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3 **ORDINANCE NO. 110522**

4 **An ordinance of the City of Gainesville, Florida, amending Section 30-**
5 **105 of the Land Development Code by repealing the spacing**
6 **requirement between an established place of religious assembly or a**
7 **public or private school and an alcoholic beverage establishment located**
8 **in the Central City District zoning district and the Tourist-Oriented**
9 **Business zoning district; providing directions to the City Manager;**
10 **providing directions to the codifier; providing a severability clause; and**
11 **providing an immediate effective date.**

12 **WHEREAS**, publication of notice of a public hearing was given that the text
13 of the Land Development Code of the City of Gainesville, Florida, be amended
14 as more specifically described in this Ordinance; and

15 **WHEREAS**, notice was given and publication made as required by law and a
16 public hearing was then held by the City Plan Board on November 1, 2011; and

17 **WHEREAS**, notice was given and publication made as required by law of a
18 public hearing which was then held by the City Commission on January 5, 2012; and

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

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

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

4 **WHEREAS**, the City Commission finds that these text changes are consistent
5 with the City of Gainesville Comprehensive Plan; and

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

8 **Section 1.** Subsection (a) of Section 30-105 Alcoholic Beverage Establishment of
9 the Land Development Code is amended to read as follows (except as amended herein,
10 the remaining sections of § 30-105 remain unchanged and in full force and effect):

11 Section 30-105. Alcoholic Beverage Establishments.

12 (a) Spacing.

13 (1) No alcoholic beverage establishment may be located within three hundred
14 (300) linear feet of an established place of religious assembly, which
15 distance shall be measured by extending a straight line from the main
16 entrance of the alcoholic beverage establishment to the main entrance of the
17 place of religious assembly. This spacing requirement shall not apply in the
18 CCD (Central City District) and the BT (Tourist-Oriented District).

19 (2) No alcoholic beverage establishment may be located within four hundred
20 (400) linear feet of any public or private school, duly accredited and offering
21 any grades from kindergarten through the twelfth grade, which distance shall
22 be measured by a straight line from the main entrance of the alcoholic
23 beverage establishment to the nearest part of the school grounds normally

1 and regularly used in connection with such school program. This spacing
2 requirement shall not apply in the CCD (Central City District) and the BT
3 (Tourist-Oriented District).

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

9 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this
10 ordinance or the application hereof to any person or circumstance is held invalid or
11 unconstitutional, such finding shall not affect the other provisions or applications of the
12 ordinance which can be given effect without the invalid or unconstitutional provisions or
13 application, and to this end the provisions of this ordinance are declared severable.

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

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


18 **PASSED AND ADOPTED** this 16th day of February, 2012.


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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

FEB 16 2012

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This Ordinance passed on first reading this 2nd day of February, 2012.

This Ordinance passed on second reading this 16th day of February, 2012.