

**LEGISLATIVE #**

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ORDINANCE NO. 200722

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by amending development thresholds and applicable reviewing authorities; by amending Section 30-3.1 *Development Review Coordinator*; by amending Section 30-3.2 *Technical Review Committee*; by amending Section 30-3.7 *Neighborhood Workshop*; by amending Section 30-3.8 *Public Notice*; by amending Section 30-3.18 *Review Procedures*; by amending Section 30-3.36 *Minor Subdivisions*; by amending Section 30-3.45 *Levels of Development Review*; by amending Section 30-3.47 *Review Procedures*; by amending Section 30-3.56 *Land Use Hearing Officer*; by amending Section 30-6.4 *Level of Service Review*; by amending Section 30-6.6 *Design Standards*; by amending Section 30-6.12 *Outdoor Lighting*; by amending Section 30-7.2 *Off-Street Vehicle Parking*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS,** the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

**WHEREAS,** Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city; and

**WHEREAS,** the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of Ordinances); and

27 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the Land  
28 Development Code as described herein; and

29 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the  
30 Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section  
31 163.3174, Florida Statutes, held a public hearing to consider the subject of this ordinance; and

32 **WHEREAS**, on June 14, 2021, the City Commission held a public hearing to consider the subject of this  
33 ordinance; and

34 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general  
35 circulation notifying the public of this proposed ordinance and of public hearings to be held by the  
36 Gainesville City Commission; and

37 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings the  
38 parties in interest and all others had an opportunity to be and were, in fact, heard; and

39 **WHEREAS**, the City Commission finds that the Land Development Code text amendment described  
40 herein is consistent with the City of Gainesville Comprehensive Plan.

41 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**  
42 **FLORIDA:**

43 **SECTION 1.** Section 30-3.1 of the Land Development Code is amended as follows.

44 **Section 30-3.1. Development Review Director ~~Coordinator~~.**

45 The city manager or designee shall serve as the development review director ~~coordinator~~ and shall have the  
46 following duties:

- 47 A. Receive all applications for development plan approval.
- 48 B. Make administrative decisions as prescribed in this article, with input from applicable city departments.
- 49 ~~B-C. Schedule all applications for review before the applicable reviewing authority ~~technical review committee~~~~  
50 ~~and development review board.~~

- 51 ~~C. Chair the technical review committee.~~
- 52 D. Ensure that proper notice is given prior to all hearings on development applications.
- 53 E. Ensure that all time limits are met.
- 54 F. Monitor the progress of all development plan applications through the review process and be available to
- 55 respond to the queries of interested persons.
- 56 G. Schedule application cutoff dates.

57

58 **SECTION 2.** Section 30-3.2 of the Land Development Code is amended as follows.

59 **Section 30-3.2. ~~Technical Review Committee. Reserved.~~**

- 60 ~~A. *Establishment and purpose.* The technical review committee (TRC) is hereby created and shall have the~~
- 61 ~~following duties:~~
- 62 ~~1. *Meetings.* The TRC shall meet at least monthly to review development proposals as prescribed in this~~
  - 63 ~~article.~~
  - 64 ~~2. *Decisions.* As prescribed in this article, the committee shall either make the final decision on~~
  - 65 ~~development proposals or make recommendations to the reviewing board with decision-making~~
  - 66 ~~authority.~~
- 67 ~~B. *Membership.* The TRC shall be composed of an employee appointed from each of the following city~~
- 68 ~~departments:~~
- 69 ~~1. Planning and development services.~~
  - 70 ~~2. Public works department.~~
  - 71 ~~3. Fire/rescue department.~~
  - 72 ~~4. Representatives of other departments as deemed appropriate.~~

73

74 **SECTION 3.** Section 30-3.7 of the Land Development Code is amended as follows.

75 **Section 30-3.7. ~~Neighborhood Workshop. Public Participation.~~**

- 76 ~~A. *Purpose and intent.* ~~Neighborhood workshops~~ Public participation requirements are intended to~~
- 77 ~~encourage applicants to be good neighbors and to allow for informed decision making, although not~~
- 78 ~~necessarily to produce complete consensus on all applications, by:~~
- 79 ~~1. Ensuring that applicants pursue early and effective citizen participation in conjunction with their~~
  - 80 ~~applications, giving the applicants the opportunity to understand and try to mitigate any real or~~
  - 81 ~~perceived impacts their applications may have on the ~~community~~ neighborhood; ~~and~~~~
  - 82 ~~2. Ensuring that ~~citizens and property owners have~~ the public has an adequate opportunity to learn~~
  - 83 ~~about applications that may affect them and to work with the applicant to resolve concerns at an~~
  - 84 ~~early stage of the review and decision-making process; ~~and~~~~

- 85 3. ~~Facilitating ongoing communication among the applicant, interested citizens and property owners,~~  
86 ~~and city staff throughout the application review process.~~
- 87 B. *Applicability.* Every application that requires board approval, including future land use map changes,  
88 rezonings, right-of-way vacations, special use permits, subdivisions, or development plans shall first  
89 hold a neighborhood workshop and shall include in the application a ~~written record of such meeting~~  
90 public participation report. Development plans ~~located within a transect zone~~ that meet or exceed the  
91 thresholds for intermediate or major development review ~~shall also conduct~~ must also include a  
92 neighborhood workshop and public participation report. The following development applications are  
93 exempt from the requirements of this section:
- 94 1. Text changes to the Comprehensive Plan or Land Development Code.
- 95 2. City-initiated amendments to the future land use map of the Comprehensive Plan that change the  
96 future land use from Alachua County to City of Gainesville categories.
- 97 3. City-initiated amendments to the zoning map that change the zoning from Alachua County to City of  
98 Gainesville districts.
- 99 4. Development plan applications for nonresidential projects of 10,000 square feet or less of floor area  
100 when not abutting or adjacent to property zoned for single-family residential use.
- 101 5. Development plan applications for residential projects of ten units or less.
- 102 6. Environmental remediation or safety improvements required by local, state, and federal agencies.
- 103 C. ~~Workshop requirements.~~ Workshop and public participation report. When required in accordance with  
104 this section, the applicant shall as part of the development application hold a workshop and submit a  
105 written public participation report documenting the results of the public participation effort.
- 106 1. The applicant shall ~~hold~~ provide the opportunity for a workshop prior to submittal of the  
107 development application to inform neighboring property owners of the proposed application. The  
108 ~~workshop shall be held in a location generally near the subject property and shall be held in a~~  
109 ~~facility that is ADA compliant.~~ The applicant shall provide notification of the workshop by certified  
110 mail to all owners of property located within 400 feet of the subject property and to all  
111 neighborhood associations registered with the city and located within one-half-mile of the property,  
112 as well as to any other persons, organizations, or agencies as deemed appropriate by the city  
113 manager or designee. ~~If requested, the~~ The city manager or designee shall ~~may~~ provide mailing  
114 labels to the applicant. The applicant shall mail these notices with proper postage at least 15  
115 calendar days before the date of the workshop. The applicant shall also post notice signs of the  
116 workshop at the property that is the subject of the application at least 15 calendar days before the  
117 date of the workshop, which notice must include a description of the application, potential uses, and  
118 other information as required by the city manager or designee, as well as the date, time, and location  
119 of the workshop. ~~The applicant shall also advertise the workshop in a newspaper of general~~  
120 ~~circulation at least 15 calendar days before the date of the workshop.~~
- 121 2. The workshop shall start between 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and  
122 5:00 p.m. on a weekend. If held in person, the workshop must be held in a location generally near  
123 the subject property and must be held in a facility that is ADA compliant. Applicants may hold a  
124 virtual workshop in lieu of an in-person workshop by both using an interactive online video  
125 conferencing software as well as providing attendees the ability to call in with a telephone with no  
126 internet access. Virtual workshops must meet all applicable requirements provided in this section,

