

ORDINANCE NO. _____
0-08-70

An ordinance of the City of Gainesville, Florida, amending Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land Development Code, relating to the prohibited uses within the Five Points Special Area Plan; by adding social services (MG-83), residences for destitute people, food distribution centers for the needy, ~~membership organizations (MG-86)~~, dormitories, rooming houses and boarding houses (GN-702), rehabilitation centers, and social services homes or halfway houses to the list of prohibited uses; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a public hearing was given that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a public hearing was then held by the City Plan Board on July 17, 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 September 2, 2008; 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 notifying the public of the Public Hearing to be held in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days after the first advertisement was published; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at least five (5) days after the day the second advertisement was published; 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. Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land Development Code of the City of Gainesville, is amended to read as follows:

SECTION 8. SPECIAL AREA PLAN FIVE POINTS AREA

Exhibit A. Special Area Plan
Five Points Area

(f) *Regulations.*

(9) *Prohibited uses.* Table 1 shows uses not allowed in Five Points.

Table 1. Prohibited uses in Five Points

Auto dealers, auto service and limited auto service (IN-5511, MG-753)

Carwashes (IN-7542)

Gas service stations (IN-5541)

Parking lots as a principal use, other than structure parking

Outdoor storage as a principal use

Gasoline pumps when accessory to a food store

Drive-thru

Rehabilitation Centers

Social service homes or halfway houses

Social services (MG-83)

Residences for destitute people

Food distribution centers for the needy

Rooming houses and boarding houses (GN-702)

Dormitories

~~Membership organizations (MG-86)~~

Section 2. It is the intention of the City Commission that the provisions of Section 1 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.

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

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

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

PASSED AND ADOPTED this ____ day of _____, 2009.

ATTEST:

KURT M. LANNON
CLERK OF THE COMMISSION

PEGEEN HANRAHAN, MAYOR

Approved as to form and legality

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this 4th day of December, 2008.

This Ordinance passed on second reading this ____ day of _____, 2009.