



# City of Gainesville

Department of Sustainable  
Development

## CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: Thursday, June 23<sup>rd</sup>, 2022

PROJECT NAME AND NUMBER: Magnolia Park Rezoning; LD22-00008 ZON

APPLICATION TYPE: Legislative

RECOMMENDATION: Approve

CITY PROJECT CONTACT: Juan Castillo

PROPERTY SIZE: 1.08 +/- Acres



Figure 1: Existing Zoning – Planned Development (PD)



Figure: 2 Proposed Zoning – General Office (OF)

## APPLICATION INFORMATION

Agent/Applicant: Gary Dounson & Associates Inc.

Property Owner(s): Steph & Hans Solutions, LLC.

Related Petition(S): N/A

Legislative History: Magnolia Park PD was adopted on June 27<sup>th</sup> 1983, ordinance #2866. It was later amended on December 10<sup>th</sup> 1984, ordinance #3078.

## SITE INFORMATION

Location: 4232 NW 6th Street, Gainesville FL 32609.

Parcel Number(s): 08138-011-001, 08138-014-001, 08138-015-001, 08138-012-01, 08138-013-001

Existing Use(s): Day Care Centers

Current Land Use Designation(s): Office (O)

Current Zoning Designation(s): City of Gainesville Planned Development (PD)

Proposed Zoning Designation(s): General Office (OF)

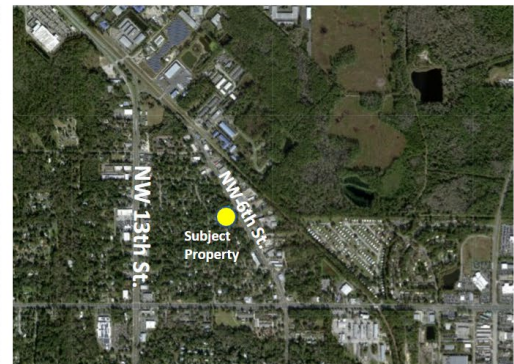
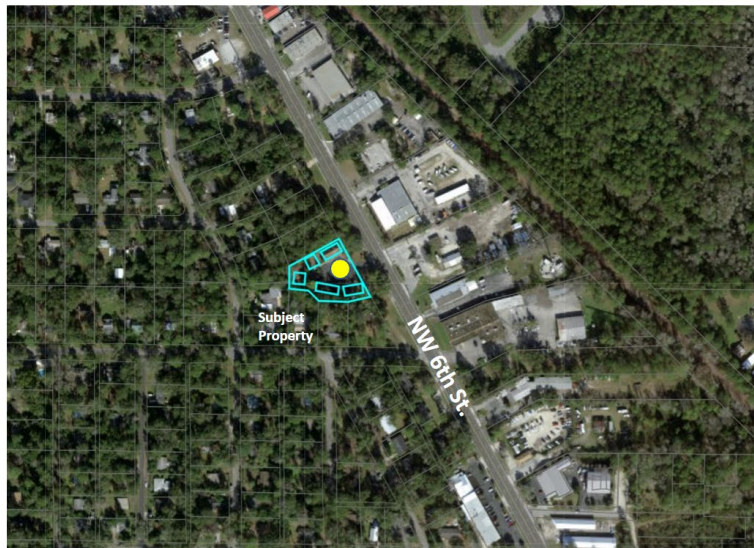
Transportation Mobility Program Area (TMPA): Zone B.

**Table 1: Adjacent Property Characteristics**

	Existing Use(s)	Land Use Designation(s)	Zoning Designation(s)
North	Vacant	Office (O)	General Office (OF)
South	Residential, Single Family	Single Family (SF) 0 to 8 DU/AC, Office (O)	Single Family Residential (RSF-1) 0 to 3.5 DU/AC, and General Office (OF)
East	ROW, Warehouse, Industrial	Industrial	Limited Industrial (I-1)
West	Residential, Single Family	Single Family (SF) 0 to 8 DU/AC	Single Family Residential (RSF-1) 0 to 3.5 DU/AC

## Purpose and Description

This petition is a request for the rezoning of parcels 08138-011-001, 08138-014-001, 08138-015-001, 08138-012-01, and 08138-013-001 from Planned Development (PD) to General Office (OF). This property is generally located north of the intersection of NW 39<sup>th</sup> Ave and NW 6<sup>th</sup> St, on NW 6<sup>th</sup> St.



Currently, the subject property is improved with “The Kidz House” learning center and pre-school. The property is in Zone B of the Transportation Mobility Program Area (TMPA) and is within the Tertiary wellfield zone.

The current PD zoning was previously changed from O-1 Office limited and was adopted on June 27<sup>th</sup> 1983 via ordinance #2866. It was later amended on December 10<sup>th</sup> 1984 via ordinance #3078.

The proposed rezoning would remove the existing PD and would replace it with a General Office (OF) zoning district. The existing PD restricts the development of the site to two buildings along with associated parking and ancillary facilities. The proposed General Office (OF) zoning district would allow for an expansion of low intensity, non-residential uses such as office, museum, and personal services (see “3. Changed Conditions” below) as well as allow for residential uses with a density of up to 20 units per acre. The density and the expansion of uses is consistent with the existing General Office Zoning districts in the area.

## **Provisions and Regulations**

### **Recommendation Criteria**

The staff recommendation is based on the five factors below:

1. Conformance with the Comprehensive Plan
2. Conformance with the Land Development Code
3. Changed Conditions
4. Compatibility
5. Impacts of Affordable Housing

## **ANALYSIS**

### **1. Conformance with the Comprehensive Plan**

This petition is a request to rezone the subject property from Planned Development (PD) to a General Office zoning district. The rezoning is consistent with the City’s Comprehensive Plan and supports the various goals of the Comprehensive Plan.

The proposed General Office (OF) zoning district is consistent with the existing Office Land Use and has been shown to be consistent with the City’s Comprehensive Plan Future Land Use element: Objective 1.5, Objective 3.4, Objective 4.1., Policy 4.2.1, and Objective 4.2.

*Objective 1.5 Discourage the proliferation of urban sprawl.*

*Objective 3.4 The City shall ensure that services and facilities needed to meet and maintain the Level of Service (LOS) standards adopted in this Plan are provided.*

*Objective 4.1 The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, industrial, education, agricultural, recreation, conservation, public facility and institutional uses at appropriate locations to meet the needs of the proposed population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.*



*Objective 4.2 The City shall implement regulations that will protect low-intensity uses from the negative impacts of high-intensity uses and provide for the healthy coexistence and integration of various land uses.*

*Policy 4.2.1 The City shall adopt land development regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low-intensity use by transitional uses and by performance measures. Performance measures shall address the buffering of adjacent uses by landscape, building type and site design. Regulation of building type shall insure compatibility of building scale, and overall building appearance in selected areas. Regulation of the site design shall address orientation. Such regulation shall also include arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and free canopy.*

## **2. Conformance with the Land Development Code**

The proposed rezoning to General Office is consistent with the existing land use of Office. The review criteria for rezoning are in Land Development Code Article III, Division 3 – Text Amendments. Land Use and Zoning Changes (see Appendix B, Land Development Code).

Any proposed development or redevelopment will be required to meet all applicable Land Development Code requirements at the time of development plan review.

## **3. Changed Conditions**

Changed conditions includes the removal of an old Planned Development (PD) and replacing the zoning designation to General Office along with the adoption of current zoning regulations for the property. The proposal is more consistent with the zoned intensity and density in the area than the existing PD.

## **4. Compatibility**

As mentioned earlier in the report, the subject parcel is currently improved with “The Kidz House” learning center and pre-school. The existing structure is consistent with the overall characteristics of the area and would not be affected by the proposed General Office zoning district.

## **5. Impacts on Affordable Housing**

This rezoning is not expected to have a negative impact on affordable housing. The subject parcel is already developed.

## **6. Impacts on Transportation**

This property is served by NW 6<sup>th</sup> St. at the eastern boundary. No immediate changes to the transportation network is expected. The property is currently within Transportation Mobility

Program Area (TMPA) zone B. Any future development on the site will be subject to the criteria as outlined within the Comprehensive Plan concerning transportation, pedestrian, and bicycle connectivity for the area (See Appendix A).

## **7. Environmental Impacts and Constraints**

The project site is already developed and does not contain FEMA flood zone areas nor wetlands, swales, ditches or other surface water wetlands.

## **RECOMMENDATION**

Staff recommends approval of LD22-000008 ZON rezone of parcels 08138-011-001, 08138-014-001, 08138-015-001, 08138-012-01, and 08138-013-001 from Planned Development (PD) to General Office (OF).

## **DRAFT MOTION FOR CONSIDERATION**

**Approve LD22-000008 ZON** rezone of parcels 08138-011-001, 08138-014-001, 08138-015-001, 08138-012-01, and 08138-013-001 from Planned Development (PD) to General Office.

## **LIST OF APPENDICES:**

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

A-1 Comprehensive Plan Future Land Use Element

A-2 Relevant Comprehensive Plan Goals, Objectives, Policies (GOP)

A-3 Comprehensive Plan – Transportation Mobility Element

**Appendix B:** Land Development Code Regulations

**Appendix C:** Rezoning Justification Statement

**Appendix D:** Ordinance No. 3078 and 2866

**Appendix E:** Neighborhood Workshop Notes

**Appendix F:** Application

**Appendix G:** Public Notification Photos

## **APPENDIX A: Comprehensive Plan Goals, Objectives and Policies**

## **A-1 Comprehensive Plan Future Land Use Element**

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

### **Office (O)**

The Office land use category identifies areas appropriate for office, residential, professional and service uses, hospital and medical uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the Office zoning district. Some non-office type uses such as restaurants may be allowed in this land use category by a Special Use Permit process established in the Land Development Code. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by Special Use Permit. For hospitals and large-scale medical office facilities that are located in a Medical Services zoning district, the height may be increased to 14 stories by Special Use Permit.

## **A-2 Relevant Comprehensive Plan Goals, Objectives, Policies (GOP)**

**Objective 1.5      Discourage the proliferation of urban sprawl.**

**Objective 3.4      The City shall ensure that services and facilities needed to meet and maintain the Level of Service (LOS) standards adopted in this Plan are provided.**

**Objective 4.1      The City shall establish land use categories that allow sufficient acreage for residential, commercial, mixed-use, office, industrial, education, agricultural, recreation, conservation, public facility, and institutional uses at appropriate locations to meet the needs of the projected population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites. Land use categories associated with transect zones are intended to encourage a more efficient and sustainable urban form by allowing a range of housing, employment, shopping and recreation choices and opportunities in a compact area of the City.**

**Objective 4.2      The City shall implement regulations that will protect low-intensity uses from the negative impacts of high-intensity uses and provide for the healthy coexistence and integration of various land uses.**

Policy 4.2.1      The City shall adopt land development regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low-intensity uses by transitional uses and by performance measures. Performance measures shall address the buffering of adjacent uses by landscape, building type and site design. Regulation of building type shall insure compatibility of building scale, and overall building appearance in selected areas. Regulation of site design shall address orientation. Such regulation shall also include arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and tree canopy.

