

LEGISLATIVE #

140130A

ORDINANCE NO. 140130

1
2
3 **An ordinance of the City of Gainesville, Florida, amending the Land**
4 **Development Code to prohibit the operation of simulated gambling**
5 **establishments, as defined in this ordinance, throughout Gainesville by**
6 **excluding such use from the list of permitted uses in all zoning districts that**
7 **otherwise allow amusement and recreation services; by adding new**
8 **definitions to Section 30-23 Definitions; by amending the list of permitted**
9 **uses in Sections 30-61. General business district (BUS), 30-62. Automotive-**
10 **oriented business district (BA), 30-63. Tourist-oriented business district (BT),**
11 **30-64. Mixed use low intensity district (MU-1), 30-65. Mixed use medium**
12 **intensity district (MU-2), 30-65.1. Urban mixed-use district 1 (UMU-1), 30-**
13 **65.2. Urban mixed-use district 2 (UMU-2), 30-66. Central city district (CCD),**
14 **30-67.1. Business industrial district (BI), 30-68. Warehousing and wholesaling**
15 **district (W), 30-69. Limited industrial district (I-1), 30-70. General industrial**
16 **district (I-2), 30-75. Public services and operations district (PS); providing**
17 **directions to the codifier; providing a severability clause; providing a**
18 **repealing clause; and providing an immediate effective date.**
19

20 **WHEREAS**, the State of Florida in April 2013 enacted Chapter 2013-2, Laws of Florida,
21 clarifying the existing laws concerning slot machines, charitable drawings, game promotions and
22 amusement machines to ensure that operation of such are not subject to abuse or interpreted in
23 any manner as an exception to Florida’s general prohibition against gambling or gaming; and

24 **WHEREAS**, Section 1 of Chapter 2013-2, Laws of Florida, sets forth that there is a
25 compelling state interest in prohibiting unlawful gambling or gaming in the State of Florida; and

26 **WHEREAS**, over the past several years, Florida has witnessed a proliferation of
27 electronic sweepstakes or simulated gambling establishments commonly referred to as “internet
28 cafés” (“simulated gambling establishments”); and

29 **WHEREAS**, the operation of simulated gambling establishments is contrary to the policy
30 and laws enacted by the State of Florida in that such establishments are inherently deceptive and
31 allow users to take part in activities as if they were engaging in gambling activities prohibited by
32 Florida law; and

33 **WHEREAS**, it has been documented that gambling can lead to harmful behavior and is

1 often an addictive activity that has an unreasonable adverse effect upon persons that are
2 statistically at risk for gambling addictions and other similar compulsive behaviors; and

3 **WHEREAS**, it has also been documented that there is a direct relationship between
4 simulated gambling establishments and disturbances of the peace and good order of the
5 community; and

6 **WHEREAS**, prosecuting operators of simulated gambling establishments pursuant to
7 state law regarding slot machines, charitable drawings, game promotions, amusement machines,
8 and Florida’s general prohibition against gambling or gaming can be difficult and costly; and

9 **WHEREAS**, the City Commission, after holding public hearings, finds that specifically
10 excluding simulated gambling establishments from the list of permitted uses in all applicable
11 zoning districts in the City of Gainesville is necessary to preserve the public peace and to
12 safeguard the health, safety, morals and welfare of the community and citizens thereof; and

13 **WHEREAS**, notice was given as required by law that the text of the Land Development
14 Code of the City of Gainesville, Florida, be amended to exclude simulated gambling
15 establishments, as defined in this ordinance, from the list of permitted uses in any zoning district
16 that allows amusement and recreation services; and

17 **WHEREAS**, on June 26, 2014, a public hearing was held by the City Plan Board, which
18 acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, and makes
19 recommendations to the City Commission of the City of Gainesville; and

20 **WHEREAS**, an advertisement no less than two columns wide by 10 inches long was
21 placed in a newspaper of general circulation and provided the public with at least seven (7) days’
22 advance notice of this ordinance’s first public hearing to be held by the City Commission in the
23 City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

1 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long
 2 was placed in the aforesaid newspaper and provided the public with at least five (5) days’
 3 advance notice of this ordinance’s second public hearing to be held by the City Commission in
 4 the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

5 **WHEREAS**, public hearings were held pursuant to the notices described above at which
 6 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
 8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** Subsection 30-23(c) of the Land Development Code is amended to add the
 10 following definitions. Except as amended herein, the remainder of Section 30-23 remains in full
 11 force and effect.

12 **Sec. 30-23 (c). - Definitions.**

13
 14 Simulated gambling device means any mechanical or electrical contrivance, computer,
 15 terminal, video or other equipment that may enable a user, upon the payment of consideration
 16 either directly or indirectly in connection with the sale of a consumer product or service, to play
 17 or operate a simulation of gambling or any game that, by either the use of skill or an element of
 18 chance with an outcome unpredictable to the user, may reveal, deliver or entitle the user to
 19 receive anything of value. This definition does not include any devices expressly permitted by
 20 state law, and does not include an individual’s personal, recreational, and non-commercial
 21 ownership, possession, play, operation or use of a device that could be construed to be a
 22 simulated gambling device.

