

ORDINANCE NO. 0-08-65

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by creating the "RSF-R: 1 unit/acre single-family rural residential district;" creating new definitions; specifying permitted uses; specifying general requirements, dimensional requirements and standards; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a public hearing that the text of the Land Development Code and the Code of Ordinances of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law on August 6, 2008 and a public hearing was then held by the City Plan Board on August 28, 2008; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation and of the public hearing to be held in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was published; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the adoption stage at least five (5) days after the day the second advertisement was published;

WHEREAS, Public Hearings were held pursuant to the published notices described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

1 **WHEREAS**, the City Commission finds that the creation of the RSF-R zoning district is
2 consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** Section 30-23 of the Land Development Code is amended by adding the
6 following new definitions. All existing definitions in section 30-23 shall remain in full force and
7 effect.

8 **Sec. 30-23. Definitions.**

9 Fowl shall include chickens, pea fowl, and like animals (Galliformes); ducks, geese, and
10 like animals (Anseriformes); emus; rheas; and ostriches (Struthio camelus).

11 Livestock shall include pigs and pig-like animals (Suidae); rabbits and rabbit-like animals
12 (Leporidae); cows, sheep, goats and like animals (Bovidae); and horses and horse-like animals
13 (Equidae).

14 **Section 2.** Subsection (a)(1) of Sec. 30-41 of the Land Development Code of the City of
15 Gainesville, is amended in its entirety to read as follows:

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

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

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

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

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

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

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

RSF-R: 1 unit/acre single-family rural residential district.

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

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

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

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

RC: 12 units/acre residential conservation district.

MH: 12 units/acre mobile home residential district.

RMU: Up to 75 units/acre residential mixed use district.

RH-1: 8--43 units/acre residential high density district.

RH-2: 8--100 units/acre residential high density district.

Section 3. Section 30-46 of the Land Development Code of the City of Gainesville, is amended to read as follows:

Sec. 30-46. Correspondence of zoning districts with future land use categories.

The following table establishes the zoning districts allowable within the future land use categories from the comprehensive plan. Zoning district changes to a new district which fall into a different future land use category shall require a change in the future land use category also.

CORRESPONDENCE OF ZONING DISTRICTS WITH FUTURE LAND USE CATEGORIES

<i>Zoning Districts</i>	<i>Future Land Use Category</i>
RSF-1, RSF-2, RSF-3, RSF-4, <u>RSF-R</u> , CON, PD, PS	Single-family (SF)

RSF-4, RMF-5, MH, RC, PD, CON, PS	Residential--Low (RL)
RMF-6, RMF-7, RMF-8, PD, CON, PS	Residential--Medium (RM)
RH-1, RH-2, PD, TND, CON, PS	Residential--High (RH)
RMU, PD, CON, PS	Mixed use--Residential (MUR)
MU-1, PD, TND, CON	Mixed use--Low (MUL)
MU-2, CP, PD, TND, CON	Mixed use--Medium (MUM)
CCD, PD, TND, CON, PS	Mixed use--High (MUH)
UMU-1, CON, PS, PD	Urban Mixed-Use 1 (UMU-1)
UMU-2, CON, PS, PD	Urban Mixed-Use 2 (UMU-2)
OR, OF, MD, PD, CON, PS	Office (O)
BA, BT, BUS, W, PD, CON, PS	Commercial (C)
I-1, I-2, W, PD, CON, PS	Industrial (IND)
ED, PD, CON, PS	Education (E)
PS, PD, CON	Recreation (REC)
CON, PD, PS	Conservation (CON)
AGR, CON, PS	Agriculture (AGR)
AF, PS, PD, CON	Public facilities (PF)
PD, TND, PS or rezoning consistent with the underlying land use designation	Planned Use District (PUD)

- 1
- 2 **Section 4.** A new section 30-51.1 of the Land Development Code of the City of Gainesville, is
- 3 created and added to read as follows:
- 4 **Sec. 30-51.1. Single-family rural residential district (RSF-R).**

(a) Purpose. The single-family rural residential district is established for the purpose of providing areas for low density single-family residential development that allows for the ownership of fowl and livestock. This district is characterized by single-family residential structures designed and located so as to protect the character of single-family rural residential neighborhoods.

