

1 --21--50 workers210.00

2 --Over 50 workers525.00

3 ZONING GROUP X--PUBLIC ADMINISTRATION

4 Fair--certified county (per event).....525.00

5 Fair--County (per event)525.00

6 ZONING GROUP XI--NONCLASSIFIABLE ESTABLISHMENTS UNCLASSIFIED—

7 Maximum.....525.00

8 Fees for unclassified will be set based on reasonable assumptions with a maximum of \$525.00.

9 **Section 11.** Section 26-116, of Article III, Division 4, entitled “Controlled Vehicular
10 Parking”, Code of Ordinances of the City of Gainesville, is hereby amended to read as follows:

11 **Sec. 26-116. Definitions.**

12 Whenever in this article the following words are used they shall, unless the context requires
13 otherwise, be deemed to have the following meanings:

14 (a) Controlled vehicular parking area shall mean an area containing streets or parts thereof
15 designated by the city commission for restricted parking as specified in this article.

16 (b) Property owner shall consist of residents, offices, businesses, institutions or other special
17 designations that can provide proof of property ownership in the controlled vehicular parking
18 area or be in possession of an business ~~occupational~~ tax receipt, if applicable, for a business or
19 occupation located in the controlled vehicular parking area.

20 (c) Controlled vehicular parking zones are geographical areas within the controlled vehicular
21 parking area. Any controlled vehicular parking area may have more than one parking zone. The

1 operational guidelines for the controlled vehicular parking areas will contain a map designating
2 any such zones.

3 (d) Controlled vehicular parking area decal is a decal issued for the purpose of parking on a
4 city street in a designated controlled vehicular parking area. Decals shall be issued for a
5 particular vehicle, are not transferable, and are valid, unless revoked, until the end of the current
6 program year. The decal shall be permanently affixed to the vehicle as per the operational
7 guidelines.

8 (e) Controlled vehicular parking area permit is a permit issued for the purpose of parking on a
9 city street in a designated controlled vehicular parking area. A permit can be transferred from
10 vehicle to vehicle and is valid for the period stated in the operational guidelines for the controlled
11 vehicular parking area. The permit shall be displayed on the vehicle as per the operational
12 guidelines.

13 (f) Appeals board shall be a board of three city staff appointed by the city manager or designee
14 to hear appeals related to the controlled vehicular parking area regulations of this article.

15 (g) Program year shall be a period specified in the operational guidelines for the controlled
16 vehicular parking area.

17 (h) Property manager shall be a period or business authorized to act on behalf of the property
18 owner on issues concerning rental of the property.

19 (i) Service permit shall mean a controlled vehicular parking area permit issued for trades
20 people working in a controlled vehicular parking area. A service permit shall be valid in all
21 zones within the controlled vehicular parking area.

1 (j) Visitor permit shall mean a controlled vehicular parking area permit issued for use by
2 visitors to the property coming from outside the controlled vehicular parking area.

3 (k) Commercial permit shall mean a controlled vehicular parking area permit issued to offices,
4 businesses, institutions or other special designations within the controlled vehicular parking area.

5 (l) Temporary decal/permit shall mean a controlled vehicular parking area decal or permit
6 given to an applicant who qualifies for a regular parking decal or permit, but who is temporarily
7 unable to get or use the regular decal or permit.

8 **Section 12.** Sections 28-1, 28-2, 28-4, 28-5 and 28-14, of Chapter 8 entitled “Vehicles
9 for Hire”, Code of Ordinances of the City of Gainesville, are hereby amended to read as follows:

10 **Sec. 28-1. Business tax receipt ~~Occupational license~~ required.**

11 (a) It shall be unlawful for any person to be engaged in or carry on the business of operating a
12 vehicle for hire within the city for the transportation of passengers within the city, other than
13 buses operating on regularly scheduled routes, without first obtaining an business tax receipt
14 ~~occupational license~~ from the city to do so as required by chapter 25 of this Code. This business
15 tax receipt ~~occupational license~~ will be issued only after a franchise is granted.

16 (b) This chapter shall not apply to any company that is temporarily in the city for the sole
17 purpose of delivering passengers from another jurisdiction. However, such out-of-city cab or
18 limousine shall not pick up passengers in the city without complying with this chapter, except
19 that a limousine may return passengers delivered in the city, when such return is part of the same
20 contract.

21 **Sec. 28-2. Definitions.**

1 The following words and phrases when used in this chapter shall have the meanings indicated
2 unless the text indicates otherwise:

3 Approved certified automobile mechanic shall mean an automobile mechanic certified by the
4 National Association of Certified Mechanics or the Association of Service Excellence.

5 Barbiturate or barbiturates shall include all hypnotic or somnifacient drugs, whether or not
6 derivatives of barbituric acids.

7 Barbituric acid derivative shall mean each of the salts and derivatives of barbituric acid, also
8 known as malonyl urea, and derivatives, compounds, mixtures or preparations thereof.

9 Central nervous system stimulants shall mean amphetamine and desocyclophedrine, and any
10 derivative, compounds, mixture or preparation thereof.

11 Company shall mean any person, association, corporation or other organization which operates
12 or intends to engage in the business of operating vehicles for hire.

13 Conviction shall mean the conviction by a court including an adjudication of guilt on a plea of
14 guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

15 Driver shall mean an individual permitted to drive a vehicle for hire.

16 Fees shall mean nonrefundable payments required herein.

17 For hire drivers permit means the written authority granted by the city to drive a vehicle for hire
18 within the city limits.

19 Limousine shall mean any automobile, with chauffeur, contracted for with charges prepaid,
20 engaged in the transportation of persons for a consideration, that does not operate regularly or at
21 intervals over a designated route and that is not fitted with a meter or device for calculating or

1 measuring the distance traveled or the waiting time of such vehicle and that is constructed so as
2 to carry five or more passengers in the vehicle. Commercial non-emergency medical transport
3 vehicles (such as medivans) shall be considered limousines for the purpose of this chapter.

