

LEGISLATIVE #

170974A

34 providing the principles, guidelines, standards, and strategies for the orderly and balanced
35 future economic, social, physical, environmental and fiscal development of the city; and

36 **WHEREAS**, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or
37 amend and enforce land development regulations that are consistent with and implement the
38 Comprehensive Plan, and that are combined and compiled into a single land development code
39 for the city (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of
40 Ordinances); and

41 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the
42 Land Development Code as described herein; and

43 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
44 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
45 to Section 163.3174, Florida Statutes, held a public hearing on July 26, 2018, and voted to
46 recommend the City Commission approve this text change to the Land Development Code; and

47 **WHEREAS**, at least ten days’ notice has been given once by publication in a newspaper of
48 general circulation notifying the public of this proposed ordinance and of public hearings in the
49 City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

52 **WHEREAS**, the City Commission finds that the Land Development Code text amendment
53 described herein is consistent with the City of Gainesville Comprehensive Plan.

54 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
55 **FLORIDA:**

56 **SECTION 1.** Section 30-2.1 of the Land Development Code is amended as follows. Except as
57 amended herein, the remainder of Section 30-2.1 remains in full force and effect.

58 **Section 30-2.1. Definitions.**

59 ***Outdoor cafe*** means a seating area, located outside of the public right-of-way, that is adjacent to,
60 operated by, and an accessory use to a restaurant, alcoholic beverage establishment, microbrewery,
61 microdistillery, or microwinery. ~~an unenclosed establishment that is open to the public and operating~~
62 ~~under the regulations for food service of the Florida Department of Agriculture or Florida Department of~~
63 ~~Business and Professional Regulation. *Outdoor cafe* does not include mobile food vending vehicles or~~
64 ~~any use of property that does not provide a permanent structure for restrooms and kitchen facilities.~~
65

66 ***Sidewalk cafe*** means a seating area within the public right-of-way that is: adjacent to, operated by, and
67 an accessory use to a restaurant, ~~or an~~ alcoholic beverage establishment, microbrewery, microdistillery,
68 or microwinery.
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71 **SECTION 2.** Section 30-3.49 of the Land Development Code is amended as follows.

72 **Section 30-3.49. Master Plans.**

- 73 A. ***Purpose.*** Master plan review is an optional step for projects that fall within the intermediate or
74 major level of development review. A master plan is intended to provide for large area planning for
75 phased developments. The intent of the master plan is to identify internal and external
76 connectivity, regulated natural and archeological resources, and developable areas. ~~*Master plan*~~
77 ~~*review.* Master plan review is an optional step for projects that fall within the intermediate or major~~
78 ~~level of development review. A master plan is intended to provide for large area planning for phased~~
79 ~~developments. The master plan is reviewed by the Technical Review Committee, is publicly noticed~~
80 ~~in accordance with this chapter, and is reviewed and a decision rendered at a public hearing by the~~
81 ~~appropriate reviewing board. The board may approve (with or without conditions) or deny the~~
82 ~~master plan. Approval shall constitute a preliminary development order. Individual phases or~~
83 ~~portions of the project shall be consistent with the approved master plan. A master plan is intended~~
84 ~~to serve as a basis for review of future development plans in a phased development. Once a master~~
85 ~~plan has received a final development order, individual phases may be reviewed and approved by~~
86 ~~staff. The intent of the master plan is to identify internal and external connectivity, regulated natural~~
87 ~~and archeological resources, and developable areas. A master plan shall contain justification of any~~
88 ~~requested phasing schedule.~~
- 89 B. ***Review and effect.*** Master plans are reviewed by the Technical Review Committee in accordance
90 with the process set forth in this division for development plan review, and must demonstrate that
91 the completed development will be consistent with this chapter and with the Comprehensive Plan.

92 Each phase must include a proportionate share of any required recreational and open space, and
93 other site and building amenities of the entire development, except that more than a proportionate
94 share of the total amenities may be included in the earlier phases with corresponding reductions in
95 the later phases. An approved master plan will serve as a basis for review of future development
96 plans in the phased development, and individual phases or portions of the project must be
97 consistent with the approved master plan. ~~Approval of master plan. A master plan for an entire~~
98 ~~development site shall demonstrate that the completed development will be consistent with this~~
99 ~~chapter and with the Comprehensive Plan. Each phase shall include a proportionate share of any~~
100 ~~required recreational and open space, and other site and building amenities of the entire~~
101 ~~development, except that more than a proportionate share of the total amenities may be included~~
102 ~~in the earlier phases with corresponding reductions in the later phases. A certificate of preliminary~~
103 ~~and final concurrency shall be required for each phase. A revised master plan shall be submitted~~
104 ~~with any development plan that includes deviations from the previously approved master plan, and~~
105 ~~shall be approved by the appropriate reviewing board.~~

106 C. *Expiration of master plan.* A master plan shall be effective for up to 5 years from the date of
107 approval.

108 ~~D. *Review criteria.* A master plan shall be reviewed in accordance with the criteria set forth in this~~
109 ~~division for development plan review.~~

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111
112 **SECTION 3.** Section 30-3.56 of the Land Development Code is amended as follows.

113 **Section 30-3.56. Land Use Hearing Officer.**

114 A. *Establishment and purpose.* There is hereby created the position of City of Gainesville Land Use
115 Hearing Officer (Hearing Officer), which ~~has~~ shall have the purpose of providing an administrative
116 process for appealing certain decisions regarding the administration and enforcement of the Land
117 Development Code, as provided in this division. No party ~~may~~ shall be deemed to have exhausted
118 his or her administrative remedies for the purpose of seeking judicial review unless the party first
119 obtains review by a Hearing Officer as provided in this division.

120 B. *Appointment and removal.*

121 1. The City Commission, through a competitive selection process, may shall appoint by contract
122 one or more Hearing Officers, who will shall be compensated as determined by the City
123 Commission, for a definite term of office not to exceed four years, and may be reappointed at
124 the conclusion of any term. In addition, the city may elect to use a Hearing Officer appointed by
125 the State of Florida or any agency thereof that meets the qualifications provided in this section.

