

ORDINANCE 020233
0-03-35

An ordinance of the City of Gainesville, Florida, amending Division 4 of Article III of Chapter 26 of the Code of Ordinances regarding controlled vehicular parking; amending and adding definitions; providing for an appeals board, and providing requirements for operational guidelines for a controlled vehicular parking area; amending Appendix A to the Code of Ordinances, amending and adding fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing an immediate effective date; and providing an implementation schedule.

WHEREAS, at least 10 days notice has been given once prior to adoption by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard:

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

Section 1. Division 4 of Article III of Chapter 26 of the Code of Ordinances, City of Gainesville, is amended to read as follows:

ARTICLE III. STOPPING, STANDING AND PARKING.

DIVISION 4. CONTROLLED VEHICULAR PARKING

Sec. 26.115. Purpose and exercise of authority.

1 The city commission hereby finds and declares that it is in the best interest of the City of
2 Gainesville to reduce vehicular congestion on designated city streets and to facilitate the efficient
3 movement of traffic by providing for parking preference during certain hours of the day and
4 certain days of the week within designated areas that meet the criteria hereinafter set forth; and
5 that controlled vehicular decal/permit parking regulation is necessary to promote the health,
6 safety and welfare of the residents of the City of Gainesville.

7 While providing adequate parking spaces adjacent to or close by residences/businesses in
8 the affected area, it is in the public interest to reduce hazardous traffic conditions resulting from
9 the use of streets located within congested areas for the parking of vehicles by persons using
10 such residential and mixed residential/commercial areas to gain access to other places; to protect
11 those areas from excessive noise; to protect the residents/businesses of those areas from
12 unreasonable burdens in gaining access to their residences/businesses; to preserve the character
13 of those areas; to promote efficiency in the maintenance of those streets in a clean and safe
14 condition; to preserve the value of the property in those areas; to preserve the safety of children
15 and other pedestrians; and to promote traffic safety, clean air and the comfort, health,
16 convenience and welfare of the inhabitants of the city.

17 **Sec. 26-116. Definitions.**

18 Whenever in this article the following words are used they shall, unless the context
19 requires otherwise, be deemed to have the following meanings:

20 (a) *Controlled vehicular parking area* shall mean an area containing streets or parts thereof
21 designated by the city commission for restricted parking as specified in this Article. ~~primarily~~

1 ~~abutting by property which has a specific residential, office, business, industrial, mixed use,~~
2 ~~central city district and/or special use district zone designation on the official zoning map book~~
3 ~~and described in section 30-41 of the Code of Ordinances. The city commission designates~~
4 ~~controlled vehicular parking areas pursuant to criteria and procedures established herein.~~

5 (b) *Property owner* shall consist of residents, offices, businesses, institutions or other special
6 designations that can provide proof of property ownership in the controlled vehicular parking
7 area or be in possession of an occupational tax receipt, if applicable, for a business or occupation
8 located in the controlled vehicular parking area pursuant to Chapter 26, Article III, Division 4,
9 ~~section 26-125(b) of the City Code of Ordinances.~~

10 (c) *Controlled vehicular parking zones* are geographical areas within the controlled vehicular
11 parking area. Any controlled vehicular parking area may have more than one parking zone. The
12 operational guidelines for the controlled vehicular parking areas will contain a map designating
13 any such zones.

14 (d) *Controlled vehicular parking area decal* is a decal issued for the purpose of parking on a
15 city street in a designated controlled vehicular parking area. Decals shall be issued for a
16 particular vehicle, are not transferable, and are valid, unless revoked, until the end of the current
17 program year. The decal shall be permanently affixed to the vehicle as per the operational
18 guidelines.

19 (e) *Controlled vehicular parking area permit* is a permit issued for the purpose of parking on
20 a city street in a designated controlled vehicular parking area. A permit can be transferred from
21 vehicle to vehicle and is valid for the period stated in the operational guidelines for the controlled

1 vehicular parking area. The permit shall be displayed on the vehicle as per the operational
2 guidelines.

