

Legistar No. 980735

**CITY OF GAINESVILLE**  
Office of the City Attorney

**Memorandum**

334-5011/Fax 334-2229

Box No. 46

September 27, 1999

DATE: ~~February 8, 1999~~

TO: Mayor and City Commission

FROM: Marion J. Radson, City Attorney

SECOND READING

SUBJECT: Ordinance No. 0-99-29; Petition 216TCH-98PB  
An ordinance of the City of Gainesville, Florida, amending section 30-41 of the Land Development Code, lowering the minimum number of units per acre for certain residential districts; amending section 30-53 of the Land Development Code pertaining to multiple-family medium density residential districts, providing an exemption from minimum densities for small parcels; amending section 30-55 of the Land Development Code pertaining to residential high density districts, providing an exemption from minimum densities for small parcels existing on November 13, 1991; allowing single-family dwellings as a use by right and providing dimensional requirements for single-family and accessory structures in those districts; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

This item was continued at the August 9, 1999 City Commission meeting to September 27, 1999 so that staff could meet with Mr. Robert Pearce to discuss possible modifications to the ordinance. Staff and Mr. Pearce have met and concurred that the ordinance as proposed-with no additional modifications-should be considered by the City Commission at this time. Staff and Mr. Pearce also concurred that further changes to some of these residential districts will be needed, in the future, to effectively implement the proposed University Heights Special Area Plan draft prepared by Dover, Kohl & Partners. These further changes will be considered as staff finalizes the draft University Heights Special Area Plan for public hearing by the Plan Board in October.

The proposed revisions to the Land Development Code are required to implement the corresponding amendments to the Future Land Use Element that were adopted by Ordinance No. 0-99-26 on August 9, 1999. These code revisions, if approved, will establish a minimum density of eight units per acre in the RMF-6, RMF-7 and RMF-8 multiple-family density residential districts, which currently allow density ranges of 10-15, 14-21 and 20-30 dwelling units per acre, respectively. They will also establish a minimum density of eight units per acre for the RH-1 and RH-2 residential high density districts, which currently allow density ranges of 20-43 and 44-100

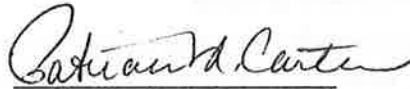
dwelling units per acre, respectively. In addition, the amendments will exempt lots of 0.5 acres or smaller from minimum density requirements, add single-family dwelling as a use by right in the RH-1 and RH2 districts, and establish dimensional requirements for single-family principal and accessory structures in the RH-1 and RH-2 districts.

Staff recommended that the Plan Board approve the Petition. By a vote of 3-1, the Plan Board approved the petition. Public notice was published in the Gainesville Sun on December 1, 1998. The Plan Board held a public hearing December 17, 1998.

**Fiscal Note**

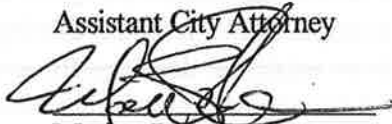
None

Prepared by:



Patricia M. Carter  
Assistant City Attorney

Approved and  
Submitted by:



Marion J. Radson  
City Attorney

MJR:PC:sw

ORDINANCE NO. \_\_\_\_\_  
0-99-29

1  
2  
3  
4 **An ordinance of the City of Gainesville, Florida, amending section**  
5 **30-41 of the Land Development Code, lowering the minimum number**  
6 **of units per acre for certain residential districts; amending section**  
7 **30-53 of the Land Development Code pertaining to multiple-family**  
8 **medium density residential districts, providing an exemption from**  
9 **minimum densities for small parcels existing on November 13, 1991;**  
10 **amending section 30-55 of the Land Development Code pertaining to**  
11 **residential high density districts, providing an exemption from**  
12 **minimum densities for small parcels existing on November 13, 1991;**  
13 **allowing single-family dwellings as a use by right and providing**  
14 **dimensional requirements for single-family and accessory structures**  
15 **in those districts; providing directions to the codifier; providing a**  
16 **severability clause; providing a repealing clause; and providing an**  
17 **effective date.**

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

22 **WHEREAS**, notice was given and publication made as required by law and a  
23 Public Hearing was then held by the City Plan Board on December 17, 1998; and

24 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by  
25 10 inches long was placed in a newspaper of general circulation notifying the public of  
26 this proposed ordinance and of a Public Hearing in the City Commission meeting room,  
27 City Hall, City of Gainesville to be held at least 7 days after the day this first  
28 advertisement was published; and

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

1 second advertisement was published; and

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

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

7 **Section 1.** Subsection 30-41(a)(1) of the Land Development Code is amended to read  
8 as follows:

