

1 **ARTICLE VI. DEVELOPMENT STANDARDS**

2 **DIVISION 1. CONCURRENCY AND TRANSPORTATION MOBILITY**

3 **Section 30-6.1. Purpose.**

4 This division is intended to implement the Comprehensive Plan, as required by Section 163.3202, Florida
5 Statutes, by ensuring that development approved by the city shall not result in a reduction of service
6 below the level of service (LOS) standards adopted in the Comprehensive Plan.

7 **Section 30-6.2. Implementation of Comprehensive Plan.**

8 A. To implement the provisions of the Comprehensive Plan, the city establishes:

- 9 1. A concurrency management system that enables the city to determine whether it is adhering to
10 the adopted LOS standards and its five-year schedule of capital improvements;
- 11 2. A regulatory program that ensures each public facility is available to serve development
12 concurrent with the impacts of development; and
- 13 3. A transportation mobility program (TMP) as an alternative to transportation concurrency. The
14 TMP is an alternative mobility funding system that is not mobility fee-based.

15 B. *Annual report on facility capacity.* On an annual basis, the city shall issue a facility capacity report
16 indicating the facility capacity status for each public facility having an adopted LOS standard. The
17 extent of the remaining capacity available for each fiscal year shall be made available to the general
18 public within 30 calendar days of the start of each fiscal year. Gainesville Regional Utilities shall be
19 responsible for determining the water supply and water and wastewater facility capacity status to
20 be included in the facility capacity report, as determined in accordance with Gainesville Regional
21 Utilities' water/wastewater capacity policy.

- 22 1. Nothing herein shall preclude amendments to the annual report if deemed necessary to update
23 or correct: errors in preparation; the impact of issued development orders or permits,
24 monitoring by the city indicates an unacceptable degradation to an adopted LOS standard; or
25 changes in the status of capital improvement projects of the state or any local government that
26 changes the underlying assumption of the annual report.
- 27 2. An amended annual report shall not divest rights acquired prior to the amended report, except
28 where a divestiture of such rights is determined by the City Commission to be essential to the
29 health, safety or welfare of the general public and otherwise in accordance with law.

30 C. *Annual Capital Improvements Element update.* As provided in the Comprehensive Plan, the Capital
31 Improvements Element shall be updated annually during the budget review process. The annual
32 report on facility capacity, prepared in conjunction with the budget review process, shall include a
33 forecast of the capacity of existing and planned capital improvements identified in the five-year
34 schedule of capital improvements. The forecast shall be based on the most recently updated
35 schedule of capital improvements for each public facility. The city shall also annually revise relevant
36 population projections, update public facility inventories, update unit costs, and update revenue
37 forecasts in cooperation with the office of management and budget, the finance department and
38 Gainesville Regional Utilities (GRU). The findings of the city shall be fully considered in preparing any

1 proposed amendments to the Capital Improvements Element, any proposed amendments to the
2 city annual budget for public facilities, any proposed amendments to GRU's annual budget for public
3 facilities, and the review of and issuance of development orders during the next year.

- 4 D. *Recommendations on amendments to the Capital Improvements Element, city annual budget and*
5 *GRU annual budget.* Based upon the city report described above, the City Manager and general
6 manager of utilities shall annually propose to the City Commission any amendments to the Capital
7 Improvements Element, the city's annual budget and the GRU annual budget for capital
8 improvements made necessary by circumstances described in the report.

9 **Section 30-6.3. Level of Service Standards.**

10 The following level of service (LOS) standards shall be used to implement the concurrency management
11 system and the transportation mobility program.

12 A. *Transportation mobility.*

13 1. Roadway LOS:

- 14 a. The LOS for all roadways in city limits shall be LOS E, except for I-75 and roadways operating
15 as backlogged or constrained.
- 16 b. The LOS for I-75 segments that fall within city limits shall be maintained at LOS D to
17 the extent feasible, recognizing that I-75 serves land areas and traffic outside city
18 limits.
- 19 c. The city shall attempt to maintain the 2012 operating LOS on all backlogged and
20 constrained roadways in city limits.

21 2. Transit LOS:

- 22 a. The city shall strive to provide fixed-route transit service within one-fourth mile of
23 80% of all medium and high density residential areas identified on the future land
24 use map, and within the RTS service area.
- 25 b. The city shall strive to provide peak hour frequencies of 20 minutes or less within
26 one-fourth mile of all high density residential and UMU-1 and UMU-2 land use areas
27 in city limits.
- 28 c. The city shall strive to provide and maintain fixed-route transit service to all existing
29 transit hubs and transit-supportive areas (as mapped in the Transportation Mobility
30 Element Map Series) with peak hour frequencies of 30 minutes or less.
- 31 d. The city shall strive to operate 80% of fixed-route transit routes for at least 14 hours
32 per day.

33 3. Pedestrian LOS:

- 34 a. The city shall install at least one linear mile of sidewalk annually to retrofit existing
35 areas without sidewalks.
- 36 b. Sidewalk construction shall be required for all new development, except in areas
37 designated with the industrial land use category.
- 38 c. New streets shall be designed and constructed to include sidewalks.

39 4. Bicycle and trail LOS:

1 a. The city shall add an average of at least one mile of bicycle facilities annually,
2 including multi-modal trails.

3 b. New streets shall be designed and constructed to include bicycle facilities.

4 B. *Stormwater management.*

5 1. The LOS standard for all stormwater management facilities shall be the 100-year critical
6 duration storm. The LOS standard for water quality treatment shall be treatment of first one
7 inch of runoff; and compliance with the stormwater management facility design and
8 performance standards established by the applicable water management district to ensure
9 that the receiving water quality standards of Chapter 62-302 F.A.C. are met and to ensure that
10 receiving surface waters maintain their classifications as established in Chapter 62-302 F.A.C.

11 2. These standards shall apply to all new development and redevelopment. Any exemptions,
12 exceptions or thresholds in the Florida Administrative Code (F.A.C.) citations are not
13 applicable.

14 C. *Potable water/wastewater and water supply.*

15 1. Potable water.

16 a. Maximum day (peak) design flow: Two hundred gallons per capita per day.

17 b. Storage capacity: One-half of peak day volume in gallons.

18 c. Pressure: The system shall be designed for a minimum pressure of 40 psig under forecasted
19 peak hourly demands to assure 20 psig under extreme and unforeseen conditions.

20 2. Wastewater.

21 a. Average day standard: One hundred six gallons daily flow per capita.

22 3. Water supply. Average daily flow of 147 gallons per capita per day.

23 D. *Recreation.*

24 1. Level of service standards for parks.

Park	Adopted LOS Standard ¹	Existing LOS ²
Neighborhood park	0.80 acres	1.33 acres
Community park	2.00 acres	2.13 acres
Local nature/conservation	6.00 acres	15.71 acres
Total acres per 1,000 people	8.80 acres	19.73 acres

25 ¹ Park standards are in acres per 1,000 people.

26 ² Existing LOS is based on 2011 city population estimate and available facilities.

27 E. *Public schools facilities.* The uniform, district-wide LOS standards for elementary, middle and high
28 schools shall be 100% of program capacity as annually adjusted by the school board. This LOS
29 standard shall apply to all school concurrency services areas (SCSAs) (within Gainesville's city limits)

1 as adopted in the interlocal agreement. For combination schools, the school board shall separately
2 determine the capacity of each school to accommodate elementary, middle and high school
3 students, and shall apply the LOS standard prescribed above for elementary, middle and high school
4 levels respectively.

- 5 F. *Solid waste*. The following LOS standard for disposal and collection capacity shall be established:
6 0.655 tons of solid waste per capita per year disposed (3.6 pounds of solid waste per capita per day
7 disposed).

8 **Section 30-6.4. Level of Service Review.**

9 A. *Generally*. It is the policy of the city that no development order shall be issued unless adequate
10 public facilities are available to serve the project, at adopted LOS standards. The responsibility for
11 providing information to show compliance with the adopted LOS standards and meeting
12 concurrency requirements shall be upon the applicant. In order to ensure that adequate public
13 facilities are available concurrent with the impacts of development on each public facility, the
14 following procedures shall govern the issuance of development orders.

15 B. *Exemptions*. Developments that are issued a certificate of concurrency exemption as further
16 provided in this chapter are exempt from the concurrency requirements of this chapter. In addition,
17 the following types of development fall below the threshold for any concurrency review and are
18 deemed automatically exempt:

- 19 1. Single-family dwellings (including expansions and remodeling) on lots of record that existed on
20 or before June 10, 1992.
- 21 2. Building permits for two-family dwellings (including expansions and remodeling) that: 1) are on
22 lots of record that existed on or before June 10, 1992; or 2) previously have met the
23 concurrency requirements of this chapter.
- 24 3. Developments that meet the criteria for rapid review as provided in **section 30-4.17**.
- 25 4. Concept review of a development as specified in **section 30-4.26**.
- 26 5. Zoning compliance permits with no associated change of use as defined in **section 30-2**.
- 27 6. Lot splits.
- 28 8. Changes to a new use allowed under the applicable zoning district that do not involve adding
29 any new square footage or impervious surface.

30 D. *Mandatory certification of preliminary development orders*. Prior to the final approval of a
31 preliminary development order, as defined in this chapter, the owner/developer of a project shall
32 obtain either a certificate of concurrency exemption, a certificate of preliminary concurrency or a
33 certificate of conditional concurrency reservation. Renewals of approvals for preliminary
34 development orders shall consider the implications for concurrency management.

35 E. *Mandatory certification of final development orders*. Prior to the approval of a final development
36 order, as defined in this chapter, the owner/developer of a project shall demonstrate that a valid
37 and unexpired certificate of concurrency exemption, certificate of final concurrency or certificate of
38 conditional concurrency reservation exists for the project. A project under consideration for a final
39 development order that has a valid and unexpired certificate of preliminary concurrency and that
40 has not been amended in a fashion to change densities or intensities of use shall be automatically

1 granted a certificate of final concurrency. Renewals of approvals for final development orders shall
2 consider the implications for concurrency management.

3 F. *Succession.* As long as the original certificate of concurrency exemption, certificate of preliminary
4 concurrency, certificate of final concurrency or certificate of conditional concurrency reservation
5 remains valid and unexpired, it shall serve all subsequent development permits for that specific
6 project.

7 G. *Optional review of projects.* Any person may submit an application for a concurrency determination
8 at any time. A concurrency determination reserves no capacity and is in no way binding on the city.
9 Applications for a concurrency determination shall contain sufficient data on the project to prepare
10 a concurrency determination.

11 H. *Credit for redevelopment, reuse or demolition of existing structure.* If an applicant proposes to
12 redevelop, reuse or demolish a building or part of a building as part of the redevelopment of a
13 property and desires to receive public facility impact credits for that portion of the property being
14 redeveloped, reused or demolished in accordance with this section, application shall be made and
15 approved prior to such action. Construction shall commence within the timeframe established in the
16 final development order to obtain the benefits of the credit. The applicant shall provide sufficient
17 information about the previous use of the structure(s) so that credits can be calculated. Credits are
18 not transferable to any other site. In the case of reuse or redevelopment of a building, full credit
19 shall be provided for the existing square footage of the building even if a change of use occurs.
20 However, any additional square footage added to the building or development shall be subject to
21 concurrency and TMP review.

22 I. *Applications.*

23 1. *Submission of application.* Applications for a concurrency determination, certificate of
24 concurrency exemption, certificate of preliminary concurrency, certificate of final concurrency
25 and certificate of conditional concurrency reservation shall be on file in the city. Fees for each
26 type of application are set forth in Appendix A (Schedule of Fees, Rates and Charges). The
27 application shall consist of such information as needed by the city to determine concurrency
28 status.

29 2. *Limitation of approval.* A concurrency determination, certificate of concurrency exemption,
30 certificate of preliminary concurrency, certificate of final concurrency and a certificate of
31 conditional concurrency reservation shall apply only to the specific land uses, densities and
32 intensities based on information provided in the application, and, where applicable, the
33 preliminary and final development orders. All applicants, to the extent required by the city, shall
34 submit such applications for entire projects, rather than portions of projects, except in cases of
35 phased developments.

36 3. *Issuance of certification.* After concurrency review has been completed, the City Manager or
37 designee shall either approve or deny the application. If denied, the denial shall be in writing
38 and shall include the reasons for denial. If a certificate of conditional concurrency reservation is
39 approved, the approval shall require the payment of the relevant reservation fee or a bond
40 equal to the amount of the reservation fee for reserving capacity, as specified in the executed
41 development agreement. This fee shall be paid within 10 working days of the issuance of the
42 certificate of concurrency reservation or the certificate shall be cancelled. In either case, the
43 final development order shall not be issued until the capacity reservation fee is paid. Public
44 facility capacity shall be granted on a first-come, first-served basis, determined as of the date

1 and time a certificate of preliminary concurrency, certificate of final concurrency or certificate of
2 conditional concurrency reservation is issued.

- 3 4. *Expiration and effect.* A certificate of concurrency exemption shall be valid for one year. A
4 certificate of preliminary concurrency and certificate of final concurrency shall be valid for the
5 time period that the appropriate development order is valid and unexpired. If either a
6 preliminary or final development order does not have an expiration date, the certificate of
7 preliminary concurrency or certificate of final concurrency shall expire in one year. A certificate
8 of conditional concurrency reservation shall be valid for the time period reserved in the
9 certificate. A new application for a certificate of preliminary or final concurrency shall be
10 submitted if the project does not continue in good faith. A new fee will be assessed for the
11 resubmittal of an application for a certificate of preliminary or final concurrency.

12 **Section 30-6.5. Standards of Review.**

13 The following standards shall be used in review.

14 A. *Potable water, solid waste, stormwater management, water supply, wastewater and recreation.*

15 Prior to approval of a building permit or its functional equivalent, the city shall consult with
16 Gainesville Regional Utilities to determine whether adequate water supplies to serve the new
17 development will be available no later than the anticipated date of issuance by the city of a
18 certificate of occupancy or its functional equivalent. Concurrency requirements for potable water,
19 solid waste, stormwater management, water supply, wastewater and recreation shall be met by one
20 of the following standards:

- 21 1. A final development order is issued subject to the condition that the necessary facilities and
22 services will be in place and available to serve the development no later than the issuance of a
23 certificate of occupancy or its functional equivalent; or
- 24 2. The necessary facilities and services are guaranteed in an enforceable development agreement
25 that is secured by a completion bond or other acceptable form of security subject to review and
26 approval as to form and legality by the City Attorney. The agreement shall guarantee that the
27 necessary facilities and services will be in place and available to serve the development no later
28 than the issuance of a certificate of occupancy or its functional equivalent.

