

**ORDINANCE NO. 060103**  
**0-06-62**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30; amending section 30-23 by defining the term “context area;” amending section 30-56, providing special regulations for off-street parking in the context area or any residential regulated parking overlay district; creating and adding a new section 30-56.1, providing for a new overlay district to be known as “Residential Parking Overlay District;” establishing the procedure and criteria for rezoning and imposing the overlay district; providing administrative remedy; amending section 30-330, making conforming changes; amending the City of Gainesville Code of Ordinances, relating to fees; amending Appendix A, Land Development Code, section (2), Planning, by creating a fee for verifying signatures on a petition requesting imposition of a Residential Parking Overlay District; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

**WHEREAS**, notice was given and publication made as required by law and Public Hearings were then held by the City Plan Board on June 15, 2006; and

**WHEREAS**, the City Commission heard and approved this petition on July 24, 2006; and

**WHEREAS**, at least 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 to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

1           **WHEREAS**, the Public Hearings were held pursuant to the published notice  
2 described at which hearings the parties in interest and all others had an opportunity to be  
3 and were, in fact, heard.

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

6 **Section 1.** Section 30-23, City of Gainesville Land Development Code, is hereby  
7 amended to add the following definition to read as follows:

8 **Sec. 30-23. Definitions.**

9 Context Area means the University of Florida Campus Master Plan 2005-2015 Context Area.  
10

11 **Section 2.** Section 30-56, City of Gainesville Land Development Code, is hereby  
12 amended to read as follows:

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

14 (a) *Use of residentially zoned property for access.* No residentially zoned (except  
15 RH-2) land shall be used for driveway, walkway or access purposes to any land which is  
16 nonresidentially zoned or which is used for any purpose not permitted in a residential  
17 district or which is shown on the future land use map of the comprehensive plan for  
18 solely nonresidential use, except for ingress and egress to a use existing on October 26,  
19 1981, on land which does not abut a public street.

20 (b) *Parking, storing or keeping of recreational vehicles.* The following regulations  
21 shall apply in all residential districts to the parking, storage or keeping of recreational  
22 vehicles:

23 (1) Parking is permitted inside any enclosed structure which complies with the  
24 dimensional requirements of the particular district.

1 (2) Parking is permitted outside any structure in the side or rear yard,  
2 provided the vehicle is a minimum of two feet from the lot line.

3 (3) Parking is permitted outside any structure in the front yard, provided:

4 a. Space is not available in the rear or side yard and no structure for  
5 storage is available or there is no access to either the side yard or rear yard.

6 b. The vehicle must be parked perpendicular to the front property  
7 line. No part of the vehicle may extend over a public sidewalk, bikepath or street.

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

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

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

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

18 (4) *Off-street parking regulations in the Comprehensive 1994-2004 Context*  
19 *Area and in any Residential Parking Overlay District.* The regulations and provisions of  
20 this section apply to any property ~~Off-street parking on any property in the University of~~  
21 ~~Florida Comprehensive Master Plan 1994-2004 Context Area~~ that is in an RC, RSF-1,  
22 RSF-2, RSF-3, or RSF-4 zoning district, or that contains single family or two-family  
23 dwellings on property zoned planned development (PD), and is located within either the

1 Context Area or a Residential Parking Overlay District Area as provided in Section 30-  
2 56.1 of this Code. In these areas, off street parking shall be limited to the driveway  
3 parking area meeting the dimensional requirements below and leading from the permitted  
4 driveway connection to the enclosed parking space (garage or carport), plus two pullout  
5 spaces as described below. If there is no garage or carport, the driveway parking area  
6 must meet the dimensional requirements below and be able to provide parking and  
7 ingress or egress of vehicles.

8 a. The maximum width of the driveway parking area is the greater of  
9 18 feet or the maximum width of the enclosed parking space.

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

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

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

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

21 f. All unpaved driveway parking areas and pullout spaces must be  
22 covered with gravel, wood chips, bark mulch, or other erosion-preventing material clearly  
23 defining the driveway parking area, and have side borders of plants, pressure treated

1 landscape timbers, railroad ties, pressure treated wood, composite “plastic wood”, brick,  
2 concrete or similar border materials.

