

ORDINANCE NO. 031133
0-04-55

An ordinance of the City of Gainesville, Florida, relating to residential low density districts; amending section 30-52 of the Land Development Code, Residential low density districts (RMF-5, RC and MH); eliminating FAR (floor area ratio) requirements; establishing a 3-story height limit by right and revising other dimensional requirements for the RC (12 units/acre) and RMF-5 (12 units/acre) residential low density zoning districts; permitting stoops as a condition for townhouses or rowhouses of up to 6 dwellings in the RMF-5 and RC districts; combining Tables 2 and 2-A into one Table 2; removing redundancies and inconsistencies; amending section 30-23, definitions; revising the definition of “townhouse”; creating a definition for “rowhouse;” providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on April 15, 2004; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, City Hall, City of Gainesville to be held at least 7 days after the day this first advertisement was published; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of the second Public Hearing to be held at the adoption stage at least 5 days after the day this second advertisement was published; and

1 **WHEREAS**, the Public Hearings were held pursuant to the published notice described at
2 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
3 heard;

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

6 **Section 1.** Section 30-52, Land Development Code, City of Gainesville, is amended to
7 read as follows:

8 **Sec. 30-52. Residential low density districts (RMF-5, RC and MH).**
9

10 (a) *Purpose.* The residential low-density districts are established ~~for the purpose of providing~~
11 to provide suitable areas for low-density residential development with various dwelling unit types
12 compatible with single-family dwellings. These districts are ~~characterized by one-, two-, three-~~
13 ~~and four-family residential structures~~ designed and located so as to provide a desirable residential
14 environment and transition between differing intensities of land use. Specifically, the RC district
15 is established ~~for the purposes of providing to provide~~ suitable zoning protection to those areas
16 where single-family development has occurred on properties with minimum lot sizes and where
17 such development patterns are desirable to maintain due to unique neighborhood, social and
18 physical characteristics which are present. The MH district is established ~~for the purposes of~~
19 providing to provide for mobile home neighborhoods of sufficient size to sustain a stable and
20 sound microenvironment with individual lots of dimensions necessary to provide safe and
21 healthful residential living.

22
23 (b) Objectives. The provisions of these districts are designed to:

- 24
25 (1) Encourage such development to locate ~~within close proximity to~~ near
26 neighborhood convenience centers and neighborhood shopping centers;
27
28 (2) Create transition areas between low intensity land uses and other more intense
29 land uses;
30
31 (3) Provide for a variety of dwelling unit types compatible with traditional single-
32 family residential development;
33
34 (4) Provide for low density residential development in areas where such development
35 could be logically integrated with or located near traditional single-family
36 residential development or in transitional areas on land where the clustering of
37 units would permit the most effective ~~utilization~~ use of such land, while
38 preserving open space and other natural features;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

(5) Encourage privacy, internal stability, attractiveness, order and efficiency in these areas by providing for adequate light, air and usable open space for residential purposes through the careful design and consideration of the proper functional relationships among uses permitted; and

(6) Provide for such residential development to occur where public facilities and services are present.

(c) Permitted uses.

(1) Uses by right.

a. Uses by right for RMF-5 and RC districts.

- ~~1. Single family dwellings.~~
- ~~2. Two family dwellings.~~
- ~~3. Three family dwellings, except in RC district.~~
- ~~4. Four family dwellings, except in RC district.~~
- ~~5. Accessory buildings incidental to such uses, not including management offices.~~
- ~~6. Community residential homes in accordance with the conditions and requirements of Article VI.~~
- ~~7. Family day care homes, in accordance with the conditions and requirements of section 30-247.1 [sic].~~
- ~~8. Housing for the elderly, in accordance with the conditions and requirements of Article VI.~~
- ~~9. Day care centers, in accordance with Article VI.~~
- ~~10. Adult day care homes.~~
- ~~11. Home occupations in accordance with the conditions and requirements of Article IV, section 30-58.~~
- ~~12. Places of religious assembly in accordance with the conditions and requirements of Article VI, on unified and contiguous sites of 20 acres or more, except in the RC district as provided in subsection (c)(2) of this section.~~
- ~~13. Public schools other than institutions of higher learning, in accordance with the provisions of section 30-77, educational services district (ED).~~

<u>Use</u>	<u>Conditions</u>
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	
41	
42	
43	
44	
45	
46	

