#### **ORDINANCE NO. 170974**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to urban development standards; by amending definitions in Section 30-2.1; by amending Section 30-3.49 to clarify the review and approval of master plans; by amending Section 30-3.56 to clarify the selection of hearing officers; by amending Section 30-4.3 relating to parcels divided by district boundaries; by amending Section 30-4.8 to eliminate a provision on rounding the calculation for maximum bedrooms limit; by amending Section 30-4.13 to eliminate a first floor elevation standard for buildings within the transect zoning districts; by amending Section 30-4.15 to add a standard for active ground-floor uses in buildings with ground-floor parking on local streets; by amending Section 30-4.20 to correct a scriveners error regarding the bonus height limit for buildings within the Office (OF) zoning district; by amending Section 30-4.24 to make building height limits within the Medical Services (MD) zoning district consistent with the Comprehensive Plan; by amending Section 30-5.37 to correct scriveners errors relating to home occupation permits; by amending Section 30-5.40 relating to form standards for outdoor cafes; by amending Section 30-5.44 relating to form standards for sidewalk cafes; by amending Section 30-7.7 to add regulations to residential parking during University of Florida events; by amending Section 30-8.3 to correct an outdated reference to the Gainesville Regional Airport master plan; by amending Section 30-8.29 to correct a scriveners error relating to floodplain inspections; by amending Section 30-9.2 to clarify the applicability of the sign code; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

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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

40 Ordinances); and

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41 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 July 26, 2018, and voted to

recommend the City Commission approve this text change to the Land Development Code; 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,

55 **FLORIDA:** 

- 56 SECTION 1. Section 30-2.1 of the Land Development Code is amended as follows. Except as
- amended herein, the remainder of Section 30-2.1 remains in full force and effect.

### Section 30-2.1. Definitions.

- Outdoor cafe means a seating area, located outside of the public right-of-way, that is adjacent to, operated by, and an accessory use to a restaurant, alcoholic beverage establishment, microbrewery, microdistillery, or microwinery, an unenclosed establishment that is open to the public and operating under the regulations for food service of the Florida Department of Agriculture or Florida Department of Business and Professional Regulation. Outdoor cafe does not include mobile food vending vehicles or any use of property that does not provide a permanent structure for restrooms and kitchen facilities.
- **Sidewalk cafe** means a seating area within the public right-of-way that is: adjacent to, operated by, and an accessory use to a restaurant, or an alcoholic beverage establishment, microbrewery, microdistillery, or microwinery.

**SECTION 2.** Section 30-3.49 of the Land Development Code is amended as follows.

## Section 30-3.49. Master Plans.

- A. Purpose. Master plan review is an optional step for projects that fall within the intermediate or major level of development review. A master plan is intended to provide for large area planning for phased developments. The intent of the master plan is to identify internal and external connectivity, regulated natural and archeological resources, and developable areas. Master plan review. Master plan review is an optional step for projects that fall within the intermediate or major level of development review. A master plan is intended to provide for large area planning for phased developments. The master plan is reviewed by the Technical Review Committee, is publicly noticed in accordance with this chapter, and is reviewed and a decision rendered at a public hearing by the appropriate reviewing board. The board may approve (with or without conditions) or deny the master plan. Approval shall constitute a preliminary development order. Individual phases or portions of the project shall be consistent with the approved master plan. A master plan is intended to serve as a basis for review of future development plans in a phased development. Once a master plan has received a final development order, individual phases may be reviewed and approved by staff. The intent of the master plan is to identify internal and external connectivity, regulated natural and archeological resources, and developable areas. A master plan shall contain justification of any requested phasing schedule.
  - B. Review and effect. Master plans are reviewed by the Technical Review Committee in accordance with the process set forth in this division for development plan review, and must demonstrate that the completed development will be consistent with this chapter and with the Comprehensive Plan.

    Each phase must include a proportionate share of any required recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases. An approved master plan will serve as a basis for review of future development

- plans in the phased development, and individual phases or portions of the project must be 96 consistent with the approved master plan. Approval of master plan. A master plan for an entire 97 development site shall demonstrate that the completed development will be consistent with this 98 chapter and with the Comprehensive Plan. Each phase shall include a proportionate share of any 99 required recreational and open space, and other site and building amenities of the entire 100 development, except that more than a proportionate share of the total amenities may be included 101 in the earlier phases with corresponding reductions in the later phases. A certificate of preliminary 102 and final concurrency shall be required for each phase. A revised master plan shall be submitted 103 with any development plan that includes deviations from the previously approved master plan, and 104 shall be approved by the appropriate reviewing board. 105
- 106 C. Expiration of master plan. A master plan shall be effective for up to 5 years from the date of approval.
- D. Review criteria. A master plan shall be reviewed in accordance with the criteria set forth in this
   division for development plan review.
- 111 **SECTION 3.** Section 30-3.56 of the Land Development Code is amended as follows.

## Section 30-3.56. Land Use Hearing Officer.

- A. Establishment and purpose. There is hereby created the position of City of Gainesville Land Use Hearing Officer (Hearing Officer), which has shall have the purpose of providing an administrative process for appealing certain decisions regarding the administration and enforcement of the Land Development Code, as provided in this division. No party may shall be deemed to have exhausted his or her administrative remedies for the purpose of seeking judicial review unless the party first obtains review by a Hearing Officer as provided in this division.
- 119 B. Appointment and removal.

