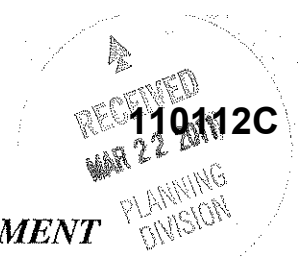
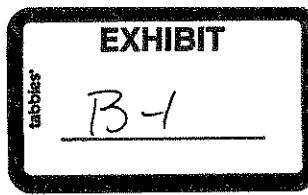


**LEGISLATIVE #**

**110112C**



**APPLICATION—CITY PLAN BOARD—TEXT AMENDMENT**  
*Planning & Development Services*

<i>OFFICE USE ONLY</i>	
Petition No. <u>PB-11-55</u>	Fee: \$ _____
1 <sup>st</sup> Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-670-6710-3401 [ ]	
Account No. 001-670-6710-1124 (Enterprise Zone) [ ]	
Account No. 001-670-6710-1125 (Enterprise Zone Credit) [ ]	

Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name:	<u>East Coast Ice / Jason Cleghorn</u>
Applicant/Agent Address:	<u>13661 Atlantic Blvd.</u>
City:	<u>Jacksonville</u>
State:	<u>FL</u> Zip: <u>32225</u>
Applicant/Agent Phone:	<u>904-241-0063</u> Applicant/Agent Fax: <u>904-221-5399</u>

*Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.*

<i>TEXT AMENDMENT</i>		
Check applicable request below:		
Land Development Code <input checked="" type="checkbox"/>	Comprehensive Plan Text [ ]	Other [ ]
Section/Appendix No.: <u>added Section 30-120</u>	Element & Goal, Objective or Policy No.:	Specify:
<u>Retail sales of Ice.</u>		

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary):

**SEE ATTACHED**

Certified Cashiers Receipt:



**Sec. 30-119. - Retail sales of electric golf carts.**

The below listed requirements apply only when a special use permit is required for this use. The requirements do not apply when this use is permitted as a use by right under automotive dealers and gasoline service stations (MG-55).

- (a) Retail sales of electric golf carts shall be allowed only when co-located with an auto and home supply store (GN-553) and no more than 30 percent of the floor area of the store is devoted to the retail sales of electric golf carts.
- (b) Retail sales of electric golf carts does not include service (including battery installation) and/or repair of electric golf carts. Service and/or repair of electric golf carts is classified for zoning use purposes as limited automotive services.
- (c) No outdoor storage is allowed between the building and any public right-of-way and all outdoor storage shall be located only in the rear or side yard; however, a maximum of five electric golf carts may be displayed between the building and the public right-of-way.
- (d) Where the side or rear yard abuts a residential district or is shown for residential use on the future land use map of the comprehensive plan, any outdoor storage areas that are located in the side or rear yard shall have twice the amount of landscaping material that is required for buffer type E in section 30-253, and shall have 50 percent opacity at the time of planting.
- (e) The design and placement of all required landscaping shall be determined during development plan review.

(Ord. No. 100023, § 3, 9-16-10)

**Sec. 30-120 Retail sales of ice.**

The below listed requirements apply only when a special use permit is required for this use. These requirements do not apply when this use is permitted as a use by right in the Business Industrial (BI), Warehouse (W), Limited Industrial District (I-1), and the General Industrial District (I-2).

- (a) Retail sales of ice shall be allowed only when co-located with an existing commercial use and shall not be permitted in locations currently occupied by a use defined as residential by this code and shall be spaced no closer than one (1) mile from each other.
- (b) A special use permit as defined within Article VII, Division V of this Code will be required for retail sales of ice in the Mixed Use Low Intensity (MU-1), Mixed Use Medium Intensity (MU-2), General Business District (BUS), Automotive Oriented Business District (BA), Tourist Oriented Business District (BT), Urban Mixed Use District 1 (UMU-1), Urban Mixed Use District 2 (UMU-2), and Central City District (CCD).
- (c) In addition to the criteria set forth in Article VII, Division V of the Code pertaining to Special Use Permits, where possible retail ice machines shall incorporate the criteria outlined in Part II, Appendix A, Section V, Special Area Plan for Central Corridors to include considerations of build-to lines, parking, building orientation, mechanical equipment screening and shall be designed to minimize interruption of pedestrian traffic.
- (d) The design of retail ice machines shall incorporate principles which maximize pedestrian and bicycle safety and convenience, ensure adequate queuing space for vehicles such that there is no backup of traffic onto adjacent roadways, minimize the visual impact on street frontage

areas and be designed such that internal pedestrian access and safety as relates to the placement of the machine is considered.

- (e) In accordance with the City of Gainesville's use of the Munsell Color Scale, retail ice machines shall utilize the Advisory Color Guidelines document dated January 26, 2005 and will be designed such that soft earth tone colors are chosen which are generally comparable to nearby commercial establishments. Rooftop mechanical equipment shall be screened in a chroma, hue and value consistent with the framework of the aforementioned document.

# Submission of Added Section 30-120 of the City of Gainesville Land Development Code

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East Coast Ice, LLC offers the aforementioned revised Section 30 of the City of Gainesville Land Development Code. As you are aware, the City Council previously directed City of Gainesville staff to work with our company to work toward common ground concerning our retail ice sales concept. Our company met with City of Gainesville staff on February 10<sup>th</sup> and we received guidance from the staff. The code changes are respondent to that guidance and we believe that we have covered all of the concerns they expressed. The added Section 30-120 provides some meaningful and predictable standards and as written would permit the machines in the Mixed Use Low Intensity (MU-1), Mixed Use Medium Intensity (MU-2), General Business District (BUS), Automotive Oriented Business District (BA), Tourist Oriented Business District (BT), Urban Mixed Use District 1 (UMU-1), Urban Mixed Use District 2 (UMU-2), and Central City District (CCD) but only after receipt of a Special Use Permit. As such, the machines will not be permitted by right and must be reviewed by City of Gainesville oversight.

Staff had original concerns about the machines being placed on vacant parcels and giving the appearance of a 'stand alone' facility. New Section 30-120 (a) would require that retail sales of ice be co-located with an existing **commercial** use and would not be permitted coexistent with a residential use, even if the zoning district in question permitted and housed a residential use.

In order to avoid saturation, a spacing requirement of no closer than one (1) mile has been written which would not permit machines being placed closer than one mile from each other. At the advice of the Planning Staff, references to the Munsell color scale have been incorporated into the section as well.

In summary, East Coast Ice believes that every effort has been made to compromise to reflect the values of the City of Gainesville by offering to make the machines' review a Special Use permit in every instance. Further, we have limited their number within the city by a self imposed distance requirement and have required co-location with an existing commercial use to avoid incompatibilities with adjacent residential uses.