

Legislative #

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**ORDINANCE NO. 160484**

**An ordinance of the City of Gainesville, Florida, amending Section 30-93 Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to provide compatibility requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS, notice was given as required by law that the text of the Code of Ordinances of the City of Gainesville, Florida, be amended; and**

**WHEREAS, the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on October 27, 2016, and voted to recommend that the City Commission approve this amendment; and**

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

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

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

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

1           **Section 1.** Section 30-93 of the Land Development Code is amended to read as follows:

2   **Sec. 30-93. – Gasoline and alternative fuel service stations (GN-554), and food stores (MG-**  
 3 **54) with accessory gasoline and alternative fuel pumps.**

4 (a) Compatibility requirements. All gasoline and alternative fuel pumps and accessory  
 5 automotive uses shall be located to the rear of buildings and at least 50 feet from the  
 6 property line of any property zoned residential district or zoned planned development  
 7 district (with predominantly residential uses). In the event the physical constraints of the  
 8 site do not allow such uses to meet these requirements, the uses may be located to the side or  
 9 front of the building in order to meet the 50 foot spacing requirement.

10 ~~(a)~~(b) Dimensional requirements. All principal and accessory structures for gasoline service  
 11 stations shall be located and constructed in accordance with the following minimum  
 12 requirements:

13       (1) Minimum lot area: Twelve thousand square feet.

14       (2) Minimum lot width at minimum front yard setback: One hundred feet.

15 ~~(b)~~(c) Minimum pump setback. All fuel pumps and pump islands shall be set back a minimum  
 16 distance of at least 15 feet from any right-of-way line or property line.

17 ~~(e)~~(d) Accessory uses. Permitted accessory uses to a gasoline or alternative fuel service station  
 18 are as follows:

19       (1) Rental of vehicles is permitted, and such rental vehicles may be outside provided that  
 20 they are screened in accordance with subsection 30-67(g)(2), pertaining to general  
 21 provisions for business and mixed use districts.

22       (2) Minor adjustments or repairs to automobiles, trucks, trailers or other vehicles which do  
 23 not require body work, painting or removal of engines from frames or dismantling of  
 24 differentials shall be permitted. Additional adjustments or repairs at service stations  
 25 shall only be permitted within zoning districts where major automotive repairs are a  
 26 permitted principal use.

27       (3) Retail sale of:

28           a. Minor automobile parts and accessories, gasoline, diesel fuel, alternative fuels,  
 29 kerosene, lubricating oils and greases; and

30           b. Articles dispensed by vending machines, providing such machines are located  
 31 under the roof of the principal structure.

32       (4) Automated carwashes or self-carwashes in conformance with the requirements of  
 33 section 30-95 shall be permitted by special use permit.

34 ~~(d)~~(e) Repair facilities. No lift or repair facilities shall be located outside the principal structure.

35 ~~(e)~~(f) Reserved.

1           **Section 2.** It is the intent of the City Commission that the provisions of Section 1 of this  
 2 ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,  
 3 Florida, and that the sections and paragraphs of this ordinance may be renumbered or relettered  
 4 in order to accomplish such intent.

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

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

12           **Section 5.** This ordinance shall become effective when the amendment to the City of  
 13 Gainesville Comprehensive Plan adopted by Ordinance No. 160486 becomes effective as  
 14 provided therein.

15           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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 LAUREN POE  
 MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
 KURT M. LANNON  
 CLERK OF THE COMMISSION

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

1 This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

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3 This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2017.