of code violations

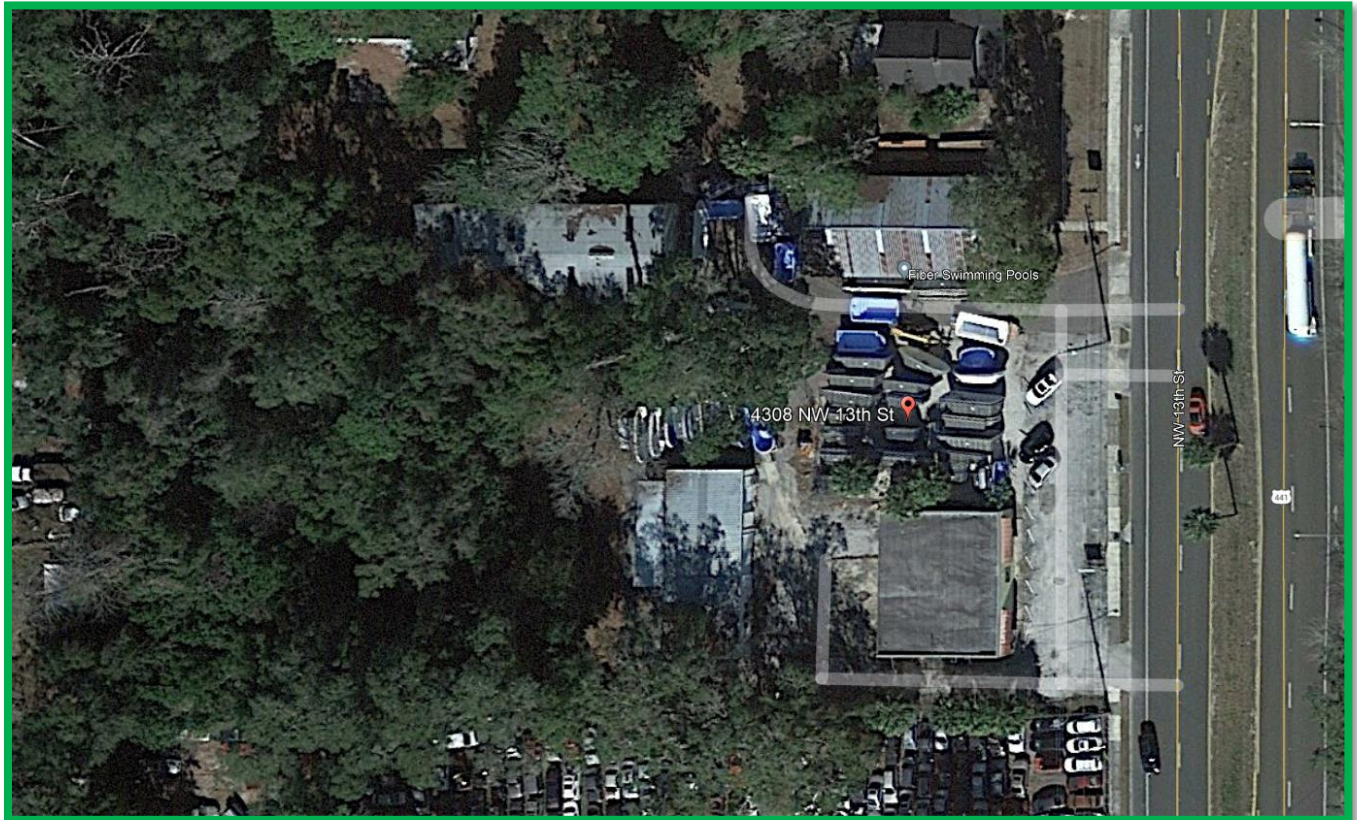
**BACKGROUND AND EXPLANATION:**

**Background:**

The subject property is located in the northwest quadrant of the City, along a major north/south transportation arterial, which is developed with a variety of commercial uses. The property is zoned BA (Business Automotive), which does not allow outdoor storage as a principal use. Accessory outdoor storage is allowed by special review. The applicant submitted a Zoning Verification Form to operate a Retail Pool store at Tax Parcel 07910-000-000, addressed as 4322 NW 13<sup>th</sup>. Street. The use was approved on October 30, 2020, with the condition, "No Outdoor Storage Permitted". After opening the

business, the applicant proceeded to store and display pools on the subject property fronting NW 13<sup>th</sup> Street. (See Map 2, Aerial of site). Code Enforcement inspected the property on December 18, 2020 and issued a citation on December 31, 2020 for violation of Sec. 30-1.8 of the Code of Ordinances. The case was presented to the local magistrate for adjudication on May 25, 2021; the applicant was found guilty and was ordered to comply with the ordinance. To date, the applicant has not complied with the order but is seeking approval to conduct outdoor accessory storage in accordance with Sec. 30-5.41 of the Land Development Code.

**Map 2. Aerial of Outdoor Storage, January, 2021**



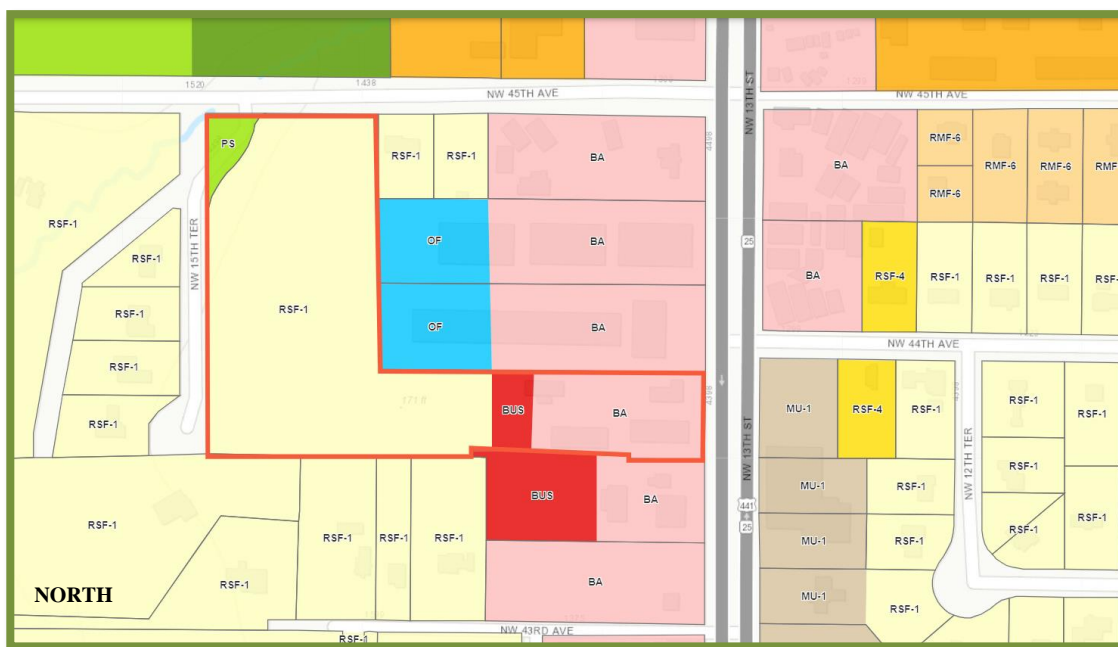
**Explanation:**

In accordance with Sec. 30-5.41. Outdoor accessory display and storage, the applicant is requesting approval to operate a business with accessory display and storage, on the site of the business, equivalent to 25% of the total floor area of the size of the principal structure.

**Outdoor storage** is defined in the code as “.... the storage or display, outside of a completely enclosed building, of merchandise offered for sale as a permitted use or of equipment, machinery and materials used in the ordinary course of a permitted use, or the storage of inoperable motor vehicles, or the storage of used materials or items whether for sale or not. This term expressly does not include junk or junkyards as defined in this section.”

**Outdoor activity** means any service or activity conducted or provided outside of the principal structure on a regular or recurring basis, approved as part of a development plan.

### Map 3: Zoning of Subject and Surrounding Properties



**TABLE 1. LAND USE AND ZONING OF SURROUNDING PROPERTY**

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
<b>North</b>	Retail and Multi-family residential.	Commercial and Office	BA (Business Automotive) and OF
<b>South</b>	Furniture Retail and Motor Cycle Sales	Commercial and Single Family	BA (Business Automotive) and BUS (General Business)
<b>East</b>	Mobile Home Sales and Furniture Retail	Mixed-Use Low Intensity	MU-1 Mixed Use
<b>West</b>	Undeveloped and scattered Single-family residential	Single Family	RSP-1 (Single-family Residential)

It is important to note that outdoor storage as a principal use is allowed only in the Warehousing and industrial zoning districts and by Special Use Permit in the BI (Business Industrial) District. Outdoor storage is not allowed in any of the business districts, (See Table 2 below).

Additionally, where outdoor storage is allowed, it must be in accordance with the following section of the code. **Sec. 30-5.20. Outdoor storage.**

Where outdoor storage is a permitted principal use (not including accessory, short-term or temporary storage) the following requirements apply (see applicable use standards in article V for outdoor storage as an accessory use):

- A. *Screening requirements.* A landscape buffer strip must be provided in the same manner as if the property were in an industrial land use designation in accordance with the requirements of article VIII.
1. Additional screening may be required to visually shield the use from the public right-of-way.
  2. No merchandise, equipment, machinery, materials, motor vehicles, or other items may be stored above the height of the landscape buffer strip.

**TABLE 2. ZONING DISTRICTS WHERE OUTDOOR STORAGE IS ALLOWED**

USE	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
<b>Outdoor storage (principal use)</b>	NP	NP	NP	NP	NP	NP	NP	NP	S	P	P	P
<b>Vehicle Sales (No outdoor display)</b>	NP	NP	NP	NP	NP	P	P	P	P	NP	P	NP
<b>Vehicle Sales (With outdoor display)</b>	NP	NP	NP	NP	NP	NP	P	NP	P	NP	P	P
<b>Outdoor accessory display and storage</b>	B O A R D	B O A R D	B O A R D	B O A R D	B O A R D	B O A R D	B O A R D	B O A R D	B O A R D	B O A R D	B O A R D	B O A R D
<b>Legend: NP: Not Permitted; P: Permitted; S: Permitted by Special Use Permit</b> <b>BOARD: Requires Review by an Advisory Board</b>												

#### STAFF ANALYSIS:

Staff reviewed this petition in the context of Sec. 30-5.20, which outlines the general intent of the code, the manner in which outdoor storage is viewed and how it is regulated. Staff also considered Sec. 30-5.41, which specifically address outdoor display and storage as an accessory use to a principal use, permitted by right.

