

MEMORANDUM

Phone: 334-5011/Fax 334-2229
Box 46

Office of the City Attorney

TO: MAYOR AND CITY COMMISSION

DATE: December 4, 2008
FIRST READING

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-08-65; Petition No. 97TCH-08 PB

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.

Recommendation: The City Commission (1) approve Petition No. 97TCH-08 PB and (2) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT DEPARTMENT SERVICES STAFF REPORT

This petition has been prepared in response to the need for a zoning district that will accommodate rural, large-lot residential parcels that have been annexed into the City. The proposed RSF-R: 1 unit/acre single-family rural residential district supports the City's strategic goals by creating a comparable zoning district to Alachua County's residential estate districts. The County's residential estate districts are RE (1 unit per 2 acres or less) and RE-1 (1 per 2 acres to 2 per acre). These large-lot rural residential districts allow the keeping of poultry and livestock including horses, cows, hogs, chickens, and ducks.

Permitted uses for RSF-R are largely the same as the City's other single-family residential zoning districts, with the addition of passive public parks and recreation facilities and the keeping of fowl or livestock. The addition of this district to the City's zoning code will reduce the creation of non-conforming lots and uses, provide for single family lots of one acre or more, and allow fowl or livestock ownership, with limitations, in rural neighborhoods that are annexed into the City.

Public notice was published in the Gainesville Sun on August 6, 2008. The Plan Board held a public hearing on August 28, 2008, and by a vote of 6-0, recommended the City Commission approve the Petition.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

Prepared by: Nicolle M. Shalley
Nicolle M. Shalley, Assistant City Attorney II

Approved and
Submitted by: Marion J. Radson
Marion J. Radson, City Attorney

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).**

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

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

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

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

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

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

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

17 (d) Permitted uses.

18 (1) Uses by right.

19 a. Single-family dwellings and customary accessory buildings incidental
20 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

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

Accessory Structures, Excluding Fences and Walls

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

(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.

2
3
4
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.

080343

City of
Gainesville

Inter-Office Communication
Planning and Development Services
Phone 334-5022, FAX 334-2648, Station 41

Item No. 10

Date: August 28, 2008

TO: City Plan Board
FROM: Planning Division Staff
SUBJECT: Petition 97TCH-08PB. City of Gainesville. Amend the Land Development Code by establishing the RSF-R (Single-family rural, up to one dwelling unit per acre) district.

Recommendation

Staff recommends the Plan Board approve Petition 97TCH-08PB.

Explanation

This petition has been prepared in response to the need for a zoning district that will accommodate annexation of rural, large-lot residential parcels. The proposed RSF-R district supports the City's strategic goals by creating a comparable zoning district to Alachua County's residential estate districts. Please see the attached Exhibit 1 for a draft of the new code language.

The County's residential estate districts are RE (1 per 2 acres or less) and RE-1 (1 per 2 acres to 2 per acre). They are large-lot rural residential districts that allow the keeping of livestock including horses, cows, hogs, chickens, and ducks. Details about the RE districts and their permitted uses are attached as Exhibit 2.

Currently, any RE-zoned land that is annexed by the City may be zoned RSF-1, which sets maximum density as 3.5 units per acre or less. While RSF-1 may accommodate the lot sizes found in RE-zoned land, it does not allow for the ownership of livestock, and therefore creates non-conforming uses when applied to land zoned RE. The choice of Agriculture (A) zoning allows for the ownership of livestock, but is typically not appropriate as its minimum density of one unit per 5 acres is much larger than the lot sizes found in the residential estate zones. The RSF-R district addresses these needs by allowing minimum density of one dwelling unit per acre as well as permitting livestock (with limits set on the number of animals allowed per acre).

The addition of this district to the City's zoning code will reduce the creation of non-conforming lots, provide for larger lot sizes, and allow livestock ownership in rural neighborhoods.

Summary

Staff recommends approval of this petition because it aligns the City's zoning districts with those used by Alachua County, thus simplifying the implementation of annexation and accommodating existing rural residential neighborhoods.