(b) Objectives. The provisions of this district are designed to:

(1) Protect and stabilize the essential characteristics of existing rural development;

(2) Encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development;

(3) Enable single-family rural development to occur at appropriate locations and with sufficient density so as to facilitate the provision of urban services and facilities in an economical and efficient manner; and

(4) Allow low density development where higher density development would be detrimental to the health, safety and welfare of the community by reason of environmental constraints, open space or other factors.

(c) Limitation. This district shall only be used in city-initiated rezoning of annexed property.

(d) Permitted uses.

(1) Uses by right.

a. Single-family dwellings and customary accessory buildings incidental thereto.

b. Passive public parks and recreational facilities as defined in the comprehensive plan, and which do not create an adverse impact on natural areas.

c. Community residential homes in accordance with article VI.

d. Family child care homes in accordance with state law.

e. Adult day care homes in accordance with article VI.

f. Home occupations in accordance with article IV.

g. Large family child care homes in accordance with article VI.

h. Fowl or livestock are allowed as an accessory use by right to any of the principal uses listed as a. through g. above, subject to the standards in subsection (g) below.

(2) Uses by special use permit.

a. Places of religious assembly, in accordance with article VI.

b. Private schools, in accordance with article VI.

c. Public schools other than institutions of higher learning, in accordance with the provisions of section 30-77, educational services district (ED).

(e) General requirements. All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-56 and article IX.

(f) Dimensional requirements. (See Table 1):

TABLE 1. DIMENSIONAL REQUIREMENTS FOR RSF-R DISTRICT

Principal Structures

<u>Maximum density</u>	<u>1 du/a</u>
<u>Minimum lot width at minimum front yard setback</u>	<u>120 ft.</u>
<u>Minimum yard setbacks:</u>	
<u>Front</u>	<u>20 ft.</u>
<u>Side (interior)</u>	<u>15 ft.</u>
<u>Side (street)</u>	<u>15 ft.</u>
<u>Rear</u>	<u>20 ft.</u>
<u>Maximum building height</u>	<u>35 ft.</u>

Accessory Structures, Excluding Fences and Walls

<u>Minimum front and side yard setbacks</u>	<u>Same requirements as for the principal structure.</u>
<u>Minimum yard setback, rear</u>	<u>10 ft.</u>
<u>Maximum building height</u>	<u>25 ft.</u>

(g) Standards for livestock or fowl. The keeping or raising of fowl or livestock, if allowed as an accessory use, is subject to the following standards.

(1) Permitted activities. Fowl or livestock permitted in this section shall be kept or raised for personal use only, except youth projects such as 4-H or FFA activities.

(2) Prohibited activities.

a. On-premise sales of fowl or livestock or fowl or livestock byproducts (e.g. eggs, milk).

b. Commercial raising or keeping of fowl or livestock.

(3) Minimum lot area. The minimum lot area shall be one acre.

(4) Nuisance prohibited. The raising and keeping of all fowl or livestock shall be done in such a manner so as not to create a public nuisance as set forth in Chapter 5 of the Code of Ordinances of the City of Gainesville.

(5) Limitations. The number of fowl or livestock permitted shall not exceed the limit stated in the table below.

<u>Type of fowl or livestock</u>	<u>Limit</u>
<u>Fowl</u>	<u>20 per acre</u>
<u>Horses and Other Equine Animals</u>	<u>1 per acre</u>
<u>Cattle</u>	<u>1 per acre</u>
<u>Goats and Sheep</u>	<u>6 per acre</u>
<u>Pigs</u>	<u>1 per acre</u>
<u>Rabbits</u>	<u>20 per acre</u>

Section 5. It is the intention of the City Commission that the provisions of Section 1 through 4 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 6. 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 the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

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

Section 8. This ordinance shall become effective immediately upon final adoption.

DRAFT

11-18-08

1 PASSED AND ADOPTED this ____ day of _____, 2008.

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5 _____
6 PEGEEN HANRAHAN,
7 MAYOR

8
9 ATTEST:

Approved as to form and legality

10
11
12 _____
13 KURT M. LANNON
14 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

15 This Ordinance passed on first reading this ____ day of _____, 2008.

16 This Ordinance passed on second reading this ____ day of _____, 2008.