29 B. *Public schools facilities.* The concurrency requirements for public school facilities shall be met if:

- 30 1. Adequate school facilities (elementary, middle, and high school) are in place or will be under
31 actual construction within three years after the issuance of a final development order or its
32 functional equivalent;
- 33 2. Adequate school facilities are available in an adjacent school concurrency service area (SCSA) or
34 will be in place or under actual construction in an adjacent SCSA within three years after the
35 issuance of a final development order or its functional equivalent; or
- 36 3. The developer executes a legally binding commitment to provide mitigation proportionate to
37 the demand for public school facilities to be created by actual development of the property,
38 including, but not limited to, the options described in Section 163.3180(6)(h)2.a., Florida
39 Statutes.

40 C. *Project phasing.* In determining the availability of public facilities, an applicant may propose and the
41 city may approve proposed projects in stages or phases so that public facilities needed for each
42 phase shall be available in accordance with the standards set forth in this section.

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DIVISION 2. SUBDIVISIONS

Section 30-6.6. Design Standards.

A. Lots and blocks.

1. *Generally.* Lots and blocks shall be designed according to acceptable practice for the type of development and use contemplated so as to be in keeping with the topography and other site conditions and provide adequate traffic and utility access and circulation; provide acceptable use of space; and provide privacy, adequate drainage and protection of property.
2. *Lot frontage.* Each lot in a subdivision shall front for the entire required minimum lot width on a public street or an approved private street. Where there is no minimum lot width requirement, each lot shall abut a public street or approved private street for a width equivalent to the maximum driveway width required in the design manual, plus any required turning radii area. Notwithstanding the above, the length of street frontage may be modified during subdivision review by the public works and planning departments, based on the need to achieve the most efficient lot layout, access to and from the subdivision, operational needs of service vehicles, vehicular circulation and the health, welfare and safety of the public.
3. *Connectivity.* The subdivision shall create vehicular and pedestrian access to serve the subdivision and improve gridded connectivity by connecting to surrounding existing streets and by including new streets within the subdivision. Street intersections shall occur at least every 1,000 feet. Additionally, subdivisions containing 20 lots or more shall provide a minimum of two access points to the extent feasible. Modifications to this requirement may be granted by the technical review committee where the construction of a street is limited by existing conditions, including:
 - a. Access management standards;
 - b. Regulated environmental features; or
 - c. Public facilities, including stormwater facilities, parks, or schools.Alternatively, where the technical review committee determines that it is not possible to construct the streets that would be required to meet the block perimeter standard, the block perimeter shall be completed with the provision of pedestrian and bicycle paths or multi-use paths. The required streets or paths shall be constructed at the expense of the owner/subdivider according to the appropriate city standards as determined through the subdivision review process, but may be sited and configured in a manner so that the streets provide the most appropriate access to the subdivision and connectivity to the surrounding street network. Where a street or path is planned to provide a future connection to a street or path beyond the extent of the subdivision, the owner/subdivider shall provide for the connection of the street by stubbing out the road improvements as close as practicable to the boundary of the subdivision.
4. *Dimensions.* The size, width, depth, shape and orientation of lots shall be appropriate for the subdivision and for the type of development and use contemplated. Lot dimensions and street abutment requirements shall not be less than the minimum standards established in **Article V**. Lots in areas shown on the future land use map as single-family or residential planned use

- 1 district for single-family detached units shall front on a local street, whenever the lots abut a
2 local street.
- 3 a. For development sites of five acres or less, located in an area shown on the future land use
4 map as single-family or residential planned use district, the following standards shall apply:
- 5 i. The lot size and dimensions shall be generally consistent with abutting/adjacent lots.
- 6 ii. The minimum lot width of new parcels shall be no less than 75% of the average width of
7 adjacent lots, but shall not be required to be greater than 150 feet and may not be less
8 than the minimum required in Article V. Each lot shall meet this minimum requirement
9 at the front setback line (as opposed to the minimum front yard setback) and the rear
10 property line.
- 11 iii. The minimum lot width requirement shall not apply if a 35-foot natural or planted
12 buffer is created as a perimeter buffer around the new development. The perimeter
13 buffer may include stormwater facilities and shall be approved by the City Commission
14 during design plat review.
- 15 b. The City Commission may grant a waiver to the standards listed in **Subsection a** above for
16 any single lot that is greater than or equal to 1.5 times the required lot size of the zoning
17 district in which the property is located.
- 18 5. *Side lot lines.* Side lot lines shall be, as nearly as practical, at right angles to straight street lines
19 and radial to curved street lines. No lot shall be divided by a municipal boundary.
- 20 6. *Double-frontage lots.* Double-frontage and reverse-frontage lots shall be discouraged except
21 where essential to provide separation of residential development from traffic arterials and
22 collectors or to overcome specific disadvantages of topography and orientation. A landscape
23 buffer screen in accordance with the requirements of **Article IX**, across which there shall be no
24 right of vehicular access, shall be provided on lots abutting the traffic arterial.
- 25 B. *Streets layout and type.*
- 26 1. The arrangement, character, extent, width, grade and location of all streets shall conform to the
27 Comprehensive Plan, particularly any neighborhood elements, now in existence or as may
28 hereafter be adopted, and shall be considered in their relation to existing and planned streets,
29 to topographical conditions, to the provision of wide tree lawns and tree planting to yield
30 shaded streets, to public convenience and safety, and in their appropriate relation to the
31 proposed uses of the land to be served by such streets.
- 32 2. When an appropriate street network is not shown in the Comprehensive Plan now in existence
33 or as may be hereafter adopted, the arrangement of streets in a subdivision shall provide for the
34 continuation or appropriate projection of existing collector or arterial streets in surrounding
35 areas unless topographic, traffic volume or other conditions make continuance or conformance
36 to existing streets impractical or undesirable.
- 37 3. Each street on the plat shall be designated as one of the following types, based upon the
38 projected traffic count for the street:

Street Type	Description of Intended Use	Range of Average Daily Trips at Full Development
Minor local street	Local streets are designed to serve the local community.	Less than 800

	Residences should be designed to front local streets. Local streets should be designed to encourage slow speeds and discourage non-local traffic.	
Major local street	See above.	801 to 1,200
Minor local collector	Collector streets are designed to carry and distribute traffic between local streets and arterial roadways (see design manual).	1,201 to 3,200
Major local collector	See above.	3,201 to 7,000
Minor arterial	Arterial streets are routes that generally serve and interconnect major activity centers in the urban area and/or provide connections between cities.	7,001 to 12,000
Principal arterial	See above.	Over 12,000

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2 D. *Traffic count data.*

- 3 1. The number of annual average trips per day may be obtained from the city traffic engineer.
- 4 2. Trip generation rates shall be calculated by a professional engineer using trip generation rates
- 5 established by the Institute of Transportation Engineers according to accepted engineering
- 6 practices approved by the city traffic engineer.

7 E. *Subdivisions on arterial streets.* Where a subdivision abuts or contains an existing or proposed

8 arterial street, the provision by the subdivider of marginal access streets, reverse-frontage lots with

9 planting screen contained in a nonaccess reservation along the rear property lines, deep lots with

10 rear service alleys, or such other treatment as may be necessary for adequate protection of

11 residential properties and to afford separation of through traffic from local traffic may be required.

12 No lot in any area shown on the land use plan for single-family use or single-family residential PUD

13 at less than eight units per acre shall front on an arterial street.

14 F. *Design specifications.* Intersection design, intersection sight distance, minimum street design, and

15 cul-de-sac minimum lengths and turnaround diameters shall be designed in accordance with

16 **Division 6 of this Article** and the design manual.

17 G. *Street access to abutting property.* When designated on the official roadway map or determined by

18 the City Commission to be needed for proper traffic circulation, access to abutting property shall be

19 provided through the use of a street stub. If such a street stub terminates more than 100 feet from

20 an intersection, it shall be provided with a temporary turnaround that would allow vehicular traffic

21 to turn around safely without having to leave the pavement. Specifications for optional temporary

22 turnarounds are contained in the design manual. The developer of the abutting area shall pay the

23 cost of restoring the street to its permanent cross section and extending the street at such time as

24 the abutting area is developed.

25 H. *Dedication of right-of-way.*

- 26 1. Where a proposed subdivision abuts or includes a future transportation corridor alignment or
- 27 existing transportation corridor that is scheduled for construction shown in the City of
- 28 Gainesville Comprehensive Plan or the Florida Department of Transportation 5-Year
- 29 Transportation Plan or the Alachua County 5-Year Work Program, rights-of-way as needed

- 1 according to the proposed road type shall be dedicated on each side of the proposed alignment
2 for use as a transportation and utility corridor.
- 3 2. Where a proposed subdivision or lot split abuts a public right-of-way that does not conform to
4 the provisions of this chapter, as further specified in the design manual, the owner(s) may be
5 required to dedicate to the city, at no cost to the city, one-half of the right-of-way width
6 necessary to meet minimum design requirements for street rights-of-way, as specified in this
7 Article. If the proposed subdivision abuts both sides of a substandard street, one-half of the
8 right-of-way width necessary to meet those minimum design requirements may be required
9 from each side. The dedication of this right-of-way or any easements necessary shall be
10 accomplished by a separate document. The subdivider shall provide the city with legal
11 descriptions of all easements or rights-of-way to be dedicated, and the city shall prepare and
12 record the necessary documents as part of the approval process.
- 13 I. *Alleys*. When provided in any district, alleys shall have a minimum right-of-way width of 20 feet.
- 14 J. *Bridges*. Bridges shall be constructed in accordance with the design manual.
- 15 K. *Sidewalks and bikeways*.
- 16 1. Where provided, sidewalks and bikeways shall be designed as an integral part of the total on-
17 site and off-site circulation system, including integration or linkage with designated greenways,
18 and shall be located within the street right-of-way or within rear lot easements or common
19 open areas.
- 20 2. The installation of sidewalks shall be the responsibility of the subdivider and the sidewalks shall
21 be installed prior to the acceptance of the improvements by the city. The subdivider may elect
22 to postpone installation of sidewalks until such time as building permits are issued for 60% of
23 the subdivision lots, up to a maximum of five years. However, security for the construction of
24 such sidewalks, in the amount of 150% of the estimated costs of construction, shall be provided
25 by one of the methods described in **subsections 30-4.43.A and C**. In subdivisions, sidewalks
26 along streets fronting common areas such as stormwater basins, entrance streets, or open
27 space shall be installed within 12 months of final plat approval (acceptance of improvements by
28 the city), and are not eligible for the above-described postponement provisions.
- 29 3. The City Manager or designee may grant a waiver to the requirement of installing a streetside
30 sidewalk or the sidewalk width requirement to save a heritage tree or a regulated tree deemed
31 by the City Manager or designee to have special value to the urban forest. Instead, the sidewalk
32 right-of-way is allowed to be re-aligned or a short narrowing of the sidewalk width is allowed.
33 The City Manager or designee can approve either a sidewalk less than five feet wide for a
34 distance less than 15 feet, or may require the dedication of additional right-of-way or easement
35 so that the sidewalk can avoid the tree.
- 36 4. Where a previously dedicated street forms a boundary of a subdivision, and where adequate
37 right-of-way for the installation of a required sidewalk does not exist, the subdivider shall
38 dedicate proper sidewalk areas upon the side of the street abutting the lands subdivided and
39 construct the required facilities.
- 40 5. Sidewalk construction in accordance with this chapter shall be required for each individual lot in
41 a subdivision created after September 11, 2000, prior to being issued a certificate of occupancy.
- 42 L. *Costs of street improvements*.

- 1 1. It shall be the responsibility of the subdivider to install all local and minor collector streets
2 located within a subdivision. When a major collector or a major or minor arterial street is
3 located within a subdivision, the subdivider shall be required to construct the street, but shall
4 only be required to pay a portion of the construction cost, which portion shall be determined by
5 the ratio that the estimated average daily traffic on the street generated by the subdivision
6 lands at full development bears to the total estimated average daily traffic for the street based
7 on full development of its entire service area. The city shall pay the remaining portion of the
8 street construction costs, but the total dollar liability of the city shall be limited to its proportion
9 of the estimated construction costs prepared by the subdivider and approved by the City
10 Commission prior to construction. At its option, the City Commission may waive the
11 requirement for construction of the major local collector or major or minor arterial and any
12 associated bikeways or sidewalks, in which case the subdivider's only obligation shall be the
13 dedication of the required right-of-way. Also at its option, when the subdivider's portion of the
14 cost of the major local collector or major or minor arterial exceeds 50%, the City Commission
15 may permit the construction of a half street by the subdivider.
- 16 2. When the average daily trips of a subdivision impact an existing minor or major arterial or major
17 local collector street, it shall be the responsibility of the subdivider to make improvements as
18 necessary to serve the proposed development while maintaining the operating conditions of the
19 affected roadway. These improvements can include, but are not limited to, installation of
20 additional lanes, signalization, associated stormwater management improvements, and the
21 installation of associated bikeway, sidewalk and transit improvements. The City Commission
22 may determine the proportional cost of programmed improvements to be allocated to the
23 subdivider.
- 24 M. *Flood hazards.* A subdivision plat shall not be approved unless all land intended for use as building
25 sites can be used safely for building purposes, without danger from flood or other inundation. All
26 subdivisions, or portions thereof, located within a flood channel or floodplain shall meet the
27 requirements of **Article IX**.
- 28 N. *Erosion and sediment control measures.* The city may require the subdivider to use grading
29 techniques, subdivision design, landscaping, sedimentation basins, special vegetation cover and
30 other measures to reduce erosion and sediment. The subdivider shall comply with the requirements
31 of the design manual concerning erosion and sediment control measures.
- 32 O. *Stormwater management required.* A complete stormwater management system, in conformance
33 with this Chapter and the design manual, shall be provided in all areas of the subdivision for
34 handling stormwater runoff within or across the subdivision lands.
- 35 P. *Stormwater management facilities.*
- 36 1. Easements for maintenance access shall be granted to the city along drainage basins and along
37 all storm sewers. In some circumstances, additional easements may be required by the City
38 Manager or designee for maintenance access only.
- 39 2. The design of stormwater facilities shall consider the ease of maintenance over the life of the
40 facility.
- 41 3. Any appurtenances placed in the right-of-way or within any publicly dedicated drainage basin,
42 such as fountains, landscaping, lighting features, and signs, shall be the sole responsibility of the
43 homeowners association and shall only be installed with express written approval of the City

- 1 Manager or designee. A maintenance agreement shall be required prior to acceptance of the
2 facility by the city.
- 3 4. Trees selected from the Gainesville tree list that are identified as appropriate for stormwater
4 basins shall be planted to meet the requirements identified in **Section 30-9.6**.
- 5 Q. *Stormwater management easements.* Easements, rights-of-way and stormwater management
6 facilities meeting all requirements of **Section 30-4.44** shall be required, upon recommendation of
7 the director of public works.
- 8 R. *Utilities required.*
- 9 1. *Sanitary sewer.* The subdivider shall provide sanitary sewer services to each lot within the
10 subdivision. All sewer lines serving lots within the subdivision shall be installed by the subdivider
11 prior to the paving of the street and should be designed to operate on a gravity flow basis unless
12 otherwise approved by the utility department.
- 13 2. *Water supply.* The subdivider shall install a system of water mains as approved by the utility
14 department and connect the system to the public water supply. The installation of the mains
15 and connection to each lot shall occur prior to paving of the street.
- 16 3. *Water and sewer systems.*
- 17 a. New central water and sewer systems where required shall be designed by an engineer in
18 accordance with the regulations of the utilities department, the state department of
19 environmental protection and the county health department, and with standards
20 established in this chapter. Central water and sewer systems shall be designed and
21 constructed for an economic life of not less than 20 years, and the water system shall be
22 designed in accordance with the fire protection requirements provided in chapter 10.
- 23 b. Fire hydrants shall be connected to mains no less than six inches in diameter; however, the
24 utilities department may require larger diameter mains for long lines that are not connected
25 to other mains at intervals close enough for proper mutual support.
- 26 c. Sufficient storage or emergency plumbing facilities shall be provided to such an extent that
27 the minimum fire flows will be maintained.
- 28 S. *Underground utilities.* Provisions shall be made for utility lines of all kinds, including but not limited
29 to those of franchised utilities, electric power and light, telephone, cable services, water, sewer and
30 gas, to be constructed and installed beneath the surface of the ground within residential and non-
31 residential subdivisions, unless the City Commission determines that soil, topographical or other
32 compelling conditions make such construction unreasonable or impractical. The subsurface
33 mounting of incidental appurtenances, including but not limited to transformer boxes or pedestal-
34 mounted boxes for the provision of utilities, electric meters, back flow preventers and fire hydrants
35 shall not be required.
- 36 T. *Utilities easements.* When they are necessary to serve the subdivision, utilities easements shall be
37 provided, with a minimum width of 20 feet, located along lot lines. The location of the utility
38 easements shall not interfere with the required space devoted to street trees and tree lawns.
39 Additional width may be required for sewer or stormwater management easements. Side lot line
40 easements may be decreased to 10 feet in width when serving a single electric, cable TV, gas or
41 telephone utility. Rear lot line easements shall be discouraged, unless they are provided along an
42 alley.

