

ORDINANCE NO. 200727

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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 Subsistence Gardens and Urban Market Farms as permitted uses in certain zoning districts with associated regulations; by amending Section 30-2.1 Definitions; by amending Section 30-4.12 Permitted Uses; by amending Section 30-4.16 Permitted Uses; by amending Section 30-4.19 Permitted Uses; by amending Section 30-4.23 Permitted Uses; by adding Section 30-5.30 Urban Agriculture; by amending Section 30-5.38 Fowl or livestock, accessory to residential uses; 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

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

Petition PB-20-00158 TCH
CODE: Words underlined are additions; words ~~stricken~~ are deletions.

27 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
28 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
29 to Section 163.3174, Florida Statutes, held a public hearing on January 28, 2021, and voted to
30 recommend the City Commission approve this text change to the Land Development Code; and

31 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
32 newspaper of general circulation and provided the public with at least seven days' advance notice
33 of this ordinance's first public hearing to be held by the City Commission in the City Hall
34 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

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

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

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

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

44 **FLORIDA:**

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

47 **Section 30-2.1. Definitions**

48 **Subsistence Garden** means land used for hydroponics, aquaculture farming, or the cultivation of fruits,
 49 vegetables, plants, flowers, herbs, or fowl by an individual, organization, business, or association with
 50 the primary purpose of growing agricultural products for consumption or donation, neither involving the
 51 sale of products. The term "subsistence garden" includes, but is not limited to, community gardens,
 52 accessory gardens, and education gardens.

53
 54 **Urban Market Farm** means land used for hydroponics, aquaculture farming, or the cultivation of fruits,
 55 vegetables, plants, flowers, herbs, or fowl by an individual, organization, business, or association with
 56 the primary purpose of growing agricultural products for consumption, wholesale, direct-to-consumer
 57 sale, or combination of these options.

58
 59 **[NOTE TO CODIFIER: Insert definitions into Section 30-2.1 in alphabetical order.]**

60
 61
 62 **SECTION 2.** Section 30-4.12 of the Land Development Code is amended as follows. Except as
 63 amended herein, the remainder of Section 30-4.12 remains in full force and effect.

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

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

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

| | Use Standards | U1 | U2 | U3 | U4 | U5 | U6 | U7 | U8 | U9 | DT |
|--|-------------------------------|----|----|----|----|----|----|----|----|----|----|
| RESIDENTIAL | | | | | | | | | | | |
| Accessory dwelling unit | 30-5.35 30-5.36 | A | A | A | A | A | A | A | A | A | A |
| Adult day care home | 30-5.2 | P | P | P | P | P | P | P | P | P | P |
| Attached dwelling (up to 6 attached units) | | - | P | P | P | P | P | P | P | P | P |
| Community residential home (up to 6 residents) | 30-5.6 | P | P | P | P | P | P | P | P | - | - |
| Community residential home (more than 6 residents) | 30-5.6 | - | - | P | P | P | P | P | P | P | - |

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|--|--------------------------------------|---|---|---|---|---|---|---|---|---|---|---|
| Family child care home | 30-5.10 | P | P | P | P | P | P | P | P | P | P | - |
| Multi-family, small-scale (2—4 units per building) | | - | P | P | P | P | P | P | P | P | P | P |
| Multi-family dwelling | | - | - | P | P | P | P | P | P | P | P | P |
| Single-family dwelling | | P | P | P | P | P | P | P | P | P | P | P |
| Single room occupancy residence | 30-5.8 | - | P | P | P | P | P | P | P | P | P | P |
| NONRESIDENTIAL | | | | | | | | | | | | |
| Alcoholic beverage establishment | 30-5.3 | - | - | - | - | - | - | P | P | P | P | P |
| Assisted living facility | | - | - | - | P | - | P | P | P | P | P | P |
| Bed and breakfast establishment | 30-5.4 | - | S | P | P | P | P | P | P | P | P | P |
| Business services | | - | - | - | P | - | P | P | P | P | P | P |
| Carwash | 30-5.5 | - | - | - | - | - | - | P | P | - | - | - |
| Civic, social, or fraternal organization | | S | P | P | P | P | P | P | P | P | P | P |
| Day care center | 30-5.7 | - | S | S | P | P | P | P | P | P | P | P |
| Drive-through facility | 30-5.9 | - | - | - | - | - | P | P | P | P | P | P |
| Emergency shelter | | - | - | - | - | P | P | P | P | P | P | P |
| Equipment rental and leasing, light | | - | - | - | - | - | - | P | P | P | P | P |
| Exercise studio | | - | - | - | P | - | P | P | P | P | P | P |
| Farmers market | 30-5.11 | - | - | - | - | - | P | P | P | P | P | P |
| Food distribution center for the needy | 30-5.12 | - | - | - | - | - | - | - | S | S | S | S |
| Food truck, not located within a food truck park | 30-5.37 <u>30-5.38</u> | - | - | - | P | P | P | P | P | P | P | P |
| Food truck park (less than 6 pads) | 30-5.13 | | | | P | P | P | P | P | P | P | P |
| Food truck park (6 or more pads) ⁵ | 30-5.13 | | | | S | S | S | S | S | S | S | S |

