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**City of
Gainesville**

Inter-Office Communication

**Planning Division
X5022, FAX x2282, Station 11**

Item No. 2

TO: City Plan Board **DATE: June 15, 2006**

FROM: Planning Division Staff

SUBJECT: Petition 70TCH-06 PB. City of Gainesville. Amend the City of Gainesville Land Development Code to apply parking regulations to the area within the University of Florida Campus Master Plan 2005-2015 Context Area; and establish and describe a Residential Parking Overlay District and procedures.

Recommendation

Staff recommends approval of Petition 70TCH-06 PB.

Explanation

In 1997, the City Commission approved an ordinance regulating off-street parking in an area commonly referred to as the University of Florida Context Area (Context Area). That ordinance applied only to single-family zoned properties.

The proposed ordinance expands, through two means, areas where off-street parking is regulated. Those means are changes to the Context Area and the establishment of a Residential Parking Overlay District.

Background

The 1997 ordinance was adopted because disorderly yard parking in single-family areas, particularly near the University of Florida, had been an issue in Gainesville for some time. The ordinance was updated in March 2004 to close loopholes and improve enforcement.

Major provisions of the parking regulations within the Context Area require driveway and parking area borders to be permanent, clearly defined, affixed to the ground, and a minimum size. The regulations also require the submittal of a parking plan when applying for a landlord permit, or if requested by the City.

Since the 2004 update, the ordinance has been more effective in reducing disorderly parking in the Context Area. In fact, some citizens have requested that these regulations be applied to areas outside the Context Area.

Context Area

State law requires state universities to adopt Campus Master Plans (formerly known as Comprehensive Master Plans). Those Campus Master Plans are similar to local governments' Comprehensive Plans.

According to state law, each Campus Master Plan must identify a Context Area which is defined as:

“... an area surrounding the university, within which on-campus development may impact local public facilities and services and natural resources, and within which off-campus development may impact university resources and facilities. The size of the context area may be defined by natural or man-made functional or visual boundaries, such as areas of concentration of off-campus student-oriented housing and commercial establishments, stormwater basins, habitat range, or other natural features.”

In conjunction with the recent update of its Campus Master Plan, the University of Florida has changed the boundaries of the Context Area. The attached map shows the both the old and new boundaries of the Context Area. Within City limits, the Context Area was expanded to the northeast to include the Porters, 5th Avenue, Pleasant Street, Duckpond, Oakview, Grove Street, Gateway Park, Pine Park and other Neighborhoods. Other areas the University added to the Context Area are the Pleasant Street, Northeast, and Southeast Historic Districts; and the predominantly multiple-family developments along the north side of Glen Springs Road near Northwest 13th Street.

The proposed ordinance applies the off-street parking regulations to single-family zoned portions of these areas by specifically referencing the new, expanded Context Area. As proposed, properties within the new, expanded Context Area would be required to be brought into compliance by April 1, 2007.

Residential Parking Overlay District

At a citizen's request, the City Commission referred the issue of disorderly parking to the Community Development Committee (CDC) which discussed it and received public comment on July 14, 2005 and October 6, 2005. The CDC considered expanding the parking regulations to include the entire City, but determined that residents of some parts of the City, particularly the more rural-like areas at the edge of the City, did not want these regulations.

For that reason, the CDC developed a proposal (loosely based on a similar initiative in East Lansing, Michigan) that creates a Residential Parking Overlay District, and allows any neighborhood that meets the minimum criteria for the district, to request that the City Commission apply the Overlay District to that neighborhood.

As proposed, the minimum criteria would apply to overlay district boundaries, number of parcels, percentage of property owners in favor of being in the overlay district, and other factors. A standard petition form would be used to determine the number of property owners in favor of being in the overlay district. If a request met those minimum requirements, then the City Commission could consider the request through the standard rezoning process, including application forms, application fees, public notice and public hearings.

Key provisions

Important provisions of the proposed ordinance include the following:

- Only property owners within an “Area” may initiate the process.
- Those property owners set the boundaries of the Area.
- Those property owners choose one representative to meet with staff prior to beginning the process. The representative submits an accurate reproducible map of the Area.
- Staff provides the representative with petition forms for gathering signatures of property owners within the Area, who wish to apply the overlay district to the Area.
- The Area must consist of at least 50 compact and contiguous parcels.
- The Area cannot cause an enclave or a peninsula.
- The petition must clearly describe the proposed restrictions.
- Any co-owner of a jointly owned parcel may sign for the parcel.
- If a person owns more than one parcel, that person may sign the petition one time for each parcel owned.
- Signatures more than six months old are not acceptable.
- Signatures for at least 67% of the parcels (exclusive of public property) are needed to proceed.
- Signatures are checked against Alachua County Property Appraiser records.
- To compensate the City for the cost of checking signatures, the City shall charge a fee.