4 Manifest shall mean a daily record prepared by a taxicab or limousine driver of all trips made by
5 the driver showing time and place of origin, destination, number of passengers, and the amount
6 of fare of each trip.

7 Medallion shall mean the tangible symbol that a permit has been granted to operate the vehicle
8 for hire to which it is physically attached.

9 Narcotic drugs shall mean coca leaves, opium, cannabis, marijuana, isonipecaine and every
10 synthetic substance known to have narcotic action.

11 Business tax receipt ~~Occupational license~~ shall mean the license required of any business
12 operating within the city by chapter 25 of this Code.

13 Revocation shall mean the rescinding of a franchise.

14 Shuttle vehicle shall mean a vehicle for hire with a capacity of at least eight persons, including
15 the driver, which is not equipped with a taximeter and is not used as a taxicab or for cruising.

16 Suspension shall mean the temporary rescinding of a franchise. The suspension may be for a
17 time certain or indefinite pending compliance with the terms of this chapter.

18 Taxicab shall mean a motor vehicle used as a public conveyance, subject to the rules and
19 regulations of this chapter.

20 Taximeter shall mean an instrument or device attached to a vehicle and designed to measure
21 mechanically or electronically the distance traveled by such vehicle, to record the times said
22 vehicle travels or is in waiting, and to indicate the fare to be obtained.

CODE: Words ~~stricken~~ are deleted; words underlined are added.

1 Vehicle for hire (VFH) shall mean any taxicab, shuttle, prearranged limousine and any other
2 motor vehicle with a driver transporting passengers for a fare, fee, or other charge within the city
3 limits. The term vehicle for hire excludes:

4 (1) School and church buses;

5 (2) Sightseeing cars and buses;

6 (3) Ambulances;

7 (4) Funeral home vehicles;

8 (5) Interstate buses;

9 (6) Horse drawn carriages;

10 (7) Bike drawn or person drawn carriages; and

11 (8) Shuttles from hotels and motels which provide this as a service for guest.

12 **Sec. 28-4. Maintaining a franchise.**

13 In order to maintain a franchise to operate or engage in the business of operating vehicles for
14 hire, the company must:

15 (a) Obtain and hold a current business tax receipt ~~occupational license~~ from the city as required
16 by chapter 25 of this Code;

17 (b) Maintain an office within the city staffed by company agents or employees between the
18 hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except national holidays, where all
19 records, logs, financial statements, manifests and franchise documents required by this chapter
20 are kept and may be examined during business hours by the city manager or designee or by the
21 police department (taxicabs only);

- 1 (c) Maintain the name and home address of each driver affiliated with the company;
- 2 (d) Provide and maintain a log listing the year, make, model, vehicle identification number
3 (serial number) and ownership status of all vehicles in the company's fleet to city manager or
4 designee; and notify the city manager or designee of any changes within ten days.
- 5 (e) Maintain proper amount of insurance as provided in section 28-11; and notify the city
6 manager or designee of any changes within ten days.
- 7 (f) Comply with all state and local statutes, ordinances, rules and regulations regarding motor
8 vehicles, taxicabs or limousines.
- 9 (g) Comply with the applicable Gainesville Alachua County Regional Airport rules and
10 regulations if transporting to or from the Gainesville Regional Airport.

11 **Sec. 28-5. Duration of franchise; annual reports; fees.**

- 12 (a) All franchises granted by the city pursuant to this chapter shall have a five-year term. Each
13 franchise owner shall, however, file an annual report with the city containing the information
14 required by section 28-3. This report shall be filed at least 30 days and no more than 60 days
15 prior to the annual expiration date of the business tax receipt ~~occupational license~~, or, if no
16 business tax receipt ~~occupation license~~ is required, at least 30 days and no more than 60 days
17 prior to the anniversary of the initial franchise.
- 18 (b) All franchises granted by the city for a five-year term will pay the yearly fees established in
19 appendix A for each year of the franchise. The franchise owner shall be responsible for other
20 fees as established in appendix A when assessed. Effective October 1, 2007, for each properly
21 documented vehicle for which the fees have been paid, the VFH company shall receive a VFH

1 medallion. The medallions shall be vehicle specific and may not be transferred from one vehicle
2 to another.

3 (c) A penalty, as established in appendix A will be paid for every month or part thereof that the
4 annual report or payment is not timely filed, or is incomplete, or is incorrect.

5 **Sec. 28-14. Vehicle inspection.**

6 (a) In addition to all other vehicle inspections required by law, each vehicle for hire shall be
7 inspected prior to initially being put into service and every year thereafter by an approved
8 certified automobile mechanic. The inspection shall include items listed on a standardized
9 inspection form approved by the city.

10 (b) Copies of completed inspection forms must be filed with the city manager or designee 30
11 days prior to expiration of the business tax receipt ~~occupational license~~.

12 (c) The city manager/designee and/or law enforcement has the authority to place a VFH out of
13 service/commission if it is deemed unsafe or hazardous until the vehicle is brought up to safe
14 standards and a certified mechanic has completed a safety inspection and corrected any unsafe or
15 hazardous conditions. Proof of correction of unsafe or hazardous conditions, signed by and
16 approved certified automobile mechanic as defined in section 28-2 above, must be submitted
17 before a vehicle may be returned to service.

18 **Section 13.** Sections 30-336, of Division 3 entitled “Access Management”, and 30-346,
19 of Division 4, entitled “General Provisions” and 30-357, of Article X, Division 3, entitled
20 “Zoning Compliance Permits; Building Permits; Certificates of Occupancy”, of the Land
21 Development Code, Code of Ordinances of the City of Gainesville, are hereby amended to read
22 as follows:

1 **Sec. 30-336. Construction or removal of driveways.**

2 All driveways constructed or removed within the city limits shall be constructed or removed as
3 provided for in this section and chapter 23 of the Code of Ordinances.

4 (1) Unauthorized construction, curb cutting, etc., declared unlawful. It shall be unlawful for
5 any person to construct, cut, break out or remove any curb along a street or alley except as
6 authorized by the provisions of this article.