080343

Respectfully submitted,

A handwritten signature in cursive script, reading "Ralph Hilliard".

Ralph Hilliard
Planning Manager

Attachments:

Exhibit 1- New Code Text for 30-51.1. RSF-R

Exhibit 2- Relevant Alachua County Codes

Exhibit 3 - City of Gainesville Chapter 5. Animal Control.

RH:SBN

Exhibit 1 – Proposed Code Text for RSF-R

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

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

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

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 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.

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

TABLE INSET:

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

Sec. 30-51.1. Single-family rural residential district (RSF-R) up to 1 dwelling unit per acre.

[Entire section is new text; underlines were omitted for readability.]

- (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 livestock. This district is characterized by single-family residential structures designed and located so as to protect the character of single-family 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;
 - (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; and
- (c) 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. Poultry, livestock, and other animals in accordance with the requirements below.
 - d. Community residential homes in accordance with article VI.
 - e. Family child care homes, in accordance with state law.
 - f. Adult day care homes in accordance with article VI.
 - g. Home occupations, in accordance with article IV.
 - h. Large family child care homes, in accordance with article VI.
 - (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).

(d) 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.

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

TABLE 1. DIMENSIONAL REQUIREMENTS FOR RSF-R DISTRICT
Principal Structures

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

Accessory Structures, Excluding Fences and Walls

TABLE INSET:

Minimum front and side yard setbacks	Same requirements as for the principal structure.
Minimum yard setback, rear ¹	10 ft.
Maximum building height	25 ft.

¹ One preengineered or premanufactured structure of 100 square feet or less may be erected in the rear or side yard as long as the structure is properly anchored to the ground, and is separated from neighboring properties by a fence or wall which is at least 75 percent opaque.

(f) Animals. Fowl, livestock, and other animals are allowed within the RSF-R district, subject to the following standards.

(1) *Permitted activities.* Animals permitted in this section shall be for personal use only, except youth projects such as 4-H activities.

(2) *Prohibited activities.*

- a. On-premise sales of animals or animal byproducts (e.g. eggs, milk).
- b. Commercial raising of animals.

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

(4) *Nuisance prohibited.* The raising of all poultry and livestock shall be done in such a manner as to control obnoxious odors, rodents, flies and other pests, so as not to create a nuisance of any kind.

(5) *Animal limitations.* The number of animals permitted shall comply with the table below.

TABLE INSET:

Type of Animal	Limit
Chickens and Fowl	20 per acre
Horses and Other Equine Animals	1 per acre
Cattle	1 per acre
Goats and Sheep	6 per acre
Pigs	1 per acre

Exhibit 2 - Relevant Alachua County Codes**ARTICLE I. ESTABLISHMENT OF ZONING DISTRICTS****Sec. 403.02. Establishment of zoning districts.**

(a) The following zoning districts are established as listed in Table 403.02.1, Zoning Districts.

Table 403.02.1
Zoning Districts

TABLE INSET:

Abbreviation	Title
<i>Residential Districts:</i>	
RE	Single family, Estate Residential
RE-1, R-1aa, R-1a, R-1c	Single family, Low Density

ARTICLE III. RESIDENTIAL ZONING DISTRICTS**Sec. 403.07. Single family residential standards.**

Within all single-family residential zoning districts, unless otherwise provided in this ULDC, the principal building and accessory buildings shall be located and constructed in accordance with Table 403.07.1, Setback Requirements for Residential Lots, and the following standards shall apply.

(a) Lot sizes. Lot sizes may vary in the single family residential zoning districts provided the following density requirements are met.

Table 403.07.1
Density of Single Family Residential Districts

TABLE INSET:

Density Range	Zoning Districts				
	RE	RE-1	R-1aa	R-1a or R-1c	R-1b
Dwelling units	1 per 2 acres or less	1 per 2 acres to 2 per acre	1--3 per acre	1--4 per acre	4--8 per acre

Note: Permitted housing types in each district are established in chapter 404.

