



MEMORANDUM

Office of the City Attorney

LEGISLATIVE NO. 002084

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

DECEMBER 20, 2001

DATE: ~~December 10, 2001~~

SECOND READING

~~FIRST READING~~

TO: Mayor and City Commission

FROM: City Attorney

SUBJECT: **Ordinance No. 0-01-71**

An ordinance of the City of Gainesville, Florida, imposing a temporary moratorium on zoning permits, site plan approval and any other official action of the City of Gainesville permitting or having the effect of permitting development or use on all real property that is zoned "BUS: General business district", "BT: Tourist-oriented business district" and any commercial use, as more specifically defined in this ordinance, on all real property that is zoned "MU-1: 10-30 units/acre mixed use low intensity", "RMF-5: 12 units/acre single-family/multiple-family residential district", "RMF-6: 8-15 units/acre multiple-family residential district", "RMF-7: 8-21 units/acre multiple-family residential district", "RMF-8: 8-30 units/acre multiple-family residential district", "OR: 20 units/acre office residential district", "RH-1: 8-43 units/acre residential high density district", and "RH-2: 8-100 units/acre residential high density district"; located within the S.W. 13th Street Corridor, as more specifically described in this Ordinance, generally bounded on the North by SW Archer Road, and on the South by the city limits, and located generally north of Williston Road; providing a procedure for extraordinary hardship; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

This ordinance imposes a temporary moratorium for a period of 277 days from and after the date of adoption of this ordinance in the SW 13th Street Corridor, as described in the ordinance.

Prepared and
Submitted by:


Marion J. Radson, City Attorney

Passed as revised on first reading by a vote of 5-0.
PASSED ON FIRST READING by a vote of 5-0 on 12/10/01.

ORDINANCE NO. 0-01-71

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4 **An ordinance of the City of Gainesville, Florida, imposing a**
5 **temporary moratorium on zoning permits, site plan approval and any**
6 **other official action of the City of Gainesville permitting or having the**
7 **effect of permitting development or use on all real property that is**
8 **zoned "BUS: General business district", "BT: Tourist-oriented**
9 **business district" and any commercial use, as more specifically**
10 **defined in this ordinance, on all real property that is zoned "MU-1:**
11 **10-30 units/acre mixed use low intensity", "RMF-5: 12 units/acre**
12 **single-family/multiple-family residential district", "RMF-6: 8-15**
13 **units/acre multiple-family residential district", "RMF-7: 8-21**
14 **units/acre multiple-family residential district", "RMF-8: 8-30**
15 **units/acre multiple-family residential district", "OR: 20 units/acre**
16 **office residential district", "RH-1: 8-43 units/acre residential high**
17 **density district", and "RH-2: 8-100 units/acre residential high density**
18 **district"; located within the S.W. 13th Street Corridor, as more**
19 **specifically described in this Ordinance, generally bounded on the**
20 **North by SW Archer Road, and on the South by the city limits, and**
21 **located generally north of Williston Road; providing a procedure for**
22 **extraordinary hardship; providing a severability clause; providing a**
23 **repealing clause; and providing an immediate effective date.**

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26 **WHEREAS**, the City of Gainesville on November 13, 1991 adopted the City of
27 Gainesville 1991-2001 Comprehensive Plan (hereinafter, the "Comprehensive Plan") which
28 contained among other matters goals, objectives and policies with respect to future land use in
29 accordance with the Local Government Comprehensive Planning and Land Development and
30 Regulation Act, Florida Statutes 163.3161 through 163.3215 ("the Act"); and

31 **WHEREAS**, it is the policy of the Comprehensive Plan that the City adopt regulations to
32 determine the appropriate scale of uses and consider the externalities of the uses in the
33 commercial and mixed-use land use and corresponding zoning district categories; and

34 **WHEREAS**, the City of Gainesville and Alachua County have declared the Southwest
35 13th Corridor to be a joint planning area between the City and County;

D R A F T

11/29/01

1 **WHEREAS**, the City of Gainesville has determined that the Southwest 13th Corridor
2 uses and character are appropriate for study, for determination of a long-term vision for the
3 character of the area and for identification of possible changes to the allowed uses along the
4 corridor in keeping with that identified character; and

5 **WHEREAS**, the City of Gainesville and Alachua County have previously conducted two
6 workshops along the corridor during the spring and fall of 2001 to begin the process of assessing
7 goals and identifying a vision for the corridor; and

