1 2	ORDINANCE NO. <u>041268</u> 0-05-68
3	An ordinance of the City of Gainesville, Florida, amending
4	the Land Development Code, relating to family child care
5	homes and land use regulations; updating for consistency
6	with state and county regulations; creating a use called
7 8	large family child care homes; providing land use regulations for large family child care homes; providing
9	directions to the codifier; providing a severability clause;
10	providing a repealing clause; and providing an immediate
11	effective date.
12	
13	WWW.AC. C. D. D. L. L. L. L. C. C. D. D. L.
14	WHEREAS, the City Plan Board authorized the publication of notice of a Public
15	Hearing that the text of the Land Development Code of the City of Gainesville, Florida,
16	be amended; and
17	WHEREAS, notice was given and publication made as required by law and a
18	Public Hearing was then held by the City Plan Board on May 19, 2005; and
19	WHEREAS, pursuant to law, an advertisement no less than 2 columns wide by
20	10 inches long was placed in a newspaper of general circulation notifying the public of
21	this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the
22	City of Gainesville, at least 7 days after the day the advertisement was published; and
23	WHEREAS, a second advertisement no less than 2 columns wide by 10 inches
24	long was placed in the same newspaper notifying the public of the second Public Hearing
25	to be held at the adoption stage at least 5 days after the day this advertisement was
26	published; and
27	WHEREAS, the Public Hearings were held pursuant to the published notice
28	described at which hearings the parties in interest and all others had an opportunity to be
29	and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION

OF THE CITY OF GAINESVILLE, FLORIDA:

- Section 1. The definition of "day care home" is amended and a definition for
- 4 "large family child care home" is added to subsection (c) of section 30-23, City of
- 5 Gainesville Land Development Code, to read as follows:
- 6 30-23(c). Definitions:

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Family child day care home means an occupied residence, licensed by the Alachua County Health Department as a family child care home, in which child care is regularly provided for no more than five preschool children from at least two more than one unrelated families family and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The maximum number of five preschool children receiving care shall be consistent with state and county regulations, and shall not exceed ten. includes preschool children living in the home and preschool children received for day care who are not related to the resident caregiver. Elementary school siblings of the preschool children received for day care may also be cared for outside of school hours provided the total number of children, including the caregiver's own and those related to the caregiver, does not exceed ten. Such uses shall not include nursing and personal care facilities, schools, rehabilitation centers, social services homes or halfway houses, or other similar activities or facilities which are not customarily incidental to residential use.

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- Large family child care home means an occupied residence, licensed by the Alachua
- 24 County Health Department as *large family child care home*, in which child care is
- 25 regularly provided for children from at least two unrelated families and which receives a
- payment, fee, or grant for any of the children receiving care, whether or not operated for
- 27 profit. The number of children receiving care shall be consistent with state and county
- 28 regulations, and shall not exceed twelve.

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- Section 2. Paragraph (1) of subsection (c) of Section 30-51, City of Gainesville
- Land Development Code, is amended to read as follows:
- 32 30-51. Single-family residential districts (RSF-1, RSF-2, RSF-3 and RSF-4).
- 33 (c) Permitted uses.

34 35

(1) Uses by right

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1 2	a.	Single-family d incidental there	wellings and customary accessory buildings to.	
3 4 5	b.	Occupancy of a single-family dwelling by one family.		
6 7		Community res	idential homes in accordance with the conditions ts of Article VI.	S
8 9 10		Family <u>child</u> da and requiremen	y care homes, in accordance with the conditions ts of state law.	
11 12	e.	Adult day care l	nomes.	
13 14 15			ons in accordance with the conditions and Article IV, section 30-58.	
16 17 18 19	_		other than institutions of higher learning, in the provisions of section 30-77, educational (ED).	
20 21 22	<u>h.</u>	Large family ch	ild care homes, in accordance with the condition as of Article VI, Section 30-117.	ıs
23 24	Section 3. Par	agraph (1) of su	bsection (c) of section 30-52, City of Gainesville	3
25	Land Development Co	de, is amended	to read as follows:	
26	30-52. Residential lo	w density distri	cts (RMF-5, RC and MH)	
27 28	(c) Permitted uses.	•		
29	(1) Uses by	right.		
30	a.	Uses by right fo	r RMF-5 and RC districts.	
	Uses		Conditions	
	Single-family dwellings			
	Two family dwellings ¹			
	Three family dwellings ¹		Excluding RC district.	
	Four family dwellings ¹		Excluding RC district	
			Except in RC district No more than four-	
	dwellings		family dwellings are allowed in RMF-5	
			unless the dwellings are town-houses or rowhouses. Each dwelling has a maximum	
	l		rownouses. Each dwelling has a maximum	