127 and the applicant must provide virtual attendees with the ability to receive all information that  
128 would be available in an in-person workshop. All required workshops shall be held prior to  
129 submittal of the application. The applicant shall be required to schedule an additional workshop if  
130 the initial workshop has occurred more than six months prior to submittal of the application.

131 3. The applicant shall hold an additional workshop(s) if the initial workshop has occurred more than  
132 three months prior to submittal of the application, or if subsequent to the initial workshop there  
133 has been in the subject development application a 20% or greater increase in proposed building  
134 area, an increased number of proposed floors, or the addition of or increase of intensity of a drive-  
135 through use.

136 4. The public participation report must be on or in a form as approved by the city manager or designee  
137 and must at a minimum include the following information:

138 a. A list of the owners of property located within 400 feet of the subject property, all  
139 neighborhood associations registered with the city and located within one-half-mile of the  
140 property, as well as any other persons, organizations, or agencies deemed appropriate by the  
141 city manager or designee for notice of the workshop, together with a description of how the  
142 applicant will inform those parties any time the development application has a 20% or greater  
143 increase in proposed building area, an increased number of proposed floors, or the addition of  
144 or increase of intensity of a drive-through use.

145 b. A narrative description of the methods the applicant used to involve the public, which may  
146 include: a) dates and locations of all meetings where the public or the parties listed above were  
147 invited to discuss the application, including the required workshop; b) the contents, dates  
148 mailed, and number of mailings, including letters, meeting notices, newsletters, and all other  
149 forms of notice used; c) a general description of where all parties listed above are located; and  
150 d) the number of people who participated in the process.

151 c. A summary of the substance of concerns and issues expressed during the process, and a  
152 description of how the applicant has addressed or intends to address the concerns and issues  
153 expressed or, in the alternative, why the expressed concerns and issues will not be addressed.

154  
155 **SECTION 4.** Section 30-3.8 of the Land Development Code is amended as follows.

156 **Section 30-3.8. Public Notice.**

157 A. *General.* The notice provisions in this section ~~shall be~~ are required prior to all ~~board~~ hearings and are  
158 supplemental to any notice required by state law. If two public hearings are required, then supplemental  
159 notice ~~shall~~ must be provided prior to the first public hearing. A request by the applicant to continue a  
160 ~~board~~ hearing ~~shall~~ will require the applicant to incur re-notification and re-advertising costs.

161 B. *Mailed notice.* Unless otherwise provided by law, addresses for mailed notice required by this chapter  
162 ~~shall~~ must be obtained from the latest ad valorem tax records provided by the county property appraiser.  
163 The failure of any person to receive notice ~~shall~~ will not invalidate an action if a good faith attempt was  
164 made to comply with the notice requirements. The notice ~~shall~~ must identify the physical address of the  
165 subject property; the date, time, and location of the public hearing; and a description of the application  
166 including the nature and degree of the request, potential uses, and other information as required by the  
167 city. The notice ~~shall~~ must be mailed by certified mail at least 15 calendar days prior to the date of the

168 ~~board~~ hearing to all real property owners whose land will be affected and whose property lies within 400  
 169 feet of any affected property.

170 C. *Posted notice.* Posted notice signs ~~shall~~ must be posted by the applicant in accordance with procedures  
 171 established by the city, and ~~shall~~ must include a description of the application with the nature and degree  
 172 of the request, potential uses, and other information as required by the city, and ~~shall~~ must identify the  
 173 date, time, and location of the public hearing. Signs shall be posted at least 15 calendar days prior to the  
 174 date of the ~~board~~ hearing. Properties under consideration for a land use or zoning map change that  
 175 involve more than 50 non-contiguous acres ~~shall~~ are not ~~be~~ required to post signs when the application is  
 176 initiated by the city.

177 D. *Failure to perfect supplemental notice.* If an applicant fails to provide supplemental notice in accordance  
 178 with this section prior to the public hearing, then the public hearing ~~shall~~ must be cancelled to allow  
 179 compliance with the notice requirements. The failure to provide the supplemental notice required by this  
 180 section ~~shall~~ may not be construed to invalidate any final action on a land development decision, if  
 181 discovered after final action has been taken.

182 **Table III - 1: Public Notice.**

APPLICATION TYPE	NEWSPAPER AD	MAILED NOTICE	POSTED NOTICE
<b>COMPREHENSIVE PLAN AMENDMENTS/LAND USE CHANGES</b>			
Text changes not including amendments to the list of permitted/prohibited uses.	As required by law.	Not required.	Not required.
Text changes amending the list of permitted/prohibited uses involving less than 5% of the total land area of the city.	As required by law.	Required.	Not required.
Text changes amending the list of permitted/prohibited uses involving more than 5% of the total land area of the city.	As required by law.	Not required.	Not required.
Land Use Map changes involving less than 5% of the total land area of the city.	As required by law.	Required.	Required.
Land Use Map changes involving more than 5% of the total land area of the city.	As required by law.	Not required.	Required, except as provided in this section.
<b>LAND DEVELOPMENT CODE AMENDMENTS/REZONINGS</b>			
Text changes not including amendments to the list of permitted/prohibited uses.	As required by law.	Not required.	Not required.

APPLICATION TYPE	NEWSPAPER AD	MAILED NOTICE	POSTED NOTICE
Text changes amending the list of permitted/prohibited uses involving less than 5% of the total land area of the city.	As required by law.	Required.	Not required.
Text changes amending the list of permitted/prohibited uses involving more than 5% of the total land area of the city.	As required by law.	Not required.	Not required.
Zoning Map changes involving less than 5% of the total land area of the city.	As required by law.	Required.	Required.
Zoning Map changes involving more than 5% of the total land area of the city.	As required by law.	Not required.	Required, except as provided in this section.
<b>Special Use Permits</b>	As required by law.	Required.	Required.
<b>Development Review Board</b>	As required by law.	Required.	Required.
<b>Variances</b>	As required by law.	Required.	Required.
<b>Historic Preservation Board (COA)</b>	As required by law.	Not required.	Required.
<b>Heritage Overlay District Board</b>	As required by law.	Not required.	Required.
<b>Right-of-Way Vacations</b>	As required by law.	Required.	<del>Not required.</del> <u>Required.</u>

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185 **SECTION 5.** Section 30-3.18 of the Land Development Code is amended as follows.