3 (f) Appeals board shall be a board of three city staff appointed by the city manager or
4 designee to hear appeals related to the controlled vehicular parking area regulations of this
5 Article.

6 ~~(f) Immediate family shall mean mother, father, son, daughter, sister, brother, stepfather,~~
7 ~~stepmother, stepson, stepdaughter, grandchild or grandparent.~~

8 (g) *Program year* shall be a period specified in the operational guidelines for the controlled
9 vehicular parking area.

10 (h) Property manager shall be a person or business authorized to act on behalf of the
11 property owner on issues concerning rental of the property.

12 (j) Service permit shall mean a controlled vehicular parking area permit issued for trades
13 people working in a controlled vehicular parking area. A service permit shall be valid in all
14 zones within the controlled vehicular parking area.

15 (k) Visitor permit shall mean a controlled vehicular parking area permit issued for use by
16 visitors to the property coming from outside the controlled vehicular parking area.

17 (l) Commercial permit shall mean a controlled vehicular parking area permit issued to
18 offices, businesses, institutions or other special designations within the controlled vehicular
19 parking area.

20 (m) Temporary decal/permit shall mean a controlled vehicular parking area decal or permit
21 given to an applicant who qualifies for a regular parking decal or permit, but who is temporarily

1 unable to get or use the regular decal or permit.

2 ~~Sec. 26-117. Reserved.~~

3 ~~Sec. 26-118. Reserved.~~

4 Sec. 26-117. Sec. 26-119. Criteria and procedures for establishing controlled vehicular
5 parking areas.

6 The following procedures shall be used to designate a controlled vehicular parking area:

7 (a) Upon petition from a majority of the property owners/residents in a proposed area, or
8 upon city manager determination, the city manager or designee shall conduct a study to
9 determine if the proposed area meets at least one of the following criteria:

10 (1) The number of vehicles parked or standing, legally or illegally, on the city
11 street(s) in the proposed area during a designated time period and days of the week is
12 equal to 50 percent or more of the legal on-street parking capacity of the area.

13 (2) Proposed development/redevelopment within the area is predicted to utilize 50
14 percent or more of the legal on-street parking capacity of the area during the designated
15 time period and days of the week.

16 (b) The city commission, after a public hearing, may designate an area that meets the
17 requirements listed in subsection (a) as a controlled vehicular parking area. In reaching its
18 decision, the city commission shall consider the findings of the study of the proposed area, the
19 recommendation of the city manager, the results of a vote of the property owners in the proposed
20 area, as identified on the Alachua County tax rolls, conducted by mail ballot by the city manager
21 or designee, and any other information the city commission finds relevant.

1 (c) The city manager or designee shall indicate an approved designation upon an appropriate
2 map in the public works department.

3 (d) The city manager or designee shall install parking signs along the public streets in the
4 designated area, indicating when, where and how parking is restricted to decal/permit only, or
5 decal/permit/meter.

6 ~~(e) The detailed operational guidelines for a controlled vehicular parking area shall be
7 established and approved by the city manager and be on file in the public works department.~~

8 (e) (f) The city commission may remove the designation of a controlled vehicular parking area
9 upon finding, after a public hearing, that the area no longer meets the criteria listed above or that
10 it is in the best interest of the city to remove the designation.

11 ~~(g) Following the approval of the designation of a controlled vehicular parking area, the city
12 manager shall cause the designation to be recorded upon an appropriate map and retained
13 permanently in the office of the traffic engineering department. In addition, the city manager
14 shall cause parking signs to be erected upon the public streets in the area, indicating the times,
15 locations and conditions upon which parking shall be by decal/permit only. When an area has
16 been approved, designated and posted as a controlled vehicular parking area, it shall be unlawful
17 and a violation of this article to park a commuter vehicle in an area restricted to a decal/permit
18 parking without displaying a valid parking decal/permit.~~

19 **Sec. 26-118. Operational guidelines.**

20 (a) Detailed operational guidelines for a controlled vehicular parking area shall be
21 established and approved by the city manager and be on file in the public works department. The

1 operational guidelines must be based on the conditions found in the specific controlled vehicular
2 parking area or zone that caused the controlled vehicular parking area to be designated. The
3 operational guidelines shall contain at least the following:

4 (1) rules establishing the number and duration of decals and permits (including
5 commercial, service, visitor and temporary decals/permits) per property or individual in
6 the controlled vehicular parking area or zones within the controlled vehicular parking
7 area.