- If the petition has a sufficient number of signatures, the representative may apply for the overlay district through the normal rezoning process. This includes application fees, public notice, and public hearings before the Plan Board and the City Commission.
- At the public hearings, the representative must submit evidence of the negative impact of disorderly parking on stormwater management and on aesthetics in the Area.
- Property owners who believe that the inclusion of their property within this overlay district has resulted in an unlawful taking of property may file an appeal.

Consistency with the Goals, Objectives and Policies of the Comprehensive Plan

Future Land Use Element

Policy 2.1.1 The City shall continue to develop recommendations for areas designated as redevelopment areas, neighborhood centers and residential neighborhoods in need of neighborhood enhancement and stabilization.

- a. The City should consider the unique function and image of the area through design standards and design review procedures as appropriate for each redevelopment area;

Policy 2.1.2 The City's Future Land Use Plan should strive to accommodate increases in student enrollment at the University of Florida and the location of students, faculty, and staff in areas designated for multi-family residential development and/or appropriate mixed-use development within 1/2 mile of the University of Florida campus and the medical complex east of campus (rather than at the urban fringe), but outside of single-family neighborhoods.

Objective 4.5 The City's land development regulations shall continue to provide standards and guidelines that will regulate signage, subdivision of land, vehicle parking, designation of open spaces, drainage and stormwater management, and on-site traffic flow.

Policy 4.5.2 The City shall continue to regulate the subdivision of land, vehicle parking, on-site traffic flow, drainage and stormwater management, and the designation of open spaces through land development regulations.

Goal 5 To enhance the City's commitment to improve and maintain the vitality of its neighborhoods. The neighborhood represents the primary building block of the city, and the health and vitality of existing and new neighborhoods is essential to building a viable, sustainable community.

Objective 5.1 The City shall work in partnership with neighborhoods to facilitate effective communication between the neighborhood residents and the City and develop specific actions to address neighborhood identified goals and improvements.

Policy 5.1.7 The City shall prepare a study of the impacts of rentals on single-family neighborhoods and shall implement additional programs as necessary and appropriate to stabilize and enhance these neighborhoods.

Housing Element

Objective 3.5 The City shall develop strategies to increase the level of owner-occupancy in the University Context Area.

Policy 3.5.2 The City, through its Community Development Committee shall develop recommendations on increasing the desirability of owner-occupancy in the University Context Area.

Urban Design Element

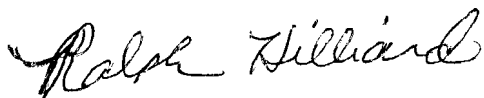
Objective 2.2 The City shall strive to stabilize neighborhoods within the City.

Policy 2.2.2 The City shall support neighborhood stabilization through effective code enforcement.

Impact on Affordable Housing

Due to the cost of the required driveway and parking area improvements, approval of the proposed ordinance could have a small impact on the provision of affordable housing in the new, expanded Context Area and within areas where the Residential Parking Overlay District is applied.

