



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: April 24, 2000
~~April 10, 2000~~
~~FIRST READING~~

FROM: City Attorney

SECOND READING

SUBJECT: Ordinance No. 0-00-49; Petition No. 173TCH-99PB

An ordinance of the City of Gainesville, Florida, revising and amending the Land Development Code relating to dimensional requirements in residential high density zoning districts (RH-1 and RH-2); amending subsections 30-55(e) and 30-55(f) to modify some of the dimensional requirements for multiple-family and single-family principal structures and accessory structures and to establish that accessory structures can be used as residential dwellings in the RH-1 and RH-2 districts; reformatting the dimensional requirements into a table; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance, as amended.

The City Commission at its meeting of February 28, 2000, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance relating to dimensional requirements for principal and accessory structures in the residential high-density districts (RH-1 and RH-2).

Prepared by:

Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by:

Marion J. Radsen,
City Attorney

MJR:PMC:sw

PASSED ON FIRST READING, AS REVISED, BY A VOTE OF 5-0.

D R A F T

4/11/00

ORDINANCE NO. _____
0-00-49

1
2
3
4 **An ordinance of the City of Gainesville, Florida, revising and**
5 **amending the Land Development Code relating to dimensional**
6 **requirements in residential high density zoning districts (RH-1 and**
7 **RH-2); amending subsections 30-55(e) and 30-55(f) to modify some of**
8 **the dimensional requirements for multiple-family and single-family**
9 **principal structures and accessory structures and to establish that**
10 **accessory structures can be used as residential dwellings in the RH-1**
11 **and RH-2 districts; reformatting the dimensional requirements into a**
12 **table; providing directions to the codifier; providing a severability**
13 **clause; providing a repealing clause; and providing an immediate**
14 **effective date.**

15
16 **WHEREAS**, the City Plan Board authorized the publication of notice of a Public
17 Hearing that the text of the Land Development Code of the City of Gainesville, Florida,
18 be amended; and

19 **WHEREAS**, notice was given and publication made as required by law and a
20 Public Hearing was then held by the City Plan Board on January 20, 2000; and

21 **WHEREAS**, notice was given and publication made of a Public Hearing which
22 was then held by the City Commission on February 28, 2000; and

23 **WHEREAS**, at least 10 days notice has been given prior to first reading by
24 publication in a newspaper of general circulation notifying the public of this proposed
25 ordinance and of a Public Hearing in the Auditorium of City Hall in the City of
26 Gainesville; and

27 **WHEREAS**, the Public Hearings were held as advertised and the parties in
28 interest and all others had an opportunity to be and were, in fact, heard;

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

1 **Section 1.** Sections 30-55(e) and (f) of the Land Development Code are amended to read
 2 as follows:

3 **Sec. 30-55. Residential high density districts (RH-1 and RH-2).**

4 (e) *Dimensional requirements for multiple-family and accessory structures.* All
 5 principal and accessory structures shall be located and constructed in accordance with the
 6 following requirements:

PRINCIPAL STRUCTURES

	<u>RH-1</u>	<u>RH-2</u>
<u>Allowable density</u>	8-43 du/a	8-100 du/a
<u>Maximum density by right</u>	20 du/a	80 du/a
<u>Allowable density with bonus points</u>	per requirements stated in sec. 30-55(d)	per requirements stated in sec. 30-55(d)
<u>Maximum FAR</u>	per requirements stated in sec. 30-55(d)	per requirements stated in sec. 30-55(d)
<u>Minimum lot area</u>	5,000 sq. ft.	5,000 sq. ft.
<u>Minimum lot width</u>	50 ft.	50 ft.
<u>Minimum lot depth</u>	90 ft.	90 ft.
<u>Minimum yard setbacks</u>		
<u>Front</u>	The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.	The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.
<u>Side (interior)</u>	7.5 ft.	7.5 ft.
<u>Side (street)</u>	The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.	The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.
<u>Rear</u>	20 ft.	20 ft.
<u>Maximum lot coverage</u>	N/A	N/A

ACCESSORY STRUCTURES¹

	<u>RH-1</u>	<u>RH-2</u>
<u>Minimum setbacks (excluding fences and walls)</u>		
<u>Front</u>	<u>Same requirement as for principal structure</u>	<u>Same requirement as for principal structure</u>
<u>Side (interior)</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Side (street)</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Rear</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Maximum building height</u>	<u>25 ft.</u>	<u>25 ft.</u>
<u>Transmitter towers²</u>	<u>80 ft.²</u>	<u>80 ft.²</u>

¹ Accessory structures can be used as residential dwellings in the RH-1 and RH-2 districts. Accessory structures shall have a smaller total floor area than the principal structure on the lot. A maximum of one accessory residential unit is allowed.

² Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.