3 1. Erosion Preventing Material

4 (a) Where bark mulch or wood chips are used, they  
5 shall cover the entire surface of the driveway parking area and pullout spaces with a layer  
6 that is at least two (2) inches thick. They shall be distributed evenly within the borders  
7 and shall be free of bare spots and vegetation. Other types of mulch may be used only  
8 after approval from the city manager or designee.

9 (b) Where gravel is used, it shall cover the entire  
10 surface of the driveway parking area and pullout spaces with a layer that is at least one  
11 (1) inch thick. The gravel shall be evenly distributed within the borders and shall be free  
12 of bare spots and vegetation. The material used for a gravel parking area and/or pullout  
13 space shall be rock or crushed stone, shall not be more than one and one half (1½) inches  
14 in diameter, and shall not contain dirt, sticks, construction debris or other foreign  
15 material. Sand, rock powder, or other similar material less than one-eighth (1/8) inch in  
16 diameter may be used as a base, but shall not be included when measuring the gravel  
17 thickness.

18 (c) Leaves, pine needles, grass clippings, canvas,  
19 plastic sheets, poly sheets, or other similar rolled sheeting shall not be used as an erosion  
20 preventing material.

21 (d) The erosion preventing material shall be clearly  
22 stated on the submitted parking plan and approved by the city manager or designee prior  
23 to its use.



1 be continuous around the border. Pre-cast concrete curbing must be affixed to the ground  
2 by driving a metal stake through the curbing into the ground. At least two stakes must be  
3 driven into each piece of pre-cast concrete. The distance between stakes shall not be  
4 more than four (4) feet. The metal stake must be a minimum of three eighths (3/8) of an  
5 inch in diameter and driven a minimum of twelve (12) inches below the ground surface.  
6 The metal stake must be driven flush with the surface of the curbing.

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

10 g. Effective dates

11 1. Property in Context Area as of March 15, 2004. All  
12 driveway parking areas that are lawfully in existence as of March 15, 2004, must comply  
13 with the requirements then in effect. Subsequently, all driveway parking areas must be  
14 brought into compliance with the requirements of ~~the Off-street parking Regulations for~~  
15 ~~the University of Florida Comprehensive Master Plan 1994-2004 Context Area~~ this  
16 section on or before April 1, 2005, or prior to the City's issuance of any landlord permit  
17 in the year 2004, whichever comes earlier, unless otherwise provided herein.

18 2. Property in Context Area as of September 11, 2006. All  
19 driveway parking areas that are lawfully in existence as of September 11, 2006, must  
20 comply with the requirements then in effect. Subsequently, all new or additional  
21 driveway parking areas within the University of Florida Campus Master Plan 2005-2015  
22 Context Area must be brought into compliance with the requirements of this section on or

1 before April 1, 2007, or prior to the City's issuance of any landlord permit in the year  
2 2007, whichever comes earlier, unless otherwise provided herein.

3 3. *Property in Residential Parking Overlay District.* All  
4 driveway parking areas within a Residential Parking Overlay District shall comply with  
5 the provisions of Section 30-56(c)(4) within 90 days of the effective date of the ordinance  
6 requiring and imposing the overlay district, or at such other time period as is prescribed  
7 in said ordinance.

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

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

14 1. The driveway parking area is clearly defined.  
15 2. The driveway parking area is maintained in a safe, sanitary  
16 and neat condition.

17 3. The driveway parking area does not contribute to soil  
18 erosion.

19 4. The requirements of this section would impose an  
20 inordinate burden on the landowner due to topographical road configuration constraints  
21 or other significant design constraints.

