

LEGISLATIVE #

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WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that designates the future general distribution, location, and extent of the uses of land for residential, commercial, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land, with the goals of protecting natural and historic resources, providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban sprawl; and

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for the city (the City of Gainesville's Land Development Code is Chapter 30 of the Code of Ordinances); and

WHEREAS, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and land development regulations on specific classifications of land within the city; and

WHEREAS, this ordinance, which was noticed as required by law, will amend the text of the Land Development Code as described herein and Zoning Map Atlas by rezoning the property that is the subject of this ordinance; and

WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on June 6, 2022, and voted to make a recommendation to the City Commission regarding the subject of this ordinance; and

WHEREAS, an advertisement no less than two columns wide by ten inches long was placed in a newspaper of general circulation and provided the public with at least seven days' advance notice of this ordinance's first public hearing to be held by the City Commission of the City of Gainesville; and

WHEREAS, a second advertisement no less than two columns wide by ten inches long was placed in the aforesaid newspaper and provided the public with at least five days' advance notice of this ordinance's second public hearing to be held by the City Commission; and

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

WHEREAS, the City Commission finds that the rezoning of the subject property and Land

Development Code text amendment described herein is consistent with the City of Gainesville Comprehensive Plan.

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

SECTION 1. The Zoning Map Atlas of the City of Gainesville is amended by rezoning all property zoned Single Family (SF-1 to 4) to Neighborhood Residential (NR). The rezoning and location of property that is the subject of this ordinance is shown on **Exhibit A** for visual reference. A detailed Zoning Map Atlas is available for inspection on the City's website or in the City's Department of Sustainable Development.

SECTION 2. Section 30-2.1 of the Land Development Code is amended as follows to add a definition, in alphabetical order. Except as amended herein, the remainder of Section 30-2.1 remains in full force and effect.

Sec. 30-2.1. Definitions.

Neighborhood-scale multi-family means a multi-family development comprised of a minimum of two units per building and a maximum of four units per building.

SECTION 3. Section 30-4.1 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.1 remains in full force and effect.

Sec. 30-4.1. Establishment of zoning districts.

Residential	
RSF-1 to 4 <u>NR</u>	Single-Family <u>Neighborhood Residential</u>
RC	Residential Conservation
MH	Mobile Home

RMF-5	Single/Multi-Family
RMF-6 to 8	Multi-Family

SECTION 4. Section 30-4.2 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.2 remains in full force and effect.

Sec. 30-4.2. Correspondence with future land use categories.

Future Land Use Category	Zoning Districts	Special Districts
Single-Family (SF) <u>Neighborhood Residential (NR)</u>	U1, RSF-1 to 4 <u>NR</u> , RSF-R	PD, CON, PS
Residential Low-Density (RL)	U2, RSF-4 <u>NR</u> , RMF-5, MH, RC	PD, CON, PS

SECTION 5. Section 30-4.12 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.12 remains in full force and effect.

Sec. 30-4.12. Permitted uses.

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section are allowed.

Table V-1: Permitted Uses within Transects.

RESIDENTIAL	
Accessory dwelling unit	30-5.3 5 <u>36</u>
Adult day care home	30-5.2
Attached dwelling (up to 6 attached units)	
Community residential home (up to 6 residents)	30-5.6

Community residential home (more than 6 residents)	30-5.6
Family child care home	30-5.10
Multi-family, small-scale (2—4 units per building)	
Multi-family dwelling	
Single-family dwelling	
Single room occupancy residence	30-5.8
NONRESIDENTIAL	
Alcoholic beverage establishment	30-5.3
Assisted living facility	
Bed and breakfast establishment	30-5.4
Business services	
Carwash	30-5.5
Civic, social, or fraternal organization	
Day care center	30-5.7
Drive-through facility	30-5.9
Emergency shelter	
Equipment rental and leasing, light	
Exercise studio	
Farmers market	30-5.11
Food distribution center for the needy	30-5.12
Food truck, not located within a food truck park	30-5.3738
Food truck park (less than 6 pads)	30-5.13