23
 24 Simulated gambling establishment means a building, edifice, structure or location, along
 25 with its grounds, in which simulated gambling devices are used, operated or stored, including but
 26 not limited to, game rooms, arcades, internet cafés, internet centers or sweepstakes redemption
 27 centers. This definition does not include any establishment that is expressly permitted by state
 28 law, including but not limited to an “arcade amusement center” as defined in Section 849.161,
 29 Florida Statutes.

30
 31 **Section 2.** Subsection 30-61(c) of the Land Development Code is amended as follows.

32 Except as amended herein, the remainder of Section 30-61 remains in full force and effect.

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

1 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Bed and breakfast establishments	In accordance with article VI
	Compound uses	
	Eating places	
	Itinerant food vendor	Only on parcels that contain a retail store with a minimum gross floor area of 50,000 square feet and in accordance with chapter 19, article IV
	Outdoor café	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
	Sexually oriented retail store	In accordance with section 30-90
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 and sexually oriented motion picture theaters and motion picture arcades
MG-79	Amusement and recreation services	Only within enclosed structures, and e <u>Excluding</u> go-cart rental and raceway operations and also excluding , commercial sports (GN-794), <u>and</u>

		<u>simulated gambling establishments. Must be located within enclosed structures.</u>
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	Including 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	
MG-87	Engineering, accounting, research, management and related services	Excluding testing laboratories, (IN-8734) and facility support management services (IN-8744)
MG-89	Services, not elsewhere classified	
Div. J	Public administration	
	USES BY SPECIAL USE PERMIT	

	Accessory transmission, retransmission and microwave towers over 100 feet in height	In accordance with article VI
	Alcoholic beverage establishments	In accordance with article VI
	Food distribution center for the needy	In accordance with article VI
	Retail sales of electric golf carts	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
	Ice manufacturing/vending machines	In accordance with article VI

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Section 3. Subsection 30-62(c) of the Land Development Code is amended as follows.

Except as amended herein, the remainder of Section 30-62 remains in full force and effect.

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

1 (c) *Permitted uses.*
 2

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory use customarily incidental to a permitted principal use	
	Eating places	
	Ice dealers, retail only	
MG-15	Building construction— General contractors and operative builders	
MG-17	Construction—Special trade contractors	
IN-2261	Finishers of broadwoven fabrics of cotton	
IN-2262	Finishers of broadwoven fabrics of manmade fiber and silk	
MG-27	Printing, publishing and allied industries	
MG-41	Local and suburban transit and interurban highway passenger	

	transportation	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	
GN-501	Motor vehicles and motor vehicle parts and supplies, wholesale	Excluding motor vehicle parts, used (IN-5015)
GN-504	Professional and commercial equipment and supplies, wholesale	
GN-508	Machinery, equipment and supplies, wholesale	Excluding construction and mining (except petroleum) machinery and equipment (IN-5082), industrial machinery and equipment (IN-5084), and transportation equipment and supplies, except motor vehicles (IN-5088)
MG-52	Building materials, hardware, garden supply and mobile home dealers	
MG-54	Food stores	
MG-55	Automotive dealers and gasoline service stations	Including gasoline service stations in accordance with 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 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, <u>and simulated gambling establishments.</u>

MG-86	Membership organizations	
Div. J	Public administration	Excluding correctional institutions (IN-9223)
Places of religious assembly	In accordance with article VI	
	USES BY SPECIAL USE PERMIT	
IN-7542	Carwashes	
	Ice manufacturing/vending machines	In accordance with article VI

1
 2 **Section 4.** Subsection 30-63(c)(1) of the Land Development Code is amended as
 3 follows. Except as amended herein, the remainder of Section 30-63 remains in full force and
 4 effect.

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

- 6
 7 c) *Permitted uses.*
 8 (1) *Uses by right.*
 9 a. Local and suburban transit and interurban highway passenger transportation (MG-
 10 41).
 11 b. U.S. Postal Service (MG-43).
 12 c. Food stores (MG-54).
 13 d. Auto and home supply stores (GN-553).
 14 e. Gasoline service stations (GN-554), in accordance with article VI.
 15 f. Apparel and accessory stores (MG-56).
 16 g. Eating places.
 17 h. Miscellaneous retail (MG-59) excluding fuel dealers (GN-598).

