

**LEGISLATIVE #**

**120789A**

ORDINANCE NO. 120789

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to scooter sales; by adding a new definition to Section 30-23 Definitions and by adding scooter sales to the list of permitted uses by right in Section 30-65.2 Urban mixed-use district 2 (UMU-2); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, notice was given as required by law that the text of the Land Development Code of the City of Gainesville, Florida, be amended and a public hearing was then held by the City Plan Board on June 28, 2012; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days' advance notice of the first public hearing to be held in the City Hall Auditorium, First Floor, City Hall, City of Gainesville; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days' advance notice of the second public hearing; and

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

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

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

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

1 Scooter means a motor vehicle powered by a motor with a displacement not exceeding  
 2 151 cubic centimeters and designed to travel on not more than three wheels in contact with the  
 3 ground. This definition shall include mopeds and motorized scooters as defined by Florida  
 4 Statutes.

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

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

9 (c) *Uses.*

10 (1) Permitted uses by right are as follows:

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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	
	<u>Scooter sales</u>	<u>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.</u>
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 service	Only within enclosed structures, and excluding go-cart rental and raceway operations and also excluding commercial sports
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	

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

1           **Section 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance  
 2 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
 3 finding shall not affect the other provisions or applications of this ordinance that can be given  
 4 effect without the invalid or unconstitutional provision or application, and to this end the  
 5 provisions of this ordinance are declared severable.

6           **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
 7 such conflict hereby repealed.

8           **Section 6.** This ordinance shall become effective immediately upon final adoption.

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10           **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

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\_\_\_\_\_  
 CRAIG LOWE  
 MAYOR

ATTEST:

Approved as to form and legality

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

\_\_\_\_\_  
 NICOLLE M. SHALLEY  
 CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2013.

This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2013.