

**Legislative #**

**160121A**

## ORDINANCE NO. 160121

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3       **An ordinance of the City of Gainesville, Florida, amending the list of**  
4 **permitted uses specified in Ordinance No. 081040 for the existing Public**  
5 **Services and Operations District (PS) zoning for certain property generally**  
6 **located south of Depot Avenue, east of South Main Street, north of SE Veitch**  
7 **Street and west of SE 4<sup>th</sup> Street, commonly known as “Depot Park,” as more**  
8 **specifically described in this ordinance; providing directions to the City**  
9 **Manager; providing a severability clause; providing a repealing clause; and**  
10 **providing an effective date.**  
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12       **WHEREAS, on August 20, 2009, the City Commission adopted Ordinance No. 081040**  
13 **and rezoned the property that is the subject of this ordinance to Public Services and Operations**  
14 **District (PS); and**

15       **WHEREAS, notice was given as required by law that the list of permitted uses by right**  
16 **in the Public Services and Operations District (PS) zoning on the subject property be amended;**  
17 **and**

18       **WHEREAS, the City Plan Board, which acts as the local planning agency pursuant to**  
19 **Section 163.3174, Florida Statutes, held a public hearing on June 30, 2016, and voted to**  
20 **recommend that the City Commission approve this rezoning; and**

21       **WHEREAS, an advertisement no less than two columns wide by ten (10) inches long**  
22 **was placed in a newspaper of general circulation and provided the public with at least seven (7)**  
23 **days’ advance notice of this ordinance’s first public hearing to be held by the City Commission**  
24 **in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and**

25       **WHEREAS, a second advertisement no less than two columns wide by ten (10) inches**  
26 **long was placed in the aforesaid newspaper and provided the public with at least five (5) days’**  
27 **advance notice of this ordinance’s second public hearing to be held by the City Commission; and**

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

4           WHEREAS, the City Commission finds that this ordinance is consistent with the City of  
5 Gainesville Comprehensive Plan.

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

8           **Section 1.** The property that was zoned Public Services and Operations District (PS) by  
9 Ordinance No. 081040 and is the subject of this ordinance is described as follows:

10           See Exhibit A attached and made a part here as if set forth in full.

11           **Section 2.** Section 2 of Ordinance No. 081040 (uses permitted by right on the property)  
12 is amended as set forth below. Except as amended herein, the remainder of Ordinance No.  
13 081040 remains in full force and effect. The uses permitted by right on the property are as  
14 follows:  
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- 16 (1) Public park and recreation area, including active and passive recreation amenities;
- 17 (2) Public lands designated for open space, conservation, or preservation;
- 18 (3) Museums, art galleries and botanical and zoological gardens (MG-84), and customary  
19 accessory uses clearly incidental thereto; such as, but not limited to, display areas,  
20 eating places, outdoor cafes, retail sales, special events, amphitheater and outdoor  
21 performances;
- 22 (4) Community center, such as, but not limited to, senior center and recreation center;
- 23 (5) Public administration (Div. J);
- 24 (6) Commercial sports (GN-794);
- 25 (7) Membershship sports and recreation clubs (IN-7997);
- 26 (8) Amusement and recreation services, not elsewhere classified (IN-7999);

- 1 (9) Indoor and outdoor events, such as, but not limited to concerts, cultural events, athletic  
2 events, and temporary events such as festivals, displays, and demonstrations;
- 3 (10) Libraries and information centers (GN-823);
- 4 (11) Stormwater retention and treatment, water conservation areas, water reservoirs and  
5 control structures, drainage wells and water wells;
- 6 (12) Parking;
- 7 (13) Vending booths and ~~itinerant food vendors~~, in accordance with Chapter 19 of the City's  
8 Codes of Ordinances; and food trucks in accordance with Article VI;
- 9 (14) Eating places;
- 10 (15) Outdoor cafes in accordance with Article VI;
- 11 (16) Special events, amphitheater and outdoor performances;
- 12 (17) Retail sales;
- 13 (18) Beauty shops and barber shops;
- 14 (19) Bicycle rentals; and
- 15 (20) Accessory uses customarily and clearly incidental to any permitted principal use.
- 16

17 **Section 3.** The City Commission finds that a preliminary development plan is not  
18 required in connection with this ordinance.

19 **Section 4.** The City Manager or designee is authorized and directed to make the  
20 necessary changes to the Zoning Map Atlas to comply with this ordinance.

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

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

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

2       **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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\_\_\_\_\_  
LAUREN POE  
MAYOR

10   Attest:

Approved as to form and legality:

11  
12

13   By: \_\_\_\_\_  
14       KURT LANNON  
15       CLERK OF THE COMMISSION

By: \_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

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18   This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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20   This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.