186 **Section 30-3.18. Review Procedures.**



- 187 A. *Unified control.* All land included in any PD application ~~shall~~ must be owned or under the legal control of  
 188 the applicant, whether the applicant be an individual, partnership, corporation, other entity, group or  
 189 agency. The applicant shall provide evidence of such ownership or control, including upon request of the  
 190 City Manager or designee all agreements, contracts, guarantees and other necessary documents and  
 191 information that the city deems necessary.
- 192 B. *Pre-application meeting.* Before application submittal, the applicant shall present a generalized  
 193 description of the project to the City Manager or designee at a pre-application conference.
- 194 C. *First-step meeting.* Before application submittal, the applicant shall attend a first-step meeting to discuss  
 195 the development review process, code requirements, and to confer with staff about the PD. ~~The first-step~~  
 196 ~~meeting may be attended by staff of the Technical Review Committee or staff of the planning and~~  
 197 ~~development services department.~~ Comments made by staff at a first-step meeting are made solely for  
 198 preliminary informational purposes and ~~shall~~ may not be construed as an approval or denial or agreement  
 199 to approve or deny any application.
- 200 D. *Application submittal.* The applicant shall submit a complete application, accompanied by the applicable  
 201 fee, on a form provided by the city together with all plans, documentation, and information deemed  
 202 necessary by the city.
- 203 E. ~~*Development Review Director Technical Review Committee review.*~~ The Development Review Director  
 204 ~~Technical Review Committee~~ shall review the application for conformance with the city's Comprehensive  
 205 Plan and Land Development Code, and issue a recommendation.
- 206 F. *Neighborhood workshop.* The applicant shall hold a neighborhood workshop per the requirements of this  
 207 article.
- 208 G. *City Plan Board review.* The City Plan Board shall review the application (PD layout plan and report) ~~and~~  
 209 ~~the Technical Review Committee recommendation~~ at a public hearing. The City Plan Board shall  
 210 recommend denial, approval, or approval subject to conditions, and the recommendation ~~shall~~ must be  
 211 forwarded to the City Commission for consideration.
- 212 H. *City Commission review.*
- 213 1. The City Commission shall deny the application, approve the application, or approve the application  
 214 with conditions that it deems necessary and appropriate.
- 215 2. If the City Commission approves an application with conditions, then the applicant shall revise the  
 216 application to clearly incorporate such conditions and file with the City Manager or designee within 60  
 217 calendar days of such approval. Failure to file the revised application within the time prescribed ~~shall~~  
 218 will render any approval of the City Commission null and void unless the applicant files with the City  
 219 Commission a written request for an extension of time within such 60-day period. The City  
 220 Commission may grant an extension for good cause shown.

221

222 **SECTION 6.** Section 30-3.36 of the Land Development Code is amended as follows.

223 **Section 30-3.36. Minor Subdivisions.**

- 224 A. *Minor subdivision standards.*
- 225 1. Each proposed lot shall conform to the provisions of this chapter.

- 226 2. All existing principal and accessory structures on each lot ~~shall~~ must conform to the use and  
227 development standards of this chapter.
- 228 3. All lots have city water and sewer services available and constructed to the lot line of at least one lot,  
229 with appropriate easements granted to allow future water and sewer connections to each of the lots  
230 at the time each lot is developed.
- 231 4. If the proposed minor subdivision abuts a public right-of-way that does not conform to the provisions  
232 of Section 30-6.6 B, as further specified in the Design Manual, the owner may be required to dedicate,  
233 at no cost to the city, one-half of the right-of-way width necessary to meet the minimum design  
234 requirements. If the proposed minor subdivision abuts both sides of a substandard street, one-half of  
235 the right-of-way width necessary to meet those minimum design requirements may be required from  
236 each side. The dedication of this right-of-way or any easements necessary ~~shall~~ must be accomplished  
237 by a separate document. The applicant shall provide the city with legal descriptions of all easements  
238 or rights-of-way to be dedicated, and the city shall prepare and record the necessary documents as  
239 part of the approval process.
- 240 5. Each lot in the minor subdivision ~~shall~~ must front for the entire required minimum lot width on a  
241 public street or an approved private street. Where there is no minimum lot width requirement, each  
242 lot ~~shall~~ must abut a public street or approved private street for a width equivalent to the maximum  
243 driveway width required in Section 30-6.20, plus any required turning radii area. Notwithstanding the  
244 above, the length of street frontage may be modified during minor subdivision review by the City  
245 Manager or designee, based on the need to achieve the most efficient lot layout, access to and from  
246 the minor subdivision, operational needs of service vehicles, vehicular circulation and the health,  
247 welfare, and safety of the public.
- 248 6. The minor subdivision ~~shall~~ must create vehicular and pedestrian access to serve the minor  
249 subdivision and improve gridded connectivity by connecting to surrounding existing streets and by  
250 including new streets within the minor subdivision so that the resulting blocks will not exceed a  
251 maximum block perimeter of 2,000 feet. Modifications to this requirement may be granted by the City  
252 Manager or designee where the construction of a street is limited by existing conditions such as, but  
253 not limited to:
- 254 a. Access management standards;
- 255 b. Regulated environmental features; or
- 256 c. Public facilities, such as, but not limited to, stormwater facilities, parks, or schools.
- 257 Alternatively, where the Development Review Director Technical Review Committee determines that  
258 it is not possible to construct the streets that would be required to meet the block perimeter  
259 standard, the block perimeter ~~shall~~ must be completed with the provision of pedestrian and bicycle  
260 paths or multi-use paths. The applicant shall, at the expense of the applicant, construct the required  
261 ~~streets or paths shall be constructed at the expense of the applicant~~ according to the appropriate city  
262 standards as determined through the minor subdivision review process, but may be sited and  
263 configured in a manner so that the streets provide the most appropriate access to the minor  
264 subdivision and connectivity to the surrounding street network. Where a street or path is planned to  
265 provide a future connection to a street or path beyond the extent of the minor subdivision, the  
266 applicant shall provide for the connection of the street by stubbing out the road improvements as  
267 close as practicable to the boundary of the minor subdivision.