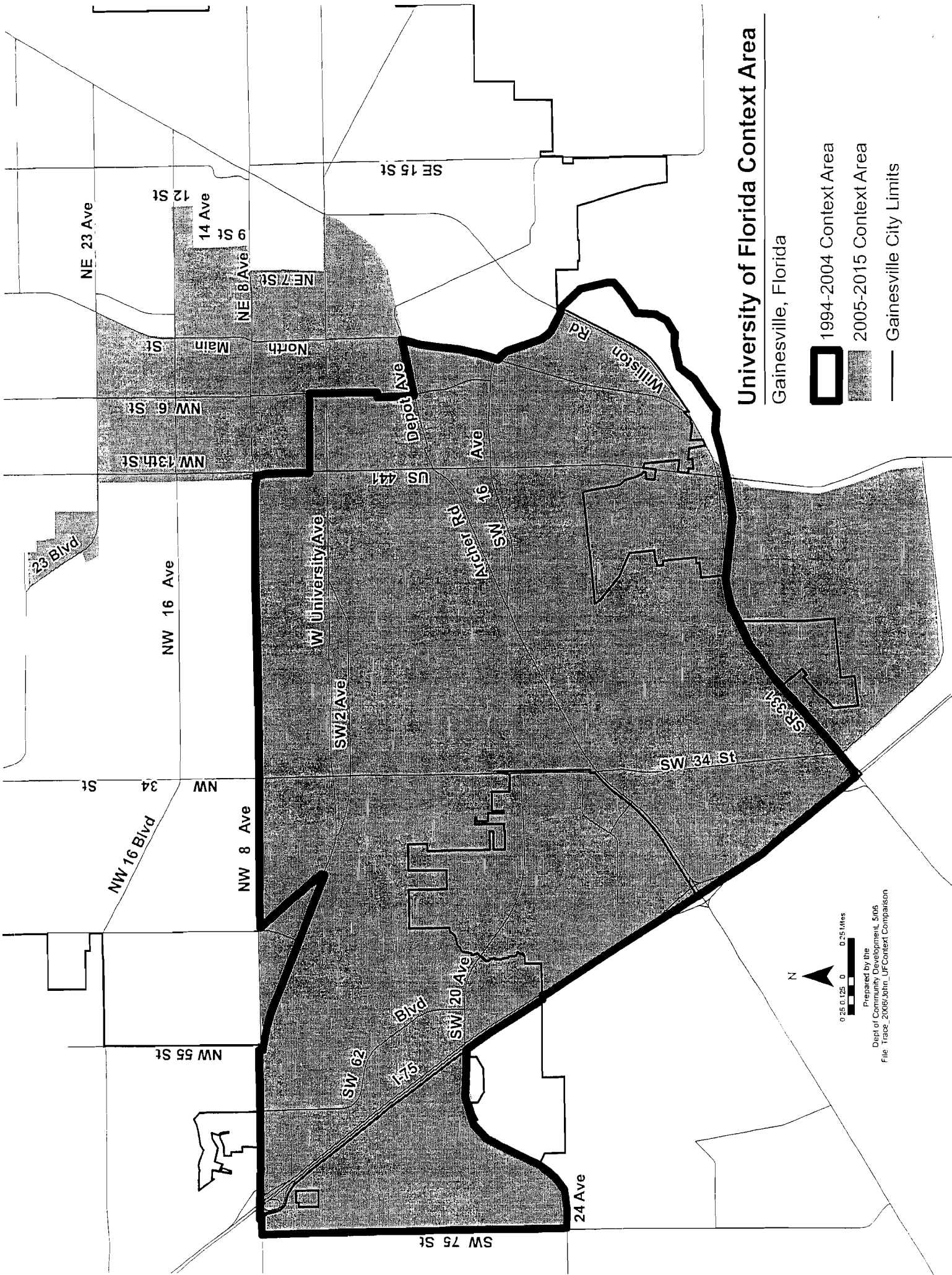
Respectfully submitted,



Ralph Hilliard
Planning Manager

JW

Attachments: University of Florida Context Area
Proposed Ordinance



University of Florida Context Area

Gainesville, Florida

- 1994-2004 Context Area
- 2005-2015 Context Area
- Gainesville City Limits

Prepared by the
Dept of Community Development, 506
File: Trace_2006/John_UF Context Comparison

DRAFT

5-26-06

ORDINANCE NO. _____
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; defining the term “context area” for purposes of the Land Development Code; amending section 30-56; creating a new overlay district to be known as “Residential Parking Overlay District;” establishing criteria for petition for rezoning into the district; establishing criteria for imposing the Overlay on an Area; providing administrative remedy; amending section 30-330; making a conforming change; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an 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, 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

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 ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

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

Sec. 30-23. Definitions.

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

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

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

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

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

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

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

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

- 1 a. Space is not available in the rear or side yard and no structure for storage is
2 available or there is no access to either the side yard or rear yard.
- 3 b. The vehicle must be parked perpendicular to the front property line. No part of the
4 vehicle may extend over a public sidewalk, bikepath or street.
- 5 (c) *Parking, storing or keeping of other vehicles.* Except as provided for in Article
6 VI concerning recreational vehicles, the following regulations shall apply to all
7 residential zoning districts:
- 8 (1) Parking for any vehicle is permitted inside any enclosed structure which complies
9 with the dimensional requirements of the particular zoning district.
- 10 (2) Parking shall not be allowed outside of an enclosed structure for any vehicle in
11 excess of 10,000 pounds gross vehicle weight (manufacturer's capacity rating).
- 12 (3) Any vehicle containing a vehicle sign, as defined in Article IX, shall be stored in
13 either an enclosed building or a location which would shield view of such advertising
14 from the street.
- 15 (4) *Off-street parking regulations for the University of Florida Comprehensive*

16 *Campus Master Plan 2005-2015 1994-2004-Context Area and for Residential Parking*
17 *Overlay District Areas.* The regulations and provisions of this section apply to any
18 ~~property-Off street parking on any property in the University of Florida Comprehensive~~
19 ~~Master Plan 1994-2004-Context Area~~ that is in an RC, RSF-1, RSF-2, RSF-3, or RSF-4
20 zoning district, or that contains single family or two-family dwellings on property zoned
21 planned development (PD), and is located within either the Context Area or a Residential
22 Parking Overlay District Area as described in subsection (l) of this section. In these
23 areas, off street parking shall be limited to the driveway parking area meeting the

1 dimensional requirements below and leading from the permitted driveway connection to
2 the enclosed parking space (garage or carport), plus two pullout spaces as described
3 below. If there is no garage or carport, the driveway parking area must meet the
4 dimensional requirements below and be able to provide parking and ingress or egress of
5 vehicles.