126 2. ~~Each Hearing Officer shall be appointed for a definite term of office, not to exceed four years,~~
127 ~~and may be reappointed at the conclusion of any term. During his/her term of service, a~~
128 ~~Hearing Officer appointed by the City Commission may be removed only for cause by the City~~
129 ~~Commission. Cause for removal of a Hearing Officer includes, but is not limited to, violations of~~
130 ~~the standards set forth in the Code of Judicial Conduct adopted by the Florida Supreme Court or~~
131 ~~the State of Florida Code of Ethics for Public Officers and Employees in Chapter 112, Florida~~
132 ~~Statutes.~~

133 ~~3. A Hearing Officer shall be removed only for cause by the City Commission. Cause for removal of~~
134 ~~a Hearing Officer shall include, but not be limited to, violations of the standards set forth in the~~
135 ~~Code of Judicial Conduct adopted by the Florida Supreme Court or the State of Florida Code of~~
136 ~~Ethics for Public Officers and Employees in Chapter 112, Florida Statutes.~~

137 C. *Minimum qualifications.* Hearing Officers ~~shall~~ must meet the following minimum qualifications:

- 138 1. A licensed attorney who is an active member of the Florida Bar in good standing.
- 139 2. At least three years of professional experience in land use or local government law.
- 140 3. Not an employee of or office holder with the city.

141 D. *General authority.* The Hearing Officer ~~has~~ shall have all powers necessary to perform the functions
142 prescribed by this division, including the power to interpret and administer this division, the power
143 to dispose of procedural requests or similar matters, the power to issue notices of hearings and
144 subpoenas requiring attendance, and the power to administer oaths.

146
147 **SECTION 4.** Section 30-4.3 of the Land Development Code is amended as follows. Except as
148 amended herein, the remainder of Section 30-4.3 remains in full force and effect.

149 **Section 30-4.3. Zoning Map.**

150 D. *Parcels divided by district boundaries.* Where any parcel of land is divided into two or more zoning
151 districts or transects, the regulations of each individual district ~~shall~~ apply to that part of the parcel
152 so zoned, except that, ~~when a parcel is divided into two or more of the RMF 6, RMF 7, and RMF 8~~
153 ~~residential districts,~~ the permitted density of development may be averaged over the entire parcel.

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156 **SECTION 5.** Section 30-4.8 of the Land Development Code is amended as follows. Except as
157 amended herein, the remainder of Section 30-4.8 remains in full force and effect.

158 **Section 30-4.8. Development Compatibility.**

- 159 D. *Multi-family developments.*
- 160 1. *Generally.* Multi-family development shall contain no more than six dwelling units per building
161 and shall be in the form of single-family dwellings, attached dwellings, or small-scale multi-
162 family when located within 100 feet of any property that is in a single-family zoning district, the
163 U1 district, or a designated historic district.
 - 164 2. *Abutting single-family property.* All new multi-family projects, whether stand alone or part of a
165 mixed-use project, abutting property in a residential district or a planned development district
166 with predominantly residential uses shall comply with the following regulations:

- 167 a. There shall be no outdoor recreation areas or uses allowed within any required building
168 setback area or landscape buffer between abutting multi-family development and single-
169 family designated properties.
- 170 b. Active recreation areas (including swimming pools, tennis courts, basketball, and volleyball
171 courts) shall be located away from abutting single-family designated properties and shall be
172 oriented in the development to minimize noise impacts on single-family designated
173 properties.
- 174 c. There shall be no car washing areas, dumpsters, recycling bins, or other trash/waste
175 disposal facilities placed in the required setback area between multi-family development
176 and properties zoned for single-family use.
- 177 d. Parking lots and driveways located in the area between multi-family and abutting single-
178 family designated properties shall be limited to a single-loaded row of parking and a two-
179 way driveway.
- 180 e. A decorative masonry wall (or equivalent material in noise attenuation and visual screening)
181 with a minimum height of six feet and a maximum height of eight feet plus a Type B
182 landscape buffer shall separate multi-family residential development from properties
183 designated single-family residential. However, driveways, emergency vehicle access, or
184 pedestrian/bicycle access may interrupt a continuous wall. If, in the professional judgment
185 of city staff or other professional experts, masonry wall construction would damage or
186 endanger significant trees or other natural features, the appropriate reviewing authority
187 may authorize the use of a fence and/or additional landscape buffer area to substitute for
188 the required masonry wall. There shall be no requirement for a masonry wall or equivalent if
189 buildings are 200 or more feet from abutting single-family properties. In addition, the
190 appropriate reviewing authority may allow an increased vegetative buffer and tree
191 requirement to substitute for the required masonry wall.
- 192 f. The primary driveway access shall be on a collector or arterial street, if available. Secondary
193 ingress/egress and emergency access may be on or from local streets.
- 194 3. *Bedroom limit.* Maximum number of bedrooms in multi-family developments located within the
195 University of Florida Context Area.
- 196 a. Multi-family developments shall be limited to a maximum number of bedrooms based on
197 the development's maximum residential density allowed by the zoning district multiplied by
198 a 2.75 multiplier.
- 199 b. If additional density is approved through a Special Use Permit, then the multiplier is applied
200 to the total approved density inclusive of any additional units approved by Special Use
201 Permit.
- 202 ~~c. In the case of decimal places, the maximum bedrooms shall be rounded down to the next~~
203 ~~whole number.~~
- 204 c.d. The bedroom mix in the development (i.e., the number of units with a specific number of
205 bedrooms) is not regulated by these provisions.
- 206 d.e. Developments with Planned Development (PD) zoning are not subject to the bedroom
207 multiplier.

208

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210 **SECTION 6.** Section 30-4.13 of the Land Development Code is amended as follows. Except as

211 amended herein, the remainder of Section 30-4.13 remains in full force and effect.

212 **Section 30-4.13. Building Form Standards.**

213 This section contains the building form standards that determine the location, scale and massing of all
214 buildings within the transects.

215

216 **Table V - 1: Building Form Standards within Transects.**

TRANSECT	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
H. FLOOR HEIGHT										
Min first floor height (residential/nonresidential)	NA/10'	NA/12'	NA/12'	NA/12'	NA/12'	NA/12'	12'/12'	12'/15'	12'/15'	12'/15'
Min first floor elevation (residential only)	-	-	-	-	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.	1.5 ft.

217

218

219 **SECTION 7.** Section 30-4.15 of the Land Development Code is amended as follows. Except as

220 amended herein, the remainder of Section 30-4.15 remains in full force and effect.

