

ORDINANCE NO. 191128

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by adding single room occupancy (SRO) residences as a permitted use in certain zoning districts with associated regulations; by amending Section 30-2.1 *Definitions*; by amending Section 30-4.12 *Permitted Uses in Transects*; by amending Section 30-4.16 *Permitted Uses in Residential Districts*; by amending Section 30-4.19 *Permitted Uses in Mixed-Use and Nonresidential Districts*; by amending Section 30-4.23 *Permitted Uses in Special Districts*; by amending Section 30-5.8 *Dormitories, small and large*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city; and

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

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

3 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
4 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
5 to Section 163.3174, Florida Statutes, held a public hearing on June 25, 2020, and voted to
6 recommend that the City Commission approve this text amendment to the Land Development
7 Code; and

8 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
9 newspaper of general circulation and provided the public with at least seven days' advance notice
10 of this ordinance's first public hearing to be held by the City Commission; and

11 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was placed
12 in the aforesaid newspaper and provided the public with at least five days' advance notice of this
13 ordinance's second public hearing to be held by the City Commission; and

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

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

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

19 **FLORIDA:**

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

1 **Section 30-2.1. Definitions.**

2 ~~**Dormitory, large** means a dwelling used, or intended to be used, for the furnishing of sleeping~~
3 ~~accommodations for pay to transient or permanent guests with more than 2,500 gross square~~
4 ~~feet of space used, or intended to be used for such purpose. Meals or housekeeping facilities may~~
5 ~~also be provided such guests or tenants, but no group housing shall maintain an eating or drinking~~
6 ~~place, open to the public, in the same building or in any building in connection therewith. This~~
7 ~~use includes rooming houses, group or youth hostels, fraternities and sororities.~~

8 ~~**Dormitory, small** means a dwelling used, or intended to be used, for the furnishing of sleeping~~
9 ~~accommodations for pay to transient or permanent guests, with less than 2,500 gross square feet~~
10 ~~of space used, or intended to be used for such purpose. Meals or housekeeping facilities may~~
11 ~~also be provided such guests or tenants, but no group housing shall maintain an eating or drinking~~
12 ~~place, open to the public, in the same building or in any building in connection therewith. This~~
13 ~~use includes rooming houses, group or youth hostels, fraternities and sororities.~~

14 ~~**Fraternity house.** See "dormitory."~~

15 ~~**Rooming house.** See "dormitory."~~

16 **Single room occupancy (SRO) residence** means a residential property that includes multiple
17 single room dwellings used, or intended to be used, for the furnishing of sleeping
18 accommodations for pay to transient or permanent guests, intended for occupancy by no more
19 than one family per room. This term includes dormitories, rooming houses, and hostels.

20 ~~**Sorority house.** See "dormitory."~~

21 **[NOTE TO CODIFIER: Insert "Single Room Occupancy Residence (SRO)" immediately after**
22 **"Single-family dwelling" and keep remainder of definitions in alphabetical order.]**

23
24 **SECTION 2.** Section 30-4.12 of the Land Development Code is amended as follows. Except as
25 amended herein, the remainder of Section 30-4.12 remains in full force and effect.

26 **Section 30-4.12. Permitted Uses.**

27 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
28 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
29 use is not allowed. No variances from the requirements of this section are allowed.

30 **Table V-1: Permitted Uses within Transects.**

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
RESIDENTIAL											
Dormitory (small)	<u>30-5.8</u>	-	P	P	P	P	P	P	P	P	P
Dormitory (large)	<u>30-5.8</u>	-	-	P	P	P	P	P	P	P	P
<u>Single room occupancy residence</u>	<u>30-5.8</u>	-	P	P	P	P	P	P	P	P	P

1 **LEGEND:**

2 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

3 1 = When located along a Principal Street.

4 2 = Prohibited where adjacent to single-family zoned property.

5 3 = Office uses as a home occupation.

6 4 = Office uses up to 20 percent of the building square footage and shall be secondary to a principal
7 residential use. No outdoor storage allowed.

8 5 = Special use permit required for any proposed food truck park with six or more food truck pads when
9 the food truck park's boundaries would be less than 300 feet from the boundary of any single-family zoned
10 property or property that is developed with a single-family dwelling; otherwise, such food truck park is
11 allowed by right.

12

13 **SECTION 3.** Section 30-4.16 of the Land Development Code is amended as follows. Except as
14 amended herein, the remainder of Section 30-4.16 remains in full force and effect.

15 **Section 30-4.16. Permitted Uses.**

16 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
17 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
18 use is not allowed. No variances from the requirements of this section are allowed.

19 **Table V-4: Permitted Uses in Residential Districts.**

USES	Use Standards	RSF-1 to 4	RC	MH	RMF-5	RMF-6 to 8
Dormitory, small	<u>30-5.8</u>	-	-	-	-	P
Dormitory, large	<u>30-5.8</u>	-	-	-	-	S
<u>Single room occupancy residence</u>	<u>30-5.24</u>	-	-	-	-	P

20 **LEGEND:**

1 P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

2 1 = No more than two dwellings units per building are permitted in the RC district.