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|--|---------|---|---|---|---|-----------------------------------|----------------|---|---|---|---|
| Funeral home or crematory | | - | - | - | - | - | P | P | P | P | P |
| Gasoline or alternative fuel station | 30-5.14 | - | - | - | - | - | S ¹ | P | P | - | - |
| Health services | | - | - | - | - | - | P | P | P | P | P |
| Hotel or motel | | - | - | - | - | - | - | P | P | P | P |
| Laboratory, medical or dental | | - | - | - | P | - | P | P | P | P | P |
| Library | | - | - | - | - | S | P | P | P | P | P |
| Light assembly, fabrication and processing | 30-5.17 | - | - | - | - | - | P | P | P | P | P |
| Medical marijuana dispensing facility | | - | - | - | - | - | P | P | P | P | P |
| Microbrewery, microwinery, or microdistillery ² | 30-5.18 | - | - | - | - | - | S | P | P | P | P |
| Mini-warehouse or self-storage facility | 30-5.19 | - | - | - | - | - | - | - | P | P | - |
| Museum or art gallery | | - | - | - | P | S | P | P | P | P | P |
| Office | | - | - | - | P | P ³ /S ⁴ | P | P | P | P | P |
| Office (medical, dental, or other health-related service) | | - | - | - | P | - | P | P | P | P | P |
| Parking, surface (principal use) | 30-5.21 | - | - | - | - | - | - | - | - | S | S |
| Parking, structured (principal use) | | - | - | - | - | - | - | P | P | P | P |
| Passenger transit station | | - | - | - | - | - | - | - | P | P | P |
| Personal services | | - | - | - | P | - | P | P | P | P | P |

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|--|--------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Place of religious assembly | 30-5.22 | S | P | P | P | P | P | P | P | P | P | P |
| Professional school | | - | - | - | P | P | P | P | P | P | P | P |
| Public administration building | | - | - | - | S | S | S | P | P | P | P | P |
| Public park | | P | P | P | P | P | P | P | P | P | P | P |
| Recreation, indoor ² | | - | - | - | - | - | P | P | P | P | P | P |
| Recreation, outdoor | | - | - | - | - | - | - | P | P | P | P | P |
| Research development or testing facility | | - | - | - | - | - | - | P | P | P | P | P |
| Residence for destitute people | 30-5.24 | - | - | - | - | - | - | - | S | S | S | S |
| Restaurant | | - | - | - | S | - | P | P | P | P | P | P |
| Retail sales | | - | - | - | - | - | P | P | P | P | P | P |
| School (elementary, middle, or high - public or private) | | S | S | S | P | P | P | P | P | P | P | P |
| Scooter or electric golf cart sales | | - | - | - | - | - | - | P | P | P | - | - |
| Simulated gambling establishment | | - | - | - | - | - | - | - | - | - | - | - |
| Social service facility | 30-5.27 | - | - | - | - | - | - | - | P | P | P | P |
| Skilled nursing facility | | - | - | - | P | - | P | P | P | P | P | P |
| <u>Subsistence garden</u> | <u>30-5.30</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Urban market farm, less than 5 acres</u> | <u>30-5.30</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Urban market farm, 5 acres or greater</u> | <u>30-5.30</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |
| Vehicle sales or rental (no outdoor display) | | - | - | - | - | - | - | P | P | P | P | P |
| Vehicle services | 30-5.30 <u>30-5.31</u> | - | - | - | - | - | - | P | P | - | - | - |
| Vehicle repair | 30-5.30 <u>30-5.31</u> | - | - | - | - | - | - | P | - | - | - | - |
| Veterinary services | 30-5.31 | - | - | - | P | - | P | P | P | P | P | P |

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|--|---------------------------------------|---|---|---|---|---|---|---|---|---|---|
| | <u>30-5.32</u> | | | | | | | | | | |
| Vocational or trade school | | - | - | - | - | - | S | P | P | P | P |
| Wireless communication facility or antenna | See 30-5.32 <u>30-5.33</u> | | | | | | | | | | |

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70 **LEGEND:**

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

72 1 = When located along a Principal Street.