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- The City Commission, through a competitive selection process, may shall appoint by contract
  one or more Hearing Officers, who will shall be compensated as determined by the City
  Commission, for a definite term of office not to exceed four years, and may be reappointed at
  the conclusion of any term. In addition, the city may elect to use a Hearing Officer appointed by
  the State of Florida or any agency thereof that meets the qualifications provided in this section.
- Each Hearing Officer shall be appointed for a definite term of office, not to exceed four years, and may be reappointed at the conclusion of any term. During his/her term of service, a Hearing Officer appointed by the City Commission may be removed only for cause by the City Commission. Cause for removal of a Hearing Officer includes, but is not limited to, violations of the standards set forth in the Code of Judicial Conduct adopted by the Florida Supreme Court or the State of Florida Code of Ethics for Public Officers and Employees in Chapter 112, Florida Statutes.
- 3. A Hearing Officer shall be removed only for cause by the City Commission. Cause for removal of a Hearing Officer shall include, but not be limited to, violations of the standards set forth in the Code of Judicial Conduct adopted by the Florida Supreme Court or the State of Florida Code of Ethics for Public Officers and Employees in Chapter 112, Florida Statutes.
- C. Minimum qualifications. Hearing Officers must shall meet the following minimum qualifications:

- 137 1. A licensed attorney who is an active member of the Florida Bar in good standing.
- 2. At least three years of professional experience in land use or local government law.
- 3. Not an employee of or office holder with the city.
- D. General authority. The Hearing Officer has shall have all powers necessary to perform the functions prescribed by this division, including the power to interpret and administer this division, the power to dispose of procedural requests or similar matters, the power to issue notices of hearings and subpoenas requiring attendance, and the power to administer oaths.

- 145 **SECTION 4.** Section 30-4.3 of the Land Development Code is amended as follows. Except as
- amended herein, the remainder of Section 30-4.3 remains in full force and effect.

## Section 30-4.3. Zoning Map.

D. Parcels divided by district boundaries. Where any parcel of land is divided into two or more zoning districts or transects, the regulations of each individual district shall apply to that part of the parcel so zoned, except that, when a parcel is divided into two or more of the RMF-6, RMF-7, and RMF-8 residential districts, the permitted density of development may be averaged over the entire parcel.

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- SECTION 5. Section 30-4.8 of the Land Development Code is amended as follows. Except as
- amended herein, the remainder of Section 30-4.8 remains in full force and effect.

# 155 Section 30-4.8. Development Compatibility.

- 156 D. Multi-family developments.
  - 1. Generally. Multi-family development shall contain no more than six dwelling units per building and shall be in the form of single-family dwellings, attached dwellings, or small-scale multi-family when located within 100 feet of any property that is in a single-family zoning district, the U1 district, or a designated historic district.
  - 2. Abutting single-family property. All new multi-family projects, whether stand alone or part of a mixed-use project, abutting property in a residential district or a planned development district with predominantly residential uses shall comply with the following regulations:
    - a. There shall be no outdoor recreation areas or uses allowed within any required building setback area or landscape buffer between abutting multi-family development and single-family designated properties.
    - b. Active recreation areas (including swimming pools, tennis courts, basketball, and volleyball courts) shall be located away from abutting single-family designated properties and shall be oriented in the development to minimize noise impacts on single-family designated properties.

c. There shall be no car washing areas, dumpsters, recycling bins, or other trash/waste 171 disposal facilities placed in the required setback area between multi-family development 172 and properties zoned for single-family use. 173 d. Parking lots and driveways located in the area between multi-family and abutting single-174 family designated properties shall be limited to a single-loaded row of parking and a two-175 176 way driveway. e. A decorative masonry wall (or equivalent material in noise attenuation and visual screening) 177 with a minimum height of six feet and a maximum height of eight feet plus a Type B 178 landscape buffer shall separate multi-family residential development from properties 179 designated single-family residential. However, driveways, emergency vehicle access, or 180 pedestrian/bicycle access may interrupt a continuous wall. If, in the professional judgment 181 of city staff or other professional experts, masonry wall construction would damage or 182 endanger significant trees or other natural features, the appropriate reviewing authority 183 may authorize the use of a fence and/or additional landscape buffer area to substitute for 184 the required masonry wall. There shall be no requirement for a masonry wall or equivalent if 185 buildings are 200 or more feet from abutting single-family properties. In addition, the 186 appropriate reviewing authority may allow an increased vegetative buffer and tree 187 requirement to substitute for the required masonry wall. 188 189 f. The primary driveway access shall be on a collector or arterial street, if available. Secondary ingress/egress and emergency access may be on or from local streets. 190 191 3. Bedroom limit. Maximum number of bedrooms in multi-family developments located within the 192 University of Florida Context Area. a. Multi-family developments shall be limited to a maximum number of bedrooms based on 193 the development's maximum residential density allowed by the zoning district multiplied by 194 195 a 2.75 multiplier. 196 b. If additional density is approved through a Special Use Permit, then the multiplier is applied to the total approved density inclusive of any additional units approved by Special Use 197 198 Permit. c. In the case of decimal places, the maximum bedrooms shall be rounded down to the next 199 200 whole number. c.d. The bedroom mix in the development (i.e., the number of units with a specific number of 201 202 bedrooms) is not regulated by these provisions. 203 d.e. Developments with Planned Development (PD) zoning are not subject to the bedroom 204 multiplier. 205

SECTION 6. Section 30-4.13 of the Land Development Code is amended as follows. Except as

amended herein, the remainder of Section 30-4.13 remains in full force and effect.

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## Section 30-4.13. Building Form Standards.

This section contains the building form standards that determine the location, scale and massing of all buildings within the transects.

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Table V - 1: Building Form Standards within Transects.

TRANSECT	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
H. FLOOR HE	GHT									
Min first floor height (residential/ nonresidenti al)	NA/ 10'	NA/ 12'	NA/12'	NA/12'	NA/12'	NA/12'	12'/12'	12'/15'	12'/15'	12′/15′
Min first floor elevation (residential only)	-	~=	-	-	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.	<del>1.5 ft.</del>	<del>1.5 ft.</del>

213 **SECTION 7.** Section 30-4.15 of the Land Development Code is amended as follows. Except as

amended herein, the remainder of Section 30-4.15 remains in full force and effect.