(1) — *Principal structures (residential).*

- a. — ~~Minimum lot area: 7,500 square feet.~~
- b. — ~~Minimum lot width at minimum front yard setback: 75 feet.~~
- e. — ~~Minimum lot depth: 90 feet.~~
- d. — ~~Minimum yard setbacks:~~
 - 1. — ~~Front: Five feet.~~
 - 2. — ~~Side, interior: Ten feet.~~
 - 3. — ~~Side, street: Five feet.~~
 - 4. — ~~Rear: 20 feet.~~

(2) — *Accessory structures.*

- a. — ~~All accessory structures, excluding fences and walls, shall not be closer to any property line than the required lot setbacks for the principal structure.~~

b. ~~Maximum building height: 25 feet. Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.~~

(f) *Dimensional requirements for single-family and accessory structures.* All single-family principal and accessory structures shall be located and constructed in accordance with the following requirements ~~in Table 4.~~

PRINCIPAL STRUCTURES

<u>Minimum lot area: single-family dwelling unit</u>	<u>3,000 sq. ft.</u>
<u>Minimum lot width at minimum front yard setback: single-family dwelling unit</u>	<u>35 ft.</u>
<u>Minimum lot depth</u>	<u>N/A</u>
<u>Minimum yard setbacks</u>	
<u>Front</u>	<u>The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.</u>
<u>Side (interior)</u>	<u>5 ft.</u>
<u>Side (street)</u>	<u>The average of the distance (up to a maximum of 20 ft.) between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.</u>
<u>Rear</u>	<u>20 ft.</u>
<u>Maximum building height</u>	<u>35 ft.</u>
<u>Maximum floor area ratio</u>	<u>.51</u>
<u>Maximum lot coverage</u>	<u>50%</u>

ACCESSORY STRUCTURES¹

<u>Minimum setbacks (excluding fences and walls)</u>	
<u>Front</u>	<u>Same requirement as for principal structure</u>
<u>Side (interior)</u>	<u>5 ft.</u>
<u>Side (street)</u>	<u>5 ft.</u>

D R A F T

4/11/00

<u>Rear</u>	<u>5 ft.²</u>
<u>Maximum building height</u>	<u>25 ft.</u>
<u>Transmitter towers²</u>	<u>80 ft.³</u>

¹ Accessory structures can be used as residential dwellings in the RH-1 and RH-2 districts. Accessory structures shall have a smaller total floor area than the principal structure on the lot. A maximum of one accessory residential unit is allowed.

² One pre-engineered and pre-manufactured structure of 100 square feet or less may be erected in the rear or side yards as long as the structure has a minimum yard setback of three feet from the rear or side property line, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall that is at least 75 percent opaque.

³ Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.

TABLE 4. DIMENSIONAL REQUIREMENTS FOR SINGLE FAMILY PRINCIPAL AND ACCESSORY STRUCTURES IN RH 1 AND RH 2 DISTRICTS

Principal Structures

Minimum lot area: Single family dwelling unit	3,000 sq. ft.
Minimum lot width at minimum front yard setback: Single family dwelling unit	35'
Minimum lot depth	N/A
Minimum yard setbacks:	
Front	The average of the distance (up to a maximum of 20 ft.) between street right of way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20 ft.
Side (interior)	5'
Side (street)	5'
Rear	20'
Maximum building height	35'
Maximum floor area ratio	.51
Maximum lot coverage	50%

Accessory structures

Minimum front and side yard setbacks	Same requirements as for principal structure, excluding fences and walls.
Minimum yard setback, rear	5' ¹

D R A F T

4/11/00

1 Maximum building height _____ 25'
2 Transmitter towers² _____ 80'

3
4 ~~† One pre-engineered and pre-manufactured structure of 100 square feet or less may be~~
5 ~~erected in the rear or side yards as long as the structure has a minimum yard setback of~~
6 ~~three feet from the rear or side property line, is properly anchored to the ground, and is~~
7 ~~separated from neighboring properties by a fence or wall that is at least 75 percent~~
8 ~~opaque.~~

9
10 ~~² In accordance with Article VI.~~

11
12 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
13 this ordinance shall become and be made a part of Land Development Code of the City of
14 Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be
15 renumbered or relettered in order to accomplish such intentions.

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

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

21 **Section 5** This ordinance shall become effective immediately upon final adoption.

22 **PASSED AND ADOPTED** this _____ day of _____, 2000.

23
24 _____
25 PAULA M. DeLANEY,
26 MAYOR

27
28 ATTEST: Approved as to form and legality

29
30 _____
31 KURT M. LANNON MARION J. RADSON
32 CLERK OF THE COMMISSION CITY ATTORNEY

33 This Ordinance passed on first reading this _____ day of _____, 2000.

34 This Ordinance passed on second reading this _____ day of _____, 2000.