- 1 i. Hotels and motels (GN-701).
- 2 j. Organization hotels and lodgishouses, on membership basis (GN-704).
- 3 k. Personal services (MG-72), excluding funeral service and crematories (GN-726),
- 4 and also excluding linen supply (IN-7213), diaper service (IN-7214), and industrial
- 5 launderers (IN-7218).
- 6 l. Automotive repair, services and garages (MG-75), excluding carwashes.
- 7 m. Motion pictures (MG-78), including sexually oriented motion picture theaters in
- 8 accordance with section 30-90.
- 9 n. Amusement and recreation services, ~~except~~ excluding motion pictures, ~~and~~
- 10 ~~excluding~~ go-cart raceway operations and go-cart rentals (MG-79), and simulated
- 11 gambling establishments.
- 12 o. Museums and art galleries (GN-841).
- 13 p. Membership organizations (MG-86).
- 14 q. Recreational vehicle parks and campsites, in accordance with article VI (GN-7033).
- 15 r. Public service vehicles, in accordance with article VI.
- 16 s. Sexually oriented cabarets, in accordance with section 30-90.
- 17 t. Arrangement of passenger transportation (GN-472).
- 18 u. Any accessory use customarily incidental to a permitted principal use.
- 19 v. Alcoholic beverage establishments, in accordance with article VI.
- 20 w. Bed and breakfast establishments, in accordance with article VI.
- 21 x. Outdoor cafe, as defined in article II and in accordance with article VI.
- 22 y. Places of religious assembly, in accordance with article VI.
- 23 z. Sexually oriented retail store, in accordance with section 30-90.
- 24 aa. Offices and clinics of doctors of medicine (GN-801).
- 25 bb. Offices and clinics of dentists (GN-802).
- 26 cc. Offices and clinics of doctors of osteopathy (GN-803).
- 27 dd. Offices and clinics of other health practitioners (GN-804).

28
29 **Section 5.** Subsection 30-64(g) of the Land Development Code is amended as follows.

30 Except as amended herein, the remainder of Section 30-64 remains in full force and effect.

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

32
33 (g) *Permitted uses.*
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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 article VI
	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. Lots that existed on November 13, 1991 as recorded in the planning and development services department and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.
	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
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 e <u>Excluding go-cart rental and raceway operations, and also raceway operations and also excluding commercial sports (GN-794), and simulated gambling establishments. Must be located within enclosed structures.</u>
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	
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

- 1
- 2 **Section 6.** Subsection 30-65(e) of the Land Development Code is amended as follows.
- 3 Except as amended herein, the remainder of Section 30-65 remains in full force and effect.
- 4 **Sec. 30-65. Mixed use medium intensity district (MU-2).**

1
 2 (e) *Permitted uses.*
 3

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	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. Lots that existed on November 13, 1991 as recorded in the planning and development services department and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.
	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 e Excluding go-cart rental and raceway operations and also excluding , commercial sports (GN-794), <u>and simulated gambling establishments. Must be located within enclosed structures.</u>
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	
MG-87	Engineering, accounting, research management and	Excluding testing laboratories (IN-8734) and facilities

	related services	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 <u>located outside of an enclosed structures</u>	In compliance with noise ordinance <u>Excluding simulated gambling establishments. Must be in compliance with noise ordinance.</u>

1
 2 **Section 7.** Subsection 30-65.1(c)(1) of the Land Development Code is amended as
 3 follows. Except as amended herein, the remainder of Section 30-65.1 remains in full force and
 4 effect.

5 **Sec. 30-65.1. Urban mixed-use district 1 (UMU-1).**

6
 7 (c) *Permitted uses.*

8
 9 (1) Uses by right:

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SIC	Uses	Conditions
	Single-family dwellings	
	Row houses	

	Multi-family dwellings (8 to 75 units per acre)	Lots that existed on November 13, 1991 as recorded in the planning and development services department and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.
	Incidental residential accessory 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.	
	Dormitory	Must not abut property designated single-family on the future land use map
	Rooming houses and boarding houses	In accordance with article VI
	Consolidated apartment management offices	In accordance with article II
	Bed and breakfast establishment	In accordance with article VI
	Community residential homes with 14 or fewer residents	When part of a permitted single-family or multi-family residential component and in accordance with article VI
	Community residential homes with more than 14 residents	In accordance with article VI
	Adult day care homes	In accordance with article VI
	Family day care homes	In accordance with article VI

	Day care center	In accordance with article VI
	Places of religious assembly	In accordance with article VI
	Public service vehicles	In accordance with article VI
	Outdoor cafes	As defined in article II and in accordance with article VI
	Eating places	
	Repair services for household needs	As defined in article II
	Specialty T-shirt production	As defined in article II
	Limited automotive services	In accordance with article VI
	Rehabilitation centers	In accordance with article VI
	Research and development in the physical, engineering and life sciences	Research and development in the physical, engineering and life sciences, defined as establishments primarily engaged in conducting research and experimental development in the physical, engineering, or life sciences, such as agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forest, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects (NAICS 2002-541710).
GN-074	Veterinary services	Only within enclosed buildings and in

		accordance with article VI
GN-078	Landscape and horticultural services	
MG-43	U. S. Postal Service	
GN-471	Arrangement of passenger transportation	Offices only, with no operation of passenger tours on site.
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, excluding cellular telephone services.
GN-523	Paint, glass, and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply	
MG-53	General merchandise stores	
MG-54	Food stores	
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishing, and equipment stores	
MG-59	Miscellaneous retail	Excluding GN598 fuel dealers

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 industrial laundries (IN-7218)
MG-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN7353), and equipment rental and leasing, not elsewhere classified (IN-7359)
GN-701	Hotels and motels	
GN-752	Automobile parking	Structured parking only, and not within 100 feet of property designated for single-family use
MG-78	Motion picture	
MG-79	Amusement and recreation services	Only within enclosed structures, and e Excluding go-cart rental and raceway operations, and also raceway operations <u>commercial sports, and simulated gambling establishments. Must be located within enclosed structures.</u>
MG-80	Health services	
MG-81	Legal services	
MG-82	Educational services	

MG-83	Social services	
MG-84	Museums, art galleries, and botanical and zoological gardens	
MG-86	Membership organization	
MG-87	Engineering, accounting, research, management, and related services	

1

2 **Section 8.** Subsection 30-65.2(c)(1) of the Land Development Code is amended as
 3 follows. Except as amended herein, the remainder of Section 30-65.2 remains in full force and
 4 effect.