7 (2) Permit.

8 a. Required. No person shall remove, alter or construct any curb, driveway, gutter or pavement
9 or perform any other improvement on any public street or designated street right-of-way without
10 obtaining a permit authorizing the activity from the appropriate governmental entity (the state
11 department of transportation for roads on the state highway system, the county for roads under
12 county maintenance, or the city for all other roads).

13 b. Fees. Fees for city permits shall be according to the schedule set out in Appendix A and
14 shall be paid to the city by the person to whom the permit is issued at the time it is issued.

15 c. Posting at site. The driveway permit shall be posted at the construction site.

16 (3) Submission of plans; information required.

17 a. No driveway permit shall be issued except in compliance with this chapter. In the event that
18 the proposed construction does not require development review under this chapter, then a copy
19 of the plans showing the location and dimensions of all proposed improvements shall be filed
20 with the public works department and the traffic engineering department. Plans are not required
21 for single-family zoned property or single-family uses. All applications for driveway permits

- 1 must include information as to whether the driveway will connect to a road on the state highway
2 system or is on a county-maintained street.
- 3 b. Additional plans must be submitted to the state department of transportation or the county for
4 driveways connecting on the state highway system or county-maintained streets. All plans
5 submitted for driveways on the state highway system must meet state department of
6 transportation submittal requirements including those in F.A.C. Chapters 14-96 and 14-97. All
7 plans submitted for driveways connecting on county-maintained streets must meet the county's
8 submittal requirements.
- 9 c. Information required on plans submitted shall include:
- 10 1. A complete plot plan showing all proposed buildings and parking layouts, including north
11 arrow and date.
 - 12 2. Existing and proposed driveway locations and widths.
 - 13 3. Street pavement types and widths and right-of-way widths.
 - 14 4. Proposed location of off-street loading and unloading facilities, interior parking
15 arrangements, and traffic circulating patterns.
 - 16 5. Retaining walls, drainage, utility poles, trees and other physical features which affect the
17 driveway location.
 - 18 6. Driveways on adjacent properties and/or on opposite side of the street.
 - 19 7. The state road number, county road number or local road name, the existence and location of
20 any existing and/or proposed public or private roads (proposed public roads as shown in the state
21 department of transportation five-year transportation improvement plan or the city or the county

1 five-year capital improvement plans) abutting or entering the property, and the horizontal and
2 vertical curvature of the roads.

3 8. Any additional information required by the state department of transportation or the county
4 for roads under their permitting authority.

5 (4) Design considerations.

6 a. State department of transportation design and construction standards must be met for
7 driveways on the state highway system.

8 b. County design and construction standards must be met for driveways under county road
9 maintenance.

10 c. In addition to state department of transportation or state county design standards, all city
11 requirements shall be met unless they are superseded by state department of transportation or
12 county standards. The city design standards and all other city requirements shall be met for all
13 city-maintained streets or alleys.

14 d. The choice of the proper location for access facilities (driveways) must involve consideration
15 of the amount of conflict which can be expected both within the parking area and on the abutting
16 streets. One primary concept which shall be followed is to reduce the number of connections to a
17 practical minimum, thus providing fewer locations where conflicts may occur.

18 e. The area to which the driveway provides access shall be of sufficient size to allow all
19 necessary functions for loading, unloading and parking maneuvers to be carried out on private
20 property and completely off the street right-of-way.

21 f. Driveways shall be constructed to conform to the existing paved street grade or grade
22 approved by city engineer for nonpaved streets.

1 g. Parking areas shall be so designed and marked as to provide for orderly and safe movement
2 and storage of vehicles:

3 1. Back-out parking onto a public street and/or highway shall not be permitted unless the
4 parking backs out onto an alley (as determined by the city manager or designee) and in the
5 opinion of the city manager or designee does not present any unexpected hazard to roadway
6 users with respect to roadway design considerations (e.g. visibility, road width, maintenance of
7 utilities, traffic control devices). A street may not be declared to be an alley if the sole reason is
8 that a property is developed in such a manner as to extend through a block, having frontage on
9 more than one street. The following standards shall be used to determine if a particular right-of-
10 way is an alley:

11 i. The location of the right-of-way at mid-block in the street grid;

12 ii. Width of right-of-way (typically 15 to 20 feet);

13 iii. Right-of-way not in alignment with a street on a grid map.

14 2. The minimum distance from the street right-of-way line at any ingress or egress driveway to
15 any interior service drive or parking space with direct access to the driveway shall be twenty (20)
16 feet.

17 3. The minimum distance from the street right-of-way line on any major ingress or egress
18 driveway to any interior service drive or parking space having direct access to such driveway
19 shall be one hundred (100) feet. A major driveway is defined as the main ingress or egress point
20 to a public street or highway from a site of a major development such as a shopping center,
21 multiple-family development, industrial park, etc.

1 4. Six-inch standard curb or similar barrier shall be installed along the driveway from the street
2 right-of-way line to the first interior service drive or to and including the first interior parking
3 space described in subsections (4)g.2. and 3. of this section. Material other than concrete or
4 asphalt curb may be used if approved by the city engineer and chief code enforcement officer or
5 building official.

6 h. Driveways shall be laid out to intersect the street as nearly as possible at right angles (ninety
7 (90) degrees) and no driveway shall intersect any street at less than seventy-five (75) degrees.

8 Driveways at or near street intersections or driveways from other sites that cannot be aligned
9 shall be offset no less than one hundred fifty (150) feet from each other. In order for a driveway
10 to be offset less than one hundred fifty (150) feet the applicant shall demonstrate to the
11 satisfaction of the city traffic engineer that extraordinary need and/or circumstances exist such as
12 insufficient frontage width or existing natural features which preclude driveway installation.

13 i. Driveways serving major developments, as defined in this chapter, shall not be located closer
14 than three hundred (300) feet from the intersection of arterial and/or collector streets. The
15 petitioner must demonstrate hardship to the city traffic engineer or the city traffic engineer must
16 determine that special engineering design considerations exist for driveways serving major
17 developments to be located closer than three hundred (300) feet to the intersection of arterial
18 and/or collector streets.