22 j Each owner of property regulated by this subsection must provide  
23 a parking plan showing the driveway parking areas and any pullout spaces. This plan



1 shall be submitted as part of an application for a landlord permit. For residential  
2 properties that do not require landlord permits, the parking plan must be submitted upon  
3 request of the City Manager or designee within 30 days of receiving a written request for  
4 a parking plan from the City Manager or Designee. Within 45 days of the City Manager  
5 or designee's approval of the new parking plan, the new plan shall be implemented and  
6 the parking area and any pullout spaces shall be constructed in the manner in this  
7 approved parking plan. When the new plan is implemented, the City Manager or designee  
8 shall inspect the parking area and any pullout spaces for compliance.

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

12 l. If a property is found by the City Manager or designee to not be in  
13 compliance with one or more of the provisions of the existing parking plan for that  
14 property, as approved by the City Manager or designee, the owner of that property may  
15 be required to submit to the City Manager or designee a new, modified parking plan  
16 which is in compliance with the requirements of this Ordinance. This modified parking  
17 plan for the non-compliant property must be received by the City Manager or designee  
18 within 30 days of the Owner's receipt of a written request for the new parking plan.  
19 Within 45 days of the City Manager or designee's approval of the new parking plan, the  
20 new plan shall be implemented and the parking area and any pullout spaces shall be  
21 constructed in the manner in this approved parking plan. When the new plan is  
22 implemented, the City Manager or designee shall inspect the parking area and any pullout  
23 spaces for compliance.

1 m. Where applicable, this plan shall be submitted as part of an  
2 application for a landlord permit and shall be approved by the City Manager or designee  
3 prior to the issuance of a landlord permit. In all cases, each owner of property zoned RC,  
4 RSF-1, RSF-2, RSF-3, or RSF-4 zoning district, or that contains single family or two-  
5 family dwellings on property zoned planned development (PD), which is within the  
6 ~~University of Florida Comprehensive Master Plan~~ Context Area, must provide the City  
7 Manager or designee with an updated parking plan showing the driveway parking areas  
8 and any pullout spaces no later than April 1, ~~2007~~<sup>5</sup> or in conjunction with the landlord  
9 permit application, whichever date comes earlier.

10 (d) *Distance from dwelling unit entrance to access road or driveway.* No entrance to  
11 a dwelling unit in an RMF-5, RMF-6, RMF-7, RMF-8, RH-1 or RH-2 district shall be  
12 closer to any access road or driveway than 15 feet.

13 (e) *Development plan approval.* Prior to the issuance of any building permit for any  
14 residential development which includes two or more principal structures on a single lot,  
15 or which includes five or more dwelling units, or which is at a development intensity  
16 greater than that permitted by right, development plan approval must be obtained from  
17 the development review board in accordance with the requirements of Article VII.

18 (f) *Additional regulations.* The requirements of Articles VII, VIII and IX shall apply  
19 to residential districts as specified therein.

20 (g) *Supplemental dimensional requirements.*

21 (1) Lots within RSF-1, RSF-2, RSF-3 and RSF-4 districts, which have a rear  
22 or front lot line abutting on collector or arterial streets, shall have a minimum depth of

1 150 feet with a minimum building setback line established at a distance of 50 feet from  
2 the collector or arterial street right-of-way line.

3 (2) Corner lots within all residential districts shall be at least ten feet greater  
4 in width than the minimum established for the zoning district, except RSF-1 where the  
5 minimum width established in the zoning ordinance exceeds 95 feet.

6 (h) *Flood control.* Prior to the issuance of a building permit in any residential district,  
7 the provisions of the flood control district, Article VIII, shall be complied with where  
8 applicable.

9 (i) *Minor improvements providing access for handicapped residents.* Minor  
10 improvements, such as ramps and landings, that are intended to provide access for a  
11 handicapped resident shall be permitted by right within the required yard of any existing  
12 single-family dwelling, two-family dwelling and three-family dwelling.

13 (j) *Additional requirements for new medium and high density multi-family*  
14 *developments when abutting properties designated single family on the future land use*  
15 *map.* All new multi-family projects being developed under the regulations for the RMF-  
16 6, RMF-7, RMF-8, RH-1, and RH-2 zoning districts shall comply with the following  
17 regulations when abutting single-family designated properties.

