



**MEMORANDUM**  
**Office of the City Attorney**

LEGISLATIVE ITEM NO. 070619

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

**TO:** Mayor and City Commission

**DATE:** February 4, 2008

**FROM:** City Attorney

**SECOND READING**

**SUBJECT:** Ordinance No. 0-07-118, Petition No. 103TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Chapter 30, the Land Development Code, in accordance with the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, and making other revisions for clarity and consistency; amending Section 30-51 to allow public schools as a use by special use permit in single-family residential districts rather than a use by right and removing public libraries as a use by special use permit in single-family residential districts; amending Section 30-52 to remove conditions on places of religious assembly and allow private schools as a use by right in RMF-5 and RC districts, and allow places of religious assembly and private schools as use by right in MH districts; amending Section 30-53 to remove conditions on places of religious assembly and allow private schools as a use by right in multiple family medium residential districts; amending Sections 30-54, 30-62, 30-63, 30-72, 30-75, 30-76, and 30-78 to allow places of religious assembly as a use by right in residential mixed use, automotive-oriented business, tourist-oriented business, agricultural, public services and operations, airport facility, and corporate park districts; amending Section 30-55 to remove conditions on places of religious assembly and allow private schools as a use by right in residential high density districts; amending Section 30-59 to allow public schools, other than institutions of higher learning, as use by special use permit in general office districts; amending Sections 30-61, 30-64, and 30-65 to remove references to places of religious assembly as a condition related to membership organizations; amending Section 30-68 to allow places of religious assembly as a use by right, and remove reference to places of religious assembly as a condition related to membership organizations in warehousing and wholesaling district; amending Sections 30-69 and 30-70 to remove membership sports and recreation clubs as a use by right in limited and general industrial districts; amending Section 30-77 to allow private schools and places of religious assembly as a use by right, and to modify the dimensional requirements in educational services district; amending Section 30-91 to modify dimensional requirements specific to places of religious assembly and requirements for places of religious assembly accessory uses, including day care centers, schools, food distribution centers for the needy, and residences for destitute people; amending Section 30-103 to modify dimensional requirements for private

**schools; inserting clarifying language in Section 30-110; amending Sections 30-251, 30-306, and 30-307 to remove references to places of religious assembly; amending Section 30-253 to remove landscape buffer requirements specific to places of religious assembly, and apply buffer requirements to all assembly uses; amending Section 30-332 to modify parking spaces required for places of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing a retroactive schedule; and providing an immediate effective date.**

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Recommendation: The City Commission adopt the proposed ordinance as amended by correcting the scrivener's errors.

### STAFF REPORT

The proposed text changes to the Land Development Code are proposed to make sure that the City's Code is in accordance with the Religious Land Use and Institutionalized Persons Act (RLUIPA), as codified in 42 U.S.C.A. §2000cc. The Act specifies that "no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a non-religious assembly or institution". The proposed changes amend the Code so that places of religious assembly are treated at least equal to non-religious assembly or institutional uses. Additional minor changes were made to ensure consistency throughout the Code. The significant changes include:

Allowing places of religious assembly as a use by right in most non-residential districts instead of by special use permit or not at all so that they are treated on equal terms as other similar assembly or institutional uses.

Allowing public schools as a use by special use permit instead of by right in single-family zoning districts so that all assembly or institutional uses are treated equally in that district.

Allowing public schools, private schools, and places of religious assembly as a use by right in all residential low, medium and high density residential districts so that they are all treated equally.

Deleting membership and assembly types use from the industrial districts, so that all such uses are equally prohibited.

Changing the requirements for landscaping, parking, gateway street district, and nature park district so that all membership and assembly uses are treated equally.

Changing the requirements for places of religious assembly, a "specially regulated use", so that they are at least equal to other assembly or institutional uses.

The Plan Board heard concerns expressed by Stuart Cullen and Andy Kaplan, regarding the new lot size requirements being placed on places of religious assembly in the RSF-1, RSF-2, RSF-3,

and RSF-4 zoning districts. The new requirement would require places of religious assembly to meet the same lot size requirements as private and public schools. The Plan Board agreed with staff that given the built-out nature of single-family neighborhoods the requirement was appropriate to protect neighborhoods from the externalities of assembly type organizations. The Plan Board voted 6-0 to approve the petition.

Public notice was published in the Gainesville Sun on October 3, 2007. The Plan Board held a public hearing on October 18, 2007.

#### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting on November 26, 2007, approved the Petition No. 103TCH-07PB and authorized the City Attorney's Office to prepare the necessary ordinance amending the Land Development Code of the City of Gainesville.

The City Commission, at its meeting on January 14, 2008, approved Ordinance No. 0-07-118 by a vote of 6-1 on first reading, except that pages 53 and 55 of the Ordinance were amended (Sections 30-91(c) and (d) of the Code) to allow places of religious assembly to continue to operate food distribution centers for the needy and residences for destitute people as accessory uses in single family districts upon the issuance of a permit by the city manager or designee rather than be required to obtain a special use permit for such accessory uses. The City Commission also directed the City Manager to clarify and publicize the criteria for such a permit. Lastly, the City Commission referred the Ordinance to the Community Development Committee to examine its particulars, including the lot size requirement for places of religious assembly in single family districts and the limit on the number of meals served by places of religious assembly operating food distribution centers as an accessory use, and requested the Community Development Committee to make recommendations as necessary at some future date. The referral of the Ordinance to the Community Development Committee was not intended to delay the adoption of the Ordinance.

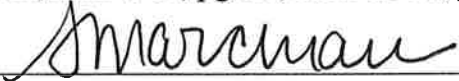
In order to correct scrivener's errors in the directions to the codifier, this Office has also made several technical revisions to the introductory sections of Ordinance No. 0-07-118 adopted on first reading. These technical revisions, highlighted in yellow, do not substantively change the text of the Ordinance.

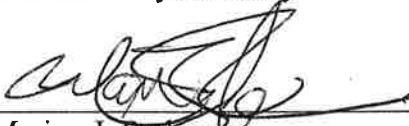
At a meeting on January 23, 2008, representatives of the Interfaith Hospitality Network and several places of religious assembly (hereinafter, "IHN") expressed their concerns to Commissioner Jack Donovan and City staff regarding Ordinance No. 0-07-118, as amended on January 14, 2008. In summary, IHN suggested the following additional revisions to the Ordinance:

1. Pages 52-53 of the Ordinance (Sections 30-91(a)(1) and (2) of the Code): maintain the existing minimum lot area, maximum building height, side yard, and rear yard requirements for places of religious assembly in single family districts and do not impose the stricter dimensional requirements, which are the same dimensional requirements for schools, on places of religious assembly as proposed in the current Ordinance;
2. Pages 54 and 55 of the Ordinance (Sections 30-91(c)(4)a. and (d)(4)a. of the Code): revise the hours of operation currently proposed for places of religious assembly who

- operate food distribution centers or residences for destitute persons as accessory uses to exclude weekends and holidays; and
3. Pages 55 and 56 of the Ordinance (Sections 30-91(c)(5) and (d)(6) of the Code): revise the compatibility requirement currently proposed for places of religious assembly who operate food distribution centers or residences for destitute persons so that either additional standards are included to define what is meant by “compatible” or remove the compatibility requirement altogether.

This Office has prepared language containing IHN’s proposed revisions as Exhibit A with one important exception. IHN has suggested that the City maintain the current Code dimensional requirements for places of religious assembly in single family districts, which essentially require a minimum lot area of 100 square feet times the legal capacity of the building and limit the building height generally applicable to single family districts (hereinafter, “100 square foot requirement”). See Ordinance No. 0-07-118, pgs. 52-53. Under the current Code, similar assembly uses in single family districts, like public and private schools, require either a one acre minimum lot area or the minimum lot area for the applicable zoning district plus one acre for every 100 students or fraction thereof. In addition, public and private schools must comply with certain setback requirements (hereinafter, “one acre requirement”). See Ordinance No. 0-07-118, pgs. 50, 57. By law, the City must treat similar uses equal unless there is some rational basis to distinguish between the two. Since no rational basis has been articulated for such a distinction, the City Commission may decide to use either the 100 square foot requirement or the one acre requirement, whichever the City Commission prefers, but the requirements should be equal for the places of religious assembly and private and public schools. Ordinance No. 0-07-118 adopted on first reading includes the one acre requirement for both places of religious assembly and private and public schools. See Ordinance No. 0-07-118, pg. 50, lines 17-34, pg. 53, lines 7-25, pg. 57, lines 23-39. For purposes of discussion, Exhibit A reflects the 100 square foot requirement for both places of religious assembly and private and public schools. See Exhibit A, pg. 52, lines 4-19, pg. 54, lines 12-14, pg. 55, lines 1-5, pg. 59, lines 5-16.

Prepared by:   
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Submitted by:   
Marion J. Radson  
City Attorney

MJR/SMM/afm

Attachment

ORDINANCE NO. \_\_\_\_\_  
0-07-118

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**An ordinance of the City of Gainesville, Florida, amending Chapter 30, the Land Development Code, in accordance with the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, and making other revisions for clarity and consistency; amending Section 30-51 to allow public schools as a use by special use permit in single-family residential districts rather than a use by right and removing public libraries as a use by special use permit in single-family residential districts; amending Section 30-52 to remove conditions on places of religious assembly and allow private schools as a use by right in RMF-5 and RC districts, and allow places of religious assembly and private schools as use by right in MH districts; amending Section 30-53 to remove conditions on places of religious assembly and allow private schools as a use by right in multiple family medium residential districts; amending Sections 30-54, 30-62, 30-63, 30-72, 30-75, 30-76, and 30-78 to allow places of religious assembly as a use by right in residential mixed use, automotive-oriented business, tourist-oriented business, agricultural, public services and operations, airport facility, and corporate park districts; amending Section 30-55 to remove conditions on places of religious assembly and allow private schools as a use by right in residential high density districts; amending Section 30-59 to allow public schools, other than institutions of higher learning, as use by special use permit in general office districts; amending Sections 30-61, 30-64, and 30-65 to remove references to places of religious assembly as a condition related to membership organizations; amending Section 30-68 to allow places of religious assembly as a use by right, and remove reference to places of religious assembly as a condition related to membership organizations in warehousing and wholesaling district; amending Sections 30-69 and 30-70 to remove membership sports and recreation clubs as a use by right in limited and general industrial districts; amending Section 30-77 to allow private schools and places of religious assembly as a use by right, and to modify the dimensional requirements in educational services district; amending Section 30-91 to modify dimensional requirements specific to places of religious assembly and requirements for places of religious assembly accessory uses, including day care centers, schools, food distribution centers for the needy, and residences for destitute people; amending Section 30-103 to modify dimensional requirements for private schools; inserting clarifying language in Section 30-110; amending Sections 30-251, 30-306, and 30-307 to remove references to places of religious assembly; amending Section 30-253 to remove landscape buffer requirements specific to places of religious assembly, and apply buffer requirements to all assembly uses; amending Section 30-332 to modify parking spaces required for places of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing a retroactive schedule; and providing an immediate effective date.**

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 2           **WHEREAS**, publication of notice of a public hearing was given that the text of the Land  
 3 Development Code of the City of Gainesville, Florida, be amended and a public hearing was then  
 4 held by the City Plan Board on October 18, 2007 and the City Commission on November 26,  
 5 2007; and

6           **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10  
 7 inches long was placed in a newspaper of general circulation and of the public hearing to be held in  
 8 the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven  
 9 (7) days after the day the first advertisement was published; and

10           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was  
 11 placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the  
 12 adoption stage at least five (5) days after the day the second advertisement was published; and

13           **WHEREAS**, the public hearings were held pursuant to the published notice described  
 14 above at which hearings the parties in interest and all others had an opportunity to be and were,  
 15 in fact, heard;

16           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
 17 **CITY OF GAINESVILLE, FLORIDA:**

18           **Section 1.** Subsections (c) of Sections 30-51 through 30-55 of the Land Development  
 19 Code are amended to read as follows:

23 **Sec. 30-51. Single-family residential districts (RSF-1, RSF-2, RSF-3 and RSF-4).**

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 25 (c) Permitted uses.

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 27 (1) Uses by right.

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 29 a. Single-family dwellings and customary accessory buildings incidental  
 30 thereto.

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- b. Occupancy of a single-family dwelling by one family.
- c. Community residential homes, ~~in accordance with the conditions and requirements of article VI.~~
- d. Family child care homes, ~~in accordance with the conditions and requirements of state law.~~
- e. Adult day care homes, in accordance with article VI.
- f. Home occupations, ~~in accordance with the conditions and requirements of article IV, section 30-58.~~
- ~~g. Public schools other than institutions of higher learning, in accordance with the provisions of section 30-77, educational services district (ED).~~
- gh. Large family child care homes, ~~in accordance with the conditions and requirements of article VI, section 30-117.~~

(2) Uses by special use permit. ~~Uses by special use permit, provided the requirements and conditions of article VI (except as noted) are met:~~

- a. Places of religious assembly, in accordance with article VI.
- b. Private schools, in accordance with article VI.
- ~~e. Public libraries.~~
- c. Public schools, other than institutions of higher learning, in accordance with section 30-77, educational services district (ED).