## Section 30-4.15. Parking Requirements.

216 A. Parking amounts.

5 1 36	Min Vehic	le Spaces	Min Bicycle	Adin Constan	
Transect	Nonresidential Use	Residential Use	Nonresidential Use	Residential Use	Min Scooter Spaces
DT	<b>I</b>	2	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U9	S <b>=</b> 3		1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U8	8€8	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U7	@.	1 per 3 bedrooms	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U6	i#s	1 per 3 bedrooms	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U5	=	1 per 3 bedrooms	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	
U4		-			
U3		Danna	wking and a		i ŝ
U2		rer pa	rking code		
U1					

B. Location of parking facilities.

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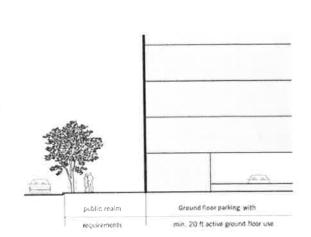
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- 1. Surface parking lots shall be located to the rear or side of buildings, but no more than 50% of the total parking area may be located to the side of buildings.
- 2. Surface parking in the form of a single level of Figure V - 10: Ground-Floor Parking under Building ground floor parking located within the building footprint (see Figure V-10) must include shall provide a minimum of 25 feet of active ground floor commercial, residential, or office uses along Storefront or and Principal streets, or in the event that all of the abutting roadways are local streets, must include a minimum of 25 feet of active ground floor uses along the most primary local street as determined by pedestrian traffic. All other street frontages must include and shall provide on all street frontages decorative screening walls, perimeter parking landscaping per Article VII, or a combination thereof to shield ground floor parking areas.



3. Surface and structured parking areas shall be accessed from rear alleys or rear lanes where available (see Figure V-11), from an adjacent property (see Figure V-12), or from local streets, in that order of hierarchy. Vehicular access from other street types shall only be allowed in the absence of these options.

- 4. Within the DT district, any surface parking areas abutting a public street or urban walkway shall be screened from street view by a masonry garden wall with a height between 3 and 5 feet. In the other T-zones, the parking lot may be screened in accordance with the perimeter parking landscaping standards per Article VII.
- 5. A minimum of 10% of the provided bicycle parking shall be located between the building and the street.

SECTION 8. Section 30-4.20 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.20 remains in full force and effect.

### Section 30-4.20. Dimensional Standards.

The following tables contain the dimensional standards for the various uses allowed in each district. 250

Table V - 8: Mixed-Use and Nonresidential Districts Dimensional Standards.

Table V STITIA	MU-1	MU-2	OR	OF	СР	BUS	BA	BT	W	BI	I-1	1-2
<b>MAXIMUM BUI</b>	LDING HEIG	HT (sto	ries)			y Alex						DAY OF
By right	5	5	3	3	5	5	5	5	5	5	5	5
With building	8	8	-	<u>8</u>	8	8	*	8	S#4	-	-	-

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CODE: Words underlined are additions; words stricken are deletions.

height bonus					
		 	ded as fo	House	

SECTION 9. Section 30-4.24 of the Land Development Code is amended as follows. 252

# Section 30-4.24. Dimensional Standards.

The following table contains the dimensional standards for the various uses allowed in each special 254

255 district.

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Table V - 10: Dimensional Standards for Special Districts.

Table V - 10: Dimens	AGR	AF	CON	ED	MD	PS <sup>5</sup>
DENSITY/INTENSITY						
Max density (units/ acre)	0.2		0.2			
Max lot coverage	20%	None	10%¹	None	40%²	
LOT STANDARDS						150 15
Min lot area	5 acres	None	5 acres	None	6,000 sq. ft.	
Min lot width (ft.) 300		None	None	None	60	
Min lot depth (ft.)	300	None	None	None	None	
MIN SETBACKS (ft.)			he Lessina de la companya della companya della companya de la companya della comp			
Front	50 <sup>4</sup>	25	50	25 <sup>7</sup>	20	
Side-street	50 <sup>4</sup>	6	50	25 <sup>7</sup>	15	
Side-interior	25 <sup>4</sup>	6	25	15 <sup>7</sup>	15	
Rear	50 <sup>4</sup>	6	50	50	15	
BUILDING HEIGHT (	stories)				gorishis vijiliki	y yr 🐤
Max 3		None	3	None	5	
With SUP	NA	NA	NA	NA	148	

#### 257 **LEGEND:**

- 1 = By impervious cover of any kind. 258
- 2 = 50% when a minimum of 75% of parking is accommodated within a parking structure. 259
- 3 = Intensive recreation uses such as fairgrounds, stadia, community assembly buildings, performing arts 260 halls, arenas, etc. 261
- 4 = Hog raising operations, buildings for commercial poultry raising, dog kennels and open runs or cages, 262 and stables shall be located a minimum of 200 feet from any property line. 263
- 5 = Development standards to be determined at the time of rezoning. 264
- 6 = Per FAA and airport regulations. 265
- 7 = If the development abuts land shown as SF or RL on the Future Land Use Map, the setback along that 266 property line shall be 50 ft. plus an additional 10-ft. setback per every floor above the second. 267
- 8 = Building heights for hospitals and large-scale medical office facilities may be increased to a maximum 268 of 14 stories through the special use permit process only for hospitals and large-scale medical office 269

