

ORDINANCE NO. 0-04-17

An ordinance of the City of Gainesville, Florida, amending paragraph 30-56(c)(4) of the Land Development Code, amending off-street parking regulations in the University of Florida Master Plan Context Area to clarify and add additional requirements; 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 a Public Hearing was then held by the City Plan Board on November 20, 2003; and

WHEREAS, pursuant to law, an advertisement was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, City Hall, City of Gainesville to be held at least 10 days after the day this advertisement was published; 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. Paragraph (4) of subsection (c) of section 30-56 of the Land Development Code of the City of Gainesville is amended to read as follows:

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

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

4 (4) *Off-street parking regulations for the University of Florida Comprehensive*  
5 *Master Plan 1994-2004 Context Area.* Off-street parking on any property in the University of  
6 Florida Comprehensive Master Plan 1994--2004 Context Area that is in an RC, RSF-1, RSF-2,  
7 RSF-3, or RSF-4 zoning district, or that contains single family or two-family dwellings on  
8 property zoned planned development (PD) shall be limited to the driveway parking area meeting  
9 the dimensional requirements below and leading from the permitted driveway connection to the  
10 enclosed parking space (garage or carport), plus two pullout spaces as described below. If there is  
11 no garage or carport, the driveway parking area must meet the dimensional requirements below  
12 and be ~~intended~~ able to provide parking and ingress or egress of vehicles.

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

15 b. ~~A Pullout spaces~~ can be no more than nine feet wide and 16 feet long; ;  
16 must be covered with pavement, gravel, wood chips, bark mulch, or paved, graveled,  
17 ~~mulched or covered with~~ other erosion-preventing material clearly defining the pullout  
18 spaces; and must be contiguous to the driveway parking area.

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

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

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

6 f. All unpaved driveway parking areas and pullout spaces must be ~~mulched,~~  
7 ~~graveled or~~ covered with gravel, wood chips, bark mulch, or other erosion-preventing  
8 material clearly defining the driveway parking area, and have side borders of plants,  
9 pressure treated landscape ties timbers, railroad ties, pressure treated wood, composite  
10 “plastic wood”, brick, concrete or similar border materials.

11 1. Erosion Preventing Material

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

18 (b) Where gravel is used, it shall cover the entire surface of the  
19 driveway parking area and pullout spaces with a layer that is at least one  
20 (1) inch thick. The gravel shall be evenly distributed within the borders and  
21 shall be free of bare spots and vegetation. The material used for a gravel  
22 parking area and/or pullout space shall be rock or crushed stone, shall not

1 be more than one and one half (1½) inches in diameter, and shall not  
2 contain dirt, sticks, construction debris or other foreign material. Sand,  
3 rock powder, or other similar material less than one-eighth (1/8) inch in  
4 diameter may be used as a base, but shall not be included when measuring  
5 the gravel thickness.

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

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

12 2. Borders

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

17 (b) Wood borders shall be pressure treated or be treated to  
18 prevent the decomposition of the wood when the wood is applied to the  
19 ground surface. The minimum size of any wood borders or composite  
20 plastic wood borders shall be three and one half (3 1/2) inches wide by  
21 three and one half (3 1/2) inches high and shall be continuous around the  
22 border. Multiple pieces can be stacked to achieve the required size. Where

1 railroad ties are used, the ties shall be structurally sound and fully intact  
2 and shall be continuous around the border. All wood borders or composite  
3 plastic wood borders must be affixed to the ground by driving a metal stake  
4 through the wood/plastic into the ground. At least two stakes must be  
5 driven into each wood or composite plastic wood border segment. The  
6 distance between stakes shall not be more than four (4) feet. The metal  
7 stake must be a minimum of three eighths (3/8) of an inch in diameter and  
8 driven a minimum of twelve (12) inches below the ground surface. The  
9 metal stake must be driven flush with the surface of the wood/plastic.

