

ORDINANCE NO. 2024-90

An ordinance of the City of Gainesville, Florida, amending Section 30-4.23 of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to allow Public Administration Buildings by right within the Medical Services (MD) zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the City of Gainesville, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and the Municipal Home Rule Powers Act; and

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

WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on January 25, 2024, and voted to make a recommendation to the City Commission regarding the subject of this ordinance; and

WHEREAS, at least ten days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

SECTION 1. Section 30-4.23 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.23 remains in full force and effect.

Sec. 30-4.23. Permitted uses.

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

Table V-9: Permitted Uses in Special Districts.

Use	Use Standards	AGR	AF	CON	ED	MD	PS*
Accessory dwelling unit	30-5.36	A	-	-	-	A	-
Agricultural, forestry and fishing uses		P	-	-	-	-	-
Airport		-	S	-	-	-	-
Animal specialty services		P	-	-	-	-	P
Arboreta and botanical or zoological garden		-	-	P	-	-	P
Armor systems manufacturing and assembly	30-5.16	-	P	-	-	-	-
Assisted living facility		-	-	-	-	P	-
Business services		-	P	-	-	P	P
Campground		P	-	-	-	-	P
Cemetery		-	-	-	-	-	P
Community residential home (up to 6 residents)	30-5.6	P	-	P	-	-	-
Correctional institution		-	-	-	-	-	P
Day care center	30-5.7	-	-	-	-	P	P
Drive-through facility	30-5.9	-	P	-	-	-	-
Emergency shelter		-	-	P	P	P	P
Equipment rental and leasing, heavy		P	P	-	-	P	-
Equipment rental and leasing, light		P	P	-	P	P	-
Farmers market		P	-	-	-	-	P
Food distribution center for the needy	30-5.12	-	-	-	-	P	P
Food truck, not located within a food truck park	30-5.38	-	P	-	P	P	A
Food park (less than 6 pads)	30-5.13	-	P	-	P	P	P
Food truck park (6 or more pads) ¹	30-5.13	-	S	-	S	S	S
Gasoline or alternative fuel station	30-5.14	-	P	-	-	-	P
Golf course		P	P	-	-	-	P
Health services		-	P	-	-	P	P
Heliport		-	P	-	-	S	-
Hospital		-	-	-	-	P	-

Hotel or motel		-	P	-	-	P	-
Library		-	-	-	-	-	P
Light assembly, fabrication and processing	30-5.17	-	P	-	-	-	-
Medical or dental laboratory		-	P	-	-	P	-
Medical marijuana dispensing facility		-	P	-	-	A	-
Membership sports and recreation club		P	P	-	-	-	P
Mini-warehouse or self-storage facility	30-5.19	-	P	-	-	-	-
Museums or art gallery		-	-	-	P	-	P
Office		-	P	-	-	P	P
Office, medical or dental		-	P	-	-	P	-
Outdoor storage (principal use)	30-5.20	S	S	-	-	-	-
Parking, surface (principal use)	30-5.21	-	S	-	-	-	P
Pet services		P	P	-	-	-	P
Place of religious assembly	30-5.22	-	P	-	P	-	-
Public administration building		-	P	-	P	<u>P</u>	P
Public maintenance or storage facility		-	P	-	-	-	P
Public park		P	P	P	P	P	P
Recreation, indoor		P	P	-	P	-	P
Recreation, outdoor		-	P	-	P	-	P
Recreational vehicle park		-	-	-	-	-	P
Rehabilitation center		-	-	-	-	P	P
Research development or testing facility		-	P	-	-	P	-
Residence for destitute people	30-5.24	-	-	-	-	P	P
Restaurant		-	P	-	-	P	-
Retail nursery, lawn, or garden supply store		S	P	-	-	-	-
Retail sales (not elsewhere classified)		-	P	-	-	A	-
Sale of agricultural products		A	-	-	-	-	P
School (elementary, middle, or high - public or private)		-	-	-	P	-	-
School, professional		-	P	-	P	-	-
School, vocational or trade		-	P	-	P	-	-

Shooting range, outdoor	30-5.26	S	-	-	-	-	-
Simulated gambling establishment		-	-	-	-	-	-
Single-family dwelling		P	-	P	-	-	-
Single room occupancy residence	30-5.8	-	-	-	-	-	P
Skilled nursing facility		-	-	-	-	P	-
Social service facility	30-5.27	-	-	-	-	P	-
Solar generation station	30-5.29	P	P	-	-	-	P
Stadiums or athletic arena		-	-	-	P	-	P
Subsistence garden	30-5.30	P	P	P	P	P	P
Urban market farm, less than 5 acres	30-5.30	P	P	P	P	P	P
Urban market farm, 5 acres or greater	30-5.30	S	S	S	S	S	S
Theater, drive-in		-	S	-	-	-	-
Truck, train or bus terminal or maintenance facility		-	P	-	-	-	P
Utilities		-	-	-	-	-	P
Vehicle repair	30-5.31	-	P	-	-	-	P
Vehicles sales or rental		-	P	-	-	-	-
Veterinary services	30-5.32	P	P	-	-	-	-
Warehouse or distribution facility (less than 50,000 sf)		-	P	-	-	-	-
Warehouse or distribution facility (50,000 sf or greater)		-	P	-	-	-	-
Waste management facility		-	-	-	-	-	S
Water conservation area, water reservoir or control structure, or drainage or water well		-	-	P	-	-	P
Wholesale trade		-	P	-	-	-	-
Wireless communication facility or antenna	See 30-5.33						

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49 **LEGEND:**

50 P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

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

52 1 = Special use permit required for any proposed food truck park with six or more food truck
53 pads when the food truck park's boundaries would be less than 300 feet from the boundary of

any single-family zoned property or property that is developed with a single-family dwelling;
otherwise, such food truck park is allowed by right.

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

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

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

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

PASSED AND ADOPTED this ____ day of _____, 2024.

HARVEY L. WARD, JR.
MAYOR

Attest:

Approved as to form and legality:

KRISTEN J. BRYANT
CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

81 This ordinance passed on first reading this ____ day of _____, 2024.

82

83 This ordinance passed on second reading this ____ day of _____, 2024.