1	<u>Places of religious assembly</u>	<u>In accordance with the conditions and requirements of Article VI, Sec. 30-91, on unified and contiguous sites of 20 acres or more, except in the RC district as provided in subsection (c)(2) of this section.</u>
2		
3		
4		
5		
6		
7		
8	<u>Public schools other than institutions of higher learning</u>	<u>In accordance with the provisions of Article IV, sec. 30-77, educational services district (ED).</u>
9		
10		
11		
12	<u>Accessory buildings</u>	<u>Incidental to permitted uses, not including management offices.</u>
13		
14		
15	<u>¹ Units shall be erected on separate lots if the intent is to sell the individual units separately.</u>	
16		
17	<i>b. Use by right for MH district.</i>	
18		
19	1. Mobile homes and mobile home parks.	
20		
21	2. Community residential homes in accordance with the conditions and requirements of state law.	
22		
23		
24	3. Family day care homes, in accordance with the conditions and requirements of state law.	
25		
26		
27	4. Housing for the elderly, in accordance with the conditions and requirements of Article VI.	
28		
29		
30	5. Day care centers, in accordance with Article VI.	
31		
32	6. Adult day care homes.	
33		
34	7. Public schools other than institutions of higher learning, in accordance with the provisions of section 30-77, educational services district (ED).	
35		
36		
37		
38	<u>Use</u>	<u>Conditions</u>
39		
40	<u>Mobile homes and mobile home parks</u>	
41		
42	<u>Community residential homes</u>	<u>In accordance with the conditions and requirements of Article VI, Sec. 30-83 and state law.</u>
43		
44		
45		
46	<u>Family day care homes</u>	<u>In accordance with state law.</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Housing for the elderly

In accordance with the conditions and requirements of Article VI, Sec. 30-84.

Day care centers

In accordance with the conditions and requirements of Article VI, Sec. 30-82.

Adult day care homes

Public schools other than institutions of higher learning

In accordance with the provisions of Article IV, sec. 30-77, educational services district (ED).

(2) *Uses by special use permit.* Uses by special use permit for RMF-5, RC and MH, ~~provided the requirements and conditions of Article VI are met:~~

a. ~~Places of religious assembly in RC and MH districts, and in the RMF-5 district on sites of less than 20 acres.~~

b. ~~Private schools.~~

c. ~~Bed and breakfast establishments, in accordance with Article VI.~~

d. ~~Public libraries.~~

Use

Conditions

Places of religious assembly

In RC and MH districts, and in the RMF-5 district on sites of less than 20 acres.

Private schools

Bed and breakfast establishments

In accordance with Article VI, Sec. 30-101.

Public libraries

(d) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the requirements in Table 2.

(e) *General requirements.* All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-56 and Article IX.

1

TABLE 2. DIMENSIONAL REQUIREMENTS FOR RC DISTRICTS
[Principal Structures]

2
3

Maximum density		12 du/a
Minimum lot area:		
	Single-family dwelling unit	3,000 sq. ft.
	Two-family dwelling unit [†]	6,000 sq. ft.
Minimum lot width at minimum front yard setback:		
	Single-family dwelling unit	35 [‡]
	Two-family dwelling unit	70 [‡]
Minimum lot depth		N/A
Minimum yard setbacks:		
	Front	The average of the actual distance (up to 20') between street right-of-way and principal structures on the 2 adjoining lots, using 20' for any adjoining vacant lot.
	Side (interior)	5 [‡]
	Side (street)	N/A
	Rear	20'
Maximum building height		35'
Maximum floor area ratio		0.51
Maximum lot coverage		50%

4

Accessory Structures for RC

Minimum front and side yard setbacks	Same requirements as for the principal structure, excluding fences and walls.
Minimum yard setback, rear	—5 [‡]
Maximum building height	—25'
Transmitter towers ⁵	—[80']

5

[†] However, the dwelling may be arranged so that a common wall is located on the property line of adjoining lots with a minimum lot area of 3,000 square feet in the RC district.

6

[‡] Except when a common wall is located on the property line of two adjoining lots, in which case the required width is 50 feet for each lot.

³ Except where a two-family dwelling is located with a common wall on the property line of two adjoining lots. In such instances, the yard setback for the side of each lot opposite the common wall shall be at least 7 1/2 feet in the RC district.

⁴ One preengineered and premanufactured structure of 100 square feet or less may be erected in the rear and side yards as long as the structure has a minimum yard setback of three feet from the rear or side property lines, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall which is at least 75 percent opaque.

⁵ In accordance with Article VI.

1

TABLE 2-A. DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL
LOW DENSITY AND RC DISTRICTS
Principal Structures

		MH	RMF-5	RC
Maximum density		12 du/a	12 du/a	<u>12 du/a</u>
Minimum lot area: ¹				
	Single-family dwelling unit	3,000 sq. ft.	4,000 <u>3,500</u> sq. ft.	<u>3,000</u> sq. ft.
	Two-family dwelling unit ⁴	N/A	10,000 <u>7,000</u> sq. ft. ²	<u>6,000</u> sq. ft. ³
	Three-family dwelling unit	N/A	13,068 <u>10,500</u> sq. ft. ²	<u>N/A</u>
	Four-family dwelling unit	N/A	17,424 <u>14,000</u> sq. ft. ⁷	<u>N/A</u>
Minimum lot width at minimum front yard setback:				
	Single-family dwelling unit	N/A	<u>50</u> <u>40</u> ft	<u>35</u> ft
	Two-family dwelling unit	N/A	<u>75</u> ²⁴ ft	<u>70</u> ft ⁴
	Three-family dwelling unit	N/A	<u>85</u> ft ⁷	<u>N/A</u>
	Four-family dwelling unit	N/A	<u>100</u> ft ⁷	<u>N/A</u>
Five & six-family dwelling unit			<u>120</u> ft.	<u>N/A</u>
Minimum lot depth:				
	Single-family dwelling unit	N/A	N/A	
	Two-family dwelling unit	N/A	90'	
	Three-family dwelling unit	N/A	90'	
	Four-family dwelling unit	N/A	100'	
Minimum yard setbacks:				

