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ORDINANCE NO. 140130

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

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

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

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

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

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 <u>commercial sports (GN-794), 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.

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

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

1 (c) *Permitted uses.*
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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

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Section 4. Subsection 30-63(c)(1) of the Land Development Code is amended as

follows. Except as amended herein, the remainder of Section 30-63 remains in full force and effect.

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

c) *Permitted uses.*

(1) *Uses by right.*

- a. Local and suburban transit and interurban highway passenger transportation (MG-41).
- b. U.S. Postal Service (MG-43).
- c. Food stores (MG-54).
- d. Auto and home supply stores (GN-553).
- e. Gasoline service stations (GN-554), in accordance with article VI.
- f. Apparel and accessory stores (MG-56).
- g. Eating places.
- h. Miscellaneous retail (MG-59) excluding fuel dealers (GN-598).

- 1 i. Hotels and motels (GN-701).
- 2 j. Organization hotels and lodgings, 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).**

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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</u> commercial sports (GN-794), and simulated gambling establishments. <u>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

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Section 6. Subsection 30-65(e) of the Land Development Code is amended as follows.

Except as amended herein, the remainder of Section 30-65 remains in full force and effect.

Sec. 30-65. Mixed use medium intensity district (MU-2).

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(e) *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
	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 <u>Excluding go-cart rental and raceway operations and also excluding commercial sports (GN-794), 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>

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Section 7. Subsection 30-65.1(c)(1) of the Land Development Code is amended as

follows. Except as amended herein, the remainder of Section 30-65.1 remains in full force and effect.

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

(c) *Permitted uses.*

(1) Uses by right:

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