- 268 7. Each approved private street ~~shall~~ must meet the following requirements in addition to the  
269 requirements in Section 30-6.8:
- 270 a. An approved private street ~~shall~~ must be paved to a minimum width of 12 feet wide for one-  
271 directional traffic flow and 18 feet wide for two-directional traffic flow. Alternatively, a  
272 determination ~~shall~~ must be made by the city public works department, the city fire rescue  
273 department, and city solid waste department that the approved private street is adequate to  
274 support service vehicles as necessary to provide municipal services.
- 275 b. The structure and sub-base of the approved private street ~~shall~~ must meet the standards set forth  
276 in the Design Manual.
- 277 c. Each approved private street ~~shall~~ must be connected directly to a public street or to another  
278 approved private street. The method and type of connection ~~shall~~ will be subject to approval by  
279 the city public works department in accordance with the standards set forth in the Design Manual.  
280 The private street serving the minor subdivision ~~shall~~ must have a maximum length of 1,000 feet  
281 (measured by traversing the length of the approved private street from its farthest extent to the  
282 nearest public street). At the point the private street reaches 1,000 feet in length, the applicant  
283 shall provide one of the following, as determined by the city fire rescue department: appropriate  
284 emergency connection to the nearest public road, if such a connection can be made on property  
285 within the minor subdivision; or a turnaround sized to accommodate fire and rescue vehicles.
- 286 d. The owners of each approved private street shall provide necessary easements to the city for the  
287 purpose of providing municipal services. Alternatively, if the city finds the street serves a valid  
288 public purpose, the owners may gratuitously dedicate an approved private street for purposes of  
289 public right-of-way.
- 290 e. Lots created on an approved private street ~~shall~~ must be designed to minimize the number of curb  
291 cuts onto the street. Shared driveway access ~~shall be~~ is required of adjoining lots, except where  
292 an odd number of lots are created, in which case, one lot, as determined by the city public works  
293 department, may be allowed to have a separate driveway.
- 294 8. All proposed minor subdivisions ~~shall~~ must meet the level of service standards in the Comprehensive  
295 Plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency  
296 exemption, certificate of preliminary concurrency or certificate of conditional concurrency  
297 reservation. The approval of a nonresidential minor subdivision in no way reserves capacity for the  
298 purposes of concurrency.
- 299 B. *Review.*
- 300 1. *Application.* After a mandatory pre-application conference with staff, an application ~~shall~~ must be  
301 completed on a form prescribed by the city and submitted together with the following:
- 302 a. A map of boundary survey and minor subdivision certified by a professional land surveyor  
303 registered in the state according to Chapter 472, Florida Statutes. The survey ~~shall~~ must be drawn  
304 on a 24-inch by 36-inch linen or stable base film with a three-inch margin on the left for binding,  
305 and a one-half-inch margin on the other three sides. Additional information to be shown on the  
306 survey ~~shall~~ must include but not be limited to:
- 307 i. The lot lines, dimensions, legal descriptions and acreages for each lot being created.
- 308 ii. The acreage of the total tract.

- 309           iii. A vicinity map showing the location of the survey in relationship to major thoroughfares.
- 310           iv. A note stating, "THIS IS NOT A RECORD PLAT."
- 311           v. A municipal approval statement, to be signed by the director of planning and development  
312           services, director of public works and general manager for Gainesville Regional Utilities or  
313           their designee, certifying that the minor subdivision conforms to all applicable ordinances and  
314           regulations of the city.
- 315           vi. A statement to be signed by the clerk of the court, stating, "Received and filed as an  
316           unrecorded map in accordance with Section 177.132, Florida Statutes."
- 317           vii. The minor subdivision book and page where the survey is to be filed.
- 318           viii. The exact location of all existing principal and accessory structures on each lot. If the existing  
319           structures obscure the alignment of the proposed lots they may be left off the map of minor  
320           subdivision and be submitted separately on a boundary survey of the parent parcel. Any  
321           shared use of said structures ~~shall~~ must be clearly stated and shown as easements on the  
322           minor subdivision.
- 323           b. A statement indicating the location where water or sanitary sewer service is available to the  
324           property, and a statement indicating that all utility service ~~shall~~ must be installed beneath the  
325           surface of the ground in accordance with Section 30-8.2, and a statement indicating where  
326           stormwater management facilities are available to accommodate stormwater runoff of the  
327           proposed development.
- 328           c. If located on an approved private street, a signed consent (on the form provided by the city) from  
329           the owners of each approved private street that serves the minor subdivision.
- 330           d. Payment of fees as required by Appendix A.
- 331           2. Upon receipt of a completed application, the several departments of the city shall review and provide  
332           comment.
- 333           3. Minor subdivisions that require any street, sidewalk, bikeway, bridge, drainage facility, screening wall  
334           or any other improvement required under this chapter may receive conditional approval but will not  
335           receive final approval or be filed with the clerk of the circuit court until all required improvements are  
336           fully constructed and approved by the city. No building permits may be issued for any of the lots until  
337           final approval is granted and the minor subdivision is filed.
- 338           4. If the proposed minor subdivision meets the conditions of this section and otherwise complies with all  
339           applicable laws and ordinances, the Development Review Director ~~Technical Review Committee~~ shall  
340           approve the minor subdivision ~~by affixing their signatures to the original document.~~
- 341           5. Upon approval of the minor subdivision, the subdivider shall file with the clerk of the circuit court,  
342           with all fees paid by the subdivider, the original linen or stable base film drawing of the survey and any  
343           covenants, deed restrictions, or other required documents ~~shall be filed with the clerk of the circuit~~  
344           ~~court~~ as an unrecorded map, in accordance with Section 177.132, Florida Statutes. ~~It shall be filed by~~  
345           ~~the subdivider with all fees paid by the subdivider.~~ Upon filing of the approved minor subdivision, the  
346           subdivider shall submit to the city, in the form prescribed by the city, copies of the filed minor  
347           subdivision and any required documents ~~shall be submitted to the city, in the form prescribed by the~~  
348           city.
- 349

350 **SECTION 7.** Section 30-3.45 of the Land Development Code is amended as follows.

351 **Section 30-3.45. Levels of Development Review.**

352 All development ~~shall~~ requires rapid, intermediate, or major development review in accordance with the  
 353 thresholds set forth in the table below. Any development activity below the thresholds identified for rapid  
 354 review ~~shall~~ will be reviewed in conjunction with a building permit application. Development that includes  
 355 components within different thresholds ~~shall~~ will be reviewed as one submittal in accordance with the highest  
 356 threshold that is triggered by the development.

