

LEGISLATIVE #

190082A

1 **ORDINANCE NO. 190082**

2 **An ordinance of the City of Gainesville, Florida, amending Section 30-4.19 of the**
3 **Land Development Code (Chapter 30 of the City of Gainesville Code of**
4 **Ordinances) to add mini-warehouses, self-storage as a permitted use by right in**
5 **the Automotive-Oriented Business (BA) zoning district; providing directions to**
6 **the codifier; providing a severability clause; providing a repealing clause; and**
7 **providing an effective date.**

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

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

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

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

23 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
24 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant

1 to Section 163.3174, Florida Statutes, held a public hearing on June 27, 2019, and voted to
2 recommend that the City Commission approve this text amendment to the Land Development
3 Code; and

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

8 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was placed
9 in the aforesaid newspaper and provided the public with at least five days' advance notice of this
10 ordinance's second public hearing to be held by the City Commission in the City Hall Auditorium;
11 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 30-4.19 of the Land Development Code is amended as follows. Except as
19 amended herein, the remainder of Section 30-4.19 remains in full force and effect.

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

21 The following table contains the list of uses allowed, and specifies whether the uses are allowed
22 by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells

1 indicate that the use is not allowed. No variances from the requirements of this section shall be
 2 allowed.

3 **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													
Mini-warehouses, self-storage		-	-	-	-	-	-	<u>P</u>	-	P	P	P	P

4 **LEGEND:**

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

6 1 = Only when accessory to and in the same building as health services or offices of physicians,
 7 dentists, and other health practitioners.

8 2 = Accessory to and in the same building as health services and comprising less than 25% of
 9 the gross floor area of the building.

10 3 = Prohibited where adjacent to single-family zoned property.

11
 12
 13

14 **SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this
 15 ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
 16 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
 17 relettered in order to accomplish such intent.

18 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
 19 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
 20 will not affect the other provisions or applications of this ordinance that can be given effect
 21 without the invalid or unconstitutional provision or application, and to this end the provisions of
 22 this ordinance are declared severable.

1 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
2 conflict hereby repealed.

3 **SECTION 5.** This ordinance will become effective immediately upon adoption.

4

5 **PASSED AND ADOPTED** this _____ day of _____, 2019.

6

7

8

9

10

11

12

13 Attest:

14

15

16

17

18

19

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

21

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

LAUREN POE
MAYOR

Approved as to form and legality:

OMICHELE D. GAINNEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY