

Legislative #
130460

ORDINANCE NO. 130460

An ordinance of the City of Gainesville, Florida, amending Section 30-122 *Portable storage units and roll-offs* of the Land Development Code to allow and regulate the use of portable storage units by commercial parcel delivery services in making seasonal deliveries to residential developments with golf carts or low-speed vehicles and utility vehicles; amending Appendix A- *Schedule of Fees, Rates and Charges* of the Code of Ordinances to add an associated permit fee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, notice was given as required by law that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, on December 2, 2013, a public hearing to consider the petition was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, and makes recommendations to the City Commission of the City of Gainesville; and

WHEREAS, on April 3, 2014, the City Commission held a public hearing to consider the petition; and

WHEREAS, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days' advance notice of this ordinance's first public hearing to be held by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days' advance notice of this ordinance's second public hearing to be held by the City Commission in the City Hall Auditorium; and

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

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** Section 30-122 of the Land Development Code of the City of Gainesville is
6 amended to read as follows:

7 **Sec. 30-122. Portable storage units and roll-offs.**

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

12
13 (a) *Placement, dimensions, and use.* Portable storage units and roll-offs:

- 14 (1) Shall not be placed, ~~except as approved by public works~~, within the public right-
15 of-way or within the boundaries of a private street intended to provide access and
16 circulation to more than one property owner.
- 17 (2) Shall be setback at least five feet from all property lines.
- 18 (3) Shall be setback at least five feet from all regulated trees.
- 19 (4) Shall not exceed ten feet in height.
- 20 (5) Shall not be used for the storage or handling of hazardous materials.
- 21 (6) In addition to the above requirements, the following additional requirements shall
22 apply when located on a property with a single-family dwelling:
- 23 1. Shall be limited to one portable storage unit or roll-off.
- 24 2. Shall be placed in a front or side yard. The ~~e~~City ~~m~~Manager or designee
25 may allow placement in the rear yard when the property owner
26 demonstrates that there are no other locations on the property that meet the
27 requirements of this section.

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

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

- (1) The eCity ~~m~~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 eCity ~~m~~Manager or designee until the eCity ~~m~~Manager or designee determines that such emergency conditions have ended.

(d) Seasonal use by commercial parcel delivery services. In accordance with this subsection and Section 316.2126, Florida Statutes, licensed commercial parcel delivery services may apply to the City for a permit to use a portable storage unit to facilitate seasonal delivery personnel, as defined in Florida Statutes, in making deliveries to residential developments with golf carts or low-speed vehicles and utility vehicles. For each desired portable storage unit location, the applicant shall submit to the City an application on a form provided by the City, together with the fee set forth in Appendix A of the Code of Ordinances. Each application shall include a scaled site plan and other documentation demonstrating compliance with this subsection. Any permit issued in accordance with this subsection shall be valid for one season only and shall expire on February 1 of each year.

The use of a portable storage unit by a licensed commercial parcel delivery service is subject to the following conditions:

- (1) The portable storage unit may be placed in the following areas:
 - a. A common area of a residential development with written permission from the homeowners' association or property management firm, or
 - b. On property of a conforming nonresidential use with written permission from the property owner. Such property shall have a minimum lot size of one acre and shall be contiguous to the area that will receive seasonal parcel deliveries with golf carts or low-speed vehicles and utility vehicles.
- (2) The portable storage unit may be located on the property from October 15 through January 31 and may be accessed only between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday.
- (3) Only one portable storage unit per delivery service may be placed on the property.
- (4) The portable storage unit shall be setback at least 50 feet from the property lines and all residential dwellings and setback at least five feet from all regulated trees.
- (5) Outdoor storage of delivery vehicles is prohibited.
- (6) A sign shall be posted on the portable storage unit that indicates the intended use, duration of the use, and the hours of operation. No other signage shall be permitted.

1 (7) The portable storage unit shall not exceed ten feet in height.

2
3 **Section 2.** Appendix A. — Schedule of Fees, Rates and Charges of the Code of
4 Ordinances is amended as follows. Except as amended herein, the remainder of Appendix A. —
5 Schedule of Fees, Rates and Charges remains in full force and effect.

6 LAND DEVELOPMENT CODE:

7 (4) Zoning:

8 m. Permit for seasonal use of portable storage unit by commercial parcel delivery services
9 (§30-122)250.00

10 (Note to codifier: the lettering used in this ordinance for the permit fee being added to
11 Appendix A reflects that another fee has been or will be added to this subsection by
12 Ordinance No. 130895.)

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

17 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
18 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
19 finding shall not affect the other provisions or applications of this ordinance that can be given
20 effect without the invalid or unconstitutional provision or application, and to this end the
21 provisions of this ordinance are declared severable.

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

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

PASSED AND ADOPTED this _____ day of _____, 2014.

EDWARD B. BRADY
MAYOR

Attest:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2014.

This ordinance passed on second reading this _____ day of _____, 2014.