

ORDINANCE NO. 100023

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4       **An ordinance of the City of Gainesville, Florida, amending**  
5       **Section 30-23 of the Land Development Code of the City of**  
6       **Gainesville, by defining “electric golf cart”; amending Section**  
7       **30-61(c) of the Land Development Code, by adding “Retail sales**  
8       **of electric golf carts” to the list of permitted uses by special use**  
9       **permit in the General Business District (BUS); creating and**  
10       **adding Section 30-119 to the Land Development Code, by**  
11       **adding “Retail sales of electric golf carts” to the list of specially**  
12       **regulated uses and imposing conditions on the use; providing**  
13       **directions to the codifier; providing a severability clause;**  
14       **providing a repealing clause; and providing an immediate**  
15       **effective date.**

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17       **WHEREAS**, publication of notice of a public hearing was given that the text of the Land  
18       Development Code of the City of Gainesville, Florida, be amended; and

19       **WHEREAS**, notice was given and publication made as required by law and a public  
20       hearing was then held by the City Plan Board on April 22, 2010; and

21       **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10  
22       inches long was placed in a newspaper of general circulation notifying the public of the Public  
23       Hearing to be held in the City Commission Meeting Room, First Floor, City Hall, in the City of  
24       Gainesville at least seven (7) days after the first advertisement was published; and

25       **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long  
26       was placed in the aforesaid newspaper notifying the public of the second Public Hearing to be  
27       held at least five (5) days after the day the second advertisement was published; and

28       **WHEREAS**, public hearings were held pursuant to the published notices described above  
29       at which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
30       heard.

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

3           **Section 1.** Section 30-23 of the Land Development Code is amended by adding the  
 4 following new definition. All existing definitions in section 30-23 shall remain in full force and  
 5 effect.

6 **Sec. 30-23. Definitions.**

7 Golf cart, electric means a motor vehicle that is designed and manufactured for operation on a  
 8 golf course for sporting or recreational purposes that is not capable of exceeding speeds of 20  
 9 miles per hour, and that is powered by an electric motor that draws current from rechargeable  
 10 storage batteries, fuel cells, or other sources of electrical current. This definition does not  
 11 include low-speed vehicles as defined by Section 320.01(42), Florida Statutes.  
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13           **Section 2.** Section 30-61(c) of the Land Development Code is amended to read as  
 14 follows:

15 **Sec. 30-61. General Business District (BUS).**

16  
 17 (c) *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
	Compound uses	
	Eating places	
	Itinerant food vendor	Only on parcels that contain a retail store with a minimum gross floor area of 50,000 square feet and in accordance with chapter 19, article IV
	Outdoor cafe	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 in article II and in accordance with article VI
	Repair services for household needs	As defined in article II
	Forest nursery for sale of planted trees only	In a non-enclosed (outdoor), fenced area; excluding storage and outside storage of all other items other than: (1) trees planted in the ground, and (2) mechanical and vehicular equipment used to plant, cultivate and harvest the trees; subject to development plan review
GN-074	Veterinary services	Only within enclosed buildings and in 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 contractors and operative builders	
GN-171	Plumbing, heating and air conditioning contractors	
GN-172	Painting and paper hangers	
GN-173	Electrical work	
IN-2261	Finishers of broadwoven fabrics of cotton	
IN-2262	Finishers of broadwoven fabrics of manmade fiber and silk	
MG-27	Printing, publishing and allied industries	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
MG-48	Communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-523	Paint, glass and wallpaper stores	
GN-525	Hardware stores	

GN-526	Retail nurseries, lawn and garden supply stores	
MG-53	General merchandise stores	
MG-54	Food stores	Accessory gasoline and alternative fuel pumps in accordance with article VI
GN-553	Auto and home supply stores	Excluding garage and installation facilities except as provided for with a special use permit
GN-554	Gasoline service stations including the sale of alternative fuels for automobiles	In accordance with article VI
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Direct selling establishments (IN-5963) and fuel oil dealers (IN-5983) with inside storage, display and sales only
Div. H	Finance, insurance and real estate	Excluding cemetery subdivisions and developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI
MG-73	Business services	Excluding outdoor advertising services (IN-7312, heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359); and including disinfecting and pest control services (IN-7342), in accordance with article VI.
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 article II
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 excluding commercial sports (GN-794)

