

ORDINANCE NO. 050764
0-06-34

An ordinance of the City of Gainesville, Florida, amending Appendix A, Section 3 of the Land Development Code, College Park Special Area Plan; stating prohibited uses in the College Park Special Area Plan; amending building use to allow those permitted in the Urban Mixed Use-1 (UMU-1) zoning district; amending the graphic associated with business use; amending height limits to be consistent with those in the Urban Mixed Use-1 (UMU-1) zoning 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 January 19, 2006; 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 this proposed ordinance and of a Public Hearing in the City Commission meeting room, City Hall, City of Gainesville to be held at least 10 days after the day this first advertisement was published; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of the second Public Hearing to be held at the adoption stage at least 5 days after the day this second advertisement was published; and

1 **WHEREAS**, the Public Hearings were held pursuant to the published notice
2 described at which hearings the parties in interest and all others had an opportunity to be
3 and were, in fact, heard;

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

7 **Section 1.** A new paragraph, entitled Prohibited Uses, is added to the subsection
8 on Regulations for the College Park Neighborhood Plan, Appendix A, Section 3, Exhibit
9 B, City of Gainesville Land Development Code, to read as follows:

10 Prohibited Uses

11 Intent. Certain uses decrease streetfront vitality and are so exclusively oriented toward or
12 designed to attract motor vehicles that they contribute to visual blight and lack of human
13 scale for a traditional area. As a result, these uses are not compatible with the College Park
14 neighborhood plan.

15 The following uses are prohibited:

- 16 • Off-street surface parking lots as a principal use
- 17 • Drive-throughs (new or expanded)
- 18 • Auto dealers, Auto Service and Limited Auto Services (IN-5511, MG-753)
- 19 • Carwashes (IN-7542)
- 20 • Gas Service Stations (IN-5541)
- 21 • Gasoline pumps when accessory to a Food Store (MG-54)

22 Permitted by Special Use Permit

- 23 • Rehabilitation centers

1 subsection on Building Height, Urban Regulations for New Construction – Type I, of
2 Appendix A, Section 3, Exhibit B, City of Gainesville Land Development Code, is added
3 to read as follows:

4 **Building Height**

5 2. ~~Minimum and maximum~~ building height shall be 2 stories measured in number of
6 ~~stories~~. The first story shall be at least 10 feet measured at floor to ceiling height.

7 3. Maximum building height shall not exceed 6 stories by right (and up to 8 stories by
8 special use permit), in accordance with Section 30-65.1. The overall height of the building
9 cannot exceed 104 feet ~~The overall height of the building cannot exceed 65 feet and five-~~
10 ~~stories~~, except by a PD rezoning in conjunction with a PUD Land Use change, where
11 limitations on building height and maximum stories are set by the PUD land use
12 amendment, or within an existing land use category that allows the desired height, and
13 implemented by the PD Layout Plan, PD Plan Report and elevations.

14 **Section 4.** It is the intention of the City Commission that the provisions of
15 Sections 1, 2, and 3 of this ordinance shall become and be made a part of the Code of
16 Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this
17 Ordinance may be renumbered or relettered in order to accomplish such intentions.

18 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be
19 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
20 in no way affect the validity of the remaining portions of this ordinance.

21 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the
22 extent of such conflict hereby repealed.

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

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PASSED AND ADOPTED this 27th day of March, 2006.

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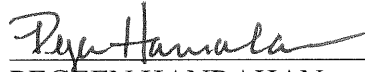
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PEGEEN HANRAHAN,
MAYOR

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ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

MAR 28 2006

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This Ordinance passed on first reading this 13th day of March, 2006.

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This Ordinance passed on second reading this 27th day of March, 2006.