3

4 **SECTION 4.** Section 30-4.19 of the Land Development Code is amended as follows. Except as

5 amended herein, the remainder of Section 30-4.19 remains in full force and effect.

6 **Section 30-4.19. Permitted Uses.**

7 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
8 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
9 use is not allowed. No variances from the requirements of this section are allowed.

10 **Table V-7: Permitted Uses in Mixed-Use and Nonresidential Districts.**

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
RESIDENTIAL													
Dormitory, large	<u>30-5.8</u>	-	-	-	S	-	-	-	-	-	-	-	-
Dormitory, small	<u>30-5.8</u>	S	S	S	P	-	S	-	-	-	-	-	-
<u>Single room occupancy residence</u>	<u>30-5.8</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	<u>P</u>	-	-

11 **LEGEND:**

12 P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

13 1 = Only when accessory to and in the same building as health services or offices of physicians, dentists,
14 and other health practitioners.

15 2 = Accessory to and in the same building as health services and comprising less than 25 percent of the
16 gross floor area of the building.

17 3 = Prohibited where adjacent to single-family zoned property.

18 4 = Special use permit required for any proposed food truck park with six or more food truck pads when
19 the food truck park's boundaries would be less than 300 feet from the boundary of any single-family zoned
20 property or property that is developed with a single-family dwelling; otherwise, such food truck park is
21 allowed by right.

22

23 **SECTION 5.** Section 30-4.23 of the Land Development Code is amended as follows. Except as

24 amended herein, the remainder of Section 30-4.23 remains in full force and effect.

Section 30-4.23. Permitted Uses.

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section are allowed.

Table V-9: Permitted Uses in Special Districts.

Use	Use Standards	AGR	AF	CON	ED	MD	PS *
<u>Single room occupancy residence</u>	<u>30-5.8</u>	-	-	-	-	-	<u>P</u>

LEGEND:

P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

* = Other uses may be allowed as designated by the ordinance rezoning a property to PS.

1 = Special use permit required for any proposed food truck park with six or more food truck pads when the food truck park’s boundaries would be less than 300 feet from the boundary of any single-family zoned property or property that is developed with a single-family dwelling; otherwise, such food truck park is allowed by right.

SECTION 6. Section 30-5.8 of the Land Development Code is amended as follows.

Section 30-5.8. ~~Dormitories, small and large.~~ Single room occupancy (SRO) residences.

~~A. Locational requirements. Dormitories are not permitted on sites adjacent to property zoned for single-family use.~~

~~B. Dimensional requirements. All principal and accessory structures for dormitories shall be located and constructed in accordance with the dimensional requirements for the particular district in which located, except that the required lot area shall be at least 10,000 square feet.~~

A. General. All SROs are subject to design review, bedroom limits, and density and other zoning requirements as specified by the applicable zoning district. The maximum allowed number of bedrooms is the development's maximum residential density allowed by the zoning district multiplied by a 2.75 multiplier.

B. Rooms. Each SRO room or residence is limited to one room in the form of a studio or efficiency.

C. Proximity. SROs must maintain a minimum separation distance of 1,000 feet from any other SRO or community residential home, measured from the closest property line of each development.

- 1 D. *Transportation.* SROs must be located within one-quarter mile from a public transit stop.
- 2 E. *Laundry Facilities.* Common laundry facilities must be provided in addition to a laundry sink
3 and folding area. The requirement for common on-site laundry facilities may be waived if the
4 applicant demonstrates that a laundry facility open to the public is located within one-eighth
5 of a mile of the SRO.
- 6 F. *Kitchen facilities.* Kitchen facilities must be provided either as in-unit kitchenettes or shared
7 facilities in common areas.
- 8 G. *Bathroom facilities.* Bathroom facilities must be provided either in-unit or as shared facilities
9 in common areas. At least one private bathroom with a lock, shower, toilet, and sink must be
10 provided on each floor.
- 11 H. *Management.* An on-site manager’s unit or manager’s office must be provided. Management
12 shall be present 24 hours per day.

13

14 **SECTION 7.** It is the intent of the City Commission that the provisions of Sections 1 through 6 of
15 this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
16 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
17 relettered in order to accomplish such intent.

18 **SECTION 8.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
19 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
20 will not affect the other provisions or applications of this ordinance that can be given effect
21 without the invalid or unconstitutional provision or application, and to this end the provisions of
22 this ordinance are declared severable.

23 **SECTION 9.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
24 conflict hereby repealed.

25 **SECTION 10.** This ordinance will become effective immediately upon adoption.

26

1 PASSED AND ADOPTED this 17th day of September, 2020.

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LAUREN POE
MAYOR

8 Attest:

Approved as to form and legality:

9



OMICHELE D. GAINNEY
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

14 This ordinance passed on first reading this 20th day of August, 2020.

15

16 This ordinance passed on second reading this 17th day of September, 2020.