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width of 40 feet. More than 6 attached units are allowed if the property is not adjacent to property zoned RSF-1, RSF-2, RSF-3 and RSF-4. Each townhouse unit shall have a separate front entrance to the streetside sidewalk from the outside at ground level.

CODE: Words <u>underlined</u> are additions; words stricken are deletions.

	Stoops are permitted and may occur up to
	five feet forward of the required setback line
	as provided in the Land Development Code.
	Stoops may be covered or uncovered and
	shall be constructed according to the
	dimensions described in the "Building
	Elements" section of the University Heights
	Special Area Plan.
Housing for the elderly	In accordance with the conditions and
-	requirements of Article VI.
Community residential homes	In accordance with the conditions and
•	requirements of Article VI.
Family child day care homes	In accordance with state law.
Large family child care homes	In accordance with the conditions and
	requirements of Article VI, Section 30-117.
Adult day care homes	
Home occupations	In accordance with Article VI, Sec. 30-58.
Places of religious assembly	In accordance with the conditions and
	requirements of Article VI, Sec. 30-91, on
	unified and contiguous sites of 20 acres or
	more, except in the RC district as provided in
	subsection (c)(2) of this section.
Public schools other than institutions of	In accordance with the provisions of Article
higher learning	VI, sec. 30-77, educational services district
	(ED).
Day Care Centers	In accordance with the conditions and
	requirements of Article VI, sec. 30-82, day
	care centers.
Accessory buildings	Incidental to permitted uses, not including
	management offices.
Units shall be erected on separate lots if th	e intent is to sell the individual units separately.
	- minima de
•	•

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b. Uses by right for MH districts.

Uses	Conditions
Mobile homes and mobile home parks	
Community residential homes	In accordance with the conditions and requirements of Article VI, Sec. 30-83 and state law.
Family child day care homes	In accordance with state law.
Large family child care homes	In accordance with the conditions and requirements of Article VI, Section 30-117.
Housing for the elderly	In accordance with the conditions and requirements of Article VI, Sec. 30-84.
Day care centers	In accordance with the conditions and requirements of Article VI, Sec. 30-82.
Adult day care homes	
Public schools other than institutions of higher learning	In accordance with the provisions of Article IV, sec. 30-77, educational services district (ED).

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CODE: Words <u>underlined</u> are additions; words stricken are deletions.

2 Land Development Code, is amended to read as follows:

3 30-53. Multiple-family medium density residential districts

Permitted uses. (c) 4 5 (1)Uses by right. 6 Single-family dwellings. 7 b. Multiple-family dwellings. Accessory uses incidental to permitted uses, including storage 8 c. 9 rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the 10 development and their guests. 11 Roominghouses in accordance with the conditions 12 d. and requirements of section 30-100. 13 Family child day care homes, in accordance with the conditions 14 e. and requirements of state law. 15 f. Housing for the elderly, in accordance with the conditions and 16 17 requirements of section 30-84. Emergency shelters. 18 g. Day care centers. 19 h. 20 i. Adult day care homes. Community residential homes in accordance with the conditions 21 j. and requirements of section 30-83. 22 k. Home occupations in accordance with the conditions and 23 24 requirements of section 30-58. 1. Places of religious assembly in accordance with the conditions and 25 requirements of section 30-91 on unified and contiguous sites of 20 26 acres or more. 27 28 29 Public schools other than institutions of higher learning, in m. accordance with the provisions of section 30-77, educational 30 services district (ED). 31 32 Large family child care homes, in accordance with the conditions 33 n. and requirements of Article VI, Section 30-117. 34

