

LEGISLATIVE #

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ORDINANCE NO. 170975

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to add outdoor recreation as a permitted use by right in the Downtown (DT) zoning district, to add health services as a permitted use by right in the Urban 6 (U6), Urban 7 (U7), Urban 8 (U8), Urban 9 (U9), and Downtown (DT) zoning districts, to change Personal Services from a use allowable by Special Use Permit to a use allowable by right in the Urban 4 (U4) zoning district, and to correct scrivener's errors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city; and

WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of Gainesville's Land Development Code is Chapter 30 of the Code of Ordinances); and

WHEREAS, this ordinance, which was noticed as required by law, will amend the text of the Land Development Code as described herein; and

Petition PB-18-101 TCH
CODE: Words underlined are additions; words ~~stricken~~ are deletions.

1 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
2 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
3 to Section 163.3174, Florida Statutes, held a public hearing on July 26, 2018, and voted to
4 recommend the City Commission approve this text change to the Land Development Code; and

5 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
6 newspaper of general circulation and provided the public with at least seven days' advance
7 notice of this ordinance's first public hearing to be held by the City Commission in the City Hall
8 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

9 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was
10 placed in the aforesaid newspaper and provided the public with at least five days' advance
11 notice of this ordinance's second public hearing to be held by the City Commission; and

12 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
13 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

14 **WHEREAS**, the City Commission finds that the Land Development Code text amendment
15 described herein is consistent with the City of Gainesville Comprehensive Plan.

16 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

17 **FLORIDA:**

18 **SECTION 1.** Section 30-4.12 of the Land Development Code is amended as follows. Except as
19 amended herein, the remainder of Section 30-4.12 remains in full force and effect.

20 **Section 30-4.12. Permitted Uses.**

21 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
22 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
23 use is not allowed. No variances from the requirements of this section shall be allowed.

1 **Table V - 1: Permitted Uses within Transects.**

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
RESIDENTIAL											
Single-family <u>dwellings</u> <u>house</u>		P	P	P	P	P	P	P	P	P	P
Attached dwellings (up to 6 attached units)		-	P	P	P	P	P	P	P	P	P
Multi-family, small-scale (2-4 units per building)		-	P	P	P	P	P	P	P	P	P
Multi-family <u>dwellings</u>		-	-	P	P	P	P	P	P	P	P
Accessory dwelling <u>units</u>	30-5.33	-	P	P	P	P	P	P	P	-	-
Adult day care <u>homes</u>	30-5.2	P	P	P	P	P	P	P	P	P	P
Community residential homes (up to 6 residents)	30-5.6	P	P	P	P	P	P	P	P	-	-
Community residential homes (more than 6 residents)	30-5.6	-	-	P	P	P	P	P	P	P	-
Dormitory (small)	30-5.8	-	P	P	P	P	P	P	P	P	P
Dormitory (large)	30-5.8	-	-	P	P	P	P	P	P	P	P
Family child care <u>homes</u>	30-5.10	P	P	P	P	P	P	P	P	P	-
NONRESIDENTIAL											
Alcoholic beverage establishment	30-5.3	-	-	-	-	-	-	P	P	P	P
Assisted living facility		-	-	-	P	-	P	P	P	P	P
Bed & Breakfast establishments	30-5.4	-	S	P	P	P	P	P	P	P	P
Business services		-	-	-	P	-	P	P	P	P	P
Car wash facilities	30-5.5	-	-	-	-	-	-	P	P	-	-
Civic, social & fraternal organizations		S	P	P	P	P	P	P	P	P	P
Day care center	30-5.7	-	S	S	P	P	P	P	P	P	P
Drive-through facility	30-5.9	-	-	-	-	-	P	P	P	P	P
Emergency shelter		-	-	-	-	P	P	P	P	P	P
Equipment rental and leasing, light		-	-	-	-	-	-	P	P	P	P
Exercise studios		-	-	-	P	-	P	P	P	P	P
Farmers market	30-5.11	-	-	-	-	-	P	P	P	P	P
Food distribution for the needy	30-5.12	-	-	-	-	-	-	-	S	S	S
Food truck	30-5.35	-	-	-	A	-	P	P	P	P	P
Funeral homes and crematories		-	-	-	-	-	P	P	P	P	P

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
Gasoline/alternative fuel station	30-5.13	-	-	-	-	-	S ¹	P	P	-	-
<u>Health services</u>		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Hotel		-	-	-	-	-	-	P	P	P	P
Laboratory, medical & dental		-	-	-	P	-	P	P	P	P	P
Library		-	-	-	-	S	P	P	P	P	P
Light assembly, fabrication and processing	30-5.16	-	-	-	-	-	P	P	P	P	P
Medical marijuana dispensing facility		-	-	-	-	-	P	P	P	P	P
Microbrewery Microwinery Microdistillery ²	30-5.17	-	-	-	-	-	S	P	P	P	P
Mini-warehouse/self-storage	30-5.18	-	-	-	-	-	-	-	P	P	-
Museums and art galleries		-	-	-	P	S	P	P	P	P	P
Office		-	-	-	P	P ³ / S ⁴	P	P	P	P	P
Office- medical, dental, & other health related services		-	-	-	P	-	P	P	P	P	P
Parking, surface (principal use)	30-5.20	-	-	-	-	-	-	-	-	S	S
Parking, structured (principal use)		-	-	-	-	-	-	P	P	P	P
Passenger transit station		-	-	-	-	-	-	-	P	P	P
Personal services		-	-	-	<u>S</u> <u>P</u>	-	P	P	P	P	P
Places of religious assembly	30-5.21	S	P	P	P	P	P	P	P	P	P
Professional school		-	-	-	P	P	P	P	P	P	P
Public administration buildings		-	-	-	S	S	S	P	P	P	P
Public parks		P	P	P	P	P	P	P	P	P	P
Recreation, indoor ²		-	-	-	-	-	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	-	P	P	P	<u>P</u>
Research development & testing facilities		-	-	-	-	-	-	P	P	P	P
Residences for destitute people	30-5.22	-	-	-	-	-	-	-	S	S	S
Restaurant		-	-	-	S	-	P	P	P	P	P
Retail sales		-	-	-	-	-	P	P	P	P	P
School, elementary, middle		S	S	S	P	P	P	P	P	P	P