357 **Table III - 2. Levels of development review.**

	<b>RAPID</b>	<b>INTERMEDIATE</b>	<b>MAJOR</b>
<b>Residential</b>	Developments of 3 to 10 multiple-family dwelling units.	Developments of 11 to <del>99</del> <u>50</u> multiple-family dwelling units.	Developments of <del>100</del> <u>51</u> or more multiple-family dwelling units.
<b>Non-Residential</b>	New construction or expansions of 1,001 and up to 10,000 square feet of building area.	New construction or expansions of 10,001 to 50,000 square feet of building area.	New construction or expansions over 50,001 square feet of building area.
<b>Parking; other Impervious Areas; Construction Activity</b>	Parking areas that include 8-40 new parking spaces. Impervious areas: 1,000-20,000 square feet. Excavation, filling, or removal of more than 200 cubic yards of material for the purpose of development.	Parking areas that include 41-100 new parking spaces. Impervious areas: 20,001-50,000 square feet.	Parking areas that include more than 100 new parking spaces. Impervious areas: more than 50,000 square feet.

358 **Notes to Table:**

359 Development plan review by the appropriate board ~~shall be~~ is required when the development includes one  
 360 or more requests for a variance per this article.

361

362 **Table III - 3. Summary of development review process.**

	<b>RAPID</b>	<b>INTERMEDIATE AND MAJOR</b>	<b>MAJOR</b>	<b>MASTER PLAN</b>
<b>First-Step Meeting</b>	Required.	Required.	<u>Required.</u>	Required.
<b>Neighborhood Workshop</b>	Not required.	Required.	<u>Required.</u>	Required.

	<b>RAPID</b>	<b>INTERMEDIATE AND MAJOR</b>	<b>MAJOR</b>	<b>MASTER PLAN</b>
<b><u>Development Review Director</u></b>	<u>Required.</u>	<u>Required.</u>	<u>Required.</u>	<u>Required.</u>
<b><u>Technical Review Committee (TRC)</u></b>	<del>Required.</del>	<del>Required.</del>		<del>Required.</del>
<b>Board Review</b>	Required if requesting a variance.	Required if requesting a variance.	<u>Required. However, residential developments with 15% of units reserved for households at 80% AMI or less only require board review if requesting a variance.</u>	Required if <del>requesting a</del> variance.
<b>Final <del>TRC</del> Review</b>	Required if either <u>Development Review Director</u> <del>TRC</del> or board, as applicable, issued applicant a preliminary development order.	Required if either <u>Development Review Director</u> <del>TRC</del> or board, as applicable, issued applicant a preliminary development order.	<u>Required if board issued applicant a preliminary development order.</u>	Required if either <del>TRC or board, as applicable,</del> issued applicant a preliminary development order.

363

364 **SECTION 8.** Section 30-3.47 of the Land Development Code is amended as follows.

365 **Section 30-3.47. Review Procedures.**

- 366 A. *First-Step meeting.* Prior to filing an application for development plan review, the applicant shall attend a  
367 first-step meeting to discuss the development review process, code requirements, and to confer with staff  
368 about the development process. Comments made by staff at a first-step meeting are made solely for  
369 preliminary informational purposes and ~~shall~~ may not be construed as an approval or denial or agreement  
370 to approve or deny any development order.
- 371 B. *Application.* A completed application, on the form provided by the city, ~~shall~~ must be signed and notarized  
372 by all owners of the property and by any agents of the owners. Applicable fees, attachments, and other  
373 information as deemed necessary by the city ~~shall~~ must be submitted as part of the application. The City  
374 Manager or designee shall determine completeness based on level of review required, the nature of the

375 proposed development and other requirements as set forth in this chapter, the Comprehensive Plan, and  
376 other city requirements deemed necessary to provide a professional and complete review and evaluation  
377 of the application.

378 C. *Review.* If the application is determined to be complete, the application and associated materials ~~shall~~ will  
379 be reviewed by the applicable reviewing authority in accordance with the review criteria provided in this  
380 division, and the reviewing authority shall decide one of the following: according to this section.

381 1. Find that all requirements of the review criteria provided in this division have been met and issue a  
382 final development order;

383 2. Find that all requirements of the review criteria provided in this division can be met with conditions  
384 specified in writing and issue a preliminary development order, which requires final review as  
385 provided in this section; or

386 3. Deny the application based upon a determination that the proposed development, even with  
387 reasonable modifications and conditions, does not meet the review criteria set forth in this division.

388 ~~1. *Board review not required.* The Technical Review Committee shall review the application in~~  
389 ~~accordance with the review criteria provided in this division and provide comments, findings, and~~  
390 ~~conclusions supporting the committee's final decision, which may include one of the following:~~

391 ~~a. Find that all requirements of the review criteria provided in this division have been met and issue~~  
392 ~~a final development order;~~

393 ~~b. Find that all requirements of the review criteria provided in this division can be met with~~  
394 ~~conditions specified in writing and issue a preliminary development order, which requires final~~  
395 ~~Technical Review Committee review as provided in this section; or~~

396 ~~c. Deny the application based upon a determination that the proposed development, even with~~  
397 ~~reasonable modifications and conditions, does not meet the review criteria set forth in this~~  
398 ~~division.~~

399 ~~2. *Board review required.* If board review is required, the Technical Review Committee shall prepare a~~  
400 ~~recommendation to the board to: 1) approve; 2) approve with specified conditions; or 3) deny based~~  
401 ~~upon a determination that the proposed development, even with reasonable modifications and~~  
402 ~~conditions, does not meet the review criteria set forth in this division. The reviewing board shall~~  
403 ~~consider the recommendation of the Technical Review Committee and other relevant information~~  
404 ~~pertaining to the application and, using the review criteria provided in this division, shall decide one of~~  
405 ~~the following:~~

406 ~~a. Find that all requirements of the review criteria provided in this division have been met and issue~~  
407 ~~a final development order;~~

408 ~~b. Find that all requirements of the review criteria provided in this division can be met with~~  
409 ~~conditions specified in writing and issue a preliminary development order, which requires final~~  
410 ~~Technical Review Committee review as provided in this section; or~~

411 ~~c. Deny the application based upon a determination that the proposed development, even with~~  
412 ~~reasonable modifications and conditions, does not meet the review criteria set forth in this~~  
413 ~~division.~~

414 ~~3. *Final review by Technical Review Committee.* If the applicant was issued a preliminary development~~  
415 ~~order, as opposed to a final development order, the applicant shall timely submit all materials and~~

416 information as deemed necessary by the city for final review. Upon receipt of a complete application,  
417 as determined by the City Manager or designee, the Technical Review Committee shall review the  
418 application in accordance with the review criteria provided in this division and:

- 419 a. ~~Find that all requirements of the review criteria and the preliminary development order have~~  
420 ~~been met and issue a final development order;~~
- 421 b. ~~Inform the applicant in writing of the changes necessary for the development to comply with the~~  
422 ~~requirements of the review criteria and the preliminary development order; or~~
- 423 c. ~~Find that the plan as submitted fails to meet the requirements of the review criteria or the~~  
424 ~~preliminary development order and not issue a final development order.~~