19 (5) Specifications generally; costs for city-maintained roadways.

20 a. The public works department shall prepare, maintain and update a design manual which
21 provides design and construction specifications for driveways, curb cuts, curbs and other
22 pavement on city-maintained roadways and rights-of-way. The design manual shall be adopted

1 by administrative rule. In those instances where a party chooses to deviate from the design
2 manual, it shall be the responsibility of that party to demonstrate that the deviation is not
3 inconsistent with best engineering practice and the principles of this article.

4 b. All driveways shall be hard-surfaced in conformance with the standards and specifications
5 adopted by the city commission by resolution and on file in the office of the city engineer.

6 c. Driveways shall cross the sidewalk area at the sidewalk grade established by the city
7 engineer.

8 d. Driveways shall be constructed as nearly to a right angle to the street or roadway as possible.

9 e. Where special pedestrian and vehicular hazards may be encountered, driveways may be
10 restricted to a one-way operation. Proper signs giving notice to the restricted use of driveways
11 shall be erected and maintained by the person having control over the driveways. Failure to erect
12 such signs and failure to use such driveways in accordance with the proper signs shall be a
13 violation of this article.

14 f. All costs of any change proposed in any physical improvements originally installed by the
15 city and all costs of the installation of any driveway or necessary signing shall be borne by the
16 property owner.

17 g. All costs and responsibilities for maintenance and/or repair of any driveway or related
18 signing shall be borne by the property owner.

19 (6) Number and location of driveways. In order to maximize traffic safety and highway
20 capacity, provide reasonable ingress and egress to property, and adhere to the concepts of access
21 management as stated in Florida Statutes and regulated by the state department of transportation,
22 the number and location of driveways shall be regulated as follows:

- 1 a. One (1) driveway shall be permitted for ingress and egress to a lot, as such term is defined in
2 this chapter, except:
- 3 1. As approved in subsections (6)b. and c. of this section;
- 4 2. Joint-use driveways as approved by the development review board or city plan board under
5 development plan review in accordance with this chapter; or
- 6 3. Property zoned and in use for a detached single-family dwelling or two-family dwelling
7 abutting local streets as defined in subsection 30-187(c).
- 8 b. Two (2) driveways shall be permitted for ingress to and egress from a lot provided:
- 9 1. All other requirements of this article are met;
- 10 2. The minimum distance between the two (2) driveways equals or exceeds twenty (20) feet as
11 measured from inside edge to inside edge of the driveways at the property line; and
- 12 3. The applicant demonstrates to the city traffic engineer sufficient need, such as delivery of
13 emergency services, one-way driveway, physical features unique to the site, and/or
14 loading/unloading requirements, to justify two (2) driveways.
- 15 c. More than two (2) driveways shall be permitted for ingress and egress to a lot provided:
- 16 1. All other requirements of this article are met and exceptional circumstances exist which
17 cannot be mitigated, in the judgment of the city traffic engineer, unless more than two (2)
18 driveways are provided; or
- 19 2. Where the lot meets the following three (3) thresholds:
- 20 i. The lot exceeds ten (10) acres in total land area;
- 21 ii. The lot has more than one thousand (1,000) automobile parking spaces; and

1 iii. Whenever more than two (2) driveways are permitted, the minimum distance between
2 driveways meets or exceeds three hundred (300) feet as measured from centerline to centerline of
3 the driveways at the property line.

4 d. The number and location of driveways may be further regulated by special area plans as may
5 exist or be adopted in accordance with Article V of this chapter. These special area plans are
6 maintained on file in the department of community development.

7 e. The number and location of driveways on the state highway system are regulated by the state
8 under Chapters 14-96 and 14-97 F.A.C.

9 f. If development on any city street impacts the operation of any road on the state highway
10 system, the regulations set forth in Chapters 14-96 and 14-97 F.A.C. shall apply.

11 (7) Driveway types.

12 a. All driveways on the state highway system or on county-maintained streets shall meet the
13 relevant requirements of the appropriate governmental entity.

14 b. All driveways on city-maintained roadways shall be the standard ramp-type driveway
15 construction except that street-type entrances may be permitted from major thoroughfares into
16 the major entrances of planned shopping centers, large industrial developments, apartment
17 complexes and drive-in theaters that have parking areas for three hundred (300) or more
18 vehicles.

19 (8) Width of driveways having access to city-maintained roadways.

20 a. Ramp-type driveways.

21 1. The width of a ramp-type driveway shall be within the minimum and maximum limits as
22 specified below:

1 TABLE INSET:

Location		Minimum (feet)	Maximum (feet)
Single-family residential		10	24
Residential		12	30
All other uses:			
	One-way	15	24
	Two-way	24	40

- 2 2. All driveway widths shall be measured at the street right-of-way line.
- 3 3. For single-family residential driveways, the width of the curb opening shall not be less than
- 4 sixteen (16) feet measured from the outside edge to outside edge of the curb transition (T).
- 5 4. For all other ramp-type driveways the width of curb opening shall not exceed the driveway
- 6 width by more than three (3) feet on each side.
- 7 b. Street-type driveways. The width of street type driveways shall be within the minimum and
- 8 maximum limits as specified below.

9 TABLE INSET:

Location	Minimum (feet)	Maximum (feet)
Planned shopping centers, industrial developments, apartment complexes (with parking for 300 or more vehicles)	24	60

- 10 (9) Prohibited locations; installation of curb stops.
- 11 a. No driveway shall be constructed in the radius return of an intersection.
- 12 b. No driveway shall be constructed nearer than twenty-five (25) feet from the intersection of
- 13 street right-of-way lines.

1 c. All driveways shall be constructed with a minimum setback distance of five (5) feet from any
2 interior property line, and with a two-foot minimum offset from the property line at the roadway
3 connection. These offsets may be reduced for single-family residences at the recommendation of
4 the city traffic engineer.

