ORDINANCE NO: 160834 1 An ordinance of the City of Gainesville, Florida, amending 2 Chapter 26 of the Code of Ordinances relating to Parking, by 3 amending Section 26-50 to provide an exception to the 4 prohibition against backing up to a curb; amending Section 26-5 71 and Section 26-73 to provide for implementation of a remote 6 pay system; amending Section 26-117 to authorize the city 7 manager to take action regarding designation of controlled 8 vehicular parking areas and allow affected parties to request a 9 public hearing; providing directions to the codifier; providing 10 a severability clause; providing a repealing clause; and 11 providing an immediate effective date. 12 13 14 WHEREAS, at least 10 days' notice has been given once by publication in a newspaper 15 of general circulation notifying the public of this proposed ordinance and of public hearings to be 16 held in the City Commission Auditorium, City Hall, City of Gainesville; and 17 WHEREAS, the Public Hearings were held pursuant to the published notice described at 18 which hearings the parties in interest and all others had an opportunity to be and were, in fact 19 20 heard. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE 21 CITY OF GAINESVILLE, FLORIDA: 22 23 **Section 1.** Section 26-50 is amended to read as follows: 24 25 Sec. 26-50. - Backing up to curb. No vehicle shall be backed up to any curb on a public street except during the time the 26 vehicle is actually being loaded or unloaded, or except where parking backed up to the curb is 27 specifically authorized and designated by posted sign and/or pavement markings. This section 28 shall not apply to motorcycles. 29 30

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Section 2. A new definition is added to Section 26-71 to read as follows:

Sec. 26-71. - Definitions.

Remote pay system shall mean a pay by phone, mobile pay, or other such technology-based system for paying for parking other than by parking meter, pay station, or other physical installation or equipment located on-site of the parking space or parking area.

Section 3. Section 26-73 is amended to read as follows:

Sec. 26-73. - Installation, operation of meters, and pay stations, and remote pay systems.

The city manager is hereby authorized to install and implement:

- (1) Parking meters at the curb line, alongside of or next to individual parking spaces as required. Each parking meter shall be set so as to display a signal indicating whether or not the individual parking space adjacent thereto is in use. Each parking meter shall be installed and set to display a signal indicating legal parking upon deposit therein of the required coin or coins of the United States of America, or by other mode of payment compatible with the technology of the parking meter. Upon the deposit of the required coin or coins, or payment by other mode of payment compatible with the technology of the parking meter, such signal shall indicate legal parking for the period of time lawfully designated for that area-and time of day. Each meter shall be so arranged that upon the expiration of the time paid for, it will provide a visual cue to indicate that the lawful parking period has expired.
- (2) Pay stations for control of parking on street, parking lots and parking garages. Pay stations shall be installed as appropriate to control a number of spaces not to exceed the amount designated by the manufacturer's specifications to minimize efficiency and facilitate access to parkers. Pay stations accept coins, and may also accept bills, credit and debit cards as well as high-tech "smart cards". Pay stations issue receipts and can track revenue, usage and maintenance data, which is transmitted to a central computer location.

1	(3) Remote pay systems for control of parking on street, parking lots and parking		
2	garages.		
3			
4	S	ection 4. Section 26-117 is amended to read as follows:	
5 6 7	Sec. 26-2	117 Criteria and procedures for establishing controlled vehicular parking	
8	The	following procedures shall be used to designate a controlled vehicular parking area:	
9	(a)	Upon petition from a majority of the property owners/residents in a proposed area, or	
10		upon city manager determination, the city manager or designee shall conduct a study to	
11		determine if the proposed area meets at least one of the following criteria:	
12		(1) The number of vehicles parked or standing, legally or illegally, on the city street(s)	
13		in the proposed area during a designated time period and days of the week is equal	
14		to 50 percent of more of the legal on-street parking capacity of the area.	
15		(2) Proposed development/redevelopment within the area is predicted to utilize 50	
16		percent or more of the legal on-street parking capacity of the area during the	
17		designated time period and days of the week.	
17			
18		The <u>city manager</u> City Commission, after a public hearing, may designate an area that	
19		meets the requirements listed in subsection (a) as a controlled vehicular parking area.	
20		In reaching its a decision, the city manager eity commission shall consider the findings	
21		of the study of the proposed area, the recommendation of the city manager, the results	
22		of a vote of the property owners in the proposed area, as identified on the Alachua	
23		County tax rolls, conducted by mail ballot by the city manager or designee, and any	
24		other information the city manager city commission finds relevant.	
25	(c)	The city manager or designee shall indicate an approved designation upon an	
26		appropriate map in the public works department.	
27	(d)	The city manager may exempt developments that have been determined to be exempt	
28	()	through the city's development review process.	

- (ed) The city manager or designee shall install parking signs along the public streets in the designated area, indicating when, where and how parking is restricted to decal/permit only, or decal/permit/meter.
- (<u>fe</u>) The <u>city manager</u> <u>eity commission</u> may remove the designation of a controlled vehicular parking area upon <u>conducting a study demonstrating finding</u>, after a public <u>hearing</u>, that the area no longer meets the criteria listed above or that it is in the best interest of the city to remove the designation, or upon receipt of a petition and in accordance with the above criteria and procedures in this section.
- (g) Upon a new petition from a majority of property owners/residents in the area proposed in the original petition, submitted in writing to the city manager within twenty-one (21) calendar days of the city manager's decision regarding designation, or removal of designation, of a controlled vehicular parking area, the city commission may in its legislative discretion consider whether to accept review of the decision and take action at a public hearing on the matter of the designation or removal of designation of a controlled vehicular parking area.

- **Section 5.** It is the intention of the City Commission that the provisions of Sections 1-4 of this Ordinance shall become and be made a part of the Code of Ordinances of the 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 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or application of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

1	Section 7. All ordinances or parts of ordinances, in conflict herewith are to the extent of			
2	such conflict hereby repealed.			
3	Section 8. This ordinance shall become effective immediately upon final adoption.			
4	PASSED AND ADOPTED THIS 15th DAY OF MARCH, 2018.			
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6		I ALIDSAL POE		
7		LAUREN POE MAYOR		
8 9		MATOR		
9 10	ATTEST:	Approved as to form and legality		
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12	Chujalana Da Chinait	Sinola Son Man May		
13	OMIGUELE CANDIDA	NICOLLE M. SHALLEY		
14	OMICHELE GAINEY	NICOLLE M. SHALLEY CITY ATTORNEY		
15 16	CLERK OF THE COMMISSION	CILLATIONNEL		
16 17				
17 18	This ordinance passed on first reading this 1 st day of March, 2018.			
19	This oraniance passed on mist reading this T	wwy 02 2.200 2009 2000 000 000 000 000 000 000 00		
20	This ordinance passed on second reading this 15 th day of March, 2018.			

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