

**LEGISLATIVE #**

**120931A**

## ORDINANCE NO. 120931

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3       **An ordinance of the City of Gainesville, Florida, amending the list of**  
4       **permitted uses by right for the RMF-5 zoning district in Section 30-52 –**  
5       ***Residential low density districts (RMF-5, RC and MH)* of the Land**  
6       **Development Code by adding “accessory uses” with certain conditions as an**  
7       **allowable use; providing directions to the codifier; providing a severability**  
8       **clause; providing a repealing clause; and providing an immediate effective**  
9       **date.**

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11       **WHEREAS,** notice was given as required by law that the text of the Land Development  
12 Code of the City of Gainesville, Florida, be amended and a public hearing was then held by the  
13 City Plan Board on February 28, 2013; and

14       **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10  
15 inches long was placed in a newspaper of general circulation and provided the public with at  
16 least seven (7) days’ advance notice of the first public hearing to be held in the City Hall  
17 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

18       **WHEREAS,** a second advertisement no less than two columns wide by 10 inches long  
19 was placed in the aforesaid newspaper and provided the public with at least five (5) days’  
20 advance notice of the second public hearing; and

21       **WHEREAS,** public hearings were held pursuant to the published notices described above  
22 at which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
23 heard.

24       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
25 **CITY OF GAINESVILLE, FLORIDA:**

26       **Section 1.** Subsection 30-52(c)(1)a. of the Land Development Code is amended as  
27 follows. Except as amended herein, the remainder of Section 30-52 remains in full force and  
28 effect.

1 **Sec. 30-52. – Residential low density districts (RMF-5, RC and MH).**

2 (c) *Permitted uses.*

3 (1) *Uses by right.*

4 a. *Uses by right for RMF-5 and RC districts.*

Use	Conditions
Single-family dwellings	
Two-family dwellings <sup>1</sup>	
Three-family dwellings <sup>1</sup>	Excluding RC district
Four-family dwellings <sup>1</sup>	Excluding RC district
Townhouses or rowhouses of up to six attached dwellings	Except in RC district. No more than four-family dwellings are allowed in RMF-5 unless the dwellings are townhouses or rowhouses. Each dwelling has a maximum width of 40 feet. More than six attached units are allowed if the property is not adjacent to property zoned RSF-1, RSF-2, RSF-3, and RSF-4. Each townhouse unit shall have a separate front entrance to the street side sidewalk from the outside at ground level. Stoops are permitted and may occur up to five feet forward of the required setback line as provided in the Land Development Code. Stoops may be covered or uncovered and shall be constructed according to the dimensions described in the "Building Elements" section of the University Heights Special Area Plan.
Housing for the elderly	In accordance with article VI.
Community residential homes	In accordance with article VI.
Family child care homes	In accordance with state law.
Large family child care homes	In accordance with article VI.
Adult day care homes	In accordance with article VI.
Home occupations	In accordance with article IV.
Places of religious assembly	In accordance with article VI.
Public schools other than institutions of higher learning	In accordance with the provisions of article IV, section 30-77, educational services district (ED).
Private schools	In accordance with article VI.
Day care centers	In accordance with article VI.
Accessory buildings	Incidental to permitted uses, not including management offices.

Accessory uses incidental to permitted uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by residents of the permitted use and their guests.

Applies only to permitted uses within the RMF-5 zoning district that contain at least 50 residential units. The accessory uses shall be and remain under common ownership and management.

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**Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intentions.

**Section 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

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

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

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
EDWARD B. BRADDY  
MAYOR

ATTEST:

Approved as to form and legality

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2013.

This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2013.