18 (1) There shall be no outdoor recreation areas or uses allowed within any  
19 required building setback area and/or landscape buffer between abutting medium and/or  
20 high density multi-family development and single-family designated properties.

21 (2) There shall be no car washing areas, dumpsters, recycling bins, or other  
22 trash/waste disposal facilities placed in the required setback area between medium and/or

1 high density multi-family development and properties designated single family on the  
2 future land use map.

3 (3) Parking lots and driveways located in the area between medium or high  
4 density multi-family and abutting single-family designated properties shall be limited to a  
5 single-loaded row of parking and a two-way driveway.

6 (4) A decorative masonry wall (or equivalent material in noise attenuation and  
7 visual screening) with a minimum height of 6 feet and a maximum height of 8 feet plus a  
8 minimum nine-foot landscape buffer shall separate any new medium or high density  
9 residential development from properties designated single-family residential. However,  
10 driveways, emergency vehicle access, or pedestrian/bicycle access may interrupt a  
11 continuous wall. If, in the professional judgment of City staff or other professional  
12 experts, masonry wall construction would damage or endanger significant trees or other  
13 natural features, the appropriate reviewing board or staff, when only staff review is  
14 required, may authorize the use of a fence and/or additional landscape buffer area to  
15 substitute for the required masonry wall. There shall be no requirement for a masonry  
16 wall or equivalent if buildings are 200 or more feet from abutting single-family  
17 properties. In addition, the appropriate reviewing board or staff, when only staff review  
18 is required, may allow an increased vegetative buffer and tree requirement to substitute  
19 for the required masonry wall.

20 (5) The primary driveway access shall be on a collector or arterial street, if  
21 available. Secondary ingress/egress and emergency access may be on or from local  
22 streets.

1           (6)     Active recreation areas (including, but not limited to, swimming pools,  
2 tennis courts, basketball and volleyball courts) shall be located away from abutting  
3 single-family designated properties and shall be oriented in the development to minimize  
4 noise impacts on single-family designated properties.

5           (7)     Mechanical equipment (as defined in the Traditional City portion of the  
6 Land Development Code) shall be placed such that noise and visual impacts are  
7 minimized for abutting single-family designated properties.

8           (8)     Buildings within 100 feet of single-family residential shall contain no  
9 more than six dwelling units and shall be in the form of single-family dwellings,  
10 rowhouses, townhouses, or garden apartments (as defined and illustrated in the  
11 University Heights Special Area Plan). Staff and/or the appropriate reviewing board  
12 shall have the authority to establish the building form as it relates to the desirable context  
13 and character of surrounding single-family designated properties. These buildings shall  
14 have architecturally interesting roof types, including gabled, hipped, shed, mansard,  
15 arched or flat, as appropriate.

16          (9)     Elevations for buildings within 100 feet of single-family residential shall  
17 show specific building materials, colors, window treatment, roof type, and building  
18 articulation. Any changes to these elevations shall require a new review before the  
19 appropriate reviewing board, or by staff, if only staff review is required.

20          (k)     *Additional requirements for new medium and high density multi-family*  
21 *developments when there is PS or CON zoning intervening between properties*  
22 *designated single family on the future land use map.* All new multi-family projects being  
23 developed under the regulations for the RMF-6, RMF-7, RMF-8, RH-1, and RH-2 zoning

1 districts shall comply with the following regulations when separated from single-family  
2 designated properties by intervening PS or CON zoning.

3 (1) In the case of new development of medium or high density multi-family  
4 development with an intervening split zoning or parcel designated PS or CON abutting  
5 single family designated property, the provisions of Sec. 30-56 (j) (1), (2), (4), (6), (7),  
6 (8), and (9) shall apply if the intervening area is less than 25 feet wide. However, the  
7 measurement of the 100 feet as described in Sec. 30-56 (j) (8) and (9) shall be from the  
8 single family property line abutting the PS or CON zoned area. The appropriate  
9 reviewing board may grant an exception to the requirement for a wall (as shown in Sec.  
10 30-56 (j) (4)) based on the quality of long-term buffering provided by vegetation in the  
11 intervening area.