**Sec. 30-52. Residential low density districts (RMF-5, RC and MH).**

(c) *Permitted uses.*

- (1) Uses by right.
  - a. Uses by right for RMF-5 and RC districts.

Use	Conditions
Single-family dwellings	
Two-family dwellings 1	

Three-family dwellings 1	Excluding RC district
Four-family dwellings 1	Excluding RC district
Townhouses or rowhouses of up to six attached dwellings	Except in RC district. No more than four-family dwellings are allowed in RMF-5 unless the dwellings are townhouses or rowhouses. Each dwelling has a maximum width of 40 feet. More than six attached units are allowed if the property is not adjacent to property zoned RSF-1, RSF-2, RSF-3, and RSF-4. Each townhouse unit shall have a separate front entrance to the street side sidewalk from the outside at ground level. Stoops are permitted and may occur up to five feet forward of the required setback line as provided in the Land Development Code. Stoops may be covered or uncovered and shall be constructed according to the dimensions described in the "Building Elements" section of the University Heights Special Area Plan.
Housing for the elderly	In accordance with <del>the conditions and requirements of</del> article VI.
Community residential homes	In accordance with <del>the conditions and requirements of</del> article VI.
Family child care homes	In accordance with state law.
Large family child care homes	In accordance with <del>the conditions and requirements of</del> article VI, <del>section 30-117.</del>
Adult day care homes	<u>In accordance with article VI.</u>
Home occupations	In accordance with article IV, <del>section 30-58.</del>
Places of religious assembly	In accordance with <del>the conditions and requirements of</del> article VI, <del>section 30-91, on unified and contiguous sites of 20 acres or more, except in the RC district as provided in subsection (e)(2) of this section.</del>
Public schools other than institutions of higher learning	In accordance with the provisions of article IV, section 30-77, educational services district (ED).
<u>Private schools</u>	<u>In accordance with article VI.</u>
Day care centers	In accordance with <del>the conditions and requirements of</del> article VI, <del>section 30-82, day care centers.</del>
Accessory buildings	Incidental to permitted uses, not including management offices.

1 1 Units shall be erected on separate lots if the intent is to sell the individual units separately.



b. *Uses by right for MH districts.*

Use	Conditions
Mobile homes and mobile home parks	
Community residential homes	In accordance with <del>the conditions and requirements of article VI, section 30-83,</del> and state law.
Family child care homes	In accordance with state law.
Large family child care homes	In accordance with <del>the conditions and requirements of article VI, section 30-117.</del>
Housing for the elderly	In accordance with <del>the conditions and requirements of article VI, section 30-84.</del>
Day care centers	In accordance with <del>the conditions and requirements of article VI, section 30-82.</del>
Adult day care homes	<u>In accordance with article VI.</u>
Public schools other than institutions of higher learning	In accordance with <del>provisions of</del> article IV, section 30-77, educational services district (ED).
<u>Private schools</u>	<u>In accordance with article VI.</u>
<u>Places of religious assembly</u>	<u>In accordance with article VI, section 30-91.</u>

(2) *Uses by special use permit.* Uses by special use permit for RMF-5, RC and MH:

Use	Conditions
<del>Places of religious assembly</del>	<del>In RC and MH districts, and in the RMF-5 district on sites of less than 20 acres.</del>
<del>Private schools</del>	
Bed and breakfast establishments	In accordance with article VI, <del>section 30-101.</del>
Public libraries	

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

(c) Permitted uses.

- 1 (1) Uses by right.
- 2 a. Single-family dwellings.
- 3 b. Multiple-family dwellings.
- 4 c. Accessory uses incidental to permitted uses, including storage rooms,
- 5 management offices, club or game rooms, and recreational and laundry facilities
- 6 intended for use solely by the residents of the development and their guests.
- 7
- 8 d. Roominghouses, in accordance with article VI~~the conditions and~~
- 9 ~~requirements of section 30-100.~~
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- 11 e. Family child care homes, in accordance with ~~the conditions and~~
- 12 ~~requirements of~~ state law.
- 13
- 14 f. Housing for the elderly, in accordance with article VI~~the conditions and~~
- 15 ~~requirements of section 30-84.~~
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- 17 g. Emergency shelters.
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- 19 h. Day care centers, in accordance with article VI.
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- 21 i. Adult day care homes, in accordance with article VI.
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- 23 j. Community residential homes, in accordance with article VI~~the conditions~~
- 24 ~~and requirements of section 30-83.~~
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- 26 k. Home occupations, in accordance with ~~the conditions and requirements of~~
- 27 section 30-58.
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- 29 l. Places of religious assembly, in accordance with article VI~~the conditions~~
- 30 ~~and requirements of section 30-91., on unified and contiguous sites of 20 acres or~~
- 31 ~~more.~~
- 32
- 33 m. Public schools other than institutions of higher learning, in accordance
- 34 with the provisions of section 30-77, educational services district (ED).
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- 36 n. Large family child care homes, in accordance with ~~the conditions and~~
- 37 ~~requirements of article VI, section 30-117.~~
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- 39 o. Private schools, in accordance with article VI.

40 (2) Uses by special use permit. ~~Uses by special use permit for RMF 6, RMF 7 and~~

41 ~~RMF 8, provided the requirements and conditions of article VI are met:~~

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- 1 a. ~~Places of religious assembly on sites of less than 20 acres.~~
- 2 ab. Nursing and personal care facilities (GN-805), in accordance with
- 3 article VI.
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- 5 be. Social service homes and halfway houses, in accordance with
- 6 article VI.
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- 8 cd. Dormitories (RMF-8 only), in accordance with article VI.
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- 10 e. ~~Private schools.~~
- 11
- 12 df. Bed and breakfast establishments, in accordance with article VI.
- 13
- 14 eg. Community residential homes over 14 persons, in accordance with
- 15 article VI.
- 16
- 17 fh. Off-site parking facilities for uses permitted by right in MU-1 or MU-2
- 18 zoning districts, in accordance with article VI.
- 19

**Sec. 30-54. Residential mixed use district (RMU).**

(c) *Permitted uses when developed in accordance with a special area plan (article V).* Uses by right are as follows:

- (1) Single-family dwellings.
- (2) Row houses.
- (3) Multifamily dwellings.
- (4) Accessory uses incidental to such uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the developments and their guests.
- (5) Office uses as a home occupation, limited to ten percent of the office owner's residential unit (first floor only).
- (6) Civic buildings.
- (7) Community residential homes in accordance with ~~the requirements of~~ article VI.
- (8) Family child care homes, in accordance with state law.
- (9) Consolidated apartment management offices.

- 1  
2 (10) Large family child care homes, in accordance with ~~the conditions and~~  
3 ~~requirements of article VI, section 30-117.~~  
4  
5 (11) Places of religious assembly, in accordance with article VI.

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

7 (c) *Permitted uses.*

- 8 (1) Uses by right, for RH-1 and RH-2 districts.

Use	Conditions
Single-family dwellings	
Multiple-family dwellings	
Dormitories	In accordance with <del>the conditions and requirements of</del> article VI.
Community residential homes	In accordance with <del>the conditions and requirements of</del> article VI.
Family child care homes	In accordance with <del>the conditions and requirements of</del> state law.
Large family child care homes	In accordance with <del>the conditions and requirements of</del> article VI, <del>section 30-117.</del>
Housing for the elderly	In accordance with <del>the conditions and requirements of</del> article VI.
Accessory uses	Incidental to permitted uses including storage rooms, management offices, club or game rooms, recreational and laundry facilities intended for use solely by the residents of the development and their guests, and other activities and uses customarily incidental to an otherwise permitted use.
Day care centers	<u>In accordance with article VI.</u>
Adult day care homes	<u>In accordance with article VI.</u>
Home occupations	In accordance with article IV, section 30-58.
Places of religious assembly	In accordance with <del>the conditions and requirements of</del> article VI, <del>on unified and contiguous sites of 20 acres or more.</del>
<u>Private schools</u>	<u>In accordance with article VI.</u>

Public schools other than institutions of higher learning	In accordance with the provisions of section 30-77, educational services district (ED).
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2 (2) Uses by special use permit. ~~Uses by special use permit, provided the requirements and~~  
3 ~~conditions of article VI are met:~~  
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Use	Conditions
<del>Places of religious assembly</del>	<del>On sites of less than 20 acres.</del>
Bed and breakfast establishments	<u>In accordance with article VI.</u>
Nursing and personal care facilities	<u>In accordance with article VI.</u>
Libraries	
<del>Private schools</del>	
Community residential homes over 14 persons	<u>In accordance with article VI.</u>
Off-site parking facilities	For uses only permitted by right in MU-1 or MU-2 zoning districts, <u>in accordance with article VI.</u>
Offices	Permitted in RH-2 only, including but not limited to real estate sales, travel agency, insurance sales, employment counseling, educational services, advertising, mailing and stenographic services, and studios for dance, art, music, photography, radio or television.
Secondary retail and office uses; personal service shops	Permitted in RH-2 only, including but not limited to beauty shops and barbershops, shoe repair, tailor, dry cleaner or similar service 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.

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6 **Section 2.** Subsections (c) and (e) of Section 30-59 of the Land Development Code are  
7 amended to read as follows:

8 **Sec. 30-59. Office districts (OR and OF).**

9  
10 (c) Permitted uses, OR district (office residential district).  
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SIC	Use	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted use	
	Community residential homes	In accordance with article VI
	Compound uses	
	Correspondence schools	
	Day care centers	In accordance with article VI
	Emergency shelters	
	Family child care home	In accordance with state law
	Large family child care homes	In accordance with <del>the conditions and requirements of article VI, section 30-117</del>
	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
	Roominghouse	<u>In accordance with article VI</u>
	Residential uses up to 20 units per acre	Residential density cannot exceed more than two times the average permitted density of adjacent residential districts
	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	
	<b>USES BY SPECIAL USE PERMIT</b>	
	Bed and breakfast establishment	In accordance with article VI
	Community residential homes over 14 persons	In accordance with article VI
	Dormitory	Must not abut property designated for single-family on the future land use map of the comprehensive plan and 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
	Public schools, other than institutions of higher learning	In accordance with the provisions of section 30-77, educational services district (ED).
	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	
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2 (e) *Permitted uses, OF (general office district).*  
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SIC	Use	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted use	
	Compound uses	
	Correspondence schools	
	Day care center	In accordance with article VI
	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
	Residential uses up to 20 units per acre	
	Sales offices without warehousing, showrooms or retail space	
	Exercise studio	Only in an enclosed building
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
MG-48	Communications	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) provided the requirements of article VI are met
MG-73	Business services	Excluding heavy construction equipment and leasing (IN-7353) and disinfecting and pest control services (IN-7342)
GN-801 through 805	Health services	Nursing and intermediate care facilities in accordance with article VI
GN-807 through 809	Medical and dental laboratories, home health care services and miscellaneous health and allied services not elsewhere classified	Excluding blood banks (see uses by special use permit)
MG-81	Legal services	
GN-839	Social services not elsewhere classified	
MG-86	Membership organization	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	
	<b>USES BY SPECIAL USE PERMIT</b>	

	Bed and breakfast establishment	In accordance with article VI
	Blood banks	Must have a two acre minimum lot size
	Food distribution center for the needy	In accordance with article VI
	Private schools	In accordance with article VI
	<u>Public schools, other than institutions of higher learning</u>	<u>In accordance with the provisions of section 30-77, educational services district (ED)</u>
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Retransmission and microwave towers	Accessory transmission at heights higher than 100 feet in accordance with article VI
GN-832	Individual and family social services during daylight hours only	Excluding adult day care centers, multi-service centers (neighborhood), temporary relief services, social service centers (e.g., Salvation Army, etc.) and youth centers

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2           **Section 3.** Subsections (c) of Sections 30-61 through 30-63 of the Land Development  
3 Code are amended to read as follows:

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

5  
6   (c)   *Permitted uses.*

7

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
	Forest nursery for sale of planted trees only	In a non-enclosed (outdoor), fenced area; excluding storage and outside storage of all other items other than: (1) trees planted in the ground, and (2) mechanical and vehicular equipment used to plant, cultivate and harvest the trees; subject to development plan review
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, heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359); and including disinfecting and pest control services (IN-7342), in accordance with article VI.
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	<u>Including p</u> 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	<del>See also definition of places of religious assembly and in accordance with article VI</del>
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	
	<b>USES BY SPECIAL USE PERMIT</b>	
	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 IX
GN-701	Hotels and motels	
GN-702	Roominghouses and boardinghouses	In accordance with article VI

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

*(c) Permitted uses.*

SIC	Uses	Conditions
	<b>USES BY RIGHT:</b>	
	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 <del>the requirements and conditions of</del> article VI
MG-57	Home furniture, furnishings, and equipment stores	
IN-5941	Sporting goods stores and bicycle shops	Accessory outdoor display, storage and sales in accordance with section 30-67.
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 <del>the conditions and requirements of</del> 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	
	<u>Places of religious assembly</u>	<u>In accordance with article VI</u>
	USES BY SPECIAL USE PERMIT	
IN-7542	Carwashes	

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**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).