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2 Development Code, is amended to read as follows:

3	30-54	1. Resid	ential mixed use district	
4 5	(c)	Permitted uses when developed in accordance with a special area plan (Article V). Uses by right are as follows:		
6		(1)	Single-family dwellings.	
7		(2)	Row houses.	
8		(3)	Multifamily dwellings.	
9 10 11 12		(4)	management offices, club or game	ch uses, including storage rooms, rooms, and recreational and laundry the residents of the developments and
13 14		(5)	Office uses as a home occupation, owner's residential unit (first floor or	limited to ten percent of the office aly).
15		(6)	Civic buildings.	
16 17		(7)	Community residential homes in a Article VI.	accordance with the requirements of
18		(8)	Family child day care homes in according	rdance with state law.
19		(9)	Consolidated apartment management	t offices.
20 21 22 23		(10)	Large family child care homes, in accrequirements of Article VI, Section 3	
24		Section	on 6. Paragraph (1) of subsection (c) o	f Section 30-55, City of Gainesville
25	Land		pment Code, is amended to read as foll	•
26	30)-55. Re	esidential high density districts	
27	(c)	Perm	itted uses.	
28		(1)	Uses by right, for RH-1 and RH-2 dis	stricts
			Use	Conditions
			Single-family dwellings	
			Multiple-family dwellings	

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Dormitories	In accordance with the conditions and requirements of Article VI.
Community residential homes	In accordance with the conditions and requirements of Article VI.
Family <u>child</u> day care homes	In accordance with the conditions and requirements of state law.
Large family child care homes	In accordance with the conditions and requirements of Article VI, Section 30-117.
Housing for the elderly	In accordance with the conditions and requirements of Article VI.
Accessory uses	Incidental to permitted uses, including storage rooms, management offices, club or game rooms, recreational and laundry facilities intended for use solely by the residents of the development and their guests, and other activities and uses customarily incidental to an otherwise permitted use.
Day care centers	
Adult day care homes	
Home occupations	In accordance with Article IV section 30-58.
Places of religious assembly	In accordance with the conditions and requirements of Article VI on unified and contiguous sites of 20 acres or more.
Public schools other than institutions of higher learning	In accordance with the provisions of section 30-77 educational services district (ED).

Section 7. Subsection (c) of Section 30-59, City of Gainesville Land

- 3 Development Code, is amended to read as follows:
- 4 Sec. 30-59. Office districts (OR and OF).
- 5 (c) Permitted uses, OR district (office residential district).

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CODE: Words <u>underlined</u> are additions; words stricken are deletions.

SIC	Use	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted use	
·	Community residential homes	In accordance with article VI
	Compound uses	
	Correspondence schools	
	Day care centers	In accordance with article VI
	Emergency shelters	
	Family child day care home	In accordance with state law
	Large family child care homes	In accordance with the conditions and requirements of Article VI, Section 30-117.
	Newspaper establishments excluding on-site printing or warehouse facilities	Section 50-117.
	Personal fitting and sale of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Professional schools .	Cannot be located adjacent to property designated for single family on the future land use map of the comprehensive plan
	Public services vehicles	In accordance with article VI
	Roominghouse	
		Residential density cannot exceed more than two times the average permitted density of adjacent residential districts
	Sales offices without warehousing, showrooms or retail space	
GN-074	Veterinary services	In accordance with article VI
GN-078	Landscape and horticultural services	Offices only, outdoor storage prohibited
MG-15	Building construction General contractors and operative builders	Offices only
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
GN-481 and 482	Telephone communications, and telegraph and other message services	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-591	Drug stores and proprietary stores	Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Funeral services and crematories (GN-726) in accordance with