9 **Sec. 30-41. Establishment of zoning districts and categories.**

10 (a) In order to classify, regulate and restrict the use of land, water, buildings and  
11 structures; regulate the height and bulk of buildings; regulate the intensity of land  
12 use; implement the comprehensive plan; and promote orderly urban growth  
13 within the corporate area of the city, the following zoning districts/categories are  
14 established:

15 (1)           *Residential districts.* (See section 30-41(b))

16 RSF-1: 3.5 units/acre single-family residential district.

17 RSF-2: 4.6 units/acre single-family residential district.

18 RSF-3: 5.8 units/acre single-family residential district.

19 RSF-4: 8 units/acre single-family residential district.

20 RMF-5: 12 units/acre single-family/multiple-family residential district.

21 RMF-6: 8 ~~10~~-15 units/acre multiple-family residential district.

22 RMF-7: 8 ~~14~~-21 units/acre multiple-family residential district.

23 RMF-8: 8 ~~20~~-30 units/acre multiple-family residential district.

- 1 RC: 12 units/acre residential conservation district.
- 2 MH: 12 units/acre mobile home residential district.
- 3 RMU: Up to 75 units/acre residential mixed use district.
- 4 RH-1: 8 20--43 units/acre residential high density district.
- 5 RH-2: 8 43--100 units/acre residential high density district.

6 **Section 2.** Subsection 30-53(d)(3) is created and added to the Land Development  
 7 Code to read as follows:

8 **Sec. 30-53. Multiple-family medium density residential districts (RMF-6, RMF-7**  
 9 **and RMF-8).**

10 (d) *Intensity of development.*

11 (3) *Minimum density exemption.* Parcels 0.5 acres or smaller existing on  
 12 November 13, 1991 are exempt from minimum density requirements.

13 **Section 3.** The allowable density listed in Table 3 of 30-53(e) of the Land Development  
 14 Code is amended to read as shown below, and a footnote is created and added to  
 15 Table 3. All other entries in the table remain unchanged.

16 **Sec. 30-53. Multiple-family medium density residential districts (RMF-6, RMF-7**  
 17 **and RMF-8).**

18 (e) *Dimensional requirements.* All principal and accessory structures shall be  
 19 located and constructed in accordance with the requirements in Table 3.

20 TABLE 3. DIMENSIONAL REQUIREMENTS FOR RMF DISTRICTS

	Principal Structures		
	RMF-6	RMF-7	RMF-8
21 Allowable density <sup>1</sup>	<u>8 10-15</u> du/a	<u>8 14-21</u> du/a	<u>8 20-30</u> du/a

1 1 Parcels 0.5 acres or smaller existing on November 13, 1991 are exempt from  
2 minimum density requirements.

3 **Section 4.** Section 30-55 of the Land Development Code is amended to read as  
4 follows:

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

6 (a) *Purpose.* The residential high density districts are created to promote and  
7 encourage the establishment and maintenance of a suitable residential environment for  
8 housing located in very close proximity to high intensity activity centers or major traffic  
9 generators. Due to the existing residential environment, particular development criteria  
10 must be instituted in order to harmonize the existing patterns of growth with the needs  
11 of the activity centers and the community at large. The principal use in the RH-2 district  
12 shall be residential.

13 (b) *Objectives.* The provisions of these districts are intended to:

14 (1) Encourage the establishment of an intensely developed residential  
15 environment in areas of close proximity to the University of Florida and  
16 surrounding commercial and other institutional activities;

17 (2) Provide for necessary environmental safeguards to ensure development  
18 is compatible with the existing environmental and community goals; and

19 (3) Encourage privacy, internal stability, attractiveness, order and efficiency in  
20 these areas by providing for adequate light, air and usable open space for  
21 dwellings and related facilities through careful design and consideration of the  
22 proper functional relationships among uses permitted.

23 (c) *Permitted uses.*

- 1           (1)   *Uses by right.*
- 2            a.    Single-family dwellings.
- 3            b a.   Multiple-family dwellings.
- 4            ~~c. b.~~ Roominghouses, in accordance with the conditions and
- 5            requirements of Article VI.
- 6            d. e.   Dormitories, in accordance with the conditions and requirements of
- 7            Article VI.
- 8            e. d.   Community residential homes, in accordance with the conditions
- 9            and requirements of Article VI.
- 10           f. e.   Family day care homes, in accordance with the conditions and
- 11           requirements of state law.
- 12           g. f.   Housing for the elderly, in accordance with the conditions and
- 13           requirements of Article VI.
- 14           h. g.   Accessory uses incidental to such uses, including storage rooms,
- 15           management offices, club or game rooms, recreational and laundry
- 16           facilities intended for use solely by the residents of the development and
- 17           their guests, and other activities and uses customarily incidental to an
- 18           otherwise permitted use.
- 19           i. h.   Day care centers.
- 20           j. i.   Adult day care homes.
- 21           k. j.   Home occupations in accordance with Article IV, section 30-58.
- 22           l. k.   Places of religious assembly in accordance with the conditions and
- 23           requirements of Article VI, on unified and contiguous sites of twenty (20)

1 acres or more.

