

Phone: 334-5011/Fax 334-2229

Box 46

TO:

Mayor and City Commission

DATE:

April 10, 2000

FIRST READING

FROM:

City Attorney

**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.

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 Radson,

City Attorney

MJR:PMC:sw

1	ORDINANCE NO		
2	0-00-49		
3			
4	An ordinance of the City of Gainesville, Florida, revising and		
5	amending the Land Development Code relating to dimensional		
6 7	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		
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		
10	WHEREAS, the City I fair board authorized the publication of honce of a I none		
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:		
31	Section 1. Sections 30-55(e) and (f) of the Land Development Code are amended to read		

- 1 as follows:
- 2 Sec. 30-55. Residential high density districts (RH-1 and RH-2).
- 3 (e) Dimensional requirements for multiple-family and accessory structures. All
- 4 principal and accessory structures shall be located and constructed in accordance with the
- 5 following requirements:

## PRINCIPAL STRUCTURES

	RH-1	RH-2	
	<u>Kt1-1</u>	<u>KII-2</u>	
Allowable density	8-43 du/a	8-100 du/a	
Maximum density by right	20 du/a	80 du/a	
Allowable density with	per requirements stated in	per requirements stated in	
bonus points	sec. 30-55(d)	sec. 30-55(d)	
Maximum FAR	per requirements stated in	per requirements stated in	
	sec. 30-55(d)	sec. 30-55(d)	
Minimum lot area	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	
Minimum lot width	<u>50 ft.</u>	<u>50 ft.</u>	
Minimum lot depth	90 ft.	<u>90 ft.</u>	
Minimum yard setbacks			
Front	The average of the distance	The average of the distance	
	(up to a maximum of 20 ft.)	(up to a maximum of 20 ft.)	
	between street right-of-way	between street right-of-way	
	and principal structures on	and principal structures on	
	the two adjacent lots. For	the two adjacent lots. For	
	this calculation, any vacant	this calculation, any vacant	
	adjacent lot shall be	adjacent lot shall be	
	assigned a distance of 20 ft.	assigned a distance of 20 ft.	
Side (interior)	7.5 ft.	7.5 ft.	
Side (street)	The average of the distance	The average of the distance	
	(up to a maximum of 20 ft.)	(up to a maximum of 20 ft.)	
	between street right-of-way	between street right-of-way	
	and principal structures on	and principal structures on	
	the two adjacent lots. For	the two adjacent lots. For	
	this calculation, any vacant	this calculation, any vacant	
	adjacent lot shall be	adjacent lot shall be	
	assigned a distance of 20 ft.	assigned a distance of 20 ft.	
Rear	<u>20 ft.</u>	20 ft.	
Maximum lot coverage	<u>N/A</u>	<u>N/A</u>	

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

<sup>1</sup> 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.

5 6 7

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

8

10

12

- (1) Principal structures (residential).
- 11 a. Minimum lot area: 7,500 square feet.
  - b. Minimum lot width at minimum front yard setback: 75 feet.
- c. Minimum lot depth: 90 feet.
- 14 d. Minimum yard setbacks:
- 15 1. Front: Five feet.
- 2. Side, interior: Ten feet.
- 17 3. Side, street: Five feet.
- 18 4. Rear: 20 feet.
  - (2) Accessory structures.
- 20 a. All accessory structures, excluding fences and walls, shall not be
  21 closer to any property line than the required lot setbacks for the principal
- 22 structure.

- b. Maximum building height: 25 feet. Transmitter towers may reach a
- 2 height of 80 feet in accordance with the requirements and conditions of
- 3 Article-VI.
- 4 (f) Dimensional requirements for single-family and accessory structures. All single-
- 5 family principal and accessory structures shall be located and constructed in accordance
- 6 with the following requirements in Table 4.

## PRINCIPAL STRUCTURES

Minimum lot area: single-family dwelling unit	3,000 sq. ft.
Minimum lot width at minimum front yard	35 ft.
setback: single-family dwelling unit	
Minimum lot depth	N/A
Minimum yard setbacks	
<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.
Side (interior)	<u>5 ft.</u>
Side (street)	<u>5 ft.</u>
Rear	20 ft.
Maximum building height	35 ft.
Maximum floor area ratio	.51
Maximum lot coverage	50%

8

7

## ACCESSORY STRUCTURES<sup>1</sup>

Minimum setbacks (excluding fences and	
walls)	
<u>Front</u>	Same requirement as for principal
3	structure
Side (interior)	5 ft.
Side (street)	5 ft.
Rear	<u>5 ft.<sup>2</sup></u>
Maximum building height	25 ft.
Transmitter towers <sup>2</sup>	80 ft. <sup>3</sup>

10

Petition No. 173TCH-99PB

CODE: Text <u>underlined</u> is added; text stricken is deleted.