425 D. *Preliminary development orders.*

- 426 1. A preliminary development order ~~shall~~ must contain the following:
- 427 a. An approved development plan, with a listing of conditions and modifications, if required, in order  
428 for a final development order to be issued. The modifications ~~shall~~ must be described in sufficient  
429 detail and exactness to inform the applicant to amend the plan accordingly. However, the failure  
430 to list all requirements of this chapter and other regulations of the city ~~shall~~ will not relieve the  
431 applicant from complying with such requirements and regulations at the time of issuance of a final  
432 development order.
- 433 b. Notice that the preliminary development order does not constitute a final development order and  
434 that subsequently adopted ordinances, regulations, and laws may require additional amendments  
435 to the proposal.
- 436 c. An initial determination of concurrency.
- 437 2. A preliminary development order ~~shall~~ will be effective for six months from the date of approval.  
438 During this six-month period, the applicant shall seek final development approval. At the request of  
439 the applicant and for good cause shown, the reviewing authority may extend the period for obtaining  
440 final development order approval for a period of up to 12 months from the date of approval of the  
441 preliminary development order.

442 E. *Final development orders.*

- 443 1. A final development order ~~shall~~ must contain the following:
- 444 a. An approved development plan.
- 445 b. A certificate of final concurrency.
- 446 c. The expiration date for the final development order. A final development order ~~shall~~ will remain  
447 valid only if development commences and continues pursuant to an active building permit to  
448 completion with due diligence and in good faith according to the terms and conditions of  
449 approval.
- 450 2. A final development order ~~shall~~ will be effective for a period of one year from the date of approval  
451 unless otherwise specified in the order.

452

453 **SECTION 9.** Section 30-3.56 of the Land Development Code is amended as follows.



454

**Section 30-3.56. Land Use Hearing Officer.**

455 A. *Establishment and purpose.* There is hereby created the position of City of Gainesville Land Use Hearing  
456 Officer (Hearing Officer), which has the purpose of: a) providing an administrative process for appealing  
457 certain decisions regarding the administration and enforcement of the Land Development Code, as  
458 provided in this division; and b) conducting quasi-judicial hearings in accordance with state law whereby  
459 the Hearing Officer reviews and approves, approves with conditions, or denies applications for  
460 development plan approval, as may be provided in this chapter. No party may be deemed to have  
461 exhausted his or her administrative remedies for the purpose of seeking judicial review unless the party  
462 first obtains review by a Hearing Officer as provided in this division.

463 B. *Selection Appointment and removal.*

464 ~~1.~~ The city commission shall select one or more hearing officers, through a competitive selection  
465 process, ~~may appoint by contract one or more hearing officers, who will be compensated as~~  
466 ~~determined by the city commission, for a definite term of office not to exceed four years, and may~~  
467 ~~be reappointed at the conclusion of any term.~~ In addition, the city may elect to use a hearing officer  
468 appointed by the State of Florida or any agency thereof that meets the qualifications provided in  
469 this section.

470 ~~2.~~ ~~During his/her term of service, a hearing officer appointed by the city commission may be removed~~  
471 ~~only for cause by the city commission. Cause for removal of a hearing officer includes, but is not~~  
472 ~~limited to, violations of the standards set forth in the Code of Judicial Conduct adopted by the~~  
473 ~~Florida Supreme Court or the State of Florida Code of Ethics for Public Officers and Employees in F.S.~~  
474 ~~Ch. 112.~~

475 C. *Minimum qualifications.* Hearing officers must meet the following minimum qualifications:

- 476 1. A licensed attorney who is an active member of the Florida Bar in good standing.
- 477 2. At least three years of professional experience in land use or local government law.
- 478 3. Not an employee of or office holder with the city.

479 D. *General authority.* The hearing officer has all powers necessary to perform the functions prescribed by  
480 this ~~chapter division~~, including the power to interpret and administer this ~~chapter division~~, the power to  
481 dispose of procedural requests or similar matters, the power to issue notices of hearings and subpoenas  
482 requiring attendance, and the power to administer oaths.

483

484 **SECTION 10.** Section 30-6.4 of the Land Development Code is amended as follows. Except as amended

485 herein, the remainder of Section 30-6.4 remains in full force and effect.

**Section 30-6.4. Level of Service Review.**

487 A. *Generally.* It is the policy of the city that no development order ~~shall~~ may be issued unless adequate  
488 public facilities are available to serve the project, at adopted LOS standards. The applicant shall provide  
489 responsibility for providing information to show compliance with the adopted LOS standards and  
490 meeting concurrency requirements ~~shall be upon the applicant.~~ In order to ensure that adequate public

491 facilities are available concurrent with the impacts of development on each public facility, the following  
492 procedures ~~shall~~ govern the issuance of development orders.

493 B. *Exemptions.* Developments that are issued a certificate of concurrency exemption as further provided in  
494 this chapter are exempt from the concurrency requirements of this chapter. In addition, the following  
495 types of development fall below the threshold for any concurrency review and are deemed  
496 automatically exempt:

497 1. Single-family dwellings (including expansions and remodeling) on lots of record that existed on or  
498 before June 10, 1992.

499 2. Building permits for two-family dwellings (including expansions and remodeling) that: 1) are on lots  
500 of record that existed on or before June 10, 1992; or 2) previously have met the concurrency  
501 requirements of this chapter.

502 ~~3. Developments that meet the criteria for rapid review as provided in article III of this chapter.~~

503 34. Concept review of a development as specified in article III of this chapter.

504 ~~45.~~ Zoning verification letters with no associated change of use as specified in article III of this chapter.

505 ~~56.~~ Lot splits.

506 ~~67.~~ Changes to a new use allowed under the applicable zoning district that do not involve adding any  
507 new square footage or impervious surface.

508

509 **SECTION 11.** Section 30-6.6 of the Land Development Code is amended as follows. Except as amended  
510 herein, the remainder of Section 30-6.6 remains in full force and effect.

511 **Section 30-6.6. Design Standards.**

512 A. *Lots and blocks.*

513 1. *Generally.* Lots and blocks ~~shall~~ must be designed according to acceptable practice for the type of  
514 development and use contemplated so as to: be in keeping with the topography and other site  
515 conditions; provide adequate traffic and utility access and circulation; provide acceptable use of  
516 space; and provide privacy, adequate drainage, and protection of property.

517 2. *Lot frontage.* Each lot in a subdivision ~~shall~~ must front for the entire required minimum lot width on  
518 a public street or an approved private street. Where there is no minimum lot width requirement, each  
519 lot ~~shall~~ must abut a public street or approved private street for a width equivalent to the maximum  
520 driveway width required in the Design Manual, plus any required turning radii area. Notwithstanding  
521 the above, the length of street frontage may be modified during subdivision review by the public  
522 works and planning departments, based on the need to achieve the most efficient lot layout, access  
523 to and from the subdivision, operational needs of service vehicles, vehicular circulation and the  
524 health, welfare and safety of the public.

