

IN RE: City of Gainesville Ordinance No. 0-08-70  
Prohibited Uses in Five Points Special Area Plan


**REQUEST FOR RELIEF UNDER SECTION 70.51, FLORIDA STATUTES,  
FLORIDA LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT**

COMES NOW Christian Prison Ministries, Inc. ("CPM"), by and through its undersigned attorney, pursuant to section 70.51, Florida Statutes ("F.S."), and requests the City of Gainesville Commission ("City") to appoint a special magistrate to conduct a hearing to effect a mutually acceptable solution or provide a written recommendation to the City, and in support thereof asserts the following:

1. CPM owns two parcels of land in the City's Five Points Special Area: 1604 3<sup>rd</sup> Avenue and 1350 SE Hawthorne Road, which are zoned Mixed Use-1 and Business Automotive, respectively.
2. CPM proposes to use its property for a residential drug abuse treatment program.
3. The City adopted Ordinance No. 0-08-70 at its regular Commission meeting on April 2, 2009, adding social services (MG-83), residences for destitute people, food distribution centers for the needy, dormitories, rooming houses and boarding houses (GN-702), rehabilitation centers, and social service homes or halfway houses to the list of prohibited uses in the Five Points Special Area. (See attached copy of ordinance.)
4. City Ordinance No. 0-08-70 prohibits CPM's proposed use of its above-described property.

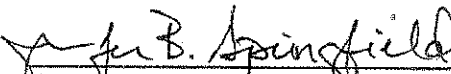
WHEREFORE, Christian Prison Ministries, Inc., respectfully requests the City of Gainesville Commission to grant relief under section 70.51, Florida Statutes, by appointing a special magistrate to conduct a hearing to facilitate a resolution of this conflict or provide a written recommendation.

Respectfully submitted,

  
\_\_\_\_\_  
Jennifer B. Springfield, Esquire  
Fla. Bar: 0457530  
605 NE 1st Street, Suite G  
Gainesville, FL 32601  
(352) 371-9909  
Attorney for Christian Prison Ministries

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to Commissioners Scherwin Henry, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa, and Mayor Pegeen Hanrahan Post Office Box 490, Station 19, Gainesville, FL 32601-0490 this 27<sup>th</sup> day of April, 2009.

  
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Jennifer B. Springfield, Esquire  
Fla. Bar: 0457530

cc: Nicholle Shalley

ORDINANCE NO. 080227  
0-08-70

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3  
4 An ordinance of the City of Gainesville, Florida, amending  
5 Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land  
6 Development Code, relating to the prohibited uses within the  
7 Five Points Special Area Plan; by adding social services (MG-  
8 83), residences for destitute people, food distribution centers  
9 for the needy, dormitories, rooming houses and boarding  
10 houses (GN-702), rehabilitation centers, and social services  
11 homes or halfway houses to the list of prohibited uses;  
12 providing directions to the codifier; providing a severability  
13 clause; providing a repealing clause; and providing an  
14 immediate effective date.  
15

16  
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 hearing  
20 was then held by the City Plan Board on July 17, 2008; and

21 WHEREAS, notice was given and publication made as required by law of a public hearing  
22 which was then held by the City Commission on September 2, 2008; and

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

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

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

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

3           **Section 1.** Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land Development  
4 Code of the City of Gainesville, is amended to read as follows:

5                   **SECTION 8. SPECIAL AREA PLAN FIVE POINTS AREA**

6                                   Exhibit A. Special Area Plan  
7   Five Points Area

8  
9           (f) *Regulations.*

10  
11           (9) *Prohibited uses.* Table 1 shows uses not allowed in Five Points.

- 12  
13                   Table 1. Prohibited uses in Five Points  
14                   Auto dealers, auto service and limited auto service (IN-5511, MG-753)  
15                   Carwashes (IN-7542)  
16                   Gas service stations (IN-5541)  
17                   Parking lots as a principal use, other than structure parking  
18                   Outdoor storage as a principal use  
19                   Gasoline pumps when accessory to a food store  
20                   Drive-thru  
21                   Rehabilitation Centers  
22                   Social service homes or halfway houses  
23                   Social services (MG-83)  
24                   Residences for destitute people  
25                   Food distribution centers for the needy  
26                   Rooming houses and boarding houses (GN-702)  
27                   Dormitories

28  
29           **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this  
30 ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,  
31 Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in  
32 order to accomplish such intentions.

33           **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or  
34 the application hereof to any person or circumstance is held invalid or unconstitutional, such finding  
35 shall not affect the other provisions or applications of the ordinance which can be given effect

1 without the invalid or unconstitutional provisions or application, and to this end the provisions of this  
2 ordinance are declared severable.

3 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
4 such conflict hereby repealed.

5 **Section 5.** This ordinance shall become effective immediately upon final adoption.

6 **PASSED AND ADOPTED** this 2<sup>nd</sup> day of April, 2009.


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8   
9 PEELEN HANRAHAN, MAYOR

10  
11 Approved as to form and legality

12   
13 MARION J. RADSON  
14 CITY ATTORNEY

15 APR - 2 2009

11 ATTEST:

12   
13 KURT M. LANNON  
14 CLERK OF THE COMMISSION

16 This Ordinance passed on first reading this 4<sup>th</sup> day of December, 2008.

17 This Ordinance passed on second reading this 2<sup>nd</sup> day of April, 2009.