221 **Section 30-4.15. Parking Requirements.**

222 *A. Parking amounts.*

Transect	Min Vehicle Spaces		Min Bicycle Spaces		Min Scooter Spaces
	Nonresidential Use	Residential Use	Nonresidential Use	Residential Use	
DT	-	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U9	-	-	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U8	-	-	1 per 2000 sq.ft. of	1 per 3	1 per 6

			GFA	bedrooms	bedrooms
U7	-	1 per 3 bedrooms	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U6	-	1 per 3 bedrooms	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	1 per 6 bedrooms
U5	-	1 per 3 bedrooms	1 per 2000 sq.ft. of GFA	1 per 3 bedrooms	-
U4	Per parking code				
U3					
U2					
U1					

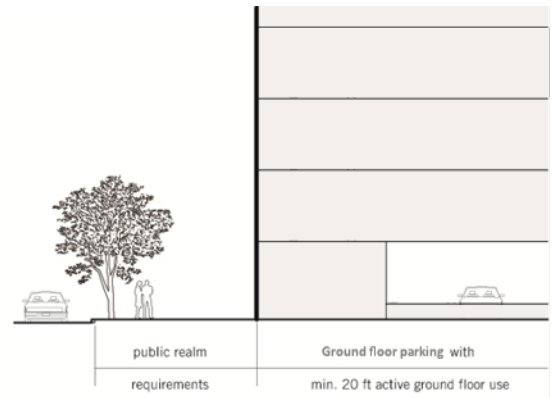
223

224 B. *Location of parking facilities.*

225 1. Surface parking lots shall be located to the rear or side of buildings, but no more than 50% of
 226 the total parking area may be located to the side of buildings.

227 2. Surface parking in the form of a single level of
 228 ground floor parking located within the building
 229 footprint (see Figure V-10) must include ~~shall~~
 230 ~~provide~~ a minimum of 25 feet of active ground
 231 floor commercial, residential, or office uses along
 232 Storefront ~~or~~ and Principal streets, or in the event
 233 that all of the abutting roadways are local streets,
 234 must include a minimum of 25 feet of active ground
 235 floor uses along the most primary local street as
 236 determined by pedestrian traffic. All other street
 237 frontages must include ~~and shall provide on all~~
 238 ~~street frontages~~ decorative screening walls,
 239 perimeter parking landscaping per Article VII, or a
 240 combination thereof to shield ground floor parking
 241 areas.

Figure V - 10: Ground-Floor Parking under Building



242 3. Surface and structured parking areas shall be accessed from rear alleys or rear lanes where
 243 available (see Figure V-11), from an adjacent property (see Figure V-12), or from local streets, in
 244 that order of hierarchy. Vehicular access from other street types shall only be allowed in the
 245 absence of these options.

246 4. Within the DT district, any surface parking areas abutting a public street or urban walkway shall
 247 be screened from street view by a masonry garden wall with a height between 3 and 5 feet. In
 248 the other T-zones, the parking lot may be screened in accordance with the perimeter parking
 249 landscaping standards per Article VII.

250 5. A minimum of 10% of the provided bicycle parking shall be located between the building and
 251 the street.

252

253

254 **SECTION 8.** Section 30-4.20 of the Land Development Code is amended as follows. Except as
 255 amended herein, the remainder of Section 30-4.20 remains in full force and effect.

256 **Section 30-4.20. Dimensional Standards.**

257 The following tables contain the dimensional standards for the various uses allowed in each district.

258 **Table V - 8: Mixed-Use and Nonresidential Districts Dimensional Standards.**

	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	W	BI	I-1	I-2
MAXIMUM BUILDING HEIGHT (stories)												
By right	5	5	3	3	5	5	5	5	5	5	5	5
With building height bonus	8	8	-	<u>8</u>	8	8	-	8	-	-	-	-

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262 **SECTION 9.** Section 30-4.24 of the Land Development Code is amended as follows.

263 **Section 30-4.24. Dimensional Standards.**

264 The following table contains the dimensional standards for the various uses allowed in each special
 265 district.

266 **Table V - 10: Dimensional Standards for Special Districts.**

	AGR	AF	CON	ED	MD	PS ⁵
DENSITY/INTENSITY						
Max density (units/acre)	0.2		0.2			
Max lot coverage	20%	None	10% ¹	None	40% ²	
LOT STANDARDS						
Min lot area	5 acres	None	5 acres	None	6,000 sq. ft.	
Min lot width (ft.)	300	None	None	None	60	
Min lot depth (ft.)	300	None	None	None	None	
MIN SETBACKS (ft.)						
Front	50 ⁴	25	50	25 ⁷	20	
Side-street	50 ⁴	⁶	50	25 ⁷	15	
Side-interior	25 ⁴	⁶	25	15 ⁷	15	
Rear	50 ⁴	⁶	50	50	15	
BUILDING HEIGHT (stories)						
Max	3	None	3	None	5	
With SUP	NA	NA	NA	NA	14 ⁸	

267 **LEGEND:**

- 268 1 = By impervious cover of any kind.
- 269 2 = 50% when a minimum of 75% of parking is accommodated within a parking structure.
- 270 3 = Intensive recreation uses such as fairgrounds, stadia, community assembly buildings, performing arts
271 halls, arenas, etc.
- 272 4 = Hog raising operations, buildings for commercial poultry raising, dog kennels and open runs or cages,
273 and stables shall be located a minimum of 200 feet from any property line.
- 274 5 = Development standards to be determined at the time of rezoning.
- 275 6 = Per FAA and airport regulations.
- 276 7 = If the development abuts land shown as SF or RL on the Future Land Use Map, the setback along that
277 property line shall be 50 ft. plus an additional 10-ft. setback per every floor above the second.
- 278 8 = Building heights for hospitals and large-scale medical office facilities may be increased to a maximum
279 of 14 stories through the special use permit process only for hospitals and large-scale medical office
280 facilities. All other uses may be increased to a maximum of eight stories through the special use
281 permit process.

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284 **SECTION 10.** Section 30-5.37 of the Land Development Code is amended as follows. Except as
285 amended herein, the remainder of Section 30-5.37 remains in full force and effect.

