



Legislation Details (With Text)

**File #:** 030128      **Version:** 2      **Name:** Forest Nurseries - Land Development Code (B)  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 10/27/2003      **In control:** City Attorney  
**On agenda:**      **Final action:** 10/27/2003  
**Title:** FOREST NURSERIES - LAND DEVELOPMENT CODE (B)

Ordinance No. 0-03-83; Petition 72TCH-03 PB

An Ordinance of the City of Gainesville, Florida amending subsection 30-61(c), Land Development Code, allowing forest nurseries for sale of planted trees in a non-enclosed (outdoor), fenced area as a permitted use by right in the general business district (BUS), subject to development plan review; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 030128.TIF

Date	Ver.	Action By	Action	Result
10/27/2003	2	City Commission	Adopted on Final Reading, as amended (Ordinance)	Pass
10/13/2003	1	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)	Pass

FOREST NURSERIES - LAND DEVELOPMENT CODE (B)

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The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

The BUS district is established for the purpose of providing for a wide range of commercial, business and office uses located along major transportation arteries and frontage roads. The district is intended to promote compatibility with residential uses while maintaining flexibility for commercial uses.

Section 30-61(c), City of Gainesville Land Development Code, currently authorizes retail nurseries, lawn and garden supply stores in the business district within an enclosed structure. However, under this proposed ordinance a permitted use is added to the BUS Zoning District to include forest nurseries for the sale of planted trees only, a use not currently allowed in any business or mixed use district. The proposed use is conditioned upon being located in a non-enclosed (outdoor), fenced area, the exclusion of storage and outside storage of all other items other than trees planted in the ground, and the use will be subject to development plan review.

The Plan Board reviewed the petition and recommended that the petition be approved, limited to the outdoor storage of planted trees and limited to the BUS Zoning District only.

Public notice was published in the Gainesville Sun on July 1, 2003. Letters were mailed to all property owners of property located in the BUS district. The Plan Board held a public hearing July 17, 2003. Planning Division staff recommended that the Plan Board either deny Petition 72TCH-03 PB, or, based on staff's reservations, limit this exception to the outdoor storage of planted trees only and limited only to the BUS zoning District. The Plan Board recommended that the City Commission approve Petition 72TCH-03 PB, limited to the outdoor storage of planted trees and limited to the BUS Zoning District only. Plan Board vote 5-0.

Forest nurseries for the sale of planted trees only, with conditions including being located in a non-enclosed (outdoor), fenced area, the exclusion of storage and outside storage of all other items other than trees planted in the ground and subject to development plan review, is proposed as the appropriate permitted use, as it limits the use to those establishments primarily engaged in growing trees for purposes of providing landscaping plants.

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, October 27, 2003.