

**LEGISLATIVE #**

**110863A**

ORDINANCE NO. 110863

An ordinance of the City of Gainesville, Florida, amending Appendix A. Special Area Plans, Section 3. Special Area Plan for College Park, Exhibit B. College Park Special Area Plan; by amending the permitted uses within the Type I – Shopfront/Office/Apartment designation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a public hearing was given 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 March 22, 2012; and

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

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

WHEREAS, public hearings were held pursuant to the published notices 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:

Section 1. Appendix A. Special Area Plans, Section 3. Special Area Plan for College

1 Park, Exhibit B. College Park Special Area Plan of the Land Development Code is amended as  
2 follows. Except as amended herein, the remainder of Appendix A. Section 3. Exhibit B. remains  
3 in full force and effect.

4 Urban Regulations For New  
5 Construction—Type I

6 *Building Use.*

- 7
- 8 1. ~~Allowable uses are those permitted in the UMU-1 zoning district of the~~  
9 ~~Land Development Code (Chapter 30).~~ Permitted uses, either by right or  
10 by special use permit, are those in the parcel’s underlying zoning district  
11 as further regulated by the Special Area Plan, or in an adopted Planned  
12 Development (PD) ordinance for the parcel.
- 13
- 14 2. New construction or expansion of drive-throughs is prohibited within the  
15 Special Area Plan Area. Existing drive-throughs shall be allowed as non-  
16 conforming uses, as regulated by Sec. 30-346 of the Land Development  
17 Code.  
18

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

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

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

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

4

5           **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2012.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

\_\_\_\_\_  
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 \_\_\_\_\_, 2012.

This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2012.