73 2 = Prohibited where adjacent to single-family zoned property.

74 3 = Office uses as a home occupation.

75 4 = Office uses up to 20 percent of the building square footage and shall be secondary to a principal
76 residential use. No outdoor storage allowed.

77 5 = Special use permit required for any proposed food truck park with six or more food truck pads when
78 the food truck park's boundaries would be less than 300 feet from the boundary of any single-
79 family zoned property or property that is developed with a single-family dwelling; otherwise, such
80 food truck park is allowed by right.

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82 **SECTION 3.** Section 30-4.16 of the Land Development Code is amended as follows. Except as

83 amended herein, the remainder of Section 30-4.16 remains in full force and effect.

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

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

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

| USES | Use Standards | RSF-1 to 4 | RC | MH | RMF-5 | RMF-6 to 8 |
|--|--------------------------------------|------------|----|----|-------|------------|
| Accessory dwelling unit | 30-5.35 <u>30-5.36</u> | A | A | A | A | A |
| Adult day care home | 30-5.2 | P | P | P | P | P |
| Assisted living facility | | - | - | - | P | P |
| Attached dwelling (up to 6 attached units) | | - | - | - | P | P |
| Bed and breakfast establishment | 30-5.4 | S | P | P | P | P |

| | | | | | | |
|--|--------------------------------------|----------|----------------|----------|----------|----------|
| Community residential home (up to 6 residents) | 30-5.6 | P | P | P | P | P |
| Community residential home (7 to 14 residents) | 30-5.6 | - | - | - | - | P |
| Community residential home (over 14 residents) | 30-5.6 | - | - | - | - | P |
| Day care center | 30-5.7 | - | P | P | P | P |
| Emergency shelter | | - | - | - | - | P |
| Family child care home | 30-5.10 | P | P | P | P | P |
| Fowl or livestock (as an accessory use) | 30-5.38 <u>30-5.39</u> | - | - | - | - | - |
| Mobile home | | - | - | P | - | - |
| Multi-family dwelling | | - | - | - | P | P |
| Multi-family, small-scale (2-4 units per building) | | - | P ¹ | - | P | P |
| Place of religious assembly | 30-5.22 | S | P | P | P | P |
| Library | | - | S | S | S | S |
| Public park | | P | P | P | P | P |
| School (elementary, middle, or high - public or private) | | S | P | P | P | P |
| Simulated gambling establishment | | - | - | - | - | - |
| Single-family dwelling | | P | P | P | P | P |
| Single room occupancy residence | 30-5.24 | - | - | - | - | P |
| Skilled nursing facility | | - | - | - | - | S |
| Social service facility | 30-5.28 | - | - | - | - | S |
| <u>Subsistence garden</u> | <u>30-5.30</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Urban market farm, less than 5 acres</u> | <u>30-5.30</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Urban market farm, 5 acres or greater</u> | <u>30-5.30</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |

89

90 **LEGEND:**

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

92 1 = No more than two dwellings units per building are permitted in the RC district.

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94

95 **SECTION 4.** Section 30-4.19 of the Land Development Code is amended as follows. Except as
 96 amended herein, the remainder of Section 30-4.19 remains in full force and effect.