8 (2) designation of the program year.

9 (3) designation of hours and days of the week that parking will be subject to the
10 controlled vehicular parking area restrictions and grace periods during which the
11 restrictions on parking will not be enforced.

12 (4) documentation to be provided by applicants to prove entitlement to one or more
13 decals or permits.

14 (b) The operational guidelines for a controlled vehicular parking area or zone may
15 distinguish between owner-occupied and non-owner-occupied single-family housing, between
16 single-family and multi-family housing and between residential and commercial property.
17 However, any such difference in entitlement to decals and permits must be based on the differing
18 needs of the types of residents and tenants as a whole and not on a bias for or against certain
19 occupants or types of buildings.

20 **Sec. 26-120. Issuance of controlled vehicular parking decals/permits/appeals of denials.**

21 (a) Upon designation of a controlled vehicular parking area and in accordance with the

1 operational guidelines for the controlled vehicular parking area, the city shall, upon application
2 of those entitled to decals or permits, issue the appropriate parking decals and permits in
3 compliance with the operational guidelines. ~~A fee~~ Fees set by the city commission shall be
4 imposed to help defray ~~reecover~~ the cost of administering the controlled vehicular parking. A
5 decal shall be issued only to the owner or operator of a motor vehicle who resides or owns
6 property in a controlled vehicular parking area as per the operational guidelines. ~~A current motor~~
7 ~~vehicle registration shall be required and presented at the time of making said application in~~
8 ~~order to verify the information given. If the applicant is not the registered owner of the vehicle~~
9 ~~and the last name of the registered owner is different from the last name of the applicant, the~~
10 ~~applicant must provide a notarized letter from the owner of the vehicle stating under oath that the~~
11 ~~applicant is a member of the owner's immediate family and the applicant is the primary operator~~
12 ~~of the vehicle. The applicant for a decal must also provide proof of residency in the controlled~~
13 ~~vehicular parking area and photo identification, as per the operational guidelines. The decal will~~
14 ~~normally be valid for a program year and can be renewed for each successive program year, as~~
15 ~~long as the requirements in the operational guidelines are satisfied. However, an applicant who~~
16 ~~submits proof of home ownership in the controlled vehicular parking area may apply for a decal~~
17 ~~valid for a three year period.~~

18 (b) A temporary decal/permit will be given to an applicant who qualifies for a regular
19 parking decal/permit, but who is temporarily unable to get or use the regular decal/permit. The
20 length of time for a temporary decal/permit and how the temporary/decal permit is issued shall
21 be stated in the operational guidelines for the controlled vehicular parking area.

1 (c) Any property owner or property manager who is denied a decal or permit and believes
2 that the limitation on the number or type of permits available for residents or tenants of his/her
3 property creates a hardship due to circumstances unique to the property or its residents or tenants
4 may appeal to the controlled vehicular parking area appeals board for relief. The appeals board
5 shall schedule a hearing within 30 days of receiving the appeal and shall hear evidence
6 concerning the circumstances alleged to create a hardship. The appeals board, on finding that
7 such a hardship exists, may grant the property owner or property manager up to two additional
8 decal/permits for one or more program years, as the board deems appropriate.

9 **~~Sec. 26-122. Issuance of controlled vehicular parking permits.~~**

10 ~~—— In addition to decals, the city shall issue controlled vehicular parking permits using the~~
11 ~~following criteria:~~

12 ~~(a) Commercial permits shall be issued to offices, businesses, institutions or other special~~
13 ~~designations within the controlled vehicular parking area. The applicant shall present a current~~
14 ~~occupational tax receipt, if applicable, as proof of current business address in the area. The~~
15 ~~maximum number of commercial permits available to an applicant will be specified in the~~
16 ~~operational guidelines for the controlled vehicular parking area. Commercial permits shall be~~
17 ~~valid for a program year. A fee set by the city commission shall be imposed to help recover the~~
18 ~~cost of administering the controlled vehicular parking.~~

