

ORDINANCE NO. 080198
0-08-74

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville relating to Residential low density districts (RMF-5, RC and MH); by amending Table 2 of section 30-52 to decrease setbacks for principal and accessory structures in the MH: 12 units/acre mobile home residential zoning district; 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 July 17, 2008; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Commission on September 2, 2008; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

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

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

Section 1. Table 2 of Section 30-52 of the Land Development Code of the City of Gainesville is amended in its entirety to read as follows:

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

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

	MH	RMF-5	RC
Maximum density	12 du/a	12 du/a	12 du/a
Minimum lot area ¹ :			
Single-family dwelling unit	3,000 sq. ft.	3,500 sq. ft.	3,000 sq. ft.
Two-family dwelling unit ¹	N/A	7,000 sq. ft.	6,000 sq. ft. ³
Three-family dwelling unit	N/A	10,500 sq. ft. ⁷	N/A
Four-family dwelling unit	N/A	14,000 sq. ft. ⁷	N/A
Minimum lot width at minimum front yard setback:			
Single-family dwelling unit	N/A	40 ft.	35 ft.
Two-family dwelling unit	N/A	75 ft. ⁴	70 ft. ⁴
Three-family dwelling unit	N/A	85 ft. ⁷	N/A
Four-family dwelling unit	N/A	100 ft. ⁷	N/A
Five and six-family dwelling unit		120 ft.	N/A
Minimum yard setbacks:			
Front	15 ft.	20 ft.	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 feet for any adjoining vacant lot.
Side (interior)	40 <u>5</u> ft.	7.5 ft. ⁵	5 ft. ⁶
Side (street)	N/A	10 ft.	N/A
Rear	15 <u>10</u> ft.	20 ft.	20 ft.
Maximum building height	25 ft.	3 stories	3 stories
Maximum lot coverage	N/A	35%	50%

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.

⁴ 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.

⁵ 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 ten 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, 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>3</u> ft.	5 ft.	5 ft. ¹
Maximum building height	25 ft.	25 ft.	25 ft.
Transmitter towers ²	80 ft.	N/A	80 ft.

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 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.

² In accordance with section 30-98.

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

Section 5. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 6. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 7. This ordinance shall become effective immediately upon final adoption.


PASSED AND ADOPTED this 15th day of January, 2009.


PEGEEN HANRAHAN
MAYOR


ATTEST:

Approved as to form and legality

ATTEST:



KURT M. LANNON
CLERK OF THE COMMISSION


MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this 18th day of December, 2008.

This Ordinance passed on second reading this 15th day of January, 2009.