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

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

101 **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 | | | | | | | | | | | | | |
| Single-family dwelling | | P | - | P | P | - | - | - | - | - | P | - | - |
| Attached dwelling | | P | P | P | P | - | - | - | - | - | - | - | - |
| Multi-family dwelling | | P | P | P | P | S | - | - | - | - | P | - | - |
| Accessory dwelling unit | 30-5.35 30-5.36 | A | A | A | A | A | A | - | - | A | A | - | - |
| Adult day care home | 30-5.2 | P | P | P | P | P | P | - | - | P | - | - | - |
| Community residential home (up to 6 residents) | 30-5.6 | P | P | P | P | - | - | - | - | - | P | - | - |
| Community residential home (more than 14 residents) | 30-5.6 | - | P | P | P | - | - | - | - | - | P | - | - |
| Community residential home (7 to 14 residents) | 30-5.6 | P | P | P | P | - | - | - | - | - | P | - | - |
| Family child care home | 30-5.10 | P | - | P | P | - | - | - | - | - | P | - | - |
| Single room occupancy residence | 30-5.8 | P | P | P | P | - | - | - | - | - | P | - | - |
| NONRESIDENTIAL | | | | | | | | | | | | | |
| Alcoholic beverage establishment | 30-5.3 | S | S | - | - | - | P | - | P | P | - | P | P |
| Assisted living facility | | P | P | - | P | - | - | - | - | - | P | - | - |
| Armor systems manufacturing and assembly | 30-5.16 | P | - | - | - | - | - | - | - | - | - | - | - |

| | | | | | | | | | | | | | |
|---|--------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|
| Bed and breakfast establishment | 30-5.4 | P | P | S | S | - | P | - | P | - | - | - | - |
| Business services | | P | P | - | P | P | P | P | P | P | P | P | P |
| Carwash | 30-5.5 | S | S | - | - | - | P | P | S | P | P | P | P |
| Civic, social, or fraternal organization | | P | P | - | - | - | P | P | P | P | - | - | - |
| Day care center | 30-5.7 | P | P | P | P | P | P | - | - | P | P | - | - |
| Drive-through facility | 30-5.9 | P | P | - | - | - | P | P | P | P | P | P | P |
| Emergency shelter | | P | P | P | P | P | P | P | P | P | P | P | P |
| Equipment sales, rental and leasing, heavy | | - | - | - | - | - | - | - | - | - | - | P | P |
| Equipment rental and leasing, light | | - | P | P | P | - | P | P | - | P | P | P | P |
| Food distribution center for the needy | 30-5.12 | - | - | - | - | - | S | - | S | S | - | - | - |
| Food truck, not located within a food truck park | 30-5.37 <u>30-5.38</u> | P | P | A | A | P | P | P | P | P | P | P | P |
| Food truck park (less than 6 pads) | 30-5.13 | P | P | - | P | P | P | P | P | P | P | P | P |
| Food truck park (6 or more pads) ⁴ | 30-5.13 | S | S | - | S | S | S | S | S | S | S | S | S |
| Gasoline or alternative fuel station | 30-5.14 | S | S | - | - | - | P | P | P | S | P | S | S |
| Go-cart raceway and rentals (indoor and outdoor) | | - | - | - | - | - | - | - | - | - | - | S | S |
| Health services | | P | P | P | P | P | - | - | - | - | P | - | - |
| Hotel or motel | | S | S | - | - | S | P | - | P | P | S | - | - |
| Ice manufacturing/vending machines | 30-5.40 <u>30-5.41</u> | - | - | - | - | - | S | S | S | A | A | A | A |
| Industrial | 30-5.15 | - | - | - | - | - | - | - | - | - | - | P | P |
| Job training and vocational rehabilitation services | | - | P | - | - | - | P | - | - | P | P | P | - |
| Junkyard or salvage yard | 30-5.16 | - | - | - | - | - | - | - | - | - | - | S | P |
| Laboratory, medical or dental | | P | P | P | P | P | P | - | - | P | P | P | P |
| Large-scale retail | | - | P | - | - | - | P | P | P | P | - | - | - |