- 1  
2 k. Personal services (MG-72), excluding funeral service and crematories (GN-  
3 726), and also excluding linen supply (IN-7213), diaper service (IN-7214), and  
4 industrial launderers (IN-7218).  
5  
6 l. Automotive repair, services and garages (MG-75), excluding carwashes.  
7  
8 m. Motion pictures (MG-78).  
9  
10 n. Amusement and recreation services, except motion pictures, and excluding  
11 go-cart raceway operations and go-cart rentals (MG-79).  
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13 o. Museums and art galleries (GN-841).  
14  
15 p. Membership organizations (MG-86).  
16  
17 q. Recreational vehicle parks and campsites, in accordance with article VI (GN-  
18 7033).  
19  
20 r. Public service vehicles, in accordance with ~~the conditions and requirements of~~  
21 ~~article VI.~~  
22  
23 s. Adult and sexually oriented establishments, in accordance with ~~the conditions~~  
24 ~~and requirements of~~ article VI.  
25  
26 t. Arrangement of passenger transportation (GN-472).  
27  
28 u. Any accessory use customarily incidental to a permitted principal use.  
29  
30 v. Alcoholic beverage establishments, in accordance with ~~the conditions and~~  
31 ~~requirements of~~ article VI.  
32  
33 w. Bed and breakfast establishments, in accordance with article VI.  
34  
35 x. Outdoor cafe, as defined in article II and in accordance with article VI.  
36  
37 y. Places of religious assembly, in accordance with article VI.  
38  
39 (2) Uses by special use permit. ~~Uses by special use permit, in accordance with the~~  
40 ~~conditions and requirements of article VI:~~  
41  
42 a. Carwashes (IN-7542), in accordance with article VI.

b. ~~Soup kitchens~~ (Food distribution centers for the needy), in accordance with article VI.

c. Residences for destitute people, in accordance with ~~conditions and requirements of~~ article VI.

**Section 4.** Subsection (g) of Section 30-64 of the Land Development Code is amended to read as follows:

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

(g) *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
	Community residential homes with 14 or fewer residents	When part of a permitted single-family or multifamily residential component and in accordance with article VI
	Community residential homes with more than 14 residents	In accordance with article VI
	Compound uses	
	Eating places	
	Family child care homes	When part of a permitted single-family or multifamily residential component and in accordance with state law
	Large family child care homes	In accordance with <del>the conditions and requirements of</del> article VI, <del>section 30-117</del>
	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
	Residential (8 to 30 dwelling units per acre)	In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of this section, and the requirements of section 30-56
	Residential use buffer	
	Neighborhood convenience center	
	Neighborhood shopping center	
	Specialty T-shirt production	
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	

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, excluding cellular telephone services
GN-482	Telegraph and other message communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-483	Radio and television broadcasting stations	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, 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

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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	<del>See also definition of place of religious assembly and in accordance with article VI</del>
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
GN-702	Roominghouses and boardinghouses	In accordance with article VI

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2           **Section 5.** Subsection (e) of Section 30-65 of the Land Development Code is amended to  
3 read as follows:

4  
5   **Sec. 30-65. Mixed use medium intensity district (MU-2).**

6  
7   (e)   *Permitted uses.*

8

SIC	Uses	Conditions
	<b>USES BY RIGHT:</b>	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Bed and breakfast establishments	In accordance with article VI
	Community residential homes with 14 or fewer residents	In accordance with article VI
	Compound uses	
	Eating places	
	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
	Residential uses (12 to 30 dwelling units per acre)	Residential development shall conform to the requirements of the RMF-7 or RMF-8 zoning districts, the requirements of section 30-56, and the additional requirements of this section
	Specialty T-shirt production	
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	
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, excluding cellular telephone services
GN-482	Telegraph and other message communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-483	Radio and television broadcasting stations	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-484	Cable and other pay television services	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	Garage and installation facilities, in accordance with the provisions for limited automotive services in article VI
GN-554	Gasoline service stations including the sales 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	Excluding fuel dealers (IN-5983)
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 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 excluding commercial sports (GN-794)
MG-80	Health services	Excluding hospitals (GN-806) and including nursing and personal care facilities (GN-805) in accordance with article VI, and excluding rehabilitation centers
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 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	<del>See also definition of places of religious assembly and in accordance with article VI</del>

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 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
	Recycling centers	In accordance with article VI
	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	
GN-702	Roominghouses and boardinghouses	In accordance with article VI

MG-79	Amusement and recreation services when outside enclosed structures	In compliance with noise ordinance
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2       **Section 6.** Subsection (c) of Sections 30-68 and paragraph (1) of subsections (c) of  
3       **Sections 30-69 and 30-70** of the Land Development Code are amended to read as follows:

4       **Sec. 30-68. Warehousing and wholesaling district (W).**

5  
6       (c)     *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Assembly of microcomputers for wholesaling and retailing purposes (assembly only if premanufactured parts are made off-site)	
	Compound uses	In accordance with the requirements of this section
	Eating places	
	Outdoor cafes	As defined in article II and in accordance with article VI
	Outdoor storage	In accordance with article VI
	Personal fitting and sales of prosthetic or orthopedic appliances	
	Public service vehicles	As defined and in accordance with article VI
	Residential (eight to 30 dwelling units per acre)	In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of this section

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 service	
GN-205	Bakery products	
IN-2067	Chewing gum	
GN-208	Beverages	
IN-2095	Roasted coffee	
IN-2097	Manufactured ice	
IN-2099	Food preparations not elsewhere classified	
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	
Div. C	Construction	Excluding heavy construction other than building construction - contractors (MG-16)
MG-40	Railroad transportation	
MG-41	Local and suburban transit and inter-urban highway passenger transportation	

MG-42	Motor freight transportation and warehousing	
MG-43	U.S. Postal Service	
MG-47	Transportation services	
MG-48	Communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
Div. F	Wholesale trade	Excluding motor vehicle parts, used (IN-5015); construction and mining machinery and equipment (IN-5082); transportation equipment and supplies, except motor vehicles (IN-5088); scrap and waste materials (IN-5093); and petroleum and petroleum products (GN-517).
MG-52	Building materials, hardware, garden supply and mobile home dealers	
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	
GN-554	Gasoline service stations	In accordance with article VI
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Excluding fuel dealers (GN-598)
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6533)
MG-72	Personal services	



MG-73	Business services	Including disinfecting and pest control services (IN-7342), in accordance with article VI.
GN-751	Automotive rental and leasing, without drivers	
GN-752	Automobile parking	
IN-7542	Carwashes	In accordance with article VI
MG-76	Miscellaneous repair services	Including repair services for household needs as defined in this chapter
MG-78	Motion pictures	Excluding drive-in theaters (IN-7833)
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 intermediate care facilities in accordance with article VI where 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	<del>See also definition of place of religious assembly and in accordance with article VI</del>
MG-87	Engineering, accounting, research management and related services	

MG-89	Services, not elsewhere classified	
Div. J	Public administration	
	<u>Places of religious assembly</u>	<u>In accordance with article VI</u>
	USES BY SPECIAL USE PERMIT	
	Limited automotive services	In accordance with article VI
	Other uses (including light assembly or packaging)	Within completely enclosed structures. Outdoor storage prohibited. Truck traffic limited to that normal to commercial activities such as grocery stores, loading docks. Mechanical equipment must be screened, and sound attenuation must 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 must be in accordance with the county hazardous materials management code.
	Recycling centers	In accordance with article VI
	Transmitter towers	In accordance with article VI
GN-701	Hotels and motels	

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**Sec. 30-69. Limited industrial district (I-1).**

(c) Permitted uses.

(1) Uses by right.

- a. Wholesale trade (Div. F), excluding the following: scrap and waste materials (IN-5093); construction and mining machinery and equipment (IN-5082); transportation equipment and supplies, except motor vehicles (IN-5088); and petroleum and petroleum products (GN-517).
- b. Lumber and other building material dealers (GN-521).
- c. Construction (Div. C), excluding heavy construction other than building construction contractors (MG-16).
- d. Printing, publishing and allied industries (MG-27), excluding gravure commercial printing (IN-2754).

- 1  
2 e. Railroad transportation (MG-40).
- 3 f. Local and suburban transit and interurban highway passenger transportation  
4 (MG-41).
- 5  
6 g. Motor freight transportation and warehousing (MG-42).
- 7
- 8 h. U.S. Postal Service (MG-43).
- 9 i. Transportation services (MG-47).
- 10 j. Business services (MG-73) ; including disinfecting and pest control services  
11 (IN-7342), in accordance with article VI.
- 12  
13 k. Miscellaneous manufacturing industries (MG-39).
- 14 l. Measuring, analyzing and controlling instruments; photographic, medical and  
15 optical goods; watches and clocks (MG-38).
- 16  
17 m. Communications (MG-48).
- 18 n. Food and kindred products (MG-20), excluding the following: wet corn  
19 milling (IN-2046), raw cane sugar (IN-2061), and beet sugar (IN-2063).
- 20 o. Textile mill products (MG-22), excluding cotton finishing plants (IN-2261).
- 21  
22 p. Wood containers (GN-244).
- 23 q. Apparel and other finished products made from fabrics and similar materials  
24 (MG-23).
- 25  
26 r. Eating places.
- 27 s. Personal services (MG-72).
- 28 t. Automotive repair, services and parking (MG-75).
- 29 u. Miscellaneous repair services (MG-76).
- 30 v. Outdoor storage in accordance with article VI.
- 31 w. Nonstore retailers (GN-596).

- 1 x. Public service vehicles, in accordance with ~~the conditions and requirements of~~  
2 article VI.
- 3
- 4 y. Gasoline service stations (GN-554), in accordance with ~~the conditions and~~  
5 ~~requirements of~~ article VI.
- 6
- 7 z. Landscape and horticultural services (GN-078).
- 8
- 9 aa. Veterinary services (GN-074), in accordance with ~~the conditions and~~  
10 ~~requirements of~~ article VI.
- 11 bb. Animal specialty services (IN-0752).
- 12
- 13 cc. Farm labor and management services (GN-076).
- 14
- 15 dd. Building materials, hardware, garden and mobile home dealers (MG-52).
- 16
- 17 ee. Reserved.
- 18
- 19 ff. Reserved.
- 20
- 21 gg. Auto and home supply stores (GN-553).
- 22
- 23 hh. Boat dealers (GN-555).
- 24
- 25 ii. Motorcycle dealers (GN-557).
- 26
- 27 jj. Automotive dealers, not elsewhere classified (e.g., aircraft, go-carts) (GN-  
28 559).
- 29
- 30 kk. Fuel dealers (GN-598).
- 31
- ll. Car washes (IN-7542), in accordance with article VI.
- mm. ~~Membership sports and recreation clubs (IN-7997)~~Reserved.
- nn. Amusement and recreation services, not elsewhere classified (IN-7999),  
excluding go-cart raceway operations and go-cart rental (see special use permit).
- oo. Engineering, architectural and surveying services (GN-871).
- pp. Noncommercial research organizations (IN-8733).
- qq. Home furniture, furnishings and equipment stores (MG-57).

- 1 rr. Any accessory use incidental to any permitted principal use.
- 2 ss. Miscellaneous wood products (GN-249).
- 3 tt. Accounting, auditing and bookkeeping services (GN-872).
- 4 uu. Bowling centers (GN-793).
- 5 vv. Furniture and fixtures (MG-25).
- 6 ww. Converted paper and paperboard products, except containers and boxes  
7 (GN-267), excluding coated and laminated paper packaging (IN-2671).
- 8
- 9 xx. Paperboard containers and boxes (GN-265).
- 10 yy. Drugs (GN-283), excluding medicinals and botanicals (IN-2833).
- 11 zz. Soap, detergents and cleaning preparations, perfumes, cosmetics and other  
12 toilet preparations (GN-284).
- 13
- 14 aaa. Leather and leather products (MG-31).
- 15 bbb. Glass products, made of purchased glass (GN-323).
- 16 ccc. Cut stone and stone products (GN-328).
- 17 ddd. Sheetmetal work (IN-3444).
- 18 eee. Farm and garden machinery and equipment (MG-352).
- 19 fff. Electronic and other electrical equipment and components, except computer  
20 equipment (MG-36).
- 21
- 22 ggg. Meat and fish (seafood) markets, including freezer provisioners (GN-542).
- 23
- 24 hhh. Fruit and vegetable markets (GN-543).
- 25 iii. Job training and vocational rehabilitation services (GN-833).
- 26 jjj. Millwork, veneer, plywood and structural wood members (GN-243).
- 27 kkk. Used merchandise stores (GN-593), only within enclosed buildings.
- 28 ll. Ice dealers.