270 271	facilities. All other uses may be increased to a maximum of eight stories through the special use permit process.
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274	SECTION 10. Section 30-5.37 of the Land Development Code is amended as follows. Except as
275	amended herein, the remainder of Section 30-5.37 remains in full force and effect.
276	Section 30-5.37. Home Occupations.
277 278 279 280	A. The following standards apply to home occupations other than the teaching of fine arts (see Subsection B below), family day care homes and community residential homes, as defined in Article II. Standards for family child care homes and community residential homes are found in Article V, Division 1.
281	1. Permits.
282 283 284 285 286 287 288	a. A person desiring to conduct a home occupation at his or her primary place of residence a permit for a home occupation shall apply to the appropriate department as designated by the City Manager. A person may only apply for a home occupation permit to be used at his or her primary place of residence. Permit fees must shall be paid in accordance with Appendix A, except any person exempt from the payment of a license tax under the provisions of Section 25-50(a) of the Code of Ordinances is shall also be exempt from this fee. Permit applications must shall include the following:
289	i. Name of applicant;
290	<ol> <li>Location of dwelling unit where the home occupation will be conducted;</li> </ol>
291	iii. Total floor area of the dwelling unit;
292	iv. Area of room or rooms to be used in the conduct of the home occupation;
293 294 295 296 297	v. A sketch with dimensions showing the floor plan and the area to be used for the conduct of the home occupation. This sketch will show the location and nature of all equipment to be used in the conduct of the home occupation, as well as the locations for storage of materials used in the conduct of the home occupation and the identity and nature of these materials; and
298	vi. The exact nature of the home occupation.
299 300 301 302 303 304	b. If the proposed home occupation complies with all of the requirements of Subsection A2 of this section, the enforcing officer shall issue the home occupation permit. Once such home occupation permit is issued to an applicant, it may shall not be transferred to another person through the sale, leasing or rental of the premises on which the home occupation is located or in any other manner; except that, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice.

- to that effect must shall be given to the enforcing officer and the permit may be transferred. 305 Such home occupation permit may not be used by the applicant for any premises other than 306 that for which it was granted. 307
  - c. Home occupation permits are effective Any home occupation permit issued shall be for the period of October 1 through September 30. The city shall not automatically renew each home occupation permit previously granted, but shall scrutinize all applications, either original or renewal, to ensure that permitted home occupations are in compliance with this section.

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SECTION 11. Section 30-5.40 of the Land Development Code is amended as follows.

## Section 30-5.40. Outdoor Cafes.

- A. An outdoor café, as defined in Article II, may be operated only in conjunction with a restaurant, a 317 business that serves onsite prepared food, or with an alcoholic beverage establishment. 318
- B. A. Outdoor cafes may Every outdoor cafe shall be open to the weather and shall not interfere with 319 the circulation of pedestrian or vehicular traffic on adjoining streets, alleys, or sidewalks. 320
- C. When an outdoor cafe abuts a public sidewalk or street, the outdoor cafe shall provide a safety 321 barrier along the public/private boundary. The barrier shall consist of plants, screens, or fencing. The 322 barrier shall be architecturally consistent with the associated building and be at least three feet 323 high. The barrier may deviate from these standards if approved by the appropriate reviewing board 324 or City Manager or designee, as required. 325
- D. Parking requirements shall be calculated based on the seating, to be consistent with the parking 326 requirements for restaurants, in accordance with this chapter. 327
- E. B. Outdoor cafes shall may not be located in a side or rear yard when abutting any residential 328 329 property.
- F. C. Noise, Semoke, odor, or other environmental nuisances shall must be confined to the lot upon 330 which the outdoor cafe is located. 331
- 6. D. Development plan review shall be is required for new outdoor cafes. The area for the outdoor 332 cafe shall must be shown on the development plan. The area shall must not be in conflict with 333 required landscaped areas and development review shall-may determine appropriate modifications 334 of existing landscaped areas. Stormwater management shall be is required for pervious areas that become impervious for the cafe use.
- H. E. An outdoor café that extends, wholly or in part, onto public right-of-way is subject to the 337 standards of the Sidewalk Café in this article. 338

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SECTION 12. Section 30-5.44 of the Land Development Code is amended as follows. 341

## Section 30-5.44. Sidewalk Cafés.

Sidewalk cafes are allowed in city right-of-way in all zoning districts, subject to this section. However, sidewalk cafes are allowed in State of Florida right-of-way only in the DT zoning district, subject to this section. Sidewalk cafes must shall be operated by the business owner of the principal use pursuant to a license agreement entered into with the city on the form provided by the city and approved by the City Attorney as to form and legality. The City Manager or designee is authorized to enter into such license agreements and to terminate any license agreement if it is determined by the City Manager or designee that the licensee has violated the terms of the license agreement or this section or for such other reason as the City Manager or designee deems necessary for the public health, safety or welfare. In addition, sidewalk cafes in state right-of-way are shall be subject to approval by the Florida Department of Transportation (FDOT), all terms and conditions imposed by FDOT, and are shall be subject to termination by FDOT. All license agreements are subject to the following minimum terms and conditions:

