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**ORDINANCE NO. 070088**

**An ordinance of the City of Gainesville, Florida, amending Section 30-90 of the Land Development Code, relating to adult and sexually oriented establishments; deleting the requirement in subsection 30-90(f) that a change of tenant or ownership terminates an existing nonconforming use; 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 on May 1, 2007 and a public hearing was then held by the City Plan Board on May 17, 2007; and

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

**WHEREAS**, the public hearings were held pursuant to the published notice 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.** Subsection. 30-90(f), Land Development Code of the City of Gainesville, is replaced in its entirety with the following:

(f) *Existing establishments.* Any use herein defined as a regulated use or an adult and sexually oriented establishment which, on the date this section becomes applicable to such use, is existing, in actual operation and open to the public, and which in all other respects is in full compliance with applicable laws and ordinances of the city, but which would not otherwise be

1 permitted under the terms of this section, shall then become a permitted nonconforming uses.  
2 ~~Such uses may continue as nonconforming uses, except that any change of tenant or ownership~~  
3 ~~of such nonconforming uses shall terminate that use's nonconforming status and any further~~  
4 ~~operation of the use must be in full conformity with this section.~~


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

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

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


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

15 **PASSED AND ADOPTED** this 23rd day of July, 2007.

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20 ATTEST:  
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23 KURT M. LANNON  
24 CLERK OF THE COMMISSION

  
PEGEEN HANRAHAN, MAYOR

Approved as to form and legality

  
MARION J. RADSON  
CITY ATTORNEY

JUL 24 2007

25 This Ordinance passed on first reading this 9th day of July, 2007.

26 This Ordinance passed on second reading this 23rd day of July, 2007.