- 1 mmm. Facilities on premises for security personnel.
- 2 nnn. Motor vehicle dealers (new and used) (IN-5511).
- 3 ooo. Research, development and testing services (GN-873).
- 4 ppp. Air courier services (IN-4513).
- 5 qqq. Corporate offices.

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7 **Sec. 30-70. General industrial district (I-2).**

8  
9 (c) Permitted uses.

10  
11 (1) Uses by right.

- 12 a. Food and kindred products (MG-20), excluding the following: wet corn
- 13 milling (IN-2046); raw cane sugar (IN-2061); beet sugar (IN-2063); soybean oil
- 14 mills (IN-2075); and distilled liquor (IN-2085).
- 15
- 16 b. Tobacco products (MG-21), excluding cigarettes (IN-2111).
- 17
- 18 c. Textile mill products (MG-22), excluding cotton finishing plants (IN-2261).
- 19
- 20 d. Apparel and other finished products made from fabrics and similar materials
- 21 (MG-23).
- 22
- 23 e. Lumber and wood products, except furniture (MG-24).
- 24
- 25 f. Furniture and fixtures (MG-25).
- 26
- 27 g. Paper and allied products (MG-26), excluding the following: pulp mills (IN-
- 28 2611); paper mills (IN-2621); paperboard mills (IN-2631); and packaging--coated
- 29 and laminated paper (IN-2671).
- 30
- 31 h. Printing, publishing, and allied industries (MG-27), excluding gravure
- 32 commercial printing (IN-2754).
- 33
- 34 i. Chemicals and allied products (MG-28), excluding the following: alkalis and
- 35 chlorine (IN-2812); inorganic pigments (IN-2816); cellulosic manmade fibers (IN-
- 36 2823); noncellulosic organic fibers (IN-2824); gum and wood chemicals (IN-
- 37 2861); nitrogenous fertilizers (IN-2873); phosphatic fertilizers (IN-2874);
- 38 synthetic rubber (IN-2822); medicinals and botanicals (IN-2833); cyclic crudes
- 39 and intermediates (IN-2865); explosives (IN-2892); and carbon black (IN-2895).
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- 1 j. Petroleum refining and related industries (MG-29), excluding the following:  
2 petroleum refining (IN-2911); petroleum and coal products (not elsewhere  
3 classified) (IN-2999); and asphalt paving mixtures and blocks (IN-2951).  
4
- 5 k. Rubber and miscellaneous plastics products (MG-30).  
6
- 7 l. Leather and leather products (MG-31).  
8
- 9 m. Stone, clay, glass, and concrete products (MG-32), excluding the following:  
10 hydraulic cement (IN-3241); lime (IN-3274); flat glass (IN-3211); glass containers  
11 (IN-3221); pressed and blown glass (not elsewhere classified) (IN-3229); brick  
12 and structural clay tile (IN-3251); ceramic wall and floor tile (IN-3253); clay  
13 refractories (IN-3255); structural clay products (not elsewhere classified) (IN-  
14 3259); vitreous plumbing fixtures (IN-3261); vitreous china food utensils (IN-  
15 3262); gypsum products (IN-3275); and ground or treated minerals (IN-3295).  
16
- 17 n. Primary metal industries (MG-33), excluding the following: steel works, blast  
18 furnaces, and rolling mills (IN-3312); electrometallurgical products (IN-3313);  
19 primary copper (IN-3331); primary aluminum (IN-3334); primary nonferrous  
20 metals (not elsewhere classified) (IN-3339); secondary smelting and refining of  
21 nonferrous metals (IN-3341); gray iron foundries (IN-3321); copper rolling and  
22 drawing (IN-3351); aluminum extruded products (IN-3354); aluminum rolling  
23 and drawing (IN-3355); aluminum die-castings (IN-3363); and copper foundries  
24 (IN-3366).  
25
- 26 o. Fabricated metal products, except machinery and transportation equipment  
27 (MG-34), excluding the following: nonferrous forgings (IN-3463); and metal  
28 coatings and allied services (IN-3479).  
29
- 30 p. Industrial and commercial machinery and computer equipment (MG-35).  
31
- 32 q. Electronic and other electrical equipment and components, except computer  
33 equipment (MG-36).  
34
- 35 r. Transportation equipment (MG-37).  
36
- 37 s. Measuring, analyzing, and controlling instruments; photographic, medical and  
38 optical goods; watches and clocks (MG-38).  
39
- 40 t. Miscellaneous manufacturing industries (MG-39).  
41
- 42 u. Construction (Div. C).  
43
- 44 v. Transportation, communications, electric, gas and sanitary services (Div. E).  
45
- 46 w. Wholesale trade (Div. F), excluding junkyards and salvage yards.

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- x. Building materials, hardware, garden supply and mobile home dealers (MG-52).
- y. Fuel dealers (GN-598).
- z. Business services (MG-73); including disinfecting and pest control services (IN-7342), in accordance with article VI .
  - aa. Automotive repair, services and parking (MG-75).
  - bb. Miscellaneous repair services (MG-76).
  - cc. Reserved.
  - dd. Landscape and horticultural services (GN-078).
  - ee. Eating places.
  - ff. Personal services (MG-72).
  - gg. Outdoor storage.
  - hh. Veterinary services (GN-074), in accordance with ~~the conditions and requirements of~~ article VI.
  - ii. Animal services, except veterinary (GN-075).
  - jj. Nonstore retailers (GN-596).
  - kk. Public service vehicles in accordance with ~~the conditions and requirements of~~ article VI.
  - ll. Farm labor and management services (GN-076).
  - mm. Car washes (IN-7542).
  - nn. ~~Membership sports and recreation clubs (IN-7997)~~Reserved.
  - oo. Amusement and recreation services, not elsewhere classified (IN-7999), excluding go-cart raceway operations and go-cart rentals.
  - pp. Noncommercial research organizations (IN-8733).
  - qq. Engineering, architectural and surveying services (IN-871).



- rr. Any accessory use incidental to a permitted principal use.
- ss. Legal services (MG-81).
- tt. Motion picture production and allied services (GN-781); motion picture distribution and allied services (GN-782).
- uu. Bowling centers and billiard and pool establishments (GN-793).
- vv. Recycling centers, in accordance with article VI.
- ww. Research, development and testing service (GN-873).

**Section 7.** Subsection (c) of Section 30-72 of the Land Development Code is amended to

read as follows:

**Sec. 30-72. Agriculture district (AGR).**

(c) Permitted uses.

SIC	Uses	Conditions
	USES BY RIGHT	
	Any accessory use customarily incidental to any permitted principal use	
	Community residential homes	In accordance with article VI
	Golf driving ranges	Without night lighting
	Public parks, playgrounds and recreation facilities	
	Sale of agricultural products and commodities which are raised exclusively on the premises, including retail roadside sales of such products and commodities	Temporary structures, defined as those structures in place for no more than two months within any six-month period, are permitted within the required front yard setback when used in conjunction with such retail roadside sales.
	Single-family dwellings, one unit per five acres	
Div. A	Agricultural, forestry and fishing uses	

GN-214	Tobacco stemming and redrying	
IN-7992	Public golf courses	Without night lighting
IN-7997	Membership sports and recreation clubs	Except shooting and gun clubs
	<u>Places of religious assembly</u>	<u>In accordance with article VI</u>
	USES BY SPECIAL USE PERMIT	
—	<del>Places of religious assembly</del>	—
	Transmitter towers	
GN-726	Funeral service and crematories	
IN-7997	Outdoor gun club	In accordance with conditions below

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2           **Section 8.** Subsections (c) and (d) of Section 30-75 of the Land Development Code are  
3 amended to read as follows:

4   **Sec. 30-75. Public services and operations district (PS).**

5 (c) Uses permitted by right. The specific use(s) permitted on the subject property shall be  
6 specified as a part of the ordinance which places this classification on a particular area of ground  
7 and may include:

- 8  
9           (1) Libraries and information centers (GN-823).  
10           (2) U.S. Postal Service (MG-43).  
11           (3) Museums, art galleries and botanical and zoological gardens (MG-84).  
12           (4) Public administration (Div. J).  
13           (5) School buses (GN-415).  
14           (6) Public golf courses (IN-7992).

- 1 (7) Commercial sports (GN-794).
- 2 (8) Pipelines, except natural gas (MG-46).
- 3 (9) Electric, gas and sanitary services (MG-49).
- 4 (10) Amusement parks (IN-7996).
- 5 (11) Membership sports and recreation clubs (IN-7997).
- 6 (12) Amusement and recreation services, not elsewhere classified (IN-7999).
- 7 (13) Cemeteries.
- 8 (14) Public service vehicles, in accordance with ~~the conditions and requirements of~~  
9 Article VI.
- 10
- 11 (15) Any other use specified in the ordinance rezoning property to this classification.
- 12
- 13 (16) Any use customarily incidental to any permitted principal use.
- 14
- 15 (17) Public lands designated for open space or conservation.
- 16 (18) Activity-based private recreational or open space lands which have had  
17 development rights conveyed to the public, or for which a covenant of at least ten-years'  
18 duration is executed ensuring that only open space outdoor recreation or park uses shall  
19 be permitted in accordance with F.S. § 193.501.
- 20 (19) Activity-based public parks and recreational facilities as defined by the  
21 comprehensive plan.
- 22
- 23 (20) Golf driving ranges.
- 24 (21) Pitch-n-putt golf.
- 25 (22) Utility lines.
- 26 (23) Water conservation areas, water reservoirs and control structures, drainage wells  
27 and water wells.
- 28
- 29 (24) Transmitter towers in accordance with article VI.
- 30 (25) Camps and recreational vehicle parks (GN-703).
- 31 (26) Places of religious assembly, in accordance with article VI.

1 (d) Uses by special use permit.

2 (1) Food distribution center for the needy in accordance with article VI.

3 (2) Residences for destitute people in accordance with article VI.

4 **Section 9.** Subsection (c) of Section 30-76 of the Land Development Code is amended to  
 5 read as follows:

6 **Sec. 30-76. Airport facility district (AF).**

7 (c) Uses permitted by right. The specific uses permitted within the airport development area of  
 8 this district are listed below, subject to the limitations as further provided in this section and  
 9 subject to the limitations and requirements of Appendix F. Airport Hazard Zoning Regulations,  
 10 as applicable:  
 11

<i>SIC</i>	Uses	Conditions
	Public lands	Designated for open space or conservation
	Wireless communications facilities	In accordance with article VI
GN-372	Aircraft and parts	
GN-381	Search, detection, navigation, guidance, aeronautical and nautical systems, instruments, and equipment	
MG-41	Local and suburban transit and interurban highway passenger transportation	
MG-42	Motor freight transportation and warehousing	
MG-45	Transportation by air	
MG-47	Transportation services	
MG-48	Communications	
IN-5088	Transportation equipment and supplies, except motor vehicles	

IN-5172	Petroleum and petroleum products wholesalers, except bulk stations and terminals	
MG-58	Eating and drinking places	
MG-59	Miscellaneous retail	
GN-701	Hotels and motels	
MG-73	Business services	
GN-751	Automotive rental and leasing, without drivers	
GN-752	Automobile parking	
GN-753	Automotive repair shops	
IN 7992	Public golf courses	
IN-7997	Membership sports and recreation clubs	
MG-80	Health services	
GN-824	Vocational schools	
GN-829	Schools and educational services, not elsewhere classified	
MG-87	Engineering, accounting, research, management, and related services	
IN-9224	Fire protection	
Div-H	Finance, insurance and real estate (excluding cemetery subdividers and developers)	
Div-J	Public administration	
	<u>Places of religious assembly</u>	<u>In accordance with article VI.</u>

1 Section 10. Subsections (c) and (d) of Section 30-77 of the Land Development Code are  
2 amended to read as follows:

3 **Sec. 30-77. Educational services district (ED).**

4 (c) Permitted uses. Uses by right:

5 (1) Any public elementary, middle school, high school, vocational school, college or  
6 university.

7  
8 (2) Public service vehicles, in accordance with ~~the conditions and requirements of~~  
9 article VI.

10  
11 (3) Any use customarily incidental to a permitted principal use.

12 (4) Private schools, in accordance with article VI.

13 (5) Places of religious assembly, in accordance with article VI.

14 (d) *Dimensional requirements.* All principal and accessory structures shall be located and  
15 constructed in accordance with the following requirements:

16  
17 (1) Minimum lot area: ~~One acre.~~ Shall be the minimum lot area required for the specific  
18 zoning district where allowed plus one (1) acre for every one hundred (100) persons (or  
19 fraction thereof), based on building code capacity.

20  
21 (2) Minimum yard setbacks:

22 a. Front: 25 feet.