- 1 U. *Greenway dedication.* Where a proposed subdivision contains a designated greenway, the
2 appropriate review board shall determine if there is a rough proportionality between the projected
3 impact of the development on traffic and recreational needs and the nature and amount of property
4 in the development encompassing the greenway. If the board finds the necessary proportionality, a
5 right-of-way or public trail easement shall be dedicated to the city for use as a greenway corridor.
6 The dedication shall correspond with the entire length of the [designated] greenway corridor as it
7 passes through the subject property, and be of sufficient width to comply with design standards as
8 specified in **subsection 30-9.24(a)(2)a.3**, pertaining to greenway districts. Such a dedicated corridor
9 may be established for joint use as both a greenway and for required utility or stormwater
10 management facility dedications when such dedications are compatible with the greenway use. In
11 making its determination, the board shall consider the following:
- 12 1. Assessed value of the property to be dedicated and proportion to value of entire property;
 - 13 2. Square footage of property to be dedicated and proportion to area of entire property;
 - 14 3. Other legal and reasonable uses of property to be dedicated;
 - 15 4. Impact to otherwise legal and reasonable plans being considered for development of entire
16 property that would be caused by dedication of the property;
 - 17 5. Estimated increase in transportation demand caused by the development, and estimated
18 amount of automobile trips that would be avoided by having dedication in place; and
 - 19 6. Estimated increase in recreation demands caused by the development.
- 20 V. *Screening walls and landscaping.* Screening separating residential lots from abutting FDOT
21 functionally classified arterial streets and from streets designated by the City Commission as arterial
22 streets based on their physical design, moderately long trip length, and existing or anticipated traffic
23 characteristics shall be required in the form of low-maintenance walls, dense plant material or
24 planted earth mounds. Such a screen shall be at least six feet in height and shall be completely in
25 place before required improvements for the subdivision are accepted for maintenance. The
26 responsibility for maintenance of the wall, plant material and earthen mounds shall be conveyed to
27 the neighborhood association established for the maintenance of common property within the
28 subdivision or the subdivider may provide a financial mechanism for such purpose, subject to the
29 approval of the City Attorney.
- 30 W. *Subdivision entrance islands or medians.* Landscaped islands or medians may be permitted within
31 the right-of-way at all subdivision entrances. These areas shall be landscaped with materials from
32 the Gainesville Tree List. In addition, the landscaped area shall be provided with an irrigation system
33 or a readily available water supply within 100 feet. Maintenance of subdivision entrance
34 identification and landscaping shall be in accordance **with Section 30-4.44.G**.
- 35 X. *Permanent development identification signs and structures.* Permanent development identification
36 signs and structures for subdivisions may be located in the public right-of-way provided there is
37 compliance with **article X, division 1**, of this chapter and provided there is compliance with the
38 following restrictions:
- 39 1. *Maintenance agreement.* A maintenance agreement between the city and the subdivision or
40 neighborhood organization or the developer placing the sign in the public right-of-way is
41 required. The agreement shall provide that the subdivision or neighborhood organization or
42 developer, including its successor or assign, is responsible for maintaining the sign and the
43 public right-of-way where the sign is located.

- 1 2. *Permitted signs and structures with indemnification agreement.* If the subdivision or
2 neighborhood organization or the developer enters into an agreement that is acceptable to the
3 City Attorney indemnifying the city from any liability, the city may permit structures such as
4 walls, permanent planters, or one single- or double-sided street graphic containing a maximum
5 of 32 square feet of sign area per side, to be placed at the entrance(s) and located in the city's
6 right-of-way.
- 7 3. *Permitted signs with no indemnification agreement.* If the subdivision or neighborhood
8 organization or the developer does not or is unable or unwilling to enter into an indemnification
9 agreement with the city that is acceptable to the City Attorney, the city will permit an
10 identification sign on the right-of-way at the entrance(s) to the subdivision pursuant to the
11 conditions found in **article X, division 1**, of this chapter and the following additional conditions:
- 12 a. One double-sided sign no taller than four feet in height from the ground may be placed in an
13 entrance median. If made of wood, the sign may be no wider than six inches in width, and, if
14 made of masonry, may be one course thick (unreinforced) and no wider than 12 inches,
15 including letters.
- 16 b. Alternatively, two single-faced signs equal in size may be placed within the right-of-way on
17 each side of an entranceway. Unless mounted on a wall, each face of the subdivision sign
18 shall be no taller than four feet from the ground.
- 19 c. The sign(s), whether located in a median strip or along the side of the entrance street, shall
20 be located at least four feet behind the face of the median curb.
- 21 d. Location and materials of the signs shall meet the requirements of **Article X**.
- 22 Y. *Fire hydrants.* Fire hydrants shall be required in all subdivisions as per plans approved and accepted
23 by Gainesville Regional Utilities and the city fire department.

24 **Section 30-6.7. Cluster Subdivisions.**

- 25 A. *Purpose and intent.* The purpose of this section is to establish a process by which environmentally
26 sensitive land and infill sites may be developed for residential purposes without strict adherence to
27 the dimensional requirements of the zoning code of the city. The intent is to encourage better site
28 planning than would normally occur by conventional subdivision procedures. Specifically, the
29 objectives are to better preserve valuable open spaces, environmentally sensitive areas, existing
30 tree cover; to provide for infill development where appropriate; to provide for better utilization of
31 land; to provide for zero lot line development; to promote efficiency through design; and to provide
32 for design flexibility to meet changing market conditions. Such development will be accomplished
33 without an overall increase in density otherwise permitted in the zoning district in which the
34 development is located as determined by the minimum lot size.
- 35 B. *Permitted districts; minimum size.* A cluster subdivision may be permitted in any zoning district in
36 which single-family dwellings are allowed as a permitted use and where the parcel to be subdivided
37 has an area of five acres or more.
- 38 C. *Approval procedure; design standards; name.*
- 39 1. Cluster developments shall be approved in accordance with the procedures established for
40 plats. Further, cluster subdivisions involving attached housing in zoning districts that allow such
41 housing types shall also secure development plan approval in accordance with **article IV**.

- 1 2. Design standards for improvements shall be in accordance with the provisions and regulations
2 of this chapter.
- 3 3. The name of a subdivision approved pursuant to this article shall be followed by the words
4 "cluster subdivision," which shall become and be made a part of its official name.
- 5 4. Application for cluster subdivision will be classified as either environmental or infill based on the
6 following criteria:
 - 7 a. *Environmental*. Development site contains regulated surface waters and wetlands or
8 regulated natural and archaeological resources, or it is within a planning parcel that includes
9 regulated natural and archaeological resources.
 - 10 b. *Infill*. Cluster subdivision provides for infill development where appropriate, better use of
11 land, zero lot line development, and/or promotes efficiency through design.
- 12 D. *Dwelling types permitted*. Except in the RSF-1, RSF-2, RSF-3 and RSF-4 zoning districts, all types of
13 attached and detached single-family residential dwellings may be permitted in a cluster subdivision.
14 In the RSF-1, RSF-2, RSF-3 and RSF-4 districts only single-family detached dwellings will be permitted
15 in a cluster subdivision. Within cluster subdivisions, a variety of lot sizes and architectural typologies
16 shall be encouraged.
- 17 E. *Modification of street, yard and lot requirements*. Modifications and variations to the lot area, lot
18 width and depth, minimum yard setback, street width and layout requirements of the applicable
19 zone may be permitted if shown on the design plat and such plat is approved by the City
20 Commission. No cluster subdivision of 50 acres or less in an RSF district shall have lot sizes reduced
21 by more than 25% of that required by the district regulations. Each cluster subdivision may use zero
22 lot line, regular lots or a combination of the two. However, each lot in a cluster subdivision that
23 directly abuts developed property not in a cluster subdivision shall not have the following, unless
24 the subdivision provides a 35-foot buffer around the entire subdivision:
 - 25 1. An abutting side or rear yard that is less than that required for the abutting property; or
 - 26 2. A lot width that is less than 75% of the minimum lot width required in the zoning district for the
27 abutting property.
- 28 F. *Number of dwelling units permitted*. The total number of dwellings permitted in a cluster subdivision
29 shall not exceed the number of dwelling units that would have been otherwise permitted by the
30 density standards in the zoning district in which it is located. In the RSF-1, RSF-2, RSF-3, RSF-4, RMF-
31 5 and RC districts, the permitted number of dwelling units may be calculated by dividing the total
32 land area of the cluster subdivision by the minimum lot size required for the applicable zoning
33 district. The number of dwelling units shall not exceed the density allowed by the zoning district.
- 34 G. *Cluster open space requirement*.
 - 35 1. Each cluster subdivision that reduces lot sizes below the minimum area required by the zoning
36 district in which it is located shall provide cluster open space to be preserved and maintained for
37 its scenic value, for recreational or conservation purposes and other related uses. This space
38 shall be clearly indicated on the plat by the use of the words "cluster open space." The minimum
39 amount of land to be designated as cluster open space shall be equivalent to 75% of the total
40 amount of area by which each lot was reduced below the minimum lot size required in the
41 zoning district plus any required wetland, creeks and associated buffer acreage in which the
42 subdivision is located. Cluster open space is not required unless lot sizes are reduced below the
43 minimum area required in a zoning district.

- 1 2. Land area devoted to public or private vehicular streets and sidewalks, rights-of-way and
2 drainage structures shall not be included towards meeting cluster open space requirements
3 except when such land is being jointly used for a greenway corridor as specified by subsection
4 **30-7.16.R**. For the purposes of this section "drainage structures" shall be defined as culverts,
5 storm drains and stormwater retention or detention ponds. 50% of drainage facilities (unfenced)
6 that use existing topography, have side slopes that are stabilized by plantings, provide a
7 recreational or aesthetic amenity, provide environmental quality and ecological value, and use
8 native plants to create an aquatic or a temporary aquatic type of ecosystem to the
9 development, may be included towards meeting cluster open space requirements. Unless
10 otherwise restricted, cluster open space may contain accessory structures and improvements
11 necessary for the educational, cultural, recreational or social enjoyment of the residents or
12 citizens plus any necessary utility services. The appropriateness of accessory structures will be
13 reviewed and considered in terms of their enhancement of the cluster open space, the purposes
14 as provided in **subsection A** of this section, and the criteria as provided in **subsection I** below.
15 Accessory structures may be approved during the design plat review process, or during the
16 development plan review process subject to the provisions of this section and the provisions of
17 **article IV**. Accessory structures are prohibited within wetlands, creeks, lakes and associated
18 buffers.
- 19 3. Environmentally significant features such as but not limited to, creeks, creek setback buffers,
20 wetland, wetland setback buffers, flood channels, floodplain areas, major tree groupings and
21 individual trees of significant size shall be designated as cluster open space. Notwithstanding
22 any contrary language contained in **section 30-9.16** or other city regulations, all wetlands
23 mitigation for a cluster subdivision shall be done on site.
- 24 4. The cluster subdivision shall strive to protect healthy heritage trees. The restrictive covenants
25 for the cluster subdivision shall require that homes and other improvements are designed to
26 protect the trees.

27 H. *Ownership of cluster open space.*

- 28 1. *Public ownership.* Cluster open space may be conveyed to the city unless the City Commission
29 finds that the size, location, nature and type of development, or fiscal impact (i.e., the cost and
30 maintenance of development or open space) would make public use undesirable or
31 unnecessary. Such conveyance shall be by statutory warranty deed free and clear of all liens and
32 encumbrances, and shall take place on or before the recordation of the subdivision plat. In some
33 instances, the City Commission may authorize the conveyance of the cluster open space by a
34 conservation easement as provided in F.S. § 704.06, when the nature and character of the
35 cluster open space are suitable for such easement. Where the cluster subdivision encompasses
36 lands designated for greenways or other forms of public ownership or access under the
37 recreation; conservation, open space and groundwater recharge; and stormwater management
38 elements of the Comprehensive Plan, the city may require dedication of such areas to the city as
39 specified by **subsection 30-7.16.R**.
- 40 2. *Private ownership.* Where open space is not dedicated to the city or public use, it shall be
41 protected by legal arrangements satisfactory to the City Attorney sufficient to assure its
42 maintenance and preservation for the purpose(s) intended. Covenants or other legal
43 agreements shall specify, at a minimum, the ownership of the cluster open space, method of
44 maintenance, maintenance of taxes and insurance, compulsory membership and assessment
45 provisions; guarantees that any homeowners' association formed to own and maintain cluster

1 open space will not be dissolved without the consent of the city; and any other provisions
2 deemed necessary by the City Attorney to meet the requirements of this section.