- 355 A. The principal use and sidewalk cafe <u>must shall</u> remain in compliance with the requirements of this code.
  - B. The licensee shall maintain the portion of the right-of-way where the sidewalk cafe is located in a clean and safe condition and shall promptly repair any damage caused by the licensee, its invitees, employees and others using the sidewalk cafe.
    - C. The licensee shall release, indemnify and hold harmless the city, and the State of Florida if the sidewalk cafe is located in a state right-of-way, for any personal injury or property damage resulting from the existence or operation of the sidewalk cafe and the condition and maintenance of the right-of-way upon which it is located, including utilities located within the right-of-way.
    - D. For a sidewalk cafe located in a city right-of-way, the licensee shall maintain general liability insurance in an amount not less than \$500,000.00 combined single limit for bodily injury and property damage. The city shall be named as an additional insured, as evidenced by a policy endorsement. Policies shall be issued by companies authorized to do business in the State of Florida and shall be rated at least A- and have a size category rating of VI or higher as per Best's Key Rating Guide, latest edition. The licensee shall give the city no less than 30 calendar days' written notice prior to any cancellation, nonrenewal, or any material change in a continuing policy. The city's risk management director is authorized to lower the amount of general liability insurance required, if the licensee can show that the above amount is excessive for the particular activity. The licensee shall furnish evidence of such insurance to the city annually.
    - E. For a sidewalk cafe located in a state right-of-way, the licensee shall maintain general liability insurance in an amount not less than \$1,000,000.00 for bodily injury or death to any one person or any number of persons in any one occurrence and not less than \$1,000,000.00 for property damage, or a combined coverage of not less than \$2,000,000.00. The State of Florida and the city shall be named as additional insured, as evidenced by a policy endorsement. Policies shall be issued by companies authorized to do business in the State of Florida and shall be rated at least A- and have a size category rating of VI or higher as per Best's Key Rating Guide, latest edition. The licensee shall give the city no less than 75 calendar days' written notice prior to any cancellation, nonrenewal, or any material change in a continuing policy. The licensee shall furnish evidence of such insurance to the city annually.

- F. Sidewalk cafes may not interfere with any utilities or other facilities such as street lights, fire hydrants, signs, parking meters, mailboxes, or benches located on the sidewalk or in the public right-of-way. The sidewalk cafe shall be at least five feet from the curbline of the street and from any fire hydrants.
- G. A minimum five-foot wide clear, straight, and visually unobstructed pedestrian path must shall be maintained on the sidewalk at all times. However, where a sidewalk cafe is adjacent to a lane of traffic with no on-street parking and located on an arterial street, a minimum six-foot wide clear, straight, and visually unobstructed pedestrian path must shall be maintained on the sidewalk at all times. The width of a required clear pedestrian path may be increased during the day or decreased at night by the City Manager or designee if deemed advisable for the public health, safety and welfare. However, in no event shall the clear pedestrian path be less than three feet in width.
  - H. A sidewalk cafe that is operated by a restaurant, as defined in Article II, When adjacent to on-street parking, sidewalk cafes may include the area adjacent to the curbline, when adjacent to on-street parking, provided there is sufficient sidewalk width to maintain a five-foot wide clear pedestrian path. Curbside seating must allow enough space for on-street parked cars to safely open vehicle doors and enter or exit vehicles. With written authorization from the City Manager or designee, sidewalk cafes may at certain designated times extend to on-street parking areas directly in front of the principal use.
  - I. Sidewalk cafes may use the sidewalk in front of the abutting property in the same building or within the same block provided written permission is obtained from the property owner. A sidewalk cafe that is operated by an alcoholic beverage establishment, as defined in Article II, shall be surrounded by an enclosure or barrier at least three feet in height, measured from the ground or sidewalk level. If the alcoholic beverage establishment is not open for business between the hours of 8:00 a.m. and 6:00 p.m., the enclosure or barrier shall not be permanently affixed to the sidewalk, unless otherwise required by a governmental permitting entity.
  - J. A sidewalk cafe that is operated by a restaurant shall not be required to have an enclosure or barrier, provided all chairs, tables, and related items are stored inside the building or are securely stored adjacent to the building when the restaurant is closed for business. All tables, chairs, and fixtures must be arranged so as to avoid any possible intrusion into the clear pedestrian path.

    Umbrellas and awnings may not intrude into the clear pedestrian path, unless they have a vertical height clearance of at least seven feet. All tables, chairs, and fixtures must be removed immediately after the daily close of business, and must be stored inside the building or securely adjacent to the building. Sidewalk cafes on streets where the clear pedestrian zone exceeds six feet may leave furniture in place after business hours.
- K. Barriers or enclosures are not required for sidewalk cafes. If enclosures or barriers are required or provided, they must shall be moveable and designed to provide ADA-compliant access to the public right-of-way. Enclosures or barriers may consist of screens, planters, fencing or other material that surrounds the area in which the sidewalk cafe is operated. Unless otherwise specified in this section, provided that the principal use operates four out of seven days a week and is in operation by 6:00 p.m. each day it is open for business, such enclosure and other improvements may be permanently affixed to the sidewalk, provided they are removed, and the sidewalk repaired to its original condition, upon termination of the license or abandonment of the sidewalk cafe use. If at any time, parts or part of the enclosure are removed or missing to such an extent that the enclosure is no longer sufficient to meet the requirements of this section, the entire enclosure shall be removed.

- L. No heating or cooking of food or open flames is shall be allowed in the sidewalk cafe, except as may
   be allowed by the chief fire official.
- 430 M. Sidewalk cafes may not shall not use or obstruct a sidewalk located within the vision triangle.
- N. Each license agreement for a sidewalk cafe <u>must shall</u> be for a one-year term and <u>must shall</u> be renewed annually and upon any change of business ownership of the principal use. <u>License</u>

  agreements must include a diagram showing the largest sidewalk area that the sidewalk café will potentially be occupying in compliance with this section, and the license agreement and diagram must be kept at the principal use and be available for inspection during all hours of operation.
- O. Sidewalk cafes that serve alcohol must have the largest sidewalk area that the sidewalk cafe will
   potentially be occupying included within the requisite Alcoholic Beverage License.

- SECTION 13. Section 30-7.7 of the Land Development Code is amended as follows. Except as
- amended herein, the remainder of Section 30-7.7 remains in full force and effect.