286 **Section 30-5.37. Home Occupations.**

- 287 A. The following standards apply to home occupations other than the teaching of fine arts (see
288 Subsection B below), family day care homes and community residential homes, as defined in Article
289 II. Standards for family child care homes and community residential homes are found in Article V,
290 Division 1.
- 291 1. *Permits.*
- 292 a. A person desiring to conduct a home occupation at his or her primary place of residence a
293 permit for a home occupation shall apply to the appropriate department as designated by
294 the City Manager. ~~A person may only apply for a home occupation permit to be used at his~~
295 ~~or her primary place of residence.~~ Permit fees must ~~shall~~ be paid in accordance with
296 Appendix A, except any person exempt from the payment of a license tax under the
297 provisions of Section 25-50(a) of the Code of Ordinances is ~~shall~~ also ~~be~~ exempt from this
298 fee. Permit applications must ~~shall~~ include the following:
- 299 i. Name of applicant;
- 300 ii. Location of dwelling unit where the home occupation will be conducted;
- 301 iii. Total floor area of the dwelling unit;

- 302 iv. Area of room or rooms to be used in the conduct of the home occupation;
- 303 v. A sketch with dimensions showing the floor plan and the area to be used for the
- 304 conduct of the home occupation. This sketch will show the location and nature of all
- 305 equipment to be used in the conduct of the home occupation, as well as the locations
- 306 for storage of materials used in the conduct of the home occupation and the identity
- 307 and nature of these materials; and
- 308 vi. The exact nature of the home occupation.
- 309 b. If the proposed home occupation complies with all of the requirements of Subsection A2 of
- 310 this section, the enforcing officer shall issue the home occupation permit. Once such home
- 311 occupation permit is issued to an applicant, it ~~may shall~~ not be transferred to another
- 312 person through the sale, leasing or rental of the premises on which the home occupation is
- 313 located or in any other manner; except that, in the case of death, should a surviving spouse
- 314 or child residing at the same address desire to continue the home occupation, written notice
- 315 to that effect ~~must shall~~ be given to the enforcing officer and the permit may be transferred.
- 316 Such home occupation permit may not be used by the applicant for any premises other than
- 317 that for which it was granted.
- 318 c. Home occupation permits are effective ~~Any home occupation permit issued shall be~~ for the
- 319 period of October 1 through September 30. ~~The city shall not automatically renew each~~
- 320 ~~home occupation permit previously granted, but shall scrutinize all applications, either~~
- 321 ~~original or renewal, to ensure that permitted home occupations are in compliance with this~~
- 322 ~~section.~~

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325 **SECTION 11.** Section 30-5.40 of the Land Development Code is amended as follows.

326 **Section 30-5.40. Outdoor Cafes.**

- 327 ~~A. An outdoor café, as defined in Article II, may be operated only in conjunction with a restaurant, a~~
- 328 ~~business that serves onsite prepared food, or with an alcoholic beverage establishment.~~
- 329 ~~B. A. Outdoor cafes may~~ Every outdoor cafe shall be open to the weather and shall not interfere with
- 330 ~~the circulation of pedestrian or vehicular traffic on adjoining streets, alleys, or sidewalks.~~
- 331 ~~C. When an outdoor cafe abuts a public sidewalk or street, the outdoor cafe shall provide a safety~~
- 332 ~~barrier along the public/private boundary. The barrier shall consist of plants, screens, or fencing. The~~
- 333 ~~barrier shall be architecturally consistent with the associated building and be at least three feet~~
- 334 ~~high. The barrier may deviate from these standards if approved by the appropriate reviewing board~~
- 335 ~~or City Manager or designee, as required.~~
- 336 ~~D. Parking requirements shall be calculated based on the seating, to be consistent with the parking~~
- 337 ~~requirements for restaurants, in accordance with this chapter.~~
- 338 ~~E. B. Outdoor cafes shall~~ may not be located in a side or rear yard when abutting any residential
- 339 ~~property.~~

- 340 F. ~~C.~~ Noise, smoke, odor, or other environmental nuisances ~~shall~~ must be confined to the lot upon
341 which the outdoor cafe is located.
- 342 G. ~~D.~~ Development plan review shall be is required for new outdoor cafes. The area for the outdoor
343 cafe ~~shall~~ must be shown on the development plan. The area ~~shall~~ must not be in conflict with
344 required landscaped areas and development review ~~shall~~ may determine appropriate modifications
345 of existing landscaped areas. Stormwater management ~~shall be~~ is required for pervious areas that
346 become impervious for the cafe use.
- 347 H. ~~E.~~ An outdoor café that extends, wholly or in part, onto public right-of-way is subject to the
348 standards of the Sidewalk Café in this article.

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351 **SECTION 12.** Section 30-5.44 of the Land Development Code is amended as follows.

352 **Section 30-5.44. Sidewalk Cafés.**

353 Sidewalk cafes are allowed in city right-of-way in all zoning districts, subject to this section. However,
354 sidewalk cafes are allowed in State of Florida right-of-way only in the DT zoning district, subject to this
355 section. Sidewalk cafes must ~~shall~~ be operated by the business owner of the principal use pursuant to a
356 license agreement entered into with the city on the form provided by the city and approved by the City
357 Attorney as to form and legality. The City Manager or designee is authorized to enter into such license
358 agreements and to terminate any license agreement if it is determined by the City Manager or designee
359 that the licensee has violated the terms of the license agreement or this section or for such other reason
360 as the City Manager or designee deems necessary for the public health, safety or welfare. In addition,
361 sidewalk cafes in state right-of-way are ~~shall be~~ subject to approval by the Florida Department of
362 Transportation (FDOT), all terms and conditions imposed by FDOT, and are ~~shall be~~ subject to
363 termination by FDOT. All license agreements are subject to the following minimum terms and
364 conditions:

- 365 A. The principal use and sidewalk cafe must ~~shall~~ remain in compliance with the requirements of this
366 code.
- 367 B. The licensee shall maintain the portion of the right-of-way where the sidewalk cafe is located in a
368 clean and safe condition and shall promptly repair any damage caused by the licensee, its invitees,
369 employees and others using the sidewalk cafe.
- 370 C. The licensee shall release, indemnify and hold harmless the city, and the State of Florida if the
371 sidewalk cafe is located in a state right-of-way, for any personal injury or property damage resulting
372 from the existence or operation of the sidewalk cafe and the condition and maintenance of the
373 right-of-way upon which it is located, including utilities located within the right-of-way.
- 374 D. For a sidewalk cafe located in a city right-of-way, the licensee shall maintain general liability
375 insurance in an amount not less than \$500,000.00 combined single limit for bodily injury and
376 property damage. The city shall be named as an additional insured, as evidenced by a policy
377 endorsement. Policies shall be issued by companies authorized to do business in the State of Florida
378 and shall be rated at least A- and have a size category rating of VI or higher as per Best's Key Rating
379 Guide, latest edition. The licensee shall give the city no less than 30 calendar days' written notice
380 prior to any cancellation, nonrenewal, or any material change in a continuing policy. The city's risk