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

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

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

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

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

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

1. Erosion Preventing Material

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

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

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

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

2. Borders

(a) Plant borders shall be a one-gallon minimum size at the time of planting, spaced no greater than 36 inches apart. Plants shall be a minimum of twelve (12) inches high when planted and shall be maintained at no less than twelve (12) inches high.

(b) Wood borders shall be pressure treated or be treated to prevent the decomposition of the wood when the wood is applied to the ground surface. The minimum size of any wood borders or composite plastic wood borders shall be three and one half (3 1/2) inches wide by three and one half (3 1/2) inches high and shall be continuous around the border. Multiple pieces can be stacked to achieve the required size. Where railroad ties are used, the ties shall be structurally sound and fully intact and shall be continuous around the border. All wood borders or composite plastic wood borders must be affixed to the ground by driving a metal stake through the wood/plastic into the ground. At least two stakes must be driven into each wood or composite plastic wood border segment. The distance between stakes shall not be more than four (4) feet. The metal stake must be a minimum of three eighths (3/8) of an inch in diameter and driven a minimum of twelve (12) inches below the ground surface. The metal stake must be driven flush with the surface of the wood/plastic.

(c) Brick curbing shall be set in a mortar base and shall be a minimum of three and one half (3 1/2) inches wide by three and one half (3 1/2) inches high. Concrete curbing may be pre-cast, formed or machine extruded and shall be a minimum of six (6) inches wide by six (6) inches high and consist of a concrete mix with a minimum strength of 3,000 pounds per square inch. Brick and concrete curbing shall be continuous around the border. Pre-cast concrete curbing must be affixed to the ground by driving a metal stake through the curbing into the ground. At least two stakes must be driven into each piece of pre-cast concrete. The distance between stakes shall not be more than four (4) feet. The metal stake must be a minimum of three eighths (3/8) of an inch in diameter and

driven a minimum of twelve (12) inches below the ground surface. The metal stake must be driven flush with the surface of the curbing.

(d) Other borders may be used only after approval of the city manager or designee.

All parking plans shall include a full description, including specifications, of the proposed border.

g. Effective dates

1. All driveway parking areas that are lawfully in existence as of March 15, 2004 must comply with the requirements then in effect. Subsequently, all driveway parking areas must be brought into compliance with the requirements of the *Off-street parking regulations for the University of Florida Comprehensive-Campus Master Plan 2005-2015* ~~1994-2004~~ Context Area on or before April 1, 2005, or prior to the City's issuance of any landlord permit in the year 2004, whichever comes earlier, unless otherwise provided herein.

2. All driveway parking areas that are lawfully in existence as of (Insert effective date of this ordinance), must comply with the requirements then in effect. Subsequently, all driveway parking areas within the Context Area must be brought into compliance with the requirements of the *Off-street parking regulations for the University of Florida Campus Master Plan 2005-2015* Context Area on or before April 1, 2007, or prior to the City's issuance of any landlord permit in the year 2007, whichever comes earlier, unless otherwise provided herein.

3. All driveway parking areas within a Residential Parking Overlay District shall comply with the provisions of Section 30-56(c)(4) within 90 days of the effective date of

1 the ordinance imposing the overlay on an area or at such a time period as is prescribed in
2 said ordinance.

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

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

9 1. The driveway parking area is clearly defined.

10 2. The driveway parking area is maintained in a safe, sanitary and neat condition.

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

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

15 j Each owner of property regulated by this subsection must provide a parking plan
16 showing the driveway parking areas and any pullout spaces. This plan shall be submitted
17 as part of an application for a landlord permit. For residential properties that do not
18 require landlord permits, the parking plan must be submitted upon request of the City
19 Manager or designee within 30 days of receiving a written request for a parking plan
20 from the City Manager or Designee. Within 45 days of the City Manager or designee's
21 approval of the new parking plan, the new plan shall be implemented and the parking
22 area and any pullout spaces shall be constructed in the manner in this approved parking

plan. When the new plan is implemented, the City Manager or designee shall inspect the parking area and any pullout spaces for compliance.

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

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

m. Where applicable, this plan shall be submitted as part of an application for a landlord permit and shall be approved by the City Manager or designee prior to the issuance of a landlord permit. In all cases, each owner of property zoned RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning district, or that contains single family or two-family dwellings on property zoned planned development (PD), which is within the ~~University of Florida Comprehensive Master Plan~~ Context Area, must provide the City Manager or

designee with an updated parking plan showing the driveway parking areas and any pullout spaces no later than April 1, ~~2007-5~~ or in conjunction with the landlord permit application, whichever date comes earlier.