# Section 30-7.7. Residential Parking.

- A. Residential Parking. This section is established to regulate off-street parking on specific property located in the following zoning districts: RC, RSF-1, RSF-2, RSF-3, or RSF-4 or in a district containing single family or two-family dwellings on property zoned planned development (PD).
  - Purpose and effect. This section allows residents to take affirmative steps to preserve the
    character of their residential and single-family neighborhoods and to enhance the public health,
    welfare and safety as well as the aesthetic value of their property by controlling off-street
    parking. Furthermore, healthy vegetation with an above-ground network of leaves, shoots, and
    stems and an extensive fibrous root system below reduces soil erosion and noise, and improves
    surface and groundwater by filtering rainwater.
    - This section acts as an overlay, in that the regulations of the underling zoning district and all other applicable regulations remain in effect and are further regulated by the residential parking overlay district standards described in this section. If provisions of this section conflict with the underling zoning, the provisions of this section shall govern and prevail.
  - 2. Criteria.
    - a. The proposed area shall consist of at least 25 compact and contiguous parcels, as defined in this chapter.
    - b. The area shall not cause the creation of an enclave or peninsula, as commonly defined in annexations.
    - c. Each boundary of the area shall be one of the following identifiable landmarks: a street, alley, publicly owned right-of-way, platted subdivision boundary, or a creek.
    - d. No area boundaries shall overlap the boundary of an existing residential parking overlay district or the context area.

district, or in a district of single-family or two-family dwellings on property zoned PD. 466 3. Procedures. 467 a. To create a residential parking overlay, a petition requesting imposition of the overlay 468 district on an area that meets the criteria described above shall be submitted to the City 469 Manager or designee on forms provided by the city. Each petition shall meet the following 470 requirements: 471 i. The individual circulating the petition forms ("petitioner") shall obtain the requisite 472 petition form from the City Manager or designee. 473 ii. The petitioner shall be an "owner", as defined in this chapter, of property located within 474 the proposed overlay district area and shall be a signatory to the petition. 475 iii. The petitioner shall submit to the City Manager or designee an accurate, reproducible 476 477 map of the proposed residential parking overlay district. iv. Each petition shall contain authentic signatures of at least 60% of the fee simple record 478 title owners of the lots or parcels within the proposed overlay district area, exclusive of 479 480 public property. v. To be verified by the city, signatures shall be accompanied by the legibly printed name 481 of the signer, the address of the parcel owned by the signer, the parcel number of the 482 parcel owned by the signer, and the date the petition is signed. 483 vi. Jointly owned parcels are considered owned by a single person, for purpose of the 484 petition, and any co-owner may sign a petition for the parcel. Only one owner of each 485 parcel shall be included in the 60% requirement stated above. If a person owns more 486 than one parcel of property within the proposed district area, that person may sign the 487 488 petition one time for each parcel owned. vii. Signatures dated more than six months prior to the date the petition is filed with the 489 490 city are not acceptable. viii. For a signature to be verified, Alachua County Property Appraiser records shall indicate 491 that the printed name of the petition signatory is consistent with the name of the 492 property owner as listed in the current records of the Alachua County Property 493 Appraiser. 494 ix. The petition shall clearly and accurately advise each putative signer of the type of 495 restrictions that may be imposed on the property if the overlay district is imposed upon 496 the area. 497 x. The petition shall clearly and accurately describe the proposed boundaries of the area. 498 b. When the petition is submitted to the City Manager or designee, the City Manager or 499 designee shall verify the names and signatures, and shall determine whether the petition 500 meets the criteria of this section. 501 c. To pay for the cost of verifying signatures, the city shall charge a fee as set forth in appendix 502 A of the Code of Ordinances. 503

e. The area shall consist only of parcels that are in a RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning

d. If an insufficient number of acceptable owner signatures are submitted, the city shall return

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the petition to the petitioner and the city shall retain the fee. 505 e. If a sufficient number of acceptable owner signatures are submitted, the petitioner may 506 apply for the rezoning of the area with the imposition of the overlay district as provided in 507 this chapter for zoning changes (including application fees, public notice, and public hearings 508 before the City Plan Board and the City Commission). 509 f. Criteria used to evaluate parcels for rezoning. The following criteria shall be used to evaluate 510 the appropriateness of imposing this overlay district on the area: 511 i. The petitioner shall submit evidence of the impact of off-street parking on the quality of 512 vegetation or runoff within the proposed overlay district area. Such evidence includes, 513 but is not limited to, evidence that off-street parking is resulting in a negative impact to 514 the quality of the vegetation of parcels or contributing to a decline in said quality within 515 the proposed area; and 516 ii. The petitioner shall submit evidence that off-street parking is resulting in a negative 517 aesthetic impact to lots or parcels within the proposed area, or the effect of that off-518 street parking on the environment of the area. 519 g. The petition for imposition of the overlay district shall be considered by the City Plan Board 520 for its recommendation to the City Commission. In order to impose the overlay district upon 521 parcels within an area, an affirmative vote of the City Commission is required. If the petition 522 or ordinance fails, a subsequent petition for imposition of the overlay district on all or any 523 portion of the area may not be included in a new petition unless at least one year has 524 transpired from the date of submittal of the previous petition for imposition of the overlay 525 on an area. 526 4. Off-street parking regulations in the context area and in any residential parking overlay. Off 527 street parking shall be limited to the driveway parking area meeting the dimensional 528 requirements below and leading from the permitted driveway connection to the enclosed 529 parking space (garage or carport), plus two pullout spaces as described below. If there is no 530 garage or carport, the driveway parking area shall meet the dimensional requirements below 531 and be able to provide parking and ingress or egress of vehicles. 532 a. The maximum width of the driveway parking area is the greater of 18 feet or the maximum 533 width of the enclosed parking space. 534 b. Pullout spaces can be no more than nine feet wide and 16 feet long; shall be covered with 535 pavement, gravel, wood chips, bark mulch, or other erosion-preventing material clearly 536 defining the pullout spaces; and shall be contiguous to the driveway parking area. 537 c. Notwithstanding Subsections a. and b. above, no more than 40% of front open space may be 538