#### The general characteristics of the subject property and surrounding developments.

The subject property is one of many properties that front the northern part of a major north/south corridor, NW 13<sup>th</sup>. Street, that traverses the full length of the city. Between NW 39<sup>th</sup> and NW 53<sup>rd</sup> Avenues, the zoning of properties fronting the NW 13<sup>th</sup> Street corridor, includes BA, MU-1, OF and PD; none of those zoning districts allow outdoor storage as a principal use. Those properties form a strip of commercial development oriented to the main corridor. Beyond that strip of commercial development along NW 13<sup>th</sup> Street, lie single and multi-family residential developments, which are buffered from the impacts of the major transportation corridor. It is therefore important to ensure safe, sustainable and compatible growth and development of those properties fronting NW 13<sup>th</sup>. Street.

Those properties must be carefully monitored and regulated to ensure stable and compatible development, that will continue to offer protection, screening and buffering of the more sensitive residential development that exist beyond the fringes of the NW 13<sup>th</sup>. Street corridor.

### **Views from the Literature, Comprehensive Plan and Land Development Code about Outdoor Storage**

The regulation of outdoor storage, is intended to encourage compatible with nearby uses, to discourage unsightly appearance of unrestricted clutter, to prevent unsightly accumulation of waste, to promote outdoor activity areas that are free of garbage and other debris and to facilitate safe and efficient pedestrian and/or vehicle circulation. Urban Land Use regulations pay close attention to the potential negative impacts of outdoor storage and put in place strong regulation to ensure that outdoor storage occurs in the right place with the right controls, while ensuring that businesses are afforded adequate space to operate accessory outdoor storage and display.

In addition to the criteria provided in Sec. 30-5.41 for reviewing requests for outdoor accessory display and storage, the Gainesville code provides additional guidance in deciding on requests for the use of outdoor storage space. The code is deliberate and direct in regulating outdoor storage. It prohibits outdoor storage as a principal use in most of the Mixed-use and Non-residential zoning districts. Where outdoor storage is permitted, in industrial and warehousing districts, strong standards are required to ensure compatibility. The following standards are provided:

#### **Sec. 30-5.20. Outdoor storage.**

Where outdoor storage is a permitted principal use (not including accessory, short-term or temporary storage) the following requirements apply (see applicable use standards in article V for outdoor storage as an accessory use):

- A. *Screening requirements.* A landscape buffer strip must be provided in the same manner as if the property were in an industrial land use designation in accordance with the requirements of article VIII.
  - 1. Additional screening may be required to visually shield the use from the public right-of-way.
  - 2. No merchandise, equipment, machinery, materials, motor vehicles, or other items may be stored above the height of the landscape buffer strip.

The code is also clear on allowable uses along the front façade of buildings fronting the public right-of-ways. Parking is one form of outdoor storage and display, which has a lesser negative impacts than open storage of merchandise; yet, there are strong regulating standards on off-street parking along right-of-ways. The fact that the code clearly limits the display of parking is an indication of its intent to limit outdoor storage, especially along abutting streets. Consider the design and placement of parking,

#### **Sec. 30-4.21. Design standards,** states the following:

- A. *Parking.*
  - 1. Motor vehicle parking is required in accordance with article VII. All motor vehicle parking except a double-loaded row of parking shall be located in the rear and/or interior side of the building, unless such a location is prevented by topography, stormwater retention or significant trees, as determined by the appropriate reviewing board, city manager or designee. In no case shall more than 50 percent of the parking be located between the front facade and the primary abutting street, unless modified by the appropriate reviewing board, city manager or designee.

The treatment, design and placement of mechanical equipment is another area where the code provide guidance.

**Sec. 30-4.21. E. - Design standards,** states the following.

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

**Sec. 30-4.22.G. 3. B. ii.**

Electrical transformers and other utility equipment shall be screened from public view.

In addition to the above general guidelines, the code specifically outlines the procedures for considering requests for outdoor accessory display and storage.

**Sec. 30-5.41. Outdoor accessory display and storage.**

The reviewing board or city manager or designee may authorize accessory display and/or storage outside of enclosed buildings subject to the following conditions:

**A. The outdoor storage/display area shall be designated on an approved development plan.**

The code defines “*Development plan* “, as a plan indicating the permitted design and extent of development of a parcel of land, approved under and pursuant to this chapter. The subject site and operation is existing and does not have a current approved development plan. Staff accepts the plan submitted as meeting the “... design and extent of development of a parcel of land...”. However, the plan proposed has not been approved by the department and does not contain many of the elements necessary to establish and memorialize the exact location of any approved storage area. It does not contain sufficient information to enable the board to issue a decision relative to the main elements of the site, impacts on surrounding developments, the adjacent right-of-way, and to establish minimum conditions of approval. As proposed, the plan does not contain the necessary elements to facilitate monitoring and compliance by Code Enforcement.

***Condition 1.***

If approved, the applicant shall submit a scaled as-built drawing indicating the relevant elements of a development plan as listed in Sec. 30-3., but at a minimum, shall include the following:

- a. A plan showing the subject parcel that will be housing the primary use and its relationship to the Minor Subdivision, PB 2, PG 28.
- b. Property boundaries with dimensions, including existing right-of-way boundaries
- c. Location and dimensions of the primary structure/s housing the principal use, and off-street parking areas, relative to the boundaries of the subject property.
- d. The exact location and dimensions of the proposed storage area relative to the property boundaries and existing structures.
- e. The surface material of the storage area and how materials stored will be contained within the approved area.

**B. The proposal shall be in accordance with the overall design and conditions of the development plan for the principal use.**

There are no recently approved development plans for the subject property. The buildings were constructed between 1960 and 1984 and businesses have been permitted based on the existing site conditions, Zoning Verification Form and compliance with Building Permit standards with each requested improvement.

- C. If the proposed outdoor display or storage is located within 20 feet of a public right-of-way, it shall be enclosed and screened by a wall, fence or hedge that is not less in height than two-thirds the height of any equipment or fixtures used or any material stored or offered for sale.**

The proposed storage area is not within 20 feet of the public right-of-way. Therefore, full enclosure, screening and fencing of the designated height is not required. However, in the interest of compatibility with surrounding properties and adjacent right-of-way, the designated location must be clearly identified relative to the property lines, adjacent buildings and establishing a specifically defined area where outdoor storage will be conducted.

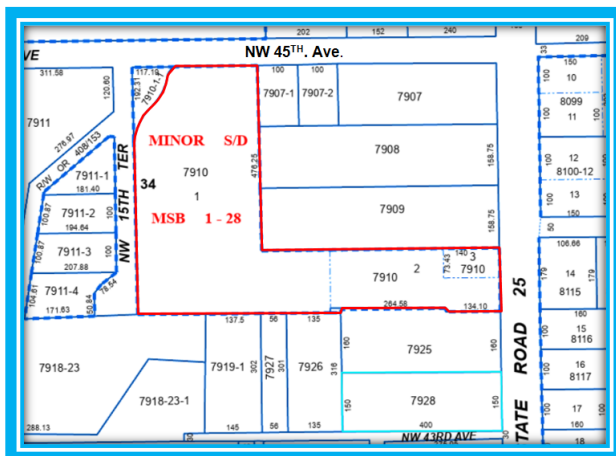
**Condition 2.**

The outdoor storage area shall be clearly delineated and limited to merchandise that is part of the primary use of the business. It shall not occupy or displace off-street parking required for the uses operating on the site and shall not be located forward of the front façade of the principal building housing the primary use.

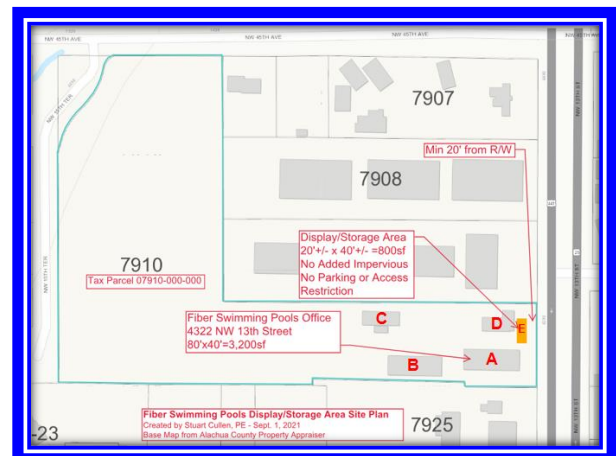
- D. The outdoor storage and/or display shall be clearly incidental or accessory to the principal use of the property and shall be limited to not more than 25 percent of the total building size of the principal use.**

The application is submitted for Tax Parcel # 07910-000-000. According to records from the City of Gainesville and Alachua County, that parcel is identified per the maps listed below, which was subdivided through a Minor Subdivision, PB 1, PG 28 of Alachua County Records. The application shows four buildings (labelled as A, B, C & D) on the subject property, but it is not clear whether they are distributed in accordance with the parcels created by the Minor Subdivision or whether the parcels of the minor subdivision have been re-aggregated into a single parcel.

**Map 4. Minor Subdivision**



**Map 5. Location of Main Buildings**



The applicant indicates building “A” on Map 5, as housing the principal use, “Fiber Swimming Pools Office”. The building is listed with Alachua County records as having 3,200 sq. ft. and was built in 1969. The site appears to have more than one building associated with the sale, distribution or management of a swimming pool business. It is not clear which site or building is directly associated with the outdoor storage. Criteria “D” above states that the outdoor storage and/or display shall be clearly incidental or accessory to the principal use. If the principal use is an office, it is not clear that an office use would require outdoor storage of swimming pools, for which the citation was issued.

Area “E” is listed as the associated outdoor “Display/Storage Area”. The plan does not provide adequate details pertaining to the outdoor storage area and how it relates to the full site and other buildings on the site. The exact location, relative to property lines, type of surface and delineation of the storage area has not been provided.

This report is submitted based on an evaluation of a request related to Tax Parcel # 07910-000-000 with Building “A” housing the primary use and Area “E” as the requested location for outdoor storage.

