

Legislative #

120139

ORDINANCE NO. 120139

An ordinance of the City of Gainesville, Florida, amending the City Code of Ordinances and the Land Development Code related to special event parking; by amending Section 30-23(c) to create a definition for the University of Florida context area; by amending Section 30-56(c) to allow special event temporary off-street parking in the University of Florida context area; by amending Appendix A – Schedule of Fees, Rates and Charges of the Code of Ordinances to add a permit fee for special event parking; amending Section 2-339 by adding violation of special event parking permit requirements to the list of ordinances enforceable as a civil citation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a public hearing was given that the text of the Land Development Code and the Code of Ordinances of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a public hearing was then held by the City Plan Board on July 12, 2011 and by the City Commission at its August 2, 2012 meeting; and

WHEREAS, at least ten (10) days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Hall Auditorium, First Floor, City Hall, in the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the published notices 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 30-23(c) of the Land Development Code is amended to add the

1 following definition. Except as amended herein, the remainder of Section 30-23(c) remains in
2 full force and effect.

3 University of Florida context area means the area identified and mapped in the current
4 University of Florida Campus Master Plan, as same may be amended or updated from
5 time to time. The University of Florida context area map is available in the GIS map
6 library of the planning and development services department.

7 **Section 2.** Section 30-56(c) of the Land Development Code is amended to as set forth
8 below. Except as amended herein, the remainder of Section 30-56 remains in full force and
9 effect.

10 **Sec. 30-56. - General provisions for residential districts.**

11 (c) *Parking, storing or keeping of other vehicles.* Except as provided for in article VI
12 concerning recreational vehicles, the following regulations shall apply to all residential
13 zoning districts:

14 (1) Parking for any vehicle is permitted inside any enclosed structure which complies
15 with the dimensional requirements of the particular zoning district.

16 (2) Parking shall not be allowed outside of an enclosed structure for any vehicle in
17 excess of 10,000 pounds gross vehicle weight (manufacturer's capacity rating).

18 (3) Any vehicle containing a vehicle sign, as defined in article IX, shall be stored in
19 either an enclosed building or a location which would shield view of such
20 advertising from the street.

21 (4) *Off-street parking regulations in the context area and in any residential parking*
22 *overlay district.* The regulations and provisions of this section apply to any
23 property that is in an RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning district, or that
24 contains single family or two-family dwellings on property zoned planned
25 development (PD), and is located within either the University of Florida context
26 area or a residential parking overlay district area as provided in section 30-56.1 of
27 this Code. In these areas, off street parking shall be limited to the driveway
28 parking area meeting the dimensional requirements below and leading from the
29 permitted driveway connection to the enclosed parking space (garage or carport),
30 plus two pullout spaces as described below. If there is no garage or carport, the
31 driveway parking area must meet the dimensional requirements below and be able

1 to provide parking and ingress or egress of vehicles.

2 a. The maximum width of the driveway parking area is the greater of 18 feet
3 or the maximum width of the enclosed parking space.

4 b. Pullout spaces can be no more than nine feet wide and 16 feet long; must
5 be covered with pavement, gravel, wood chips, bark mulch, or other
6 erosion-preventing material clearly defining the pullout spaces; and must
7 be contiguous to the driveway parking area.

8 c. Notwithstanding subsections a. and b., no more than 40 percent of front
9 open space may be devoted to driveway parking area and pullout spaces.

10 d. Circular driveway parking areas meeting the above dimensional
11 requirements are permitted provided the necessary driveway connections
12 are provided; however only one pullout space is allowed with a circular
13 driveway parking area.

14 e. Access to all driveway parking areas must be from an approved or existing
15 legal driveway connection.

16 f. All unpaved driveway parking areas and pullout spaces must be covered
17 with gravel, wood chips, bark mulch, or other erosion-preventing material
18 clearly defining the driveway parking area, and have side borders of
19 plants, pressure treated landscape timbers, railroad ties, pressure treated
20 wood, composite "plastic wood", brick, concrete or similar border
21 materials.