23  
24 b. Side, interior: 50 feet. Except where the side yard abuts property which is in a  
25 residential district or which is shown for residential use on the future land use  
26 map of the comprehensive plan: 50 feet or 45-degree angle of light obstruction,  
27 whichever is greater.

28  
29 c. Side, street: 25 feet.

30  
31 d. Rear: 50 feet. Except where the rear yard abuts property which is in a  
32 residential district or which is shown for residential use on the future land use  
33 map of the comprehensive plan: 50 feet or 45-degree angle of light obstruction,  
34 whichever is greater.

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1           **Section 11. Paragraph (1)** of subsection (c) of Section 30-78 of the Land Development

2 Code is amended to read as follows:

3 **Sec. 30-78. Corporate park district (CP).**

4 (c) Permitted uses.

5  
6           (1) *Uses by right:*

7

SIC	Uses	Conditions
	Corporate offices	
	Day care centers	In accordance with article VI
	Newspaper establishments	Excluding on-site printing and warehousing facilities
	Offices/residential complex (12-30 dwelling units per acre)	When at least 50 percent of the first floor area is occupied by office uses other than the management office for the residential use
	Personal fitting and sales prosthetic or orthopedic appliances	
	Professional schools	As defined in article II
	Sales offices	Without warehousing, showrooms or retail space
GN-074	Veterinary services	Within fully enclosed structures and in accordance with article VI
GN-078	Landscape and horticultural services	Offices only, no outside storage
MG-15	Building construction	Offices only, no outside storage
IN-4722	Arrangement of passenger transportation	
IN-5912	Drug and proprietary stores	Accessory to and in the same building as health services and comprising less than 25 percent of the gross floor area of the building
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)

MG-73	Business services	Within completely enclosed buildings and excluding services to dwellings and other buildings (GN-734), miscellaneous equipment rental and leasing (GN-735), and business services not elsewhere classified (IN-7389)
IN-7991	Physical fitness facilities	
MG-80	Health services	Excluding hospitals and blood banks
MG-81	Legal services	
GN-823	Libraries	
MG-86	Membership organizations	
MG-87	Engineering, accounting, research, management and related services	Within enclosed buildings
SIC 8999	Services, not elsewhere classified	Within enclosed buildings
MG-94 through MG-96	Public administration	
	<u>Places of religious assembly</u>	<u>In accordance with article VI</u>

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2           **Section 12.** Section 30-91 of the Land Development Code is amended to read as follows:

3   **Sec. 30-91. Places of religious assembly.**

4   (a) Within the RSF-1, RSF-2, RSF-3 and RSF-4 districts, places of religious assembly are  
5   allowed upon the granting of a special use permit, subject to the following additional  
6   dimensional requirements:

7  
8       ~~(a) *Dimensional requirements.* All principal and accessory structures for places of~~  
9   ~~religious assembly shall be located and constructed in accordance with the following~~  
10   ~~requirements:—~~

11  
12       ~~(1)           Minimum lot area shall be determined by multiplying 100 square feet by~~  
13   ~~the number of persons defined as the legal capacity by the building code of the city for all~~  
14   ~~assembly, meeting or congregation areas.~~



(2) ~~Maximum building height shall be determined by the maximum building height of the applicable zoning district. However, where an interior side yard or a rear yard abuts property which is in a residential district or which is shown for residential use on the land use element of the comprehensive plan, no new building shall exceed an angle of light obstruction of 45 degrees for such side or rear yard.~~

(1) Minimum lot area: Shall be the minimum lot area required for the specific zoning district where allowed plus one (1) acre for every one hundred (100) persons (or fraction thereof), based on building code capacity.

(2) Minimum yard setbacks:

a. Front: 25 feet.

b. Side, interior: 50 feet. Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet or 45-degree angle of light obstruction, whichever is greater.

c. Side, street: 25 feet.

d. Rear: 50 feet. Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet or 45-degree angle of light obstruction, whichever is greater.

(b) *Day care centers and schools.* ~~Within the RSF-1, RSF-2, RSF-3, and RSF-4 and RC districts, day care centers and schools may be allowed as accessory uses to places of religious assembly upon the granting of a special use permit by the city plan board; in RMF-5, RMF-6, RMF-7, RMF-8, RH-1 and RH-2 districts, day care centers are permitted accessory uses to any lawful place of religious assembly use and schools may be allowed as accessory uses upon the granting of a special use permit; within all other districts, day care centers and schools are permitted accessory uses to any lawful place of religious assembly use provided, in all cases, that the requirements and limitations of sections 30-82 and 30-103, respectively, are met. Where either a day care center or school is allowed as an accessory use the minimum dimensional requirements for all structures on the site shall be determined by either the zoning district or this section or section 30-82 for day care centers or section 30-103 for schools, whichever is more restrictive in any particular.~~

(c) *Food distribution centers for the needy.* Within all zoning districts, food distribution centers for the needy are allowed as accessory uses to any lawful place of religious assembly upon the issuance of a permit by the city manager or designee. The city manager or designee shall issue a permit, subject to the following conditions and requirements: The city manager or designee may issue a permit for a food distribution center for the needy within any zoning district where places of religious assembly are permitted by right or by special use permit with the following restrictions:

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(1) No more than 20 meals may be served in a 24-hour period.

(2) The place of religious assembly can physically provide an indoor eating area meeting all state, county and city codes for the proposed use.

(3) No food distribution center for the needy may be closer than 1,320 feet from any other place of religious assembly having a food distribution center for the needy, nor shall any place of religious assembly have an accessory food distribution center for the needy located in the area described in Appendix D located at the end of this chapter, and as shown on the map maintained in the department of community development.

~~(4) Each place of religious assembly shall file with the city manager a management program addressing hours of operation, personnel, management of solid waste, litter and lighting. The name, address, and phone number of the person responsible for the facility shall be kept up to date. —~~

(4) Each place of religious assembly shall file with the city manager a management program addressing hours of operation, personnel on site, management of solid waste, litter and lighting. At a minimum, the management program filed with the city manager shall meet the following conditions:

a. Hours of operation shall not begin before 7:30 a.m. and must conclude by 8:30 p.m.;

b. The name, address, and phone number of the person responsible for the facility shall be provided and kept up to date.

c. At least 1 person responsible for the facility must be on site when the facility is open;

d. Solid waste services to fully service the facility must be procured and utilized;

e. Sufficient solid waste receptacles to service the facility must be located on site and utilized; and

f. Outdoor lighting must be provided in accordance with the City Land Development Code.

~~(5) Signage. Food distribution centers for the needy shall be limited to two wall-mounted, nonilluminated signs displaying the name of the facility, hours of operation and other functional information and directions. No more than one sign shall be displayed on any building face. No sign shall exceed 18 square feet, nor shall the total combined area for two signs exceed 30 square feet.~~

1 (5) Within the residential districts, the proposed use as a food distribution center for the  
2 needy shall be compatible and in harmony with the uses and structures on adjacent and  
3 nearby properties.

4  
5 (6) Failure to meet such conditions may result in the denial of a permit. In addition,  
6 failure of the place of religious assembly to adhere to the management program on file  
7 may result in revocation of the permit.

8  
9 (d) *Residences for destitute people.* Within all zoning districts, residences for destitute  
10 people are allowed as accessory uses to any lawful place of religious assembly upon the issuance  
11 of a permit by the city manager or designee. The city manager or designee shall issue a permit,  
12 subject to the following conditions and requirements:—~~The city manager or designee may issue a~~  
13 ~~permit for a residence for destitute people within any zoning district where places of religious~~  
14 ~~assembly are permitted by right or by special use permit with the following restrictions:~~

15  
16 (1) The total number of beds that may be provided in a residence for destitute people  
17 that is accessory to a place of religious assembly is 20.

18  
19 (2) Meals may be provided only to residents.

20 (3) No one over the age of 18 may be admitted as a resident without submitting a  
21 written report issued by the city police department stating that the person has no  
22 outstanding warrants for his or her arrest and is not a "dangerous" person, as defined in  
23 section 30-23 of this Code.

24  
25 ~~(4) — Each place of religious assembly shall file with the city manager a management~~  
26 ~~program addressing hours of operation, personnel, management of solid waste, litter and~~  
27 ~~lighting. The name, address, and phone number of the person responsible for the facility~~  
28 ~~shall be kept up to date. —~~

29  
30 (4) Each place of religious assembly shall file with the city manager a management  
31 program addressing hours of operation, personnel on site, management of solid waste,  
32 litter and lighting. At a minimum, the management program filed with the city manager  
33 shall meet the following conditions:

34  
35 a. Hours of operation shall not begin before 5:00 p.m. and must conclude by 9:00  
36 a.m.;

37  
38 b. The name, address, and phone number of the person responsible for the facility  
39 shall be provided and kept up to date.

40  
41 c. At least 1 person responsible for the facility must be on site when the facility is  
42 open;

43  
44 d. Solid waste services to fully service the facility must be procured and utilized;  
45

e. Sufficient solid waste receptacles to service the facility must be located on site and utilized; and

f. Outdoor lighting must be provided in accordance with the City Land Development Code.

(5) Each place of religious assembly must provide an indoor area meeting all state, county and city codes for use as a residence for destitute people. The area must be inspected and approved by the building official prior to being used as a residence for destitute people, either on a temporary or recurring basis.

~~(6) There must be at least one staff person or volunteer on site, and a director or administrator on call, when anyone is sheltered overnight in a residence for destitute people.~~

(6) Within the residential districts, the proposed use as a residence for destitute people shall be compatible and in harmony with the uses and structures on adjacent and nearby properties.

(7) Failure to meet such conditions may result in the denial of a permit. In addition, failure of the place of religious assembly to adhere to the management program on file may result in revocation of the permit.

(e) Residences for destitute people and food distribution center for the needy requiring a special use permit. Places of religious assembly with a food distribution center for the needy or a residence for destitute people as an accessory use that does not conform to (c) and (d) above, shall comply with section 30-110 and 30-111, as applicable.

~~(e) Combined facilities. A special use permit may be issued for an accessory facility functioning as both a food distribution center for the needy and a residence for destitute people within any zoning district where places of religious assembly are permitted by right or by special use permit. All requirements for both types of facilities must be met in order to get a special use permit for a combined facility.~~

~~(f) Development plan approval. Development plan approval, in accordance with the requirements of article VII, is required before a building permit may be issued for any place of religious assembly.~~

**Section 13.** Section 30-103 of the Land Development Code is amended to read as

follows:

**Sec. 30-103. Private schools.**

Dimensional requirements for private schools shall be as follows:

1 ~~(1) Minimum lot area shall be the minimum lot area required for the specific zoning district~~  
2 ~~where allowed plus one (1) acre for every one hundred (100) students (or fraction thereof), based~~  
3 ~~on building code capacity.~~

4  
5 (2) ~~Minimum yard setbacks:~~

6 a. ~~Front: Twenty five (25) feet.~~

7  
8 b. ~~Rear: Twenty feet.~~

9  
10 ~~Except where the yard abuts property which is in a residential district or which is shown~~  
11 ~~for residential use on the land use element of the comprehensive plan: Fifty feet.~~

12  
13 e. ~~Side:~~

14 1. ~~Interior: Twenty feet.~~

15 ~~Except where the yard abuts property which is in a residential district or which is~~  
16 ~~shown for residential use on the land use element of the comprehensive plan: Fifty~~  
17 ~~feet.~~

18  
19 2. ~~Street: Twenty five feet.~~

20  
21 (3) ~~Maximum building height: Thirty five feet.~~

22  
23 (1) Minimum lot area: Shall be the minimum lot area required for the specific zoning district  
24 where allowed plus one (1) acre for every one hundred (100) persons (or fraction thereof), based  
25 on building code capacity.

26  
27 (2) Minimum yard setbacks:

28  
29 a. Front: 25 feet.

30  
31 b. Side, interior: 50 feet. Except where the side yard abuts property which is in a  
32 residential district or which is shown for residential use on the future land use map of the  
33 comprehensive plan: 50 feet or 45-degree angle of light obstruction, whichever is greater.

34  
35 c. Side, street: 25 feet.

36  
37 d. Rear: 50 feet. Except where the rear yard abuts property which is in a residential  
38 district or which is shown for residential use on the future land use map of the  
39 comprehensive plan: 50 feet or 45-degree angle of light obstruction, whichever is greater.

40  
41 **Section 14.** Section 30-110 of the Land Development Code is amended to read as

42 follows:

43 **Sec. 30-110. Residences for destitute people.**

1 Except as provided as an accessory use to places of religious assembly, residences for  
2 destitute people shall be regulated as follows:

3  
4 (a) *Spacing and location.* Residences for destitute people shall not be located closer  
5 than one thousand three hundred twenty (1,320) feet from any social service home, halfway  
6 house or rehabilitation center and shall not be closer than two thousand (2,000) feet from any  
7 other residence for destitute people, food distribution center for the needy or combination  
8 thereof. All measurements shall be measured from the nearest property line of the above-listed  
9 facilities to the nearest property line of the proposed facility.