8 **WHEREAS**, at these workshops proper municipal objectives, such as beautification,
9 reduction of crime, environmental cleanup, and change of the mix of uses allowed along the
10 corridor, were identified, and are determined to be proper public purposes; and

11 **WHEREAS**, a temporary moratorium on development will allow a study to be
12 undertaken that will result in identification of the most appropriate mix of uses for the corridor,
13 protection and enhancement to the adjacent residential uses, the adoption of a plan and necessary
14 land use, zoning and regulatory ordinances, as appropriate; and

15 **WHEREAS**, the City Commission adopted policy 3.14.2 of the Urban Design element of
16 the Comprehensive Plan, which states, "the City shall work with the University to strengthen the
17 image of the City and the University through better design along University Avenue and West
18 13th Street; and

19 **WHEREAS**, the City Commission on August 22, 2001 at a Special Comprehensive Plan
20 Meeting directed staff to amend the Future Land Use Element at second reading to include a new
21 policy 4.1.5, which states: "By 2002, the City will consider amending the land use designations
22 of certain parcels along SW 13th Street in order to discourage strip commercial uses and
23 encourage the addition of residential uses to the current use mix; and

D R A F T

11/29/01

1 **WHEREAS**, the City Commission finds that it is essential to protect and preserve the
2 environment and the public health, welfare and safety of the City and its citizenry, that it is in the
3 City's best interest, and that it is consistent with the Comprehensive Plan for the City to study the
4 potential impact of certain uses and development within the SW 13th Street Corridor; and

5 **WHEREAS**, the City Commission has heard testimony and received evidence from its
6 concerned citizens and property owners that certain commercial uses allowed within the zoning
7 districts along the corridor may contribute to the deterioration of the area through undesirable
8 commercial uses and otherwise be incompatible with the development of the area and
9 surrounding land uses; and

10 **WHEREAS**, a legal advertisement was placed in a newspaper of general circulation
11 notifying the public of this proposed Ordinance and of the Public Hearing to be held in the City
12 Commission Auditorium, First Floor, City Hall, of the City of Gainesville approximately seven
13 days after the day the first legal advertisement was published; and

14 **WHEREAS**, a second legal advertisement was placed in the aforesaid newspaper
15 notifying the public of the second Public Hearing to be held approximately five days after the
16 day the second legal advertisement was published; and

17 **WHEREAS**, the two Public Hearings were held pursuant to the published notices
18 described above at which hearing the parties in interest and all others had an opportunity to be
19 and were, in fact, heard.

20 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COOMMISSION OF**
21 **THE CITY OF GAINESVILLE, FLORIDA:**

22 **Section 1.** The City Commission adopts the foregoing findings.

23 **Section 2.** Purpose

1 (a) The purpose of this Ordinance is to enable the City of Gainesville sufficient time
2 to review, study, hold public hearings, and prepare and adopt an amendment or amendments to
3 the City of Gainesville Comprehensive Plan and Code of Ordinances, including the Land
4 Development Code, relating to the allowance or development of certain commercial uses, as
5 more specifically defined in Section 3 below, within that certain Moratorium area, as defined in
6 Section 3 below, commonly known as the SW 13th Street Corridor, with the zoning categories:
7 1) "BUS: General business district", 2) "BT: Tourist-oriented business district", and 3) any
8 commercial use, as more specifically defined in Section 3 below, with the zoning categories of
9 "MU-1: 10-30 units/acre mixed use low intensity", "RMF-5: 12 units/acre single-
10 family/multiple-family residential district", "RMF-6: 8-15 units/acre multiple-family residential
11 district", "RMF-7: 8-21 units/acre multiple-family residential district", "RMF-8: 8-30 units/acre
12 multiple-family residential district", "OR: 20 units/acre office residential district", "RH-1: 8-43
13 units/acre residential high density district", and "RH-2: 8-100 units/acre residential high density
14 district". During this time period, the city will not take any action on any application for
15 development permit or issue any development order which has the effect of allowing or
16 permitting the development of those certain business and commercial uses in the aforesaid
17 zoning districts within the moratorium area, except as provided in this Ordinance. It is not the
18 purpose of this Ordinance to deny development orders and permits for other uses that are
19 permitted by right or special use permit and that otherwise comply with all applicable codes,
20 ordinances, regulations, and policies of the City of Gainesville and other regulatory agencies, or
21 to deny any building permits.