22 1. *Erosion preventing material.*

23 (a) Where bark mulch or wood chips are used, they shall cover
24 the entire surface of the driveway parking area and pullout
25 spaces with a layer that is at least two inches thick. They
26 shall be distributed evenly within the borders and shall be
27 free of bare spots and vegetation. Other types of mulch may
28 be used only after approval from the city manager or
29 designee.

30 (b) Where gravel is used, it shall cover the entire surface of the
31 driveway parking area and pullout spaces with a layer that
32 is at least one inch thick. The gravel shall be evenly
33 distributed within the borders and shall be free of bare spots
34 and vegetation. The material used for a gravel parking area
35 and/or pullout space shall be rock or crushed stone, shall
36 not be more than 1½ inches in diameter, and shall not
37 contain dirt, sticks, construction debris or other foreign
38 material. Sand, rock powder, or other similar material less

1 than one-eighth inch in diameter may be used as a base, but
2 shall not be included when measuring the gravel thickness.

- 3 (c) Leaves, pine needles, grass clippings, canvas, plastic
4 sheets, poly sheets, or other similar rolled sheeting shall not
5 be used as an erosion preventing material.
- 6 (d) The erosion preventing material shall be clearly stated on
7 the submitted parking plan and approved by the city
8 manager or designee prior to its use.

9 2. *Borders.*

- 10 (a) Plant borders shall be a one-gallon minimum size at the
11 time of planting, spaced no greater than 36 inches apart.
12 Plants shall be a minimum of 12 inches high when planted
13 and shall be maintained at no less than 12 inches high.
- 14 (b) Wood borders shall be pressure treated or be treated to
15 prevent the decomposition of the wood when the wood is
16 applied to the ground surface. The minimum size of any
17 wood borders or composite plastic wood borders shall be
18 3½ inches wide by 3½ inches high and shall be continuous
19 around the border. Multiple pieces can be stacked to
20 achieve the required size. Where railroad ties are used, the
21 ties shall be structurally sound and fully intact and shall be
22 continuous around the border. All wood borders or
23 composite plastic wood borders must be affixed to the
24 ground by driving a metal stake through the wood/plastic
25 into the ground. At least two stakes must be driven into
26 each wood or composite plastic wood border segment. The
27 distance between stakes shall not be more than four feet.
28 The metal stake must be a minimum of three-eighths of an
29 inch in diameter and driven a minimum of 12 inches below
30 the ground surface. The metal stake must be driven flush
31 with the surface of the wood/plastic.
- 32 (c) Brick curbing shall be set in a mortar base and shall be a
33 minimum of 3½ inches wide by 3½ inches high. Concrete
34 curbing may be pre-cast, formed or machine extruded and
35 shall be a minimum of six inches wide by six inches high
36 and consist of a concrete mix with a minimum strength of
37 3,000 pounds per square inch. Brick and concrete curbing
38 shall be continuous around the border. Pre-cast concrete
39 curbing must be affixed to the ground by driving a metal
40 stake through the curbing into the ground. At least two

1 stakes must be driven into each piece of pre-cast concrete.
 2 The distance between stakes shall not be more than four
 3 feet. The metal stake must be a minimum of three-eighths
 4 of an inch in diameter and driven a minimum of 12 inches
 5 below the ground surface. The metal stake must be driven
 6 flush with the surface of the curbing.

- 7 (d) Other borders may be used only after approval of the city
 8 manager or designee. All parking plans shall include a full
 9 description, including specifications, of the proposed
 10 border.

11 g. *Effective dates.*

- 12 1. *Property in context area as of March 15, 2004.* All driveway
 13 parking areas that are lawfully in existence as of March 15, 2004,
 14 must comply with the requirements then in effect. Subsequently,
 15 all driveway parking areas must be brought into compliance with
 16 the requirements of this section on or before April 1, 2005, or prior
 17 to the city's issuance of any landlord permit in the year 2004,
 18 whichever comes earlier, unless otherwise provided herein.
- 19 2. *Property in context area as of September 11, 2006.* All driveway
 20 parking areas that are lawfully in existence as of September 11,
 21 2006, must comply with the requirements then in effect.
 22 Subsequently, all new or additional driveway parking areas within
 23 ~~the University of Florida Campus Master Plan 2005-2015 C~~context
 24 area must be brought into compliance with the requirements of this
 25 section on or before April 1, 2007, or prior to the city's issuance of
 26 any landlord permit in the year 2007, whichever comes earlier,
 27 unless otherwise provided herein.
- 28 3. *Property in residential parking overlay district.* All driveway
 29 parking areas within a residential parking overlay district shall
 30 comply with the provisions of section 30-56(c)(4) within 90 days
 31 of the effective date of the ordinance requiring and imposing the
 32 overlay district, or at such other time period as is prescribed in said
 33 ordinance.