10  
11 (b) *Saturation.* No more than two food distribution centers for the needy or residences  
12 for destitute people may be located within a two-mile radius of the proposed facility.

13  
14 (c) *Renewal of special use permit.* The owner of real property holding a special use  
15 permit for the operation of a residence for the destitute shall renew such permit in a hearing  
16 before the plan board at a regularly scheduled hearing not more than seven years from the date of  
17 issue. The plan board at such renewal hearing shall ascertain that the facility has been operating  
18 in substantial compliance with the above conditions.

19  
20 (d) *Number of beds.* The total number of beds that may be provided in any residence for  
21 destitute people in a 24-hour period is 35.

22  
23 (e) *Development plan approval.* Development plan approval, in accordance with the  
24 requirements of article VII, is required prior to issuance of a building permit for all residences for  
25 destitute people.

26  
27 (f) *Police department report.* Prior to the admission of any person in a residence for  
28 destitute people, such person must submit a written report issued by the police department stating  
29 that such person has no outstanding warrant for his/her arrest.

30  
31 (g) *Dangerous persons.* No person meeting the definition for a dangerous person shall  
32 be housed in any residence for destitute people.

33  
34 **Section 15.** Subsection (4) of Section 30-251 of the Land Development Code is amended  
35 to read as follows:

36 **Sec. 30-251. Elements of compliance.**

37 (4) Expansion or alteration of existing uses except neighborhood shopping centers, community  
38 shopping centers and developments of less than 50,000 square feet.

39  
40 a. Expansions of vehicular use area added after June 10, 1992, shall meet the  
41 requirements of section 30-252 for the expanded area.  
42



1 b. Whenever expansion of a developed area, independently or cumulatively,  
 2 accomplished after June 10, 1992, totals 4,000 square feet, or more than 35 percent of the  
 3 gross square footage of the developed area, whichever is less, the entire site shall be  
 4 brought into compliance with this article. For the purposes of this subsection, repeated  
 5 expansions or alterations of the property, including the construction or erection of  
 6 separate buildings or accessory structures, constructed within a period of 36 months,  
 7 which meet the above threshold, shall comply with the provisions of this article.

8  
 9 c. Any new use of property which alters the use of existing structures from a residential  
 10 use to a nonresidential use, or any use of property which alters the use of property from  
 11 one use to any other use to a place of religious assembly, shall be required to meet all  
 12 applicable landscaping requirements. The city manager's designee shall determine the  
 13 applicable requirements based on the character and orientation of the proposed mixed use  
 14 development. For purposes of this subsection, nonresidential use shall mean any office,  
 15 commercial, public, semipublic, institutional or industrial use, including motels and  
 16 hotels.

17  
 18 d. The use of property, including outdoor activities and parking, which expands the lot  
 19 area of ~~places of any use religious assembly~~, when such property adjoins property in  
 20 actual use as a single-family residence or shown in any single-family zoning district, shall  
 21 be required to conform with all buffer requirements.

22  
 23 e. Where a structure or parking facility existing prior to June 10, 1992, would be  
 24 prohibited from expansion or change of use from one nonresidential use to another solely  
 25 on the basis of an inability to provide the required landscaping around and in such  
 26 previously existing facilities, then the development review board or plan board may allow  
 27 reasonable use of the property in compliance with all other aspects of this chapter, if the  
 28 applicant can show that:

- 29  
 30 1. The structure and/or parking facility existed prior to June 10, 1992; and  
 31  
 32 2. The amount of existing landscaping would not be diminished.

33  
 34 **Section 16. Chart A of Subparagraph 3 of Section 30-253(1)a and subsection (3) of**

35 Section 30-253 of the Land Development Code is amended to read as follows:

36 **Sec. 30-253. Landscape buffer requirements for buffer strip areas.**

37 **CHART A. ADJACENT USE BUFFER AND STREET BUFFER MATRIX**

Proposed Activity	Adjacent Designated Use							Street Buffer Yards
	Single-Family/Two-Family	Multifamily	Mobile Home Park	Office Education	Commercial/Mixed Use	Industry/Mixed Use	Nonconforming*	
Single-family Two-family	--	--	--	--	--	--	--	--
Multifamily	B	A	A	A	C	C	B	B
Mobile home	B	A	A	A	C	D	B	B
Office, education, <del>religious-assembly use</del>	C	B	A	--	A	E	B	E
Commercial, mixed use	C	C	C	A	--	E	C	E
Industrial	D	D	D	E	E	--	D	E

1  
 2 \*Nonconforming: Indicates buffer to be provided by proposed use due to nonexistent or  
 3 nonconforming buffer on adjacent site.  
 4 Letters in adjacent use buffer and street buffer matrix relate to buffer types in Chart B.  
 5 Street buffer: Petitioner may use shade tree or understory tree requirement, except as limited by  
 6 prudent utility practice.

7  
 8 ~~(3) Places of religious assembly. Places of religious assembly shall provide a wall or fence, and~~  
 9 ~~buffering, in accordance with Buffer C of the buffer matrix (subsection 30-253(a)).~~

10  
 11 ~~a. The plan board, through review of special use permits, shall determine whether a~~  
 12 ~~hedge, berm, existing natural buffer, or any combination thereof will provide adequate~~  
 13 ~~buffer in lieu of a fence or wall in accordance with the standards provided herein. In cases~~  
 14 ~~where the development review board has review authority, the board shall determine~~  
 15 ~~whether a hedge, berm, existing natural buffer or any combination thereof will provide~~  
 16 ~~adequate buffer in lieu of a fence or wall in accordance with the standards provided~~  
 17 ~~herein. The plan board or development review board, as applicable, shall consider any or~~  
 18 ~~all of the following standards as may relate to the place of religious assembly, and may~~  
 19 ~~apply whatever weight to the standards as the board deems applicable:~~

20  
 21 ~~1. The reasonable preference of the adjoining single family residential property~~  
 22 ~~owners and/or occupants as expressed by testimony or written evidence.~~



- ~~2. The scale of the place of religious assembly and the adjoining uses.~~
- ~~3. The traffic pattern and volume of traffic estimated or actually generated by the place of religious assembly.~~
- ~~4. The location of structures, activity nodes, paved areas and parking areas on the site of the place of religious assembly.~~
- ~~5. The distance of activities of the place of religious assembly from each other and from adjoining single family residential use.~~
- ~~6. Existing natural features, topographic constraints, proposed landscaping and existing buffers on the site.~~
- ~~7. Proposed or existing artificial lights and hours of operation.~~
- ~~8. Aesthetic compatibility of the wall, fence, hedge or natural buffer with the single family residential use.~~
- ~~9. Visual effect of vehicles entering and leaving the site from the single family residential use.~~
- ~~10. Type of accessory uses on the site.~~
- ~~11. Probability of future expansion of the use of the site.~~

~~b. When the plan board or development review board permits the substitution of a hedge, berm or natural buffer, the city manager or designee shall automatically inspect the plant material at intervals of six months, one year, two years and three years after planting. The plants used for the hedge material shall be alive and healthy after six months; hedge plantings shall be at least three feet in height after one year; at least 4 1/2 feet in height after two years; and at least six feet in height after four years. If the hedge, berm plantings or natural buffer dies or otherwise fails to grow as provided hereinabove, the plan board may require a new hedge, fence, wall, natural buffer or any combination thereof to be planted in accordance with section 30-265.~~

~~e. The provisions of subsection (1) of this section are not intended to apply retroactively, but shall apply prospectively for future places of religious assembly uses and/or the expansion of such facilities in accordance with section 30-235.~~

**Section 17. Paragraphs (2) of subsections (b) of Sections 30-306 through 30-307 of the**

Land Development Code are amended to read as follows:

1 **Sec. 30-306. Gateway street district.**

2 (b) Expansion or alteration of existing uses.

3 (2) Any new use of property which alters the use of existing structures from a  
4 residential use to a nonresidential use, or any use of property which alters the use of  
5 property from one use to any other use ~~to a place of religious assembly~~, shall be required  
6 to meet all applicable requirements of this section. The city manager's designee shall  
7 determine the applicable requirements based on the character and orientation of the  
8 proposed mixed use development. For purposes of this subsection, nonresidential use  
9 shall mean any office, commercial, public, semipublic, institutional or industrial use,  
10 including motels and hotels.

11  
12 **Sec. 30-307. Nature park district.**

13 (b) Expansion or alteration of existing uses.

14 (2) Any new use of property which alters the use of existing structures from a residential  
15 use to a nonresidential use, or any use of property which alters the use of property from  
16 one use to any other use ~~to a place of religious assembly~~, shall be required to meet all  
17 applicable requirements of this section. The city manager's designee shall determine the  
18 applicable requirements based on the character and orientation of the proposed mixed use  
19 development. For purposes of this subsection, nonresidential use shall mean any office,  
20 commercial, public, semipublic, institutional or industrial use, including motels and  
21 hotels.

22  
23 **Section 18.** "Miscellaneous Services" in subsection (c) of Section 30-332 of the Land

24 Development Code is amended to read as follows:

25 **Sec. 30-332. Required number of parking spaces.**

Miscellaneous services:		
Places of religious assembly based on seating capacity in the principal room or hall	1 for each <del>43</del> <u>40</u> seats, <u>or 1 for each 40 square feet of floor area in principal area(s) of assembly</u> <del>plus the difference between the amount of parking required for other combined facilities (including, but not limited to, schools and day care) and the amount provided for the principal room or hall, if the amount required for the other combined facilities is greater than the amount provided for the principal room or hall.</del>	10 percent of required number of vehicle parking

Private clubs, lodges, auction rooms and union halls	1 for each 40 square feet of floor area in principal area(s) of assembly	10 percent of required number of vehicle parking
Mortuaries, funeral homes and crematories	1 for each 5 seats in the chapel(s)	4 spaces
Carwashes	With employees, 3 spaces minimum. Queuing spaces shall be provided to accommodate a minimum of 3 vehicles. Addition or reduction in the number of queuing spaces may be determined by the city traffic engineer in accordance with subsection 30-332(g) of this section. Queuing spaces shall be set back a minimum of 20 feet from the right-of-way.	2 spaces if there are employees
Hotels and motels	5, plus 1 for each guestroom, plus 75 percent of required spaces for restaurants, retail outlets and other accessory uses	4 spaces
Residences for destitute people	1 per 2 paid employees and volunteer employees present during largest shift and 1 parking space for every 4 beds	10 percent of required number of vehicle parking

1  
 2           **Section 19.** It is the intention of the City Commission that the provisions of Sections 1  
 3 through 18 of this ordinance shall become and be made a part of the Code of Ordinances of the  
 4 City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be  
 5 renumbered or relettered in order to accomplish such intentions.

6           **Section 20.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
 7 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
 8 finding shall not affect the other provisions or applications of the ordinance which can be given  
 9 effect without the invalid or unconstitutional provisions or application, and to this end the  
 10 provisions of this ordinance are declared severable.

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

3           **Section 22.** Any applicant for development permit may elect to have this ordinance  
4 applied retroactively to any application for development permit submitted to the City of  
5 Gainesville under the Land Development Code if such application was filed and pending with the  
6 City as of November 26, 2007 at 11:59 p.m., the date upon which the City Commission approved  
7 Petition 103TCH-07PB. If any such applicant does not elect to have this ordinance applied  
8 retroactively to his/her application, the application pending as of November 26, 2007 at 11:59  
9 p.m. shall be governed by the Land Development Code as it existed on November 26, 2007 on  
10 the condition that the application is diligently pursued to completion. Any application filed on or  
11 after November 26, 2007, shall be governed by the provisions of this ordinance.

12           **Section 23.** This ordinance shall become effective immediately upon final adoption.

13           **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

14  
15  
16

\_\_\_\_\_  
PEGEEN HANRAHAN, MAYOR

17  
18  
19 ATTEST:

Approved as to form and legality

20  
21 \_\_\_\_\_  
22 KURT M. LANNON  
23 CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

24 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2008.

25 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2008.

26

27 H:\Marion Radson\Planning\103TCH-07 pet..doc

**PAGES 52-67**  
**WITH REVISIONS PROPOSED BY**  
**IHN AND OTHER PLACES OF RELIGIOUS ASSEMBLY**  
**REPRESENTATIVES ON 1/23/08**



(3) Any use customarily incidental to a permitted principal use.

~~(4) Private schools, in accordance with article VI.~~

~~(5) Places of religious assembly, in accordance with article VI.~~

(d) *Dimensional requirements.* ~~All principal and accessory structures shall be located and constructed in accordance with the following requirements:~~

(1) Within the RSF-1, RSF-2, RSF-3 and RSF-4 districts, the dimensional requirements for public schools are as follows:

a. Minimum lot area shall be determined by multiplying 100 square feet by the number of persons defined as the legal capacity by the building code of the city for all school buildings on the lot.

b. Maximum building height shall be determined by the maximum building height of the applicable zoning district. However, where an interior side yard or a rear yard abuts property which is in a residential district or which is shown for residential use on the land use element of the comprehensive plan, no new building shall exceed an angle of light obstruction of 45 degrees for such side or rear yard.