12 (2) In the case of new development of medium or high density multi-family  
13 development with an intervening split zoning or parcel designated PS or CON abutting  
14 single family designated property, the provisions of Sec. 30-56 (j) (6), (8), and (9) shall  
15 apply if the intervening area is 25 or more feet wide and the area is expected to remain  
16 significantly vegetated and will provide a buffer over the long term. The measurement of  
17 the 100 feet as described in Sec. 30-56 (j) (8) and (9) shall be from the single family  
18 property line abutting the PS or CON zoned area.

19 (3) In the case of new development of medium or high density multi-family  
20 development with an intervening split zoning or parcel designated PS or CON abutting  
21 single family designated property, the provisions of Sec. 30-56(j) (1), (2), (4), (6), (7),  
22 (8), and (9) shall apply if the intervening area is 25 or more feet wide, but the area is not  
23 significantly vegetated or expected to remain significantly vegetated to provide a buffer

1 over the long term. The measurement of the 100 feet as described in Sec. 30-56 (j) (8)  
2 and (9) shall be from the single family property line abutting the PS or CON zoned area.  
3 The appropriate reviewing board may grant an exception to the requirement for a wall (as  
4 shown in Sec. 30-56(j)(4)) based on the width of the intervening area exceeding 50 feet.

5 **Section 3.** A new section 30-56.1 is created and added to the City of Gainesville Land  
6 Development Code, to read:

7 **Sec. 30-56.1. Residential Parking Overlay District.**

8 The Residential Parking Overlay District is established to regulate off-street parking on  
9 specific property located in the following zoning districts: RC, RSF-1, RSF-2, RSF-3, or  
10 RSF-4 or in a district containing single family or two-family dwellings on property zoned  
11 planned development (PD).

12 (a) Purpose and objectives. The city commission finds that it is in the best interest of  
13 the City to enhance the quality of life if residents take affirmative steps to preserve the  
14 character of their own residential and single family neighborhoods, and to enhance the  
15 public health, welfare and safety as well as the aesthetic value of their property by  
16 controlling off-street parking. Furthermore, the city commission finds that healthy  
17 vegetation, with an above-ground network of leaves, shoots, and stems and an extensive  
18 fibrous root system below, contributes environmental benefits by reducing soil erosion,  
19 noise, and improving surface and groundwater by filtering rainwater.

20 (b) Effects of imposition of the overlay district. The provisions of Section 30-  
21 56(c)(4) will apply and control off-street parking within the District.

22 (c) Criteria for creating an overlay district on an area (“Area”):

1           1. The proposed Area shall consist of at least 25 compact and contiguous  
2 parcels, as defined in this chapter.

3           2. The Area shall not cause the creation of an enclave or peninsula, as  
4 commonly defined in annexations.

5           3. Each boundary of the Area shall be one of the following identifiable  
6 landmarks: a street, alley, publicly owned right-of-way, platted subdivision boundary, or  
7 a creek.

8           4. No Area boundaries shall overlap the boundary of an existing Residential  
9 Parking Overlay District or the Context Area.

10          5. The Area shall consist only of parcels that are in a RC, RSF-1, RSF-2,  
11 RSF-3, or RSF-4 zoning district, or in a district of single family or two-family dwellings  
12 on property zoned PD.

13 (d) Procedures for petitioning for imposition of the overlay district on an Area:

14          1. In order to impose the Residential Parking Overlay District on an Area, a  
15 petition requesting imposition of the overlay district on an Area, as described above, shall  
16 be submitted to the City Manager or designee on forms provided by the City. Each  
17 petition shall meet the following requirements:

18               a. The individual circulating the petition forms (“Petitioner”) shall  
19 obtain the requisite petition form from the City Manager or designee.

20               b. The Petitioner shall be an “owner”, as defined in this chapter, of  
21 property located within the proposed overlay district Area and shall be a signatory to the  
22 petition.