5 d. To prevent vehicle overhang on private property in the vicinity of the driveway, parking
6 areas and loading areas, a six-inch raised curb and/or parking stops shall be constructed a
7 minimum distance of three (3) feet inside the street right-of-way line or property line.

8 e. No driveway shall be permitted to include any municipal facility such as traffic signal
9 standards, catchbasins, fire hydrants, utility poles, fire alarm supports or other similar type
10 structures.

11 f. To prevent parked vehicles from intruding or overhanging landscaped areas, sidewalks or
12 critical drainage retention areas, the city engineer and/or city traffic engineer may require the
13 construction of a six-inch raised curb and/or similar barrier to protect such areas.

14 (10) Work to be performed by bonded contractors; requirements of bond. All work of
15 removing any curb and building of any driveway shall be done by a licensed contractor having in
16 force a current contractor's bond in an amount equal to or greater than three (3) times the
17 estimated cost of the proposed work. This bond shall be for a period of three (3) years and shall
18 be renewed each year at the time the contractor obtains his/her business tax receipt ~~occupational~~
19 ~~license~~.

20 (11) Type of construction for driveways on city-maintained roadways.

21 a. All nonresidential driveways shall be constructed of six-inch thick concrete with steel
22 reinforced matting from the edge of the curb or pavement to at least the property line. The

1 driveway must extend a sufficient distance from the pavement so that the rise of the drive will be
2 at least six (6) inches above the level of the gutter or pavement with the minimum distance being
3 the property line.

4 b. Residential driveways shall be concrete as specified in subsection (11)a. of this section or
5 may be of type III asphalt, one and one-half (1 1/2) inches thick, depending on the existing
6 stormwater facilities, subject to review by the public works department.

7 c. Exceptions to the concrete requirement for nonresidential driveways may be made at the
8 discretion of the public works department.

9 (12) Minimum thickness of concrete; specifications for concrete. Concrete for the construction
10 of driveways shall meet the American Society for Testing Materials specifications for concrete
11 of two thousand five hundred (2,500) pounds compressive strength. Driveways shall be
12 constructed with two thousand five hundred (2,500) psi concrete either four (4) inches thick with
13 steel reinforcing matting or six (6) inches thick without steel reinforcing matting. All driveways
14 shall be constructed in accordance with the plans and specifications as per the public works
15 design manual.

16 (13) Alteration of existing driveways; unnecessary driveways.

17 a. Existing driveways shall not be relocated, altered or reconstructed without a permit
18 approving the relocation, alteration or reconstruction, and the driveways shall be subject to the
19 provisions of this article.

20 b. When the use of any driveway is changed, making any portion or all of a driveway
21 unnecessary, the owner of the abutting property shall, at his/her expense, replace all necessary

1 curbs, gutters, sidewalks and grass areas as per standards and specifications in the public works
2 design manual.

3 (14) Review and approval. All driveways hereafter constructed in the city on street rights-of-
4 way shall be reviewed and approved by the appropriate city department prior to the issuance of
5 any building permit for the erection, construction, reconstruction or change in the use of the
6 building, structure or land. This provision shall not apply to single-family residential zoned
7 property or for single-family uses.

8 (15) Variances for improvements on city-maintained roadways.

9 a. Definition. A variance is hereby defined as a relaxation of the terms of this article where the
10 variance will not be contrary to the public interest and where, owing to conditions peculiar to the
11 property, and not the result of the actions of the applicant, or his/her predecessors, a literal
12 enforcement of this article would result in unnecessary and undue hardship. As further defined
13 for the purpose of this article, a variance is authorized only for driveway widths, street line
14 corner clearances, and property line edge clearances. No variances shall be granted for roads on
15 the state highway system or county-maintained streets without prior written permission from the
16 state department of transportation or the county to authorize the activity requested in the variance
17 application.

18 b. Authorization. The board of adjustment created by section 30-354 is hereby authorized to
19 grant variances from the provisions of this article only under the provisions of this section. The
20 variance may be granted only when the granting of same will not be contrary to the public
21 interest, and where, owing to specific conditions, a literal enforcement of the provisions of this
22 article relating to driveways would result in unnecessary hardship, not created by the applicant.

- 1 c. Procedures. A variance as authorized by this section shall not be granted unless and until a
2 written application for a variance is submitted demonstrating that:
- 3 1. Special conditions and circumstances exist which are peculiar to the physical or
4 topographical features of the land or structures or buildings which are not applicable to other
5 lands or structures within the city.
 - 6 2. Literal enforcement of the provisions of this article would deprive the applicant of rights
7 commonly enjoyed by other properties in the same district under the terms of this article.
 - 8 3. The special conditions and circumstances in subsection (15)c.1. of this section do not result
9 from the action of the applicant or his/her predecessors;
 - 10 4. Granting the variance requested will not confer on the applicant any special privilege that is
11 denied by this section to other lands or structures or buildings in the city.
- 12 d. Public hearings; notices. Public hearings and notices thereof shall be as required by
13 subsections 30-354(f), (i) and (l), and at the public hearing any party may appear in person or by
14 his/her duly authorized agent or attorney.
- 15 e. Findings of board of adjustment. Before granting a variance as authorized by this section, the
16 board of adjustment shall make the following findings:
- 17 1. That the requirements of subsection 30-354(d)(3)c.1. have been met by the applicant.
 - 18 2. That the reasons set forth in the application justify the granting of the variance, and that the
19 variance is the minimum variance that will make possible the reasonable use of the land, building
20 or structure.

1 3. That the granting of the variance will be in harmony with the general intent and purpose of
2 this article, will not be injurious to the neighborhood, or otherwise detrimental to the public
3 welfare.

4 f. Conditions. In granting any variance, the board of adjustment may prescribe appropriate
5 conditions and safeguards in conformity with this article. Violation of such conditions and
6 safeguards, when made a part of the terms under which the variance is granted, shall be deemed
7 a violation of the zoning chapter and punishable under section 30-362.