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

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

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

(g) *Supplemental dimensional requirements.*

(1) Lots within RSF-1, RSF-2, RSF-3 and RSF-4 districts, which have a rear or front lot line abutting on collector or arterial streets, shall have a minimum depth of 150 feet with a minimum building setback line established at a distance of 50 feet from the collector or arterial street right-of-way line.

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

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

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

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

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

(2) There shall be no car washing areas, dumpsters, recycling bins, or other trash/waste disposal facilities placed in the required setback area between medium and/or high density multi-family development and properties designated single family on the future land use map.

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

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

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

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

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

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

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

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

(1) In the case of new development of medium or high density multi-family development with an intervening split zoning or parcel designated PS or CON abutting single family designated property, the provisions of Sec. 30-56 (j) (1), (2), (4), (6), (7), (8), and (9) shall apply if the intervening area is less than 25 feet wide. However, the measurement of the 100 feet as described in Sec. 30-56 (j) (8) and (9) shall be from the

1 single family property line abutting the PS or CON zoned area. The appropriate
2 reviewing board may grant an exception to the requirement for a wall (as shown in Sec.
3 30-56 (j) (4)) based on the quality of long-term buffering provided by vegetation in the
4 intervening area.

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

12 (3) 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) (1), (2), (4), (6), (7),
15 (8), and (9) shall apply if the intervening area is 25 or more feet wide, but the area is not
16 significantly vegetated or expected to remain significantly vegetated to provide a buffer
17 over the long term. The measurement of the 100 feet as described in Sec. 30-56 (j) (8)
18 and (9) shall be from the single family property line abutting the PS or CON zoned area.

19 The appropriate reviewing board may grant an exception to the requirement for a wall (as
20 shown in Sec. 30-56(j)(4)) based on the width of the intervening area exceeding 50 feet.

21 (l) Residential Parking Overlay District. The Residential Parking Overlay District is
22 hereby established to regulate yard parking on specific property located in the following

1 zoning districts: RC, RSF-1, RSF-2, RSF-3, or RSF-4 or in a district containing single-
2 family or two-family dwellings on property zoned planned development (PD).

3 (1) Purpose and objectives. The City Commission finds that it is in the best interest of
4 the City and will enhance the quality of life if residents take affirmative steps to preserve
5 the character of their own residential and single family neighborhoods with regard to
6 enhancing the public health, welfare and safety as well as the aesthetic value of
7 controlling yard parking. Furthermore, the City Commission finds that a healthy lawn,
8 with an above-ground network of leaves, shoots, and stems and an extensive fibrous root
9 system below, contributes environmental benefits by reducing soil erosion, and by
10 filtering rainwater, thus improving surface water and groundwater.

11 (2) Effects of imposition of the overlay district on an Area. The provisions of Section
12 30-56(c)(4) will apply within the Area.

13 (3) Criteria for creating an overlay district on an area ("Area"):

14 a. The proposed Area shall consist of at least 50 compact and contiguous parcels, as
15 defined in this chapter.

16 b. The Area shall not cause the creation of an enclave or peninsula, as commonly
17 defined.

18 c. Each boundary of the Area shall be one of the following identifiable landmarks: a
19 street, alley, publicly owned right-of-way, platted subdivision boundary, parcel boundary,
20 or a creek. The use of local streets as boundaries should be minimized when the use of
21 arterial or collector streets, or parcel boundaries, is feasible.

22 d. No Area boundaries shall overlap the boundary of an existing Residential Parking
23 Overlay District or the Context Area.

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

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

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

i. The individual circulating the petition forms ("Petitioner") shall meet with the City Manager or designee to obtain the requisite petition form.

ii. The Petitioner shall be an "owner", as defined in this chapter, of property located within the proposed overlay district Area and shall be a signatory to the petition.

iii. The Petitioner shall submit to the City Manager or designee an accurate, reproducible map of the proposed overlay district Area.

iv. Each petition for imposition of the overlay district on an Area shall contain acceptable signatures of the lot or parcel owners of record of at least sixty seven percent (67%) of the lots or parcels within the proposed boundary of the overlay district Area, exclusive of public property.

v. To be acceptable, signatures shall be accompanied by the legibly printed name of the signer, the address of the parcel owned by the signer, the parcel number of the parcel owned by the signer, and the date the petition is signed.

vi. Jointly owned parcels are considered owned by a single person for purpose of the petition and any co-owner may sign a petition for the parcel. Only one owner of each

1 parcel shall be included in the sixty seven percent requirement stated above. If a person
2 owns more than one parcel of property within the proposed district Area, that person may
3 sign the petition one time for each parcel owned.

