

ORDINANCE NO. 200440

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

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

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

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

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

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

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

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

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

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

41 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
42 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
43 pursuant to Section 163.3174, Florida Statutes, held a public hearing on October 22, 2020, and
44 voted to recommend that the City Commission approve this PD zoning ordinance; and

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

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

the parties in interest and all others had an opportunity to be and were, in fact, heard; and

WHEREAS, the City Commission finds that the rezoning of the subject property is consistent with the City of Gainesville Comprehensive Plan.

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

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

Section 2. The principal permitted uses of the real property, as more specifically described herein, are limited to ~~those uses provided in the Standard Industrial Classification, 1987 ed., Industry Nos. 8011, 8031, 8041 and 8049, and excluding freestanding emergency medical centers~~ office, medical and dental (excluding freestanding emergency medical centers); research, development, and testing facilities; and an Assisted Living Facility (not to exceed 30 beds); as these uses are defined in Article II of the City of Gainesville Land Development Code:

SECTION 2. Conditions 1 through 12 in Section 4 of Ordinance No. 080565 are amended as follows. Except as amended by this ordinance, the remaining provisions of Ordinance No. 080565 remain in full force and effect.

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

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

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

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

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

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

SECTION 4. 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 will 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 5. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

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

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

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143 Attest:

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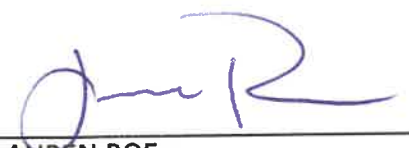
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OMICHELE D. GAINEY

CITY CLERK


LAUREN POE
MAYOR

Approved as to form and legality:


NICOLLE M. SHALLEY

CITY ATTORNEY

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

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