Food truck park (6 or more pads) ⁵	30-5.13
Funeral home or crematory	
Gasoline or alternative fuel station	30-5.14
Health services	
Hotel or motel	
Laboratory, medical or dental	
Library	
Light assembly, fabrication and processing	30-5.17
Medical marijuana dispensing facility	
Microbrewery, microwinery, or microdistillery ²	30-5.18
Mini-warehouse or self-storage facility	30-5.19
Museum or art gallery	
Office	
Office (medical, dental, or other health-related service)	
Parking, surface (principal use)	30-5.21 22
Parking, structured (principal use)	
Passenger transit station	
Personal services	
Place of religious assembly	30-5.22 23
Professional school	
Public administration building	
Public park	
Recreation, indoor ²	

Recreation, outdoor	
Research development or testing facility	
Residence for destitute people	30-5.24 25
Restaurant	
Retail sales	
School (elementary, middle, or high - public or private)	
Scooter or electric golf cart sales	
Simulated gambling establishment	
Social service facility	30-5.27 28
Skilled nursing facility	
Vehicle sales or rental (no outdoor display)	
Vehicle services	30-5.30 31
Vehicle repair	30-5.30 31
Veterinary services	30-5.31 32
Vocational or trade school	
Wireless communication facility or antenna	See 30-5.32 33

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87 **SECTION 6.** Section 30-4.16 of the Land Development Code is amended as follows. Except as
88 amended herein, the remainder of Section 30-4.16 remains in full force and effect.

89 **Sec. 30-4.16. Permitted uses.**

90 The following table contains the list of uses allowed, and specifies whether the uses are allowed
91 by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells
92 indicate that the use is not allowed. No variances from the requirements of this section are
93 allowed.

94 **Table V-4: Permitted Uses in Residential Districts.**

USES	Use Standards	RSF-1 to 4 <u>NR</u>	RC	MH	RMF-5	RMF-6 to 8
Accessory dwelling unit	30-5.35 <u>36</u>	A	A	A	A	A
Adult day care home	30-5.2	P	P	P	P	P
Assisted living facility		-	-	-	P	P
Attached dwelling (up to 6 attached units)		-	-	-	P	P
Bed and breakfast establishment	30-5.4	S	P	P	P	P
Community residential home (up to 6 residents)	30-5.6	P	P	P	P	P
Community residential home (7 to 14 residents)	30-5.6	-	-	-	-	P
Community residential home (over 14 residents)	30-5.6	-	-	-	-	P
Day care center	30-5.7	-	P	P	P	P
Emergency shelter		-	-	-	-	P
Family child care home	30-5.10	P	P	P	P	P
Fowl or livestock (as an accessory use)	30-5.38 <u>39</u>	-	-	-	-	-
Mobile home		-	-	P	-	-
Multi-family dwelling		-	-	-	P	P
Multi-family, small-scale (2-4 units per building)		-	P ¹	-	P	P
<u>Neighborhood-Scale Multi-Family</u>	<u>30-5.20</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

USES	Use Standards	RSF-1 to 4 NR	RC	MH	RMF-5	RMF-6 to 8
Place of religious assembly	30-5.2223	S	P	P	P	P
Library		-	S	S	S	S
Public park		P	P	P	P	P
School (elementary, middle, or high - public or private)		S	P	P	P	P
Simulated gambling establishment		-	-	-	-	-
Single-family dwelling		P	P	P	P	P
Single room occupancy residence	30-5.2425	-	-	-	-	P
Skilled nursing facility		-	-	-	-	S
Social service facility	30-5.2829	-	-	-	-	S

LEGEND:

P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

1 = No more than two dwellings units per building are permitted in the RC district.

SECTION 7. Section 30-4.17 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.17 remains in full force and effect.

Sec. 30-4.17. Dimensional standards.

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

Table V-5: Residential Districts Dimensional Standards.

