

DRAFT

11-17-08

ORDINANCE NO. _____
0-08-59

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 060015, adopted by the City Commission of the City of Gainesville on October 23, 2006, that rezoned certain property located in the vicinity of 837 Southeast 7th Avenue and commonly referred to as the "Cotton Club," to "PS: Public services and operations district;" by adding certain uses to the list of uses permitted by right on the property; by specifying the setbacks for certain uses on the property; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Commission, on October 3, 2006, adopted Ordinance No. 060015, that rezoned certain real property which is the subject of this Ordinance, to "PS: Public Services and Operations District;" and

WHEREAS, the Petitioner has requested the City amend Ordinance No. 060015 to add certain uses to be permitted by right on the property and to specify setbacks for certain uses, as more specifically provided herein; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on June 19, 2008; and

WHEREAS, notice was given and publication made as required by law of a public hearing which was then held by the City Commission on July 28, 2008; and

WHEREAS, the City Commission finds that the amendment of the Ordinance No. 060015 as provided herein is consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

CODE: Words underlined are additions; words ~~stricken~~ are deletions.
Petition No. 76PSZ-08PB

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

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

8 **WHEREAS**, public hearings were held pursuant to the published notice described above
9 at which hearing the parties in interest and all others had an opportunity to be and were, in fact,
10 heard.

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

13 **Section 1.** Section 2 of Ordinance No. 060015, adopted by the City Commission on
14 October 23, 2006, is stricken and replaced in its entirety by the following:

15 (a) The principal uses permitted by right on the property are as follows:

16 (1) Museum

17 (2) Recreation center and/or community center

18 (3) Classrooms and/or meeting rooms

19 (4) Library and/or historical archive

20 (5) Farmers market

21 (6) Historic-themed general store

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(b) The following are accessory uses that are permitted if incidental to a principal use listed above as (a)(1) through (4):

(1) Administrative offices

(2) Theatre, movies, performances and lectures

(3) Eating place

(4) Outdoor café, in accordance with Article VI of the Land Development Code

(5) Outside entertainment events, including without limitation, weddings and fundraisers.

(c) Provided, however, that all permitted uses that take place outside of an enclosed structure shall not occur, in whole or in part, during the hours from 10 p.m. to 8 a.m. the following day. Such uses include, but are not limited to outdoor cafe, farmers market, and outside entertainment events.

Section 2. The following dimensional requirements shall apply to the development and use of the property:

(a) All new principal and accessory structures devoted to permitted office and administrative uses and permitted intensive recreation uses shall be located and constructed in accordance with section 30-75 Public services and operations district (PS) of the Land Development Code.

(b) All new principal and accessory structures devoted to permitted uses other than those specified in a) shall be located and constructed in accordance with the following minimum yard setbacks:

Front:	10 feet
Side:	10 feet
Rear:	20 feet

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1 (c) For the limited purpose of constructing and maintaining an
2 uncovered deck and ramp as necessary to provide ingress
3 and egress to the "Perryman Building" that is compliant
4 with the Americans with Disabilities Act (ADA), the
5 setback from Southeast 8th Street to the ADA compliant
6 deck and ramp is zero feet.

7
8 (d) A boundary survey of the property is attached hereto as
9 Exhibit "A" for the purpose of depicting the location of the
10 existing structures on the property and, in particular, the
11 location of the "Perryman Building."

12
13 **Section 3.** Except as expressly amended by this ordinance, the remaining provisions of
14 Ordinance No. 060015 shall remain in full force and effect.

15 **Section 4.** If it is determined by the City Manager that a violation of this Ordinance
16 exists, the City Manager may issue and deliver an order to cease and desist from such violation
17 and to correct the violation, to preclude occupancy of the affected building or area, or to vacate
18 the premises. The City Manager, through the City Attorney, may seek an injunction in a court of
19 competent jurisdiction and seek any other remedy available at law.

20 **Section 5.** Any person who violates any of the provisions of this ordinance shall be
21 deemed guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as
22 provided by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or
23 continues, regardless of whether such violation is ultimately abated or corrected, shall constitute a
24 separate offense.

25 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
26 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
27 finding shall not affect the other provisions or applications of the ordinance which can be given

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1 effect without the invalid or unconstitutional provisions or application, and to this end the
2 provisions of this ordinance are declared severable.

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

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

6
7 **PASSED AND ADOPTED** this ____ day of _____, 2008.

8
9
10 _____
11 PEGEEN HANRAHAN, MAYOR

12 ATTEST:

Approved as to form and legality:

13
14
15 _____
16 KURT LANNON,
17 CLERK OF THE COMMISSION

18
19 _____
20 MARION J. RADSON, CITY ATTORNEY

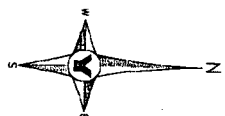
21 This ordinance passed on first reading the ____ day of _____, 2008.

This ordinance passed on second reading the ____ day of _____, 2008

"A"

BOUNDARY AND TOPOGRAPHIC SURVEY

IN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 20 EAST,
CITY OF GADSDALE
ALABAMA COUNTY, ALABAMA
FOR: JAY REYNOLDS & ASSOCIATES



SITE BENCHMARK
- TOP OF STEEL ROD & CAP OF 1802
ELEVATION= 140.36

GRAPHIC SCALE
(0.0002)
1 inch = 50 A.

COTTON CLUB

0753016501
1 QF 1

SURETYBOND'S CERTIFICATION

George F. Young, Inc.
7825 NORTH VINE STREET DALLAS, TEXAS 75203
(214) 343-1100

JAY REEVES & ASSOCIATES
635 NE 1ST STREET
CORONA, FL 32001
407-371-1104

DATE	08/11/01
NAME	08/20/01
OF 0000	
DATE	08/20/01

1000000

[illegible]

REVISED	
2	mph, 3.7/4.0 inches per cent to 100 ft
1	
1	
1	
1	

SURVEYOR'S NOTE

LEGAL DESCRIPTION
LOTS 13 & 14, BLOCK 4, PHASE 1, OF 8000'S
ADDITON, AS PER PLAT THEREON, RECORDED IN DEED
BOOK 77, PAGE 350, OF THE PUBLIC RECORDS OF
ALACHUA COUNTY, FLORIDA.

[illegible]