

**LEGISLATIVE #**

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**ORDINANCE NO. 160484**

**An ordinance of the City of Gainesville, Florida, amending Section 30-5.13 Gasoline and Alternative Fuel Stations of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to provide compatibility requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, notice was given as required by law that the text of the Code of Ordinances of the City of Gainesville, Florida, be amended; and

**WHEREAS**, the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on October 27, 2016, and voted to recommend that the City Commission approve this amendment; and

**WHEREAS**, an advertisement no less than two columns wide by ten (10) inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days’ advance notice of this ordinance’s first public hearing to be held by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

**WHEREAS**, a second advertisement no less than two columns wide by ten (10) inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days’ advance notice of this ordinance’s second public hearing to be held by the City Commission; 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.

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

**SECTION 1.** Section 30-5.13 of the Land Development Code is amended as follows:

Section 30-5.13. Gasoline and Alternative Fuel Stations.

Gasoline and alternative fuel stations also include retail petroleum sales at service stations or car washes, either separately or in combination with the sale of food or restaurants, or gas pumps as accessory to a convenience store or restaurant.

~~A. Minimum pump setback. All fuel pumps and pump islands shall be set back a minimum distance of at least 15 feet from any right-of-way line or property line.~~

~~B. Design requirements. Gasoline/alternative fuel stations where allowed in any zoning district, except for the I-1 and I-2 industrial zoning districts, shall meet the following design standards:~~

- ~~1. Fueling pumps and service bays shall be located to the rear of buildings located on the site.~~
- ~~2. The number and width of driveways shall be minimized.~~
- ~~3. Cross access or joint use driveways shall be provided to adjacent non-residential developments.~~

A. Accessory uses. Permitted accessory uses to a gasoline or alternative fuel service station are as follows:

- 1. Rental of vehicles, provided they are screened in accordance with Section 30-5.39.
- 2. Minor adjustments or repairs to automobiles, trucks, trailers or other vehicles that do not require body work, painting or removal of engines from frames or dismantling of differentials. No lift or repair facilities shall be located outside the principal structure. Additional adjustments or repairs at service stations shall only be permitted within zoning districts where major automotive repairs are a permitted principal use.
- 3. The retail sale of minor automobile parts and accessories, gasoline, diesel fuel, alternative fuels, kerosene, lubricating oils and greases.
- 4. Vending machines, provided such machines are located under the roof of the principal structure.

B. Number of fueling positions.

- 1. Within the transect zones, where allowed, up to six fueling positions are permitted by right.
- 2. Within all other zoning districts, where allowed, up to six fueling positions are permitted by right, except for stations located within ¼ mile from an interchange, where there may be up to 12 fueling positions permitted by right.
- 3. Up to 12 fueling positions may be allowed as part of a Planned Development rezoning or Special Use Permit process.

C. Design requirements.

- 1. All fuel pumps and pump islands shall be set back a minimum distance of at least 15 feet from any right-of-way line or property line.
- 2. All gasoline and alternative fuel pumps and accessory automotive uses shall be located to the rear or side of buildings and at least 50 feet from the property line of any property zoned residential district or Planned Development district with predominantly residential uses. In the event the physical constraints of the site do not allow such uses to meet these requirements,

- 1           the uses may be located to the front of the building in order to meet the 50 foot spacing
- 2           requirement. This design requirement shall not apply in the I-1 or I-2 zoning districts.
- 3           3. The number and width of driveways shall be minimized.
- 4           4. Cross-access or joint use driveways shall be provided to adjacent non-residential developments.
- 5           5. A minimum of 25% window area or glazing at pedestrian level (between three and eight feet
- 6           above grade) on all first-floor building sides with street frontage. Windows or glazing shall be at
- 7           least 80% transparent.
- 8           6. A public entrance shall be provided that faces the street (a corner entrance may be provided
- 9           where the building is located at the intersection of streets).
- 10          7. Pedestrian and bicycle access shall be provided from the public sidewalk to any retail or
- 11          restaurant facilities on site.
- 12          8. Off-street parking shall be located to the side or rear of the building.
- 13          9. Canopy height: the bottom surface of a canopy shall not exceed 15 ft. in height.
- 14          10. Perimeter buffers: sites shall include Type B buffers with a minimum four-foot tall opaque
- 15          masonry wall or privet type hedge along the side and rear property boundaries to minimize the
- 16          view of fueling pumps.
- 17          11. Dumpster location: dumpsters shall be enclosed by a masonry wall and placed as far away from
- 18          existing, adjacent residential uses as practicable on the site and shall not be less than 50 feet as
- 19          measured from the residential property line.
- 20          12. Car wash facilities and associated elements such as vacuums shall be prohibited when adjacent
- 21          to any property in a residential zoning district or a planned development district with
- 22          predominately residential uses.
- 23          13. A convenience store or restaurant or combination thereof shall be present when fueling
- 24          positions exceed six.

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26 **SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this

27 ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,

28 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or

29 relettered in order to accomplish such intent.

30 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or

31 the application hereof to any person or circumstance is held invalid or unconstitutional, such

32 finding shall not affect the other provisions or applications of this ordinance that can be given

1 effect without the invalid or unconstitutional provision or application, and to this end the  
2 provisions of this ordinance are declared severable.

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

5 **SECTION 5.** This ordinance shall become effective immediately upon adoption.

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7 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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14 Attest:

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19 KURT M. LANNON  
CLERK OF THE COMMISSION

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LAUREN POE  
MAYOR

Approved as to form and legality:

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\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

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21 This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

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23 This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2017.