

ORDINANCE NO. 080227
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, 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.

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

3 **Section 1.** Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land Development
4 Code of the City of Gainesville, is amended to read as follows:

5 **SECTION 8. SPECIAL AREA PLAN FIVE POINTS AREA**

6 Exhibit A. Special Area Plan
7 Five Points Area
8

9 (f) *Regulations.*

10
11 (9) *Prohibited uses.* Table 1 shows uses not allowed in Five Points.

12
13 Table 1. Prohibited uses in Five Points
14 Auto dealers, auto service and limited auto service (IN-5511, MG-753)
15 Carwashes (IN-7542)
16 Gas service stations (IN-5541)
17 Parking lots as a principal use, other than structure parking
18 Outdoor storage as a principal use
19 Gasoline pumps when accessory to a food store
20 Drive-thru
21 Rehabilitation Centers
22 Social service homes or halfway houses
23 Social services (MG-83)
24 Residences for destitute people
25 Food distribution centers for the needy
26 Rooming houses and boarding houses (GN-702)
27 Dormitories
28

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

33 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
34 the application hereof to any person or circumstance is held invalid or unconstitutional, such finding
35 shall not affect the other provisions or applications of the ordinance which can be given effect

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

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4 such conflict hereby repealed.

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

6 **PASSED AND ADOPTED** this 2nd day of April, 2009.

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9 PEGEEEN HANRAHAN, MAYOR

10
11 ATTEST:

Approved as to form and legality

12 
13 KURT M. LANNON
14 CLERK OF THE COMMISSION

15 
MARION J. RADSON
CITY ATTORNEY

APR - 2 2009

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

18 This Ordinance passed on second reading this 2nd day of April, 2009.