	RSF-4	RSF-2	RSF-3	RSF-4 NR	RC	MH	RMF-5	RMF-6	RMF-7	RMF-8
DENSITY/INTENSITY										
Residential density (units/acre)										

	RSF-1	RSF-2	RSF-3	RSF-4 <u>NR</u>	RC	MH	RMF-5	RMF-6	RMF-7	RMF-8
Min.	None	None	None	None	None	None	None	8 ¹	8 ¹	8 ¹
Max. by right	3-5	4-6	5-8	8	12	12	12	10	14	20
With density bonus points	-	-	-	-	-	-	-	See Table V-6	See Table V-6	See Table V-6
Nonresidential building coverage	35%	35%	40%	40%	50%	50%	50%	50%	50%	50%
LOT STANDARDS										
Min. lot area (sq. ft.)	8,500	7,500	6,000	4,300 <u>3,000</u>	3,000	3,000	3,500	None	None	None
Min. lot width (ft.)										
Single-family	85	75	60	50 <u>35</u>	35	35	40	40	40	40
Two-family ²	NA	NA	NA	NA <u>70</u>	70	NA	75	40	40	40
Other uses	85	75	60	50 <u>35</u>	35	35	85	85	85	85
Min. lot depth (ft.)	90 ⁴	90 ⁴	90 ⁴	80 ⁴ <u>None</u>	None	None	90	90	90	90
MIN. SETBACKS (ft.)										
Front	20 ⁴	20 ⁴	20 ⁴	20 ⁴ <u>10</u> ⁵	10 ⁵	15	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.
Side (street)	10	10	7.5	7.5 <u>5</u>	NA	NA	15	10 ³ /15	10 ³ /15	10 ³ /15
Side (interior) ^{6, 7}	7.5	7.5	7.5	7.5 <u>5</u>	5	5	10	5 ³ /10	5 ³ /10	5 ³ /10
Rear ^{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
MAXIMUM BUILDING HEIGHT (stories)										
By right	3	3	3	3	3	3	3	3	3	3

	RSF-4	RSF-2	RSF-3	RSF-4 <u>NR</u>	RC	MH	RMF-5	RMF-6	RMF-7	RMF-8
With building height bonus	NA	NA	NA	NA	NA	NA	NA	5	5	5

LEGEND:

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

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.

3 = Applicable only for two-family dwellings.

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

5 = Attached stoops or porches meeting the standards in sections 30-4.13 and 30-4.14 are permitted to encroach up to five feet into the minimum front yard setback.

6 = Except where the units are separated by a common wall on the property line of two adjoining lots. In such instances, only the side yard setback for the end unit is required.

7 = 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 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.

8 = Accessory screened enclosure structures, whether or not attached to the principal structure, may be erected in the rear yard as long as the enclosure has a minimum yard setback of three feet from the rear property line. The maximum height of the enclosure at the setback line shall not exceed eight feet. The roof and all sides of the enclosure not attached to the principal structure shall be made of screening material.

SECTION 8. Section 30-4.19 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.19 remains in full force and effect.

Sec. 30-4.19. Permitted uses.

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section are allowed.

Table V-7: Permitted Uses in Mixed-Use and Nonresidential Districts.

RESIDENTIAL

Single-family dwelling	
Attached dwelling	
Multi-family dwelling	
Accessory dwelling unit	30-5.3536
Adult day care home	30-5.2
Community residential home (up to 6 residents)	30-5.6
Community residential home (more than 14 residents)	30-5.6
Community residential home (7 to 14 residents)	30-5.6
Family child care home	30-5.10
Single room occupancy residence	30-5.8
NONRESIDENTIAL	
Alcoholic beverage establishment	30-5.3
Assisted living facility	
Armor systems manufacturing and assembly	30-5.16
Bed and breakfast establishment	30-5.4
Business services	
Carwash	30-5.5
Civic, social, or fraternal organization	
Day care center	30-5.7
Drive-through facility	30-5.9
Emergency shelter	
Equipment sales, rental and leasing, heavy	
Equipment rental and leasing, light	