22 (b) It is further the purpose of this Ordinance to fulfill the City's constitutional charge
23 and statutory obligations to protect and preserve the environment and the public health, welfare

1 and safety of the citizens of the City of Gainesville, and in particular to protect the public health,
2 welfare and safety of the citizens, and the value, use and enjoyment of real property in the City
3 of Gainesville during the interim period described in this Ordinance, and thus defer official
4 governmental action until the City of Gainesville has properly reviewed, studied, held public
5 hearings and adopted amendments, if any, to the City of Gainesville Comprehensive Plan and
6 Code of Ordinances, as necessary.

7 **Section 3. Definitions**

8 (a) "Application for development permit" means any application for zoning permit,
9 preliminary or final development plan review, special use permit, or any other official action of
10 the City of Gainesville having the effect of permitting the use or development of land.

11 (b) "Commercial Use" means any use described in Composite Exhibit "A" attached
12 hereto and made a part hereof as if set forth in full.

13 (c) "Development" has the meaning given it in Section 380.04, Florida Statutes
14 (2001).

15 (d) "Development Order" means any order granting, denying, or granting with
16 conditions an application for development permit.

17 (e) "Development permit" includes any zoning permit, development plan approval,
18 special use permit, variance, or any other official action of the City of Gainesville having the
19 effect of permitting the use or development of land, but does not include occupational licenses
20 issued under Chapter 25 of the Gainesville Code of Ordinances.

21 (f) "Moratorium area" means all that real property that is zoned, in whole or in part
22 with the zoning categories of "BUS: General business district", "BT: Tourist-oriented business
23 district", "MU-1: 10-30 units/acre mixed use low intensity", "RMF-5: 12 units/acre single-

1 family/multiple-family residential district”, “RMF-6: 8-15 units/acre multiple-family residential
2 district”, “RMF-7: 8-21 units/acre multiple-family residential district”, “RMF-8: 8-30 units/acre
3 multiple-family residential district”, “OR: 20 units/acre office residential district”, “RH-1: 8-43
4 units/acre residential high density district”, and “RH-2: 8-100 units/acre residential high density
5 district”, located within the SW 13th Street Corridor, as more specifically shown on the map
6 attached hereto as Exhibit “B”, and made a part hereof as if set forth in full.

7 **Section 4. Imposition of Moratorium**

8 (a) For a period of (277) days from and after the adoption date of this ordinance,
9 ending at 11:59 p.m. on Monday, September 23, 2002:

10 (1) No application for development permit may be filed, accepted, or
11 processed for any development of those certain uses as specifically described in Exhibit “A”,
12 located in the Moratorium area by any Department, Board, Commission, or Agency of the City
13 of Gainesville, except as provided in Paragraph (2) below and Section 5 of this ordinance.

14 (2) The imposition of the moratorium is not intended to affect nor does it
15 affect: (i) either the processing of any application for development permit or the issuance of
16 development orders, development permits, including building permits, for any of the uses
17 described in Exhibit “A” within the Moratorium area for which an application for development
18 permit was properly filed or a pre-application conference (First Step Meeting) was held with the
19 City of Gainesville on or before 5:00 p.m. on Monday, November 13, 2001; or (ii) the processing
20 of any application for development permit or the issuance of development orders, development
21 permits, including building permits, for the expansion or renovation of any lawful use or
22 development in existence as of November 13, 2001, as long as said orders or permits do not
23 change the use of the property in lawful existence as of Monday, November 13, 2001; or (iii) the

1 processing of any application for development permit or the issuance of development orders,
2 development permits, including building permits, for the expansion or renovation of any existing
3 vacant building that reestablishes the last identified lawful conforming use of the property.

4 **Section 5. Alleviation of Hardship**

5 (a) The City Commission of the City of Gainesville may authorize exceptions to the
6 moratorium imposed by this ordinance when it finds, based upon substantial competent evidence
7 presented to it, that deferral of action on an application for development permit and the deferral
8 of the issuance of a development order for the duration of the moratorium would impose an
9 extraordinary hardship on a landowner or developer.