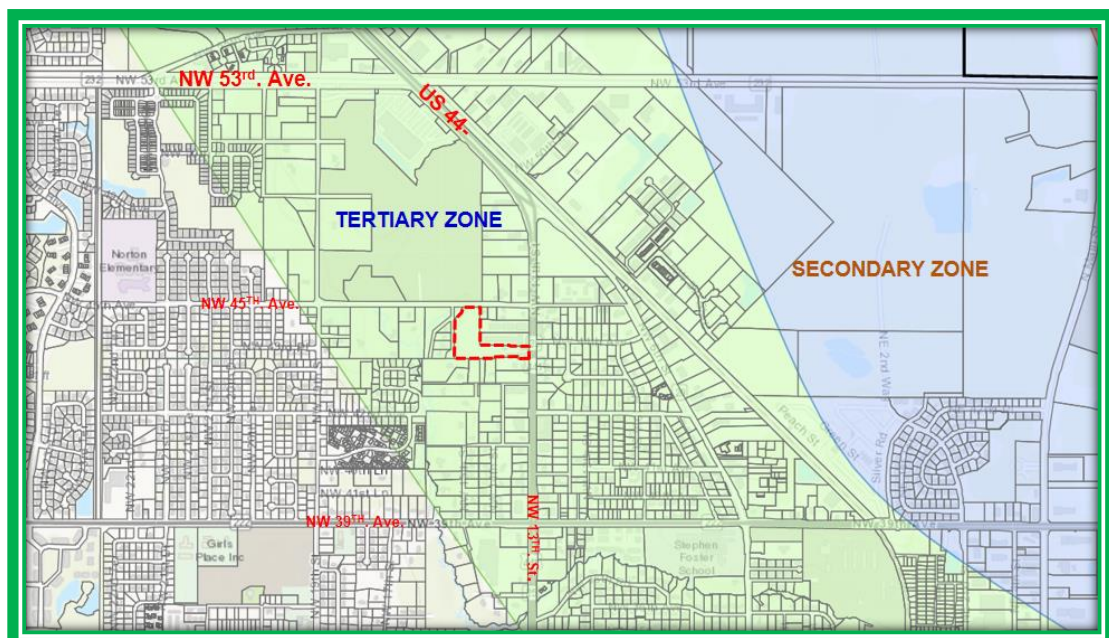
***Condition 3.***

The applicant shall demonstrate how and why outdoor storage is needed for operation of a swimming pool office use.

**Location in the Wellfield Protection District**

The property is located in the Tertiary Zone of the Wellfield Protection District and must address standards associated with the storage of hazardous materials. Given the request for outdoor storage a wellfield permit or exemption shall be required.

**Map 6. Subject Property Relative to Wellfield Protection Zones**



***Condition 4.***

The applicant shall provide a list of materials to be stored in the designated area and submit an application requesting a Wellfield Protection Permit or an Exemption from compliance with the Wellfield Protection standards.

**Recommendation:**

Staff recommends approval of the requested for outside accessory display and storage subject to the conditions included in the staff report.

**POST-APPROVAL REQUIREMENTS:**

Except for an appeal of the board's decision, if approved, the decision of the board shall become immediately effective and authorizes an on-site area, for outdoor storage and/or display which is clearly incidental or accessory to the principal use of the property. The area shall be limited to not more than 25 percent of the total building size of the principal use.

**LIST OF ATTACHMENTS:**

**Attachment A: Application and Supporting Documents.**

**Attachment B: Some Relevant Comp Plan and Land Development Code References.**



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**ATTACHMENT A**

**Petition DB-21-118 SPA**

**September 28, 2021**

- 1. Attachment A – Application and Supporting Documents**
- 2. Attachment B – Some Relevant Comprehensive Plan And LDR References**

# PLAN REVIEW APPLICATION

## OVERVIEW:

07910-000-000

<b>Project Name:</b>	<b>Tax Parcel Number:</b> _____
<b>Property Address:</b> _____ 4322 NW 13th Street	
<b>First Step Meeting Date:</b>	<b>GRU Project Meeting Date:</b>

### Proposed Uses/Type of Development (Check all that apply)

<input type="checkbox"/> <b>Residential</b>	<b>Density</b>	<input type="checkbox"/> <b>Non-residential</b>
<input type="checkbox"/> Multi-family	Units/acre:	<input type="checkbox"/> Commercial <input type="checkbox"/> Office
Total Units:	Total bedrooms:	<input type="checkbox"/> Industrial <input type="checkbox"/> Other
		Gross floor area:

## PROJECT MANAGEMENT:

<b>Owner(s) of Record (please print)</b>		
<b>Name:</b> _____ Elizabeth C. Beaty - Trustee		
<b>Mailing Address:</b>		
<b>Phone:</b>	<b>Fax:</b>	<b>E-Mail:</b>

<b>Applicant/Engineer of Record/Project Coordinator (please print)</b>		
<b>Name:</b>		
<b>Mailing Address:</b>		
<b>Phone:</b>	<b>Fax:</b>	<b>E-Mail:</b>

Project Coordinator Name:

## FEES:

Level of Review (check one)				
<b>MINOR</b>	<b>INTERMEDIATE</b>	<b>MAJOR</b>	<b>CONCEPT</b>	<b>MASTER</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fees are determined at First Step Meeting or GRU Project Meeting and are based on level of review and EZ Zone. More information about EZ Zones can be found at <http://cityofgainesville.org/Portals/0/plan/2015%20Web%20Docs/landdevfees151001.pdf>

<b>Plan Review Fee: \$</b>	
<b>GRU Fee: \$</b>	<b>GRU Business Acct No.:</b>
<b>Plan review fee will be paid by:</b>	
<b>Name:</b>	<b>E-Mail:</b> <b>Phone:</b>

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### THIS SECTION FOR OFFICE USE ONLY

<b>Petition Number:</b>
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SUFFICIENCY CHECKLIST BELOW. PLEASE FILL OUT

Reviewer Comment	Met Y/N/NA	Sheet #
PLANNING: Wellfield exemption and protection permit provided		
PLANNING: Property owner authorization provided		
PLANNING: Neighborhood workshop information provided		
PLANNING: First Step Meeting held		
PLANNING: Stormwater Management Plan provided		
PLANNING: Signed Concurrency Exemption or Long Form provided		
PLANNING: Fire Flow Calculations provided		
PLANNING: Environmental mitigation plan for impacted environmental areas provided		
PLANNING: Photometric plan/ lighting plan provided		
PLANNING: Landscape plan provided		
PLANNING: Construction staging plan provided		
PLANNING: Boundary survey with a legal description provided		
PLANNING: Utility Plan provided		
PLANNING: Building elevations with basic floorplans provided		
PLANNING: Trip generation study provided		
PLANNING: Traffic study provided		
PLANNING: [Insert Comments]		
GRU GENERAL - Is this plan review 2 or greater? If yes, were all previous comments addressed?		
GRU GENERAL - Did you coordinate with Electric Engineer or tech and provide a layout on plan? If yes, provide name		
Include contact information, Owners name, project name, address and phase(s)		
GRU GENERAL - Clear and legible plans on 24" x 36" sheets		
GRU GENERAL - GRU Energy Delivery Electric System Design reflecting proposed W/WW utility design. Note on cover page/plans as "Electric Design Provided by GRU Energy Delivery".		
GRU GENERAL - ALL GRU standard utility notes must be shown on utility plans (see Section 1. III.C.21 of the GRU Water/Wastewater Design Standards)		
GRU GENERAL - Project location map with North Arrow		
GRU GENERAL - On utility master site plan show and label all existing & proposed utilities (note 'end of GRU maintenance')		
GRU GENERAL - Existing and proposed easements		
GRU GENERAL - Right-of-way lines		
GRU GENERAL - Parcels and/or lot numbers of site location and adjacent property		
GRU GENERAL - Street names		
GRU GENERAL - Proposed structures (i.e. buildings, walls fences, signs)		
GRU GENERAL - Proposed subdivision plat, if project is a subdivision		
GRU GENERAL - Signed & sealed boundary survey, including legal description and parcel number(s)		

GRU GENERAL - Proposed off-site utility extensions to the point of availability, showing the affected offsite parcels/properties/proposed easements		
GRU GENERAL - Landscape Plan reflecting all proposed Utility locations		
GRU GENERAL - Building minimum finished floor elevations		
GRU GENERAL -Building footprints (for commercial projects), labeled building setback lines and build-to lines, decorative masonry walls, fences, signs and landscaped buffer areas		
GRU GENERAL Utility Space Allocation cross sections for each different road section, alleys and PUEs including street and locations if roads or alleys are included in project		
GRU GENERAL Identify lot numbers and street names in some fashion (names may change prior to permit issuance)		
GRU W-WW - Application by engineer that W/WW/RCW system design is in accordance with GRU Design Standards. (note: Final plans shows valid P.E. license and reads "Professional Engineer")		
GRU W-WW - Potable and wastewater demand calculations		
GRU W-WW - AutoCAD Drawing file of Water and Wastewater Utilities with pipe sizes, fittings, and valves clearly labeled (this file will be used by GRU Strategic Planning to model the proposed water system)		
GRU W-WW - In all cases, signed and sealed NFPA 1 and ISO fire flow calculations See Appendix E of Water/Wastewater Standards for a copy of ISO 2008		
GRU W-WW - Copy of Development Master Plan including Phasing Schedule, unless plans include all potential future development		
GRU W-WW - Show temporary construction water source with reduced pressure back flow preventer (RPBFP)		
GRU W-WW - Indicate and label source of irrigation water if there is landscaping		
GRU W-WW - If water/wastewater infrastructure is illegible on Master Plan, provide on multiple sheets		
GRU W-WW - If WW service is provided, then plan and profile views are required for gravity sewer and force mains. All WW system plan and profile sheets at 1" = 30' max horizontal scale and 1" = 5' max vertical scale. (Exceptions accepted at GRU discretion		
"GRU W-WW - All materials clearly labeled (pipe including diameter, material and slope, valves, fire hydrants, fire sprinkler lines, water meters, RPBFP, fittings, manholes including elevations, services, clean outs with top and invert elevations, sizes, types, slopes and associated appurtenances"		