- d. Circular driveway parking areas meeting the above dimensional requirements are permitted provided the necessary driveway connections are provided; however only one pullout space is allowed with a circular driveway parking area.
- e. Access to all driveway parking areas shall be from an approved or existing legal driveway connection.
- f. All unpaved driveway parking areas and pullout spaces shall be covered with gravel, wood

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devoted to driveway parking area and pullout spaces.

chips, bark mulch, or other erosion-preventing material clearly defining the driveway parking area, and have side borders of plants, pressure treated landscape timbers, railroad ties, pressure treated wood, composite "plastic wood", brick, concrete or similar border materials.

- i. Erosion preventing material.
  - 1) Where bark mulch or wood chips are used, they shall cover the entire surface of the driveway parking area and pullout spaces with a layer that is at least two inches thick. They shall be distributed evenly within the borders and shall be free of bare spots and vegetation. Other types of mulch may be used only after approval from the City Manager or designee.
  - 2) Where gravel is used, it shall cover the entire surface of the driveway parking area and pullout spaces with a layer that is at least one inch thick. The gravel shall be evenly distributed within the borders and shall be free of bare spots and vegetation. The material used for a gravel parking area and/or pullout space shall be rock or crushed stone, shall not be more than 1½ inches in diameter, and shall not contain dirt, sticks, construction debris or other foreign material. Sand, rock powder, or other similar material less than one-eighth inch in diameter may be used as a base, but shall not be included when measuring the gravel thickness.
  - 3) Leaves, pine needles, grass clippings, canvas, plastic sheets, poly sheets, or other similar rolled sheeting shall not be used as an erosion preventing material.
  - 4) The erosion preventing material shall be clearly stated on the submitted parking plan and approved by the City Manager or designee prior to its use.

## ii. Borders.

- 1) Plant borders shall be a one-gallon minimum size at the time of planting, spaced no greater than 36 inches apart. Plants shall be a minimum of 12 inches high when planted and shall be maintained at no less than 12 inches high.
- 2) Wood borders shall be pressure treated or be treated to prevent the decomposition of the wood when the wood is applied to the ground surface. The minimum size of any wood borders or composite plastic wood borders shall be 3½ inches wide by 3½ inches high and shall be continuous around the border. Multiple pieces can be stacked to achieve the required size. Where railroad ties are used, the ties shall be structurally sound and fully intact and shall be continuous around the border. All wood borders or composite plastic wood borders shall be affixed to the ground by driving a metal stake through the wood/plastic into the ground. At least two stakes shall be driven into each wood or composite plastic wood border segment. The distance between stakes shall not be more than four feet. The metal stake shall be a minimum of three-eighths of an inch in diameter and driven a minimum of 12 inches below the ground surface. The metal stake shall be driven flush with the surface of the wood/plastic.
- 3) Brick curbing shall be set in a mortar base and shall be a minimum of 3½ inches wide by 3½ inches high. Concrete curbing may be pre-cast, formed or machine extruded and shall be a minimum of six inches wide by six inches high and consist of a

588 589 590 591 592 593 594 595		concrete mix with a minimum strength of 3,000 pounds per square inch. Brick and concrete curbing shall be continuous around the border. Pre-cast concrete curbing shall be affixed to the ground by driving a metal stake through the curbing into the ground. At least two stakes shall be driven into each piece of pre-cast concrete. The distance between stakes shall not be more than four feet. The metal stake shall be a minimum of three-eighths of an inch in diameter and driven a minimum of 12 inches below the ground surface. The metal stake shall be driven flush with the surface of the curbing.
596 597 598		4) Other borders may be used only after approval of the City Manager or designee. All parking plans shall include a full description, including specifications, of the proposed border.
599 600 601 602	g.	Off-street parking on other areas of property regulated by this subsection will be allowed on the day of major university related events as determined by the City Manager or designee, such as University of Florida commencement programs and University of Florida home football games. , subject to the following regulations:
603 604 605		<ul> <li>Parking is allowed only on the day of the event commencing at 8:00 a.m. and concluding at 12:00 a.m. or three hours after conclusion of the event, whichever occurs later.</li> <li>Vehicles may remain parked overnight, provided they are not occupied and may only be</li> </ul>
606 607		picked up the day after the event between the hours of 8:00 a.m. and 12:00 p.m.  ii. All trash, signs, and other physical items associated with the parking must be removed
608 609		by 6:00 p.m. the day after the event.  iii. If any portable toilets are provided, they may be placed on the property the day prior to the event and must be removed by 6:00 p.m. on the second day after the event.
610 611 612		iv. The parking area must be located solely within private property and may not extend onto any public property or public right-of-way.
613 614	h.	The City Manager or designee may exempt a property from the driveway parking area limitations if all of the following conditions are found:
615		i. The driveway parking area is clearly defined.
616		ii. The driveway parking area is maintained in a safe, sanitary and neat condition.
617		iii. The driveway parking area does not contribute to soil erosion.
618 619 620		iv. The requirements of this section would impose an inordinate burden on the landowner due to topographical road configuration constraints or other significant design constraints.
621 622 623 624 625	i.	Each owner of property regulated by this subsection shall provide a parking plan showing the driveway parking areas and any pullout spaces. This plan shall be submitted as part of an application for a landlord permit. For residential properties that do not require landlord permits, the parking plan shall be submitted upon request of the City Manager or designee within 30 calendar days of receiving a written request for a parking plan from the City
626 627		Manager or designee. Within 45 calendar days of the City Manager or designee's approval of the new parking plan, the new plan shall be implemented and the parking area and any