5 **Sec. 30-65.2. Urban mixed-use district 2 (UMU-2).**

6

7 (c) *Uses.*

8 (1) *Permitted uses by right are as follows:*

SIC	Uses	Conditions
	Compound uses	
	Single-family dwellings	
	Rowhouses	
	Multi-family dwellings	Minimum and maximum densities are set forth in the Dimensional Requirements Table in this section

	Incidental residential accessory 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	
	Dormitory	Must not abut property designated single-family on the future land use map
	Rooming houses and boarding houses	In accordance with article VI
	Consolidated apartment management offices	
	Bed and breakfast establishment	In accordance with article VI
	Community residential homes with 14 or fewer residents	When part of a permitted single-family or multi-family residential development and in accordance with article VI
	Community residential homes with more than 14 residents	In accordance with article VI
	Adult day care homes	In accordance with article VI
	Family day care homes	In accordance with article VI
	Day care center	In accordance with article VI
	Places of religious assembly	In accordance with article VI

	Public service vehicles	In accordance with article VI
	Outdoor cafes	In accordance with article VI
	Eating places	
	Repair services for household needs	
	Specialty T-shirt production	
	Structured parking	In accordance with subsection (f)(3) below
	Rehabilitation centers	In accordance with article VI
	Research and development in the physical, engineering and life sciences	
	Light assembly, packaging, and manufacturing associated with research and development in the physical, engineering and life sciences	
	Chilled water and steam plants, electric generation, and other energy storage, distribution, and conversion facilities	
	Scooter sales	Only within enclosed buildings in accordance with section 30-67(g). Facilities to service scooters are permitted as an accessory use when such facilities do not exceed 45% of the gross floor area of the enclosed building.

GN-074	Veterinary services	Only within enclosed buildings and in accordance with article VI
GN-078	Landscape and horticultural services	
MG-43	U.S. Postal Service	
GN-471	Arrangement of passenger transportation	Offices only, with no operation of passenger tours on site
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, excluding cellular telephone services
GN-523	Paint, glass, and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply	
MG-53	General merchandise stores	
MG-54	Food stores	Excluding gasoline pumps
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishing, and equipment stores	

MG-59	Miscellaneous retail	Excluding GN-598 Fuel Dealers
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developer (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI and excluding industrial laundries (IN-7218)
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-701	Hotels and motels	
MG-78	Motion picture	
MG-79	Amusement and recreation services	Only within enclosed structures, and e <u>Excluding go-cart rental and raceway operations, and also raceway operations and also excluding commercial sports, and simulated gambling establishments. Must be located within enclosed structures.</u>
MG-80	Health services	
MG-81	Legal services	
MG-82	Educational services	

MG-83	Social services	
MG-84	Museums, art galleries, and botanical and zoological gardens	
MG-86	Membership organization	
MG-87	Engineering, accounting, research, management, and related services	

1
2 **Section 9.** Subsection 30-66(c) of the Land Development Code is amended as follows.

3 Except as amended herein, the remainder of Section 30-66 remains in full force and effect.

4 **Sec. 30-66. Central city district (CCD).**

5
6 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Adult day care homes	In accordance with article VI
	Alcoholic beverage establishments	In accordance with article VI including sidewalk cafes as an accessory use in accordance with VI
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Bed and breakfast establishments	

	Compound uses	
	Day care centers	In accordance with article VI
	Dormitories	In accordance with article VI
	Eating places	Including sidewalk cafes as an accessory use in accordance with article VI
	Farmers markets	In accordance with article VI
	Multifamily dwellings up to 150 units per acre	
	Outdoor cafes	As defined in article II and in accordance with article VI
	Personal fitting and sales of orthopedic or prosthetic appliances	
	Places of religious assembly	In accordance with article VI
	Public service vehicles	In accordance with article VI
	Research and development in the physical, engineering and life sciences	
	Roominghouses	In accordance with article VI
	Single-family dwellings	

	Structured parking	As regulated by the special area plan for traditional city
	Townhouses	
	Two-family dwellings	
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	
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	
MG-48	Communications	Accessory transmission, retransmission, and microwave towers up to and including 100 feet in height in accordance with article VI
MG-52	Building materials, hardware, garden supply	Excluding mobile home dealers (GN-527)
MG-53	General merchandise stores	
MG-54	Food stores	Excluding gasoline pumps as accessory uses
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Excluding fuel dealers (GN-598), junkyards and salvage yards
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
GN-701	Hotels and motels	