19 ~~(b) Special visitor parking permits may be issued upon request to residents, property owners,~~
20 ~~offices, businesses, institutions, or other special designations in the controlled vehicular parking~~
21 ~~area for use by visitors to the property coming from outside the controlled vehicular parking area~~

1 ~~based on need shown by the applicant at the discretion of the city manager or designee.~~

2 ~~Procedures for the issuance of special visitor permits shall be stated in the operational guidelines.~~

3 (e) ~~Special parking permits may be issued upon request to federal, state or local law~~
4 ~~enforcement or inspection officers for the time period needed for the officers to perform their~~
5 ~~law enforcement or inspection duties in the controlled vehicular parking area.~~

6 **Sec. 26-123. Privileges and restrictions on controlled parking area decal/permits.**

7 (a) The holder of a controlled vehicular decal/permit shall be permitted to stand or park a
8 motor vehicle displaying the decal/permit ~~and operated by him/her~~ in the designated controlled
9 vehicular parking area and designated zone for which the decal/permit was issued during such
10 times and places as the parking of motor vehicles therein is permitted. The vehicle must have the
11 decal permanently affixed on the vehicle as per the operational guidelines or the permit placed as
12 per the operational guidelines when so parked.

13 (b) A controlled vehicular parking area decal/permit shall not authorize the holder to stand or
14 park a motor vehicle in such places or during such times as the stopping, standing or parking of a
15 motor vehicle is prohibited or set aside for specified types of vehicles, nor exempt the holder
16 from the observance of any traffic regulation within the controlled vehicular parking area.

17 (c) It shall be unlawful, and a violation of this section, for any person to display a decal on
18 any vehicle other than the one listed on the application for decal. ~~No person other than the~~
19 ~~decal/permit holder named thereon shall use the parking decal/permit or display it on a operated~~
20 ~~or parked, and any such use or display by a person other than the decal/permit holder shall~~
21 ~~constitute a violation of this article by the decal/permit holder and by the person who so used or~~

1 ~~displayed the parking decal/permit.~~

2 (d) It shall constitute a violation of this section ~~article~~ for any person to:

3 (1)___ falsely represent himself/herself or another person as eligible for a controlled
4 vehicular parking decal/permit;

5 (2)___ falsely represent himself/herself as a property manager; or to

6 (3)___ furnish any false information in an application to the city in order to obtain a
7 controlled vehicular parking area decal/permit.

8 (e) It shall be unlawful, and a violation of this section ~~chapter~~, to park a motor vehicle in an
9 area and at a time restricted to decal/permit parking only without displaying a valid parking decal
10 or permit. It shall be unlawful, and a violation of this section ~~chapter~~, to park a motor vehicle in
11 an area and at a time restricted to decal/permit or metered parking without displaying a valid
12 parking decal or permit or paying the meter fee.

13 (f) It shall be unlawful, and a violation of this section ~~article~~, for a holder of a decal/~~permit~~
14 to sell, transfer or convey the decal/~~permit~~.

15 (g)___ It shall be unlawful, and a violation of this section, for any person to counterfeit or copy a
16 decal or permit.

17 ~~(g)___ The traffic engineering department is authorized to revoke the controlled area parking~~
18 ~~decal/permit of any decal/permit holder found to be in violation of this article and, upon written~~
19 ~~notification thereof, the decal/permit holder shall surrender such decal/permit to the~~
20 ~~above-mentioned. Failure, when so requested, to surrender a residential parking decal/permit shall~~
21 ~~constitute a violation of this article.~~

1 **Sec. 26-124. Issuance of sorority/fraternity member meal decals.**

2 Upon application and proof of membership in a fraternity or sorority, a decal shall be
3 issued to a member of a sorority or fraternity located in the controlled vehicular parking area
4 who does not reside there, but who eats meals there. The decal will be valid during regular meal
5 hours as determined each program year as per the operational guidelines in cooperation with the
6 affected fraternities and sororities. The decal will normally be valid for a program year. A fee
7 set by the city commission shall be imposed to help recover the cost of administering the
8 controlled vehicular parking.