(2) Within the ED district, the dimensional requirements for all principal and accessory structures are as follows:

a. Minimum lot area: One acre. Shall be the minimum lot area required for the specific zoning district where allowed plus one (1) acre for every one hundred (100) persons (or fraction thereof), based on building code capacity.

b.(2) Minimum yard setbacks:

1.a. Front: 25 feet.

2.b. Side, interior: 50 feet. Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet or 45-degree angle of light obstruction, whichever is greater.

3.e. Side, street: 25 feet.

4.d. Rear: 50 feet. Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet or 45-degree angle of light obstruction, whichever is greater.

1 Section 11. Paragraph (1) of subsection (c) of Section 30-78 of the Land Development

2 Code is amended to read as follows:

3 **Sec. 30-78. Corporate park district (CP).**

4 (c) Permitted uses.

5  
6 (1) *Uses by right:*

7

SIC	Uses	Conditions
	Corporate offices	
	Day care centers	In accordance with article VI
	Newspaper establishments	Excluding on-site printing and warehousing facilities
	Offices/residential complex (12-30 dwelling units per acre)	When at least 50 percent of the first floor area is occupied by office uses other than the management office for the residential use
	Personal fitting and sales prosthetic or orthopedic appliances	
	Professional schools	As defined in article II
	Sales offices	Without warehousing, showrooms or retail space
GN-074	Veterinary services	Within fully enclosed structures and in accordance with article VI
GN-078	Landscape and horticultural services	Offices only, no outside storage
MG-15	Building construction	Offices only, no outside storage
IN-4722	Arrangement of passenger transportation	
IN-5912	Drug and proprietary stores	Accessory to and in the same building as health services and comprising less than 25 percent of the gross floor area of the building
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)

MG-73	Business services	Within completely enclosed buildings and excluding services to dwellings and other buildings (GN-734), miscellaneous equipment rental and leasing (GN-735), and business services not elsewhere classified (IN-7389)
IN-7991	Physical fitness facilities	
MG-80	Health services	Excluding hospitals and blood banks
MG-81	Legal services	
GN-823	Libraries	
MG-86	Membership organizations	
MG-87	Engineering, accounting, research, management and related services	Within enclosed buildings
SIC 8999	Services, not elsewhere classified	Within enclosed buildings
MG-94 through MG-96	Public administration	
	<u>Places of religious assembly</u>	<u>In accordance with article VI</u>

1

2           **Section 12.** Section 30-91 of the Land Development Code is amended to read as follows:

3           **Sec. 30-91. Places of religious assembly.**

4           (a) Within the RSF-1, RSF-2, RSF-3 and RSF-4 districts, places of religious assembly are  
 5           allowed upon the granting of a special use permit, subject to the following additional  
 6           dimensional requirements:

7  
 8           ~~(a) *Dimensional requirements.* All principal and accessory structures for places of~~  
 9           ~~religious assembly shall be located and constructed in accordance with the following~~  
 10           ~~requirements:—~~

11  
 12           (1) Minimum lot area shall be determined by multiplying 100 square feet by the  
 13           number of persons defined as the legal capacity by the building code of the city for all  
 14           assembly, meeting or congregation areas.

15



(2) Maximum building height shall be determined by the maximum building height of the applicable zoning district. However, where an interior side yard or a rear yard abuts property which is in a residential district or which is shown for residential use on the land use element of the comprehensive plan, no new building shall exceed an angle of light obstruction of 45 degrees for such side or rear yard.

~~(1) Minimum lot area: Shall be the minimum lot area required for the specific zoning district where allowed plus one (1) acre for every one hundred (100) persons (or fraction thereof), based on building code capacity.~~

~~(2) Minimum yard setbacks:~~

~~a. Front: 25 feet.~~

~~b. Side, interior: 50 feet. Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet or 45-degree angle of light obstruction, whichever is greater.~~

~~e. Side, street: 25 feet.~~

~~d. Rear: 50 feet. Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet or 45-degree angle of light obstruction, whichever is greater.~~

(b) *Day care centers and schools.* Within the RSF-1, RSF-2, RSF-3, and RSF-4 ~~and RC districts~~, day care centers and schools may be allowed as accessory uses to places of religious assembly upon the granting of a special use permit ~~by the city plan board; in RMF-5, RMF-6, RMF-7, RMF-8, RH-1 and RH-2 districts, day care centers are permitted accessory uses to any lawful place of religious assembly use and schools may be allowed as accessory uses upon the granting of a special use permit;~~ within all other districts, day care centers and schools are permitted accessory uses to any lawful place of religious assembly ~~use~~ provided, in all cases, that the requirements and limitations of sections 30-82 and 30-103, respectively, are met. ~~Where either a day care center or school is allowed as an accessory use the minimum dimensional requirements for all structures on the site shall be determined by either the zoning district or this section or section 30-82 for day care centers or section 30-103 for schools, whichever is more restrictive in any particular.~~

(c) *Food distribution centers for the needy.* Within all zoning districts, food distribution centers for the needy are allowed as accessory uses to any lawful place of religious assembly upon the issuance of a permit by the city manager or designee. The city manager or designee shall issue a permit, subject to the following conditions and requirements:~~The city manager or designee may issue a permit for a food distribution center for the needy within any zoning district~~

1 where places of religious assembly are permitted by right or by special use permit with the  
2 following restrictions:

- 3
- 4 (1) No more than 20 meals may be served in a 24-hour period.
- 5 (2) The place of religious assembly can physically provide an indoor eating area
- 6 meeting all state, county and city codes for the proposed use.
- 7
- 8 (3) No food distribution center for the needy may be closer than 1,320 feet from any
- 9 other place of religious assembly having a food distribution center for the needy, nor shall
- 10 any place of religious assembly have an accessory food distribution center for the needy
- 11 located in the area described in Appendix D located at the end of this chapter, and as
- 12 shown on the map maintained in the department of community development.

13  
14 ~~(4) Each place of religious assembly shall file with the city manager a management~~  
15 ~~program addressing hours of operation, personnel, management of solid waste, litter and~~  
16 ~~lighting. The name, address, and phone number of the person responsible for the facility~~  
17 ~~shall be kept up to date. --~~

18  
19 (4) Each place of religious assembly shall file with the city manager a management  
20 program addressing hours of operation, personnel on site, management of solid waste,  
21 litter and lighting. At a minimum, the management program filed with the city manager  
22 shall meet the following conditions:

23  
24 a. Except for weekends and holidays, normal hours of operation shall not begin  
25 before 7:30 a.m. and must conclude by 8:30 p.m.;

26  
27 b. The name, address, and phone number of the person responsible for the facility  
28 shall be provided and kept up to date.

29  
30 c. At least 1 person responsible for the facility must be on site when the facility is  
31 open;

32  
33 d. Solid waste services to fully service the facility must be procured and utilized;

34  
35 e. Sufficient solid waste receptacles to service the facility must be located on site  
36 and utilized; and

37  
38 f. Outdoor lighting must be provided in accordance with the City Land  
39 Development Code.

40  
41 ~~(5) Signage. Food distribution centers for the needy shall be limited to two wall-~~  
42 ~~mounted, nonilluminated signs displaying the name of the facility, hours of operation and~~  
43 ~~other functional information and directions. No more than one sign shall be displayed on~~



any building face. No sign shall exceed 18 square feet, nor shall the total combined area for two signs exceed 30 square feet.

~~(5) Within the residential districts, the proposed use as a food distribution center for the needy shall be compatible and in harmony with the uses and structures on adjacent and nearby properties.~~

(65) Failure to meet such conditions may result in the denial of a permit. In addition, failure of the place of religious assembly to adhere to the management program on file may result in revocation of the permit.

(d) *Residences for destitute people.* Within all zoning districts, residences for destitute people are allowed as accessory uses to any lawful place of religious assembly upon the issuance of a permit by the city manager or designee. The city manager or designee shall issue a permit, subject to the following conditions and requirements:—The city manager or designee may issue a permit for a residence for destitute people within any zoning district where places of religious assembly are permitted by right or by special use permit with the following restrictions:

(1) The total number of beds that may be provided in a residence for destitute people that is accessory to a place of religious assembly is 20.

(2) Meals may be provided only to residents.

(3) No one over the age of 18 may be admitted as a resident without submitting a written report issued by the city police department stating that the person has no outstanding warrants for his or her arrest and is not a "dangerous" person, as defined in section 30-23 of this Code.

~~(4) Each place of religious assembly shall file with the city manager a management program addressing hours of operation, personnel, management of solid waste, litter and lighting. The name, address, and phone number of the person responsible for the facility shall be kept up to date.~~

(4) Each place of religious assembly shall file with the city manager a management program addressing hours of operation, personnel on site, management of solid waste, litter and lighting. At a minimum, the management program filed with the city manager shall meet the following conditions:

a. Except for weekends and holidays, normal hours of operation shall not begin before 5:00 p.m. and must conclude by 9:00 a.m.;

b. The name, address, and phone number of the person responsible for the facility shall be provided and kept up to date.

1 c. At least 1 person responsible for the facility must be on site when the facility is  
2 open;

3  
4 d. Solid waste services to fully service the facility must be procured and utilized;

5  
6 e. Sufficient solid waste receptacles to service the facility must be located on site  
7 and utilized; and

8  
9 f. Outdoor lighting must be provided in accordance with the City Land  
10 Development Code.

11  
12 (5) Each place of religious assembly must provide an indoor area meeting all state,  
13 county and city codes for use as a residence for destitute people. The area must be  
14 inspected and approved by the building official prior to being used as a residence for  
15 destitute people, either on a temporary or recurring basis.

16  
17 ~~(6) — There must be at least one staff person or volunteer on site, and a director or~~  
18 ~~administrator on call, when anyone is sheltered overnight in a residence for destitute~~  
19 ~~people.~~

20  
21 (6) — Within the residential districts, the proposed use as a residence for destitute people  
22 shall be compatible and in harmony with the uses and structures on adjacent and nearby  
23 properties. —

24  
25 (76) Failure to meet such conditions may result in the denial of a permit. In addition,  
26 failure of the place of religious assembly to adhere to the management program on file  
27 may result in revocation of the permit.

28  
29 (e) Residences for destitute people and food distribution center for the needy requiring a  
30 special use permit. Places of religious assembly with a food distribution center for the  
31 needy or a residence for destitute people as an accessory use that does not conform to (c)  
32 and (d) above, shall comply with section 30-110 and 30-111, as applicable.

33  
34 ~~(e) — Combined facilities. — A special use permit may be issued for an accessory facility~~  
35 ~~functioning as both a food distribution center for the needy and a residence for destitute people~~  
36 ~~within any zoning district where places of religious assembly are permitted by right or by special~~  
37 ~~use permit. All requirements for both types of facilities must be met in order to get a special use~~  
38 ~~permit for a combined facility. —~~

39  
40 ~~(f) — Development plan approval. — Development plan approval, in accordance with the~~  
41 ~~requirements of article VII, is required before a building permit may be issued for any place of~~  
42 ~~religious assembly. —~~



1 Section 13. Section 30-103 of the Land Development Code is amended to read as  
2 follows:

3 **Sec. 30-103. Private schools.**

4  
5 (a) Within RSF-1, RSF-2, RSF-3, and RSF-4 districts, dimensional requirements for private  
6 schools shall be as follows:

7  
8 (1) Minimum lot area shall be determined by multiplying 100 square feet by the  
9 number of persons defined as the legal capacity by the building code of the city for all  
10 school buildings on the lot.

11  
12 (2) Maximum building height shall be determined by the maximum building height of  
13 the applicable zoning district. However, where an interior side yard or a rear yard abuts  
14 property which is in a residential district or which is shown for residential use on the land  
15 use element of the comprehensive plan, no new building shall exceed an angle of light  
16 obstruction of 45 degrees for such side or rear yard.

17  
18 ~~(1) Minimum lot area shall be the minimum lot area required for the specific zoning district~~  
19 ~~where allowed plus one (1) acre for every one hundred (100) students (or fraction thereof), based~~  
20 ~~on building code capacity.~~

21  
22 ~~(2) Minimum yard setbacks:~~  
23 ~~a. Front: Twenty five (25) feet.~~  
24  
25 ~~b. Rear: Twenty feet.~~

26  
27 ~~Except where the yard abuts property which is in a residential district or which is shown~~  
28 ~~for residential use on the land use element of the comprehensive plan: Fifty feet.~~

29  
30 ~~e. Side:~~  
31 ~~1. Interior: Twenty feet.~~  
32 ~~Except where the yard abuts property which is in a residential district or which is~~  
33 ~~shown for residential use on the land use element of the comprehensive plan: Fifty~~  
34 ~~feet.~~  
35  
36 ~~2. Street: Twenty five feet.~~

37  
38 ~~(3) Maximum building height: Thirty five feet.~~

39  
40  
41 (1) Minimum lot area: Shall be the minimum lot area required for the specific zoning  
42 district where allowed plus one (1) acre for every one hundred (100) persons (or fraction  
43 thereof), based on building code capacity.