- pullout spaces shall be constructed in the manner in this approved parking plan. When the new plan is implemented, the City Manager or designee shall inspect the parking area and any pullout spaces for compliance.
- j. No driveway parking area regulated by this subsection may be leased, rented, or otherwise provided for consideration to someone not residing on the property, except as specifically provided otherwise in this Article.
- k. If a property is found by the City Manager or designee to not be in compliance with one or more of the provisions of the existing parking plan for that property, as approved by the City Manager or designee, the owner of that property may be required to submit to the City Manager or designee a new, modified parking plan which is in compliance with the requirements of this section. This modified parking plan for the non-compliant property shall be received by the City Manager or designee within 30 calendar days of the owner's receipt of a written request for the new parking plan. Within 45 calendar days of the City Manager or designee's approval of the new parking plan, the new plan shall be implemented and the parking area and any pullout spaces shall be constructed in the manner in this approved parking plan. When the new plan is implemented, the City Manager or designee shall inspect the parking area and any pullout spaces for compliance.
- I. Where applicable, this plan shall be submitted as part of an application for a landlord permit and shall be approved by the City Manager or designee prior to the issuance of a landlord permit. In all cases, each owner of property zoned RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning district, or that contains single family or two-family dwellings on property zoned planned development (PD), which is within the context area, shall provide the City Manager or designee with an updated parking plan showing the driveway parking areas and any pullout spaces no later than April 1, 2007, or in conjunction with the landlord permit application, whichever date comes earlier.

**SECTION 14.** Section 30-8.3 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-8.3 remains in full force and effect.

## Section 30-8.3. Elements of Compliance.

- B. Exemptions to landscaping requirements.
  - Lots designed or designated for single-family residential dwellings and the developed portion of any lot over two acres in actual single-family residential use are exempt from the requirements of this section, except as provided in Section 30-8.7
  - 2. Development within the approach and clear zone Airport Runway Protection Zone areas as specified on the adopted Gainesville Regional Airport master plan as of 1999, on file with the director of aviation, Gainesville Regional Airport, shall be is exempt from the provision of required shade trees in areas where federal regulations prohibit shade trees or where shade tree growth can be expected to penetrate airport zone surfaces regulated under Federal

- Aviation Regulations 14 CFR, Part 77. If permitted, understory trees shall must be substituted. Trees may be removed from such areas upon filing a tree removal permit accompanied by submission of written authorization from the Gainesville/Alachua County Regional Airport Authority or FDOT to the City Manager's designee. Reforestation is not required in areas where federal regulations prohibit trees or where shade tree growth can be expected to penetrate airport zone surfaces regulated under Federal Aviation Regulations 14 CFR, Part 77. Mitigation will not be required except for high-quality heritage trees, which shall must be mitigated in accordance with Section 30-8.7.
- 3. Where required shade trees are expected to conflict with planned solar energy generation, developments may compensate for the required trees by relocating them to a designated area or preserving an equal number of existing high-quality shade trees elsewhere on the site. At least 140 square feet shall must be provided for each new shade tree to be planted, and existing trees shall must be preserved in accordance with Section 30-8.8. These trees shall must be located so that they can grow to maturity without obstructing the generation of solar energy, and the area where they are planted or preserved shall must be delineated and noted as a "designated tree area" on the development plans.

SECTION 15. Section 30-8.29 of the Land Development Code is amended as follows.

# Section 30-8.29. Inspections.

- A. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. Development other than buildings and structures. The floodplain administrator shall inspect all
   development to determine compliance with the requirements of this subdivision and the conditions
   of issued floodplain development permits or approvals.
- 691 C. Buildings, structures and facilities exempt from the Florida Building Code. The floodplain
   692 administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code
   693 to determine compliance with the requirements of this subdivision and the conditions of issued
   694 floodplain development permits or approvals.
- Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.
   Upon placement of the lowest floor, including basement, and prior to further vertical construction,
   the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's
   authorized agent, shall submit to the floodplain administrator:
  - If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
  - If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Subsection 30-8.28.B.3.B. 30-8.28.B.3.b. of this subdivision, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

- E. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Subsection 30-8.29.D. of this subdivision.
- F. Manufactured homes. The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this subdivision and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.
- 716 **SECTION 16.** Section 30-9.2 of the Land Development Code is amended as follows.

## Section 30-9.2. Applicability.

- 718 This sign code applies to the use and maintenance of all signs within the City of Gainesville, unless 719 otherwise provided for in accordance with federal, state, or local law, or used by a federal, state, or local
- 720 governmental agency on public property or in a public right-of-way for public health, safety, and
- 721 <u>welfare</u>.

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- 724 **SECTION 17.** It is the intent of the City Commission that the provisions of Sections 1 through 16
- 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
- 727 renumbered or relettered in order to accomplish such intent.
- 728 **SECTION 18.** 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
- 731 effect without the invalid or unconstitutional provision or application, and to this end the
- 732 provisions of this ordinance are declared severable.
- 733 **SECTION 19.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
- 734 conflict hereby repealed.

**SECTION 20**. This ordinance will become effective immediately upon adoption. 735 PASSED AND ADOPTED this 21st day of February, 2019. 736 737 738 739 LAUREN POE 740 **MAYOR** 741 742 Approved as to form and legality: 743 Attest: 744 745 746 NICOLLE M. SHALLEY 747 **CITY ATTORNEY CLERK OF THE COMMISSION** 748 This ordinance passed on first reading this 7th day of February, 2019. 749 750

This ordinance passed on second reading this 21st day of February, 2019.