"GRU W-WW - Show and label connections to existing utilities. Label existing facilities which cross or are adjacent to the property as well as elevations (manhole tops and inverts), pipe diameter and material of all existing W/WW, Electric, Gas, GRUCom and Stormwater facilities which cross and/or are adjacent to the property"		
GRU W-WW - Existing and proposed site contours must be shown on utility plan		
"GRU W-WW - Master paving and drainage plan reflecting all stormwater facilities, retention or detention ponds with elevations (clearly indicate design high water level and 100 year flood elevations)"		
"GRU W-WW Standard WW Pump Station design drawings for GRU O&M stations (Private O&M WW pump stations shall include signed and sealed design calculations, i.e. system head curve, pump curve/specs, If lift station is included in project)"		
GRU ELECTRIC: All Proposed electric infrastructure shown to scale per EDSG		
GRU ELECTRIC Proposed meter/service delivery point shown		
"GRU ELECTRIC If using GRU Rental Lights, GRU will provide conduit layout. Owner to provide photometric plan. (Note: provide copy of waiver application that is submitted to the City)"		
"GRU ELECTRIC - All electric equipment, cable/conduits must be contained within a PUE û coordinate with GRU Real Estate "		
GRU ELECTRIC - Provide proper clearances around all electric structures and equipment as per EDSG		
GRU ELECTRIC - Provide required voltage (single phase or three phase)and any load information that you have		
GRU GAS - Gas shown on plans		
GRU GAS - Gas usage statement: include notes on items contractor will provide to mitigate aid in construction costs and whether there will be natural gas generator on-site		
GRU GAS - Gas meter location		
GRU GAS - Acceptable service delivery point		
"GRU GAS - Include gas department notification statements, one week for demolition services, 72 hours prior to casing installations, one week for gas main installations and 72 hours for meter se"		
GRU GRUCom - Are you considering GRUCom services		

# Stuart I. Cullen, PE

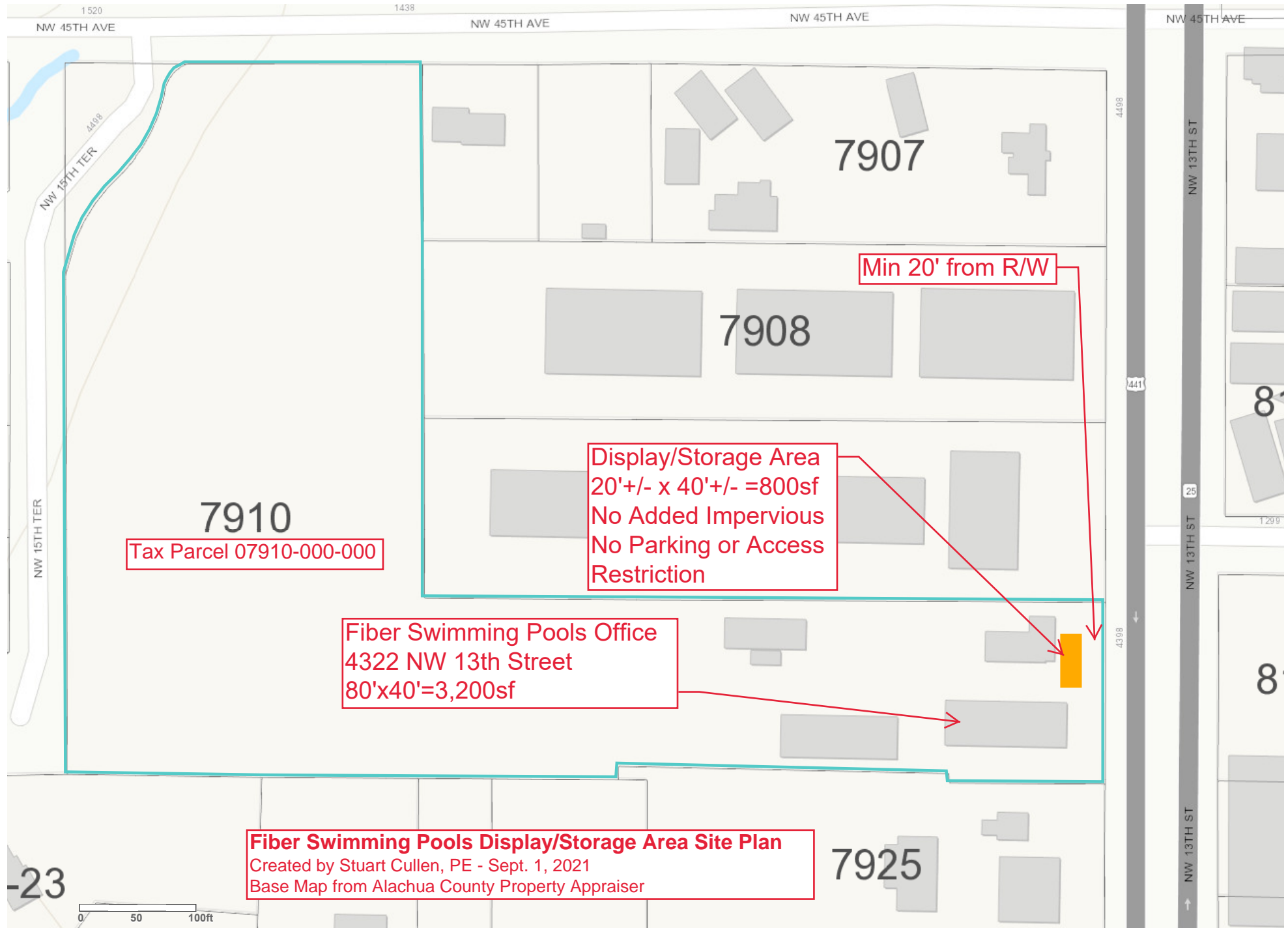
2174 SW 35<sup>th</sup> Court  
Gainesville, FL 32608  
(352) 318-9461  
scullen.eng@gmail.com

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## Letter of justification demonstrating compliance with the requirements of: City of Gainesville Land Development Code **Section 30-5.41. Outdoor Accessory Display and Storage**

### Code Provision and Compliance Statements:

- A. The outdoor storage/display area shall be designated on an approved development plan.  
**RESPONSE: This petition requests approval of a development plan which designates the outdoor storage/display area.**
- B. The proposal shall be in accordance with the overall design and conditions of the development plan for the principal use.  
**RESPONSE: The proposed development plan is for the principal use of the Retail Pool Sales office with accessory outdoor display or storage. The only proposed conditions are the code based principal use restrictions and the noted Accessory Display and Storage criteria referenced in this letter. Therefore, the proposal is in accordance with the overall design and conditions of the development plan.**
- C. If the proposed outdoor display or storage is located within 20 feet of a public right-of-way, it shall be enclosed and screened by a wall, fence or hedge that is not less in height than two-thirds the height of any equipment or fixtures used or any material stored or offered for sale.  
**RESPONSE: This proposed outdoor display or storage area will not be within 20' of a public right-of-way, as designated on the development plan. Therefore, no screening is proposed.**
- D. The outdoor storage and/or display shall be clearly incidental or accessory to the principal use of the property and shall be limited to not more than 25 percent of the total building size of the principal use.  
**RESPONSE: The proposal requests 800 square feet of outdoor display or storage area for pools which is no more than 25% of the 3,200 square foot of the principal use building size and clearly an accessory use to the principal use of Retail Pool Sales.**
-



# PROPERTY OWNER AFFIDAVIT

Owner Name: Elizabeth Beaty Trustee <i>Elizabeth C. Beaty Trust web</i>			
Address: PO Box 357703 Gainesville, FL 32635		Phone: 352-375-7823	
Agent Name: Stuart Cullen			
Address: 2174 SW 35th Court Gainesville, FL 32608		Phone: 352-318-9461	
Parcel No.: 07910-000-000			
Acreage: 6.47+/-		S: 19	T: 09 R: 20
Requested Action: Development Plan			
<b>I hereby certify that:</b> I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.			
Property owner signature: <i>William E Beaty Trustee</i>			
Printed name: <i>William E Beaty Trustee</i> <i>Elizabeth C Beaty Trust</i>			
Date: <i>9/9/2021</i>			
The foregoing affidavit is acknowledged before me this <i>9th</i> day of <i>September</i> , 20 <i>21</i> , by <i>Deirdre A Gray</i> , who is/are personally known to me, or who has/have produced <i>Driver license</i> as identification.			
NOTARY SEAL		<i>Deirdre A Gray</i>	
		Signature of Notary Public, State of <i>Florida</i>	



**City of Gainesville  
Department of Sustainable Development  
Planning Division**

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

**ATTACHMENT B**

**Petition DB-21-118 SPA**

**September 28, 2021**

1. Attachment A – Application and Supporting Documents
2. Attachment B – Some Relevant Comprehensive Plan And LDR References

**CITY OF GAINESVILLE  
MUNICIPAL CODE ENFORCEMENT**



CITY OF GAINESVILLE,  
Petitioner,

SM NO.: 2021-026  
CE NO.: 20-02918

vs.

BEATY, WILLIAM E. JO LEE R.,  
Respondent,

GAINESVILLE CODE ENFORCEMENT BOARD

CERTIFIED COPY  
BY Jessie Clark  
Clerk Of The Code Enforcement Board  
DATE: 7-20-2021

**SPECIAL MAGISTRATE  
FINAL ENFORCEMENT ORDER**

THIS CAUSE, having come for Public Hearing before the Special Magistrate on May 13, 2021. After due notice to the Respondent, and the Magistrate having heard testimony under oath, received evidence and heard arguments, the Magistrate issues its Findings of Fact, Conclusions of Law and Order as follows:

**FINDINGS OF FACT**

1. That the Respondent, William E. & Jo Lee R. Beaty, owns that certain property located at 4310 NW 13<sup>th</sup> ST also known as Alachua County, Florida, Tax Parcel 07925-000-000.
2. That December 18, 2020 an inspection of said property by a Code Inspector of the City of Gainesville revealed that Respondent was found to be violating Sec. 30-1.8 of the Gainesville Code of Ordinance, which consist of allow violations of approved site plan.
3. The Respondent received notice by certified mail, regular mail and posted property and City Hall on December 31, 2020, that the aforesaid condition constituted a violation of the Gainesville Code of Ordinances, and was to be corrected by March 04, 2021. That re-inspection, made on March 24, 2021 confirmed that no corrections have been made and the condition as being the same.
4. The Petitioner incurred costs in prosecuting this case in the amount of \$249.21.