4 vii. Signatures dated more than six months prior to the date the petition is filed with
5 the City are not acceptable.

6 viii. For a signature to be acceptable, Alachua County Property Appraiser (ACPA)
7 records shall indicate that the printed name of the petition signatory is consistent with the
8 name of the property owner as listed in the records of Alachua County.

9 ix. The petition shall clearly and accurately advise each putative signer of what
10 restrictions may be imposed on the property if the overlay district is imposed upon the
11 Area.

12 x. The petition shall clearly and accurately describe the proposed boundaries of the
13 Area.

14 b. When the petition is submitted to the City Manager or designee, the City Manager
15 or designee shall check the acceptability of names and signatures and shall determine
16 whether the petition meets the criteria.

17 c. To compensate for the cost of checking signatures, the City shall charge a fee as
18 set forth in the Appendix to this Code.

19 d. If an insufficient number of acceptable owner signatures are submitted, the City
20 shall return the petition to the Petitioner.

21 e. If a sufficient number of acceptable owner signatures are submitted, the Petitioner
22 may apply for approval of the imposition of the overlay district on the Area as provided

DRAFT

5-26-06

1 in Article X of this chapter for zoning changes (including application fees, Public Notice,
2 and Public Hearings before the Plan Board and the City Commission).

3 f. Criteria used to evaluate parcels for rezoning. The following criteria shall be used
4 to evaluate the appropriateness of imposing this overlay District on the Area:

5 i. Within the proposed overlav district Area, the Petitioner shall submit evidence
6 of the impact of vard parking on the quality of vegetation and stormwater runoff in the
7 neighborhood, such as evidence that disorderly front yard parking is resulting in a
8 negative impact to the quality of the vegetation of parcels and contributing to a decline in
9 said quality within the proposed area; and

10 ii. Within the proposed overlay district Area, the Petitioner shall submit evidence
11 of the impact of vard parking to the aesthetic quality of the neighborhood such as
12 evidence that disorderly front yard parking is resulting in a negative aesthetic impact to
13 the neighborhood, specifically to lots or parcels within the proposed area.

14 g. The petition for imposition of the overlay district shall be considered by the Plan
15 Board for its recommendation to the City Commission. In order to impose the overlay
16 district upon parcels within an Area, an affirmative vote is required. If the petition or
17 ordinance fails, a subsequent petition for imposition of the overlay district on an Area
18 that includes the same parcels may not be brought sooner than one year following the
19 date of submittal of the previous petition for imposition of the overlay on an Area.

20 *h. Administrative Remedy.*

21 Any property owner who believes that a specific decision of the appropriate
22 reviewing board, City Manager, or designee, rendered under this subsection has resulted
23 in a taking of the property in violation of law, or is otherwise entitled to compensation

1 under law, shall file an appeal within 30 days of the decision with the Clerk of the
2 Commission. The City Commission shall hear the appeal within 60 days of filing the
3 appeal unless an extension is timely filed, in writing, by the property owner with the
4 Clerk of the Commission. In this event, the property owner shall be automatically
5 granted a 60-day extension. At the hearing before the City Commission, the property
6 owner has the burden to show how, or in what respect, the specific decision results in a
7 taking or other remedy entitling the owner to payment of compensation under the law.
8 Additionally, the property owner shall submit, at least 30 days prior to the hearing, a bona
9 fide, valid appraisal that supports the appeal and demonstrates the loss of fair market
10 value to the property. The City shall have an opportunity to rebut any evidence offered
11 by the property owner. At the conclusion, the City Commission shall have the power to
12 grant relief and to overturn any specific decision in order to avoid a taking of the property
13 or the payment of compensation to the owner. The action of the City Commission shall
14 constitute final administrative action under this section.

- 15 i. Effect of classification. The Residential Parking Overlay District is an overlay
16 zoning district. It shall operate in conjunction with any underlying zoning
17 district on the property. The regulations of the underlying zoning district, and
18 all other applicable regulations, remain in effect and are further regulated by
19 the Residential Parking Overlay District standards. If provisions of the
20 Residential Parking Overlay District standards conflict with the underlying
21 zoning, the provisions of the Residential Parking Overlay District standards
22 shall govern and prevail.

Section 3. Sec. 30-330. Design requirements for vehicle parking.

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

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

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

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

b. All parking lots with two or more rows of interior parking shall contain grassed and/or landscaped medians at least eight feet in width unless an alternative landscape plan is approved pursuant to section 30-252(c). Where it is determined by public works that the landscaped median(s) would obstruct the storm drainage, the community development director may approve an alternative.