3 I. *Criteria for review of cluster subdivisions.* A cluster subdivision shall provide for better use of land
4 and for a total environment, which is improved over that which could be achieved under standard
5 regulations. The applicant shall present evidence that the proposed cluster subdivision uses the land
6 better than a standard subdivision. If the City Commission finds that a subdivision will be improved
7 by the reasonable modification of the location, design or configuration of open space, building lots,
8 streets and parking areas, the subdivision will be modified or denied. The following criteria shall
9 guide the city in review of the proposed subdivision and in making any modifications thereof:

- 10 1. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize
11 alteration of the natural site features and topography. A minimum of 50% of all heritage trees
12 shall be protected.
- 13 2. Individual lots, buildings and other structures shall be arranged and situated to relate to
14 surrounding properties and to improve the view from, and the view of, buildings, lots and
15 structures.
- 16 3. Individual lots, buildings, streets and parking areas, and any accessory structures and
17 improvements located in the cluster open space, shall be situated to avoid the adverse effects of
18 shadows, noise and traffic on the residents of the site and to minimize the area devoted to
19 motor vehicles.
- 20 4. Cluster open space shall include any irreplaceable natural features located on the tract such as,
21 but not limited to, stream beds and adjacent banks, wetlands, flood channels, floodplain areas,
22 major tree groupings and individual trees of significant size.
- 23 5. The usability of cluster open space intended for recreation or public use shall be determined by
24 the size, shape, topographic and location requirements of the particular purpose proposed for
25 the open space. Further, such space intended for recreation or public use shall be easily
26 accessible to trail users including the elderly and handicapped, be integrated to form unbroken
27 trail linkages between uses within the subdivision, and take advantage of opportunities to
28 establish off-site linkages to nearby land uses, bikeways, sidewalks and greenways.
- 29 6. To the extent practical, lands designated for greenways or other forms of public ownership or
30 access in the conservation, open space or recreation element shall be included as cluster open
31 space and dedicated as specified by **subsection 30-7.16.R.**
- 32 7. Diversity and originality in lot layout and individual building design shall be encouraged to
33 achieve the best possible relationship between the development and the land. Garage doors if
34 forward facing shall be set back at least 20 feet from the back of sidewalk and shall not be
35 forward of the front facade of the building. Sidewalks shall be included on both sides of the
36 street internal to the cluster subdivision.
- 37 8. To the extent practical, cluster open space shall contain regulated surface waters and wetlands,
38 and set-asides of regulated natural and archaeological resources.
- 39 9. When lots abut wetlands or buffer areas, the property owner shall provide a 10-foot building
40 construction setback from those areas for a construction work area, so that wetlands and buffer
41 areas are not disturbed during any construction process.

1 **DIVISION 3. GENERAL STANDARDS**

2 **Section 30-6.8. General Lot and Building Requirements.**

3 The following lot and building requirements shall apply in all zoning districts:

4 A. *Frontage on right-of-way.*

- 5 1. *Minimum property frontage.* No building or structure, except as hereinafter provided, shall be
6 erected on a lot or parcel of land which does not physically abut a public street, private street,
7 or approved private street for the required minimum lot width of the district where the same is
8 located. The City Manager or designee may designate a private street as an "approved private
9 street" provided it meets one of the following standards:
- 10 a. A perpetual ingress/egress easement recorded in the public records of Alachua County that
11 provides legal access to the lot or parcel of land from a dedicated road or right-of-way and
12 which is deemed capable of carrying public safety vehicles; or
- 13 b. Property owned jointly or in common by all property owners fronting the private street as
14 shown in the public records of Alachua County that connects to a dedicated road or right-of-
15 way and which is deemed capable of carrying public safety vehicles.

16 For the purposes of this section, two classes of approved private streets shall be designated by
17 the City Manager or designee:

- 18 a. Existing private streets that were constructed prior to September 26, 1994; and
19 b. New private streets that are approved for construction after September 26, 1994.

20 The City Manager or designee shall have the authority to approve or disapprove, for the
21 purposes of erection of buildings or structures, private streets that existed prior to September
22 26, 1994. All private streets approved for construction after September 26, 1994 shall meet the
23 construction standards for public streets as shown in the Engineering Design and Construction
24 Manual, except in the PD district. In PD districts, the geometric construction standards may be
25 varied as set forth in the planned development ordinance. For the purposes of minor subdivision
26 and lot splits, the approved private street shall also meet the requirements in **section 30-7.16**.

27 In zoning districts with no minimum lot width requirement, the lot or parcel of land shall abut a
28 public or approved private street for the maximum driveway width dimension requirement
29 provided in the Design Manual plus any required turning radii area.

30 Notwithstanding any provision of this section to the contrary, a single-family dwelling, if it is an
31 allowable use in the district, may be erected on a lot or parcel of land that abuts at least one
32 public or approved private street for at least 25 feet, provided that the minimum lot width for
33 the district in which it is located is met at the required front yard setback line. Provided, further,
34 that any single-family dwelling existing on a lot that does not conform to the provisions of this
35 subsection may be modified, enlarged or extended, and/or an accessory building or structure
36 may be added to a single-family dwelling, provided that such modification, enlargement,
37 extension or addition complies with all the other requirements of the district in which the lot is
38 located.

39 B. *Minimum setbacks from centerlines of all streets.*

- 1 1. Every required minimum front yard setback line shall be established by a line parallel to the
2 centerline of the street right-of-way at the distance listed in this subsection, measured from the
3 street right-of-way line or the distance from the street centerline listed in **subsection (2)b.** of
4 this section. For the purpose of determining street classifications, the official roadway map shall
5 be used.
- 6 2. If the actual street right-of-way line is closer to the street centerline than the following
7 distances, the setback shall be measured from a line parallel to the street centerline located the
8 following distances from the centerline:
- 9 a. Highways and arterials: 50 feet.
10 b. Thoroughfares and collectors: 40 feet.
11 c. Minor collectors: 35 feet.
12 d. All other streets: 25 feet.
- 13 C. *Overhanging and protruding projections.*
- 14 1. Every part of a required yard or court shall open from its lowest point to the sky, unobstructed
15 except for the customary projection of sills, belt courses, cornices, ornamental features and
16 eaves; provided, however, that none of the above projections shall extend into a required yard
17 more than 36 inches; and further provided that none of the above projections shall extend over
18 any public right-of-way, except in the MU-1, MU-2, BUS, and transect zoning districts. Enclosed
19 fire escapes, outside stairways, balconies, chimneys, flues or other projections shall not extend
20 into any required yard. Open fire escapes may project as much as three feet into a required
21 yard.
- 22 2. Within the MU-1, MU-2, BUS, and transect zoning districts, structural or ornamental features
23 may project not more than six inches over the public right-of-way line, provided that no
24 projection shall extend beyond a vertical projection of the property line between the sidewalk
25 or ground level and nine feet above such sidewalk or ground. Additionally, bay windows,
26 porches, balconies and/or fire escapes (the "projection") may project not more than three feet
27 over the public right-of-way line provided all of the following conditions are met:
- 28 a. The projection maintains a clear height above the sidewalk or ground level of the right-of-
29 way of at least nine feet;
- 30 b. The projection does not encroach upon the vision triangle as provided in the Design Manual;
- 31 c. The projection is at least four feet from an imaginary line drawn perpendicular to the face of
32 the nearest curb;
- 33 d. The person requesting the projection has received the written approval of the city and
34 gainesville regional utilities as regards the development plan; and
- 35 e. The person requesting the projection has received the written approval of the city traffic
36 engineer and public works department, the traffic engineer of the county or designee, the
37 state department of transportation, and any other governmental agency having jurisdiction
38 over the projection, as applicable.
- 39 3. In any non-residential zoning district, marquees, canopies, or awnings may extend out 2/3 of the
40 way between the face of a building and the curb, provided all of the following conditions are
41 met:

- 1 a. There shall be a sidewalk in front of a portion of the building where the marquee, canopy or
2 awning is to be placed.
- 3 b. The outside edge of the marquee, canopy or awning shall be at least two feet from an
4 imaginary line drawn perpendicular to the curb.
- 5 c. The marquee, canopy or awning shall maintain a clear height above the sidewalk of at least
6 nine feet. No support for the marquee, canopy or awning may extend below this clear
7 height.
- 8 d. The person requesting the marquee, canopy or awning shall receive written approval from
9 both the city as regards and Gainesville regional utilities as regards the site plan.
- 10 e. The person requesting the marquee, canopy or awning shall receive written approval from
11 the city traffic engineer and public works department, or, if the right-of-way is not city-
12 owned from the government entity with jurisdiction over the right-of-way.
- 13 f. The marquee, canopy or awning shall not encroach into the vision triangle as provided by
14 the Engineering Design and Construction Manual.
- 15 g. The property owner shall be responsible for removing the marquee, canopy or awning at
16 the property owner's expense upon notice that a road or right-of-way project requires it to
17 be removed. If the property owner does not remove it, the governmental agency with
18 jurisdiction over the right-of-way shall remove it and bill the property owner for the cost of
19 removal.
- 20 h. If the right-of-way belongs to the city, the property owner shall enter into a license
21 agreement with the city indemnifying and holding harmless the city, its officers, agents, and
22 employees, from any property damage, including loss, and any personal injury, including
23 death, caused in any way by the projection of the marquee, canopy or awning over the
24 right-of-way, and containing such other provisions as deemed necessary by the City
25 Attorney to protect the interests of the city. The license agreement shall be for a period of
26 one year, and shall be renewable from year-to-year provided the marquee, canopy or
27 awning is maintained in good condition and meets the standards set forth in this section.
- 28 D. *Exceptions to height limits.* Place of religious assembly spires, chimneys, water towers, transmitter
29 towers, smoke stacks, flagpoles, monuments, television antennas and similar structures and their
30 necessary mechanical appurtenances may, where permitted, be erected above the height limits
31 established in this chapter; however, the heights of these structures or appurtenances thereto shall
32 not exceed the height limitations prescribed by the airport zoning ordinance in **section 30-5.36** et
33 seq.

34 **Section 30-6.9. Fences and Walls.**

- 35 A. *Generally.*
- 36 1. The requirements of this section are minimum requirements and shall not be construed to
37 supersede any fence or wall requirements in the Code of Ordinances or in state law, such as
38 specific requirements for fencing around swimming pools.
- 39 2. All fences and walls shall be constructed of uniform, durable, weather resistant materials of
40 professional grade. Fences constructed of wood shall be treated to resist wood-destroying
41 organisms. Fences constructed of metal, except galvanized metal, shall have a colored finish
42 coat and be treated to resist rust and corrosion.

- 1 3. Fences and wall shall be constructed in a safe, sturdy, workmanship-like manner.
- 2 B. *Fences.*
- 3 1. Fences located within a required yard setback, or within five feet of the front property line in
- 4 districts requiring no minimum front yard, shall not exceed eight feet in height.
- 5 2. Fences located outside the required setback may be constructed to the actual height of the
- 6 principal building on the lot or to the maximum permitted height for accessory structures for
- 7 the zoning district in which the lot is located, whichever is lesser.
- 8 3. Horizontal and vertical support posts shall be placed facing the inside of the fenced area, except
- 9 where the fence is designed such that both sides are finished with alternating vertical fence
- 10 supports.
- 11 4. Fences that are constructed, in whole or in part, of razor wire or barbed wire or similar materials
- 12 are prohibited in all residential zoning districts.
- 13 5. Chain link, razor wire, barbed wire and wire mesh fences are not allowed within any of the
- 14 transect zones, except within side or rear yards within U-1.
- 15 C. *Walls.*
- 16 1. The construction of a wall requires a building permit and is subject to the applicable codes and
- 17 review procedures of the building department.
- 18 2. Garden walls that are built along street frontages shall be limited to three feet in height for
- 19 purposes of security and visibility. Fences and decorative pillars may extend up to five
- 20 additional feet above the wall, provided that at least 50% of the area above three feet is open.
- 21 3. *Retaining walls.* Nothing in this chapter shall be construed to prohibit or prevent the
- 22 construction of a retaining wall on any property, provided that such retaining wall does not
- 23 adversely affect the natural flow of surface water or create any other adverse effect upon
- 24 adjacent or adjoining properties. However, any application for a retaining wall shall be subject
- 25 to the approval of the building official before the issuance of a building permit. The building
- 26 official shall approve applications for retaining walls which are in conformance with this section.

27 Section 30-6.10. Mechanical Equipment.

28 For purposes of this section, mechanical equipment is defined as a heating, ventilation, or air

29 conditioning unit placed outside of a building in addition to any utility-related equipment such as

30 backflow preventers, pumps, transformers and similar equipment required to be installed on a

31 development site. Mechanical equipment shall be located to minimize noise and visual impacts to

32 adjacent property in a residential zoning district or a planned development district with predominately

33 residential uses.

34 A. Mechanical equipment shall be screened and sound attenuation shall be provided when adjacent to

35 any property in a residential zoning district or a planned development district with predominately

36 residential uses.

37 B. Mechanical equipment shall not be located between the building and the street unless the utility

38 company determines this to be the only feasible location.

39 C. Screening, by wall, fence or vegetative matter, shall exceed the height of the equipment if the

40 equipment is visible from the street or adjacent properties. Certain equipment, including rain

1 barrels or cisterns, shall not require screening provided they are designed to blend with the building
2 and are constructed with the same materials and colors.

3 D. Roof-top mechanical equipment shall be enclosed by parapets or screen walls of the minimum
4 height necessary to conceal it from the street and adjacent properties.

5 D. Chiller plants and similar large-scale utility structures shall provide a 6-foot high wall to hide the
6 structure from the public street and adjacent properties. A 6-foot wide landscaping strip planted
7 with shrubs and trees shall be provided along the wall.

8 **Section 30-6.11. Solid Waste Disposal Facilities.**

9 A. Solid waste disposal facilities, including solid waste, recycling, and yard trash containers, shall be
10 located to the side or rear of the building and shall be concealed from view from the public street by
11 a masonry wall or opaque fence with a minimum height of 6 feet. The enclosing wall or fence shall
12 be finished or painted with the same material as is used on the building and shall be fitted with an
13 opaque sliding or hinged door and working latch.