10 (b) A request for an exception based upon extraordinary hardship shall be filed with
11 the City Manager or designee, including a fee of \$300.00 by the landowner, or the developer
12 with the consent of the landowner, to cover processing and advertising costs, and shall include a
13 recitation of the specific facts that are alleged to support the claim of extraordinary hardship, and
14 shall contain such other information as the City Manager shall prescribe as necessary for the City
15 Commission to be fully informed with respect to the application.

16 (c) A public hearing on any request for an exception for extraordinary hardship shall
17 be held by the City Commission at the first regular meeting of the City Commission that occurs
18 after the expiration of the period for publication of notice of the request for an exception.

19 (d) Notice of the filing of a request for an exception, and the date, time, and place of
20 the hearing thereon shall be published once at least 10 days prior to the hearing in a newspaper of
21 general circulation within the City limits of the City of Gainesville, Florida.

22 (e) In reviewing an application for an exception based upon a claim of extraordinary
23 hardship, the City Commission shall consider the following criteria:

1 (1) The extent to which the applicant has, prior to Monday, November 13,
2 2001, received City of Gainesville permits or approvals for the proposed development.

3 (2) The extent to which the applicant has, prior to Monday, November 13,
4 2001, made a substantial expenditure of money or resources in reliance upon permits or other
5 approvals of the City of Gainesville directly associated with physical improvements on the land,
6 such as grading, installation of utility infrastructure or any other public improvements.

7 (3) Whether the applicant, prior to Monday, November 13, 2001, has
8 contractual commitments in reliance upon permits or other approvals of the City of Gainesville
9 to complete a structure(s).

10 (4) Whether the applicant, prior to Monday, November 13, 2001, has in
11 reliance upon permits or other approvals of the City of Gainesville incurred financial obligations
12 to a lending institution which, despite a thorough review of alternative solutions, the applicant
13 cannot meet unless development proceeds.

14 (5) Whether the moratorium will expose the applicant to substantial monetary
15 liability to third persons; or would leave the applicant completely unable, after a thorough review
16 of alternative solutions, to earn a reasonable investment backed expectation on the property.

17 (f) The City Commission shall consider the following non-exclusive factors under
18 the criteria set forth in subsection (e) above:

- 19 (1) The history of the property;
20 (2) The history of any development on the property;
21 (3) The history of the property's Future Land Use Map classification;
22 (4) The history of the property's zoning;
23 (5) Any change in development when property ownership changed; and

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1 (6) The present nature, size and use of the property.

2 (g) At the conclusion of the Public Hearing and after reviewing the evidence and
3 testimony placed before it, the City Commission shall act upon the request either to approve,
4 deny, or approve in part and deny in part the request made by the applicant.

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

10 **Section 7.** This ordinance shall become effective immediately upon final adoption.

11 **PASSED AND ADOPTED** this _____ day of _____, 2001.

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ATTEST:

Thomas D. Bussing, Mayor

APPROVED AS TO FORM AND LEGALITY:

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Kurt Lannon
Clerk of the Commission

Marion J. Radson, City Attorney

This ordinance passed on first reading this _____ day of _____, 2001

This ordinance passed on second reading this _____ day of _____, 2001

Sec. 30-61. General business district (BUS).

(c) Permitted uses.

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Bed and breakfast establishments	In accordance with article VI
	Compound uses	
	Eating places	
	Outdoor cafe	As defined in article II and in accordance with article VI
	Personal fitting and sales of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Public service vehicles	As defined in article II and in accordance with article VI
	Repair services for household needs	As defined in article II
GN-074	Veterinary services	Only within enclosed buildings and in accordance with article VI
IN-0752	Animal specialty services, except veterinary	Only within enclosed buildings
GN-078	Landscape and horticultural services	
MG-15	Building construction - General contractors and operative builders	
GN-171	Plumbing, heating and air conditioning contractors	
GN-172	Painting and paper hangers	
GN-173	Electrical work	
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-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
MG-48	Communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-523	Paint, glass and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply stores	
MG-53	General merchandise stores	
MG-54	Food stores	Accessory gasoline and alternative fuel pumps in accordance with article VI
GN-553	Auto and home supply stores	Excluding garage and installation facilities except as provided for with a special use permit
GN-554	Gasoline service stations including the sale of alternative fuels for automobiles	In accordance with article VI
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Direct selling establishments (IN-5963) and fuel oil dealers (IN-5983) with inside storage, display and sales only
Div. H	Finance, insurance and real estate	Excluding cemetery subdivisions and developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI
MG-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing

		(IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359)
GN-752	Automobile parking	
MG-76	Miscellaneous repair services	Excluding miscellaneous repair shops and related services (GN-769), and including repair services for household needs as defined in article II
MG-78	Motion pictures	Excluding drive-in theaters (IN-7833) and outdoor filming facilities
MG-79	Amusement and recreation services	Only within enclosed structures, and excluding go-cart rental and raceway operations and also excluding commercial sports (GN-794)
MG-80	Health services	Including nursing and personal care facilities (GN-805) in accordance with article VI, and excluding hospitals (GN-806) and rehabilitation centers.
MG-81	Legal services	
MG-82	Educational services	Private schools in accordance with article VI
MG-83	Social services	Including day care as defined in article II and in accordance with article VI, excluding rehabilitation centers, halfway houses, social service homes, and residences for destitute people as defined in article II
GN-841	Museums and art galleries	
MG-86	Membership organizations	See also definition of places of religious assembly and in accordance with article VI
MG-87	Engineering, accounting, research, management and related services	Excluding testing laboratories, (IN-8734) and facility support management services (IN-8744)
MG-89	Services, not elsewhere classified	

Div. J	Public administration	
	USES BY SPECIAL USE PERMIT	
	Accessory transmission, retransmission and microwave towers over 100 feet in height	In accordance with article VI
	Alcoholic beverage establishments	In accordance with article VI
	Food distribution center for the needy	In accordance with article VI
	Limited automotive services	In accordance with article VI
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
GN-598	Fuel dealers	In accordance with article VI
GN-701	Hotels and motels	In accordance with article VI

Sec. 30-63. Tourist-oriented business district (BT).

(c) *Permitted uses.*

(1) *Uses by right.*

- a. Local and suburban transit and interurban highway passenger transportation (MG-41).
- b. U.S. Postal Service (MG-43).
- c. Food stores (MG-54).
- d. Auto and home supply stores (GN-553).
- e. Gasoline service stations (GN-554), in accordance with the conditions and requirements of article VI.
- f. Apparel and accessory stores (MG-56).
- g. Eating places.
- h. Miscellaneous retail (MG-59) excluding fuel dealers (GN-598).
- i. Hotels and motels (GN-701).
- j. Organization hotels and lodgings, on membership basis (GN-704).
- k. Personal services (MG-72), excluding funeral service and crematories (GN-726), and also excluding linen supply (IN-7213), diaper service (IN-7214), and industrial laundries (IN-7218).
- l. Automotive repair, services and garages (MG-75), excluding carwashes.
- m. Motion pictures (MG-78).
- n. Amusement and recreation services, except motion pictures, and excluding go-cart raceway operations and go-cart rentals (MG-79).
- o. Museums and art galleries (GN-841).
- p. Membership organizations (MG-86).
- q. Recreational vehicle parks and campsites, in accordance with article VI (GN-7033).
- r. Public service vehicles, in accordance with the conditions and requirements of article VI.
- s. Adult and sexually oriented establishments, in accordance with the conditions and requirements of article VI.
- t. Arrangement of passenger transportation (GN-472).
- u. Any accessory use customarily incidental to a permitted principal use.
- v. Alcoholic beverage establishments, in accordance with the conditions and requirements of article VI.
- w. Bed and breakfast establishments.

- x. Outdoor cafe, as defined in article II and in accordance with article VI.
- (2) *Uses by special use permit.* Uses by special use permit, in accordance with the conditions and requirements of Article VI:
- a. Carwashes (IN-7542).
 - b. Soup kitchens (food distribution centers for the needy).
 - c. Residences for destitute people, in accordance with conditions and requirements of article VI.

Sec. 30-64. Mixed use low intensity district (MU-1).