Food distribution center for the needy	30-5.12
Food truck, not located within a food truck park	30-5.37 <u>38</u>
Food truck park (less than 6 pads)	30-5.13
Food truck park (6 or more pads) ⁴	30-5.13
Gasoline or alternative fuel station	30-5.14
Go-cart raceway and rentals (indoor and outdoor)	
Health services	
Hotel or motel	
Ice manufacturing/vending machines	30-5.40 <u>41</u>
Industrial	30-5.15
Job training and vocational rehabilitation services	
Junkyard or salvage yard	30-5.16
Laboratory, medical or dental	
Large-scale retail	
Library	
Light assembly, fabrication and processing	30-5.17
Liquor stores	
Medical marijuana dispensing facility	
Microbrewery, microwinery, or microdistillery ³	30-5.18
Mini-warehouses, self-storage facility	30-5.19
Museum or art gallery	
Office	
Office (medical, dental, or other health-related service)	

Outdoor storage (principal use)	30-5. 20 <u>21</u>
Parking, surface (principal use)	30-5. 21 <u>22</u>
Passenger transit or rail station	
Personal services	
Place of religious assembly	30-5. 22 <u>23</u>
Public administration building	
Public maintenance or storage facility	
Public park	
Recreation, indoor	
Recreation, outdoor	
Recreational vehicle park	30-5. 23 <u>24</u>
Recycling center	
Rehabilitation center	
Research development or testing facility	
Residence for destitute people	30-5. 24 <u>25</u>
Restaurant	
Retail nursery, lawn, or garden supply store	
Retail sales (not elsewhere classified)	
School (elementary, middle, or high - public or private)	
School, professional	
School, vocational or trade	
Scooter or electric golf cart sales	
Sexually-oriented cabaret	30-5. 25 <u>26</u>

Sexually-oriented motion picture theater	30-5. 25 <u>26</u>
Sexually-oriented retail store	30-5. 25 <u>26</u>
Simulated gambling establishment	
Skilled nursing facility	
Social service facility	30-5. 27 <u>28</u>
Solar generation station	30-5. 29 <u>30</u>
Truck or bus terminal or maintenance facility	
Vehicle repair	30-5. 30 <u>31</u>
Vehicle rental	
Vehicle sales (no outdoor display)	
Vehicle sales (with outdoor display)	
Vehicle services	30-5. 30 <u>31</u>
Veterinary services	30-5. 34 <u>32</u>
Warehouse or distribution facility (less than 100,000 sf)	
Warehouse or distribution facility (100,000 sf or greater)	
Waste management facility	
Wholesale trade	
Wireless communication facility or antenna	See 30-5. 32 <u>33</u>

SECTION 9. Section 30-4.23 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.23 remains in full force and effect.

Sec. 30-4.23. Permitted uses.

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section are allowed.

Table V-9: Permitted Uses in Special Districts.

Use	Use Standards
Accessory dwelling unit	30-5.35 <u>36</u>
Agricultural, forestry and fishing uses	
Airport	
Animal specialty services	
Arboreta and botanical or zoological garden	
Armor systems manufacturing and assembly	30-5.16
Assisted living facility	
Business services	
Campground	
Cemetery	
Community residential home (up to 6 residents)	30-5.6
Correctional institution	
Day care center	30-5.7
Drive-through facility	30-5.9
Emergency shelter	
Equipment rental and leasing, heavy	
Equipment rental and leasing, light	
Farmers market	
Food distribution center for the needy	30-5.12
Food truck, not located within a food truck park	30-5.37 <u>38</u>
Food park (less than 6 pads)	30-5.13
Food truck park (6 or more pads) ¹	30-5.13

Use	Use Standards
Gasoline or alternative fuel station	30-5.14
Golf course	
Health services	
Heliport	
Hospital	
Hotel or motel	
Library	
Light assembly, fabrication and processing	30-5.17
Medical or dental laboratory	
Medical marijuana dispensing facility	
Membership sports and recreation club	
Mini-warehouse or self-storage facility	30-5.19
Museums or art gallery	
Office	
Office, medical or dental	
Outdoor storage (principal use)	30-5.20 21
Parking, surface (principal use)	30-5.21 22
Pet services	
Place of religious assembly	30-5.22 23
Public administration building	
Public maintenance or storage facility	
Public park	