2 (2) *Uses by special use permit.* Uses by special use permit, provided the  
3 requirements and conditions of Article VI are met:

4 a. Places of religious assembly on sites of less than 20 acres.

5 b. Bed and breakfast establishments.

6 c. Nursing and personal care facilities.

7 d. Libraries.

8 e. Private schools.

9 f. Community residential homes over 14 persons.

10 g. Off-site parking facilities for uses permitted by right in MU-1 or  
11 MU-2 zoning districts.

12 h. Additional uses by special use permit in the RH-2 district:

13 1. Offices, including but not limited to real estate sales, travel  
14 agency, insurance sales, employment counseling, educational  
15 services, advertising, mailing and stenographic services, and  
16 studios for dance, art, music, photography, radio or television.

17 2. Secondary retail and office uses; personal service shops  
18 including but not limited to beauty shops and barbershops, shoe  
19 repair, tailor, dry cleaner or similar service uses; and retail shops  
20 including but not limited to the sale of gifts, flowers, books, jewelry,  
21 wearing apparel, eating places, food stores excluding gas pumps,  
22 copying services and retail computer services.

23 (d) *Intensity of development.*



1 (1) *Maximum intensity by right.* See permitted intensity tables, below.

2 (2) *Permitted intensity using density bonus points.* Development criteria, as

3 described in the density bonus points manual, when met, shall allow increases in

4 development intensity based upon the limits in this section. These increases in

5 intensity shall be allowed should a developer propose to undertake a project that

6 ~~which~~ will result in a development sensitive to the unique environmental and

7 developmental needs of the area. For each criterion met by the developer,

8 certain points shall be credited to the project. Those points, calculated in

9 accordance with the density bonus points manual, shall determine the maximum

10 allowable density.

11 PERMITTED INTENSITY, RH-1

12

Points	Maximum Residential Density (du/ac)	Maximum Floor Area Ratio
0	20	0.344
7	21	0.361
13	22	0.378
20	23	0.396
26	24	0.413
33	25	0.430
39	26	0.447
46	27	0.464
52	28	0.482
59	29	0.499
66	30	0.516
72	31	0.533
79	32	0.550
85	33	0.568
92	34	0.585
98	35	0.602
105	36	0.619
111	37	0.636
118	38	0.654
125	39	0.671

131	40	0.688
138	41	0.705
144	42	0.722
151+	43	0.740

PERMITTED INTENSITY, RH-2

Points	Maximum Residential Density (du/ac)	Maximum Floor Area Ratio
0	80	1.377
7	81	1.395
13	82	1.412
20	83	1.429
26	84	1.446
33	85	1.463
39	86	1.481
46	87	1.498
52	88	1.515
59	89	1.532
66	90	1.550
72	91	1.567
79	92	1.584
85	93	1.601
92	94	1.618
111	95	1.636
125	96	1.653
134	97	1.670
134	98	1.687
144	99	1.705
151+	100	1.722

\*Includes secondary office and retail uses.

(3) Minimum density exemption. Parcels 0.5 acres or smaller existing on November 13, 1991 are exempt from minimum density requirements.

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

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

2 a. Minimum lot area: 7,500 square feet.

3 b. Minimum lot width at minimum front yard setback: 75 feet.

4 c. Minimum lot depth: 90 feet.

5 d. Minimum yard setbacks:

6 1. Front: Five feet.

7 2. Side, interior: Ten feet.

8 3. Side, street: Five feet.

9 4. Rear: 20 feet.

10 (2) *Accessory structures.*

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

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

17 ~~(3) *Secondary retail and office uses.* Secondary retail and office uses will be~~  
18 ~~permitted if the following conditions are met:~~

19 ~~a. The use or uses must be secondary to a principal residential use.~~

20 ~~b. No more than 20 percent of the site can be dedicated for a~~  
21 ~~nonresidential purpose.~~

22 ~~c. The use must be shown on an approved development plan.~~

23 ~~d. No residential zoned property other than the RH-2 district shall be~~

1 used for driveway or access purposes to a nonresidential use in this  
2 district.