	Front	15 <u>ft</u>	20 <u>ft</u>	<u>The average of the actual distance (up to 20 feet) between the street right-of-way and principal structures on the 2 adjoining lots, using 20 ft. for any adjoining vacant lot.</u>
	Side (interior)	10 <u>ft</u>	7.5 <u>ft</u> ³⁵	5 <u>ft</u> ⁶
	Side (street)	N/A	10 <u>ft</u>	N/A
	Rear	15 <u>ft</u>	20 <u>ft</u>	20 <u>ft</u>
	Maximum building height	25 <u>ft</u>	35 ³ <u>stories</u>	3 <u>stories</u> 35 <u>ft</u>
	Maximum floor area ratio	N/A	0.40	0.51
	Maximum lot coverage	N/A	35%	50%

1

¹ A separate lot does not need to be created for each duplex, triplex, or quadraplex structure, where applicable.

² However, the dwelling may be arranged so that a common wall is located on the property line of adjoining lots with a minimum lot area of 5,000 square feet in the RMF-5 district.

³ However, the dwelling may be arranged so that a common wall is located on the property line of adjoining lots with a minimum of 3,000 square feet in the RC district.

²⁴ Except when a common wall is located on the property line of two adjoining lots, in which case the required width is 50 feet for each lot.

³⁵ Except where a two-family dwelling is located with a common wall on the property line of 2 adjoining lots. In such instances, the yard setback for the side of each lot opposite the common wall shall be at least 10 feet in the RMF-5 district. No setback for attached rowhouse and townhouse units.

⁶ Except where a two-family dwelling is located with a common wall on the property line of two adjoining lots. In such instances, the yard setback for the side of each lot opposite the common wall shall be at least 7.5 feet in the RC district.

⁷ Attached rowhouses and townhouses require no minimum lot width; however, such units require a 40-foot lot width maximum when units are on separate lots. In addition, such lots require no minimum lot area.

Accessory Structures for MH ~~and~~, RMF-5 and RC

	MH	RMF-5	RC
Minimum front and side yard setbacks	Same requirements as for the principal structure, excluding fences and walls.		
Minimum yard setback, rear	5 <u>ft</u>	7.5 <u>ft</u>	5 <u>ft</u> ¹
Maximum building height	25 <u>ft</u>	25 <u>ft</u>	25 <u>ft</u>
Transmitter towers ³²	80 <u>ft</u>	N/A	80 <u>ft</u>

2

¹ One pre-engineered and premanufactured structure of 100 square feet or less may be erected in the rear and side yards as long as the structure has a minimum yard setback of 3 feet from the rear or side property lines, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall which is at least 75 percent opaque.

² In accordance with ~~Article VI~~ Sec. 30-98.

1

2 **Section 2.** The definition for “Townhouse” is amended and a definition for “Rowhouse”
3 is created and added to Section 30-23, Land Development Code, City of Gainesville, to read as
4 follows:

5 **Sec. 30-52. Definitions**

6 ~~Townhouse means one of a group of three or more attached dwelling units divided from each~~
7 ~~other by a common wall, and each having a separate front entrance from the outside at ground~~
8 ~~level~~ a single family dwelling constructed in a series or group of attached units with property
9 lines separating each unit.

10 Rowhouse means a single-family dwelling constructed in a series or group of attached units, and
11 at least 2 stories in height. Each unit shall have a separate front entrance to the streetside
12 sidewalk from the outside at ground level. Individual rowhouse units are not located on
13 individual lots.

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

1 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
2 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
3 affect the validity of the remaining portions of this ordinance.

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

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

7

8 **PASSED AND ADOPTED** this 23rd day of August, 2004.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

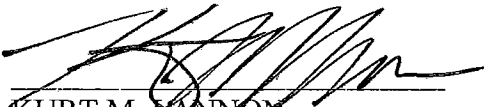
24



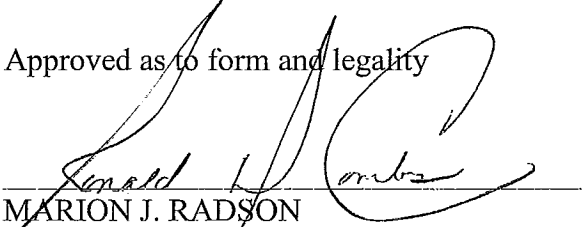
PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality



KURT M. LANNON
CLERK OF THE COMMISSION



MARION J. RADSON
CITY ATTORNEY

25 This Ordinance passed on first reading this 9th day of August, 2004.

26 This Ordinance passed on second reading this 23rd day of August, 2004.