| | | | | | | | | | | | | | |
|--|---------|---|---|----------------|----------------|---|---|---|---|---|---|---|---|
| Library | | - | P | - | - | P | - | - | - | - | P | - | - |
| Light assembly, fabrication and processing | 30-5.17 | P | P | - | S | S | S | P | - | P | P | P | P |
| Liquor stores | | P | P | - | - | - | P | P | P | - | P | - | - |
| Medical marijuana dispensing facility | | P | P | A ¹ | A ¹ | S | P | P | P | P | P | S | S |
| Microbrewery, microwinery, or microdistillery ³ | 30-5.18 | S | P | - | - | - | P | - | P | P | P | P | P |
| Mini-warehouses, self-storage facility | 30-5.19 | - | - | - | - | - | - | P | - | P | P | P | P |
| Museum or art gallery | | P | P | P | P | P | P | - | P | P | P | - | - |
| Office | | P | P | P | P | P | P | P | P | P | P | P | P |
| Office (medical, dental, or other health-related service) | | P | P | P | P | P | P | - | P | - | P | - | - |
| Outdoor storage (principal use) | 30-5.20 | - | - | - | - | - | - | - | - | S | P | P | P |
| Parking, surface (principal use) | 30-5.21 | - | S | - | - | - | S | P | - | P | P | - | - |
| Passenger transit or rail station | | S | S | - | - | P | P | P | P | P | P | P | - |
| Personal services | | P | P | P | P | P | P | P | P | P | P | P | P |
| Place of religious assembly | 30-5.22 | P | P | P | P | P | P | P | P | P | P | - | - |
| Public administration building | | P | P | P | P | P | P | P | P | P | P | P | - |
| Public maintenance or storage facility | | - | - | - | - | - | - | - | - | P | P | P | P |
| Public park | | S | S | S | S | P | P | P | P | P | P | P | P |
| Recreation, indoor | | P | P | P | P | P | P | P | P | P | P | P | P |
| Recreation, outdoor | | - | - | - | - | - | S | P | P | S | - | P | P |
| Recreational vehicle park | 30-5.23 | - | - | - | - | - | - | P | P | P | - | P | - |
| Recycling center | | - | S | - | - | - | S | - | - | - | S | S | P |
| Rehabilitation center | | S | S | S | S | - | S | - | - | S | - | S | |
| Research development or testing facility | | - | - | - | - | P | P | - | - | P | P | P | P |
| Residence for destitute people | 30-5.24 | S | S | S | S | - | S | - | S | - | - | - | - |

| | | | | | | | | | | | | | |
|--|--------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Restaurant | | P | P | - | S | P | P | P | P | P | P | P | P |
| Retail nursery, lawn, or garden supply store | | P | P | - | - | - | P | P | - | P | P | P | - |
| Retail sales (not elsewhere classified) | | P | P | - | - | S | P | P | P | P | P | S | S |
| School (elementary, middle, or high - public or private) | | P | P | S | S | - | P | - | - | - | P | - | - |
| School, professional | | P | P | P | P | P | P | P | - | P | P | P | P |
| School, vocational or trade | | - | P | P | P | - | P | P | - | P | P | P | P |
| Scooter or electric golf cart sales | | P | P | - | - | - | P | P | - | P | - | P | - |
| Sexually-oriented cabaret | <u>30-5.25</u> | - | - | - | - | - | - | - | P | - | - | - | P |
| Sexually-oriented motion picture theater | <u>30-5.25</u> | - | - | - | - | - | - | - | P | - | - | - | P |
| Sexually-oriented retail store | <u>30-5.25</u> | - | - | - | - | - | P | - | P | - | - | - | P |
| Simulated gambling establishment | | - | - | - | - | - | - | - | - | - | - | - | - |
| Skilled nursing facility | | P | P | - | P | P | P | - | - | - | P | - | - |
| Social service facility | <u>30-5.27</u> | S | S | S | S | - | - | - | - | - | P | S | S |
| Solar generation station | <u>30-5.29</u> | - | - | - | - | - | - | - | - | P | - | P | P |
| <u>Subsistence garden</u> | <u>30-5.30</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Urban market farm, less than 5 acres</u> | <u>30-5.30</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Urban market farm, 5 acres or greater</u> | <u>30-5.30</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |
| Truck or bus terminal or maintenance facility | | - | - | - | - | - | - | P | P | P | P | P | P |
| Vehicle repair | 30-5.30 <u>30-5.31</u> | - | - | - | - | - | - | P | P | P | - | P | P |
| Vehicle rental | | - | - | - | - | - | P | P | P | P | P | P | - |
| Vehicle sales (no outdoor display) | | - | - | - | - | - | P | P | P | P | - | P | - |
| Vehicle sales (with outdoor display) | | - | - | - | - | - | - | P | - | P | - | P | P |
| Vehicle services | 30-5.30 <u>30-5.31</u> | S | S | - | - | - | P | P | P | P | S | P | P |
| Veterinary services | 30-5.31 <u>30-5.32</u> | P | P | P | P | P | P | P | P | P | P | P | P |

| | | | | | | | | | | | | | | |
|--|---------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Warehouse or distribution facility (less than 100,000 sf) | | - | - | - | - | - | - | - | - | - | P | P | P | P |
| Warehouse or distribution facility (100,000 sf or greater) | | - | - | - | - | - | - | - | - | - | P | P | P | P |
| Waste management facility | | - | - | - | - | - | - | - | - | - | S | - | P | P |
| Wholesale trade | | - | - | - | - | - | - | S | - | - | P | P | P | P |
| Wireless communication facility or antenna | See 30-5.32 <u>30-5.33</u> | | | | | | | | | | | | | |

102

103 **LEGEND:**

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

105 1 = Only when accessory to and in the same building as health services or offices of physicians, dentists,
106 and other health practitioners.