14 B. On corner or double-frontage lots, disposal facilities shall be accessed from the secondary frontage.

1 **Section 30-6.12. Outdoor Lighting.**

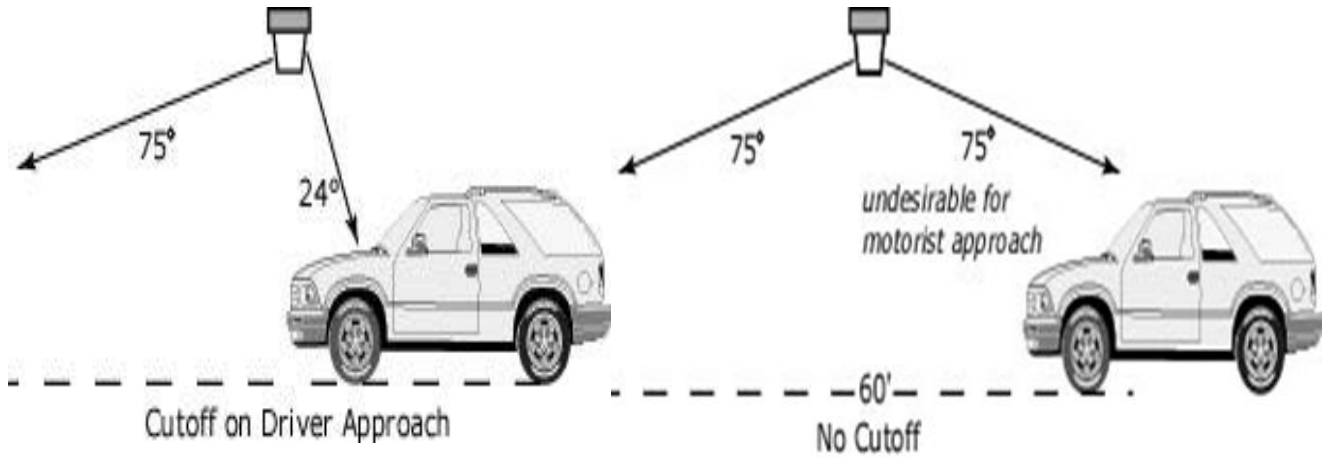
- 2 A. *Purpose.* To provide regulations for outdoor lighting that will:
- 3 1. Protect and promote the public health, safety, and welfare;
- 4 2. Promote safety and security in vehicular use areas;
- 5 3. Protect adjacent properties, the environment, and the night sky from adverse lighting impacts
- 6 such as light pollution, light trespass, glare, excessive lighting, and offensive light sources;
- 7 4. Promote energy and resource efficient lighting; and
- 8 5. Encourage the use of Crime Prevention through Environmental Design (CPTED) fundamentals in
- 9 the design of lighting installations.
- 10 B. *Applicability.* All outdoor lighting uses within the City, including but not limited to multi-family
- 11 residential, nonresidential, public and private recreational and institutional uses, architectural, and
- 12 landscape lighting.
- 13 C. *Exemptions.*
- 14 1. Properties with a single-family or two-family dwelling.
- 15 2. Lighting for public rights-of-way, public streets, and approved private streets.
- 16 3. Lighting necessary for emergency equipment and work conducted in the interests of law
- 17 enforcement, fire rescue, storm debris clean-up or other similar public safety efforts.
- 18 4. Lighting for construction, renovation, or repair of roads and utilities.
- 19 5. Temporary general construction lighting, which shall be regulated in accordance with building
- 20 construction standards and shall be valid during the active period of a building permit.
- 21 6. Sign lighting, which is regulated elsewhere in this Land Development Code.
- 22 7. Lighting required by federal or state laws or regulations.
- 23 8. Luminaires with fully shielded light sources, provided the total output of the fixture does not
- 24 exceed 1800 lumens.
- 25 9. Luminaires with diffuse lensing, provided the total output of the fixture does not exceed 900
- 26 lumens.
- 27 10. Point source, or other types of unshielded fixtures, provided the total output of the fixture does
- 28 not exceed 600 lumens.
- 29 11. Low-voltage landscape lighting, provided the lighting is shielded in such a way as to eliminate
- 30 glare and light trespass.
- 31 D. *General requirements.*
- 32 1. *Luminaire design and operation.*
- 33 a. Fixture placement, distribution, wattage, orientation, and mounting height shall maximize
- 34 the efficient and effective use of light output, and minimize light trespass, light pollution and
- 35 glare, including the projection of light skyward or beyond the primary object being
- 36 illuminated. Fixtures using directional optics and located adjacent to property boundaries
- 37 shall be oriented in such a way as to minimize glare onto adjacent properties.

- 1 b. Lighting of horizontal surfaces shall be fully shielded full-cutoff fixtures and shall be aimed
2 downwards.
- 3 c. Lighting of non-horizontal surfaces shall be designed, installed and aimed so as not to
4 project light output beyond the object being illuminated, skyward, onto a public roadway, or
5 onto adjacent uses.
- 6 d. Luminaires shall consist of the most energy efficient light sources.
- 7 e. The maximum mounting height of area lighting shall not exceed 30 feet when located within
8 75 feet of a single-family use or single-family zoning district.
- 9 f. Sites shall not exceed an average vertical illuminance of 0.5 footcandles at a height of five
10 feet above the mounting height of the highest luminaire. This requirement shall be
11 provided at a parallel horizontal over the area where surface level data are provided.
- 12 g. Controls shall be provided that automatically extinguish all outdoor lighting when sufficient
13 daylight is available. Automatic lighting controls are not required for the interior of parking
14 structures.
- 15 h. A property owner/representative may and is encouraged to reduce any required level of
16 lighting output by up to 50% of the otherwise required value after the site closes or is no
17 longer in use for the night. Uniformity ratios shall meet the otherwise required values.
- 18 i. The placement of light poles in landscape islands is discouraged. Separate islands should be
19 created for the placement of light poles. Poles may be placed within the perimeter and
20 interior landscape strips in locations that avoid conflicts with existing and required trees.
21 Notwithstanding the above, where special designs, tree separation, pole arm extensions and
22 reduced pole heights are feasible, a pole may be placed within a landscape island after
23 review and approval by the appropriate reviewing body.
- 24 j. Except in emergencies by police, fire, utilities, medical personnel, aircraft warning lights or
25 for meteorological data gathering purposes, the use of exposed light sources, search lights,
26 flood lights, lasers, lighting or lights that pulse, flash, rotate or simulate motion is prohibited.
27 No exceptions or waivers shall be permitted.
- 28 2. *Light trespass standards.*
- 29 a. Unless otherwise provided in this section, lighting shall have illuminances, uniformities and
30 glare control in accordance with the published standards of the Illuminating Engineering
31 Society of North America (IESNA).
- 32 b. Light trespass measured line-of-site at the property line of the receiving property shall not
33 exceed the following levels:
- 34 i. 1.0 footcandles for non-residential and multi-family sites.
- 35 ii. 0.5 footcandles for residential sites.
- 36 iii. 0.4 footcandles for nature parks.
- 37 iv. 5.0 footcandles for public and private streets.
- 38 1) *Alleys.* This standard shall be decreased to 2.0 footcandles where an alley of 20 feet
39 or less separates a receiving property that has a single-family use or zoning.

- 1 2) *Automobile dealers.* This standard shall be increased to 10 footcandles for public
2 streets abutting automobile dealers along Main Street north of NW 16th Avenue and
3 along NW 39th Avenue between NE 2nd Street and NE 10th Street, provided that
4 portion of the receiving public street is at least 500 feet from any property with
5 single-family use or zoning. Light trespass at private streets shall meet the above
6 requirements.
- 7 E. *Specific illumination requirements.* In addition to the general requirements applicable to all outdoor
8 lighting uses, the following requirements for specific outdoor lighting uses or areas shall apply. If
9 provisions in this subsection conflict with any of the general requirements, the provisions in this
10 subsection shall prevail.
- 11 1. *Recreational lighting.* Lighting for outdoor recreational uses (including mounting heights above
12 30 feet, where appropriate) may be designed in accordance with the published standards of the
13 Illuminating Engineering Society of North America (IESNA).
- 14 2. *Nature parks.* Buildings shall not be externally illuminated on any vertical faces fronting a nature
15 park.
- 16 3. *Building entrances, exteriors and site security.* Lighting shall be provided for the general security
17 of areas, including building entrances, stairways, ramps, main walkways, dumpsters, other site
18 accessory structures, pedestrian entrance/exit points, and vehicular use areas.
- 19 a. Lighting levels at building entrances/exits and around buildings shall not exceed an average
20 horizontal illuminance of 5.0 footcandles at ground level, a uniformity ratio of 6:1 and a
21 maximum uniformity ratio of 10:1.
- 22 b. Lighting levels on pedestrian walkways and at pedestrian entrances/exits of vehicular use
23 areas of multi-family developments shall maintain a minimum horizontal illuminance of 1.0
24 footcandles at ground level.
- 25 c. Pedestrian walkways greater than 30 feet from the edge of a building or vehicular use area
26 shall maintain a minimum horizontal illuminance of 0.2 footcandles at ground level.
- 27 d. There shall be a minimum horizontal illuminance of 1.0 footcandles at ground level within
28 five feet of dumpsters, site accessory structures and areas that are of the type known to be
29 prone to illicit behavior or victimization.
- 30 e. Unimproved areas of a site may be so defined and excluded from the lighting plan.
- 31 4. *Vehicular use areas.*
- 32 a. Lighting shall be uniform throughout the parking lot, with no dark patches or pockets, for
33 safety and identification of features.
- 34 b. Lighting shall maintain a minimum horizontal illuminance of 0.5 footcandles at ground level
35 and shall not exceed an average horizontal illuminance of 2.5 footcandles, a uniformity ratio
36 of 5:1, and a maximum uniformity ratio of 15:1. An applicant may elect to use the building
37 entrance and outdoor lighting standards on portions of vehicular use areas within 30 feet of
38 a building.
- 39 5. *Parking structures.*

- 1 a. *Applicability.* These standards for parking structures shall apply to any multilevel parking
2 structure and any floor of a building, including but not limited to the first floor and/or
3 basement level, used for parking or storage of vehicles. However, when either the top floor
4 of a building used for parking or storage of vehicles or the top floor of a multilevel parking
5 structure is uncovered and open to the sky, said floor shall be regulated in accordance with
6 the standards for parking lots but shall have luminaires that do not exceed a height of 15
7 feet. Where covered parking areas are restricted in depth to one vehicle length, lighting
8 shall be provided in accordance with the building entrances, exteriors and site security
9 provisions above.
- 10 b. Luminaires shall be full-cutoff, semi-cutoff and/or refractor High Intensity Discharge (HID) or
11 LED fixtures. The exact type, configuration and placement of luminaires shall be designed to
12 prevent glare, cavern effect and to facilitate vertical illumination of the floor so that drivers
13 are able to discern objects within the facility. Luminaires used in driving lanes shall not emit
14 greater than 50% of the light output above an angle of 38 degrees on driver approach and
15 75 degrees on driver retreat.
- 16 c. Lighting intensities for all floors, ramps, entrance/exit areas, and stairways shall be as listed
17 in Table 1.

18 **Figure 1 – Transverse Lighting Coverage.**
19 **Transverse Coverage and Cutoff based on 8-foot Mounting Height**



20
21
22 **Table 1:**

	Min Horizontal Illuminance (footcandles)	Max Uniformity Ratio	Min Vertical Illuminance* (footcandles)
Basic per floor	1	10:1	0.5
Ramps Day	2	10:1	1
Ramps Night	1	10:1	0.5

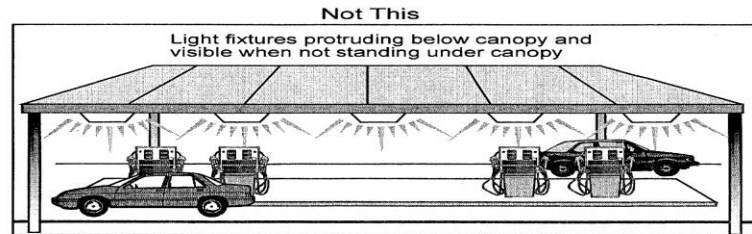
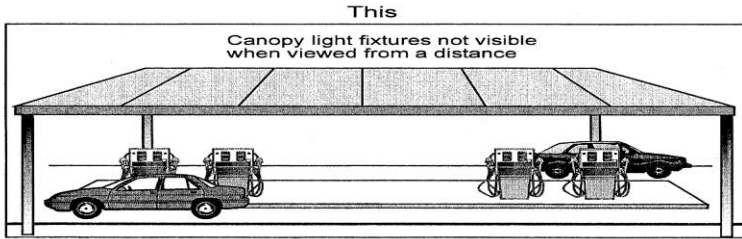
Entrance Areas Day	50	-	25
Entrance Areas Night	1	10:1	0.5
Stairways	10	-	1
*Measured facing the drive aisle at five feet above the parking surface at the point of the lowest horizontal illuminance.			

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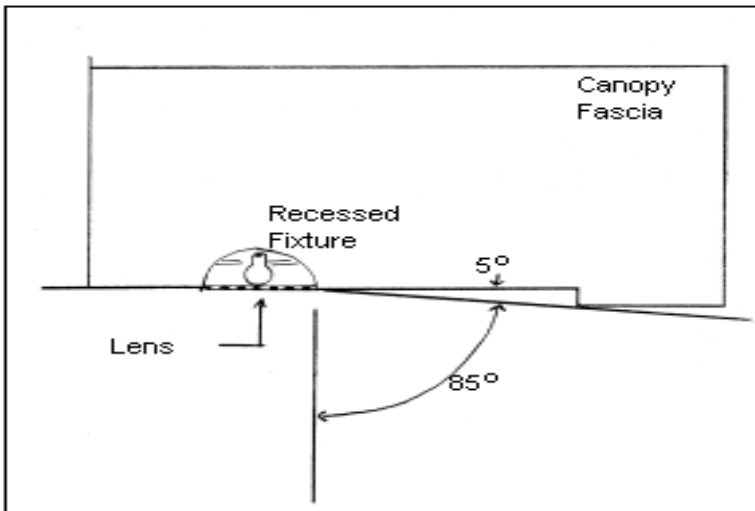
6. *Vehicular use areas canopy lighting.*

- a. Luminaires mounted on or under canopies shall be full-cutoff fixtures or recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy, as demonstrated in Figure 2. Lighting may also be shielded by fixtures or the edge of the canopy so that light is restrained to 85° or less from vertical as shown in Figure 2. Luminaires shall not result in glare and shall meet light trespass standards applicable to adjacent properties.
- b. Lighting within six feet of the canopy shall maintain a minimum horizontal illuminance of 2.0 footcandles at ground level and shall not exceed an average horizontal illuminance of 10 footcandles, a uniformity ratio of 5:1, and a maximum uniformity ratio of 10:1.
- c. Indirect lighting where light is aimed upward at the underside of the canopy and reflected back down from the underside of the canopy may be used when luminaires are shielded so that all direct illumination is focused exclusively on the underside of the canopy and when the average vertical illuminance does not exceed 0.5 footcandles at five feet above the canopy level.
- d. Luminaires shall not be mounted on the top or sides (fascias) of the canopy when not part of a permitted sign. The sides (fascias) of the canopy shall not be illuminated in a manner other than that prescribed under the sign code.

Figure 2 – Canopy Lighting.



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7. Gasoline and other fuel dispensing uses.

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- a. In addition to the requirements listed above for vehicular use area canopy lighting, lighting shall not exceed an average horizontal illuminance of 20 footcandles at ground level under the canopy and within an area of six feet from the edge of the canopy. Lighting shall not exceed a uniformity ratio of 5:1 and a maximum uniformity ratio of 10:1.

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8. Vehicle and automobile dealerships along Main Street north of NW 16th Avenue and along NW 39th Avenue between NE 2nd Street and NE 10th Street; when more than 500 feet from residential.

9

10

- a. Lighting shall not exceed an average horizontal illuminance of 50 footcandles at ground level.