- 1                   c. The Petitioner shall submit to the City Manager or designee an  
2 accurate, reproducible map of the proposed overlay district Area.
- 3                   d. Each petition for imposition of the overlay district on an Area shall  
4 contain authentic signatures of at least 60 percent of the fee simple record title owners of  
5 the lot or parcel within the proposed overlay district Area, exclusive of public property.
- 6                   e. To be verified by the City, signatures shall be accompanied by the  
7 legibly printed name of the signer, the address of the parcel owned by the signer, the  
8 parcel number of the parcel owned by the signer, and the date the petition is signed.
- 9                   f. Jointly owned parcels are considered owned by a single person, for  
10 purpose of the petition, and any co-owner may sign a petition for the parcel. Only one  
11 owner of each parcel shall be included in the 60 percent requirement stated above. If a  
12 person owns more than one parcel of property within the proposed district Area, that  
13 person may sign the petition one time for each parcel owned.
- 14                  g. Signatures dated more than six months prior to the date the petition  
15 is filed with the City are not acceptable.
- 16                  h. For a signature to be verified, Alachua County Property Appraiser  
17 records shall indicate that the printed name of the petition signatory is consistent with the  
18 name of the property owner as listed in the current records of the Alachua County  
19 Property Appraiser.
- 20                  i. The petition shall clearly and accurately advise each putative  
21 signer of the type of restrictions that may be imposed on the property if the overlay  
22 district is imposed upon the Area.

1           j. The petition shall clearly and accurately describe the proposed  
2 boundaries of the Area.

3           2. When the petition is submitted to the City Manager or designee, the City  
4 Manager or designee shall verify the names and signatures, and shall determine whether  
5 the petition meets the criteria of this section.

6           3. To pay for the cost of verifying signatures, the City shall charge a fee as  
7 set forth in Appendix A of the Code of Ordinances.

8           4. If an insufficient number of acceptable owner signatures are submitted, the  
9 City shall return the petition to the Petitioner and the City shall retain the fee.

10          5. If a sufficient number of acceptable owner signatures are submitted, the  
11 Petitioner may apply for the rezoning of the Area with the imposition of the overlay  
12 district as provided in Article X of this chapter for zoning changes (including application  
13 fees, public notice, and public hearings before the plan board and the city commission).

14          6. Criteria used to evaluate parcels for rezoning. The following criteria shall  
15 be used to evaluate the appropriateness of imposing this overlay District on the Area:

16           a. The Petitioner shall submit evidence of the impact of off-street  
17 parking on the quality of vegetation or runoff within the proposed overlay district Area.  
18 Such evidence includes, but is not limited to, evidence that off-street parking is resulting  
19 in a negative impact to the quality of the vegetation of parcels or contributing to a decline  
20 in said quality within the proposed area; and

21           b. The Petitioner shall submit evidence that off-street parking is  
22 resulting in a negative aesthetic impact to lots or parcels within the proposed Area, or the  
23 effect of that off-street parking on the environment of the Area.

1       7. The petition for imposition of the overlay district shall be considered by  
2 the plan board for its recommendation to the city commission. In order to impose the  
3 overlay district upon parcels within an Area, an affirmative vote of the city commission is  
4 required. If the petition or ordinance fails, a subsequent petition for imposition of the  
5 overlay district on all or any portion of the Area may not be included in a new petition  
6 unless at least one year has transpired from the date of submittal of the previous petition  
7 for imposition of the overlay on an Area.