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

Section 4. It is the intention of the City Commission that the provisions of Sections 1, 2 and 3 of this ordinance shall become and be made a part of the Code of Ordinances of the

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5-26-06

City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

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

Section 6. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 7. Unless otherwise provided herein, this ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this ____ day of _____, 2006.

PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this

This Ordinance passed on second reading this

Intentionally

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Petition 70TCH-06 PB

City of Gainesville. Amend the City of Gainesville Land Development Code to apply parking regulations to the area within the University of Florida Campus Master Plan 2005-2015 Context Area; and establish and describe a Residential Parking Overlay District and procedures.

Mr. John Wachtel, Neighborhood Planning Coordinator, was recognized. He stated this petition was about cars parking in yards in single-family neighborhoods. He stated that yard parking is not regulated in most of the City, however, there are some yard parking regulations in single-family zoned areas in the University of Florida Context Area. He stated that some neighborhoods outside the Context Area would like those regulations to be applied in their neighborhoods.

Mr. Wachtel stated that the petition examines two ways to change where these regulations apply, which he explained and pointed out on a map. He stated the Context Area had been expanded to a new area and this petition would apply the parking regulations to single-family zoned property in the expanded area. The other proposal to change where the parking regulations would apply is by the property owners in an area that meet certain criteria (stated in the staff report), that ask for the parking overlay district. He stated that if the criteria are met, then the owners could apply for the special regulations through the regular rezoning process.

Mr. Cohen stated there was a provision on page 18 of the proposed ordinance (see staff report), that states evidence shall be submitted of the impact of yard parking on the quality of vegetation and stormwater runoff in the neighborhood Mr. Cohen questioned whether the provision was fair because within the Context Area that does not need to be demonstrated because in the Context Area it is automatic that yard parking is undesirable, however, if an area bordering the Context Area wanted to have the parking regulations they would have a burden of proof. He asked, if the neighbors want it, why couldn't they just do it.

Mr. Wachtel explained when the parking regulations were first proposed, the University Context Area was chosen through data and analysis. He stated later on there were some analytical studies done in areas between 8th Avenue and 16th Avenue adjacent to the Context Area and it was determined that they did not meet the criteria. Therefore, to add an extra burden on property rights in that area, there needs to be a finding and justification and a legal reason to treat the area different than the rest of the City. He stated the staff report states that disorderly and chaotic parking negatively impacts stormwater runoff and aesthetics. He stated that at the Community Development Committee meeting there were pictures of torn up grass with ruts and mud in neighborhoods.

Mr. Cohen asked whether the aesthetic reason alone is sufficient enough for what could be considered a taking.

Mr. Wachtel replied that the City Attorney would like as many findings as possible, but there should be at least one reason.

Mr. Tecler stated he disagreed with Mr. Cohen that undesirableness is a necessary quality to restrict someone's property rights. He stated there must be tangible evidence before there can be property takings. He stated that since this issue began, it has been controversial and still is, because there has been no tangible evidence for a reason to restrict parking. He asked what defines whether something is aesthetically pleasing or not pleasing. He stated the proposed ordinance has a number of rules and stipulations on how one makes the driveway, size level to be used and whether mulch is acceptable or not. He stated these are private driveways that the

property owner should be able to make as they wish. He stated in the Sugarfoot Community when the Context Area was passed, there was no overall vote that everyone was interested in being regulated by this.

Mr. Wachtel stated, legally, there were findings that there were differences and the City Commission made those findings in 1997 and 2004 and for this ordinance they would have to make those findings again. He stated the City's Attorneys felt it meets the legal test, and it is up to the policy makers whether to have this.

Mr. Tecler stated that there is a small group that determines City policy that affects a larger group. He felt this was an issue the City Commission should look at.

Chair Reiskind asked whether this would apply only within the City limits.

Mr. Wachtel stated it would. He explained there were areas where the Context Area does go beyond City limits, but this would apply only within the City.

Chair Reiskind clarified that this had nothing to do with parking permits in certain neighborhoods that are in the Context Area.

Mr. Wachtel stated that was correct.

Chair Reiskind stated there was language in the proposed ordinance that refers to areas that had to be 50 compact, contiguous parcels. He asked whether there could be a mosaic pattern.

Mr. Wachtel stated that the proposed overlay district would not have to be contiguous to the Context Area or any previously approved parking overlay district. They could be separate. But the individual district would have to be contiguous.

Ms. Melody Marshal, president of the Forest Ridge and Henderson Heights Neighborhood Association, was recognized. She stated that the neighborhood was prepared to circulate petitions in the neighborhood to obtain the 67% required approval, which she felt could be obtained. She stated the neighborhood is very aware and concerned about whether there would be agreement for the parking regulations to be implemented.

Mr. Cohen asked what the problem in the neighborhood was that they would like this passed.