#### **A-3 Comprehensive Plan – Transportation Mobility Element**

**Objective 10.1      The Gainesville Transportation Mobility Program Area (TMPA) shall include all property within city limits (although the TMPA shall not apply to annexed properties that do not yet have an adopted City land use category) and shall be subdivided into designated Zones A, B, C, D, E and M as mapped in the Transportation Mobility Element Data and Analysis Report and in the Geographic Information System (GIS) Map Library located on the City's Planning and Development Services Department website.**

Policy 10.1.1      All property within city limits is included in the Gainesville Transportation Mobility Program Area (TMPA); however, the TMPA shall not apply to annexed properties that do not yet have an adopted City land use category. When annexed properties are designated with a City land use category, they shall be assigned to the most physically proximate TMPA zone as mapped in the Transportation Mobility Element Data and Analysis Report and in the GIS Map Library on the City's Planning and Development Services Department website.

Policy 10.1.2      All land uses and development located in the TMPA shall meet the TMPA policies specified in this Element.

- Policy 10.1.4      For any development or redevelopment within Zone A, the developer shall provide the following transportation mobility requirements. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.
- a.      Sidewalk connections from the development to existing and planned public sidewalk along the development frontage;
  - b.      Cross-access connections/easements or joint driveways, where available and economically feasible;
  - c.      Deeding of land or conveyance of required easements along the property frontage to the City, as needed, for the construction of public sidewalks, bus turn-out facilities, and/or transit shelters. Such deeding or conveyance of required easements, or a portion of same, shall not be required if it would render the property unusable for development. A Transit Facility License Agreement between the property owner and the City for the placement of a bus shelter and related facilities on private property may be used in lieu of deeding of land or conveyance of easements. The License Agreement term shall be for a minimum of 10 years;
  - d.      Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined



in the Access Management portion of the Land Development Code;  
and

- e. Safe and convenient on-site pedestrian circulation, such as sidewalks and crosswalks connecting buildings and parking areas at the development site.

**Policy 10.1.5** For any development or redevelopment within Zones B, C, D, E, or M, the developer shall provide all of the items listed in Policy 10.1.4 and shall provide the transportation mobility requirements as specified in Policies 10.1.6, 10.1.7, 10.1.9, 10.1.11, 10.1.13, and 10.1.14, as applicable. The developer shall also provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

**Policy 10.1.6** For any development or redevelopment within Zone B, the developer shall, at the developer's expense, meet the following transportation mobility criteria based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The criteria chosen shall relate to the particular development site and the transportation mobility conditions and priorities in the zone, adjacent zones, and/or citywide for criteria that benefit the overall transportation system. Based on cost estimates provided by the developer and verified by the City, the City shall have the discretion to count individual criteria as equivalent to two or more criteria for purposes of satisfying transportation mobility requirements. Provision of the required transportation mobility criteria shall be subject to final approval by the City during the development review process and shall be memorialized in a TMPA agreement between the City and the developer.

<b>Net, New Average Daily Trip Generation</b>	<b>Number of Criteria That Shall Be Met</b>
50 or less	At least 1
51 to 100	At least 2
101 to 400	At least 3
401 to 1,000	At least 5
1,001 to 5,000	At least 8

Greater than 5,000	<p>At least 12 and meet either a. or b.:</p> <ul style="list-style-type: none"> <li>a. Located on an existing RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours.</li> <li>b. Provide funding for a new RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours or provide funding to improve RTS transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions or enhancements shall include capital and operating costs for a minimum of 3 years.</li> </ul>
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#### **Zone B Criteria**

- a. Intersection and/or signalization modifications to address congestion management, including, but not limited to: signal timing studies, fiber optic interconnection for traffic signals, roundabouts, OPTICOM signal preemption, transit signal prioritization, and/or implementation of the Gainesville Traffic Signalization Master Plan. The Master Plan includes installation of Intelligent Transportation System (ITS) features such as state of the art traffic signal controllers, dynamic message signs, and traffic monitoring cameras designed to maximize the efficiency of the roadway network by reducing congestion and delay.
- b. Addition of lanes on existing road facilities (including, but not limited to, the 4-lane expansion of SR 121 north of US 441 to CR 231), where acceptable to the City and/or MTPo, as relevant.
- c. Construction of new road facilities that provide alternate routes, reduce congestion, and create a better gridded network.
- d. Use of joint driveways or cross-access to reduce curb cuts.
- e. Participation in a transportation demand management program that provides funding or incentives for transportation modes other than single occupant vehicle. Such demand management programs shall provide annual reports of operations to the City indicating successes in reducing single occupant vehicle trips.
- f. Provision of ride sharing or van pooling programs.
- g. Provision of Park and Ride facilities, built to RTS needs and specifications.
- h. Provision of bus pass programs provided to residents and/or employees of the development. The bus passes must be negotiated as part of a contract with the Regional Transit System.

- i. Deeding of land for the addition and construction of bicycle lanes that meet City specifications. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.
- j. Provision of additional bicycle parking over the minimum required by the Land Development Code. Additional bicycle parking may be used to substitute for the required motorized vehicle parking.
- k. Enhancements to the City's off-street paved trail network (as shown in the Transportation Mobility Map Series) that increase its utility as a multi-modal transportation route. Such enhancements may include, but shall not be limited to: 1) trail amenities such as benches, directional signage, or safety systems; 2) bicycle parking at entry points or connections with transit lines; 3) land acquisition for expansion or better connectivity; 4) additional entry points to the off-street paved trail network; 5) bridges spanning creeks or wetland areas; and 6) appropriate off-street trail surfacing.
- l. Funding of streetscaping/landscaping (including pedestrian-scale lighting, where relevant) on public rights-of-way or medians, as coordinated with the implementation of the City's streetscaping plans.
- m. In order to increase the attractiveness of the streetscape and reduce visual clutter along roadways to promote a more walkable environment, provision of no ground-mounted signage at the site for parcels with 100 linear feet or less of property frontage, or removal of non-conforming signage or billboards at the site. Signage must meet all other regulations in the Land Development Code.
- n. Widening of existing public sidewalks to increase pedestrian mobility and safety.
- o. Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.
- p. Payments to RTS that either increase service frequency or add additional transit service, including Express Transit service and/or Bus Rapid Transit, where appropriate.
- q. Funding for the construction of new or expanded transit facilities.
- r. Construction of bus shelters built to City specifications.
- s. Bus shelter lighting using solar technology designed and constructed to City specifications.
- t. Construction of bus turn-out facilities to City specifications.

- u. Construction of access to transit stops and/or construction of transit boarding and alighting areas.
- v. Business operations shown to have limited or no peak-hour roadway impact.
- w. An innovative transportation-mobility-related modification submitted by the developer, where acceptable to and approved by the City.

Policy 10.6.1      Parking in excess of that required by the Land Development Code shall be prohibited within the TMPA.

Policy 10.6.2      Developments may apply for a parking reduction within the TMPA, based on criteria in the Land Development Code.

## **APPENDIX B: Land Development Code Regulations**

B-1 Governing Principles

16 **Section 30-3.14. Rezoning Criteria.**

17 Applications to rezone property shall be reviewed according to the following criteria:

- 18 A. Compatibility of permitted uses and allowed intensity and density with surrounding existing  
19 development.
- 20 B. The character of the district and its suitability for particular uses.
- 21 C. The proposed zoning district of the property in relation to surrounding properties and other similar  
22 properties.
- 23 D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout  
24 the city.
- 25 E. The applicable portions of any current city plans and programs such as land use, traffic ways,  
26 recreation, schools, neighborhoods, stormwater management and housing.
- 27 F. The needs of the city for land areas for specific purposes to serve population and economic  
28 activities.
- 29 G. Whether there have been substantial changes in the character or development of areas in or near  
30 an area under consideration for rezoning.
- 31 H. The goals, objectives, and policies of the Comprehensive Plan.
- 32 I. The facts, testimony, and reports presented at public hearings.

B-2 Corresponding with Future Land Use Categories.



2 **Section 30-4.2. Correspondence with Future Land Use Categories.**

3 The following table establishes the zoning districts allowable within the future land use categories from  
 4 the Comprehensive Plan.

<b>Future Land Use Category</b>	<b>Zoning Districts</b>	<b>Special Districts</b>
Single-Family (SF)	U1, RSF-1 to 4, RSF-R	PD, CON, PS
Residential Low-Density (RL)	U2, RSF-4, RMF-5, MH, RC	PD, CON, PS
Residential Medium-Density (RM)	RMF-6 to 8	PD, CON, PS
Residential High-Density (RH)	N/A	PD, CON, PS
Mixed-Use Residential (MUR)	U5	PD, CON, PS
Mixed-Use Office/Residential (MOR)	U4, U3	PD, CON, PS
Mixed-Use Low-Intensity (MUL)	MU-1	PD, CON, PS
Mixed-Use Medium-Intensity (MUM)	MU-2, CP	PD, CON, PS
Urban Mixed-Use (UMU)	U6, U7, U8	PD, CON, PS
Urban Mixed-Use High-Intensity (UMUH)	U9	PD, CON, PS
Urban Core (UC)	DT	PD, CON, PS
Office (O)	OR, OF, CP	PD, CON, PS, MD
Commercial (C)	W, BA, BT, BUS, BI	PD, CON, PS
Business Industrial (BI)	BI, CP	PD, CON, PS
Industrial (IND)	W, I-1, I-2, BI	PD, CON, PS
Education (E)	N/A	PD, CON, PS, ED
Recreation (REC)	N/A	PD, CON, PS
Conservation (CON)	N/A	PD, CON, PS
Agriculture (AGR)	N/A	PD, CON, PS, AGR
Public and Institutional Facilities (PF)	N/A	PD, CON, PS, AF
Planned Use District (PUD)	N/A	PD

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.

EXPAND

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

**LEGEND:**

1 = Lots that existed on November 13, 1991, as recorded in the city and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.

2 = Developments of 50,000 sq. ft. or more of gross leasable area shall be located along arterials or collectors, as defined in the official roadway map.

3 = Where the yard abuts and is used for access to a railroad siding, the minimum setback shall be zero feet.

4 = Where the rear or side yard abuts U1 or single-family residential **zoning** or a historic district, [section 30-4.8](#) development compatibility standards shall apply.

(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.*

EXPAND

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.
- 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.

