Legislative # 200252

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ORDINANCE NO. 200252

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to two-family dwellings; by amending Section 30-2.1 *Definitions*; by amending Section 30-4.16 *Permitted Uses*; and by amending Section 30-4.17 *Dimensional Standards*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

- 10 WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for
- 11 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the
- 12 Florida Constitution, including the exercise of any power for municipal purposes not expressly
- 13 prohibited by law; and
- 14 WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville
- 15 to maintain a Comprehensive Plan to guide the future development and growth of the city by
- 16 providing the principles, guidelines, standards, and strategies for the orderly and balanced
- 17 future economic, social, physical, environmental, and fiscal development of the city; and
- 18 WHEREAS, the City of Galnesville is required by Section 163.3202, Florida Statutes, to adopt or
- 19 amend and enforce land development regulations that are consistent with and implement the
- 20 Comprehensive Plan, and that are combined and compiled into a single land development code
- 21 for the city (the City of Gainesville's Land Development Code is Chapter 30 of the Code of
- 22 Ordinances); and
- 23 WHEREAS, this ordinance, which was noticed as required by law, will amend the text of the

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24 Land Development Code as described herein; and

1	WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
2	the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
3	to Section 163.3174, Florida Statutes, held a public hearing on August 27, 2020, and voted to
4	recommend the City Commission approve this text change to the Land Development Code; and
5	WHEREAS, at least ten days' notice has been given once by publication in a newspaper of
6	general circulation notifying the public of this proposed ordinance and of public hearings before
7	the City Commission of the City of Gainesville; and
8	WHEREAS, public hearings were held pursuant to the notice described above at which hearings
9	the parties in interest and all others had an opportunity to be and were, in fact, heard; and
10	WHEREAS, the City Commission finds that the Land Development Code text amendment
11	described herein is consistent with the City of Gainesville Comprehensive Plan.
12	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,
13	FLORIDA:
14	SECTION 1. Section 30-2.1 of the Land Development Code is amended as follows. Except as
15	amended herein, the remainder of Section 30-2.1 remains in full force and effect.

16 Section 30-2.1 Definitions.

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Attached dwelling means two or more dwelling units that are attached horizontally, where each-unit has its own front yard and direct entrance from the ground level. This term includes, but is not limited to: two-family dwellings, three-family dwellings, and four-family dwellings; townhouses and rowhouses, and dwelling units that may be on one combined lot or individual lots.

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24 <u>Two-family dwelling means a building containing two dwelling units, configured either</u> 25 <u>horizontally or vertically. Two-family dwellings are considered multiple-family dwellings, and</u> 26 <u>this definition excludes accessory dwelling units as defined in the Land Development Code.</u>

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- 2 SECTION 2. Section 30-4.16 of the Land Development Code is amended as follows. Except as
- 3 amended herein, the remainder of Section 30-4.16 remains in full force and effect.

4 Section 30-4.16 Permitted Uses. 5 TABLE V – 4: Permitted Uses in Residential Districts RMF-6 to RC² USES MH USE STANDARDS RSF-1 to 4^2 RMF-5 R 6 7 LEGEND: 8 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed 9 1 = No more than 2 dwelling units per building are allowed in the RC district 2 = Each parcel is limited to one principal use and any additional accessory uses 10 11 12 13

14 **SECTION 3.** Section 30-4.17 of the Land Development Code is amended as follows.

15 Section 30-4.17 Dimensional Standards.

16 The following tables contain the dimensional standards for the various uses allowed in each 17 district:

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19 Table V-5: Residential Districts Dimensional Standards.

RSF-	RSF- 2	RSF- 3	RSF- 4	RC	MH	RMF-5	RMF-6	RMF-7	RMF-8
None	None	None	None	None	None	None	81	8 ¹	81
3.5	4.6	5.8	8	12	12	12	10	14	20
-	-	-		-	-	-	See Table V-6	See Table V-6	See Table V-6
35%	35%	40%	40%	50%	50%	50%	50%	50%	50%
	1 None 3.5 -	1 2 None None 3.5 4.6 	1 2 3 None None None 3.5 4.6 5.8 - - -	1 2 3 4 None None None None 3.5 4.6 5.8 8 - - - -	1 2 3 4 RC 1 2 3 4 RC None None None None None 3.5 4.6 5.8 8 12 - - - - -	None Noe None None	None None <th< td=""><td>1 2 3 4 RC MH RMF-5 RMF-8 None None None None None None None 81 3.5 4.6 5.8 8 12 12 12 10 - - - - - - See Table</td><td>None None None None None None None None None None 81 81 3.5 4.6 5.8 8 12 12 12 10 14 - - - - - - - See See Table V-6 V-6 V-6 V-6 V-6 V-6 V-6 V-6</td></th<>	1 2 3 4 RC MH RMF-5 RMF-8 None None None None None None None 81 3.5 4.6 5.8 8 12 12 12 10 - - - - - - See Table	None 81 81 3.5 4.6 5.8 8 12 12 12 10 14 - - - - - - - See See Table V-6 V-6 V-6 V-6 V-6 V-6 V-6 V-6