34 ~~h. Off-street parking on other areas of property regulated by this subsection~~
 35 ~~will be allowed on the day of major university related events as~~
 36 ~~determined by the city manager or designee, such as University of Florida~~
 37 ~~commencement programs and University of Florida home football games.~~

38 i.h. The city manager or designee may exempt a property from the driveway
 39 parking area limitations if all of the following conditions are found:

- 1 1. The driveway parking area is clearly defined.
- 2 2. The driveway parking area is maintained in a safe, sanitary and
- 3 neat condition.
- 4 3. The driveway parking area does not contribute to soil erosion.
- 5 4. The requirements of this section would impose an inordinate
- 6 burden on the landowner due to topographical road configuration
- 7 constraints or other significant design constraints.

8 j.i. Each owner of property regulated by this subsection must provide a
9 parking plan showing the driveway parking areas and any pullout spaces.
10 This plan shall be submitted as part of an application for a landlord permit.
11 For residential properties that do not require landlord permits, the parking
12 plan must be submitted upon request of the city manager or designee
13 within 30 days of receiving a written request for a parking plan from the
14 city manager or designee. Within 45 days of the city manager or
15 designee's approval of the new parking plan, the new plan shall be
16 implemented and the parking area and any pullout spaces shall be
17 constructed in the manner in this approved parking plan. When the new
18 plan is implemented, the city manager or designee shall inspect the
19 parking area and any pullout spaces for compliance.

20 k.j. No driveway parking area regulated by this subsection may be leased,
21 rented or otherwise provided for consideration to someone not residing on
22 the property ~~except as provided in paragraph h. above.~~

23 l.k. If a property is found by the city manager or designee to not be in
24 compliance with one or more of the provisions of the existing parking plan
25 for that property, as approved by the city manager or designee, the owner
26 of that property may be required to submit to the city manager or designee
27 a new, modified parking plan which is in compliance with the
28 requirements of this section. This modified parking plan for the non-
29 compliant property must be received by the city manager or designee
30 within 30 days of the owner's receipt of a written request for the new
31 parking plan. Within 45 days of the city manager or designee's approval of
32 the new parking plan, the new plan shall be implemented and the parking
33 area and any pullout spaces shall be constructed in the manner in this
34 approved parking plan. When the new plan is implemented, the city
35 manager or designee shall inspect the parking area and any pullout spaces
36 for compliance.

37 m.l. Where applicable, this plan shall be submitted as part of an application for
38 a landlord permit and shall be approved by the city manager or designee
39 prior to the issuance of a landlord permit. In all cases, each owner of

1 property zoned RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning district, or
2 that contains single family or two-family dwellings on property zoned
3 planned development (PD), which is within the context area, must provide
4 the city manager or designee with an updated parking plan showing the
5 driveway parking areas and any pullout spaces no later than April 1, 2007,
6 or in conjunction with the landlord permit application, whichever date
7 comes earlier.
8

9 (5) Temporary off-street parking in the University of Florida context area for special
10 events. Temporary off-street parking is allowed on properties with a residential
11 zoning district designation (as provided in Section 30-41) and located within the
12 University of Florida context area during certain major University of Florida
13 related events, such as University of Florida commencement programs and
14 University of Florida home football games, as designated by the city manager or
15 designee, provided a special event parking permit is obtained from the city. A
16 special event parking permit shall be valid for all city manager designated events
17 for the period commencing August 1 of each year and ending on July 31 of the
18 following year.
19

20 a. To obtain a permit, the applicant shall file a completed application with
21 the city, on the form provided by city, at least 30 calendar days prior to the
22 first event for which the applicant intends to provide parking. Each
23 applicant shall provide, at a minimum: a written, notarized statement from
24 the property owner authorizing the applicant to file the application and
25 conduct the special event parking on the owner's property, a statement of
26 all previous citations issued on the property for violations of this section
27 within the preceding 12 month period and a parking plan that depicts the
28 boundary of the parking area, the access points for the parking area, and
29 the number and location of portable toilets, if any are provided.