(b) *Maximum height.* The maximum height for all structures within the single-family residential zoning districts is 35 feet.

(c) *Abutting lots.* Where new development abuts existing residential development the following shall apply.

(1) *New development in the RE zoning district.* For proposed development that abuts a portion of an existing development with lots in excess of 87,120 square feet, the minimum size for the abutting lots shall be 87,120 square feet with a minimum lot width of 200 feet.

(2) *New development in the RE-1 zoning district.* For proposed development that abuts a portion of an existing development of lots in excess of 20,000 square feet, the minimum size for abutting lots shall be 20,000 square feet with a minimum lot width of 110 feet.

(3) *New development in the R-1aa, R-1a, R-1c or R-1b zoning districts.* For proposed development that abuts a portion of an existing development of lots in excess of 10,000 square feet, the minimum size for abutting lots shall be 10,000 square feet with a minimum lot width of 80 feet.

(d) *Buffer.* In lieu of providing the minimum lot size or width for the abutting lots as stated above in (b), a minimum of a 50 foot wide medium density landscaped buffer, as provided in Chapter 407, Table 407.43.2 may be approved by the DRC.

Table 403.07.2

Setback Requirements for Residential Lots

TABLE INSET:

Setbacks	Front or Street	Garage Front	Rear	Side	Accessory buildings
Lots less than 1 acre in size, Minimum Principal Building (ft.)	10	20	10	5 ¹	Same as principal building except rear is 7.5 ft.
Lots 1 acre or greater in size, Minimum Principal Building (ft.)	15	20	15	10 ¹	Same as principal building except rear is 10 ft.

¹ Minimum side setbacks do not apply to detached zero lot line units provided the building spacing requirements of the Florida Building Code, Table 600, are met, and also do not apply to single-family attached units.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 06-14, § 2(Exh. A), 7-20-06)

Sec. 404.09. Agricultural uses.

Agricultural uses are permitted by right in the A and A-RB districts, and are allowed as limited uses in all other districts only on properties of five acres or more.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 404.13. Poultry or livestock raising on parcels less than five acres.

Poultry or livestock operations are only allowed on parcels of less than five acres within the A, A-RB, RE or RE-1 districts, subject to the following standards.

- (a) *Permitted activities.* Poultry and livestock permitted in this section shall be for personal use only, except youth projects such as 4-H activities.
- (b) *Prohibited activities.*
- (1) Poultry and poultry by-products shall not be sold on the premises.
 - (2) The commercial raising of animals shall be prohibited on parcels of five acres or less.
- (c) *Minimum lot area.* The minimum lot area shall be one acre.
- (d) *Nuisance prohibited.* The raising of all poultry and livestock shall be done in such a manner as to control obnoxious odors, the breeding of rodents, flies or other insects, so as not to create a nuisance of any kind.
- (e) *Poultry and livestock limitations.* The number of poultry and livestock permitted on parcels between one and five acres in size shall comply with Table 404.13.1 below.

Table 404.13.1
Poultry and Livestock Limits

TABLE INSET:

Type of Animal	Limit	Min Parcel Size
Chickens, Poultry and Fowl	40 per acre	1 acre
Horses and Other Equine Animals	1 per acre	1 acre
Cattle	1 per acre	1 acre
Goats and Sheep	6 per acre	1 acre
Hogs	1 per acre	1 acre

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 06-14, § 2(Exh. A), 7-20-06)

Exhibit 3 – City of Gainesville Chapter 5. Animal Control.**Sec. 5-1. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

Animal shall include all non-human species of animal.

At large, when applied to animals, shall mean that the animal is off the property of its owner and not under the direct control of a competent person, by leash, cord, chain, or other physical device.

Fowl shall include roosters, other chickens when there are more than two, pea fowl, and like animals (Galliformes); ducks, geese, and like animals (Anseriformes); emus; rheas; and ostriches (Struthio camelus). A chicken that crows shall be considered a rooster.