525 3. *Connectivity.* The subdivision ~~shall~~ must create vehicular and pedestrian access to serve the  
526 subdivision and improve gridded connectivity by connecting to surrounding existing streets and by  
527 including new streets within the subdivision. Street intersections ~~shall~~ must occur at least every 1,000

528 feet. Additionally, subdivisions containing 20 lots or more ~~shall~~ must provide a minimum of two access  
529 points to the extent feasible. Modifications to this requirement may be granted by the applicable  
530 reviewing authority ~~technical review committee~~ where the construction of a street is limited by  
531 existing conditions, including:

- 532 a. Access management standards;
- 533 b. Regulated environmental features; or
- 534 c. Public facilities, including stormwater facilities, parks, or schools.

535 Alternatively, where the applicable reviewing authority ~~technical review committee~~ determines that  
536 it is not possible to construct the streets that would be required to meet the block perimeter standard,  
537 the block perimeter ~~shall~~ must be completed with the provision of pedestrian and bicycle paths or  
538 multi-use paths. The required streets or paths ~~shall~~ must be constructed at the expense of the  
539 owner/subdivider according to the appropriate city standards as determined through the subdivision  
540 review process, but may be sited and configured in a manner so that the streets provide the most  
541 appropriate access to the subdivision and connectivity to the surrounding street network. Where a  
542 street or path is planned to provide a future connection to a street or path beyond the extent of the  
543 subdivision, the owner/subdivider shall provide for the connection of the street by stubbing out the  
544 road improvements as close as practicable to the boundary of the subdivision.

545

546 **SECTION 12.** Section 30-6.12 of the Land Development Code is amended as follows. Except as  
547 amended herein, the remainder of Section 30-6.12 remains in full force and effect.

548 **Section 30-6.12. Outdoor Lighting.**

549 *F. Lighting plan submission and review.* Lighting plans demonstrating compliance with the requirements of  
550 this section ~~shall~~ must be submitted to the applicable reviewing authority ~~technical review committee~~  
551 for review and approval for development plan review, a building permit, or special use permit  
552 applications. Lighting plans ~~shall~~ must be certified by signature and seal of a registered architect,  
553 engineer, or lighting professional holding a current lighting certification (LC) from the National Council  
554 on Qualifications for the Lighting Profession (NCQLP) as providing illumination in accordance with the  
555 applicable standards of this section and ~~shall~~ must include the following information:

556

557 **SECTION 13.** Section 30-7.2 of the Land Development Code is amended as follows.

558 **Section 30-7.2. Off-Street Vehicle Parking.**

559 Off-street vehicle parking, including public parking facilities, ~~shall~~ must be designed, constructed, and  
560 maintained in accordance with the following standards and regulations:

- 561 A. *Access.* Vehicular ingress and egress to off-street parking facilities ~~shall~~ must be in accordance with the  
562 driveway ordinance, Chapter 23, Article V.
- 563 B. *General requirements.* Parking areas ~~shall~~ must be so designed and marked as to provide for orderly and  
564 safe movement and storage of vehicles.

- 565 1. All parking spaces ~~shall~~ must contain some type of vehicle wheel stop or other approved barrier that  
566 prevents any part of a vehicle from overhanging onto the right-of-way of any public road, alley,  
567 walkway, utility, or landscaped area.
- 568 2. All parking lots with two or more rows of interior parking ~~shall~~ must contain grassed ~~and/or~~  
569 landscaped medians at least eight feet in width unless an alternative landscape plan is approved  
570 pursuant to Section 30-8.4. Where it is determined by Public Works that the landscaped median(s)  
571 would obstruct the storm drainage, the City Manager or designee may approve an alternative.
- 572 3. Off-street parking on any property with RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning, or planned  
573 development (PD) zoning with single family or two-family dwellings, and that is located within either  
574 the University of Florida context area or a residential parking overlay district area ~~shall~~ will be  
575 regulated in accordance with Section 30-7.7.
- 576 4. Maneuvering and access driveways for off-street parking areas, except those provided for single-  
577 family dwellings, ~~shall~~ must be provided within the lot on which the parking is located so that any  
578 vehicle ~~shall~~ will not be required to back into or maneuver within the public street right-of-way on  
579 entering or leaving any off-street parking space.
- 580 5. 100 feet must be ~~t~~The minimum distance from the street right-of-way line at any major ingress or  
581 egress driveway to any interior service drive or parking space having direct access to such driveway  
582 ~~shall be 100 feet~~. A major driveway is defined as the main ingress or egress point as approved by the  
583 applicable reviewing authority. City Plan Board, Development Review Board or technical review  
584 committee.
- 585 6. 20 feet must be ~~t~~The minimum distance from the street right-of-way line at any other ingress or  
586 egress driveway to any interior service drive or parking space with direct access from such driveway  
587 ~~shall be 20 feet~~. However, the City Manager or designee may allow a reduction of the 20-foot  
588 requirement, provided generally accepted traffic principles are maintained, under the following  
589 conditions:
- 590 a. Where an existing vehicular use area would be impractical to meet the 20-foot requirement; or  
591 b. Where an existing vehicular use area proposed for improvement exists with less than the required  
592 20 feet; or
- 593 c. For any new development or redevelopment of a vehicular use area, except a vehicular use area  
594 with direct access to any roadway classified on the official roadway map, the minimum distance  
595 from the right-of-way line at any other ingress or egress driveway to any interior service drive or  
596 parking space with direct access from such driveway may be nine feet (which distance also meets  
597 landscape requirements) provided all of the following conditions are met for each type of use:
- 598 i. Residential off-street parking:
- 599 1) Vehicular use area access: from alleys or local streets (streets designed for or carrying  
600 traffic volumes of under 1200 vehicles per day);
- 601 2) Available right-of-way from edge of pavement to the private property line: 10 feet  
602 minimum (not required for alleys);
- 603 3) Speed limit: the posted speed limit is 30 mph or less; and
- 604 4) Use: generates less than 300 trips per day.

- 605 ii. Nonresidential off-street parking:
- 606 1) Vehicular use area access: from alleys or local streets designed for traffic volumes under
- 607 1,200 vehicles per day;
- 608 2) Available right-of-way from edge of pavement to the private property line: 10 feet
- 609 minimum (not required for alleys);
- 610 3) Speed limit: the posted speed limit is 35 mph or less;
- 611 4) Size of parking lot: 25 or fewer nonresidential parking spaces; and
- 612 5) Use: generates less than 100 trips per day.