- 381 management director is authorized to lower the amount of general liability insurance required, if
382 the licensee can show that the above amount is excessive for the particular activity. The licensee
383 shall furnish evidence of such insurance to the city annually.
- 384 E. For a sidewalk cafe located in a state right-of-way, the licensee shall maintain general liability
385 insurance in an amount not less than \$1,000,000.00 for bodily injury or death to any one person or
386 any number of persons in any one occurrence and not less than \$1,000,000.00 for property damage,
387 or a combined coverage of not less than \$2,000,000.00. The State of Florida and the city shall be
388 named as additional insured, as evidenced by a policy endorsement. Policies shall be issued by
389 companies authorized to do business in the State of Florida and shall be rated at least A- and have a
390 size category rating of VI or higher as per Best's Key Rating Guide, latest edition. The licensee shall
391 give the city no less than 75 calendar days' written notice prior to any cancellation, nonrenewal, or
392 any material change in a continuing policy. The licensee shall furnish evidence of such insurance to
393 the city annually.
- 394 F. Sidewalk cafes may not interfere with any utilities or other facilities such as street lights, fire
395 hydrants, signs, parking meters, mailboxes, or benches located on the sidewalk or in the public right-
396 of-way. The sidewalk cafe shall be at least five feet from the curbline of the street and from any fire
397 hydrants.
- 398 G. A minimum five-foot wide clear, straight, and visually unobstructed pedestrian path must shall be
399 maintained on the sidewalk at all times. However, where a sidewalk cafe is adjacent to a lane of
400 traffic with no on-street parking and located on an arterial street, a minimum six-foot wide clear,
401 straight, and visually unobstructed pedestrian path must shall be maintained on the sidewalk at all
402 times. The width of a required clear pedestrian path may be increased during the day or decreased
403 at night by the City Manager or designee if deemed advisable for the public health, safety and
404 welfare. However, in no event shall the clear pedestrian path be less than three feet in width.
- 405 H. ~~A sidewalk cafe that is operated by a restaurant, as defined in Article II, When adjacent to on-street~~
406 ~~parking, sidewalk cafes may include the area adjacent to the curbline, when adjacent to on-street~~
407 ~~parking, provided there is sufficient sidewalk width to maintain a five-foot wide clear pedestrian~~
408 ~~path. Curbside seating must allow enough space for on-street parked cars to safely open vehicle~~
409 ~~doors and enter or exit vehicles. With written authorization from the City Manager or designee,~~
410 ~~sidewalk cafes may at certain designated times extend to on-street parking areas directly in front of~~
411 ~~the principal use.~~
- 412 I. Sidewalk cafes may use the sidewalk in front of the abutting property in the same building or within
413 the same block provided written permission is obtained from the property owner. A sidewalk cafe
414 ~~that is operated by an alcoholic beverage establishment, as defined in Article II, shall be surrounded~~
415 ~~by an enclosure or barrier at least three feet in height, measured from the ground or sidewalk level.~~
416 ~~If the alcoholic beverage establishment is not open for business between the hours of 8:00 a.m. and~~
417 ~~6:00 p.m., the enclosure or barrier shall not be permanently affixed to the sidewalk, unless~~
418 ~~otherwise required by a governmental permitting entity.~~
- 419 J. ~~A sidewalk cafe that is operated by a restaurant shall not be required to have an enclosure or~~
420 ~~barrier, provided all chairs, tables, and related items are stored inside the building or are securely~~
421 ~~stored adjacent to the building when the restaurant is closed for business. All tables, chairs, and~~
422 ~~fixtures must be arranged so as to avoid any possible intrusion into the clear pedestrian path.~~
423 Umbrellas and awnings may not intrude into the clear pedestrian path, unless they have a vertical
424 height clearance of at least seven feet. All tables, chairs, and fixtures must be removed immediately

425 after the daily close of business, and must be stored inside the building or securely adjacent to the
426 building. Sidewalk cafes on streets where the clear pedestrian zone exceeds six feet may leave
427 furniture in place after business hours.

428 K. Barriers or enclosures are not required for sidewalk cafes. If enclosures or barriers are ~~required or~~
429 provided, they ~~must shall~~ be moveable and designed to provide ADA-compliant access to the public
430 right-of-way. Enclosures or barriers may consist of screens, planters, fencing or other material that
431 surrounds the area in which the sidewalk cafe is operated. ~~Unless otherwise specified in this section,~~
432 ~~provided that the principal use operates four out of seven days a week and is in operation by 6:00~~
433 ~~p.m. each day it is open for business, such enclosure and other improvements may be permanently~~
434 ~~affixed to the sidewalk, provided they are removed, and the sidewalk repaired to its original~~
435 ~~condition, upon termination of the license or abandonment of the sidewalk cafe use. If at any time,~~
436 ~~parts or part of the enclosure are removed or missing to such an extent that the enclosure is no~~
437 ~~longer sufficient to meet the requirements of this section, the entire enclosure shall be removed.~~

438 L. No heating or cooking of food or open flames ~~is shall~~ be allowed in the sidewalk cafe, except as may
439 be allowed by the chief fire official.

440 M. Sidewalk cafes ~~may not shall not~~ use or obstruct a sidewalk located within the vision triangle.

441 N. Each license agreement for a sidewalk cafe ~~must shall~~ be for a one-year term and ~~must shall~~ be
442 renewed annually and upon any change of business ownership of the principal use. License
443 agreements must include a diagram showing the largest sidewalk area that the sidewalk café will
444 potentially be occupying in compliance with this section, and the license agreement and diagram
445 must be kept at the principal use and be available for inspection during all hours of operation.

446 O. Sidewalk cafes that serve alcohol must have the largest sidewalk area that the sidewalk cafe will
447 potentially be occupying included within the requisite Alcoholic Beverage License.

448

449

450

451 **SECTION 13.** Section 30-7.7 of the Land Development Code is amended as follows. Except as

452 amended herein, the remainder of Section 30-7.7 remains in full force and effect.

453 **Section 30-7.7. Residential Parking.**

454 A. *Residential Parking.* This section is established to regulate off-street parking on specific property
455 located in the following zoning districts: RC, RSF-1, RSF-2, RSF-3, or RSF-4 or in a district containing
456 single family or two-family dwellings on property zoned planned development (PD).