MG-72	Personal services	Excluding funeral services and crematories (GN-726)
MG-73	Business services	Excluding disinfecting and pest control services (IN-7342)
MG-76	Miscellaneous repair services	Excluding welding repair (IN-7692) and armature rewinding shops (IN-7694)
MG-78	Motion pictures	Excluding drive-in theaters (IN-7833)
MG-79	Amusement and recreation services	Only within enclosed structures, and e Excluding go-cart rental and raceway operations, <u>and simulated gambling establishments. Must be located within enclosed structures.</u>
MG-80	Health services	Excluding hospitals (GN-806) and including nursing and personal care facilities (GN-805) in accordance with article VI
MG-81	Legal services	
MG-82	Educational services	Including private schools, in accordance with article VI
GN-832	Individual and family social services	
GN-833	Job training and vocational rehabilitation services	
GN-839	Social services, not elsewhere classified	Excluding rehabilitation centers

MG-84	Museums, art galleries and botanical and zoological gardens	
MG-86	Membership organizations	
MG-87	Engineering, accounting, research, management and related services	Within enclosed buildings
MG-89	Services, not elsewhere classified	
Div. J	Public administration	Excluding correctional institutions (IN-9223)
	USES BY SPECIAL USE PERMIT	
	Accessory transmission, retransmission and microwave towers over 100 feet in height	In accordance with article VI
	Community residential homes over 14 persons	In accordance with article VI
	Emergency shelters	
	Food distribution center for the needy	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 and halfway houses	In accordance with article VI
GN-726	Funeral services and crematories	In accordance with article VI

1
2 **Section 10.** Subsection 30-67.1(c)(1) of the Land Development Code is amended as
3 follows. Except as amended herein, the remainder of Section 30-67.1 remains in full force and
4 effect.

5 **Sec. 30-67.1. Business industrial district (BI).**

6
7 (c) *Permitted uses.*

8
9 (1) *Uses by right.*

10

SIC	Uses	Conditions
	Corporate offices	
	Day care centers	In accordance with article VI
	Eating places	
	Places of religious assembly	In accordance with article VI
	Professional schools	As defined in article II
	Sales offices	
	Rehabilitation centers	
	Exercise studio	
	Research and development in the physical, engineering and life sciences	Research and development in the physical, engineering and life sciences, defined as establishments primarily engaged in conducting

		research and experimental development in the physical, engineering, or life sciences, such as agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forest, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects (NAICS 2002-541710
	Outdoor storage	In accordance with article VI
	Research, development and manufacturing of renewable energy including biofuels, solar and wind power products.	
	Facilities on premises for security personnel.	
	Ice manufacturing/vending machines	In accordance with article VI
GN 074	Veterinary services	Within fully enclosed structures and in accordance with article VI
IN 0752	Animal specialty services	
GN 076	Farm labor and management services	
GN 078	Landscape and horticultural services	
MG 15	Building construction	
MG 41	Local and suburban transit and interurban highway passenger transportation	
MG 42	Motor freight transportation and warehousing	
MG 43	United States Postal Service	
MG 45	Transportation by air	
MG 47	Transportation services	
MG 48	Communications	
IN 7011	Hotels and motels	
MG 72	Personal services	
MG 73	Business services	
MG 75	Automotive repair, services and parking	
MG 76	Miscellaneous repair services	
MG 78	Motion pictures	
MG 79	Miscellaneous <u>Amusement</u> and recreation services	<u>Excluding simulated gambling establishments</u>

MG 80	Health services	
MG 81	Legal services	
MG 86	Membership organizations	
MG 87	Engineering, accounting, research, management and related services	
Division G	Retail trade	
Division H	Finance, insurance and real estate	
SIC-8999	Services, not elsewhere classified	Within enclosed buildings
Division F	Wholesale 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).	
Division C	Construction, excluding heavy construction other than building construction contractors (MG-16).	
MG 20	Food and kindred products (excluding the following: wet corn milling (IN-2046), raw cane sugar (IN-2061), and beet sugar (IN-2063).	
MG 22	Textile mill products, excluding cotton finishing plants (IN-2261).	
MG 23	Apparel and other finished products made from fabrics and similar materials	
GN-243	Millwork, veneer, plywood and structural wood members	
GN 244	Wood containers	
MG 25	Furniture and fixtures	
GN 267	Converted paper and paperboard products, except containers and boxes, excluding coated and laminated paper packaging (IN-2671).	
GN 265	Paperboard containers and boxes	
MG 27	Printing, publishing and allied industries, excluding gravure (IN 2754)	
GN 283	Drugs excluding medicinals and botanicals (IN 2833).	
GN 284	Soap, detergents and cleaning preparations,	

	perfumes, cosmetics and other toilet preparations	
MG 31	Leather and leather products	
GN 323	Glass products, made of purchased glass	
GN 328	Cut stone and stone products	
IN 3444	Sheet metal work	
MG 352	Farm and garden machinery and equipment	
MG 36	Electronic and other electrical equipment and components, except computer equipment	
MG 38	Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks	
MG 39	Miscellaneous manufacturing industries	
GN 833	Job training and vocational rehabilitation services	
Division J	Public administration	

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2 **Section 11.** Subsection 30-68(c) of the Land Development Code is amended as follows.

