



MEMORANDUM

Office of the City Attorney

Registrar No. 040662

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: February 14, 2005
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-11; Petition 183TCH-04 PB
An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to the automotive-oriented business (BA) district; amending subsection (c) of section 30-62; adding Sporting Goods Stores and Bicycle Shops (IN 5941) as an allowed use by right in the Automotive-oriented business district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition proposes to add, as a use by right, Sporting Goods Stores and Bicycle Shops (IN 5941 from the Standard Industrial Classification (SIC) Manual (1987 edition)) to the BA (Automotive-oriented business district) zoning district. Examples of the types of retail stores under this category are shops selling: ammunition, bicycle and bicycle parts, camping equipment, golf goods and equipment, playground equipment, sporting goods stores, and tennis goods and equipment.

While the BA district is primarily established to accommodate automotive sales, services, and related activities, other commercial uses are allowed in the district. These include uses such as: building materials, hardware, garden supply and mobile home dealers (MG-52); home furniture, furnishings, and equipment stores; and hot tubs, swimming pools, whirlpool baths, retail only.

The BA district also permits the outdoor storage and sale of retail goods. Many of the uses under IN5941) would benefit from accessory outdoor storage and display of their goods. Examples are: camping equipment, golf goods and equipment, and playground equipment.

Planning staff finds that Sporting Goods Stores and Bicycle Shops are not incompatible with the automotive-oriented nature of the BA district, and many of these uses may need the accessory outdoor display, storage and sales provisions available under this district.

The Plan Board heard the petition and recommended that it be approved.

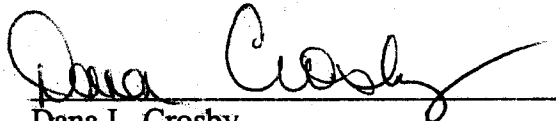
Public notice was published in the Gainesville Sun on November 16, 2004. Letters were mailed to owners of property zoned BA on November 17, 2004. The Plan Board held a public hearing December 2, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 183TCH-04 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM


This ordinance requires two public hearings. If adopted on first reading; the second and final reading will be held on Monday, February 14, 2005.

Fiscal Note. None

Prepared by:


Dana L. Crosby
Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson,
City Attorney

MJR:DLC:sw

PASSED ON FIRST READING BY A VOTE OF 6-0.

ORDINANCE NO. 0-05-11

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to the automotive-oriented business (BA) district; amending subsection (c) of section 30-62; adding Sporting Goods Stores and Bicycle Shops (IN 5941) as an allowed use by right in the Automotive-oriented business district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing 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 December 2, 2004; and

WHEREAS, pursuant to law, the City has mailed the appropriate notice to each person owning real property within the area covered by the ordinance; and

WHEREAS, pursuant to law, at least ten days notice has been given prior to adoption by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the notice described 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.** Subsection (c) of section 30-62, City of Gainesville Land Development Code,
 2 is amended to read as follows:

3 Sec. 30-62. Automotive-oriented business district (BA).

4 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory use customarily incidental to a permitted principal use	
	Eating places	
	Ice dealers, retail only	
MG-15	Building construction--General contractors and operative builders	
MG-17	Construction--Special trade contractors	
IN-2261	Finishers of broadwoven fabrics of cotton	
IN-2262	Finishers of broadwoven fabrics of manmade fiber and silk	
MG-27	Printing, publishing and allied industries	
MG-41	Local and suburban transit and interurban highway passenger transportation	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	
GN-501	Motor vehicles and motor vehicle parts and supplies, wholesale	Excluding motor vehicle parts, used (IN-5015)
GN-504	Professional and commercial equipment and supplies, wholesale	
GN-508	Machinery, equipment and supplies, wholesale	Excluding construction and mining (except petroleum) machinery and equipment (IN-5082), industrial machinery and equipment (IN-5084), and transportation equipment and supplies, except motor vehicles (IN-5088)
MG-52	Building materials, hardware, garden supply and mobile home dealers	
MG-54	Food stores	
MG-55	Automotive dealers and gasoline service stations	Including gasoline service stations in accordance with the requirements and conditions of article VI

MG-57	Home furniture, furnishings, and equipment stores	
IN-5941	<u>Sporting goods stores and bicycle shops</u>	<u>Accessory outdoor display, storage and sales in accordance with Sec. 30-67.</u>
GN-596	Nonstore retailers	
GN-598	Fuel dealers	
IN-5999	Hot tubs, swimming pools, whirlpool baths, retail only	
Div. H	Finance, insurance and real estate	
MG-72	Personal services	Including funeral services and crematories in accordance with the conditions and requirements of article VI
MG-73	Business services	Excluding heavy construction equipment rental and leasing (IN-7353), airplane rental and leasing, oil field equipment rental and leasing and oil well drilling equipment rental and leasing; and including disinfecting and pest control services (IN-7342), in accordance with article VI.
MG-75	Automotive repair, services and parking	Excluding carwashes (IN-7542)
MG-76	Miscellaneous repair services	
IN-7833	Drive-in motion picture theaters	
MG-79	Amusement and recreation services	Excluding go-cart raceway operations and go-cart rentals
MG-86	Membership organizations	
	USES BY SPECIAL USE PERMIT	
IN-7542	Carwashes	

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

DRAFT

1-5-05

1 Section 3. If any section, sentence, clause or phrase of this ordinance is held to be invalid
2 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
3 affect the validity of the remaining portions of this ordinance.

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

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

7
8 PASSED AND ADOPTED this ____ day of _____, 2005.

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12 _____
13 PEGEEN HANRAHAN
14 MAYOR

15 ATTEST: Approved as to form and legality

16
17
18 _____
19 KURT M. LANNON MARION J. RADSON
CLERK OF THE COMMISSION CITY ATTORNEY

20
21 This Ordinance passed on first reading this ____ day of _____, 2005.

22 This Ordinance passed on second reading this ____ day of _____, 2005.