

Legistar #

160834

ORDINANCE NO: 160834

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

An ordinance of the City of Gainesville, Florida, amending Chapter 26 of the Code of Ordinances relating to Parking, by amending Section 26-50 to provide an exception to the prohibition against backing up to a curb; amending Section 26-71 and Section 26-73 to provide for implementation of a remote pay system; amending Section 26-117 to authorize the city manager to take action regarding designation of controlled vehicular parking areas and allow affected parties to request a public hearing; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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 public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

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

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

Section 1. Section 26-50 is amended to read as follows:

Sec. 26-50. - Backing up to curb.

No vehicle shall be backed up to any curb on a public street except during the time the vehicle is actually being loaded or unloaded, or except where parking backed up to the curb is specifically authorized and designated by posted sign and/or pavement markings. This section shall not apply to motorcycles.

1 Section 2. A new definition is added to Section 26-71 to read as follows:

2 **Sec. 26-71. - Definitions.**

3 Remote pay system shall mean a pay by phone, mobile pay, or other such
4 technology-based system for paying for parking other than by parking meter, pay
5 station, or other physical installation or equipment located on-site of the parking space
6 or parking area.

7
8 **Section 3.** Section 26-73 is amended to read as follows:

9 **Sec. 26-73. - Installation, operation of meters, and pay stations, and remote pay systems.**

10 The city manager is hereby authorized to install and implement:

12 (1) Parking meters at the curb line, alongside of or next to individual parking
13 spaces as required. Each parking meter shall be set so as to display a signal
14 indicating whether or not the individual parking space adjacent thereto is in
15 use. Each parking meter shall be installed and set to display a signal indicating
16 legal parking upon deposit therein of the required coin or coins of the United
17 States of America, or by other mode of payment compatible with the
18 technology of the parking meter. Upon the deposit of the required coin or
19 coins, or payment by other mode of payment compatible with the technology of
20 the parking meter, such signal shall indicate legal parking for the period of time
21 lawfully designated for that area-and time of day. Each meter shall be so
22 arranged that upon the expiration of the time paid for, it will provide a visual
23 cue to indicate that the lawful parking period has expired.

24 (2) Pay stations for control of parking on street, parking lots and parking garages.
25 Pay stations shall be installed as appropriate to control a number of spaces not
26 to exceed the amount designated by the manufacturer's specifications to
27 minimize efficiency and facilitate access to parkers. Pay stations accept coins,
28 and may also accept bills, credit and debit cards as well as high-tech "smart
29 cards". Pay stations issue receipts and can track revenue, usage and
30 maintenance data, which is transmitted to a central computer location.

1 (3) Remote pay systems for control of parking on street, parking lots and parking
2 garages.

3
4 **Section 4.** Section 26-117 is amended to read as follows:

5 **Sec. 26-117. - Criteria and procedures for establishing controlled vehicular parking**
6 **areas.**

7
8 The following procedures shall be used to designate a controlled vehicular parking area:

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

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

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

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

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

27 (d) The city manager may exempt developments that have been determined to be exempt
28 through the city’s development review process.

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

4 (fe) The city manager ~~city commission~~ may remove the designation of a controlled
5 vehicular parking area upon conducting a study demonstrating finding, ~~after a public~~
6 ~~hearing~~, that the area no longer meets the criteria listed above or that it is in the best
7 interest of the city to remove the designation, or upon receipt of a petition and in
8 accordance with the above criteria and procedures in this section.

9 (g) Upon a new petition from a majority of property owners/residents in the area proposed
10 in the original petition, submitted in writing to the city manager within twenty-one (21)
11 calendar days of the city manager’s decision regarding designation, or removal of
12 designation, of a controlled vehicular parking area, the city commission may in its
13 legislative discretion consider whether to accept review of the decision and take action
14 at a public hearing on the matter of the designation or removal of designation of a
15 controlled vehicular parking area.

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

21 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
22 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
23 finding shall not affect the other provisions or application of the ordinance which can be given
24 effect without the invalid or unconstitutional provisions or application, and to this end the
25 provisions of this ordinance are declared severable.

DRAFT

1/24/18

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

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

4 **PASSED AND ADOPTED THIS ____ DAY OF _____, 2018.**

5

6

7

8

9

LAUREN POE
MAYOR

10 ATTEST:

Approved as to form and legality

11

12

13

14

15

16

17

OMICHELE GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

18

This ordinance passed on first reading this ____ day of _____, 2018.

19

20

This ordinance passed on second reading this ____ day of _____, 2018.

21