



MEMORANDUM
Office of the City Attorney

Legistar No. 031255

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: May 23, 2005
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-46; Petition 82TCH-04 PB
An ordinance of the City of Gainesville, Florida, amending subsections (g) and (h) of section 30-332 of the City of Gainesville Land Development Code; providing criteria for the reduction in number of bicycle parking spaces required where evidence supports a lesser need for bicycle parking; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission (1) approve Petition 82TCH-04 PB and (2) adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

During the discussion of changes to the off-street parking regulations in Article IX of Division 2 that were adopted in 2003 bicycle parking requirements were discussed but not revised. Concern was expressed that some uses may be required to have a larger number of bicycle parking spaces than the particular circumstances of the location, use and other factors may justify. The parking requirement for motor vehicles can be reduced based upon the criteria listed in Section 30-332(g). There are currently no provisions (other than for mixed-use districts) for the reduction of bicycle parking requirements. This proposed text amendment to allow bicycle parking reduction is based on Section 30-332(g), modified to be specific to bicycles and issues involved with bicycle parking.

This petition started originally as a referral from the City Commission to the Public Works Committee. After Public Works Committee recommendations were reported back to the City Commission, the item was referred to the Community Development Committee for further discussion and recommendations. Their recommendation was that the text amendment include language to ensure that the reduction would never decrease the number of bicycle spaces to less than 50 percent of the required amount.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on March 1, 2005. The Plan Board held a public hearing March 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 82TCH-04 PB. Plan Board vote 5-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, June 13, 2005.

Fiscal Note: None

Prepared by: Dana Crosby
Dana L. Crosby
Assistant City Attorney II

Approved and
Submitted by: Marion J. Radson
Marion J. Radson
City Attorney

MJR:DLC:sw

ORDINANCE NO. 0-05-46

An ordinance of the City of Gainesville, Florida, amending subsections (g) and (h) of section 30-332 of the City of Gainesville Land Development Code; providing criteria for the reduction in number of bicycle parking spaces required where evidence supports a lesser need for bicycle parking; 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 a Public Hearing was then held by the City Plan Board on March 17, 2005; 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 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 hearing 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. Subsection (g) of Section 30-332, City of Gainesville Land Development Code, is amended and subsection (h) of Section 30-332, City of Gainesville Land Development Code, is created to read as follows:

30-332. Required number of parking spaces.

(g) Reduction in number of required parking spaces. The development review board or city plan board, through development plan review, or staff, when only staff review is required, may authorize a reduction in the number of required vehicular parking spaces, if it is determined there will be adequate access to the development by acceptable alternative means and that the reduction will not infringe upon the parking and access available to other properties in the area. In reaching a determination the board or staff shall be guided on the following criteria:

- (1) Evidence that patrons and/or employees of the establishment will arrive by a transportation mode other than private vehicles.

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- (2) Evidence that there is an adequate number of parking spaces in the vicinity that are available to the general public who will use the development without reducing the spaces available to and used by other establishments.
- (3) Evidence that the proposed use and likely future uses of the development will generate less parking than the minimum requirement of this chapter.
- (4) Provision of convenient pedestrian and bicyclist access to the site based on its location and the development plan.
- (5) Evidence that a reduction in required parking will not result in unauthorized on-street parking or use of parking provided by nearby businesses.
- (6) In the case of the reuse or redevelopment of a site, evidence that a reduction in the parking requirement will enhance the ability to reuse an existing developed site.
- (7) Permitted uses which serve the recurring household needs and personal service requirements of the occupants of nearby residential areas, and which are located in close proximity to a small service area.
- (8) The number of existing parking spaces within 300 feet of the proposed use

Provided, however, the number of required parking spaces shall not be reduced for the erection, construction or placement of any building on any land; ~~and provided, further, that the number of bicycle spaces in mixed-use districts may be reduced using the same criteria as for vehicular spaces.~~

(h) Reduction in number of required bicycle parking spaces. The development review board or city plan board, through development plan review, or staff, when only staff review is required, may authorize a reduction in the number of required bicycle parking spaces if requested by an owner/petitioner and if it is determined there will be reason to anticipate a lesser need for bicycle parking upon good cause shown as further provided below. In no instance shall the number of required bicycle parking spaces be reduced to less than 50 percent of the requirement. In reaching a determination of reduction in the number of bicycle parking spaces the Board or staff shall apply the following criteria, as applicable:

- (1) Evidence that there is an adequate number of bicycle parking spaces in the vicinity (within 100 feet of the development) that are available to the general public and that said use will not reduce the spaces available to and used by other establishments.
- (2) Evidence that the proposed use(s) and likely future uses of the development will generate less bicycle parking than is otherwise required by this chapter.
- (3) Evidence that a reduction in required bicycle parking will not result in unauthorized use of pedestrian areas for bicycle parking or in unauthorized use of bicycle parking provided by nearby businesses.
- (4) Evidence that bicycle parking and/or bicycle storage space is available for employees and the general public within a building or structure on the development site.