	1 .		
1	Accessory structures can be used as residential dwellings in the RH-1 and RH-2		
2	districts. Accessory structures shall have a smaller total floor area than the principal		
3	structure on the lot. A maximum of one accessor	y residential unit is allowed.	
4	**		
5	One pre-engineered and pre-manufactured structured structure.	ture of 100 square feet or less may be	
6	erected in the rear or side yards as long as the stru	acture has a minimum yard setback of	
7	three feet from the rear or side property line, is pr	operly anchored to the ground, and is	
8	separated from neighboring properties by a fence	or wall that is at least 75 percent	
9	opaque.		
10			
11	<sup>3</sup> Transmitter towers may reach a height of 80 fee	t in accordance with the requirements	
12	and conditions of Article VI.	-	
13			
14	TABLE 4. DIMENSIONAL REQUIREMENTS	FOR SINGLE FAMILY PRINCIPAL	
15	AND ACCESSORY STRUCTURES IN		
16			
17	Principal Struc	etures	
18	Section 2017		
19	Minimum lot area: Single-family dwelling unit	<del>3,000 sq. ft.</del>	
20	Minimum lot width at minimum front yard set	— 35°	
21	back: Single-family dwelling unit		
22	Minimum lot depth	N/A	
23	Minimum yard setbacks:	- 7	
24	Front	The average of the distance (up to a	
25		maximum of 20 ft.) between street	
26		right of way and principal structures	
27		on the two adjacent lots. For this	
28		calculation, any vacant adjacent lot	
29		shall be assigned a distance of 20 ft.	
30	Side (interior)	5°	
31	Side (street)	5;	
32	Rear	<del>20'</del>	
33	Maximum building height	<del>35'</del>	
34	Maximum floor area ratio	—.51	
35	Maximum lot coverage	— <del>50</del> %	
36	Transition for coverage	3070	
37	Accessory stru	ctures	
38	Minimum front and side yard setbacks	Same requirements as for principal	
39	minimum front and side yard setodeks	structure, excluding fences and	
40		walls.	
41	Minimum yard setback, rear	<del>wans.</del> <u>5</u> ,1	
42		-	
42	Maximum building height  Transmitter towers <sup>2</sup>	— <del>25'</del> — <del>80'</del>	
43 44	Transmitter towers		
	<sup>1</sup> One are engineered and are manufactured at	tuna of 100 sausus fret - 1	
45	<sup>4</sup> -One pre-engineered and pre-manufactured struct	ture of 100 square feet or less may be	

1 2 3 4	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.			
5 6	<sup>2</sup> In accordance with Article VI.			
7 8	Section 2. It is the intention of the City Commission that the provisions of Section 1 of			
9	this ordinance shall become and be made a part of Land Development Code of the City of			
10	Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be			
11	renumbered or relettered in order to a	eccomplish su	ch intentions.	
12	Section 3. If any section, sentence, clause or phrase of this ordinance is held to be			
13	invalid or unconstitutional by any court of competent jurisdiction, then said holding shall			
14	in no way affect the validity of the remaining portions of this ordinance.			
15	Section 4. All ordinances or parts of ordinances in conflict herewith are to the extent of			
16	such conflict hereby repealed.	(20)		
17	Section 5 This ordinance shall become	ne effective in	nmediately upon fi	nal adoption.
18 19 20 21 22	PASSED AND ADOPTED this	day of		, 2000.
22 23		PAULA M. I	DeLANEY	
24 25		MAYOR	*	
26 27 28 29	ATTEST:		Approved as to f	orm and legality
30 31	KURT M. LANNON		MARION J. RAI	DSON
32	CLERK OF THE COMMISSION		CITY ATTORN	
33	This Ordinance passed on first reading	g this	day of	, 2000.
34	This Ordinance passed on second reading thi	is day of		_, 2000.