

LEGISLATIVE #
140818A-3

ARTICLE I. GENERALLY

DIVISION 1. GENERALLY

Section 30-1.1. Short Title.

This chapter shall be known and may be cited as the "City of Gainesville Land Development Code."

Section 30-1.2. Scope.

The provisions of this chapter apply within the entire corporate area of the city to the use of all lands within such area by any person, corporation, other entity or public agency, including the city itself. Property outside the corporate city limits, but adjacent to the city limits, shall be provided protection from the impacts of development in the city as if it were in the city.

Section 30-1.3. Purpose.

This chapter implements the City of Gainesville Comprehensive Plan (Comprehensive Plan) to secure an environment for present and future generations that is environmentally sustainable, socially just and desirable, and economically sound through the scientific, aesthetic, and orderly disposition of land, resources, facilities and services.

Section 30-1.4. Objectives.

This chapter is prepared in accordance with and for the promotion of the goals, objectives and policies of the Comprehensive Plan. The regulations herein are designed to conserve the value of land, building and natural resources; protect the character and maintain the stability of residential, commercial and industrial areas; and provide for efficiency and economy in the process of development through:

- A. Preservation, protection and conservation of significant natural features of land, creeks, lakes, wetlands, uplands and air;
- B. Appropriate use of land;
- C. Regulation of the use and occupancy of buildings, land and water;
- D. Healthful and convenient distribution of population;
- E. Provision of convenient circulation of people and goods and the control of traffic congestion;
- F. Provision of adequate public facilities and utilities;
- G. Protection, enhancement and perpetuation of specific community areas with special character, interest or value representing and reflecting elements of the city's cultural, social, economic, political, historical and architectural heritage;
- H. Establishment of zoning districts regulating the location and use of buildings and other structures, and the use of water and land for trade, industry, residence and other purposes, by regulating and limiting the height, bulk and access to light and air of building and structures, the area of yards and other open spaces and density of use; and
- I. Provision of low cost, efficient and expeditious development review process.

Section 30-1.5. Rules for Construction of Language.

- For the purpose of the administration and enforcement of this chapter, and unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:
- A. The terms "code," "chapter," "article," "section" and "subsection" shall refer to the Code of Ordinances, City of Gainesville, Florida, and the referenced provisions thereof.
 - B. In case of any difference of meaning or implication between the text of this chapter and any other chapter or any caption, illustration, summary table or illustrative table, the text of this chapter shall control.
 - C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 - D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - E. The phrase "used for" includes "arranged for," "designed for," "maintained for," "provided for" or "occupied for."
 - F. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either/or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
 - G. The word "includes" or "including" shall not limit a term to the specified examples but is intended to extend its meaning to all instances or circumstances of like kind or character.

Section 30-1.6. Engineering Design and Construction Manual.

- The City of Gainesville Engineering Design and Construction Manual, which may be cited as the design manual, is intended to provide detailed design guidelines and specifications for the construction of physical improvements in the city. The design manual shall be adopted by ordinance of the City Commission and kept on file in the public works department. The design manual shall address the following:
- A. Selection of environmentally sound practices for the management of stormwater and control of erosion and sedimentation;
 - B. Construction specifications for stormwater management facilities, streets, bridges, bikeways, sidewalks, and other physical improvements;
 - C. Design criteria for wet and dry detention basins; and
 - D. Local rainfall information.

DIVISION 2. ENFORCEMENT

Section 30-1.7. Generally.

- A. *Enforcing officials.* The City Manager shall designate such person or persons as may be necessary to administer and enforce the provisions of this chapter.
- B. *Authority to enter private property.* Those persons designated to administer and enforce the provisions of this chapter may, in the performance of such functions and duties, enter upon any land and make such inspections, examinations and surveys as are required for the proper administration and enforcement hereof and may obtain any necessary warrants therefor.
- C. *Violations deemed public nuisance.* The provisions of this chapter are deemed to be necessary for the protection of the public health, safety and welfare and for the protection of the peaceful use and enjoyment of any lands by the owners thereof, and any violation of the terms of this chapter is declared by the City Commission to constitute a public nuisance.
- D. *Means of enforcement.* The enforcing officials may enforce the terms of this chapter by any or all of the following methods:
1. By initiating criminal prosecution of any violation through the office of the state attorney;
 2. By seeking the assistance of the City Attorney in initiating an action to enjoin a public nuisance or obtain other civil relief;
 3. By revoking a certificate of occupancy as provided by ordinance; or
 4. By using any other means specified in any particular article of this chapter or otherwise provided by law or ordinance.

Section 30-1.8. Compliance with Chapter.

It shall be unlawful for any person to make any use of any land, water or building, or part thereof, except in accordance with the requirements of this chapter; to fail to obtain any inspection, approval, permit, certificate or license required by this chapter; or to violate any conditions or requirements lawfully applied to any inspection, approval, permit or license issued hereunder.

Section 30-1.9. Violations and Penalties.

The city may employ enforcement powers and seek penalties and remedies as provided by Florida law or the City of Gainesville Code of Ordinances, including as provided by **Section 1-9**, for violations of the Land Development Code or related provisions.