

LEGISLATIVE #

110873A

ORDINANCE NO. 110873

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by adding regulations to allow portable storage units and roll-offs as a temporary use in residential zoning districts; by adding new definitions to Section 30-23 Definitions; by creating Section 30-121 Temporary portable storage units and roll-offs; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, notice was given as required by law that the text of the Land Development Code of the City of Gainesville, Florida, be amended and public hearings were then held by the City Plan Board on March 22, 2012, and by the City Commission on May 17, 2012; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days advance notice of the first public hearing to be held in the City Hall Auditorium, First Floor, City Hall, City of Gainesville; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days advance notice of the second public hearing; 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. Subsection 30-23(c) of the Land Development Code is amended to add the following definitions. Except as amended herein, the remainder of Subsection 30-23(c) remains

1 in full force and effect.

2 **Sec. 30-23(c). – Definitions.**

3 Portable storage unit means any portable container or facility that is designed and/or
 4 used for the temporary storage or shipment of personal property, household goods, wares,
 5 building materials or merchandise, and which is located outside of an enclosed building and is
 6 delivered and removed by truck.

7

8 Roll-off means an open-top dumpster or facility that is delivered and removed by truck
 9 and is commonly used to collect and store a variety of waste materials such as, but not limited to,
 10 construction and demolition waste.

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12 **Section 2.** A new Section 30-121 is created and added to the Land Development Code to

13 read as follows:

14 **Sec. 30-121. Portable storage units and roll-offs.**

15 Portable storage units and roll-offs, as defined in section 30-23, are allowed as a temporary use
 16 by right in the following zoning districts: RSF-1, RSF-2, RSF-3, RSF-4, RSF-R, RMF-5, RC,
 17 MH, RMF-6, RMF-7, RMF-8, RMU, RH-1, and RH-2; subject to the following conditions:

18 (a) Placement, dimensions, and use. Portable storage units and roll-offs:

19 (1) Shall not be placed, except as approved by public works, within the public right-
 20 of-way or within the boundaries of a private street intended to provide access and
 21 circulation to more than one property owner.

22 (2) Shall be setback at least five (5) feet from all property lines.

23 (3) Shall be setback at least five (5) feet from all regulated trees.

24 (4) Shall not exceed ten (10) feet in height.

25 (5) Shall not be used for the storage or handling of hazardous materials.

26 (6) In addition to the above requirements, the following additional requirements shall
 27 apply when located on a property with a single-family dwelling:

28 1. Shall be limited to one (1) portable storage unit or roll-off.

29 2. Shall be placed in a front or side yard. The city manager or designee may
 30 allow placement in the rear yard when the property owner demonstrates that
 31 there are no other locations on the property that meet the requirements of this
 32 section.

33

1 (b) Proof of delivery certificate. A “proof of delivery certificate” indicating the date on
2 which the portable storage unit or roll-off was placed on the property shall be displayed
3 in a manner that is visible to a city official from the nearest property line.
4

5 (c) Time limit. Portable storage units and roll-offs shall be located on a property for no more
6 than thirty (30) calendar days, except as follows:
7

8 (1) The city manager or designee may allow one 30-day extension if the property
9 owner demonstrates a continued need for the temporary use of the portable
10 storage unit or roll-off.
11

12 (2) A portable storage unit or roll-off may remain in connection with and throughout
13 the duration of an active building permit for development on the property.
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15 (3) In the case of emergencies or natural disasters including, but not limited to,
16 hurricanes, windstorms, floods, or other disasters officially declared by the
17 authorized agency, the time limit may be waived by the city manager or designee
18 until the city manager or designee determines that such emergency conditions
19 have ended.
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21 (d) Commercial parcel delivery services. Licensed commercial parcel delivery services may
22 store parcels in a portable storage unit to make seasonal deliveries to a residential
23 development with golf carts or low-speed vehicles and utility vehicles in accordance with
24 Section 316.2126, Florida Statutes. In addition to the general provisions of this section,
25 the use of a portable storage unit by licensed commercial parcel delivery services shall be
26 subject to the following additional provisions. In the event of a conflict with other
27 provisions in this section, the provisions in this subsection shall prevail.
28

29 (1) The portable storage unit shall be placed in a common area to serve only the
30 associated residential development.

31 (2) The delivery service shall obtain written permission from the homeowners’
32 association or property management firm of the residential development.

33 (3) Only one (1) portable storage unit per delivery service may be placed in the
34 development.

35 (4) The portable storage unit shall be setback at least fifty (50) feet from any
36 residential dwellings.

37 (5) The portable storage unit may be located on the property from October 15 through
38 December 31 of each year and may be accessed only between the hours of 7:00
39 a.m. and 9:00 p.m., Monday through Saturday.

40 (6) The portable storage unit shall be accessed and used only by vehicles that are
41 typically used to service the residential development where the portable storage
42 unit is located.
43

44 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1

1 and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the City of
2 Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered
3 or relettered in order to accomplish such intentions.

4 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
5 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
6 finding shall not affect the other provisions or applications of this ordinance that can be given
7 effect without the invalid or unconstitutional provision or application, and to this end the
8 provisions of this ordinance are declared severable.

9 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
10 such conflict hereby repealed.

11 **Section 6.** This ordinance shall become effective immediately upon final adoption.

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13 **PASSED AND ADOPTED** this _____ day of _____, 2013.

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CRAIG LOWE
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

25

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

27

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