8 g. Prohibitions. Under no circumstances shall the board of adjustment grant a variance under
9 this article that would permit back-out parking on a public street, or a driveway in a street radius,
10 reduce driveway width to permit two (2) or more nonstandard driveways, or reduce the number
11 of parking spaces required in the zoning requirements, or variances which would affect the safety
12 of a public street, sidewalk or bike route.

13 (16) Protection of public from injury. Whenever any person shall do or undertake to do any of
14 the things set forth in this article, it shall be the duty of the person to protect from harm and
15 damage all persons who may be using any street or sidewalk or other public place where such
16 activity is in progress and to that end the person shall erect and maintain suitable barricades,
17 sign, lights, flares and other appropriate warning devices at the proper locations where the work
18 is in progress in accordance with the current policy and regulations for street construction and
19 maintenance.

20 **Sec. 30-346. Nonconforming lots, uses or structures.**

21 (a) Intent. Within the districts established by this chapter there exist lots, structures and uses of
22 land or land and structures which were lawful before this chapter was adopted or amended but

1 which will be prohibited, regulated or restricted under the terms of this chapter. It is the intent of
2 this chapter to permit these nonconformities to continue until they are removed but not to
3 encourage their continuation. Except as otherwise provided, it is the further intent of this chapter
4 that nonconformities shall not be larged upon, expanded, intensified or extended nor be used
5 as a basis for adding other structures or uses prohibited within the district. Certain improvements
6 to nonconforming uses which:

7 (1) Do not involve increases in the size of structures or changes in the character of existing
8 uses;

9 (2) Are reasonably related to the continuation of those uses; and

10 (3) Will not have an adverse impact on the surrounding neighborhood and general public;

11 may be permitted subject to the requirements of this chapter. To avoid undue hardship, nothing
12 in this chapter shall be deemed to require a change in the plans, construction or designated use of
13 any building on which a building permit has been issued prior to the effective date of adoption or
14 amendment of this chapter. If actual substantial construction has not begun, under a permit
15 issued prior to the adoption or amendment of this chapter, within six months of the date of
16 issuance of the permit, such permit shall become invalid and shall not be renewed except in
17 conformity with this chapter.

18 (b) Nonconforming buildings or structures. Nonconforming principal buildings and structures
19 shall be made to comply with these regulations only after destruction which exceeds 80 percent
20 of its then physical value immediately prior to the time of destruction as determined by the
21 building official with substantial competent evidence. An existing nonconforming principal
22 building or structure may be maintained and repaired or may be added onto, remodeled or altered

1 provided that such addition, remodeling or alteration is in compliance with this chapter.
2 Provided, however, that, in the case of a single-family structure where the nonconformity is
3 created by an encroachment into a required yard setback, such nonconforming single-family
4 structure may be added onto or altered in such a way so as not to extend such addition further
5 into such required setback.

6 (c) Nonconforming lots.

7 (1) Combining lots. Where two or more nonconforming lots with continuous frontages are
8 under the same ownership or where a nonconforming lot has continuous frontage with a larger
9 tract under the same ownership, such lot or lots shall be combined to form one or more lots
10 meeting the requirements of the district in which they are located.

11 (2) Dwellings on nonconforming lots. The building official may issue a building permit for a
12 single-family dwelling on any nonconforming lot which is not substandard; provided that the
13 remedy set forth in subsection (c)(1) of this section cannot be complied with, that a single-family
14 dwelling is a permitted use in the district in which the lot is located, and that the district
15 minimum yard setbacks and building size limitations are met.

16 (3) Buildings on nonconforming or substandard lots. The board of adjustment may authorize
17 by special exception the issuance of a building permit for a building to be located on a
18 substandard or nonconforming lot, provided that the remedies set forth in subsection (c)(1) of
19 this section cannot be complied with and that the building use is permitted in the zoning district
20 in which the lot is located, as long as the board of adjustment finds that such building will not
21 create any condition detrimental to the safety, convenience and quiet possession of surrounding
22 properties and uses. The board of adjustment shall not authorize a multiple-family dwelling on a

1 substandard or nonconforming lot in any district in which a single-family dwelling is a permitted
2 use.

3 (d) Whenever a nonconforming use of land or of a building or other structure or any portion
4 thereof is abandoned or the use is discontinued for a continuous period of nine months or more,
5 such abandonment or discontinuance shall be presumed to constitute an intention to abandon or
6 discontinue such use, and such use shall no longer be permitted. Any subsequent use of such
7 building or structure or land shall be in conformity with the provisions of this chapter.

8 (1) No existing structure devoted to a use not permitted by this chapter in the district in which it
9 is located shall be enlarged, extended, constructed, reconstructed, remodeled, moved or
10 structurally altered except in changing the use of the structure to a use permitted in the district in
11 which it is located. The city plan board may allow, by special use permit, minor decorative,
12 functional or safety improvements to existing structures devoted to legal nonconforming uses.

13 Such improvements may not include:

14 a. An increase in floor area; or

15 b. Enclosures of previously unenclosed areas.

16 Improvements involving the installation of marquees, canopies or awnings must additionally
17 meet the requirements of Article IX, pertaining to signs, and subsection 30-338(3), relating to
18 overhanging and protruding projections. Signs on marquees, canopies or awnings are prohibited
19 in residential districts pursuant to section 30-318.

20 (2) If the use of a structure devoted to a use not permitted by this chapter in the district in which
21 it is located is changed, the use must be changed to one permitted in such district or to another
22 use of the same major group, as identified by the Standard Industrial Classification Manual.