107 2 = Accessory to and in the same building as health services and comprising less than 25 percent of the
108 gross floor area of the building.

109 3 = Prohibited where adjacent to single-family zoned property.

110 4 = Special use permit required for any proposed food truck park with six or more food truck pads when
111 the food truck park's boundaries would be less than 300 feet from the boundary of any single-
112 family zoned property or property that is developed with a single-family dwelling; otherwise, such
113 food truck park is allowed by right.

114

115

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

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

118 **Section 30-4.23. Permitted Uses.**

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

122 **Table V-9: Permitted Uses in Special Districts.**

| Use | Use Standards | AGR | AF | CON | ED | MD | PS' |
|-----|---------------|-----|----|-----|----|----|-----|
|-----|---------------|-----|----|-----|----|----|-----|

| | | | | | | | |
|--|--------------------------------------|---|---|---|---|---|---|
| Accessory dwelling unit | 30-5.35 <u>30-5.36</u> | A | - | - | - | A | - |
| Agricultural, forestry and fishing uses | | P | - | - | - | - | - |
| Airport | | - | S | - | - | - | - |
| Animal specialty services | | P | - | - | - | - | P |
| Arboreta and botanical or zoological garden | | - | - | P | - | - | P |
| Armor systems manufacturing and assembly | 30-5.16 | - | P | - | - | - | - |
| Assisted living facility | | - | - | - | - | P | - |
| Business services | | - | P | - | - | P | P |
| Campground | | P | - | - | - | - | P |
| Cemetery | | - | - | - | - | - | P |
| Community residential home (up to 6 residents) | 30-5.6 | P | - | P | - | - | - |
| Correctional institution | | - | - | - | - | - | P |
| Day care center | 30-5.7 | - | - | - | - | P | P |
| Drive-through facility | 30-5.9 | - | P | - | - | - | - |
| Emergency shelter | | - | - | P | P | P | P |
| Equipment rental and leasing, heavy | | P | P | - | - | P | - |
| Equipment rental and leasing, light | | P | P | - | P | P | - |
| Farmers market | | P | - | - | - | - | P |
| Food distribution center for the needy | 30-5.12 | - | - | - | - | P | P |
| Food truck, not located within a food truck park | 30-5.37 <u>30-5.38</u> | - | P | - | P | P | A |
| Food park (less than 6 pads) | 30-5.13 | - | P | - | P | P | P |
| Food truck park (6 or more pads) ¹ | 30-5.13 | - | S | - | S | S | S |
| Gasoline or alternative fuel station | 30-5.14 | - | P | - | - | - | P |
| Golf course | | P | P | - | - | - | P |
| Health services | | - | P | - | - | P | P |
| Heliport | | - | P | - | - | S | - |
| Hospital | | - | - | - | - | P | - |
| Hotel or motel | | - | P | - | - | P | - |
| Library | | - | - | - | - | - | P |
| Light assembly, fabrication and processing | 30-5.17 | - | P | - | - | - | - |
| Medical or dental laboratory | | - | P | - | - | P | - |
| Medical marijuana dispensing facility | | - | P | - | - | A | - |
| Membership sports and recreation club | | P | P | - | - | - | P |
| Mini-warehouse or self-storage facility | 30-5.19 | - | P | - | - | - | - |
| Museums or art gallery | | - | - | - | P | - | P |