Livestock shall include pigs and pig-like animals (Suidae); rabbits and rabbit-like animals when there are more than two (Leporidae); cows, sheep, goats and like animals (Bovidae); and horses and horse-like animals (Equidae).

Owner shall mean any person owning, keeping, or harboring an animal.

Pet shall mean any animal kept primarily for personal pleasure or companionship rather than to provide labor, food, or products for humans, or for other commercial or utilitarian purposes.

Sec. 5-2. Animals as a public nuisance.

(1) No owner or keeper of any animal shall permit the animal to become a public nuisance. The following can become a public nuisance and the owner or keeper of the animal can be cited for any instance of:

- (a) An animal found to be at large.
- (b) An animal damaging, or depositing fecal matter on, the property of others.
- (c) An animal molesting or biting any person, unless that person is trespassing on the property of the owner or keeper of the animal or that person provokes the animal.
- (d) An animal creating odors that are detectable and offensive to a person of reasonable sensibilities on nearby property, or attracting flies detected on nearby properties.
- (e) An animal attacking another domestic animal.
- (f) An animal making sounds that are a violation of Chapter 15 of this Code (Noise).

(2) Repeated instances of violations of subsection (1) adversely affect the rights of nearby residents to the quiet enjoyment of their property and therefore constitute a public nuisance. To this end:

- (a) If there are two or more citations given for violation of any of the subsections (1)(a) through (f) within a 12-month period on the same premises, the city attorney, if there are reasonable grounds for the action, is authorized to seek an injunction in the name of the city from the appropriate court to abate the nuisance.

(b) Adjudication of guilt, withholding of adjudication, or plea of no contest (including, but not limited to, payment of fine) in a 12-month period for two violations of any of the subsections (1)(a) through (f) on the same premises, plus a third such citation within the 12-month period, shall be presumptive evidence of a public nuisance. However, the judge may find a public nuisance without such presumptive evidence based on other evidence presented.

(c) The judge may fashion an injunction that will abate the particular nuisance being found, up to and including removal of one or more animals from the premises.

(d) This remedy shall be in addition to any other penalties provided by this Code of Ordinances or the Alachua County Ordinance on Animal Control.

(Ord. No. 950797, § 1, 10-23-95; Ord. No. 991309, § 1, 10-23-00)

Sec. 5-3. Animals in residential areas.

(a) No person shall keep or harbor any animal for use other than as a pet within any residential district, as defined in section 30-41(a)(1) of this Code, or mixed-use district, as defined in section 30-41(a)(4) of this Code, in the city, except if such use is allowed by right or special use permit, or if such use existed as a legal non-conforming use on October 23, 1995.

(b) Subsection (a) notwithstanding, no person shall keep or harbor fowl or livestock within any residential district, as defined in section 30-41(a)(1) of this Code, or mixed-use district, as defined in section 30-41(a)(4) of this Code, within the city, except if such use is allowed by right or special use permit, or if such use existed as a legal non-conforming use on October 23, 1995.

Susan Bridges Niemann, Senior Planner stated that this petition is due to an error in the legal description of the Kanapaha Water Reclamation Facility that was recently annexed. Ms. Niemann displayed a map of the city boundaries that are part of Kanapaha Water Reclamation facility; as well as the TREEO Center owned by the University of Florida.

Motion: Jon Reiskind	Seconded By: Randy Wells
Moved To: Approve.	Upon Vote: 6 – 0.

2. Petition 30 ZON-08 PB City of Gainesville. Rezone annexed area from Alachua County Conservation (C-1) district to City of Gainesville Public services and operations district (PS). Located at 7100 Southwest 41st Place. Related to 26LUC-08PB.

Please see petition 26 LUC-08 PB for scope and details.

Motion: Jon Reiskind	Seconded By: Randy Wells
Moved To: Approve.	Upon Vote: 6 – 0.