~~(2) Minimum yard setbacks:~~

~~a. Front: 25 feet.~~

~~b. Side, interior: 50 feet. Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet or 45-degree angle of light obstruction, whichever is greater.~~

~~e. Side, street: 25 feet.~~

~~d. Rear: 50 feet. Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet or 45 degree angle of light obstruction, whichever is greater.~~

**Section 14.** Section 30-110 of the Land Development Code is amended to read as follows:

**Sec. 30-110. Residences for destitute people.**

Except as provided as an accessory use to places of religious assembly, residences for destitute people shall be regulated as follows:

(a) *Spacing and location.* Residences for destitute people shall not be located closer than one thousand three hundred twenty (1,320) feet from any social service home, halfway house or rehabilitation center and shall not be closer than two thousand (2,000) feet from any other residence for destitute people, food distribution center for the needy or combination thereof. All measurements shall be measured from the nearest property line of the above-listed facilities to the nearest property line of the proposed facility.

(b) *Saturation.* No more than two food distribution centers for the needy or residences for destitute people may be located within a two-mile radius of the proposed facility.

(c) *Renewal of special use permit.* The owner of real property holding a special use permit for the operation of a residence for the destitute shall renew such permit in a hearing before the plan board at a regularly scheduled hearing not more than seven years from the date of issue. The plan board at such renewal hearing shall ascertain that the facility has been operating in substantial compliance with the above conditions.

(d) *Number of beds.* The total number of beds that may be provided in any residence for destitute people in a 24-hour period is 35.

1 (e) *Development plan approval.* Development plan approval, in accordance with the  
2 requirements of article VII, is required prior to issuance of a building permit for all residences for  
3 destitute people.

4  
5 (f) *Police department report.* Prior to the admission of any person in a residence for  
6 destitute people, such person must submit a written report issued by the police department stating  
7 that such person has no outstanding warrant for his/her arrest.

8  
9 (g) *Dangerous persons.* No person meeting the definition for a dangerous person shall  
10 be housed in any residence for destitute people.

11  
12 **Section 15.** Subsection (4) of Section 30-251 of the Land Development Code is amended

13 to read as follows:

14 **Sec. 30-251. Elements of compliance.**

15 (4) Expansion or alteration of existing uses except neighborhood shopping centers, community  
16 shopping centers and developments of less than 50,000 square feet.

17  
18 a. Expansions of vehicular use area added after June 10, 1992, shall meet the  
19 requirements of section 30-252 for the expanded area.

20  
21 b. Whenever expansion of a developed area, independently or cumulatively,  
22 accomplished after June 10, 1992, totals 4,000 square feet, or more than 35 percent of the  
23 gross square footage of the developed area, whichever is less, the entire site shall be  
24 brought into compliance with this article. For the purposes of this subsection, repeated  
25 expansions or alterations of the property, including the construction or erection of  
26 separate buildings or accessory structures, constructed within a period of 36 months,  
27 which meet the above threshold, shall comply with the provisions of this article.

28  
29 c. Any new use of property which alters the use of existing structures from a residential  
30 use to a nonresidential use, or any use of property which alters the use of property from  
31 one use to any other use ~~to a place of religious assembly~~, shall be required to meet all  
32 applicable landscaping requirements. The city manager's designee shall determine the  
33 applicable requirements based on the character and orientation of the proposed mixed use  
34 development. For purposes of this subsection, nonresidential use shall mean any office,  
35 commercial, public, semipublic, institutional or industrial use, including motels and  
36 hotels.

37  
38 d. The use of property, including outdoor activities and parking, which expands the lot  
39 area of ~~places of any use~~ religious assembly, when such property adjoins property in  
40 actual use as a single-family residence or shown in any single-family zoning district, shall  
41 be required to conform with all buffer requirements.

e. Where a structure or parking facility existing prior to June 10, 1992, would be prohibited from expansion or change of use from one nonresidential use to another solely on the basis of an inability to provide the required landscaping around and in such previously existing facilities, then the development review board or plan board may allow reasonable use of the property in compliance with all other aspects of this chapter, if the applicant can show that:

1. The structure and/or parking facility existed prior to June 10, 1992; and
2. The amount of existing landscaping would not be diminished.

**Section 16.** Chart A of Subparagraph 3 of Section 30-253(1)a and Subsection (3) of

Section 30-253 of the Land Development Code is amended to read as follows:

**Sec. 30-253. Landscape buffer requirements for buffer strip areas.**

**CHART A. ADJACENT USE BUFFER AND STREET BUFFER MATRIX**

Proposed Activity	Adjacent Designated Use							Street Buffer Yards
	Single-Family/Two-Family	Multifamily	Mobile Home Park	Office Education	Commercial/Mixed Use	Industry/Mixed Use	Nonconforming*	
Single-family Two-family	--	--	--	--	--	--	--	--
Multifamily	B	A	A	A	C	C	B	B
Mobile home	B	A	A	A	C	D	B	B
Office, education, <del>religious-</del> <u>assembly use</u>	C	B	A	--	A	E	B	E
Commercial, mixed use	C	C	C	A	--	E	C	E
Industrial	D	D	D	E	E	--	D	E

\*Nonconforming: Indicates buffer to be provided by proposed use due to nonexistent or nonconforming buffer on adjacent site.



1 Letters in adjacent use buffer and street buffer matrix relate to buffer types in Chart B.  
2 Street buffer: Petitioner may use shade tree or understory tree requirement, except as limited by  
3 prudent utility practice.

4  
5 ~~(3) Places of religious assembly. Places of religious assembly shall provide a wall or fence, and~~  
6 ~~buffering, in accordance with Buffer C of the buffer matrix (subsection 30-253(a)).~~

7  
8 ~~a. The plan board, through review of special use permits, shall determine whether a~~  
9 ~~hedge, berm, existing natural buffer, or any combination thereof will provide adequate~~  
10 ~~buffer in lieu of a fence or wall in accordance with the standards provided herein. In cases~~  
11 ~~where the development review board has review authority, the board shall determine~~  
12 ~~whether a hedge, berm, existing natural buffer or any combination thereof will provide~~  
13 ~~adequate buffer in lieu of a fence or wall in accordance with the standards provided~~  
14 ~~herein. The plan board or development review board, as applicable, shall consider any or~~  
15 ~~all of the following standards as may relate to the place of religious assembly, and may~~  
16 ~~apply whatever weight to the standards as the board deems applicable:~~

17  
18 ~~1. The reasonable preference of the adjoining single family residential property~~  
19 ~~owners and/or occupants as expressed by testimony or written evidence.~~

20  
21 ~~2. The scale of the place of religious assembly and the adjoining uses.~~

22  
23 ~~3. The traffic pattern and volume of traffic estimated or actually generated by the~~  
24 ~~place of religious assembly.~~

25  
26 ~~4. The location of structures, activity nodes, paved areas and parking areas on the~~  
27 ~~site of the place of religious assembly.~~

28  
29 ~~5. The distance of activities of the place of religious assembly from each other~~  
30 ~~and from adjoining single family residential use.~~

31  
32 ~~6. Existing natural features, topographic constraints, proposed landscaping and~~  
33 ~~existing buffers on the site.~~

34  
35 ~~7. Proposed or existing artificial lights and hours of operation.~~

36  
37 ~~8. Aesthetic compatibility of the wall, fence, hedge or natural buffer with the~~  
38 ~~single family residential use.~~

39  
40 ~~9. Visual effect of vehicles entering and leaving the site from the single family~~  
41 ~~residential use.~~

42 ~~10. Type of accessory uses on the site.~~

11. ~~Probability of future expansion of the use of the site.~~

b. ~~When the plan board or development review board permits the substitution of a hedge, berm or natural buffer, the city manager or designee shall automatically inspect the plant material at intervals of six months, one year, two years and three years after planting. The plants used for the hedge material shall be alive and healthy after six months; hedge plantings shall be at least three feet in height after one year; at least 4 1/2 feet in height after two years; and at least six feet in height after four years. If the hedge, berm plantings or natural buffer dies or otherwise fails to grow as provided hereinabove, the plan board may require a new hedge, fence, wall, natural buffer or any combination thereof to be planted in accordance with section 30-265.~~

e. ~~The provisions of subsection (1) of this section are not intended to apply retroactively, but shall apply prospectively for future places of religious assembly uses and/or the expansion of such facilities in accordance with section 30-235.~~

**Section 17.** Paragraphs (2) of subsections (b) of Sections 30-306 through 30-307 of the

Land Development Code are amended to read as follows:

**Sec. 30-306. Gateway street district.**

(b) Expansion or alteration of existing uses.

(2) Any new use of property which alters the use of existing structures from a residential use to a nonresidential use, or any use of property which alters the use of property from one use to any other use ~~to a place of religious assembly~~, shall be required to meet all applicable requirements of this section. The city manager's designee shall determine the applicable requirements based on the character and orientation of the proposed mixed use development. For purposes of this subsection, nonresidential use shall mean any office, commercial, public, semipublic, institutional or industrial use, including motels and hotels.

**Sec. 30-307. Nature park district.**

(b) Expansion or alteration of existing uses.

(2) Any new use of property which alters the use of existing structures from a residential use to a nonresidential use, or any use of property which alters the use of property from one use to any other use ~~to a place of religious assembly~~, shall be required to meet all applicable requirements of this section. The city manager's designee shall determine the applicable requirements based on the character and orientation of the proposed mixed use development. For purposes of this subsection, nonresidential use shall mean any office, commercial, public, semipublic, institutional or industrial use, including motels and hotels.

1  
 2 **Section 18.** “Miscellaneous Services” in subsection (c) of Section 30-332 of the Land  
 3 Development Code is amended to read as follows:

4 **Sec. 30-332. Required number of parking spaces.**

Miscellaneous services:		
Places of religious assembly <del>based on seating capacity in the principal room or hall</del>	<u>1 for each 43 seats, or 1 for each 40 square feet of floor area in principal area(s) of assembly plus the difference between the amount of parking required for other combined facilities (including, but not limited to, schools and day care) and the amount provided for the principal room or hall, if the amount required for the other combined facilities is greater than the amount provided for the principal room or hall.</u>	10 percent of required number of vehicle parking
Private clubs, lodges, auction rooms and union halls	1 for each 40 square feet of floor area in principal area(s) of assembly	10 percent of required number of vehicle parking
Mortuaries, funeral homes and crematories	1 for each 5 seats in the chapel(s)	4 spaces
Carwashes	With employees, 3 spaces minimum. Queuing spaces shall be provided to accommodate a minimum of 3 vehicles. Addition or reduction in the number of queuing spaces may be determined by the city traffic engineer in accordance with subsection 30-332(g) of this section. Queuing spaces shall be set back a minimum of 20 feet from the right-of-way.	2 spaces if there are employees
Hotels and motels	5, plus 1 for each guestroom, plus 75 percent of required spaces for restaurants, retail outlets and other accessory uses	4 spaces



Residences for destitute people	1 per 2 paid employees and volunteer employees present during largest shift and 1 parking space for every 4 beds	10 percent of required number of vehicle parking
---------------------------------	--	--

1  
2       **Section 19.** It is the intention of the City Commission that the provisions of Sections 1  
3 through 18 of this ordinance shall become and be made a part of the Code of Ordinances of the  
4 City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be  
5 renumbered or relettered in order to accomplish such intentions.

6       **Section 20.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
7 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
8 finding shall not affect the other provisions or applications of the ordinance which can be given  
9 effect without the invalid or unconstitutional provisions or application, and to this end the  
10 provisions of this ordinance are declared severable.

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

13       **Section 22.** Any applicant for development permit may elect to have this ordinance  
14 applied retroactively to any application for development permit submitted to the City of  
15 Gainesville under the Land Development Code if such application was filed and pending with the  
16 City as of November 26, 2007 at 11:59 p.m., the date upon which the City Commission approved  
17 Petition 103TCH-07PB. If any such applicant does not elect to have this ordinance applied  
18 retroactively to his/her application, the application pending as of November 26, 2007 at 11:59  
19 p.m. shall be governed by the Land Development Code as it existed on November 26, 2007 on

1 the condition that the application is diligently pursued to completion. Any application filed on or  
2 after November 26, 2007, shall be governed by the provisions of this ordinance.

3 **Section 23.** This ordinance shall become effective immediately upon final adoption.

4 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

5  
6  
7  
8  
9

\_\_\_\_\_  
PEGEEN HANRAHAN, MAYOR

10 ATTEST: Approved as to form and legality

11  
12

13 \_\_\_\_\_  
KURT M. LANNON  
14 CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

15 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2008.

16 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2008.

17  
18

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