- 457 1. *Purpose and effect.* This section allows residents to take affirmative steps to preserve the
458 character of their residential and single-family neighborhoods and to enhance the public health,
459 welfare and safety as well as the aesthetic value of their property by controlling off-street
460 parking. Furthermore, healthy vegetation with an above-ground network of leaves, shoots, and
461 stems and an extensive fibrous root system below reduces soil erosion and noise, and improves
462 surface and groundwater by filtering rainwater.

463 This section acts as an overlay, in that the regulations of the underling zoning district and all
464 other applicable regulations remain in effect and are further regulated by the residential parking
465 overlay district standards described in this section. If provisions of this section conflict with the
466 underling zoning, the provisions of this section shall govern and prevail.

- 467 2. *Criteria.*

- 468 a. The proposed area shall consist of at least 25 compact and contiguous parcels, as defined in
469 this chapter.
- 470 b. The area shall not cause the creation of an enclave or peninsula, as commonly defined in
471 annexations.
- 472 c. Each boundary of the area shall be one of the following identifiable landmarks: a street,
473 alley, publicly owned right-of-way, platted subdivision boundary, or a creek.
- 474 d. No area boundaries shall overlap the boundary of an existing residential parking overlay
475 district or the context area.
- 476 e. The area shall consist only of parcels that are in a RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning
477 district, or in a district of single-family or two-family dwellings on property zoned PD.

- 478 3. *Procedures.*

- 479 a. To create a residential parking overlay, a petition requesting imposition of the overlay
480 district on an area that meets the criteria described above shall be submitted to the City
481 Manager or designee on forms provided by the city. Each petition shall meet the following
482 requirements:
- 483 i. The individual circulating the petition forms ("petitioner") shall obtain the requisite
484 petition form from the City Manager or designee.
- 485 ii. The petitioner shall be an "owner", as defined in this chapter, of property located within
486 the proposed overlay district area and shall be a signatory to the petition.
- 487 iii. The petitioner shall submit to the City Manager or designee an accurate, reproducible
488 map of the proposed residential parking overlay district.
- 489 iv. Each petition shall contain authentic signatures of at least 60% of the fee simple record
490 title owners of the lots or parcels within the proposed overlay district area, exclusive of
491 public property.

- 492 v. To be verified by the city, signatures shall be accompanied by the legibly printed name
493 of the signer, the address of the parcel owned by the signer, the parcel number of the
494 parcel owned by the signer, and the date the petition is signed.
- 495 vi. Jointly owned parcels are considered owned by a single person, for purpose of the
496 petition, and any co-owner may sign a petition for the parcel. Only one owner of each
497 parcel shall be included in the 60% requirement stated above. If a person owns more
498 than one parcel of property within the proposed district area, that person may sign the
499 petition one time for each parcel owned.
- 500 vii. Signatures dated more than six months prior to the date the petition is filed with the
501 city are not acceptable.
- 502 viii. For a signature to be verified, Alachua County Property Appraiser records shall indicate
503 that the printed name of the petition signatory is consistent with the name of the
504 property owner as listed in the current records of the Alachua County Property
505 Appraiser.
- 506 ix. The petition shall clearly and accurately advise each putative signer of the type of
507 restrictions that may be imposed on the property if the overlay district is imposed upon
508 the area.
- 509 x. The petition shall clearly and accurately describe the proposed boundaries of the area.
- 510 b. When the petition is submitted to the City Manager or designee, the City Manager or
511 designee shall verify the names and signatures, and shall determine whether the petition
512 meets the criteria of this section.
- 513 c. To pay for the cost of verifying signatures, the city shall charge a fee as set forth in appendix
514 A of the Code of Ordinances.
- 515 d. If an insufficient number of acceptable owner signatures are submitted, the city shall return
516 the petition to the petitioner and the city shall retain the fee.
- 517 e. If a sufficient number of acceptable owner signatures are submitted, the petitioner may
518 apply for the rezoning of the area with the imposition of the overlay district as provided in
519 this chapter for zoning changes (including application fees, public notice, and public hearings
520 before the City Plan Board and the City Commission).
- 521 f. *Criteria used to evaluate parcels for rezoning.* The following criteria shall be used to evaluate
522 the appropriateness of imposing this overlay district on the area:
- 523 i. The petitioner shall submit evidence of the impact of off-street parking on the quality of
524 vegetation or runoff within the proposed overlay district area. Such evidence includes,
525 but is not limited to, evidence that off-street parking is resulting in a negative impact to
526 the quality of the vegetation of parcels or contributing to a decline in said quality within
527 the proposed area; and
- 528 ii. The petitioner shall submit evidence that off-street parking is resulting in a negative
529 aesthetic impact to lots or parcels within the proposed area, or the effect of that off-
530 street parking on the environment of the area.

- 531 g. The petition for imposition of the overlay district shall be considered by the City Plan Board
532 for its recommendation to the City Commission. In order to impose the overlay district upon
533 parcels within an area, an affirmative vote of the City Commission is required. If the petition
534 or ordinance fails, a subsequent petition for imposition of the overlay district on all or any
535 portion of the area may not be included in a new petition unless at least one year has
536 transpired from the date of submittal of the previous petition for imposition of the overlay
537 on an area.
- 538 4. *Off-street parking regulations in the context area and in any residential parking overlay.* Off
539 street parking shall be limited to the driveway parking area meeting the dimensional
540 requirements below and leading from the permitted driveway connection to the enclosed
541 parking space (garage or carport), plus two pullout spaces as described below. If there is no
542 garage or carport, the driveway parking area shall meet the dimensional requirements below
543 and be able to provide parking and ingress or egress of vehicles.
- 544 a. The maximum width of the driveway parking area is the greater of 18 feet or the maximum
545 width of the enclosed parking space.
- 546 b. Pullout spaces can be no more than nine feet wide and 16 feet long; shall be covered with
547 pavement, gravel, wood chips, bark mulch, or other erosion-preventing material clearly
548 defining the pullout spaces; and shall be contiguous to the driveway parking area.
- 549 c. Notwithstanding Subsections a. and b. above, no more than 40% of front open space may be
550 devoted to driveway parking area and pullout spaces.
- 551 d. Circular driveway parking areas meeting the above dimensional requirements are permitted
552 provided the necessary driveway connections are provided; however only one pullout space
553 is allowed with a circular driveway parking area.
- 554 e. Access to all driveway parking areas shall be from an approved or existing legal driveway
555 connection.
- 556 f. All unpaved driveway parking areas and pullout spaces shall be covered with gravel, wood
557 chips, bark mulch, or other erosion-preventing material clearly defining the driveway
558 parking area, and have side borders of plants, pressure treated landscape timbers, railroad
559 ties, pressure treated wood, composite "plastic wood", brick, concrete or similar border
560 materials.
- 561 i. *Erosion preventing material.*
- 562 1) Where bark mulch or wood chips are used, they shall cover the entire surface of the
563 driveway parking area and pullout spaces with a layer that is at least two inches
564 thick. They shall be distributed evenly within the borders and shall be free of bare
565 spots and vegetation. Other types of mulch may be used only after approval from
566 the City Manager or designee.