613 C. *Construction specifications.*

- 614 1. *Paved parking facilities.* Except as provided in Subsection 2 below, all off-street parking areas ~~shall~~
- 615 must be paved using asphaltic concrete, concrete, paving block<sub>z</sub> or brick, and ~~shall~~ must be designed
- 616 and constructed in accordance with the standards and specifications adopted by resolution of the City
- 617 Commission and on file in the Public Works Department.
- 618 2. *Unpaved parking facilities.* Unpaved spaces ~~shall~~ must be located on the periphery of any paved
- 619 parking areas in locations that will receive less use than those paved and more remotely located to the
- 620 use served. All gravel areas ~~shall~~ must be self-contained with curbing that is acceptable to the Public
- 621 Works Department. The following parking facilities may be unpaved, provided such facilities are
- 622 approved by the applicable reviewing authority ~~City Plan Board, Development Review Board, or the~~
- 623 ~~City Manager or designee~~ to be in compliance with this section and other applicable requirements of
- 624 the Land Development Code:
  - 625 a. Up to 70% of the required vehicle parking spaces for places of religious assembly<sub>z</sub> provided that
  - 626 such unpaved parking spaces ~~shall~~ may not be used as joint parking with any uses other than
  - 627 places of religious assembly.
  - 628 b. Up to 20% of the total required spaces for multifamily dwellings, in accordance with **Error!**
  - 629 **Reference source not found..C.3.**
  - 630 c. Parking spaces provided in excess of the minimum number required by this article, or for uses not
  - 631 required to provide parking spaces.
  - 632 d. Parking lots located in the residential districts, as identified in Section 30-4.1, when said lots
  - 633 contain 10 or fewer parking spaces and parking lots in the office districts when such lots contain
  - 634 less than seven parking spaces.
  - 635 e. College Park/University Heights areas in accordance with Section 30-7.7.B.
- 636 3. *Multiple-family dwellings with more than six parking spaces.*
  - 637 a. If approved in site plan review, up to 20% of the total required vehicle parking spaces for multi-
  - 638 family dwellings may be provided by stabilized unpaved parking.
  - 639 b. Six months after a final certificate of occupancy is issued or, if phased, upon installation of all
  - 640 parking facilities required, an inspection will be made by the City Manager or designee. If findings
  - 641 indicate that the unpaved spaces are in good condition or infrequently used, such unpaved spaces
  - 642 may remain unpaved. If findings show that the spaces receive as much use as the paved spaces, or

- 643 have deteriorated, such unpaved spaces ~~shall~~ must be paved within 90 calendar days of written  
644 notice to the owner of the property.
- 645 c. Stormwater management facilities ~~shall~~ must be provided for all vehicle use areas, whether paved  
646 or unpaved, at the time of construction unless the owner demonstrates that stormwater  
647 management facilities can be expanded to accommodate future required paving and upon  
648 recommendation of the Public Works Department.
- 649 d. A violation of the Code of Ordinances occurs if the unpaved parking area deteriorates so that  
650 nearby properties, rights-of-way, or easements are adversely impacted or if the unpaved parking  
651 area has deteriorated so that it may no longer be used for parking. Evidence of deterioration  
652 includes but is not limited to:
- 653 i. The settlement of the unpaved parking area(s) such that drainage patterns are redirected  
654 onto off-site properties rather than the intended stormwater management facilities.
- 655 ii. Absence or failed condition of the approved unpaved parking surface.
- 656 iii. Introduction of sediment and debris from the unpaved parking area onto city rights-of-way  
657 and easements.
- 658 e. To remedy this violation, the city may require the property owner to pave the area or to stabilize  
659 the area in another manner. If paving is deemed necessary by the city, the property owner may be  
660 required to expand the stormwater management facilities as provided in Subsection C.3.c. of this  
661 section.
- 662 4. *Vehicles and equipment display and storage areas.*
- 663 a. When allowed as a permitted use, parking, storage, or display of automobiles for sale or lease  
664 ~~shall~~ must be conducted on a paved hard surface.
- 665 b. All mechanical equipment and merchandise ~~shall~~ must be installed or displayed on a paved hard  
666 surface.
- 667 c. Temporary parking and storage may be allowed by the City Manager or designee for up to 60  
668 calendar days in areas outside of the wellfield protection zones. The city shall make a  
669 determination that:
- 670 i. The location of the facility will not be harmful to, nor impact surface waters, wetlands, or  
671 other environmentally sensitive areas;
- 672 ii. The nature, extent, and duration of the proposed storage area will not create a nuisance or  
673 safety hazard;
- 674 iii. That the storage use will be of an intensity that will maintain sod or some other vegetative  
675 cover; and
- 676 iv. That the applicant has a plan to return the site to an original or improved condition.
- 677 D. *Dimensional requirements.* Vehicular parking widths and depths ~~shall~~ must meet the specifications in the  
678 design manual.
- 679 E. *Handicapped parking.* Accessible handicapped parking spaces ~~shall~~ must comply with the state  
680 accessibility requirements manual on file at the Building Inspection Department.

681 F. *Tandem parking.* When administered as a valet parking service, required off-street parking may be placed  
682 in a tandem configuration upon approval by the applicable reviewing authority ~~Development Review~~  
683 ~~Board, the City Plan Board, or the City Manager or designee where development plan review before the~~  
684 ~~City Plan Board or Development Review Board is not required.~~ The area used for tandem parking shall  
685 must be clearly designated on a development plan and ~~shall~~ must meet all landscaping requirements,  
686 except that the location of required interior landscaping ~~shall~~ will be determined at the time of  
687 development review. Approval of tandem parking configuration ~~shall~~ will be based on continued  
688 maintenance of the administered parking service. If and when the service is discontinued, the regular off-  
689 street parking configuration of aisle and spaces ~~shall~~ must be reinstated and the minimum parking  
690 spaces required ~~shall~~ must be provided in accordance with this article. When using this option, the  
691 property owner shall demonstrate that private streets, vehicular maneuvering areas, service areas,  
692 loading and unloading area, queuing areas, and any regular parking space can function efficiently and will  
693 not obstruct the efficient flow of traffic, service, utility, and vehicles on the site.

694

695 **SECTION 14.** It is the intent of the City Commission that the provisions of Sections 1 through 13 of this  
696 ordinance become and be made a part of the Code of Ordinances of the City of Gainesville, Florida,  
697 and that the sections and paragraphs of the Code of Ordinances may be renumbered or relettered in  
698 order to accomplish such intent.

699 **SECTION 15.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the  
700 application hereof to any person or circumstance is held invalid or unconstitutional, such finding will  
701 not affect the other provisions or applications of this ordinance that can be given effect without the  
702 invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are  
703 declared severable.

704 **SECTION 16.** All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict  
705 hereby repealed.

706 **SECTION 17.** This ordinance will become effective on October 1, 2022.

707 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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\_\_\_\_\_  
LAUREN POE  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
OMICHELE D. GAINEY  
CITY CLERK

\_\_\_\_\_  
DANIEL M. NEE  
INTERIM CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.