(e) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Bed and breakfast establishments	
	Compound uses	
	Eating places	
	Family day care homes	When part of a permitted single-family or multifamily residential component and in accordance with state law
	Itinerant food vendor	In accordance with Chapter 19, Article IV
	Outdoor cafes	As defined in article II and in accordance with article VI
	Personal fitting and sales of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Public service vehicles	As defined and in accordance with article VI
	Repair services for household needs	As defined in article II
GN-074	Veterinary services	Only within enclosed buildings and in accordance with article VI
IN-0752	Animal specialty services, except veterinary	Only within enclosed buildings
GN-078	Landscape and horticultural services	
MG-15	Building construction - General contractors and operative builders	
GN-171	Plumbing, heating and air conditioning	
GN-172	Painting and paper hangers	
GN-173	Electrical work	
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-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
GN-481	Telephone communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-482	Telegraph and other message communications	
GN-483	Radio and television broadcasting stations	
GN-523	Paint, glass and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply stores	
MG-53	General merchandise stores	
MG-54	Food stores	Accessory gasoline and alternative fuel pumps in accordance with article VI, and by special use permit in neighborhood convenience and shopping centers
GN-553	Auto and home supply stores	Excluding garage and installation facilities
GN-554	Gasoline service stations including the sale of alternative fuels for automobiles	In accordance with article VI and by special use permit in neighborhood convenience and shopping centers
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Excluding direct selling establishments (IN-5963); fuel dealers (IN-5983); including liquor stores (IN-5921) limited to 2,000 square feet and excluding on-site

		consumption when located in neighborhood convenience and shopping centers, inside storage, display and sales only for all uses
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI and excluding linen supply (IN-7213), industrial laundries (IN-7218), and diaper services in neighborhood convenience and shopping centers
MG-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359)
GN-752	Automobile parking	
MG-76	Miscellaneous repair services	Excluding miscellaneous repair shops and related services (GN-769) and including repair services for household needs as defined in this chapter
MG-78	Motion pictures	Excluding drive-in theaters (IN-7833) and outdoor filming facilities
MG-79	Amusement and recreation services	Only within enclosed structures, and excluding go-cart rental and raceway operations and also raceway operations and also excluding commercial sports (GN-794)
MG-80	Health services	Including nursing and intermediate care facilities in accordance with article VI

		when applicable, and excluding rehabilitation centers and hospitals (GN-806)
MG-81	Legal services	
MG-82	Educational services	Including private schools, in accordance with article VI
MG-83	Social services	Including day care centers as defined in this chapter and in accordance with article VI, excluding residential care (GN-836), rehabilitation centers, halfway houses, social service homes, and residences for destitute people as defined in this chapter
GN-841	Museums and art galleries	
MG-86	Membership organizations	See also definition of place of religious assembly and in accordance with article VI
MG-87	Engineering, accounting, research management and related services	Excluding testing laboratories (IN-8734) and facilities support management services (IN-8744)
MG-89	Services, not elsewhere classified	
Div. J	Public administration	
	USES BY SPECIAL USE PERMIT	
	Accessory gasoline and alternative fuel pumps	In accordance with article VI in neighborhood convenience and shopping centers
	Accessory transmission, retransmission and microwave towers over 100 feet in height	In accordance with article VI
	Alcoholic beverage establishments	In accordance with article VI
	Limited automotive services	In accordance with article VI
	Other uses (including light assembly or packaging)	Within completely enclosed structures; no outdoor storage, truck traffic limited to that normal to commercial activities such as grocery

		stores, loading docks and mechanical equipment must be screened, and sound attenuation shall be provided to any adjacent residential area or area in actual residential use; no access to any residential street; must meet industrial buffers. Storage of hazardous materials in accordance with the county hazardous materials management code
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Social service homes	In accordance with article VI
GN-598	Fuel dealers	
GN-701	Hotels and motels	Except in neighborhood convenience and shopping centers

Sec. 30-52. Residential low density districts (RMF-5)

(c) *Permitted uses.*

(1) *Uses by right.*

- a. Home occupations in accordance with the conditions and requirements of Article IV, section 30-58.
- b. Places of religious assembly in accordance with the conditions and requirements of Article VI, on unified and contiguous sites of 20 acres or more.
- c. Public schools other than institutions of higher learning, in accordance with the provisions of section 30-77, educational services district (ED)

(2) *Uses by special use permit.* Uses by special use permit for RMF-5, provided the requirements and conditions of Article VI are met:

- a. Places of religious assembly in the RMF-5 district on sites of less than 20 acres.
- b. Private schools
- c. Bed and Breakfast establishments in accordance with Article VI.
- d. Public libraries

Sec. 30-53. Multiple-family medium density residential districts (RMF-6, RMF-7 and RMF-8).