MG-80	Health services	Including nursing and personal care facilities (GN-805) in accordance with article VI, and excluding hospitals (GN-806) and rehabilitation centers.
MG-81	Legal services	
MG-82	Educational services	Including private schools in accordance with article VI
MG-83	Social services	Including day care as defined in article II and in accordance with article VI, excluding rehabilitation centers, halfway houses, social service homes, and residences for destitute people as defined in article II
GN-841	Museums and art galleries	
MG-86	Membership organizations	
MG-87	Engineering, accounting, research, management and related services	Excluding testing laboratories, (IN-8734) and facility support management services (IN-8744)
MG-89	Services, not elsewhere classified	
Div. J	Public administration	
	USES BY SPECIAL USE PERMIT	
	Accessory transmission, retransmission and microwave towers over 100 feet in height	In accordance with article VI
	Alcoholic beverage establishments	In accordance with article VI
	Food distribution center for the needy	In accordance with article VI
	<u>Retail sales of electric golf carts</u>	<u>In accordance with article VI</u>
	Limited automotive services	In accordance with article VI
	Rehabilitation centers	In accordance with article VI

	Residences for destitute people	In accordance with article VI
GN-598	Fuel dealers	In accordance with article IX
GN-701	Hotels and motels	
GN-702	Roominghouses and boardinghouses	In accordance with article VI

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2           **Section 3. Article VI. Requirements for Specially Regulated Uses** is amended by  
3 creating and adding a new Section 30-119 to the Land Development Code of the City of  
4 Gainesville. All existing sections in Article VI shall remain in full force and effect.

5           **Sec. 30-119. Retail sales of electric golf carts.**

6           The below listed requirements apply only when a Special Use Permit is required for this  
7 use. The requirements do not apply when this use is permitted as a use by right under  
8 Automotive Dealers and Gasoline Service Stations (MG-55).

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10           (a) Retail sales of electric golf carts shall be allowed only when co-located with an  
11 Auto and Home Supply Store (GN-553) and no more than thirty percent (30%) of the  
12 floor area of the store is devoted to the retail sales of electric golf carts.

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14           (b) Retail sales of electric golf carts does not include service (including battery  
15 installation) and/or repair of electric golf carts. Service and/or repair of electric golf carts  
16 is classified for zoning use purposes as Limited Automotive Services.

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18           (c) No outdoor storage is allowed between the building and any public right-of-way  
19 and all outdoor storage shall be located only in the rear or side yard; however, a  
20 maximum of five electric golf carts may be displayed between the building and the public  
21 right-of-way.

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23           (d) Where the side or rear yard abuts a residential district or is shown for residential  
24 use on the future land use map of the comprehensive plan, any outdoor storage areas that  
25 are located in the side or rear yard shall have twice the amount of landscaping material  
26 that is required for Buffer Type E in Section 30-253, and shall have 50 percent opacity at  
27 the time of planting.

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29           (e) The design and placement of all required landscaping shall be determined during  
30 development plan review.

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1           **Section 4.** It is the intention of the City Commission that the provisions of Sections 1, 2  
2 and 3 of this ordinance shall become and be made a part of the Code of Ordinances of the City of  
3 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered  
4 or relettered in order to accomplish such intentions.

5           **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
6 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
7 finding shall not affect the other provisions or applications of the ordinance which can be given  
8 effect without the invalid or unconstitutional provisions or application, and to this end the  
9 provisions of this ordinance are declared severable.

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

12           **Section 7.** This ordinance shall become effective immediately upon final adoption.

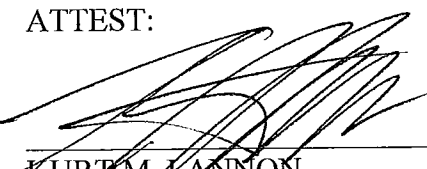
13           **PASSED AND ADOPTED** this 16th day of September, 2010.

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\_\_\_\_\_  
CRAIG LOWE  
MAYOR

ATTEST:

Approved as to form and legality

  
\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

  
\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

SEP 16 2010

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This Ordinance passed on first reading this 2nd day of September, 2010.

This Ordinance passed on second reading this 16th day of September, 2010.