3 e. ~~— A special use permit must be granted by the city plan board.~~

4 f. ~~— General requirements. All structures and uses within this district  
5 shall also comply with the applicable requirements and conditions of  
6 section 30-56 and Article IX.~~

7 g. ~~— Development must be designed to provide safe and efficient  
8 access for ingress and egress in accordance with traffic engineering or  
9 fire safety requirements.~~

10 h. ~~— Site and building must be able to accommodate all off-street  
11 parking requirements on the premises.~~

12 i. ~~— Site must meet all buffer requirements. Additional buffers may be  
13 required depending on the site location in relation to surrounding uses.~~

14 j. ~~— No ground-mounted signs will be allowed.~~

15 k. ~~— Sidewalks and other linking pedestrian walkups shall be provided.~~

16 l. ~~— No outdoor storage.~~

17 m. ~~— Dumpsters and garbage disposal system shall be so located and  
18 designed so as not to create an undue impact and unsanitary condition in  
19 the area.~~

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

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

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'</u>
<u>Minimum lot depth</u>	<u>N/A</u>
<u>Minimum yard setbacks:</u> <u>    Front</u>  <u>    Side (interior)</u> <u>    Side (street)</u> <u>    Rear</u>	<u>The average of the distance (up to a maximum of 20') 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'.</u> <u>5'</u> <u>5'</u> <u>20'</u>
<u>Maximum building height</u>	<u>35'</u>
<u>Maximum floor area ratio</u>	<u>0.51</u>
<u>Maximum lot coverage</u>	<u>50%</u>

Accessory structures

<u>Minimum front and side yard setbacks</u>	<u>Same requirements as for the principal structure, excluding fences and walls.</u>
<u>Minimum yard setback, rear</u>	<u>5'<sup>1</sup></u>
<u>Maximum building height</u>	<u>25'</u>
<u>Transmitter towers<sup>2</sup></u>	<u>80'</u>

<sup>1</sup> 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.

<sup>2</sup> In accordance with Article VI.

(g) *Secondary retail and office uses.* Secondary retail and office uses will be permitted if the following conditions are met:

- (1) The use or uses are secondary to a principal multi-family residential use.
- (2) No more than 20 percent of the site is dedicated for a nonresidential

1 purpose.

2 (3) The use is shown on an approved development plan.

3 (4) No residential zoned property other than the RH-2 district is used for  
4 driveway or access purposes to a nonresidential use in this district.

5 (5) The city plan board grants a special use permit.

6 (6) All structures and uses comply with the applicable requirements and  
7 conditions of section 30-56 and Article IX.

8 (7) Development is designed to provide safe and efficient access for ingress  
9 and egress in accordance with traffic engineering or fire safety requirements.

10 (8) Site and building are able to accommodate all off-street parking  
11 requirements on the premises.

12 (9) Site meets all buffer requirements. Additional buffers may be required  
13 depending on the site location in relation to surrounding uses.

14 (10) There are no ground-mounted signs.

15 (11) Sidewalks and linking pedestrian walkups are provided.

16 (12) There is no outdoor storage.

17 (13) Dumpsters and garbage disposal system are located and designed so as  
18 not to create an undue impact and unsanitary condition in the area.

19 (h) (f) General requirements. All structures and uses within these districts shall also  
20 comply with the applicable requirements and conditions of section 30-56 and Article IX.

21 **Section 5.** It is the intention of the City Commission that the provisions of Section 1  
22 through Section 4 of this ordinance shall become and be made a part of the Code of  
23 Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of

1 this Ordinance may be renumbered or relettered in order to accomplish such intentions.

2 **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be  
3 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
4 in no way affect the validity of the remaining portions of this ordinance.

5 **Section 7.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
6 such conflict hereby repealed.

7 **Section 8.** This ordinance shall become effective immediately upon final adoption or  
8 upon the Comprehensive Plan amendment adopted by ordinance number 980733  
9 becoming effective, whichever occurs last.

10  
11 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

12  
13  
14 \_\_\_\_\_  
15 PAULA M. DeLANEY  
16 MAYOR

17  
18 ATTEST: Approved as to form and legality

19  
20  
21 \_\_\_\_\_  
22 KURT M. LANNON  
23 CLERK OF THE COMMISSION

24 \_\_\_\_\_  
25 MARION J. RADSON  
26 CITY ATTORNEY

27 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_,  
28 1999.

29 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_,  
1999.

30 carter:ordinances:216TCH-98PB

