

MEMORANDUM
Office of the City Attorney

Legistar No. 041268

Phone: 334-5011/Fax 334-2229
Box 46

DATE: August 22, 2005
SECOND READING

TO: Mayor and City Commission

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-68; Petition 66TCH-05 PB
An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to family child care homes and land use regulations; updating for consistency with state and county regulations; creating a use called large family child care homes; providing land use regulations for large family child care homes; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

This Petition is related to changes to state and county rules involving child care operations conducted from residences. Generally, the purpose of the petition is to be consistent with state and county rules, simplify existing definitions and regulations, and allow Large Family Child Care Homes when certain conditions are met.

The Plan Board heard the petition and recommended that it be approved.

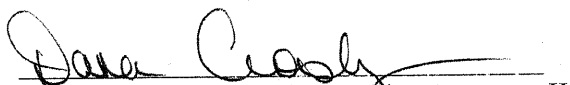
Public notice was published in the Gainesville Sun in the form a 2 x 10 display ad on May 3, 2005. The Plan Board held a public hearing May 19, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 66TCH-05 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM


This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, August 22, 2005.

Fiscal Note: None

Prepared by:


Dana L. Crosby, Assistant City Attorney II

Approved and
Submitted by:


Marion J. Radson, City Attorney

MJR:DLC:sw

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

ORDINANCE NO. _____
0-05-68

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to family child care homes and land use regulations; updating for consistency with state and county regulations; creating a use called large family child care homes; providing land use regulations for large family child care homes; providing directions to the codifier; 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 the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on May 19, 2005; and

WHEREAS, pursuant to law, an advertisement no less than 2 columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville, at least 7 days after the day the advertisement was published; and

WHEREAS, a second advertisement no less than 2 columns wide by 10 inches long was placed in the same newspaper notifying the public of the second Public Hearing to be held at the adoption stage at least 5 days after the day this advertisement was published; and

1 WHEREAS, the Public Hearings were held pursuant to the published notice
2 described at which hearings the parties in interest and all others had an opportunity to be
3 and were, in fact, heard;

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

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

9 30-23(c). Definitions:
10

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

25
26 *Large family child care home* means an occupied residence, licensed by the Alachua
27 County Health Department as *large family child care home*, in which child care is
28 regularly provided for children from at least two unrelated families and which receives a
29 payment, fee, or grant for any of the children receiving care, whether or not operated for
30 profit. The number of children receiving care shall be consistent with state and county
31 regulations, and shall not exceed twelve.
32

33 **Section 2.** Paragraph (1) of subsection (c) of Section 30-51, City of Gainesville
34 Land Development Code, is amended to read as follows:

1 **30-51. Single-family residential districts (RSF-1, RSF-2, RSF-3 and RSF-4).**

2 (c) *Permitted uses.*

3
4 (1) *Uses by right*

- 5
- 6 a. Single-family dwellings and customary accessory buildings
- 7 incidental thereto.
- 8
- 9 b. Occupancy of a single-family dwelling by one family.
- 10
- 11 c. Community residential homes in accordance with the conditions
- 12 and requirements of Article VI.
- 13
- 14 d. Family ~~child day~~ care homes, in accordance with the conditions
- 15 and requirements of state law.
- 16
- 17 e. Adult day care homes.
- 18
- 19 f. Home occupations in accordance with the conditions and
- 20 requirements of Article IV, section 30-58.
- 21
- 22 g. Public schools other than institutions of higher learning, in
- 23 accordance with the provisions of section 30-77, educational
- 24 services district (ED).
- 25
- 26 h. Large family child care homes, in accordance with the conditions
- 27 and requirements of Article VI, Section 30-117.
- 28

29 **Section 3.** Paragraph (1) of subsection (c) of section 30-52, City of Gainesville

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

31 **30-52. Residential low density districts (RMF-5, RC and MH)**

32 (c) *Permitted uses.*

33
34 (1) *Uses by right.*

35 a. *Uses by right for RMF-5 and RC districts.*

<i>Uses</i>	<i>Conditions</i>
Single-family dwellings	
Two family dwellings ¹	
Three family dwellings ¹	Excluding RC district.
Four family dwellings ¹	Excluding RC district
Townhouses or rowhouses of up to 6 attached	Except in RC district. No more than four-

dwelling	family dwellings are allowed in RMF-5 unless the dwellings are town-houses or rowhouses. Each dwelling has a maximum 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. 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 <u>child day</u> care homes	In accordance with state law.
Large family child care homes	<u>In accordance with the conditions and requirements of Article VI, Section 30-117.</u>
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 higher learning	In accordance with the provisions of Article 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 the intent is to sell the individual units separately.	