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Min. lot area (sq. ft.)	8,500	7,500	6,000	4,300	3,000	3,000	3,500	None	None	None
Min. lot width (ft.)										
Single-family	85	75	60	50	35	35	40	40	40	40
Two-family ²	NA	NA	NA	NA	70	NA	75	<u>40³</u> /75	<u>403</u> /75	<u>403</u> /75
Other uses	85	75	60	50	35	35	85	85	85	85
Min. lot depth (ft.)	90 34	90 3 4	90 ³ 4	80 34	None	None	90	90	90	90
MIN. SETBACKS (ft.)			4.		111					
Front	20 34	20 ³ 4	20 ³ 4	20 34	10 4 5	15	10 min. 100 max.	10 mln. 100 max.	10 min. 100 max.	10 min. 100 max
Side (street)	10	10	7.5	7.5	NA	NA	15	<u>10³/</u> 15	<u>10³/</u> 15	<u>10³/</u> 15
Side (interior) 5, 6, Z	7.5	7.5	7.5	7.5	5	5	10	<u>5³/</u> 10	<u>5³/</u> 10	<u>5³/</u> 10
Rear ^{6, 7, 8}	20	20	15	10	20	15	10	10	10	10
Rear, accessory	7.5	7.5	5	5	5	5	5	5	5	5
		MAX	MUMD	BUILD	ING HE	IGHT (stories)			
By right	3	3	3	3	3	3	3	3	3	3
With building height bonus	NA	NA	NA	NA	NA	NA	NA	5	5	5

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2 LEGEND:

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

5 2 = Assumes both units on one lot. Lot may not be split, unless each individual lot meets

minimum lot width requirement for single-family. Lot may not be split when the two-family
dwelling is configured vertically.

8 <u>3 = Applicable only for two-family dwellings that are configured vertically.</u>

9 3 4 = Lots abutting a collector or arterial street shall have a minimum depth of 150 feet and a
10 minimum building setback of 50 feet along that street.

11 4 5 = Attached stoops or porches meeting the standards in sections 30-4.13 and 30-4.14 are

12 permitted to encroach up to five feet into the minimum front yard setback.

13 56 = Except where the units are separated by a common wall on the property line of two

14 adjoining lots. In such instances, only the side yard setback for the end unit is required.

6 <u>7</u> = Accessory pre-engineered or pre-manufactured structures of 100 square feet or less and
one story in height may be erected in the rear or side yard as long as the structure has a

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- 1 minimum yard setback of three feet from the rear or side property line, is properly anchored to
- 2 the ground, and is separated from neighboring properties by a fence or wall that is at least 75
- 3 percent opaque.
- 4 7 8 = Accessory screened enclosure structures, whether or not attached to the principal
- 5 structure, may be erected in the rear yard as long as the enclosure has a minimum yard setback
- 6 of three feet from the rear property line. The maximum height of the enclosure at the setback
- 7 line shall not exceed eight feet. The roof and all sides of the enclosure not attached to the
- 8 principal structure shall be made of screening material.
- 9 SECTION 4. It is the intent of the City Commission that the provisions of Sections 1 through 3 of
- 10 this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
- 11 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
- 12 relettered in order to accomplish such intent.
- 13 SECTION 5. If any word, phrase, clause, paragraph, section, or provision of this ordinance or
- 14 the application hereof to any person or circumstance is held invalid or unconstitutional, such
- 15 finding will not affect the other provisions or applications of this ordinance that can be given
- 16 effect without the invalid or unconstitutional provision or application, and to this end the
- 17 provisions of this ordinance are declared severable.
- 18 SECTION 6. All ordinances or parts of ordinances in conflict herewith are to the extent of such
- 19 conflict hereby repealed.
- 20 **SECTION 7**. This ordinance will become effective immediately upon adoption.

21	PASSED AND ADOPTED this	day of	, 2020.
states with			

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OMICHELE D. GAINEY	NICOLLE M. SHALLEY	
CLERK OF THE COMMISSION	CITY ATTORNEY	
This ordinance passed on first reading this	day of	, 2020.
This ordinance passed on second reading this	day of	, 2020.