9 **Sec. 26-125. Revocation of decal/permit.**

10 (a) The appeals board ~~city manager or designee~~ is authorized to revoke the controlled
11 parking area decal/permit of any decal/permit holder based upon evidence that the decal/permit
12 holder has violated the provisions of this article. The holder shall be served notice by certified
13 mail or hand delivery of the proposed revocation; and upon request shall have an opportunity to
14 present to the appeals board ~~city manager or designee~~ evidence as to why the decal/permit should
15 not be revoked. The decal/permit holder must request such a hearing in writing and pay an
16 appeal fee set by the city commission within ten days after the notice of proposed revocation is
17 delivered or mailed. ~~mailing or hand delivery of the notice of proposed revocation.~~ If the appeals
18 board finds in favor of the decal/permit holder, the appeal fee shall be refunded. The holder of a
19 revoked decal/permit must return the decal/permit to the city manager or designee, ~~and~~ shall not
20 be allowed to obtain another decal/permit until the next program year, and must pay a
21 reinstatement fee set by the city commission prior to receiving a decal/permit for the next

1 program year.

2 (b) Revocation under subsection (a) is in addition to any other available remedy provided by
3 this Code for violations of this article.

4 **Sec. 26-126. Violations; penalty.**

5 Unless otherwise specifically provided by another section of this article ~~chapter~~, or by
6 F.S. Ch. 316, any person convicted of violating any of the provisions of this article ~~chapter~~ shall,
7 upon conviction, be punished as provided in section 1-9.

8 **Sec. 26-127. Reserved.**

9 **Section 2.** The charges for controlled vehicular parking decals/permits in Appendix A of
10 the Code of Ordinances is amended to read as follows:

11 CONTROLLED VEHICULAR PARKING AREA DECALS/PERMITS(Chapter 26,
12 Article III, Division 4)

13		
14	(1) <u>Residential decal/permit:—§ 26-120(a)</u>	
15	a. Annual	15.00
16	b. Replacement	5.00
17	a. Annual	
18	First car	15.00
19	Additional car (same permittee)	5.00
20	b. 3-year (owner-occupied only)	
21	First car	45.00
22	Additional car (same permittee)	15.00
23	(2) <u>Temporary decal/permit (§ 26-120(b)):</u>	no charge
24	(3) <u>Commercial permit (§ 26-122(a)):</u>	15.00
25	(4) <u>Special visitor</u> <u>Visitor permit (§ 26-122(b)):</u>	no charge
26	(5) <u>Fraternity/sorority meal decal (§ 26-124):</u>	15.00
27	(6) <u>Service permit</u>	15.00
28	(7) <u>Fee to appeal revocation</u>	100.00
29	(8) <u>Fee for reinstatement after revocation</u>	100.00

30 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1

1 and 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City
2 of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be
3 renumbered or relettered in order to accomplish such intentions.

4 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be
5 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
6 way affect the validity of the remaining portions of this ordinance.

7 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
8 such conflict hereby repealed.

9 **Section 6.** This ordinance shall become effective immediately upon final adoption;
10 however, the provisions of this ordinance shall be effective for decals/permits issued for the
11 2003/04 program year.

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13 **PASSED AND ADOPTED** this 28th day of April, 2003.

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ATTEST

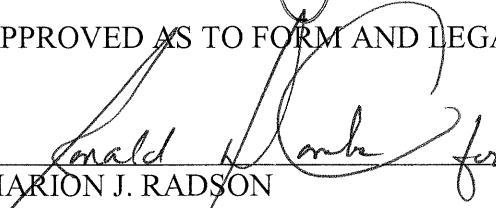


KURT M. LANNON
CLERK OF THE COMMISSION



THOMAS D. BUSSING
MAYOR

APPROVED AS TO FORM AND LEGALITY



MARION J. RADSON
CITY ATTORNEY

26

This Ordinance passed on first reading this 14th day of April, 2003.

27

This Ordinance passed on second reading this 28th day of April, 2003.