The number of required bicycle parking spaces shall not be reduced for the erection, construction or placement of any building on any land.

1 Section 2. It is the intention of the City Commission that the provisions of Section 1 of this
2 ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida,
3 and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to
4 accomplish such intentions.

5 Section 3. If any section, sentence, clause or phrase of this ordinance is held to be invalid or
6 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
7 validity of the remaining portions of this ordinance.

8 Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
9 conflict hereby repealed.

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

11 PASSED AND ADOPTED this ____ day of _____, 2005.

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PEGEEN HANRAHAN
MAYOR

17 ATTEST:

Approved as to form and legality

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20 _____
21 KURT M. LANNON
22 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

23 This Ordinance passed on first reading this ____ day of _____, 2005.

24 This Ordinance passed on second reading this ____ day of _____, 2005.

there will be adequate access to the development by acceptable alternative means and that the reduction will not infringe upon the parking and access available to other properties in the area. In reaching a determination the board or staff shall be guided on the following criteria:

- (1) Evidence that patrons and/or employees of the establishment will arrive by a transportation mode other than private vehicles....

Provided, however, the number of required parking spaces shall not be reduced for the erection, construction or placement of any building on any land; ~~and provided, further, that the number of bicycle spaces in mixed use districts may be reduced using the same criteria as for vehicular spaces.~~

(h) Reduction in number of required bicycle parking spaces. The development review board or city plan board, through development plan review, or staff, when only staff review is required, may authorize a reduction in the number of required bicycle parking spaces if it is determined there will be reason to anticipate a lesser need for bicycle parking. In no instance shall the number of required bicycle parking spaces be reduced to less than 50 percent of the requirement. In reaching a determination of reduction in the number of bicycle parking spaces the board or staff shall apply the following criteria, as applicable:

- (1) Evidence that there is an adequate number of bicycle parking spaces in the vicinity (within 100 feet of the development) that are available to the general public and that said use will not reduce the spaces available to and used by other establishments.
- (2) Evidence that the proposed use(s) and likely future uses of the development will generate less bicycle parking than is otherwise required by this chapter.
- (3) Evidence that a reduction in required bicycle parking will not result in unauthorized use of pedestrian areas for bicycle parking or in unauthorized use of bicycle parking provided by nearby businesses.
- (4) Evidence that bicycle parking and/or bicycle storage space is available for employees and the general public within a building or structure on the development site.

The number of required bicycle parking spaces shall not be reduced for the erection, construction or placement of any building on any land.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ralph Hilliard".

Ralph Hilliard
Planning Manager

RH: JS

11. **Petition 82TCH-04 PB** City Plan Board. Amend Sec. 30-332 to add language allowing a reduction in the number of required bicycle parking spaces.

Mr. Jason Simmons indicated that the proposed text change was to allow a bicycle parking reduction option. He explained that City Commissioners had expressed some concern about bicycle parking requirements for certain uses in remote locations. He noted that there was an option for requesting a reduction in automobile parking, but no option for bicycle parking. Mr. Simmons indicated that the matter was referred to the Public Works and Committee Development Committees, where there were concerns that the parking might be reduce past a certain point. He explained that the recommendation was that in no instance should the required bicycle parking be reduced to less than 50 percent of the required amount. He offered to answer questions from board.

Mr. Reiskind asked if the planning staff modified the wording recommended by the Community Development Committee.

Mr. Simmons indicated that the bulk of the new text was recommended by the Public Works Committee, and was then forwarded to the City Commission, who referred it back to the Community Development Committee. He noted that the Community Development Committee recommended the language, "in no instance shall the number of spaces be reduced to less than 50-percent."

Mr. Reiskind asked if the Bicycle Pedestrian Advisory Board had reviewed the proposed modifications, and were in attendance at the Community Development Committee meetings.

Mr. Simmons indicated that the Pedestrian Bicycle Board was aware of the proposed changes.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Tecler
<u>Moved to:</u> Approve Petition 82TCH-04 PB.	<u>Upon Vote:</u> Motion Carried 5 - 0 Ayes: Gold, Rwebyogo, Reiskind, Pearce, Tecler

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LEGAL NOTICES

**ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF ORDINANCE BY CITY COMMISSION GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 23rd day of May, 2005, at the City Commission meeting, and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 13th day of June, 2005, at the City Commission meeting. The meetings begin at 6:00 p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE
Ordinance 031255
0-05-46**

An ordinance of the City of Gainesville, Florida, amending subsections (g) and (h) of section 30-332 of the City of Gainesville Land Development Code; providing criteria for the reduction in number of bicycle parking spaces required where evidence supports a lesser need for bicycle parking; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

May 6, 2005
Publish Date

Clerk of the Commission

27519, 5/6/05