3 Except as amended herein, the remainder of Section 30-68 remains in full force and effect.

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

5
6 (c) *Permitted uses.*

7

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 e- Excluding go-cart rental and raceway operations and also excluding <u>commercial sports (GN-794), and simulated gambling establishments. Must be located within enclosed structures.</u>
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	
MG-87	Engineering, accounting, research management and related services	
MG-89	Services, not elsewhere classified	
Div. J	Public administration	
	Places of religious assembly	In accordance with article VI
	Ice manufacturing/vending machines	In accordance with article VI
	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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2

Section 12. Subsection 30-69(c)(1) of the Land Development Code is amended as

3

follows. Except as amended herein, the remainder of Section 30-69 remains in full force and

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effect.

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

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(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).
- e. Railroad transportation (MG-40).
- f. Local and suburban transit and interurban highway passenger transportation (MG-41).
- g. Motor freight transportation and warehousing (MG-42).
- h. U.S. Postal Service (MG-43).
- i. Transportation services (MG-47).
- j. Business services (MG-73); including disinfecting and pest control services (IN-7342), in accordance with article VI.
- k. Miscellaneous manufacturing industries (MG-39).
- l. Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks (MG-38).
- m. Communications (MG-48).
- n. Food and kindred products (MG-20), excluding the following: wet corn milling (IN-2046), raw cane sugar (IN-2061), and beet sugar (IN-2063).
- o. Textile mill products (MG-22), excluding cotton finishing plants (IN-2261).
- p. Wood containers (GN-244).
- q. Apparel and other finished products made from fabrics and similar materials (MG-23).
- r. Eating places.
- s. Personal services (MG-72).
- t. Automotive repair, services and parking (MG-75).
- u. Miscellaneous repair services (MG-76).
- v. Outdoor storage in accordance with article VI.

- 1 w. Nonstore retailers (GN-596).
- 2 x. Public service vehicles, in accordance with article VI.
- 3 y. Gasoline service stations (GN-554), in accordance with article VI.
- 4 z. Landscape and horticultural services (GN-078).
- 5 aa. Veterinary services (GN-074), in accordance with article VI.
- 6 bb. Animal specialty services (IN-0752).
- 7 cc. Farm labor and management services (GN-076).
- 8 dd. Building materials, hardware, garden and mobile home dealers (MG-52).
- 9 ee. Reserved.
- 10 ff. Reserved.
- 11 gg. Auto and home supply stores (GN-553).
- 12 hh. Boat dealers (GN-555).
- 13 ii. Motorcycle dealers (GN-557).
- 14 jj. Automotive dealers, not elsewhere classified (e.g., aircraft, go-carts) (GN-559).
- 15 kk. Fuel dealers (GN-598).
- 16 ll. Car washes (IN-7542), in accordance with article VI.
- 17 mm. Reserved.
- 18 nn. Amusement and recreation services, not elsewhere classified (IN-7999), excluding
- 19 go-cart raceway and rental operations ~~and go-cart rental~~ (see special use permit),
- 20 and simulated gambling establishments.
- 21 oo. Engineering, architectural and surveying services (GN-871).
- 22 pp. Noncommercial research organizations (IN-8733).
- 23 qq. Home furniture, furnishings and equipment stores (MG-57).
- 24 rr. Any accessory use incidental to any permitted principal use.
- 25 ss. Miscellaneous wood products (GN-249).
- 26 tt. Accounting, auditing and bookkeeping services (GN-872).
- 27 uu. Bowling centers (GN-793).
- 28 vv. Furniture and fixtures (MG-25).
- 29 ww. Converted paper and paperboard products, except containers and boxes (GN-267),
- 30 excluding coated and laminated paper packaging (IN-2671).
- 31 xx. Paperboard containers and boxes (GN-265).
- 32 yy. Drugs (GN-283), excluding medicinals and botanicals (IN-2833).
- 33 zz. Soap, detergents and cleaning preparations, perfumes, cosmetics and other toilet
- 34 preparations (GN-284).

- 1 aaa. Leather and leather products (MG-31).
- 2 bbb. Glass products, made of purchased glass (GN-323).
- 3 ccc. Cut stone and stone products (GN-328).
- 4 ddd. Sheetmetal work (IN-3444).
- 5 eee. Farm and garden machinery and equipment (MG-352).
- 6 fff. Electronic and other electrical equipment and components, except computer
- 7 equipment (MG-36).
- 8 ggg. Meat and fish (seafood) markets, including freezer provisioners (GN-542).
- 9 hhh. Fruit and vegetable markets (GN-543).
- 10 iii. Job training and vocational rehabilitation services (GN-833).
- 11 jjj. Millwork, veneer, plywood and structural wood members (GN-243).
- 12 kkk. Used merchandise stores (GN-593), only within enclosed buildings.
- 13 lll. Ice dealers.
- 14 mmm. Facilities on premises for security personnel.
- 15 nnn. Motor vehicle dealers (new and used) (IN-5511).
- 16 ooo. Research, development and testing services (GN-873).
- 17 ppp. Air courier services (IN-4513).
- 18 qqq. Corporate offices.
- 19 rrr. Ice manufacturing/vending machines in accordance with article VI.