11

- 1 F. *Lighting plan submission and review.* Lighting plans demonstrating compliance with the
2 requirements of this section shall be submitted to the technical review committee for review and
3 approval for development plan review, a building permit, or special use permit applications.
4 Lighting plans shall be certified by signature and seal of a registered architect, engineer, or lighting
5 professional holding a current lighting certification (LC) from the National Council on Qualifications
6 for the Lighting Profession (NCQLP) as providing illumination in accordance with the applicable
7 standards of this section and shall include the following information:
- 8 1. A layout of all existing and proposed luminaires with location, designation, mounting height and
9 orientation.
 - 10 2. A schedule of all fixtures that includes the following information:
 - 11 a. Fixture designation.
 - 12 b. Fixture distribution information for area lighting fixtures, such as IESNA Type III, Type IV, or
13 Type V.
 - 14 c. Mounting height.
 - 15 d. Light source type and wattage.
 - 16 3. An illustration showing lighting levels (illuminance in footcandles) for each source of light.
17 Separate calculations shall be performed for each area of the site, such as parking lots, building
18 entry areas, and light trespass on receiving property boundaries. The boundary of each area
19 shall be clearly indicated and the area shall be labeled. The calculations shall be performed on a
20 grid at a maximum of every 10 feet.
 - 21 4. A table of photometric calculations indicating, at a minimum, the following values for each area:
 - 22 a. Average, maximum and minimum illuminance.
 - 23 b. Average and maximum uniformity ratios.
 - 24 c. The ordinance section applicable to the area.
 - 25 5. Landscaping information demonstrating that the site lighting and existing and proposed
26 landscaping have been coordinated to minimize conflict between vegetation and intended light
27 distribution, both initially and at vegetation maturity.
 - 28 6. Topographic variations on site and any significant change in grade or elevation of the
29 surrounding sites.
 - 30 7. A brief written narrative describing the proposed luminaires, mounting heights, control devices
31 and schemes, applicable calculation zones, and a summary of the adjacent properties. This may
32 be provided as notations on the lighting plan or in a separate attachment on the preparer's
33 letterhead.
 - 34 8. Manufacturer specification sheets, cut-sheets or other manufacturer-provided information for
35 all existing and proposed luminaires. Photometric reports generated from manufacturer-
36 provided IES data, where available.
 - 37 9. For parking structures, the lighting plan shall include the following additional information:
 - 38 a. Minimum horizontal and vertical lighting intensities for each floor, floor ramps, entrance
39 areas and stairways. Data may be requested for certain daylight periods.

1 b. Uniformity ratios and maximum uniformity ratios for each floor, floor ramps, entrance areas
2 and stairways. Data may be requested for certain daylight periods.

3 c. The cutoff angles on driver approach and retreat.

4 G. *Waivers.* During approval of a development plan or building permit, the appropriate reviewing
5 board, City Manager or designee may permit a waiver for one or more of the requirements of this
6 section. An applicant requesting a waiver shall submit a lighting plan as described in this section. At
7 the expense of the applicant, the appropriate reviewing board, City Manager or designee may
8 request an independent review by a registered architect, engineer, or lighting professional holding a
9 current lighting certification (LC) from the National Council on Qualifications for the Lighting
10 Profession (NCQLP).

11 The appropriate reviewing board, City Manager or designee may permit a waiver only when an
12 applicant demonstrates each of the following:

- 13 1. The requested waiver is consistent with and promotes the purpose and intent of this section;
- 14 2. The applicant uses an alternate methodology, technique or approach, consistent with IESNA
15 standards, to demonstrate compliance with the intent and purpose of the lighting ordinance;
- 16 3. A unique situation or hardship exists as a result of conditions peculiar to the property and not
17 due to the actions of the applicant; and
- 18 4. The requested waiver is necessary to ensure compatibility and consistency with the surrounding
19 properties.

20 In granting a waiver, the appropriate reviewing board, City Manager or designee may impose any
21 reasonable conditions, restrictions or limitations to preserve and promote the purpose and intent of
22 this section.

23 H. *Nonconforming luminaires and lighting.* Any luminaire or lighting installation lawfully existing on
24 December 20, 2012, that does not conform to the requirements of this ordinance shall be deemed
25 legally nonconforming.

- 26 1. A nonconforming luminaire or lighting installation shall be made to conform with the
27 requirements of this section when any of the following situations applies:
 - 28 a. Minor corrective action, such as re-aiming or shielding, can achieve conformity with the
29 applicable requirements of this section;
 - 30 b. 50% or more of the existing luminaires on a property are replaced;
 - 31 c. The number of existing luminaires on a property is increased by 50% or more;
 - 32 d. The City Manager or designee deems the nonconforming luminaire or lighting installation a
33 safety hazard; or
 - 34 e. A development is expanded or remodeled at a cost that exceeds 50% of the assessed value
35 of the site or structures as determined by the Alachua County Property Appraiser. Assessed
36 valuation shall be determined by reference to the official property tax assessment rolls of
37 the year of the expansion and/or remodel.
- 38 2. A development that becomes nonconforming with this section due to a change in operational
39 hours from daytime only to include nighttime operation shall be required to comply with these
40 regulations within 90 calendar days of the effective date of the change.

- 1 3. To prevent safety hazards, non-conforming luminaires and temporary luminaires that direct
2 light towards streets or parking lots and that cause disability glare shall be either shielded or re-
3 directed within 90 calendar days of notification by the city.

4 **DIVISION 4. STORMWATER**

5 **Section 30-6.13. Design and Maintenance.**

6 *A. Prohibitions.*

- 7 1. No person shall change, or allow to be changed, the contour, topography, use or vegetation
8 cover of land unless the stormwater runoff and sedimentation generated thereby are controlled
9 in accordance with this article, except as follows:
- 10 a. Property in actual agricultural use, excluding silviculture.
11 b. Accessory home gardening and customary routine landscape maintenance.
12 c. Removal of individual trees in accordance with the landscape and tree management
13 sections of this article.
- 14 2. No person shall discharge or alter the discharge of stormwater runoff or sedimentation from
15 development activity into creeks, watercourses or water bodies without the consent of the
16 applicable governmental authority.

17 *B. Design and maintenance standards for stormwater facilities.*

- 18 1. *Design standards.* Stormwater management facilities shall be designed and constructed in
19 accordance with this article and the design manual.
- 20 a. *General standards.*
- 21 i. All drainage facilities shall provide a positive outfall to existing watercourses, water
22 bodies, wetlands or storm sewer systems unless it can be proven that it is a closed
23 system.
- 24 ii. The property owner is fully responsible for compliance with all rules, regulations and
25 requirements of the county, the applicable water management district, the state
26 department of environmental protection, the U.S. Army Corps of Engineers, and the
27 United States Environmental Protection Agency.
- 28 iii. All basins designed to be dry shall drain completely within 72 hours of the storm event.
29 Designs providing for longer drainage periods require approval by the City Manager or
30 designee.
- 31 iv. All development shall provide on-site stormwater quality treatment for the first one
32 inch of stormwater runoff, except as provided in subsection e. of this section. Infill
33 residential development within improved residential areas or subdivisions existing prior
34 to November 18, 1991, shall ensure that its post-development runoff will not contribute
35 pollutants that will cause the runoff from the entire improved area or subdivision to
36 degrade receiving water bodies and their water quality.

- 1 v. All development shall have on-site stormwater quantity control designed for the 100-
2 year critical duration storm, except as provided otherwise in this section. A detention
3 system shall be provided that will permit a controlled outlet to receiving watercourses.
4 The system shall be designed so that the peak flow of stormwater off of the site,
5 assuming full development, shall not exceed the natural flow from the lands prior to the
6 subdivision or any development, based on the 100-year critical duration storm.
- 7 vi. The type, intensity and structural design of any development proposed for a site shall be
8 appropriate to the existing natural topographic characteristics of the site, while
9 recognizing that minimal grade changes are essential to site development. Avoid
10 disturbing steep slopes. Use terracing and diversions when disturbance of slopes is
11 unavoidable. Slopes created by fill for other than landscape or buffering purposes shall
12 be not steeper than three to one and shall be stabilized by vegetation or other approved
13 methods. Excessive erosion of any cut or fill slope shall require remediation by the
14 property owner.
- 15 vii. Drainage facilities designed within a closed system shall be evaluated on a site-specific
16 basis with the minimum design criteria being the 100-year critical duration storm event.
- 17 viii. All stormwater basins shall be landscaped in such a manner as to promote safety and to
18 integrate the basin with the overall design of the site.
- 19 ix. The contour of retention and detention basins should promote aesthetically pleasing
20 site design and increased wildlife habitat.
- 21 x. The design manual shall include guidelines for the design and operation of facilities that
22 discourage the breeding of mosquitoes.
- 23 xi. The design of retention and detention basins shall promote joint uses for habitat, open
24 space, passive recreation, and the establishment and integration of trails.
- 25 xii. Stormwater management facilities shall be designed to minimize the need for
26 maintenance in accordance with the design manual.
- 27

- 1 b. *Erosion and sedimentation control.* The city may require the developer to limit clearing and
2 grubbing outside the proposed developed area to the site, control erosion and
3 sedimentation during and after construction, stabilize cleared areas, limit stockpiles, protect
4 stormwater inlets during construction, control construction access routes, remove
5 temporary control systems after construction, and limit the placement of gutters and drains.
6 Wherever construction vehicle access routes intersect paved public roads, provisions shall
7 be made to minimize the transport of sediment (mud), concrete and other construction
8 materials onto the paved surface (through runoff or vehicle tracking). Materials reaching the
9 paved surface shall be removed from the paved surface at the end of each day. Removal
10 shall be by shoveling or sweeping, and the materials shall be transported to a sediment-
11 controlled disposal area.
- 12 c. *Hogtown Creek Basin.*
- 13 i. Within the Hogtown Creek Basin, systems shall be designed to retain any increase in
14 volume of runoff over the predevelopment volume for a 72-hour period.
- 15 ii. The state Department of Transportation, Standards for Road and Bridge Construction,
16 latest edition, and the state Department of Transportation, Roadway and Traffic Design
17 Standards for Design, Construction, Maintenance and Utility Operations for Streets and
18 Highways on State Maintained Systems, latest edition, shall be applied where standards
19 are not specifically addressed in this chapter or in the design manual.
- 20 d. *Master stormwater basins.* The requirements for stormwater quantity and quality as listed
21 above may be satisfied by a master stormwater plan serving several properties. An
22 easement shall be provided between participating landowners. The easement shall be
23 recorded in the public records of the county and submitted to the city prior to the issuance
24 of any development permit. Any development proposed for consideration using an existing
25 or planned master stormwater basin shall provide the calculations and documentation
26 necessary to establish the right to use the facility and that the contribution of stormwater
27 runoff of the proposed development will be within the design parameters of the master
28 basin. A maintenance agreement among all the property owners that conforms to the
29 provisions of this section shall be executed subject to the approval of the City Attorney as to
30 form and legality and recorded in the public records of the county.
- 31 e. *Off-site stormwater management facilities.* A development may use an off-site stormwater
32 management facility to meet the applicable stormwater quality or quantity standards
33 required by the design manual.
- 34 f. *Redevelopment of vehicular use area or building.* For the purposes of this section,
35 redevelopment is any demolition or reconstruction of the vehicular use area (excluding
36 resurfacing and restriping) or building. Any proposal for a site on which the proposed
37 redevelopment of building(s) or vehicular use area involves the demolition and
38 reconstruction of more than 80% of the area devoted to existing building and vehicular use
39 area shall be considered new development, and shall be required to meet the standards for
40 new development. This determination shall be made by the City Manager or designee. All
41 redevelopment of a particular lot or site governed by a final development order shall be
42 cumulative from June 10, 1992. Redevelopment shall conform to the following standards
43 with regard to required facilities:

- 1 i. *Less than 4,000 square feet.* Any redevelopment of existing impervious surfaces of a
2 site of less than 4,000 square feet shall only require the continued maintenance of
3 existing facilities, including natural areas that provide storage. No additional stormwater
4 management shall be required, except that all development shall be in compliance with
5 all state and water management district requirements.
- 6 ii. *4,000 square feet or more.* Any redevelopment of existing impervious surface of 4,000
7 square feet or more shall be designed to accommodate stormwater quality treatment
8 for the first one-half inch of runoff from the proposed improvements in the disturbed
9 area. The City Manager or designee may allow the design engineer to retain the first
10 one-half inch of runoff from an area of equal size as the disturbed area provided that it
11 can be proven that there would be greater water quality benefits to the receiving
12 surface water of equal size. Stormwater management facilities, including natural areas
13 that provide storage, shall continue to be provided. All development shall be in
14 compliance with all state and water management district requirements.
- 15 g. *Subdivision of property.* A complete stormwater system in conformance with the flood
16 control provisions of this article shall be provided for all areas of the subdivision for
17 managing stormwater runoff and providing water quality treatment within or across
18 subdivision lands. Soil borings shall be taken to establish soil type and percolation rate. The
19 design manual shall provide guidelines for determining the appropriate number and location
20 of soil borings. Full development shall be assumed for selection of proper runoff
21 coefficients. The system shall be designed, in accordance with the design manual, to
22 accomplish the following results:
- 23 i. *Closed conduits.* A system of closed conduits (except where open ditches are specifically
24 permitted by the City Commission) shall be provided to collect and channel stormwater
25 in such a fashion as to permit the unimpeded use of public roads during a rainstorm of
26 the maximum intensity predicted for the city area at 10-year intervals.
- 27 ii. *Flood routing.* A route for stormwater runoff shall also be provided that will function,
28 when the system designed to handle the 10-year, 24-hour storm has reached its
29 capacity, so as to prevent flooding (water over the curb level) and ensure access for
30 emergency vehicles during a 10-year, 24-hour storm event.
- 31 iii. *Detention/retention system.* A detention/retention system shall be provided that will
32 permit a controlled outlet to receiving watercourses. The system shall be designed so
33 that the peak flow of stormwater from the subdivided lands, assuming full
34 development, shall not exceed the natural flow from the lands prior to the subdivision
35 and any associated development based on the 100-year critical duration storm.
- 36 iv. *Roadside swales.* Roadside swales may be provided in lieu of curb and gutter as long as
37 all the specific requirements of this article and the design manual can be met.
- 38 v. *Open drainageways.* Open drainageways (ditches) shall not be permitted in or within
39 100 feet of any residential district or any land in actual use or zoned for use as a school,
40 unless it can be established to the satisfaction of the City Commission that the open
41 drainageway will appear and function as a natural watercourse and will not require
42 significant maintenance. Any permitted open drainageway shall be designed so as to
43 present no unreasonable hazard to life, the health of the public and nearby property
44 residents and so as to be protected against scour and erosion.

