

1 **ORDINANCE NO. 2023-528**

2 **An ordinance of the City of Gainesville, Florida, amending Section 30-4.17 and**  
3 **Section 30-10.3 of the Land Development Code (Chapter 30 of the City of**  
4 **Gainesville Code of Ordinances) regarding dimensional standards in the**  
5 **Residential Single-Family 4 (RSF-4) zoning district and requirements for**  
6 **nonconforming lots; providing directions to the codifier; providing a**  
7 **severability clause; providing a repealing clause; and providing an effective**  
8 **date.**

9  
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 Gainesville 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  
24 Land Development Code as described herein; and

25 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
 26 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant  
 27 to Section 163.3174, Florida Statutes, held a public hearing on May 25, 2023, and voted to  
 28 make a recommendation to the City Commission; and

29 **WHEREAS**, at least ten days’ notice has been given once by publication in a newspaper of  
 30 general circulation notifying the public of this proposed ordinance and of public hearings in the  
 31 City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

34 **WHEREAS**, the City Commission finds that the Land Development Code text amendment  
 35 described herein is consistent with the City of Gainesville Comprehensive Plan.

36 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

37 **FLORIDA:**

38 **SECTION 1.** Section 30-4.17 of the Land Development Code is amended as follows.

39 **Section 30-4.17. Dimensional standards.**

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

42 **Table V-5: Residential Districts Dimensional Standards.**

	RSF-1	RSF-2	RSF-3	RSF-4	NR	RC	MH	RMF-5	RMF-6	RMF-7	RMF-8
<b>DENSITY/INTENSITY</b>											
Residential density (units/acre)											
Min.	None	None	None	None	None	None	None	None	8 <sup>1</sup>	8 <sup>1</sup>	8 <sup>1</sup>
Max. by right	3.5	4.6	5.8	8	12	12	12	12	10	14	20
With density bonus	-	-	-	-	-	-	-	-	See Table	See Table	See Table

points									V-6	V-6	V-6
Nonresidential building coverage	35%	35%	40%	40%	40%	50%	50%	50%	50%	50%	50%
<b>LOT STANDARDS</b>											
Min. lot area (sq. ft.)	8,500	7,500	6,000	4,300	3,000	3,000	3,000	3,500	None	None	None
Min. lot width (ft.)											
Single-family	85	75	60	50	35	35	35	40	40	40	40
Two-family <sup>2</sup>	NA	NA	NA	NA	35	70	NA	75	40	40	40
Other uses	85	75	60	50	35	35	35	85	85	85	85
Min. lot depth (ft.)	90 <sup>4</sup>	90 <sup>4</sup>	90 <sup>4</sup>	80 <sup>4</sup>	None	None	None	90	90	90	90
<b>MIN. SETBACKS (ft.)</b>											
Front	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4.5</sup>	10 <sup>5</sup>	10 <sup>5</sup>	15	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.
Side (street)	10	10	7.5	<del>7.5</del> <u>5</u>	5	NA	NA	15	10 <sup>3</sup> /15	10 <sup>3</sup> /15	10 <sup>3</sup> /15
Side (interior) <sup>6,7</sup>	7.5	7.5	7.5	<del>7.5</del> <u>5</u>	5	5	5	10	5 <sup>3</sup> /10	5 <sup>3</sup> /10	5 <sup>3</sup> /10
Rear <sup>7,8</sup>	20	20	15	10	10	20	15	10	10	10	10
Rear, accessory	7.5	7.5	5	5	5	5	5	5	5	5	5
<b>MAXIMUM BUILDING HEIGHT (stories)</b>											
By right	3	3	3	3	3	3	3	3	3	3	3
With building height bonus	N/A	NA	NA	NA	N/A	NA	NA	NA	5	5	5

43

44 **LEGEND:**

45 1 = Parcels 0.5 acres or smaller existing on November 13, 1991, are exempt from minimum  
46 density requirements.

47 2 = Assumes both units on one lot. Lot may not be split, unless each individual lot meets  
48 minimum lot width requirement for single-family. Lot may not be split when the two-family  
49 dwelling is configured vertically.