- 567 2) Where gravel is used, it shall cover the entire surface of the driveway parking area
568 and pullout spaces with a layer that is at least one inch thick. The gravel shall be
569 evenly distributed within the borders and shall be free of bare spots and vegetation.
570 The material used for a gravel parking area and/or pullout space shall be rock or
571 crushed stone, shall not be more than 1½ inches in diameter, and shall not contain
572 dirt, sticks, construction debris or other foreign material. Sand, rock powder, or
573 other similar material less than one-eighth inch in diameter may be used as a base,
574 but shall not be included when measuring the gravel thickness.
- 575 3) Leaves, pine needles, grass clippings, canvas, plastic sheets, poly sheets, or other
576 similar rolled sheeting shall not be used as an erosion preventing material.
- 577 4) The erosion preventing material shall be clearly stated on the submitted parking
578 plan and approved by the City Manager or designee prior to its use.
- 579 ii. *Borders.*
- 580 1) Plant borders shall be a one-gallon minimum size at the time of planting, spaced no
581 greater than 36 inches apart. Plants shall be a minimum of 12 inches high when
582 planted and shall be maintained at no less than 12 inches high.
- 583 2) Wood borders shall be pressure treated or be treated to prevent the decomposition
584 of the wood when the wood is applied to the ground surface. The minimum size of
585 any wood borders or composite plastic wood borders shall be 3½ inches wide by 3½
586 inches high and shall be continuous around the border. Multiple pieces can be
587 stacked to achieve the required size. Where railroad ties are used, the ties shall be
588 structurally sound and fully intact and shall be continuous around the border. All
589 wood borders or composite plastic wood borders shall be affixed to the ground by
590 driving a metal stake through the wood/plastic into the ground. At least two stakes
591 shall be driven into each wood or composite plastic wood border segment. The
592 distance between stakes shall not be more than four feet. The metal stake shall be a
593 minimum of three-eighths of an inch in diameter and driven a minimum of 12 inches
594 below the ground surface. The metal stake shall be driven flush with the surface of
595 the wood/plastic.
- 596 3) Brick curbing shall be set in a mortar base and shall be a minimum of 3½ inches wide
597 by 3½ inches high. Concrete curbing may be pre-cast, formed or machine extruded
598 and shall be a minimum of six inches wide by six inches high and consist of a
599 concrete mix with a minimum strength of 3,000 pounds per square inch. Brick and
600 concrete curbing shall be continuous around the border. Pre-cast concrete curbing
601 shall be affixed to the ground by driving a metal stake through the curbing into the
602 ground. At least two stakes shall be driven into each piece of pre-cast concrete. The
603 distance between stakes shall not be more than four feet. The metal stake shall be a
604 minimum of three-eighths of an inch in diameter and driven a minimum of 12 inches
605 below the ground surface. The metal stake shall be driven flush with the surface of
606 the curbing.
- 607 4) Other borders may be used only after approval of the City Manager or designee. All
608 parking plans shall include a full description, including specifications, of the
609 proposed border.

- 610 g. Off-street parking on other areas of property regulated by this subsection will be allowed on
611 the day of major university related events as determined by the City Manager or designee,
612 such as University of Florida commencement programs and University of Florida home
613 football games- subject to the following regulations:
- 614 i. Parking is allowed only on the day of the event commencing at 8:00 a.m. and concluding
615 at 12:00 a.m. or three hours after conclusion of the event, whichever occurs later.
616 Vehicles may remain parked overnight, provided they are not occupied and may only be
617 picked up the day after the event between the hours of 8:00 a.m. and 12:00 p.m.
- 618 ii. All trash, signs, and other physical items associated with the parking must be removed
619 by 6:00 p.m. the day after the event.
- 620 iii. If any portable toilets are provided, they may be placed on the property the day prior to
621 the event and must be removed by 6:00 p.m. on the second day after the event.
- 622 iv. The parking area must be located solely within private property and may not extend
623 onto any public property or public right-of-way.
- 624 h. The City Manager or designee may exempt a property from the driveway parking area
625 limitations if all of the following conditions are found:
- 626 i. The driveway parking area is clearly defined.
- 627 ii. The driveway parking area is maintained in a safe, sanitary and neat condition.
- 628 iii. The driveway parking area does not contribute to soil erosion.
- 629 iv. The requirements of this section would impose an inordinate burden on the landowner
630 due to topographical road configuration constraints or other significant design
631 constraints.
- 632 i. Each owner of property regulated by this subsection shall provide a parking plan showing
633 the driveway parking areas and any pullout spaces. This plan shall be submitted as part of an
634 application for a landlord permit. For residential properties that do not require landlord
635 permits, the parking plan shall be submitted upon request of the City Manager or designee
636 within 30 calendar days of receiving a written request for a parking plan from the City
637 Manager or designee. Within 45 calendar days of the City Manager or designee's approval of
638 the new parking plan, the new plan shall be implemented and the parking area and any
639 pullout spaces shall be constructed in the manner in this approved parking plan. When the
640 new plan is implemented, the City Manager or designee shall inspect the parking area and
641 any pullout spaces for compliance.
- 642 j. No driveway parking area regulated by this subsection may be leased, rented, or otherwise
643 provided for consideration to someone not residing on the property, except as specifically
644 provided otherwise in this Article.
- 645 k. If a property is found by the City Manager or designee to not be in compliance with one or
646 more of the provisions of the existing parking plan for that property, as approved by the City
647 Manager or designee, the owner of that property may be required to submit to the City
648 Manager or designee a new, modified parking plan which is in compliance with the

649 requirements of this section. This modified parking plan for the non-compliant property
650 shall be received by the City Manager or designee within 30 calendar days of the owner's
651 receipt of a written request for the new parking plan. Within 45 calendar days of the City
652 Manager or designee's approval of the new parking plan, the new plan shall be
653 implemented and the parking area and any pullout spaces shall be constructed in the
654 manner in this approved parking plan. When the new plan is implemented, the City
655 Manager or designee shall inspect the parking area and any pullout spaces for compliance.