3. Petition 58 LUC-08 PB City of Gainesville. Amend the City of Gainesville Future Land Use Map for the annexed area from Alachua County Recreation to City of Gainesville Education. Located at 3900 Southwest 63rd Boulevard (University of Florida TREEO Center). Related to 59ZON-08PB.

Susan Bridges Niemann, Senior Planner stated that this is the other part of the same area of the University of Florida TREEO Center with the corrected legal description and corrected map showing the north side as part of Kanapaha.

Motion: Randy Wells	Seconded By: Laura Guajardo
Moved To: Approve.	Upon Vote: 6 - 0.

4. Petition 59 ZON-08 PB City of Gainesville. Rezone the annexed area from Alachua County Conservation (C-1) district to City of Gainesville Educational services (ED) district. Located at 3900 Southwest 63rd Boulevard (University of Florida TREEO Center). Related to 58LUC-08PB.

Please see petition 58 LUC-08 PB for scope and details.

Motion: Jon Reiskind	Seconded By: Randy Wells
Moved To: Approve.	Upon Vote: 6 – 0.

VI. NEW BUSINESS



5. Petition 97 TCH-08 PB City of Gainesville. Amend the Land Development Code by establishing the RSF-R (single-family rural, up to one dwelling unit per acre) district.

Susan Bridges Niemann, Senior Planner stated that this petition is proposing a new zoning district called Residential Single Family Rural or RSFR, in response to a request from the City Commission to have a zoning district comparable to Alachua County's Residential Estate or RE

Zones. Ms. Niemann further stated that it will allow non-commercial livestock ownership in certain rural, large lot residential areas so that newly annexed properties are not automatically made non-conforming upon their annexation. Ms. Niemann listed some of the key elements as:

- the minimum density is one dwelling unit per acre for one acre or larger lots
- the minimum setbacks are fairly generous due to the large lot sizes
- to keep potential nuisances like chicken coops away from the neighbor's property lines
- the uses permitted by right and by a Special Use Permit are the same as the other RSF 1, 2, 3 and 4 districts

Ms. Niemann stated that it will allow livestock for personal use including chickens, ducks, pigs, cows and horses; with a limitation on the number of animals allowed per acre.

Jon Reiskind inquired if this petition excludes roosters. Ms. Niemann stated that according to Chapter 5 of the Code of Ordinances; a chicken that crows shall be considered a rooster. Mr. Reiskind further inquired if this petition is in anticipation of up coming annexing of rural areas. Ms. Niemann stated yes as it has been requested and reiterated by the City Commission.

Motion: Randy Wells	Seconded By: Jon Reiskind
Moved To: Approve.	Upon Vote: 6 – 0.

6. Petition 94 LUC-08 PB Dynan Group, Inc., agent for the City of Gainesville. Change Future Land Use Map designation from Mixed-Use-Low- Intensity (8-30 units per acre), Residential Low-Density (up to 12 units per acre) & Office to Public Facilities for the Gainesville Police Dept. Located in the 400 block of Northwest 8th Avenue.

Scott Wright, Senior Planner gave the staff presentation and stated that the purpose for this request is to allow for the expansion of the downtown Gainesville Police Headquarters to promote urban development by changing the Land Use to Public Facilities. Mr. Wright further stated that the proposed zoning will be Public Services that will consist of:

- a 10,600 square foot training center with offices and classrooms
- stormwater facilities
- landscaping
- a new access drive and parking area
- re-alignment of the 6th Street Rail Trail

Mr. Wright added that preliminary development plans are not always required with re-zonings; however the applicant has included a long term plan for a portion of the property. Mr. Wright further added that the proposed zoning requires a 10 foot side setback around the entire site; except for buildings adjacent to the trail property and buffering between the proposed uses and the adjacent residential properties. Mr. Wright stated that Staff is requesting approval of the proposed development with the following zoning conditions:

- erect a 6 foot wooden fence along the boundary of the trail
- streetlights on NW 8th Avenue
- CRA streetscape standards
- compliance with the Noise Ordinance