1

2

b. *Uses by right for MH districts.*

<i>Uses</i>	<i>Conditions</i>
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 <u>child day</u> care homes	In accordance with state law.
Large family child care homes	<u>In accordance with the conditions and requirements of Article VI, Section 30-117.</u>

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).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Section 4. Paragraph (1) of subsection (c) of Section 30-53, City of Gainesville

Land Development Code, is amended to read as follows:

30-53. Multiple-family medium density residential districts

(c) *Permitted uses.*

(1) *Uses by right.*

- a. Single-family dwellings.
- b. Multiple-family dwellings.
- c. Accessory uses incidental to permitted uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the development and their guests.
- d. Roominghouses in accordance with the conditions and requirements of section 30-100.
- e. Family child ~~day~~ care homes, in accordance with the conditions and requirements of state law.
- f. Housing for the elderly, in accordance with the conditions and requirements of section 30-84.
- g. Emergency shelters.
- h. Day care centers.
- i. Adult day care homes.
- j. Community residential homes in accordance with the conditions and requirements of section 30-83.
- k. Home occupations in accordance with the conditions and requirements of section 30-58.
- l. Places of religious assembly in accordance with the conditions and requirements of section 30-91 on unified and contiguous sites of 20 acres or more.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

m. Public schools other than institutions of higher learning, in accordance with the provisions of section 30-77, educational services district (ED).

n. Large family child care homes, in accordance with the conditions and requirements of Article VI, Section 30-117.

Section 5. Subsection (c) of Section 30-54, City of Gainesville Land

Development Code, is amended to read as follows:

30-54. Residential mixed use district

(c) *Permitted uses when developed in accordance with a special area plan (Article V).* Uses by right are as follows:

- (1) Single-family dwellings.
- (2) Row houses.
- (3) Multifamily dwellings.
- (4) Accessory uses incidental to such uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the developments and their guests.
- (5) Office uses as a home occupation, limited to ten percent of the office owner's residential unit (first floor only).
- (6) Civic buildings.
- (7) Community residential homes in accordance with the requirements of Article VI.
- (8) Family child ~~day~~ care homes in accordance with state law.
- (9) Consolidated apartment management offices.
- (10) Large family child care homes, in accordance with the conditions and requirements of Article VI, Section 30-117.

1 Section 6. Paragraph (1) of subsection (c) of Section 30-55, City of Gainesville
 2 Land Development Code, is amended to read as follows:

3 **30-55. Residential high density districts**

4 (c) *Permitted uses.*

5 (1) *Uses by right, for RH-1 and RH-2 districts*

Use	Conditions
Single-family dwellings	
Multiple-family dwellings	
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 child day care homes	In accordance with the conditions and requirements of state law.
<u>Large family child care homes</u>	<u>In accordance with the conditions and requirements of Article VI, Section 30-117.</u>
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).

1

2

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).

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 <u>child day care home</u>	In accordance with state law
	<u>Large family child care homes</u>	In accordance with the conditions and requirements of Article VI, Section 30-117.
	Newspaper establishments excluding on-site printing or warehouse facilities	
	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 uses up to 20 units per acre	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

D R A F T

6-29-05

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 services	
GN-801 through 804	Health services	
GN-807 through 809	Medical and dental laboratories, home health care services and miscellaneous health and allied services not elsewhere classified	Excluding blood banks
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, management and related services	Excluding IN-8734, testing 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.	In accordance with article VI
	Dormitory	Must not abut property designated for single-family on the future land use map of the comprehensive plan
	Food distribution center for the needy	In accordance with article VI
	Nursing and intermediate care facilities	In accordance with article VI
	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 transmission towers	Accessory transmission at heights higher than 100 feet in accordance with article VI
	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

Section 8. Subsection (g) of section 30-64, City of Gainesville Land

3

Development Code, is amended to read as follows:

4

30-64. Mixed use low intensity district

5

(g) *Permitted uses.*

6

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
	Community residential homes with 14 or fewer residents	When part of a permitted single-family or multifamily residential component and in accordance with article VI
	Community residential homes with more than 14 residents	In accordance with article VI
	Compound uses	
	Eating places	
	Family <u>child</u> day care homes	When part of a permitted single-family or multifamily residential component and in accordance with state law
	<u>Large family child care homes</u>	<u>In accordance with the conditions and</u>

		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 per acre)	In accordance with the requirements of the 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 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	
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 transportation	Offices only, with no operation of passenger 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 communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-483	Radio and television broadcasting stations	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

D R A F T

6-29-05

		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 the sale of alternative fuels for automobiles	In accordance with article VI and by special use permit in neighborhood convenience and shopping centers
MG-56	Apparel and accessory stores	
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 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	
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
	Alcoholic beverage establishments	In accordance with article VI
	Limited automotive services	In accordance with article VI
	Other uses (including light assembly or packaging)	Within completely enclosed structures; no 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

1

2

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

3

is created and added to read as follows:

4

30-117. Large family child care homes

5

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

4
 5 (a) Spacing. Large Family Child Care Homes shall not be located closer than one
 6 thousand (1,000) feet from any other large family child care center.

7
 8 (b) Primary residence on site. The residence containing the Large Family Child Care
 9 Home shall be the occupied and the primary residence of the operator.

10
 11 (c) Absence of code violations. There shall be no active code violations associated
 12 with the site or any structures on the site.

13
 14 (d) Location of outdoor play areas. All outdoor play areas shall be located between
 15 the primary structure and the rear property line.

16
 17 (e) Paved driveways. All driveways shall be paved.

18
 19 (f) Staff approval of a plot plan. The operator shall submit for approval a plot plan
 20 showing all structures, dimensions, distances, driveways, play areas, parking areas, and
 21 other similar relevant information. The plan shall show that the existing paved driveway
 22 is used and not a new or altered driveway.

23
 24 (g) Sign prohibition. Notwithstanding any other provision in this Code, there shall be
 25 no signage on the site.

26
 27
 28 **Section 10.** Paragraph (1) of subsection (d) and Paragraph (1) of subsection (e) of
 29 Section 30-242, City of Gainesville Land Development Code, are amended to read as
 30 follows:

31 **30-242. Land use categories**

32 (d) *Rowhouse use.*

33 (1) *Land use.*

34 a. Land designated for rowhouse use shall be on lots containing
 35 buildings for residential uses including townhouse, family child
 36 day care home, large family child care home (in accordance with
 37 the conditions and requirements of Article VI, Section 30-117),
 38 and limited office, limited lodging, and artisanal use. Where non-
 39 residential uses are proposed, at least 50 percent of the gross square

1 footage shall be restricted to residential use for each rowhouse land
2 use district.

3 b. One hundred percent of the building area above the ground floor
4 shall be designated for residential use.

5 c. An outbuilding is permitted on each lot.
6

7 (e) *House use.*

8 (1) *Land use.*

9 a. Land designated for house use shall be on lots containing buildings
10 for residential uses, including single-family houses, guest houses as
11 outbuildings, home occupations pursuant to Article IV of the
12 Gainesville Land Development Code, family child care homes, and
13 large family child day care homes pursuant to Article VI of the
14 Gainesville Land Development Code.

15 b. One hundred percent of the building area above the ground floor
16 shall be designated for residential use.
17

18 c. An outbuilding is permitted on each lot (see Figure 15).

19 **Section 11.** It is the intention of the City Commission that the provisions of
20 Sections 1 through 10 of this ordinance shall become and be made a part of the Code of
21 Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of
22 this Ordinance may be renumbered or relettered in order to accomplish such intentions.

23 **Section 12** If any section, sentence, clause or phrase of this ordinance is held to
24 be invalid or unconstitutional by any court of competent jurisdiction, then said holding
25 shall in no way affect the validity of the remaining portions of this ordinance.

26 **Section 13.** All ordinances, or parts of ordinances, in conflict herewith are to the
27 extent of such conflict hereby repealed.

28 **Section 14.** This ordinance shall become effective immediately upon final
29 adoption.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

PASSED AND ADOPTED this ____ day of _____, 2005.

PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this ____ day of _____, 2005.

This Ordinance passed on second reading this ____ day of _____, 2005.

H:\Dana Crosby\Ordinances\0-05-68 (66TCH).doc