Use	Use Standards
Recreation, indoor	
Recreation, outdoor	
Recreational vehicle park	
Rehabilitation center	
Research development or testing facility	
Residence for destitute people	30-5.24 <u>25</u>
Restaurant	
Retail nursery, lawn, or garden supply store	
Retail sales (not elsewhere classified)	
Sale of agricultural products	
School (elementary, middle, or high - public or private)	
School, professional	
School, vocational or trade	
Shooting range, outdoor	30-5.26 <u>27</u>
Simulated gambling establishment	
Single-family dwelling	
Single room occupancy residence	30-5.8
Skilled nursing facility	
Social service facility	30-5.27 <u>28</u>
Solar generation station	30-5.29 <u>30</u>
Stadiums or athletic arena	
Theater, drive-in	

Use	Use Standards
Truck, train or bus terminal or maintenance facility	
Utilities	
Vehicle repair	30-5.30 <u>31</u>
Vehicles sales or rental	
Veterinary services	30-5.31 <u>32</u>
Warehouse or distribution facility (less than 50,000 sf)	
Warehouse or distribution facility (50,000 sf or greater)	
Waste management facility	
Water conservation area, water reservoir or control structure, or drainage or water well	
Wholesale trade	
Wireless communication facility or antenna	See 30-5.32 <u>33</u>

SECTION 10. Section 30-5.20 is added to the Land Development Code as follows. **(NOTE TO CODIFIER: Article V of the Land Development Code will be renumbered accordingly, with the existing Section 30-5.20 becoming Section 30-5.21 and so on.)**

Sec. 30-5.20. Neighborhood-scale multi-family.

The neighborhood-scale multi-family use must have a minimum of two (2) units per building and a maximum of four (4) units per building. Within the Neighborhood Residential (NR) zoning district:

- A. Development is limited to one building on one lot or parcel created through a recorded and approved subdivision, lot split, lot line adjustment, single lot replatting, or minor subdivision.
- B. Buildings are limited to a maximum of two (2) stories.
- C. The front façade for buildings with 3-4 units buildings must meet these requirements:
 1. A maximum of two (2) primary entrances are allowed.
 2. 30% glazing minimum is required for the first floor with 15% minimum for upper floors.
 3. Front facades may not exceed 20 horizontal feet without including at least one of the following elements:

- a. A window or door;
 - b. Awning, canopy, or marquee;
 - c. An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of three (3) inches; or
 - d. Complementary changes in façade materials or texture.
- D. Off-street parking is limited to two (2) parking spots in front of the building between the right-of-way and the front facade. Additional parking spaces may be located in the rear.
- E. A minimum of one high quality tree must be provided with the development. The preservation of an existing high-quality tree may substitute for this requirement.
- F. The main entrance(s) must be on the first floor and must be part of the front façade of the building. The front façade of the building must be facing a street. Buildings must have an entrance on the first floor, however entrances on the second floor may be located to the side or rear of the building.

SECTION 11. It is the intent of the City Commission that the provisions of Sections 1 through 10 of this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or relettered in order to accomplish such intent.

SECTION 12. The City Manager or designee is authorized and directed to make the necessary changes to the Zoning Map Atlas to comply with this ordinance.

SECTION 13. 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 will 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 14. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 15. This ordinance will become effective upon the effective date of Ordinance No. 211357.

189 **PASSED AND ADOPTED** this _____ day of _____, 2022.