30 b. All permits issued are subject to the following conditions and
31 requirements:

32 1. Parking is allowed only on the day of the event commencing at
33 8:00 AM and concluding at 12:00 AM or three hours after
34 conclusion of the event, whichever occurs later. Vehicles may
35 remain parked overnight, provided they are not occupied or
36 accessed after the above described times and may only be picked
37 up the day after the event between the hours of 8:00 AM and 12:00
38 PM;

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- 2. Signage to advertise the parking is limited to one temporary, on-site sign with a maximum sign area of 6 square feet displayed only on the day of the event;
- 3. All trash, signs and other physical items associated with the special event parking shall be removed by 6:00 PM the day after the event;
- 4. Portable toilets are not required. However, if they are provided they may be placed on the property the day prior to the event and shall be removed by 6:00 PM on the second day after the event (e.g., for an event on Saturday, the portable toilets must be removed by 6:00 PM on Monday);
- 5. The parking area shall be located solely within private property and shall not extend onto any public property; and
- 6. The special event parking permit shall be conspicuously displayed on-site throughout the duration of each event.

- c. A permit shall not be issued if, within the 12 month period immediately preceding the application, there are three or more citations for violation of this section with adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or plea of no contest (including, but not limited to payment of fine.
- d. Failure to comply with this section shall be enforceable by civil citation as provided in Chapter 2, Article V., Division 6 of the City Code of Ordinances. The citation shall be issued to the property owner and/or the permit holder.

Section 3. Appendix A. – Schedule of Fees, Rates and Charges of the Code of Ordinances is amended to read as stated below. Except as amended herein, the remainder of Appendix A. – Schedule of Fees, Rates and Charges remains in full force and effect.

LAND DEVELOPMENT CODE:

(4) *Zoning:*

i. Permit for parking for special event (§30-56(c)(5)).....52.50

1 **Section 4.** Section 2-339 of the City of Gainesville Code of Ordinances is amended as
 2 set forth below to add violation of special event parking permit to the list of ordinances
 3 enforceable by civil citation. Except as amended herein, the remainder of Section 2-339 remains
 4 in full force and effect.

5 **Sec. 2-339. - Applicable codes and ordinances.**

6 The following ordinances are enforceable by the procedures described in this division:

7

Section	Description	Class	Penalty
<u>30-56(c)(5)</u>	<u>Violation of special event parking permit requirements</u>	<u>I</u>	<u>\$250.00</u>

8
 9 Second violation of the same Class I or Class II offense shall be double the amount shown on the
 10 penalty schedule.

11 Third and subsequent violations of the same Class I or II offense shall require a mandatory court
 12 appearance.

13 Second and subsequent violations of the same Class III or Class IV offense shall require a
 14 mandatory court appearance.

15
 16 **Section 5.** It is the intention of the City Commission that the provisions of Sections 1
 17 through 4 of this ordinance shall become and be made a part of the Code of Ordinances of the
 18 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be
 19 renumbered or relettered in order to accomplish such intentions.

20 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
 21 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
 22 finding shall not affect the other provisions or applications of the ordinance which can be given

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

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

5 **Section 8.** This ordinance shall become effective immediately upon final adoption.

6 **PASSED AND ADOPTED** this _____ day of _____, 2013

7
8
9

EDWARD B. BRADDY
MAYOR

10
11
12

13 Attest:

Approved as to form and legality:

14
15

16 By: _____
17 KURT LANNON
18 CLERK OF THE COMMISSION

By: _____
NICOLLE M. SHALLEY
CITY ATTORNEY

19
20

21 This ordinance passed on first reading this _____ day of _____, 2013.

22

23 This ordinance passed on second reading this _____ day of _____, 2013.

24