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	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	<a href="#">30-5.35</a>	A	A	A	A	A	A	-	-	A	A	-	-
Adult day care home	<a href="#">30-5.2</a>	P	P	P	P	P	P	-	-	P	-	-	-
Community residential home (up to 6 residents)	<a href="#">30-5.6</a>	P	P	P	P	-	-	-	-	-	P	-	-
Community residential home (more than 14 residents)	<a href="#">30-5.6</a>	-	P	P	P	-	-	-	-	-	P	-	-
Community residential home (7 to 14 residents)	<a href="#">30-5.6</a>	P	P	P	P	-	-	-	-	-	P	-	-
Family child care home	<a href="#">30-5.10</a>	P	-	P	P	-	-	-	-	-	P	-	-
Single room occupancy residence	<a href="#">30-5.8</a>	P	P	P	P	-	-	-	-	-	P	-	-
<b>NONRESIDENTIAL</b>													
Alcoholic beverage establishment	<a href="#">30-5.3</a>	S	S	-	-	-	P	-	P	P	-	P	P
Assisted living facility		P	P	-	P	-	-	-	-	-	P	-	-
Armor systems manufacturing and assembly	<a href="#">30-5.16</a>	P	-	-	-	-	-	-	-	-	-	-	-
Bed and breakfast establishment	<a href="#">30-5.4</a>	P	P	S	S	-	P	-	P	-	-	-	-
Business services		P	P	-	P	P	P	P	P	P	P	P	P
Carwash	<a href="#">30-5.5</a>	S	S	-	-	-	P	P	S	P	P	P	P
Civic, social, or fraternal organization		P	P	-	-	-	P	P	P	P	-	-	-
Day care center	<a href="#">30-5.7</a>	P	P	P	P	P	P	-	-	P	P	-	-
Drive-through facility	<a href="#">30-5.9</a>	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	<a href="#">30-5.12</a>	-	-	-	-	-	S	-	S	S	-	-	-
Food truck, not located within a food truck park	<a href="#">30-5.37</a>	P	P	A	A	P	P	P	P	P	P	P	P
Food truck park (less than 6 pads)	<a href="#">30-5.13</a>	P	P	-	P	P	P	P	P	P	P	P	P
Food truck park (6 or more pads) <sup>4</sup>	<a href="#">30-5.13</a>	S	S	-	S	S	S	S	S	S	S	S	S
Gasoline or alternative fuel station	<a href="#">30-5.14</a>	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	<a href="#">30-5.40</a>	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	<a href="#">30-5.15</a>	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard or salvage yard	<a href="#">30-5.16</a>	-	-	-	-	-	-	-	-	-	-	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	<a href="#">30-5.17</a>	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>	<a href="#">30-5.18</a>	S	P	-	-	-	P	-	P	P	P	P	P
Mini-warehouses, self-storage facility	<a href="#">30-5.19</a>	-	-	-	-	-	-	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)	<a href="#">30-5.20</a>	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (principal use)	<a href="#">30-5.21</a>	-	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	<a href="#">30-5.22</a>	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	<a href="#">30-5.23</a>	-	-	-	-	-	-	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	<a href="#">30-5.24</a>	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	-

[illegible]

**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)

## **APPENDIX C: Rezoning Justification Statement**

## Magnolia Park Rezoning from PD to OF

### Justification Statement

The Magnolia Park was created in 1983 by the rezoning from the then current zoning of O-1 Limited Office to PD Planned Development zoning. The PD modified portions of the original O-1 zoning standards to allow for the development of up to 8000 square feet of floor area. Only two buildings totaling 3829 square feet of floor area were developed on the site under the original PD. Both buildings are occupied by the Kidz House Day Care center which is owned and operated by Steph and Hans Solutions, LLC. The owner wishes to construct an additional day care class room building totaling 2236 square feet. The current PD would need to be amended or the site rezoned to OF Office to allow this expansion. City staff has recommended the site be rezoned to be consistent with adjacent OF zoning to the north and south. Future land use designation for the site is Office. The two existing and proposed new building will meet the dimensional standards of the OF Office zoning district. The proposed total building coverage will be well below the 50% maximum non-residential building coverage allowed by OF zoning. The new building will allow an additional 50 students to attend the day care facility. The requested zoning map change will meet the adopted level of service standards and applicable concurrency requirements.

**Roadways** – The site is served by SR 20 (NW 6<sup>th</sup> Street). The proposed additional building is estimated to generate 117 ADT.

**Recreation** – The proposed day care expansion will not impact the existing level of service standards for recreation. The day care facility is regulated by the State Department of Children & Family and is required to provide onsite recreational facilities at a rate of 45 square feet per child.

**Water and Wastewater** – Water and wastewater demands are based on Florida Department of Health Rule 64E-6.008 Table 1 estimated wastewater flows from day care facilities estimated at 10 gpd/student and 15 gpd/worker.

**Solid Waste** – The proposed building addition is estimated to generate 7.5 tons of solid waste per year based on a rate of 0.15 tons/kid/year. The existing level of service of 4 cy per week will be expanded to pick-up twice per week.

**Mass Transit** – The site is located approximately 0.4 miles from RTS Route 15 stop at the corner of NW 7<sup>th</sup> Street and NW39 Avenue. Paved sidewalks exist between the bus stop and the site.



## **APPENDIX D: Ordinance No. 3078 and 2866**

ORDINANCE NO. 3078  
0-84-121

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING ORDINANCE NO. 2866 WHICH REZONED CERTAIN REAL PROPERTY TO PLANNED DEVELOPMENT, COMMONLY KNOWN AS MAGNOLIA PARK; AMENDING SECTION 4 OF THE ORDINANCE BY EXTENDING THE DEVELOPMENT TIME LIMITS AND PROHIBITING THE PLACEMENT OR CONSTRUCTION OF CERTAIN BUILDINGS ON THE PROPERTY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance No. 2866 on June 27, 1983, rezoning certain property to the zoning classification of planned development, commonly referred to as "Magnolia Park"; and

WHEREAS, Section 4 of Ordinance 2866 imposed certain time limits on the construction of the project; and

WHEREAS, the Circuit Court of the Eighth Judicial Circuit, in and for Alachua County, Florida, by Order dated March 23, 1984, granted a six (6) month extension from the date of the order to complete the construction of the two existing buildings on the property (identified as Building Nos. 1 and 2 on the site

CODE: Except for whole sections added or deleted as indicated in the text, words in ~~struck through~~ type are deletions from existing law; words in underscored type are additions.

177-82PB

1 notice has been given once in a newspaper of general  
2 circulation notifying the public of this proposed  
3 ordinance and of a Public Hearing in the A. Clarence  
4 O'Neill Auditorium of the Municipal Building of the City  
5 of Gainesville; and

6 WHEREAS, notice was given by mail to each real  
7 property owner the use of whose land the City of  
8 Gainesville will restrict by enactment of this Ordinance  
9 at least thirty (30) days prior to the date set for a  
10 Public Hearing on this Ordinance; and

11 WHEREAS, a Public Hearing was held pursuant to the  
12 published notice described above at which hearing the  
13 parties in interest and all others had an opportunity to  
14 be and were, in fact, heard.

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

17 Section 1. Paragraph b of Section 4 of Ordinance  
18 No. 2866 is amended to read:

19 Section 4. The following conditions,  
20 restrictions and regulations shall also apply  
21 to the development and use of the land  
22 described herein:

23 b. The building on Site No. 1, as  
24 identified on sheet number two of the  
25 development plan entitled "Site  
Development Plan for Magnolia Park",  
shall be completed within sixty (60)

26 CODE: Except for whole sections added or deleted as  
27 indicated in the text, words in ~~struck through~~ type are  
28 deletions from existing law; words in underscored type  
are additions.

1 days (not including Saturdays and  
2 Sundays) of October 8, 1984. The  
3 building on Site No. 2, as identified on  
4 sheet number two of the development plan  
5 entitled "Site Development Plan for  
6 Magnolia Park", shall be completed  
7 within one-hundred, and twenty (120)  
8 calendar days of October 8, 1984. All  
9 ancillary facilities including parking,  
10 landscaping, paving, drainage, and any  
11 other requirement necessary for the  
12 issuance of a certificate of occupancy  
13 on said buildings shall be completed  
14 within one-hundred and eighty (180)  
15 calendar days of October 8, 1984. No  
16 additional buildings or structures may  
17 be constructed or moved onto Site Nos.  
18 3, 4, and 5, as identified on sheet  
19 number two of the development plan  
20 entitled "Site Development Plan for  
21 Magnolia Park".

22 Section 2. Any person convicted of violating any  
23 of the provisions of this ordinance shall be punished as  
24 provided in Section 1-8 of the Code of Ordinances.

25 Section 3. If any portion of this ordinance is  
26 declared by a court of competent jurisdiction to be  
27 invalid or unenforceable, such declaration shall not be  
28 deemed to affect the remaining portions of this  
ordinance.

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

Section 5. All ordinances, or parts of ordinances,

CODE: Except for whole sections added or deleted as  
indicated in the text, words in ~~struck through~~ type are  
deletions from existing law; words in underscored type  
are additions.

1 in conflict herewith are to the extent of such conflict  
2 hereby repealed.

3 Section 6. This ordinance shall become effective  
4 immediately upon final adoption.

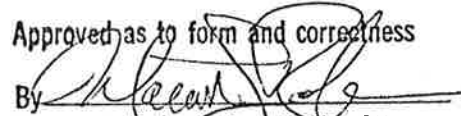
5 DATED this 10th day of December, 1984.

6  
7  
8   
MAYOR-COMMISSIONER

9  
10 ATTEST:

11   
12 CLERK OF THE COMMISSION

Approved as to form and correctness

13 By   
14 Marion J. Radson, Deputy City Attorney  
City of Gainesville, Florida

DEC 12 1984

15 This Ordinance passed on first reading this 3rd  
16 day of December, 1984.

17 This Ordinance passed on second and final reading  
18 this 10th day of December, 1984.

19 PETITION NO. 177-82  
20  
21  
22  
23  
24  
25

26 CODE: Except for whole sections added or deleted as  
27 indicated in the text, words in ~~struck through~~ type are  
28 deletions from existing law; words in underscored type  
are additions.

30

Magnolia Park  
Map 3450.

ORDINANCE NO. 2866  
0-83-39

*gth*

AN ORDINANCE OF THE CITY OF GAINESVILLE,  
FLORIDA, BY REZONING CERTAIN LANDS WITHIN  
THE CITY FROM O-1, LIMITED OFFICE DISTRICT,  
TO A NEW ZONING CLASSIFICATION OF PLANNED  
DEVELOPMENT ("PD"); INCORPORATING THE  
DEVELOPMENT PLAN MAP AND THE DEVELOPMENT  
PLAN REPORT; PROVIDING ADDITIONAL REGULATIONS;  
PROVIDING A SEVERABILITY CLAUSE; PROVIDING A  
REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE  
EFFECTIVE DATE.

WHEREAS, the City Plan Board authorized the publication  
of notice of a Public Hearing that certain lands within the  
City be rezoned from the Zoning Classification of O-1,  
Limited Office District, to the new Classification of  
Planned Development ("PD"); and

WHEREAS, notice was given and publication made as  
required by law on September 1, 1982, of a Public Hearing  
which was held by the City Plan Board on October 21, 1982;  
and

WHEREAS, notice was given and publication made on  
September 7, 1982 and October 8, 1982, of a Public Hearing  
which was then held by the City Commission on November  
8, 1982; and

WHEREAS, pursuant to law at least seven (7) days  
notice has been given once by publication in a newspaper  
of general circulation notifying the public of this proposed  
ordinance and of a Public Hearing in the A. Clarence O'Neill  
Auditorium of the Municipal Building of the City of Gaines-  
ville; and

*Amended by Ord. No. 3078*

WHEREAS, a Public Hearing was held pursuant to the published notice described above at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

Section 1. The following described property is rezoned and changed from the Zone Classification of O-1, Limited Office District, to a new Classification of Planned Development ("PD"), as provided in Chapter 29, Zoning Code of the City of Gainesville:

Lots 13 and 14, Block "D," Magnolia Heights a Subdivision as per a Plat thereof recorded in Plat Book "D," Page 12 of the Public Records of Alachua County, Florida.

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

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

- 1) a three (3) page development plan report entitled "Magnolia Park, a Professional Office Complex" dated August, 1982, identified as Exhibit "A,"; and
- 2) a Development Plan consisting of three (3) sheets prepared by Charles D. Sapp and Associate and identified as Composite Exhibit "B."

are incorporated herein and made a part of this ordinance as if set forth in full. The terms, conditions, and limitations of the Development Plan shall regulate the use and development of the land described herein zoned to the classification of Planned Development as provided in Chapter 29, Zoning Code of the City of Gainesville.