- 1 C. *Acceptance of facilities.* Acceptance of facilities for dedication to the public shall be in accordance
2 with the conditions and procedures pertaining to subdivision review.
- 3 D. *Intergovernmental coordination.* Copies of all water management district, state department of
4 transportation, state department of environmental protection, and county permits and permits of
5 any other applicable agency with jurisdiction shall be required prior to commencement of any
6 development.
- 7 E. *Inspections.*
- 8 1. The engineer of record shall file as-built plans with the public works department upon
9 completion of any improvements for which changes have been approved during the
10 construction process.
- 11 2. The city shall periodically inspect stormwater control facilities and shall inspect upon complaint
12 to determine that such facilities are operating and being maintained as designed.

13 **DIVISION 5. WATER/WASTEWATER**

14 **Section 30-6.14. Centralized Water and Wastewater Facilities.**

15 All property within the city shall be subject to the following requirements. These requirements do not
16 lessen or exempt compliance with any other section of the Code of Ordinances where the regulations
17 may be more stringent.

- 18 A. *Exemptions.* The following exemptions to the requirements for mandatory hookup to the
19 centralized water and wastewater systems shall apply, unless more stringent code requirements
20 apply:
- 21 1. Development on lots in platted subdivisions and other legal lots of record that existed as of June
22 10, 1992, shall be exempt, unless there are existing distribution or collection facilities in the
23 right-of-way or easements abutting the property.
- 24 2. Developments that provide temporary package wastewater plants shall be exempt, but only to
25 the extent provided for in subsection 30-7.9.
- 26 B. *Centralized water systems.* Developments that require potable water shall connect to the city's
27 centralized potable water system when equivalent residential densities are greater than two units
28 per acre. Equivalent residential density shall be calculated using peak daily demand as estimated for
29 level of service purposes as indicated in Article III.
- 30 C. *Centralized wastewater systems.* Developments that require wastewater treatment shall connect to
31 the city's centralized wastewater treatment system when equivalent residential densities are
32 greater than two units per acre. Equivalent residential density shall be calculated using peak daily
33 demand as estimated for level of service purposes as indicated in Article III.
- 34 D. *Septic tanks or on-site disposal systems for nonresidential development.* Any nonresidential
35 development proposing the use of a septic tank or on-site disposal system shall demonstrate that
36 toxic, hazardous or industrial waste will not be disposed of in the septic tank or on-site disposal
37 system.

1 **Section 30-6.15. Package Wastewater Plants.**

2 If there are no existing wastewater collection facilities, a development may install a new, temporary
3 package wastewater plant for the treatment of wastewater, provided the plant meets all of the
4 following criteria:

- 5 A. All relevant state and federal standards for package wastewater plants shall be met.
- 6 B. The development shall connect to the central wastewater treatment facilities within five years after
7 central wastewater facilities become available to the development.
- 8 C. The developer of such temporary package treatment plant shall enter into a legally binding
9 agreement that dedicates and assigns responsibility for the proper maintenance and operation of
10 the plant to an appropriate agency of local government, and which provides adequate
11 compensation by the developer to the local government for the proper operation and maintenance
12 of the plant.
- 13 D. The package plant shall be approved by the appropriate government agency assigned plant
14 operation and maintenance as meeting standards for design, operation and maintenance.

15 **Section 30-6.16. Industrial Pretreatment Plants.**

16 The city shall allow industrial pretreatment plants for the processing of industrial wastewater. Such
17 industrial pretreatment plants shall be in conformance with the requirements of **section 27-182.**

18 **DIVISION 6. TRANSPORTATION**

19 **Section 30-6.17. Streets.**

- 20 A. *Public and private streets.* The design standards for streets are contained in the design manual or
21 standards from other agencies as referenced in the manual.
- 22 B. *Private approved streets.* Each private approved street in a minor subdivision shall meet the
23 following requirements:
 - 24 1. An approved private street shall be paved to a minimum width of 12 feet wide for one-
25 directional traffic flow and 18 feet wide for two-directional traffic flow. Alternatively, a
26 determination shall be made by the city public works department, the city fire rescue
27 department, and city solid waste department that the approved private street is adequate to
28 support service vehicles as necessary to provide municipal services.
 - 29 2. The structure and sub-base of the approved private street shall meet the standards set forth in
30 the design manual.
 - 31 3. Each approved private street shall be connected directly to a public street or to another
32 approved private street that connects directly to the major public road network. The method
33 and type of connection shall be subject to approval by the public works department in
34 accordance with the standards set forth in the design manual. The private street serving the
35 subdivision shall have a maximum length of 1,000 feet (measured by traversing the length of the
36 approved private street from its farthest extent to the nearest public street). When the private
37 street reaches 1,000 feet in length, the subdivision shall include one of the following, as
38 determined by the city fire rescue department: 1) appropriate emergency connection to the

1 nearest public road, if such a connection can be made on property within the minor subdivision,
2 or 2) a turnaround sized to accommodate fire and rescue vehicles.

3 4. The owners of each approved private street shall provide necessary easements to the city for
4 the purpose of providing municipal services. Alternatively, if the city finds the street serves a
5 valid public purpose, the owners may gratuitously dedicate an approved private street for
6 purposes of public right-of-way.

7 5. Lots created on an approved private street shall be designed to minimize the number of curb
8 cuts onto the street. Shared driveway access shall be required of adjoining lots, except where an
9 odd number of lots are created, in which case, one lot, as determined by the public works
10 department, may be allowed to have a separate driveway.

11 6. Approved private streets shall provide a sidewalk having a minimum width of five feet. The
12 sidewalk shall be provided on one side of the street in accordance with standards of the design
13 manual. Where five feet of pavement is not possible due to a natural or permanent man-made
14 obstruction, the pavement width may be decreased to a minimum of three feet as necessary to
15 avoid the obstruction. If paving is not possible due to natural conditions, a minimum three-foot
16 wide stabilized pedestrian trail shall be constructed.

17 7. All proposed minor subdivisions shall meet the level of service standards in the Comprehensive
18 Plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency
19 exemption, certificate of preliminary concurrency or certificate of conditional concurrency
20 reservation. The approval of a nonresidential minor subdivision in no way reserves capacity for
21 the purposes of concurrency.

22 C. *Cul-de-sacs or dead-end streets.* Cul-de-sacs shall not exceed 250 feet, except where alternative
23 emergency service access is available. Where emergency service access is available, dead-end
24 streets or cul-de-sacs shall not extend beyond 1,000 feet. Pedestrian connections shall be provided
25 to these streets in order to shorten walking distances.

26 **Section 30-6.18. Sidewalks and Shared-Use Bicycle Paths.**

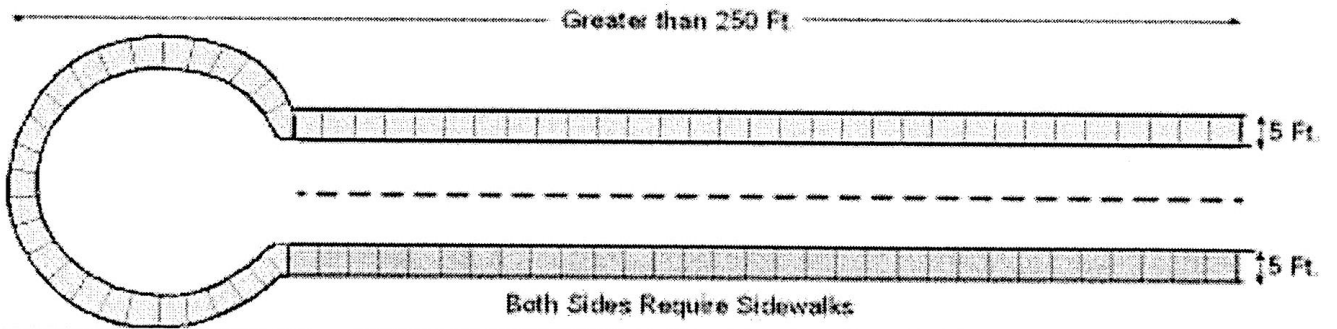
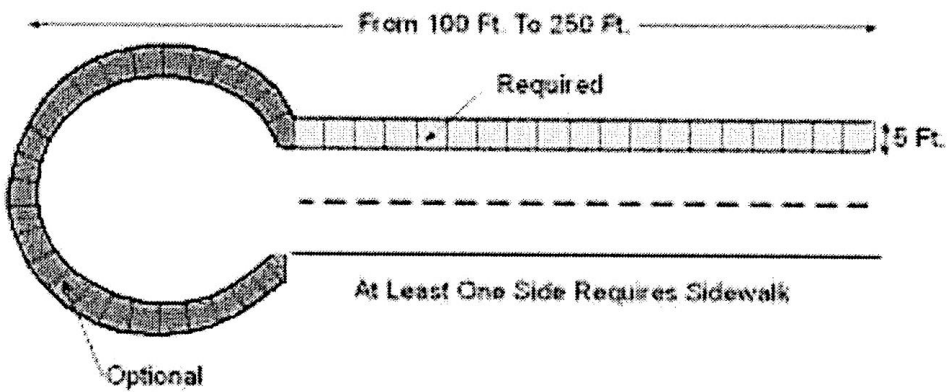
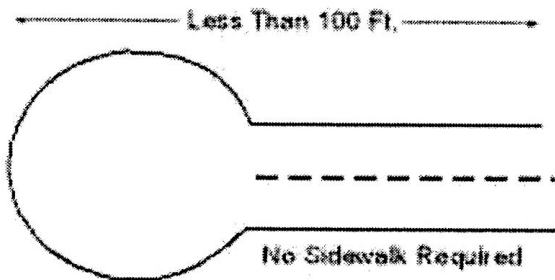
27 A. *Intent.* The intent of this section is to enable pedestrian activity throughout the city, especially as a
28 means to promote pedestrian and transit trips, pedestrian safety and accessibility. Sidewalks are
29 required in conjunction with development orders in every zoning district except zoning districts that
30 implement the industrial land use category or as otherwise provided herein. This shall apply to all
31 development orders issued after September 11, 2000, in every zoning district (except as otherwise
32 provided herein), and on any parcel or lot where a roadway is existing adjacent to the proposed
33 development or where there is a reasonable likelihood of mass transit service or a pedestrian need
34 for sidewalks. Sidewalk(s) are required on all public and private streets, on both sides, except as
35 specifically excluded or modified by this section.

36 B. *Schools.* Public and private schools shall meet the design guidelines of Safe Routes to School.
37 Sidewalks and bikeways adjacent to the site shall be extended to appropriate walkways around
38 buildings and bicycle storage areas.

39 C. Sidewalks are required on both sides of all streets at least five feet in width, except that subdivisions
40 in the agriculture, conservation, airport services and public services zoning districts are only required
41 to provide sidewalks on arterial and collector streets, as designated by the City Manager. Whenever
42 a sidewalk intersects with a curbed street, ramps shall be installed to facilitate access to the
43 sidewalks by wheelchairs.

- 1 1. Where sidewalks are continuous, except for isolated lots or plots, in connection with the
2 approval of subdivisions or development plans, the city shall require an owner of an isolated lot
3 or plot to provide sidewalks along street frontages, except as follows:
- 4 a. Additions or renovations to or new construction of single-family homes on lots platted prior
5 to January 1, 2003, unless a new single-family home is proposed to be built on a lot where
6 there is a sidewalk on the adjacent lot frontages.
- 7 b. The addition or new construction of 500 square feet or less of gross floor area on any
8 property or any paving of fewer than five parking spaces or equivalent area.
- 9 c. On alleys providing a secondary access to a lot of record.
- 10 d. Any lot on land designated as industrial on the future land use map of the city.
- 11 2. *Cul-de-sac or dead-end loop street(s) requirements.* A sidewalk is required on at least one side
12 of a street on a cul-de-sac or dead-end loop street(s) from 100 to 250 feet long, except
13 sidewalks are not required on a cul-de-sac or dead-end or loop street(s) less than 100 feet long.
14 Sidewalks are required on both sides on cul-de-sac or dead-end or loop street(s) greater than
15 250 feet long. For a project in which the closest lots to a connecting street are at least 1,000 feet
16 from the street it stems from, sidewalks are required on at least one side of the street up to the
17 lot nearest the connecting street. Illustrations are shown below.

1 Cul-De-Sacs



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3. A shared-use bicycle path shall be provided in a subdivision wherever designated on the officially adopted trail network plan for the city. Also, subdivisions containing a proposed trail network corridor shall provide a shared-use bicycle path and sidewalk system that integrates or links the subdivision with the trail network.

D. *Responsibility for construction.* The installation of sidewalks is the responsibility of the developer/owner and the sidewalks shall be installed prior to the issuance of a certificate of occupancy by the city. For a phased development, sidewalk(s) shall be completed to serve any area for which a certificate of occupancy or any temporary occupancy is required. The developer/owner shall only be responsible for the sidewalk on the same side of the street(s) on which the approved plan is adjacent, except as specifically modified in this section.

E. *Design standard.* Sidewalk(s) and ramp(s) shall be constructed in accordance with the design manual.

F. *Dedication.* When an amendment to an existing developed area requires the installation of a sidewalk and inadequate right-of-way exists to such extent that a developer/owner cannot install a sidewalk, the city shall require the developer/owner to dedicate sufficient right-of-way to install proper sidewalk areas along all boundaries of the proposed development abutting public streets, or provide an easement to the homeowners association or condominium, as applicable, for additional common area for the sidewalk. The dedication of sufficient right-of-way for sidewalk improvements shall be necessary to serve the development or reduce the impact of the development on the city's transportation system, and shall in all instances meet the "essential nexus" and "rough proportionality" requirements established in case law.

G. *Modifications.* The appropriate reviewing board ("board") or City Manager or designee where no board approval is required may approve modifications from the terms of this section as follows:

1. The board or City Manager shall require the petitioner to provide information in the form of reports, maps, diagrams and similar material to support their request for modification.
2. The board or City Manager may determine the appropriate location or termination of sidewalk(s), determine that dedication of right-of-way meets the required obligation, or determine that a portion of a sidewalk may be narrowed, if consistent with state accessibility requirements, or any combination of the above.
3. The applicant shall demonstrate that conditions and circumstances, which do not result from the actions of the developer, warrant modification of the sidewalk requirements. In reaching its decision, the board or City Manager shall consider the following:
 - a. The need to relocate utilities that shall be moved solely in order to facilitate the construction of sidewalk;
 - b. Construction or redesign of stormwater management facilities;
 - c. Insufficient building setbacks;
 - d. A substantial lack of right-of-way;
 - e. Protection of heritage and champion trees;
 - f. Excessive slope or other topographic or geological features;
 - g. Existing and expected future isolation of the subject parcel; and

1 h. Sidewalks are not permitted by state or local agencies with jurisdiction over the subject
2 right-of-way.

3 **Section 30-6.19. Access Management.**

4 A. *Access to residentially zoned properties.*

- 5 1. No residentially zoned land shall be used for driveway, walkway or access purposes to any land
6 that is non-residentially zoned or that is used for any purpose not permitted in a residential
7 district or that is shown on the future land use map of the Comprehensive Plan for solely non-
8 residential use, except for ingress and egress to a use that was existing on October 26, 1981, on
9 land that does not abut a public street.
- 10 2. Entrances to dwelling units in the RMF-5, RMF-6, RMF-7, RMF-8 districts shall be 15 feet or
11 greater from any access road or driveway.
- 12 3. Minor improvements, such as ramps and landings, that are intended to provide access for a
13 handicapped resident shall be permitted by right within the required yard of any existing single-
14 family dwelling, two-family dwelling and three-family dwelling.