Ms. Marshal stated there is an increased amount of rental homes in the neighborhood and the people moving in do not have the same pride in the property that an owner might have. She stated the neighborhood would like to have these regulations early, so that it does not become a large problem.

Mr. Cohen asked what the problem looked like.

Ms. Marshal stated there were huge deep ruts in lawns and grass and other growth was being destroyed. She stated big trucks were being parked on lawns and is very unsightly and impacts the whole neighborhood in terms of how the neighborhood is seen.

Mr. Jerry Dedenbach, a citizen of Gainesville, was recognized. He stated he agreed with Mr. Tecler's comments. He suggested that the minimum neighborhood size should be removed. He stated his neighborhood did not have 50 homes. He stated the parking situation is in all the communities. He stated he would like to see the minimum removed because there are a lot of small neighborhoods of 20 or 30 homes. He said if a neighborhood wanted to adopt the regulations they should have that option.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville

Mr. Cohen asked what number he would propose.

Mr. Dedenbach stated 20.

Mr. Dedenbach stated he was in favor of the ability for neighborhoods to vote themselves into this.

Mr. Tecler stated in regard to rental property, the number of cars has to do with how many unrelated people live in that home. He said the issue of the number should be dealt with first. He asked whether the parking regulations have been working in the neighborhoods where they are already in use.

Ms. Marshal stated her neighborhood is very cognizant of three unrelated people living in a house, therefore, if it is suspected that more than three unrelated people are living in a house, Code Enforcement is notified.

There was no further public comment on the petition.

<u>Motion By:</u> Mr. Cohen	<u>Seconded By:</u>
<u>Moved to:</u> Approve Petition 70TCH-06 PB with three modifications: Page 15, line 14, change the proposed area shall consist of 25 compact and contiguous parcels, page 16, line 16 change 67% to 51%; page 18 line 6 change “and” to “or”, and on line 8 same page “and” to “or”.	Motion dies for lack of a second.

Ms. McDonell asked where the 67% came from.

Mr. Wachtel stated the number was used because this would be a clear majority or consensus in the neighborhood.

Mr. Cohen stated he lives in a University Context Area and he knows what it looks like and his experience is that it works well. He stated the problem is that when a neighborhood is changing to more of a rental neighborhood it becomes hard to find 2/3 of the owners and by using a high number, the percentage of the owners who would respond might have to be above 90% to get 67% because it can be hard to get a response. He stated if less than half wanted it, it should not be done.

Mr. Wachtel stated a benefit of having the larger number is that it shows the majority actually is in favor. He stated that at half, it is more likely to change quickly as people move in and out.

Chair Reiskind asked if an area could vote itself out of being in the overlay district.

Mr. Wachtel stated eventually, there might be a way an area could vote itself out after a certain amount of time. He stated that at 51%, if two weeks later the property changes hands from someone who signed the petition and is in favor of the regulations to someone who is not in favor of the regulations, then the result would be a majority of the neighborhood dealing with regulations that they oppose.

Mr. Tecler stated that by lowering the threshold it would imply that we are not confident enough that neighbors want this regulation added. He stated if there is confidence that this is something a neighborhood wants, then

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67% would be a good position. Mr. Tecler asked if there was a “grandfathering in” clause that could be added that a property owner may not want to spend money to revamp a driveway or add driveways.

Mr. Wachtel stated it is unusual to enact Land Development Regulations that impact property rights retroactively, and that is what this is proposing. He said in this case, a grandfathered in clause would not be very effective. He stated there is an appeal process wherein the burden of proof would shift to the property owner to show that the property has been taken or there is a decrease in value, etc.

There was discussion on the burden of proof, grandfathering in, and taking.

Dr. Reiskind stated that he was impressed with how widespread the positive response of neighborhoods had been to this ordinance, which he thought raised the quality of life. He stated the value of property is all relative. He felt the City does apply criteria that is applied in these situations.

<u>Motion By:</u> Mr. Tecler	<u>Seconded By:</u>
<u>Moved to:</u> Approve Petition 70TCH-06 PB, as is.	The motion dies for lack of a second.

Ms. McDonell stated she would second the motion but would change the 51% proposed by Mr. Cohen to 60%, to which Mr. Cohen agreed.

<u>Motion By:</u> Mr. Cohen	<u>Seconded By:</u> Ms. McDonell
<u>Moved to:</u> Approve Petition 70TCH-06 PB with three modifications: Page 15, line 14, change the proposed area shall consist of 25 compact and contiguous parcels, page 16, line 16 change 67% to 60%; page 18 line 6 change “and” to “or”, and on line 8 same page “and” to “or”.	<u>Upon Vote:</u> Motion Carried 3– 1 Aye: Cohen, Reiskind, McDonell Nay: Tecler