

## Exhibit B

## ORDINANCE NO. 110873

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3 An ordinance of the City of Gainesville, Florida, amending the Land  
4 Development Code by adding regulations to allow portable storage units and  
5 roll-offs as a temporary use in residential zoning districts; by adding new  
6 definitions to Section 30-23 *Definitions*; by creating Section 30-121  
7 *Temporary portable storage units and roll-offs*; providing directions to the  
8 codifier; providing a severability clause; providing a repealing clause; and  
9 providing an immediate effective date.

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11 WHEREAS, notice was given as required by law that the text of the Land Development  
12 Code of the City of Gainesville, Florida, be amended and public hearings were then held by the  
13 City Plan Board on March 22, 2012, and by the City Commission on May 17, 2012; and

14 WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10  
15 inches long was placed in a newspaper of general circulation and provided the public with at  
16 least seven (7) days advance notice of the first public hearing to be held in the City Hall  
17 Auditorium, First Floor, City Hall, City of Gainesville; and

18 WHEREAS, a second advertisement no less than two columns wide by 10 inches long  
19 was placed in the aforesaid newspaper and provided the public with at least five (5) days advance  
20 notice of the second public hearing; and

21 WHEREAS, public hearings were held pursuant to the published notices described  
22 above at which hearings the parties in interest and all others had an opportunity to be and were,  
23 in fact, heard.

24 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
25 CITY OF GAINESVILLE, FLORIDA:

26 Section 1. Subsection 30-23(c) of the Land Development Code is amended to add the  
27 following definitions. Except as amended herein, the remainder of Subsection 30-23(c) remains

in full force and effect.

**Sec. 30-23(c). – Definitions.**

Portable storage unit means any portable container or facility that is designed and/or used for the temporary storage or shipment of personal property, household goods, wares, building materials or merchandise, and which is located outside of an enclosed building and is delivered and removed by truck.

Roll-off means an open-top dumpster or facility that is delivered and removed by truck and is commonly used to collect and store a variety of waste materials such as, but not limited to, construction and demolition waste.

**Section 2.** A new Section 30-121 is created and added to the Land Development Code to read as follows:

**Sec. 30-121. Portable storage units and roll-offs.**

Portable storage units and roll-offs, as defined in section 30-23, are allowed as a temporary use by right in the following zoning districts: RSF-1, RSF-2, RSF-3, RSF-4, RSF-R, RMF-5, RC, MH, RMF-6, RMF-7, RMF-8, RMU, RH-1, and RH-2; subject to the following conditions:

(a) Placement, dimensions, and use. Portable storage units and roll-offs:

(1) Shall not be placed, except as approved by public works, within the public right-of-way or within the boundaries of a private street intended to provide access and circulation to more than one property owner.

(2) Shall be setback at least five (5) feet from all property lines.

(3) Shall be setback at least five (5) feet from all regulated trees.

(4) Shall not exceed ten (10) feet in height.

(5) Shall not be used for the storage or handling of hazardous materials.

(6) In addition to the above requirements, the following additional requirements shall apply when located on a property with a single-family dwelling:

1. Shall be limited to one (1) portable storage unit or roll-off.

2. Shall be placed in a front or side yard. The city manager or designee may allow placement in the rear yard when the property owner demonstrates that there are no other locations on the property that meet the requirements of this section.

(b) Proof of delivery certificate. A “proof of delivery certificate” indicating the date on which the portable storage unit or roll-off was placed on the property shall be displayed in a manner that is visible to a city official from the nearest property line.

(c) Time limit. Portable storage units and roll-offs shall be located on a property for no more than thirty (30) calendar days, except as follows:

(1) The city manager or designee may allow one 30-day extension if the property owner demonstrates a continued need for the temporary use of the portable storage unit or roll-off.

(2) A portable storage unit or roll-off may remain in connection with and throughout the duration of an active building permit for development on the property.

(3) In the case of emergencies or natural disasters including, but not limited to, hurricanes, windstorms, floods, or other disasters officially declared by the authorized agency, the time limit may be waived by the city manager or designee until the city manager or designee determines that such emergency conditions have ended.


**Section 3.** It is the intention of the City Commission that the provisions of Sections 1 and 2 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 4.** 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 applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

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


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

1 **PASSED AND ADOPTED** this 2nd day of May, 2013.

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3  
4 CRAIG LOWE  
5 MAYOR

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7 ATTEST:

Approved as to form and legality

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10 KURT M. LANNON  
11 CLERK OF THE COMMISSION

  
12 NICOLLE M. SHALLEY  
CITY ATTORNEY

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14 This ordinance passed on first reading this 18<sup>th</sup> day of April, 2013.

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16 This ordinance passed with revisions on second reading this 2nd day of May, 2013.