656 I. Where applicable, this plan shall be submitted as part of an application for a landlord permit
657 and shall be approved by the City Manager or designee prior to the issuance of a landlord
658 permit. In all cases, each owner of property zoned RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning
659 district, or that contains single family or two-family dwellings on property zoned planned
660 development (PD), which is within the context area, shall provide the City Manager or
661 designee with an updated parking plan showing the driveway parking areas and any pullout
662 spaces no later than April 1, 2007, or in conjunction with the landlord permit application,
663 whichever date comes earlier.

664

665

666 **SECTION 14.** Section 30-8.3 of the Land Development Code is amended as follows. Except as
667 amended herein, the remainder of Section 30-8.3 remains in full force and effect.

668 **Section 30-8.3. Elements of Compliance.**

669 B. *Exemptions to landscaping requirements.*

670 1. Lots designed or designated for single-family residential dwellings and the developed portion of
671 any lot over two acres in actual single-family residential use are exempt from the requirements
672 of this section, except as provided in Section 30-8.7

673 2. Development within the approach and ~~clear zone~~ Airport Runway Protection Zone areas as
674 specified on the adopted Gainesville Regional Airport master plan ~~as of 1999~~, on file with the
675 director of aviation, Gainesville Regional Airport, ~~shall be~~ is exempt from the provision of
676 required shade trees in areas where federal regulations prohibit shade trees or where shade
677 tree growth can be expected to penetrate airport zone surfaces regulated under Federal
678 Aviation Regulations 14 CFR, Part 77. If permitted, understory trees ~~shall~~ must be substituted.
679 Trees may be removed from such areas upon filing a tree removal permit accompanied by
680 submission of written authorization from the Gainesville/Alachua County Regional Airport
681 Authority or FDOT to the City Manager's designee. Reforestation is not required in areas where
682 federal regulations prohibit trees or where shade tree growth can be expected to penetrate
683 airport zone surfaces regulated under Federal Aviation Regulations 14 CFR, Part 77. Mitigation
684 will not be required except for high-quality heritage trees, which ~~shall~~ must be mitigated in
685 accordance with Section 30-8.7.

686 3. Where required shade trees are expected to conflict with planned solar energy generation,
687 developments may compensate for the required trees by relocating them to a designated area
688 or preserving an equal number of existing high-quality shade trees elsewhere on the site. At

689 least 140 square feet ~~shall~~ must be provided for each new shade tree to be planted, and existing
690 trees ~~shall~~ must be preserved in accordance with Section 30-8.8. These trees ~~shall~~ must be
691 located so that they can grow to maturity without obstructing the generation of solar energy,
692 and the area where they are planted or preserved ~~shall~~ must be delineated and noted as a
693 “designated tree area” on the development plans.

694

695 **SECTION 15.** Section 30-8.29 of the Land Development Code is amended as follows.

696 **Section 30-8.29. Inspections.**

- 697 A. *General.* Development for which a floodplain development permit or approval is required shall be
698 subject to inspection.
- 699 B. *Development other than buildings and structures.* The floodplain administrator shall inspect all
700 development to determine compliance with the requirements of this subdivision and the conditions
701 of issued floodplain development permits or approvals.
- 702 C. *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain
703 administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code
704 to determine compliance with the requirements of this subdivision and the conditions of issued
705 floodplain development permits or approvals.
- 706 D. *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.*
707 Upon placement of the lowest floor, including basement, and prior to further vertical construction,
708 the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's
709 authorized agent, shall submit to the floodplain administrator:
- 710 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the
711 certification of elevation of the lowest floor prepared and sealed by a Florida licensed
712 professional surveyor; or
- 713 2. If the elevation used to determine the required elevation of the lowest floor was determined in
714 accordance with Subsection ~~30-8.28.B.3.B.~~ 30-8.28.B.3.b. of this subdivision, the documentation
715 of height of the lowest floor above highest adjacent grade, prepared by the owner or the
716 owner's authorized agent.
- 717 E. *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of
718 the final inspection, the owner or owner's authorized agent shall submit to the floodplain
719 administrator a final certification of elevation of the lowest floor or final documentation of the
720 height of the lowest floor above the highest adjacent grade; such certifications and documentations
721 shall be prepared as specified in Subsection 30-8.29.D. of this subdivision.
- 722 F. *Manufactured homes.* The building official shall inspect manufactured homes that are installed or
723 replaced in flood hazard areas to determine compliance with the requirements of this subdivision
724 and the conditions of the issued permit. Upon placement of a manufactured home, certification of
725 the elevation of the lowest floor shall be submitted to the building official.

726

727

728 **SECTION 16.** Section 30-9.2 of the Land Development Code is amended as follows.

729 **Section 30-9.2. Applicability.**

730 This sign code applies to the use and maintenance of all signs within the City of Gainesville, unless
731 otherwise provided for in accordance with federal, state, or local law, or used by a federal, state, or local
732 governmental agency on public property or in a public right-of-way for public health, safety, and
733 welfare.

734
735 **SECTION 17.** It is the intent of the City Commission that the provisions of Sections 1 through 16
736 of this ordinance become and be made a part of the Code of Ordinances of the City of
737 Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may be
738 renumbered or relettered in order to accomplish such intent.

739 **SECTION 18.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
740 the application hereof to any person or circumstance is held invalid or unconstitutional, such
741 finding will not affect the other provisions or applications of this ordinance that can be given
742 effect without the invalid or unconstitutional provision or application, and to this end the
743 provisions of this ordinance are declared severable.

744 **SECTION 19.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
745 conflict hereby repealed.

746 **SECTION 20.** This ordinance will become effective immediately upon adoption.

747

748 **PASSED AND ADOPTED** this ____ day of _____, 2019.

749

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LAUREN POE
MAYOR

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Attest:

Approved as to form and legality:

OMICHELE D. GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2019.

This ordinance passed on second reading this _____ day of _____, 2019.