Section 4. The following conditions, restrictions and regulations shall also apply to the development and use of the land described herein:

- a) All buildings and structures on the site shall be constructed in strict accordance with the architectural design as shown on Sheet 3 of the Development Plan Map;
- b) All work (construction) on structures (buildings) on site as of January 11, 1983 shall be completed within six (6) months of the effective date of this Ordinance; all work (construction) on other buildings (structures) brought onto the site shall be completed within six (6) months from the date that such buildings (structures) were brought onto the site; all other site work (construction) shall be completed within one (1) year of the effective date of this Ordinance.
- c) After Certificates of Occupancy are issued for all buildings as shown on the Development Plan Map, and in the event the property described in Section 1 of this Ordinance is converted to a Condominium or an Association, or in the event each building or any portion thereof is transferred or conveyed to third parties for value, there shall be recorded in the public



records of Alachua County, either an effective declaration of condominium or other effective restrictive covenants containing provisions substantially the same as those attached hereto as Exhibit "C";

- d) Except as expressly provided herein, the regulation of the use and development of the land described herein shall be governed as if this land were zoned "O-1, Limited Office District" of Chapter 29, Zoning Code of the City of Gainesville.

Section 5. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. This Ordinance shall become effective immediately upon final adoption.

DATED this 27th day of June, 1983.

  
MAYOR-COMMISSIONER

ATTEST:

  
CLERK OF THE COMMISSION

JUN 16 1983

Approved as to form and correctness

By   
J. T. Frank, City Attorney  
City of Gainesville, Florida

This Ordinance passed on first reading this 20th day  
of June, 1983.

This Ordinance passed on second and final reading  
this 27th day of June, 1983.

*Charles D. Sapp and Associate*

CONSULTING ENGINEER—LAND SURVEYOR

4432 N.W. 23rd AVENUE, SUITE 3

GAINESVILLE, FLORIDA 32601

Charles D. Sapp, P.E.  
Consulting Engineer

EXHIBIT "A"

Robert M. Sapp, R.L.S.  
Land Surveyor

August, 1982

MAGNOLIA PARK

A Professional Office Complex

Development Plan Report

1. Purpose and Intent

The purpose and intent of this Planned Unit Development is to develop a professional office complex which is compatible with the scale and character of the surrounding offices and residential neighborhood.

Under the current zoning - Limited Office District (O-1), the applicant would have the opportunity to develop 8000 square feet of professional office space, but would be limited to the construction of two office buildings. Due to the irregular shaped lot, the applicant has little choice in building placement and would have to develop the site with multi-story buildings. By utilizing the Planned Development zoning standards, the applicant will have the flexibility to develop the same amount of office square footage, but in a manner that is advantageous to the site and surrounding neighborhood.

It is the applicant's opinion that this Planned Development will be in accord with the Gainesville Comprehensive Plan. A major goal of the plan is to protect and enhance the aesthetic quality of the city. It is by this goal and the objective of encouraging neighborhood commercial facilities to utilize a building and site plan design that is compatible with nearby residential development, that the applicant is in compliance with the comprehensive plan.

It is the applicant's intent to keep all objectives and permitted uses the same on the site as are permitted under its existing zoning classification of O-1.

2. Land Use Relationship

The proposed land use for the subject property is to be that of professional offices (O-1 permitted uses) and it is the intent of the land use and zoning classification to be utilized as a transition zone from more intense land use to the east of the site to the residential land use to the west. It is the

page two

applicant's intent to provide for a more reasonable transition across their site from east to west, and still be compatible with the surrounding land uses.

### 3. Transportation

The subject property has direct access to N.W. 6th Street for all modes of transportation available including the Regional Transit System. The internal traffic circulation is designed for vehicle, bicycle, and pedestrian traffic.

The trip generation for this type of development is estimated to be 98.4 vehicle trips per day. This will cause no significant increase in the hourly traffic count on N.W. 6th Street.

### 4. Statistical Information

- A. Total Acreage: 0.88 acres
- B. Maximum Building Coverage: 21%
- C. Maximum Impervious Ground Coverage: 48%
- D. Residential Density: N/A
- E. Dwelling Units: N/A
- F. Gross Floor Area: 8000 square feet
- G. Office Use Area: 0.88 acres
- H. Open Space: 52%

### 5. Drainage Concept

It is the intent of the Engineer to retain as much storm water as possible on-site. This will be accomplished by way of shallow retention basins located strategically throughout the subject property. A means of storm water overflow to N.W. 6th Street will be provided.

### 6. Landscape Plan

The subject property contains numerous pine trees ranging from 8" to 18" diameter. These trees which do not lie within proposed construction areas will be preserved. However, it is the intent of the owner to heavily landscape this property with shade trees and shrubbery materials as recommended by the landscape architect. The location of proposed landscaping is shown on the site plan.

### 7. Design Standards

It is the applicant's intent to develop the professional

page three

office in a residential character, having all buildings be single story in design. Buildings are to be clustered around a central parking core with one point of access coming from N.W. 6th Avenue. All aspects of the site design and standards of construction will meet or exceed the specifications as set by the City of Gainesville and be subject for review at the site plan review stage.

8. Development Schedule

It is the applicant's intent to develop the entire project at one time beginning in Mid-1983 and completing the project within a 12 (twelve) month period.

9. Form of Ownership

It is the applicant's plans to retain full ownership of all buildings and grounds and provide offices to tenants on a lease arrangement.

All buildings, improvements, and open space shall be maintained by the owner.

10. Service Facilities

The Location of nearest Fire Station is as shown on Plan. All other facilities, such as schools, churches, parks, etc. are not applicable for this project.

## EXHIBIT "C"

### 1st Required Provision:

Either: The Developer shall convey legal title to the Common Areas or Properties to an Association or Condominium. The Association or Condominium shall hold title to such Common Areas for the use and benefit of all Members of the Association or Condominium and shall not alienate such title without the approval of all association members and all holders of institutional first mortgages upon the Units contained within the Property.

Or: The Developer shall convey a proportional undivided interest in the Common Areas or Properties to the purchaser of any Unit contained within the property.

### 2nd Required Provision:

Assessments shall be levied by the Association or Condominium to be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the Owners of Units in the Property, and in particular for improvement and maintenance of properties, services, and facilities devoted to the purpose and related to the use and enjoyment of the Common Areas or Properties and of the Units situated upon the Property, including, but not limited to the following:

- (a) Lighting, improvement, maintenance, and beautification of access ways, streets, and easement areas, and the acquisition, maintenance, repair and replacement of directional markers and signs and traffic control devices, and costs of controlling and regulating traffic on the access ways, which are the responsibility of the Association or Condominium.
- (b) Maintenance, improvements, and operation of drainage easements and systems.
- (c) Management, maintenance, improvements, and beautification of the Common Areas, and all common open spaces, including the landscaping and maintenance thereof in a neat and orderly fashion;

- (d) Garbage collection and trash and rubbish removal;
- (e) Doing any and all things necessary or desirable, in the judgment of said Association or Condominium to keep the Property neat and attractive or to preserve or enhance the value of the properties therein, or to eliminate fire, health, or safety hazards, or, which in the judgment of said Association or Condominium, may be of benefit to the owners or occupants of lands included in the Property;
- (f) Doing any and all other things which may be required by the Association or Condominium to do, or which may be necessarily implied, by any other provision of this Ordinance.

3rd Required Provision:

The Developer hereby acknowledges and declares that the Property has been rezoned by the City of Gainesville to a Planned Development District Classification as provided in Chapter 29, Zoning Code of the City of Gainesville. In accordance with said Ordinance, the Developer hereby agrees, and each subsequent Owner of a Lot or Unit in the Property, by acceptance of his deed, likewise agrees, that the City of Gainesville shall have the discretionary right, but not the duty, to enter in and upon all of the Common Areas or Properties and perform such necessary maintenance on all of such Common Areas or Properties to reasonably keep such land in a neat and orderly condition upon default of the Association or Condominium to do so under its obligations as required herein. In such event, each Lot or Unit Owner shall be responsible for an equal share of any costs incurred by the City. The costs incurred by the City shall constitute a lien on all of the Properties, enforceable as other public improvement liens, and shall bear interest at the rate of 8% per annum until paid.

- c. Funeral service and crematories (GN-726);
- d. Radio and television broadcasting (GN-483), specifically excluding transmitter towers;
- e. Nursing and personal care facilities (GN-805);
- f. (Reserved);
- g. Social service homes and halfway houses;
- h. Rehabilitation centers;
- i. Rooming houses;
- j. Dormitories;
- k. Private schools;
- l. Retransmission and microwave transmission towers as accessory uses only, provided such towers are affixed to a principal building and limited to a maximum height of seventy (70) feet and a maximum transmission of one hundred (100) watts;
- m. Religious organizations;
- n. Personal care group home, Classes I, II, III, IV and V; and
- o. Bed and breakfast establishment.

(d) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- (1) Minimum lot area: Six thousand (6,000) feet.
- (2) Minimum lot width at minimum front yard setback: Sixty (60) feet.
- (3) Minimum lot depth: Ninety (90) feet.
- (4) Minimum yard setbacks:
  - a. Front: Ten (10) feet.
  - b. Side, street: Ten (10) feet.
  - c. Side, interior: Zero (0) feet.  
Except where the side yard abuts property in a residential district or property shown for residential use on the land use element of the comprehensive plan: Twenty-five (25) feet.
  - d. Rear: Zero (0) feet.  
Except where the rear yard abuts property in a residential district or property shown for residential use on the land use element of the comprehensive plan: Twenty-five (25) feet.

- (5) Maximum building height: Thirty-five (35) feet.
- (6) Maximum lot coverage: Forty (40) percent.
- (7) Maximum floor area ratio:
  - a. Residential use: .55.
  - b. All principal structures: 1.00.

(e) *Maximum residential density:* Twenty (20) dwelling units/acre.

(f) *General requirements.* All structures and uses within this district shall also comply with the applicable requirements and conditions of section 29-95 and article XVI.

(Ord. No. 2650, § 29-28, 10-26-81; Ord. No. 2830, § 1, 2-14-83; Ord. No. 2843, §§ 3, 4, 3-28-83; Ord. No. 2895, § 2, 8-22-83; Ord. No. 2980, § 16, 2-20-84; Ord. No. 3039, § 1, 8-13-84; Ord. No. 3178, § 2, 11-11-85; Ord. No. 3191, § 19, 1-22-86; Ord. No. 3246, § 1, 9-15-86; Ord. No. 3341, § 11, 5-18-87; Ord. No. 3425, §§ 30, 31, 3-21-88; Ord. No. 3478, § 1, 10-10-88; Ord. No. 3521, § 5, 3-6-89; Ord. No. 3555, § 12, 8-21-89; Ord. No. 3610, § 2, 4-2-90)

#### **Sec. 29-93. O-1: limited office district.**

(a) *Purpose.* The O-1 district is established for the purpose of encouraging low intensity offices and studio uses of limited size at locations where such use of land would be compatible with surrounding residential uses and be in keeping with the land use policies of the comprehensive plan.