**CONCLUSIONS OF LAW**

5. The Special Magistrate has jurisdiction over this matter pursuant to Chapter 162, Florida Statutes, and Section 2-377, Gainesville Code of Ordinances.
6. The evidence presented at the Code Enforcement Special Magistrate Hearing and admitted into evidence establishes by clear and convincing evidence that the Respondent, William E. & Jo Lee R. Beaty, by reason of the foregoing is in violation of the Gainesville Code of Ordinances as follows:

**Sec. 30-1.8 Violations of approved site plan**

7. The Petitioner is entitled to recover from the Respondent cost of abatement and incurred administrative costs in the prosecution of this case in the amount \$249.21.

**ORDER IMPOSING FINE AND COSTS**

THIS CAUSE, having come for Public Hearing before the Special Magistrate on May 13, 2021, after due notice to Respondent, William E. & Jo Lee R. Beaty the Magistrate issues its Order Imposing Fine and Costs as follows:

It is ORDERED that:

1. That Respondent, William E. & Jo Lee R. Beaty, is found GUILTY of violating Sec. 30-1.8, of the Gainesville Code of Ordinances existing at 4310 NW 13<sup>th</sup> ST also known as Alachua County, Florida, Tax Parcel 07925-000-000.
2. Respondent shall have 60-days from the date of the issuance of this Order to correct said violations and to come into compliance with the Gainesville Code of Ordinance.
3. Should Respondent fail to comply with the Order by said date, Respondent shall pay a fine of \$50.00 per day for each and every day said violations continue to exist past the time set by the Magistrate.
4. Respondent shall pay Petitioner for costs of prosecuting this case in the amount of \$249.21.
5. An Affidavit of Compliance will be issued upon full compliance with this order, the payment of the administration in the amount of \$249.21, and the Respondents payment in full of any additional abatement cost incurred by City of Gainesville after entry of this order.

**If not complied with, this Order shall constitute a lien against Tax Parcel 07925-000-000, also known as 4310 NW 13<sup>th</sup> ST and any and all real or personal property owned by William E. & Jo Lee R. Beaty pursuant to Sec. 162.09, F.S., and may be recorded in Public Records of Alachua County.**

DONE AND ORDERED this 25<sup>th</sup> day of May 2021 in Gainesville, Florida.

ATTEST:


  
Kelly Lofland, Clerk to the Special Magistrate

SPECIAL MAGISTRATE

By   
Jefferson M. Braswell, Special Magistrate

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the above Order has been sent to Respondent, William E and Jo Lee Beaty PO Box 357703 Gainesville, FL 32635 by U.S. Mail, this 26 day of May 2021.

  
Kelly Lofland, Clerk to the Special Magistrate



## Zoning Verification Form

OCT 29 2019

**ZC-19-00249**

Name of Business FS SWIMMING POOLS, INC.  
Business Address Street Address: 4322 NW 13TH STREET  
Zip Code: 32609  
Business Phone # (781) 3892058  
Business Website  
Proposed Use of Premises or Business Type RETAIL POOL STORE  
Files May Be Uploaded to Assist Description  
Business Mailing Address Street Address: 4322 NW 13TH STREET  
Zip Code: 32609  
Business Owner/Agent FREED SAAD  
Owner/Agent Phone (781) 3892058  
Owner/Agent E-mail [FSAAD@FIBERSWIMMINGPOOLS.COM](mailto:FSAAD@FIBERSWIMMINGPOOLS.COM)

I understand that I must comply with the current Florida Building Code through the Building Inspections Department (352) 334-5050, the current Florida Fire Prevention Code through the Gainesville Fire Rescue Risk Reduction Bureau (352) 334-5065, and obtain any necessary permit for construction and remodeling.

I understand that I must obtain a Local Business Tax Receipt (Business License) through the Finance Department (352) 334-5024.

Signature (depending on your device, use your mouse, stylus, or finger to sign)

Parcel Number(s) 07910-000-000  
Zoning District BA in front, BUS in rear and RSF-1 in back vacant land  
Use Classification Retail

Murphy Wellfield  
Protection

Tertiary

Wellfield Permit  
Required

No

Parking Standard for  
Vehicles

1 per 250SF

Parking Standard for  
Bicycles

10% of vehicle standard

Parking Standard for  
Motorcycle/Scooter

N/A

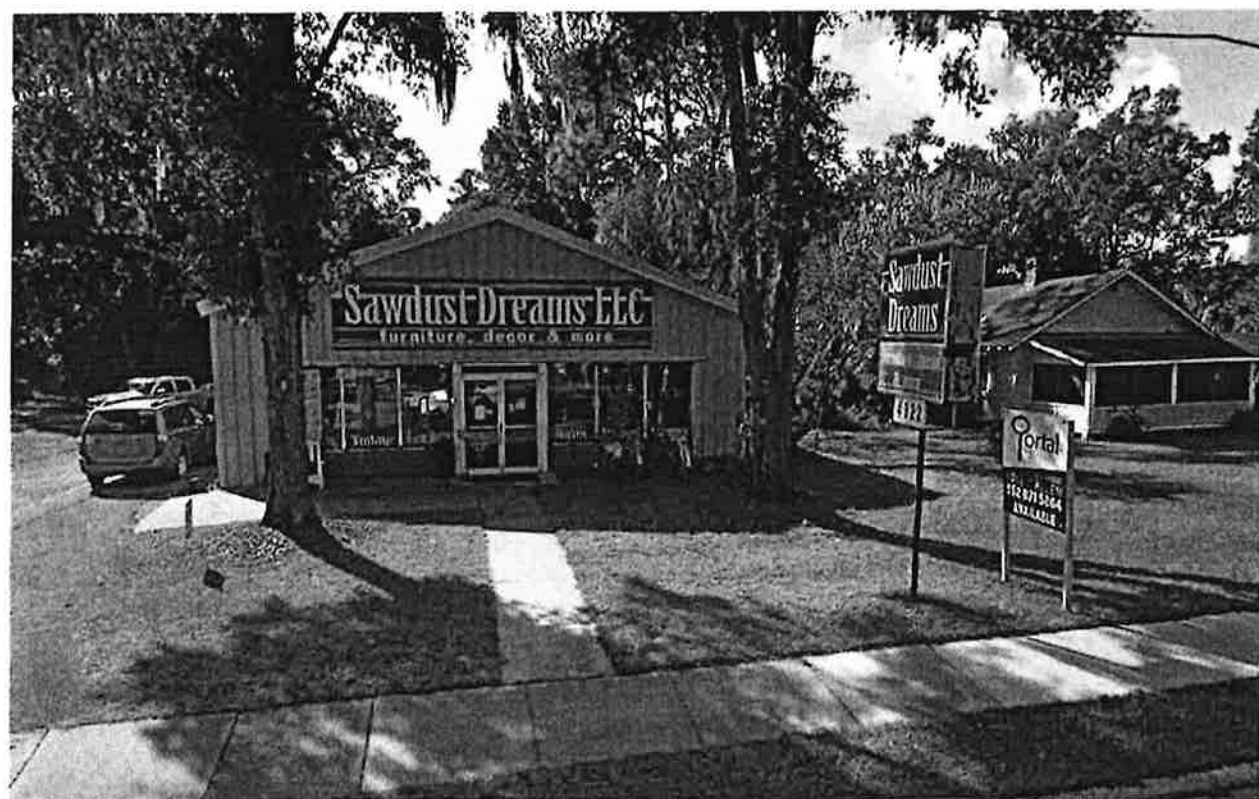
Comments or  
Conditions

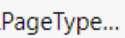
No outdoor storage permitted

Reviewed By/Date



10-30-19



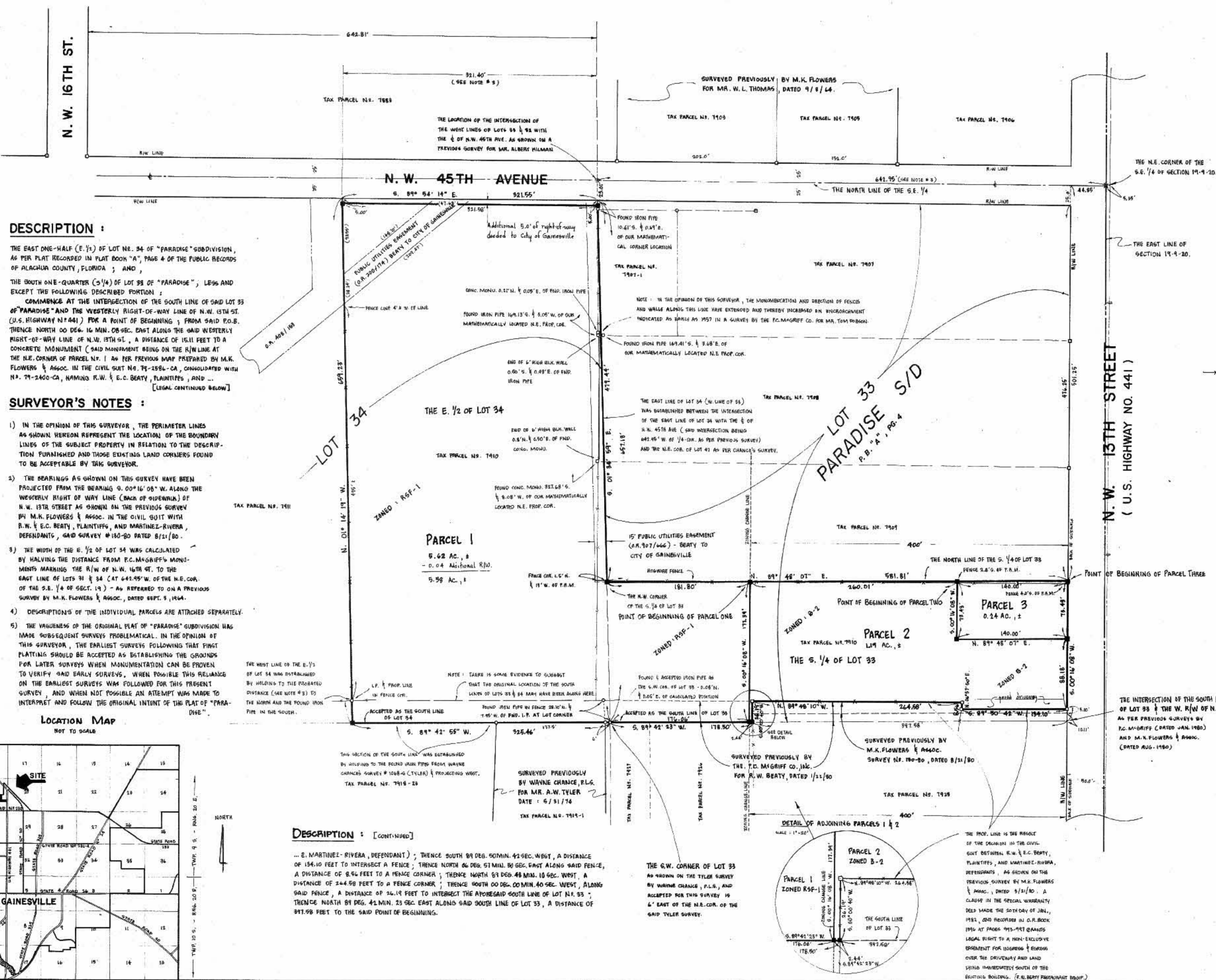


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MINOR NONRESIDENTIAL SUBDIVISION  
OF PORTIONS OF LOTS 33 & 34 OF PARADISE SUBDIVISION IN SECTION 19-9-20,  
GAINESVILLE, ALACHUA COUNTY, FLORIDA

THIS IS NOT A RECORD PLAT.