8       8. *Administrative Remedy.* Any property owner who believes that a specific  
9 decision of the appropriate reviewing board, city manager, or designee, rendered under  
10 this subsection has resulted in a taking of the property in violation of law, or is otherwise  
11 entitled to compensation under law, shall file an appeal within 30 days of the decision  
12 with the clerk of the commission. The city commission shall hear the appeal within 60  
13 days of filing the appeal unless an extension is timely filed, in writing, by the property  
14 owner with the clerk of the commission. In this event, the property owner shall be  
15 automatically granted a 60-day extension. At the hearing before the city commission, the  
16 property owner has the burden to show how, or in what respect, the specific decision  
17 results in a taking or otherwise entitles the owner to payment of compensation under the  
18 law. Additionally, the property owner shall submit, at least 30 days prior to the hearing, a  
19 bona fide, valid appraisal that supports the appeal and demonstrates the loss of fair  
20 market value to the property. The City shall have an opportunity to rebut any evidence  
21 offered by the property owner. At the conclusion, the city commission shall have the  
22 power to grant relief and to overturn any specific decision in order to avoid a taking of

1 the property or the payment of compensation to the owner. The action of the city  
2 commission shall constitute final administrative action under this section.

3 (9) Effect of zoning classification. The Residential Parking Overlay District is  
4 an overlay zoning district. It shall operate in conjunction with any underlying zoning  
5 district on the property. The regulations of the underling zoning district, and all other  
6 applicable regulations, remain in effect and are further regulated by the Residential  
7 Parking Overlay District standards. If provisions of the Residential Parking Overlay  
8 District standards conflict with the underling zoning, the provisions of the Residential  
9 Parking Overlay District standards shall govern and prevail.

10 **Section 4. Sec. 30-330. Design requirements for vehicle parking.**

11 (a) *Off-street parking.* Off-street vehicle parking, including public parking facilities,  
12 shall be designed, constructed and maintained in accordance with the following standards  
13 and regulations:

14 (1) *Access.* Vehicular ingress and egress to off-street parking facilities shall be  
15 in accordance with the Driveway Ordinance, chapter 23, section 23-86 et seq.

16 (2) *General requirements.* Parking areas shall be so designed and marked as  
17 to provide for orderly and safe movement and storage of vehicles.

18 a. All parking spaces as required by this section shall contain some  
19 type of vehicle wheel stops. Wheel stops shall be placed to prevent any part of a vehicle  
20 from overhanging onto the right-of-way of any public road, alley or walkway.

21 b. All parking lots with two or more rows of interior parking shall  
22 contain grassed and/or landscaped medians at least eight feet in width unless an  
23 alternative landscape plan is approved pursuant to section 30-252(c). Where it is

1 determined by public works that the landscaped median(s) would obstruct the storm  
2 drainage, the community development director may approve an alternative.

3 c. There shall be no off-street parking in the yards of any property in  
4 the ~~University of Florida Comprehensive Master Plan 1994--2004~~ Context Area that is in  
5 an RC, RSF-1, RSF-2, RSF-3 or RSF-4 district, or that contains single-family or two-  
6 family dwellings on property zoned planned development (PD) except as specified in  
7 section 30-56 of this chapter, or in any Residential Parking Overlay District.

8 **Section 5.** A new paragraph r is created and added to Appendix A, section (2), Planning,  
9 to read as follows:

10 LAND DEVELOPMENT CODE

11 (2) *Planning:*

12

13 *Land use and zoning changes:*

14

15 r. Verification of signatures on a petition, \$1.00 per each signature  
16 as defined in Section 30-56.1, on a petition  
17 requesting imposition of a Residential  
18 Parking Overlay District.

19

20 **Section 6.** It is the intention of the City Commission that the provisions of Sections 1  
21 through 5 of this ordinance shall become and be made a part of the Code of Ordinances  
22 of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance  
23 may be renumbered or relettered in order to accomplish such intentions.

24 **Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be  
25 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
26 in no way affect the validity of the remaining portions of this ordinance.

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

1 **Section 9.** This ordinance shall become effective immediately upon final adoption.

2 **PASSED AND ADOPTED** this 11<sup>th</sup> day of September, 2006.

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\_\_\_\_\_  
PEGEEN HANRAHAN  
MAYOR

8

ATTEST:

Approved as to form and legality

9

10

  
\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

  
\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY **SEP 12 2006**

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13

This Ordinance passed on first reading this 28<sup>th</sup> day of August, 2006.

14

This Ordinance passed on second reading this 11<sup>th</sup> day of September, 2006.