(c) *Permitted uses.*

(1) *Uses by right.*

- g. Emergency shelters.
- k. Home occupations in accordance with the conditions and requirements of Article IV, section 30-58.
- l. Places of religious assembly in accordance with the conditions and requirements of Article VI, on unified and contiguous sites of 20 acres or more.
- m. Public schools other than institutions of higher learning, in accordance with the provisions of section 30-77, educational services district (ED)

(2) *Uses by special use permit.* Uses by special use permit for RMF-6, RMF-7 and RMF-8, provided the requirements and conditions of Article VI are met:

- a. Places of religious assembly on sites of less than 20 acres.
- b. Nursing and personal care facilities (GN-805).
- d. Social service homes and halfway houses.
- e. Private schools.
- f. Bed and Breakfast establishments.
- h. Off-site parking facilities for uses permitted by right in MU-1 or MU-2 zoning districts.

Sec. 30-59. Office districts (OR).

(c) *Permitted uses, OR district (office residential district).*

SIC	Use	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted use	
	Compound uses	
	Correspondence schools	
	Day care centers	In accordance with article VI
	Emergency shelters	
	Newspaper establishments excluding on-site printing or warehouse facilities	
	Personal fitting and sale of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Professional schools	Cannot be located adjacent to property designated for single family on the future land use map of the comprehensive plan
	Public services vehicles	In accordance with article VI
	Sales offices without warehousing, showrooms or retail space	
GN-074	Veterinary services	In accordance with article VI
GN-078	Landscape and horticultural services	Offices only, outdoor storage prohibited
MG-15	Building construction -- General contractors and operative builders	Offices only
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
GN-481 and 482	Telephone communications, and telegraph and other message services	Accessory transmission, retransmission and microwave towers up to and

		including 100 feet in height in accordance with article VI
GN-591	Drug stores and proprietary stores	Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Funeral services and crematories (GN-726) in accordance with article VI
GN-731	Advertising	
GN-732	Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies	
GN-733	Mailing, reproduction, commercial art and photography and stenographic services	
GN-736	Personnel supply services	
GN-737	Computer programming, data processing and other computer-related services	
IN-7381	Detective, guard and armored car services	
GN-801 through 804	Health services	
GN-807 through 809	Medical and dental laboratories, home health care services and miscellaneous health and allied services not elsewhere classified	Excluding blood banks
MG-81	Legal services	
GN-839	Social services not elsewhere classified	
MG-86	Membership organizations	Excluding GN-864, civic, social and fraternal associations
MG-87	Engineering, accounting, research, management and related services	Excluding IN-8734, testing laboratories, and IN-8744, facility support management services

MG-94, 95 and 96	Public administration	
	USES BY SPECIAL USE PERMIT	
	Bed and breakfast establishment	In accordance with article VI
	Food distribution center for the needy	In accordance with article VI
	Nursing and intermediate care facilities	In accordance with article VI
	Private schools	In accordance with article VI
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Retransmission and microwave transmission towers	Accessory transmission at heights higher than 100 feet in accordance with article VI
	Social service homes and halfway houses	In accordance with article VI
GN-483	Radio and television broadcasting	Excluding transmitter towers
IN-7997	Membership sports and recreation clubs	

Sec. 30-55. Residential high density districts (RH-1 and RH-2).