15 B. *Access to non-residential uses.*

- 16 1. Where a parcel of property used for nonresidential use in any business, office, industrial or
17 mixed-use district abuts more than one street, access from either street to such property shall
18 be permitted only if no property in any RSF-1, RSF-2, RSF-3, RSF-4 or RC residential district or
19 shown for single-family residential use on the future land use map of the Comprehensive Plan
20 lies immediately across such street from such office-zoned property; provided, however, access
21 may be permitted from any major collector or arterial as shown on the official roadway map;
22 and provided, further, that one point of access shall be permitted in any case, notwithstanding
23 other provisions of this subsection.
- 24 2. Access to shopping centers shall be in accordance with the provisions of this article, Chapter 23
25 of the Code of Ordinances, and the design manual. Areas used by motor vehicles shall be
26 physically separated from public streets by landscaped buffer areas.

27 C. *Bicycle, greenway and pedestrian access.* Provisions shall be made to safely incorporate travel ways
28 for bicycle and pedestrian usage into development and redevelopment projects extending to
29 adjacent properties. Where bikeways, greenways or sidewalks are presently adjoining the property,
30 provisions shall be made to safely link the internal bicycle and pedestrian system with adjoining
31 facilities. During development plan review, the development review board shall also review the
32 relationship of the mixed-use development to adjoining properties and may require appropriate
33 access for bicycles or pedestrians at locations where vehicular access is prohibited.

34 **Section 30-6.20. Driveways.**

35 All driveways constructed or removed within the city limits shall be constructed or removed as provided
36 for in this section and **Chapter 23** of the Code of Ordinances.

37 A. *Unauthorized construction, curb-cutting declared unlawful.* It shall be unlawful for any person to
38 construct, cut, break-out or remove any curb along a street or alley except as authorized by the
39 provisions of this article.

40 B. *Permit.*

- 1 1. *Required.* No person shall remove, alter or construct any curb, driveway, gutter or pavement or
2 perform any other improvement on any public street or designated street right-of-way without
3 obtaining a permit authorizing the activity from the appropriate governmental entity (the state
4 department of transportation for roads on the state highway system, the county for roads under
5 county maintenance, or the city for all other roads).
- 6 2. *Fees.* Fees for city permits shall be according to the schedule set out in Appendix A and shall be
7 paid to the city by the person to whom the permit is issued at the time it is issued.
- 8 3. *Posting at site.* The driveway permit shall be posted at the construction site.
- 9 C. *Submission of plans; information required.*
- 10 1. No driveway permit shall be issued except in compliance with this chapter. In the event that the
11 proposed construction does not require development review under this chapter, then a copy of
12 the plans showing the location and dimensions of all proposed improvements shall be filed with
13 the public works department and the traffic engineering department. Plans are not required for
14 single-family zoned property or single-family uses. All applications for driveway permits shall
15 include information as to whether the driveway will connect to a road on the state highway
16 system or is on a county-maintained street.
- 17 2. Additional plans shall be submitted to the state department of transportation or the county for
18 driveways connecting on the state highway system or county-maintained streets. All plans
19 submitted for driveways on the state highway system shall meet state department of
20 transportation submittal requirements including those in F.A.C. Chapters 14-96 and 14-97, as
21 amended from time to time. All plans submitted for driveways connecting on county-maintained
22 streets shall meet the county's submittal requirements.
- 23 3. Information required on plans submitted shall include:
- 24 a. A complete plot plan showing all proposed buildings and parking layouts, including north
25 arrow and date.
- 26 b. Existing and proposed driveway locations and widths.
- 27 c. Street pavement types and widths and right-of-way widths.
- 28 d. Proposed location of off-street loading and unloading facilities, interior parking
29 arrangements, and traffic circulating patterns.
- 30 e. Retaining walls, drainage, utility poles, trees and other physical features that affect the
31 driveway location.
- 32 f. Driveways on adjacent properties and/or on opposite side of the street.
- 33 g. The state road number, county road number or local road name, the existence and location
34 of any existing and/or proposed public or private roads (proposed public roads as shown in
35 the state department of transportation five-year transportation improvement plan or the
36 city or the county five-year capital improvement plans) abutting or entering the property,
37 and the horizontal and vertical curvature of the roads.
- 38 h. Any additional information required by the state department of transportation or the
39 county for roads under their permitting authority.
- 40 D. *Design considerations.*

- 1 1. State department of transportation design and construction standards shall be met for
2 driveways on the state highway system.
- 3 2. County design and construction standards shall be met for driveways under county road
4 maintenance.
- 5 3. In addition to state department of transportation or state county design standards, all city
6 requirements shall be met unless they are superseded by state department of transportation or
7 county standards. The city design standards and all other city requirements shall be met for all
8 city-maintained streets or alleys.
- 9 4. The choice of the proper location for access facilities (driveways) shall involve consideration of
10 the amount of conflict that can be expected both within the parking area and on the abutting
11 streets. One primary concept that shall be followed is to reduce the number of connections to a
12 practical minimum, thus providing fewer locations where conflicts may occur. The City Manager
13 or designee may require stub outs to adjacent properties for future cross-access.
- 14 5. The area to which the driveway provides access shall be of sufficient size to allow all necessary
15 functions for loading, unloading and parking maneuvers to be carried out on private property
16 and completely off the street right-of-way.
- 17 6. Driveways shall be constructed to conform to the existing paved street grade or grade approved
18 by city engineer for nonpaved streets.
- 19 7. Parking areas shall be so designed and marked as to provide for orderly and safe movement and
20 storage of vehicles:
 - 21 a. Back-out parking onto a public street and/or highway shall not be permitted unless in the
22 opinion of the City Manager or designee the parking does not present any unexpected
23 hazard to roadway users with respect to roadway design considerations (e.g. visibility, road
24 width, maintenance of utilities, traffic control devices).
 - 25 b. The minimum distance from the street right-of-way line at any ingress or egress driveway to
26 any interior service drive or parking space with direct access to the driveway shall be twenty
27 (20) feet.
 - 28 c. The minimum distance from the street right-of-way line on any major ingress or egress
29 driveway to any interior service drive or parking space having direct access to such driveway
30 shall be one hundred (100) feet. A major driveway is defined as the main ingress or egress
31 point to a public street or highway from a site of a major development such as a shopping
32 center, multiple-family development, industrial park, etc.
 - 33 d. Six-inch standard curb or similar barrier shall be installed along the driveway from the street
34 right-of-way line to the first interior service drive or to and including the first interior parking
35 space described in **subsections b and c** above. Material other than concrete or asphalt curb
36 may be used if approved by the city engineer and chief code enforcement officer or building
37 official.
- 38 8. Driveways shall be laid out to intersect the street as nearly as possible at right angles (ninety
39 (90) degrees) and no driveway shall intersect any street at less than seventy-five (75) degrees,
40 unless no other access is possible and the alternate access design is approved by the City Traffic
41 Engineer. Driveways at or near street intersections or driveways from other sites that cannot be
42 aligned shall be offset no less than one hundred fifty (150) feet from each other. In order for a
43 driveway to be offset less than one hundred fifty (150) feet the applicant shall demonstrate to

1 the satisfaction of the city traffic engineer that extraordinary need and/or circumstances exist
2 such as insufficient frontage width or existing natural features which preclude driveway
3 installation.

4 9. Driveways serving major developments, as defined in this chapter, shall not be located closer
5 than three hundred (300) feet from the intersection of arterial and/or collector streets. The
6 petitioner shall demonstrate hardship to the city traffic engineer or the city traffic engineer shall
7 determine that special engineering design considerations exist for driveways serving major
8 developments to be located closer than three hundred (300) feet to the intersection of arterial
9 and/or collector streets.

10 E. *Specifications generally; costs for city-maintained roadways.*

11 1. The public works department shall prepare, maintain and update a design manual that provides
12 design and construction specifications for driveways, curb cuts, curbs and other pavement on
13 city-maintained roadways and rights-of-way.

14 2. All driveways shall be hard-surfaced in conformance with the applicable standards and
15 specifications.

16 3. Driveways shall cross the sidewalk area at the sidewalk grade established by the city engineer.

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

18 5. Where special pedestrian and vehicular hazards may be encountered, driveways may be
19 restricted to a one-way operation. Proper signs giving notice to the restricted use of driveways
20 shall be erected and maintained by the person having control over the driveways. Failure to
21 erect such signs and failure to use such driveways in accordance with the proper signs shall be a
22 violation of this article.

23 6. All costs of any change proposed in any physical improvements originally installed by the city
24 and all costs of the installation of any driveway or necessary signing shall be borne by the
25 property owner.

26 7. All costs and responsibilities for maintenance and/or repair of any driveway or related signing
27 shall be borne by the property owner.

28 F. *Number and location of driveways.* In order to maximize traffic safety and highway capacity, provide
29 reasonable ingress and egress to property, and adhere to the concepts of access management as
30 stated in Florida Statutes and regulated by the state department of transportation, the number and
31 location of driveways shall be regulated as follows:

32 1. One driveway shall be permitted for ingress and egress to a lot, except:

33 a. Where joint-use driveways, shared-access or cross-access drives are approved by the
34 development review board or city plan board under development plan review in accordance
35 with this chapter; or

36 b. Where property zoned and in use for a detached single-family dwelling or two-family
37 dwelling abuts a local street.

38 2. Two driveways shall be permitted for ingress to and egress from a lot provided:

39 a. All other requirements of this article are met;

- 1 b. The minimum distance between the two driveways equals or exceeds 20 feet as measured
- 2 from inside edge to inside edge of the driveways at the property line; and
- 3 c. The applicant demonstrates to the city traffic engineer sufficient need, such as delivery of
- 4 emergency services, one-way driveway, physical features unique to the site, and/or
- 5 loading/unloading requirements, to justify two driveways.
- 6 3. More than two driveways shall be permitted for ingress and egress to a lot provided:
- 7 a. All other requirements of this article are met and exceptional circumstances exist that
- 8 cannot be mitigated, in the judgment of the city traffic engineer, unless more than two
- 9 driveways are provided; or
- 10 b. Where the lot meets the following three thresholds:
- 11 i. The lot exceeds 10 acres in total land area;
- 12 ii. The lot has more than 1,000 automobile parking spaces; and
- 13 iii. Whenever more than two driveways are permitted, the minimum distance between
- 14 driveways meets or exceeds 300 feet as measured from centerline to centerline of the
- 15 driveways at the property line.
- 16 4. The number and location of driveways on the state highway system are regulated by the state
- 17 under Chapters 14-96 and 14-97 F.A.C., as amended from time to time.
- 18 5. If development on any city street impacts the operation of any road on the state highway
- 19 system, the regulations set forth in Chapters 14-96 and 14-97 F.A.C., as amended from time to
- 20 time shall apply.

21 **G. Driveway types.**

- 22 1. All driveways on the state highway system or on county-maintained streets shall meet the
- 23 relevant requirements of the appropriate governmental entity.
- 24 2. All driveways on city-maintained roadways shall be the standard ramp-type driveway
- 25 construction except that street-type entrances may be permitted from major thoroughfares into
- 26 the major entrances of planned shopping centers, large industrial developments, apartment
- 27 complexes and drive-in theaters that have parking areas for 300 or more vehicles.

28 **H. Width of driveways having access to city-maintained roadways.**

- 29 1. *Ramp-type driveways.*
- 30 a. The width of a ramp-type driveway shall be within the minimum and maximum limits as
- 31 specified below:

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

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

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

- 8
- 9 I. *Prohibited locations; installation of curb stops.*
- 10 1. No driveway shall be constructed in the radius return of an intersection.
- 11 2. No driveway shall be constructed nearer than 25 feet from the intersection of street right-of-
- 12 way lines.
- 13 3. All driveways shall be constructed with a minimum setback distance of five feet from any
- 14 interior property line, and with a two-foot minimum offset from the property line at the
- 15 roadway connection. These offsets may be reduced for single-family residences at the
- 16 recommendation of the city traffic engineer.
- 17 4. To prevent vehicle overhang on private property in the vicinity of the driveway, parking areas
- 18 and loading areas, a six-inch raised curb and/or parking stops shall be constructed a minimum
- 19 distance of three feet inside the street right-of-way line or property line.
- 20 5. No driveway shall be permitted to include any municipal facility such as traffic signal standards,
- 21 catchbasins, fire hydrants, utility poles, fire alarm supports or other similar type structures.
- 22 6. To prevent parked vehicles from intruding or overhanging landscaped areas, sidewalks or critical
- 23 drainage retention areas, the city engineer or city traffic engineer may require the construction
- 24 of a six-inch raised curb and/or similar barrier to protect such areas.
- 25 J. *Work to be performed by bonded contractors; requirements of bond.* All work of removing any curb
- 26 and building of any driveway shall be done by a licensed contractor having in force a current
- 27 contractor's bond in an amount equal to or greater than three times the estimated cost of the
- 28 proposed work. This bond shall be for a period of three years and shall be renewed each year at the
- 29 time the contractor obtains his/her business tax receipt.
- 30 K. *Type of construction for driveways on city-maintained roadways.*
- 31 1. All nonresidential driveways shall be constructed of six-inch thick concrete with steel reinforced
- 32 matting from the edge of the curb or pavement to at least the property line. The driveway shall
- 33 extend a sufficient distance from the pavement so that the rise of the drive will be at least six
- 34 inches above the level of the gutter or pavement with the minimum distance being the property
- 35 line.

- 1 2. Residential driveways shall be concrete as specified above or may be of type III asphalt, one and
2 one-half inches thick, depending on the existing stormwater facilities, subject to review by the
3 public works department.
- 4 3. Exceptions to the concrete requirement for nonresidential driveways may be made at the
5 discretion of the public works department.
- 6 L. *Minimum thickness of concrete; specifications for concrete.* All driveways shall be constructed in
7 accordance with the design manual.
- 8 M. *Alteration of existing driveways; unnecessary driveways.*
- 9 1. Existing driveways shall not be relocated, altered or reconstructed without a permit approving
10 the relocation, alteration or reconstruction, and the driveways shall be subject to the provisions
11 of this article.
- 12 2. When the use of any driveway is changed, making any portion or all of a driveway unnecessary,
13 the owner of the abutting property shall, at his/her expense, replace all necessary curbs,
14 gutters, sidewalks and grass areas in accordance with the design manual.
- 15 N. *Review and approval.* All driveways hereafter constructed in the city on street rights-of-way shall be
16 reviewed and approved by the appropriate city department prior to the issuance of any building
17 permit for the erection, construction, reconstruction or change in the use of the building, structure
18 or land. This provision shall not apply to single-family residential zoned property or for single-family
19 uses.