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193 _____
LAUREN POE

194 MAYOR

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196 Attest: Approved as to form and legality:

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200 _____
OMICHELE D. GAINES

201 CITY CLERK

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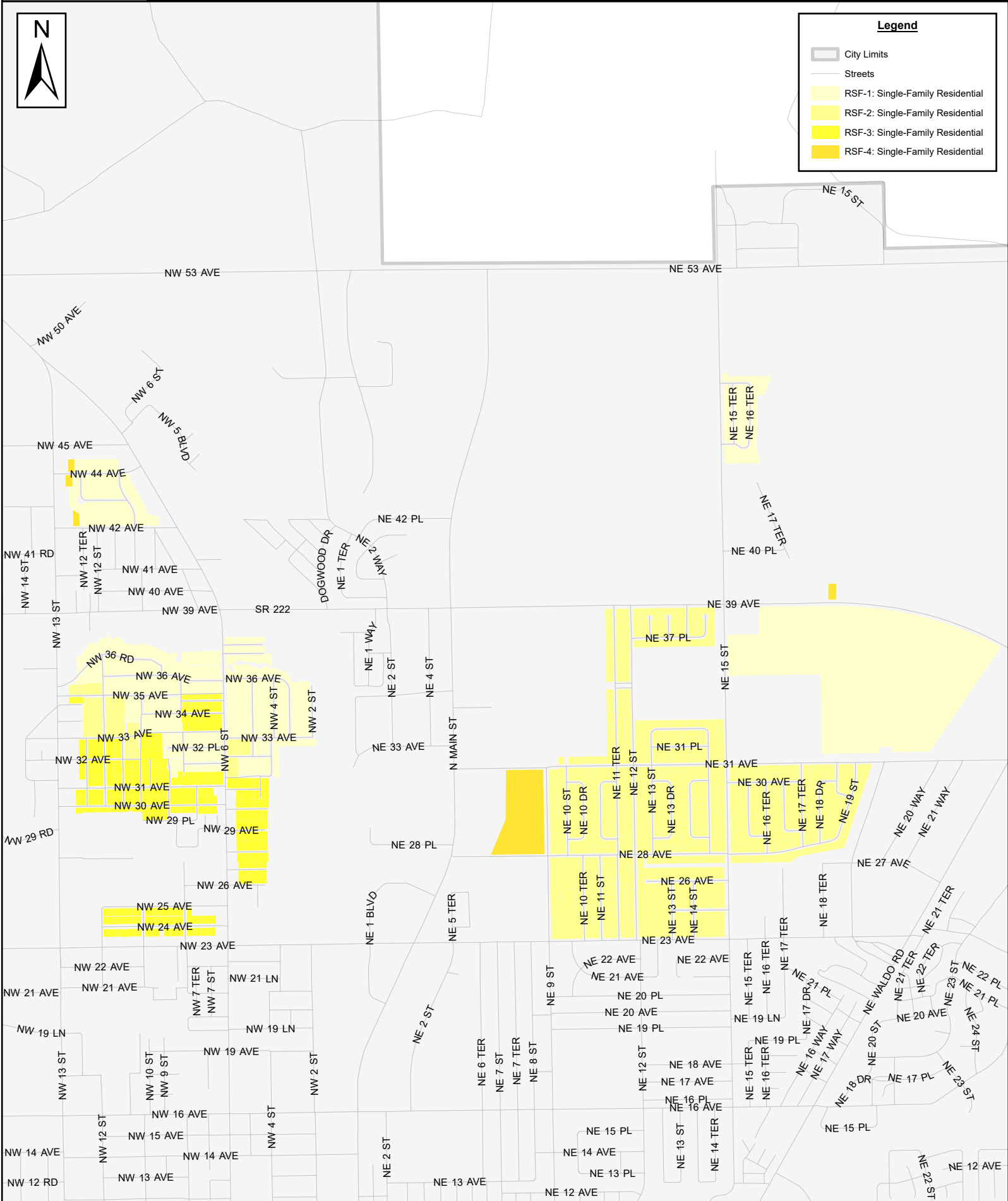
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205 This ordinance passed on first reading the _____ day of _____, 2022.

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207 This ordinance passed on adoption reading the _____ day of _____, 2022.

Exhibit A - 4 pages
Ordinance No. 211358





Q3 Existing Zoning (RSF)

June 2022