		article VI
GN-731	Advertising	
GN-732	Consumer credit reporting	
	agencies, mercantile reporting	
	agencies, and adjustment and	
	collection agencies	
GN-733	Mailing, reproduction, commercial	
	art and photography and	
	stenographic services	
GN-736	Personnel supply services	
GN-737	Computer programming, data	
	processing and other computer-	
	related services	
IN-7381	Detective, guard and armored car	
11,7501	services	
GN-801 through 804	Health services	
GN-807 through 809	Medical and dental laboratories,	Excluding blood banks
OTT-007 timbugu 009	home health care services and	Excluding blood balks
	miscellaneous health and allied	1
	services not elsewhere classified	
MG-81		
· · · · · · · · · · · · · · · · · · ·	Legal services	
GN-839	Social services not elsewhere classified	
MG-86	Membership organizations	Excluding GN-864, civic, social
		and fraternal associations
MG-87	Engineering, accounting, research,	Excluding IN-8734, testing
	management and related services	laboratories, and IN-8744, facility
·		support management services
MG-94, 95 and 96	Public administration	
	USES BY SPECIAL USE	
	PERMIT:	
	Bed and breakfast establishment	In accordance with article VI
	Community residential homes over	
	14 persons.	The decoration with article (1)
	Dormitory	Must not abut property designated
	Bollintory	for single-family on the future land
		use map of the comprehensive plan
	Food distribution center for the	In accordance with article VI
	needy	an accordance with article vi
	Nursing and intermediate care	In accordance with article VI
	facilities	
	Private schools	In accordance with article VI
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Retransmission and microwave	Accessory transmission at heights
	transmission towers	higher than 100 feet in accordance
	n anomiosion towers	with article VI
	Social sorving homes and half-	
	Social service homes and halfway houses	In accordance with article VI
GN-483	Radio and television broadcasting	Excluding transmitter towers
IN-7997	Membership sports and recreation	
	clubs	1

- 2 Development Code, is amended to read as follows:
- 3 30-64. Mixed use low intensity district
- 4 (g) Permitted uses.

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SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily	
	and clearly incidental to any	
	permitted principal use	
	Bed and breakfast establishments	In accordance with article VI
		When part of a permitted single-family or
	14 or fewer residents	multifamily residential component and in
		accordance with article VI
	Community residential homes with	In accordance with article VI
	more than 14 residents	
	Compound uses	
	Eating places	
	Family child day care homes	When part of a permitted single-family or
	,,	multifamily residential component and in
		accordance with state law
-	Large family child care homes	In accordance with the conditions and
		requirements of Article VI, Section 30-117.
	Itinerant food vendor	In accordance with Chapter 19, Article IV
	Outdoor cafes	As defined in article II and in accordance
		with article VI
	Personal fitting and sales of	
	prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Public service vehicles	As defined and in accordance with article VI
	Repair services for household needs	As defined in article II
	Residential (8 to 30 dwelling units	In accordance with the requirements of the
	per acre)	RMF-6, RMF-7 or RMF-8 zoning districts
		and the additional requirements of this
		section, and the requirements of Sec. 30-56.
	Residential use buffer	
	Neighborhood convenience center	
	Neighborhood shopping center	
	Specialty T-Shirt Production	
GN-074	Veterinary services	Only within enclosed buildings and in
011 07 7	,	accordance with article VI
IN-0752	Animal specialty services, except veterinary	Only within enclosed buildings
GN-078	Landscape and horticultural services	
MG-15	Building construction - General	
110 10		