(b) *Objectives.* The provisions of this district are intended to:

- (1) Permit such development to locate in close proximity to the residence of the proprietor or his clients, provided that such development will not be incompatible with its surroundings;
- (2) Promote, through site plan approval, the most efficient use of the land used for such development, as well as a harmonious relationship between such development and the land;
- (3) Create transitional areas between lower intensity land uses and other more intense land uses;



- (4) Require appropriate buffering and screening around such development when it abuts any residential district boundary, through natural features or landscaping, in an attempt to maintain its compatibility with such abutting district;
- (5) Discourage encroachment by unrestricted retail and wholesale business establishments, high intensity office and studio uses, industrial concerns, and other uses capable of adversely affecting the low intensity office and studio characteristics of this district and any neighboring residential districts; and
- (6) Minimize traffic congestion on public streets.
- (c) *Permitted uses:*
- (1) Uses by right:
  - a. Personal credit institutions (GN-614);
  - b. Business credit institutions (GN-615);
  - c. Mortgage bankers and brokers (GN-616);
  - d. Insurance carriers not elsewhere classified (GN-639);
  - e. Insurance agents, brokers and service (MG-64);
  - f. Real estate (MG-65);
  - g. Combinations of real estate, insurance, loans, law offices (MG-66);
  - h. Holding and other investment offices (MG-67);
  - i. Advertising (GN-731);
  - j. Mailing, reproduction, commercial art and photography, and stenographic services (GN-733);
  - k. Personnel supply services (GN-736);
  - l. Legal services (MG-81);
  - m. Business associations (GN-861);
  - n. Engineering, architectural and surveying services (GN-891);
  - o. Noncommercial educational, scientific and research organizations (GN-892), in accordance with the conditions and requirements of article XI;
  - p. Accounting, auditing and bookkeeping services (GN-893);
  - q. Services, not elsewhere classified (GN-899);

- r. Administration of human resources programs (MG-94);
- s. Administration of environmental quality and housing programs (MG-95);
- t. Administration of economic programs (MG-96);
- u. Offices of physicians (GN-801);
- v. Offices of dentists (GN-802);
- w. Offices of osteopathic physicians (GN-803);
- x. Offices of other health practitioners (GN-804);
- y. Management, consulting and public relations services (IN-7392);
- z. Landscape and horticultural services (GN-078);
- aa. Public service vehicles, in accordance with the conditions and requirements of article XI;
- bb. Day care centers, in accordance with the conditions and requirements of article XI;
- cc. Building construction—general contractors and operative builders (MG-15)—offices only;
- dd. Additions and renovations to single-family residences, provided that such changes comply with the dimensional requirements of the zoning district;
- ee. Dental laboratories (IN-8072), not exceeding a total floor area of twelve hundred (1200) square feet and a maximum of ten (10) employees;
- ff. Insurance (MG-63);
- gg. Sales offices without warehousing, showrooms or retail space;
- hh. Telephone message service;
- ii. Photographic studios, portrait—offices only (GN-722);
- jj. Computer and data processing services (GN-737); and
- kk. Arrangement of passenger transportation (IN-4722);
- ll. Any accessory use customarily incidental to any permitted principal use; and
- mm. Interior decorating consulting service, not painters or paperhangers, excluding retail sales on premises.

- (2) Uses by special use permit, provided the requirements and conditions of article XI are met:

- a. Nursing and personal care facilities (GN-805);
- b. Membership sports and recreation clubs (IN-7997);
- c. Radio and television broadcasting (GN-483), specifically excluding transmitter towers;
- d. Places of religious assembly;
- e. Retransmission and microwave transmission towers as accessory uses only, provided such towers are affixed to a principal building and limited to a maximum height of seventy (70) feet and a maximum transmission of one hundred (100) watts;
- f. Single-family residential/office compound uses; and
- g. Bed and breakfast establishment.

(d) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- (1) Minimum lot area: Eight thousand (8,000) square feet.  
(including single-family residential/office compound uses)
- (2) Minimum lot width at minimum front yard setback: Sixty (60) feet.
- (3) Minimum lot depth: Ninety (90) feet.
- (4) Minimum yard setbacks:
  - a. Front: Ten (10) feet.
  - b. Side, street: Ten (10) feet.
  - c. Side, interior: Zero (0) feet.  
Except where the side yard abuts property in a residential district or property shown for residential use on the land use element of the comprehensive plan: Twenty-five (25) feet.
  - d. Rear: Zero (0) feet.  
Except where the rear yard abuts property in a residential district or property shown for residential use on the

land use element of the comprehensive plan: Twenty-five (25) feet.

- (5) Maximum building height: Thirty-five (35) feet.
- (6) Maximum lot coverage: Forty (40) percent.
- (7) Maximum floor area ratio of principal structures: .50.
- (8) Maximum floor area: Four thousand (4,000) square feet.

(e) *General requirements.* All structures and uses within this district shall also comply with the applicable requirements and conditions of section 29-95 and article XVI.

(Ord. No. 2650, § 29-29, 10-26-81; Ord. No. 2790, §§ 1-3, 11-29-82; Ord. No. 2830, § 1, 2-14-83; Ord. No. 2843, § 5, 3-28-83; Ord. No. 2855, § 1, 5-9-83; Ord. No. 2895, § 3, 8-22-83; Ord. No. 2966, § 1, 1-16-84; Ord. No. 3039, § 2, 8-13-84; Ord. No. 3178, § 3, 11-11-85; Ord. No. 3341, § 11, 5-18-87; Ord. No. 3521, § 5, 3-6-89; Ord. No. 3555, § 13, 8-21-89; Ord. No. 3610, § 2, 4-2-90)

#### **Sec. 29-94. O-2: general office district.**

(a) *Purpose.* The O-2 district is established for the purpose of encouraging the development of professional offices and studio uses at locations where such use of land would be compatible with surrounding residential uses and be in keeping with the land use policies of the comprehensive plan.

(b) *Objectives.* The provisions of this district are intended to:

- (1) Encourage such development to locate along the community's major transportation arteries, or frontage roads, which will provide adequate access to such development;
- (2) Encourage such development to occur where the natural characteristics of the land are suitable for this type of development;
- (3) Promote, through site plan approval, the most efficient use of the land used for such development, as well as a harmonious re-

## **APPENDIX E: Neighborhood Workshop Notes**

Neighborhood Workshop  
The Kidz House  
April 7, 2022 7:00 PM

Summary of Neighborhood Workshop Discussion:

The Neighborhood Workshop for the rezoning of 4232 NW 6<sup>th</sup> Street from PD Planned Development to OF Office was held on April 7, 2022 at the Kidz House, 4232 NW 6<sup>th</sup> Street at 7:00 pm. The following documents were made available for review during the workshop:

Neighborhood Workshop Notice with Allowable Uses Attachment

Zoning Map in Color

Land Use Map in Color

Proposed Site Plan Drawing

Proposed Building Floor Plan and Elevation Drawing

Right-Of-Way Vacate Drawing

Sign-In Sheet

In attendance were Gary Dounson, Civil Engineer; Luis Fabian, Owner of the property to be rezoned; and Jeffery & Harriet Roth, neighbors who own and reside in one of the adjacent residential properties.

The purpose of the rezoning was explained to the Roths in addition to the request to vacate adjacent city of Gainesville right-of-way. Harriet Roth expressed a concern about traffic and the speed limit on NW 6<sup>th</sup> Street and asked if the speed limit could be lowered. It was pointed out that NW6th Street is owned and maintained by the FDOT as State Road 20.

The Roths asked when construction would start and about how long would it last. Gary Dounson explained the construction could not start until completion of the rezoning and permitting process which would probably take until June or July. Mr. Fabian estimated construction would commence sometime after the completion of the permitting and would last 6 to 8 months.

Mr. Roth asked what were the plans for the adjacent parcel to the north. Mr. Fabian mentioned that he knew the owner of that parcel but was not aware of any development plans for it.

The Roths indicated they were in favor of the project and asked how they could support it. Gary Dounson suggested they send an email to him expressing their support.

The Roths left the meeting around 7:30 pm and Gary Dounson and Luis Fabian waited until 8 pm to see if anyone else from the community would show-up however there was no additional attendance. The Neighborhood Workshop ended at 8 pm.

**NEIGHBORHOOD WORKSHOP  
SIGN-IN SHEET  
THE KIDZ HOUSE REZONING  
4/7/2022 7:00 PM**

[illegible]

## **NEIGHBORHOOD WORKSHOP**

A neighborhood workshop will be held to discuss a rezoning to OF General Office on a 0.82 acre parcel located at 4232 NW 6<sup>th</sup> Street, Gainesville, FL to allow the construction of a new 2400 square foot day care building. In addition to Day Care facilities, General Office zoning allows a multitude of other uses such as Business Services, Emergency Shelters and Health Services. Please see the complete list of permitted uses attached. A request is also made to vacate approximately 0.24 acres of unused City of Gainesville Right-of-Way on the West side of SR 20 (NW6th Street) along the east property line of 4232 and 4210 NW 6<sup>th</sup> Street. This is not a public hearing. The purpose of the meeting is to inform neighboring property owners of the nature of the proposal to seek their comments.

The meeting will be held on Thursday April 7, 2022 at 7:00 pm at The Kidz House Day Care Center at 4232 NW 6<sup>th</sup> Street, Gainesville, FL. Contact person: Gary Dounson (352) 871-4701.

#### Section 30-4.18. Density Bonus Points.

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

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

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

### DIVISION 4. MIXED-USE AND NONRESIDENTIAL

#### Section 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 shall be allowed.

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

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

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



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

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

**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% of the gross floor area of the building.

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

# LOCALiQ

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Daily Commercial | Ocala StarBanner  
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

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Gary Dounson & Associates, Inc.  
2830 NW 41st ST # D  
Gainesville FL 32606-6667

### STATE OF FLORIDA, COUNTY OF ALACHUA

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is of the legal clerk of the Gainesville Sun, a newspaper published at Gainesville in Alachua County, Florida; that the attached copy of advertisement, being a in the matter of in the Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

03/23/2022

and that the fees charged are legal. Affiant further says that the Gainesville Sun is a newspaper published at Gainesville, in Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said County, Florida, each and has been entered as periodicals matter at the post office in Gainesville, in Alachua County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before on 03/23/2022

Legal Clerk

Notary, State of WI, County of Brown

My commision expires

Publication Cost: \$95.84

Order No: 7066926

# of Copies:

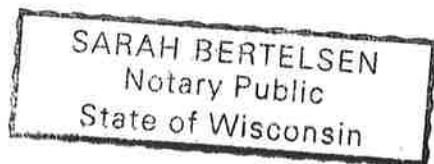
Customer No: 734091

1

PO #:

