

**Legislative #**

**110112**

ORDINANCE NO. 110112

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2  
3 **An ordinance of the City of Gainesville, Florida; by creating and adding**  
4 **Section 30-120 to the Land Development Code by adding Ice**  
5 **Manufacturing/Vending Machines as a specially regulated use; as more**  
6 **specifically set forth in this ordinance; providing directions to the City**  
7 **Manager; providing directions to the codifier; providing a severability**  
8 **clause; and providing an immediate effective date.**  
9

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

13 **WHEREAS**, notice was given and publication made as required by law and a  
14 public hearing was then held by the City Plan Board on April 28, 2011; and

15 **WHEREAS**, notice was given and publication made as required by law and a  
16 public hearing was then held by the City Commission on July 7, 2011; and

17 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by  
18 10 inches long was placed in a newspaper of general circulation notifying the public of the  
19 public hearing to be held in the City Commission Meeting Room, First Floor, City Hall, in  
20 the City of Gainesville at least seven (7) days after the day the first advertisement was  
21 published; and

22 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches  
23 long was placed in the aforesaid newspaper notifying the public of the second public hearing  
24 to be held at the adoption stage at least five (5) days after the day the second advertisement  
25 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 the text change is consistent with  
 5 the City of Gainesville Comprehensive Plan; and

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

8           **Section 1.** A new Section 30-120, is created and added to Article VI, of the Land  
 9 Development Code of the City of Gainesville to read as follows:

10 **ARTICLE VI. – REQUIREMENTS FOR SPECIALLY REGULATED USES**

11 **Sec. 30-120. Ice Manufacturing/Vending Machines.**

12           (a) Permitted zoning districts. Ice Manufacturing/Vending Machines shall be  
 13 allowed in the following zoning districts: Business industrial (BI), Warehouse (W),  
 14 Limited industrial (I-1), General industrial (I-2), General business (BUS), Automotive-  
 15 oriented business (BA), and Tourist-oriented business (BT). Within the BI, W, I-1, and I-  
 16 2 districts, the use shall be allowed by right and shall meet requirements as provided in  
 17 subsections (b)(1), (c), (e) and (f). Within the BUS, BA, and BT zoning districts, the use  
 18 shall require a Special Use Permit and meet all requirements of subsections (b) through  
 19 (f) in this section and Article VII, Division 5.

20           (b) Locational requirements. The placement of Ice Manufacturing/Vending  
 21 Machines shall comply with the following requirements.

22           (1) Ice Manufacturing/Vending Machines shall be co-located with existing  
 23 commercial, industrial, or retail uses; an Ice Manufacturing/Vending Machine  
 24 is not allowed as a principal use on any lot.

25           (2) Ice Manufacturing/Vending Machines shall meet the spacing requirement of  
 26 one mile from another ice manufacturing/vending machine.

27           (3) Ice Manufacturing/Vending Machines shall be located to the side or rear of  
 28 principal structures at the site.

29           (4) The placement of Ice Manufacturing/Vending Machines at a site shall allow  
 30 adequate queuing space for vehicles such that the on-site flow of traffic is not  
 31 interrupted and there is no backup of traffic onto adjacent roadways.

1 (5) Ice Manufacturing/Vending Machines shall be located on the site such that:  
2 pedestrian/bicycle flow and safety is not interrupted or compromised; the  
3 architectural layout, landscaping and amenities of the principal use on the site  
4 are not visually blocked; and the minimum parking requirements and  
5 operations for the principal use are not reduced or interrupted.

6 (6) Ice Manufacturing/Vending Machines shall be placed a minimum of 20 feet  
7 from any side or rear property line when abutting property is shown on the  
8 Future Land Use Plan for residential use.

9 (7) The Ice Manufacturing/Vending Machine shall be placed no further forward  
10 on the site than the location of the front façade of the principal building.

11 (c) Development plan approval. Ice Manufacturing/Vending Machines shall be  
12 required to obtain development plan approval in accordance with the Land Development  
13 Code from the appropriate reviewing board.

14 (d) Architectural, design, and color standards. The following standards shall  
15 apply:

16 (1) A roof that screens all mechanical equipment from the view of the public  
17 right-of-way and pedestrian walkways is required.

18 (2) Building facades shall have the appearance of brick.

19 (3) Building and roof colors shall be consistent with the City of Gainesville  
20 Advisory Color Guidelines on file with the Building Inspection Department  
21 and soft, earth tone colors shall be used for the building facade.

22 (4) Skirting is required and shall complement the building façade colors and be  
23 consistent with the City's Advisory Color Guidelines.

24 (5) Roofs and canopies shall be designed to provide building articulation.

25 (6) Utility connections on the ice manufacturing/vending machines shall be  
26 screened from the public right-of-way and from pedestrian walkways.

27 (e) Landscaping. Ice Manufacturing/Vending Machines shall meet the  
28 requirements of Article VIII of this code. In cases of Special Use Permits, additional  
29 landscaping may be required for visual shielding and aesthetic purposes.

30 (f) Signage. Ice Manufacturing/Vending Machines less than 24 feet long shall  
31 have a maximum of 2 signs with the total square footage of both signs not exceeding 20  
32 square feet. Ice Manufacturing/Vending Machines greater than or equal to 24 feet shall  
33 have a maximum of 2 signs with the total square footage of both signs not exceeding 36  
34 square feet. Sign permits are required.

35 **Section 2.** It is the intention of the City Commission that the provisions of

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

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

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

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

13 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

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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

This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.