20
 21 **Section 13.** Subsection 30-70(c)(1) of the Land Development Code is amended as
 22 follows. Except as amended herein, the remainder of Section 30-70 remains in full force and
 23 effect.

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

25
 26 (c) *Permitted uses.*

27
 28 (1) *Uses by right.*

- 29
- 30 a. Food and kindred products (MG-20), excluding the following: wet corn milling
- 31 (IN-2046); raw cane sugar (IN-2061); beet sugar (IN-2063); soybean oil mills (IN-
- 32 2075); and distilled liquor (IN-2085).
- 33 b. Tobacco products (MG-21), excluding cigarettes (IN-2111).
- 34 c. Textile mill products (MG-22), excluding cotton finishing plants (IN-2261).

- 1 d. Apparel and other finished products made from fabrics and similar materials (MG-
2 23).
- 3 e. Lumber and wood products, except furniture (MG-24).
- 4 f. Furniture and fixtures (MG-25).
- 5 g. Paper and allied products (MG-26), excluding the following: pulp mills (IN-2611);
6 paper mills (IN-2621); paperboard mills (IN-2631); and packaging—coated and
7 laminated paper (IN-2671).
- 8 h. Printing, publishing, and allied industries (MG-27), excluding gravure commercial
9 printing (IN-2754).
- 10 i. Chemicals and allied products (MG-28), excluding the following: alkalis and
11 chlorine (IN-2812); inorganic pigments (IN-2816); cellulosic manmade fibers (IN-
12 2823); noncellulosic organic fibers (IN-2824); gum and wood chemicals (IN-2861);
13 nitrogenous fertilizers (IN-2873); phosphatic fertilizers (IN-2874); synthetic rubber
14 (IN-2822); medicinals and botanicals (IN-2833); cyclic crudes and intermediates
15 (IN-2865); explosives (IN-2892); and carbon black (IN-2895).
- 16 j. Petroleum refining and related industries (MG-29), excluding the following:
17 petroleum refining (IN-2911); petroleum and coal products (not elsewhere
18 classified) (IN-2999); and asphalt paving mixtures and blocks (IN-2951).
- 19 k. Rubber and miscellaneous plastics products (MG-30).
- 20 l. Leather and leather products (MG-31).
- 21 m. Stone, clay, glass, and concrete products (MG-32), excluding the following:
22 hydraulic cement (IN-3241); lime (IN-3274); flat glass (IN-3211); glass containers
23 (IN-3221); pressed and blown glass (not elsewhere classified) (IN-3229); brick and
24 structural clay tile (IN-3251); ceramic wall and floor tile (IN-3253); clay
25 refractories (IN-3255); structural clay products (not elsewhere classified) (IN-
26 3259); vitreous plumbing fixtures (IN-3261); vitreous china food utensils (IN-
27 3262); gypsum products (IN-3275); and ground or treated minerals (IN-3295).
- 28 n. Primary metal industries (MG-33), excluding the following: steel works, blast
29 furnaces, and rolling mills (IN-3312); electrometallurgical products (IN-3313);
30 primary copper (IN-3331); primary aluminum (IN-3334); primary nonferrous
31 metals (not elsewhere classified) (IN-3339); secondary smelting and refining of
32 nonferrous metals (IN-3341); gray iron foundries (IN-3321); copper rolling and
33 drawing (IN-3351); aluminum extruded products (IN-3354); aluminum rolling and
34 drawing (IN-3355); aluminum die-castings (IN-3363); and copper foundries (IN-
35 3366).
- 36 o. Fabricated metal products, except machinery and transportation equipment (MG-
37 34), excluding the following: nonferrous forgings (IN-3463); and metal coatings
38 and allied services (IN-3479).
- 39 p. Industrial and commercial machinery and computer equipment (MG-35).
- 40 q. Electronic and other electrical equipment and components, except computer
41 equipment (MG-36).