PART II - CODE OF ORDINANCES  
Chapter 30 - LAND DEVELOPMENT CODE  
ARTICLE III. - HOW-TO GUIDE  
DIVISION 11. MODIFICATIONS AND VARIANCES

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***DIVISION 11. MODIFICATIONS AND VARIANCES***

**Sec. 30-3.54. Modifications.**

- A. *Purpose.* In order to provide flexibility for the unique circumstances of individual developments, certain modifications from the standards provided in this chapter, as provided in this section, may be requested by an applicant as part of the development review process.
- B. *Review procedures.* All requests for modifications shall be submitted in writing with the application for development review on forms provided by the city. If an applicant requests multiple modifications, each modification shall be evaluated independently. The city manager or designee shall have the authority to approve the modifications specifically set forth in this section. The request shall be approved or denied during development plan review and, if approved, shall be noted on the final development plan. No administrative appeals are available for any decision to approve or deny a modification.
- C. *Review criteria.* The city manager or designee may approve a modification if the request meets all of the following criteria:
1. The request is consistent with the Comprehensive Plan and meets the intent of this chapter and the zoning district.
  2. The applicant is providing a compensating enhancement of the public realm.
  3. The request will not have a material negative impact on adjacent uses, and is not injurious to the public health, safety, and welfare.
- D. *Available modifications.*

REQUESTED MODIFICATION	MIN. COMPENSATING ENHANCEMENT OF PUBLIC REALM
Variation in required street setback up to 3 feet.	1. 10% increase above required 1 <sup>st</sup> floor glazing.
Reduction in required glazing percentages up to 10%.	2. Increase of 2 feet above required sidewalk width.
Reduction in required building frontage percentages up to 10%.	3. 10% increase above required building frontage.
Reduction in required landscape zones up to 2 feet; however, in no case shall a landscape area be less than 4 feet in depth.	4. Increase of 4 feet above min. 1 <sup>st</sup> floor height.
	5. Increase of 2 feet above min. landscape zone.

**Sec. 30-3.55. Variances.**

- A. *Generally.* Variance from strict compliance with the requirements of the Land Development Code is provided for in this section.
- B. *Authorized variances.* Variances may be approved only for height of structures; size of yard setbacks; driveway widths; building form standards in transect zones; building design standards for transect zones (dimensional standards only); landscaping requirements for vehicular use areas; landscape buffer requirements for buffer strip areas; landscape zones; street setbacks; glazing percentages; and minimum first

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floor height. Under no circumstances may a variance be granted to allow a use not permitted generally or by special use permit in the district involved, or any use expressly or by necessary implication prohibited in the district by the terms of this chapter.

- C. *Review criteria.* A variance from the terms of this chapter or building chapters shall not be granted unless the appropriate reviewing board affirmatively finds that each of the following criteria have been met:
1. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same district.
  2. The special conditions and circumstances do not result from the action of the applicant.
  3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this section to other lands, structures, or buildings in the same district.
  4. Literal enforcement of the provisions of the Land Development Code or building chapters would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or building chapters.
  5. The variance requested is the minimum variance required to make possible the reasonable use of the land, building, or structure.
  6. The variance is in harmony with the general intent and purpose of the regulation at issue and the Land Development Code, and such variance will not be injurious to the abutting lands or to the area involved or otherwise detrimental to the public welfare.
- D. *Prohibited considerations.* The following factors shall not be considered in any variance request:
1. The presence of nonconformities in the zoning district or adjoining districts.
  2. Financial loss or business competition.
  3. Whether the property was purchased with the intent to develop or improve the property, whether or not it was known at the time of purchase that such development would be a violation.
- E. *Review procedures.*
1. *Pre-application meeting.* A pre-application meeting is not required; however, the applicant is encouraged to attend a meeting with staff to review procedural and regulatory requirements.
  2. *Application submittal.* The applicant shall submit a complete application on a form prescribed by the city and accompanied by the applicable fee and plans.
  3. *Staff review.* The city manager or designee shall review the application and prepare a staff report for submittal to the appropriate review board.
  4. *Board hearing.* The appropriate reviewing board shall hold a public hearing to consider the request according to the review criteria provided in this section.
- F. *Conditions and limitations.* In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with the Land Development Code or building chapters. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable according to applicable law. If a variance request is denied, the same variance may not be considered for the property for a period of two years from the date of denial.
- G. *Expiration.* Any variance granted shall expire one year after the date of variance approval, unless a building permit based upon and incorporating the variance is issued within the aforesaid one-year period and construction has begun thereunder.

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**Sec. 30-5.41. Outdoor accessory display and storage.**

The reviewing board or city manager or designee may authorize accessory display and/or storage outside of enclosed buildings subject to the following conditions:

- A. The outdoor storage/display area shall be designated on an approved development plan.
- B. The proposal shall be in accordance with the overall design and conditions of the development plan for the principal use.
- C. If the proposed outdoor display or storage is located within 20 feet of a public right-of-way, it shall be enclosed and screened by a wall, fence or hedge that is not less in height than two-thirds the height of any equipment or fixtures used or any material stored or offered for sale.
- D. The outdoor storage and/or display shall be clearly incidental or accessory to the principal use of the property and shall be limited to not more than 25 percent of the total building size of the principal use.

(Ord. No. 190292 , § 10, 2-20-20; Ord. No. 190714 , § 7, 6-4-20)

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### **Sec. 30-5.20. Outdoor storage.**

Where outdoor storage is a permitted principal use (not including accessory, short-term or temporary storage) the following requirements apply (see applicable use standards in article V for outdoor storage as an accessory use):

- A. *Screening requirements.* A landscape buffer strip must be provided in the same manner as if the property were in an industrial land use designation in accordance with the requirements of article VIII.
  - 1. Additional screening may be required to visually shield the use from the public right-of-way.
  - 2. No merchandise, equipment, machinery, materials, motor vehicles, or other items may be stored above the height of the landscape buffer strip.

(Ord. No. 190292 , § 8, 2-20-20; Ord. No. 190714 , §§ 7, 8, 6-4-20)

PART II - CODE OF ORDINANCES  
Chapter 30 - LAND DEVELOPMENT CODE  
ARTICLE IV. - ZONING  
DIVISION 4. MIXED-USE AND NONRESIDENTIAL

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

**Sec. 30-4.19. Permitted uses.**

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

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

	Use	M	M	O	O	CP	B	B	BT	BI	W	I-1	I-2
<b>RESIDENTIAL</b>													
Single-family dwelling		P	-	P	P	-	-	-	-	-	P	-	-
Attached dwelling		P	P	P	P	-	-	-	-	-	-	-	-
Multi-family dwelling		P	P	P	P	S	-	-	-	-	P	-	-
Accessory dwelling unit	30-5.35	A	A	A	A	A	A	-	-	A	A	-	-
Adult day care home	30-5.2	P	P	P	P	P	P	-	-	P	-	-	-
Community residential home (up to 6 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Community residential home (more than 14 residents)	30-5.6	-	P	P	P	-	-	-	-	-	P	-	-
Community residential home (7 to 14 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Family child care home	30-5.10	P	-	P	P	-	-	-	-	-	P	-	-
Single room occupancy residence	30-5.8	P	P	P	P	-	-	-	-	-	P	-	-
<b>NONRESIDENTIAL</b>													
Alcoholic beverage establishment	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 establishment	30-5.4	P	P	S	S	-	P	-	P	-	-	-	-
Business services		P	P	-	P	P	P	P	P	P	P	P	P
Carwash	30-5.5	S	S	-	-	-	P	P	S	P	P	P	P

Civic, social, or fraternal organization		P	P	-	-	-	P	P	P	P	-	-	-
Day care 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 shelter		P	P	P	P	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy		-	-	-	-	-	-	-	-	-	-	P	P
Equipment 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, not located within a food truck park	30-5.37	P	P	A	A	P	P	P	P	P	P	P	P
Food truck park (less than 6 pads)	30-5.13	P	P	-	P	P	P	P	P	P	P	P	P
Food truck park (6 or more pads) <sup>4</sup>	30-5.13	S	S	-	S	S	S	S	S	S	S	S	S
Gasoline or alternative fuel station	30-5.14	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	-	-
Hotel or motel		S	S	-	-	S	P	-	P	P	S	-	-
Ice manufacturing/vending machines	30-5.40	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	30-5.15	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard or salvage yard	30-5.16	-	-	-	-	-	-	-	-	-	-	S	P
Laboratory, medical or dental		P	P	P	P	P	P	-	-	P	P	P	P
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
Library		-	P	-	-	P	-	-	-	-	P	-	-
Light assembly, fabrication and processing	30-5.17	P	P	-	S	S	S	P	-	P	P	P	P
Liquor stores		P	P	-	-	-	P	P	P	-	P	-	-
Medical marijuana dispensing facility		P	P	A <sup>1</sup>	A <sup>1</sup>	S	P	P	P	P	P	S	S