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*



## **PUBLIC NOTICE**

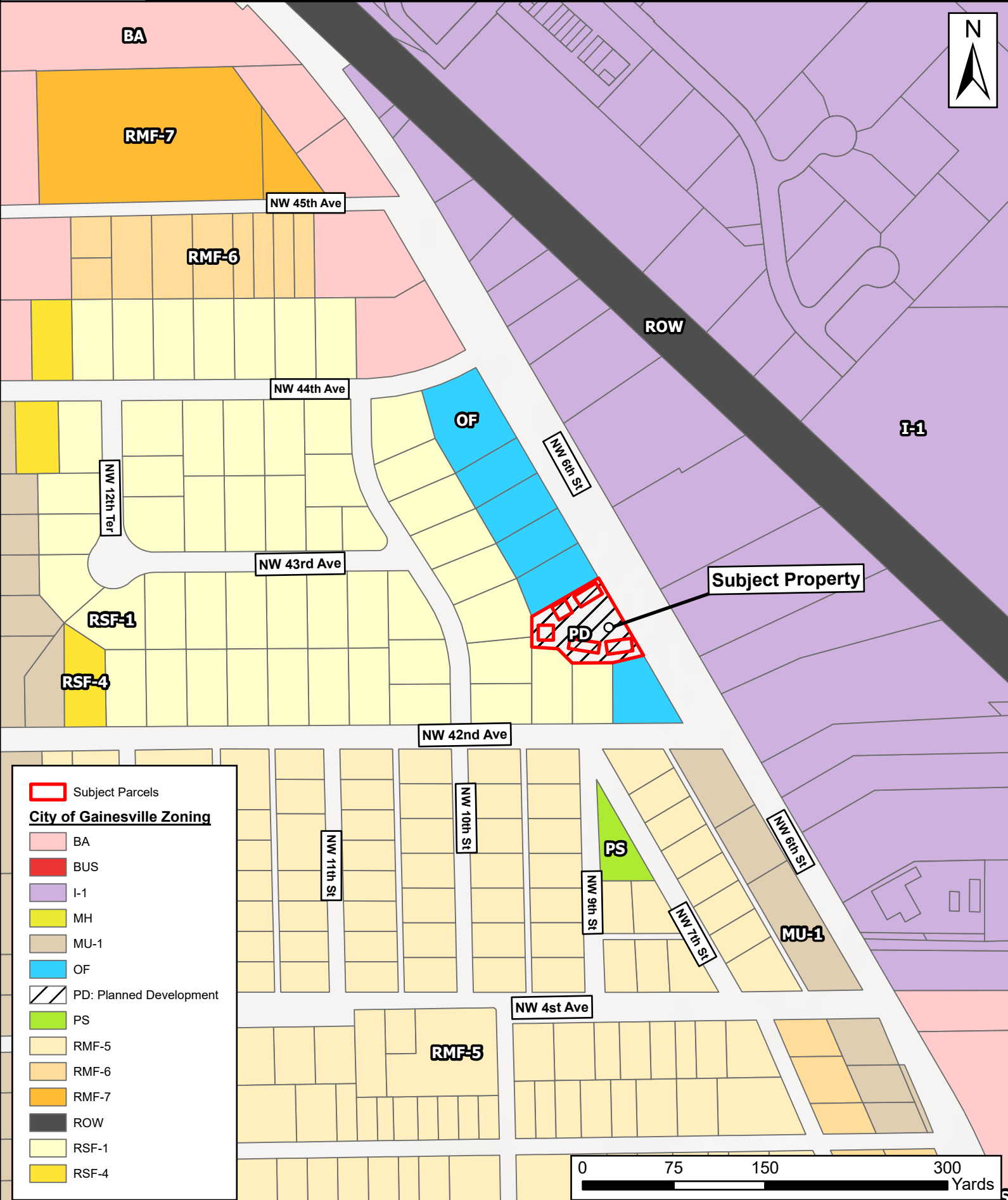
A neighborhood workshop will be held to discuss a rezoning to OF General Office on a 0.82 acre parcel located at 4232 NW 6th Street, Gainesville, FL to allow the construction of a new 2500 square feet day care building. A request is also made to vacate approximately 0.24 acres of unused City of Gainesville Right-of-Way on the West side of SR 20 (NW6th Street) along the east property line of 4232 and 4210 NW 6th Street. This is not a public hearing. The purpose of the meeting is to inform neighboring property owners of the nature of the proposal and to seek their comments.
















The meeting will be held on Thursday April 7, 2022 at 7:00 pm at The Kidz House Day Care Center at 4232 NW 6th Street, Gainesville, FL. Contact person: Gary Dounson (352) 871-4701.

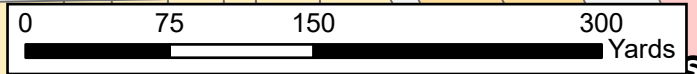


# Existing Zoning

Parcel: 08138-011-001



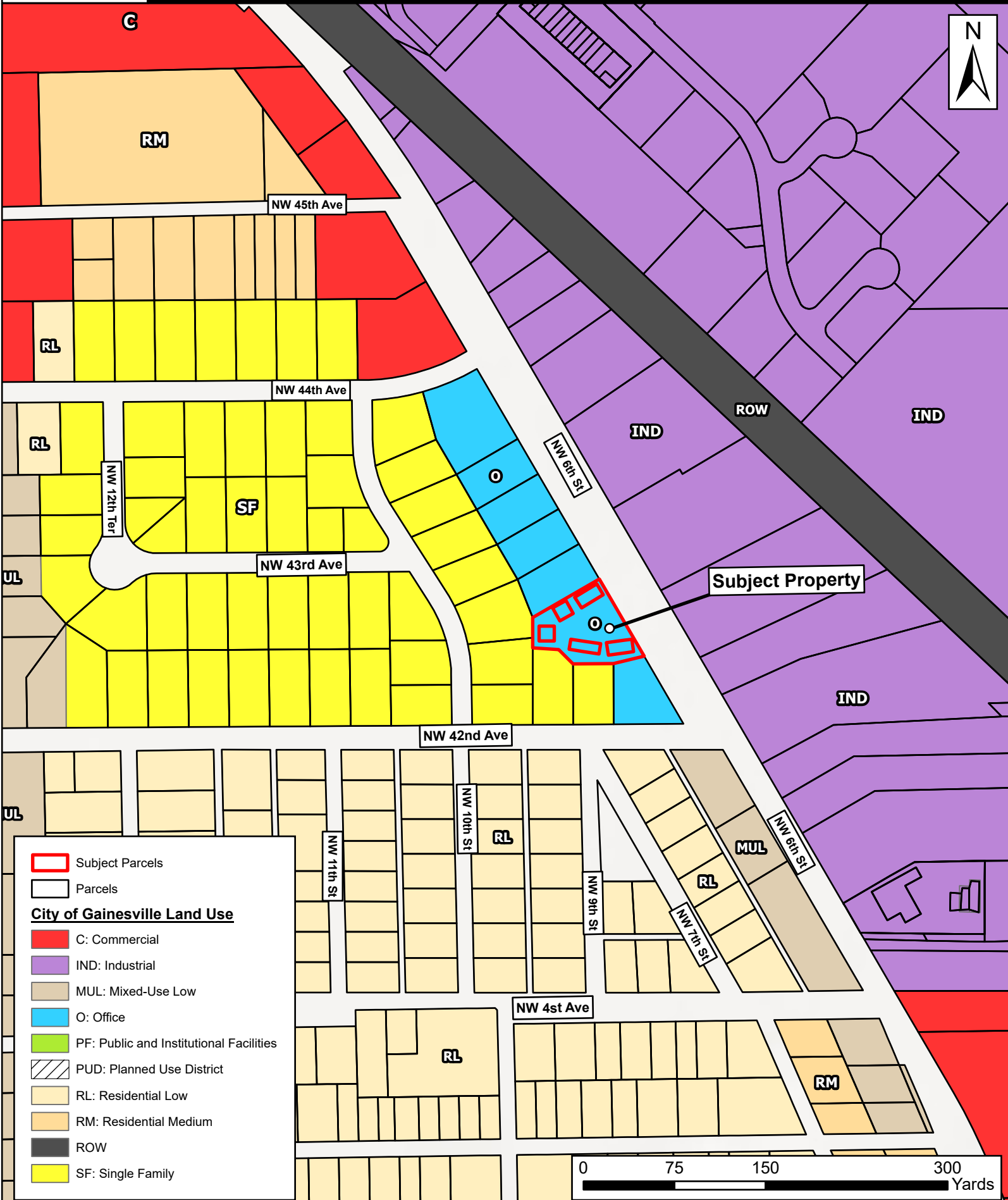
-  Subject Parcels
- City of Gainesville Zoning**
-  BA
  -  BUS
  -  I-1
  -  MH
  -  MU-1
  -  OF
  -  PD: Planned Development
  -  PS
  -  RMF-5
  -  RMF-6
  -  RMF-7
  -  ROW
  -  RSF-1
  -  RSF-4





# Existing Land Use

Parcel: 08138-011-001



FIRE DEPARTMENT NOTES:

1. This development shall comply with The Florida Fire Prevention Code. [Gainesville Fire Prevention and Protection Code Section 10-5(a) & (b)]
2. Fire hydrants and stabilized surfaces shall be in service prior to the accumulation of combustibles on site. [Gainesville Fire Prevention and Protection Code Section 10-9 (NFPA 1-16.4.3)]
3. In-Building Public Safety Radio Enhancement Systems shall be provided in all buildings where minimum radio signal strength for fire department communications is not achieved at a level determined by the AHJ. It is highly recommended that developers evaluate and address the potential need for IBPRES in the early stages of project planning. For additional specific requirements pertaining to signal strength, coverage, maintenance and testing refer to NFPA 72-14.4.12 and 24.5.2. [Gainesville Fire Prevention and Protection Code Section 10-9 (NFPA 1-11.10)]
4. The owner or the owner's authorized agent shall develop a fire safety program to address all essential fire and life safety requirements for the duration of demolition, alteration and construction. As specified in the Florida Fire Prevention Code, including NFPA 241, the fire safety program shall include an emergency response plan, as well as identifying fire prevention precautions, site and building emergency access routes, temporary and permanent water supplies, building egress routes, good housekeeping practices, and fire protection system installation and maintenance. [Gainesville Fire Prevention and Protection Code Section 10-9 (NFPA 1-16)]

WELLFIELD PROTECTION ZONE NOTES (WPZN)

1. THIS SITE IS LOCATED IN THE TERTIARY ZONE OF THE WELLFIELD PROTECTION AREA.
2. NO REGULATED HAZARDOUS MATERIALS ARE STORED AT THIS SITE.
3. THE EXISTING AND PROPOSED BUILDINGS ARE SERVED BY PUBLIC SEWER PROVIDED BY GRU.
4. NO SEPTIC TANKS ARE LOCATED OR PROPOSED FOR THIS SITE.

MAGNOLIA PARK PD APPROVAL:

1. This property was rezoned from Office (O) to Planned Development (PD) by adoption of ordinance 2866 on June 27, 1983 by the City Commission of Gainesville and amended by ordinance 3078.
2. The Planned Development ordinance provided for a maximum of impervious ground cover of 48%, a minimum open space of 52% and a maximum building coverage of 21%.

LEGAL DESCRIPTION:

Building Site 4, MAGNOLIA PARK, A CONDOMINIUM, according to the Declaration of Condominium recorded in OR Book 1627, Page 1927, and all exhibits and amendments thereof, together with an undivided interest in the common elements designated appurtenant to said units, of the Public Records of Alachua County, Florida.