- 1 r. Transportation equipment (MG-37).
- 2 s. Measuring, analyzing, and controlling instruments; photographic, medical and
3 optical goods; watches and clocks (MG-38).
- 4 t. Miscellaneous manufacturing industries (MG-39).
- 5 u. Construction (Div. C).
- 6 v. Transportation, communications, electric, gas and sanitary services (Div. E),
7 including solar generation station in accordance with article VI.
- 8 w. Wholesale trade (Div. F), excluding junkyards and salvage yards.
- 9 x. Building materials, hardware, garden supply and mobile home dealers (MG-52).
- 10 y. Fuel dealers (GN-598).
- 11 z. Business services (MG-73); including disinfecting and pest control services (IN-
12 7342), in accordance with article VI.
- 13 aa. Automotive repair, services and parking (MG-75).
- 14 bb. Miscellaneous repair services (MG-76).
- 15 cc. Reserved.
- 16 dd. Landscape and horticultural services (GN-078).
- 17 ee. Eating places.
- 18 ff. Personal services (MG-72).
- 19 gg. Outdoor storage.
- 20 hh. Veterinary services (GN-074), in accordance with article VI.
- 21 ii. Animal services, except veterinary (GN-075).
- 22 jj. Nonstore retailers (GN-596).
- 23 kk. Public service vehicles in accordance with article VI.
- 24 ll. Farm labor and management services (GN-076).
- 25 mm. Car washes (IN-7542).
- 26 nn. Reserved.
- 27 oo. Amusement and recreation services, not elsewhere classified (IN-7999), excluding
28 go-cart raceway and rental operations, ~~and go-cart rentals~~, ~~excluding~~ sexually
29 oriented businesses, and simulated gambling establishments.
- 30 pp. Noncommercial research organizations (IN-8733).
- 31 qq. Engineering, architectural and surveying services (IN-871).
- 32 rr. Any accessory use incidental to a permitted principal use.
- 33 ss. Legal services (MG-81).

- 1 tt. Motion picture production and allied services (GN-781); motion picture
- 2 distribution and allied services (GN-782).
- 3 uu. Bowling centers and billiard and pool establishments (GN-793).
- 4 vv. Recycling centers, in accordance with article VI.
- 5 ww. Research, development and testing service (GN-873).
- 6 xx. Sexually oriented motion picture theaters, in accordance with section 30-90.
- 7 yy. Sexually oriented cabarets, in accordance with section 30-90.
- 8 zz. Sexually oriented retail stores, in accordance with section 30-90.
- 9 aaa. Ice manufacturing/vending machines in accordance with article VI.

10
 11 **Section 14.** Subsection 30-75(c) of the Land Development Code is amended as follows.

12 Except as amended herein, the remainder of Section 30-75 remains in full force and effect.

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

14
 15 (c) *Uses permitted by right.* The specific use(s) permitted on the subject property shall be
 16 specified as a part of the ordinance which places this classification on a particular area of
 17 ground and may include:

- 18 (1) Libraries and information centers (GN-823).
- 19 (2) U.S. Postal Service (MG-43).
- 20 (3) Museums, art galleries and botanical and zoological gardens (MG-84).
- 21 (4) Public administration (Div. J).
- 22 (5) Local and suburban transit and interurban highway passenger transportation (MG-41).
- 23 (6) Public golf courses (IN-7992).
- 24 (7) Commercial sports (GN-794).
- 25 (8) Pipelines, except natural gas (MG-46).
- 26 (9) Electric, gas and sanitary services (MG-49).
- 27 (10) Amusement parks (IN-7996).
- 28 (11) Membership sports and recreation clubs (IN-7997).
- 29 (12) Amusement and recreation services, not elsewhere classified (IN-7999), excluding
 30 simulated gambling establishments.
- 31 (13) Cemeteries.
- 32 (14) Public service vehicles, in accordance with article VI.
- 33 (15) Any other use specified in the ordinance rezoning property to this classification.
- 34 (16) Any use customarily incidental to any permitted principal use.

- 1 (17) Public lands designated for open space or conservation.
- 2 (18) Activity-based private recreational or open space lands which have had development
- 3 rights conveyed to the public, or for which a covenant of at least ten-years' duration is
- 4 executed ensuring that only open space outdoor recreation or park uses shall be
- 5 permitted in accordance with F.S. § 193.501.
- 6 (19) Activity-based public parks and recreational facilities as defined by the comprehensive
- 7 plan.
- 8 (20) Golf driving ranges.
- 9 (21) Pitch-n-putt golf.
- 10 (22) Utility lines.
- 11 (23) Water conservation areas, water reservoirs and control structures, drainage wells and
- 12 water wells.
- 13 (24) Transmitter towers in accordance with article VI.
- 14 (25) Camps and recreational vehicle parks (GN-703).
- 15 (26) Places of religious assembly, in accordance with article VI.

16
 17 **Section 15.** It is the intention of the City Commission that the provisions of Sections 1
 18 through 14 of this ordinance shall become and be made a part of the Code of Ordinances of the
 19 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be
 20 renumbered or relettered in order to accomplish such intentions.

21 **Section 16.** If any word, phrase, clause, paragraph, section, or provision of this
 22 ordinance or the application hereof to any person or circumstance is held invalid or
 23 unconstitutional, such finding shall not affect the other provisions or applications of this
 24 ordinance that can be given effect without the invalid or unconstitutional provision or
 25 application, and to this end the provisions of this ordinance are declared severable.

26 **Section 17.** All ordinances or parts of ordinances in conflict herewith are to the extent of
 27 such conflict hereby repealed.

28 **Section 18.** This ordinance shall become effective immediately upon adoption.

29

1 PASSED AND ADOPTED this ____ day of _____, 2014.

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9

EDWARD B. BRADDY
MAYOR

Attest:

Approved as to form and legality:

10 _____
KURT M. LANNON
11 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

12

13 This ordinance passed on first reading this ____ day of _____, 2014.

14

15 This ordinance passed on second reading this ____ day of _____, 2014.