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
& high (public & private)											
Scooter and electric golf cart sales		-	-	-	-	-	-	P	P	P	-
Simulated gambling establishments		-	-	-	-	-	-	-	-	-	-
Social service facilities	30-5.25	-	-	-	-	-	-	-	P	P	P
Skilled nursing facility		-	-	-	P	-	P	P	P	P	P
Vehicle sales and rental (no outdoor display)		-	-	-	-	-	-	P	P	P	P
Vehicle services	30-5.28	-	-	-	-	-	-	P	P	-	-
Vehicle repair	30-5.28	-	-	-	-	-	-	P	-	-	-
Veterinary services	30-5.29	-	-	-	P	-	P	P	P	P	P
Vocational/Trade school		-	-	-	-	-	S	P	P	P	P
Wireless communication services	See 30-5.30										

1 **LEGEND:**

2 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

3 1 = When located along a Principal Street.

4 2 = Prohibited where adjacent to single-family zoned property.

5 3 = Office uses as a home occupation.

6 4 = Office uses up to 20% of the building square footage and shall be secondary to a principal residential
7 use. No outdoor storage allowed.

8

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10 **SECTION 2.** Section 30-4.16 of the Land Development Code is amended as follows. Except as

11 amended herein, the remainder of Section 30-4.16 remains in full force and effect.

12 **Section 30-4.16. Permitted Uses.**

13 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
14 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
15 use is not allowed. No variances from the requirements of this section shall be allowed.

16 **Table V - 4: Permitted Uses in Residential Districts.**

USES	Use Standards	RSF-1 to 4	RC	MH	RMF-5	RMF-6 to 8
Schools (elementary, middle and high)		S	P	P	P	P
<u>Simulated gambling establishments</u>		-	-	-	-	-
Single-family dwellings		P	P	P	P	P

17 **LEGEND:**

18 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

19 1 = No more than 2 dwellings units per building are permitted in the RC district.

20

21

22 **SECTION 3.** Section 30-4.19 of the Land Development Code is amended as follows. Except as

23 amended herein, the remainder of Section 30-4.19 remains in full force and effect.

24 **Section 30-4.19. Permitted Uses.**

25 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
 26 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
 27 use is not allowed. No variances from the requirements of this section shall be allowed.

28 **Table V - 7: Permitted Uses in Mixed-Use and Nonresidential Districts.**

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
RESIDENTIAL													
NONRESIDENTIAL													
Sexually-oriented retail store	30-5.23	-	-	-	-	-	P	-	P	-	-	-	P
<u>Simulated gambling establishments</u>		-	-	-	-	-	-	-	-	-	-	-	-
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-

29 **LEGEND:**

30 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

31 1 = Only when accessory to and in the same building as health services or offices of physicians, dentists,
 32 and other health practitioners.

33 2 = Accessory to and in the same building as health services and comprising less than 25% of the gross
 34 floor area of the building.

35 3 = Prohibited where adjacent to single-family zoned property.

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37

38 **SECTION 4.** Section 30-4.23 of the Land Development Code is amended as follows. Except as
39 amended herein, the remainder of Section 30-4.23 remains in full force and effect.

40 **Section 30-4.23. Permitted Uses.**

41 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
42 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
43 use is not allowed. No variances from the requirements of this section shall be allowed.

44 **Table V - 9: Permitted Uses in Special Districts.**

Use	Use Standards	AGR	AF	CON	ED	MD	PS*
Shooting ranges, outdoor	30-5.24	S	-	-	-	-	-
<u>Simulated gambling establishments</u>		-	-	-	-	-	-
Single-family dwellings		P	-	P	-	-	-

45 **LEGEND:**

46 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

47 * = Other uses may be allowed as designated by the ordinance rezoning a property to PS.

48

49 **SECTION 5.** It is the intent of the City Commission that the provisions of Section 1 through
50 Section 4 of this ordinance become and be made a part of the Code of Ordinances of the City of
51 Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may be
52 renumbered or relettered in order to accomplish such intent.

53 **SECTION 6.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
54 the application hereof to any person or circumstance is held invalid or unconstitutional, such
55 finding will not affect the other provisions or applications of this ordinance that can be given
56 effect without the invalid or unconstitutional provision or application, and to this end the
57 provisions of this ordinance are declared severable.

58 **SECTION 7.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
59 conflict hereby repealed.

60 **SECTION 8.** This ordinance will become effective immediately upon adoption.

61

62 **PASSED AND ADOPTED** this ____ day of _____, 2019.

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66

67

68

69 Attest:

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71

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73 _____
74 OMICHELE D. GAINNEY
75 CLERK OF THE COMMISSION

LAUREN POE
MAYOR

Approved as to form and legality:

NICOLLE M. SHALLEY
CITY ATTORNEY

75

76 This ordinance passed on first reading this _____ day of _____, 2019.

77

78 This ordinance passed on second reading this _____ day of _____, 2019.