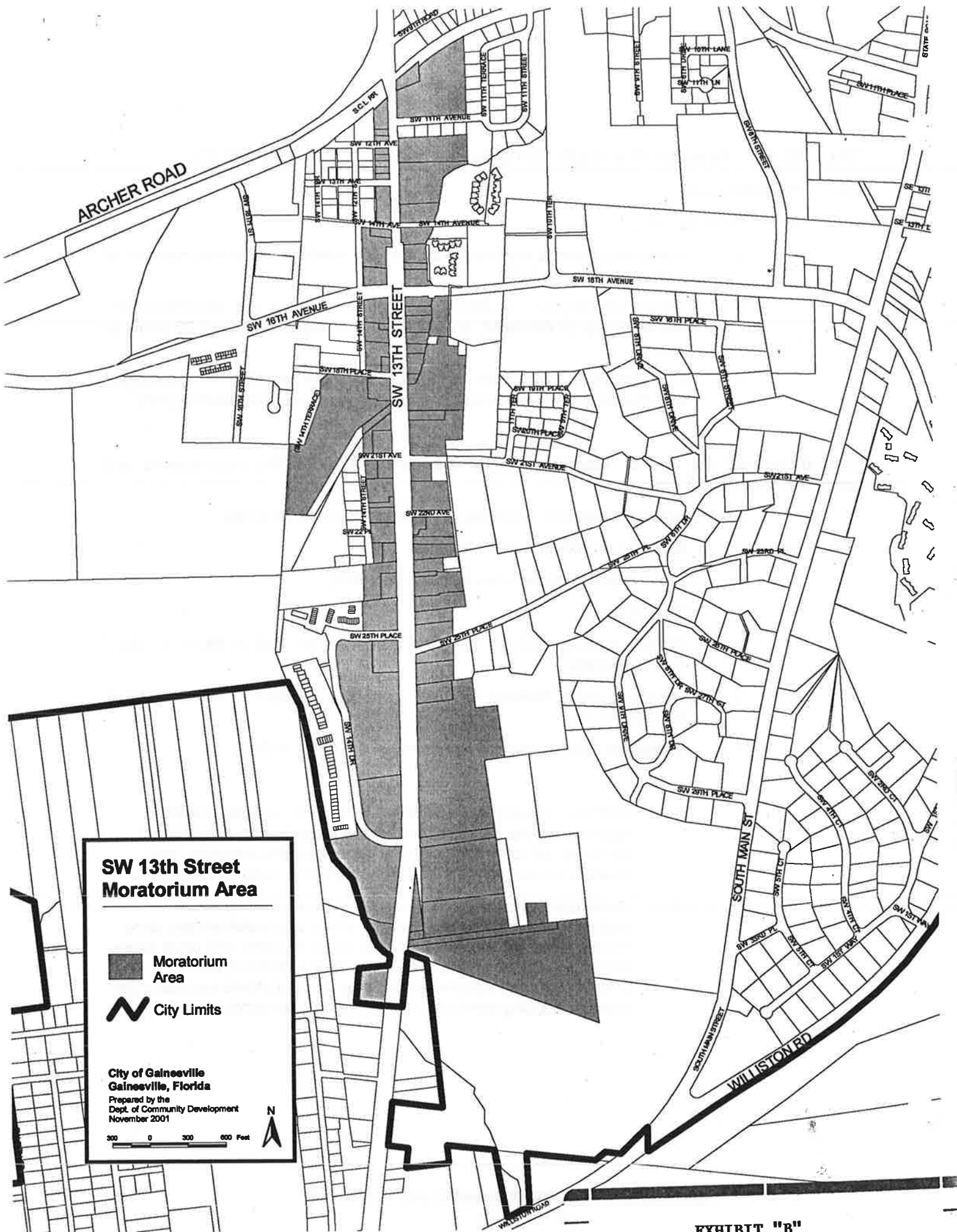
(c) *Permitted uses.*

(1) *Uses by right.*

- k. Home occupations in accordance with the conditions and requirements of Article IV, section 30-58.
- n. Places of religious assembly in accordance with the conditions and requirements of Article VI, on unified and contiguous sites of 20 acres or more.
- o. Public schools other than institutions of higher learning, in accordance with the provisions of section 30-77, educational services district (ED)

Uses by special use permit. Uses by special use permit provided the requirements and conditions of Article VI are met:

- a. Places of religious assembly on sites of less than 20 acres.
- b. Bed and Breakfast establishments.
- c. Nursing and personal care facilities (GN-805).
- d. Libraries.
- e. Off-site parking facilities for uses permitted by right in MU-1 or MU-2 zoning districts.
- g. Off-site parking facilities for uses permitted by right in MU-1 or MU-2 zoning districts.
- h. Additional uses by special use permit in the RH-2 district:
 - 1. Offices, including but not limited to real estate sales, travel agency, insurance sales, employment counseling, educational services, advertising, mailing and stenographic services, and studios for dances, art, music photography, radio or television.
 - 2. Secondary retail and offices uses; personal service shops including but not limited to beauty shops and barbershops, shoe repair, tailor, dry cleaner or similar services uses; and retail shops including but not limited to the sale of gifts, flowers, books, jewelry, wearing apparel, eating places, food stores excluding gas pumps, copying services and retail computer services.



**SW 13th Street
Moratorium Area**

- Moratorium Area
- City Limits

**City of Gainesville
Gainesville, Florida**
Prepared by the
Dept. of Community Development
November 2001