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

	contractors and operative builders	
GN-171	Plumbing, heating and air	
01(1)1	conditioning	
GN-172	Painting and paper hangers	
GN-173	Electrical work	
MG-27	Printing, publishing and allied	
	industries	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger	Offices only, with no operation of passenger
	transportation	tours from the site
GN-481	Telephone communications	Accessory transmission, retransmission and
		microwave towers up to and including 100
		feet in height in accordance with article VI,
		excluding cellular telephone services
GN-482	Telegraph and other message	Accessory transmission, retransmission and
	communications	microwave towers up to and including 100
CNI 400	D. P. S. L. S.	feet in height in accordance with article VI
GN-483	Radio and television broadcasting	Accessory transmission, retransmission and
-	stations	microwave towers up to and including 100 feet in height in accordance with article VI
GN-523	Paint, glass and wallpaper stores	leet in neight in accordance with article vi
<u></u>		
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden	
MC 52	supply stores General merchandise stores	
MG-53		l'allandi Cal
MG-54	Food stores	Accessory gasoline and alternative fuel
		pumps in accordance with article VI, and by special use permit in neighborhood
		convenience and shopping centers
GN-553	Auto and home supply stores	Excluding garage and installation facilities
GN-554	Gasoline service stations including	In accordance with article VI and by special
GN-334	the sale of alternative fuels for	use permit in neighborhood convenience and
	automobiles	shopping centers
MG-56	Apparel and accessory stores	onopping contain
MG-57	Home furniture, furnishings and	
	equipment stores	
MG-59	Miscellaneous retail	Excluding direct selling establishments (IN-
		5963); fuel dealers (IN-5983); including
		liquor stores (IN-5921) limited to 2,000
		square feet and excluding on-site
		consumption when located in neighborhood
		convenience and shopping centers, inside
		storage, display and sales only for all uses
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and
		developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories in
		accordance with article VI and excluding
		linen supply (IN-7213), industrial laundries
		(IN-7218), and diaper services in
		neighborhood convenience and shopping
N.C. 70		centers
MG-73	Business services	Excluding outdoor advertising services (IN-
		7312), disinfecting and pest control services
		(IN-7342), heavy construction equipment

		rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359)
GN-752	Automobile parking	
MG-76	Miscellaneous repair services	Excluding miscellaneous repair shops and related services (GN-769) and including repair services for household needs as defined in this chapter
MG-78	Motion pictures	Excluding drive-in theaters (IN-7833) and outdoor filming facilities
MG-79	Amusement and recreation services	Only within enclosed structures, and excluding go-cart rental and raceway operations and also raceway operations and also excluding commercial sports (GN-794)
MG-80	Health services	Including nursing and intermediate care facilities in accordance with article VI when applicable, and excluding rehabilitation centers and hospitals (GN-806)
MG-81	Legal services	1
MG-82	Educational services	Including private schools, in accordance with article VI
MG-83	Social services	Including day care centers as defined in this chapter and in accordance with article VI, excluding residential care (GN-836), rehabilitation centers, halfway houses, social service homes, and residences for destitute people as defined in this chapter
GN-841	Museums and art galleries	·
MG-86	Membership organizations	See also definition of place of religious assembly and in accordance with article VI
MG-87	Engineering, accounting, research management and related services	Excluding testing laboratories (IN-8734) and facilities support management services (IN-8744)
MG-89	Services, not elsewhere classified	
Div. J	Public administration USES BY SPECIAL USE PERMIT	
	Accessory gasoline and alternative fuel pumps	In accordance with article VI in neighborhood convenience and shopping centers
	Accessory transmission, retransmission and microwave towers over 100 feet in height	In accordance with article VI
		In accordance with article VI
	Limited automotive services	In accordance with article VI
	Other uses (including light	Within completely enclosed structures; no
	assembly or packaging)	outdoor storage, truck traffic limited to that normal to commercial activities such as grocery stores, loading docks and mechanical equipment must be screened, and sound attenuation shall be provided to any adjacent residential area or area in
		actual residential use; no access to any residential street; must meet industrial buffers. Storage of hazardous materials in

		accordance with the county hazardous
		materials management code
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Social service homes	In accordance with article VI
GN-598	Fuel dealers	
GN-701	Hotels and motels	Except in neighborhood convenience and shopping centers
GN-702	Roominghouses and boardinghouses	In accordance with article VI

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Section 9. A new Section 30-117, City of Gainesville Land Development Code,

3 is created and added to read as follows:

4 <u>30-117. Large family child care homes</u>

5

- In addition to compliance with all state and county requirements, large family child care
- 7 homes, as defined in section 30-23, shall meet all of the following conditions at the time
- 8 of approval of the use.