10 (c) Brick curbing shall be set in a mortar base and shall be a  
11 minimum of three and one half (3½) inches wide by three and one half (3½)  
12 inches high. Concrete curbing may be pre-cast, formed or machine  
13 extruded and shall be a minimum of six (6) inches wide by six (6) inches  
14 high and consist of a concrete mix with a minimum strength of 3,000  
15 pounds per square inch. Brick and concrete curbing shall be continuous  
16 around the border. Pre-cast concrete curbing must be affixed to the  
17 ground by driving a metal stake through the curbing into the ground. At  
18 least two stakes must be driven into each piece of pre-cast concrete. The  
19 distance between stakes shall not be more than four (4) feet. The metal  
20 stake must be a minimum of three eighths (3/8) of an inch in diameter and  
21 driven a minimum of twelve (12) inches below the ground surface. The  
22 metal stake must be driven flush with the surface of the curbing.

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

4                    g.        All driveway parking areas that are ~~not in compliance with this section~~  
5                    ~~must be brought into compliance by~~ lawfully in existence as of March 15, 2004, must  
6                    comply with the requirements then in effect. Subsequently, all driveway parking areas  
7                    must be brought into compliance with the requirements of the *Off-street parking*  
8                    *regulations for the University of Florida Comprehensive Master Plan 1994-2004 Context*  
9                    *Area* on or before ~~January~~ April 1, 1998-2005, or prior to the City’s issuance of any  
10                    landlord permit in the year 2004, whichever comes earlier, unless otherwise provided  
11                    herein.

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

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

- 18                    1.        The driveway parking area is clearly defined.
- 19                    2.        The driveway parking area is maintained in a safe, sanitary and neat  
20                    condition.
- 21                    3.        The driveway parking area does not contribute to soil erosion.

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

4           j       Each owner of property regulated by this subsection must provide a  
5 parking plan showing the driveway parking areas and any pullout spaces. This plan  
6 shall be submitted as part of an application for a landlord permit. For residential  
7 properties that do not require landlord permits, the parking plan must be submitted  
8 upon request of the City Manager or designee within 30 days of receiving a written  
9 request for a parking plan from the City Manager or Designee. Within 45 days of  
10 the City Manager or designee’s approval of the new parking plan, the new plan  
11 shall be implemented and the parking area and any pullout spaces shall be  
12 constructed in the manner in this approved parking plan. When the new plan is  
13 implemented, the City Manager or designee shall inspect the parking area and any  
14 pullout spaces for compliance.

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

18           l.If a property is found by the City Manager or designee to not be in compliance  
19 with one or more of the provisions of the existing parking plan for that property,  
20 as approved by the City Manager or designee, the owner of that property may be  
21 required to submit to the City Manager or designee a new, modified parking plan  
22 which is in compliance with the requirements of this Ordinance. This modified

1 parking plan for the non-compliant property must be received by the City Manager  
2 or designee within 30 days of the Owner's receipt of a written request for the new  
3 parking plan. Within 45 days of the City Manager or designee's approval of the  
4 new parking plan, the new plan shall be implemented and the parking area and any  
5 pullout spaces shall be constructed in the manner in this approved parking plan.  
6 When the new plan is implemented, the City Manager or designee shall inspect the  
7 parking area and any pullout spaces for compliance.

8 m. Where applicable, this plan shall be submitted as part of an application for a  
9 landlord permit and shall be approved by the City Manager or designee prior to the  
10 issuance of a landlord permit. In all cases, each owner of property zoned RC,  
11 RSF-1, RSF-2, RSF-3, or RSF-4 zoning district, or that contains single family or  
12 two-family dwellings on property zoned planned development (PD), which is  
13 within the University of Florida Comprehensive Master Plan Context Area, must  
14 provide the City Manager or designee with an updated parking plan showing the  
15 driveway parking areas and any pullout spaces no later than April 1, 2005 or in  
16 conjunction with the landlord permit application, whichever date comes earlier.

17 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of  
18 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.



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

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

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

7           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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\_\_\_\_\_  
THOMAS D. BUSSING  
MAYOR

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14   ATTEST:

Approved as to form and legality

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

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

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20   This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

21   This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2004.