



Legislation Text

File #: 030131, **Version:** 2

EXERCISE STUDIO - LAND DEVELOPMENT CODE (B)

ORDINANCE NO. 0-03-82; PETITION 85TCH-03 PB

An Ordinance of the City of Gainesville, Florida; amending section 30-23, adding the definition of Exercise Studio, amending subsection 30-59(e), Land Development Code, adding Exercise Studio as a permitted use in the OF (General Office) district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

At a citizen's request, staff has reviewed City regulations relating to the uses permitted in the OF (General Office) district, as specified in subsection 59(e) of the City's Land Development Code, to determine whether a Yoga Studio should be allowed in the OF district.

Planning Division staff concluded that the proposed use, "yoga studio", is compatible with existing uses in an OF district and recommended allowing such a use be added to the list allowed by right in the OF district. The Plan Board agreed and on July 17, 2003 recommended that the City Commission approve Petition 85TCH-03 PB; Plan Board vote 5-0.

Subsequent to receipt of the item in the City Attorney's office, legal staff advised Planning staff to broaden the proposed use definition to include other individual or group classes in similar quiet and meditative exercise classes under a broader definition called, "exercise studio."

This is because all zoning classifications must be reasonable and there must be a rational basis between the classification and the public health, welfare, and general welfare. If the City sought to exclude similar exercise classes from this zoning district, the City would have to show how and in what respect the restriction of the similar exercise class is related to the public health, welfare, and general welfare of the community. For this reason, exercise classes are defined to include yoga as well as pilates, chi kung and tai chi. Under the proposed definition in this ordinance, an "exercise studio" must be specifically compatible with uses in the OF district. Because the definition of "exercise studio" includes the absence of amplifying music and requires the use be consistent with those in the OF district, the allowed use should not be disruptive to other users in an office district.

Public notice was published in the Gainesville Sun on July 1, 2003. Letters were mailed to all property owners of property located in the OF district on July 2, 2003. The Plan Board held a public hearing July 17, 2003. Planning Division staff recommended that the Plan Board approve the petition regarding a "Yoga Studio". The Plan Board recommended that the City Commission approve Petition 85TCH-03 PB; Plan Board vote 5-0. On September 18, 2003 the City Plan Board was informed of the broadened definition of "exercise studio." Staff recommends approval of this item, as amended.

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 13, 2003.