| | | | | | | | |
|--|----------------------------------|----------|----------|----------|----------|----------|----------|
| Office | | - | P | - | - | P | P |
| Office, medical or dental | | - | P | - | - | P | - |
| Outdoor storage (principal use) | 30-5.20 | S | S | - | - | - | - |
| Parking, surface (principal use) | 30-5.21 | - | S | - | - | - | P |
| Pet services | | P | P | - | - | - | P |
| Place of religious assembly | 30-5.22 | - | P | - | P | - | - |
| Public administration building | | - | P | - | P | - | P |
| Public maintenance or storage facility | | - | P | - | - | - | P |
| Public park | | P | P | P | P | P | P |
| Recreation, indoor | | P | P | - | P | - | P |
| Recreation, outdoor | | - | P | - | P | - | P |
| Recreational vehicle park | | - | - | - | - | - | P |
| Rehabilitation center | | - | - | - | - | P | P |
| Research development or testing facility | | - | P | - | - | P | - |
| Residence for destitute people | 30-5.24 | - | - | - | - | P | P |
| Restaurant | | - | P | - | - | P | - |
| Retail nursery, lawn, or garden supply store | | S | P | - | - | - | - |
| Retail sales (not elsewhere classified) | | - | P | - | - | A | - |
| Sale of agricultural products | | A | - | - | - | - | P |
| School (elementary, middle, or high - public or private) | | - | - | - | P | - | - |
| School, professional | | - | P | - | P | - | - |
| School, vocational or trade | | - | P | - | P | - | - |
| Shooting range, outdoor | 30-5.26 | S | - | - | - | - | - |
| Simulated gambling establishment | | - | - | - | - | - | - |
| Single-family dwelling | | P | - | P | - | - | - |
| Single room occupancy residence | 30-5.8 | - | - | - | - | - | P |
| Skilled nursing facility | | - | - | - | - | P | - |
| Social service facility | 30-5.27 | - | - | - | - | P | - |
| Solar generation station | 30-5.29 | P | P | - | - | - | P |
| Stadiums or athletic arena | | - | - | - | P | - | P |
| <u>Subsistence garden</u> | <u>30-5.30</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Urban market farm, less than 5 acres</u> | <u>30-5.30</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Urban market farm, 5 acres or greater</u> | <u>30-5.30</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |
| Theater, drive-in | | - | S | - | - | - | - |
| Truck, train or bus terminal or maintenance facility | | - | P | - | - | - | P |
| Utilities | | - | - | - | - | - | P |
| Vehicle repair | <u>30-5.30</u> <u>30-5.31</u> | - | P | - | - | - | P |

| | | | | | | | |
|--|---------------------------------------|---|---|---|---|---|---|
| Vehicles sales or rental | | - | P | - | - | - | - |
| Veterinary services | 30-5.31 <u>30-5.32</u> | P | P | - | - | - | - |
| Warehouse or distribution facility (less than 50,000 sf) | | - | P | - | - | - | - |
| Warehouse or distribution facility (50,000 sf or greater) | | - | P | - | - | - | - |
| Waste management facility | | - | - | - | - | - | S |
| Water conservation area, water reservoir or control structure, or drainage or water well | | - | - | P | - | - | P |
| Wholesale trade | | - | P | - | - | - | - |
| Wireless communication facility or antenna | See 30-5.32 <u>30-5.33</u> | | | | | | |

123

124 **LEGEND:**

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

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

127 1 = Special use permit required for any proposed food truck park with six or more food truck pads when
 128 the food truck park's boundaries would be less than 300 feet from the boundary of any single-
 129 family zoned property or property that is developed with a single-family dwelling; otherwise, such
 130 food truck park is allowed by right.

131

132

133 **SECTION 6.** Section 30-5.30 is added as a new section to the Land Development Code as follows.

134 **[NOTE TO CODIFIER: Insert the new section immediately after "Section 30-5.29. Solar**
 135 **generation station" and keep remainder of sections, but renumber sequentially.]**

136

137

Section 30-5.30. Urban Agriculture.

138

The following standards apply to subsistence gardens and urban market farms, as defined in Article II.

139

A. May be the principal use on a property, or may be an accessory use to a residential or nonresidential principal use.

140

141

B. All applicable design regulations of this chapter will regulate the design and operation of urban agricultural uses, including provisions for setbacks, gates, fences, walls, signs, parking, and stormwater.

142

143

- 144 C. Adequate hand washing facilities must be provided onsite for workers and volunteers, unless there
 145 is access to facilities within one-quarter of a mile.
- 146 D. Structures for growing food must not be made of tires, appliances, railroad ties, or pressure-treated
 147 lumber manufactured prior to 2004.
- 148 E. Urban market farms that are one-half an acre or greater may keep up to 10 chickens for the first
 149 one-half acre, with two more chickens for each additional one-half acre, up to a maximum of 24
 150 chickens. Except as provided in this section, chicken keeping must otherwise be in accordance with
 151 the regulations in Article V of this chapter for the keeping of fowl when accessory to residential
 152 uses.
- 153 F. Equipment not in use must be secured and must not be visible from any public right-of-way.
- 154 G. Composting must be managed at least weekly to reduce odor and pests.
- 155 H. Trash must be stored in appropriate containers and removed from the property at least weekly.
- 156 I. Operations may not include practices that violate Chapter 16, Article IV – Mosquito Breeding
 157 Grounds.
- 158 J. The property owner must provide the City with the contact information for a designated manager of
 159 the use and property.

160

161 **Section 7.** Section 30-5.38 (which is renumbered by this ordinance to 30-5.39) of the Land
 162 Development Code is amended as follows. Except as amended herein, the remainder of Section
 163 30-5.38 (which is renumbered by this ordinance to 30-5.39) remains in full force and effect.

164 **Section 30-5.38, 30-5.39. Fowl or livestock, accessory to residential uses.**

165 The keeping or raising of fowl or livestock is allowed within the RSF-1 through 4, RC, U1, and U2 districts
 166 as an accessory use, subject to the following standards:

- 167 A. *Permitted activities.* ~~The type and number of fowl or livestock permitted shall not exceed the~~
 168 ~~following:~~ The maximum allowed number of fowl or livestock is as follows:

| Type of fowl or livestock | Limit per zoning district Max allowed |
|----------------------------------|---|
| Fowl | 10 Gallus Domesticus hens per single family residence, No other types of fowl are allowed. |
| Horses and other equine animals | None Prohibited |
| Cattle | None Prohibited |
| Goats and Sheep | None Prohibited |
| Pigs | None Prohibited |
| Rabbits | None Prohibited |

- 169 B. *Limitations.* Fowl or livestock permitted in this section shall be kept or raised for personal use only,
 170 except youth projects such as 4-H or FFA activities.
- 171 C. *Prohibited activities.*

- 172 1. On-premise sales of fowl or livestock or fowl or livestock byproducts (e.g. eggs, milk).
173 2. Commercial raising or keeping of fowl or livestock.
174 3. The keeping of roosters (defined as a male chicken of any age and generally characterized by an
175 ability to crow) and any other crowing chickens are prohibited, as well as the slaughtering of
176 hens in the RSF-1 through 4, RC, U1, U2 districts.
- 177 D. *Nuisance prohibited.* The raising and keeping of all fowl or livestock shall be done in such a manner
178 so as not to create a public nuisance as set forth in chapter 5 of the Code of Ordinances.
- 179 E. *Chicken coops within the RSF-1 through 4, RC, U1, U2 districts.*
- 180 1. Hens shall be contained within a covered chicken coop or fenced pen area. The coop and fenced
181 pen area shall be located in the rear half of the residential lot behind the principal structure. It
182 shall be unlawful for any person to allow hens to run at large upon the streets, alleys or other
183 public places of the city, or upon the property of any other person.
- 184 2. The coop and fenced pen area shall meet the setback requirements for an accessory structure in
185 the applicable zoning district.
- 186 3. The coop and pen area shall be kept in a clean sanitary manner, free of insects and rodents,
187 offensive odors (which shall not be detectable at property boundaries), excessive noise, or any
188 other condition that could potentially cause a nuisance. Stored feed shall be secured in rodent-
189 proof and raccoon-proof enclosed containers.
- 190 4. A building permit is not required for the coop if it is movable or prefabricated, and 12 square
191 feet or less in size.

192

193 **SECTION 8.** It is the intent of the City Commission that the provisions of Sections 1 through 7 of
194 this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
195 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
196 relettered in order to accomplish such intent.

197 **SECTION 9.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
198 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
199 will not affect the other provisions or applications of this ordinance that can be given effect
200 without the invalid or unconstitutional provision or application, and to this end the provisions of
201 this ordinance are declared severable.

202 **SECTION 10.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
203 conflict hereby repealed.

204 **SECTION 11.** This ordinance will become effective immediately upon adoption.

205

206 **PASSED AND ADOPTED** this 2nd day of June, 2022.

207

208

209

210

211

212

213

214 Attest:


215

216

217

218

219




OMICHELE D. GAINNEY
CITY CLERK



LAUREN POE
MAYOR

Approved as to form and legality:



DANIEL M. NEE
INTERIM CITY ATTORNEY

220 This ordinance passed on first reading this 5th day of May, 2022.

221

222 This ordinance passed on second reading this 2nd day of June, 2022.

223