Microbrewery, microwinery, or microdistillery <sup>3</sup>	30-5.18	S	P	-	-	-	P	-	P	P	P	P	P
Mini-warehouses, self-storage facility	30-5.19	-	-	-	-	-	-	P	-	P	P	P	P
Museum or art gallery		P	P	P	P	P	P	-	P	P	P	-	-
Office		P	P	P	P	P	P	P	P	P	P	P	P
Office (medical, dental, or other health-related service)		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage (principal use)	30-5.20	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (principal use)	30-5.21	-	S	-	-	-	S	P	-	P	P	-	-
Passenger transit or rail station		S	S	-	-	P	P	P	P	P	P	P	-
Personal services		P	P	P	P	P	P	P	P	P	P	P	P
Place of religious assembly	30-5.22	P	P	P	P	P	P	P	P	P	P	-	-
Public administration building		P	P	P	P	P	P	P	P	P	P	P	-
Public maintenance or storage facility		-	-	-	-	-	-	-	-	P	P	P	P
Public park		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
Recreational vehicle park	30-5.23	-	-	-	-	-	-	P	P	P	-	P	-
Recycling center		-	S	-	-	-	S	-	-	-	S	S	P
Rehabilitation center		S	S	S	S	-	S	-	-	S	-	S	
Research development or testing facility		-	-	-	-	P	P	-	-	P	P	P	P
Residence for destitute people	30-5.24	S	S	S	S	-	S	-	S	-	-	-	-
Restaurant		P	P	-	S	P	P	P	P	P	P	P	P
Retail nursery, lawn, or garden supply store		P	P	-	-	-	P	P	-	P	P	P	-
Retail sales (not elsewhere classified)		P	P	-	-	S	P	P	P	P	P	S	S
School (elementary, middle, or high - public or private)		P	P	S	S	-	P	-	-	-	P	-	-
School, professional		P	P	P	P	P	P	P	-	P	P	P	P

School, vocational or trade		-	P	P	P	-	P	P	-	P	P	P	P
Scooter or electric golf cart sales		P	P	-	-	-	P	P	-	P	-	P	-
Sexually-oriented cabaret	30-5.25	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented motion picture theater	30-5.25	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented retail store	30-5.25	-	-	-	-	-	P	-	P	-	-	-	P
Simulated gambling establishment		-	-	-	-	-	-	-	-	-	-	-	-
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-
Social service facility	30-5.27	S	S	S	S	-	-	-	-	-	P	S	S
Solar generation station	30-5.29	-	-	-	-	-	-	-	-	P	-	P	P
Truck or bus terminal or maintenance facility		-	-	-	-	-	-	P	P	P	P	P	P
Vehicle repair	30-5.30	-	-	-	-	-	-	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	30-5.30	S	S	-	-	-	P	P	P	P	S	P	P
Veterinary services	30-5.31	P	P	P	P	P	P	P	P	P	P	P	P
Warehouse or distribution facility (less than 100,000 sf)		-	-	-	-	-	-	-	-	P	P	P	P
Warehouse or distribution facility (100,000 sf or greater)		-	-	-	-	-	-	-	-	P	P	P	P
Waste management facility		-	-	-	-	-	-	-	-	S	-	P	P
Wholesale trade		-	-	-	-	-	-	S	-	P	P	P	P
Wireless communication facility or antenna	See 30-5.32												

**LEGEND:**

P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

1 = Only when accessory to and in the same building as health services or offices of physicians, dentists, and other health practitioners.

2 = Accessory to and in the same building as health services and comprising less than 25 percent of the gross floor area of the building.

3 = Prohibited where adjacent to single-family zoned property.

4 = Special use permit required for any proposed food truck park with six or more food truck pads when the food truck park's boundaries would be less than 300 feet from the boundary of any single-family zoned property or property that is developed with a single-family dwelling; otherwise, such food truck park is allowed by right.

(Ord. No. 160685 , § 3, 3-15-18; Ord. No. 170975 , § 3, 2-21-19; Ord. No. 190082 , § 1, 10-17-19; Ord. No. 190292 , § 4, 2-20-20; Ord. No. 190714 , § 4, 6-4-20; Ord. No. 190988 , § 4, 9-3-20; Ord. No. 191128 , § 4, 9-17-20)

## Sec. 30-4.20. Dimensional standards.

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

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

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

Created: 2021-07-30 14:40:15 [EST]

(Supp. No. 55, Update 1)

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**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.

(Ord. No. 170974 , § 8, 2-21-19)

**Sec. 30-4.21. Design standards.****A. Parking.**

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

**B. Sidewalks.**

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

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

The minimum unobstructed width shall be two feet less than the required sidewalk width, as long as at least five feet of unobstructed width is retained. At transit stops, the minimum width is eight feet of unobstructed width.

- C. *Building orientation.* The main entrance of buildings or units shall be located on the first floor on the more primary street.
- D. *Glazing.* Building walls facing the more primary street shall have non-reflective, transparent windows or glazed area covering at least 25 percent of their surface at pedestrian level (between three feet and eight feet above grade) on the first floor. Operable transparent entrance doors may be included in the calculation of total facade surface area.

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

(Ord. No. 170831 , § 5, 4-5-18)

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## Sec. 30-4.21. Design standards.

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(Ord. No. 170831 , § 5, 4-5-18)

PART II - CODE OF ORDINANCES  
Chapter 30 - LAND DEVELOPMENT CODE  
ARTICLE IV. - ZONING  
DIVISION 4. MIXED-USE AND NONRESIDENTIAL

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

**Sec. 30-4.19. Permitted uses.**

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

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

	Use	M	M	O	O	CP	B	B	BT	BI	W	I-1	I-2
<b>RESIDENTIAL</b>													
Single-family dwelling		P	-	P	P	-	-	-	-	-	P	-	-
Attached dwelling		P	P	P	P	-	-	-	-	-	-	-	-
Multi-family dwelling		P	P	P	P	S	-	-	-	-	P	-	-
Accessory dwelling unit	30-5.35	A	A	A	A	A	A	-	-	A	A	-	-
Adult day care home	30-5.2	P	P	P	P	P	P	-	-	P	-	-	-
Community residential home (up to 6 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Community residential home (more than 14 residents)	30-5.6	-	P	P	P	-	-	-	-	-	P	-	-
Community residential home (7 to 14 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Family child care home	30-5.10	P	-	P	P	-	-	-	-	-	P	-	-
Single room occupancy residence	30-5.8	P	P	P	P	-	-	-	-	-	P	-	-
<b>NONRESIDENTIAL</b>													
Alcoholic beverage establishment	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 establishment	30-5.4	P	P	S	S	-	P	-	P	-	-	-	-
Business services		P	P	-	P	P	P	P	P	P	P	P	P
Carwash	30-5.5	S	S	-	-	-	P	P	S	P	P	P	P

Civic, social, or fraternal organization		P	P	-	-	-	P	P	P	P	-	-	-
Day care 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 shelter		P	P	P	P	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy		-	-	-	-	-	-	-	-	-	-	P	P
Equipment 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, not located within a food truck park	30-5.37	P	P	A	A	P	P	P	P	P	P	P	P
Food truck park (less than 6 pads)	30-5.13	P	P	-	P	P	P	P	P	P	P	P	P
Food truck park (6 or more pads) <sup>4</sup>	30-5.13	S	S	-	S	S	S	S	S	S	S	S	S
Gasoline or alternative fuel station	30-5.14	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	-	-
Hotel or motel		S	S	-	-	S	P	-	P	P	S	-	-
Ice manufacturing/vending machines	30-5.40	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	30-5.15	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard or salvage yard	30-5.16	-	-	-	-	-	-	-	-	-	-	S	P
Laboratory, medical or dental		P	P	P	P	P	P	-	-	P	P	P	P
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
Library		-	P	-	-	P	-	-	-	-	P	-	-
Light assembly, fabrication and processing	30-5.17	P	P	-	S	S	S	P	-	P	P	P	P
Liquor stores		P	P	-	-	-	P	P	P	-	P	-	-
Medical marijuana dispensing facility		P	P	A <sup>1</sup>	A <sup>1</sup>	S	P	P	P	P	P	S	S

Microbrewery, microwinery, or microdistillery <sup>3</sup>	30-5.18	S	P	-	-	-	P	-	P	P	P	P	P
Mini-warehouses, self-storage facility	30-5.19	-	-	-	-	-	-	P	-	P	P	P	P
Museum or art gallery		P	P	P	P	P	P	-	P	P	P	-	-
Office		P	P	P	P	P	P	P	P	P	P	P	P
Office (medical, dental, or other health-related service)		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage (principal use)	30-5.20	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (principal use)	30-5.21	-	S	-	-	-	S	P	-	P	P	-	-
Passenger transit or rail station		S	S	-	-	P	P	P	P	P	P	P	-
Personal services		P	P	P	P	P	P	P	P	P	P	P	P
Place of religious assembly	30-5.22	P	P	P	P	P	P	P	P	P	P	-	-
Public administration building		P	P	P	P	P	P	P	P	P	P	P	-
Public maintenance or storage facility		-	-	-	-	-	-	-	-	P	P	P	P
Public park		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
Recreational vehicle park	30-5.23	-	-	-	-	-	-	P	P	P	-	P	-
Recycling center		-	S	-	-	-	S	-	-	-	S	S	P
Rehabilitation center		S	S	S	S	-	S	-	-	S	-	S	
Research development or testing facility		-	-	-	-	P	P	-	-	P	P	P	P
Residence for destitute people	30-5.24	S	S	S	S	-	S	-	S	-	-	-	-
Restaurant		P	P	-	S	P	P	P	P	P	P	P	P
Retail nursery, lawn, or garden supply store		P	P	-	-	-	P	P	-	P	P	P	-
Retail sales (not elsewhere classified)		P	P	-	-	S	P	P	P	P	P	S	S
School (elementary, middle, or high - public or private)		P	P	S	S	-	P	-	-	-	P	-	-
School, professional		P	P	P	P	P	P	P	-	P	P	P	P

School, vocational or trade		-	P	P	P	-	P	P	-	P	P	P	P
Scooter or electric golf cart sales		P	P	-	-	-	P	P	-	P	-	P	-
Sexually-oriented cabaret	30-5.25	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented motion picture theater	30-5.25	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented retail store	30-5.25	-	-	-	-	-	P	-	P	-	-	-	P
Simulated gambling establishment		-	-	-	-	-	-	-	-	-	-	-	-
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-
Social service facility	30-5.27	S	S	S	S	-	-	-	-	-	P	S	S
Solar generation station	30-5.29	-	-	-	-	-	-	-	-	P	-	P	P
Truck or bus terminal or maintenance facility		-	-	-	-	-	-	P	P	P	P	P	P
Vehicle repair	30-5.30	-	-	-	-	-	-	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	30-5.30	S	S	-	-	-	P	P	P	P	S	P	P
Veterinary services	30-5.31	P	P	P	P	P	P	P	P	P	P	P	P
Warehouse or distribution facility (less than 100,000 sf)		-	-	-	-	-	-	-	-	P	P	P	P
Warehouse or distribution facility (100,000 sf or greater)		-	-	-	-	-	-	-	-	P	P	P	P
Waste management facility		-	-	-	-	-	-	-	-	S	-	P	P
Wholesale trade		-	-	-	-	-	-	S	-	P	P	P	P
Wireless communication facility or antenna	See 30-5.32												

**LEGEND:**

P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

1 = Only when accessory to and in the same building as health services or offices of physicians, dentists, and other health practitioners.