- 1 (3) When nonconforming use status applies to a structure and premises in combination, removal
2 or destruction of the structure shall eliminate the nonconforming status of the land.
- 3 (4) There may be a change of tenant, ownership or management of a nonconforming use
4 provided there is no change in the nature or character of such nonconforming use.
- 5 (5) When a nonconforming use of a structure, or structure and premises in combination, is
6 discontinued, vacant, abandoned or not used for nine consecutive months, the structure, or
7 structure and premises in combination, shall not thereafter be used except in conformance with
8 the regulations of the district in which it is located; provided, the board of adjustment may permit
9 the reestablishment of the nonconforming use where it is determined by the board of adjustment
10 after public hearing that the design, construction and character of the building is not suitable for
11 uses permitted in the district in which such nonconforming use is situated. The board of
12 adjustment shall hold a public hearing on each case in question after giving ten days' public
13 notice of the time and place of such hearing, in order to determine the question of suitability of
14 uses permitted in the district in which such building is located. In no event shall the board of
15 adjustment permit a change to another nonconforming use except those of the same major group,
16 as identified by the Standard Industrial Classification Manual; nor shall it permit any structure to
17 be enlarged, extended, constructed, reconstructed, remodeled, moved or structurally altered for
18 any purpose other than changing the use of the structure to a use permitted in the district in
19 which it is located.
- 20 (6) The city plan board may allow, by special use permit, the installation of new signs or the
21 replacement of signs which conform to the requirements of Article IX, pertaining to signs, in all
22 districts, except those enumerated in Article IV under "Residential Districts" and the OR 20

1 units/acre office and residential district, provided all existing nonconforming signs on the
2 premises are removed.

3 (7) The development review board, through development plan review when applicable, or the
4 city manager or designee as applicable, may allow improvements to the premises of structures
5 devoted to legal nonconforming uses. Possible improvements may include but are not limited to
6 existing vehicular use areas, landscaping, drainage, lighting, and the provision of buffering and
7 screening along property boundaries. Proposed improvements must comply with the dimensional
8 and other requirements of adjacent zoning districts and otherwise comply with off-street parking
9 and loading and landscaping regulations applicable to new development to the maximum extent
10 possible within recognized site constraints. An applicant must additionally demonstrate with
11 competent substantial evidence the legality of the nonconforming use of the structure and
12 premises addressed in the application. Competent substantial evidence may include but is not
13 limited to historic aerial photographs, use and property records maintained by the city's business
14 tax ~~occupational licensing~~ and code enforcement departments, records maintained by the county
15 property appraiser's office, business records, and photographs that can be verified as to their date
16 and authenticity.

17 (e) Reserved.

18 (f) Expansion and renovation of nonconforming single-family and two-family uses and
19 structures.

20 (1) An existing nonconforming single-family or two-family use may be expanded or renovated
21 in accordance with the development standards for the zoning district in which it is located.
22 However, the use shall not be expanded or renovated to include any additional units.

1 (2) An existing nonconforming single-family or two-family building or structure may be
2 expanded or renovated in accordance with the provisions of section 30-346(b).

3 (g) Improvements to vehicular use areas associated with nonconforming uses. The city plan
4 board may allow by special use permit improvements to vehicular use areas associated with legal
5 nonconforming uses relating to size, location, design, landscaping, drainage, lighting, or
6 buffering and screening to protect neighboring land uses. Proposed improvements must comply
7 with the dimensional and other requirements applicable to new development to the maximum
8 extent possible with recognized site constraints. If a request is made to move a vehicular use
9 area, the applicant must additionally show that the relocation is needed to meet dimensional,
10 landscaping, drainage or buffering requirements. Paving or repaving of an existing vehicular use
11 area which utilizes a local street or alley for vehicle access or maneuvering may be allowed if the
12 city manager or designee determines traffic movement and circulation would not be endangered.

13 (h) Findings of fact required for issuance of special use permits relating to this section. Any
14 other provision of this section or this chapter notwithstanding, the city plan board must make the
15 following additional findings of fact before it may approve a special use permit under this
16 section:

17 (1) That the applicant has demonstrated with competent substantial evidence the legality of the
18 nonconforming use of the structure or structure and premises in combination addressed in the
19 application. Competent substantial evidence may include but is not limited to historic aerial
20 photographs, use and property records maintained by the city's business tax ~~occupational~~
21 ~~licensing~~ and code enforcement departments, records maintained by the county property
22 appraiser's office, business records, and photographs that can be certified as to their date and
23 authenticity;

1 (2) That the proposed improvements are reasonably related to the continuation of a
2 nonconforming use and associated facilities and will not result in an increase in the floor area of
3 structures, enclosure of previously unenclosed areas, a change in the existing character of a use
4 or detrimental impacts on surrounding uses and properties or the general public; and

5 (3) That the proposed improvements are in compliance with all other applicable regulations of
6 this chapter to the maximum extent practicable.

7 **Sec. 30-357. Zoning compliance permits.**

8 (a) Required. Except as otherwise specifically provided in this chapter, it shall be unlawful to
9 begin a new development, or an addition to an existing development, until the city manager or
10 his/her designee has issued for such action a zoning compliance permit, certifying that such
11 development complies with the applicable provisions of this chapter.

12 It shall also be unlawful to make a change of use, as the term is defined in section 30-23 of this
13 chapter, of any land or structure, or to extend any use or any lot on which exists a nonconforming
14 use, until the city manager or his/her designee has issued a zoning compliance permit certifying
15 that such intended uses comply with the applicable provisions of this chapter.

16 It shall also be unlawful to establish any business, profession or occupation, or to change the
17 location of a business, profession or occupation which is subject to a business ~~occupational~~
18 ~~license~~ tax as provided for in sections 25-41 through 25-43 of the Code of Ordinances, until the
19 city manager or his/her designee has issued a zoning compliance permit certifying that such
20 intended business, profession or occupation complies with the applicable provisions of this
21 chapter.

22 (b) Procedures.

1 (1) Application submittal requirements. Applications for a zoning compliance permit shall be
2 submitted to the city manager or designee on a form supplied by the city. Applications shall be
3 accompanied by the appropriate fee so also prescribed.

4 In the case of an application involving development plan review, the applicant shall also submit
5 additional information as required by Article VII of this chapter. The city manager or designee
6 shall also prescribe any other material that may reasonably be required to determine compliance
7 with this chapter, with sufficient copies for necessary referrals and records. No application shall
8 be accepted by the city manager or designee unless it complies with such submittal requirements.
9 Applications which are not complete shall be returned to the applicant with a notation of the
10 deficiencies in the application.

