



## Legislation Text

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**File #:** 031012, **Version:** 2

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### LAND DEVELOPMENT CODE AMENDMENT - SPECIALLY REGULATED USES (B)

Ordinance No. 0-04-43; Petition 51TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, regarding specially regulated uses; amending section 30-82, City of Gainesville Land Development Code, relating to special regulations for Day Care Centers; making conforming and editorial changes; requiring a paved path between the entrance of a day care center and any vehicular loading/unloading area; deleting obsolete language; amending section 30-83, City of Gainesville Land Development Code, relating to Community residential homes; clarifying regulations; amending section 30-87, City of Gainesville Land Development Code, relating to Outdoor Cafes; clarifying that the provision for outdoor cafes in the Code may not be used to circumvent regulations regarding restaurants and eating places; clarifying requirements; eliminating redundancies throughout these sections of Code; 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

The updated Comprehensive Plan has been adopted, and review of the City's land development regulations is underway. This petition focuses on three Specially Regulated Uses-Day Care Centers (Section 30-82), Community Residential Homes (Section 30-83), and Outdoor Cafes (Section 30-87).

#### Day Care Centers, Section 30-82:

There are two substantive changes proposed for this Section.

The first change is to Paragraph (e). This amendment adds the requirement that a paved path between the main entrance of a day care center and any vehicular loading/unloading area must be provided. This change is intended to increase safety by reducing pedestrian/automobile conflicts.

The other change is to eliminate Paragraph (g), which was intended to allow occasional overnight stays at day care centers. This provision is unclear and is rarely used.

#### Community Residential Homes, Section 30-83:

The changes proposed for this section are not substantive. They are intended to clarify the existing separation regulations.

#### Outdoor Cafes, Section 30-87:

The primary proposed change to this section involves uses that operate in conjunction with Outdoor Cafes. Briefly reviewing definitions and existing regulations is helpful to understand the proposed changes.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on March 3, 2004. The Plan Board held a public hearing March 25, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 51TCH-04 PB. Plan Board vote 6-0.

**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, July 12, 2004.

None