50 3 = Applicable only for two-family dwellings.

- 51 4 = Lots abutting a collector or arterial street shall have a minimum depth of 150 feet and a  
 52 minimum building setback of 50 feet along that street.
- 53 5 = Attached stoops or porches meeting the standards in sections 30-4.13 and 30-4.14 are  
 54 permitted to encroach up to five feet into the minimum front yard setback.
- 55 6 = Except where the units are separated by a common wall on the property line of two  
 56 adjoining lots. In such instances, only the side yard setback for the end unit is required.
- 57 7 = Accessory pre-engineered or pre-manufactured structures of 100 square feet or less and  
 58 one story in height may be erected in the rear or side yard as long as the structure has a  
 59 minimum yard setback of three feet from the rear or side property line, is properly anchored  
 60 to the ground, and is separated from neighboring properties by a fence or wall that is at least  
 61 75 percent opaque.
- 62 8 = Accessory screened enclosure structures, whether or not attached to the principal  
 63 structure, may be erected in the rear yard as long as the enclosure has a minimum yard  
 64 setback of three feet from the rear property line. The maximum height of the enclosure at the  
 65 setback line shall not exceed eight feet. The roof and all sides of the enclosure not attached  
 66 to the principal structure shall be made of screening material.

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68 **SECTION 2.** Section 30-10.3 of the Land Development Code is amended as follows.

69 **Section 30-10.3. Nonconforming lots.**

- 70 A. *Certain lots deemed conforming.* A legally nonconforming lot that meets the following  
 71 criteria shall be deemed conforming:
- 72 ~~1. The lot is not a substandard lot; and~~
- 73 2.1. The lot is located within 500 feet of two or more lots that:
- 74 a. Are developed with a principal structure, and
- 75 b. Share a substantially similar degree of the same nonconformity (lot area, lot depth,  
 76 or lot width).
- 77 B. *Combining lots.* If a nonconforming lot abuts one or more other lots in the same ownership,  
 78 such lots shall be legally combined to eliminate the nonconformity before the city may  
 79 approve any development permits for the lots.
- 80 C. *Dwellings on nonconforming lots.* A legally nonconforming lot that is not a substandard lot  
 81 and that does not abut another lot in the same ownership may be used for a single-family  
 82 dwelling in zoning districts that allow the use, provided that all other applicable regulations  
 83 of the zoning district can be met. No multiple-family dwellings shall be allowed on  
 84 nonconforming lots in any district that allows single-family dwellings.

85 D. *Buildings on nonconforming lots.* Provided that all other applicable regulations of the zoning  
86 district can be met, the city manager or designee may authorize the issuance of a building  
87 permit for a building to be located on a legally nonconforming or substandard lot if the  
88 applicant can demonstrate both:

- 89 1. That the impacts of the nonconforming lot are minimal upon the surrounding land uses  
90 and are not detrimental to the public health, safety, and welfare; and
- 91 2. That the impacts of the nonconforming lot may be substantially mitigated through  
92 measures including but not limited to: buffering; screening; landscaping; architectural  
93 treatment; additional setbacks; access limitations; limitations on use; sufficient parking  
94 designed to provide safe internal traffic circulation and off-site access; and site plan  
95 design to minimize off-site impacts of service and delivery areas, refuse and recycling  
96 collection areas, and outdoor storage and work areas.

97

98 **SECTION 3.** It is the intent of the City Commission that the provisions of Sections 1 and 2 of  
99 this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,  
100 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or  
101 relettered in order to accomplish such intent.

102 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
103 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
104 finding will not affect the other provisions or applications of this ordinance that can be given  
105 effect without the invalid or unconstitutional provision or application, and to this end the  
106 provisions of this ordinance are declared severable.

107 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
108 such conflict hereby repealed.

109 **SECTION 6.** This ordinance will become effective immediately upon adoption.

110 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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HARVEY L. WARD  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
KRISTEN BRYANT  
INTERIM CITY CLERK

\_\_\_\_\_  
DANIEL M. NEE  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.