11 Where a building permit, tree removal permit, sign permit or other permit is required,
12 applications for such permits may be made coincidentally with the application for a zoning
13 compliance permit.

14 (2) Action on application. Upon receipt of a completed application, the city manager or
15 designee shall cause an analysis to be made as expeditiously as possible by qualified
16 representatives of the city and such other agencies or officials as appear appropriate in the
17 circumstances of the case, to determine compliance with the applicable provisions of this
18 chapter. In the case of developments which do not meet the thresholds for minor development
19 plan review, the city manager or designee shall take final action on the application. Final action
20 shall be based on findings as to compliance with all applicable provisions of this chapter and
21 shall be one of the following;

22 a. Approval;

1 b. Approval subject to conditions; or

2 c. Denial.

3 The city manager or designee may impose such reasonable conditions on an approval as will
4 ensure compliance with applicable provisions of this chapter.

5 In the case of developments requiring development plan review, the development review board,
6 city plan board, technical review committee or city commission, as applicable, shall give
7 preliminary or final approval as prescribed in Article VII of this chapter.

8 (3) Actions subsequent to decision. In the case of approval or approval with conditions, the city
9 manager or designee shall issue the zoning compliance permit. In the case of denial of an
10 application, the applicant shall be notified as soon as possible, in writing, of the reasons for such
11 denial.

12 Where a building permit or sign permit is required, such permits shall not be issued prior to
13 issuance of the zoning compliance permit. Such permits shall comply with the approved zoning
14 compliance permits, including all conditions attached thereto.

15 A certificate of occupancy shall not be issued by the city manager or designee until, after final
16 inspection, full compliance with the provisions of this chapter and all other state and local laws,
17 including conditions of the zoning compliance permit and all other permits, has been determined.

18 (c) Expiration and revocation.

19 (1) Expiration. If the use, construction or activity authorized by approval of an application for a
20 zoning compliance permit is not commenced within six (6) months of the date of issuance of the
21 zoning compliance permit, or within such further time stipulated in such permit, the zoning
22 compliance permit shall automatically expire. Any other approval, grant, certificate, building

1 permit or special permit issued or granted by the city plan board, board of adjustment, city
2 commission, city manager, building official or other official pursuant to or in conjunction with
3 the zoning compliance permit shall become null and void unless any required work thereon is
4 substantially underway or lawful use has begun within six (6) months after the effective date of
5 the issuance of such approval, certificate, grant, building permit or special permit, unless
6 otherwise provided in this chapter. The city manager or designee shall determine whether the
7 use, construction or activity is substantially underway or has begun upon review of substantial
8 competent evidence.

9 (2) Revocation. If any conditions of a zoning compliance permit or other requirements of this
10 chapter applicable to the permit are violated, the city manager or designee may revoke the zoning
11 compliance permit after reasonable notice has been given to the permit holder.

12 The city manager or designee may reinstate a revoked zoning compliance permit if he/she
13 determines that:

14 a. The holder of a revoked zoning compliance permit submitted a request for reinstatement
15 within ninety (90) days of the revocation;

16 b. The violations that were the cause of the revocation have been corrected; and

17 c. The development fully complies with all conditions of the zoning compliance permit and all
18 applicable requirements of this chapter.

19 (d) Determination of zoning compliance for new industries. Any use or combination of uses
20 which cannot be classified by using a strict interpretation of the Standard Industrial
21 Classification (SIC) Code may be so classified by the city manager or designee by using the SIC
22 code to determine the most similar SIC classification or combination of classifications. The city

1 manager or designee may issue a zoning compliance permit when all of the following criteria are
2 met:

3 (1) The new use is suitable to the distinctions that have been made between the nature of the
4 various land use categories, i.e., office, neighborhood serving, community serving, highway-
5 oriented commercial, or industrial in character.

6 (2) The nature of the new use would not create a more intense usage of a property than that
7 would be caused by the majority of uses permitted in the district.

8 (3) A reasonable estimate of trip generation, using the Institute of Transportation Engineers,
9 Trip Generation, An Information Report, would be normal when compared to the number of trips
10 generated by the majority of uses within the district.

11 (4) The nature and amount of truck traffic would be normal when compared to the nature and
12 amount of truck traffic generated by other uses in the district.

13 (5) Special or atypical demands of the new use on public utilities and/or stormwater
14 management facilities would not lower the level of service of such facilities.

15 (6) Noise, glare, vibration, smoke or odor expected to result from the proposed use would be
16 similar to that resulting from the majority of uses permitted in the district.

17 **Section 14.** Appendix A, Schedule of Fees, Rates and Charges, Code of Ordinances of
18 the City of Gainesville, is hereby amended to read as follows:

19 **TAXATION:**

20 (1) Business tax receipt ~~Occupational license transfer to new owner~~ (§ 25-45(a))3.50

21 (2) Business tax receipt ~~Occupational license transfer to new location~~ (§ 25-45(b))3.50

1 **Section 15.** It is the intention of the City Commission that Sections 1 through 14 of this
2 ordinance shall become and be made a part of the Gainesville Code of Ordinances of the City of
3 Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be renumbered or
4 relettered in order to accomplish such intentions.

5 **Section 16.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
6 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
7 the validity of the remaining portions of this ordinance.

8 **Section 17.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
9 such conflict hereby repealed.

10 **Section 18.** This ordinance shall become effective immediately on adoption.

11 **PASSED AND ADOPTED** this 25th day of June, 2007.


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PEGEEN HANRAHAN
MAYOR

17 ATTEST

APPROVED AS TO FORM AND LEGALITY

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19
20
21


KURT M. LANNON
CLERK OF THE COMMISSION


MARION L. RADSON
CITY ATTORNEY

JUN 26 2007

22 This Ordinance passed on first reading this 11th day of June, 2007.

23 This Ordinance passed on second reading this 25th day of June, 2007.