9

- 10 (a) Spacing. Large Family Child Care Homes shall not be located closer than one
- thousand (1,000) feet from any other large family child care center.

12

13 (b) *Primary residence on site*. The residence containing the Large Family Child Care
14 Home shall be the occupied and the primary residence of the operator.

15

16 (c) Absence of code violations. There shall be no active code violations associated with the site or any structures on the site.

18

19 (d) Location of outdoor play areas. All outdoor play areas shall be located between 20 the primary structure and the rear property line.

21 22

(e) Paved driveways. All driveways shall be paved.

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(f) Staff approval of a plot plan. The operator shall submit for approval a plot plan showing all structures, dimensions, distances, driveways, play areas, parking areas, and other similar relevant information. The plan shall show that the existing paved driveway is used and not a new or altered driveway.

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(g) Sign prohibition. Notwithstanding any other provision in this Code, there shall be no signage on the site.

30 31

32

1	Section 10. Paragraph (1) of subsection (d) and Paragraph (1) of subsection (e) of				
2	Section 30-242, City of Gainesville Land Development Code, are amended to read as				
3	follow	vs:			
4	30-242. Land use categories				
5	(d)	Rowh	ouse us	se.	
6 7 8 9 10 11 12 13 14		(1)	Land a.	Land designated for rowhouse use shall be on lots containing buildings for residential uses including townhouse, family child day care home, large family child care home (in accordance with the conditions and requirements of Article VI, Section 30-117), and limited office, limited lodging, and artisanal use. Where non-residential uses are proposed, at least 50 percent of the gross square footage shall be restricted to residential use for each rowhouse land use district.	
15 16			b.	One hundred percent of the building area above the ground floor shall be designated for residential use.	
17 18			c.	An outbuilding is permitted on each lot.	
19	(e)	House	e use.		
20 21 22 23 24 25 26		(1)	Lanḍ a.	use. Land designated for house use shall be on lots containing buildings for residential uses, including single-family houses, guest houses as outbuildings, home occupations pursuant to Article IV of the Gainesville Land Development Code, family child care homes, and large family child day care homes pursuant to Article VI of the Gainesville Land Development Code.	
27 28 29			b.	One hundred percent of the building area above the ground floor shall be designated for residential use.	
30			c.	An outbuilding is permitted on each lot (see Figure 15).	
31		Section	on 11.]	It is the intention of the City Commission that the provisions of	
32	Sections 1 through 10 of this ordinance shall become and be made a part of the Code of				
33	Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of				
34	this Ordinance may be renumbered or relettered in order to accomplish such intentions.				

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1	Section 12 If any section, sentence, clause or phrase of this ordinance is held to
2	be invalid or unconstitutional by any court of competent jurisdiction, then said holding
3	shall in no way affect the validity of the remaining portions of this ordinance.
4	Section 13. All ordinances, or parts of ordinances, in conflict herewith are to the
5	extent of such conflict hereby repealed.
6	Section 14. This ordinance shall become effective immediately upon final
7	adoption.
8 9 10 11	PASSED AND ADOPTED this 22 nd day of August, 2005.
12 13	Peur Hamahan
14 15	PEGEEN HANRAHAN MAYOR
16 17 18 19	ATTEST: Approved as to-form and legality
20 21	CLERK OF THE COMMISSION CITY ATTORNEY AUG 2 3 2005
22	
23	This Ordinance passed on first reading this 8 th day of August, 2005.
24	This Ordinance passed on second reading this 22 nd day of August, 2005.

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CODE: Words <u>underlined</u> are additions; words stricken are deletions.