OWNER:

STEPH & HANS SOLUTIONS, LLC  
4232 NW 6TH STREET  
GAINESVILLE, FL 32609

SITE ADDRESS:

4232 NW 6TH STREET  
GAINESVILLE, FL 32609

TAX PARCEL NOs.: 08138-014-001 & 08138-015-001  
SEC/TWN/RNG 20/9/20

TOTAL SITE AREA = 46,941.31 SF = 100.0%  
EXISTING BUILDING 1 = 1961 SF = 4.2%  
EXISTING BUILDING 2 = 1868 SF = 4.0%  
PROPOSED NEW BUILDING AREA = 2236 SF = 4.8%  
VEHICULAR USE AREA = 12,690 SF = 27.0%  
PADS AND WALKS = 2613 SF = 5.6%  
GREEN AREA = 25,346 SF = 54.0%

EXISTING USE: DAY CARE

ZONING: PLANED DEVELOPMENT (PD)

REQUIRED BUILDING SETBACKS:

FRONT 10'  
SIDE 0'  
REAR 0'

PARKING REQUIRED: 1 SPACE PER 10 PERSONS PLUS  
1 SPACE PER EMPLOYEE  
= 124 KIDS/10 + 12 EMPLOYEES = 24 SPACES

PARKING PROVIDED: 22 SPACES

REDUCTION OF 2 SPACES REQUESTED PER 30-7.5(C)(1-5)

BICYCLE SPACES REQUIRED: 10% OR 4 SPACES

BICYCLE SPACES PROVIDED: 4 SPACES

TRIP GENERATION (NEW TRIPS)

ITE CODE 565 DAY CARE CENTER, 10th ED  
ADT = 47.62 TRIPS X 2.46 = 117 (WEEKDAY)  
50% ENTERING, 50% EXITING

FLORIDA BUILDING CODE INFORMATION

TYPE OF CONSTRUCTION: V-B

NON-SPRINKLED/NON-PROTECTED

OCCUPANCY CLASSIFICATION: EDUCATIONAL GROUP E  
DAYCARE

NUMBER OF STORIES: 1

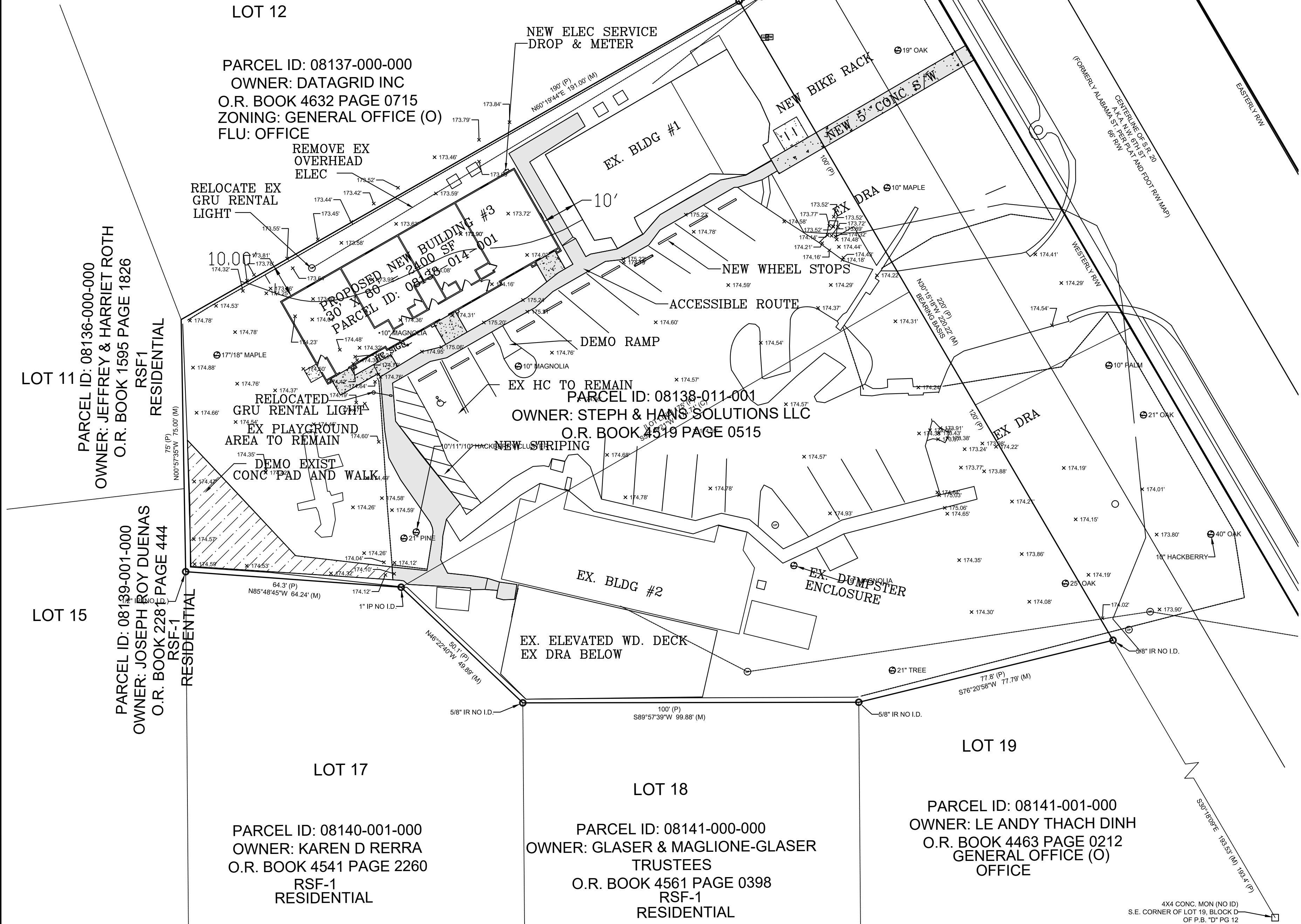
ALLOWABLE NUMBER OF STORIES: 3

BUILDING HEIGHT: 20.25'

BUILDING AREA: 2236 SF

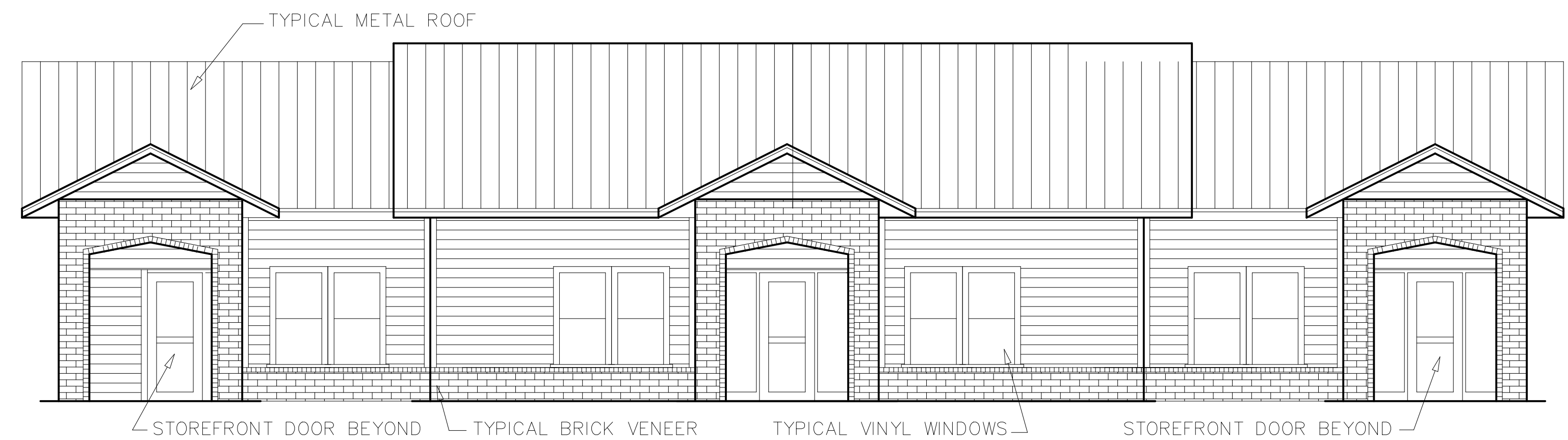
SITE NOTES:

1. CONCRETE WALK TO BE MINIMUM 3" THICK 2500 PSI CONCRETE WITH NON-SLIP FINISH, SEE DETAIL ON SHEET C5.
2. THIS SITE OPERATES DURING DAYLIGHT HOURS ONLY. THREE EXISTING GRU RENTAL LIGHTS PROVIDED FOR PARKING LOT AND SITE SECURITY LIGHTING. ONE OF TWO GRU LIGHTS IS TO BE RELOCATED AS SHOWN..

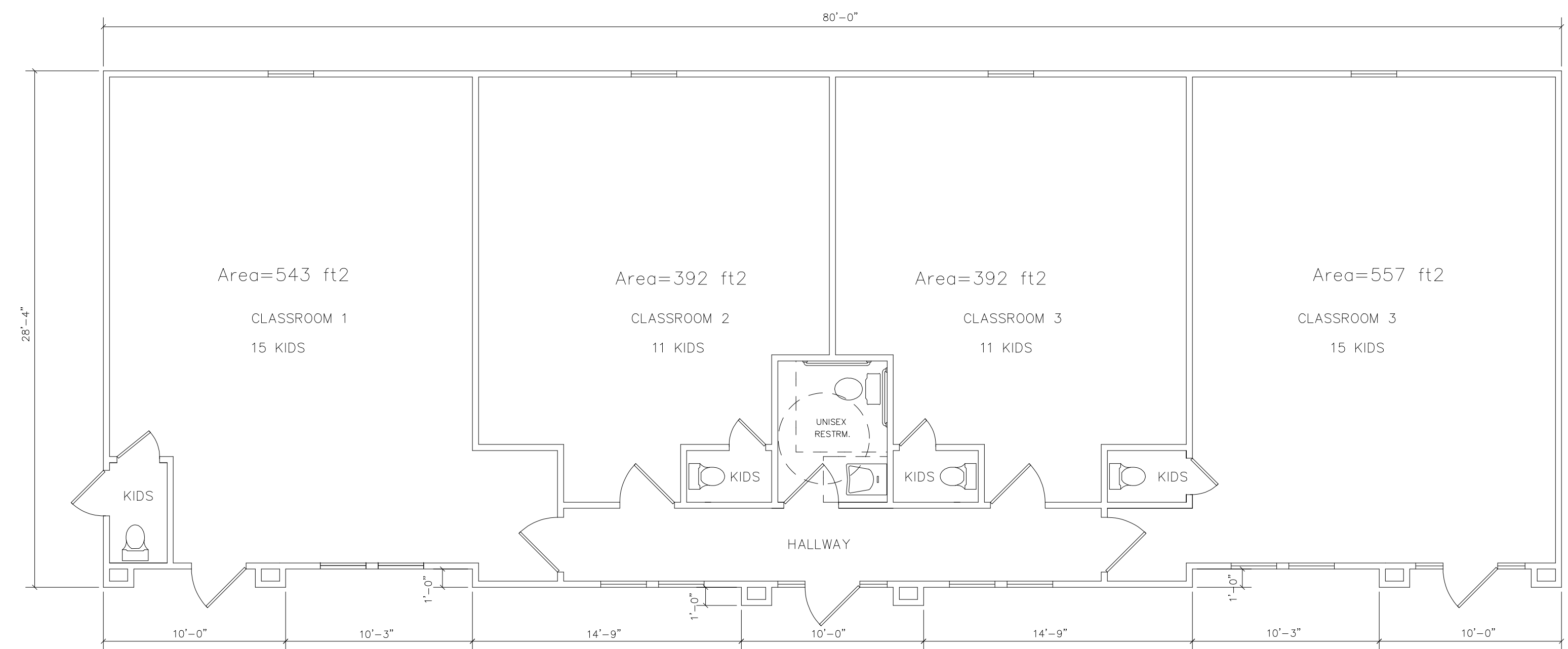


DATE	REVISION	INITIAL	ISSUE
10/29/21			
GARY DOUNSON & ASSOCIATES, INC. 2830 N.W. 41st STREET, UNIT D GAINESVILLE, FLORIDA 32606-6690 352-375-8593 FAX: 352-375-6053			
THE KIDZ HOUSE 4232 NW 6TH STREET Gainesville, Florida			
SITE PLAN			
C1 2 OF 11			
NE2NDST			