2 = Accessory to and in the same building as health services and comprising less than 25 percent of the gross floor area of the building.

3 = Prohibited where adjacent to single-family zoned property.

4 = Special use permit required for any proposed food truck park with six or more food truck pads when the food truck park's boundaries would be less than 300 feet from the boundary of any single-family zoned property or property that is developed with a single-family dwelling; otherwise, such food truck park is allowed by right.

(Ord. No. 160685 , § 3, 3-15-18; Ord. No. 170975 , § 3, 2-21-19; Ord. No. 190082 , § 1, 10-17-19; Ord. No. 190292 , § 4, 2-20-20; Ord. No. 190714 , § 4, 6-4-20; Ord. No. 190988 , § 4, 9-3-20; Ord. No. 191128 , § 4, 9-17-20)

## Sec. 30-4.20. Dimensional standards.

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

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

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

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(Supp. No. 55, Update 1)

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

(Ord. No. 170831 , § 5, 4-5-18)

## ***DIVISION 6. WELLFIELD PROTECTION SPECIAL USE PERMIT***

### **Sec. 30-3.27. Purpose.**

- A. This division is established for the purpose of protecting the immediate and long-term supply of potable water in the community by creating a permit procedure for uses and developments within the Murphree Wellfield Protection Zones (also known as Murphree Wellfield Management Zones) as delineated in the Alachua County Code of Ordinances, as may be amended from time to time, and to provide the standards by which the applications for permits for uses and development shall be evaluated.
- B. It is further intended that wellfield protection permits or wellfield protection Special Use Permits be required for developments that require special care in the control of their location, design, and methods of operation in order to ensure conformance with the city's Comprehensive Plan and Alachua County Murphree Wellfield Management Code (also known as Murphree Wellfield Protection Code), as may be amended from time to time.

### **Sec. 30-3.28. Required.**

Unless exempt as provided in this division, all new development and existing development within the primary, secondary, and tertiary wellfield protection (management) zones of Alachua County that will intensify, expand, or modify a use directly associated with the storage of hazardous materials (as defined in the Alachua County Hazardous Materials Management Code) shall first obtain a Wellfield Protection Special Use Permit (WPSUP).

- A. The standards and requirements of this division shall apply to all properties located in the wellfield protection management zones. Properties that may only be partially located in a wellfield protection management zone shall be treated as if the entire property is located completely within the wellfield protection management zone.
- B. The primary, secondary, and tertiary wellfield protection zones are those zones delineated on the Murphree Wellfield Protection management zones map on file with the city.

### **Sec. 30-3.29. Exemptions.**

- A. Uses allowed within residential zoning districts.
- B. Any proposed uses or development associated with the Murphree Water Treatment Plant, or electric transmission and distribution systems or generally the provision of utility service by a government-owned utility shall be exempt from the provisions of this division.
- C. Exemptions from the permit requirements shall be allowed for uses and developments that meet the following criteria, except for specially regulated industrial uses allowed by special use permit:
  - 1. There is no manufacture, storage, use, or sale of hazardous materials at the site or development as defined and regulated in the Alachua County Hazardous Materials Management Code, other than hazardous materials excluded from the provisions of the Hazardous Materials Management Code, as may be amended from time to time.

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2. The project is part of an environmental cleanup or facility upgrade that is required by a local, state or federal environmental agency, and the project is in compliance with the Alachua County Hazardous Management Materials Code and all other applicable state and federal regulations.
  3. Redevelopment of an existing site that may manufacture, store, use, or sell hazardous materials at the site or development as defined and regulated in the Alachua County Hazardous Materials Management Code, but where the actual development project will not involve hazardous materials other than those associated with similar construction projects, and the project is in compliance with the Alachua County Hazardous Materials Management Code and all other applicable state and federal regulations.

### **Sec. 30-3.30. Review criteria.**

- A. *Primary zone.* No use involving hazardous materials is allowed in this zone, except for uses or development associated with the Murphree Water Treatment Plant, electric transmission and distribution systems, or generally the provision of utility service by a government-owned utility. All other uses must obtain a WPSUP.
- B. *Secondary and tertiary zone.* The development or use will be reviewed using the following mandatory criteria:
  1. The criteria for special use permits provided in section 30-3.24 have been met.
  2. The proposed use or development will not endanger the city's potable water supply.
  3. The necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development. The development must be connected to the potable water and wastewater system.
  4. There has been proper abandonment, as regulated by the applicable water management district or state agency, of any unused wells or existing septic tanks at the site. An existing septic tank may remain if it is used solely for domestic waste and if it meets all applicable state and local regulations.
  5. There is no current or proposed underground storage of petroleum products or hazardous materials at the development site in the secondary zone. There is no current or proposed underground storage of hazardous materials at the development site in the tertiary zone. There is no current or proposed underground storage of petroleum products at the development site in the tertiary zone unless approved by the GRU General Manager or designee.
  6. The applicant is in compliance with the requirements of the Alachua County Hazardous Materials Management Code, and all applicable state and federal regulations.
  7. The development property addresses environmental features such as wetlands, creeks, lakes, sinkholes, and soils to ensure that hazardous materials will not endanger the potable water supply and the environmental features.

( Ord. No. 200067 , § 1, 10-15-20)

### **Sec. 30-3.31. Review procedures.**

- A. *Pre-application meeting.* The applicant for a WPSUP shall meet with staff to discuss the procedures and requirements and to consider the elements of the proposed use and site, and the proposed site plan.
- B. *Applications.* Applications shall be filed with the city manager or designee on the form prescribed. Any incomplete applications will be returned to the applicant.

Applications shall include a development plan. However, if any of the items required for the development plan are inapplicable or irrelevant to a proposed development, such item may be omitted upon approval of

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the appropriate staff, provided the applicant identifies in writing any missing item and includes a brief explanation of why it is inapplicable or irrelevant. The city plan board may, at the public hearing, approve the omission of items from the development plan if it finds they are not relevant to a determination that the proposed use or development meets the requirements of this division.

- C. *Staff review.* Staff from Gainesville Regional Utilities, Alachua County Environmental Protection Department, and the city shall review the request and submit to the city plan board a written analysis of the application and a recommendation based on the criteria provided in this division.
- D. *City plan board hearing.*
  - 1. The city plan board shall consider the evidence presented in the public hearing and the written report submitted by staff and shall act on the application based on the review criteria provided in this division.
  - 2. Action on the application shall be one of the following:
    - a. Approval;
    - b. Approval subject to conditions; or
    - c. Denial, with a statement of the reasons for denial.
- E. *Effect of denial or withdrawal.* No application for a WPSUP may be submitted within two years after the date of denial or withdrawal of a request for the same use for the same property. The city plan board may waive this time limitation by the affirmative vote of five members, provided 30 calendar days have elapsed and provided the city plan board deems such action necessary to prevent an injustice.
- F. *Amended application.* Amendment of an application may be allowed at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after notice of the hearing has been given and such amendment is at variance with the information set forth in the notice, then the applicant shall pay an additional fee in the same amount as the original fee for amended public notice. If the amended notice can be mailed at least ten calendar days prior to the hearing originally scheduled, the hearing on the amended petition may be held on that date; otherwise, the chairperson shall announce at the public hearing that the hearing will be continued to a future meeting with proper public notice.

### **Sec. 30-3.32. Effect and limitations.**

- A. *Effect.* WPSUPs, including any permit conditions, shall run with the land and shall be binding on the original applicant as well as any successors or assigns. If there is a change of ownership or operator at the development site, the new owner or operator shall inform the city of its identity and registered agent for service of notice within 30 calendar days. Failure to do so shall be considered a violation of a condition of the permit.
- B. *Modifications.* After approval and issuance of a WPSUP, the following situations are allowed only with the review and issuance of a new special use permit:
  - 1. A change in the boundaries of the approved site.
  - 2. A change from the approved use.
  - 3. An increase in the storage capacity or type of any hazardous materials used, manufactured, sold or stored at the site, including new hazardous materials not previously listed in the original WPSUP. This criterion shall not apply to hazardous materials excluded from the provisions of the Alachua County Hazardous Materials Management Code, as may be amended from time to time.
- C. *Expiration.* WPSUPs shall expire 12 months after the date of approval unless, at that time, the authorized use has commenced or development at the site is continuing in good faith with an active building permit. At the

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request of the applicant and for good cause shown, the city plan board may extend the time of the permit's expiration for good cause shown and if not in conflict with any other provision of this chapter.

- D. *Abandonment.* On request of the permit holder, the city manager or designee may approve the abandonment of a WPSUP provided no construction has begun. In addition, if the use allowed by a WPSUP has been abandoned for a continuous period of 12 months, the permit shall be void. The process to determine whether a use has been abandoned shall be the same as that provided for nonconforming uses in article X.
- E. *Revocation.* If any conditions of an issued WPSUP are violated, the city plan board may, after giving proper notice to the permit holder, revoke the permit at a public hearing. The permit may be reinstated by the city manager or designee if the circumstances leading to the revocation are corrected.

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**Sec. 30-8.40. Wellfield district.**

- A. *Adoption of wellfield district.* The wellfield district is delineated on the map entitled, "Map Displaying Community Wellfields of Gainesville, Florida," on file with the city.
- B. *Requirements and procedures.*
  - 1. All new and existing developments shall comply with the county Murphree Well Field Management, Storage Tank Systems, and Hazardous Materials Management Codes, except that such development shall also comply with subsection B.2. of this section.
  - 2. In the Murphree wellfield management primary and secondary zone, the installation of new septic tanks in commercial, institutional and industrial districts is prohibited.