BLDG.3 SOUTH ELEVATION  
 3/16"=1'-0"



BLDG.3 FLOOR PLAN 2,236 SF  
 3/16"=1'-0"

BUILDING DATA: TYPE OF CONSTRUCTION: TYPE V-B -- OCCUPANCY: EDUCATIONAL GROUP E; DAY CARE



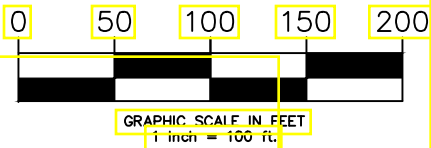
SURVEYOR'S NOTES

1. THIS SKETCH AND DESCRIPTION IS BASED ON THE PLAT OF MAGNOLIA HEIGHTS AS RECORDED IN PLAT BOOK "D", PAGE 12 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND FLORIDA STATE ROAD DEPARTMENT (DOT) RIGHT-OF-WAY MAP FOR SECTION 26020-2502 FOR STATE ROAD NO. 20 SHEETS 6 & 7, DATED 6/6/1960.
2. A SIMILAR RIGHT-OF-WAY VACATION OCCURRED ON THE WEST SIDE OF MAGNOLIA HEIGHTS PER ORDINANCE NO. 960790 AND IS RECORDED IN OFFICIAL RECORDS BOOK 2116, PAGE 714 ON JUNE 9TH, 1997. THE FORMAT OF THAT DESCRIPTION WAS FOLLOWED AS CLOSELY AS POSSIBLE AS SHOWN ON SHEET 1.
3. MINOR DISCREPANCIES ON THE PLAT HAVE BEEN ADJUSTED BY THIS SURVEYOR AS SHOWN HEREON TO BEST REPRESENT PLAT INTENT. PARTICULARLY, THE RIGHT-OF-WAY OF N. ALABAMA STREET IS DRAWN AS A 100' WIDE WHERE IT IS ACTUALLY ONLY 66' WIDE ACCORDING TO THE FLORIDA DOT.
4. THE BEARING BASIS FOR THIS SKETCH AND DESCRIPTION IS THE CENTERLINE OF STATE ROAD NO. 20 AS SHOWN HEREON AND IS IDENTICAL TO THE RIGHT-OF-WAY MAP REFERRED TO IN NOTE 1.
5. OWNERSHIP OF THE 30' WIDE SHRUBBERY SCREEN HAS NOT BEEN DETERMINED BY THIS SURVEYOR. IT IS RECOMMENDED THAT A FULL AND COMPLETE TITLE SEARCH BE PERFORMED BEFORE ANY LAND RIGHTS CAN BE DETERMINED FOR THAT STRIP.
6. THIS SKETCH AND DESCRIPTION CONSIST OF TWO PAGES AND IS INCOMPLETE WITHOUT THE LEGAL DESCRIPTIONS FOUND ON SHEET 1.

LINE LEGEND & ABBREVIATIONS:

- - - - - = PLAT RIGHT OF WAY LINES
  - - - - - = PLAT STREET CENTERLINE
  - - - - - = PLAT LOT LINES
  - - - - - = EASEMENT LINES
  - - - - - = STATE ROAD CENTERLINE
  - - - - - = STATE ROAD RIGHT-OF-WAY
- POB = POINT OF BEGINNING

DOT = FLORIDA DEPARTMENT OF TRANSPORTATION, FORMERLY KNOWN AS THE STATE ROAD DEPARTMENT



PLAT BOOK "D", PAGE 12

HATCHED PARCELS "A" & "B" REPRESENT AREAS TO BE VACATED

EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 20

BEARING BASIS N30°15'18"W

NW 8TH STREET (ALABAMA STREET, PLAT)

INSET DETAIL 1 INCH = 250 FEET

FOR SECTION 26020-2502 AS SHOWN ON SHEETS 6 & 7

BEARING BASIS N30°15'18"W

PLAT 60°10'30"

POB PARCEL "A"

NW 42ND AVENUE (MERLE AVENUE, PLAT)

N89°34'12"E 28.82'

172.10

118°56'30" PLAT

73.1

96.40

121.83

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## **APPENDIX F: Application**

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

**OFFICE USE ONLY**

Petition No. \_\_\_\_\_ Fee: \$ \_\_\_\_\_  
1<sup>st</sup> Step Mtg Date: \_\_\_\_\_ EZ Fee: \$ \_\_\_\_\_  
Tax Map No. \_\_\_\_\_ Receipt No. \_\_\_\_\_  
**Account No. 001-660-6680-3401 [ ]**  
**Account No. 001-660-6680-1124 (Enterprise Zone) [ ]**  
**Account No. 001-660-6680-1125 (Enterprise Zone Credit [ ]**

**Owner(s) of Record (please print)**

Name: Steph & Hans Solutions, LLC

Address: 4232 NW 6th Street  
Gainesville, FL 32609

Phone: 872-8621 Fax:

(Additional owners may be listed at end of applic.)

**Applicant(s)/Agent(s), if different**

Name: Gary Dounson & Associates, Inc.

Address: 2830 NW 41st Street, Unit D  
Gainesville, FL 32606

Phone: 375-8593 Fax:

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

**REQUEST**

Check applicable request(s) below:

<b>Future Land Use Map [ ]</b>	<b>Zoning Map [X]</b>	<b>Master Flood Control Map [ ]</b>
Present designation:	Present designation: PD	<b>Other [ ]</b> Specify:
Requested designation:	Requested designation: OF	

**INFORMATION ON PROPERTY**

1. Street address: 4232 NW 6th Street, Gainesville, FL 32609

2. Map no(s):

3. Tax parcel no(s): 8138-11,12,13,14&15

4. Size of property: 1.08 acre(s)

*All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more **must** be accompanied by a market analysis report.*

**Certified Cashier's Receipt:**

5. Legal description (attach as separate document, using the following guidelines):

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

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

A. What are the existing surrounding land uses?

North Undeveloped Vacant Land  
OF - General Office Zoning  
O - Office Future Land Use

South Vacant Residential Structure  
OF - General Office Zoning  
O - Office Future Land Use

East Comfort Temp Heating & Air, U-Haul Neighborhood Dealer  
I-1 Limited Industrial Zoning  
IND - Future Land Use Industrial

West & SW Single Family Residences  
RSF-1 Single Family Residential Zoning  
SF Single Family Future Land Use

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

NO   X  

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

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

Residential streets No impact. The access to the site is from NW 6th Street via NW39th Avenue or US Hwy 441

**Noise and lighting** The day care center is not operated at night. Only security lighting as required by City of Gainesville ordinance will be on at night. Most daycare activity takes place indoors with the exceptions of short outdoor play times. An 6' high opaque fence seperates the property from adjacent residential properties. Outdoor recreation is limited to a maximum of 15 kids at a time.

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

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

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

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

NO X YES       

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

NO ☒ YES

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

## Redevelopment

Activity Center

## Strip Commercial

Urban Infill X

## Urban Fringe

### Traditional Neighborhood

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

The Kidz House provides needed pre-school child care services for the community. Currently there is a waiting list for day care openings.

The Kidz House participates in the Alachua County Early Learning Coalition providing needed day care services to low income families.

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

The proposed day care expansion will provide construction & professional service jobs during the planning, design and construction phase and then long term permanent jobs for four additional new day care professionals. The taxable value of the land will be increased as a result of the proposed improvements.

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

Roadways FDOT Level of Service D. The proposed new building will generate an estimated 117 new weekday trips.

Recreation No impact. The Kidz House is regulated by the state Department of Children and Families and is required to provide a minimum of 45 square feet of recreation area per child. Recreation facilities are provided onsite.

#### Water and Wastewater

Based on Florida Department of Health standard 64E-6.008 Table 1 estimated wastewater flows from daycare facilities are 10 gpd/student and 15 gpd/worker. Estimated existing flow 950 gpd. Proposed flow 1510 gpd.

#### Solid Waste

Current level of service 4 cy per week. Proposed level of service 6 cy a week.

Existing 80 kids x .15 tons/yr/kid = 12 tons

Addition 50 kids x .15 tons/yr/kid = 7.5 tons

Total Proposed 130 x .15 tons/yr/kid = 19.5 tons/yr

#### Mass Transit

The regional transit system is not used by employees or parents to drop children off for day care. The existing and proposed use is not anticipated to have an impact on mass transit. Nevertheless RTS Route 15 stops at NW 7th Street and NW 39th Avenue on 30 minute intervals during weekdays.

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

NO \_\_\_\_\_ YES  X  (please explain)

Yes, there are public sidewalks on both sides of NW 6th Street.

RTS Route 15 stops at the corner of NW 7th Street and NW 39th Ave on 30 minute intervals during weekdays.

## CERTIFICATION

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

Owner of Record	
Name:	Steph & Hans Solutions, LLC
Address:	4232 NW 6th Street Gainesville, FL 32609
Phone:	872-8761
Fax:	
Signature:	

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

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

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

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

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




  
Owner/Agent Signature

4-4-22  
Date

STATE OF FLORIDA  
COUNTY OF Alachua

Sworn to and subscribed before me this 4th day of April, 2022, by (Name)  
Wes Fisher

  
Signature – Notary Public

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

## **APPENDIX G: Public Notification Photos**









## CITY PLAN BOARD

**WHAT:** Petition LD22-00008 ZON Rezoning of parcels 08138-011-001, 08138-014-001, 08138-015-001, 08138-012-001, and 08138-013-001, from Planned Development (PD) to General Office (OF)  
**WHEN:** Thursday, June 23, 2022, 6:30 pm  
**WHERE:** 200 East University Ave. | Gainesville, FL 32601



**Application ID:** LD22-00008 ZON  
**Name:** Magnolia Park Rezoning  
**Lot Size:** 1.08 +/- acres  
**Contact:** Juan Castillo (Planner)  
Castilloj1@cityofgainesville.org

### MEETING INFORMATION

Please contact the Clerk's Office at 352-334-5015 to report issues with the technology that the City is using (not the technology members of the public are using) to provide public access (viewing, listening and/or commenting) to the meeting. If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equity and Inclusion at (352) 334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish to Spanish relay, please call 1-877-955-8773. For STS Spanish to English relay, please call 1-844-463-9710.

The public will have an opportunity to comment on the application.  
**Public access to this meeting can be accomplished as follows:**

In person at the City Hall Auditorium, 200 East University Ave.

#### Live Meeting Coverage

- City of Gainesville Website: <https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWebStreaming.aspx>
- Broadcast on Cox Cable Channel 12

#### Written Public Comment – accepted in advance of the meeting and during the meeting

- By mail to: City of Gainesville, Department of Sustainable Development, P.O. Box 490, Station 11, 32627
- By email to: [cpb@cityofgainesville.org](mailto:cpb@cityofgainesville.org)

All written comments submitted shall be made a part of the public record. If any member of the public requires additional information about this meeting or has any questions about how to submit a public comment at the meeting, please contact:

Department of Sustainable Development  
[cpb@cityofgainesville.org](mailto:cpb@cityofgainesville.org)

City Hall Auditorium  
200 East University Avenue

# LAND USE /